

Supporting Statement
Importation of Clementines from Spain
OMB No. 0579-0203

June 2018

TERM OF CLEARANCE: When ICR is submitted for renewal, the agency should explain any changes in burden or in the forms due to the implementation of ITDS. (There is no change in burden, however ITDS 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 at a Single port.)

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) is responsible for preventing plant diseases or insect pests from entering the United States, preventing the spread of pests not widely distributed within the United States, and eradicating plant pests when eradication is feasible.

Under the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture is authorized to regulate the importation of plants, plant products, and other articles to prevent the introduction of injurious plant pests.

Regulations contained in Title 7 of the Code of Federal Regulations (CFR), Part 319 (Subpart Fruits and Vegetables), Sections 319.56 through 319.56-81, implement the intent of this Act by prohibiting or restricting the importation of certain fruits and vegetables into the United States from certain parts of the world, to prevent the introduction and dissemination of fruit flies and other injurious plant pests that are new to the United States or not widely distributed within the United States.

APHIS allows the importation of Clementines from Spain when the requirements include provisions that the Clementines be grown in accordance with a Mediterranean fruit fly management program established by the Government of Spain; the Clementines will be subject to an inspection regimen that includes fruit cutting prior to, and after, cold treatment while en route to the United States; and the Clementines meet other conditions designed to protect against the introduction of the Mediterranean fruit fly into the United States.

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

2. Indicate how, by whom, and for what purpose the information is to be 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 collection activities to allow the importation of Clementines from Spain when the requirements include provisions that the Clementines be grown in accordance with a Mediterranean fruit fly management program established by the Government of Spain.

Trapping and Control Records/Recordkeeping (Foreign Government) - 7 CFR 319.56-34 (c)(2)

The Government of Spain or its designated representative must keep records that document the fruit fly trapping and control activities in areas that produce Clementines for export to the United States. All trapping and control records kept for a period of 3 years by the Government of Spain or its designated representative must be made available to APHIS upon request.

Phytosanitary Certificate (Foreign Government and Business) - 7 CFR 319.56-34(d)

Clementines from Spain must be accompanied by a phytosanitary certificate stating that the fruit meets the conditions of the Government of Spain's Mediterranean fruit fly management program and applicable APHIS regulations contained in this section.

Labeling and Traceback (Business) - 7 CFR 319.56-34 (e)

Cartons in which Clementines are packed must be labeled with a lot number that will allow tracing back to the orchard where the fruit was grown and the packinghouse where the fruit was packed. The labeling must be large enough to clearly display the required information and must be located on the side of cartons to facilitate inspection by APHIS.

Cold Treatment Data for Consignments (Foreign Government) - 7 CFR 319.56-34 (f)

Cold treatment is not completed until so declared by an official authorized by APHIS or the certifying official of the foreign country; consignments of treated commodities may not be discharged until APHIS clearance has been fully completed, including review and approval of treatment record charts. Upon arrival of Clementines at a port of entry into the United States, inspectors will examine the cold treatment data for each consignment to ensure that the cold treatment was successfully completed. If the cold treatment has not been successfully completed, the consignment will be held until appropriate remedial actions have been implemented.

Trust Fund Agreement (Foreign Government) - 7 CFR 319.56-34(a)

Clementines from Spain may be imported only if the Government of Spain or its designated representative enters into a trust agreement with APHIS before each shipping season.

Grower Registration and Agreement (Foreign Government and Business) - 7 CFR 319.56-34(b)

Persons who produce Clementines in Spain for export to the United States must: (1) be registered with the Government of Spain; (2) enter into an agreement with the Government of Spain whereby the producer agrees to participate in and follow the Mediterranean fruit fly management program established by the Government of Spain; and (3) be approved by APHIS, and must contain the fruit fly trapping and recordkeeping requirements specified in this collection. The program must also provide that Clementine producers must allow APHIS inspectors access to Clementine production areas in order to monitor compliance with the Mediterranean fruit fly management program.

