

**SUPPORTING STATEMENT - OMB NO. 0579-0230**  
**IMPORTATION OF LIVE SWINE, PORK, AND PORK PRODUCTS FROM**  
**CERTAIN REGIONS FREE OF CLASSICAL SWINE FEVER (CSF) IN CHILE,**  
**MEXICO, AND BRAZIL**

July 10, 2013

## **Introduction**

### **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 (ARPA) 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.

As part of this mission, the USDA's Animal and Plant Health Inspection Service (APHIS) regulates the importation of animals and animal products to prevent the introduction of animal diseases such as classical swine fever (CSF). To that end, APHIS' animal import regulations in Title 9, *Code of Federal Regulations* (9 CFR), chapter 1, subchapter D, part 94, place certain restrictions on the importation of swine, pork, and pork products into the United States.

### **Chile**

Importing these commodities from Chile continues to pose an undue risk of introducing CSF into the United States for several reasons. First, Chile supplements its pork supplies by importing fresh (chilled or frozen) pork from CSF-affected regions. Second, Chile shares a common land border with CSF-affected regions. Third, Chile imports swine from CSF-affected regions under less restrictive conditions than the United States considers acceptable for importation.

### **Mexico**

The Mexican States of Baja California, Baja California Sur, Campeche, Chihuahua, Nayarit, Quintana Roo, Sinaloa, Sonora, and Yucatan are on the list of regions in 9 CFR 94.9 and 9 CFR 94.10 considered free of CSF and allowed to export live swine, pork, and pork products into the United States. However, importation of these commodities continues to pose the risk of disease introduction because these States supplement their pork supplies by importing fresh (chilled or

frozen) pork from regions that are affected with a common land border with such regions, or import swine from such regions under conditions less restrictive than would be acceptable w for importation into the United States.

### **Brazil**

The Brazilian State of Santa Catarina has been added to the list of regions in 9 CFR 94.9 and 9 CFR 94.10 considered free of CSF and allowed to export live swine, pork, and pork products into the United States. However, importation of these commodities continues to pose the risk of disease introduction because these States supplement their pork supplies by importing fresh (chilled or frozen) pork from regions that are affected with CSF, share a common land border with such regions, or import swine from such regions under conditions less restrictive than would be acceptable for importation into the United States.

APHIS is asking OMB to approve, for an additional 3 years, its use of these information collection activities to ensure that swine, pork, and pork products from Chile, the Brazilian State of Santa Catarina, and the Mexican States of Baja California, Baja California Sur, Campeche, Chihuahua, Nayarit, Quintana Roo, Sinaloa, Sonora, and Yucatan pose a negligible risk of introducing CSF 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 ensure that swine, pork, and pork products from Chile, the Brazilian State of Santa Catarina, and the Mexican States of Baja California, Baja California Sur, Campeche, Chihuahua, Nayarit, Quintana Roo, Sinaloa, Sonora, and Yucatan pose a negligible risk of introducing CSF into the United States.

### **Certificate for Live Swine, Pork, and Pork Products (Foreign)**

This information collection provides data to ensure regulatory compliance for mitigation of CSF from imports of swine, pork, and pork products into the United States. One requirement is completion of a certificate issued by a salaried veterinary officer of the Governments of Mexico, Chile, and/or Brazil that must accompany swine, pork, and pork products from their respective regions. The certificate must identify both the exporting region and the region of origin as designated in 9 CFR 94.9, 9 CFR 94.10, and 9 CFR 94.25 as free of CSF at the time the swine, pork, or pork products were in the region. This certificate gives APHIS essential information regarding the origin and history of the commodities presented for import into the United States.

In the case of live swine, the certificate must state: (1) the swine have not lived in a region designated in sections 94.9 and 94.10 as affected with CSF; (2) the swine have never been commingled with swine that have been in a region that is designated in sections 94.9 and 94.10 as affected with CSF; (3) the swine have not transited through a region designated in sections 94.9 and 94.10 as affected with CSF unless moved directly through the region to their destination in a sealed conveyance with the seal intact upon arrival at the point of destination; and (4) the equipment or materials used in transporting the swine, if previously used for

transporting swine, have been cleaned and disinfected in accordance with the requirements of part 93.

