

**Supporting Statement OMB-0579-XXXX  
(Animal Welfare; Importation of Live Dogs)**

**Justification:**

**1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The Animal Welfare Act (AWA) (Public Law 890544) enacted August 24, 1966, and as amended, requires the U.S. Department of Agriculture, (USDA), to regulate the humane care and handling of dogs, cats, guinea pigs, hamster, rabbits, and non human primates. This legislation was the result of extensive demand by organized animal welfare groups and private citizens requesting a Federal law covering the transportation, care, and handling of laboratory animals.

USDA, Animal and Plant Health Inspection Service (APHIS), Animal Care (AC) has the responsibility to enforce the Animal Welfare Act (7 U.S.C. 2131-2156) and the provisions of 9 CFR, Subchapter A, which implements the Animal Welfare Act.

The stated purpose of the AWA, Section 1(b), is as follows:

"... (1) to ensure that animals intended for use in research facilities or exhibition purposes or for use as pets are provided humane care and treatment;

(2) to assure the humane treatment of animals during transportation in commerce; and

(3) to protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen..."

Additionally, the Congress further finds:

"...(1) the use of animals is instrumental in certain research and education for advancing knowledge of cures and treatment for diseases and injuries which afflict both humans and animals;

(2) methods of testing that do not use animals are being and continue to be developed which are faster, less expensive, and more accurate than traditional animal experimentation for some purposes and further opportunities exist for the development of these methods of testing;

(3) measures which eliminate or minimize the unnecessary duplication of experiments on

animals can result in more productive use of Federal funds;

(4) measures which help meet the public concern for laboratory animal care and treatment are important in assuring that research will continue to progress."

Section 3 of the AWA authorizes and requires individuals performing regulated dealer and exhibitor activities obtain a license from the Secretary.

In 2008, the Food, Conservation, and Energy Act added a new section to the AWA to restrict the importation of certain live dogs. Consistent with this amendment, this proposed rule would prohibit the importation of dogs from any part of the world into the continental United States for purposes of resale, unless they are 6 months of age, vaccinated, and in good health or being imported for research or veterinary treatment. In addition, it mandated that the Secretary promulgate regulations to implement and enforce the new section in AWA.

## **2. Indicate how, by whom, and for what purpose the information is to be used.**

The records and reports herein provide APHIS with the data necessary for the review and evaluation of program compliance by regulated facilities, and provide a workable enforcement system to carry out the requirements of the AWA, and the intent of Congress.

**Application for Import Permit (APHIS form 7040):** The person intending to import a dog for resale will fill out either a paper or electronic import application by providing the following information on their application for an import permit:

- (1) The name and address of the person intending to export the dog(s) to the continental United States or Hawaii;
- (2) The name and address of the person intending to import the dog(s) into the continental United States or Hawaii;
- (3) The number of dogs to be imported and the breed, sex, age, color, markings, and other identifying information of each dog;
- (4) The purpose of the importation;
- (5) The port of embarkation and the mode of transportation;
- (6) The port of entry in the continental United States or Hawaii;

- (7) The proposed date of arrival in the continental United States or Hawaii;
- (8) The name and address of the person to whom the dog(s) will be delivered in the continental United States or Hawaii and, if the dog(s) is or are imported for research purposes, the USDA registration number of the research facility where the dog will be used for research, tests, or experiments;
- (9) Signature; and
- (10) Date.

Following completion of the application for an import permit the person intending to import will submit either electronically or through the mail to AC's Regional office their application for review.

**Health Certificate (APHIS form 7041):** The person intending to import will have to schedule the dog(s) a visit to the veterinarian for a physical exam and receipt of the required vaccinations for importation into the United States. The following information will be fill in on the Health Certificate.

- (1) Name and address of the person intending to import the dog into the continental United States or Hawaii;
- (2) Identity of the dog(s) based on the breed, sex, age, color, markings, and other identifying information;
- (3) State (as required based on the purpose of your importation) the dog is at least 6 months of age;
- (4) State (as required based on the purpose of your importation) the dog was vaccinated, not more than 12 months before the date of arrival at the U.S. port, for distemper, hepatitis, leptospirosis, parvovirus, and parainfluenza virus at a frequency that provides

continuous protection of the dog from those diseases and is in accordance with currently accepted practices as cited in veterinary medicine reference guides;

(5) State the dog is in good health (as required based on the purpose of your importation);

(6) Signature and the license number of the veterinarian issuing the certificate; and

(7) Date.

**Rabies Vaccination Certificate (APHIS form 7042):** If needed the person intending to import will have a rabies vaccination certificate that will issued by a veterinarian. The following information will be fill in on the rabies vaccination certificate:

(1) The name and address of the person intending to import the dog into the continental United States or Hawaii;

(2) Identifies the dog on the basis of breed, sex, age, color, markings, and other identifying information;

(3) Specifies a date of rabies vaccination at least 30 days before the date of arrival of the dog at a U.S. port;

(4) Specifies a date of expiration of the vaccination which is after the date of arrival of the dog at a U.S. port. If no date of expiration is specified, then the date of vaccination shall be no more than 12 months before the date of arrival at a U.S. port;

(5) Bears the signature and the license number of the veterinarian issuing the certificate; and

(6) Date.

