

**SUPPORTING STATEMENT  
IMPORTING FRESH PEPPERS FROM ECUADOR  
INTO THE UNITED STATES  
OMB NO. 0579-0437**

**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 Title 7, Section 319.56 of the Code of Federal Regulations (CFR) under “Subpart—Fruits and Vegetables”, and the Fruits and Vegetables Import Requirements (FAVIR) found at <https://epermits.aphis.usda.gov/manual>.

Under §319.56, fresh peppers from Ecuador may be imported into the United States only under certain conditions to ensure it is free of insect plant pests and disease. Verification is obtained through information collection activities that include an operational workplan and quality control plan, fruit fly trap inspections and recordkeeping, production site and packing-house registrations, phytosanitary certificates issued by the NPPO, box labeling, and port inspections.

APHIS is requesting the Office of Management and Budget (OMB) to approve, for an additional 3 years, the use of these information collection activities to prevent the introduction of dangerous plant pests into the 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 will use the following information activities in allowing the import of fresh peppers into the United States from Ecuador:

**Operational Workplan; (7 CFR 319.56-4(c); FAVIR); (Foreign Government)**

The NPPO of Ecuador must provide to APHIS for approval a bilateral operational workplan that details activities the NPPO will carry out to meet the requirements of 7 CFR 319.56. The workplan must include and describe the specific requirements set forth in the regulation.

**Production Site Registration; (7 CFR 319.56-4(c); FAVIR); (Foreign Government, Business)**

The peppers must be grown in NPPO-approved and registered production sites. Registration ensures uniform application of regulation provisions and allows consignments to be traced to their origins, if necessary.

**Inspection; (7 CFR 319.56-4(c); FAVIR); (Foreign Government)**

Production sites must be inspected prior to harvest by the NPPO of Ecuador in accordance with the bilateral operational workplan. If any quarantine pests are found to be generally infesting or infecting the production site, the NPPO of Ecuador will immediately prohibit that production site from exporting peppers to the United States and notify APHIS of this action. The prohibition will remain in effect until the NPPO of Ecuador and APHIS determine that the pest risk has been mitigated.

**Quality Control Program; (7 CFR 319.56-4(c); FAVIR); (Foreign Government)**

The NPPO of Ecuador must maintain an APHIS-approved quality control program to monitor or audit the pest trapping program. Records must be made available to APHIS upon request, and must be maintained and available for review for 1 year.

**Packinghouse Registration; (7 CFR 319.56-4(c); FAVIR); (Foreign Government, Business)**

Packinghouses participating in the export program must be registered with the NPPO of Ecuador. Registration ensures uniform application of regulation provisions and allows consignments to be traced to their origins, if necessary.

**Phytosanitary Certificate; (7 CFR 319.56-4(c); FAVIR); (Foreign Government, Business)**

Each consignment of peppers must be accompanied by a phytosanitary certificate issued by the NPPO of Ecuador stating that the consignment was produced and prepared for export in accordance with the requirements in the bilateral operational workplan and 7 CFR 319.56.

**Box Labeling; (7 CFR 319.56-4(c); FAVIR); (Business) (Third Party Disclosure)**

Peppers must be imported in commercial consignments only and each shipping box must be labeled with the identity of the production site to enable tracing of the shipment, if necessary.

**Recordkeeping; (7 CFR 319.56-4(c); FAVIR); (Foreign Government)**

The NPPO of Ecuador must maintain records of fruit fly trap placement, inspection of the traps, and any quarantine pest captures in accordance with the bilateral operational workplan.

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

**(7 CFR 319.56-4(a)); (Business) (New)**

Importers may be required to obtain permits from APHIS before shipping fruits or vegetables to the United States that may not be fully compliant with 7 CFR 319.56. Permits allow APHIS to inform applicants of importation requirements and any special conditions the consignments must meet before arriving at United States ports.