Management Program Mediterranean Fruit Fly; Monitoring (Foreign Government) - 7 CFR 319.56-34 (c)

The Government of Spain's Mediterranean fruit fly (*Ceratitis capitata*) management program must be approved by APHIS, and must contain the fruit fly trapping and recordkeeping requirements specified in this paragraph. The program must also provide that clementine producers must allow APHIS inspectors access to clementine production areas in order to monitor compliance with the Mediterranean fruit fly management program.

Cold Treatment Facility/Carrier Certification (Business) - 7 CFR 305.6(a)

All facilities or locations used for refrigerating fruits or vegetables in accordance with the cold treatment schedules in the PPQ Treatment Manual or in another treatment schedule approved in accordance with §305.2 must be certified by APHIS. Recertification of the facility or carrier is required every 3 years, or as often as APHIS directs, depending on treatments performed, commodities handled, and operations conducted at the facility.

Workplans (Foreign Government and Business) - 7 CFR 305.6 (g)

Facilities located outside the United States may operate in accordance with a bilateral workplan. The workplan, if and when required, must be signed by a representative of the cold treatment facility, the national plant protection organization (NPPO) of the country of origin, and APHIS. The workplans must contain requirements for equipment, temperature, circulation, and other operational requirements for performing cold treatment to ensure that cold treatments are administered properly. Workplans for facilities outside the United States may also include trust fund agreement information regarding payment of the salaries and expenses of APHIS employees on site. Workplans must allow officials of the NPPO and APHIS to inspect the facility to monitor compliance with APHIS regulations.

Advance Reservations for Cold Treatment Port Space (Foreign Government) - 7 CFR 305.6 (iii)

Cold treatment space must be made prior to the departure of a consignment from its port of origin.

Emergency Action Notification - PPQ Form 523 (Business) - 7 CFR 319.77-5

If a single live Mediterranean fruit fly in any stage of development is found, the consignment will be held until an investigation is completed and appropriate remedial actions have been implemented. 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.

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.

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.

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.

APHIS is the only Federal agency responsible for preventing the interstate spread of poultry diseases. The information APHIS is collecting is its only source for the information and it is not being collected through other forms or reports.

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

The information APHIS collects is the minimum needed to protect the United States from incursion by Mediterranean fruit flies and other plant diseases and pests from Spain. APHIS determined that this action does not have a significant economic impact on a substantial number of small entities. APHIS estimates that 90 percent of the business respondents maybe considered 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 clementines from Spain are not carrying fruit flies. If Medfly is introduced into clementine-producing areas of the United States, growers in these areas 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 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 consulted with the following individuals:

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On Friday, April 20, 2018, page 17520, 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 decision to provide any payment or gift to respondents, other than reenumeration 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 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.

The respondents are Federal plant health authorities in Spain and growers of Clementines. 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.

Total cost to respondents is computed by multiplying their average hourly wage by the total number of burden hours needed to complete the work.

\$20.00 x 8,774 hours = \$175,480

The estimated hourly rate of \$20.00 was provided by APHIS' International Services Specialists and representatives from the Government of Spain.

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 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, operation and maintenance, 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 \$ 148,223.75. (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.

	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	1,962,240	0	+3,321	0	0	1,958,919
Annual Time Burden (Hr)	8,774	0	+2,267	0	0	6,507
Annual Cost Burden (\$)	0	0	0	0	0	0

There is a program change decrease of -4,485 respondents; however, there is an increase of +3,321 responses resulting in an increase of + 2,267 burden hours. The changes to this collection is due to APHIS now accounting for the following burden items:

(1) Phytosanitary Certificate (Business), (2) Grower Registration and Agreement (Foreign Government), (3) Management Program for Mediterranean Fruit Fly; Monitoring (Foreign Government and Business), (5) Certification of Treatment Facilities (Business), (6) Workplan (Foreign Government), (7) Advance Reservations for Cold Treatment Port Space (Foreign Government) and (8) Emergency Action Notification (Business). This burden was erroneously left off of the previous collection and APHIS is reporting as a violation.

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.

PPQ Form 523 is included in several collections with varying dates of expiration. It would be impractical to include an expiration date for this collection, because it would negatively impact other collections that use this 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 the Act.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.