

**Supporting Statement
Update of the Nursery Stock Regulations
0579-0190**

A. JUSTIFICATION

April 2011

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 from entering 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 (PPA) (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. Regulations authorized by the PPA concerning the importation of nursery stock, plants, roots, bulbs, seeds, and other plant products are contained in Title 7 of the Code of Federal Regulations, “Nursery Stock,” Parts 319.37 -1 through 319.37-14 (referred to as the regulations).

Plant Protection and Quarantine (PPQ), a program within USDA’s Animal and Plant Health Inspection Service (APHIS), is responsible for implementing the PPA, and does so through the enforcement of its regulations. The nursery stock regulations restrict, among other things, the importation of living plants, plant parts, and seeds for propagation.

Implementing APHIS’ nursery stock regulations requires APHIS to collect information from a variety of individuals who are involved in growing, exporting, and importing nursery stock. The information APHIS collects serves as the supporting documentation needed to issue required PPQ forms and documents that allow importation of nursery stock. This documentation is vital to helping APHIS ensure that plant pests are not introduced 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.

APHIS requires a permit for the following restricted articles to ensure that plant pests and plant diseases are not introduced into the United States. APHIS uses this information to implement and invoke the requirements of the Plant Protection Act.

Foreign Site Certificate of Inspection and/or Treatment (PPQ Form 203)

This form is used by APHIS to verify that all treatments of nursery stock performed outside of the United States, and supervised by an APHIS inspector in the country exporting the regulated articles to the United States, are conducted in accordance with the regulations. The APHIS inspector who supervises treatment, issues a PPQ Form 203 and certifies that the regulated articles have been treated in accordance with the PPQ Treatment Manual, which is incorporated by reference at § 300.1(a).

Written Request to APHIS Official for Permission to Move, Propagate, or Allow Propagation of a Regulated Article

APHIS requires that a person who wishes to move, propagate, or allow propagation of a restricted article under postentry quarantine request written permission from an APHIS official. This person must concurrently request similar permission from APHIS. This ensures that APHIS is made aware when plants in postentry quarantine are moved or propagated.

Permit for Restricted Articles

a) The restricted articles (other than articles for food, analytical, medicinal, or manufacturing purposes) in any of the following categories may be imported or offered for importation into the United States only after issuance of a written permit by the PPQ programs:

- (1) Articles subject to treatment and other requirements of §319.37-6;
- (2) Articles subject to the postentry quarantine conditions of §319.37-7;
- (3) Bulbs of *Allium sativum* (garlic), *Crocasmia* spp. (montebretia), *Gladiolus* spp. (gladiolus), and *Watsonia* spp. (bugle lily) from New Zealand;
- (4) Articles of *Cocos nucifera* (coconut); and articles (except seeds) of *Dianthus* spp. (carnation, sweet-william) from any country or locality except Canada;
- (5) Lots of 13 or more articles (other than seeds, bulbs, or sterile cultures of orchid plants) from any country or locality except Canada;
- (6) Seeds of trees or shrubs from any country or locality except Canada;
- (7) Articles (except seeds) of *Malus* spp. (apple, crabapple), *Pyrus* spp. (pear), *Prunus* spp. (almond, apricot, cherry, cherry laurel, English laurel, nectarine, peach, plum, prune), *Cydonia* spp. (quince), *Chaenomeles* spp. (flowering quince), and *Rubus* spp. (cloudberry, blackberry, boysenberry, dewberry, loganberry, raspberry), from Canada;
- (8) Articles (except seeds) of *Castanopsis* spp. (chinquapin) destined to California or Oregon;
- (9) Articles (except seeds) of *Pinus* spp. (pine), (5-leaved) destined to Wisconsin;

