

December 2011

Supporting Statement
Pale Cyst Nematode; Quarantine and Regulations
OMB Number 0579-0322

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 in the United States, and eradicating those imported pests when eradication is feasible.

Under the Plant Protection Act (7 U.S.C. 7701 – *et seq.*), 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.

APHIS amended the “Domestic Quarantine Notices” in 7 CFR, Part 301, Subpart titled “Potato Cyst Nematode” (§§ 301.86 through 301.86.9, referred to as the regulations) by quarantining parts of Bingham and Bonneville Counties, ID, due to the discovery of the Potato Cyst Nematode there and establishing restrictions on the interstate movement of regulated articles from the quarantined area. This action was necessary to prevent the spread of the Pale Cyst Nematode (PCN) via potatoes, soil, and other host material to noninfested areas of the United States. APHIS revised the title of this collection to “Pale Cyst Nematode; Quarantine and Regulations” because the title of the original subpart, “Potato Cyst Nematode,” was changed in a 2009 final rule.

Allowing the restrictions on the interstate movement of regulated articles necessitates the completion of certain forms such as Federal Certificates, Federal Permits, and Compliance Agreements.

APHIS is asking OMB to approve, for 3 additional years, the use of these information collection activities associated with its efforts to prevent the spread of PCN 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.

The purpose of this collection of information is to prevent the spread of PCN via potatoes, soil, and other host material to noninfested areas of the United States.

Compliance Agreement (PPQ 519) – Any person engaged in growing, handling, or moving regulated articles may enter into a compliance agreement when an inspector determines that the person is aware of this subpart, agrees to comply with its provisions, and agrees to comply with all the provisions contained in the compliance agreement.

Certificates (PPQ Form 540) - Certificates are issued for regulated articles when an inspector finds that, because of certain conditions (e.g., the article is from a field that has been surveyed for PCN by an inspector in the last 3 years and in which PCN has not been found, and no more than one PCN host crop has been grown in the field in the last 3 years), the regulated articles can be moved safely from the quarantined area without spreading PCN. An inspector or person operating under a Compliance Agreement may issue a certificate for the interstate movement of a regulated article if the inspector determines that the regulated article satisfies the general requirements for a certificate. The PPQ Form 540 is issued by State Plant Regulatory Officials in PPQ, State Plant Health Directors, and other approved officials.

Limited Permit (PPQ Form 530) – Limited permits are issued for regulated articles when an inspector finds that because of a possible pest risk, the articles may be safely moved interstate only subject to further restrictions, such as movement to specified destinations and movement for limited purposes. A limited permit will only be issued if the regulated article will be moved in compliance with any additional emergency conditions imposed by the Administrator under the Plant Protection Act (7 U.S.C. 7714) to prevent the spread of PCN, and if the regulated article is eligible for interstate movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

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 540 - This form is not automated for several reasons. The form has a unique identifier (serial number) and it is an accountable form that must be issued by PPQ, or a person under Compliance Agreement with PPQ. APHIS needs to have strict control over the issuance of these forms since they allow the movement of regulated products that are subject to restrictions. They can only be issued after an inspection proves that the shipment meets the requirements for movement. An inspector has to determine if a treatment is required before movement. Finally, the form must accompany the shipment throughout transport from the inspection until destination.

PPQ Form 530 – This form is also not automated for several reasons. The form has a unique identifier (serial number) and it is an accountable form that must be issued by PPQ, or a person under Compliance Agreement with PPQ. APHIS needs to have strict control over the issuance of these forms since they allow the movement of regulated products that are subject to restrictions. They can only be issued after an inspection proves that the shipment meets the requirements for movement. An inspector has to determine if a treatment is required before movement. Finally, the form must accompany the shipment throughout transport from the inspection until destination.

PPQ Form 519 – This form is automated and posted at:
<http://www.aphis.usda.gov/library/forms>

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 APHIS collects is the minimum needed to protect the United States from the introduction of PCN and other plant diseases. APHIS has determined that 100 percent of the 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 APHIS collected this information less frequently, the spread of PCN in the United States could result in a loss of domestic or foreign markets for U.S. potatoes and other commodities.

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 during 2011:

Russ C. Leonardson
 Idaho Select Inc.
 75 East Freemont Ave.
 Aberdeen, ID 83210
 (208) 397-4110

Ken Lauer
Director – Governmental Affairs
Idaho Farm Bureau Federation
P.O. Box 167 Boise, ID 83701
(208) 342-2688

Pat Kole
VP – Legal Governmental Affairs
Idaho Potato Commission
661 S. Rivershore Lane, Suite 230
Eagle, ID 83616
(208) 334-2350

On Friday, June 24, 2010, pages 37056-37057, 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 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.

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 burden for collections of information, identifying and using appropriate wage rate categories.

The estimated annual cost to respondents is \$216,236.46. APHIS arrived at this figure by multiplying the total burden hours by the estimated average hourly wage of the respondents. \$25.01 (estimated hourly rate) X 342 (burden hours) = \$8,553.42

The hourly wage of \$25.01 is derived from the U.S. Department of Labor, Bureau of Labor Statistics, May 2009 Report on Occupational Wages in the United States (see <http://www.bls.gov/news.release/ocwage.t03.htm>). This is an estimated average since there are various occupations within the private sector: potato producers, packers, processors, and handlers of potatoes.

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 \$22,342 (see APHIS 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 dropped from 400 to 152 for a decrease of 248 respondents, the number of responses dropped from 3,060 to 1,662 for a decrease of 1,398 responses, and the total burden hours decreased from 822 to 342 for a total adjustment of -480

hours. The reason for this adjustment is the decrease in the area under regulation which is now much less than the area that had originally been regulated. Therefore, the number of regulated entities and certificates has dropped causing a drop in respondents, responses, and burden 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 collected.

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 519 is in 12 collections, the PPQ Form 530 is in 9 collections, and the PPQ 540 is in 8 collections. 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 these three 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.