

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

**March 2017**

**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 (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, 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, *Agilus 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 an additional 3 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.**

APHIS uses the following information collection activities to prohibit or restrict the importation of certain articles from Canada that present a risk of being infested with Emerald Ash Borer.

**Phytosanitary Certificate (Foreign Government and Business) 7CFR 319.37-4** - Ash wood chips or bark chips 1 inch (2.54 cm) or less in diameter that originate in an EAB- regulated country within a Province or Territory that is regulated for EAB by the Canadian Government require a permit 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 Form 585) (Business) 7CFR 319.37-4 and 319.40-2(a)** - 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 and Grower Labels (Foreign Government and Business) 7CFR 319.37-4 and 319.40-(a)(2)** - APHIS requires that some plants or plant products be accompanied by a phytosanitary inspection certificate that is completed by plant health officials from Canada. 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.

**Notice of Arrival (PPQ Form 368) (Business) 7CFR 319.37-3(b)** - An application for a written permit should be submitted to the APHIS at least 30 days prior to the arrival of the article at the port of entry. The completed application must contain the following information: (1) name, address, and telephone number of the importer; (2) approximate quantity and kinds (botanical designations) of articles intended to be imported; (3) country/countries or locality/localities where grown; (4) intended United States port of entry; (5) means of transportation (e.g., mail, airmail, express, air express, freight, airfreight, or baggage; and (6) expected date of arrival.

**Emergency Action Notification (PPQ Form 523) (Business) 7CFR 319.37-3(c)** - This form is used when an emergency action must be taken on a shipment which allows Customs and Border Patrol (CBP) and/or APHIS to communicate the need for specific action on a shipment to interested parties. A permit indicating the applicable conditions for importation will be issued by APHIS if, after review of the application, the articles are deemed eligible to be imported into the United States under the conditions specified in the permit. However, even if such a permit is issued, the regulated article may be imported only if all applicable requirements of this subpart are met and only if an inspector at the port of entry determines that no remedial measures pursuant to the Plant Protection Act are necessary with respect to the regulated article.

**Greenhouse Agreement (Foreign Government and Business) 7CFR 319.37-4(c)** - With the exception of *Fraxinus* spp. (ash) plants, a greenhouse-grown restricted plant may be imported from Canada if the Plant Health and Production Division of the Canadian Food Inspection Agency (CFIA) signs a written agreement with APHIS allowing such importation, and provided that the following conditions are met: (i) Eliminate individual inspections and phytosanitary certification of each shipment of articles exported in accordance with this section; (ii) Enter into written agreements with, and assign a unique identification number to, each greenhouse grower participating in the greenhouse program; (iii) Inspect greenhouses and the plants being grown in them using inspection methods and schedules approved by PPQ to ensure that the criteria of this subsection are met; (iv) Issue labels to each grower participating in the program. The labels issued to each grower shall bear a unique number identifying that grower, and shall bear the following statement: “This shipment of greenhouse-grown plants meets the import requirements of the United States, and is believed to be free from injurious plant pests. Issued by Plant Health and Production Division, Canadian Food Inspection Agency.” The Plant Health and Production Division, CFIA, shall also ensure that the label is placed on the airway bill, bill of lading, or delivery ticket accompanying each shipment of articles; and (v) Ensure that only plants that are not excluded shipment by the criteria of this subsection are shipped.

**Records of Kinds and Quantities of Plants Grown and Inspection (Foreign Government and Business) 7CFR 319.37-4(c)(2)(i)** - Each greenhouse grower participating in the program shall enter into an agreement with the Plant Health and Production Division, CFIA, in which the grower agrees to maintain records of the kinds and quantities of plants grown in their greenhouses, including the date of receipt and place of origin of the plants; they must keep the records for at least 1 year after the plants are shipped to the United States; and make the records available for review and copying upon request by either the Plant Health and Production Division, CFIA, or an authorized representative of the Secretary of Agriculture.

**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 PPQ Form 585 is automated and fillable on the APHIS website at <https://www.aphis.usda.gov/library/forms/pdf/PPQ585.pdf>

The PPQ Form 368 is also automated and fillable on the APHIS website at <https://www.aphis.usda.gov/library/forms/pdf/PPQ368.pdf>

The PPQ Form 523 is not automated at this time because some grove and nursery owners do not have access to the technology needed to electronically access and transmit the form. In addition, an original signature is required.

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

APHIS has no control or influence over when Canada will automate its phytosanitary certificates.

However, 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), 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 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 95 percent of the business 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;**

The PPQ Form 368, Notice of Arrival, should be submitted to APHIS at least 30 days prior to the arrival of the article at the port of entry.

- **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 other 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.**

APHIS consulted with the following individuals about information collection activities related to this program:

Ian Vermeer, President  
Westbrook Greenhouses  
Flowers Canada, Ontario  
45 Speedvale Ave, Unit 7  
Guelph ON N141J2  
1-800-698-0113, X220

Brian Hingston  
Uxbridge Nurseries  
8080 Badwin Street  
Uxbridge  
Ontario, Canada L9P 1M8  
1-905-655-3379  
Email: [sales@uxbridgenurseries.com](mailto:sales@uxbridgenurseries.com)

Fiona Longtin  
Fernlea Flowers Ltd.  
1211 Highway #3  
Delhi, Ontario  
N4B 2W6 Canada  
1-800-265-6789  
Email: fional@fernlea.com

On Wednesday, January 18, 2017, pages 5526-5527, 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 were received from the public.

**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 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 hour burdens for collections of information, identifying and using appropriate wage rate categories.**

The estimated annualized cost to respondents totaled \$1,289.45. This was calculated by multiplying the estimated hourly wage (\$31.45) X the number of burden hours for this collection (41 hours).

41 hours X \$31.45 estimated hourly wage = \$1,289.45 estimated annualized cost to respondents  
 The hourly rate was derived from conversations with APHIS' International Services Specialists and the Canadian Attache.

**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 \$559.00. (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.**

ICR Summary of Burden:						
N	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	116	0	110	0	0	6
Annual Time Burden (Hr)	41	0	37	0	0	4
Annual Cost Burden (\$)	0	0	0	0	0	0

There is a program change increase of +110 responses resulting in an increase of +37 total burden hours. The increase is due to APHIS now accounting for burden of: (1) Phytosanitary Certificates (Business); (2) Certificate of Inspection (Foreign Government); (3) Notice of Arrival - PPQ Form 368 (Business); (4) Emergency Action Notification - PPQ Form 523 (Business); (5) Greenhouse Agreement (Foreign Government); (6) Greenhouse Agreement (Business); (7) Records of Kinds and Quantities of Plants Grown/Inspection (Foreign Government); and (8) Records of Kinds and

Quantities of Plants Grown/Inspection (Business). These were erroneously omitted from the previous collection and are now being reported as a violation.

**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 523, PPQ Form 368, and PPQ Form 585 are all used in multiple information collections; therefore, it is not practical to include an OMB expiration date because of the various expiration dates for each information collection. APHIS is seeking approval to not display the OMB expiration date on this 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 in the Act.

**B. Collections of Information Employing Statistical Methods.**

Statistical methods are not used in this information collection.