**Confinement Agreement (APHIS form 7043):** If needed the person intending to import will fill in the following information for a confinement agreement:

- (1) The name and address of the person exporting the dog(s) to the continental United States or Hawaii;
- (2) The name and address of the person importing the dog(s) into the continental United States or Hawaii;
- (3) The number of dogs to be imported and the breed, sex, age, color, markings, and other identifying information of each dog;
- (4) The purpose of the importation;
- (5) The port of embarkation and the mode of transportation;
- (6) The port of entry in the continental United States or Hawaii;
- (7) The proposed date of arrival in the continental United States or Hawaii;
- (8) The name and address of the person to whom the dog(s) will be delivered in the continental United States or Hawaii and, if the dog(s) is or are imported for research purposes, the USDA registration number of the research facility where the dog will be used for research, tests, or experiments;
- (9) Reason for confinement;
- (10) Days in confinement;
- (11) Signature; and
- (12) Date.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other forms of information technology.**

APHIS is computerizing the import application process, thus allowing the person intending to import a dog for resale the ability to input the necessary information below for an import permit on a computer screen. APHIS anticipates that this will save time and cost both to the person intending to import and for APHIS.

Once the person intending to import submits their application, it will be reviewed and a determination will be made by APHIS if an import permit will be granted or denied. APHIS prepares the Import Permit based on the information provided on the person's application.

This computerized import application process is still being created and, therefore, not available for viewing at this time.

**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.**

APHIS is the only Agency charged with enforcement of the AWA; therefore, there is no other agencies require the collection of this information. However, all dogs that are imported into the United States, regardless if imported for resale are required by the Department of Health and Human Service Center for Disease Control (CDC) in 42 CFR part 71 to have a rabies vaccination certificate. If not, accompanied by rabies vaccination certificate the importer must complete a confinement agreement and confine the dog until it adequately vaccinated against rabies. Such regulation only requires the importer to have the dog vaccinated against rabies, thus their overlap with the AWA is incomplete and not fully a duplication. APHIS regulations will not contravene or supersede these regulations, and APHIS is working with CDC to ensure that requirements for importing dogs regulated by both agencies will be presented and administered such that they limit paperwork burden on regulated entities. APHIS will be using the same approach for any state regulations that may overlap with the AWA regulations specific to dogs imported for resale.

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

There is no similar data available elsewhere. APHIS is the only Agency with the mandate to request this data. The majority of licensees are small business dog dealers. While the exact number and size of these entities is not known, APHIS estimates that there may be

approximately 75,000 importers who transport live dogs into the United States for purposes of resale, research, and veterinary treatment on an annual basis, most of whom (95%) are considered small businesses.

**6. Describe the consequences to Federal programs or policy activities if the collection is not conducted or is conducted less frequently.**

If APHIS did not collect this information or collected it less frequently, the effectiveness of APHIS' enforcement of the AWA would be severely compromised. APHIS would not be able to effectively perform the Congressional mandate of regulating the importation of live dogs for resale thus APHIS will be violating a congressional mandate.

**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, Section 1320.6.**

- **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 in 5 CFR

1320.5.

**8. Consultations outside the Agency with persons to obtain their views on the requirements for information collection under the AWA.**

The following individuals communicated personally with Animal Care Staff personnel regarding information collection under the AWA during 2011:

Patti Strand 503-761-8962  
National Director  
National Animal Interest Alliance  
P.O. Box 66579  
Portland, OR 97290-6579  
503-761-8962

Sheila Goff  
Director of Government Relations  
American Kennel Club  
8051 Arco Corporate Drive, Suite 100  
Raleigh, NC 27617-3390  
919-816-3721

Kristin M. Haas  
State Veterinarian  
Vermont Agency of Agriculture, Food & Meats  
116 State Street  
Montpelier, VT 05620  
802-828-2426

The proposed rule, Docket Number 09-053-1, was published in the Federal Register on September 1, 2011 with a 60-day comment period.

**9. Explain any decision to provide any payment or gift to respondents.**

There are no payments or gifts provided 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.

**11. Provide additional justification for any questions of a sensitive nature.**

There are no questions of a sensitive nature asked of the respondents.

**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 for hour burden estimates.

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

The cost to the public was determined by multiplying the total number of burden hours (108,500) times the wage per hour rate. APHIS, AC estimates that the average hourly wage is  $\$26.01 \times 108,500 \text{ hours} = \$2,822,085$ .

\$26.01 is the hourly rate derived from the United States 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 record keepers resulting from the collection of information (do not include the cost of any hour burden shown in Items 12 and 14.**

There is zero annual cost burden associated with this program.

**14. Estimates of annualized cost to the Federal government are as follows:**

The estimated cost for the Federal Government is \$1,989,363. (See APHIS Form 79.)

**15. The reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1 are as follows:**

This is a new information collection.

**16. The outline plans for tabulation and publication for collections of information are as follows:**

Data regarding animals used in teaching, testing and experimentation is tabulated to provide an annual report to Congress mandated by the AWA. The report contains a listing of the number and species of animals used and categorizes whether they experience pain associated with the research procedures. The report to Congress is tabulated by State, facility type, and species of animal in the Appendix. The report also contains information on enforcement actions and numbers and types of inspections.

The collected information also is tabulated to develop individual booklets listing all registered exhibitors, carriers, intermediate handlers, and research facilities; and licensed dealers and exhibitors. The tabulated data is shown by State, license number, and name and address of exhibitors, dealers, research facility, etc. These booklets are forwarded with the Annual Report to Congress.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reason that display would be inappropriate.**

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

**18. Explain each exception to the certification statement identified in Certification for Paperwork Reduction Act.**

APHIS is able to certify compliance with all the 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.