

Supporting Statement
Importation of Fresh Bananas from the Philippines
Into Hawaii and U.S. Territories
OMB No. 0579-0415

January 2018

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), is responsible for preventing plant pests and noxious weeds from entering the United States, preventing the spread of plant diseases not widely distributed in the United States, and eradicating those imported pests when eradication is feasible.

Under the Plant Protection Act (7 U.S.C. 7701 et seq.), the Secretary of Agriculture is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not known to be widely distributed throughout the United States.

The regulations in “Subpart-Fruits and Vegetables” (7 CFR 319.56, referred to as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States.

APHIS’ regulations concerning the importation of fruits and vegetables to allow the importation of fresh bananas from the Philippines into Hawaii and U.S. Territories. Includes a condition of entry, the bananas will have to be produced in accordance with a systems approach that will include requirements for importation of commercial consignments, monitoring of fruit flies to establish low-prevalence places of production, harvesting only of hard green bananas, and inspection for quarantine pests by the National Plant Protection Organization of the Philippines. The bananas will also have to be accompanied by a phytosanitary certificate with an additional declaration stating that they are grown, packed, inspected and found to be free of quarantine pests in accordance with all requirements. This action will allow the importation of bananas from the Philippines while continuing to protect against the introduction of plant pests into the United States.

APHIS is asking the Office of Management and Budget (OMB) to approve, for 3 years, its use of these information collection activities associated with its efforts to prevent the spread of plant pests and plant diseases into the United States.

2. Indicate how, by whom, and for what purpose the information is used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

APHIS will use the following information activities to allow the import of fresh bananas from the Philippines into Hawaii and U.S. Territories in accordance with the requirements which will protect against the introduction of plant pests into the United States.

Phytosanitary Certificate w/ Declaration (Foreign Gov't and Business) - 7CFR 319.56-58(i)

Each consignment of fruit must be accompanied by a phytosanitary certificate with an additional declaration issued by the NPPO of the Philippines stating that the bananas in the consignment were grown, packed, and inspected and found to be free of pests in accordance with the requirements.

Registration of Production Site (Foreign Gov't and Business) - 7CFR 319.56-58(a)(2)

Bananas must be grown at places of production that are registered with the NPPO of the Philippines and that meet the requirements of this section. Registration must be renewed annually.

Operational Workplan (Foreign Gov't) - 7CFR 319.56-58(a)(1)

The NPPO of the Philippines will be required to provide a workplan to APHIS that details activities that the NPPO of the Philippines will carry out, subject to APHIS' approval of the workplan, to meet the requirements.

Monitoring and Oversight that Includes Training (Foreign Gov't and Business) - 7CFR 319.56-58(c)(2)

The NPPO of the Philippines must visit and inspect registered places of production monthly, starting at least 3 months before harvest begins and continuing through the end of the shipping season to verify that the growers are complying with the requirements and follow pest control guidelines, when necessary, to reduce quarantine pest populations.

Recordkeeping of Export Activities (Foreign Gov't) - 7CFR 319.56-58(b)(3)

The NPPO of the Philippines must retain all forms and documents related to export program activities in places of production and packinghouses for at least 1 year and, as requested, provide them to APHIS for review.

Fruit Fly Trapping (Business) - 7CFR 319.56-58(c)

Beginning at least 3 months before harvest begins and continuing through the end of the harvest, trapping must be conducted in registered places of production with at least 1 trap per 0.2 square kilometers to demonstrate that the places of production have a low prevalence of *Bactrocera* spp. fruit flies. APHIS-approved traps baited with APHIS-approved plugs must be used and serviced at least once every 2 weeks. During the trapping, when traps are serviced, if fruit flies are trapped at a particular place of production at cumulative levels above 2 flies per trap per day, pesticide bait treatments must be applied in the affected place of production in order for the place of production to remain eligible to export bananas to the United States. The NPPO of the Philippines must keep records of fruit fly detections for each trap, update the records each time the traps are checked, and make the records available to APHIS inspectors upon request.

Identifying Shipping Documents (Business) 7CFR 319.56-58(g)(3)

The shipping documents accompanying the consignment of bananas from the Philippines that are exported to the United States must include the official registration number of the place of production at which the bananas were grown and must identify the packinghouse in which the fruit was processed and packed. This identification must be maintained until the fruit is released for entry into the United States.

