

Supporting Statement
Certification Program for Imported Articles of Pelargonium spp. and Solanum spp.
to Prevent Introduction of Potato Brown Rot
OMB-0579-0221

A. Justification

March 2010

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), Animal and Plant Health Inspection Service (APHIS), 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 in the United States, and eradicating those imported pests when eradication is feasible.

Under the Plant Protection Act (7 U.S.C. 7701 – et seq), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests, and plant diseases into the United States, or its 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. The regulations contained in “Subpart-Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products,” §§319.37 through 319.37-14 (referred to as the regulations), restrict, among other things, the importation of living plants, plant parts, seeds, and plant cuttings for propagation.

The regulations include a certification program for articles of *Pelargonium* spp, and *Solanum* spp. imported from countries where the bacterium *Ralstonia solanacearum* race 3 biovar 2 is known to occur. The requirements of the certification program are designed to ensure that *Ralstonia solanacearum* race 3 biovar 2 will not be introduced into the United States through the importation of articles of *Pelargonium* spp. and *Solanum* spp. This bacterial strain causes potato brown rot, which causes potatoes to rot through, making them inedible and seriously affecting potato fields.

The certification program requires the collection of information through phytosanitary certificates (foreign), trust funds, and compliance agreements.

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.

Phytosanitary Certificate (foreign) Plus Declaration

A Phytosanitary Certificate is required for articles of Pelargonium spp. and Solanum spp. offered for importation into the United States at the time of arrival at the port of first arrival unless they are grown under the Canadian greenhouse-grown restricted plants program. This certificate must contain either a declaration that the production facility in which the articles were produced has been found free, by testing, of R. solanacearum race 3 biovar 2 or that R. solanacearum race 3 biovar 2 is not present in the region in which the articles were produced.

Trust fund

The government of the country in which the articles are produced must enter into a trust fund agreement with APHIS before each growing season. The government of the country in which the articles are produced or its designated representative is required to pay in advance all estimated costs that APHIS expects to incur through its involvement in overseeing the execution of this section. These costs will include administrative expenses incurred in conducting the services required by this program and all salaries (including overtime and the Federal share of employee benefits), travel expenses (including per diem expenses), and other incidental expenses incurred by the inspectors in performing these services.

Compliance Agreement (foreign)

Compliance agreements are provided for the convenience of persons who are involved in the growing, handling, or moving of regulated articles from quarantined areas. A person may enter into a compliance agreement when an inspector has determined that the person requesting the compliance agreement is knowledgeable regarding the requirements of the regulations and the person has agreed to comply with the requirements of the regulations and the provisions of the compliance agreement.

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 considerations of using information technology to reduce burden.

APHIS has no control or influence over when, and if, foreign countries will automate compliance agreements and phytosanitary certificates.

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

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use of the purpose described in item 2 above.

The information that APHIS collects is exclusive to APHIS' 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 incursion by potato brown rot and other plant diseases. APHIS has determined that there are no small entities involved with this information collection.

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 the United States potato fields were to become infected with this strain of R. solanacearum, its value could be drastically reduced, if not completely eliminated, due to the bacterium's ability to resist eradication. Furthermore, the United States producers would most likely be required to quarantine APHIS's fields and destroy any potatoes present to prevent the spread of the disease. Finally, potato growers would not be able to export potatoes to other countries.

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 2009:

Fischer USA
Attn: Karl Trellinger
2995 Wilderness Place, # 102
Boulder CO 80301
(303) 415-1466

Oglevee, Ltd
Richard Oglevee
Executive Vice President
152 oglevee Lane
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On Tuesday, June 23, 2009, pages 29659-29660, 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 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 burden hours for collections of information, identifying and using appropriate wage rate categories.

The Federal Health Plant authorities in Germany, Guatemala, Mexico, Costa Rica, Kenya, and the United States; Illinois, Iowa, Colorado, Pennsylvania, and California are importers of nursery stock. APHIS estimates the total annualized cost to these respondents to be \$18,396.00. APHIS arrived at this figure by multiplying the total burden hours (1022 hours) by the estimated hourly wage of the above respondents (\$18.00). The hourly wage was provided by USDA's program specialist and foreign officials in Germany, Guatemala, Mexico, Costa Rica, and Kenya, via APHIS, Plant Protection Quarantine Officials.

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

$$1022 \times 18.00 = \$18,396.00$$

\$18.00 is the hourly rate derived from the U.S. Department of Labor Bureau of Labor Statistics February 12, 2009 Report-National Compensation Survey: Occupational Wages in the United States, August 2006. See <http://www.bls.gov/ncs/ocs/sp/ncb10832.pdf>.

The hourly rate is an estimate of the hourly rate for the United States and the foreign respondents.

Respondents are growers and State plant regulatory officials.

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 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 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 \$52,871.51. (See APHIS Form 79).

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

There is no change in burden for this 3-year renewal information collection.

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 it 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.

There are no forms associated with this information collection.

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.