

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

**March 2011**

**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 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.

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is the Agency charged with carrying out the 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.

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

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. Therefore, APHIS requires the following: (1) an application for import permit (VS 16-3); (2) an application of seals; and (3) a pre-arrival notification.

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, Campeche, Chihuahua, Coahuila, Nuevo Leon, Quintana Roo, Sinaloa, Sonora, and Yucatan 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 governs, 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.

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 its efforts to ensure that the transiting of fresh (chilled or frozen) pork and pork products, as well as poultry carcasses, parts, and products (except eggs and egg 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.**

APHIS uses the following information activities to minimize the risk of introducing END or CSF into the United States while simultaneously avoiding unnecessary restrictions on trade of fresh (chilled or frozen) pork and pork products, as well as poultry carcasses, parts, and products (except eggs and egg products) with some Mexican States.

**Import Permit Application (VS 16-3)**

Exporters in Mexico who wish 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 via the United States importer. Mexican exporters and the United States importers together complete the VS 16-3. 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 APHIS 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 (except eggs and egg products) must be packaged prior to movement from the Mexican State in a leak-proof container and sealed with serially numbered seals of the Government of Mexico. This seal, which must remain unbroken at all times while the container is transiting across Mexico and 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**

Exporters in Mexico who are transiting pork, pork products, poultry carcasses, poultry parts, and poultry products (except eggs and egg products) must inform the Plant Protection and Quarantine Officer at the United States 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 in the United States; time schedule and route to be followed through the United States; 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 submissions 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 which can be accessed via <http://www.aphis.usda.gov/permits/index.shtml>

The Notification of Customs and Border Protection (CBP) Inspectors Department of Homeland Security (DHS) cannot be recorded electronically because this notification is given in writing to DHS, CBP by the importer.

The Application of Seals is a means in which APHIS verifies that shipment contents have not been removed during transit. Therefore, this cannot be submitted electronically. This is an actual seal (sticker) being applied/stuck on containers.

### **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 one hour or less to complete. It must also be noted that the percentage of small businesses impacted by these requirements is 0%.

**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.**

- **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.**

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.**

APHIS engaged in productive consultations with the following individuals during 2011 in connection with the information collection requirements associated with this program:

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

Laurie L. Bryant  
Meat Importer Council of America, Inc.  
1901 North Fort Myer Drive  
Arlington, Virginia 22309  
703-524-6039

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

On Monday, August 1, 2011, pages 45769 - 45769, 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. During that time, APHIS received one comment from an interested member of the public about how she believes that the United States is deceiving the public as to where the pork and chicken products originated from. This comment had no relevance to this information collection.

**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. Any and all information obtained in this collection shall not be disclosed except in accordance with 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 U.S. importers of poultry meat and other poultry products from Mexico to the United States. APHIS estimates the total annualized cost to these respondents to be \$692.01. APHIS arrived at this figure by multiplying the total burden hours (33) by the estimated average hourly wage of the above respondents (\$20.97).

Mexican Animal Health Authority - \$12.39  
Importers and exporters \$29.55 [41-4012 Sales Representatives, Wholesale and Manufacturing, Except Technical and Scientific Products]

The average hourly rate is derived from the U.S. Department of Labor; Bureau of Labor Statistics May 2009 Report – National Occupational Employment and Wage Estimates United States (see <http://www.bls.gov/oes/#tables>). The Mexican animal health authority hourly wage

was provided by USDA’s Agricultural Specialist Animal Health Specialist in Mexico via SAGARPA animal health officials.

**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 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 \$1,460.22 (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.**

ICR Summary of Burden:

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	36	0	0	-267	0	303
Annual Time Burden (Hr)	34	0	0	-245	0	279
Annual Cost Burden (\$)	0	0	0	0	0	0

Transits of poultry carcasses, parts, or products (except eggs and egg products) and pork and pork products from Mexican States determined by APHIS to be free of END and CSF have decreased, because of changes in market demand. The number of imports was low and therefore, APHIS has received fewer applications. Although the number of respondents increased from 22 to 29, the number of times they responded decreased. There is an adjustment of -267 responses resulting in a decrease of -245 burden 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.**

The VS form 16-3 is used in seven information collections; therefore, it is not practical to include an OMB expiration date because of the various expiration dates for each information 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 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.