June 2023

**Supporting Statement**

**Phytosanitary Export Certification**

**OMB Control No. 0579-0052**

**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.

**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 and, in the case of electronic phytosanitary certificates (ePhytos), it will automatically be sent to the destination country if they are participating.

**Federal Phytosanitary Certificate for Reexport (PPQ Form 579) (State and County 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, and in the case of electronic phytosanitary certificates (ePhytos), it will automatically be sent to the destination country if they are participating.

**Compliance Agreement - Including the Time for the Inspector Training Program (State);**

**(7 CFR 353.6)**

Previously titled Memorandum of Understanding - Including the Time for the Inspector Training Program

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 f 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.

**Applying ISPM 15 Mark (Business); (7 CFR 353.2, 353.7)**

Previously titled ISPM 15 Mark

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.**

All phytosanitary certificates are now issued utilizing the Phytosanitary Certificate Issuance and Tracking (PCIT) system. This system allows companies to provide the information needed on the traditional PPQ Form 572 electronically to the appropriate duty station. It allows the companies to store templates of applications for faster processing where they may also request replacements, pay applicable fees, check the status, etc. PCIT can be accessed at: https://pcit.aphis.usda.gov/pcit/faces/signIn.jsf.

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 and PPQ Form 579 are initiated by the Agency and require original signatures when completed.

**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. APHIS continues to modify the PCIT system based on feedback from industry and government end users to make the process more efficient. With the use of PCIT and ePhyto, in many cases the time has decreased with regard to paperwork related functions.

Nick Friant

Cargill, Incorporated

PO Box 9300

Minneapolis, MN 55440-9300

Phone: 800-227-4455

Email: Nick\_friant@cargill.com

Karen Withers

AgCultured Consulting, LLC

Phone: 503-767-8232

Email: karen@agcultured.com

www.agcultured.com

William H. “Buddy” Allen

American Cotton Shippers Association

88 Union Avenue, Suite 1204

Memphis, TN 38103

Phone: 901-525-2272

Email: ballen@acsa-cotton.org

On Friday, December 16, 2022, APHIS published in the Federal Register (87 FR 77057) a 60-day notice seeking public comments on its plans to request a 3-year renewalof this collection of information. No comments 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.**

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. Respondents include State and local agriculture officials, and commercial buyer and purchasing agents.

* + **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 these respondents to be $20,877,333. APHIS arrived at this figure by multiplying the total burden hours (401,228) by the estimated average hourly wage of the above respondents ($35.91) and then multiplying the result by 1.449 to capture benefit costs.

Estimated hourly wages for the respondents were obtained from the U.S. Department of Labor; Bureau of Labor Statistics Occupational Employment and Wage Statistics website found at https://www.bls.gov/oes/current/oes\_stru.htm. The occupation and SOC codes used were State and local government agricultural officials (USDL-23-0488, $35.69), and buyers and purchasing agents (SOCC 13-1020, $36.13).

According to DOL BLS news release USDL-23-0488 released March 17, 2023, employee benefits account for 31 percent of employee costs, and wages account for the remaining 69 percent. Mathematically, total costs can be calculated as a function of wages using a multiplier of 1.449.

**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.**

See APHIS 79. The estimated cost to the Federal Government is $26,098,523.

**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 | 56,080,454 | 0 | 46,093 | 14,896 | 0 | 56,019,465 |
| Annual Time Burden (Hr) | 401,228 | 0 | -19,206 | 7,448 | 0 | 412,986 |

This request for renewal includes an increase of 60,989 estimated responses and decrease of 11,758 estimated hours of burden.

The activity Export Certificate for Processed Plant Products (PPQ Form 578) was discontinued, resulting in a decrease of 2,022 estimated responses and 61 hours of estimated burden.

The activity Application for Phytosanitary Inspection and Certification has an adjustment increase of 48,115 responses but a discretionary response time reduction of 0.05 hours per response resulted in a decrease of 19,145 hours of estimated burden.

The activity Federal Phytosanitary Certificate has an adjusted increase of 14,896 estimated responses and 7,448 estimated hours of burden.

**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.**

The PPQ Form 577 and 579 are used in multiple collections with various approval expiration dates. APHIS is seeking approval to not display the OMB approval expiration date on these two forms. APHIS is developing a plan for consolidating its “agency common forms” into a single information collection request. Once the plan is approved and implemented, the PPQ 577 and PPQ 579 will be integrated into the new ICR in future renewals.

**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.