

March 2018

Supporting Statement
Importation of Fresh Cherimoya Fruit from Chile into the United States
APHIS-2015-0015
OMB No. 0579-0444

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, 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 and noxious weeds 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” (Title 7, Code of Federal Regulations (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 published a final rule amending the regulations to allow the importation of fresh cherimoya fruit from Chile into the continental United States, provided the fruit is produced in accordance with a systems approach as an alternative to the currently required treatment. Commercial consignments of fresh cherimoya fruit are currently authorized entry into all ports of the United States from Chile subject to a mandatory soapy water and wax treatment.

The systems approach includes requirements for certified production sites and requirements for production site registration, low-prevalence production site certification, phytosanitary inspection at APHIS-approved inspection sites following post-harvest processing, and foreign site pre-clearance inspection. The fruit is also required to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the National Plant Protection Organization (NPPO) of Chile with an additional declaration stating that the consignment was produced in accordance with the regulations. Fresh cherimoya fruit that does not meet the conditions of the systems approach would continue to be allowed to be imported into the United States subject to treatment. This action allows for the importation of fresh cherimoya fruit from Chile while continuing to provide protection against the introduction of plant pests into the continental United States.

APHIS is asking the Office of Management and Budget (OMB) to approve for 3 years the use of these information collection activities associated with APHIS’s 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 uses the following information activities to verify that cherimoya fruit from Chile are grown in production areas that are registered and monitored by the NPPO and to verify consignments have been produced with a systems approach. This action allows for the importation of cherimoya fruit from Chile into the continental United States while continuing to provide protection against the introduction of quarantine pests.

319.56-82(b)(1)(ii) - Foreign Site Preclearance Documentation (foreign government)

Each consignment of fresh cherimoya fruit must be accompanied by documentation to validate foreign site preclearance inspection after soapy water and wax treatment is completed in Chile.

319.56-82(b)(2)(i) - Production Site Registration (business and foreign government)

The production site where the fruit is grown must be registered with the NPPO of Chile. Registration will have to be renewed annually.

319.56-82(b)(2)(i) – Labeling w/Identify of Place of Production/Box Markings (business) -

Harvested fresh cherimoya fruit must be placed in field cartons or containers that are marked to show the official registration number of the production site.

319.56-82(b)(2)(ii) - Low-Prevalence Production Site Certification (business and foreign government)

Between 1 and 30 days prior to harvest, random samples of leaves must be collected from each registered production site under the direction of the NPPO of Chile. These samples must undergo a pest detection and evaluation method as follows: the leaves must be washed using a flushing method, placed in a 20-mesh sieve on top of a 200-mesh sieve, sprinkled with a liquid soap and water solution, washed with water at high pressure, and washed again with water at low pressure. The process is then repeated. The contents of the 200-mesh sieve is then placed on a petri dish and analyzed for the presence of live false red mites. If a single live false red mite is found, the production site would not qualify for certification as a low-prevalence production site and would be eligible to export fruit to the continental United States only if the fruit is subsequently treated with an APHIS-approved quarantine treatment in Chile. Each production site has only one opportunity per season to qualify as a low-prevalence production site, and certification of low prevalence would be valid for one harvest season only.

319.56-82(b)(2)(ii) - Certified Production Site List (foreign government)

The NPPO of Chile must present a list of certified production sites to APHIS.

319.56-82(b)(2)(iv) - Phytosanitary Inspection at APHIS-approved Inspection Site (business and foreign government)

The fruit must be inspected in Chile at an APHIS-approved inspection site under the direction of APHIS inspectors in coordination with the NPPO of Chile following any post-harvest processing.

319.56-82(b)(2)(v) - Phytosanitary Certificate (foreign government)

Each consignment of fruit must be accompanied by a phytosanitary certificate issued by the NPPO of Chile that contains an additional declaration stating that the fruit in the consignment was inspected and found free of false red mite based on field and packinghouse inspections.

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 phytosanitary certificates. 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.

APHIS estimates that all of the business respondents are small entities. The information collected is the minimum required to ensure safeguards are in place to prevent the introduction of plant pests into the United States via cherimoya shipments from Chile.

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.

APHIS is the only Federal agency responsible for preventing the incursion or interstate spread of plant pests, diseases, and noxious weeds. Failure to collect the information may result in the

introduction of plant pests into the United States that may cause severe economic harm to the U.S. fruit industry and irreparable damage to fruit crops.

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, governmental 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 a 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 this program:

Jon Capeluti
AJ Trucco Inc.
343-344 NYC Terminal Market
Bronx, NY 10474

Phone: 1-866-AJTRUCCO
Email: JCd@summerland.cl

Michael Wootten, Senior Vice President
Sunkist Growers, Inc.
14130 Riverside Dr.
Sherman Oaks, CA 91423-2313
Phone: 818-986-4800

Joel Nelson, President
California Citrus Mutual
512 North Kaweah Ave.
Exeter, CA 93221
Phone: 559-592-3790

APHIS' proposed rule, docket APHIS-2015-0015, was published in the Federal Register on Monday, April 4, 2016 with a 60-day comment period. During this time, 26 comments were received by interested parties but none were about information collection burden. Two comments were immaterial to the notice, and 17 were supportive of the proposed rule. The remaining 7 comments are addressed in detail in the final rule notice. Four were concerned about the effectiveness of prescribed measures and a fifth requested that treatments of imported fruit be equivalent to those imposed on domestic crops. One asked if the implementation of alternative conditions for the importation of fruit was driven by cost savings (which he opposed), and another requested a monetary assessment of the effect the proposed rule had on commodity prices. The seventh commenter simply requested cherimoya fruit not be imported into his state because of concerns about infestation by exotic pests. Minor, non-substantive changes to clarify a few provisions in the regulatory text were made. Otherwise, the proposed rule was adopted as the final rule.

9. Explain any decisions to provide any payment or gift to respondents, other than remuneration 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. However, the confidentiality of information is protected under 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 hour burdens for collections of information, identifying and using appropriate wage rate categories.

Respondents are foreign businesses and the federal National Plant Protection Organization (NPPO) for Chile. The annualized cost to respondents totals \$11,303.

APHIS arrived at this figure by multiplying the total hours by the estimated average hourly wage of the above respondents (445 burden hours X \$25.40 estimated hourly wage = \$11,303 annualized cost/respondents). This hourly wage was provided by the IS attaché in Chile.

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 for the Federal Government is \$4,942. (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.

This is a new program. APHIS is amending the fruits and vegetable regulations to allow, under certain conditions, the importation of fresh cherimoya fruit from Chile into the United States, resulting in 445 hours of burden.

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 APHIS collects.

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.

Not applicable.

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

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

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.