

November 2006

**Supporting Statement**  
**Plant Pest, Noxious Weed, and Garbage Regulations**  
**OMB NO. 0579-0054**

**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, insect pests or Federal noxious weeds from entering the United States, preventing the spread of these organisms that are not widely distributed in the United States, and eradicating those imported pests when eradication is feasible.

In accordance with Section 412 of the Plant Protection Act (Title IV, Pub L. 106-224, 114 Stat. 438, 7 U.S.C. 7712), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, exportation, or movement of interstate commerce of any plant, plant product, biological control organism, noxious weed, article, or means of conveyance, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of a plant pest or noxious weed within the United States.

APHIS' regulations implementing the Plant Protection Act are contained (in part) in Part 330 of Title 7, Code of Federal Regulations (7 CFR 330), and Part 360 of Title 7, Code of Federal Regulations (7 CFR 360).

The introduction and establishment of new plant pests or noxious weeds in the United States could cause multimillion dollar losses to American agriculture.

To prevent this from happening, APHIS engages in a number of information collection activities designed to allow its program to determine whether shipments of regulated articles (such as certain plants and soil) represent a possible risk of introducing or disseminating plant pests or noxious weeds into the United States.

APHIS' primary means of obtaining this vital information is requiring individuals to apply for a permit to import regulated articles or to move these articles interstate. The permit application contains such information as the nature and amount of items to be imported or moved interstate, the country or locality of origin and the intended destination, and the intended port of entry in the United States.

Such data enables APHIS to evaluate the risks associated with the importation or interstate movement of plant pests, noxious weeds and soil, and also enables its program to develop risk-mitigating conditions, if necessary, for importation or movement.

APHIS also require the owners or operators of certain garbage-handling facilities to apply for a permit so that they can be approved to process regulated garbage in such a way that it no longer poses a threat of disseminating plant pests or livestock and poultry diseases within the United States.

Without these information gathering procedures, APHIS would have no way of detecting and intercepting shipments that pose a potential risk to American agriculture. APHIS is asking OMB to approve this information collection, for 3 more years, in connection with its efforts to ensure that regulated articles do not pose a risk of introducing plant pests or noxious weeds 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.**

**Advance Notification of Arrival** - The owner or operator of an aircraft or watercraft entering the United States from a foreign country (or arriving in the continental United States from Hawaii or any territory or possession of the United States) must provide us with advance notification of intent to arrive at a specific port. We use this information to ensure that adequate personnel are available for inspections upon the craft's arrival.

**Application for Permit or Courtesy Permit (PPQ 526 and PPQ 525A)** - Data provided by an applicant on these forms is used by us and State personnel (in the State of destination) to evaluate the risks associated with the proposed movement of plant pests, noxious weeds, and soil. APHIS uses this information to determine whether a permit can be issued, and also to develop risk-mitigating conditions for movement. The information on the application is used for the initial permit evaluation, and thereafter may be reviewed for renewals of permits. A permit can be issued for more than one organism, cover multiple shipments, and be valid for as little as 1 month or up to 5 years, depending on the type of movement. A courtesy permit can be issued to facilitate movement of organisms that are not subject to the regulations, but look similar to those organisms that are regulated.

**Consultation with State or Outside Officials** - APHIS may consult with other Federal or State officials for their views on the danger of dissemination of plant pests in connection with the movement. These officials may make written objection to the movement of plant pests if they believe such movement may involve dissemination of a plant pest into their State, territory, possession, or district.

**Application for Approval of Facility or Sewage System** - Garbage that is unloaded from any means of conveyance must be moved to an approved facility for proper disposal. An application for approval of a facility or sewage system is made in writing by an authorized representative or official of any carrier. Facility approval will be granted after we inspect the facility and determine that the disposal of regulated garbage is adequate to prevent the spread of plant pests (or livestock or poultry diseases) within the United States.

**Opportunity to Show Cause After Withdrawal of Facility Approval** - Any person whose facility approval is denied or withdrawn may write to us and request an opportunity to show why the approval was wrongfully denied or withdrawn.

**Compliance Agreements (PPQ Form 519)** - This agreement is required for the movement of regulated garbage and articles, soil, and, in some instances, plant pests. Compliance agreements are only issued for high risk plant pests when we or State personnel need to closely monitor operations at the facility to ensure permit conditions are being met. By signing a compliance agreement with us, the applicant agrees to comply with the prescribed regulations and stipulations when moving or treating regulated items. Among other things, the applicant agrees to:

- Allow inspectors access to the facility;
- Follow proper labeling, marking, and other handling procedures;
- Engage in recordkeeping activities, such as keeping time and temperature recordings when sterilization is used as a means of disposing of regulated garbage;
- Train employees and keep records of the training; and
- Ensure that the facility meets the requirements of all applicable environmental authorities.

**Appeal of Denial or Cancellation of Compliance Agreement or Request for a Hearing** - Denial or cancellation of a compliance agreement may be initiated by us at any time if we determine that the requirements set forth in the agreement are not being met. The owner/operator of the facility whose agreement has been canceled may appeal our decision, in writing, within 10 days of receiving written notification of the cancellation.

