

**SUPPORTING STATEMENT
IMPORTATION OF SMALL LOTS OF SEED
WITHOUT PHYTOSANITARY CERTIFICATES
OMB NO. 0579-0285**

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) has Federal responsibility for preventing plant pests and noxious weeds from entering the United States, preventing the spread of pests and weeds not widely distributed in the United States, and eradicating imported pests and weeds when feasible. The Plant Protection Act (PPA) (Title IV, Public Law 106-224, 114 Statute 438, 7 U.S.C. 7701-et seq) grants the Secretary of Agriculture authority to prohibit or restrict the importation, entry, or movement of plants and plant pests when such actions prevent the introduction or dissemination of plant pests into the country.

The regulations in 7 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 into the country. Section 319.37 (hereon referred to as the regulations) prohibit or restrict, among other things, the importation of living plants, plant parts, and seeds for propagation. The nursery stock regulations allow the importation of small lots of seed under an import permit with specific conditions as an alternative to the phytosanitary certificate requirement that may be difficult to fulfill by importers of small lots of seed such as individuals, scientists, horticultural societies, arboreta, and small businesses.

APHIS is asking the Office of Management and Budget (OMB) to approve for an additional 3 years the use of these information collection activities associated with its effort to prevent the spread of plant pests and diseases into the continental 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 for the importation of small lots of seed under an import permit with specific conditions as an alternative to the phytosanitary certificate requirement.

Application for Permit to Import Plants or Plant Products (PPQ Form 587); (7 CFR 319.37-5(a)); (Business, Individual)

Small lots of seed may be imported or offered for importation into the United States under the regulations only after issuance of a written permit by the APHIS Plant Protection and Quarantine Program. A copy of the issued permit must accompany the articles being shipped. A request for permit is submitted using PPQ Form 587 and must include contact information such as name, address, and telephone number of the importer; the taxon or taxa and approximate quantity of seeds intended to be imported; the country of origin; the intended United States port of entry; the intended means of importation (e.g., mail, airmail, express, air express, freight, airfreight, or baggage); and expected date of arrival. The application should be submitted to the USDA at least 30 days prior to arrival of the shipment at the port of entry. Permits are valid for 3 years.

Labeling and Marking; (7 CFR 319.37-6(b)(3), .37-7(a)); (Business, Individual) (Third Party Notification)

Each seed packet must be clearly labeled with the name of the collector/shipper, the country of origin, and the scientific name at least to the genus, and preferably to the species, level. Containers of seed packets must clearly display on the outside the following information:

- General nature and quantity of the contents,
- Country and locality where grown,
- Name and address of shipper, owner, or person shipping or forwarding the article,
- Name and address of consignee. Lots of seed being imported by mail must be plainly and correctly addressed and mailed to the USDA Plant Germplasm Quarantine Center in Beltsville, MD, or a USDA plant inspection station.
- Identifying shipper's mark and number, and
- Number of written permit authorizing the importation if one was issued.

Lots of seed being imported by mail must also be accompanied by a separate sheet of paper within the package plainly and correctly bearing the name, address, and telephone number of the intended recipient.

Arrival Notification (PPQ Form 368 or equivalent); (7 CFR 319.37-8(b)); (Business, Individual) (New)

Promptly upon a shipment's arrival at the port of entry, the importer shall notify the Plant Protection and Quarantine Programs of the arrival by such means as a manifest, Customs entry document, commercial invoice, waybill, a broker's document, or a notice form provided for that purpose. The notification facilitates the scheduling of port inspection activities.

Emergency Action Notification (PPQ Form 523); (7 CFR 319.37-8(d)); (Business, Individual) (New)

If a single plant pest in any stage of development is found within a shipment, the consignment will be held by port officials until an investigation is completed and appropriate remedial actions implemented. Federal inspectors will complete PPQ Form 523, Emergency Action Notification, and send it to the importer for signature and decision on remedial quarantine action.

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 Notice of Arrival (PPQ Form 368) and Application for Permit to Import Plants or Plant Products (PPQ Form 587) may be completed online by e-Permits account holders at website https://www.aphis.usda.gov/aphis/resources/permits/sa_plants/ct_ppq_epermits. Fillable versions of the forms also may be obtained from the APHIS forms website at https://www.aphis.usda.gov/aphis/resources/forms/ct_ppq_forms and then faxed or emailed to APHIS. Users also may obtain more information about the forms by visiting the PPQ permit information webpage at https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/permits/plants-and-plant-products-permits/ct_plantproducts.

The Emergency Action Notification (PPQ Form 523) is initiated by Federal officials. APHIS works closely with CBP and 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. ITDS will allow respondents to submit data required by U.S. CBP and its Partner Government Agencies (PGAs) to import and export cargo through a Single Window concept. APHIS is also developing a system known as e-File for CARPOL (Certification, Accreditation, Registration, Permitting, and Other Licensing) activities. It is still under development and will strive to efficiently automate 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 APHIS collects is exclusive to its mission of preventing the introduction of plant pests and plant disease 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 collected for this program is the minimum needed to protect the United States nursery stock and other plant resources from the potential introduction of plant pest and plant diseases into the country. APHIS estimates 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.

If APHIS did not collect this information or if this information was collected less frequently, APHIS could not verify that imported seeds do not present significant risk of introducing plant pests and plant disease into the United States. The establishment of certain plant pests in the United States could result in substantial physical and economic losses to American agriculture.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information 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;**

An Emergency Action Notice (PPQ Form 523) may be issued by a Federal official to a broker, shipper, market owner, or other stakeholder responsible for a certain consignment being quarantined. The form describes the reasons for quarantine and basic explanations of required remedial actions. The recipient normally has 48 hours to decide on actions to be taken and seven days to complete them.

