

Supporting Statement OMB 0579-XXXX
(Animal Welfare; Retail Pet Stores and Licensing Exemptions)

May 2012

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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 Laboratory 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 AWA.

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

Section 28 of the AWA adds certain record keeping requirements for dealers and pounds and shelters if they sell or donate animals to dealers.

Via a proposed rule, APHIS is revising the definition of retail pet store and related regulations to bring more pet animals sold at retail under the protection of the AWA. APHIS is also proposing to increase from three to four the number of breeding female dogs, cats, and/or small exotic or wild mammals that a person may maintain on his or her premises and be exempt from the licensing and inspection requirements if he or she sells only the offspring of those animals born and raised on his or her premises, for pets or exhibition.

APHIS is asking OMB to approve its use of information collection activities for 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 collection activities to help determine whether a reporting facility is following professionally acceptable standards governing care, treatment, and use of animals.

Sections 2.1(a)(1); 2.2(a) - Application for License - Acknowledgment of Regulations and Standards (APHIS Form 7003A)

The APHIS Form 7003A is used for applicants of a new license. This form provides information that supports the dealer's and exhibitor's need to license. It contains the dealers/exhibitor's classification, name, address, species and number of animals, and business activity. The APHIS Form 7003A is also used to acknowledge receipt of regulations and standards and agreement to comply with them as indicated in Section 2.2(a). Any person operating or desiring to operate as a dealer, exhibitor, or operator of an auction sale, except persons who are exempted from the licensing requirements under paragraph (a)(3) of this section, must have a valid license. A person must be 18 years of age or older to obtain a license. A person seeking a license will apply on a form which will be furnished by the AC Regional Director in the State in which that person operates or intends to operate. The applicant will provide the information requested on the application form, including a valid mailing address through which the licensee or applicant can

be reached at all times, and a valid premises address where animals, animal facilities, equipment, and records may be inspected for compliance. The applicant will file the completed application form with the AC Regional Director. APHIS will supply a copy of the applicable regulations and standards to the applicant with each request for a license application. The applicant will acknowledge receipt of the regulations and standards and agree to comply with them by signing the application form before a license will be issued. Without the information on APHIS Form 7003A, the Animal Welfare Program would be unable to enforce the AWA.

Section 2.1 and 2.2 - Application for License – providing PII (APHIS 7030)

APHIS to more accurately track and enforce the AWA needs to collect PII/PIN from dealers and exhibitors during their application for license. This information has been collected in the past, but use of the new form will make handling and secure storage of the information easier and more effective. The form can be easily locked up while still allowing ready access to all non-PIN information by APHIS personnel. APHIS only has this form in draft and is awaiting Privacy Act information; therefore, the form is not yet available.

Section 2.2(b) – Application for License Renewal - Acknowledgement of Regulations and Standards (APHIS 7003)

The premises and facility listed on APHIS Form 7003 must comply with the regulations and standards before a license is issued. The APHIS Form 7003 is used for license renewal and annual report of business activity. The information provided on the APHIS Form 7003 furnishes APHIS the dollar volume each licensee produces each year. These figures are used to determine the annual license fee. This form is also used to acknowledge receipt of regulations and standards, and to certify the facility is in compliance with them as required in Section 2.2 (b). The information is also needed for the inspector's review prior to inspection of the facility. He/she needs to compare the report with records on hand at the facility. The necessary information is concerned with the dealer's and exhibitor's classification, name, address, species and number of animals, and business activity. On or before the expiration date of the license, a licensee who wishes a renewal submits to the AC Regional Director a completed application fee of \$10, plus the annual license fee indicated in 2.6 by certified check, cashier's check, personal check, or money order. A voluntary licensee who wishes a renewal also submits the \$10 application fee plus an annual license fee. An applicant whose check is returned by the bank will be charged a fee of \$15 for each returned check. One returned check will be deemed nonpayment of fees and will result in denial of license. Payment of fees must then be made by certified check, cashier's check, or money order. An applicant will not be licensed until his/her payment has cleared normal banking procedures. Any person who is licensed must file an application for a license renewal and an annual report form (APHIS Form 7003) as required by 2.7, and pay the required fees, on or before the expiration date of the present license. Failure to comply with the annual reporting requirements, or to pay the required license fees prior to the expiration date of the license, will result in automatic termination of such license on the anniversary date of the license. Without the information on APHIS Form 7003, the Animal Welfare Program would be unable to enforce the AWA.

Section 2.5(a)(2) - License Request to Surrender License

A licensee may voluntarily terminate his/her license upon request, at any time, by writing to the APHIS, AC Regional Director. The licensee need only submit one written request to officially terminate his/her license under the AWA.

Section 2.5(e) - Written Statement License is Lost

A licensee with an invalid license must surrender it to the APHIS, AC, Regional Director. If the licensee cannot find his/her license, he/she must submit a written statement to the APHIS, AC, Regional Director so stating as official verification of license submission.

Section 2.3 – Request for Pre-licensing Inspection

This section provides for the request for additional pre-licensing inspections if the requestor did not pass on the first inspection. There is no set method for making such a request, although it may be made in writing.

Section 2.6(e) - Written Request for Correction of Dollar Amount of Business

A licensee may demonstrate in writing that the dollar amount of his/her business in the present year will change from that of the previous year. This written demonstration of change in dollar amount of business allows a licensee to address the expected change in the amount of the cost of the license renewal.

