

Revised March 22, 2011

Supporting Statement
Importation of Emerald Ash Borer Host Material from Canada
OMB NO. 0579-0319

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 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 into the United States or their dissemination within the United States.

The regulations in 7 CFR Part 319, “Foreign Quarantine Notices,” prohibit or restrict the importation of certain plants and plant products to prevent the introduction or dissemination of plant pests and noxious weeds into the United States.

The regulations contained in “Subpart-Nursery Stock, Plants, and 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 pests, and seeds for propagation.

The regulations in “Subpart-Logs, Lumber, and Other Unmanufactured Wood Articles” (§ 319.40-1 through 319.40-11, referred to as the regulations) are intended to mitigate the plant pest risk presented by the importation of logs, lumber, and other unmanufactured wood articles.

The Foreign Quarantine Notices regulations prohibit or restrict the importation of certain articles from Canada that present a risk of being infested with Emerald Ash Borer (EAB). This is necessary to prevent the artificial spread of plant pests from infested areas in Canada to noninfested areas of the United States and to prevent further introduction of plant pests into the United States.

The EAB, *Agrilus planipennis*, is a destructive wood-boring insect that attacks ash trees (*Fraxinus* spp., including green ash, white ash, and several horticultural varieties of ash). The insect, which is indigenous to Asia and known to occur in China, Korea, Japan, Mongolia, the Russian Far East, and Taiwan, eventually kills healthy ash trees after it bores beneath their bark and disrupts their vascular tissues.

APHIS is asking OMB to renew, for 3 additional years, these information collection activities associated with its efforts to prevent the introduction and spread of EAB, a wood-boring insect, into noninfested areas of 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 (foreign) - Ash wood chips or bark chips 1 inch (2.54 cm) or less in diameter that originate in an EAB- regulated county within a Province or Territory that is regulated for EAB by the Canadian Government require a permit (see PPQ 585 below) and must be accompanied by a phytosanitary certificate stating that the wood or bark chips in the shipment were ground to 1 inch (2.54 cm) or less in diameter in any two dimensions.

Application for Permit to Import Timber or Timber Products (PPQ 585) - Ash wood chips or bark chips that originate in a country not regulated for EAB within a Territory or Province regulated for EAB by the Canadian Government require a permit and must be accompanied by a certificate with an additional declaration stating that the articles in the shipment were produced/harvested in a country where EAB does not occur based on official surveys.

Certificate of Inspection - APHIS requires that some plants or plant products be accompanied by a phytosanitary inspection certificate that is completed by plant health officials in the originating or transiting country. APHIS uses the information on the certificate to determine the pest condition of the shipment at the time of inspection in the foreign country. This information is used as a guide to the intensity of the inspection APHIS conducts when the shipment arrives. Without this information, all shipments would need to be inspected very thoroughly, thereby requiring considerably more time. This would slow the clearance of international shipments.

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 Canada will automate its phytosanitary certificates.

The PPQ 585 is available and fillable on the APHIS website at www.aphis.usda.gov/library/forms/pdf/PPQ585.pdf

The Certificate of Inspection is a label which cannot be automated at this time.

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 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 introduction of EAB and other plant diseases. APHIS estimates 100 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 APHIS collected this information less frequently, EAB could damage ash trees and cause economic losses to nursery stock and the nursery industry.

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:

Michel-Antone Renaud
Flowers Canada, Ontario
45 Speedvale Ave, Unit 7
Guelph ON N141J2
1-800-698-0113, X223

Ben de Boer
Uxbridge Nurseries
8080 Badwin Street
Uxbridge
Ontario, Canada L9P 1M8
1-905-655-3379

Virginia Howe
Femlea Flowers Ltd.
1211 Highway #3
Delhi, Ontario
N4B 2W6 Canada
1-800-265-6789

On Tuesday, August 3, 2010, pages 45601-45602, 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.

There is no additional assurance of confidentiality 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.

See APHIS Form 71 for hour burden estimates.

. Provide estimates of annualized cost to respondents for the 4 hour burdens for collections of information, identifying and using appropriate wage rate categories.

4 X 27.75 = \$111.00.

\$27.75 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.t0s.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 to the Federal Government is \$ 138.00. (See APHIS Form 79.) Please note that APHIS listed an incorrect salary the last time this collection was approved and that mistake has now been corrected.

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

There is a small adjustment in this collection. An increase of 1 respondent resulted in 1 additional annual response and 1 additional hour of burden.

Previously, the program used the PPQ 587 (Application for Permit to Import Plants or Plant Products) to collect information for this collection. However, the PPQ 585 (Application for Permit to Import Timber or Timber Products) is now being used.

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.

The PPQ Form 585 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.

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.