- **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 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 data 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 held productive consultations with the following individuals concerning the information collection activities associated with the importation of small lots of seeds:

Joyce Deering
Vice President
Heartland Peony Society
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Paola, KS 66071
Phone: 816-746-1949

Elizabeth Star
President
North American Rock Garden Society
PO Box 67, Millwood, NY
Phone: 914-762-2948

Francesca Osowska
Chief Executive and Accountable Officer
Scottish Natural Heritage
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Inverness, IV3 8NW (Scotland)
Phone: 011-44-1463-725003

On August 24, 2018, APHIS published in the Federal Register on pages 42860 and 42861 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 a member of the public who simply stated the United States should not import any seeds because the damages related to invasive or exotic pests were becoming too great to mitigate. There were no recommendations or comments related specifically to the burdens in the 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 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. In addition, APHIS has published a System of Records Notice (APHIS-10, APHIS Comprehensive Electronic Permitting System (ePermits)) which describes and addresses privacy security controls and routine uses of information for individual respondents.

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. APHIS estimates there are 2,376 respondents -- 2,076 commercial activities and 300 private citizens. Response and burden estimates were developed using historical data, calculated average number of permits requested, and discussions with field and industry personnel.

- **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 above respondents to be \$881,671. It arrived at this figure by multiplying the hours of estimated response time (18,732 hours) by the respondents' estimated average hourly wage of \$32.15), and then multiplying the result by 1.464 to include benefit costs.

According to the U.S. Department of Labor, Bureau of Labor Statistics May 2017 Report - Occupational Employment and Wages in the United States, the average wage for plant scientists is \$33.26 and for individuals it is \$24.34. With a 7:1 ratio between the two respondent types, the average hourly wage was calculated as $[(7 \times \$33.26) + \$24.34]/8 = \$32.15$. According to DOL BLS news release USDL-18-1499 dated September 18, 2018

(see <https://www.bls.gov/news.release/pdf/ecec.pdf>), benefits account for 32% of employee costs, and wages account for the remaining 68%. Mathematically, total costs can be calculated as a function of wages, resulting in a multiplier of 1.464.

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 item 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 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 expenses that would not have been incurred without this collection of information.

See APHIS Form 79. Multiplying the total by 1.464 to include benefit costs, the estimated annualized cost to the Federal Government is \$59,238.

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

	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	1,005,494	0	19,010	976,084	0	10,400
Annual Time Burden (Hours)	18,732	0	1,579	16,753	0	400

In this renewal request, the number of respondents changed from 400 to 2,376, an increase of 1,976 attributable to better information and a tallying miscalculation. Permits are valid for three years so in any given year, only one third of the importers are applying for them.

The number of responses increased by 995,094 and the burden by 18,332 hours. Improved information resulted in agency adjustment increases of 976,084 responses and 16,753 burden hours. The number of permit applications increased by 392 responses and 196 hours, and seed packet labeling (Labeling and Marking) increased significantly by 975,692 responses and 16,557 hours. Two new activities were not reported previously and are violations. The first, Arrival Notification, adds 19,008 responses and 1,577 hours of burden. The second, Emergency Action Notification, adds 2 responses and 2 hours of burden.

The following two tables summarize the changes described above.

SUMMARY OF RESPONSE CHANGES

<u>7 CFR</u>	<u>ACTIVITY</u>	<u>RESP</u>	<u>PREVIOUS RESPONSES</u>	<u>NEW RESPONSES</u>	<u>DIFFERENCE</u>	<u>TYPE OF CHANGE</u>
319.37-5	Permit Application	B	50	692	642	adjustment
319.37-5	Permit Application	I	350	100	(250)	adjustment
319.37-6, -7	Labeling and Marking	B	1,250	865,692	864,442	adjustment
319.37-6, -7	Labeling and Marking	I	8,750	120,000	111,250	adjustment
319.37-8	Arrival Notification	B	0	16,608	16,608	program change (new)
319.37-8	Arrival Notification	I	0	2,400	2,400	program change (new)
319.37-8	Emergency Action Notification	B	0	1	1	program change (new)
319.37-8	Emergency Action Notification	I	0	1	1	program change (new)
			10,400	1,005,494	995,094	

SUMMARY OF BURDEN CHANGES

<u>7 CFR</u>	<u>ACTIVITY</u>	<u>RESP</u>	<u>PREVIOUS BURDEN</u>	<u>NEW BURDEN</u>	<u>DIFFERENCE</u>	<u>TYPE OF CHANGE</u>
319.37-5	Permit Application	B	25	346	321	adjustment
319.37-5	Permit Application	I	175	50	(125)	adjustment
319.37-6, -7	Labeling and Marking	B	25	14,717	14,692	adjustment
319.37-6, -7	Labeling and Marking	I	175	2,040	1,865	adjustment
319.37-8	Arrival Notification	B	0	1,378	1,378	program change (new)
319.37-8	Arrival Notification	I	0	199	199	program change (new)
319.37-8	Emergency Action Notification	B	0	1	1	program change (new)
319.37-8	Emergency Action Notification	I	0	1	1	program change (new)
			400	18,732	18,332	

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 collects.

17. If seeking approval to not display the expiration date for OMB approval of the information collections, explain the reasons that display would be inappropriate.

PPQ Form 368, PPQ Form 523, and PPQ Form 587 are used in multiple information collections associated with dissimilar rules within the CFR, or are in a large group of approximately 70 information collections associated with 7 CFR 319. All of these information collections expire at different times so posting the expiration date would not be practical. APHIS is requesting the expiration date not be posted on these forms at this time.

APHIS submitted to OMB an information collection that will consolidate the nearly 70 smaller information collections including this one. When it is approved, PPQ Form 587 will be used in only one information collection and the expiration date will be placed on the form.

APHIS is exploring the creation of common 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.