

**SUPPORTING STATEMENT 0579-0141  
POULTRY IMPORTS AND EXPORT**

**December 2, 2009**

**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 Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of the health of animals under APHIS' regulatory authority. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Secretary may also prohibit or restrict import or export of any animal or related material, if necessary, to prevent the spread of any livestock or poultry pest or disease.

The AHPA is contained in Title X, Subtitle E, and Sections 10401-18 of P.L., 107-171, dated May 13, 2002, and the Farm Security and Rural Investment Act of 2002.

Disease prevention is the most effective method for maintaining a healthy animal population and to enhance the Nation's ability to globally compete in the trade of animals and animal products. The agency responsible for carrying out this disease prevention mission is the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS). APHIS regulate the importation of specified animals and animal products into the United States to guard against the introduction of exotic or other animal diseases regulated by APHIS.

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. These regulations govern the importation of animals, birds and poultry, certain animal and poultry products, and animal germplasm.

To this end, these regulations place certain restriction on the importation of poultry meat and other poultry products from regions of the world where Exotic Newcastle Disease (END) is known to exist.

The primary purpose of this collection is to allow poultry meat that originates in the United States to be shipped, for processing purposes, to a region where END exists, and then returned to the United States.

APHIS has determined that these items, imported in accordance with APHIS requirements, pose a negligible risk of introducing END into the United States.

Lowering restriction on the importation of these commodities from regions affected with END will necessitate the use of five information collection activities in the form of a certificate of origin that must be issued, including serial numbers that must be recorded, records that must be maintained, and cooperative service agreements that must be signed, and an Application for Permit, VS 17-129.

APHIS is asking OMB to approve, for an additional 3 years, its use of these information collection activities.

**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.**

### **Certificate of Origin from the National Government**

An official of the national government from the END-free exporting region must complete a certificate that accompanies every shipment of poultry carcasses. The certificate must attest to the origin of the carcasses, identifying the foreign processing establishment for which the carcasses are destined, and listing the serial numbers from the seals that have been applied to the shipping containers. When the shipment arrives at the foreign processing establishment, an official of the national government of that region must sign the certificate, thereby attesting to the fact that the seals on the containers were intact (not tampered with) when they arrived at the establishment. Then the shipment may be opened at the processing establishment.

### **Recordkeeping**

The foreign government officials must maintain the signed certificates (Certificate of Origin from the National Government and the Certificate for Shipment Back to the United States) on file for a period of least 2 years after the carcasses are sent back to the United States, and must be made available to USDA inspectors upon request.

### **Cooperative Service Agreement**

Prior to receiving and processing poultry carcasses for the United States, the operator of the foreign establishment must first enter into a cooperative service agreement with APHIS. Under this agreement, the establishment agrees to 1) handle and process poultry in accordance with APHIS regulations; 2) allow the unannounced entry into the establishment of APHIS representatives for the purpose of inspecting the facilities, operations, and records of the establishment; and 3) pay for the costs associated with these inspections. A copy of the cooperative service agreement is attached to this collection.

## **Certificate for Shipment back to the US**

Poultry carcasses and parts of poultry carcasses to be imported into the United States must be shipped from the region where they were processed in closed containers sealed with serially numbered seals applied by an official of the national government of that region. The shipments must be accompanied by a certificate signed by an official of the national government of the region where the poultry was processed that lists the numbers of the seals applied and states that all of the conditions required by APHIS.

## **Application for Permit (VS Form 17-129)**

Unprocessed carcasses, and parts or products of unprocessed carcasses, of poultry, game birds, or other birds may be imported from a region where END exists only if and the Administrator has determined that the importation can be made under conditions that will prevent the introduction of END into the United States. The articles must be accompanied by a permit obtained from APHIS prior to the importation. They must be moved and handled as specified on the permit to prevent the introduction of END into the United States.

**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 certificate statements used by this program are not VS Forms, but are documents manufactured, completed, and signed by veterinary authorities in the importing and exporting countries. The certificates must physically accompany shipments to the United States and must include an original signature from the authorizing veterinarians for validation.

VS Form 17-129, "Application for Import or In-Transit Permit (for Live Animals, Animal Semen, Animal Embryos, Birds, Poultry, or Hatching Eggs), is available on APHIS' Web site at [www.aphis.usda.gov/animal\\_health/permits/](http://www.aphis.usda.gov/animal_health/permits/); however, it is unavailable for electronic submission at this time.

**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 is not available from any other source. APHIS is the only Federal Agency responsible for preventing the interstate spread of communicable animal diseases from entering the United States.

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

APHIS has no small entities involved with this information collection.

**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 its ability to ensure that poultry carcasses imported from regions affected with END pose a negligible risk of introducing this disease into the United States. This would make a disease incursion event much more likely, with potentially devastating affects on the US poultry industry.

**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 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.**

In 2009, APHIS engaged in productive consultations with the following individuals concerning the information collection activities associated with this program:

Dr. Hilary Thesmar  
Director of Scientific and Regulatory Affairs  
National Turkey Federation  
1225 New York Ave., NW, Suite 400  
Washington, DC 20005  
(202) 898-0100

Dr. Alberto Torres  
Exports Department  
Cobb-Vantress, Inc.  
P.O. Box 1030  
Siloam Springs, AR 72761-1030  
(479) 549-2813

Dr. Renan Zhuang  
U.S.A. Poultry and Egg Export Council  
2300 W.Park Place Blvd., Suite 100  
Stone Mountain, GA 30087  
(770) 413-0006

On, Tuesday, August 11, 2009, APHIS published in the Federal Register, a 60-day notice seeking public comments on its plans to request a three year renewal of this collection of information. APHIS received no comments from the public.

**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 foreign animal health authorities in regions in which affected processing plants are located, who will complete the certificate and permit necessary to export poultry to the United States.

**•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 \$326.16. APHIS arrived at this figure by multiplying the total burden hours (8 hours) by the estimated average hourly wage of the above respondents (\$40.77). APHIS arrived at the wage rate by conversations with International Services partners located in the foreign region.

**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, 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 \$308.34. (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.**

The VS Form 6-22 family has been removed from the collection because they are used for TB testing under information collection 0579-0146. However, the Certificate of Origin as described in the previous submission is still being used by foreign governments to attest to the origin of carcasses, identifying the destination of carcasses, and listing the seal numbers applied to the shipping containers. There is a program change of -10 hours

because of the removal of the recording of serial numbers as a separate activity. They are now included in the Certificate of Origin from the National Government.

In addition, 2 forms of burden (Certificate for Shipment back to the United States and VS Form 17-129) have been added to the collection. They were not included in previous collections. Therefore, there is a program change of +2 hours.

There is an adjustment of -15 hours because of the decrease in shipments of carcasses due to trade and + 1 hour for recordkeeping.

In summary, there is an overall program change of -8 hours (-10 +2) and an adjustment of -14 hours (-15 + 1).

**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.**

The form VS 17-129 is used in 5 collections; therefore, it is not practical to include an OMB expiration date because of the various expiration dates for each collection. APHIS is seeking approval to not display the OMB expiration date on this form.

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

APHIS can certify compliance with all provisions of the Act.

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

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