

Supporting Statement  
Foreign Quarantine Notices  
OMB NO. 0579-0049

**Justification**

**May 2009**

**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 insects pest from entering the United States (U.S), preventing the spread of 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 (PPA) (Title IV, Pub. L. 106-224, 114 Stat. 438, 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 to include logs, lumber, and other unmanufactured wood articles are contained in Title 7, Code of Federal Regulations (CFR) part 319.

Implementing the laws described above is necessary in order to prevent injurious plant and insect pests from entering the United States, a situation that could produce serious consequences for USDA. The regulations Animal Plant Health Inspection Service (APHIS) has devised to implement these laws often requires APHIS to collect information from a variety of individuals, both within and outside of the United States, who are involved in growing, packing, handling, transporting, and importing foreign plants, roots, bulbs, seeds, importing foreign logs, lumber, other unmanufactured wood articles, and other plant products.

The information APHIS collects is vital to helping prevent plant pests and diseases from entering 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.**

**PPQ Form 587** (Application for Permit to Import Plants or Plant Products) is submitted to APHIS by United States importers in order to request a permit to import plants or plant products. On this form the requester lists the country of origin, the quantity and names of

the plants or plant products, and their port of arrival in the United States, APHIS uses this information to determine if a permit can be issued. If the importer requests to import

**PPQ Form 368** (Notice of Arrival) and Change of Diversion of Customs Entry contains information that PPQ inspectors need to locate shipments that are en route, and also to schedule inspections and treatments at the appropriate port of entry. Obtaining this information in a timely manner helps to avoid unexpected arrivals, and aids PPQ officers in the scheduling of inspections. Not having this information can result in significant delays when an unexpected shipment arrives in port. This action was previously performed by PPQ but is now being performed by the Department of Homeland Security (DHS).

**PPQ Form 526** (Application for Permit to Move Live Plant Pests or Noxious Weeds) Anyone wishing to import honeybee, honeybee semen, or any restricted articles (such as beekeeping equipment) that could potentially harbor exotic bee diseases or parasites, must apply to APHIS for an import permit. This application must be submitted at least 30 days before the honeybees, honeybee semen, or restricted articles arrive at its port of entry in the United States. APHIS 71 should reflect Application for Permit to have live plants pests or noxious weeds.

**PPQ FORM 586** (Application for Permit to Transit Plants and/or Plant Products through the United States) is provided to the grower/shipper/exporter for completion. The application requests the name of specific types of plants and/or plant product that the applicant plans to transit the United States.

**Phytosanitary Certificates (Foreign)** APHIS requires that some plants or plant products be accompanied by a phytosanitary inspection certificate that is completed by plant health officials in the originating or transiting country. APHIS uses the information on this certificate to determine the pest condition of the shipment at the time of inspection in the foreign country. This information is used as a guide to the intensity of the inspection that APHIS must conduct when the shipment arrives. Without this information, all shipments would need to be inspected very thoroughly, thereby requiring considerably more time. This would slow the clearance of international shipments.

**Seals** APHIS may require that boxes of specified commodities destined for the United States be placed in a refrigerated truck or refrigerated container and remain there until the shipment reaches the port of first arrival in the United States. Before leaving the packinghouse in the originating country, an APHIS inspector must secure the truck or container with a seal that must remain unbroken until arriving in the United States.

**30-Day Article Notification** To notify an inspector, orally or in writing, within 30 days of the time the importer or the person in charge of the growing site finds any abnormality of the article dies or is killed by the importer, the person in charge of the growing site, or any other person; to return the abnormal or dead article for at least 60 days following that date of notification; and to give the abnormal or dead article to an inspector upon request.

**Other Documents (including Service Agreement (Signature Only), Advance Registration for Cold Treatment Space, and Request for Approval of Vacuum Fumigation Chambers** No activity is expected for the next 3 years.

**Accompanying Importers Document or Certificate for Logs and Lumber**

No regulated article may be imported unless it is accompanied by an importer document stating the following information. A certificate that contains this information may be used in lieu of an importer document at the option of the importer: the genus and species of the tree from which the regulated article was derived; the country, and locality if known, where the tree from which the regulated article was derived and harvested; the quantity of the regulated article to be imported; the use for which the regulated article is imported; and any treatments or handling of the regulated article that were performed prior to arrival at the port of first arrival. \_

**PPQ Form 585** (Application for Permit to Import Timber and Timber Products) is given to an importer who wishes to import timber and timber products. APHIS uses this information collected on this form to determine whether a permit should be issued for timber or timber products that would otherwise be prohibited entry.

