

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

April 24, 2012

TERMS OF CLEARANCE: In accordance with 5 CFR 1320, OMB approves this information collection for a period of three years. During that time, APHIS should work to make VS Form 17-129 fillable and fileable electronically. If the form is not yet available in fully electronic format on resubmission, APHIS must submit a written timeline for completion.

APHIS no longer uses the VS Form 17-129 for this information collection, this process is captured with the Certificate for Shipment Back to the United States.

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 enhancing 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 regulates the importation of specified animals and animal products into the United States to guard against the introduction of exotic or other animal diseases.

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. These regulations place certain restrictions 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 the forms of burden discussed in 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 its requirements, pose a negligible risk of introducing END into the United States.

Lowering restrictions on importing these commodities from regions affected with END requires the use of four information collection activities:

- A certificate of origin that must be issued, including serial numbers that must be recorded
- Records that must be maintained
- Cooperative service agreements that must be signed
- Certificates for shipment back to the United States.

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.

APHIS uses the following information activities 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.

Certificate of Origin from the National Government (9 CFR 94.6(b)(5)(i))

A Federal official from the END-free exporting region must complete a certificate to accompany every shipment of poultry carcasses. The certificate must attest to the origin of the carcasses, identify the foreign processing establishment for which the carcasses are destined, and list the serial numbers from the seals applied to the shipping containers. When the shipment arrives at the foreign processing establishment, a Federal official for that region must sign the certificate, attesting that the seals on the containers were intact when the containers arrived at the establishment. The shipment may then be opened at the processing establishment.

Recordkeeping (9 CFR 94.6(b)(5)(ii))

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 at least 2 years after the carcasses are sent back to the United States. The certificates must be made available to USDA inspectors on request.

Cooperative Service Agreement (9 CFR 94.6(b)(5)(iii))

Before receiving and processing poultry carcasses for export to the United States, the operator of the foreign establishment must first enter into a cooperative service agreement with APHIS. Under this agreement, the operator agrees to 1) handle and process poultry in accordance with APHIS regulations; 2) allow APHIS representatives to enter the establishment unannounced to inspect its facilities, operations, and records; 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 United States (9 CFR 94.6(b)(5)(iv))

Poultry carcasses and parts of poultry carcasses to be imported to the United States must be shipped from the region where they were processed in closed containers sealed with serially

numbered seals applied by a Federal official for that region. The shipments must be accompanied by a certificate, signed by a government official in the region where the poultry was processed, list the number of seals applied, and state that the shipment meets all APHIS conditions.

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 certificates used for these products are documents manufactured, completed, and signed by veterinary authorities in the exporting countries. The certificates must physically accompany shipments to the United States and must include an original signature from the authorizing veterinarians for validation. Therefore, they are not candidates for electronic transmission. The cooperative service agreement also requires an original signature.

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 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.

This collection does not affect any small entities.

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 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 effects on 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.

- **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.**

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 2012, APHIS engaged in productive consultations with the following individuals concerning the information collection activities associated with this program:

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

Mr. William Roenick, Senior Vice President
National Chicken Council
1152 15th Street, NW, Suite 430,
Washington, D.C. 20005-2622
Phone (202) 296-2622
Fax (202) 293-4005

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

On Wednesday, October 31, 2012, page 65854, APHIS published in the Federal Register, a 60-day notice seeking public comments on APHIS' plans to request a 3-year extension of this collection of information. During that time APHIS received no comments.

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 83-1.

See APHIS Form 71. Burden estimates were developed from discussions with foreign animal health authorities in regions with affected processing plants who will complete the certificates and documents 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 \$3,483.00 (see APHIS Form 71). APHIS arrived at this figure by multiplying the total burden hours (129 hours) by the estimated average hourly wage of the above respondents (\$27 .00). APHIS arrived at the wage rate by researching the average salary for a veterinarian in Mexico City using <http://www.indeed.com/salary?q1=veterinarian&ll=Mexico+City%2C+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 cost burden is 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 \$8,021 (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:

N	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	127	0	0	120	0	7
Annual Time Burden (Hr)	129	0	0	121	0	8
Annual Cost Burden (\$)	0	0	0	0	0	0

The number of respondents remains the same; however, there is an increase adjustment of +120 responses resulting in an increase of +121 total burden hours.

The overall burden as well as the annualized cost to the Federal government has increased significantly due to an increase in the market for imported chicken carcasses. Information from the Food Safety Inspection Service (FSIS) indicates that there were 122 certificates for importation of carcasses back to the United States in 2011 compared to only one such certificate in 2009.

APHIS no longer uses Application for Permit (VS Form 17-129) for permitting imports of poultry carcasses and parts of poultry carcasses into the United States. This form is now used only for the importation of live animals, animal semen, live poultry, and hatching eggs. APHIS has determined that the certificates described in question 2 are sufficient documentation for importing poultry carcasses and has stopped using VS Form 17-129 for this purpose.

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.

No forms are used for 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

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