SUPPORTING STATEMENT - OMB NO. 0579-NEW
PROHIBITED AND RESTRICTED IMPORTATION OF HAMS INTO THE UNITED STATES

January 30, 2021

INTRODUCTION - This was originally part of the larger collection [0579-0015]. For the purpose of efficiency, the commodities were divided into separate collections. This collection contains all forms of burden related to the importation of dry cured ham products into the United States. The Animal and Plant Health Inspection Service (APHIS) feels that it can more accurately account for information being collected with this new collection.

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.

Disease prevention is the most effective method for maintaining a healthy animal population and for enhancing APHIS ability to compete globally in animal and animal product trade.

In connection with this mission, APHIS enforces regulations regarding both the importation of controlled materials, such as ham and ham products, and the prevention of foreign animal disease incursions into the United States. These regulations can be found at title 9, chapter I, subchapter D, part 94 of the *Code of Federal Regulations* (CFR).

APHIS engages in the following collection activities to prevent or control the spread of livestock diseases via the importation of restricted and controlled animal products into the United States:

1) **Certification for Importation of Hams**
2) **Agreement for Processing Procedures**
3) **Identification Procedures (hot brand or ink seal)**
4) **Recordkeeping for Processing Origin of Hams**

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 prevent or control the spread of livestock diseases via the importation of restricted and controlled animal products into the United States.

Certification for Importation of Hams
FSIS requires certain public health certification statements to accompany imported hams. When hams are imported into the United States from regions where swine diseases of concern (i.e., Foot-and-Mouth Disease (FMD), classical swine fever (CSF), and swine vesicular disease (SVD)) exist, APHIS also requires certain disease risk mitigations. These disease risk mitigations are usually written on the back of the FSIS certificate and contain language regarding disease mitigation treatments such as curing and or cooking. This portion of the burden is accounted for by APHIS. Foreign Governments are required to certify to these mitigation treatments on the back of the FSIS certificate or supplied by the foreign national government as an "annex". The certificate must physically accompany the shipment.

Agreement for Processing Procedures
Prior to receiving products for processing, such as dry-cured pork products (specifically ham, pork shoulder, or pork loin) from regions where FMD, rinderpest, African swine fever (ASF), CSF, and SVD exist, processing establishments wishing to export those products to the United States must provide APHIS with a written agreement in the form of a letter stating that the products have been processed whole and in accordance with APHIS regulations.

Identification Procedures (hot brand or ink seal)
Dry-cured pork products, specifically Italian-type whole hams, from regions where FMD, rinderpest, ASF, CSF, or SVD exist must bear a hot iron brand or ink seal, placed on the ham prior to salting, with the identifying number of the slaughtering establishment and the date salting began. The brand or ink seal must be placed on the ham at the slaughtering establishment. Slaughter facilities must also ensure the ham bears on the hock a tamper-proof button seal approved by APHIS that states the month and year the ham entered the processing establishment. Dry-cured pork loins must bear a tamper-proof plastic tag, securely attached to the pork loin, with the identifying number of the slaughtering establishment and the date the pork loin was placed in a pickle preparation under the supervision of personnel from the Foreign Government of the region of origin.

Recordkeeping for Processing Origin (maintaining records)
Whole dry-cured ham, pork shoulder, or pork loin imported into the United States from regions where FMD, rinderpest, ASF, CSF, or SVD exist must come from an establishment where personnel from the Foreign Government of the region of origin maintain original records. These records must be kept for a minimum of 2 years. The records must identify the dry-cured ham, pork shoulder, or pork loin by the date it entered the processing establishment, by the slaughtering facility it came from, and by the number of the certificate that accompanied the dry-cured ham, pork shoulder, or pork loin from the slaughtering facility to the processing establishment.

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.

Agreement for Processing Procedures cannot be recorded electronically because the operator writes a letter stating his/her desire to become a processing establishment and that he/she agrees to abide by APHIS regulations. Currently there is not a letter template or electronic format available. Original signatures are required.

Identification Procedures must be physically placed directly on the product, and is therefore not a candidate for electronic submission.

Certification of Importation of hams must physically accompany the shipment and is therefore not a candidate 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 that APHIS collects in connection with this effort is not available from any other source. APHIS is the only Federal Agency responsible for preventing communicable diseases of livestock 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.

The information APHIS collects is the absolute minimum needed to protect the United States from the introduction of animal diseases from foreign animal products.

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 this information were collected less frequently or not collected, the United States would be at increased risk for the introduction of FMD, rinderpest, ASF, CSF, or SVD. This would cause serious economic consequences to several U.S. livestock industries and potentially serious health consequences for U.S. livestock.

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.

In 2011, APHIS engaged in productive consultations with the following individuals concerning the information collection activities associated with this program:

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On Tuesday, February 28, 2012, pages 12001 - 12002, APHIS published in the Federal Register, a 60-day notice seeking public comments on its plans to request a 3-year approval of this collection of information. During that time, APHIS received one comment from a concerned citizen about her perception of the general maltreatment of animals and the general disregard of the environment by USDA-APHIS. It had no relevance to the purpose of the 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 the following entities:

1. Mexican government officials estimate that the average hourly wage for foreign government officials, animal health officials, and inspectors to be **$12.38.**
2. The estimated hourly wage of full-time salaried veterinarian employed by the region of export is **$21.63**. This figure was arrived at by the average of the following contacts: The Canadian Food Inspection Agency ($50.31); the APHIS contact in the South Africa ($3.81); and the Mexican government ($10.78).
3. Industry contacts provided the hourly wage of managers of foreign facilities that process restricted animal materials to be **$53.89.**
4. FSIS provided the average hourly wage of operators or owner/operators (of defrost facilities, meat processing establishments, processing establishments that process dry-cured pork products from regions where specific diseases exist, and facilities that slice and package dry-cured pork products) to be **$42.95.**
5. The Laborsta International Web site indicates the average hourly wage for exporters for agriculture, meat, and foods to be **$10.29**.

• 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 annual cost to these respondents to be $1,389,480.60. APHIS arrived at this figure by multiplying the hours of estimated response time (49,220) by the estimated average hourly wage of the above respondents ($28.23). The hourly rates for respondents of foreign countries were derived from the following source: Laborsta Internet Web site and consultations with foreign industry contacts. The hourly rates for U.S. respondents were derived from the is the hourly rate derived from the U.S. Department of Labor, Bureau of Labor Statistics May 2011

Report - Occupational Employment and Wages in the United States. See http://www.bls.gov/news.release/pdf/ocwage.pdf.

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 **$2,204,311.98** (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.

This was originally part of the larger collection 0579-0015. For the purpose of efficiency, the commodities were divided into three separate collections. This collection contains all forms of burden related to the importation of dry cured ham products. This new collection presents a more accurate account of the information being collected resulting in a program change of 49,220 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 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 in this collection.

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

APHIS can certify compliance with all provisions under the Act.

B. Collections of Information Employing Statistical Methods

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