

SUPPORTING STATEMENT - OMB NO. 0579-0144
IMPORTATION OF POULTRY MEAT AND OTHER POULTRY PRODUCTS
FROM SINALOA AND SONORA, MEXICO;
POULTRY AND PORK TRANSITING THE UNITED STATES FROM MEXICO

2018

NOTE: This information collection combines 0579-0144 (Poultry and Pork Products Transiting the United States From Mexico) and 0579-0145 (Poultry and Pork Products Transiting the United States) as both information collections involve the transportation of foreign meat from Mexico. As a result of this merger, the title of this information collection has been changes to *Importation of Poultry Meat and other Poultry Products from Sinaloa and Sonora, Mexico; Poultry and Pork Transiting the United States from Mexico.*

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 the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), Veterinary Services' (VS) ability to allow U.S. animal producers to compete in the world market of animal and animal product trade. APHIS is the Agency charged with carrying out disease prevention by regulating the importation of animals and animal products into the United States.

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* (CFR). These regulations govern the importation of animals and animal products. Under them, APHIS requires the following: (1) a foreign meat inspection certificate; (2) an application of seals; (3) an application for import permit (VS 16-3); and (4) a pre-arrival notification.

APHIS currently places certain restrictions on the importation and in-transit movement of fresh (chilled or frozen) pork and pork products from Mexico because of the presence of classical swine fever (CSF) in some areas of Mexico. However, APHIS regulations at 9 CFR 94.15 allow pork and pork products from the Mexican States of Baja California, Baja California Sur, Campeche, Chihuahua, Coahuila, Nuevo Leon, Quintana Roo, Sinaloa, Sonora, and Yucatan to transit the United States, under seal, for export to another country. (No outbreaks of CSF have occurred in these Mexican States since 1993.)

In addition, 9 CFR 94.6 governs, among other things, the importation of poultry carcasses, parts, products, and eggs (other than hatching eggs) from regions where Newcastle disease (ND) is considered to exist. However, 9 CFR 94.33 allows poultry carcasses, parts, products, and eggs (other than hatching eggs) that do not qualify for entry into the United States to transit the United States via land ports, for immediate export, from Mexican States that Mexico considers to be free of ND. Mexico recognizes the States of Baja California, Baja California Sur, Campeche, Chihuahua, Nuevo Leon, Quintana Roo, Sinaloa, Sonora, Tamaulipas, and Yucatan as free of ND. APHIS believes that allowing such in-transit movements presents a negligible risk of introducing ND or CSF into the United States while simultaneously avoiding unnecessary restrictions on trade.

APHIS also currently has regulations in place that restrict the importation of poultry meat and other poultry products from Mexico due to the presence of ND in that country. However, under regulations at 9 CFR 94.30 APHIS allows the importation of poultry meat and poultry products from the Mexican States of Sinaloa and Sonora (if imported according to APHIS' requirements) because APHIS has determined that poultry meat and products from these two Mexican States pose a negligible risk of introducing ND into the United States.

To ensure these items are safe for importation, APHIS requires that certain data appear on the foreign meat inspection certificate accompanying the poultry meat or other poultry products from Sinaloa and Sonora to the United States. APHIS also requires that serially numbered seals be applied to containers carrying the poultry meat or other poultry products.

APHIS is asking the Office of Management and Budget (OMB) to approve, for an additional 3 years, its use of these information collection activities in connection with its efforts to ensure that the transiting of fresh (chilled or frozen) pork and pork products, as well as poultry carcasses, parts, and products (except eggs and egg products) from certain States in Mexico pose a negligible risk of introducing CSF or ND 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 minimize the risk of introducing ND or CSF into the United States while simultaneously avoiding unnecessary restrictions on trade of fresh (chilled or frozen) pork and pork products, as well as poultry meat, carcasses, parts, and products (except eggs and egg products) with some Mexican States, in particular Sinaloa and Sonora.

Foreign Meat Inspection Certificate (Business and Foreign Government) (9 CFR 94.30)

Every shipment of poultry meat and other poultry products imported into the United States from Sinaloa or Sonora must be accompanied by a foreign meat inspection certificate completed by the exporters of poultry meat and other poultry products to the United States and signed by a full-time, salaried veterinarian of Mexico's Animal Health Protection Service. This is a Food Safety and Inspection Service (FSIS) requirement. However, APHIS requires certain information contained in this certificate. It is this information for which APHIS must obtain OMB approval.

