

**Supporting Statement
Quarantine for Hawaii and
U.S. Territories
0579-0198**

A. JUSTIFICATION

August 2008

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) 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 this mission.

Under the Plant Protection Act (7 U.S.C. 7701 – 7772), 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.

Plant Protection and Quarantine (PPQ), a program within USDA's Animal and Plant Health Inspection Service (APHIS), is responsible for implementing this Act and does so through the enforcement of its Hawaiian and territorial quarantine regulations, contained in Part 318 of Title 7, Code of Federal Regulations (CFR).

Hawaiian and territorial quarantines are necessary to prevent the spread of dangerous plant diseases and pests, including the Mediterranean fruit fly, the melon fly, the oriental fruit fly, green coffee scale, the bean pod borer, and other plant pests which are new to or not known to be widely prevalent or distributed within and throughout other States.

Implementing APHIS' quarantines often requires APHIS to collect information from a variety of individuals who are involved in growing, packing, handling, transporting, and exporting plants and plant products. The information APHIS collects serves as the supporting documentation required for the issuance of PPQ forms and documents that authorize the movement of regulated articles, and is vital in helping APHIS ensure that injurious plant diseases and insect pests do not spread within 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.

Information is collected from growers, packers, shippers, and exporters of regulated articles to ensure that the articles, when moved from a quarantined area, do not harbor injurious plant diseases and insect pests.

PPQ officials, State plant health authorities, and other cooperators conducting regulatory activities in connection with various quarantines, collect information in various ways. Information is collected by interviewing growers and shippers at the time the inspections are conducted and by having growers and shippers of plants and plant products for export complete an application for a transit permit. The information obtained is used to determine compliance with regulations and for issuance of forms, permits, certificates, and other required documents.

Inspections – Inspections are conducted by PPQ inspectors and State inspectors as part of enforcing domestic quarantines. These inspections ensure that:

- The regulated article originated in a noninfested premises, in a generally infested area, has not been inspected more than 5 days prior to the date of movement, and was found free of the quarantine pests; or
- The article has been treated under the direction of an inspector to destroy the pest in accordance with the treatment manual; or
- The article has been grown, produced, manufactured, stored, or handled in such a manner that it will not transmit infestation as determined by an inspector. Based upon the results of these inspections, an inspector may issue certificates or other required documents.

Certificates - Certificates are used to facilitate the movement of regulated articles that are certifiable under the provisions of the various domestic plant quarantines. The certificates are issued at the point of origin. Certificates issued under these regulations are:

PPQ Form 540 – A paper document (three copies) used to certify bulk shipments of regulated articles.

PPQ officials and State cooperators review forms issued to ensure regulated articles are in compliance with Federal or State regulations.

PPQ Form 519 (Compliance Agreements): The compliance agreement specifies procedures and precautions that the grower, handler, or mover must follow to prevent the spread of insect pests and diseases from spreading to non-infested areas of the United States. By signing a compliance agreement with APHIS, the applicant agrees to comply

with the prescribed regulations and stipulations when moving or treated regulated items. The stipulations vary from program to program and even type of establishment to establishment and are usually thought out in advance prior to contact with the establishments. The time involved with the respondent depends upon the number of complexity of the stipulations written for the specific type of establishment.

Permits issued under these regulations are:

PPQ Form 530 (Limited Permit): Limited permits are used to authorize movement of regulated articles that are not certifiable to specified destinations for processing, treatment, or utilization.

A paper document (four parts) used to authorize the movement of regulated articles to a specified destination and allows further inspection at destination. The decision to perform further inspections will be made by the State plant protection official in the host State. The decision to inspect is prompted by date of issuance and results of inspection prior to transport.

Grower/Shipper/Exporter Mark and Identify Contents of Container: As provided in 318.13-17 (c) of this subpart, shipments of regulated articles moved in accordance with this subpart must have the following information clearly marked on each container, or, for shipments of multiple containers or bulk products, on the waybill, manifest, or bill of lading accompanying the articles: Nature and quantity of contents; name and address of shipper, owner or person shipping or forwarding the articles; name and address of consignee; shipper's identifying mark and number; and, the number of the certificate or limited permit authorizing movement, if one was issued.

Grower/Shipper Marks Smallest Unit Packages: Each of the smallest units, including each of the smallest bags, crates, or cartons, containing fruits and vegetables for transit into or through the continental United States under this section must be conspicuously marked, prior to the locking and sealing of the container in Hawaii, with a printed label that includes a description of the specific type and quantity of the fruits and vegetables (only scientific or English names are acceptable), the transit permit number under which the fruits and vegetables are to be shipped, and, in English, the fact that they were grown in Hawaii and the statement "Distribution in the United States is Prohibited."

