**February 2013**

**Supporting Statement for**
**Information Collection Request**
**Controlled Import Permits**
**Docket No. APHIS-2008-0055**
**OMB No. 0579-XXXX**

**COMMENT FILED:**
**Prior to publication of the final rule, the agency should provide to OMB a summary of all comments received on the proposed information collection and identify any changes made in response to these comments.**

APHIS received 8 comments during the comment period. They are discussed in Q. 8 and loaded in ROCIS.

## 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 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.

The regulations contained in 7 CFR parts 319, Foreign Quarantine Notices, prohibit or restrict the importation into the United States of certain plants and plant products to prevent plant pests and noxious weeds from being introduced into and spread within the United States. The regulations contained in 7 CFR parts 318, State of Hawaii and Territories Quarantine Notices, prohibit or restrict the interstate movement of fruits, vegetables, and other products from Hawaii, Puerto Rico, the U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Guam to the continental United States to prevent the spread of plant pests and noxious weeds.

Plant Protection and Quarantine (PPQ), a program within APHIS, is responsible for implementing the PPA, and does so through the enforcement of its regulations.

APHIS' final rule is amending the regulations concerning the importation of plants and plant products by establishing a new permit form entitled "controlled import permit" to replace some existing types of permits for the importation of plants and plant products.

APHIS is asking the Office of Budget and Management to approve, for 3 years, its use of these information collection activities associated with its efforts to prevent the spread of plant pests and plant diseases 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 import the plants and plant products by establishing the controlled import permit as a single type of authorization for the importation into the United States of otherwise prohibited or restricted plant material for experimental, therapeutic, or developmental purposes.

**Application for Controlled Import Permit (CIP), PPQ Form 588** – Application for a CIP may be obtained through all means currently available for obtaining an application for other types of permits to import regulated plant material. Applications for a CIP are available without charge from USDA, APHIS, PPQ, 4700 River Road, Unit 135, Riverdale, MD 20737-1236, or local offices of PPQ. Applications for a CIP may be submitted by fax, mail, or electronically and will be required to be submitted at least 60 days prior to arrival of the article at the port of entry.

The CIP is a written or electronically transmitted authorization issued by APHIS for the importation into the United States of otherwise prohibited or restricted plant material for analytical, experimental, therapeutic, or developmental purposes, under controlled conditions as prescribed by the Administrator.

The application for a CIP will be used in place of Departmental permits and other authorizations to allow the importation of otherwise prohibited articles or articles under different conditions than those found in the regulations.

The application for a CIP will contain the following information:

- Name, address in the United States, and contact information of the applicant; Identity (common and botanical [genus and species] names) of the plant material to be imported; country of origin and country shipped from;
- Intended experimental, therapeutic, or developmental purpose for the importation; and
- Intended ports of departure and entry; quantity of importation; means of conveyance; estimated date of arrival.

The Agency will submit a Nonsubstintive Change Action in ROCIS when the form is completed.

**Identification and Labeling of Plant Material** – The plant material imported under a CIP will be required to be identified and labeled as quarantined material to be used only in accordance with a valid CIP. A copy of the CIP and an invoice or packing list indicating the contents of the consignment will be required to accompany each consignment. All consignments will be required to be labeled as specified in the permit, and to bear a tag provided with the CIP.

**Inspection Report of what was Reported and Released** – Plant material will have to be maintained in a secure place and be under the supervision and control of the permit holder. During regular business hours, properly identified officials will inspect the plant material and the facility in which the plant material is maintained.

**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.**

The CIP will be accessed by applicants through ePermits or paper/fax. The CIP will replace Departmental Permits and will have the same options to apply for a permit. (See link for ePermits.) **http://www.aphis.usda.gov/permits/login_epermits.shtml**

**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 90 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 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 during 2011 are as follows:

Ms. Joyce Fingerut
Government Liaison and President

The American Rock Garden Society
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860-535-3067

Dr. Deborah Golino
CE Specialist  Director
Foundation Plant Services
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Dr. Marc F. Fuchs
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APHIS' **proposed** rule (APHIS-2008-0055) described its proposed information gathering requirements and also provided a 60-day comment period. During that time, APHIS received eight comments from interested members of the public. Two commenters agreed with the proposed regulation changes. One commenter had no relevant comments pertaining to the regulation and the other five questioned the short lifespan of a valid permit (1 year vs. 5 years), why multiple shipments could not be listed under a single permit, what constitutes an approved facility, if a permit could be transferred to another person, and if material held under a CIP could be commercialized once released from permit. None of these comments dealt with information collection issues.

**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.

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

Respondents are university professors and other "for profit" organizations. APHIS estimates the total annualized cost to these respondents to be $227,500. APHIS arrived at this figure by multiplying the total number of burden hours times the estimated hourly wage. ($35.00 X 6,500 hours = $227,500).

The estimated hourly rate was developed by using historical data through discussions between USDA Senior Import Specialists and the contacts in response to question 8.

**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 $9,383.

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

This is a new program.

**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.**

APHIS will include the expiration date on its 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.