

**SUPPORTING STATEMENT - OMB NO. 0579-0160
COMMERCIAL TRANSPORTATION OF EQUINES TO SLAUGHTER**

August 21, 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. 117, Animal Industry Act of 1884, authorizes the Secretary of Agriculture to issue guidelines for regulating the commercial transportation of horses to slaughter by persons regularly engaged in that activity within the United States.

Specifically, the Secretary is authorized to regulate the food, water, and rest provided to these horses while they are in transit; and to review other related issues that may be appropriate to ensuring that these animals are treated humanely.

To implement the provisions of this Act, the Veterinary Services Program of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service has established minimum standards to ensure the humane movement of horses to slaughtering facilities via commercial transportation.

These standards, contained in Part 88 of Title 9, Code of Federal Regulations, require that food, water, and rest must be provided to these animals. APHIS regulations also prohibit the commercial transportation of horses considered to be unfit for travel, and prohibit the use of electric prods on these animals.

Implementing these regulations entails the use of two information collection activities in the form of an owner-shipper certificate, as well as the collection of employment information on any person found to be transporting horses to a slaughtering facility.

APHIS is asking OMB to approve, for an additional 3 years, its use of these information collection activities in connection with APHIS' efforts to ensure that horses being transported to slaughter are treated humanely.

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.

Owner-Shipper Certificate (VS 10-13)

Prior to the commercial transportation of horses to a slaughtering establishment, the shipper or owner must complete and sign an owner/shipper certificate for each horse being transported. This document must accompany the horse throughout its transit to the slaughtering facility and must include the following information:

The shipper's name and address and (if applicable) the owner's name and address; a description of the transporting vehicle, including the license plate number; A description of the horse's physical characteristics, including its sex, coloring, distinguishing marks, permanent brands, electronic means of identification, or other characteristics that can be used to accurately identify the horse; The number of the USDA back tag that has been applied to the horse for identification purposes; A statement of the animal's fitness to travel, which must indicate that the horse is able to bear weight on all four limbs, is able to walk unassisted, is not blind in both eyes, is older than 6 months of age, and is not likely to give birth during the trip; A description of anything unusual with regard to the physical condition of the horse, such as a wound or blindness in one eye, and any special handling needs; The date, time, and place the horse was loaded on the conveyance; and a statement that the horse was provided access to food, water, and rest prior to transport.

The owner/shipper certificate is an enforcement tool. The owner or shipper of the horse, by completing and signing this document, is certifying in writing, that he/she is aware of APHIS requirements concerning the transportation of the horse, and is agreeing to abide by these requirements.

This information will also be helpful in those instances in which APHIS must conduct a traceback investigation of any possibly stolen horses.

Recordkeeping, VS 10-13

The individual or other entity who signs the owner-shipper certificate must maintain a copy of the owner-shipper certificate for 1 year following the date of signature.

Obtaining Business Information

Veterinary Services representatives may, when necessary, request information from the driver of a transport vehicle (or the driver's company) concerning whether that driver is engaged in the commercial transportation of horses to slaughter. This is APHIS' only way of determining whether the driver --and the horses the driver is transporting-- is subject to APHIS regulations. This information must be submitted to APHIS within 30 days.

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 owner-shipper certificate must physically accompany the horse throughout its journey to the slaughtering facility, and is therefore not a candidate for electronic transmission. The business-related information that APHIS may require from drivers or their employers can be sent to APHIS electronically via e-mail.

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 monitoring the humane treatment of horses during transport to slaughter.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

APHIS is keeping its information collection requirements to the absolute minimum necessary to ensure that horses destined for slaughter are treated humanely during transit. The owner-shipper certificate is the least burdensome method APHIS could devise for accomplishing this objective.

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 horses destined for slaughter are treated humanely. While this is not an animal disease surveillance, containment, or eradication activity, it is nonetheless an important animal health activity for which Congress has made APHIS responsible.

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 2007, APHIS engaged in productive consultations with the following individuals in connection with the information collection requirements associated with this rulemaking:

Amy Mann
American Horse Council
1700 K Street NW, Suite 3000
Washington, DC 20006
202-296-4031

Dick Koehoer, General Manager
Beltex Corporation
3801 N. Grove
Fort Worth, TX 76106
817-624-1136

Lloyd Woodward, General Manager
Central Nebraska Packing
P.O. Box 550
North Platte, NE 69103
308-532-1250

On Friday, April 13, 2007, pages 18621-18622, 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 the owners and shippers of slaughter horses, and with the owner/operators of slaughtering facilities.

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

Respondents are the owners of horses being transported to slaughter and drivers of vehicles transporting horses to slaughter. APHIS estimates the total annualized cost to these respondents to be (\$104,192.37). APHIS arrived at this figure by multiplying the hours by the estimated average hourly wage of the above respondents (\$24.79). \$24.79 is derived from the U.S. Department of Labor, Bureau of Labor Statistics June 2003 Report - National Compensation Survey: Occupational Wages in the United States, July 2002. See <http://www.bls.gov/ncs/ocs/sp/ncbl0539.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.

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 \$133,931.37. (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.

There is no change in burden for renewal of this 3-year information 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.

If forms were to be discarded because of an outdated OMB expiration date, but otherwise usable, higher printing costs would be incurred by the Federal Government. Therefore, APHIS is seeking approval to not display the OMB expiration date on its forms.

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

Statistical methods are not employed in this information collection activity.