- (10) Articles of *Ribes* spp. (currant, gooseberry), (including seeds) destined to Massachusetts, New York, West Virginia, or Wisconsin;
- (11) Articles (except seeds) of *Planera* spp. (water elm, planer) or *Zelkova* spp. from Europe, Canada, St. Pierre Island, or Miquelon Island and destined to California, Nevada, or Oregon;
- (12) Seeds of *Prunus* spp. (almond, apricot, cherry, cherry laurel, English laurel, nectarine, peach, plum, prune) from Canada and destined to Colorado, Michigan, New York, Washington, or West Virginia;
- (13) Articles (except seeds) of *Vitis* spp. (grape) from Canada and destined to California, New York, Ohio, Oregon, and Washington;
- (14) Articles (except seeds) of *Corylus* spp. (filbert, hazel, hazelnut, cobnut) from provinces east of Manitoba in Canada and destined to Oregon or Washington;
- (15) Articles (except seeds) of *Pinus* spp. (pine) from Canada;
- (16) Articles (except seeds) of *Ulmus* spp. (elm) from Canada and destined to California, Nevada, or Oregon;
- (17) *Solanum tuberosum* true seed from New Zealand and the X Region of Chile (that area of Chile between 39° and 44° South latitude—see §319.37–5(o));
- (18) Small lots of seed imported in accordance with §319.37–4(d) of this subpart; and
- (19) Articles (except seeds) of *Fraxinus* spp. (ash) from counties or municipal regional counties in Canada that are not regulated for emerald ash borer (EAB) but are within an EAB-regulated Province or Territory and are not prohibited under §319.37–2(a).

Markings and Identity

- (a) Any restricted article for importation other than by mail (at the time of importation or offer for importation into the United States), shall plainly and correctly bear on the outer container (if in a container) or the restricted article (if not in a container) the following information:
 - (1) General nature and quantity of the contents,
 - (2) Country and locality where grown,
 - (3) Name and address of shipper, owner, or person shipping or forwarding the article,
 - (4) Name and address of consignee,
 - (5) Identifying shipper's mark and number, and
 - (6) Number of written permit authorizing the importation if one was issued.
- (b) Any restricted article for importation by mail shall be plainly and correctly addressed and mailed to the Plant Protection and Quarantine Programs at a port of entry identified in §319.37–

14, shall be accompanied by a separate sheet of paper within the package plainly and correctly bearing the name, address, and telephone number of the intended recipient, and shall plainly and correctly bear on the outer container the following information:

- (1) General nature and quantity of the contents,
 - (2) Country and locality where grown,
 - (3) Name and address of shipper, owner, or person shipping or forwarding the article, and
 - (4) Number of written permit authorizing the importation, if one was issued.
- (c) Any restricted article for importation (by mail or otherwise, at the time of importation or offer for importation into the United States), shall be accompanied by an invoice or packing list indicating the contents of the shipment.

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 Forms 203 and 587 can be downloaded for completion and print at:

<http://www.aphis.usda.gov/library/forms/pdf/ppq203.pdf>

<http://www.aphis.usda.gov/library/forms/pdf/ppq 587.pdf>

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 needed to protect U.S. nursery stock and other plant resources from the potential introduction of plant pests into the United States. APHIS has determined ten 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.

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.

- **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 documents;**
- **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.

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.

Productive consultations concerning information collection activities were made in 2011 with the following individuals:

Conklyn's Florist and Conklyn's Hochstedt Florist
2100 Jefferson Davis hwy
Alexandria, VA 22301
1-800-497-1599

Craig Regelbrugge
American Nursery and Landscape Assoc.
1250 I St., NW
Suite 500
Washington, DC 20005
(202) 789-2900

Brent Heath
Brent and Becky's Bulbs
7900 Daffodil Lane
Gloucester, VA 23061
(877) 661-2852

On Thursday, December 2, 2010, 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.

- **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/exporters of nursery stock. APHIS estimates the total annualized cost to these respondents to be \$1,740.00. APHIS arrived at this figure by multiplying the total number of burden hours times the wage hourly rate. ($\$20.00 \times 87 \text{ hours} = \$1,740.00$).

These estimates were developed by using historical data through discussions with importers/exporters of nursery stock.

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 no 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 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 \$2,774.00.

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 +30 annual responses and +12 burden hours because three information collection activities (a) the Written Request to APHIS official for Permission to Move, Propagate, or Allow Propagation of a Regulated Article, (b) Permit for Restricted Articles, (c) Markings and Identify were previously accounted for under collection 0579-0049.

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 203 is used in 2 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 587 is used in 9 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 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.