

July 2021

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

TERM OF CLEARANCE: “Before this ICR is renewed, USDA should consider converting PPQ Form 523 to a common form and establishing a single OMB control number for it.”

APHIS has many forms eligible for conversion to common forms but has lacked the expertise and time to develop a process for doing so efficiently. This has become a priority for the Agency in 2021 and it anticipates making material progress on the project.

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 importation and 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 with bark attached, pulpwood with bark attached, 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 or originated from a location where gypsy moth is not known to occur.

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; (7 CFR 319.77; 4(a)(2)(i) & (b)(2)(i)(A)); (Foreign Government and Business)

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; (7 CFR 319.77; 4(a)(2)(ii) & (b)(2)(ii)); (Foreign Government and Business)

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 non-infested 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; (7 CFR 319.77-4 (c)(3)); (Individual)

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 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 (PPQ Form 519); (7 CFR 319.77-4(b)(2)(i)(B)); (Business)

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 Form 519 is initiated by businesses or persons to attest that specific APHIS requirements are followed. The compliance agreement includes details such as contact information, location of facility or site of processing, and a listing of the requirements for specific regulated articles to be imported.

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

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). PPQ Form 523 is prepared by a Federal official and issued to a broker, shipper, market owner, or other stakeholder responsible for a certain consignment failing specific import requirements and requiring remedial action. The form describes the reasons for refusal of entry into the United States and basic explanations of required remedial actions. Receipt and consignment disposition are annotated by the stakeholder before further port clearance procedures may resume.

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.

The phytosanitary certificate and certificate of origin are both prepared and issued by the Canadian government. The written statements are prepared by individuals submitting them; there is no prescribed format for how they are prepared.

The PPQ 519 Compliance Agreement is prepared by APHIS and provided to respondents for review and signature.

The PPQ 523 Emergency Action Notification is issued and subsequently processed by U.S. Federal officials after it is signed by the respondent acknowledging receipt.

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.

APHIS has determined 98 percent of the business respondents are small entities. The information APHIS collects is the minimum needed to protect the United States from gypsy moth incursion.

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;**

An Emergency Action Notice (PPQ Form 523) may be issued by a Federal official to a broker, shipper, market owner, or other stakeholder responsible for a certain consignment being quarantined. The form describes the reasons for quarantine and basic explanations of required remedial actions. The recipient normally has 48 hours to decide on actions to be taken and seven days to complete them.

- **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 the publication in the Federal Register of the agency's notice, soliciting comments on the information collection prior to submission to OMB.

All inquiries to the Canadian Food Inspection Agency were referred to the CFIA National Manager. The USDA APHIS PPQ Phytosanitary Issues Management (PIM) Trade Director for Canada consulted with the Canadian Food Inspection Agency (CFIA) National Manager, Horticulture and Grains Section, to discuss the certificate and written statement requirements in this information collection request as the documents are generated or processed by the Canadian government. They discussed the importance of the required documents and their use for the handling, transportation, and importation of foreign logs, trees, shrubs, and other articles that may harbor plant or insect pests such as the gypsy moth, and any improvements that might be made. The CIFA NM did not recommend any changes to the collection activities.

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The written statement activity does not require contact information for those submitting one so no further consultation is possible. For the remaining two activities, PPQ Form 519 and PPQ Form 523, activity is minimal and being reported as placeholders.

On Thursday, January 21, 2021, APHIS published in the Federal Register (86 FR 6289) a 60-day notice seeking public comment on its plans to request a 3-year approval of this collection of information. Due to an error with links in this notice, APHIS republished the notice in the Federal Register for an additional 60 days on Thursday, April 15, 2021 (86 FR 19870). 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 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 importers, 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.**

APHIS estimates the total annualized cost to respondents for this collection to be \$243,938. This was computed by multiplying the 4,358 hours of estimated response time by the estimated average hourly wage of the respondents (\$38.63) and then multiplying the result by 1.449 to capture benefit costs.

The average hourly rates used to calculate the estimate are for Canadian officials (\$53.47); sales representatives (SOCC 41-4012, \$35.34); and individuals (SOC 00-0000, \$27.07). The SOCC and rates were obtained from the U.S. Bureau of Labor Statistics website https://www.bls.gov/oes/current/oes_stru.htm.

According to DOL BLS news release USDL-21-0437 released March 18, 2021, employee benefits account for 31 percent of employee costs, and wages account for the remaining 69 percent. Mathematically, total costs can be calculated as a function of wages using a multiplier of 1.449.

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 Form 79. The estimated cost to the Federal Government is \$116,103.

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	11,612	0	3,300	5,786	0	2,526
Annual Time Burden (Hr)	4,358	0	1,737	2,409	0	212

This request for renewal is for 11,612 estimated responses and 4,358 estimated burden hours, increases of 9,086 responses and 4,146 hours from the previous submission.

Approximately 66% of the changes are estimate adjustments. There is a significant change in the estimated number of respondents providing written statements, increasing from 2,000 to 3,000.

Discretionary program changes include the Certificate of Origin activity which had its estimated time per response increased from 5 minutes to 30 minutes to more accurately reflect processing time. This change, accompanied by an estimate adjustment of 3,400 additional responses, resulted in an increase of 1,741 burden hours.

Adjustments to Agency estimates include the number of issued phytosanitary certificates increasing by 4,890 estimated responses resulting in 2,444 hours of additional estimated burden. The estimated number of written statement responses was also increased by 1,000 but the resulting burden change was only 17 additional hours. Finally, the number of estimated compliance agreements was adjusted from 105 to 1, resulting in a decrease of 52 burden hours.

The increases in the estimated responses, estimated burden hours, and discretionary adjustments are attributed to market changes and the industry shift away from agreements to certificates, as well as an increase in written statements from respondents.

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 Forms 519 and 523 are included in several collections with varying dates of expiration and it would be impractical to include an ICR approval expiration date on the forms.

APHIS is studying the consolidation of its forms used in multiple ICRs into a common ICR and expects to make progress on this project in 2021.

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.