APHIS requires that this document certify that the poultry meat or other poultry products were

(1) derived from poultry born and raised in commercial breeding establishments in Sinaloa and Sonora; (2) derived from poultry slaughtered in Sinaloa or Sonora in a federally inspected slaughter plant under the direct supervision of a full-time salaried veterinarian of the Government of Mexico and approved to export these commodities to the United States in accordance with FSIS regulations (i.e., 9 CFR 381.196); (3) processed (if processed at all) at a federally inspected processing plant in Sinaloa or Sonora that is under the direct supervision of a full-time salaried veterinarian of the Government of Mexico; and (4) kept out of contact with poultry from any other State in Mexico or with poultry from any other region not listed in 9 CFR 94.6 as a region where ND is not known to exist.

The certificate must also show the seal number that appears on the shipping container in which the poultry meat or other poultry products are transported.

Application of Seals to Containers (Foreign Government) (9 CFR 94.30)

If the poultry meat or other poultry products are going to transit any State in Mexico other than Sinaloa or Sonora, a full-time salaried veterinarian of Mexico's Animal Health Protection Service must apply serially numbered seals to the containers carrying the poultry meat or other poultry products. Similarly, pork and pork products, as well as poultry carcasses, parts, and products (except eggs and egg products) transiting out of Mexico must be packaged before movement from the Mexican State in a leakproof container and sealed with serially numbered seals of the Government of Mexico. These seals must be applied at the federally inspected slaughter or processing plant in Sinaloa or Sonora or otherwise by Mexican officials, and the seal numbers must be recorded on the foreign meat inspection certificate. The seals must remain unbroken at all times while the containers are transiting Mexico and the United States.

The certification statements and listing of seal numbers on the foreign meat inspection certificate provide controls that enable APHIS to ensure that the poultry meat or poultry products from Sinaloa and Sonora pose the most negligible risk possible for introducing ND into the United States. They also comprise APHIS' only way of verifying that the contents of the container were not removed while the container was transiting the United States.

Application for Permit to: Import or Transport Controlled Material or Organisms or Vectors (VS 16-3) (Business) (9 CFR 94.15; 9 CFR 94.33)

Exporters in Mexico who wish to transit pork, pork products, poultry carcasses, poultry parts, and poultry products (except eggs and egg products) through the United States must apply for an import permit via the U.S. importer. Mexican exporters and the U.S. importers together complete the VS 16-3. The import permit contains such information as the name and address of the exporter, the origin and destination points of the commodities, how much and what type of commodity will be transiting, the intended port of entry, the date of transportation, and the method and route of shipment. The form also contains any other information concerning the transiting product that will enable APHIS to determine whether any disease introduction risk is associated with the transit, and, if so, what risk mitigation measures will minimize that risk.

Note: This application has been added from the 0579-0145 information collection.

Pre-Arrival Notification (Business) (9 CFR 94.15; 9 CFR 94.33)

Exporters in Mexico who are transiting pork, pork products, poultry carcasses, poultry parts, and poultry products (except eggs and egg products) must inform the Plant Protection and Quarantine Officer at the U.S. port of entry, in writing, of the impending arrival of the shipment. This pre-arrival

notification must include the time and date the commodities are expected to arrive at the port in the United States; time schedule and route to be followed through the United States; and the serial numbers of the seals on the shipment containers. APHIS' pre-arrival notification requirement will help expedite the shipment's movement through the port of entry by ensuring that all the necessary information is on hand to process the shipment.

Note: This pre-arrival notification has been added from the 0579-0145 information collection.

Emergency Action Notification (EAN) PPO Form 523 (Business)

APHIS requires that for certain consignments that fail to meet specific import requirements Customs and Border Protection (CBP) and/or APHIS must communicate a specific action concerning the consignment to the interested parties. The EAN specifies to the broker, shipper, market owner, or other stakeholder the reason or reasons why the consignment is being refused entry and provides basic explanations as to what action is necessary. The broker, shipper, market owner, and other stakeholder select and/or agree to the actions and signs. The paper version of this form, an equivalent CBP form (e.g. CBP Form 7512), or the electronically filed APHIS Core message set provides information that APHIS inspectors and CBP officers need to identify the consignment and the issues it may present.

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 Foreign Meat Inspection Certificate is produced in the region of origin. The certification must physically accompany the shipment and requires an original signature from the authorizing veterinarian to be valid. Therefore, the certification statement is not a candidate for electronic submission. The seals must also accompany the shipment and so cannot be submitted electronically.

The VS Form 16-3 can be accessed and submitted to APHIS directly via the e-permitting system which can be accessed via <http://www.aphis.usda.gov/permits/index.shtml>.

Pre-arrival notifications can be generated by word processing means and submitted electronically or by fax.