Post-Harvest Inspections (Foreign Gov't and Business) - 7CFR 319.56-58(h)(1)&(2)

Following any post-harvest processing, inspectors from the NPPO of the Philippines must certify that bananas were harvested at the hard green stage. Inspectors from the NPPO of the Philippines

must inspect a biometric sample of the fruit from each place of production at a rate to be determined by APHIS. The inspectors must visually inspect for quarantine pests listed in the operational workplan and must cut fruit to inspect for quarantine pests that are internal feeders. If *Bactrocera* spp. fruit flies are found upon inspection, the export program will be suspended until an investigation has been conducted by APHIS and the NPPO of the Philippines and appropriate mitigations have been implemented. If other quarantine pests are detected in this inspection, the consignment will be destroyed and the registered place of production will be rejected from the export program.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

APHIS has no control or influence over when foreign countries will automate their phytosanitary certificate. However, APHIS is involved with the Government-wide utilization of the International Trade Data System (ITDS) via the Automated Commercial Environment (ACE) to improve business operations and further Agency missions. This will allow respondents to submit the data required by U.S. Customs and Border Protection and its Partner Government Agencies (PGAs), such as APHIS to import and export cargo through a Single Window concept. APHIS is also establishing a system known as e-File for CARPOL (Certification, Accreditation, Registration, Permitting, and Other Licensing) activities. This new system will strive to automate some of these information collection activities. The system is still being developed and business processes continue to be identified and mapped.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above.

The information APHIS collects is exclusive to its mission of preventing the entry of injurious plant pests, diseases, and noxious weeds and is not available from any other source.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The information APHIS collects in connection with its program is the minimum needed to protect the United States from plant pests and diseases entering into the United States. APHIS estimates that approximately 100 percent of the total number of business respondents are small entities.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Failing to collect this information would cripple APHIS' ability to ensure that bananas from the Philippines are not carrying plant pests. If plant pests (such as *Bactrocera cucurbitae* and *Conogethes punctiferalis*) were introduced into the United States, growers would suffer hundreds of millions of dollars in losses.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5.

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB.**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law,**

No special circumstances exist that would require this collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5.

8. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting form, and on the data elements to be recorded, disclosed, or reported. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, soliciting comments on the information collection prior to submission to OMB.

APHIS held productive consultations with the following individuals concerning the information collection activities associated with importing fresh bananas from the Philippines into Hawaii and U.S. Territories:

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On Friday, November 3, 2017, pages 51210-51211, APHIS published in the Federal Register, a 60-day notice seeking public comments on its plans to request a **3-year renewal** of this collection of information. No comments from the public were received.

9. Explain any decisions to provide any payment or gift to respondents, other than renumeration of contractors or grantees.

This information collection activity involves no payments (other than appropriate, program-related payments) or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No additional assurance of confidentiality is provided with this information collection. Any and all information obtained in this collection shall not be disclosed except in accordance with 5 U.S.C. 552a.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and others that are considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection activity asks no questions of a personal or sensitive nature.

12. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

• Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

See APHIS Form 71 for hour burden estimates.

• Provide estimates of annualized cost to respondents for the burden hours for this collection of information, identifying and using appropriate wage rate categories.

2,062 hours X \$18 average hourly wage = \$37,116.00 estimated annual cost

APHIS arrived at this figure by multiplying the total burden hours by the estimated average hourly wage of the above respondents.

The hourly rate is an average salary of growers and foreign officials based on historical data and conversations between PPQ Program Specialists, APHIS' International Services, and plant authorities in the Philippines.

13. Provide estimates of the total annual cost burden to respondents or recordkeepers resulting from the collection of information, (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.

There is zero annual cost burden associated with capital and start-up costs, maintenance costs, and purchase of services in connection with this program.

14. Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

The estimated cost to the Federal Government is \$4,504.00. (See APHIS Form 79)

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

ICR Summary of Burden:

N	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	1,402 5366	0	1,080	76	0 0	246
Annual Time Burden (Hr)	2,062	0	1,810	60	0 0	192
Annual Cost Burden (\$)	0 0	0	0	0	0 0	0

There is a program change increase +1,080 responses resulting in an increase of +1,810 burden hours. This increase is due to more businesses reporting. The increase is due to APHIS now accounting for follow burden:

1. Phytosanitary Certificates (Foreign Gov't)
2. Registration of Production Site (Foreign Gov't)
3. Monitoring and Oversight of Packinghouses (Business)
4. Fruit Fly Trapping (Business)
5. Post-Harvest Inspection (Foreign Gov't and Business)

There is an adjustment decrease of -4 business respondents and an increase of +76 responses resulting in an increase of +60 burden hours. The increase of responses is due to increase number of shipping document; however, APHIS has adjusted the time from 1 hour per response to .5 hours per response. The increase in burden is due to APHIS adjusting the time to complete the Phytosanitary Certificates and the Operational Workplan.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

APHIS has no plans to tabulate or publish the information collected.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

There are no USDA forms in this information collection.

18. Explain each exception to the certification statement identified in the "Certification for Paperwork Reduction Act."

APHIS is able to certify compliance with all of the provisions in the Act.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.