Regarding pork and pork products, the certificate must state: (1) the pork or pork products were derived from swine that were born and raised in a region designated in 9 CFR 94.25 as free of CSF, and were slaughtered in such a region at a federally-inspected slaughter plant that is under the direct supervision of a full-time salaried veterinarian of the Governments of Mexico, Chile, or Brazil, and that the region is eligible to have its products imported into the United States under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*); (2) the pork or pork products have never been commingled with pork or pork products that have been in a region that is designated in 9 CFR 94.9 and 9 CFR 94.10 as affected with CSF; (3) the pork or pork products have not transited through a region designated in sections 94.9 and 94.10 as affected with CSF unless moved directly through the region to their destination in a sealed means of conveyance with the seal intact upon arrival at the point of destination; and (4) if processed, the pork or pork products were processed in a region designated in sections 94.9 and 94.10 as free of CSF in a federally inspected processing plant that is under the direct supervision of a full-time salaried veterinary official of the Government of Mexico, Chile, or Brazil.

#### **Compliance Agreement (Business)**

A compliance agreement is required by the operators of the processing establishment located in a non-CSF free region that processes pork products from CSF free regions. The operator must sign a compliance agreement stating that all meat processed for importation to the United States will be processed in accordance with the requirements of APHIS.

#### **Cooperative Service Agreement (Business)**

A cooperative service agreement is required by the processing establishment located in a non-CSF free region that processes pork products from CSF free regions, or a party on its behalf, must enter into a cooperative service agreement with APHIS to pay all expenses incurred by APHIS for the initial evaluation of the processing establishment and periodically thereafter.

**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 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 Compliance Agreement and the Cooperative Service Agreement also require original signatures and are; therefore, not eligible 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. 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 collects is the absolute minimum needed to effectively evaluate the CSF risk associated with Mexican, Chilean, and Brazilian swine, pork, and pork product imports. The veterinarians who complete 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 entry and spread of CSF from Mexican, Chilean, and Brazilian swine, pork, and pork product imports. This would cause serious health consequences for U.S. swine and economic consequences for the U.S. pork 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 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.**

No special circumstances exist that would require this collection to be conducted in a manner inconsistent with the general information collection guidelines 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.**

During 2013, APHIS spoke to the following individuals concerning the information collection activities associated with this program:

Laurie L. Bryant, Executive Director  
Meat Importers Council of America, Inc.  
1901 North Fort Myer Drive  
Arlington, V A 22309  
703-524-6039

Laurie Hueneke, International Trade Specialist  
122 C Street, N.W., Suite 875  
Washington, DC 20001  
202-347-3600

Robert L. Morris, Jr.  
International LLC  
8417 Amparan, El Portal Industrial Park  
Laredo, TX 78045-1829  
956-723-6492  
nnorris@morrisintl.Jlc.com

On Thursday, October 3, 2013, pages 61321-61322, 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 this time APHIS received two comments from a concerned citizen about her perception of the general maltreatment of pigs. Her comments 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 Federal animal health authorities in Mexico and Chile who complete the certificates necessary to export swine, pork, and pork 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.**

Respondents are full-time, salaried veterinary officers employed by the Governments of Mexico, Chile, or Brazil. APHIS estimates the total annualized cost to these respondents to be \$42,585.60. APHIS arrived at this figure by multiplying the total burden hours (768) by the estimated average hourly wage of the above respondents (\$55.45).

The hourly rate for Chilean, Mexican, and Brazilian Federal veterinarians was determined through consultations with APHIS animal health specialists based in Chile, Mexico, and Brazil.

**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 \$48,505.00 (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 | 768       | 0                                 | 1                                       | 681   | 0  | 86                  |
|                            | 768       | 0                                 | 0                                       | 682   | 0  | 86                  |
| Annual Time Burden (Hr)    | 768       | 0                                 | 1                                       | 681   | 0  | 86                  |
|                            | 768       | 0                                 | 0                                       | 682   | 0  | 86                  |
| Annual Cost Burden (\$)    | 0         | 0                                 | 0                                       | 0   | 0  | 0                   |
|                            | 0         | 0                                 | 0                                       | 0   | 0  | 0                   |

The Brazilian State of Santa Catarina has been added to the list of regions considered to be free of CSF, though no live swine, pork, or pork products have been imported from this region to date. With this addition, there is a program change increase of +1 response and +1 burden hour.

The demand for imported pork and pork product has increased since the last renewal and thus the number of certificates issued by foreign veterinarians has increased. As a result, there is an adjustment increase of + 681 responses resulting in an increase of + 681 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 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.**

There are no APHIS 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 in the Act.

#### **B. Collections of Information Employing Statistical Methods**

Statistical methods are not employed in this information collection activity.