

Supporting Statement
Pale Cyst Nematode
OMB NO: 0579-0322

May 2018

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 and noxious weeds not widely distributed in the United States, and eradicating those imported pests when eradication is feasible.

The Plant Protection Act (7 U.S.C 7701 et seq.) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plants pests into the United States or their dissemination within the United States.

In accordance with the regulations in “Subpart-Pale Cyst Nematode” (7 CFR 301.86-301.86-9), the Animal and Plant Health Inspection Service of U.S. Department of Agriculture restricts the interstate movement of certain articles to help prevent the spread of pale cyst nematode, a major pest of potato crops in cool-temperature areas, via potatoes, soil, and other host material to noninfested areas of the United States.

Allowing the restrictions on the interstate movement of regulated articles necessitates the completion of certain forms such as Federal Certificates, Federal Limited Permits, Compliance Agreements, Self-Certification, Packing Facility Process Approval, Appeal of Withdrawn Certificate or Limited Permit, Appeal of Withdrawn Compliance Agreement, and Labeling.

APHIS is asking OMB to approve for an additional 3 years, the use of these information collection activities, associated with its efforts to prevent the spread of PCN within 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 information collection activities to help prevent the spread of PCN within the United States.

Federal Certificates (PPQ Form 540) (business and farms) - 7 CFR 301.86-5(a)

Certificates are issued for regulated articles when an inspector finds that, because of certain conditions (e.g., the article is from a field that has been surveyed for PCN by an inspector in the last 3 years and in which PCN has not been found, and no more than one PCN host crop has been grown

in the field in the last 3 years, or treatment of the regulated article (pressure washing or steam treatment) has effectively removed or devitalized PCN), the regulated articles can be moved safely from the quarantined area without spreading PCN. An inspector or person operating under a compliance agreement may issue a certificate for the interstate movement of a regulated article if the inspector determines that the regulated article satisfies the general requirements for a certificate.

Federal Limited Permit (PPQ Form 530) (business and farms) - 7 CFR 301.86-5(b)(1)

Limited permits are issued for regulated articles when an inspector finds that because of a possible pest risk, the articles may be safely moved interstate only subject to further restrictions, such as movement to specified destinations and movement for limited purposes. A limited permit will only be issued if the regulated article will be moved in compliance with any additional emergency conditions imposed by the Administrator under 414 of the Plant Protection Act (7 U.S.C. 7714) to prevent the spread of PCN, and if the regulated article is eligible for interstate movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

Compliance Agreement (PPQ 519) (business and farms) - 7 CFR 301.86-6(a)

Any person engaged in growing, handling, or moving regulated articles may enter into a compliance agreement when an inspector determines that the person is aware of this subpart, agrees to comply with its provisions, and agrees to comply with all the provisions contained in the compliance agreement.

Self-Certification (farms) - 7 CFR 301.86-5-8

APHIS offers farmers the opportunity to get training from APHIS to able to certify their own regulated articles such as potatoes for disease and pests. These respondents notify APHIS of their interest in self-certifying.

Packing Facility Process Approval (business) - 7 CFR 301-86-5(b)(2)(ii)

An inspector may issue a limited permit to allow the interstate movement of potatoes from the quarantined area for processing or packing only if the potatoes are processed or packed at facilities that handle potatoes, waste, and waste water in a manner approved by APHIS to prevent the spread of pale cyst nematode.

Appeal of Withdrawn Certificate or Limited Permit (business and farms) - 7 CFR 301.86-5(d)

Any certificate or limited permit that has been issued may be withdrawn, either orally or in writing, by an inspector if he or she determines that the holder of the certificate or limited permit has not complied with all provisions in this subpart for the use of the certificate or limited permit or has not complied with all the conditions contained in the certificate or limited permit. If the withdrawal is oral, the withdrawal and the reasons for the withdrawal will be confirmed in writing as promptly as circumstances allow. Any person whose certificate or limited permit 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 or limited permit was wrongfully withdrawn. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

Appeal of Withdrawn Compliance Agreement (business and farms) - 7 CFR 301.86-6(b)

Any compliance agreement may be canceled, either orally or in writing, by an inspector whenever the inspector finds that the person who has entered into the compliance agreement has failed to comply with any of the provisions of this subpart. If the cancellation is oral, the cancellation and the reasons for the cancellation will be confirmed in writing as promptly as circumstances allow. Any person whose compliance agreement has been canceled may appeal the decision, in writing, to the Administrator, within 10 days after receiving written notification of the cancellation. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully canceled. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

Labeling (business and farms) - 7 CFR 301.86-8(a)

A certificate or limited permit required for the interstate movement of a regulated article must, at all times during the interstate movement, be:

- (1) Attached to the outside of the container containing the regulated article; or
 - (2) Attached to the regulated article itself if not in a container; or
 - (3) Attached to the consignee's copy of the accompanying waybill. If the certificate or limited permit is attached to the consignee's copy of the waybill, the regulated article must be sufficiently described on the certificate or limited permit and on the waybill to identify the regulated article.
- (b) The certificate or limited permit for the interstate movement of a regulated article must be furnished by the carrier or the carrier's representative to the consignee listed on the certificate or limited permit upon arrival at the location provided on the certificate or limited permit.

