

**SUPPORTING STATEMENT - OMB NO. 0579-0145
POULTRY AND PORK PRODUCTS FROM MEXICO TRANSITING THE
UNITED STATES**

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.**

Title 7, U.S.C. 8301, The Animal Health Protection Act, authorizes the Secretary to prevent, control, and eliminate contagious, infectious, and communicable diseases. Disease prevention is the most effective method of maintaining a healthy animal population, continuing a safe food supply and enhancing APHIS' ability to compete in marketing its animal and animal product worldwide.

Disease prevention is the most effective method for maintaining a healthy animal population and enhancing our ability to compete in exporting animals and animal products.

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is the Agency charged with carrying out this disease prevention mission. This Agency regulates the importation of animals and animal products into the United States to guard against the introduction of exotic animal diseases.

The regulations under which APHIS conducts these disease prevention activities are contained in title 9, chapter 1, subchapter D, parts 91 through 99 of the *Code of Federal Regulations* (CFR). These regulations govern the importation of animals and animal products.

APHIS currently places certain restrictions on the importation and in-transit movement of fresh (chilled or frozen) pork and pork products from Mexico because of the presence of Classical Swine Fever (CSF) in some areas of Mexico. However, APHIS' regulations at 9 CFR 94.15 allow pork and pork products from the Mexican States of Baja California, Baja California Sur, Coahuila, Chihuahua, Nuevo Leon, Sinaloa, Sonora, Campeche, Yucatan, and Quintana Roo to transit the United States, under seal, for export to another country. (No outbreaks of CSF have occurred in these Mexican States since 1993).

In addition, 9 CFR 94.6 govern, among other things, the importation of poultry carcasses, parts, products, and eggs (other than hatching eggs) from regions where Exotic Newcastle Disease (END) is considered to exist. However, 9 CFR 94.15 allows poultry carcasses, parts, products, and eggs (other than hatching eggs) that do not qualify for entry into the United States to transit the United States via land ports, for immediate export, from Mexican States that Mexico considers to be free of END. Mexico recognizes the States of Baja California, Baja California Sur, Campeche, Chihuahua, Nuevo Leon, Quintana Roo, Sinaloa, Sonora, Tamaulipas, and Yucatan as free of END.

APHIS believes that allowing such in-transit movements presents a negligible risk of introducing END or CSF into the United States while simultaneously avoiding unnecessary restrictions on trade.

Allowing these in-transit movements from Mexico necessitates the use of several information collection activities, including the completion of an import permit application, the placement of serially numbered seals on product containers, and the forwarding of written, pre-arrival notifications to APHIS port personnel.

APHIS is asking the Office of Management and Budget (OMB) to approve, for an additional 3 years, its use of these information collection activities in connection with efforts to ensure that the transiting of fresh (chilled or frozen) pork and pork products, as well as poultry carcasses, parts, and products from certain States in Mexico pose a negligible risk of introducing CSF or END into the United States.

- 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.**

Import Permit Application (VS 16-3)

The exporter in Mexico who wishes to transit pork, pork products, poultry carcasses, poultry parts, and poultry products (except eggs and egg products) through the United States must apply for an import permit to do so. The import permit contains such information as the name and address of the exporter, the origin and destination points of the commodities, how much and what type of commodity will be transiting; the intended port of entry, the date of transportation, the method and route of shipment, and other information concerning the transiting project that will enable us to determine whether any disease introduction risk is associated with the transit and if so, what risk mitigation measures will be necessary to minimize that risk.

Application of Seals

Pork, pork products, poultry carcasses, poultry parts, and poultry products must be packaged prior to movement from the Mexican State in a leak-proof container and sealed with an APHIS-approved, serially numbered seal. This seal, which must remain unbroken at all times while the container is transiting the United States, is APHIS' only way of verifying that the contents of the container were not removed while the container was transiting the United States. These seals are applied in the Mexican State of origin by Mexican animal health authorities.

Pre-Arrival Notification

The exporter in Mexico who is transiting the pork, pork products, poultry carcasses, poultry parts, and poultry products must inform an APHIS officer at the U.S. port of entry, in writing, of the impending arrival of the shipment. This pre-arrival notification must include the time and date the commodities are expected to arrive at the port; how long the commodities are expected to be in the United States; the permit number of the shipment; and the serial numbers of the seals on the shipment containers. APHIS' pre-arrival notification requirement will help expedite the

shipment's movement through the port of entry by ensuring that all the necessary information is on hand to process the shipment.

- 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.**

The VS Form 16-3 can be accessed and submitted to APHIS directly via the e-permitting system.

The pre-arrival notification can be accomplished via an-e-mail to APHIS. No official form is used for this purpose.

- 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 in connection with this program is not available from any other source. APHIS is the only Agency responsible for preventing the introduction of exotic animal diseases into the United States.

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

The information APHIS must collect in connection with this program is the absolute minimum needed to help protect the United States against an exotic disease incursion. The import permit application process, application of serially numbered seals, and pre-arrival notification requirement each require 10 minutes or less to complete. It must also be noted that none of the respondents participating in this program can be considered 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.**

If the information was collected less frequently or not collected at all, it would significantly cripple APHIS' ability to ensure that various commodities from certain Mexican States pose a negligible risk of introducing CSF or END into the United States. This lack of information would make a disease incursion event much more likely.

- 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.**

This information collection is conducted in a manner consistent with the guidelines established 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 record keeping, 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 during 2007 in connection with the information collection requirements associated with this program:

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On Thursday, February 7, 2008, pages 7247-7248, APHIS published in the Federal Register a 60-day notice seeking public comments on its plans to request a 3-year renewal of this information collection. APHIS did not receive any 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 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 Form 71. Burden estimates were developed from discussions with Federal animal health authorities in Mexico, as well as exporters of poultry and pork products from certain Mexican States regarded as free of CSF and END.

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

Respondents are Federal animal health authorities in Mexico and exporters of poultry meat and other poultry products from Mexico to the United States. APHIS estimates the total annualized cost to these respondents to be \$3,236.40. APHIS arrived at this figure by multiplying the hours of estimated response time (279 hours) by the estimated average hourly wage of the above respondents (\$11.60). The hourly wage was provided by USDA's Agricultural Specialist Animal Health Specialist in Mexico via SAGARPA animal health officials.

- **Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information, (do not include**

the cost estimates should be cost component operation and component.

of any hour burden shown in items 12 and 14). The cost split into two components: (a) a total capital and startup annualized over its expected useful life; and (b) a total maintenance and purchase of services

There is zero annual cost burden 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.**

The annualized cost to the Federal Government is estimated at \$13,240 (see APHIS Form 79).

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

Imports of poultry and poultry products from Mexican States determined by APHIS to be free of END and CSF have decreased; therefore, the estimated burden has decreased from 600 to 279 hours.

- 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.**

If forms were to be discarded because of an outdated OMB expiration date, but otherwise usable, higher printing costs would be incurred by the Federal Government. Therefore, APHIS is seeking approval to not display the OMB expiration date on its 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 of the Act.

B. Collections of Information Employing Statistical Methods

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