

**SUPPORTING STATEMENT – OMB NO. 0579-0258
INTERSTATE MOVEMENT OF SHEEP AND GOATS**

December 3, 2008

Notice of Action: Comment Filed, dated 12/06/2004

In Accordance with 5 CFR 1320, OMB is not approving the collection at this time. Prior to publication of the final rule, the Agency should provide OMB any comments received on the proposed rule relates to the proposed collection of information and a summary of any changes made in response to these comments.

APHIS received 9 comments from interested members of the public, but none of them pertained to paperwork burden. These comments are addressed in the final rule. The proposed rule is being adopted as the final rule, with all changes discussed in the final rule.

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 of Agriculture to take such measures as he/she may deem proper to prevent the introduction or dissemination of the contagion of any contagious or communicable disease of animals and/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 Animal and Plant Health Inspection Service (APHIS) ability to compete in the world market of animal and animal product trade.

The Veterinary Services (VS) program of USDA's APHIS is the unit responsible for carrying out this disease prevention mission.

Scrapie is a progressive, degenerative, and eventually fatal disease affecting the central nervous system of sheep and goats. Its control is complicated because the disease has an extremely long incubation period without clinical signs of disease, and because there is no test for the disease and no known treatment.

APHIS restricts the interstate movement of certain sheep and goats in order to control the spread of Scrapie within the United States. APHIS regulations pertaining to the interstate transportation of animals are contained in Part 71, and its regulations concerning identification and other Scrapie program requirements are found in Part 79. For APHIS' Scrapie eradication program to be effective, it is imperative that it's animal identification, recordkeeping, and other

requirements be carried out at livestock facilities that handle sheep and goats moving in interstate commerce.

APHIS is asking OMB to approve, for 3 years, its use of the above information collection activities in connection with APHIS' efforts to approve livestock facilities that handle sheep and goats moving in interstate commerce.

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.

Approval of Livestock Facilities Agreement

To qualify for APHIS approval as a facility specifically approved to handle sheep and goats in interstate commerce, the individual legally responsible for the day-to-day operation of the facility must execute an Approval of Livestock Facilities Agreement with APHIS. This requires the owner/operator of the facility to fill in the name of the facility, as well as the facility's address and telephone number. The owner/operator must also indicate, by initialing the appropriate paragraphs of the Agreement, the class or classes of livestock that will be handled at the facility. Finally, the owner/operator must sign the document, thereby agreeing to abide by all of the requirements contained in the agreement.

Recordkeeping

Owner/operators of livestock facilities approved by APHIS to handle sheep and goats moving interstate must maintain certain records on animals handled at the facility, and make these records available for inspection by an authorized USDA or State employee. These records, which must be maintained for at least 5 years, will be of critical importance in the event that a traceback investigation becomes necessary. These records include such information as the identifying marks or tags on the animal (including tattoos or electronic implants), the animal's sex, year of birth, and breed; the date the animal entered the facility, the name and address of the person from whom the animal was acquired, and the animal's disposition.

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 Approval of Livestock Facilities Agreement is a pre-printed document requiring only that the livestock facility operator place his/her initials beside certain paragraphs. The operator's original signature is needed for this document to be valid.

Recordkeeping can be accomplished either by maintaining hard copies of records (such as bills of sale and copies of movement permits or certificates) or electronically storing certain information such as the name and address of the individual from whom an animal was

purchased, the animal's sex, year of birth, and breed; date the animal entered the facility, and the animal's final disposition. APHIS allows recordkeepers to store as much of this information electronically as possible.

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 will be collecting in connection with this program is not available from any other source. APHIS is the only Federal Agency responsible for controlling the interstate spread of domestic animal diseases.

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

Only the information needed to conduct a successful program is being collected. APHIS minimizes the burden on livestock facility operators by allowing much of the required information to be telephoned, e-mailed, or faxed.

APHIS estimates that 169 of the total 1106 livestock facilities 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.

If the information was collected less frequently or not collected, APHIS efforts to more aggressively prevent the spread of Scrapie would be severely hindered. APHIS would be unable to fulfill its mission of eradicating this economically damaging disease from the United States.

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 require the collection of information to be conducted in a manner inconsistent with the guidelines established in 5 CFR 1320.5, except that certain records must be maintained for a minimum of 5 years following the death of an animal or the departure of an animal from the livestock facility. This is because of the extremely long incubation period of Scrapie (2 to 5 years).

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 2008 APHIS engaged in consultations with the following individuals associated with this program:

Michele Vise-Brown
National Institute for Animal Agriculture
1910 Lyda Avenue
Bowling Green, Kentucky 42104-5809
270-782-9798
mvisebrown@animalagriculture.org

Joan Rowe
American Dairy and Goat Association
1114 Tupper Hall
University of California
Davis, California 95616
530-752-0292

Nancy Robinson
Livestock Marketing Association
10510 NW Ambassador Drive
Kansas City, MO 64153
800-821-2048 Ext. 219

APHIS' proposed rule (00-094-1) was published in the Federal Register on Thursday, August 26, 2004, pages 52421-52459, with a 60-day comment period. During that time, APHIS received 9 comments from interested members of the public, but none of them pertained to paperwork burden. These comments are addressed in the final rule. The proposed rule is being adopted as the final rule, with all changes discussed in the final rule.

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 owner/operators of livestock facilities that handle sheep and goats moving in interstate commerce, State animal health officials, and accredited veterinarians.

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

Respondents are owner/operators of certain livestock facilities that handle sheep and goats moving interstate, State animal health officials, and accredited veterinarians. APHIS estimates the total annualized cost to these respondents to be \$45,639. APHIS arrived at this figure by multiplying the hours of total burden (1,191 hours) by the estimated average hourly wage of the above respondents (\$38.32).

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, operation and maintenance, 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.

Annual cost to the Federal Government is estimated at \$11,770 (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.

Additional livestock facilities have been established since the proposed rule was first drafted in 2004; therefore, the number of respondents completing the facility approval agreements increased from 1026 to 1106 livestock facilities resulting in a new total burden figure of 1,191 hours, an increase of 821 hours. Also, the requirement for reporting infected animals and submitting permits has been removed from the final rule.

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.

There are no forms associated with this information collection.

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

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

B. Collections of Information Employing Statistical Methods

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