

October 25, 2016

**Supporting Statement**  
**Untreated Oranges, Tangerines, and Grapefruit from Mexico**  
**Transiting the United States to Foreign Countries**  
**OMB No. 0579-0303**

**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, Animal and Plant Health Inspection Service (APHIS), is responsible for preventing plant diseases or insect pests from entering the United States, preventing the spread of pests and noxious weeds not widely distributed in the United States, and eradicating those imported pests when eradication is feasible. The Plant Protection Act authorizes the Department to carry out this mission.

Under the Plant Protection Act (7 U.S.C. 7701, et seq.), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States.

The regulations in §352.30 (referred to below as “the regulations”) address the movement into or through the United States of untreated oranges, tangerines, and grapefruit from Mexico that transit the United States en route to foreign countries.

APHIS amended the regulations to allow untreated oranges, tangerines, and grapefruit from Mexico to be moved overland by truck or rail to Corpus Christi and Houston, TX, for export to another country by water. This action was in response to requests by the port authorities of Corpus Christi and Houston, TX. This rule also requires that untreated oranges, tangerines and grapefruit from Mexico transiting the United States for export to another country be shipped in sealed, refrigerated containers and insect-proof packaging and via routes that avoid citrus production areas. APHIS is taking this action to provide additional protection against the possible introduction of fruit flies via untreated oranges, tangerines, and grapefruit from Mexico that transit the United States.

APHIS is asking OMB to approve, for an additional 3 years, its use of these information collection activities associated with its efforts to prevent the spread of fruit flies and other plant pests from entering 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.**

The following information is being collected to assist in the transit of untreated oranges, tangerines, and grapefruit from Mexico which is subject to inspection and must be handled in accordance with conditions assigned under safeguard regulations to prevent the introduction and dissemination of plant pests:

**352.30(a)(1) Application for Permit to Transit Plants and/or Plant Products**

**Through the United States (PPQ 586) (business)** - The owner shall, in advance of shipment of untreated oranges, tangerines, or grapefruit from Mexico through U.S. ports Corpus Christi and Houston in Texas, procure a formal permit as provided in §352.6, or an application for permit may be submitted to the inspector at the U.S. port through which the shipment will move.

**352.30(a)(1) and 352.7 Notice of Arrival (PPQ 368) (business)** - Immediately upon arrival of any shipment of plants or plant products (including noxious weeds) subject to this part and covered by a specific permit, the importer shall submit to an inspector notice of such arrival using a form provided for that purpose (PPQ 368) and, where relevant, the proposed routing to the proposed U.S. port of exit.

**352.30(a)(4)(ii) Inspection and Certificate (business)** - Untreated oranges, tangerines, and grapefruit arriving from Mexico at authorized ports in the United States for movement to a foreign country shall be: (1) loaded into refrigerated containers and preinspected by an inspector for freedom of citrus leaves before entry into the United States; or (2) accompanied by an acceptable certificate from an inspector as to such freedom. Refrigerated containers loaded with untreated oranges, tangerines, and grapefruit that are not free of such leaves will be denied entry into the United States.

**352.30(v) Transportation and Export Permit (business)** - A transportation and export permit must be issued by an inspector for each shipment. This permit can be obtained from APHIS headquarters. The transportation and export permit allows the untreated fruit to transit the country on the condition that it must not enter the commerce of the United States.

**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.**

This PPQ 586 and PPQ 368 are both automated and posted with instructions at:

[http://www.aphis.usda.gov/permits/login\\_epermits.shtml](http://www.aphis.usda.gov/permits/login_epermits.shtml)

APHIS has no control or influence over when foreign countries will automate their forms. 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. APHIS is also establishing a system known as e-File for CARPOL (Certification, Accreditation, Registration, Permitting, and Other Licensing) activities. This new system will strive to automate some of these information collection activities. The system is still being developed and business processes continue to be identified and mapped.

**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.**

The information APHIS collects in connection with its program is the minimum needed to protect the United States from the spread of plant pests from entering into the United States. APHIS has determined that there are no small entities involved in this information collection.

**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 APHIS did not collect this information, it would not be able to allow the movement of untreated citrus to transit the United States to foreign countries.

**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 held productive consultations with the following individuals concerning this program:

Tomas Benevides  
Camel Services, Inc.  
1909 Aduanales Lane  
Laredo, Tx 78041  
(956) 791-4429

Mark Angolis  
Trinity Brokers, L.C.  
201 Market St.  
Laredo, TX 78040  
(956) 717-8115

Sam Paymore  
Diana M. De Montemayor, Inc  
602 Nafta Blvd.  
Laredo, TX 78045  
(956) 727-8933

On Thursday, August 25, 2016, pages 58468-58469, 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.**

APHIS adheres to the Departmental policy in handling Confidential Business Information claims. The confidentiality of information is protected under 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 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 burden hour estimates.

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

Respondents are businesses dealing with regulated fruit and vegetables. APHIS estimates the total annualized cost to respondents to be \$858. APHIS arrived at this figure by

multiplying the total burden hours (26 hours) by the estimated average hourly wage of the above respondents (\$33.00). 26 X \$33 = \$858

The estimated average hourly wage was derived from the International Services attaché located in Mexico.

**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 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 \$968. (See APHIS Form 79).

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

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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	39	0	0	14	0	25
Annual Time Burden (Hr)	26	0	0	13	0	13

In this renewal, the number of respondents dropped from 25 to 3 due to more accurate Agency estimates. However, the number of responses increased from 25 to 39 totaling an adjustment of +14 responses, and the number of burden hours increased from 13 to 26 totaling an adjustment of +13 hours. These increases are due to burden information being inadvertently omitted in the previous submission for notices of arrival, inspections, and transportation and export permits. In addition, in the previous renewal package, businesses were split into two IC's which was a user error but now has been corrected.

**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.**

The PPQ 586 is used in three information collections, and the PPQ 368 is also used in three information collections; therefore, it is not practical to include an OMB expiration date on either of these forms because of the various expiration dates for each collection. Therefore, APHIS is seeking approval to not display the OMB expiration date on these 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 under the act.

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

Statistical methods are not used in this information collection.