

**Supporting Statement  
Imported Seed and Screenings  
OMB No. 0579-0124**

**A. JUSTIFICATION**

**April 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) is responsible for preventing plant diseases or insect pests, and noxious weeds from entering the United States, preventing the spread of pests 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 into the United States or their dissemination within the United States.

The regulations in 7 CFR part 319 prohibit or restrict the importation into the United States, of certain plants and plant products to prevent the introduction of plant pests into the United States. 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) prohibit or restrict, among other things, the importation of living plants, plant parts, and seeds for propagation.

Plant Protection and Quarantine, a program within USDA’s Animal and Plant Health Inspection Service (APHIS) has established a seed analysis program with Canada that allows United States companies that import seed for cleaning or processing to enter into compliance agreements with USDA. This program eliminates the need for sampling shipments of Canadian-origin seed at the border, and allows certain seed importers to clean seed without the direct supervision of an APHIS inspector. In this way, the importation of seeds into the United States is safely expedited without compromising the precautions APHIS takes to ensure that imported seeds do not pose a health threat to United States agriculture.

**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.**

### **Declaration for Importation**

All seeds offered for entry into the United States must be accompanied by a declaration from the importer. In this declaration, the importer must state the kind, variety, and origin of the seeds, and the use for which the seeds are being imported. If the seeds are found to be adulterated with the seeds of a noxious weed, the shipment may still be allowed to enter the United States for feeding or manufacturing purposes, but only if the importer withdraws his /her original declaration and files a new one stating that the seeds are being imported for feeding or manufacturing purposes, and that none of the seeds will be used for planting.

### **Labeling of Containers (completed by shippers)**

Containers of seeds that will be used for planting in the United States must be labeled to indicate the identification code of the lot to which the container belongs; the name of the kind and variety of the seeds; the designation "hybrid," if the seeds are hybrid seeds; and the name of the substance or process used to treat the seeds (if the seeds were treated). The importer or the importer's representatives are responsible for ensuring that containers are labeled according to our requirements.

If the labeling is found to be false or misleading, the seed shipment may still be allowed to enter the United States if the importer corrects the labeling under the supervision of an APHIS inspector to accurately reflect the nature of the seeds.

### **Documentation**

Seeds being offered for entry into the United States are subject to inspection at the port of the first arrival. However, seeds need not undergo our sampling procedures if they have been grown in the United States, exported, and are now returning to the United States with certain documentation.

This documentation, which is supplied by the importer, must include the following:

Export documents indicating the quantity of seeds and number of containers, the date of exportation from the United States, the distinguishing marks on the containers at the time of exportation, and the name and address of the United States exporter; document issued

by a Customs or other government official of the country to which the seed was exported indicating that the seed was not admitted into the commerce of that country; and a document issued by a Customs or other government official of the country to which the seeds were exported indicating that the seeds were not commingled with other seeds after being exported to that country.

### **Request for Return of Seeds**

Samples of seeds will be taken from each lot of seed being imported for planting purposes to determine whether any noxious weed seeds are present. The sampling will be conducted by Agriculture and Agri-Food Canada. At the importer's request, APHIS will return any unused samples of rare or expensive seeds. This request need not be in writing; a telephone call to APHIS will be sufficient.

### **Notify APHIS of Location of Seed**

If an APHIS inspector finds evidence of contaminants upon examining a sampling of seeds at the port of the first arrival, the inspector may forward the sample to USDA's Seed Examination Facility in Beltsville, Maryland for further examination, testing, and analysis.

While this analysis is occurring, the shipment of seeds may be released to the owner or consignee, provided the owner or consignee does not enter the shipment into the commerce of the United States, and provided the owner or consignee keeps APHIS informed as to the location of the seed shipment until its analysis is completed.

This can be accomplished via telephone or any other means of communication convenient to the owner or consignee.

### **Seed Analysis Certificate for Canadian-Grown Seed Shipments (PPQ 925)**

Seeds imported from Canada into the United States for planting must be accompanied by a Certificate of Analysis (PPQ Form 925), completed by Agriculture and Agri-Food Canada, stating that the seeds were analyzed and found to present no noxious weed threat to the United States. Seed shipments accompanied by these certificates are not subject to APHIS' sampling requirements.

### **Compliance Agreement (PPQ 519)**

This agreement is required for the movement of regulated seeds from Canada. Compliance agreements are only issued when APHIS or State personnel need to closely monitor operations at the facility to ensure permit conditions are being met. By signing a compliance agreement with APHIS, the applicant agrees to comply with the prescribed regulations and stipulations when moving or treating regulated items.

