

SUPPORTING STATEMENT - OMB NO. 0579-0156
INTERSTATE MOVEMENT OF CERTAIN LAND TORTOISES

March 26, 2007

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.

Title 21, U.S.C. authorizes section 117, Animal Industry Act. This authority permits the Secretary of the United States Department of Agriculture (USDA) to prevent, control, and eliminate domestic diseases such as tuberculosis, as well as to take actions to prevent and to manage exotic diseases such as heartwater disease. Disease prevention is the most effective method for maintaining a healthy animal population and enhancing APHIS' ability to compete in exporting animals and animal products.

In connection with this mission, USDA's Animal and Plant Health Inspection Service (APHIS) Veterinary Services (VS) enforces regulations that pertain to the importation of animals and animal products into the United States and the prevention of foreign animal disease incursions into the United States. These regulations are contained in Title 9, Chapter I, Subchapter D, Parts 91 through 99 of the Code of Federal Regulations.

Other regulations contained in Title 9, Subchapter C of Chapter I govern the interstate movement of animals to prevent the dissemination of livestock and poultry diseases within the United States. Subchapter C includes Parts 71 and 74. Part 71 relates to the interstate transportation of animals, poultry, and animal products. Part 74 deals specifically with the interstate movement of certain land tortoises.

APHIS regulations currently prohibit the importation and interstate movement of three tortoise species from Africa: the leopard tortoise, the African spurred tortoise, and the Bell's hingeback tortoise. APHIS implemented this ban in March 2000 to prevent the introduction and spread of exotic ticks known to be vectors of heartwater disease, an acute, infectious disease of cattle and other ruminants. Leopard, spurred, and hingeback tortoises already in the United States can be moved interstate for sale, health care, adoption, or export to another country only if they are accompanied by a health certificate (also known as a certificate of veterinary inspection).

This certificate, which is a State-issued form, must be signed by a Federal or accredited veterinarian, and must state that the tortoises have been examined by that veterinarian and found free of ticks.

APHIS is asking OMB to approve, for an additional 3 years, its use of this health certificate in connection with its program to prevent the interstate spread of exotic ticks that could be vectors for heartwater disease.

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.

Health Certificate (Certificate of Veterinary Inspection)

Leopard, African spurred, and Bell's hingeback tortoises being moved interstate must be accompanied by a health certificate, signed by a Federal or accredited veterinarian, stating that that veterinarian has examined the tortoises and found them free of ticks. This certification helps ensure that the interstate movement of these tortoises poses no risk of spreading exotic ticks within the United States.

Information that owners and veterinarians are required to complete are the name, address, and telephone number of the owner; information identifying the animal such as collar or tattoo number; breed; age; sex; color; distinctive marks; vaccination history; and certifications from both the owner and the veterinarian that all information is true and accurate.

The information collected is used by the Government for the purposes of identifying each specific tortoise and documenting the state of its health so that the animals can be transported across State and national boundaries.

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 health certificate for tortoises requires original signatures from a Federal or accredited veterinarian to be valid, and must physically accompany the tortoises during their interstate movement. Each State has its own version of this document, and very few States have made their forms available on line.

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 that APHIS collects is not available from any other source. APHIS is the only Federal Agency responsible for preventing communicable diseases of livestock from spreading within 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 is collecting for this program is the minimum needed to protect U.S. from the potential introduction of heartwater disease into the country.

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 forced to continue its complete ban on the interstate movement of Leopard, African spurred, and Bell's hingeback tortoises, a situation that could prove economically disastrous for a number of U.S. tortoise breeders.

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.

This information collection is conducted in a manner consistent with the guidelines established 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.

In 2006, APHIS engaged in productive consultations with the following individuals concerning the information collection activities associated with this program:

Richard Fife (Breeder)
8173 Valley Vista Drive
Hereford, Arizona 85615
520-378-4059

Marc Cantos
Burgundy Reptiles
19731 Burgundy Farm Road
Estero, Florida 33928
239-495-0031

Jeanne Brodsky
Strictly Reptiles
6450 Stirling Road
Hollywood, Florida 33024
954-967-8310

On Friday, March 16, 2007, pages 12592-12593, 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. No comments from the public were received.

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 U.S. tortoise owners and breeders, persons associated with tortoise adoption programs, and animal advocacy representatives.

• Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

Respondents are primarily U.S. tortoise breeders, as well as members of tortoise adoption organizations. The annualized cost to these respondents (\$6,225.00) was calculated by multiplying their estimated average hourly wage (\$25.00) by the number of hours (249) required to assist the Federal or accredited veterinarian in completing the health certificate.

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.

There is zero annual cost burden associated with capital and start-up 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 \$22,289.77. (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.

Based on discussions with respondents, APHIS has determined that APHIS previously underestimated the number of responses per respondent (the number of times each year that the average respondent must obtain a health certificate to move tortoises interstate). This increase in responses per respondent has resulted in an increase of +124 total 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 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.

The health certificate used for this program is a State-issued form, not a Federal form.

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

APHIS can certify compliance with all 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.