

March 24, 2017

**Supporting Statement  
Plum Pox Compensation  
OMB No. 0579-0159**

**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 pests and noxious weeds from entering the United States; preventing the spread of pests new to 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 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 reduces the economic impact of APHIS' plum pox quarantine 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.

APHIS is asking OMB to approved, for 3 additional years, its use of this application in connection with its program to compensate stone fruit growers and fruit tree nursery owners for the loss of their trees.

**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 collection activities to permit compensation under certain conditions:

**301.74-5, Application for Plum Pox Compensation (PPQ Form 651R) (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 commercial fruit orchards 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, 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.

**301.74-5, Emergency Action Notification (PPQ Form 523) (business)** – Individuals are eligible to receive compensation from the USDA to mitigate losses or expenses incurred because of the plum pox quarantine and emergency actions. Owners of commercial stone fruit orchards are eligible to receive compensation for losses associated with the destruction of trees in order to control plum pox pursuant to an Emergency Action Notification issued by APHIS. The owners of a non-fruit-bearing ornamental tree nursery will be eligible to receive compensation for net revenue losses associated with the prohibition on the movement or sale of nursery stock as a result of the issuance of an Emergency Action Notification by APHIS with respect to regulated articles within the nursery in order to control plum pox.

**301.74-5, Orchard Owner Records (business)** – Orchard owners must have records documenting that they have met the requirements of this section, and must submit those records to APHIS as part of their application submitted in accordance with this section.

**301.74-5, Destruction Verification Documents (business)** – In order to be eligible to receive compensation at the rates specified, orchard owners must have marketed fruit produced in orchards subsequently destroyed because of plum pox under listed conditions.

**301.74-5, State Compensation (State)** – Owners of commercial stone fruit orchards who APHIS has determined meet the eligibility requirements will be compensated according to the following table on a per-acre basis at a rate based on the age of the trees destroyed. If the trees were not destroyed by the date specified on the Emergency Action Notification, the compensation payment will be reduced by 10 percent and by any tree removal costs incurred by the State or the USDA. The maximum USDA compensation

rate is 85 percent of the loss in value, adjusted for any State-provided compensation to ensure total compensation from all sources does not exceed 100 percent of the loss in value.

**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.**

Regarding the PPQ 651R and the PPQ 523, some grove and nursery owners do not have access to the technology needed to electronically access and transmit these forms. In addition, an original signature is required on the forms.

APHIS is involved with the Government-wide utilization of the International Trade Data System (ITDS) via the Automated Commercial Environment (ACE) to improve business operations and further Agency missions. This will allow respondents to submit the data required by U.S. Customs and Border Protection and its Partner Government Agencies (PGAs), through a Single Window concept. APHIS is also establishing a system known as e-File for CARPOL (Certification, Accreditation, Registration, Permitting, and Other Licensing) activities. This new system will strive to automate some of these information collection activities. The system is still being developed and business processes continue to be identified and mapped.

**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 business 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 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.**

APHIS recently consulted with the following individuals regarding the plum pox compensation program:

Margaret K. Kelly – Assistant Director  
Division of Plant Industry  
New York State Department of Agriculture and Markets  
10B Airline Drive, Albany, NY 12235  
Phone: 518-457-2087

Ansel Rankins, Sr.  
Director/State Entomologist  
LDAF, Horticulture and Quarantine Programs  
5825 Florida Blvd., Suite 3002  
Baton Rouge, LA 70806  
Phone: 225-952-8100

Melissa Smith  
Western Fumigation  
800 Lanidex Plaza, 2nd Floor  
Parsippany, NJ 07054  
Phone: 973-515-0100

On Monday, January 23, 2017, pages 7784-7785, 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 estimated annualized cost to respondents is \$260.10. This is computed by multiplying the average hourly wage by the total burden hours.  $\$52.02 \times 5 = \$260.10$ .

\$52.02 is the hourly rate derived from the most recent U.S. Department of Labor Bureau of Labor Statistics Report-National Compensation Survey: Occupational Wages in the United States at <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 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 the annualized cost to the Federal Government.

**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:

	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	5	0	3	-2,510	0	2,512
Annual Time Burden (Hr)	5	0	3	-87	0	89
Annual Cost Burden (\$)	0	0	0	0	0	0

The number of respondents for this renewal dropped from 2,512 to 2, the number of annual responses dropped from 2,512 to 5, and the total burden hours dropped from 89 to 5 hours. The burden for this collection has decreased to placeholders to maintain the opportunity for compensation regarding this program should an outbreak in orchards occur. Therefore, APHIS is keeping its existing regulations current, but there are no plum pox compensation applications currently being submitted resulting in an adjustment of -2,510 responses and -87 burden hours.

Burden information was inadvertently omitted from the previous submission for the following: Orchard Owner Records, Destruction Verification Documents, and State Compensation. This burden is now included in this renewal, resulted in a program change of 3 responses and 3 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.**

Regarding the PPQ Form 651R, APHIS has no plans to seek approval for not displaying the OMB expiration date on this form.

However, the PPQ Form 523 is used in three 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 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.