

**SUPPORTING STATEMENT  
USER FEES FOR AGRICULTURAL QUARANTINE AND INSPECTION SERVICES  
OMB CONTROL No. 0579-XXXX**

**NOTE: Upon approval and publication of the final rule, this information collection will be merged into 0579-0055 at its renewal.**

**A. Justification**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The Food, Agriculture, Conservation and Trade Act of 1990, as amended, authorizes the Secretary of Agriculture to prescribe and collect fees to cover the cost of providing certain agricultural quarantine and inspection (AQI) services. Specifically, the Act gives the Secretary the authority to charge for the inspection of international passengers, commercial vessels, trucks, aircraft, and railroad cars, and to recover the costs of providing the inspection of plants and plant products offered for export. The Secretary is authorized to use the revenue to provide reimbursements to the accounts that incur costs associated with the AQI services provided.

The Act also authorizes the Secretary to prescribe and collect fees to reimburse the Agency for the cost of carrying out the provisions of the Federal Animal Quarantine Laws that relate to the importation, entry, and exportation of animals, articles, or means of conveyance. In addition, the Secretary is authorized to prescribe and collect fees to recover the cost of carrying out provisions of 31 U.S.C. 136a which relate to veterinary diagnostics.

APHIS is proposing to update and amend the user fee regulations associated with the agricultural quarantine and inspection (AQI) program. Specifically, it proposes to adjust the fees for certain AQI services that are provided in connection with certain commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international passengers arriving at ports in the customs territory of the United States; adjust the caps on prepaid fees associated with commercial trucks and commercial railroad cars; remove certain fee exemptions that are no longer justifiable based upon pathway analyses of risk; and restructure the treatment monitoring fee. It would also revise requirements pertaining to remittances and statements. Specifically, APHIS would require monthly rather than quarterly remittances for the commercial aircraft fee, international air passenger fee, and international cruise passenger fee to make their revenue streams more stable, clarify requirements, and provide for electronic payments and statements. These proposed changes are necessary to recover the costs of the current level of AQI activity, to account for actual and projected increases in the cost of doing business, and to more accurately align fees with the costs associated with each fee service.

APHIS is asking the OMB to approve use of the information collection activities outlined in the proposed rule.

**2. Indicate how, by whom, how frequently, 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 plans to use the following activities to collect information necessary to prevent introduction of plant pests and animal diseases into the United States:

**Application for Credit Account and Request for Services (APHIS 192); Recordkeeping; 9 CFR 97.1; 9 CFR 130; and 7 CFR 354.1; Private Sector**

This form is submitted by customers who import and export certain animals, plants, animal products, animal byproducts, plant products and related items under 9 CFR §97.1, 130.6(b), 130.7(b), 130.8(b), 130.14(b), 130.15(b), 130.20(d), 130.30, and 7 CFR §354(a)(1) and who need to establish credit accounts with APHIS.

**User Fees for Commercial Vessels, Fees Collected by U.S. Customs and Border Protection (CBP); Recordkeeping; 7 CFR 354.3(b)(1); Private Sector**

Officials monitoring AQI fee collections will use the information to determine if the parties responsible for the submission of the commercial vessel fees paid the proper amount of fees based on their actual commercial vessel volumes. Federal officials working with the collection of user fees for commercial vessels will use the information to determine if entities not paying the user fees due to the exemptions listed in §354.3(b)(2) were actually exempt from the fee. Federal officials reviewing collections will use the information to identify any non-paying entities who are supposed to be paying the fees. As noted in 7 CFR 354.3(j), Recordkeeping and Record Retention, entities will be required to maintain records and sufficient documentation for the Federal government to verify the accuracy of fee collections.

**User Fees for Inspection of Commercial Trucks, Individual Crossings, Fees Collected by CBP; Recordkeeping; 7 CFR 354.3(c)(1); Private Sector**

Officials monitoring AQI fee collections will use the information to determine if the parties responsible for the submission of the commercial truck fees paid the proper amount of fees based on their actual commercial truck entries. As noted in 7 CFR 354.3(j), Recordkeeping and Record Retention, entities will be required to maintain records and sufficient documentation for the Federal government to verify the accuracy of fee collections.

