

**SUPPORTING STATEMENT
IMPORTATION OF FRESH AVOCADO FRUIT FROM ECUADOR INTO THE
CONTINENTAL UNITED STATES
DOCKET APHIS-2016-0099
OMB NO. 0579-XXXX**

A. Justification

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

The Plant Protection Act (PPA, 7 U.S.C. 7701 et seq.) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles within the United States to prevent the introduction of plant pests or their dissemination. The Animal and Plant Health Inspection Service (APHIS) Plant Protection and Quarantine (PPQ) Program enforces the Act by regulating the importation of fruits and vegetables into the United States. These regulations are found in Section 319.56 of the Code of Federal Regulations (CFR) under “Subpart—Fruits and Vegetables”. 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 with the United States.

APHIS is proposing to amend 7 CFR 319.56 to allow the importation of fresh avocado fruit from Ecuador into the continental United States. As a condition of entry, the fresh avocado fruit would be subject to a systems approach that includes requirements for establishment of pest-free places of production and the labeling of boxes prior to shipping. Fresh avocado fruit from non-pest free places of production would have to undergo approved irradiation treatment. The fresh avocado fruit would also have to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the national plant protection organization of Ecuador certifying that the fruit has been produced in accordance with the systems approach. Fresh avocado fruit that does not meet the conditions of the systems approach would be allowed to be imported into the continental United States subject to treatment.

This action would allow for the importation of fresh avocado fruit from Ecuador into the continental United States while continuing to provide protection against the introduction of plant pests.

APHIS is requesting the Office of Management and Budget (OMB) to approve the use of these information collection activities for 3 years 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 fresh avocado fruit from Ecuador are grown in accordance with a systems approach and to verify consignments are declared free of pests.

Operational Workplan; (7 CFR 319.56-84(a)); (Foreign Government)

The operational workplan is an agreement between APHIS and an NPPO of a foreign government, and, when necessary, foreign commercial entities, that specifies in detail the phytosanitary measures that will be carried out to comply with APHIS regulations regarding a specific commodity. Operational workplans apply only to the signatory parties and establish detailed procedures and guidance for the day-to-day operations of specific import/export programs. Operational workplans also establish how specific phytosanitary issues are dealt with in the exporting country and make clear who is responsible for dealing with those issues. The Ecuador NPPO is required to provide an operational workplan to APHIS that details the activities the NPPO will carry out to meet the requirements of the systems approach, subject to APHIS' approval of the workplan. APHIS would be directly involved with the NPPO in monitoring and auditing implementation of the systems approach.

Production Site Registration; (7 CFR 319.56-84(c)(1)); (Foreign Government) (Business)

The production site where the fruit is grown must be registered with the Ecuador NPPO. Registration allows for inspection of fruit crops and provides traceability of fruit origin.

Notice of Suspension to Export and Notice of Resumption to Export; (7 CFR 319.56-84(c)(2,7)); (Foreign Government)

If APHIS or the NPPO finds that a place of production is not complying with the requirements of this section, or the number of fruit flies per trap per day exceeds levels specified in the operational workplan, no fruit from the place of production will be eligible for export to the United States until APHIS and the NPPO of Ecuador conduct an investigation and verify appropriate remedial actions have been implemented.

Carton Marking; (7 CFR 319.56-84(c)(8)); (Business) (Third Party Disclosure)

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

Packinghouse Registration; (7 CFR 319.56-84(d)(1)); (Foreign Government) (Business)

Avocados must be packed for export to the continental United States in pest-exclusionary packinghouses that are approved by and registered with the NPPO of Ecuador in accordance with the requirements of the operational workplan.

Foreign Site Preclearance Inspection Documentation; (7 CFR 319.56-84(f)); (Foreign Government) (Business)

Avocados ineligible for export under the systems approach due to the place of production exceeding the trapping threshold for fruit flies as established in the operational workplan may

still be exported when consignments are accompanied by documentation from the NPPO validating foreign site preclearance inspection if an APHIS-approved treatment is completed in Ecuador.

Phytosanitary Certificate (7 CFR 319.56-84(f, g)); (Foreign Government) (Business)

Each consignment of fresh avocado fruit must be accompanied by a phytosanitary certificate issued by the NPPO of Ecuador that contains an additional declaration stating the fruit in the consignment was inspected and grown, packed, and shipped in accordance with the requirements of this section.

Application for Permit to Import Plants or Plant Products (PPQ Form 587);

(7 CFR 319.56-3(b)); (Business)

Importers may be required to obtain permits from APHIS before shipping avocado fruit from Ecuador to the United States that may not be in full compliance with this proposed rule. Permits allow APHIS to inform applicants of importation requirements imposed on the fruit at its country of origin and any special conditions the consignments must meet when arriving at United States ports.

