

August 2007

Supporting Statement
Importation of Nursery Stock;
Postentry Quarantine Requirements for Potential Hosts
Of Chrysanthemum White Rust and Definition of From
Docket No. 03-002-4
OMB No. 0579-XXXX

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 the entry of plant diseases or insect pests from entering into 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 (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.

The regulations in 7 CFR Part 319 prohibit or restrict the importation of certain plants and plant products into the United States to prevent the introduction of plant pests and noxious weeds. The regulations contained in “Subpart-Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products,” §§ 319.37 through 319.37-14 (referred to below as the regulations), restrict, among other things, the importation of living plants, plant parts, and seeds for propagation.

APHIS is proposing to amend the regulations on importing nursery stock by providing an option in which the postentry quarantine growing period for articles of Chrysanthemum spp., Leucanthemella serotina, and Nipponanthemum nipponicum that are imported from certain locations would be reduced from 6 months to 2 months, provided that the grower of those plants has implemented a system approach to prevent the imported articles from being infected with chrysanthemum white rust. This proposal replaces part of a previous proposal that would also have provided an option in which the length of the postentry quarantine period for potential hosts of chrysanthemum white rust would have been reduced provided that the grower entered into a disease-prevention program.

APHIS is issuing this reproposal to further discuss the evidence that led to the conclusion that a 2-month postentry quarantine period is adequate and to clarify how the systems approach would work.

APHIS is also proposing to amend the definition of from. The definition proposed in this document would replace the definition of from that was included in a previous proposal. APHIS

is proposing the new definition in response to concerns raised by comments on the previous proposal.

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.

Systems Approach – The proposed systems approach would specify several basic requirements to be fulfilled during the production of those articles and prior to their importation to the United States. Production sites would have to implement standard operating procedures that include provisions for adequate pest control, isolation of the production site from host material not intended for export to the United States, regular inspection and testing, and training of production site employees.

Records - production sites must keep detail records of all aspects of plant production, including the origin of articles of Chrysanthemum spp., Leucanthemella serotina, and Nipponanthemum nipponicum that are eventually exported so that they may be traced back is necessary.

Workplan - APHIS would work with the NPPO of the exporting country to agree upon a final set of operational plans and procedures, which would be codified in a bilateral workplan.

APHIS will perform audits at the port of entry into which the plants are imported to ensure that these articles of Chrysanthemum spp., Leucanthemella serotina, and Nipponanthemum nipponicum meet the requirements set out in this paragraph (c)(2), and in the workplan.

Trust Fund – The government of the country in which the articles of Chrysanthemum spp., Leucanthemella serotina, and Nipponanthemum nipponicum are produced or its designated representative must enter into a trust fund agreement with APHIS before each growing season.

There are no USDA forms associated with this information collection.

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.

A Trust fund can be automated by the government in which the articles are produced. Funds can also be transferred via computer to APHIS.

APHIS has no control or influence over when foreign countries will automate documents such as workplans and records.

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 required 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 CWR 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.

In 2007, APHIS held productive consultations with the following individuals concerning the information collection activities associated with our proposed rule:

Mr. Craig Regelbrugge
American Nursery & Landscape
1000 Vermont Ave., NW. 3rd Flr.
Washington, DC 20005

(202) 789-2900

Yoder Brothers
William G. Rasbach
115 Third St., SE
Barberton, OH 44203
(330) 745-2143

Ball Seed Co.
P.O. Box 335
West Chicago, IL
(800) 879-BALL

APHIS' proposed rule; withdrawal and reproposal, was published in the Federal Register on Wednesday, August 8, 2007, pages 44425-44433, with a 60-day comment period. During this time, interested members of the public will have the opportunity to provide APHIS with their input concerning the usefulness, legitimacy, and merit of the information collection activities being proposed.

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. 552.

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 831.

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 and foreign governments. APHIS estimates the total annualized cost to these respondents to be \$3,833.50. APHIS arrived at this figure by multiplying the total number of burden hours times the wage per our rate. $\$8.50 \times 451 \text{ hours} = \$3,833.50$.

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/ncs/ocs/sp/ncb10539.pdf>.

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 \$11,068.98.

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

This is a new program.

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 being 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.

There are no USDA forms associated with this collection of information.

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.