

**Supporting Statement
Plum Pox Compensation
OMB-0579-0159**

June 18, 2013

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 new to the United States or not widely distributed within the United States; and eradicating plant 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.

The regulations in 7 CFR 301.74-5 (referred to as the regulations), permit owners of commercial stone fruit orchards, and owners of fruit tree nurseries to receive compensation under certain circumstances. Owners of commercial stone fruit orchards may receive compensation for losses associated with trees destroyed to control plum pox pursuant to an emergency action notification (EAN) issued by the Animal and Plant Health Inspection Service (APHIS). Owners of fruit tree nurseries may receive compensation for net revenue losses associated with movement or sale of nursery stock prohibited under an EAN issued by APHIS with respect to regulated articles within the nursery in order to control plum pox. This action was taken to reduce the economic impact of APHIS' plum pox quarantine which was placed on owners of fruit tree nurseries.

Plum pox is an extremely serious viral disease of plants that can affect many stone fruit species, including plum, peach, apricot, almond, and nectarine. In Europe, plum pox has been present for a number of years and is considered to be the most serious disease affecting susceptible stone fruit varieties.

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 reduce the economic impact of APHIS' plum pox quarantine which was placed on owners of fruit tree nurseries.

PPQ 651R - Application for Plum Pox Compensation (Business)

To apply for Plum Pox Compensation, applicants must complete an application form containing the owner's name and address, a description of the owner's property, and a certification statement that the trees removed from the owner's property were stone fruit trees from a commercial fruit orchard or a fruit tree nursery.

For claims made by owners of stone fruit orchards, the completed application must be accompanied by a copy of the EAN ordering the destruction of their trees, the notification's accompanying inventory describing the acreage and ages of trees removed, and documentation verifying that the destruction of the trees has been completed and the date of that completion.

For claims made by owners of fruit tree nurseries, the completed application must be accompanied by a copy of the EAN prohibiting the same or movement of the nursery stock, the notification's accompanying inventory describing the total number of trees covered by the EAN, their age and variety, and documentation indicating the final disposition of the nursery stock.

PPQ Form 523 Emergency Action Notification (Business)

Used when an emergency action must be taken on a shipment, this allows Customs and Border Patrol (CBP) and/or PPQ to communicate the need for specific action on a shipment to interested parties. All information is entered into the Agricultural Quarantine Activity Systems database by either CBP and/or PPQ Government officials to produce the PPQ Form 523. The form is then provided to the property owners for signature of acknowledgment of an action against them.

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.

APHIS is using a hard copy of the application form (PPQ 651R) since a number of grove and nursery owners do not have access to the technology needed to electronically transmit this information. An original signature is required on this form. Also, there is low usage of this form so this form will not be automated at this time.

All information is entered into the Agricultural Quarantine Activity Systems database by either CBP and/or PPQ Government officials, to produce a hard copy of the PPQ Form 523, via <https://aqas.aphis.usda.gov/aqas/HomePageInit.do#defaultAnchor>. Only CBP and PPQ Government officials with proper authorizations can access this database. The form is then provided to the property owners for signature of acknowledgment of an action against them.

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, plant diseases, and noxious weeds 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 in connection with this program is the minimum needed to provide eligible grove and nursery owners with compensation for trees or revenue lost because of plum pox. APHIS has determined 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.

The application for plum pox compensation is a one-time procedure. If APHIS did not collect this information, APHIS would be unable to compensate eligible grove and nursery owners for their losses.

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 2013.

Carrie L. Castille, PhD, Associate Commissioner
Public Policy and Governmental Affairs
Louisiana Department of Agriculture and Forestry
P.O. Box 631
5825 Florida Blvd.
Baton Rouge, LA 70821-0631
Office: 225-922-1251

Katy Coba, Director, Chair
Interstate Pest Control Compact
635 Capitol St. NE
Salem, OR 97301

Kurt Reichert, Compliance Officer
Western Fumigation
Airport Business Complex
10 Industrial Highway, Mail Stop #52
Lester, PA 19029
(610) 595-2106

On Friday, August 9, 2013, pages 48644- 48645, APHIS published in the Federal Register, a 60-day notice seeking public comments on its plans to request a 3-year approval of this collection of information. During that time 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 statute, 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 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. These estimates were developed from discussions with eligible stone fruit growers and fruit tree nursery owners.

- **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 \$4,551.46. APHIS arrived at this figure by multiplying the total burden hours (89 hours) by the estimated average hourly wage of the above respondents (\$51.14). The hourly rate was derived from the U.S. Department of Labor, Bureau of Labor Statistics May 2012 Report – Occupational Employment and Wages in the United States. See <http://www.bls.gov/news.release/pdf/ocwage.pdf>

$\$51.14 \times 89 = \$4,551.46$

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 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 expense that would not have been incurred without this collection of information.

See APHIS Form 79 for annualized cost to the Federal Government. Annual cost to the Government is \$93,812.00.

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

ICR Summary of Burden:						
N	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	2512	0	2500	2	0	10
Annual Time Burden (Hr)	89	0	83	1	0	5
Annual Cost Burden (\$)	0	0	0	0	0	0

There is a program change increase of +2500 respondents and an increase of +2500 responses resulting in an increase of +83 total burden hours. The PPQ Form 523 is currently covered under information collection 0579-0088, but Plum Pox is not one of the diseases listed under that collection; therefore, the form is being moved to 0579-0159.

There is an adjustment increase of +2 respondents and increase of +2 responses resulting in an increase of +1 total burden hours due to an increase in Plum Pox Compensation applications.

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 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.

APHIS has no plans to seek approval for not displaying the OMB expiration date on its 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.

