

February 2009

Supporting Statement
Importation of Small Lots of Seeds
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 is responsible 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 those imported pests and weeds when eradication is feasible. The Plant Protection Act authorizes the Department to carry out this mission.

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 United States. The regulations contained in “Subpart – Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products” (§§ 319.37 through 319.37-14, referred to below as the regulations) prohibit or restrict, among other things, the importation of living plants, plant parts, and seeds for propagation.

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.

Nursery stock, plants, and other propagative plant material that cannot be feasibly inspected, treated, or handled to prevent them from introducing plant pests new to or not widely distributed in the United States are listed in the regulations as prohibited articles. Restricted articles may be imported into the United States if they are imported in compliance with conditions that include a phytosanitary certificate requirement and that may include the need for a permit, inspection, treatment, or post entry quarantine.

APHIS amended the nursery stock regulations to allow the importation of small lots of seed under an import permit with specific conditions, as an alternative to the current phytosanitary certificate requirement. This change was necessary because several entities that import small lots of seed (individual importers, scientists, horticultural societies, arboreta, and small businesses) had difficulty obtaining the necessary certificates and have been adversely affected by the phytosanitary certificate requirement.

APHIS is asking OMB to approve, for 3 additional years, its use of this information collection activity associated with its efforts 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.

Import Permits (PPQ Form 587)

APHIS' Plant Protection and Quarantine program will issue a permit indicating the applicable conditions for importation if, after reviewing the application, the articles are deemed eligible to be imported into the United States under the conditions specified in the permit. Permits would be issued at the discretion of APHIS to any importer, whether an individual or an organization, who would then send the permit to the overseas supplier. The supplier would attach the permit to the outside of the return envelope containing labeled seeds and the address of the importer. The permit would direct the package to USDA's plant inspection station located in Beltsville, Maryland, which specializes in germplasm, where it would be inspected to ensure its compliance with the permit conditions.

Labeling - A certificate of inspection in the form of a label is required, in accordance with Section 319.37-4(c)(i)(iv), to be attached to each carton of the articles and to an airway bill of lading or delivery ticket accompanying the articles. 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 level, and preferably to the species level.

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 587 is fillable and posted at: www.usda.aphis.gov/library and also at http://www.aphis.usda.gov/permits/ppq_epermits.html

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 and plant diseases 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 U.S. nursery stock and other plant resources from the potential introduction of plant pest and plant diseases into the country. Approximately 97 percent of the seed companies that are involved in certified seed trade in the United States are considered small entities by small business administration standards. However, APHIS has determined that there will be no significant economic impact on a substantial number of 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 it less frequently, APHIS could not verify that imported nursery stock does 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 cause substantial 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.

No 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.

In 2008, APHIS held productive consultations with the following individuals concerning the information collection activities associated with the importation of small lots of seeds:

Joyce Fingerut
North American Rock Garden Society
537 Taugwonk Road
Stonington, CT 06378-1805
(860)535-3067

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

Brent Heath
Brent & Becky's Bulbs
7900 Daffodil Lane
Gloucester, VA 23061
(877) 661-2852

On Monday, September 29, 2008, pages 56541-56542, 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 statute, regulation, or agency policy.

No additional assurance of confidentiality is 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 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 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.

The total cost to respondents is computed by multiplying their average wage by the total number of hours needed to complete the work ($\$25.17 \times 586 \text{ hours} = \$14,749.62$)

The hourly rate is derived from the U.S. Department of Labor, Bureau of Labor Statistics May 2008 Report – Occupational Employment and Wages in the United States. See <http://www.bls.gov/oes/> .

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 for the annualized cost to the Federal Government (\$5,350.57).

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

The total burden for this collection has decreased by 855 hours, and the total annual responses decreased by 400. Previous burden hours were 1,595 and burden hours are now 740. This decrease was due to changes in the number of respondents, the number of responses per respondent, and the hours per response. The current figures are based on sound information provided by the Permits Staff. Previously, at the proposed rule stage, the estimated burden was based on discussions with the public and what their interest was with this type of permit. However, no concrete figures were involved because it was the proposed rule stage.

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 we are collecting.

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.

Import Permit (PPQ 587) – This form is used in six other information collections; therefore, it is not practical to include an OMB expiration date because of the various expiration dates for each collection. APHIS is seeking approval to not display the OMB expiration date on this form.

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.