

**2019 SUPPORTING STATEMENT
EXPORT FRUIT ACTS
UNDER
7 CFR PARTS 33 AND 35
OMB No. 0581-0143**

A. JUSTIFICATION

1. EXPLAIN THE CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY. IDENTIFY ANY LEGAL OR ADMINISTRATIVE REQUIREMENTS THAT NECESSITATE THE COLLECTION.

Fresh apples and grapes grown in the United States shipped to designated foreign destination must meet minimum quality and other requirements established by regulations issued under the Export Apple Act (7 U.S.C. 581-590) and the Export Grape and Plum Act (7 U.S.C. 591-599) (Acts) in 7 CFR parts 33 and 35, respectively. Regulations for plum exports have not been in effect since 1991.

The U.S. Department of Agriculture's (USDA) issues regulations that cover exports of U.S. fresh apples and grapes shipped to foreign destinations, except for grapes shipped to Canada or Mexico and apples in bulk bins shipped to Canada. Certain limited quantity provisions may exempt some shipments from this information collection. Regulations issued under the Acts (7 CFR §33.11 for apples and §35.12 for grapes) require that USDA inspect and certify that each export shipment of fresh apples and grapes complies with quality and shipping requirements effective under the Acts.

The information collection requirements related to the Acts enable USDA to track exports of those commodities through the issuance of the Export Form Certificate (SC-205). Federal or Federal-State Inspection Program (FSIP) inspectors use the Export Form Certificate to certify inspection of the shipment for exports bound for non-Canadian destinations. Procedures require shippers to maintain and provide, upon USDA's request, a paper or electronic copy of the SC-205 when needed for USDA to monitor compliance with regulations.

2. INDICATE HOW, BY WHOM, HOW FREQUENTLY, 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.

USDA's Agricultural Marketing Services (AMS) uses the certificates for compliance purposes. The inspector records specific information on the certificate relating to the quality of the fruit, the quantity shipped, the date shipped, vessel identification, and the intended foreign destination of the fruit. AMS relies on exporters of apples and grapes to report competitive exporters who are suspected of shipping un-inspected or failing product.

AMS reviews certificates, or the lack thereof, during the time period the violation is alleged to have taken place. If a violation is suspected, AMS will contact the exporter, or conduct a site visit, to review all certificates and other shipping records and verify compliance with the Acts' requirements. An exporter's failure to provide proof of compliance will result in further compliance investigations and legal action, if warranted.

Export Forms Certificate (SC-205) (7 CFR §33.11 for Apples and §35.12 for Grapes): To fulfill the intent of the Export Apple Act and the Export Grape and Plum Act (plum regulations are not in effect), exporters retain copies of the SC-205 for ensuring loads intended for export comply with inspection requirements. The SC-205 requests such information as the names of the shipper (applicant) and receiver, a description of the product, number of type of containers, the product's grade, weight, and the certificate number associated with the inspection.

The shipper does not complete any form or file with USDA any form or form-related information as part of this inspection and certification process. The information collection burden for this action is for recordkeeping burden. The Certificates are not completed by the exporters or carriers; they merely maintain or retain these records.

- 3. DESCRIBE WHETHER, AND TO WHAT EXTENT, THE COLLECTION OF INFORMATION INVOLVES THE USE OF AUTOMATED, ELECTRONIC, MECHANICAL, OR OTHER TECHNOLOGICAL COLLECTION TECHNIQUES 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.**

Currently, the shipper does not complete any form or file with USDA any form or form-related information as part of this inspection and certification process. The certificates are retained in hard copy format to enable filing and accompaniment with the shipment.

USDA worked with Customs and Border Protection (CBP) to automate the process for import certification related to the International Trade Data System (ITDS). USDA is maintaining contact with CBP if it is decided to move forward with incorporating export certification into ITDS. When this is completed, under this White House economic initiative, shippers of apples and grapes exported from the United States would be required to electronically enter the certificate number from inspection certificates into the Automated Export System (AES) and to provide copies of the certificates (electronic or paper) to USDA. The collection of AES data is approved under the Census Bureau's OMB No. 0607-0152.

- 4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION. SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE**

USED OR MODIFIED FOR USE FOR THE PURPOSE(S) DESCRIBED IN ITEM 2 ABOVE.

