March 2021

SUPPORTING STATEMENT
Standardizing Phytosanitary Treatment Regulations:
Approval of Cold Treatment and Irradiation Facilities;
Cold Treatment Schedules; and
Establishment of Fumigation and Cold Treatment Compliance Agreements
OMB No. 0579-0450

TERMS OF CLEARANCE: "Before this ICR is renewed, USDA should convert PPQ 519 and PPQ 530 to common forms or explain why that has not been done." APHIS has made little progress in converting its multi-ICR agency forms to common forms. It has many forms eligible for conversion but has lacked the expertise and time to develop a process for converting and managing them efficiently. The Agency anticipates making material progress on this project in 2021.

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) 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 into 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 Department to carry out this mission.

Under the Plant Protection Act, the Animal and Plant Health Inspection Service (APHIS) is authorized, among other things, to regulate the importation of plants, plant products, and other articles to prevent the introduction of plant pests into the United States.

The Phytosanitary treatment regulations contained in 7 CFR, Part 305.1 thru 305.9 (referred to below as the regulations), set out the general requirements for performing treatments and certifying or approving treatment facilities for fruits, vegetables, and other articles to prevent the introduction or dissemination of plant pests or noxious weeds into or throughout the United States.

The phytosanitary treatment regulations established generic criteria that allows for the approval of new cold treatment and irradiation facilities; cold treatment schedules; and the establishment of fumigation and cold treatment compliance agreements. These criteria, if met, allow APHIS to approve new cold treatment facilities without rulemaking and facilitate the importation of fruit requiring cold treatment while continuing to provide protection against the introduction of pests of concern into the United States. The fruit cutting and inspection requirements in the cold treatment regulations expands cutting and inspection to commodities that have been treated for a wider variety of pests of concern. These actions provide for a greater degree of phytosanitary protection. APHIS also requires the establishment of compliance agreements for those entities

that operate fumigation facilities. Finally, APHIS requires harmonize language concerning State compliance with facility establishment and parameters for the movement of consignments from the port of entry or points of origin in the United States to the treatment facility in the irradiation treatment regulations language in the cold treatment regulations. These actions would serve to codify and make enforceable existing procedures concerning compliance agreements for these facilities.

APHIS is asking OMB to approve the use of this information collection activity, for 3 years, associated with its efforts to prevent the spread of plant pests and plant diseases in 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 will use the following information collection activities to provide generic criteria for new cold treatment and irradiation facilities, cold treatment schedules, and the establishment of fumigation and cold treatment compliance agreements.

PPQ Form 519, Compliance Agreements with importers and facility operators for fumigation in the United States; (Business); 305.5 (c)(1)
If fumigation treatment of imported articles is conducted in the United States, both the importer and the operator of the fumigation treatment facility must sign a compliance agreement (or equivalent) with APHIS. In the facility compliance agreement, the facility operator must agree to comply with any additional requirements found necessary by APHIS to prevent the escape, prior to fumigation treatment, of any pests of concern that may be associated with the articles to be treated. In the importer compliance agreement, the importer must agree to comply with any additional requirements found necessary by APHIS to ensure the shipment is not diverted to a destination other than an approved treatment facility and to prevent escape of plant pests from the articles to be treated during their transit from the port of first arrival to the fumigation treatment facility in the United States.

PPQ Form 519, Compliance Agreements with fumigation treatment facilities treating articles moved interstate from Hawaii and United States territories; (Business); 305.5 (c)(2)
Fumigation treatment facilities treating articles moved interstate from Hawaii and United States territories must complete a compliance agreement (or equivalent) with APHIS as provided in § 318.13-3(d) of this chapter.

PPQ Form 519, Compliance Agreements with fumigation treatment facilities treating articles moved interstate from areas quarantined for fruit flies; (Business); 305.5 (c)(3)
Fumigation treatment facilities treating articles moved interstate from areas quarantined for fruit flies must complete a compliance agreement (or equivalent) with APHIS as provided in § 301.32-6 of this chapter. Fumigation treatment facilities treating articles moved interstate from areas quarantined only for Asian citrus psyllid, and not for citrus greening, must complete a compliance agreement with APHIS as provided in §301.76-8 of this chapter.