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

Businesses importing regulated articles must notify the port of entry at or before the shipment's arrival into the United States. Notification is needed by Federal inspectors or officers to identify and track shipments en route to the United States, and to schedule inspections and treatments. Timely submission mitigates delays in the port clearance process.

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

PPQ Form 523 is prepared by a Federal official and issued to a broker, shipper, market owner, or other stakeholder responsible for a certain consignment failing specific import requirements and requiring remedial action. The form describes the reasons for refusal of entry into the United States and basic explanations of required remedial actions. Receipt and consignment disposition are annotated by the stakeholder before further port clearance procedures may resume.

**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 considerations of using information technology to reduce burden.**

The Ecuador NPPO documents production and packinghouse registrations, and trapping records; and issues phytosanitary certificates. It may follow APHIS or international guidelines for the format and content of these documents, the operational workplan, and the quality control plan. APHIS enters phytosanitary certificate information into the electronic APHIS Agricultural Quarantine Activity System (AQAS) upon receipt at the United States port of entry.

The Notice of Arrival (PPQ Form 368) and Application for Permit to Import Plants or Plant Products (PPQ Form 587) may be completed online by e-Permits account holders at the APHIS ePermits web site [https://www.aphis.usda.gov/aphis/resources/permits/sa\\_plants/ct\\_ppq\\_epermits](https://www.aphis.usda.gov/aphis/resources/permits/sa_plants/ct_ppq_epermits). Information about the forms may be obtained from [https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/permits/plants-and-plant-products-permits/ct\\_plantproducts](https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/permits/plants-and-plant-products-permits/ct_plantproducts). 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](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 U.S. Federal officials and signed by the importer/broker as appropriate.

APHIS works closely with U.S. Customs and Border Protection (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 of the purpose described in item 2 above.**

The information APHIS collects is exclusive to its mission of preventing the spread of plant pests 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 all of the business respondents to be small entities. The information APHIS collects is the minimum needed to protect the United States from destructive plant pests while ensuring increased variety of fruits and vegetables imported from other countries.

**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.**

This information collection is critical to APHIS' mission of preventing plant pests from entering the United States. Introduction of a plant or insect pest into the country could cause tremendous damage to United States crops and severe economic losses for United States agriculture and food industries.

**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 official to a broker, shipper, market owner, or other stakeholder responsible for a 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, 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 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.**

a. The following individuals were consulted regarding this program. When asked, they held no particular opinion on the data collection efforts or the availability of data for the information collection, and considered them business requirements. The individuals were more concerned about potential economic competition and expressed satisfaction with the safeguarding measures being used to mitigate the entry of pest threats into the United States from Ecuador.

Maureen Angelo  
 Bravo Fruit, LLC  
 158 Carmelito Ave  
 Monterey, CA 93940  
 Telephone: 831-646-3314

Ann Trejo, Produce Brand  
 La Hacienda Brands  
 3000 S. Ashland Ave, Unit 4  
 Chicago, IL 60608  
 Email: annetrejo@lahaciendabrand.com  
 Telephone: 312-243-2755 ext 3751

Donald Sellers  
 North Bay Produce  
 1771 N US 31 S  
 Traverse City, MI 49685  
 Email: mgirardin@northbay.com  
 Telephone: 231-946-1941

b. On Monday, December 10, 2018, APHIS published in the Federal Register on page 63467 a 60-day notice seeking public comments on its plans to request a 3-year renewal of this collection of information. One comment was received with a recommendation that APHIS conduct a pest risk assessment before renewing the information collection. APHIS conducts pest risk analyses when determining the phytosanitary measures for commodities entered in FAVIR (see 7 CFR 319.56-4). The activities in this information collection are derived from these measures.

**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 personal or sensitive nature.

**12. Provide estimates of 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.**

APHIS estimates there are 803 respondents consisting of Ecuadoran government officials; and commercial producers, packinghouses, and import brokers. See APHIS Form 71 for burden estimates.

