

**SUPPORTING STATEMENT - OMB NO. 0579-0313**  
**PERMANENT, PRIVATELY OWNED HORSE QUARANTINE FACILITIES**

August 2009

**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.**

Among other things, the Animal Health Protection Act (7 U.S.C. 8301-8317) provides the Secretary of Agriculture broad authority to prohibit or restrict the importation or entry of any animal, article, or means of conveyance, if we determine that the prohibition or restriction is necessary to prevent the introduction into or spread within the United States of any pest or disease of livestock. Under the Act, the Secretary may issue orders and regulations to prevent the introduction and spread of any pest or disease of livestock or other animals. Disease prevention is the most effective method of maintaining a healthy animal population.

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. Title 9 of the *Code of Federal Regulations*, part 93, requires that certain animals be quarantined upon arrival in the United States as a condition of importation.

APHIS regulations in subpart C of part 93, on the importation of horses include requirements for the approval and establishment of permanent, privately owned horse quarantine facilities that are operated under APHIS supervision. These regulations necessitate the use of several information collection activities when applicants apply for approval to establish and operate permanent, privately owned quarantine facilities for horses. These information collections include an Environmental Certification, Application for Facility Approval; Service Agreements; Letter Challenging Withdrawal for Facility Approval; Letter Notifying APHIS of Facility Closure; Compliance Agreement; Security Instructions; Alarm Notification; Security Breach; List of Personnel; Signed Statements; Daily Log; and Request for Variance.

APHIS is asking the OMB to approve, for an additional 3 years, these information collection activities in connection with APHIS' efforts to ensure that horses can be imported into the United States without compromising its ability to protect against the introduction of communicable diseases of horses.

**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.**

### **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 meets the applicable State and local regulations as well as the requirements, if any, of applicable Federal regulations.

### **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 quarantine; 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.

### **Service Agreements**

If APHIS determines that an application is complete and merits further consideration, the applicant must enter into a service agreement with APHIS agreeing to pay the cost of all APHIS services associated with APHIS' evaluation of the application and facility. This service agreement applies only to fees accrued during the application process and is a signature only document.

### **Letter Challenging Withdrawal for 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 may send APHIS a letter explaining why the approval should not be withdrawn. If there is a conflict concerning any material fact, the owner may request 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 notify APHIS in writing that the facility is no longer in operation.

### **Compliance Agreement**

If the facility is approved by APHIS, facility owners must enter into a 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.

### **Security Instructions**

The facility and premises must be guarded at all times or the facility must have an electronic security system. If the facility has an electronic security system, the facility operator must provide written instructions to the monitoring agency stating that the police and a designated APHIS representative must be notified if the alarm is triggered. The operator must give APHIS a copy of the written instructions.

**Alarm Notification**

If the alarm at the facility is triggered, the monitoring agency must notify APHIS.

**Security Breach**

If a breach in security occurs or is suspected, the operator of the facility must notify APHIS.

**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.

**Signed Statements**

Each employee and any other personnel hired by the operator and working at the facility must sign a statement agreeing to comply with all regulations governing permanent, privately owned horse quarantine facilities, other applicable provisions of 9 CFR part 93, all terms of the compliance agreement, and any related instructions from APHIS representatives pertaining to quarantine operations. The operator must provide APHIS with the signed statements.

**Daily Log/Record Keeping**

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 investigation APHIS might need to conduct in the event of an equine disease outbreak.

**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 before the arrival of horses at the 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.**

Except for the service agreement, compliance agreement, and signed statement, all other documentation associated with this program can be submitted to APHIS electronically via e-mail by attaching scanned or word processing documents. The service agreements and compliance agreement 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.

**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, 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. APHIS estimates that 100 percent of the business respondents are small businesses; the authorities issuing environmental certification are not businesses.

**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 would be unable to approve permanent, privately owned horse quarantine facilities. Importers of horses would 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.**

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 2009, APHIS consulted the following individuals to obtain their views regarding this subject:

Kerry Thompson  
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 Timoney  
University of Kentucky, College of Agriculture  
108 Gluck Equine Research Center  
Lexington, Kentucky 40546  
859-257-1531

On Tuesday, September 15, 2009, pages 47187-47188, 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. No comments from the public were received.

**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 U.S. importers of horses, owner/operators of temporary, privately owned horse quarantine facilities; and prospective owners 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.**

Respondents are owner/operators of permanent, privately owned horse quarantine facilities; prospective owners; certain facility employees; local authorities who complete and issue the environmental certifications; and employees of security organizations. APHIS estimates the total annualized cost to these respondents to be \$506.40. APHIS arrived at this figure by multiplying the hours of estimated burden (20 hours) by the estimated average hourly wage of the above respondents (\$25.32).

Estimated hourly wages for the respondents were determined from the U.S. Department of Labor; Bureau of Labor Statistics May 2008 Report – National Compensation Survey: Occupational Wages in the United States, May 2007. See <http://www.bls.gov/oes/#tables>. Owners or operators of facilities: \$44.02 per hour [median, general and operations manager] Facility employees: \$12.00 per hour [median, ag workers all other], Local environmental authorities: \$28.72 per hour [median environmental official], and Employees of security organization: \$16.54 [median security systems services].

**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 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 \$3,099.64. (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.**

The burden for this collection increased to account for items not listed in the previous collection.

Specifically, there is a program change of +6 hours. The program change is due to the addition of the Service Agreement, activities concerning Alarm Notifications, Security Breach, and Security Instructions, and the requirement to have a signed statement for facility employees.

There is an adjustment of +1 hour resulting in re-calculations using Excel software rather than the former Informs software and because the annual respondents increased from 1 to 3 for the environment certification.

**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.**

No forms are associated with this information collection.

**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**

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