

**SUPPORTING STATEMENT – OMB NO. 0579-0065  
SWINE HEALTH PROTECTION**

**October 16, 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 7, U.S.C. 8301, The Animal Health Protection Act, authorizes the Secretary to prevent, control, and eliminate domestic diseases such as pseudorabies and brucellosis; as well as to take actions to prevent and to manage exotic diseases such as hog cholera, foot-and-mouth disease, and other foreign diseases.

Veterinary Services (VS), a program within the United States Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS), is responsible for administering regulations intended to prevent the dissemination of animal diseases within the United States. These regulations are found in Title 9, Code of Federal Regulations.

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

Garbage is one of the primary media through which numerous infections or communicable diseases of swine are transmitted. African swine fever, which is potentially the most dangerous and destructive of all communicable swine diseases, is periodically confirmed in a number of regions that are relatively close to the United States. Classical swine fever, another serious disease of swine that was officially declared eradicated from the United States in 1978, is also present in several nearby regions.

Because of the serious threat to the U.S. swine industry, Congress passed Public Law 96-468 "Swine Health Protection Act" on October 17, 1980. This law requires USDA to ensure that all garbage is treated prior to its being fed to swine that are intended for interstate or foreign commerce or that substantially affect such commerce. The regulations that implement this legislation are found in 9 CFR 166.

The Act and the regulations allow only operators of garbage treatment facilities that meet certain specifications to utilize garbage for swine feeding. Noncompliance with the regulations constitutes grounds for enforcement action and could include suspension or revocation of the license to operate the garbage treatment facility.

The intent of the Act and the regulations are to ensure that all garbage, before being fed to swine, is treated in a manner such that all potential animal disease agents are destroyed.

Implementing these regulations requires the use of a number of information collection activities, including the creation of Food Waste Reports, the completion of applications to operate garbage treatment facilities, the completion of a notification process when certain events occur at regulated facilities, the creation of Swine Health Protection Program Inspection Summaries, and recordkeeping.

APHIS is asking OMB to renew, for an additional 3 years, its use of the various information collections it employs in its efforts to ensure that garbage fed to swine does not pose a threat of spreading animal diseases within 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.**

#### **VS Form 13-17, Food Waste Report**

This form is used by public health officials. These officials contact food establishments (grocery stores, restaurants, etc.) and inquire about the disposition of the establishment's food waste. The form is forwarded to the Veterinary Services area office or State animal health office only when the results of the inspection reveal that the destination of the food waste is potentially a garbage feeder.

Upon receipt of the information from the public health officials, the information is used by Federal or State animal health personnel to determine whether the waste collector is feeding garbage to swine, whether the garbage is being treated, and whether the feeder is licensed or needs to be licensed.

#### **VS Form 13-15, Application for Licensing of Garbage Treatment Facility**

This application process provides a system to license and regulate individuals who wish to operate a garbage treatment facility to utilize garbage for swine feeding. Persons desiring to obtain a permit (license) to operate a facility to treat garbage must apply to USDA or State agency. Prior to issuance of a license, an authorized representative of USDA or State Agency inspects the facility to determine if it meets all requirements of the regulations. Also, periodic inspections are made to determine if licensees are meeting the standards for operating their approved facilities.

#### **VS Form 13-16, Garbage Treatment Facility Inspection**

This form is used during routine and repeat visits to garbage treatment facilities for the purpose of inspection, and for prelicensing inspection activity at a premises prior to licensing a garbage treatment facility. This form guides the inspector through the inspection process at the facility and allows for the inspector to record satisfactory or unsatisfactory findings at the facility. This form enables review of the sanitation, cooking procedures, cooked product storage, and raw product

storage at the facility. This information is obtained via direct observation and interview by the Veterinary Services inspector.

### **Acknowledgment of Act and Regulations**

When an applicant is given a licensing application to operate a garbage treatment facility, he/she also receives a copy of the Swine Health Protection Act and the related regulations. At the time of the prelicensing inspection, the applicant is required to sign a statement that he or she has received a copy of the Act and regulations, understands them, and agrees to comply with them.

### **Request for Hearing**

A license will be canceled if a licensee fails to treat garbage for a consecutive 4-month period. This regulation reduces the number of periodic inspections of facilities that are not treating garbage after receipt of a license under the Act. A licensee who has been notified of a proposed cancellation of license may request a hearing to retain his/her license. The licensee requests this hearing in writing, to APHIS.

### **Cancellation of License by Licensee**

Any licensee who no longer wishes to treat garbage under the Act may request cancellation of his/her license by writing to the Area Veterinarian in Charge (AVIC) or to the State animal health official in a State that issues licenses under a cooperative agreement.

### **Notification**

A licensee must immediately notify an inspector upon the detection of illness or death not normally associated with the licensee's operation of any animal at the facility. The licensee must also notify APHIS of any change in the name, address, management, or ownership of the facility within 30 days of the change. This information enables APHIS to carefully monitor events at the facility. Upon request, the licensee must also supply APHIS with information concerning the sources of garbage at the facility. This information includes the dates of supply and the names and addresses of the suppliers.

### **VS Form 13-2, Swine Health Protection Program Inspection Summary**

This document is used by the Area Veterinarian in Charge and Chief Staff Veterinarian in evaluating the progress of the Swine Health Protection Program in each State. The reports include data from the first day of each quarter to the last day of each quarter and are sent to Staff to be entered and tabulated in a spreadsheet.

### **Recordkeeping**

Each licensee must record the destination and date of removal of all garbage removed from the premises. These records must be kept for 1 year. The records are reviewed annually by supervising Federal officials to determine compliance with the Act and regulations. In the case of a disease outbreak, this information is essential for disease-tracing actions taken by Federal and State animal health officials.

**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.**

Currently none of these forms (VS Forms 13-17, 13-15, 13-16, and 13-2) are available electronically. Electronic collection of information for VS Form 13-2 is in the process of being made available electronically.

**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 controlling and eliminating domestic diseases of animals and poultry.

**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 conduct effective monitoring of garbage treatment facilities in the United States.

All of the respondents are small entities.

**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.**

Failing to collect this information would severely cripple APHIS' ability to prevent the spread of contagious animal diseases within the United States. If this information were not collected, the incidence of animal disease outbreaks would begin to rise, and the United States would lose its favored status of the export of livestock.

**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:

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On Thursday, October 11, 2007, pages 57910-57911, 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 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. 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 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.**

- **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, State veterinary authorities, herd owners, and owners/operators (licensees) of garbage treatment 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 owners/operators (licensees) of garbage treatment facilities, herd owners, and State animal health authorities. APHIS estimates the total annualized cost to these respondents to be (\$263,450). APHIS arrived at this figure by multiplying the hours of estimated response time (10,538 hours) by the estimated average hourly wage of the above respondents (\$25.00).

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/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 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 \$ 267,921.00 (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 increase in public burden because of the increase in the State representative's completion of the VS 13-16.

**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 under the Act.

**B. Collections of Information Employing Statistical Methods**

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