

SUPPORTING STATEMENT - OMB NO. 0579-0189
CHRONIC WASTING DISEASE IN CERVIDS; PAYMENT OF INDEMNITY

February 2011

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 detect, control, or eradicate pests or diseases of livestock or poultry, and to pay claims arising from destruction of animals. The Secretary may also prohibit or restrict import or export of any animal or related material if necessary to prevent the spread of any livestock or poultry pest or disease.

The AHPA is contained in Title X, Subtitle E, Sections 10401-18 of P.L. 107-171, May 13, 2002, the Farm Security and Rural Investment Act of 2002.

Disease prevention is the most effective method for maintaining a healthy animal population and for enhancing the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), Veterinary Services' (VS) ability to allow U.S. animal producers to compete in the world market of animal and animal product trade.

APHIS regulations for preventing the dissemination of animal diseases within the United States are contained in Title 9 of the *Code of Federal Regulations* (9 CFR), Subchapter B, Cooperative Control and Eradication of Livestock or Poultry Diseases. VS is responsible for administering these regulations. The regulations at Part 55 specifically address control programs and indemnity payments for chronic wasting disease or CWD, while regulations in Part 53 address payment of claims for other diseases.

CWD is a transmissible spongiform encephalopathy of elk, deer, and moose typified by chronic weight loss leading to death. The presence of CWD in cervids causes significant economic and market losses to U.S. herd owners. VS pays indemnity for the voluntary depopulation of CWD-positive, exposed, or suspect animals to control this disease in the United States. Herd owners and appraisers must use 1) an Appraisal and Indemnity Claim Form (VS Form 1-23), and 2) a Herd Plan Agreement to make the indemnity payments. APHIS is asking OMB to renew its approval of these information collection activities for an additional 3 years.

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.

APHIS uses the following information activities to effectively operate the indemnification program and control CWD in the United States.

All Species Appraisal & Indemnity Claim Form (VS Form 1-23)

Cervid appraisals must be reported on the VS Form 1-23. The VS Form 1-23 is completed by either personnel from the VS Area Office or a Federal- and State-approved appraiser (usually a Federal employee) with input from the herd owner. It is signed by both the appraiser and the owner. It lists the owner's name and address, the number of animals for which the owner is seeking payment, and the appraised value of each animal. The owner's signature on this form indicates agreement with the appraised value of each animal. The owner must also certify whether the animals are subject to a mortgage. If there is a mortgage, the form must also be signed by each person holding a mortgage. By signing the form, each mortgage holder is consenting to the payment of indemnity to the owner or lien holder. The form is faxed to the regional office for approval and is kept on file in the office of the Area Veterinarian in Charge.

Herd Plan Agreement

As a condition of receiving indemnity, herd owners must review and sign a written agreement with APHIS stating that the farm has been effectively cleaned and disinfected. Owners also certify that if they continue to maintain cervids on their farms they will not introduce new animals until after the date specified in the herd plan. This ensures that new cervids brought to the farm will not be at risk of CWD exposure and infection. Officials from the State in which the herd owner resides can review and contribute to the herd plan as it is being developed by APHIS personnel. (The contributions of State personnel to the herd plans are tracked separately on the accompanying Form 71.) Once all parties have reviewed and signed the herd plan, it is sent to the APHIS Area Office.

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 VS Form 1-23 is not a candidate for electronic submission because it requires an original signature from both the appraiser and the herd owner to be valid.

The Herd Plan Agreement is also not a candidate for electronic submission because it requires original signatures from the herd owner and an APHIS representative.

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, detecting, and controlling CWD in 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 APHIS collects in connection with this program is the absolute minimum needed to effectively operate the indemnification program and control CWD in the United States. All 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.

Failure to collect this information, or collecting it less frequently, would cripple APHIS' ability to effectively sustain its CWD control program. Further, CWD in cervids causes significant economic and market losses to U.S. producers, which would increase if CWD spread through U.S. captive cervid herds.

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:

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

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 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 2010, APHIS engaged in productive consultations with the following individuals concerning the information collection activities associated with this program:

Gary Edwards
Owner
Thunder Bay Whitetails
United Deer Farmers of Michigan Board Member and
Ethics Committee Chair
Hillman, MI 49746
thunderbaydeer@yahoo.com
www.udfom.com

Nancy A. Frank, DVM, MPH, Diplomate ACVPM,
Assistant State Veterinarian
Deputy Division Director,
Michigan Department of Agriculture
Animal Industry Division
P.O. Box 30017
Lansing, MI 48909
517-373-6764
Fax 517-373-6015
frankn@michigan.gov
www.michigan.gov/mda

Shawn Schafer
Executive Director
North American Deer Farmers Association
104 Lakeshore Dr.
Lake City, MN 55041
651-345-5600
schafer@nadefa.org
www.nadefa.com

On Thursday, April 21, 2011, page 22360, 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. During this time, one comment was received by an interested party, but was not relevant to the information collection.

The comment was received from Jean Public about her perception of the general maltreatment of animals and the Government's handling of Cervids facilities. It had no relevance to the purpose of the collection.

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. Any and all information obtained in this collection shall not be disclosed except in accordance with 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 participating elk and deer herd owners, State animal health authorities who assist APHIS with the indemnity program, Federal- and State-approved appraisers, and VS field personnel who routinely engage in cervid indemnification activities.

•Provide estimates of annualized cost to 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 \$1,866.82. APHIS arrived at this figure by multiplying the total burden hours (62) by the estimated average hourly wage of the above respondents (\$21.02 for herd owners, \$39.20 for State animal health officials, or an average of \$30.11).

Estimated hourly wages for the respondents were determined from the U.S. Department of Labor; Bureau of Labor Statistics May 2010 Report-National Compensation Survey: Occupational Wages in the United States, May 2009. (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 \$3,314. (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.

ICR Summary of Burden:

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	6	0	4	-8	0	10
Annual Time Burden (Hr)	62	0	60	-8	0	10
Annual Cost Burden (\$)	0	0	0	0	0	0

In the previous collection there were 10 total respondents and in the current collection there are 4 total respondents; a decrease of 6 total respondents from the previous collection.

Fewer facilities identified CWD-positive animals during the current renewal of this information collection than during the previous renewal. Between 2008 and 2009, three herd owners requested indemnity, while in 2010 only one herd owner did so. There is an adjustment of -8 responses completing the VS Form 1-23 resulting in a decrease of -8 total burden hours.

With the addition of the Herd Plan Agreement, which was listed in the previous collection but had no burden associated with it, there is a program change of + 4 responses resulting in an increase of + 60 burden hours. Herd owners and State and Federal personnel now need much more time to complete the associated herd plans – a total of approximately 60 hours for public respondents. The plans now require thorough scientific evaluation and planning as well as the receipt of legal advice by all parties involved. The change has occurred because of increased program efforts to work with herd owners and APHIS Regional Office epidemiologists in developing the herd plans. The CWD program is striving to use the most current science to guide its herd plan requirements, and is taking more time to thoroughly review the development of herd plans as legal contracts to minimize future herd plan compliance problems.

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.

This form is used in 6 collections (0579-0007, 0047, 0185, 0189, 0192 and 0208); therefore, it is not practical to include an OMB expiration date because of the various expiration dates for each collection. APHIS is seeking approval to not display the OMB expiration date on this form.

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

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