

**SUPPORTING STATEMENT - OMB NO. 0579-0XXX
IMPORTATION OF PORK AND PORK PRODUCTS FROM LOW-CLASSICAL
SWINE FEVER (CSF) RISK REGIONS IN MEXICO**

May 2014

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 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.

APHIS currently recognizes nine Mexican States as free of CSF: Baja California, Baja California Sur, Campeche, Chihuahua, Nayarit, Quintana Roo, Sinaloa, Sonora, and Yucatan. Because of the proximity of those nine States to CSF-affected regions and/or other risk factors, however, their pork and pork products may only be imported into the United States under conditions specified in 9 CFR 94.32. APHIS is currently preparing to amend the regulations in part 94 to recognize a new APHIS-defined Mexican CSF region that would consist of all Mexican States except the nine States we currently recognize as CSF-free and the State of Chiapas. Specifically, this proposed rule will add a new section in 9 CFR 94.34 setting import requirements for pork and pork products from this new Mexican CSF region. These requirements include the following information collection activities:

- Maintenance of a visitors log to ensure personnel entering farms are those necessary for farm operations.

- Maintenance of all records of all animal movements into and out of the farm, including those of species other than swine, for 3 years.
- Certification from a full-time salaried veterinary officer of Mexico. Upon arrival of the pork or pork products in the United States, the certificate would have to be presented to an authorized inspector at the port of arrival. The certificate would have to identify the exporting region of the pork or pork products as being part of the APHIS-defined Mexican CSF region as listed under 9 CFR 94.34 at the time the pork or pork products were in the region and would have to state that all applicable provisions of 9 CFR 94.34 have been met.
- Use of the United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors (VS Forms 16-6 and 16-3).

APHIS is asking OMB to approve, for 3 years, its use of these information collection activities to ensure that swine, pork, and pork products from 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 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.

Daily Log of Facility - Business

When swine are in a production facility in the CSF region defined above, APHIS needs to ensure that only specified individuals are allowed entry into the facility. The daily log that workers and necessary personnel must sign allows APHIS to enforce this. This documentation helps APHIS maintain the integrity of the facility. Unauthorized visitors entering and leaving the facility could pose a disease risk to the U.S. livestock population.

Certificate for Pork and Pork Products – Foreign Federal Government

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 that must accompany pork and pork products from the regions identified by this rule. The certificate must identify both the exporting region and the region of origin as designated in 9 CFR 94.34 as free of CSF at the time the 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.

The certificate must state:

- 1) The pork or pork products were derived from swine raised on farms that have not been epidemiologically linked to CSF outbreaks and have not been located in a restricted zone for CSF in the previous 12 months.
- 2) The pork or pork products were derived from swine raised on farms inspected within the previous year by Mexico's National Service of Health, Safety and Quality Agrofood (SENASICA) and verified to be in compliance with the conditions set forth at 9 CFR 94.34.(a) and (b).
- 3) The pork or pork products were derived from swine that were born, raised, and have lived only in the United States or in a region classified as CSF-free or low-risk for CSF, and were slaughtered in such a region at a federally inspected slaughter plant under the direct supervision of a full-time salaried veterinarian of the national government of that region and that is eligible to have its products imported into the United States under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the regulations in 9 CFR 327.2. The slaughtering establishment must allow APHIS to periodically evaluate and inspect its facilities, records, and operations.
- 4) The pork or pork products were derived from swine that have not been commingled with swine originating from herds that do not meet the sanitary standards set forth in 9 CFR 94.34.
- 5) The pork or pork products have not been in contact with pork or pork products that have been in a region, other than the United States, that is not classified as CSF-free or low-risk for CSF.
- 6) The pork or pork products have not been in contact with pork or pork products derived from swine originating from herds not reared under the sanitary standards contained in 9 CFR 94.34.
- 7) The pork or pork products have not transited through a region, other than the United States, that is not classified as CSF-free or low-risk for 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.
- 8) If processed, the pork or pork products were processed in a region classified as CSF-free or low-risk for CSF in a federally inspected processing plant under the direct supervision of a full-time salaried veterinary official of the national government of that region.

United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors (VS 16-3) - Business

Anyone who imports animal-derived products into the United States must apply for and obtain from APHIS a U.S. Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors. This permit is obtained by completing a VS Form 16-3. The form is available online and can be submitted manually or online via ePermits if the user chooses to register for eAuthentication. The form contains the applicant's name and address, the name and address of the exporter (shipper or manufacturer), the material or product type (including a list of ingredients of animal origin), the approximate amount of material or product being shipped, any treatment the material has undergone before export, and the intended use of

the material or product. Information contained in the VS Form 16-3 enables APHIS to determine whether the shipment qualifies for import into the United States.

Recordkeeping - Business

All records of all animal movements into and out of the farm, including those of species other than swine, must be maintained for 3 years. The records would have to include the identification of the animals moved and the origin and destination for each movement.

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.

United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors (VS 16-3)

The import permit application (VS 16-3) may be completed and sent to APHIS electronically at http://www.aphis.usda.gov/library/forms/pdf/VS_16_3.pdf.

Certificate for Pork and Pork Products (Foreign)

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.

Daily Log of Facility

APHIS requires the visitors' log be kept and maintained, but specifies no method for doing so. APHIS has no plans to create an electronic submission system as the records are kept at the site, and not submitted to APHIS.

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 pork and pork product imports. The veterinarians and foreign

producers 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 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.

APHIS' **proposed** rule, Docket No. APHIS-2013-0061, will describe its information gathering requirements, and also provide a 60-day comment period. During this time, interested members of the public will have the opportunity to provide APHIS with their input concerning the usefulness, legitimacy, and merit of the information collection activities APHIS is proposing.

During 2014, 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

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 who complete the certificates necessary to export 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 exporters and full-time, salaried veterinary officers employed by the Government of Mexico. APHIS estimates the total annualized cost to these respondents to be \$18,459. APHIS arrived at this figure by multiplying the total burden hours (744) by the estimated average hourly wage of the above respondents (\$24.81). Exporter salaries were based on the figure for farmers, ranchers, and other agricultural managers (\$35.20) in the April 2014 Bureau of Labor Statistics Occupational Employment Statistics survey. See <http://www.bls.gov/news.release/pdf/ocwage.pdf>

The hourly rate for Mexican Federal veterinarians (\$14.42) was determined through consultations with APHIS animal health specialists based 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 \$93,747. (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 is a new collection.

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.

VS Form 16-3 is used in several other collections with differing renewal dates. APHIS therefore requests permission to omit the expiration date for the use of the form 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 in the Act.

B. Collections of Information Employing Statistical Methods

Statistical methods are not employed in this information collection activity.