

August 2006

**Supporting Statement
Interstate Movement of Garbage from Hawaii
(Docket No. 05-002-2) OMB No. 0579-0292**

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 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 – 7772), 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 contained in Part 330.400 of Title 7, Code of Federal Regulations (CFR), and Part 94.5 of Title 9, Code of Federal Regulations (CFR) (referred to as the regulations), requires APHIS to regulate the importation and interstate movement of garbage that may pose a risk of introducing or disseminating animal or plant pests or diseases that are new to or not widely distributed within the United States. Not all movements of waste material are regulated by APHIS; only movements of waste that meet the definition of “garbage” are regulated, and even then, only under certain circumstances.

APHIS is allowing the interstate movement of certain garbage from Hawaii, subject to measures designed to protect against the dissemination of plant pests, into noninfested areas of the continental United States. APHIS is allowing this action upon request in order to provide the State of Hawaii with additional waste disposal options after determining that the action would not result in the introduction of plant or animal pests or diseases into the continental United States from Hawaii.

APHIS is asking for OMB to approval for 3 years its use of this information collection activity associated with efforts to prevent the risk posed by Hawaii garbage into parts of 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.

Compliance Agreement (PPQ Form 519) - Any person engaged in the business of handling or disposing of garbage in accordance with subpart 330.400 must first enter into a compliance agreement with APHIS. Compliance agreement forms (PPQ Form 519) are available without charge from local USDA/APHIS/PPQ offices which are listed in telephone directories.

A person who enters into a compliance agreement, and employees or agents of that person, must comply with the following conditions and any supplemental conditions which are listed in the compliant agreement, as deemed by the Administrator to be necessary to prevent the dissemination into or within the United States plant pests and livestock or poultry diseases:

- (1) Comply with all applicable provisions of this subpart;
- (2) Allow APHIS inspectors access to all records maintained by the person regarding handling or disposal of garbage, and to all areas where handling or disposal of garbage occurs;
- (3) If the garbage is regulated under §330.401, remove garbage from a means of conveyance only in tight, leak-proof receptacles;
- (4) Move the garbage only to a facility approved by the Administrator; and
- (5) At the approved facility, dispose of the garbage in a manner approved by the Administrator and described in the compliance agreement.

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.

PPQ Form 519 (Compliance Agreement) is automated and posted at www.aphis.usda.gov/library/forms/pdf/ppq519.pdf . This form can be printed and manually completed.

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 incursion or interstate spread of 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 is the minimum needed to protect growers nationwide from the interstate spread of plant pests and diseases.

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 or collected it less frequently, it would not be able to regulate the risk posed by small amounts of garbage that originate on or onboard method conveyances that have been located in areas where exotic animal or plant pests or diseases are present.

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.

This information collection is conducted in a manner consistent with the guidelines established 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.

The following individuals were consulted during 2005-2006:

Hawaiian Waste Systems, LLC
David D. Dicks
Attorney representing Hawaii Waste Systems
1201 3rd Avenue, Suite 320
Seattle, WA 98101
(206) 292-2687

Idaho Waste Systems Inc.
Eric J. Weiss
Regional Sales Director
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(425) 761-1399

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APHIS' proposed rule (05-002-2) described its proposed information gathering requirements and also provided a 60-day comment period. During that time, APHIS received 12 comments from interested members of the public, 8 of which fully supported the proposal. None of the comments dealt with information collection burden. A copy of the final rule is attached which reviews comments filed and provides responses.

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. However, 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 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 the attached 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.

13 hours X 15.00 = \$ 195.00

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, operation and maintenance, 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 to the Federal Government is \$ 232.19. (See APHIS Form 79 attached.)

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

This is a new program. APHIS is amending the regulations to allow the interstate movement of certain garbage from Hawaii subject to measures designed to protect against the dissemination of plant pests into noninfested areas of the continental United States.

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.

If forms were to be discarded because of an outdated OMB expiration date, but otherwise usable, higher printing costs would be incurred by the Federal Government. Therefore, APHIS is seeking approval to not display the OMB expiration date on its forms.

18. Explain each exception to the certification statement identified in the “Certification for Paperwork Reduction Act.”

APHIS certifies compliance with all the provisions under the Act.

B. Collections of Information Employing Statistical Methods.

Statistical methods are not used in this information collection.