

## **SUPPORTING STATEMENT JUSTIFICATION FOR RETURN OF EXPORTED PRODUCT TO THE UNITED STATES**

### **1. Circumstances Making Collection Of Information Necessary:**

This is a request for an approval of an existing information collection in use without an OMB control number, which addresses the return of exported meat, poultry, and egg products to the United States.

The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 et seq.), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031 et seq.). These statutes mandate that FSIS protect the public by ensuring that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged.

In accordance with 9 CFR 327.17, 381.209, and 590.965, exported product returned to this country is exempt from FSIS import inspection requirements upon notification to and approval from the Agency's Office of International Affairs (OIA). Returned product may, however, require re-inspection at a federally-inspected facility for food safety and food defense determinations. When FSIS inspection program personnel determine that product is safe and not adulterated or misbranded, the product may be released into domestic commerce.

### **2. How, By Whom and Purpose Information Is To Be Used:**

The following is a discussion of the information collection activities.

When an FSIS inspected and passed product is exported and then returned to this country, the owner, broker, or agent of the product (the applicant) arranges for the product's entry and notifies FSIS. To formalize this process, FSIS is seeking approval for the new form. The applicant will complete the FSIS Form, Application for the Return of Exported Products to the United States.

The purpose of the form is to allow OIA to decide whether re-inspection of the returned product is needed and to notify the appropriate FSIS office where to perform the re-inspection of the product, if necessary.

There are 8,333 total burden hours for the information collection request relating to the application for the return of exported product.

### **3. Use Of Improved Information Technology:**

Under the Government Paperwork Elimination Act, the Application for the Return of Exported Product form will be available in a fillable PDF form that can be communicated electronically.

### **4. Efforts To Identify Duplication:**

No FSIS office, USDA agency, or any other Government agency requires information relating to the return of exported meat, poultry, and egg products. There is no available information that can be used or modified.

### **5. Methods To Minimize Burden On Small Business Entities:**

Data required of small entities are the same as for large ones. The information collections must apply to all requestors.

### **6. Consequences If Information Were Collected Less Frequently:**

To conduct the information collections less frequently will reduce the effectiveness of the meat, poultry, and egg products inspection program.

### **7. Circumstances That Would Cause The Information Collection To Be Conducted In A Manner:**

- **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.

Firms of necessity will submit more than one Application for Return of Exported Product per quarter; hence, the information collection and recordkeeping activities in this submission are not consistent with the guidelines in 5 CFR 1320.6.

#### **8. Consultation With Persons Outside The Agency:**

In accordance with the Paperwork Reduction Act, FSIS published a 60-day notice (70 FR 74759) in the Federal Register on December 16, 2005 requesting comments regarding this information collection request. The Agency received one comment from the public that did not directly address the Information Collection Request. FSIS did contact three members of industry: Heather Dunn (970-506-7518) (hdunn@swiftbrands.com), Keith Fields (kfields@bwfoods.com), and Arianda Arnold ([Arianda\\_Arnold@cargill.com](mailto:Arianda_Arnold@cargill.com)). They thought that the form would take 15 minutes, 8 minutes, and 9 minutes respectively to complete. The Agency decided that the estimate of 10 minutes for completing the form was still appropriate.

#### **9. Payment or Gifts to Respondents:**

Respondents will not receive any gifts or payments.

#### **10. Confidentiality Provided To Respondents:**

No assurances other than routine protection provided under the Freedom of Information Act have been provided to respondents.

**11. Questions Of A Sensitive Nature:**

The applicants are not asked to furnish any information of a sensitive nature.

**12. Estimate of Burden**

The total burden estimate for the reporting and recordkeeping requirements associated with this information collection is 8,333 hours.

The Agency estimates that 500 requesters will respond 100 times annually taking 10 minutes to complete a Application for Return of Exported Product form for a total of 8,333 hours.

**APPLICATION FOR RETURN OF EXPORTED PRODUCT**

Type of Establish- Ment	No. of Respon- dents	No. of Responses per Respondent	Total Annual Responses	Time for Response in Mins.	Total Annual Time in Hours
Firms	500	100	50,000	10	8,333

**13. Capital and Start-up Cost and Subsequent Maintenance**

There are no capital and start-up costs and subsequent maintenance burdens.

**14. Annual Cost To Federal Government And Respondents:**

The cost to the Federal Government for these information collection requirements is \$30,000 annually. The costs arise primarily from the time spent by FSIS staff reviewing the Applications for Return of Exported Product. The Agency estimates a cost of \$30 per hour.

The cost to the respondents is estimated at \$249,990 annually. The Agency estimates that it will cost respondents \$30 an hour in fulfilling these paperwork and recordkeeping requirements. Respondents will spend an annual total of 8,333 hours and \$249,990.

**15. Reasons For Changes In Burden:**

This is an existing collection without an OMB control number.

**16. Tabulation, Analyses And Publication Plans:**

There are no plans to publish the data for statistical use.

**17. OMB Approval Number Display:**

FSIS will display the OMB approval number on any instructions it publishes relating to recordkeeping activities.

**18. Exceptions to the Certification:**

There are no exceptions to the certification. This information collection accords with the certification in item 19 of the OMB 83-I.

