

Supporting Statement
Phytosanitary Export Certification
OMB NO: 0579-0052

NOTE: This is a reinstatement of a previously approved information collection with change.

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 within the United States, and eradicating those imported pests when eradication is feasible. The Plant Protection Act (PPA) authorizes USDA to carry out this mission.

Section 418 of the PPA authorizes the Secretary of Agriculture to certify as to the freedom of plants, plant products, or biological control organisms from plant pests or noxious weeds, or the exposure of plants, plant products, or biological control organisms to plant pests or noxious weeds, according to phytosanitary or other requirements of the countries to which the plants, plant products, or biological control organisms may be exported. As such, APHIS provides export certification services to assure other countries that the plants and plant products they are receiving from the United States are free of plant diseases and insect pests.

The export certification regulations contained in Title 7 of the Code of Federal Regulations (CFR), Part 353 describes the procedures for obtaining certification for plants and plant products offered for export or re-export.

It should be noted that APHIS' regulations do not require that APHIS engage in export certification activities; however, APHIS performs this work as a service to exporters who are shipping plants or plant products to countries that require phytosanitary certification as a condition of entry.

APHIS is asking OMB to approve, for 3 years, the use of these information collection activities associated with its program to certify plants and plant products for export.

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 ensure that the plants or products being exported meet the requirements of the receiving country:

353.7 Application for Phytosanitary Inspection & Certification (PPQ Form 572 or Equivalent) (business) and Recordkeeping (State) - Anyone wishing to export domestic plants or plant products must request APHIS to perform a phytosanitary inspection to ensure that the plants or products meet the requirements of the receiving country. The exporter requests this service by completing and submitting an Application for Inspection and Certification (PPQ Form 572) or equivalent. The exporter completes the “Description of Consignment” section of this form before submitting it to appropriate PPQ personnel for further processing. One copy of each certificate shall be filed in the office of inspection at the port of certification, and one forwarded to the Administrator.

353.7 Federal Phytosanitary Certificate (PPQ Form 577) (State and County Government) - This form is completed by inspectors and certifies that the domestic plants or plant products described by exporters (via PPQ 572 or equivalent) have been inspected, according to appropriate procedures, are considered to be free from plant diseases and insect pests, and are considered to conform to the requirements of the receiving country. The original certificate shall immediately upon its issuance be delivered or mailed to the applicant or a person designated by the applicant.

Export Certificate for Processed Plant Products (PPQ Form 578) (County and State Government) - This form is completed by inspectors and designed to assist in the foreign marketing of processed and manufactured plant products not otherwise eligible for certification under the Phytosanitary Certificate (PPQ Form 577). This document affirms that processed or manufactured products described by the exporter (via PPQ 572 or equivalent) are believed to be free from injurious plant pests based upon inspection, or based upon the processing to which the products have been subjected. The original certificate shall immediately upon its issuance be delivered or mailed to the applicant or a person designated by the applicant.

Federal Phytosanitary Certificate for Reexport (PPQ Form 579) (County and State Government) - This form is completed by inspectors and is used to certify that the foreign plants or plant products described on the form were imported into the United States from a specified country of origin, were packed in the original containers, or were repacked in new ones. This form also certifies that, based on the country of origin’s phytosanitary certificate and/or an additional inspection, the plants or plant products are considered to conform to the current phytosanitary regulations of the receiving country and have not been subjected to the risk of infection or infestation during storage in the United States. The original certificate shall immediately upon its issuance be delivered or mailed to the applicant or a person designated by the applicant.

353.6 Memorandum of Understanding – Including the Time for the Inspector Training Program (State) - Agents may conduct phytosanitary field inspections of seed crops in cooperation with and on behalf of those State Plant Regulatory Agencies electing

to use agents and maintaining a Memorandum of Understanding with APHIS in accordance with the regulations. The MOU must state that agents shall be used in accordance with the regulations in this part. Inspections shall be performed by agents, inspectors, or employees of a State Plant Protection Agency who are authorized by the Agency to perform field inspections in accordance with this part and who have successfully completed annual training provided by the State Plant Regulatory Agency. The required training must include instruction in inspection procedures, identification of plant pests of quarantine importance to importing countries, methods of collection and submission of specimens (organisms and/or plants or plant parts) for identification, and preparation and submission of inspection report forms approved by the State Plant Regulatory Agency.

353.2 Request for APHIS to Negotiate with NPPOs for Industry-Issued Certificates/Documentation (business) – APHIS enters into a written agreement with industry to allow the issuance of industry-issued certificates giving assurance that a plant product has been handled, processed, or inspected in a manner required by a foreign government. An industry-issued certificate includes an ISMP 15 quality/treatment mark.

