October 2011

Supporting Statement for Information Collection Request
Importation of Dracaena Plants from Costa Rica
Docket No. APHIS-2011-0073
OMB No. 0579-XXXX

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 is proposing to amend the plants for planting regulations to provide conditions for the importation into the continental United States of Dracaena spp. plants from Costa Rica. These conditions would apply to plants less than 460 mm in length, which are currently allowed to be imported, and would also allow for the importation of plants over 460 mm and up to 1,371.6 mm in length, which are currently prohibited. As a condition of entry, Dracaena spp. plants from Costa Rica would have to be produced in accordance with integrated pest risk management measures that would include requirements for registration of places of production and packinghouses; a pest management plan; inspection for quarantine pests; sanitation; and traceability from place of production through the packing and export facility and to the port of entry into the United States. All Dracaena spp. plants from Costa Rica would also be required to be accompanied by a phytosanitary certificate with an additional declaration stating that all conditions for the importation of plants have been met and that the consignment of plants has been inspected and found free of quarantine pests. This action would allow for the importation of oversized Dracaena spp. plants from Costa Rica into the United States while continuing to provide protection against the introduction of quarantine pests.

APHIS is asking OMB to approve, for 3 years, the use of these information collection activities 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.

APHIS uses the following information activities to provide conditions for the importation into the continental United States of Dracaena spp. plants from Costa Rica.

Operational Workplan – The National Plant Protection Organization (NPPO) of Costa Rica must provide an operational workplan to APHIS that details the activities that the NPPO of Costa Rica will, subject to APHIS' approval of the workplan, carry out to meet the requirements of § 319.37-5(y)(2).

Phytosanitary Certificate – The phytosanitary certificate of inspection required by § 319.37-4 that accompanies each consignment of Dracaena spp. plants from Costa Rica must contain additional declarations that the plants in the consignment have been produced, packed, stored, and exported in accordance with the requirements of 7 CFR 319.375(y) and the operational workplan, and that the consignment has been inspected and found free of quarantine pests.

Participant Registration and Agreement – Persons in Costa Rica who produce, pack, or ship Dracaena spp.plants for export to the United States must: (1) be registered and approved by the NPPO of Costa Rica; and (2) enter into an agreement with the NPPO of Costa Rica whereby the persons agree to participate in and follow the export program for Dracaena spp. plants established by the NPPO of Costa Rica.

Facility Registration and Agreement – Production, packing, and export facilities must be approved and registered by the NPPO of Costa Rica. Registered packing facilities may only accept plants from registered production facilities where plants are grown in compliance with the requirements of this paragraph (y) and the operational workplan. The NPPO of Costa Rica will provide APHIS with access to the list of registered and approved facilities at least annually and when changes occur.

Training for Participant and Personnel – Participants and personnel at approved production, packing, and export facilities must be trained in the requirements stated in § 319.36-5(y) and the operational workplan. Training records must be maintained and made available to the NPPO of Costa Rica and APHIS on request.

Pest Management Program – Participants must establish a pest management program for all approved production, packing, and export facilities. Pest management plans must include field or facility scounting, monitoring, and control of target pests, and must be monitored and approved by the NPPO of Costa Rica and APHIS. Each approved facility must have a trained,

dedicated person to supervise the pest management program. Records of pest management activities must be maintained and made available to the NPPO of Costa Rica and APHIS upon request.

Inspections – Inspections undertaken in the export program for Dracaena spp. plants established by the NPPO of Costa Rica will include, but may not be limited to, the following: (1) Approved production, packing, and export facilities must be inspected by dedicated trained personnel at the approved facilities at least once weekly, and by the NPPO of Costa Rica at least once monthly. Inspection dates and results must be recorded and the records must be made available to APHIS on request. (2) Packing materials and shipping containers for the plants must be inspected and approved by APHIS to ensure that they do not introduce pests of concern to the plants. (3) The NPPO of Costa Rica will provide APHIS with access to the list of registered and approved facilities at least annually and when changes occur.

Traceability – Participants must establish a traceability system approved and audited by the NPPO of Costa Rica and APHIS. The identity and origin of the Dracaena spp. plants must be maintained from the production unit through the packing and export facilities and to the port of entry in the United States.

Recordkeeping – Participants must maintain records of program activities, including corrective measures, for a minimum of 3 years. Records must be available to the NPPO of Costa Rica and APHIS on request.

Detailed Report with Corrective Actions – A person who produces, packs, or ships Dracaena spp. plants may be reinstated, and that person's production sites may regain approved status, by requesting reapproval and submitting a detailed report describing the corrective actions taken by the person. Reapproval will only be granted upon concurrence from the NPPO of Costa Rica and APHIS.

Trust Fund – The government of Costa Rica must enter into a trust fund agreement with APHIS before each growing season. The government of Costa Rica or its designated representative is required to pay in advance all estimated costs that APHIS expects to incur through its involvement in overseeing the execution of § 319.37-5(y)(13). These costs will include administrative expenses incurred in conducting the services enumerated in § 319.37-5(y)(13) and all salaries (including overtime and the Federal share of employee benefits), travel expenses (including per diem expenses), and other incidental expenses incurred by the inspectors in performing these services. The government of Costa Rica or its designated representative is required to deposit a certified or cashier's check with APHIS for the amount of the costs estimated by APHIS. If the deposit is not sufficient to meet all costs incurred by APHIS, the agreement further requires the government of Costa Rica or its designated representative to deposit with APHIS a certified or cashier's check for the amount of the remaining cost, as determined by APHIS, before the services will be completed.

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 their forms and 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 80 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.

- **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.**

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 in 2011 are as follows:

Costa Nursery Farms, Inc.
22290 SW 162nd Ave.
Tigra Verde, San Jose, Costa Rica
922-5031-4596

B&K Cuttings
1251 Naperville Dr.
Obashe S.A.
San Jose, Costa Rica
922-5034-5525

Costa Verde Imports, Inc.
251 W. Lester Road, Exportadora Imperio Verde
Alajuela, Costa Rica
922-5032-0933

The proposed rule (Docket Number APHIS-2011-0073) will describe its information gathering requirements, and also provide a 60-day comment period. During this time, interested members of the public will have the opportunity to provide APHIS with their input concerning the usefulness, legitimacy, and merit of the information collection activities APHIS is proposing.

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. Any and all information obtained in this collection shall not be disclosed except in accordance with 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 through 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 and foreign officials. APHIS estimates the total annualized cost to these respondents to be $40,570.11. These estimates were developed by using historical data through discussions with APHIS, International Services, and PPQ Program Specialists. 1490 x 27.21 = 40,570.11

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 $ 11,736.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 831.

This is a new 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 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.