Revised Aug 2007

Supporting Statement
Phytophthora Ramorum; Quarantine and Regulations
OMB No. 0579-0310

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) is responsible for preventing plant diseases or insect pests from entering the United States, preventing the spread of plant pests and noxious weeds 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 – 7772), the Secretary of Agriculture, either independently or in cooperation with the States, 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 widely distributed throughout the United States.

Under "Subpart-Phytophthora Ramorum" (7 CFR 301.92 through 301.92-11, referred to as the regulations), USDA's Animal and Plant Health Inspection Service (APHIS) restricts the interstate movement of certain regulated and restricted articles from quarantined areas in California and Oregon to prevent the artificial spread of *Phytophthora ramorum*, the pathogen that causes the plant diseases commonly known as sudden oak death, ramorum leaf blight, and ramorum dieback.

APHIS is amending the *Phytophthora ramorum* quarantine regulations to establish restrictions on the interstate movement of nursery stock from nurseries in nonquarantined areas in California, Oregon, and Washington State. APHIS is also amending the regulations to update conditions for the movement of regulated articles of nursery stock from quarantined areas, to add restrictions on the movement of trees without roots from quarantined areas, as well as to restrict the interstate movement of all other nursery stock from nurseries in quarantined areas. APHIS is also updating: (1) the list of plants regulated because of *P. ramorum*, (2) the list of areas that are quarantined for *P. ramorum*, and (3) miscellaneous amendments to the regulations.

APHIS is asking OMB to approve its use of this information collection for 3 years in connection with its efforts to reduce the spread of *P. ramorum* which would otherwise result in devastating losses to forests, natural areas including parks, and US industry.

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 519)

Any person engaged in growing, processing, handling, or moving regulated or associated articles must enter into a compliance agreement when an inspector determines that the person understands this subpart, agrees to comply with its provisions, and agrees to comply with all the provisions contained in (7 CFR 301.92-6) the compliance agreement.

If California, Oregon, and Washington State did not comply with provisions by signing a compliance agreement, *P. ramorum* would have the potential to spread to eastern forests adversely impacting the ecosystem balance, foreign/domestic nursery stock, and lumber markets.

Records of Fungicide Applications

All nurseries operating under compliance agreements must keep records of fungicide applications for incoming and outgoing shipments of plants for a minimum of 2 years and must make them available to inspectors upon request.

Recordkeeping for Incoming and Outgoing Shipments of Plants

Out of 4,000 nurseries that must be inspected to determine if they need to be regulated, only 1,800 nurseries actually need to be regulated (and under paperwork burden) because they have host plants in their nursery. These 1,800 nurseries need compliance agreements, and fungicide and shipment records need to be kept of all incoming and outgoing shipments of plants for a minimum of 2 years.

Issuance and Cancellation of Certificates (Appeal Letter to Administrator)

Any certificate that has been issued may be withdrawn. Any person whose certificate has been withdrawn may appeal the decision in writing to the Administrator within 10 days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the certificate was wrongfully withdrawn.

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.

Compliance Agreements (PPQ 519) are posted at: www.aphis.usda.gov/library/forms/pdf/ppq519.pdf and are downloadable for completion.

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 that APHIS collects is exclusive to its mission to prevent the introduction of plant pests and plant diseases into the United States. The information 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 the United States from the importation of plant disease and plant pest.

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.

This information collection is critical to its mission in preventing the spread of *P. ramorum*, a fungal-like disease, into noninfested areas of the United States.

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 2007:

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On Tuesday, February 27, 2007, pages 8585-8599, APHIS published an Interim Rule and Request for Comments (Docket No. 01-054-3) in the Federal Register. The rule stated its plans to request continuation of a 3-year renewal for this information collection. Eight comments were received from the public, and one of the comments was in regard to recordkeeping. In reply to the comment, APHIS recognizes that it may take time to recover records due to the fact that the process of recordkeeping may not be uniform between different entities; therefore, APHIS has taken that into account and will give nurseries sufficient time from the time of detection of *P. ramorum* to provide the requested information. This information will be noted, in detail, in the final rule; however, APHIS is not planning to make any changes to the final rule as a result of this comment.

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 stature, 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 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 (attached) for hour burden estimates.

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

$12.00 (estimated rate) X 2,263 (total burden hours) = $27,156.

The hourly rate was derived from the U.S. Department of Labor, Bureau of Labor Statistics, June 2003 Report – National Compensation Survey: Occupational Wages in the United States, July 2002. See http://www.bls.gov/oes/current/ocs_nat.htm

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 for the Federal Government is $59,558.49.

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

There are no changes in burden from the previously approved submission.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

APHIS has no plans to publish information collected in connection with this program.

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 were 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.