

**Supporting Statement
Plum Pox Compensation
OMB No. 0579-0159**

TERMS OF CLEARANCE: “Before this ICR is renewed, APHIS should explore converting PPQ Form 523 to common forms. If this is not done before the renewal, an explanation should be provided as to what challenge(s) APHIS has for the conversion.”

This form is currently associated with multiple information collections, each with different OMB approval expiration dates. APHIS and OIRA are currently developing procedures for creating and maintaining a consolidated intra-Agency common form ICR. Upon the forms’ inclusion in the common form ICR upon its approval, the forms will be updated with the appropriate PRA banners, ICR control numbers, and OMB approval expiration dates.

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 pests and noxious weeds from entering the United States; preventing the spread of pests new to or not widely distributed within the United States; and eradicating plant 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 in 7 CFR 301.74-5 (referred to as the regulations), permit compensation under certain circumstances. Owners of commercial stone fruit orchards may receive compensation for losses associated with trees destroyed to control plum pox pursuant to an Emergency Action Notification (EAN) issued by the Animal and Plant Health Inspection Service (APHIS). Owners of fruit tree nurseries may receive compensation for net revenue losses associated with movement or sale of nursery stock prohibited under an EAN issued by APHIS with respect to regulated articles within the nursery in order to control plum pox. This action reduces the economic impact of APHIS’ plum pox quarantine placed on owners of fruit tree nurseries.

Plum pox is an extremely serious viral disease of plants that can affect many stone fruit species, including plum, peach, apricot, almond, and nectarine. In Europe, plum pox has been present for a number of years and is considered to be the most serious disease affecting susceptible stone fruit varieties.

APHIS is asking OMB to approve, for 3 additional years, its use of this application in connection with its program to compensate stone fruit growers and fruit tree nursery owners for the loss of their trees.

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 permit compensation under certain conditions:

Application for Plum Pox Compensation (PPQ Form 651); (CFR 301.74-5); (Business)

Owners of stone fruit orchards, fruit tree nurseries, and non-fruit-bearing ornamental tree nurseries are eligible to receive compensation from the USDA to mitigate losses or expenses incurred because of the plum pox quarantine and emergency actions. To apply for plum pox compensation, applicants must complete an application form containing the owner's name and address, a description of the owner's property, and a certification statement that the trees removed from the owner's property were stone fruit trees from commercial fruit orchards or a fruit tree nursery. Applicants may also need to provide a DUNS number and bank account information for direct deposit of payment.

Emergency Action Notification (EAN) (PPQ Form 523); (CFR 301.74-5); (Business)

A PPQ Form 523, Emergency Action Notification (EAN), is prepared by a Federal official and issued when specific agricultural activities must be suspended until a prescribed remedial action is completed. The form describes the reasons for issue and an explanation of required remedial action. Receipt and disposition are annotated by the recipient.

Owners of stone fruit orchards are eligible to receive compensation to mitigate losses or expenses incurred because of the plum pox quarantine and emergency actions. Applications must be accompanied by a copy of the EAN ordering the destruction of their trees, the notification's accompanying inventory describing the acreage and ages of trees removed, and documentation verifying that the destruction of the trees has been completed and the date of that completion.

Owners of fruit tree nurseries are also eligible to receive compensation. Applications must be accompanied by a copy of the EAN prohibiting the sale or movement of the nursery stock, the notification's accompanying inventory describing the total number of trees covered by the EAN, their age and variety, and documentation indicating the final disposition of the nursery stock.

Owners of non-fruit-bearing ornamental tree nurseries may receive compensation for net revenue losses associated with the prohibition on movement or sale of nursery stock as a result of the issuance of an EAN by APHIS with respect to regulated articles within the nursery in order to control plum pox.

Orchard Owner Records; (CFR 301.74-5); (Business)

Orchard owners must have records documenting that they have met the requirements of this section and must submit the records to APHIS as part of their application for compensation.

Destruction Verification Documents; (CFR 301.74-5); (Business)

To be eligible for compensation at the rates specified, orchard owners must have marketed fruit produced in orchards subsequently destroyed because of plum pox under listed conditions.

