

Supporting Statement
Phytosanitary Export Certification
OMB NO: 0579-0052

April 2020

TERMS OF CLEARANCE: When this ICR is renewed, please revise the estimates to take into account the use of improved information systems, such as ITDS.

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 also uses a system known as e-File for CARPOL (Certification, Accreditation, Registration, Permitting, and Other Licensing) activities. These systems automate some of these information collection activities.

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:

Application for Phytosanitary Inspection & Certification (PPQ Form 572 or Equivalent) (business) and Recordkeeping (State) - 7 CFR 353.7

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.

Federal Phytosanitary Certificate (PPQ Form 577) (State and County Government) 7 CFR 353.7

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) - 7 CFR 353.7

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.

7CFR 353.7 Federal Phytosanitary Certificate for Reexport (PPQ Form 579) (County and State Government) - 7 CFR 353.7

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.

Memorandum of Understanding - Including the Time for the Inspector Training Program (State) - 7 CFR 353.6

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.

Request for APHIS to Negotiate with NPPOs for Industry-Issued Certificates /Documentation (business) - 7 CFR 353.2

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.

Memorandum of Understanding (Including Termination of Agreement) with Industry for Inspection and Use of ISPM 15 (business) - 7 CFR 353.2, 353.7

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.

ISPM 15 Mark (business) - 7 CFR 353.2, 353.7

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: <https://www.aphis.usda.gov/library/forms/pdf/ppq572.pdf>

PPQ Form 577 (Phytosanitary Certificate) – This form is posted at: <https://www.aphis.usda.gov/library/forms/pdf/ppq577.pdf> 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 <https://www.aphis.usda.gov/library/forms/pdf/PPQ578.pdf> 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: <https://www.aphis.usda.gov/library/forms/pdf/ppq579.pdf> 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 uses a system known as e-File for CARPOL (Certification, Accreditation, Registration, Permitting, and Other Licensing) activities. This system automates some of these information collection activities.

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 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.

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 information collection activities. The respondents felt that the paperwork requirements were reasonable considering the work that goes into exporting goods and APHIS' help with the process. The forms are not difficult to fill out and the time it takes is relative to how much is being exported, so the respondents felt that's just part of how it works.

Independent Professional Seed Association
Tim Bratland, President, Legend Seeds
12 W Dickson Street #1488
Fayetteville, AR 72701
Phone: 870.336.0777

Gallagher Transport Customs and Logistics
Thomas Minor
4700 Oakland Street, Suite 140
Denver, CO 80239
Phone: [303-365-1000](tel:303-365-1000)

American Hardwood Export Council
Tripp Pryor, International Program Director
42777 Trade West Drive
Sterling, VA 20166
703-435-2900 ext 115 (Tripp),
tpryor@ahec.org

On Tuesday, DEC 3, 2019, pages 66148-66149, Vol. 84, No. 232, 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. One comment was received from the public. This comment was received from the National Cotton Council of America (NCC), and they commented on how the Phytosanitary Certificate process affect the cotton industry. The NCC supports APHIS request to continue these information collection activities.

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 stature, regulation, or agency policy.

PPQ handles Confidential Business Information (CBI) in accordance with the standards of its Systems of Records Notice (SORN) as a means to protect proprietary information of businesses. PPQ has established a Phytosanitary Certificate Issuance and Tracking system (PCIT) Systems of Records Notice (SORN) that defines PPQ's responsibilities to protect personally identifiable information of its stakeholders. The confidentiality of information is protected under 5 U.S.C. 552a.

SORN: Privacy Act Systems of Records; Phytosanitary Certificate Issuance and Tracking System
Federal Register, Monday, June 24, 2013, Volume 78 Issue 121, Pages 37775-37777

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.

APHIS estimates the total annual cost to these respondents to be \$12,298,693.30. APHIS arrived at this figure by multiplying the hours of estimated response time (412,985 hours) by the estimated average hourly wage of the above respondents (\$29.78) and then multiplying the result (\$12,298,693.30) by 1.4706 to capture benefit costs = **\$18,086,458.37**.

The estimated hourly rate of \$29.78 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 \$20,639,859.56 (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.

	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	56,019,465	0	0	3,855	0	56,015,610
Annual Time Burden (Hr)	412,986	0	0	43,009	0	369,977
Annual Cost Burden (\$)	0	0	0	0	0	0

There is an adjustment increase of +1 respondent and +3,855 responses resulting in an increase of +43,009 burden hours. There is an additional county added to the respondents that was inadvertently omitted from the last renewal, increasing from 57 to 58 county respondents.

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.