**Accompanying Certification from Chile or New Zealand** Monterey or Radiata Pine (*Pinus Radiata*) logs from Chile or New Zealand and Douglas Fir (*Pseudotsuga Menqusii*) logs from New Zealand that are accompanied by a certificate stating that logs meet the requirements may be imported into the United States in accordance with 319.40-5(b) and 319.40-8, paragraphs (b)(1)(i)(A) through (b)(1)(iii) of this section.

**Marking HT for Heat Treated (Logs and Lumber)** No activity is expected for the next 3 years.

**PPQ 368, Notice of Arrival (Logs and Lumber)** The permittee or his/her agent must notify the APHIS Officer in Charge at the port of arrival of the date of expected arrival. The address and telephone number of the APHIS Officer in Charge will be specified in any specific permit issued by APHIS. This notice may be in writing or by telephone. The notice must include the number of any specific permit issued for the regulated articles; the name, if any, of the means of conveyance carrying the regulated articles; the type and quantity of the regulated articles; the expected date of arrival; the country of origin of the regulated articles; the name and the number, if any of the dock or area where the regulated articles are to be unloaded; and the name of the importer or broker at the port of arrival.

**Marking Identity of Contents on Containers or Accompanying Document** The Bill of Lading or invoice may be used as accompanying document which are part of the normal business documentation. This is part of the normal business practice and requires no additional burden.

**Trust Fund Agreement** In certain situations, plants or plant products from a foreign country can only be imported into the United States after certain requirements (such as fumigation or other pest mitigation procedures) are implemented.

If these procedures must be done in the presence of PPQ personnel, then the plant health protection service of the exporting country (or another appropriate organization, such as an industry association) must complete a trust fund agreement with APHIS for that shipping season.

In this document, appropriate authorities in the exporting country agree to pay, in advance, for all estimated costs (such as salaries and travel expenses) that APHIS expects to incur via its participation in this program.

**Marking Requirements for Cotton and Covers** Imported cotton and covers require treatment by vacuum fumigation. Immediately following the fumigation, and under the supervision of a State inspector, the containers must be marked. The product may then be distributed, forwarded, or shipped without further entry restrictions.

**Marking Requirements for Nursery Stock and Fruits from Mexico** The shipment labeling requirements or marking of containers are used by PPQ inspectors to locate shipments subject to APHIS 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 traceback investigations APHIS may need to conduct. When necessary, the container must also 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 plants are distributed only in States where climatic conditions will preclude the establishment of any exotic plant pests.

**PPQ Form 588** (Application for Permit to Import Plants for Experimental Purposes) is given to an importer who wishes to import plants or plant products for experimental purposes only. APHIS uses the information collected on this form to determine whether a permit should be issued for a plant or plant product that would otherwise be prohibited entry.

**Written Appeal of Withdrawal of Permit** If APHIS chooses to withdraw an importer's permit, the importer may appeal the withdrawal by submitting a letter to us explaining why the permit should not be withdrawn.

**Labels on Boxes** – Each box of fruit or vegetables imported into the United States in accordance with § 319.56-2(e) (3) or (4) and §319.56-2(f) must be clearly labeled with:

- (1) The name of the orchard or grove of origin, or the name of the grower, and
- (2) The name of the municipality and state in which it was produced, and
- (3) The type and amount of fruit it contains.

In certain situations, APHIS requires packinghouse personnel in the originating country to label each vegetable or piece of fruit destined for the United States with a sticker that bears the registration number of the packinghouse. This identification system will facilitate any traceback investigations APHIS may need to conduct.

**Written Condition of Entry (Additional Declaration)** In certain situations, the phytosanitary certificate must be accompanied by a written statement specifying that certain conditions were met before the commodity was sent to the United States.