State Compensation; (CFR 301.74-5); (State)

Owners of commercial stone fruit orchards who APHIS has determined meet the eligibility requirements will be compensated on a per-acre basis at a rate based on the age of the trees destroyed. If the trees were not destroyed by the date specified on the Emergency Action Notification, the compensation payment will be reduced by 10 percent and by any tree removal costs incurred by the State or the USDA. The maximum USDA compensation rate is 85 percent of the loss in value, adjusted for any State-provided compensation to ensure total compensation from all sources does not exceed 100 percent of the loss in value. APHIS receives information from eligible orchard owners as part of their application for compensation then APHIS calculates the compensation rates and provides the rate figure to the State. The State forwards this information to their financial management division for processing.

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 number of compensation incidents are infrequent and don't warrant the costs of creating or integrating the activities into an information system. PPQ Form 523 is prepared and issued by a Federal agent, and the PPQ Form 651 is completed by the applicant; when completed, it includes various attachments of other documents gathered by the applicant. Both forms require original signatures for processing.

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, plant diseases, and noxious weeds into the United States. The information is not available from any other source and is dependent on the particular on-the-ground situation at the time that plum pox virus is detected.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

APHIS estimates 100 percent of the business respondents are small entities. The information APHIS collects in connection with this program is the minimum needed to provide eligible grove and nursery owners with compensation for trees or revenue lost because of plum pox.

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.

The application for plum pox compensation is a one-time procedure. If APHIS did not collect this information, APHIS would be unable to compensate eligible grove and nursery owners for their losses.

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.**

No special circumstances exist that would require this collection to be conducted in a manner inconsistent with the general information collection guidelines in 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 following individuals regarding information collection activities. The respondents did not believe the paperwork requirements were overly complicated and appreciate that compensation is available. This benefit impacted growers and helps ensure the continued cooperation of growers and nursery owners with the survey and eradication activities being conducted by the U.S. Department of Agriculture's (USDA's) Animal and Plant Health Inspection Service (APHIS) and state cooperators. The respondents are familiar with completing

documentation at both the federal and state level and understand the importance of protecting agricultural products from plant pests and diseases. Completing the forms is necessary if compensation is to be received for business losses due to plant diseases.

Christopher Logue, Director
State Plant Regulatory Official
Division of Plant Industry
New York Dept. of Agriculture and Markets
10 B Airline Drive
Albany, NY 12235-0001
Christopher.Logue@agriculture.ny.gov
Phone: 518-457-2087

Margaret Kelly, Assistant Director
Division of Plant Industry
New York Dept. of Agriculture and Markets
10 B Airline Drive
Albany, NY 12235-0001
Margaret.Kelly@agriculture.ny.gov
Phone: 518-457-5985

Ethan Angell, Field Operations Manager
Division of Plant Industry
New York Dept. of Agriculture and Markets
10B Airline Drive,
Albany, NY 12235-0001
Ethan.Angell@agriculture.ny.gov
Phone: 518-275-9489

On Wednesday, July 27, 2022, APHIS published in the Federal Register (87 FR 45079), a 60-day notice seeking public comments on its plan to request a 3-year approval of this collection of information. APHIS did not receive any public comments

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. However, the confidentiality of information is protected under 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. There are two respondents, a State plant health official and a commercial orchard or nursery operator.

- **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 annualized cost to the respondents to be \$292. APHIS arrived at this figure by multiplying the estimated total burden hours (5 hours) by the estimated average hourly wage of the above respondents (\$40.29) and then multiplying the result by 1.449 to capture benefit costs.

The average hourly wage used to calculate the estimate for stone fruit growers and fruit tree nursery owners is \$40.29 (SOCC 11-9013; farmers, ranchers, and other agricultural managers), and was obtained from the U.S. Department of Labor; Bureau of Labor Statistics website https://www.bls.gov/oes/current/oes_stru.htm.

According to DOL BLS news release USDL-23-0488 dated March 17, 2023 (see <https://www.bls.gov/news.release/pdf/ecec.pdf>), 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, resulting in 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 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 annualized cost to the federal government is estimated at \$181.

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

	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	5	0	0	0	0	5
Annual Time Burden (Hr)	5	0	0	0	0	5

There are no changes in this renewal. The estimates continue to be placeholders to keep this information collection request active should a plum pox outbreak occur.

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.

APHIS will display the ICR expiration date on the APHIS 651.

PPQ 523 is in multiple APHIS information collections, each with different OMB approval expiration dates. It would not be practical to add an expiration date to the form at this time. APHIS and OIRA are currently developing procedures for creating and maintaining a consolidated intra-Agency common form ICR. Upon the forms' inclusion in the common form ICR upon its approval, the form will be updated with the appropriate PRA banners, ICR control numbers, and OMB approval expiration dates.

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.