

**Supporting Statement
Importation of Fresh Pitaya Fruit from
Central America into the Continental United States
OMB No. 0579-0378**

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, 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) 319.56-1 through 319.56-80, 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 allows the importation of fresh pitaya fruit from Central America into the continental United States. As a condition of entry, pitaya fruit from Central America will be subject to a systems approach that will include requirements for monitoring and oversight, establishment of pest-free places of production, and procedures for packing the pitaya fruit while continuing to provide protection against the introduction of quarantine pests.

APHIS is asking the Office of Management and Budget (OMB) to approve its use of these information collection activities for an additional 3 years, 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 uses the following information activity to allow the importation of fresh pitaya fruit from Central America into the continental United States.

7 CFR 319.56-55 (b)(1) - Production Site Certification (Foreign Government)

The exporting country's National Plant Protection Organization (NPPO) must certify that each place of production has effective fruit fly trapping programs, and follows control guidelines, when necessary, to reduce quarantine pest populations. APHIS may monitor the places of production.

7 CFR 319.56-55 (a)(3) - Review and Maintain Documents (Foreign Government)

The NPPO must review and maintain all forms and documents related to export program activities in places of production and packinghouses for a least 1 year and, as requested, provide them to APHIS for review. The NPPO would have to 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. The records would have to be maintained for at least 1 year.

7 CFR 319.56-55 (d)(1) - Packinghouse Registration (Foreign Government) (business)

The packinghouses would have to be registered with the NPPO of the exporting country. In addition, the packinghouse could only accept fruit from registered places of production while the packinghouse is in use for exporting pitaya fruit to the United States.

7 CFR 319.56-55 (a)(1) - Bilateral Workplan (Foreign Government)

The NPPO of the exporting country will be required to provide a 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.

7 CFR 319.56-55 (f)(2) - Shipping Documents Identifying the Places of Production (Business)

Shipping documents identifying the place(s) of production in which the fruit was produced and the packing shed(s) in which the fruit was processed must accompany each lot of fruit presented for inspection at the port of entry to the United States. This identification must be maintained until the fruit is released for entry into the United States.

7 CFR 319.56-55 (h) - Phytosanitary Certificate with Additional Declaration (Foreign Government)(Business)

Each consignment of pitaya fruit must be accompanied by a phytosanitary certificate issued by the NPPO of the exporting country, containing an additional declaration stating that the fruit in the consignment was produced in accordance with requirements in 7 CFR 319.56-55.

7 CFR 319.56-55 (b)(2) - Production Site Registration (Business) (Foreign Government)

The places of production producing pitaya for export to the United States must be registered with the NPPO of the exporting country.

7 CFR 319.56-55 (b)(5)- Box Markings (Business)

Harvested pitayas must be placed in field cartons or containers that are marked to show the place of production so that traceback is possible.

7 CFR 319.56-55 (a)(2) - Packinghouse Inspections and Investigation (foreign government) (business)

The NPPO of the exporting country must conduct inspections at the packinghouses and monitor packinghouse operations. Starting 2 months before harvest and continuing until the end of the shipping season, the NPPO of the exporting country must visit and inspect the places of production monthly to verify compliance with the requirements of this section. If the NPPO finds that a packinghouse or place of production is not complying with the requirements of this section, no fruit from the place of production or packinghouse will be eligible for export to the United States until APHIS and the NPPO have conducted an investigation and appropriate remedial actions have been implemented.

7 CFR 319.56-55 (b)(1) - Production Site Training Program (foreign government)

The personnel conducting the trapping required in paragraph (c) of this section must be hired, trained, and supervised by the NPPO of the exporting country. The exporting country's NPPO must certify that each place of production has effective fruit fly trapping programs, and follows control guidelines, when necessary, to reduce quarantine pest populations. APHIS may monitor the places of production.

7 CFR 319.56-55(f)(3) - Emergency Action Notification PPQ Form 523 (business)

If *D. neobrevipes* or *P. minor* is found, the entire consignment of fruit will be prohibited from import into the United States unless the shipment is treated with an approved treatment monitored by APHIS. If inspectors (either from the exporting country's NPPO or at the U.S. port of entry) find a single fruit fly larva in a shipment, they will reject the entire consignment for shipment to the United States, and the place of production for that shipment will be suspended from the export program until appropriate measures, agreed upon by the NPPO of the exporting country and APHIS, have been taken. If the pest is intercepted at the port of entry of the United States, an Emergency Action Notification (PPQ Form 523) will be submitted. Inspectors will complete the PPQ form 523 when there is an interception of a pest and will fax it to the importer for signature and quarantine action.

