

Supporting Statement for Information Collection Request  
Importation of Plants for Planting  
OMB No. 0579-0279

APRIL 2013

**On May 27, 2011, APHIS published in the Federal Register (76 FR 31172-31210, Docket No. APHIS-2006-0011 a final rule that changed the Nursery Stock regulations (7 CFR 319.37 through 319.37 through 319.37-14) to refer instead to “Plants for Planting.” As a result, the title for this information collection has been changed to “Importation of Plants for Planting.”**

**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 prohibit or restrict 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-Plants for Planting,” §§ 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.

These regulations are enforced by Plant Protection and Quarantine (PPQ), a program within USDA’s Animal and Plant Health Inspection Service (APHIS).

APHIS’ regulations on importing nursery stock eliminate various restrictions on the importation of kenaf seed to establish programs for the importation of approved plants from the Canary Islands and from Israel; to require an additional declaration of the phytosanitary certificate accompanying blueberry plants imported from Canada; to require that phytosanitary certificates include genus names of the restricted articles it accompanies, and the species’ names when restrictions apply to species within a genus; to change the phytosanitary certificate requirements for several restricted articles to reduce the postentry quarantine growing period for *Hydrangea* spp.; and to update the list of ports of entry and Federal plant inspection stations.

APHIS is asking OMB to approve, for 3 more 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 prevent the spread of plant pests and plant diseases from entering into the United States by reducing the postentry quarantine growing period for *Hydrangea* spp.; and to update the list of ports of entry and Federal plant inspection stations.

**Phytosanitary Certificate with Declaration (Foreign)** - A phytosanitary certificate with an additional declaration is required for *Pelargonium* spp plants from the Canary Islands to be grown under certain conditions, confirming that those growing conditions have been met for *Pelargonium* spp. plants and will minimize the risk that organisms such as *Helicoverpa armigera*, *Chrysodeixis chalcites* and *Syngrapha circumflexa* (syn. *Cornutiplusia circumflexa*) might enter the United States via the importation of these plants.

A phytosanitary certificate with an additional declaration is required for plants from Israel to be grown under certain conditions, confirming that those growing conditions have been met. Plants from Israel run the risk of harboring plant pests such as *Spodoptera littoralis* and other pests that could be introduced to the United States. Without control measures, *S. littoralis* could inflict heavy damage to both the yield and quality of U.S. cotton production.

**Grower Registration and Agreement (Business and Foreign)** - Persons in the Canary Islands who produce *Pelargonium* spp plants for export to the United States must be registered and approved by the National Plant Protection Organization (NPPO) of Spain; and enter into an agreement with the NPPO of Spain, whereby, the producer agrees to participate in and follow the export program for *Pelargonium* spp. plants established by the NPPO of Spain.

Persons in Israel who produce plants for export to the United States must be registered and approved by the NPPO of Israel; and enter into an agreement with the NPPO of Israel, whereby, the producer agrees to participate in and follow the export program for plants established by the NPPO of Israel.

**Production Site Registration for Export Program (Business and Foreign)** - Growers in the Canary Islands who produce *Pelargonium* spp. plants for export to the United States must meet the following requirements for inclusion in the export program for *Pelargonium* spp. plants established by the NPPO: *Pelargonium* spp. plants destined for export to the United States must be produced in a production site devoted solely to production of such plants. The production site must be registered with the NPPO and must employ safeguards agreed on by APHIS and the NPPO.

Growers in Israel who produce plants for export to the United States must meet the following requirements for inclusion in the export program for plants established by the NPPO of Israel. Plants destined for export to the United States must come from a production site devoted solely to production of such plants. The production sites in which such plants are produced must be registered with the NPPO of Israel.

**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 these 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 60 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 plants for planting do 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 2013 are as follows:

Leo Roozen, Chairman  
Society of American Florists  
1601 Duke St.,  
Alexandria, VA 22314  
360-424-5533

Joel Bischoff, Liaison  
American Nursery and Landscape  
1000 Vermont Ave., NW, 3<sup>rd</sup> Flr.  
Washington, DC 20005  
(202) 789-2900

CA Department of Food and Agriculture  
1220 N. St., Rm. A-316  
Sacramento, CA 95814  
(916) 654-0317

On Tuesday, June 18, 2013, pages 36506-36507, APHIS published in the Federal Register, a

60-day notice seeking public comments on its plans to request a 3-year approval of this collection of information. During that time no comments 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. 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, and other information collection requirements, and thorough 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. APHIS estimates the total annualized cost to these respondents to be \$10,062. These estimates were developed by using historical data through discussions with nursery owners.  $\$18.00 \times 559 \text{ hours} = \$10,062$ . The hourly wage was provided by foreign plant health authorities.

**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. These costs are estimated to be \$ 16,071.00 .

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

ICR Summary of Burden:

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	5,170	0	0	1,038	0	4,132
Annual Time Burden (Hr)	559	0	0	108	0	451
Annual Cost Burden (\$)	0	0	0	0	0	0

There is an adjustment increase of +8 respondents and +1,038 responses resulting in an increase of +108 total burden hours. This adjustment is due to an increase in importers.

**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.