SUPPORTING STATEMENT 0579-0425

Cattle Fever Tick; Importation Requirements for Ruminants from Mexico

February 2015

Introduction:
Comment-filed:
APHIS received two comments during the 60-day comment period that was built into the proposed rule. The comments were from a cattle producers' association and an individual. One commenter supported the proposed rule. The other expressed a generalized opposition, without, however, addressing the actual content of the proposed rule or the information 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 in the world market of animal and animal product trade.

In connection with 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 communicable animal diseases. To that end, APHIS amended its animal import regulations in Title 9, *Code of Federal Regulations*, Part 93, section 426 to provide that all ruminants offered for entry into the United States from Mexico must be inspected at a port of entry to determine whether they are infested with fever ticks or are affected with or have been exposed to a communicable disease. Section 93.427 contains conditions to mitigate the risk of the spread of fever ticks to American livestock via the importation of cattle and other ruminants from Mexico. Paragraph (b)(1) contains requirements for ruminants that have not been exposed to any communicable disease, including the fever-tick-borne disease bovine babesiosis, and (b)(2) contains requirements for ruminants that have been exposed to bovine babesiosis or found to be infested with or exposed to fever ticks.

To ensure imported cattle from Mexico are free from ticks or tick-borne disease, APHIS requires the following: a certificate of inspection and certification of disease freedom/exposure; an application for inspection or supervised dipping; a health certificate; and a dip certificate. These activities are approved under 0579-0040, 0579-0224, and 0579-0393; only the use of seals is not currently approved and forms the basis of this new information collection.

APHIS is asking OMB to approve, for 3 years, the use of information collection activities associated with its efforts to control cattle fever tick-borne disease in the United States. Upon approval of this information collection, APHIS will merge this information collection into 0579-0040.

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 collection activity to control cattle fever tick-borne disease in the United States.

Seal
If the cattle will transit through an area of Mexico APHIS has not determined to be free from fever ticks, they would have to be moved in a sealed means of conveyance. The seals would be applied by Mexican government officials and must remain intact throughout transit.

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 seals must accompany and seal the shipment and thus are not candidates 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 effort is not available from any other source. APHIS is the only agency responsible for detecting and controlling foreign, contagious animal diseases in 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 CFT risk associated with Mexican cattle imports. The exporters and veterinarians handling the sealed transaction 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 incursion and spread of disease spread by cattle fever ticks from Mexican cattle. This could have serious health consequences for American cattle and economic consequences for the American cattle 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.**

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

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APHIS' proposed rule (docket no. APHIS–2012–0073) was published in the Federal Resister on Thursday, July 17, 2014, pages 41652-41656, with a 60-day comment period. During that time, APHIS received two comments. They were from a cattle producers' association and an individual. One commenter supported the proposed rule. The other expressed a generalized opposition, without, however, addressing the actual content of the proposed rule. Therefore, for the reasons given in the proposed rule, APHIS is adopting the proposed rule as a final rule, without change. The final rule was published in the Federal Register on Thursday, February, 26, 2015.

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. However, the confidentiality of information is protected under 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 importers and exporters, and with Mexican Federal animal health authorities who apply the seal necessary to export cattle 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 the above respondents to be $17.65. APHIS arrived at this figure by multiplying the total burden hours of estimated response time (1 hour) by the estimated average hourly wage of the respondents ($17.65). The hourly rate for Mexican Federal veterinarians 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 $45. (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 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 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 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.