AMS regularly reviews the reports and forms to avoid unnecessary information collection duplication by industry and public sector agencies. At the present time, there is no duplication between Federal agencies. The certificates are specific to the commodity and lot of apples or grapes being inspected. Because each form is used to evaluate an individual shipment, the information on the forms cannot be applied to other shipments.

5. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES (ITEM 5 OF THE OMB FORM 83-1), DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.

The information collection in the Act does not apply undue burden on small entities. The information collection requires the time and effort of FSIP in filling out the certificates. FSIP is a government entity and is therefore not included in the public burden calculation for this information collection.

The information collections in the Acts do not require time or effort on the part of exporters, thus do not apply undue burden on small exporting entities. We estimated the number of recordkeepers for this collection to be 200, and we estimate that 40 percent are considered small businesses as defined in the Small Business Administration guidelines.

6. DESCRIBE THE CONSEQUENCE 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.

Inspections are conducted on an as-needed basis. With the exception of certain limited quantity and destination exemptions, all exported apples and grapes must be inspected. Less frequent inspections would eliminate certifications needed to assure receivers in foreign countries that they are receiving inspected fruit that meet the quality requirements they expected.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE AN INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER:

- **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 3 YEARS;**
- **IN CONNECTION WITH 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 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 SECRETS, 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.**

There are no special circumstances that would require responses to any of the points listed above. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

- 8. IF APPLICABLE, PROVIDE A COPY AND IDENTIFY THE DATE AND PAGE NUMBER OF PUBLICATION IN THE FEDERAL REGISTER OF THE AGENCY'S NOTICE, REQUIRED BY 5 CFR 1320.8(d), SOLICITING COMMENTS ON THE INFORMATION COLLECTION PRIOR TO SUBMISSION TO OMB. SUMMARIZE PUBLIC COMMENTS RECEIVED IN RESPONSE TO THAT NOTICE AND DESCRIBE ACTIONS TAKEN BY THE AGENCY IN RESPONSE TO THESE COMMENTS. SPECIFICALLY ADDRESS COMMENTS RECEIVED ON COST AND HOUR BURDEN.**

On February 20, 2019, AMS published a 60-day notice in the Federal Register (Vol. 84, No. 34, Pages 5046-5047), requesting public comments on an extension of a currently approved information collection. No comments were received.

Because the notice included a set of incorrect burden calculations, AMS has submitted a correction notice to be published in the Federal Register indicating the current calculations for the number of respondents, responses, and the total annual burden on respondents reflected in this submission for renewal.

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 FORMAT (IF ANY), AND ON THE DATA ELEMENTS TO BE RECORDED, DISCLOSED, OR REPORTED.

CONSULTATION WITH REPRESENTATIVES OF THOSE FROM WHOM INFORMATION IS TO BE OBTAINED OR THOSE WHO MUST COMPILE RECORDS SHOULD OCCUR AT LEAST ONCE EVERY 3 YEARS -- EVEN IF THE COLLECTION OF INFORMATION ACTIVITY IS THE SAME AS IN PRIOR PERIODS. THERE MAY BE CIRCUMSTANCES THAT MAY PRECLUDE CONSULTATION IN A SPECIFIC SITUATION. THESE CIRCUMSTANCES SHOULD BE EXPLAINED.

Trade participants are kept abreast of any changing quality requirements through commodity association press releases and necessary correspondence from USDA. The information contained in the certificates is considered confidential business information and is not released. The information collection burden for this action is in the form of recordkeeping. These certificates are used to facilitate the export process. The certificates are not completed by the exporters or carriers; they merely maintain or retain these records.

- Nate O'Connor and Alex Wladyszewski, Federal Program Managers, USDA, AMS, Specialty Crops Program, Phone: (209) 477-0124
- Todd Mattos and Greg McNair, Federal Program Managers, USDA, AMS, Specialty Crops Program, Phone: (208) 467-6187
- Robin Chilton, Chief, Standardization Branch, USDA, AMS, Specialty Crops Program, Phone: (540) 361-1130

9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN REMUNERATION OF CONTRACTORS OR GRANTEES.

Respondents are not provided with gifts or payments for providing information.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS AND THE BASIS FOR THE ASSURANCE IN STATUTE, REGULATION, OR AGENCY POLICY.

Certificates are stored in secure files with access restricted to authorized personnel only. Certificates are not systems of record as defined by § 552(a)(5) of the Privacy Act of 1974, and, therefore, not subject to the requirements of the Act. If certificates are reviewed by compliance officers on site, proprietary information is held in strictest confidence.