**User Fees for Commercial Trucks, Individual Crossings, Fees Collected by CBP; Recordkeeping; 7 CFR 354.3(c)(1); Individual**

Officials monitoring AQI fee collections will use the information to determine if the parties responsible for the submission of the commercial truck fees paid the proper amount of fees based on their actual commercial truck entries. As noted in 7 CFR 354.3(j), Recordkeeping and Record Retention, entities will be required to maintain records and sufficient documentation for the Federal government to verify the accuracy of fee collections.

**User Fees for Commercial Trucks, Transponders, Fees Collected by CBP; Recordkeeping; 7 CFR 354.3(c)(2); Private Sector and Individual**

Officials monitoring AQI fee collections will use the information to determine if the parties responsible for the submission of the commercial truck transponder fees paid the proper amount of fees based on their actual commercial truck transponder use. As noted in 7 CFR 354.3(j), Recordkeeping and Record Retention, entities will be required to maintain records and sufficient documentation for the Federal government to verify the accuracy of fee collections.

**User Fees for Inspection of Commercial Railroad Cars; Recordkeeping; 7 CFR 354.3(d)(1); Private Sector**

Officials monitoring AQI fee collections will use the information to determine if the parties responsible for the submission of the commercial railroad car fees paid the proper amount of fees based on their actual number of car entries. Federal officials working with the collection of user fees for commercial railroad cars will use the information to determine if entities not paying the user fees due to the exemptions listed in §354.3(d)(2) were actually exempt from the fee. As noted in 7 CFR 354.3(j), Recordkeeping and Record Retention, entities will be required to maintain records and sufficient documentation for the Federal government to verify the accuracy of fee collections.

**Monthly Statement Submissions for Commercial Railroad Cars; 7 CFR 354.3(d)(4) & (d)(5); Private Sector**

Officials monitoring AQI fee collections will use the information to determine if the parties responsible for the submission of the commercial railroad car fees paid the proper amount of fees based on their actual number of car entries. Federal officials working with the collection of user fees for commercial railroad cars will use the information to determine if entities not paying the user fees due to the exemptions listed in §354.3(d)(2) were actually exempt from the fee. As noted in 7 CFR 354.3(j), Recordkeeping and Record Retention, entities will be required to maintain records and sufficient documentation for the Federal government to verify the accuracy of fee collections.

**Commercial Railroad Cars Compliance; Recordkeeping; 7 CFR 354.3(d)(6); Private Sector**

Officials monitoring AQI fee collections will use the information to determine if the parties responsible for the submission of the commercial railroad car fees paid the proper amount of fees based on their actual number of car entries. Federal officials working with the collection of user fees for commercial railroad cars will use the information to determine if entities not paying the user fees due to the exemptions listed in §354.3(d)(2) were actually exempt from the fee. As noted in 7 CFR 354.3(j), Recordkeeping and Record Retention, entities will be required to maintain records and sufficient documentation for the Federal government to verify the accuracy of fee collections.

**User Fees for Inspection of Commercial Aircraft; Recordkeeping; 7 CFR 354.3(e)(1); Private Sector**

Officials monitoring AQI fee collections will use the information to determine if the parties responsible for the submission of the commercial aircraft fees paid the proper amount of fees based on their actual number of commercial aircraft entries. Federal officials working with the collection of user fees for commercial aircraft will use the information to determine if entities not

paying the user fees due to the exemptions listed in §354.3(e)(2) were actually exempt from the fee. Federal officials reviewing collections will use the information to identify any non-paying entities who are supposed to be paying the fees. As noted in 7 CFR 354.3(j), Recordkeeping and Record Retention, entities will be required to maintain records and sufficient documentation for the Federal government to verify the accuracy of fee collections.

