

September 2017

Supporting Statement
Importation of Orchids in Growing Media
From the Republic of Korea into the Continental United States
Docket No. APHIS-2015-0091
OMB No. 0579-0454

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, 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. The Plant Protection Act authorizes the Department to carry out its mission.

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 Title 7, Code of Federal Regulations (CFR), Part 319, prohibit or restrict the importation into the United States of certain plants and plant products to prevent the introduction of plant pests and noxious weeds. The regulations in “Subpart –Plants for Planting,” §§ 319.37 (referred to as the regulations) contain, among other things, prohibitions and restrictions on the importation of plants, plant parts, and seeds for propagation.

APHIS is amending the regulations governing the importation of plants for planting to add orchid plants of the genera Phalaenopsis and Cymbidium from the Republic of Korea to the list of plants that may be imported into the United States in an approved growing medium, subject to specified growing, inspection, and certification requirements. We are taking this action in response to a request from the Republic of Korea and after determining that plants could be imported under certain conditions, without resulting in the introduction into, or the dissemination within, the United States of a plant pest or noxious weed. This will allow for the importation of orchids in approved growing media from the Republic of Korea into the United States, while providing protection against the introduction of plant pests.

APHIS is asking OMB to approve, for 3 years, its use of these information collection activities, associated with its efforts to prevent the spread of plant pests and noxious weeds 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 collection activities to ensure that orchids in growing media from the Republic of Korea adhere to the regulations by having phytosanitary certificates and written agreements issued.

319.37-8(e) Phytosanitary Certificate (Business) (Foreign Government) - A restricted article of any listed plants may be imported if established in an approved growing medium listed in this regulation if the restricted article meets the conditions and is accompanied by a phytosanitary certificate issued by the National Plant Protection Organization (NPPO) of the Republic of Korea in which the restricted article was grown that declares the restricted article meets the conditions of this regulation.

319.37-8(e)(2) Written Agreement (Foreign Government) - Articles imported under this regulation must be grown in compliance with a written agreement for enforcement, signed by the NPPO of the Republic of Korea where grown, and must be developed from mother stock that was inspected and found free from evidence of quarantine pests by an APHIS inspector or foreign plant protection service inspector no more than 60 days prior to the time the article is established in the greenhouse (except for articles developed from seeds germinated in the greenhouse).

319.37-8(e)(2)(i) Written Agreement (Business) – Articles imported under this regulation must be grown in compliance with a written agreement between the grower/business and the NPPO of the Republic of Korea, in which the grower agrees to comply with the provisions of this section and to allow inspectors and representatives of the plant protection service of the Republic of Korea access to the growing facility as necessary to monitor compliance with the provisions of this section.

319.37-8(e)(2)(viii) Inspections (Business) (Foreign Government) – The NPPO of the Republic of Korea or an APHIS inspector conducts inspections of businesses/greenhouses to certify they are free from evidence of quarantine pests. The inspections are no more than 30 days prior to the date of export to the United States.

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 considerations of using information technology to reduce burden.

APHIS has no control or influence over when foreign countries will automate their 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), 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 of the purpose described in item 2 above.

The information APHIS collects is exclusive to its mission of preventing the spread of plant pests and noxious weeds and 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 destructive plant pests while increasing the number and variety of fruits and vegetables that can be imported from other countries. APHIS has determined that 70 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.

Failing to collect this information would cripple APHIS' ability to ensure that orchids in growing media from the Republic of Korea are not carrying plant pests or noxious weeds. If plant pests or noxious weeds were introduced into the United States, growers would suffer hundreds of millions of dollars in losses .

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;**

Inspections of greenhouses for plant pests must occur no more than 30 days prior to import into the United States.

- **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 other 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 collection of information:

Odom's Orchids
 1611 S. Jenkins Rd.
 Ft. Pierce, FL. 34947
 Phone: 772-467-1386

Choi Sung Eun, Director
 Goyang Orchid Farming Union
 36-23, Yeongsim-gil, Ilsandong-gu, Goyang-city
 Gyonggi-do, Korea
 Phone: +82-31-908-7642

Chow Mang Fuk, Ulsan Nongso Wild Flower Center
 827-3, Jungsan-dong, Buk-gu,
 Ulsan metropolitan city, Korea
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APHIS' proposed rule, Docket Number APHIS-2015-0091, was published in the Federal Register on August 12, 2016, with a 60-day comment period. During this time, five comments were received by interested parties. One commenter asked if regulations provided compensation to stakeholders if proposed safeguards are ineffective and result in loss. One commenter was concerned about the possible introduction of *Spodoptera litura*. One commenter had comments on the environmental assessment. One commenter stated that inspection 30 days prior to export is inadequate to insure plants are free from plant pests, and APHIS responded by saying the requirements of the operational work plan are verified by the NPPO. One commenter was concerned of the increase in competition with U.S. orchid growers. A few commenters suggested APHIS do more to support the U.S. orchid industry by negotiating with foreign governments to simplify and expedite the export process. One commenter asked APHIS to implement testing for viruses often carried by orchids. All comments are addressed in the final rule. For reasons given in the proposed rule and the final rule, the proposed rule is being adopted as the final rule, without change.

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.

APHIS implements Confidential Business Information (CBI) policy and procedures to ensure claims are reviewed in accordance with the Freedom of Information Act (FOIA), exemption 4 (5 U.S.C 552(b)(4)). CBI is protected from mandatory public disclosure under this Act. Any and all information obtained in this collection shall not be disclosed except in accordance with 5 U.S.C. 552.

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 asks no questions of a personal or sensitive nature.

12. Provide estimates of 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.

APHIS estimates the total annualized cost to the respondents to be \$6,148. APHIS arrived at this figure by multiplying the total burden hours (232) by the estimated average hourly wage of the respondents (\$26.50.). This estimated hourly wage was derived from the APHIS International Services attache' located in the Republic of Korea. 232 hours X \$26.50 estimated hourly wage = \$6,148.

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 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 the capital and start-up cost, 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.

The estimated cost to the Federal Government is \$3,761. (See APHIS Form 79.)

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-1.

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.

There are no USDA forms associated with 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 under the Act.

B. Collections of Information Employing Statistical Methods.

Statistical methods are not used in this information collection.