

**Supporting Statement
Update of the Nursery Stock Regulations
0579-0190**

Justification

October 2007

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 pests and noxious weeds not widely distributed into the United States, and eradicating those imported pests when eradication is feasible.

Under the Plant Protection Act (PPA) (7 U.S.C. 7701 – 7772), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, exportation, or movement in interstate commerce of plant pests and other articles, to prevent the introduction of plant pests into the United States or their dissemination within the United States. Regulations authorized by the PPA concerning the importation of nursery stock, plants, roots, bulbs, seeds, and other plant products are contained in Title 7 of the Code of Federal Regulations, “Nursery Stock,” Parts 319.37 through 319.37-14 (referred to below as the regulations).

Plant Protection and Quarantine (PPQ), a program within USDA’s Animal and Plant Health Inspection Service (APHIS), is responsible for implementing the PPA, and does so through the enforcement of its regulations. The nursery stock regulations restrict, among other things, the importation of living plants, plant parts, and seeds for propagation.

Implementing APHIS’ nursery stock regulations requires APHIS to collect information from a variety of individuals who are involved in growing, exporting, and importing nursery stock. The information APHIS collects serves as the supporting documentation needed to issue required PPQ forms and documents that allow importation of nursery stock. This documentation is vital to helping APHIS ensure that plant pests are not introduced into the United States. APHIS is asking OMB to reapprove this information collection for three more years, in connection with APHIS’ efforts to reduce the spread of plant pests and plant diseases within 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.

Foreign Site Certificate of Inspection and/or Treatment (PPQ Form 203)

This form is used by APHIS to verify that all treatments of nursery stock performed outside of the United States, and supervised by an APHIS inspector in the country exporting the regulated articles to the United States, are conducted in accordance with the regulations. The APHIS inspector who supervises treatment issues PPQ Form 203 certifying that the regulated articles

have been treated in accordance with the PPQ Treatment Manual, which is incorporated by reference at § 300.1(a).

Correspondence with States

APHIS would require that a person who wishes to move, propagate, or allow propagation of a restricted article under post entry quarantine must request written permission from the appropriate State plant regulatory official. (In addition, the person must concurrently, request similar permission from APHIS.) This ensures that both Federal and State officials are made aware when plants in post entry quarantine are moved or propagated.

Markings and Identity (cleared under 0579-0049)

The shipment labeling requirements or marking of containers are used by PPQ inspectors to locate shipments subject to our regulations and to verify that the shipments match their accompanying documentation. Lack of this information on the packages would make it very difficult for PPQ inspectors to locate and check those shipments (especially mail shipments) that are subject to APHIS regulations. This identification system also helps to facilitate any trace back investigations APHIS may need to conduct. When necessary, the container also must be labeled with a statement that the items will be distributed only in specific States within the United States. This ensures that the fruit or vegetables are distributed only in States where climatic conditions will preclude the establishment of any exotic plant pests.

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 203 is not automated at the present time. Further discussions will need to occur with DHS and partnering to determine how and when to automate it as it needs to go through the port of entry and be cleared by DHS-CBP.

The respondent can request written permission utilizing a computer if one is available to move, propagate, or allow propagation of a restricted article from the appropriate State plant regulatory official.

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 to prevent the introduction of plant pests 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 U.S. nursery stock and other plant resources from the potential introduction of plant pests 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 APHIS did not collect this information or if this information was collected less frequently, APHIS could not verify that imported nursery stock does not present a significant risk of introducing plant pests into the United States. The establishment of certain plant pests in the United States could cause substantial losses to American agriculture.

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.

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.

Persons consulted 2007 are as follow:

Michelle L. Palacious
Administrator
Oregon Hop Commission
P.O. Box 198
Aurora, OR 97002
(503) 982-7600

Dr. Thomas Elias, Director
US National Arboretum
(202) 245-4539

The National Bonsai Foundation
Felix Laughlin
1775 Pennsylvania, Ave., NW
Washington, DC 20006
202-862-1040

On Wednesday, August 8, 2007, pages 44484 - 44485, 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. During this time, APHIS received one comment from an interested member of the public. This comment did not deal with information collection issues.

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 (other than appropriate, program related 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 83I.

See APHIS Form 71 for hour burden estimates. These estimates were developed using the calculated average time to fill out the certificates, forms, and other information collection and recordkeeping requirements and through discussions with industry experts.

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

Respondents are importers of nursery stock. APHIS estimates the total annualized cost to these respondents to be \$903.75. APHIS arrived at this figure by multiplying the total number of burden hours times the wage per our rate. $\$12.05 \times 75 \text{ hours} = \903.75 .

\$12.05 hourly rate is derived from the U.S. Department of Labor, Bureau of Labor Statistics Report National Compensation Survey: Occupational Wages in the United States. This site is dated April 3, 2007. See http://www.bls.gov/oes/current/oes_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 startup 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 startup 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 annualized cost to the Federal Government. This cost is based on the estimated average time required to process certificates, complete preclearance forms, and fulfill APHIS' other regulatory obligations. These costs are estimated to be \$2,444.97.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 831.

There is an adjustment of + 65 hours. Previously, total burden hours were 10. The new total is 75 burden hours to the public. Number of respondents for PPQ 203 changed from 20 to 30, and the number of responses per respondent changed from 1 to 5. These changes occurred due to the increased number of companies that import nursery stock.

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 APHIS 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.

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 in the Act.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.