**Monthly Statement Submissions for Commercial Aircraft; 7 CFR 354.3(e)(3); Private Sector**

Officials monitoring AQI fee collections will use the information to determine if the parties responsible for the submission of the commercial aircraft fees paid the proper amount of fees based on their actual number of commercial aircraft entries. Federal officials working with the collection of user fees for commercial aircraft will use the information to determine if entities not paying the user fees due to the exemptions listed in §354.3(e)(2) were actually exempt from the fee. Federal officials reviewing collections will use the information to identify any non-paying entities who are supposed to be paying the fees. As noted in 7 CFR 354.3(j), Recordkeeping and Record Retention, entities will be required to maintain records and sufficient documentation for the Federal government to verify the accuracy of fee collections.

**User Fees for International Air Passengers - Remittance and Statements; 7 CFR 354.3(f)(5); Private Sector**

Officials monitoring AQI fee collections will use the information to determine if the parties responsible for the submission of the international air passenger fees paid the proper amount of fees based on actual number of international air passenger volumes. Federal officials working with the collection of user fees for international air passenger will use the information to determine if entities not paying the user fees due to the exemptions listed in §354.3(f)(2) were actually exempt from the fee. Federal officials reviewing collections will use the information to identify any non-paying entities who are supposed to be paying the fees. As noted in 7 CFR 354.3(j), Recordkeeping and Record Retention, entities will be required to maintain records and sufficient documentation for the Federal government to verify the accuracy of fee collections.

**Fees for Conducting and Monitoring Treatments - Treatments Provided by APHIS, APHIS Remits the Fees; Recordkeeping; 7 CFR 354.3(h)(1) & (h)(2); Private Sector and Individual**

Officials monitoring AQI fee collections will use the information to determine if the parties responsible for the submission of the treatment fees paid the proper amount of fees based on their actual treatment volumes. Federal officials reviewing collections will use the information to identify any non-paying entities who are supposed to be paying the fees. As noted in 7 CFR 354.3(j), Recordkeeping and Record Retention, entities will be required to maintain records and sufficient documentation for the Federal government to verify the accuracy of fee collections.

**Fees for Conducting and Monitoring Treatments - Treatments Provided by Others; Recordkeeping; 7 CFR 354.3(h)(3) & (h)(4); Private Sector**

Officials monitoring AQI fee collections will use the information to determine if the parties responsible for the submission of the treatment fees paid the proper amount of fees based on their actual treatment volumes. Federal officials reviewing collections will use the information to identify any non-paying entities who are supposed to be paying the fees. As noted in 7 CFR

354.3(j), Recordkeeping and Record Retention, entities will be required to maintain records and sufficient documentation for the Federal government to verify the accuracy of fee collections.

**Recordkeeping and Record Retention; 7 CFR 354.3(j); Private Sector and Individual**

Entities responsible for paying AQI user fees and their agents are required to establish, keep, and make available to APHIS records and reports required under § 354.3, including remittance worksheets, if applicable; and legible copies of contracts between the responsible entity or their agents and agents that conduct activities subject to this part for the responsible entity, and copies of documents relating to agreements made without a written contract.

Responsible entities or their agents must maintain sufficient documentation for APHIS, CBP, and authorized representatives to verify the accuracy of the fee collections and, if applicable, remittance worksheets. Such information must be made available for inspection upon APHIS and CBP's demand. Such documentation shall be maintained in the United States for a period of 5 years from the date of fee calculation, unless a longer retention period is determined to be needed by the Administrator. Each such affected entity shall provide to APHIS and CBP the name, address, and telephone number of a responsible officer who is able to verify any statements or records required to be filed or maintained under this section and shall promptly notify APHIS and CBP of any changes in the identifying information previously submitted.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques 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.**

APHIS has reviewed paperwork requirements of the user fee program and has made every effort to streamline processes and minimize the impact on the public. Wherever possible, APHIS uses existing billing and collection methods to minimize the cost to the Agency and the public. In the cases where APHIS issues bill to customers, APHIS establishes accounts for repeat customers to consolidate all monthly activity into a single bill which can be paid with one check or an online payment. APHIS also uses credit card machines to help simplify paperwork, where feasible, and making payment easier for certain customers.

