

**SUPPORTING STATEMENT
MINIMUM AGE REQUIREMENTS FOR
THE TRANSPORTATION OF ANIMALS**

JUSTIFICATION

April 2008

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The Laboratory Animal Welfare Act (LAWA) (Public Law 89-544) enacted August 24, 1966, and amended December 24, 1970 (Public Law 91-579); April 22, 1976 (Public Law 94-279); and December 23, 1985 (Public Law 99-198) requires the U.S. Department of Agriculture (USDA) to regulate the humane care and handling of most warm-blooded animals, including marine mammals, used for research or exhibition purposes, sold as pets, or transported in commerce. This legislation and its amendments were the result of extensive demand by organized animal welfare groups and private citizens requesting a Federal law to protect such animals.

USDA, Animal and Plant Health Inspection Service (APHIS), Animal Care (AC) has the responsibility to enforce the AWA and the provisions of 9 CFR, Chapter 1, Subchapter A, which implements the AWA.

The stated purpose of the AWA, Section 1(b), includes the following:

- (1) Ensure that animals intended for use in research facilities or exhibition purposes or for use as pets are provided humane care and treatment;
- (2) Ensure the humane treatment of animals during transportation in commerce;
- (3) Protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen..."

Section 21, of the Act, authorizes the Secretary to promulgate such rules, regulations, and orders as he/she may deem necessary in order to effectuate the purposes of the Act.

Sections 10, 11, 12, and 13 of the AWA authorizes and requires certain recordkeeping requirements for regulated facilities. Title 9 CFR Subchapter A, Part 3 stipulates certain conditions that must be documented in order for dealers, exhibitors, research facilities, etc., to hold, buy, sell, and/or ship animals. Records of these conditions and their use must be kept for a period of at least 3 years. These records are necessary for APHIS to review to ensure that the animals are cared for in the prescribed manner that is required by the regulations.

Part 2 of Subchapter A addresses the regulations for all the AWA licensed and registered facilities, including licensing and registration requirements and procedures, attending veterinarian and adequate

veterinary care, recordkeeping and other general requirements for the transport of animals. This includes the minimum age requirement for animal transport.

2. Indicate how, by whom, 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.

The records and reports herein provide APHIS with the data necessary for the review and evaluation of program compliance by regulated facilities, and provide a workable enforcement system to carry out the requirements of the AWA, and the intent of Congress, on a practical daily basis without resorting to more detailed and stringent regulations and standards which could be more burdensome to regulated facilities.

Section 2.130(b) – Transport plan. A written request and transport plan must be submitted to the Regional office for approval prior to the transport. The written plan must include transportation specifics, such as the date(s), destination, intermediate carrier or handler to be used, mode of transportation, and enclosure size and design. The plan would also have to address food and water arrangements, and how special needs of young nonhuman primates will be handled during the transport (when appropriate to species). This plan must be signed by the attending veterinarian and the head of the animal caregiving staff of the facility. These plans would need to be developed for each transport to address the specific needs of the animals and proposed mode of travel protocols need only be developed once or as needed for changing enclosures.

Recordkeeping – Email submissions. When a transportation plan is submitted to APHIS by email, the plan must include the names, address, and telephone numbers of the attending veterinarian and head of the animal caregiving staff so that APHIS can verify their concurrence with the proposed plan. A copy of the signed transport plan must be maintained at the originating facility for a period of 3 years to allow APHIS access to the information. This time frame is in accordance with general recordkeeping requirements for APHIS and accommodates AC's risk based inspection system.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, 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.

Transportation plans for underage animals can be submitted to APHIS via regular mail, courier services (such as FedEx, UPS, etc.), faxed to the regional office, or emailed to the regional office. The use of electronic submissions (fax and e-mail) afford a decrease in notification time, record of submission, and reduction of paperwork and mailing activities if the party elects these modes of submission.

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 charged with the enforcement of the AWA; therefore, there are no duplications of reporting by other Federal agencies.

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

APHIS has no small entities involved with this information collection.

6. Describe the consequences 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 this collection was 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 1220.5.

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.

Individual consultation and contact during 2008 include the following:

US Fish and Wildlife Service
4401 N. Fairfax Drive, Room 700
Division of Management Authority
Arlington, VA 22203

Broad spectrum of State and Local Wildlife officials
Library of Congress/APHIS sponsored meeting
Kansas City

APHIS' proposed rule (APHIS-2006-0024) notice of an information collection will describe its information gathering requirements, and also provide a 60-day comment period. During this time, interested members of the public will have the opportunity to provide APHIS with their input concerning the usefulness, legitimacy, and merit of the information collection activities APHIS is proposing.

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.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and others that are considered private.

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.

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

The total cost to the respondents was estimated by multiplying their average hourly wage by the total number of hours needed to complete the work.

\$15.00 x 1,500 hours = \$22,500

\$15.00 is the hourly rate derived from the U.S. Department of Labor, Bureau of Labor Statistics, June 2005 Report-National Compensation Survey: Occupational Wages in the United States, August 2006. See <http://www.bls.gov/ncs/ocs/sp/ncb10832.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).

There is no additional cost burden 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 total cost for the Federal Government is \$37,356.35. 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 new information collection. The current regulations contain requirements for dogs and cats, but there are no corresponding ones for exotic and wild animals, despite the risks associated with the early transport of these species. This amendment is necessary to help ensure the humane treatment of these animals.

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

APHIS has no plans to tabulate or publish this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reason that display would be inappropriate.

No forms are used in this collection; therefore APHIS is not seeking approval to display the expiration date on any forms.

18. Explain each exception to the certification statement identified under “Certification for Paperwork Reduction Act.”

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