For trade partners who have fully automated systems, we will be accepting computer extracts of electronic health certification health certification data. These certificates are included in the governmentwide utilization of the International Trade Data System (ITDS) via the Automated Commercial Environment (ACE) to improve business operations and further Agency missions.

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 collected 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 collected is the absolute minimum needed to help protect the United States against an exotic disease incursion. The information APHIS requires on the foreign meat inspection certificate must be recorded and certified by Federal animal health authorities in Mexico, not by individual exporters, shippers, processing plant operators, or other entities involved with the exportation of poultry meat and other poultry products to the United States. Although 99 percent of the United States broiler farms meet the Small Business Administration size criteria for designation as small entities, this collection is not likely to have a significant economic impact on these farms. Normally the export certificate is completed/issued by the animal health official in Mexico. Also, the import permit application process, application of serially numbered seals, and pre-arrival notification requirement each require 1 hour or less to complete.

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 various commodities from certain Mexican States pose a negligible risk of introducing CSF or ND into the United States. This lack of information would make a disease incursion event much more likely and could seriously harm the U.S .pork and poultry industries.

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 3 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.

Kevin Smith
U.S. Meat Export Federation
1855 Blake Street, Suite 200
Denver, CO 80202
(303) 623-6328

Jean Murphy
Vice President, Trade Policy & Technical Affairs
USA Poultry & Egg Export Council
2300 West Park Place Blvd., Suite 100
Stone Mountain, GA 30087
Phone: (770) 413-0006
Email: jmurphy@usapeec.org

Tori Ahlmeyer, Coordinator
Scientific and Regulatory Affairs
National Turkey Federation
1225 New York Ave. NW, Suite 400
Washington, DC 20005
Phone: (202) 898-0100
Email: info@turkeyfed.org

On December 4, 2017, pages 57197-57199, Volume 82, 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. One comment was received from a concerned citizen about their perception of the general maltreatment of animals. It had no relevance to the purpose of the collection.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration 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 APHIS headquarters and field personnel, Federal animal health authorities in Mexico, owner/operators of slaughtering and processing plants in Sinaloa and Sonora, and personnel in Sinaloa and Sonora engaged in exporting and shipping poultry meat and other poultry 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.**

The public burdened by the burden in this collection are foreign Federal animal health authorities in Mexico, exporters of poultry meat and other poultry products from Mexico to the United States, and U.S. importers of poultry meat and other poultry products from Mexico to the United States. APHIS estimates the total annualized cost to these respondents to be \$17,510.04. APHIS arrived at this figure

by multiplying the total burden hours (558) by the estimated average hourly wage of the above respondents (\$31.38).

The hourly wage for Mexican animal health authorities (\$24.81) was provided by USDA’s Agricultural Specialist Animal Health Specialist in Mexico via Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación (SAGARPA) animal health officials;

Exporter salaries were based on the figure for farmers, ranchers, and other agricultural managers (\$36.44), and importers and exporters (\$32.89[Sales Representatives, Wholesale and Manufacturing, Except Technical and Scientific Products]) in the May 2016 Bureau of Labor Statistics Occupational Employment Statistics survey. See <http://www.bls.gov/news.release/pdf/ocwage.pdf>.

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 \$30,862. (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-I.

ICR Summary of Burden:

| | 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 | 562 | 0 | +176 | 0 | 0 | 386 |
| Annual Time Burden (Hr) | 558 | 0 | +172 | 0 | 0 | 386 |

Overall there is an increase of 176 responses and increase of 172 total burden hours due to program changes in Agency discretion and Agency estimate.

The program change due to Agency discretion includes an increase of 34 responses and 30 total burden hours due to merging 0579-0145 into this combined information collection, 0579-0144.

- 0579-0145

- o Application for Permit To: Import or Transport Controlled Material or Organisms or Vectors (VS 16-3) (+8 responses and +8 total burden hours)
- o Pre-arrival Notification (+8 responses and +4 total burden hours)
- o Application of Seals (+18 responses and +18 total burden hours)

The remaining increases are program changes due to Agency estimate resulting from actual practice of activities based on the last approval of this ICR. In addition the Emergency Action Notification (PPQ 523) has been added to this renewal.

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 collected 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.

The VS 16-3 and PPQ 523 forms are used in several information collections; therefore, it is not practical to include an OMB expiration date because of the various expiration dates for each information collection. APHIS is seeking approval to not display the OMB expiration date on this form.

There are no other forms associated with this information collection.

18. Explain each exception to the certification statement identified in the "Certification for Paperwork Reduction Act."

APHIS is able to certify compliance with all the 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.