

**SUPPORTING STATEMENT 0579-0245
HIGHLY PATHOGENIC AVIAN INFLUENZA (HPAI) Subtype H5N1**

September 19, 2007

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 7, U.S.C. 8301, The Animal Protection Act, authorizes the Secretary of Agriculture to take such measures as she may deem proper to prevent the introduction or dissemination of any contagious or communicable disease of animals or live poultry from a foreign country into the United States or from one State to another.

Disease prevention is the most effective method for maintaining a healthy animal population and enhancing our ability to compete in the world market of animal and animal product trade.

The agency charged with carrying out this disease prevention mission is the Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA). Our regulations for preventing the introduction of foreign animal diseases into the United States are contained in Title 9 of the Code of Federal Regulations, Subchapter D-- Exportation and Importation of Animals and Animal Products. Parts 93, 94, 95, and 96 of this Subchapter govern the importation of certain animals, birds, poultry, meat, other animal products and byproducts, hay, and straw into the United States in order to prevent the introduction of various animal diseases.

Veterinary Services (VS), a division within USDA-APHIS, is responsible for administering these regulations.

Highly pathogenic avian influenza is an extremely infectious and fatal form of influenza in chickens. Highly pathogenic avian influenza can strike poultry quickly, without infection warning signs. Once established, the disease can spread rapidly from flock to flock.

APHIS' information collection has requirements for U.S. origin pet birds and performing or theatrical birds and poultry returning to the United States.

Implementing these additional import requirements necessitates the use of several information collection activities, including an Application to Import Controlled Materials or Transport Organisms and Vectors (VS Form 16-3), an Application for Import or In-Transit Permit (VS Form 17-129), a notarized declaration or affirmation, and a Pet Bird Owner Agreement (VS Form 17-8).

APHIS is asking OMB to approve, for 3 years, its use of the above information collection activities associated with its efforts to prevent an incursion of highly pathogenic avian influenza 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.

Application for Import Permit (VS Form 17-129)

U.S. origin pet birds, U.S. origin performing or theatrical birds, and U.S. origin performing or theatrical poultry returning to the United States from any region (except for birds or poultry returning from Canada or Mexico via a land border port) must be accompanied by an import permit issued by APHIS. The owner of the birds or poultry completes an application to obtain this import permit. The application asks for such information as the owner's name, telephone number, and address; the number, breed, and species of birds or poultry returning to the United States; a description of the birds or poultry including sex, age, registered name, tattoo, tag number, or other markings; the country from which the birds or poultry have come; the proposed shipping and arrival dates, and the U.S. port of entry. This information allows APHIS-VS to determine the level of risk associated with the shipment, and to then take appropriate risk-mitigating measures, if necessary, to ensure that the shipment does not pose a risk of introducing highly pathogenic avian influenza into the United States.

Notarized Declaration or Affirmation

In addition to the VS Form 17-129 described above, the owner of U.S. origin pet birds, U.S. origin performing or theatrical birds, and U.S. origin performing or theatrical poultry returning to the United States from any region (except for birds or poultry returning from Canada or Mexico via a land border port) must provide APHIS - VS with a notarized declaration or affirmation (or a statement signed by the bird owner and witnessed by a USDA inspector) stating that the birds or poultry did not come into contact with other poultry or birds while out of the United States. This document provides APHIS-VS with another means of ensuring that U.S. origin pet birds or theatrical birds or poultry returning to the United States have not been exposed to foreign bird populations of unknown health status.

Agreement of Pet Bird Owner (VS Form 17-8)

In addition to the VS Form 17-129 and the notarized declaration described above, the owner of U.S. origin pet birds or performing poultry returning to the United States from any region (except for birds or poultry returning from Canada or Mexico via a land border port) must sign an agreement (obtainable from a Federal inspector at the U.S. port of entry) stating that the birds or poultry will be quarantined by the owner for 30 days

following importation, and that the owner will immediately alert Federal officials if signs of disease are noted. This requirement applies only to pet birds that have been out of the United States for more than 60 days. The information required on this agreement includes the owner's name and address, the number and kind of birds or poultry being brought into the United States, the location where the birds or poultry will be held in quarantine, and the port of entry where the birds or poultry will be entering the United States. The form requires signatures from the owner, the detaining official at the port of entry, the releasing official, and the final releasing official.