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

APHIS estimates the total annualized cost to the respondents to be \$59,712. APHIS arrived at this figure by multiplying the 2,117 total burden hours by the respondents' estimated average hourly wage of \$19.18, and then multiplying the result by 1.4706 to capture benefit costs.

The wage estimated was obtained from the APHIS/International Services attache located in Ecuador. According to DOL BLS news release USDL-18-1499 dated September 18, 2018 (see <https://www.bls.gov/news.release/pdf/ecec.pdf>), benefits account for 32% of employee costs, and wages account for the remaining 68%. Mathematically, total costs can be calculated as a function of wages using a multiplier of 1.4706.

**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 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 the capital and start-up cost, maintenance costs, and purchase of services in connection with this program.

**14. Provide estimates of annualized cost for 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 estimated annualized cost to the Federal Government is \$23,321 which includes wages, fringe benefits and overhead costs.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 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	202,928		1,064	195		201,669
Annual Time Burden (Hours)	2,117		534	97		1,486

In this renewal, the number of respondents increased from 802 to 803, adding an import broker. The number of responses changed from 201,669 to 202,928 for a net increase of +1,259, and the total burden changed from 1,486 to 2,117 for a net increase of +631 hours.

1,061 responses and 531 hours of burden are attributed to program changes. The NPPO and businesses were added as respondents to existing activities. 195 responses and 97 hours of burden are attributed to estimate adjustments for one activity, Phytosanitary Certificates (Foreign Government). Finally, three new activities were added, being inadvertently omitted in the previous submission and now added as potential violations of the Paperwork Reduction Act but annotated in ROCIS as program changes. They are Application for Permit (PPQ Form 587), Notice of Arrival (PPQ Form 368), and Emergency Action Notification (PPQ Form 523). Together, they add only 3 responses and 3 hours of burden to the information collection. All of these changes are summarized in the two tables below.

**CHANGES IN RESPONSES**

<u>7 CFR</u>	<u>REASON</u>	<u>RESP</u>	<u>PREVIOUS RESPONSES</u>	<u>NEW RESPONSES</u>	<u>DIFFERENCE</u>	<u>TYPE OF CHANGE</u>
319.56-4(c)	Production Site Registration	FG	0	800	800	Program, added
319.56-4(c)	Packinghouse Registration	FG	0	1	1	Program, added
319.56-4(c)	Phytosanitary Certificate	FG	65	260	195	Adjustment
319.56-4(c)	Phytosanitary Certificate	B	0	260	260	Program, added
319.56-4(a)	PPQ Form 587	B	0	1	1	Program, violation
319.56-3(d)	PPQ Form 368	B	0	1	1	Program, violation
319.56-3(d)	PPQ Form 523	B	0	1	1	Program, violation
			+ 65	+1,324	+1,259	

**CHANGES IN BURDEN HOURS**

<u>7 CFR</u>	<u>REASON</u>	<u>RESP</u>	<u>PREVIOUS BURDEN</u>	<u>NEW BURDEN</u>	<u>DIFFERENCE</u>	<u>TYPE OF CHANGE</u>
319.56-4(c)	Production Site Registration	FG	0	400	400	Program, added
319.56-4(c)	Packinghouse Registration	FG	0	1	1	Program, added
319.56-4(c)	Phytosanitary Certificate	FG	33	130	97	Adjustment
319.56-4(c)	Phytosanitary Certificate	B	0	130	130	Program, added
319.56-4(a)	PPQ Form 587	B	0	1	1	Program, violation
319.56-3(d)	PPQ Form 368	B	0	1	1	Program, violation
319.56-3(d)	PPQ Form 523	B	0	1	1	Program, violation
			+ 33	+ 664	+ 631	

**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 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 considering merging information collections and/or creating common forms.

**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 under this Act.

**B. Collections of Information Employing Statistical Methods.**

Statistical methods are not used in this information collection.