

Supporting Statement
Importation of Gypsy Moth Host Materials from Canada
0579-0142

June 2018

TERM OF CLEARANCE: When ICR is submitted for renewal, the agency should explain any changes in burden or in the forms due to the implementation of ITDS. (There is no change in burden, however ITDS will allow respondents to submit the data required by U.S. Customs and Border Protection and its Partner Government Agencies (PGAs), such as APHIS to import and export cargo through at a Single port.)

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 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 regulate the importation of plants, plant products, and other articles to prevent the introduction of injurious plant pests.

The regulations implementing this Act are contained in Title 7 of the Code of Federal Regulations (CFR), Part 319 (Foreign Quarantine Notices). Plant Protection and Quarantine (PPQ), a program within USDA APHIS, is responsible for ensuring that these regulations are enforced.

The regulations APHIS has devised to implement these laws often require APHIS to collect information from a variety of individuals, both within and outside of the United States, who are involved in growing, packing, handling, transporting, and importing foreign logs, trees, shrubs, and other articles.

The information APHIS collects is vital to helping APHIS ensure that these items do not harbor plant or insect pests such as the gypsy moth.

APHIS currently regulates the interstate movement of various articles due to the presence of gypsy moth (a destructive pest of forest and shade trees) in certain areas within the United States and certain provinces in Canada that are infested with gypsy moth. These items are as follows: trees with and without roots (including Christmas trees), shrubs, logs, pulpwood, outdoor household articles, and mobile homes imported into the United States from certain provinces in Canada that are infested with gypsy moth. These provinces are British Columbia, Ontario, New Brunswick, Nova Scotia, and Quebec. The items mentioned above would need to be accompanied by documentation (including phytosanitary certificates, certificates of origin, and signed statements) certifying that the items have been inspected and found free of gypsy moth.

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 ensure that handling, transportation, and importation of foreign logs, trees, shrubs, and other articles do not harbor plant or insect pests such as the gypsy moth.

Canadian Phytosanitary Certificate (Foreign Government and Business) - 7 CFR 319.77-4(a)(2)(i) & (b)(2)(i)(A)

If the trees or shrubs originated in a Canadian infested area, they must be accompanied by an officially endorsed Canadian phytosanitary certificate that includes an additional declaration confirming that the trees or shrubs have been inspected and found free of gypsy moth or that the trees or shrubs have been treated for gypsy moth in accordance with part 305 of this chapter.

If the bark, bark products, logs, or pulpwood originated in a Canadian infested area, they must be either accompanied by an officially endorsed Canadian phytosanitary certificate that includes an additional declaration confirming that they have been inspected and found free of gypsy moth or that they have been treated for gypsy moth in accordance with part 305 of this chapter.

Canadian Certificate of Origin (Business and Foreign Government) - 7 CFR 319.77-4(a)(2)(ii)

Items that are not destined for a gypsy moth-free area within the United States, but are simply transiting through such an area within the United States, must be accompanied by a Canadian certificate of origin, endorsed by a representative of the Canadian government, certifying that the items were produced where the gypsy moth is not known to occur.

If the bark, bark products, logs, or pulpwood originated in a Canadian noninfested area, they must be accompanied by a certification of origin stating that they were produced in an area of Canada where gypsy moth is not known to occur.

Written Statement (Individual) - 7 CFR 319.77-4 (c)(3)

Household articles, as well as mobile homes and their associated equipment imported from Canada into gypsy moth-free areas of the United States, must be accompanied by a statement signed by the homeowner. This document (usually prepared by APHIS and signed by the homeowner) must state that the household articles, or the mobile home and its associated equipment, have been inspected and found free of gypsy moth.

Compliance Agreement (Business) - 7 CFR 319.77-4(b)(2)(i)(B)

Logs or pulpwood with bark attached may be imported into the United States from gypsy moth infested provinces in Canada if they are destined for a specified United States processing plant or mill that has entered into a compliance agreement with APHIS for specified handling or processing. The owner/operator of the plant or mill signs the compliance agreement, thereby agreeing that the logs or pulpwood from Canada will be handled and processed according to APHIS' requirements.

PPQ 523 Emergency Action Notice (Business) - 7 CFR 319.77-5

Any regulated article that is denied entry into the United States because it does not meet the requirements of this subpart must be promptly safeguarded or removed from the United States. If the article is not promptly safeguarded or removed from the United States, it may be seized, destroyed, or otherwise disposed of in accordance with section 414 of the Plant Protection Act (7 U.S.C. 7714).

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 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.

Phytosanitary Certificates are entered at the port of entry using the ITDS ACE by Customs and Border Protection.

PPQ 523 (Emergency Action Notifications) are issued at the port of entry if there is a pest interception. It is used by Customs and Border Protection.

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 protecting the United States from incursion by agricultural pests 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 gypsy moth incursion. APHIS has determined 98 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.

Failing to collect this information would cripple APHIS' ability to ensure that trees (including Christmas trees), shrubs, logs, and a variety of other items imported from Canada do not harbor gypsy moths. An incursion of gypsy moths into non-infested areas of the United States could result in the destruction of many thousands of acres of trees, with a corresponding loss of millions of dollars to the United States timber and nursery industries.

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.

Productive consultations concerning our information collection activities were made with the following individuals:

Curry Veneer Sales, LLC
Andrew Strong
1014 East Sixth Street
New Albany, Indiana 47150
(812) 945-6623

American Timber and Steel Corp
Joseph McDuffie
4832 Plank Road
Norwalk, OH 44857
Phone: 419.668.1610
Fax: 419.663.1077

Amos Hill Associates
Stefan Bergmann
112 Shelby Avenue
Edinburgh, Indiana 46124
(812) 526-2671

On Friday, March 30, 2018, page 13721, 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 were received 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.**

See APHIS Form 71 for hour burden estimates. APHIS arrived at these estimates through discussions with regulated entities, including exporters, shippers, and plant health authorities in Canada.

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

The cost to the public was determined by multiplying the total number of burden hours (212) times the wage per hour rate. APHIS estimates that the total average hourly rate is \$31.77.

212 burden hours X \$31.77 (estimated average hourly wage) = \$6,735.24

The estimated hourly rate of \$31.77 was derived from the U.S. Department of Labor, Bureau of Labor Statistics May 2017 Report - Occupational Employment and Wages in the United States. See <http://www.bls.gov/news.release/pdf/ocwage.pdf>. The hourly salary is an average based on the occupations of businesses, private citizens, and foreign government.

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 \$4,544.57. (See APHIS Form 79.)

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

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 | 2,526 | 0 | 1 | 200 | 0 | 2325 |
| Annual Time Burden (Hr) | 212 | 0 | 1 | 83 | 0 | 128 |
| Annual Cost Burden (\$) | 0 | 0 | 0 | 0 | 0 | 0 |

There is a program change increase of +1 response resulting in an increase of +1 burden hours. This increase is due to APHIS now accounting for the Emergency Action Notification (PPQ Form 523), which was erroneously omitted from the previous collection.

There an adjustment increase of +200 responses resulting in an increase of +83 burden hours. This increase is due to APHIS adjusting the calculation time to complete phytosanitary certificates. There was also a miscalculation on the number of respondents which decreased the number from 2131 to 2127.

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 being 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 523 is included in several collections with varying dates of expiration. It would be impractical to include an expiration date for this collection, because it would negatively impact other collections that use 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.