

SUPPORTING STATEMENT
Domestic Quarantines
0579-0088

Introduction

June 2008

Collection 0579-0238, Mexican Fruit Fly: Interstate Movement of Regulated Articles, is being consolidated with this collection, 0579-0088, as part of this renewal package. Since these two collections include the same regulations and the same forms, it will be more efficient to have them consolidated into one collection.

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) 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 domestic quarantine regulations, contained in Title 7 of the Code of Federal Regulations (CFR), Part 301.

Federal and State domestic quarantines are necessary to regulate the movement of articles from infested areas to noninfested areas. For example, if an area of the United States has been placed under quarantine due to the Japanese beetle, then certain plant products that are susceptible to Japanese beetle (regulated articles) can be moved from the quarantined area only under certain conditions (i.e., after having been treated and inspected). In this way, APHIS prevents the Japanese beetle from spreading from the infested, quarantined area to noninfested areas of the United States.

Implementing APHIS' quarantines often requires APHIS to collect information from a variety of individuals who are involved in growing, packing, handling, transporting and importing 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 are 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, and shippers 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.

For the Gypsy Moth Program, PPQ officials deliver training (via workshops) to State cooperators as well as movers of logs, pulpwood, rootless trees, and other commodities to enable them to become qualified certified applicators. A qualified certified applicator inspects articles and issues outdoor household article documents and certificates to allow the movement of articles regulated for gypsy moth.

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

- 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.

Specifically for gypsy moth, a qualified certified applicator will issue certificates for the interstate movement of any outdoor household articles or mobile homes, if it is determined that the articles are inspected and found free from any life stage of the gypsy moth, or the articles have been treated by or under the direct supervision of a qualified certified applicator. This individual must provide the originating State and the destination State with copies of all certificates and outdoor household article documents issued.

An outdoor household article document may be issued by the person moving the outdoor household articles for the interstate movement of the articles if that person has inspected the outdoor household articles and has found them to be free of any life stage of gypsy moth. A signed statement must accompany the shipment stating the articles were inspected in accordance with the Gypsy Moth Program Manual. The mover must provide the originating State and the destination State with a copy.

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 527 – A pressure-sensitive certificate used to certify individuals articles. These certificates may be applied by the package owner.

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 by type of establishment and are usually written prior to contact with the establishments. The time involved with the respondent depends upon the number and complexity of the stipulations written for the specific type of establishment.

Cancellation of Compliance Agreement - Any compliance agreement may be cancelled, either orally or in writing, by an inspector when the inspector finds that the person who has entered into the compliance agreement has failed to comply with APHIS regulations. If the cancellation is oral, the cancellation and the reasons for the cancellation will be confirmed in writing as promptly as circumstances allow.

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.

PPQ Form 523 (Emergency Action Notification): Emergency Action is issued for treatments and other remedial measures ordered for carriers, cargoes, or articles arriving in the U.S. or moving interstate. This form also serves as a means to communicate plant pest and animal disease risk situations between ports, Port Operations, Veterinary Services and International Services personnel in foreign countries.

PPQ Form 518 (Report of Violation): This is an internal government form filled out by DHS, CBP, and PPQ officers to report violations. Also, this form primarily deals with airlines, importers, ships, and trucks. **EXEMPTED PER OGC FROM THE PAPER-WORK REDUCTION ACT.**

PPQ Form 537 – A pressure-sensitive permit applied to containers of articles that do not necessarily require inspection at destination. The State plant protection official in the host State may elect not to inspect based on the size of the shipment and the date the regulated article was treated.

Other Forms or Documents – During the conduct of regulatory activities for one or more of the domestic quarantines, special reports, documents, or forms are used. These documents or forms are:

PPQ Form 543 (Black Stem Rust Inspector’s Report - Used during inspection to record the source of stock purchased during the year and to assist in the inspection for rust resistance. If the stock is questionable, it is recorded as such as the specimen is forwarded to the Federal Rust Laboratory for a rust susceptibility test. The inspector also uses the form to recommend whether the establishment should be included on the eligibility list for permits and interstate shipping.

Temporary Designation of Areas as Generally Infested Areas - An inspector may temporarily designate any area in any State as a generally infested area. The inspector will give written notice of the designation to the owner or person in possession of the area. Thereafter, the interstate movement of any regulated articles from such areas will be restricted. The designation will be terminated by an authorized inspector, and notice will be given to the owner or person in possession of the areas.

