

**Supporting Statement  
Phytophthora Ramorum; Quarantine and Regulations  
OMB No. 0579-0310**

**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 plant 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 new to the United States or not widely distributed throughout the United States.

Under “Subpart-Phytophthora Ramorum” (7 CFR 301.92 through 301.92-12, referred to as the regulations), APHIS restricts the interstate movement of certain regulated and restricted articles from quarantined areas in California and Oregon and regulated areas from California, Oregon, and Washington to prevent the artificial spread of *P. ramorum*, the pathogen that causes the plant diseases commonly known as sudden oak death, ramorum leaf blight, and/or ramorum dieback.

APHIS’ *Phytophthora ramorum* quarantine regulations list restrictions on the interstate movement of nursery stock from nurseries in nonquarantined areas in California, Oregon, and Washington State; and conditions for the movement of regulated articles of nursery stock from quarantined areas, including restrictions on the movement of trees without roots from quarantined areas, as well as the interstate movement of all other nursery stock from nurseries in quarantined areas. Also included are: (1) the list of plants regulated because of *P. ramorum*, (2) the list of areas that are quarantined for *P. ramorum*, and (3) miscellaneous amendments to the regulations.

APHIS is asking OMB to approve, for 3 additional years, its use of these information collection activities associated with its efforts to reduce the spread of *P. ramorum*, which would otherwise result in devastating losses to forests, and natural areas including parks and U.S. industries.

**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 prevent the artificial spread of *P. ramorum*:

**Compliance Agreement (PPQ Form 519) (Business and States) - 7 CFR 301.92.6(a)**

Any person engaged in growing, processing, handling, or moving regulated or associated articles must enter into a compliance agreement when an inspector determines that the person understands this subpart, agrees to comply with its provisions, and all the provisions contained in the compliance agreement. If States did not comply with these provisions by signing a compliance agreement, *P. ramorum* would have the potential to spread to non-infested areas such as eastern forests and thereby adversely impacting the ecosystem balance, foreign/domestic nursery stock, and lumber markets.

**Records of Fungicide Applications (Business) - 7 CFR 301.92.11**

All nurseries and non-host nurseries located in regulated areas operating under compliance agreements must keep records of fungicide applications for incoming and outgoing shipments of plants for a minimum of 2 years and must make them available to inspectors upon request.

**Records of Incoming and Outgoing Shipments of Plants (Business) - 7 CFR 301.92.11**

All nurseries and non-host nurseries located in regulated areas operating under compliance agreements must keep records of all incoming and outgoing shipments of plants for a minimum of 2 years and must make them available to inspectors upon request.

**Issuance and Cancellation of Certificates (Business) - 7 CFR 301.92.5**

Any certificate that has been issued may be withdrawn. Any person whose certificate 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 must state all of the facts and reasons upon which the person relies to show that the certificate was wrongfully withdrawn.

**Annual Inspection of Nurseries (Business) - 7 CFR 301.92.11(a)(1)(i)**

The nursery must be inspected annually for symptoms of *Phytophthora ramorum* by an inspector.<sup>17</sup> Inspectors will visually inspect for symptomatic plants throughout the nursery, and inspection will focus on, but not be limited to, regulated articles and associated articles.

**Sampling Labels for Testing (Business) - 7 CFR 301.92.11(a)(1)(iii)**

Plant samples must be labeled and sent for testing to a laboratory approved by APHIS and must be tested using a test method approved by APHIS, in accordance with §301.92-12.

**Annual Certification of Nurseries/Reporting (Business) - 7 CFR 301.92.11(a)(1)(iv)**

If all plant samples tested in accordance with this section and §301.92-12 return negative results for *P ramorum*, an inspector may certify that the nursery is free of evidence of *P ramorum* infestation at the time of inspection, and the nursery will be eligible to enter into a compliance agreement in accordance with §301.92-6. If all plant samples tested in accordance with this section and §301.92-12 return negative results for *P ramorum*, or if an inspector determines that plants in a nursery exhibit no signs of infection with *P ramorum*, the inspector may certify that the nursery is free of evidence of *P ramorum* infestation at the time of inspection. Certification is valid for 1 year and must be renewed each year to continue shipping plants interstate.

**Emergency Action Notification (PPQ Form 523) (Business) - 7 CFR 319.37-3(c)**

This form is used when an emergency action must be taken on a shipment which allows Customs and Border Patrol (CBP) and/or APHIS to communicate the need for specific action on a shipment to interested parties. A permit indicating the applicable conditions for importation will be issued by APHIS if, after review of the application, the articles are deemed eligible to be imported into the United States under the conditions specified in the permit. However, even if such a permit is issued, the regulated article may be imported only if all applicable requirements of this subpart are met and only if an inspector at the port of entry determines that no remedial measures pursuant to the Plant Protection Act are necessary with respect to the regulated article.

