

SUPPORTING STATEMENT - OMB NO. 0579-0228

RESTRICTIONS ON IMPORTATION OF LIVE POULTRY, POULTRY MEAT, AND OTHER POULTRY PRODUCTS FROM SPECIFIED REGIONS

December 2009

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 Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Secretary also may 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, Sections 10401-18 of P.L. 107-171, May 13, 2002, the Farm Security and Rural Investment Act of 2002.

Disease prevention is the most effective method for maintaining a healthy animal population and for enhancing APHIS ability to compete in the world market of animal and animal product trade. Veterinary Services (VS), a program within USDA's Animal and Plant Health Inspection Service (APHIS), is responsible for administering regulations intended to prevent the introduction of animal diseases into the United States. Regulations in Title 9, *Code of Federal Regulations* (9 CFR), part 94, place certain restrictions on the export of live poultry, poultry meat, and other poultry products to prevent an incursion of Exotic Newcastle Disease (END) or other exotic poultry diseases into the United States.

The regulations in 9 CFR part 94 allow the export of live poultry, poultry meat, and other poultry products from Argentina and the Mexican States of Campeche, Quintana Roo, and Yucatan under certain conditions. To ensure live poultry, poultry meat, and other poultry products from these areas do not pose a risk of bringing END or other exotic poultry diseases into the United States, APHIS requires the following: (1) an application for import or in-transit permit (VS 17-129); (2) completion of an import or in-transit permit customs declaration (VS 17-29); (3) a report that the poultry or poultry products have been offered for inspection (VS 17-30); and (4) an additional health certificate issued by a full-time, salaried veterinary officer of the national governments of Argentina or Mexico.

The information provided by the documents is critical to APHIS' ability to prevent the interstate spread of diseases capable of causing significant economic harm to the U.S. poultry industry. APHIS is asking the Office of Management and Budget (OMB) to approve the use of these information collection activities for an additional 3 years.

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.

Application for Import or In-Transit Permit (for Live Animals, Animal Semen, Animal Embryos, Birds, Poultry, and Hatching Eggs) (VS Form 17-129)

Anyone wishing to import poultry into the United States must complete an application (VS 17-129) to attain the import permit (VS 17-29) allowing for the import of these commodities. The importer must describe the type, number, and identification of the animals or products to be exported. He/she must also list the origin, intended date and location of arrival, routes of travel, and destination of the animals or products. APHIS uses the permit applications to track, identify, and monitor animals and products entering the United States.

Import or In Transit Permit (for Live Animals, Animal Semen, Animal Embryos, Birds, Poultry, and Hatching Eggs), Customs Declaration (VS Form 17-29)

Live poultry imported into the United States must be accompanied by a Customs Declaration under APHIS' import requirements. This form is completed by importers and is submitted at the time of import. These forms accompany each shipment imported and provide information required by U.S. Customs and Border Protection. APHIS does not process or review these permits.

Report of Animals, Poultry, or Hatching Eggs offered for Importation (VS 17-30)

This report is completed by port veterinary inspectors of the foreign government and accompanies the live poultry or hatching eggs being exported to the United States. The report documents poultry or hatching eggs sent into quarantine and can be used by VS when submitting specimens for testing at an approved laboratory. The form is also used by VS to document the release of quarantined poultry or eggs into the United States.

Health Certificate for Live Poultry, Poultry Meat, and Poultry Products

Live poultry, poultry meat, and other poultry products from Argentina and the Mexican States of Campeche, Quintana Roo, and Yucatan must be accompanied by a certificate issued by a fulltime, salaried veterinary officer of the national governments of Argentina or Mexico.

This form is completed by veterinarians approved by their countries' national animal health service. The form includes information regarding the identification and health certifications for animals being exported to the United States. It is also used by APHIS to evaluate health status and health compliance. The health certificate must accompany each shipment of poultry and be issued no more than 30 days prior to import.

In the case of live poultry, the certificate must identify the exporting region as a region designated in 9 CFR 94.6 as free of END at the time the poultry were in the region. The veterinarian who completes the health certificate for the live poultry to be shipped must also state that (1) the poultry have not lived in a region where END is considered to exist; (2) the poultry have not been in contact with poultry or poultry products from any region where END is considered to exist; and (3) the poultry have not traveled through a region where END is considered to exist unless moved directly in a sealed conveyance with the seal intact upon arrival at the destination.

