

SUPPORTING STATEMENT - 0579-XXXX
PERMANENT, PRIVATELY OWNED HORSE QUARANTINE FACILITIES

12/14/2006

A. Justification

1. Explain the circumstances that make 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 21, U.S.C. authorizes sections 111, 114, 114a, 114-1, 115, 120, 121, 125, 126, 134, 134a, 134f, and 134g. These authorities permit the Secretary to prevent, control and eliminate contagious, domestic diseases such as tuberculosis, as well as to take actions to prevent and to manage exotic diseases such as African horse sickness and other foreign diseases. Disease prevention is the most effective method of maintaining a healthy animal population, and enhancing APHIS' ability to compete in exporting animals and animal produce.

In connection with this disease prevention mission, the USDA's Animal and Plant Health Inspection Service (APHIS) operates animal quarantine facilities and also authorizes the use of privately owned quarantine facilities for certain animal importations. The regulations under which this program is conducted are contained in Part 93 of Title 9, Code of Federal Regulations, and require that certain animals be quarantined upon arrival in the United States as a condition of importation.

APHIS regulations at subpart C of part 93 pertain to the importation of horses and include requirements for the approval and establishment of temporary, privately owned quarantine facilities for the purpose of quarantining imported horses for a specific event. APHIS regulations, however, contain no provisions for approving and establishing permanent, privately owned horse quarantine facilities.

Recent demand for quarantine services for horses has exceeded the space available at existing Federal quarantine facilities. Privately owned quarantine facilities cannot always meet this increasing demand because these facilities are operated by importers on a strictly temporary basis to handle horses for a specific event such as a race or show. Therefore, members of the public seeking quarantine space for imported horses are finding it increasingly difficult to obtain space at either a Federal facility or a temporary, privately owned facility.

To correct this situation, APHIS is publishing a proposed rule (99-012-1) that would allow (and provide standard for) the establishment of permanent, privately owned horse quarantine facilities that would be operated under APHIS supervision. Once established, this program would trigger a number of information collection activities when applicants apply for approval to establish and operate permanent, privately owned quarantine facilities for horses. These information collections include writing an application for facility approval, obtaining a certification that the facility meets all applicable environmental regulations, creating a list of persons who have access

to the quarantine facility, assembling and submitting signed statements from these individuals, and writing variance requests.

APHIS is asking OMB to approve, for 3 years, APHIS' use of these information collection activities in connection with its program to allow for the establishment of permanent, privately owned horse quarantine facilities in 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 Facility Approval

Anyone wishing to receive APHIS approval to operate a permanent, privately owned horse quarantine facility must send APHIS an application letter that includes the full name and address of the applicant, the location and address of the facility, blueprints of the facility, a description of the financial resources available for construction, operation, and maintenance of the facility; the anticipated origin of the horses to be quarantined, the expected size and frequency of shipments, and a contingency plan for the possible disposal of all the horses capable of being housed in the facility.

Compliance Agreements

If APHIS determines that an application is complete and merits further consideration, the person applying for facility approval must enter into a compliance agreement with APHIS wherein the applicant agrees to pay the cost of all APHIS services associated with the Agency's evaluation of both the application and the facility. This compliance agreement applies only to fees accrued during the application process, and is a signature only document.

If the facility is approved by APHIS, facility owners must enter into a new compliance agreement with APHIS in which the owner agrees to (1) meet all APHIS requirements for operating such a facility; (2) operate the facility under APHIS supervision; (3) accept responsibility for all costs associated with the operation and maintenance of the facility, including costs associated with APHIS supervision of the facility; and (4) suspend or dismiss any facility employee who fails to comply with APHIS requirements for operating the facility. This compliance agreement is a signature only document.

Environmental Certification

Anyone wishing to operate a permanent, privately owned horse quarantine facility must, as part of the approval process, submit to APHIS a certification statement that the facility complies with all applicable environmental regulations. This certification must be issued by authorities having jurisdiction over environmental affairs in the locality of the facility, and must state that the facility complies with the applicable State and local regulations as well as the requirements, if any, of applicable Federal regulations.