PPQ Form 586 (Application for Permit to Transit Plants and/or Plant Products into or Through the Continental United States) – Provided to the grower/shipper/exporter for completion. The application requests the names of the specific types of plants and/or plant precuts that the applicant plans to transit the United States.

Notification of Emergency – During the transportation of regulated articles, emergencies such as an accident, a mechanical breakdown, or an unavoidable deviation

from the prescribed route must, as soon as practical, be reported to the APHIS office at the port where the cargo arrived in the continental United States by the person in charge of the means of conveyance. APHIS will then notify its office nearest to the shipment.

Request for Facility Approval Letter - Persons requesting approval of an irradiation treatment facility and treatment protocol must submit the request for approval in writing to the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Oxford Plant Protection Center, 901 Hillsboro St., Oxford, NC 27565.

24-Hour Notification of Treatment – Facilities that carry out continual irradiation operations must notify an inspector at least 24 hours before the date of operations.

Shipper Applying Tape Seal to Carton – A carton must have no openings that will allow the entry of fruit flies and must be sealed with seals that will visually indicate if the carton has been opened.

Request for Certification and Recertification of Testing Equipment – The testing equipment must be certified by Plant Protection and Quarantine for initial use and annually for subsequent use. Recertification is required in the event that an increase or decrease in radioisotope or a major modification to equipment that affects the delivered dose. Recertification maybe required in cases where a significant variance in dose delivery is indicated.

Treatment Facility - The irradiation treatment must be carried out at an approved facility in Hawaii or on the mainland United States and the treatment protocol must be approved by the Animal and Plant Health Inspection Service.

Stamped (“Not for importation into or distribution in FL – Litchi Only”) – Litchi and longan from Hawaii may not be moved interstate into Florida. All cartons which litchi or longan are packed must be stamped “Not for importation into or distribution in FL.”

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 519 (Compliance Agreement) is automated and posted at www.aphis.usda.gov/library/forms/pdf/ppq519.pdf . This form can be printed and manually completed.

PPQ Form 530 (Limited Permit) This is a pressure sensitive form and is not practicable for automation.

PPQ Form 540 (Certificate of Federal/State Domestic Quarantine) This form was not a transaction determined by APHIS to be practicable for automation under GPEA. Also, due to security purposes, it will not be automated at this time.

PPQ Form 586 (Application for Permit to Transit Plants and/or Plant Products into or Through the Continental United States) – this form is posted at; www.aphis.usda.gov/ppq/permits/index.html as a PDF file and can be printed and completed manually.

Any person requesting approval for a treatment facility can do so by generating a letter on a computer if the respondent has access to one.

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 incursion or interstate spread of plant pests, diseases, 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.

APHIS has no small entities involved with this information collection.

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 collected it less frequently, the effectiveness of APHIS' Hawaiian and territorial quarantine programs would be severely compromised, likely resulting in the interstate spread of a number of destructive (and economically damaging) agricultural pests.

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.

This information 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.

The following individuals were consulted during 2008:

Dorothea Zadig
California Dept. of Food and Agriculture
Plant Health and Pest Prevention Services
Pest Exclusion Branch
1220 N. Street, Rm. A-372
Sacramento, CA 95815
(916) 653-1440

Craig Regelbrugge
American Nursery and Landscape Association
1250 I Street SW, Suite 500
Washington, DC 20005
(202) 789-5980, X3005

Richard Kinney
Florida Citrus Packers
P.O. Box 1113
Lakeland, FL 33802
863-682-0151

On Tuesday, April 1, 2008, pages 17295 - 17296, 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 from the public were received.

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.

No additional assurance of confidentiality provided with this information collection. However, the confidentiality of information is protected under 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 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.

988 hours X \$25.00 = \$24,700

\$25.00 is the hourly rate derived from the U.S. Department of Labor Bureau of Labor Statistics June 2005 Report-National Compensation Survey: Occupational Wages in the United States, August 2006. See <http://www.bls.gov/ncs/ocs/sp/ncb10832.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 \$20,669.93. (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.

The number of respondents increased in this collection. There are more growers/shippers/exporters marking and identifying the contents of containers and applying seals to cartons. Therefore, there is an adjustment increase of 342 hours.

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 APHIS collects.

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.

If forms were to be discarded because of an outdated OMB expiration date, but otherwise usable, higher printing costs would be incurred by the Federal Government. Therefore, APHIS is seeking approval to not display the OMB expiration date on its forms.

18. Explain each exception to the certification statement identified in the "Certification for Paperwork Reduction Act."

APHIS certifies compliance with all the provisions under the Act.

B. Collections of Information Employing Statistical Methods.

Statistical methods are not used in this information collection.