

Revised May 2012

SUPPORTING STATEMENT
Citrus Greening and Asian Citrus Psyllid; Quarantine and
Interstate Movement Regulations
OMB No. 0579-0363

TERMS OF CLEARANCE: This collection is approved for a period of 18 months. During that time, APHIS must finalize the underlying rule and provide a full response to comments, including those relating to paperwork burden.

At the end of the final rule, in accordance with the notice-based process established in our interim rule, APHIS provides public notice of new quarantined areas for Asian Citrus Psyllid and citrus greening that have been established since the interim rule was published. Citrus Greening has been detected in Texas, and the Texas Department of Agriculture is still working with APHIS to delineate the scope of the outbreak and the boundaries of the corresponding quarantined area. PPQ has asked that the rule not be published until the Texas quarantine situation is resolved. Once the scope of the quarantine area is determined, APHIS will work to have the rule published as expeditiously as possible. To that end, APHIS notes that the final rule has been authorized to enter clearance, pending resolution of the Texas situation. The final rule is ready and waiting to be sent to OGC once the Texas situation is resolved, and the rule includes APHIS' responses to all of the comments.

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 and 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, either independently or in cooperation with the States, is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests (such as citrus canker) new to or widely distributed throughout the United States. APHIS' Domestic Quarantines (7 CFR Part 301) are issued under this authority.

A new subpart was added to the "Domestic Quarantine Notices" in 7 CFR part 301 titled, "Citrus Greening and Asian Citrus Psyllid (ACP)" (§§301.76 through 301.76-11, referred to below as the regulations). The regulations quarantine the State of Florida, two

parishes in Louisiana, and one county in South Carolina due to the presence of citrus greening. The regulations also quarantine Alabama, Florida, Georgia, Guam, Hawaii, Louisiana, Mississippi, Puerto Rico, Texas, three counties in South Carolina, and portions of three counties in California due to the presence of ACP, a vector of the bacterial pathogen that causes citrus greening.

Citrus greening, also known as the Huanglongbing disease of citrus, is considered to be one of the most serious citrus diseases in the world. Citrus greening is a bacterial disease, caused by strains of the bacterial pathogen “Candidatus Liberibacter asiaticus,” that attacks the vascular system of host plants. The pathogen is phloem-limited which inhabits the food-conducting tissue of the host plant; causes yellow shoots, blotchy mottling, chlorosis; reduced foliage; and tip dieback of citrus plants. Citrus greening greatly reduces production, destroys the economic value of the fruit, and can kill trees. Once infected, there is no cure for a tree with citrus greening disease. In areas of the world where the disease is endemic, citrus trees decline and die within a few years and may never produce usable fruit.

This information collection is necessary to address the risk associated with the interstate movement of citrus nursery stock and other regulated articles from areas quarantined for citrus greening. APHIS is asking OMB to approve, for 3 additional years, the use of these information collection activities associated with its program to prevent the interstate movement of citrus greening and ACP into noninfested areas of 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.

APHIS uses the following to collect information from the public:

Limited Permit (PPQ Form 530) – Limited permits are used to authorize movement of regulated articles that are not certifiable to specified destinations for process treatment or utilization. A limited permit is required in accordance with §301.76-7 (c) to secure the interstate movement of various plants.

Federal Certificate (PPQ Form 540) - Certificates are issued when an inspector or person operating under a compliance agreement finds that, because of certain conditions, a regulated article can be moved safely from a quarantined area without spreading the disease or pest.

Compliance Agreement (PPQ Form 519) – This is a written agreement between APHIS and a person engaged in the business of growing, maintaining, processing, handling, packing, or moving host articles for interstate movement, in which the person agrees to comply with this subpart. For the purposes of this subpart, a memorandum of understanding is considered a compliance agreement.

Label Statement - All regulated nursery stock offered for commercial sale within an area quarantined for citrus greening must have an APHIS-approved plastic or metal tag with a statement “Limited Permit: USDA-APHIS-PPQ. Not for distribution in American Samoa, AZ, Northern Mariana Islands, and U.S. Virgin Islands or those portions of CA and SC not quarantined due to the presence of Asian Citrus Psyllid or citrus greening.” This tag will alert consumers to Federal prohibitions regarding the interstate movement of the article when it is prominently and legibly displayed.

Recordkeeping – Any person involved in the growing, maintaining, processing, handling, packing, treating, or moving of regulated articles must also agree to maintain and offer for inspection such records as are necessary to demonstrate continual adherence to the requirements of the regulations and the provisions of the compliance agreement. Records will be maintained for a minimum of 1 year.

Attaching Tag to Bill of Lading – Citrus trees must be accompanied by a copy of a limited permit attached to the consignee’s copy of the waybill, and must be moved in accordance with the conditions of the limited permit directly to the port of export in a container sealed with an agricultural seal placed on it by an inspector.

