

SUPPORTING STATEMENT - OMB NO. 0579-0332
COMMERCIAL TRANSPORTATION OF EQUINES TO SLAUGHTER

On January 7, 2008, APHIS published a proposed rule with a 60-day comment period. During that time, APHIS received 93 comments. They were from private citizens, a State animal industry board, livestock industry associations, horse rescue organizations, animal welfare groups, and a foreign government. Thirty-five commenters supported the rule as proposed. Four commenters opposed the rule but did not address its specific provisions. The remaining commenters raised several issues relating to the proposed rule that are discussed and outlined in the draft final rule which is loaded in ROCIS under supplementary documents. All of the comments and the proposed rule can be viewed at <http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=APHIS-2006-0168>

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.

Sections 901-905 of the Federal Agriculture Improvement and Reform Act of 1996 authorize the Secretary of Agriculture to issue guidelines for regulating the commercial transportation of horses to slaughter, including assembly points, feedlots, and stockyards (to slaughter), by persons regularly engaged in that activity within the United States.

Specifically, the Secretary is authorized to regulate the food, water, and rest provided to these horses while they are in transit; and to review other related issues that may be appropriate to ensuring that these animals are treated humanely.

To implement the provisions of this Act, the Veterinary Services program of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) has established minimum standards to ensure the humane movement of horses for slaughter.

These standards, contained in part 88 of title 9, *Code of Federal Regulations*, require that food, water, and rest must be provided to these animals. APHIS' regulations also prohibit the commercial transportation of horses considered to be unfit for travel, and prohibit the use of electric prods on these animals.

Implementing these regulations entails the use of information collection activities in the form of an owner-shipper certificate; collection of employment information on any person found to be transporting horses to a slaughtering facility; and official certificate of veterinary inspection and the original copy of a document as evidence that the equines are for slaughter.

APHIS will publish a final rule on its use of these information collection activities in connection with its efforts to ensure that horses are being humanely transported to slaughter.

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.

Owner-Shipper Certificate (VS 10-13)

Prior to the commercial transportation of horses to slaughter, the shipper or owner must complete and sign an owner/shipper certificate for each horse being transported. This document must accompany the horse throughout its transit to slaughter and must include the following information:

The shipper's name and address and (if applicable) the owner's name and address; a description of the transporting vehicle, including the license plate number; a description of the horse's physical characteristics, including its sex, coloring, distinguishing marks, permanent brands, electronic means of identification, or other characteristics that can be used to accurately identify the horse; the number of the USDA back tag that has been applied to the horse for identification purposes; a statement of the animal's fitness to travel, which must indicate that the horse is able to bear weight on all four limbs, is able to walk unassisted, is not blind in both eyes, is older than 6 months of age, and is not likely to give birth during the trip; a description of anything unusual with regard to the physical condition of the horse, such as a wound or blindness in one eye, and any special handling needs; the date, time, and place the horse was loaded on the conveyance; and a statement that the horse was provided access to food, water, and rest prior to transport.

The owner/shipper certificate is an enforcement tool. The owner or shipper of the horse, by completing and signing this document, is certifying in writing that he or she is aware of our requirements concerning the transportation of the horse, and is agreeing to abide by these requirements.

This information will also be helpful in those instances in which we must conduct a trace back investigation of any possibly stolen horses.

Recordkeeping, VS 10-13

The individual or other entity who signs the owner-shipper certificate must maintain a copy of the owner-shipper certificate for 1 year following the date of signature.

Obtaining Business Information

APHIS representatives may, when necessary, request information from the driver of a transport vehicle (or the driver's company) concerning whether that driver is engaged in

the commercial transportation of horses to slaughter. This is APHIS' only way of determining whether the driver --and the horses the driver is transporting-- is subject to APHIS regulations. This information must be submitted to APHIS within 30 days.

Certificate of Veterinary Inspection and Other Documentation

APHIS will consider equines delivered to an assembly point, feedlot, or stockyard to be equines for slaughter and subject to the regulations unless the owner/shipper presents an official certificate of veterinary inspection and the original copy of a negative equine infectious anemia test chart, or other documents that indicate the names and addresses of the consigner, consignee, owner, and examining veterinarian for any equine being shipped, as evidence that the equines are not equines for slaughter.

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 owner-shipper certificate and the certificate of veterinary inspection document must physically accompany the horse throughout its journey to the slaughter, and are therefore not candidates for electronic transmission.

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 APHIS collects in connection with this program is not available from any other source. APHIS is the only Agency responsible for monitoring the humane treatment of horses during transport to slaughter.

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

APHIS estimates that 50% of the respondents are considered small entities; however, APHIS is keeping the information collection requirements to the absolute minimum necessary to ensure that horses destined for slaughter are treated humanely during transit.

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 at all, it would significantly cripple APHIS' ability to ensure that horses destined for slaughter are treated humanely. While this is not an animal disease surveillance, containment, or eradication activity, it is nonetheless an important animal health activity for which Congress has made APHIS responsible.

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;**

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- **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.**

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.

APHIS engaged in productive consultations with the following individuals in connection with the information collection requirements associated with this rulemaking:

Chris Soenen, Manager
Dallas Crown Plant
2000 West Fair Street
Kaufman, TX 75142
(972) 932-3436

Dick Koehler, General Manager
Beltex Corporation
3801 N. Grove
Fort Worth, TX 76106
(817) 624-1136

Jim Tucker, General Manager
Cavel International, Inc.
108 Harvestore Drive
De Kalb, IL 60178
(815) 756-8051

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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 the owners and shippers of horses destined for slaughter, and with the owner/operators of assembly points, feedlots, and stockyards.

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

Respondents are the owners of horses being transported to slaughter and drivers of vehicles transporting horses to slaughter. APHIS estimates the total annualized cost to these respondents to be (\$61,516). APHIS arrived at this figure by multiplying the hours of estimated response time (2,275 hours) by the estimated average hourly wage of the above respondents (\$27.04).

\$ 27.04 is the hourly rate derived from the U.S. Department of Labor, Bureau of Labor Statistics May 2008 Report - Occupational Employment and Wages in the United States. See <http://www.bls.gov/news.release/ocwage.t03.htm>

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 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 \$89,452. (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.

This is a new information 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 collected 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.

APHIS has no plans to seek approval for not displaying the OMB expiration dates on its forms.

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

Statistical methods are not employed in this information collection activity.