In the case of poultry meat or other poultry products, the certificate must state that (1) the poultry meat or other poultry products are derived from poultry that meet all requirements of 9 CFR 94.26 and have been slaughtered in a region designated in 9 CFR 94.6 as free of END at a federally inspected slaughter plant under the direct supervision of a full-time salaried veterinarian of the national governments of Argentina or Mexico, and which is approved under 9 CFR 93.101 and 93.201 to export poultry meat and other poultry products to the United States; (2) the poultry meat or other poultry products have not been in contact with poultry meat or other poultry products from any region where END is considered to exist; (3) the poultry meat or other poultry products have not transited through a region where END is considered to exist unless moved directly through the region in a sealed means of conveyance with the seal intact upon arrival at the point of destination (the seal number is on the health certificate); and (4) if processed, the poultry meat or other poultry products were processed in a region designated in 9 CFR 94.6 as free of END in a federally inspected processing plant under the direct supervision of a full-time salaried veterinarian of the national governments of Argentina or Mexico.

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 health certificate for live poultry, poultry meat, and poultry products employed in this program must physically accompany the shipment, and requires an original signature from the authorizing veterinarian to be valid. This certification statement is therefore not a candidate for electronic transmission.

Form VS 17-30 does not involve electronic submission because it is a five-part form that includes a copy for Customs and Border Protection, a copy for the importer, a copy for the veterinarian at the destination, a copy for the quarantine station, and a final copy for the State. A copy is given to the importer to document the end of quarantine for imports of live animals.

VS 17-129 and VS 17-29 can be completed online but cannot be submitted electronically. The forms are available to the public electronically at www.aphis.usda.gov/import_export/forms.shtml. Because APHIS does not have the capability to receive the forms electronically, they must be sent by facsimile.

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, because APHIS is the only Federal agency responsible for preventing the introduction of foreign 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 collects is the absolute minimum needed to effectively evaluate the END risk associated with poultry and poultry product imports from END-affected regions. Approximately 88% of U.S. importers are considered "small entities." The exporters and veterinarians preparing the required forms are considered foreign entities and thus are not "small entities" for purposes of Executive Order 12866 or the Regulatory Flexibility Act.

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, APHIS would be unable to establish an effective defense against the incursion of END from poultry and poultry products imported from Argentina and certain States within Mexico. This could have serious health consequences for U.S. poultry and economic consequences for the U.S. 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.

The 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 requirements associated with this program:

Ellen Paul
The Ornithological Council
5107 Sentinel Drive
Bethesda, MD 20816
(301) 986-8568

Valerie Pengergraph
Private Citizen who has imported pet birds
11211 County Rd. 110
Kiowa, CO 80117
(303) 648-0083

Joel Brandenburger, President
National Turkey Federation
1225 New York Ave. NW, Suite 400
Washington, DC 20005
202-898-0100

On Tuesday, March 30, 2010, pages 15670-15671, APHIS published in the Federal Register, a 60-day notice seeking public comments on its plans to request a **3-year renewal** of this collection of information. One comment from the public was received.

The comment was received from Miguel A Marquez of Union Nacional de Avicultores de Mexico about his agreement with the information being collected.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There are no payments or gifts to respondents being contemplated at this time.

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.

Information collections associated with these regulations 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 Argentinean and Mexican Federal animal health authorities, industry representatives, and importers who complete the documents necessary to export poultry, poultry meat, and other poultry products 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 the respondents to be \$10,718.40. Respondents are fulltime, salaried veterinary officers employed by the governments of Argentina and Mexico, and U.S. importers. APHIS arrived at this figure by multiplying the hours of estimated response time (240 hours) by the estimated average hourly wage of the respondents (\$44.66) (veterinary officer respondents (\$36. 10) and the U.S. importer respondents (17.11), taken from www.indeed.com/salary?q I=veterinarian&11=Mexico+City%2C+Mexico and <http://data.bls.gov/oes/datatype.do>).

13. Provide estimates of the total annual cost burden to respondents or record keepers 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.

The annualized cost to the Federal government is estimated at \$11,565.18. (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.

Previously, VS Forms 17-129, 17-29, and 17-30 should have been part of this collection but were not included. Correcting the collection by including these forms caused an increase in the number of respondents by 10 and an increase in the number of responses by 90 resulting in a program change of +90 hours. There is an adjustment of +50 hours because the number of respondents to the Health Certificate increased from 10 to 15 and annual responses increased from 100 to 150 from the previous collection. The poultry industry has grown for poultry products from the regions of Mexico that this collection covers. Many producers have joined the market share of poultry products.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

APHIS has no plans to publish the 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 VS Forms 17-29 and 17-129 are used in multiple OMB-approved collections; therefore APHIS is seeking approval to not display the OMB expiration date on these forms. VS Form 17-30 will display the expiration date.

18. Explain each exception to the certification statement, "Certification for Paperwork Reduction Act."

APHIS is able to certify compliance with all the provisions under the Act.

B. Collections of Information Employing Statistical Methods

Statistical methods will not be used in this information collection.