**Request for Emergency Trans-shipment or Diversion** Prohibited and restricted articles entering the United States are subject to inspection at their first port of entry. If an unauthorized change or diversion occurs in the Customs entry, the inspector at the original port must endorse Customs documents to show that fact. However, the inspector at the United States port of export may approve a diversion or change of Customs entry to permit movement to a different foreign country or entry into the United States. If a diversion or change is desired where there is no inspector available, the owner may apply to PPQ for information as to applicable conditions. If the diversion or change is approved, PPQ will confirm this to the appropriate inspectors and Customs officers.

**PPQ Form 546** (Agreement for Post-entry Quarantine-State Screening Notice) is submitted to us by importers requesting a permit to import plants or plant products that require post-entry growing. This agreement specifies the means under which the growing and screening must take place, the plant name, country of origin, and the location where the material will be grown. APHIS uses this information to determine if an import permit can be issued.

**PPQ Form 564** (Mailing Labels) Certain commodities are enterable by mail only if they are accompanied by a permit and a special mailing tag that will direct the package to a PPQ inspection station for inspection before release to the mail service for delivery to the importer. These special mailing tags are furnished to the importer upon request. plants that require post-entry growing, a copy of PPQ Form 546 (Agreement for Post-entry Quarantine) is also supplied.

NOTE: If sufficient information is provided by letter, APHIS will issue a permit based on the letter, except in the case of plants that must be grown in post-entry quarantine. This form is supplied by the Permit Unit at PPQ Headquarters.

**Written Agreement Between PPQ and Foreign Plant Health Officials** APHIS requires that any restricted article destined for importation into the United States must be free of sand, soil, earth, and other growing media, except if a written agreement exists

between PPQ and the plant protection service of the country in which the article is grown. In this document, foreign plant health officials agree to implement a program of compliance with specific PPQ growing conditions. This agreement requires a signature only.

**Written Agreement Between Foreign Growers and Plant Health Officials of Their Country** APHIS requires that any restricted article destined for importation into the United States must be free of sand, soil, earth, and other growing media, except if a written agreement exists between the grower of the article and plant protection service of the country where the article is grown. In this document, the grower agrees to allow an inspector access to the growing facility to monitor compliance with specific PPQ growing conditions. This agreement requires a signature only.

**Temperature Recordings of Foreign Plants** Certain fruits entering the United States have requirements for refrigeration during transport. In order to maintain these temperature requirements, an inspector of the country of origin must sample fruit temperatures from all refrigerator compartments during the transfer of the fruit from a dockside refrigeration plant to the vessel. Once this inspector determines that the pre-cooling has been accomplished, he/she must prepare a record of the temperature recordings to accompany the certificate.

**Trapping and Survey** Any other commodity not listed in APHIS' regulations must meet certain criteria before it can be imported into the United States. The country of origin must provide APHIS with written detailed procedures for carrying out surveys and enforcing requirements to prevent injurious insects from being introduced into the United States. The criteria must be applied to all injurious insects that attack the commodity, and must be specific concerning those particular insects from which an area or district is to be considered free.

**Trapping Records** The national Ministry of Agriculture keeps records of fruit fly finds for each trap, updates the records each time the traps are checked, and makes the records available to APHIS inspectors upon request. The records are maintained for one year.

**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.**

Phytosanitary Certificate (foreign) – APHIS has no control or influence over when foreign countries will automate these certificates.

APHIS is requesting permission to post PPQ Forms 526, 585, 586, 587, and 588 as a PDF file at: [www.aphis.usda.gov/permits/ppq\\_epermits.shtml](http://www.aphis.usda.gov/permits/ppq_epermits.shtml) so the forms can be printed and completed manually.

PPQ Form 368 – APHIS has automated this form and it can be found as a PDF file at: [www.aphis.usda.gov/import\\_export/plants/plant\\_imports/downloads/PPQForm368.pdf](http://www.aphis.usda.gov/import_export/plants/plant_imports/downloads/PPQForm368.pdf).

Written appeal of withdrawal of permit – This process can be automated by using the computer to write a letter.

Written Condition of Entry (Additional Declaration) – This process can be automated by writing a statement using a computer.

APHIS is requesting to post PPQ Form 546 as a PDF file at: [www.aphis.usda.gov/ppq/permits/planproducts/postentry.html](http://www.aphis.usda.gov/ppq/permits/planproducts/postentry.html) so the form can be printed and completed manually.