APHIS Form 192 is available in fillable PDF on the APHIS forms website and may be transmitted electronically to APHIS 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 that APHIS collects in connection with this information collection request is not available from any other source and is unique to the transaction.

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

APHIS estimates that 12% of the business respondents are small entities. The request for information has been kept to a minimum. Since all parties must submit the same information, regardless of the size of the entity, no specific consideration has been given to small businesses or small entities.

**6. Describe the consequence 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.**

Collecting this information less frequently or failing to collect it would make it impossible for APHIS to ensure the correct fees are collected and remitted in full, and that the fees are properly credited to the appropriate respondent. In accordance with Office of Management and Budget Circular A-25, User Charges, the fees should provide for full cost recovery for the services supported by the agricultural quarantine inspection fees.

**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, such as:**

- **requiring respondents to report information to the agency more often than quarterly;**

As a result of recent Federal legal mandates, the agriculture quarantine inspection fees do not contain a component to allow for a reserve. This leads to less funding available in this revolving, no-year account. In the proposed rule, we propose revising requirements for remittances and statements. The proposed rule, if adopted as final, would require monthly rather than quarterly remittances for the commercial aircraft fee, international air passenger fee, and international cruise passenger fee to make our revenue stream more stable, clarify our requirements, and provide for electronic payments and statements.

- **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 3 years;**

To improve monitoring, compliance, and enforcement of AQI fee regulations, the proposed rule proposed to add retention requirements for documents pertaining to AQI user fees requiring entities responsible for collecting and paying the fees and their agents

to maintaining all records required under § 354.3, as well as legible copies of contracts and other agreements made between responsible persons and their agents for five years. This timeframe is considered reasonable.

- **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;**
- **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.**

The information collection is conducted in a manner consistent with the guidelines in 5 CFR 1320.5, except as noted above.

**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 engaged in productive consultations with the following individuals in connection with the information collection requirements associated with these requirements. APHIS contacted these respondents by email and phone to discuss the information APHIS collects to administer its new import requirements. We discussed with them how we and they obtain the necessary data and how frequently; how much data is available; the convenience and clarity of reporting formats and other collection instruments; and the clarity of, and necessity for, any recordkeeping requirements. The respondents stated via email or phone that they had no concerns with any of these items and had no further recommendations.

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The agency published the proposed rule in the Federal Register on Friday, August 11, 2023. It includes a 60-day public comment period during which interested members of the public will have the opportunity to provide APHIS with their input concerning the usefulness, legitimacy, and merit of the information collection activities APHIS is proposing.

**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.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly 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 will ask 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 71.

- **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 these respondents to be \$109,382. APHIS arrived at this figure by multiplying the total burden hours (2,172 hours) by the estimated average hourly wage of the respondents (\$34.76) and then multiplying the result by 1.449 to capture benefit costs. Hourly rates are derived from the Bureau of Labor Statistics Occupational Employment Statistics table found at <https://www.bls.gov/oes/tables.htm>. APHIS used SOCC 00-0000, All Occupations (Individuals), \$29.76; and SOCC 13-1199, Business Operations Specialists, \$39.75.

According to DOL BLS news release USDL-23-0488, employee benefits account for 31 percent of employee costs, and wages account for the remaining 69 percent. 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.**

No annual cost burden is associated with capital and startup costs, operation and maintenance expenditures, and purchase of services.

**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 \$157,545.

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

This is a new information collection tied to rulemaking resulting in an estimated 1,535,574 new responses and 2,172 hours of burden.

**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 it collects 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.**

APHIS Form 192 is used in 0579-0055 and this ICR. It is not practical to include an OMB approval expiration date on the form. Therefore, it is seeking approval to not display the OMB approval expiration date on the form.

When the final rule ICR is merged into 0579-0055, the ICR approval expiration date will be displayed on the form.

**18. Explain each exception to the certification Statement in the "Certification for Paperwork Reduction Act."**

APHIS can certify compliance with all provisions under the Act.

**B. Collections of Information Employing Statistical Methods**

There are no statistical methods associated with the information collection activities used in this program.