

**SUPPORTING STATEMENT – 0579-0247**  
Animal Welfare  
Transportation of Animals on International Carriers

**JUSTIFICATION**

September 2007

**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.**

Under the Animal Welfare Act (AWA) (7 U.S.C. 2131 *et seq.*), the Secretary of Agriculture is authorized to promulgate standards and other requirements governing the humane handling, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, and carriers and intermediate handlers. The Secretary has delegated responsibility for administering the AWA to the Administrator of the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA). Within APHIS, the responsibility for AWA administration has been delegated to Animal Care (AC). Regulations established under the AWA are contained in the Code of Federal Regulations (CFR) in 9 CFR parts 1, 2, and 3.

The stated purpose of the Act, Section I (b), is as follows:

“...(1) to insure that animals intended for use in research facilities, or exhibition purposes, or for use as pets are provided humane care and treatment;

(2) To assure the humane treatment of animals during transportation in commerce; and  
....”

Sections 10, 11, 12, and 13 of the AWA authorize and require certain recordkeeping requirements for regulated facilities. Title 9 CFR Subchapter A, Part 3 stipulates certain conditions that must be documented in a record format in order for dealers, exhibitors, research facilities, etc., to hold, buy, sell, and/or ship animals. APHIS/AC reviews these records to ensure that the animals are cared for in the prescribed manner(s) that is required by the regulations. All records must be kept for a period of at least one year.

APHIS intends to begin applying the AWA regulations and standards for the humane transportation of animals in commerce to all international carriers operating within the United States, its territories, possessions, or the District of Columbia. While these AWA regulations and standards have been enforced on domestic carriers, international carriers, as a matter of policy, have not been regulated. APHIS believes that animals being transported by international carriers operating within the United States, its territories, possessions, or the District of Columbia should be afforded the same protection under the AWA as if they were being transported by domestic carriers. APHIS’ determination to begin regulating international carriers will ensure that any animal covered by the AWA, whether coming into, traveling from

point to point in, or leaving the United States, its territories, possessions, or the District of Columbia, will be provided the protection of the AWA regulations and standards.

**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 has the regulatory authority to enforce the AWA. APHIS also prepares an annual report and other documents that pertain to animal welfare activities. Information for these documents depends on the proper recording and reporting of the information received in the above-mentioned records. APHIS must be equipped with data on transportation in order to make a professional assessment of animal conditions. Not providing this data would be contrary to the intent of the Act and would prevent prosecution of violators.

**Sections 3.13(b) and 3.86(b):** Carriers and intermediate handlers must not accept a nonhuman primate, dog or cat for transport in commerce unless they are provided with the name, address and telephone number of the consignee and, in the case of nonhuman primates, a telex number, if applicable.

**Sections 3.13(c) (1) (2)(3)(4), and 3.16(a):** Certain information, instructions, and certifications are required for the humane transportation of dogs and cats in commerce. The consignor must provide current name and address; official identification of animals being shipped to carriers and intermediate handlers; food and water certification and instructions for each shipment. Some certifications are mandatory (food and water) and some are optional (enclosure requirements and acclimation to temperature).

**Sections 3.13(c), 3.14(h), 3.16(b), 3.86(c), 3.87(g), and 3.89(b):** Certain information, instructions, and certifications are required for the humane transportation of nonhuman primates, dogs, and cats in commerce. The consignor must provide current name and address; official identification of animals being shipped to carriers and intermediate handlers; food and water certification and instructions for each shipment. Some certifications are mandatory (food and water) and some are optional (enclosure requirements and acclimation to temperature).

**3.13(e) and 3.19(a) (3):** The optional certifications, such as acclimation to lower temperatures and certification that the transport cage complies with standards are not mandatory; however, this certification may make it possible for the handlers to accept shipments that they would otherwise refuse. For example, airlines will not normally accept animals for transport in very cold weather. However, if the consignor's veterinarian certifies that the animals are acclimated to cold temperatures, then the airline may accept the shipment, which they would otherwise refuse. This provides a system for certain animals to be shipped if there is no threat of harm to them rather than applying a blanket prohibition on such movements.

This information and certification are necessary for carriers and intermediate handlers to properly care for and deliver the animals to destination in a speedy and humane manner. APHIS' inspectors at airports and shipping points also use this information to ensure compliance

with the Act. When documenting instances of violations for possible legal action, or locating facilities or persons who are evading regulation under the law, this information is also required.

**3.86(f):** Carriers are required to attempt to notify consignee of arrival of a shipment of animals within 6 hours of arrival and at least each following 6 hours until the animals are claimed by the consignee or returned to the consignor. This requirement is designed to ensure that the animals are delivered in a timely fashion. Records must be kept to ensure APHIS' inspectors that the consignee was either contacted or the attempts were made to notify the party.

**Section 3.14(a)(6) and 3.19(b):** Markings identifying shipping crates to be holding live animals and directional arrows identifying the upright direction for the kennel are required on the crates when being shipped. These markings are required to identify kennels readily, therefore ensuring the proper handling and the safety of animals being shipped.

**Section 3.86(e):** A certificate of acclimation is required if a nonhuman primate is exposed to temperatures lower than the USDA regulatory standards.

**Section 3.86(c) (1)(2)(3)(4) and 3.89(a):** The following information must accompany each shipment of nonhuman primates or be attached to the primary enclosure used to transport a nonhuman primate: name, address, and telephone number of the consignee; written instructions for in-transit food and water requirements; certification that food and water were offered as described.