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 forms 530 and 540 are not automated for several reasons. These forms have a unique identifier (serial number) and they are accountable forms that must be issued by a PPQ employee. APHIS needs to have strict control over the issuance of these forms since they allow the movement of regulated products that are subject to restrictions. They can only be issued after an inspection proves that the shipment meets the requirements for movement. An inspector has to determine if a treatment is required before movement. Finally, the forms must accompany the shipment throughout transport from the inspection until destination.

PPQ Form 519 is fillable and available online at:
<http://www.aphis.usda.gov/library/forms/pdf/ppq519.pdf>

Farmers may contact APHIS electronically to become self-certifiers.

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 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.

The information APHIS collects is the minimum needed to protect the United States from the introduction of PCN and other plant diseases. APHIS has determined that 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.

If APHIS did not collect this information or if APHIS collected this information less frequently, the spread of PCN in the United States could result in a loss of United States potatoes and other commodities from domestic or foreign markets.

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;**

Appeal of Withdrawn Certificate or Limited Permit - Any person whose certificate or limited permit has been withdrawn may appeal the decision in writing to the Administrator within 10 days after receiving the written notification of the withdrawal.

Appeal of Withdrawn Compliance Agreement - Any person whose compliance agreement has been canceled may appeal the decision, in writing, to the Administrator, within 10 days after receiving written notification of the cancellation.

- **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 other special circumstances exist that would require this information 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.

APHIS held productive consultations with the following individuals concerning the information collection activities associated with this program:

Ethan Crook, General Manager
Idaho Select Inc.
75 East Freemont Ave.
Aberdeen, ID 83210
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(208) 397-4110

Dennis Tanikuni, Assistant Director of Governmental Affairs
Idaho Farm Bureau Federation
P.O. Box 167
Boise, ID 83701
208-333-7083

Clen Atchley, Chair
Idaho Potato Commission
661 S. Rivershore Lane, Suite 230
Eagle, ID 83616
208-334-2350

On Friday, May 30, 2018, page 24718, 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. 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 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 burden for collections of information, identifying and using appropriate wage rate categories.**

$\$23.00 \times 445 \text{ hours} = \$10,235.00$

The hourly wage of \$23.00 is an average since there are various occupations within the private sector: Potato Producers, Packers, Processors, and Handlers of Potatoes.

This average hourly rate for the above respondents is derived from the U.S. Department of Labor; Bureau of Labor Statistics May 2017 Report – National Occupational Employment and Wage Estimates United States. See <http://www.bls.gov/oes/#tables>.]

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.

The services of the inspector during normal business hours (8 a.m. to 4:30 p.m., Monday through Friday, except holidays) will be furnished without cost. APHIS will not be responsible for any costs or charges incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

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 \$19,507.00. (See APHIS 79).

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 | 3725 5366 | 0 | 1862 | 2 | 0 0 | 1861 |
| Annual Time Burden (Hr) | 445 | 0 | 49 | 7 | 0 0 | 389 |
| Annual Cost Burden (\$) | 0 0 | 0 | 0 | 0 | 0 0 | 0 |

There is an adjustment increase of +2 respondents and +2 responses resulting in an increase of +7 total burden hours. This adjustment is due to the increase of the number of responses to the Self Certification.

There is a program change increase of +8 respondents and +1,862 responses resulting in an increase of +49 total burden hours. The increase is due to APHIS now accounting for follow burden which, were erroneously omitted from the previous collection:

1. Packing Facility Process Approval (Business),
2. Appeals for Withdrawn Certificates and Limited Permits (Business and Farm),
3. Appeals for Withdrawn Compliance Agreements (Business and Farm), and
4. Labeling (Business and Farm).

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.

PPQ 540, PPQ 530, and PPQ 519 are used in multiple information collections; therefore, it is not practical to include an OMB expiration date because of the various expiration dates for each information collection. APHIS is seeking approval to not display the OMB expiration date on these forms; however, APHIS is considering these forms into common 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.