**Notification of High Risk *P. ramorum* Genera (Business) 7 CFR 319.92-3(a)(2)**

The Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with paragraph (a)(1) of this section. The Administrator will give a copy of this regulation along with a written notice for the temporary designation to the owner or person in possession of the nonquarantined area. Thereafter, the interstate movement of any regulated, restricted, or associated article from an area temporarily designated as a quarantined area will be subject to this subpart. As soon as practicable, this area will be added to the list in paragraph (a)(3) of this section or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

**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 519 is posted at: [www.aphis.usda.gov/library/forms/pdf/ppq519.pdf](http://www.aphis.usda.gov/library/forms/pdf/ppq519.pdf) and downloadable for completion.

PPQ Form 523 is not automated at this time because an original signature is needed. In addition, some grove and nursery owners do not have access to the technology needed to electronically access and transmit the form. APHIS will continue to work on automating this form in the future.

**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 that 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.**

APHIS collects the minimum information needed to protect the United States from the importation of plant diseases and plant pests. APHIS has determined there are no small entities involved with this information collection.

**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.**

This information collection is critical to APHIS' mission in preventing the spread of *P. ramorum* into noninfested areas of the United States.

**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;**
  - Any person whose certificate has been withdrawn may appeal the decision, in writing, to the Administrator within 10 days after receiving the written notification of the withdrawal.
- **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. This 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.**

APHIS recently consulted with the following individuals regarding this program:

Mark Bigej, President  
Oregon Association of Nurseries  
5445 Forest Ridge Rd., NE  
Silverton, OR 97381-9708  
503-873-4191

James Hines, Vice President  
Hale and Hines Nursery  
8633 Winters Road  
Winters, CA 95694  
530-795-6030

Ashley Rossi, Chairperson of the Board  
CA Association of Nurseries and Garden Centers  
Green Acres Nursery and Supply LLC and Matsuda  
901 Galleria Blvd.  
Roseville, CA 95678  
916-782-2273

On Monday, April 24, 2017, pages 18892-18892, 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. APHIS received no comments from the public.

**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.**

Respondents are businesses and shippers. See APHIS Form 71 for burden estimates.

**. Provide estimates of annualized cost to respondents for the burden hours for collections of information, identifying and using appropriate wage rate categories.**

$\$29.64$  (estimated rate) x 199 (total burden hours) =  $\$5,898.36$ .

$\$29.64$  is the hourly rate derived from the U.S. Department of Labor, Bureau of Labor Statistics Report – Occupational Employment and Wages in the United States. See <http://www.bls.gov/news.release/ocwage.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 \$5,898.36.

**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	678	0	489	-2,823	0	3,012
	678	0	594		0	3012
Annual Time Burden (Hr)	199	0	23	-1,956	0	2,132
	199	0			0	2132
Annual Cost Burden (\$)	0	0	0	0	0	0
	0	0	0	0	0	

There is an overall program change decrease of -100 respondents and an increase of +499 responses resulting in an increase of 23 burden hours.

- There is a program change increase of + 5 respondents and +594 responses with an increase of +154 burden hours due to APHIS now accounting for burden of: (1) Complicate Agreement (states), (2) Annual Inspections, (3) Sampling labels, (4) Annual certification of nurseries/Recordkeeping, (5) Emergency Action Notification (PPQ-523), and (6) Notification of High Risk *P. ramorum* genera. These burden items were erroneously omitted from the previous renewal and are now being reported as a violation.
- The Federal Order DA-2013-27, Domestic Quarantine, *Phytophthora ramorum*, issued on July 3, 2013, removed regulatory requirements for all non-host nurseries located in regulated areas, resulting in a program change decrease of -105 respondents, -105 responses, and -131 burden hours.

There is an adjustment decrease of -1,376 respondents and -2,823 responses resulting in a decrease of -1,956 burden hours. The decrease is due to the number of respondents dropping out of the program.

**16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.**

APHIS has no plans to publish information collected in connection with this program.

**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 and PPQ Form 523 are used in several 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 date on this form.

**18. Explain each exception to the certification statement identified in the “Certification for Paperwork Reduction Act.”**

APHIS certifies compliance with all provisions of the Act.

**B. Collections of Information Employing Statistical Methods**

Statistical methods are not used in this information collection.