Facility Certification; (Business); 305.6 (a)
A facility will only be certified or recertified if the Administrator determines that the location of the facility is such that those Federal agencies involved in its operation and oversight have adequate resources to conduct the necessary operations at the facility, that the pest risks can be managed at that location, and that the facility meets all criteria for approval.

Facility to Provide Detailed Layout Map; (Business); 305.6 (b)(1)(i)
Prospective facility operators would have to submit a detailed layout of the facility site and its location to APHIS.

State Written Concurrence; (State Government); 305.6 (b)(1)(ii)
The government of the State in which the facility would be located must concur in writing with the location of the facility, or if it does not concur, the State government must provide a written explanation of concern based on pest risks.

Facility to Provide Updated Maps Identifying Where Horticultural/Crops are Grown; (Business); 305.6 (b)(1)(x)
The facility must maintain and provide APHIS with an updated map identifying places where horticultural or other crops are grown within a 4-mile radius of the facility. Proximity of host material to the facility will necessitate trapping or other pests monitoring activities to help prevent establishment of any escaped pests of concern, as approved by APHIS.

Contingency Plan; (Business); 305.6 (b)(1)(iv)
The facility must have contingency plans, approved by APHIS, for safely destroying or disposing of regulated articles if the shipment is unable to properly treat a shipment.

PPQ Form 530, Limited Permit; (Business); 301.32-5(b)
For articles that are moved interstate from areas quarantined for fruit flies, cold treatment facilities may be located either within or outside of the quarantined area. If the articles are treated outside the quarantined area, they must be accompanied to the facility by a limited permit issued in accordance with § 301.32-5(b) and must be moved in accordance with any safeguards determined to be appropriate by APHIS.

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 considerations of using information technology to reduce burden.

PPQ Form 530 (Limited Permit) – This form is not automated for several reasons. The form has a unique identifier (serial number), and it is an accountable form that must be issued by PPQ, or a person under Compliance Agreement with PPQ. 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 form must accompany the shipment throughout transport from the inspection until destination.

PPQ Form 519 (Compliance Agreement) – This form is downloadable, fillable, and posted at: http://www.aphis.usda.gov/library/forms.

Letters for facility approval may be submitted electronically.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use of 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 collected is the absolute minimum needed to ensure that fruits and vegetables have been properly irradiated and thus pose no threat of introducing destructive insect pests into the United States. APHIS has determined 70 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.

If the information was collected less frequently or not collected at all, APHIS would have no practical way of determining that any given commodity had actually been treated.

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.**

There are no special circumstances associated with this information collection that would require it 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 recently consulted with the following individuals regarding this program. The consultation with each individual stakeholder occurred during conference calls and emails, which gave APHIS the opportunity to address questions regarding the Cold Treatment and Irradiation Facilities program. The respondents had no questions or concerns about availability of data, frequency of collection, the clarity of instructions and disclosure, or reporting.

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On Monday, November 23, 2020, APHIS published in the Federal Register Notice, VOL 85 NO 226 PG 74465, a 60-day notice seeking public comments on its plan 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 re-numeration 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 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 hour estimates.

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

APHIS estimates the total annualized cost to respondents for this collection to be $10,363.11. This was computed by multiplying the hours of estimated response time (196 hours) by the estimated average hourly wage of the above respondents ($37.00) and then multiplying the result ($7,252.00) by 1.429 to capture benefit costs.

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.

$37.00 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. http://www.bls.gov/news.release/pdf/ocwage.pdf.

13. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information (do not include the cost of any hour burden 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 costs, maintenance costs, and purchase of services in connection with this program.

14. Provide estimates of annualized cost 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 for the Federal Government is $16,507. (See APHIS Form 79.)

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 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 for this IC	385	0	0	346	0	39
Annual IC Time Burden (Hours)	196	0	0	173	0	23

There is an adjustment increase of +75 respondents and +346 responses, resulting in an increase of +173 total burden hours. This increase in burden is due to having more accurate data because this is the first renewal.

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.

There are two forms in this information collection, PPQ Form 519 and PPQ Form 530, which are in multiple collections. It is not practical to include an OMB expiration date because of the various expiration dates for each collection. Therefore, APHIS is seeking approval to not display the OMB expiration date on either of 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 identified in the Act.

B. Collections of Information Employing Statistical Methods.

Statistical methods are not used in this information collection.