

Revised July 20, 2010

Supporting Statement for Information Collection Request
Importation of Nursery Stock
OMB No. 0579-0279

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 *et seq.*), 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 prohibits or restricts 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 as the regulations), restrict, among other things, the importation of living plants, plant parts, and seeds for propagation.

APHIS amended the regulations on importing nursery stock to eliminate various restrictions on the importation of kenaf seed to establish programs for the importation of approved plants from the Canary Islands and from Israel; to require an additional declaration of the phytosanitary certificate accompanying blueberry plants imported from Canada; to require that phytosanitary certificates include genus names of the restricted articles it accompanies, and the species’ names when restrictions apply to species within a genus; to change the phytosanitary certificate requirements for several restricted articles to reduce the postentry quarantine growing period for *Hydrangea* spp.; and to update the list of ports of entry and Federal plant inspection stations.

APHIS is asking OMB to approve, for three more years, the use of this information collection activity associated with its effort to prevent the spread of plant pests and plant diseases from entering into 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.

Phytosanitary Certificate with Declaration (foreign) - A phytosanitary certificate with an additional declaration is required for *Pelargonium* spp plants from the Canary Islands be grown under certain conditions confirming that those growing conditions have been met for *Pelargonium* spp. Plants and will minimize the risk that organisms such as *Helicoverpa armigera*, *Chrysodeixis chalcites* and *Syngrapha circumflexa* (syn. *Cornutiplusia circumflexa*) might enter the United States via the importation of these plants.

A phytosanitary certificate with an additional declaration is required that plants from Israel be grown under certain conditions confirming that those growing conditions have been met. Plants from Israel run the risk of harboring plant pests such as *Spodoptera littoralis* and other pests that could be introduced to the United States. Without control measures, *S. littoralis* could inflict heavy damage to both the yield and quality of U.S. cotton production.

Grower Registration and Agreement - Persons in the Canary Islands who produce *Pelargonium* spp plants for export to the United States must be registered and approved by the National Plant Protection Organization (NPPO) of Spain; and enter into an agreement with the NPPO of Spain whereby the producer agrees to participate in and follow the export program for *Pelargonium* spp. plants established by the NPPO of Spain.

Export Program – Growers in the Canary Islands who produce *Pelargonium* spp. plants for export to the United States must meet the following requirements for inclusion in the export program for *Pelargonium* spp. plants established by the NPPO: *Pelargonium* spp. plants destined for export to the United States must be produced in a production site devoted solely to production of such plants. The production site must be registered with the NPPO and must employ safeguards agreed on by APHIS and the NPPO.

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.

APHIS has no control or influence over when foreign countries will automate these certificates.

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. APHIS has determined that 60 percent of the respondents involved with this information collection 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.

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 during 2009-2010 are as follows:

Lin Schmale
Society of American Florist
1601 Duke St.,
Alexandria, VA 22314
(703) 838-5232

Mr. Craig Regelbrugge
American Nursery & Landscape
1000 Vermont Ave., NW. 3rd Flr.
Washington, DC 20005
(202) 789-2900

Ms. Dorthea Zadiz
CA Department of Food & Agriculture
1220 N. St., Rm. A-316
Sacramento, CA 95814
(916) 654-0317

On Wednesday, October 21, 2009, pages 54020-54021, 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 (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 historical data, calculated average time to fill out the certificates, forms, and other information collection and recordkeeping requirements, and thorough 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 \$7,216. These estimates were developed by using historical data through discussions with nursery owners. $\$16.00 \times 451 \text{ hours} = \$7,216$. The hourly wage was provided by foreign plant health authorities.

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 the 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 \$ 12,373.32.

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 3,798 responses and 270 burden hours to this collection. This large increase is due to the program rapidly expanding and the estimates now being based on a much larger pool of participating growers.

There is a program change of -470 responses and -42 burden hours to this collection. PPQ removed the Special Certificate/Sticker from this collection because the burden is accounted for in 0579-0049, added a Grower Registration and Agreement, and included the foreign government as a portion of the affected public for the Export Program.

Since the Special Certificate/Sticker was removed from this collection, the number of respondents decreased significantly. Another factor in the reduced number of respondents is the decrease from 260 to 4 for the Export Program. Because of economic conditions, there is a substantial decrease in the number of respondents/exporters. The number of respondents is now 52 instead of 804.

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 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 used in 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.