Application to Import Controlled Materials or Transport Organisms and Vectors (VS Form 16-3)

Bird and poultry carcasses, parts, and products may be imported from a region where highly pathogenic avian influenza subtype H5N1 exists only if accompanied by an import permit and only if these items are research materials destined for a museum, educational institution, or research institution. Products and byproducts of birds and poultry (including feathers, birds' nests, and bird trophies) may be imported from a region where highly pathogenic avian influenza subtype H5N1 exists only if accompanied by an import permit, and only if APHIS-VS determines that the importation can be made under conditions that will prevent the introduction of highly pathogenic avian influenza into the United States.

This import permit is obtained by completing a permit application (VS Form 16-3). On this form the applicant provides such information as the applicant's name and address, the name and address of the individual who is exporting the material or product, the type and amount of material or product being shipped, the intended use of the material or product, and the origin and destination points of the material or product being shipped. Information contained in the VS Form 16-3 enables APHIS to determine whether the shipment qualifies for import into the United States, and what risk-mitigating action APHIS-VS may need to take to ensure the shipment does not pose a disease threat to the United States.

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 application for a Permit to Import Controlled Material or Transport Organisms or Vectors (VS Form 16-3) and the application for an Import or In-Transit Permit (VS Form 17-129) are available to the public electronically at www.aphis.usda.gov/vs/e_forms.

The notarized declaration is not a VS Form, but a document generated by pet bird owners.

The Pet Bird Owner Agreement (VS Form 17-8) is a document distributed exclusively by Federal inspectors at U.S. ports of entry. To be valid, it requires original signatures from the pet bird owner, the detaining official, the releasing official, and the final releasing official.

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 the incursion of exotic animal and poultry 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 APHIS is collecting in connection with this program is the minimum needed to ensure that highly pathogenic avian influenza is not introduced into the United States via the importation of certain birds, poultry, and related products and byproducts.

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.

Collecting this information less frequently or failing to collect it would make it impossible for APHIS to establish an effective line of defense against an introduction of highly pathogenic avian influenza. The incursion and spread of this disease within the United States could have serious economic consequences for the U.S. poultry 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.

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 concerning the information collection activities associated with this program:

Mr. James Sumner, President
U.S.A. Poultry & Egg Export Council
2300 W. Park Place Blvd., Suite 100
Stone Mountain, GA 30087
(770) 413-0006

Mr. William Roenick, Senior Vice President
National Chicken Council
1015 15th Street NW, Suite 930
Washington, DC, 20005
(202) 296-2622

Joel Brandenburger, President
National Turkey Federation
1225 New York Ave., NW, Suite 400
Washington, DC 20005
(202) 898-0100

On Monday, May 25, 2007, pages 29293-29294, APHIS published in the Federal Register, a 60-day notice seeking public comments on its plans to request a 3-year renewal for this information collection. 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 owners of U.S. origin pet birds and U.S. origin performing or theatrical birds or poultry; with U.S. importers of bird and poultry carcasses, parts, products and byproducts of birds and poultry (including feathers, birds' nests, and bird trophies) from certain regions; and with Federal personnel engaged in import-related activities at U.S. ports of entry.

• 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 respondents to be \$411,600.00. APHIS arrived at this figure by multiplying the hours of estimated response time (11,760 hours) by the estimated average hourly wage of the above respondents (\$35.00).

\$35.00 hourly rate 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 \$480,915.41. (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 an adjustment of +6760 hours because of an increase in the numbers of respondents.

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

There are no statistical methods associated with the information collection activities used in this program.