Cancellation of Certificates, Permits, and Compliance Agreements - The withdrawal of a certificate, limited permit, or compliance agreement is necessary if the inspector determines that the holder of the certificate, limited permit, or compliance agreement has not complied with all of the provisions for the use of the document or with all of the conditions contained in the document. This paragraph also contains provisions for notifying the holder of the reasons for the withdrawal and for holding a hearing if there is any conflict concerning any material fact in the event that the person wishes to appeal the cancellation.

72 Hour Notification of Inspection- All regulated citrus trees treated with soil drenches or granular applications and foliar sprays prior to interstate movement from an area quarantined only for ACP but not for citrus greening, as well as all citrus trees intended for interstate movement for immediate export from an area quarantined for citrus greening, must be inspected by an inspector no more than 72 hours prior to movement.

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.

The Limited Permit (PPQ 530) - PPQ has no plans to automate the PPQ 530 because it is not appropriate for this form to be automated. It is an accountable form and must be issued by a PPQ employee, or a person under Compliance Agreement with PPQ. APHIS needs to have strict control over the issuance of this form, as it allows for the movement

of regulated products that are subject to restrictions. The form can only be issued after an inspection proves that the shipment meets the requirements for movement. In addition, movement may also require a treatment, which has to be determined by an inspector. Finally, the form must accompany the shipment throughout transport from the inspection until destination.

The Federal Certificate (PPQ Form 540) - PPQ has no plans to automate the PPQ 540 because it is not appropriate for this form to be automated. It is an accountable form and must be issued by a PPQ employee, or a person under Compliance Agreement with PPQ. APHIS needs to have strict control over the issuance of this form, as it allows for the movement of regulated products that are subject to restrictions, and it can only be issued after an inspection proves that the shipment meets the requirements for movement. In addition, movement may also require a treatment, which has to be determined by an inspector. Finally, the form must accompany the shipment throughout transport from the inspection until destination.

The Compliance Agreement (PPQ Form 519) is automated and posted at:
<http://www.aphis.usda.gov/library/forms/pdf/ppq/519.dot>

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 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 the United States from destructive plant pests and plant diseases. APHIS has determined that 100 percent of the respondents are small entities.

6. Describe the consequences of 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.

Failing to collect this information, or if this information was collected less frequently, could cause a severe economic loss to the citrus industry.

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;**

All regulated citrus trees treated with soil drenches or granular applications and foliar sprays prior to interstate movement from an area quarantined only for ACP but not for citrus greening, as well as all citrus trees intended for interstate movement for immediate export from an area quarantined for citrus greening, must be inspected by an inspector no more than 72 hours prior to movement. After inspection, documentation of findings must be provided to APHIS.

- **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.**

There are no other special circumstances associated with this information collection.

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.

In 2011 - 2012, APHIS held productive consultations with the following citrus producer associations concerning the information collection activities associated with citrus greening and ACP:

Brazos Citrus Nursery
31401 FM 1301
West Columbia, TX 77486
(979) 345-2906

Star Nursery II
Danny Camardelle
14025 Hwy 23
Belle Chase, LA 70037
(504) 656-7760

Atkins Nursery
Attn: Victor Gonzalez
4255 Sterling View Dr.
Fallbrook, CA 92028
(760) 728-1610

On Friday, December 16, 2011, pages 78228-78229, 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 (other than appropriate, program-related payments) or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in status, 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 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 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. $\$31.09 \times 1,785 = \$55,495.65$.

The hourly rate is derived from the U.S Department of Labor, Bureau of Labor Statistics May 2011 Report Occupational Employment and Wages in the United States. See http://www.bls.gov/oes/2011/may/oes_nat.htm#b11-0000

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 estimate 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 no annual cost burden associated with capital and start-up, 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 expense that would not have been incurred without this collection of information.

The estimated cost for the Federal Government is \$16,929. See APHIS Form 79 for details.

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

There is an adjusted increase of 1,281 burden hours. Previously, total burden hours were 504, and current burden hours totaled 1,785. The hours previously submitted were vague estimates and since the totals were based on an interim rule, PPQ did not initially have enough information to give accurate burden figures. The current figures are based on actual recorded data and research done by PPQ field personnel. In addition, the respondents increased considerably from 116 to 621, but the annual responses dropped from 1,902,357 to 13,882. The lack of labeling of fruit caused the annual responses to go down because not all nurseries are shipping due to certain areas being quarantined.

16. For collections of information whose results are planned to be published, outline plans for tabulations 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.

PPQ Form 519 is used in 12 information collections, PPQ Form 530 is used in 8 information collections, and PPQ Form 540 is used in 6 information collections. Therefore, it is not practical to include an OMB expiration date on any of these forms 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 under the Act.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.