11. **PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDES, RELIGIOUS BELIEFS, AND OTHER MATTERS THAT ARE COMMONLY 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).**

No questions of a sensitive nature are solicited in this information collection.

12. **PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION. THE STATEMENT SHOULD:**

- **INDICATE THE NUMBER OF RESPONDENTS, FREQUENCY OF RESPONSE, ANNUAL HOUR BURDEN, AND AN EXPLANATION OF HOW THE BURDEN WAS ESTIMATED. UNLESS DIRECTED TO DO SO, AGENCIES SHOULD NOT CONDUCT SPECIAL SURVEYS TO OBTAIN INFORMATION ON WHICH TO BASE HOUR BURDEN ESTIMATES. CONSULTATION WITH A SAMPLE (FEWER THAN 10) OF POTENTIAL RESPONDENTS IS DESIRABLE.**

IF THE HOUR BURDEN ON RESPONDENTS IS EXPECTED TO VARY WIDELY BECAUSE OF DIFFERENCE IN ACTIVITY, SIZE OR COMPLEXITY, SHOW THE RANGE OF ESTIMATED HOUR BURDEN, AND EXPLAIN THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOURS FOR CUSTOMARY AND USUAL BUSINESS PRACTICES.

- **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 83.1.**

The estimate of burden for this information collection has been summarized on AMS-71 spreadsheet under Supplementary forms in ROCIS.

- **PROVIDE ESTIMATES OF ANNUALIZED COST TO RESPONDENTS FOR THE HOUR BURDENS FOR COLLECTIONS OF INFORMATION, IDENTIFYING AND USING APPROPRIATE WAGE RATE CATEGORIES.**

AMS has reviewed the recordkeeping costs to exporters and carriers imposed under this information collection. The total recordkeeping costs for 200

recordkeepers to maintain the copy of the certificate is estimated to be \$271,602 based on industry figures. This estimated total is calculated by multiplying 9,311 (total burden hours) by \$29.17, (includes 31.7 percent cost of benefits and compensation of \$7.02 per hour). This hourly cost is the wage rate for Office and Administrative Support Workers according to the U.S. Department of Labor Statistics. (National Compensation Survey: Occupational Employment and Wages, May 2018; <https://www.bls.gov/oes/current/oes439199.htm>). The cost of benefits and compensation guidance are from the BLS press release dated December 14, 2018.

13. PROVIDE AN ESTIMATE 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 ESTIMATE 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. THE ESTIMATES SHOULD TAKE INTO ACCOUNT COSTS ASSOCIATED WITH GENERATING, MAINTAINING, AND DISCLOSING OR PROVIDING THE INFORMATION. INCLUDE DESCRIPTIONS OF METHODS USED TO ESTIMATE MAJOR COST FACTORS INCLUDING SYSTEM AND TECHNOLOGY ACQUISITION, EXPECTED USEFUL LIFE OF CAPITAL EQUIPMENT, THE DISCOUNT RATE(S), AND THE TIME PERIOD OVER WHICH COSTS WILL BE INCURRED. CAPITAL AND START-UP COSTS INCLUDE, AMONG OTHER ITEMS, PREPARATIONS FOR COLLECTING INFORMATION SUCH AS PURCHASING COMPUTERS AND SOFTWARE; MONITORING, SAMPLING, DRILLING AND TESTING EQUIPMENT; AND RECORD STORAGE FACILITIES.**
- **IF COST ESTIMATES ARE EXPECTED TO VARY WIDELY, AGENCIES SHOULD PRESENT RANGES OF COST BURDENS AND EXPLAIN THE REASONS FOR THE VARIANCE. THE COST OF PURCHASING OR CONTRACTING OUT INFORMATION COLLECTION SERVICES SHOULD BE A PART OF THIS COST BURDEN ESTIMATE. IN DEVELOPING COST BURDEN ESTIMATES, AGENCIES MAY CONSULT WITH A SAMPLE OF RESPONDENTS (FEWER THAN 10), UTILIZE THE 60-DAY PRE-OMB SUBMISSION PUBLIC COMMENT PROCESS AND USE EXISTING ECONOMIC OR REGULATORY IMPACT ANALYSIS ASSOCIATED WITH THE RULEMAKING CONTAINING THE INFORMATION COLLECTION, AS APPROPRIATE.**
- **GENERALLY, ESTIMATES SHOULD NOT INCLUDE PURCHASES OF**

EQUIPMENT OR SERVICES, OR PORTIONS THEREOF, MADE: (1) PRIOR TO OCTOBER 1, 1995, (2) TO ACHIEVE REGULATORY COMPLIANCE WITH REQUIREMENTS NOT ASSOCIATED WITH THE INFORMATION COLLECTION, (3) FOR REASONS OTHER THAN TO PROVIDE INFORMATION OR KEEPING RECORDS FOR THE GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.