Daily Log

The facility operator must maintain a daily log to ensure that the presence of all persons entering and exiting the quarantine facility is recorded. The operator must maintain this daily log, along with any logs created by APHIS personnel and deposited with the operator, for at least 2 years following the date the horses are released from quarantine. The operator must make the logs available to APHIS personnel upon request. These records would be a critical component of any trace-back investigation APHIS might need to conduct in the event of an equine disease outbreak.

Letter Challenging Withdrawal of Facility Approval

If APHIS chooses to deny or withdraw its approval of a permanent, privately owned horse quarantine facility, then the operator of that facility has the option of sending us a letter explaining why the approval should not be withdrawn. If there is a conflict concerning any material fact, the owner has the option of requesting a hearing to resolve the conflict.

Letter Notifying APHIS of Facility Closure

If a permanent, privately owned horse quarantine facility has closed, then the owner must provide written notification to APHIS that the facility is no longer in operation.

Request for Variance

APHIS may grant variances to its requirements concerning the location, construction, and other design features of the physical facility, as well as to requirements concerning sanitation, security, operating procedures, and other matters. A facility operator desiring a variance must submit a request for a variance to the Administrator at least 30 days in advance of the arrival of horses at the facility.

List of Personnel

The facility operator must provide APHIS with an updated list of all personnel who have access to the facility. This list must include the names, current residential addresses, and identification numbers of each person, and must be updated with any changes or additions in advance of the person having access to the quarantine facility.

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 compliance agreements and signed statements are preprinte, signature only documents requiring no input from the facility operator. All other documentation associated with this program can be submitted to us 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 approving and supervising permanent, privately owned horse quarantine facilities in the United States and for preventing foreign animal diseases from entering the United States.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimize burden.

The information is the absolute minimum needed to ensure that permanent, privately owned horse quarantine facilities are being operated in accordance with APHIS requirements. A number of the information gathering documents employed in this program require minimal input from the facility operator. The compliance agreement, for example, simply requires the operator's signature, while the signed statements are preprinted documents that simply require the signature of anyone who has access to the quarantine facility.

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 this information is collected less frequently or not collected, APHIS would be unable to approve permanent, privately owned horse quarantine facilities. Importers of horses would continue to experience difficulties in obtaining quarantine space at either Federal facilities or temporary, privately owned facilities.

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

The 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 record keeping, disclosure, or reporting form (if any), 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, required by 5 CFR 1320.8(d) soliciting comments on the information collection prior to submission to OMB.

In 2006 APHIS consulted the following individuals to obtain their views regarding this subject:

Amy Mann
American Horse Council
1700 K Street, NW., Suite 300
Washington, DC 20006
202-296-4031

Gary Carpenter
The Jockey Club
821 Corporate Drive
Lexington, Kentucky 40503
589-224-2700

Peter Tmoney
University of Kentucky, College of Agriculture
108 Gluck Equine Research Center
Lexington, Kentucky 40546
859-257-1531

Our proposed rule (99-012-1) will describe our proposed 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 us with their input concerning the usefulness, legitimacy, and merit of the information collection activities we are proposing.

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 to respondents and the basis for the assurance 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. 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 U.S. importers of horses, owner/operators of temporary, privately-owned horse quarantine facilities; and prospective owners of permanent, privately owned horse quarantine facilities.

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

Respondent are prospective owner/operators of permanent, privately owned horse quarantine facilities, certain facility employees, and local authorities who complete and issue the environmental certifications. APHIS estimates the total annualized cost to these respondents to be \$450.00. APHIS arrived at this figure by multiplying the hours of estimated response time (15 hours) by the estimated average hourly wage of the above respondents (\$30.00).

13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in items 12 and 14.) The cost estimate should split into two components: (a) a total capital and startup 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. Also, 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 \$1,659.02. (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-L

This is a new collection.

16. For collection of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of reports, publication dates and other actions.

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 the 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 Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

APHIS is able to certify compliance with all the provisions under Item 19.

B. Collections of Information Employing Statistical Methods

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