

SUPPORTING STATEMENT
Citrus Canker; Interstate Movement of Regulated Nursery Stock
And Fruit From Quarantined Areas
OMB No. 0579-0317

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, 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.

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 (such as citrus canker) new to or not widely distributed throughout the United States. APHIS' Domestic Quarantines (7 CFR Part 301) are issued under this authority.

APHIS has regulations in place to prevent the interstate spread of citrus canker. These regulations, contained in 7 CFR 301.75, restrict the interstate movement of regulated articles from and through areas quarantined because of citrus canker. APHIS' citrus canker quarantine regulations also prohibit the interstate movement of regulated nursery stock from a quarantined area. The interstate movement of nursery stock from an area quarantined for citrus canker poses an extremely high risk of spreading citrus canker outside the quarantined area. APHIS is also continuing to allow the interstate movement of regulated nursery stock for immediate export, under certain conditions. These regulations are necessary to address the risk associated with the interstate movement of citrus nursery stock and other regulated articles from areas quarantined for citrus canker.

APHIS is asking OMB to approve this information collection activity, for an additional 3 years, to prevent the interstate movement of citrus canker into noninfested areas of 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 activities to address the risk associated with the interstate movement of citrus nursery stock and other regulated articles from areas quarantined for citrus canker.

Compliance Agreement (PPQ Form 519); (7 CFR 301.75.13(a), 301.75-7 (a)(4)); (Business)

Any person engaged in the business of growing or handling regulated articles for interstate movement may enter into a compliance agreement with the Animal and Plant Health Inspection Service to facilitate the interstate movement of regulated articles in accordance with this subpart.

If the fruit is repackaged after being packed in a commercial packinghouse and before it is moved interstate from the quarantined area, the person that repackages the fruit must enter into a compliance agreement with APHIS in accordance with §301.75-13 and issue and attach a certificate for the interstate movement of the fruit in accordance with §301.75-12.

Limited Permit for Export (PPQ Form 530); (7 CFR 301.75-6(d), 301.75-7(b), 301.75-12); (Business)

Limited permits may be issued for the interstate movement of regulated articles only by an inspector or by persons operating under a compliance agreement. Limited permits are used to authorize movement of regulated articles that are not certifiable to specified destinations for processing, treatment, or utilization.

Federal Certificate (PPQ Form 540); (7 CFR 301.75.7(a)); (Business)

Regulated fruit produced in a quarantined area or moved into a quarantined area for packing may be moved interstate with a certificate issued and attached in accordance with §301.75-12 if all conditions are met.

Written Appeal for Cancellation of Compliance Agreement; (7 CFR 301.75.13(b)); (Business)

Any compliance agreement may be cancelled orally or in writing by an inspector if the inspector finds that the person who entered into the compliance agreement has failed to comply with this subpart, or any term or condition of the compliance agreement itself. If the person is given notice of cancellation orally, written confirmation of the decision and the reasons for it must be provided as promptly as circumstances allow. Any person whose compliance agreement is cancelled may appeal the decision, in writing, to the Administrator within 10 days after receiving the written notification. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully cancelled. The Administrator must grant or deny the appeal, in writing, stating the reasons for the decision as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing will be held to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator.

Written Appeal for Cancellation of Limited Permit; (7 CFR 301.75-12(a)(2)); (Business)

A certificate or limited permit may be withdrawn by an inspector if the inspector determines that any of the applicable requirements of this subpart have not been met. The decision of the inspector and the reason for the withdrawal must be confirmed in writing as promptly as circumstances allow. Any person whose certificate or limited permit is withdrawn may appeal the decision, in writing, to the Administrator within 10 days after receiving the written notification. 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. The Administrator must grant or deny the appeal, in writing, stating the reasons for the decision, as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing will be held to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator.

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 in fillable PDF format available on the APHIS forms library website.

The PPQ Form 530 and PPQ Form 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. In addition, the forms must accompany the shipment throughout transport and until destination.

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 preventing the incursion or interstate spread of plant pests and noxious weeds. It 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 estimates that all of the respondents are small entities. The information APHIS collects associated with this program is the minimum needed to prevent the spread of citrus canker into noninfested areas of the United States.

6. Describe the consequences of 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, or if this information was collected less frequently, could cause a severe economic loss to the citrus industry.

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 compliance agreement, limited permit, or certificate is cancelled may appeal the decision, in writing, to the Administrator within 10 days after receiving the written notification. The appeal must state all of the facts and reasons upon which the person relies to show that the action was wrongfully cancelled.

- **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 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.

APHIS held productive consultations with the following individuals to discuss the activities and burden associated with this program. In general, the program is viewed favorably and the paperwork as a necessity to ensure the industry's productivity.

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On Friday, July 24, 2020, APHIS published in the Federal Register on page 44851 a 60-day notice seeking public comments on its plan to request a 3-year renewal of this information collection. One comment from the public was received and it was generally supportive of the information collection activities.

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 status, 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 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 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 annualized cost to respondents is \$156,775. This was computed by multiplying the estimated average hourly wage (\$38.63) by the total number of burden hours (2,840) needed to complete the work, and then multiplying the result by 1.429 to capture benefit costs.

The average hourly rates used to calculate the estimate are for agricultural managers (SOCC 11-9013, \$38.63) using information found at the U.S. Bureau of Labor Statistics employment statistics website http://www.bls.gov/current/oes_stru.htm.

According to DOL BLS news release USDL-20-0451 released March 19, 2020, employee benefits account for 30 percent of employee costs, and wages account for the remaining 70 percent. Mathematically, total costs can be calculated as a function of wages using a multiplier of 1.429.

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 estimate 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 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. The estimates annualized cost to the Federal Government is \$202,500.

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

	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	14,402			0		14,402
Annual Time Burden (Hr)	2,840			98		2,742

This request for renewal of an information collection request contains 14,402 responses and 2,840 hours of burden, an increase of 98 hours of burden from the previous submission. All of the changes are due to estimate adjustments; for two activities, the 10 minute estimated time per response was adjusted from .16 hours to .167 hours.

16. For collections of information whose results are planned to be published, outline plans for tabulations 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 Form 519, PPQ Form 530, and PPQ Form 540 are all used in multiple APHIS 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.

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 under the Act.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.