353.2, 353.7 Memorandum of Understanding (Including Termination of Agreement) with Industry for Inspection and Use of ISPM 15 (business) – In each written agreement, APHIS agrees to facilitate the issuance of industry-issued certificates and to monitor activities and concerns regarding compliance. Each agreement shall specify the articles subject to the agreement and any measures necessary to prevent the introduction and dissemination into specified foreign countries of specified injurious plant pests. An agreement may be terminated by any signatory to the agreement by giving written notice of termination to the other party. The effective date of the termination will be 15 days after the date of actual receipt of the written notice. Any agreement may be immediately withdrawn by the Administrator if he or she determines that articles covered by the agreement were moved in violation of any requirement or provision of the agreement.

353.2, 353.7 ISPM 15 Mark (business) – An industry-issued certificate includes an ISMP 15 quality/treatment mark. The certificate may be issued by the individual who signs the agreement or his/her delegate. An industry-issued certificate, under the terms of a written agreement between APHIS and an agricultural or forestry company or association, gives assurance that a plant product has been handled, processed, or inspected in a manner required by a foreign government.

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 Form 572 (Application for Inspection and Certification) – This form and instruction sheet are downloadable at: www.aphis.gov/ppq/pim/exports/certificates&forms.htm

PPQ Form 577 (Phytosanitary Certificate) – This form is posted at: www.aphis.usda.gov/ppq/pim/exports/certificates&forms.htm and will be for viewing purposes only. It will not be automated because it is an accountable document requiring original signature.

PPQ Form 578 (Export Certificate for Processed Plant Products) – This form is posted at www.aphis.usda.gov/ppq/pim/exports/certificates&forms.htm and will be for viewing purposes only. It will not be automated because it is an accountable document requiring original signature.

PPQ Form 579 (Phytosanitary Certificate for Reexport) – This form is posted at: www.aphis.usda.gov/ppq/pim/exports/certificates&forms.htm and will be for viewing purposes only. It will not be automated because it is an accountable document requiring original signature.

In addition, APHIS is involved with the Government-wide utilization of the International Trade Data System (ITDS) via the Automated Commercial Environment (ACE) to improve business operations and further Agency missions. This will allow respondents to submit the data required by U.S. Customs and Border Protection and its Partner Government Agencies (PGAs), such as APHIS to import and export cargo through a Single Window concept. APHIS is also establishing a system known as e-File for CARPOL (Certification, Accreditation, Registration, Permitting, and Other Licensing) activities. This new system will strive to automate some of these information collection activities. The system is still being developed and business processes continue to be identified and mapped.

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 that APHIS collects is exclusive to its mission of providing export certification services to exporters of plants and/or plant products. This 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.

APHIS estimates that 30 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.

Failure to provide this service would have a devastating impact on many United States exporters who would no longer be able to engage in the business of exporting plants or plant products overseas thus disrupting world trade.

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.

The following individuals were consulted regarding this program:

American Seed Trade Association
Ms. Jane DeMarchi, Vice President
Government and Regulatory Affairs
1701 Duke Street, Suite 275,
Alexandria, Virginia 22314-2875
703-837-8140

Mallory Alexander International Logistics
James McKenna
4294 Swinnea Rd.
Memphis, Tennessee 36118
901-383-5102

Classic American Hardwoods, Incorporated
Doug Johnson
1245 N.7th St.
Memphis, Tennessee 38107
901-522-9663

On Tuesday, November 3, 2015, pages 67698-67699, 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.

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 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 burden estimates.

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

The estimated annualized cost to respondents totaled \$10,359,356 and was determined by multiplying the total number of burden hours (369,977) times the estimated hourly wage (\$28.00). (369,977 burden hours X \$28.00 estimated hourly wage = \$10,359,356)

The estimated hourly rate of \$28.00 was derived from the most recent U.S. Department of Labor, Bureau of Labor Statistics Report – Occupational Employment and Wages in the United States at <http://www.bls.gov/news.release/pdf/ocwage.pdf>.

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 \$ 16,958,667 (see APHIS Form 79).

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

This reinstatement is a program change of +9,101 respondents, +56,015,610 responses, and +369,977 burden hours.

The following burden was inadvertently omitted from the last renewal but is now captured in this reinstatement: (1) Application for Phytosanitary Inspection and Certification Recordkeeping (State); (2) Federal Phytosanitary Certificate (PPQ 577) (County Agencies); (3) Export Certificate for Processed Plant Products (County Agencies); (4) Federal Phytosanitary Certificate for Reexport (County Agencies); (5) Memorandum of Understanding Including the Inspector Training Program (County and State Agencies); (6) Request for APHIS to Negotiate with NPPOs for Industry-Issued Certificates and Documentation (businesses and foreign government); and (7) Applying ISPM Mark (businesses).

In addition, after careful review of the information collection requirements associate with this program, the number of respondents has decreased in many of the original entries due to more accurate agency estimates.

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 it is collecting.

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 has no plans to seek approval for not displaying the OMB expiration date on the PPQ Form PPQ 572 in this collection. However, the PPQ Form 577, 578, and 579 are used in more than one collection; 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 those three forms.

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 under the Act.

B. Collections of Information Employing Statistical Methods.

Statistical methods are not used in this information collection.