

SUPPORTING STATEMENT - OMB NO. 0579-0328
RESTRICTIONS ON IMPORTATION OF TABLE EGGS FROM REGIONS WHERE EXOTIC
NEWCASTLE DISEASE EXISTS

January 4, 2010

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 may also prohibit or restrict the 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 enhancing the ability of the United States to compete in the world market of animal and animal product trade.

Veterinary Services, 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), section 94.6 deal specifically with the importation of table eggs from certain regions that may pose a risk of introducing Exotic Newcastle disease (END) into the United States.

While this collection applies to any region where END is considered to exist, Mexico is currently the only END-affected region importing table eggs. APHIS requires the following with regard to imported table eggs: (1) a certificate for table eggs from END-affected regions; and (2) a government seal issued by the veterinarian accredited by the national government of Mexico who signed the certificate.

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.

Certificate for Table Eggs from END Regions

Imported eggs (other than hatching eggs) from poultry, game birds, or other birds from Mexico must be accompanied by a certificate that is completed and signed by a salaried veterinary officer of the national government of the region of origin or, if from Mexico, by a certificate issued by a veterinarian accredited by the national government of Mexico and endorsed by a fulltime salaried veterinary officer

of the national government of Mexico. The endorsement indicates that the veterinarian was authorized to issue the certificate.

The salaried veterinary officer of the national government of the region of origin must identify on the certificate the flock of origin, the region of origin, the port of embarkation, the port of arrival, the name and address of the exporter and importer, the total number of eggs, and cases of eggs, shipped with the certificate, and the date the certificate was signed. The eggs qualify for importation in accordance with 9 CFR 94.6 (c) if, no more than 90 days before the certificate was signed, a salaried veterinarian accredited by the national government of Mexico inspected the flock of origin and found no evidence of communicable diseases of poultry; no END occurred on the premises of origin or on adjoining premises during the 90 days before the certificate was signed; there is no evidence that the flock of origin was exposed to END during the 90 days before the certificate was signed; the eggs are from a flock of origin found free of END; and egg drop syndrome (EDS) is notifiable in the region of origin and there have been no reports of EDS in the flocks of origin of the eggs, or within a 50-kilometer radius of the flock of origin, for the 90 days prior to the issuance of the certificate.

Government Seals

Before leaving the premises of origin, the cases in which the eggs are packed must be sealed with the seal of the Mexican national government by the veterinarian accredited by the national government of Mexico who signed the certificate. The seal is documented on the Certificate for Table Eggs and requires no other paperwork.

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 for Table Eggs must physically accompany the shipment, and requires an original signature from the authorizing veterinarian to be valid. The Certificate is therefore not a candidate for electronic submission.

The seals also physically accompany the shipment and thus are not candidates for electronic submission.

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 table eggs imported from END-affected regions. The 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 were collected less frequently or not collected at all, APHIS would be unable to establish an effective defense against the incursion of END from table eggs imported from END-affected regions. 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:

Mr. James Sumner, President
U.S.A. Poultry & Egg Export Council
2300 W. Park Place Blvd., Suite 100
Stone Mountain, GA 30087
(770) 413-0006

Mr. William Roenick, Senior Vice President
National Chicken Council
1015 15th Street NW, Suite 930
Washington, DC, 20005
(202) 296-2622

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

On Tuesday, March 30, 2010, pages 15671 –15672, 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 Mexico. He agrees with the requirements of the information collection in keeping the table eggs imported into the United States safe.

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 Mexican Federal animal health authorities who will complete the certificate necessary to export table eggs from certain regions that may pose a risk of introducing END 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.

The usual respondents (for this renewal, there was only one) are full-time, salaried veterinary officers employed by the Mexican government. APHIS estimates the total annualized cost to the respondent to be \$54.00. APHIS arrived at this figure by multiplying the hours of estimated response time (3 hours) by the estimated average hourly wage of the above respondent (\$18.00). The hourly wage was provided by USDA's Agriculture Specialist for Animal Health in Mexico.

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.

The annualized cost to the Federal government is estimated at \$105.38. (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 decrease in burden for this information collection is due to the decreased number of table eggs exported from Mexico into the United States. There was only one shipment during the renewal period. The respondents decreased from 5 to 1 causing a decrease in responses from 10 to 2. The burden hours decrease from 13 to 3 resulting in an adjusted decrease of -10 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 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.

There are no forms associated with this information collection.

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

Statistical methods are not employed in this information collection activity.