All of the above data collected enables APHIS to evaluate the risks associated with the importation or interstate movement of regulated articles, and also enables APHIS to develop risk- mitigating conditions, if necessary, for importation or movement.

**Recordkeeping** - Any person engaged in the business or importing or exporting of plants must keep records of each importation and exportation and make them available to PPQ inspectors upon request. These records must include shipping documents, a description of the plants, the number of plants in the shipment, the plants' region of origin, the date and place of import or export, and the name and address of the individuals who received the plants. These records must be kept for a period of 5 years.

**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.**

Letters of Appeal for permits and compliance agreements can be automated by utilizing a computer that has Microsoft Word or word processing software.

PPQ Form 519 (Compliance Agreements) is automated as a PDF and is downloadable at: [www.aphis.usda.gov/ppq/forms/ppq519.pdf](http://www.aphis.usda.gov/ppq/forms/ppq519.pdf)

PPQ Form 525a (Application for Soil Permit) is automated as a PDF and is downloadable at: [www.aphis.usda.gov/ppq/permits/plantproducts/howtoapply.html](http://www.aphis.usda.gov/ppq/permits/plantproducts/howtoapply.html)

PPQ Form 526 (Application for Permit) is automated as a PDF and is downloadable at: [www.aphis.usda.gov/ppq/permits/plantproducts/howtoapply.html](http://www.aphis.usda.gov/ppq/permits/plantproducts/howtoapply.html)

**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 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 this program is the minimum needed to ensure that regulated entities (such as importers) do not inadvertently introduce a plant pest or noxious weed into the United States.

**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 conducted or conducted less frequently, our ability to protect the United States from a plant pest or noxious weed incursion would be significantly compromised. APHIS would have no means by which to assess the risk posed by any given item imported into the United States, nor would we have any means by which to assess whether garbage-handling facilities are operating in such a manner as to prevent the dissemination of plant pests, noxious weeds, or diseases within the United States.

Therefore, it would only be a matter of time before an adverse event occurred that could prove economically damaging to American agriculture.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information guidelines in 5 CFR 1320.5.**

The information APHIS needs to assess the risk of disease, plant pest, or noxious weed dissemination in the United States is collected at the time an importer applies for a permit. Therefore, the ambitiousness of an applicant's importing agenda will determine how often information is requested (via the permit process) from the applicant.

**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.**

Productive consultations concerning our information collection activities were made with the following individuals during 2006:

Dr. Jeffrey Littlefield  
Montana State University  
Entomology Lab  
324 Leon Johnson Hall  
Boseman, MT 59717  
406-994-4722

Dr. Karen DeVore, Dow Elanco  
9330 Zionsville Road  
Building 306  
Indianapolis, IN  
317-337-3003

Mr. Steve Brown  
Division of Plant Industry  
California Dept. Of Food & Agriculture  
P.O. Box 942871  
Sacramento, CA 94271-0001  
916-654-1017

On Friday, May 26, 2006, pages 30371-30372, 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. One comment was received; however, it did not deal with paperwork. A copy of the Federal Register notice is attached.

**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 APHIS Form 71 for hour burden estimates. These estimates were developed using historical data, the calculated average number of permits requested, and discussions with field and industry personnel.

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

Total cost to respondents is computed by multiplying their average wage by the total number of hours needed to complete the work.

50,778 burden hours X \$20.00 average hourly wage = \$1,015,560.00.

**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 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.**

See APHIS Form 79 for the annualized cost to the Federal Government.

This cost is based on the estimated average time required to process permit applications. These costs are currently estimated to be \$1,363,790.96 (including overhead) per year.

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

Due to an adjustment in the number of respondents, there is an increase of 12,645 hours that describes the collection activities that have been impacted by these adjustments (see explanation below). These hours are annotated to illustrate only the activities that have changed because of the respondents. This does not reflect all of the information

collection activities. Also, the burden hours published in the Federal Register Notice were higher than what is being reported now because of the change in respondents.

	Previous Hours	Current Hours
PPQ Form 526	2,625	6, 892
PPQ Form 526-1	29	0
Consultation w/State or For Hearing	1	331
Consultation with State Agency (PPQ 525-A)	63	0
Written conditions for safeguarding Of Plant Pests	8	0
Regulated Articles:		
Black Stem Rust	155	166
Logs, lumber, and unmanufactured Wood materials	100	136
Gypsy Moth	1,164	1,165
Japanese Beetle	6	10
Pink Bollworm	270	374
Mexican Fruit Fly	38	79
Mediterranean Fruit Fly	26,803	27,209
Imported Fire Ant	775	6,820
Sugarcane	1	3
Karnal Bunt	1,250	1,308
<b>TOTALS</b>	<b>33,288</b>	<b>44,493</b>

**Difference +12,645 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 we are collecting.

**17. If seeking approval to not display the expiration date for OMB approval of the information collections, 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 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.