This information and certification is necessary for carriers and intermediate handlers to properly care for and deliver the animals to destination in a speedy and humane manner. APHIS' inspectors at airports and shipping points will use this information to ensure compliance with the Act and the humane transportation of the animals. This information is also used in documenting instances of violations for possible legal action and for location facilities or persons who are evading regulations under the law.

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**APHIS 7001 and APHIS 7001A (Continuation Sheet), United States Interstate and International Certificate of Health Examination for Small Animals.** Individual States and foreign countries presently require health certificates for animals entering the State or country. Airlines and intermediate handlers routinely require health certificates for animals delivered for transportation in order to protect themselves from claims of causing illness or injury during transport. Each State issues its own health certificate for animals. There is, however, no uniformity among such certificates and a great variation in content and format. There is no international certificate for such animals, and States do not have the authority to issue international certificates. Carriers and intermediate handlers are faced with a variety of certificates from different States, and some foreign countries will only accept a Federal (USDA) international health certificate. Additionally, facilities licensed and registered under the AWA,

Section 2.35 (c) (2)(3), must provide health certificates when transporting dogs, cats, and nonhuman primates in commerce. This certificate satisfies the requirements under the AWA and provides a standard, uniform health certificate for interstate and international movement of such animals. These certificates provide AC with a traceable trail of animal movements in case of violation or fraud of the provisions under the AWA.

**APHIS Form 7011, Application for Registration.** The form is used for registration of carriers and intermediate handlers -- as required by Section 6 of the AWA and Sections 2.25 and 2.30 of the regulations. Each registrant must update his/her registration by completing and filing the form every 3 years with the AC Regional Director. The data collected is necessary to effectively enforce provisions of the AWA related to carriers and intermediate handlers. Information collected is basic to the needs of an orderly computer record system that is used to track international carrier compliance with the regulations and standards. If this information were not collected, full enforcement of the AWA would be limited or totally ineffective.

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### **Recordkeeping Requirements**

Records that carriers will have to keep and maintain include a copy of the consignor's written guarantee of payment for transportation for C.O.D. shipments; a shipping document; an animal health certificate executed and issued by a licensed veterinarian; and, if needed, the acclimation statement referred to in the previous paragraph indicating that the animal being transported can withstand temperatures colder than the minimums specified in the regulations. In addition, depending on the species, the AWA regulations may require that instructions for the administration of drugs, medication, other special care, food, and water, as well as other shipping documents, be attached to the outside of the animal's primary enclosure.

Furthermore, the records and reports herein provide APHIS with the data necessary for the review and evaluation of program compliance by regulated facilities. This recorded information becomes a part of the enforcement system that carries out the requirements of the Act and the intent of Congress. This is accomplished on a practical daily basis without the use of more detailed and stringent regulations and standards that could be more burdensome to regulated carriers.

**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.**

APHIS Form 7001 is a serially numbered multiple copy form that must have the signature of an accredited veterinarian certifying that the animals have been examined for international movement. It also provides AC with a traceable trail of animal movements in case of violation or fraud of the provisions under the AWA. Because of the mandate to serially track the movement of animals, it is not practical to automate the form at this time. AC plans to automate the APHIS Form 7011. APHIS anticipates that this will save time and money for both the regulated community and for AC; however, no time frame for automation has been set as of yet.

**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.**

APHIS is the only Agency responsible for the safe transportation of animals. The information APHIS is collecting is its only source for the information and is not being collected through other forms or reports.

**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 ensure that the AWA is being enforced 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 collections were conducted less frequently, APHIS would not be able to accurately measure the enforcement of the program and still meet the provisions of the Act.

**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.**

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.**

In 2007, APHIS held productive consultations with the following individuals in connection with the information collection activity associated with this program:

Carl B. Kole  
United Airlines  
Sr. Staff Representative – Environmental  
Administrator Dangerous Goods  
World Headquarters – WHQSY  
P.O. Box 66100  
Chicago, IL 60666

Greg R. Pittelkow  
Senior Specialist – Operations  
Special Cargos  
North West Airlines, Inc.  
Department C5680  
5101 Northwest Drive  
St. Paul, MN 5511-3034

Eric Raemdonck  
Manager, Live Animals and Perishable Goods  
Industry Distribution & Financial Services  
International Air Transport Association  
800 Place Victoria  
P.O. Box 113  
Montreal, Quebec, Canada H4Z 1M1

On Thursday, June 28, 2007, pages 35422-35423, 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. During that time, APHIS received two comments from interested members of the public. None of these comments dealt with information collection issues.

**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 for 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.

**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 asks 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.**

See APHIS Form 71 for hour burden estimates. APHIS arrived at these estimates through discussions with foreign air carrier's representatives transporting animals covered by the AWA.

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

Total cost to the respondents was estimated by multiplying their average hourly wage by the total number of hours needed to complete the work.  $\$17.45 \times 175 \text{ hours} = \$3,053.75$ . The hourly rate was taken from the U.S. Department of Labor, Bureau of Labor Statistics Report- National Compensation Survey: Occupational Wages in the United States. See <http://www/bls.gov/ncs/ocs/sp/ncb10539.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 are no additional cost burdens to the respondents or recordkeepers.

**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 estimated cost for the Federal Government is \$338.62. (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.**

This is a revision of a currently approved collection. The number of responses increased from 1,080 to 1,100 due to the number of recordkeepers not added the last approval although it was shown on the burden grid.

**16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.**

APHIS has no plans to publish or tabulate this information.

**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.**

APHIS is not seeking approval to display the expiration date on any forms.

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

APHIS is able to certify compliance with all provisions under the Act.