

SUPPORTING STATEMENT JUSTIFICATION FOR APPLICATION FOR RETURN OF EXPORTED PRODUCT TO THE UNITED STATES

1. Circumstances Making Collection Of Information Necessary:

This is a request for a revision of a currently approved information collection, which addresses the application for return of exported meat, poultry, and egg products to the United States (0583-0138).

The Food Safety and Inspection Service (FSIS) has been delegated the authority to exercise the functions of the Secretary as provided in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 et seq.), and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031 et seq.). These statutes mandate that FSIS protect the public by ensuring that meat and poultry products are safe, wholesome, unadulterated, and properly labeled and packaged.

In accordance with 9 CFR 327.17, 381.209, and 590.965, exported product returned to this country is exempt from FSIS import inspection requirements upon notification to and approval from the Agency's Office of International Affairs (OIA). Returned product may, however, require re-inspection at a federally-inspected facility for food safety and food defense determinations. When FSIS inspection program personnel determine that product is safe and not adulterated or misbranded, the product may be released into domestic commerce.

2. How, By Whom and Purpose Information Is To Be Used:

The following is a discussion of the information collection activities.

When an FSIS inspected and passed product is exported and then returned to this country, the owner, broker, or agent of the product (the applicant) arranges for the product's entry and notifies FSIS. The applicant completes the FSIS Form 9010-1, Application for the Return of Exported Products to the United States.

The form allows OIA to decide whether re-inspection of the returned product is needed and to notify the appropriate FSIS office where to perform the re-inspection of the product, if necessary.

There are 2,500 total burden hours for the information collection request relating to the application for the return of exported product.

3. Use Of Improved Information Technology:

Under the Government Paperwork Elimination Act, the Application for the Return of Exported Product form is available in a fillable PDF form that can be communicated electronically.

4. Efforts To Identify Duplication:

No FSIS office, USDA agency, or any other Government agency requires information relating to the return of exported meat, poultry, and egg products. There is no available information that can be used or modified.

5. Methods To Minimize Burden On Small Business Entities:

Data required of small entities are the same as for large ones. The information collections must apply to all requestors.

6. Consequences If Information Were Collected Less Frequently:

To conduct the information collections less frequently will reduce the effectiveness of the meat, poultry, and egg products inspection program.

7. Circumstances That Would Cause The Information Collection To Be Conducted In A Manner:

- 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.

Firms of necessity will submit more than one Application for Return of Exported Product per quarter; hence, the information collection and recordkeeping activities in this submission are consistent with the guidelines in 5 CFR 1320.6.

8. Consultation With Persons Outside The Agency:

In accordance with the Paperwork Reduction Act, FSIS published a 60-day notice (74 FR 31687) in the Federal Register on July 21, 2009 requesting comments regarding this information collection request. FSIS received one comment from the National Meat Association recommending that the Agency develop an electronic version of the form that could be completed on-line.

FSIS did contact three members of industry through a trade association (Paul Clayton; 303/623-MEAT). One exporter stated that the Agency had vastly overestimated the number of times an exporter would use the

application—10 times a year; another exporter said that FSIS overestimated the number of times an exporter would use the application—3 or 4 times in an average year and that the 10 minutes allotted to complete the form was too little an amount of time—it takes up to 60 minutes to complete; and, a third exporter had no comment.

In response to these comments, the Agency changed its estimate of how long it takes to complete an application for the return of exported product from 10 to 30 minutes. And FSIS changed its estimate of the number of times an exporter would use the form annually, from 100 times to 10 times.

9. Payment or Gifts to Respondents:

Respondents will not receive any gifts or payments.

10. Confidentiality Provided To Respondents:

No assurances other than routine protection provided under the Freedom of Information Act have been provided to respondents.

11. Questions Of A Sensitive Nature:

The applicants are not asked to furnish any information of a sensitive nature.

12. Estimate of Burden

The total burden estimate for the reporting and recordkeeping requirements associated with this information collection is 2,500 hours.

The Agency estimates that 500 requesters will respond 10 times annually taking 30 minutes to complete an Application for Return of Exported Product form for a total of 2,500 hours.

APPLICATION FOR RETURN OF EXPORTED PRODUCT

(FSIS Form 9010-1)

Type of Respondent	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Time for Response in Mins.	Total Annual Time in Hours
Firms	500	10	5,000	30	2,500

The cost to the respondents is estimated at \$87,500 annually. The Agency estimates that it will cost respondents \$35 an hour in fulfilling these paperwork and recordkeeping requirements. Respondents will spend an annual total of 2,500 hours and \$87,500.

13. Capital and Start-up Cost and Subsequent Maintenance

There are no capital and start-up costs and subsequent maintenance burdens.

14. Annual Cost To Federal Governments:

The cost to the Federal Government for these information collection requirements is \$15,000 annually. The costs arise primarily from the time spent by FSIS staff reviewing the Applications for Return of Exported Product. The Agency estimates a cost of \$35 per hour.

15. Reasons For Changes In Burden:

There is a change of burden hours from 8,333 hours to 2,500 hours because FSIS, in response to comments received, changed its estimate of the number of times an exporter would use the form annually, from 100 times to

10 times, thereby reducing the total burden hours. Also, in response to comments received the time on the form was change from 10 minutes to 30 minutes.

16. Tabulation, Analyses And Publication Plans:

There are no plans to publish the data for statistical use.

17. OMB Approval Number Display:

The OMB approval number will appear on required FSIS forms. FSIS requests that it not be required to put the expiration date of the information collection of the form. Being required to put the expiration date on the form would place a burden of the Agency because 1) it would require FSIS to print new forms with the expiration date on them and would render the forms unusable in three years; 2) at the end of the approval period FSIS could not print up new forms until OMB gave a new expiration date causing unnecessary delay; and, 3) there is often a time lapse of several months between the date when the expiration expires and the time when OMB will finally give (usually) a three year approval to the extension or revision causing an almost impossible situation of attempting to having forms with the correct expiration date on them.

18. Exceptions to the Certification:

There are no exceptions to the certification. This information collection accords with the certification in item 19 of the OMB 83-I.