

SUPPORTING STATEMENT - OMB NO. 0579-0156
INTERSTATE MOVEMENT OF CERTAIN LAND TORTOISES

January 13, 2010

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.

The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to prevent, control, and eliminate domestic diseases such as tuberculosis, as well as to take actions to prevent and to manage exotic diseases such as heartwater disease. Disease prevention is the most effective method for maintaining a healthy animal population and enhancing USDA, Animal and Plant Health Inspection Service's (APHIS) ability to compete in exporting animals and animal products.

The AHPA is contained in Title X, Subtitle E, Sections 10401 -1 8 of P.L. 107-171, May 13, 2002, the Farm Security and Rural Investment Act of 2002.

In connection with this mission, USDA, APHIS, Veterinary Services (VS), enforces regulations that pertain to the importation of animals and animal products into the United States and the prevention of foreign animal disease incursions into the United States. These regulations are contained in title 9 of the *Code of Federal Regulations* (CFR) parts 91 through 99 (c)(2).

Other regulations contained in 9 CFR, chapter I, subchapter C, govern the interstate movement of animals to prevent the dissemination of livestock and poultry diseases within the United States. Subchapter C includes parts 71 and 74. Part 71 relates to the interstate transportation of animals, poultry, and animal products. Part 74 specifically provides regulations for the interstate movement of certain land tortoises.

APHIS regulations currently prohibit the importation and interstate movement of three tortoise species: the leopard tortoise, the African spurred tortoise, and the Bell's hingeback tortoise. APHIS implemented a ban on these tortoise species in March 2000 to prevent the introduction and spread of exotic ticks known to be vectors of heartwater disease, an acute, infectious disease of cattle and other ruminants. Leopard, spurred, and hingeback tortoises already in the United States can be moved interstate for sale, health care, adoption, or export to another country only if they are accompanied by a health certificate (also known as a certificate of veterinary inspection).

The health certificate must be signed by a Federal or accredited veterinarian, and must state that the tortoises have been examined by that veterinarian and found free of ticks. Animal owners may use one of several different types of health certificates that are issued at the State level. All documents request the same data. Any may be used and submitted to APHIS.

APHIS is therefore asking OMB to renew its approval of these information-gathering activities for an additional 3 years in connection with its program to prevent the interstate spread of exotic ticks that could be vectors for heartwater disease.

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.

Health Certificate

Leopard, African spurred, and Bell's hingeback tortoises moved interstate must be accompanied by a health certificate issued on one of several State forms signed by a Federal or accredited veterinarian, stating that the veterinarian examined the tortoises and found them free of ticks. This certification helps to ensure that the interstate movement of leopard, African spurred, and Bell's hingeback tortoises pose no risk of spreading exotic ticks within the United States.

Owners and veterinarians are required to provide the following information to Federal or accredited veterinarians for completion of the health certificate: name, address, and telephone number of the owner; information identifying the animal such as collar or tattoo number; breed; age; sex; color; distinctive marks; vaccination history; and certifications from both the owner and the veterinarian that all information is true and accurate.

APHIS uses the information it collects to identify each tortoise and to document the state of the animal's health for transport across State and national boundaries.

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 health certificate for tortoises requires original signatures from a Federal or accredited veterinarian to be valid and must physically accompany the leopard, African spurred, and Bell's hingeback tortoises during interstate movement. Each State has its own version of this certificate and very few States have made their forms 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 preventing communicable diseases of animals from spreading within 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 collected is the absolute minimum needed to move specific species of tortoises interstate with minimal risk of spreading heartwater disease within the United States. Burden is minimized by the fact that the State-issued health certificates are completed by Federal or accredited veterinarians, not the individuals (primarily U.S. owners and breeders of tortoises) engaged in the interstate movement of these animals. These individuals provide the information necessary for the veterinarian to complete the certificate. APHIS has determined that 35 percent 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.

If the information was collected less frequently or not collected, APHIS would be forced to continue the complete ban on the interstate movement of leopard, African spurred, and Bell's hingeback tortoises. This would economically harm U.S. tortoise breeders.

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.

APHIS will conduct this information collection in a manner consistent with the guidelines established in 5 CFR 1320.5.

- **requiring respondents to report information to the agency more often than quarterly;**

A health certificate must accompany the tortoises each time it is moved.

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no other special circumstances associated with this information collection.

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 engaged in productive consultations with the following individuals regarding the information collection activities associated with this program:

Marc Cantos
Marcus Cantos Reptiles
19235 Miami Boulevard
Fort Myers, FL 33912
239-470-7630

Martha Ronderos
Omega Customs Brokers
2581 NW 7th Avenue
Miami, FL 33166
305-592-5656

Ty Dillon
California Zoological Supply
1615 E. Saint Gertrude Place
Santa Ana, CA 92705-5311
714-641-1597

On Friday, June 4, 2010, pages 31747 - 31748, 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. tortoise owners and breeders, persons associated with tortoise adoption programs, and animal advocacy representatives. Respondents are primarily U.S. tortoise breeders and members of tortoise adoption organizations. The estimated number of respondents is 50 per year, with 10 responses per respondent, totaling 1,000 hours per year.

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

APHIS estimates the total annualized cost to the above respondents to be \$4,693.00. APHIS arrived at this figure by multiplying their estimated average hourly wage (\$46.93) by the number of hours (1,000) required to complete the health certificate.

The average hourly rate is derived from the U.S Department of Labor; Bureau of Labor Statistics May 2009 Report – National Compensation Survey: Occupational Employment and Wages, May 2008. See <http://www.bls.gov/oes/#tables>.

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.

No annual cost burden is associated with capital and startup 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 \$13,363. (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 adjustment with the number of respondents decreasing from 150 to 50, also the number of times a respondent responded decreased from 20 times per year to 10 times per year. The overall number of responses decreased from 3000 to 500. These decreases were due to fewer certificates issued during the last 3 years for the movement of these tortoises. The previous information collection request underestimated the time each respondent needed to complete the certificate. There is an adjustment of +751 total burden hours due to the response time increase from 0.083 hours per response to 2 hours per response. The burden estimate also increased because of the inclusion of estimated travel time to obtain signature on health certificate. Travel time was not considered in the previous collection.

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 can certify compliance with all provisions of the Act.

B. Collections of Information Employing Statistical Methods

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