

SUPPORTING STATEMENT
Importation of Tomatoes from Spain,
Chile, France, Morocco, and Western Sahara
OMB Number: 0579-0131

A. JUSTIFICATION

May 2014

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 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 “Subpart-Tomatoes from Certain Countries” (7 CFR part 319.56-28, referred to below 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, including fruit flies. APHIS is responsible for ensuring that these regulations are enforced.

APHIS implemented these regulations to allow tomatoes from Spain, Chile, France, Morocco, and Western Sahara to be imported into the United States (subject to certain conditions). This action is necessary in order to protect the ripening, or ripe tomatoes from infestation by the Mediterranean fruit fly (Medfly).

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 activities to prevent the introduction and dissemination of plant pests from imported fruits and vegetables that are new to or not widely distributed within the United States.

Phytosanitary Certificate (Foreign Government):

(Spain) Ministry of Agriculture, Forestry and Fisheries (MAFF) is responsible for export certification inspection and issuance of phytosanitary certificates. Each consignment of tomatoes must be accompanied by a phytosanitary certificate issued by MAFF and bearing the declaration, “These tomatoes were grown in registered greenhouses in Almeria Province, the Murcia Province, or the municipalities of Albuñol and Carchuna in the Granada Province in Spain

(France) Service Regional de la Protection des Vegetaux (SRPV) is responsible for export certification inspection and issuance of phytosanitary certificates. Each consignment of tomatoes must be accompanied by a phytosanitary certificate issued by SRPV and bearing the declaration, “These tomatoes were grown in registered greenhouses in the Brittany Region of France.”

(Morocco) The National Plant Protection Organization (NPPO) of Morocco is responsible for export certification inspection and issuance of phytosanitary certificates. Each consignment of tomatoes must be accompanied by a phytosanitary certificate issued by the NPPO of Morocco and bearing the declaration, “These tomatoes were grown in registered greenhouses in El Jadida or Safi Province, Morocco, and were pink at the time of packing” or “These tomatoes were grown in registered greenhouses in Dahkla Province, Western Sahara and were pink at the time of packing.”

(Chile) Servicio Agrícola Ganadero (SAG) is responsible for export certification inspection and issuance of phytosanitary certificates. Each consignment of tomatoes must be accompanied by a phytosanitary certificate issued by SAG with an additional declaration, “These tomatoes were grown in an approved production site in Chile.” The shipping box must be labeled with the identity of the production site.

(Western Sahara) – No activity is expected for the next 3 years.

Record of Traps and Medfly Captures (Foreign Government) (Same respondents):

(Spain) MAFF must maintain records of trap placement, checking of traps, and any Medfly captures, and must make the records available to APHIS upon request;

(France) SRPV must maintain records of trap placement, checking of traps, and any Medfly captures, and must make them available to APHIS upon request;

(Morocco) The NPPO of Morocco must maintain records of trap placement, checking of traps, and any Medfly captures, and make the records available to APHIS upon request. The trapping records must be maintained for 1 year for APHIS review

(Chile) SAG must maintain records of trap placement, checking of traps, and of any *Rhagoletis tomatitis* or *Tuta absoluta* captures for 1 year for APHIS review. APHIS must be notified when a production site is removed from or added to the program.

(Western Sahara) – Each shipping box must be marked with the identity of the packing facility so that shipments can be traced back to the facility in the event of the discovery of a pest.

Greenhouse Registration (Business):

(Spain) The tomatoes must be grown in the Almeria Province, the Murcia Province, or the municipalities of Albuñol and Carchuna in the Granada Province of Spain in greenhouses registered with, and inspected by, the Spanish MAFF.

(France) The tomatoes must be grown in the Brittany Region of France in greenhouses registered with, and inspected by the SRPV.

(Morocco) The tomatoes must be grown in the provinces of El Jadida or Safi in Morocco or in the province of Dahkla in Western Sahara in insect-proof greenhouses registered with, and inspected by, the NPPO of Morocco the NPPO of Morocco.

(Western Sahara) No activity is expected is expected for the next 3 years.

Marking of Boxes (Business): (Same respondents)

(Chile) Each shipping box must be marked with the identity of the packing facility so that shipments can be traced back to the facility in the event of the discovery of a pest.