Notice of Arrival (PPQ Form 368); (7 CFR 319.56-3(d)(1)); (Business)

Importers of regulated articles must complete PPQ Form 368 (or equivalent Federal form depending upon port procedures) at or before the shipment's arrival into the United States. The form along with commercial shipping documents must provide information needed by Federal inspectors or officers to identify the specific place of production and packinghouse at origin, and track shipments en route to the United States to schedule inspections and treatments at the appropriate ports of entry. Timely submission mitigates delays in the port clearance process.

Emergency Action Notification (PPQ Form 523); (7 CFR 319.56-3(d)(4)); (Business)

An Emergency Action Notice (PPQ Form 523) may be issued by a Federal official to a broker, shipper, market owner, or other stakeholder responsible for a certain consignment being quarantined. The form describes the reasons for quarantine and basic explanations of required remedial actions. Respondents provide acknowledgement and intended actions.

Trapping Records and Recordkeeping; (7 CFR 319.56-84(c)(2,6)); (Foreign Government) (Business)

Trapping for *A. fraterculus*, *A. serpentina*, *A. striata*, and *C. capitata* must be conducted in the places of production in accordance with the operational workplan to demonstrate that those places are free of the pest. The Ecuador NPPO must record inspections of fruit fly detections for each trap and make the records available to APHIS upon request for at least one year. Other records related to the burdens in this information collection and created and maintained by businesses and the NPPO may be requested by APHIS to assist with the identification, tracking, and mitigation of plant pests before they enter the United States.

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.

The format of the operational workplan, production site registrations, phytosanitary certificates, notices of suspension and resumption to export, and foreign site preclearance inspection documentation are at the discretion of the NPPO. APHIS has no influence over other nations with regard to automating their documentation but NPPO's may follow APHIS or international guidelines for format and content.

Methodology for marking cartons is at the discretion of packaging facilities.

The Application for Permit to Import Plants or Plant Products (PPQ Form 587) and Notice of Arrival (PPQ Form 368) may be completed online by e-Permits account holders at web site https://www.aphis.usda.gov/aphis/resources/permits/sa_plants/ct_ppq_epermits. Fillable versions of the forms also may be obtained from the APHIS forms web site at https://www.aphis.usda.gov/aphis/resources/forms/ct_ppq_forms and then faxed or emailed to APHIS.

The Emergency Action Notification (PPQ Form 523) is initiated by Federal officials.

APHIS works closely with CBP and 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. ITDS will allow respondents to submit data required by U.S. CBP and its Partner Government Agencies (PGAs) to import and export cargo through a Single Window concept. APHIS is also developing a system known as e-File for CARPOL (Certification, Accreditation, Registration, Permitting, and Other Licensing) activities. It is still under development and will strive to efficiently automate some of these information collection activities.

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 there are no small business respondents in this information collection.

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. Failing to collect this information would restrict trade with Ecuador and severely limit APHIS' ability to ensure fruit and vegetable imports are not carrying dangerous plant pests. Consequently, the introduction of insect pests and disease into the United States could result in significant losses of American fruit crops and severe economic losses for the United States fruit industry.

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;**

An Emergency Action Notice (PPQ Form 523) may be issued by a U.S. Federal port official to a broker, shipper, market owner, or other stakeholder responsible for a certain consignment being quarantined. The form describes the reasons for quarantine and basic explanations of required remedial actions. Recipients of PPQ Form 523 typically have 48 hours to decide on actions to be taken, and seven days to complete them.

- **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 other 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 engaged in productive consultations with the following individuals concerning the information collection activities associated with this program:

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APHIS' proposed rule (Docket No. APHIS-2016-0099) was published in the Federal Register on June 15, 2018 on pages 27918 through 27922, and includes a description of the information collection requirements and a 60-day comment period. During this time, interested members of the public will have the opportunity to provide APHIS with their input concerning the usefulness, legitimacy, and merit of the information collection activities APHIS is proposing.

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 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. No information obtained in this collection shall 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.

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

Respondents are the Ecuador NPPO, production site and packinghouse managers, and U.S. importers. APHIS estimates the total annualized cost to the above respondents to be \$16,323. APHIS arrived at this figure by multiplying the 623 hours of estimated response time by the respondents' estimated average hourly wage of \$26.20. This hourly wage was provided by the USDA International Services attaché in Ecuador.

13. Provide estimates of the total annual cost burden to respondents or record keepers 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.

No annual cost burden is associated with capital and startup costs, operation and maintenance expenditures, and purchase of services.

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.

See APHIS Form 79. The annualized cost to the Federal Government is estimated at \$8,205.

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 proposing to amend the fruits and vegetables regulations to allow, under certain conditions, the importation of fresh avocado fruit from Ecuador into the Continental United States, resulting in 623 burden hours.

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.

PPQ Form 368, PPQ Form 523, and PPQ Form 587 are used for multiple information collections which have different expiration dates. APHIS requests that an expiration date not be annotated on these forms. However, APHIS is exploring other options.

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.