

Supporting Statement
Importation of Plants for Planting; Establishing a Category for Plants for Planting
Not Authorized for Importation Pending Pest Risk Analysis
OMB No. 0579-0380

January 2018

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Under the Plant Protection Act (7 U.S.C. 7701 – *et seq.*), the Secretary of Agriculture is authorized to take such actions as may be necessary to prevent the introduction and spread of plant pests and noxious weeds within the United States. The Secretary has delegated this responsibility to the Administrator of APHIS.

The regulations contained in "Subpart-Plants for Planting" (7 CFR 319.37 through 319.37-14) prohibit or restrict, among other things, the importation of living plants, plant parts, and seeds for propagation. These regulations are intended to ensure that imported plants for planting do not serve as a host for plant pests, such as insects or pathogens that can cause damage to U.S. agricultural and environmental resources.

In accordance with § 319.37-2a, the importation of certain taxa of plants for planting poses a risk of introducing quarantine pests into the United States. Therefore, the importation of these taxa is not authorized pending the completion of a pest risk analysis, except as provided in the regulations. Requests to remove a taxa from the category of plants for planting whose importation is not authorized pending the completion of a pest risk analysis must be made in accordance with § 319.5. The submission of requests contains information collection activities, including information about the party making the request, information about the commodity proposed for importation into the United States, shipping information, a description of the pests and diseases associated with the commodity, current practices for risk mitigation or management, and any additional information listed in § 319.5 that may be necessary for APHIS to complete a pest risk analysis.

APHIS' regulations are set to establish new categories of regulated articles governing the importation of nursery stock, also known as plants for planting. This category lists taxa for plants for planting whose importation is not authorized pending pest risk analysis.

APHIS is asking OMB to approve, for an additional 3 years, the use of this information collection activity 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.

Submission of Information from National Plant Protection Organization (NPPO) before the Pest Risk Assessment (PRA) is prepared (Foreign and Business) - 7CFR 319.5(a)(1)

Before the PRA can be prepared, the following information can be submitted to APHIS via email, fax, or mail: (1) a description and/or map of the specific location(s) of the areas in the exporting country where the plant, plant parts, or plant products are produced; (2) the scientific name (including genus, species, and author names) and taxonomic classification of arthropods, fungi, bacteria, nematodes, viruses, viroids, mollusks, phytoplasmas, spiroplasmas, etc., attacking the crop; and (3) the plant part attacked by each pest, pest life stages associated with plant part attacked, and location of pest (in, on, or with commodity).

APHIS needs this information in order to evaluate all the pests that could be associated with a taxon. While a plant taxon may be added to the NAPPPRA category based on evidence that it is a host of a quarantine pest, there may be additional quarantine pests for which the taxon can serve as a host, and it may also be a quarantine pest itself.

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 information needed can be submitted to APHIS via email, fax, or mail at this time.

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. There are no small entities or small businesses are negatively impacted by the information collection request.

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 would not be able to effectively evaluate the spread of plant pest. The introduction of plant pests into the United States could cause billions of dollars in 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.

APHIS consulted with the following entities regarding the establishing a category for plants for planting not authorized for importation pending pest risk analysis:

Shawn McBurney
Society of American Florists
Director of Government Relations
1001 North Fairfax Street, Suite 201
Alexandria, VA 22314
800-336-4743

Bob Dickman
Dickman Farms
American Hort
1000 Vermont Ave., NW. 3rd Flr.
Washington, DC 20005
202-789-2900

Joyce Fingerut
Government Liaison
Seed Exchange
North American Rock Garden Society
537 Taugwork Road
Stonington, CT 06378-1805
860-535-3067

On Monday, October 30, 2017, page 50117, APHIS published in the Federal Register, a 60-day notice seeking public comments on APHIS' plans to request a 3-year extension of this collection of information. During that time, APHIS received one comment about how wind-power turbines are bad for U.S. Farmers by killing the number of bats. This comment has no relevance to this information collection.

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, and through 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 foreign officials and importers of nursery stock. APHIS estimates the total annualized cost to these respondents to be \$2,500.00. $\$50.00 \times 50 \text{ hours} = \$2,500.00$. The respondent salaries are estimated by International Services attaches stationed around the world and historical data.

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 annualized cost to the Federal Government. This cost is based on the estimated average time required to review the information submitted and fulfill regulatory obligations. These costs are estimated to be \$3,916.00

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:

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	16 5366	0	0	11	0 0	5
Annual Time Burden (Hr)	50	0	0	22	0 0	28
Annual Cost Burden (\$)	0 0	0	0	0	0 0	0

There is an increase adjustment of +11 respondents and +11 responses resulting in an increase of +22 burden hours. This increase is due to more businesses reporting.

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 being collected; however, APHIS will publish Federal Register Notices or other documents required to inform the public of import requirements.

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 in the Act.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.