There are no start-up cost burdens to respondents or record keepers not included in items 12 and 14.

- 14. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATE COST, WHICH SHOULD INCLUDE QUANTIFICATION OF HOURS, OPERATION EXPENSES (SUCH AS EQUIPMENT, OVERHEAD, PRINTING, AND SUPPORT STAFF), AND ANY OTHER EXPENSE THAT WOULD NOT HAVE BEEN INCURRED WITHOUT THIS COLLECTION OF INFORMATION. AGENCIES ALSO MAY AGGREGATE COST ESTIMATES FROM ITEMS 12, 13, AND 14 IN A SINGLE TABLE.**

The estimated annual cost to the Federal government for this information collection and processing is about \$4,588.00. The cost was developed by estimating the number of hours that agency employees will spend in the preparation of this information collection package (100 hours) at approximately \$45.88 per hour. This is based on the average median hourly wage rate of \$33.34 with an additional 37.6% to account for benefits and compensation, for an hourly wage total of \$45.88. Costs of benefits and compensation guidance provided by Bureau of Labor Statistics News Release issued on December 14, 2018.

The cost of the GS-9 FSIP inspectors average median hourly wage rate is \$27.93 plus 37.6 percent cost of benefits and compensation of \$10.50 per hour for a total cost of \$38.43 hourly cost. There are 200 inspectors with a total of 8,017 hours annually for a total cost of \$308,093. Total Federal cost is \$312,681 for this collection.

15. EXPLAIN THE REASON FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14 OF THE OMB FORM 83-1.

Our Justification request for 2017 approved by OMB on 4/4/2017 was incorrect. We inadvertently added in the FSIP burden which is incorrect. The burden for this collection is for the number of recordkeepers and recordkeeping burden only for the shippers. They must maintain and provide, upon request, a paper or electronic copy of the SC-205 to USDA when needed to monitor compliance with regulations. The Justification increased the number of recordkeepers to 200 which remains the same for our 2019 renewal submission. The 2017 Justification increased the number of respondents to 200, but we inadvertently reported an incorrect total of annual responses and the total burden hours by including the FSIP issuing the certificates. The correct totals for the 2017 Justification for Change should have stated 200 respondents for a total

of 9311 burden hours. Our 2019 submission is correct, and there is a decrease in the burden hours and the number of respondents approved on the Justification by OMB due to our miscalculations.. The certificates are not completed by the exporters or carriers; they merely maintain or retain these records.

ACTION	# of Respondents	Total Hours
2016 collection apprvd. 9/26/16	52,882	4,381
2017 Justification apprvd. 4/4/2017	160,550*	17,329*
2017 what should have been submitted and approved	200	9,311
2019/2020 renewal	200	9,311

*(The 2017 Justification incorrectly added the burden for the Federal Respondents, Responses, and Total Burden hours. The Federal respondents complete the SC-205, SC-205-1. The burden for this collection is for recordkeepers filing and maintaining the printed certificate only. The 2017 Justification Request should have been the same burden we are submitting for 2019/2020 renewal collection.

- 16. FOR COLLECTIONS OF INFORMATION WHOSE RESULTS ARE PLANNED TO BE PUBLISHED, OUTLINE PLANS FOR TABULATION, AND PUBLICATION. ADDRESS ANY COMPLEX ANALYTICAL TECHNIQUES THAT WILL BE USED. PROVIDE THE TIME SCHEDULE FOR THE ENTIRE PROJECT, INCLUDING BEGINNING AND ENDING DATES OF THE COLLECTION OF INFORMATION, COMPLETION OF REPORT, PUBLICATION DATES, AND OTHER ACTIONS.**

There are no plans to publish any information or data 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.**

AMS will continue including the three-year expiration date on the SC-205 form.

- 18. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS," OF OMB 83-1.**

The agency is able to certify that the collection of information encompassed by this request complies with 5 CFR 1320.9 and related provisions of 5 CFR 1320.8(b)(3).

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

No information is collected and no statistical methods are used.