## **Written Appeal for Cancellation for Compliance Agreement and Request for a Hearing**

Any compliance agreement may be canceled orally or in writing by the APHIS inspector who is monitoring its enforcement whenever the inspector finds that the person who entered into the compliance agreement has failed to comply with the provisions of this part or any conditions imposed pursuant thereto. If the cancellation is oral, the decision and the reasons for the decision will be confirmed in writing, as promptly as circumstances permit. Any person whose compliance agreement has been canceled, may appeal the decision to the Administrator, in writing, within 10 days after receiving written notification of the cancellation. The appeal will state all of the facts.

If the seeds are being imported for cleaning purposes, the certificate must state which kinds of noxious weed seeds are to be removed from the seed shipment during cleaning. The seed analysis certificate must be issued by laboratory personnel employed by Agriculture and Agri-Food Canada or by private sector laboratory personnel who have been accredited by Agriculture and Agri-Food Canada to perform such work.

### **Identity of Seed Maintained**

Canadian seeds that are found to contain noxious weed seeds may still be imported into the United States if they are cleaned and the undesirable seeds are removed. However, to prevent a contaminated seed shipment from inadvertently entering the United States prior to appropriate cleaning, it is important that the identity of the seeds be maintained while they are at the cleaning location.

Also, the refuse from the cleaning must be placed in containers, securely sealed, and identified. Personnel at the seed cleaning facility are responsible for carrying out these seed identification activities.

### **Recordkeeping**

Each person who imports seeds into the United States must maintain a complete record of the importation for 3 years. This record must include copies of the appropriate declaration and labeling documents, as well as a sample of seeds from each lot of seeds imported.

Recordkeeping, with regard to imported seed, is necessary to allow APHIS to trace the origin of seeds or screenings if necessary, and to monitor the efficacy of noxious weed examinations and cleaning. APHIS does not believe its recordkeeping requirements place a burden on seed companies because these companies already keep such records for internal purposes and to comply with the interstate provisions of FSA regulations administered by the Agricultural Marketing Service.

**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 925 (Seed Analysis Certificate for Canadian-Grown Seed Shipments) is posted on the APHIS website at: [www.aphis.usda.gov/library/forms/pdf/ppq925.pdf](http://www.aphis.usda.gov/library/forms/pdf/ppq925.pdf) and is downloadable.

PPQ 519 (Compliance Agreement) is posted on the APHIS website at: [www.aphis.usda.gov/library/forms/pdf/ppq519.pdf](http://www.aphis.usda.gov/library/forms/pdf/ppq519.pdf) and is downloadable.

**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 the incursion and spread of noxious weeds, 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.**

The information APHIS collects is the minimum needed to protect United States agriculture from noxious weed incursions. APHIS has determined that ninety 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.**

APHIS' information collection activity is critical to its mission of preventing noxious weeds from entering the United States. If the collection was not conducted or conducted less frequently, noxious weeds that successfully establish themselves in the United States would 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:**

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

Any person whose compliance agreement has been canceled, may appeal the decision to the Administrator, in writing, within 10 days after receiving written notification of the cancellation. The appeal will state all of the facts.

**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 2009, APHIS held productive consultations with the following individuals in connection with the information collection activities associated with this program:

Nathan Klint  
Norfarm Seeds Inc.  
RR 2, Box 37  
Roseau, Minnesota 56751  
218-463-2119

Wayne Gale  
Stokes Seeds Inc.  
183 E. Main Street  
Fredonia, New York 14063  
905-688-4300

Sarah Foster-Stubbs  
20/20 Seed Labs Ltd.  
509 11th Avenue, Suite 201  
Niska, Alberta T9E 7N5  
Canada  
1-877-420- 2099

On Friday, December 18, 2009, page 67164, 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. One comment was received concerning the difficulty of getting the original incoming Phytosanitary Certificate from USDA at the port of entry into the United States. This comment has been loaded in ROCIS.

**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. ents.

**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. The respondents are importers of Canadian seeds, seed cleaning/processing facility personnel, and Agri-Food Canada officials

**. 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 (9,588) times the wage per hour rate. APHIS, PPQ estimates that the average hourly wage is \$25.01.  $9,588 \times \$25.01 = \$ 239,795.88$ .

\$25.01 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 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 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.**

The estimated cost for the Federal Government is \$45,815. (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 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 this data.

**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.**

APHIS has no plans to seek approval for not displaying 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.