October 2020

Supporting Statement
South American Cactus Moth;
Quarantine and Regulations
OMB No. 0579-0337

TERMS OF CLEARANCE: APHIS has made little progress in converting PPQ Forms 519, 530, and 540 to common forms. The Agency has many forms eligible for conversion but it has lacked the time to develop a process for converting and managing them effectively. It anticipates making material progress on this project in the next several years.

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.

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 subpart, "Subpart-South American Cactus Moth" (7 CFR part 301.55 through 301.55-9), restrict the interstate movement of regulated articles from quarantined areas into or through non-quarantined areas within the United States.

APHIS is asking the Office of Management and Budget (OMB) to approve, for an additional 3 years, the use of these information collection activities associated with its efforts to prevent the artificial spread of South American cactus moth 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 restrict the interstate movement of regulated articles from quarantined areas into or through non-quarantined areas within the United States.

Compliance Agreement (PPQ Form 519); (7 CFR 301.55.6(a)); (Business)
Compliance agreements are provided for the convenience of persons who are involved in the growing, handling, or moving of regulated articles from quarantined areas. A person may enter

into a compliance agreement when an inspector has determined that the person requesting the compliance agreement has been made aware of the requirements and the person has agreed to comply with the requirements of the regulations and the provisions of the compliance agreements.

Federal Certificate (PPQ Form 540); (7 CFR 301.55-5, .55-8); (State)
This is a certificate used for domestic movement of treated articles relating to quarantines. The form is issued by State Plant Health Regulatory Officials, Plant Health Directors, and any other official approved by the Secretary.

Certificates are issued for regulated articles when an inspector or other person authorized to issue certificates finds that the articles have met the conditions of the regulations and may be safely moved interstate without further restrictions.

Limited Permit (PPQ Form 530); (7 CFR 301.55-5, .55-8); (State)
Limited permits are used to authorize movement of regulated articles that are not certifiable to specified destinations for processing, treatment, or utilization.

An inspector will issue a limited permit for the interstate movement of a regulated article if the inspector determines that the regulated article is to be moved interstate to a specified destination for specified handling, processing, or utilization (the destination and other conditions to be listed in the limited permit), and this interstate movement will not result in the spread of the South American cactus moth because life stages of the South American cactus moth will be destroyed by the specified handling, processing, or utilization.

A paper document (four parts) is used to authorize the movement of regulated articles to a specified destination and allows further inspection at destination. The decision to perform further inspections will be made by the State plant protection official in the host. The decision to inspect is prompted by date of issuance and results of inspection prior to transport.

Cancellation of Limited Permit or Certificate, and Appeal; (7 CFR 301.55-6); (State, Business)
Any certificate or limited permit that has been issued may be canceled, either orally or in writing, by an inspector whenever the inspector determines that the holder of the limited permit has not complied with this subpart or any conditions imposed under this subpart. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit. Any person whose certificate or limited permit has been canceled may appeal the decision in writing to the Administrator within 10 days after receiving the written cancellation notice. The appeal must state all of the facts and reasons that the person wants the Administrator to consider in deciding the appeal. A hearing may be held to resolve a conflict as to any material fact. Rules of practice for the hearing will be adopted by the Administrator. As soon as practicable, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision.

Cancellation of Compliance Agreement and Appeal; (7 CFR 301.55-6, -7); (State, Business)
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 this subpart or the terms of the compliance agreement. 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.

Inspection Request; (7 CFR 301.55.7); (Business)
Any person (other than a person authorized to issue limited permits under §301.555(c)) who desires a certificate or limited permit to move a regulated article interstate must request an inspector[6] to examine the articles as far in advance of the desired interstate movement as possible, but no less than 48 hours before the desired interstate movement.

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 on the APHIS forms website as a fillable, printable form.

PPQ Form 540 is not automated for several reasons. The form has a serial number and it is an accountable form that must be issued by a PPQ employee, or a person under Compliance Agreement with PPQ. APHIS needs to have strict control over the issuance of this form since it allows the movement of regulated products that are subject to restrictions. This form 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.

PPQ Form 530 is also an accountable form that must be issued by a PPQ employee, or a person under Compliance Agreement with PPQ. APHIS does not plan to automate this form for the following reasons. Strict control is needed for the issuance of this form, as it allows the movement of regulated products that are subject to restrictions, and it can only be issued after an inspection proves that the shipment meets the requirements for movement. Movement may also require a treatment, which has to be determined by an inspector. The form must accompany the shipment throughout transport from the inspection 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 preventing the introduction and spread of plant pests and plant diseases within 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 estimates there are no small entities involved in this information collection request. The information APHIS collects is the minimum needed to protect the United States from the introduction of plant pests and plant diseases.

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 this information was collected less frequently, APHIS could not provide an effective domestic quarantine program to prevent the artificial spread of the South American cactus moth within 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 compliance agreement, certificate or limited permit has been canceled may appeal the decision in writing to the Administrator within 10 days after receiving the written cancellation notice.
- **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 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 consulted with the individuals listed below regarding information collection activities. The respondents were familiar with completing documentation at both the federal and state level and understood the importance of protecting agricultural products and other plant natural resources from plant pests and diseases. The respondents were familiar generally ambivalent regarding the paperwork requirements and had no recommendations. The respondents felt that the information collected for the South American Cactus Moth would be useful for the programs supported by their respective organizations on this pest.

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On Monday, July 20, 2020, APHIS published in the Federal Register on pages 43809 and 43810 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 is provided to respondents and the basis for the assurance in stature, 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 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 $786. This was computed by multiplying the estimated average hourly wage ($34.34) by the total number of burden hours (16) 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), plant scientists (SOCC 19-1013), and foresters (SOCC 19-1032) 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 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.

See APHIS 79. The estimated annual cost to the Federal Government is $592.

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	39	0	0	0	0	39
Annual Time Burden (Hr)	16	0	0	0	0	16

This information collection request renewal has no changes from the previous submission.

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 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 in the Act.

B. Collections of Information Employing Statistical Methods.

Statistical methods are not used in this information collection.