Notice of Arrival (Business)

Exporters in Central America who are importing fresh pitaya fruit must inform the Plant Protection and Quarantine Officer at the U.S. port of entry, in writing, of the impending arrival of the shipment. This pre-arrival notification must include the time and date the commodities are expected to arrive at the port in the United States; time schedule and route to be followed through the United States; and the serial numbers of the seals on the shipment containers. APHIS' notice of arrival requirement will help expedite the shipment's movement through the port of entry by ensuring that all the necessary information is on hand to process the shipment.

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.

Phytosanitary Certificates are entered at the port of entry using the ITDS ACE by Customs and Border Protection.

PPQ 523 (Emergency Action Notifications) are issued at the port of entry if there is a pest interception. It is used by Customs and Border Protection.

Notices of arrival can be generated by word processing means and submitted electronically or by fax.

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 this program is the absolute minimum needed to protect the United States from insect pests such as the Mediterranean fruit fly (Medfly) from entering the United States. APHIS has estimated that 75 percent of the 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.

If the information was collected less frequently or not collected at all, APHIS would be unable to ensure that fresh pitaya fruit from Central America is not carrying fruit flies. If Medfly is introduced into growing areas of the United States, growers in these areas would suffer large economic 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;**

For packinghouse inspections, starting 2 months before harvest and continuing until the end of the shipping season, the NPPO of the exporting country must visit and inspect the places of production monthly to verify compliance with CFR requirements. This process better ensures the protection of the United States from plant pest.
- **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 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 information 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 its program to import fresh pitaya fruit from Central American countries.

WP Produce Corporation
Desiree Pardo Morales
Vice President
1471 NW 21st Street
Miami, FL 33142
(305) 326-8333

Conexion Trade SA,
Omar Jemen
Torres Advanced 099
Piso 13 Area Bancaria
Panama, Panama
(507) 658-4769

Joco Produce
Meghan Miller
2950 NW 74th Ave.
Miami, FL 33122
(305) 716-1009

On Friday, March 20, 2018, pages 17521-17522, Volume 83, 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 were received.

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. 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 hour burdens for collections of information, identifying and using appropriate wage rate categories.

Respondents are growers and shippers from Central America, and the National Plant Protection Organization. The total burden cost to the respondents is \$34,158.50. APHIS arrived at this figure by multiplying the total hours (1289) by the estimated average hourly wage of the above respondents (\$26.50). $1289 \times \$26.50 = \$34,158.50$

The hourly wage was provided by APHIS' International Services via plant protection officials in Honduras, Costa Rica, and Guatemala.

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 \$76,350.00. (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-I.

	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	150,432	0	50,277	7	0	100,148
Annual Time Burden (Hr)	1,289	0	442	560	0	287

Overall there is an increase of 50,281 responses and increase of 1,002 total burden hours due to adjustments, programs changes, and violations (listed in ROCIS as program changes).

The following burden activities have been added to this renewal: production site training program, emergency action notification, packinghouse inspections and investigations, and notices of arrival. In addition the business respondents for packinghouse registrations, business respondents for phytosanitary certificates, and foreign government respondents for production site registrations, were all inadvertently previously left off the last information collection request package, which APHIS is now requesting approval for with this renewal.

In addition there is an adjustment to the amount of time to create a bilateral workplan, which was incorrectly estimated during the last information collection request submission at 8 hours per response, which has been adjusted in this renewal to 80 hours to reflect a more accurate figure based on actual activity.

This renewal also includes an increase in respondents (from 27 to 66) due to a miscalculation of business respondents for phytosanitary certificates and registrations.

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.

The PPQ Form 523 is used in multiple APHIS information collections; therefore, it is not practical to include an OMB expiration date because of the various expiration dates for each information collection. APHIS is seeking approval to not display the OMB expiration date on this form; however APHIS is considering making this form a common form.

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 this Act.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.