APHIS is requesting to post PPQ Form 564 as a PDF file at: [www.199.132.50/Oxygen\\_FODFB\\_MD\\_PPQ.nfs/0/0e8751ca9a993e6385256b88006ecbf0/\\$FILE/0564.pdf](http://www.199.132.50/Oxygen_FODFB_MD_PPQ.nfs/0/0e8751ca9a993e6385256b88006ecbf0/$FILE/0564.pdf) so this form can be manually printed and completed manually.

Annual Workplan – This action can be automated on a computer.

**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 protecting the United States from incursion by exotic agricultural pests 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.**

APHIS has determined that eleven percent of the respondents are small entities.

**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 of preventing exotic plant pests from entering the United States. An incursion of an exotic plant or insect pest could cause millions of dollars in damage to United States 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.**

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.**

Consultations concerning our information collection activities were made with the following individuals during 2009:

Jim Stark  
Director, Environmental Affairs  
Weyerhaeuser  
P.O. Box 9777, Mailstop CH 2D23  
Federal Way, WA 98063-9777  
(253) 924-3111

Craig Regelbrugge  
American Nursery & Landscape Association  
1250 I Street NW, Suite 500  
Washington, DC 20005  
(202) 789-5980

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

On Thursday, September 23, 2008, page 54784, 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. No comments from the public were received.

**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.

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

The cost to the public was determined by multiplying the total number of burden hours (95,488) times the wage per hour rate. APHIS, PPQ estimates that the average hourly wage is \$26.01.  $95,488 \times \$26.01 = \$2,483,642.80$ .

\$26.01 is the hourly rate derived from the United States Department of Labor Bureau of Labor Statistics May 2008 Report – Occupational Employment and Wages in the United States, See <http://www.bls.gov/news.release/ocwage.t03.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 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 \$ 1,731,756.36. See APHIS Form 79.

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

There is a **program change increase of 56 hours** - two forms (PPQ 526 and 586) were left out of the previous submission because of program oversight.

The response time for PPQ form 368 was re-evaluated affecting the burden hours – it decreased from 300 to 96 hours because the program determined that it takes less time than they had estimated to complete the form. This resulted in a **decrease of 204 hours**. The program also evaluated usage of other forms used in the collection and found that the number of respondents completing form PPQ 564 increased by 100 causing the burden hours to **increase by 8**; the respondents completing PPQ 585 decreased by 841 causing the burden hours to **decrease by 421**; the respondents completing PPQ 587 increased by 789 causing the burden hours to **increase by 370**; and the respondents completing PPQ 588 increased by 152 causing the burden hours to **increase by 38**. This resulted in an adjustment of -209 hours. The **overall burden estimate for this collection has decreased by 153 hours**.

-204  
+8  
-421  
+370  
+38  
-209 Adj + 56 PC = -153 total burden 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 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.**

**PPQ Form 587** (Application for Permit to Import Plants or Plant Products) - This form is used in seven collections; therefore, it is not practical to include an OMB expiration date because of the various expiration dates for each collection. APHIS is seeking approval to not display the OMB expiration date on this form.

**PPQ Form 368** (Notice of Arrival) - APHIS has no plans to seek approval for not displaying the OMB expiration date on its form.

**PPQ Form 526** (Application for Permit to Move Live Plant Pests or Noxious Weeds) - This form is used in three collections; therefore, it is not practical to include an OMB expiration date because of the various expiration dates for each collection. APHIS is seeking approval to not display the OMB expiration date on this form.

**PPQ FORM 586** (Application for Permit to Transit Plants and/or Plant Products through the United States) - APHIS has no plans to seek approval for not displaying the OMB expiration date on its form.

**PPQ Form 585** (Application for Permit to Import Timber and Timber Products) - APHIS has no plans to seek approval for not displaying the OMB expiration date on its form.

**PPQ Form 588** (Application for Permit to Import Plants for Experimental Purposes) - APHIS has no plans to seek approval for not displaying the OMB expiration date on its form.

**PPQ Form 546** (Agreement for Post-entry Quarantine-State Screening Notice) - APHIS has no plans to seek approval for not displaying the OMB expiration date on its form.

**PPQ Form 564** (Mailing Labels) APHIS has no plans to seek approval for not displaying the OMB expiration date on its form.

**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.