Treatment Facility Registration: (Foreign Government)

(Chile) The tomatoes must be treated in Chile with methyl bromide in accordance with part 305 of this chapter. The treatment must be conducted in facilities registered with the SAG and with APHIS personnel monitoring the treatments.

Trust Fund Agreement: (Foreign Government)

(Chile) Tomatoes may be imported into the United States from Chile with treatment in accordance with this paragraph (d)(1) only if SAG has entered into a trust fund agreement with APHIS for that shipping season in accordance with §319.56-6. This agreement requires SAG to pay in advance all costs that APHIS estimates it will incur in providing the preclearance services prescribed in this section for that shipping season.

Production Site Registration: (Business)

(Chile) The tomatoes must be grown in approved production sites that are registered with SAG. SAG will visit and inspect the production sites monthly, starting 2 months before harvest and continuing until the end of the shipping season. Initial approval of the production sites will be completed jointly by SAG and APHIS. APHIS may monitor the production sites at any time during this period.

Quality Control Program: (Business) (Same respondents):

(Chile) SAG must maintain an APHIS approved quality control program to monitor or audit the trapping program.

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 these certificates.

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 introduction of exotic fruit flies into the United States. The information APHIS collects is exclusive to its mission of preventing the introduction of exotic fruit flies into the United States 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 that 100% of the total respondents are small entities. The information that APHIS collects is the minimum needed to protect the United States from the potential introduction of exotic fruit flies into the country.

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 this information was not collected, APHIS' ability to protect the United States from exotic insect pests would be severely compromised.

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.

In 2014, APHIS held productive consultations with the following individuals concerning the information collection activities associated with its program to import tomatoes from Spain, Chile, France, Morocco, and Western Sahara:

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 North America – Latin America Marketing Manager
 Association De Exportadores De Chile (ASOEX)
 Cruz del Sur 133, Piso 2
 Las Condes, Santiago, Chile
 Telephone: 562-472-4787
 Armando Neruda

Plant Protection Department
Servicio Agricolay Ganadero (SAG)
Av. Bulness 140
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Telephone: 566-96-8510

Pedro Bejares
Agricultural Attache`
Embassy of Chile
1732 Massachusetts Ave., NW
Washington, DC 20036
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On Tuesday, July, 15, 2014, pages 41246-41247, 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 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.**

The cost to the public is determined by multiplying the total number of burden hours times the wage per hour rate. APHIS PPQ estimates that the average hourly wage is \$21.00.
 $\$21.00 \times 1,350 = \$28,350.$

Respondents are foreign officials in Chile, Spain, France, Morocco, and the Western Sahara. The total burden hours for the respondents are 1,350 hours. These estimates were developed by using historical data through discussions with the PPQ Regulatory Coordination Specialist and the NPPO of Chile, Spain, France, Morocco, and Western Sahara.

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 \$17,413.00. (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.

ICR Summary of Burden:

	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	2,463	0	11	-26	0	2,478
Annual Time Burden (Hr)	1,350	0	126	-480	0	1,704
Annual Cost Burden (\$)	0	0	0	0	0	0

In this submission, the number of respondents has decreased from 34 to 10 because 30 recordkeepers were erroneously counted as businesses instead of the 4 foreign officials (NPPOs) from the 4 countries that are required to maintain records for the importation of tomatoes (Chile, France, Morocco, and Spain). Also, there are only 6 businesses who import tomatoes into the United States which brings the corrected adjusted number of respondents to 10 total respondents. This change also resulted in an adjustment of -26 annual responses and -480 recordkeeping hours because of the overcounting of recordkeepers mentioned above.

There is a program change of +11 annual responses and +126 total burden hours because the following activities have been added to the collection: greenhouse registrations for Spain, Morocco, and France; treatment facility registration for Chile; a trust fund agreement for Chile; production site registration for Chile; and a quality control program to monitor or audit the trapping program. These activities were erroneously omitted from the previous submission and therefore the collection of data for these activities during the past 3 years has been in violation and is being accounted for as a program change in this submission. These increases in annual responses and burden hours have been offset by the reduction of recordkeepers and recordkeeping hours.

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 it collects.

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 forms being used in this 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.