

February 1, 2013

Supporting Statement
Importation of Fresh Bananas from the Philippines
Into the Continental United States
APHIS-2011-0028
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 United States Department of Agriculture (USDA), 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 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” (7 CFR 319.56 through 319.56-58, 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’ final rule will amend the regulations concerning the importation of fruits and vegetables to allow the importation of fresh bananas from the Philippines into the continental United States. As a condition of entry, the bananas will have to be produced in accordance with a systems approach that will include requirements for the importation of commercial consignments, monitoring of fruit flies to establish low prevalence production sites, harvesting only of hard green bananas, and inspection for quarantine pests by the National Plant Protection Organization (NPPO) of the Philippines. The bananas will have to be accompanied by a phytosanitary certificate with an additional declaration stating that they were grown, packed, and inspected and found free of pests in accordance with the proposed requirements. This action will prevent the importation of plant pests into the United States.

APHIS is asking the Office of Management and Budget (OMB) to approve, for 3 years, its use of these information collection activities 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 will use the following information activities to allow the import of fresh bananas from the Philippines into the continental United States in accordance with the requirements which will restrict any plant pests from entering the United States:

Bilateral Workplan – The NPPO of the Philippines will be required to provide a workplan to APHIS that details activities that the NPPO of the Philippines will, subject to APHIS’ approval of the workplan, carry out to meet the requirements of new section §319.56-58.

Registration of Production Site – Packinghouse production sites will be required to register with the NPPO of the Philippines that meet the requirements of new section § 319.56-58(a)(2).

Monitoring and Oversight that Includes Training – The NPPO of the Philippines must visit and inspect registered places of production monthly, starting at least 3 months before harvest begins and continuing through the end of the shipping season to verify that the growers are complying with the requirements of this section (§ 319.56-58(b)) and follow pest control guidelines, when necessary, to reduce quarantine pest populations.

Maintain All Forms and Documents That Include Fruit Fly Detections and Updating Records – The NPPO of the Philippines must keep records of fruit fly detections for each trap, update the records each time the traps are checked, and make the records available to an APHIS inspector upon request. If, after 2 years of export inspections of banana fruit, *Bactrocera* spp. Larvae have been found in the banana export program, further fruit fly trapping will not be required. Records are required to be kept 2 years.

Marking of Production Site W/Registration Number – Harvested bananas will have to be placed in field cartons or containers that are marked with the official registration number of the place of production. The place of production where the bananas were grown will have to remain identifiable when the fruit leaves the grove, at the packinghouse, and throughout the export process. These requirements will ensure that APHIS and the NPPO of the Philippines can identify the place of production where the bananas were produced if inspectors find quarantine pests in the fruit either before export or at the port of entry.

Phytosanitary Certificate w/ Declaration – Each consignment of fruit must be accompanied by a phytosanitary certificate with an additional declaration issued by the NPPO of the Philippines stating that the bananas in the consignment were grown, packed, and inspected and found to be free of pests in accordance with the requirements of new section § 319.56-58.

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 is not involved in the automation of foreign forms.

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 its program is the minimum needed to protect the United States from plant pests and diseases from entering into the United States. APHIS has determined that 99 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.

Failing to collect this information would cripple APHIS' ability to ensure that bananas from the Philippines are not carrying plant pests. If plant pests (such as *Bactrocera cucurbitae* and *Conogethes punctiferalis*) were introduced into the United States, growers 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 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.

In 2011-2012, APHIS held productive consultations with the following individuals concerning the information collection activities associated with its program to import fresh bananas from the Philippines into the continental United States:

Lapanday Foods Corporation
Maryknoll Drive
Brgy Pampanga, Davao City

Diamong Farms, Inc
Somoso Comp. Sto. Nino,
Panaba City DDN

DB-11.01 ANFLO Banana Corporation
BRGY, Napnapan, Pantukan, Compostela
Valley Province

APHIS' proposed rule (APHIS-2011-0028) was published in the Federal Register on Monday, April 16, 2012, pages 22510 - 22514, with a 60-day comment period. During, that time, APHIS received four comments from interested members of the public, all of which are addressed in the final rule. One of the commenters supported the proposed rule. Another commenter opposed the importation of bananas from the Philippines, but did not present any specific concerns or identify any particular reasons for opposing the importation. One commenter requested that bananas from the Philippines be inspected carefully at the port of entry for all 16 pests of concern identified in the pest risk assessment that accompanied the proposed rule. APHIS stated that all consignments

of bananas will be inspected at the port of entry. The last commenter opposed the importation of bananas from the Philippines, stating that it would increase the risk of accidental or incidental introduction of fruit flies into the United States. APHIS states in the Final Rule that the multiple layers of safeguards are sufficient to mitigate the risk posed by the fruit flies. The proposed rule is being adopted as the final rule, with two editorial changes to increase the clarity of the requirements.

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 (other than appropriate, program-related 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.

The burden hours to the respondents are 192 hours. APHIS arrived at this figure by multiplying the total burden hours by the estimated average hourly wage of the above respondents. (192 hours X \$15.00 estimated average hourly wage = \$2,880.00)

The hourly rate is an average salary of growers and foreign officials based on historical data and conversations with PPQ Program Specialists and APHIS' International Services.

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 for the Federal Government is \$944.00. (See APHIS Form 79).

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

There is a new program.

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.

There are no USDA forms involved in this information collection.

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.