Documents Sent to State Plant Regulatory Official - Any qualified certified applicator who issues a certificate or outdoor household article document must, at the time of issuance, send a copy of the certificate or outdoor household article document to the State Plant Regulatory Official for both the originating State and the destination State.

Notification of Unscheduled Flights – Notification of unscheduled commercial flights and of all military flights must be given at least 1 hour before departure to the appropriate person in the destination airport of any of the States listed in the Japanese Beetle regulations (7 CFR 301.48(b)).

Written Appeals – Any person whose certificate or permit has been withdrawn may appeal the decision, in writing, to the Administrator within 10 days after receiving the written notification of the withdrawal. The appeal letter must state all of the facts and reasons concerning why the certificate or permit should not be withdrawn.

Rubber Stamp Certificate - Movers of items regulated under quarantines are required to clearly show certification during all phases of movement. Sometimes they use an inked rubber stamp on the container of the regulated article to indicate their certification.

Black Stem Rust Report - Each State that is either protected from or encompasses a protected area for Black Stem Rust must submit a signed annual written statement ensuring compliance with the regulations. This statement must be submitted by January 1, and must contain a listing of inspected nurseries.

Other Requirements - Shipments of regulated articles must have the following information marked on each container, waybill, manifest, or bill of lading:

Nature and quality of contents, name and address of shipper/owner/forwarder; name of consignee, shipper's identifying mark and number; and the serial number of the certificate or limited permit authorizing movement. In addition, each of the smallest units being transmitted into or through the continental United States must be conspicuously marked prior to the sealing of the container.

For example, Japanese beetle inspectors will notify the airport and each airline official in writing upon the designation of an airport as regulated for Japanese beetle. The inspector will also notify these same officials upon the termination of the designation.

In addition to the airline industry, the following States will receive notification if regulated articles are being moved there: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington.

These documents are reviewed by Federal, State, and sometimes County regulatory officials. The information is used to determine areas of risk so that trapping and other types of pest surveys can be planned and conducted. These surveys provide information on the effectiveness of quarantines and provide an early notice when the quarantine pest becomes established in a previously noninfested area.

Treatment Records – Aircraft treatment records must be maintained by the applicator completing or supervising the treatment for a period of 2 years. These records must be provided upon request for review by an inspection. Treatment records shall include the pesticide used, the date of application, the location where the pesticide was applied (airport and aircraft), the amount of pesticide applied, and the name of the applicator.

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 527 (Certificate) and **PPQ Form 537** (Limited Permit Sticker) is pressure sensitive and is not practicable for automation.

PPQ Form 537 (Limited Permit Sticker) is pressure sensitive 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 530 (Limited Permit) This is a pressure sensitive form and is not practicable for automation.

PPQ Form 543 (Black Stem Rust Inspector's Report) – Due to low usage of this form, it is not practicable for automation at this time, If the agency does decide in the future to have this form automated, it will be in collaboration with the Canadian Government.

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 523 is automated and posted at: www.aphis.usda.gov/library/forms

PPQ Form 518 is automated as a lotus notes application.

A statement written by a person requesting movement of a regulated article or outdoor household article can be generated on a computer and printed for signature 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.

The information APHIS collects is the minimum needed to protect growers nationwide from the interstate spread of plant pests and diseases. APHIS estimates that 90 % of the total 194,085 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 collected it less frequently, the effectiveness of APHIS' domestic quarantine program would be severely compromised; likely resulting in the interstate spread of a number of destructive (and economically damaging) agricultural pests. The spread of such pests as the Japanese beetle or gypsy moth would result in millions of dollars in damage 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.

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 & Agriculture
Plant Health & Pest Prevention Services
Pest Exclusion Branch
1220 N. Street, Rm. A-372
Sacramento, CA 95815
(916) 653-1440

Craig Regelbrugge
American Nursery & 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 Thursday, February 7, 2008, pages 7246 - 7247, 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 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.

$\$25.00 \times 107,509 = \$2,687,725.$

\$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 \$1,531,827.98. 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.

There is an adjustment increase of 36,453 burden hours. Also included in this increase are 19 hours from collection 0579-0238 which is being combined into this renewal package. Some of the previous totals in the number of respondents were projected much too low and some too high in the last submission. It wasn't until the program specialist interacted with the PPQ field personnel that made the burden figures more accurate.

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.