November 2010

Supporting Statement
Phytophthora Ramorum; Quarantine and Regulations
OMB No. 0579-0310

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), 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 plant 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, either independently or in cooperation with the States, is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests new to the United States or not widely distributed throughout the United States.

Under "Subpart-Phytophthora Ramorum" (7 CFR 301.92 through 301.92-12, referred to as the regulations), APHIS restricts the interstate movement of certain regulated and restricted articles from quarantined areas in California and Oregon to prevent the artificial spread of *P. ramorum*, the pathogen that causes the plant diseases commonly known as sudden oak death, ramorum leaf blight, and ramorum dieback.

APHIS' *Phytophthora ramorum* quarantine regulations list restrictions on the interstate movement of nursery stock from nurseries in nonquarantined areas in California, Oregon, and Washington State; and conditions for the movement of regulated articles of nursery stock from quarantined areas, including restrictions on the movement of trees without roots from quarantined areas, as well as the interstate movement of all other nursery stock from nurseries in quarantined areas. Also included are: (1) the list of plants regulated because of *P. ramorum*, (2) the list of areas that are quarantined for *P. ramorum*, and (3) miscellaneous amendments to the regulations.

APHIS is asking OMB to approve, for an additional 3 years, its use of these information collection activities associated with its efforts to reduce the spread of *P. ramorum* which would otherwise result in devastating losses to forests, natural areas including parks, and U.S. industry.

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.

Compliance Agreement (PPQ 519)

Any person engaged in growing, processing, handling, or moving regulated or associated articles must enter into a compliance agreement when an inspector determines that the person understands this subpart, agrees to comply with its provisions, and all the provisions contained in the compliance agreement (7 CFR 301.92-6).

If California, Oregon, and Washington State did not comply with these provisions by signing a compliance agreement, *P. ramorum* would have the potential to spread to eastern forests adversely impacting the ecosystem balance, foreign/domestic nursery stock, and lumber markets.

Records of Fungicide Applications

All nurseries operating under compliance agreements must keep records of fungicide applications for incoming and outgoing shipments of plants for a minimum of 2 years and must make them available to inspectors upon request.

Incoming and Outgoing Shipments of Plants

Out of 4,000 nurseries that must be inspected to determine if they need to be regulated, only 1,800 nurseries actually need to be regulated (under paperwork burden) because they have host plants in their nursery. These 1,800 nurseries need compliance agreements and fungicide/shipment records to be kept for all incoming and outgoing shipments of plants.

Issuance and Cancellation of Certificates

Any certificate that has been issued may be withdrawn. Any person whose certificate has been withdrawn may appeal the decision, in writing, to the Administrator within 10 days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the certificate was wrongfully withdrawn.

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.

Compliance Agreements (PPQ 519) are posted at: www.aphis.usda.gov/library/forms/pdf/ppq519.pdf and are downloadable for completion.

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 that APHIS collects is exclusive to its 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 the importation of plant diseases and plant pests. APHIS has 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.

This information collection is critical to APHIS' mission in preventing the spread of *P. ramorum,* a fungal-like disease, into noninfested areas of the United States.

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 report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**

- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances associated with this information collection.
This 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 2010:

Oregon Association of Nurseries
John Aguirre
29751 SW Town Center Loop W.
Wilsonville, OR 97070
503-682-5089

Hines Nursery
Karen Suslow, Nursery Manager
8633 Winters Rd.,
Winters, CA 95694
530-795-6030

CANGC, California
Association of Nurseries and Garden Centers
Robert Dolezal, Chair of Nursery Association
3947 Lennane Drive
Suite 150 Sacramento, California 95834
916-928-3900, X17

On Friday, July 30, 2010, page 44936, 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 stature, 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.

Respondents are interstate shippers who are commercial enterprises. See APHIS Form 71 (attached) for burden estimates.

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

$27.89 (estimated rate) x 2,263 (total burden hours) = $63,115.07.

$27.89 is the hourly rate derived from the U.S. 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, operation and maintenance, 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 $31,322.

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

There is no change in burden for this renewal.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

APHIS has no plans to publish information collected in connection with this program.

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.

The PPQ 519 is used in 11 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.

18. Explain each exception to the certification statement identified in the "Certification for Paperwork Reduction Act."

APHIS certifies compliance with all provisions of the Act.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.