Section 2.8, 2.27(a) - Change of Address Notification

A licensee is responsible for notifying the APHIS AC Regional Director of any change in the name, address, management or substantial control or ownership of his business or operation, or of any additional sites, within 10 days of the change(s). This information is required to ensure that the responsible individuals are identified in the official facility records. The ability to identify the responsible individuals, a valid address, and any sites where animals are held and maintained is necessary to implement compliance and enforcement of the AWA, regulations, and standards. This information is also required to comply with Section 25 of the AWA which requires a comprehensive and detailed written report to the President of the Senate and the Speaker of the House of Representatives including the identification of exhibitors and other persons and establishments licensed by the Secretary under Sections 3 and 12 of the AWA.

Section 2.10(a) - Written Request to Reinstate Suspended or Revoked License

Any person whose license has been suspended for any reason may apply to the APHIS AC Regional Director, in writing, for reinstatement of his/her license.

Section 2.11(b) - Request for Hearing for Denied License or Renewal

An applicant whose license application has been denied may request a hearing in accordance with the applicable rules of practice for the purpose of showing why the application for license should not be denied.

Section 2.40 – Written Program of Veterinary Care (APHIS 7002 (optional) or none)

Each dealer or exhibitor will have an attending veterinarian who will provide adequate veterinary care to its animals in compliance with this section. Each dealer and exhibitor will employ an attending veterinarian under formal arrangements. In the case of a part-time attending veterinarian or consultant arrangements, the formal arrangements will include a written program of veterinary care and regularly scheduled visits to the premises of the dealer or exhibitor; and(2) each dealer and exhibitor will ensure that the attending veterinarian has appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use. Each dealer or exhibitor will establish and maintain programs of adequate veterinary care that include: (1) the availability of appropriate facilities, personnel, equipment, and services to comply with the provisions of this subchapter; (2) the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care; (3) daily observation of all animals to assess their health and well-being; (4) adequate guidance to personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia; and (5) adequate pre-procedural and post-procedural care in accordance with established veterinary medical and nursing procedures.

Section 2.55(b) - Official Tags Kept for 1 Year

APHIS Form 7001A, United States Interstate and International Certificate of Health Examination for Small Animals, records tag numbers of small animals. All official tags removed and retained by a dealer or exhibitor will be held until called for by an APHIS official or for a period of 1 year.

Section 2.75(a)(1) - Dogs and Cats held by Exhibitors - (APHIS Forms 7005, 7006, and 7006A)

As required in Section 2.75(a)(2) APHIS Forms 7005, 7006, and 7006A are mandatory forms that are used by dealers and exhibitors. Research facility use of these forms is optional, but they must make and maintain records containing the same information. These forms are necessary for

adequate accounting of dogs and cats under the AWA. APHIS Form 7005 accounts for acquisition and dogs and cats onhand. The information required on this form includes the name, address, vehicle license number, driver's license number, or USDA license number, if the individual is licensed, for all acquired dogs and cats. APHIS Forms 7006 and 7006A are used to account for the disposition of dogs and cats. The information on these forms is used to determine to whom the animals are sold, official animal identification, method of transportation, and date of disposition of the dogs and cats. APHIS inspectors review these records during inspections and report violations which are found. These records are used by APHIS employees to identify and trace animals that have been illegally sold and/or transferred. These forms must be used by licensees to ensure that all of the required information is recorded and maintained. No other paper recordkeeping system complies with Section 2.75(a)(2) of the regulations. A licensee may submit a variance for a computerized record keeping system that is approved by the Administrator. Without this recorded information it would be difficult to determine the sources and disposition of dogs and cats used for regulated activities. It also would be difficult to determine compliance with the AWA or to successfully prosecute many of the violators.

Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor will make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchase or otherwise acquired, owned, held, or otherwise in his/her possession or under his/her control, or which is transported, euthanized, sold, or otherwise disposed of by that dealer or exhibitor. The records will include any offspring born of any animal while in his/her possession or under his/her control.

Section 2.75(a)(2)(i) - Written Request for Variance

Dealers and exhibitors are required to use specific forms, APHIS Forms 7005 and 7006, to make, keep, and maintain the animal identification records required by 2.7(a)(1) of the regulations. Dealers and exhibitors may request a variance to the mandatory use of the forms if they have a computerized recordkeeping system that is determined by the Administrator to meet the requirements of the regulations. The request for a variance must consist of a written statement describing why the use of the mandatory APHIS Forms 7005 and 7006, are unsuitable for the dealer/exhibitor to make, keep, and maintain. Without the ability to apply for a variance to the mandatory use of the APHIS Forms 7005 and 7006, some dealers and exhibitors with computerized recordkeeping systems that meet the regulations would be required to switch to a more expensive and less expedient form of paper recordkeeping system.

Section 2.75(a)(2)(ii) - Request for Hearing

Dealers and exhibitors are required to use specific forms, APHIS Forms 7005 and 7006, to make, keep, and maintain the animal identification records. Dealers and exhibitors may request a variance to the mandatory use of the forms if they have a computerized recordkeeping system that is determined by the Administrator to meet the requirements of the regulations. If the Administrator determines that the computerized recordkeeping system does not meet the

regulations, a licensed dealer may request a hearing for the purpose of showing why the request for the variance should not be denied. Without the ability to request a hearing, a dealer or exhibitor would not have access to due process under the law.

Section 2.76(a) – Auction Sales or Brokers Records

Operators of auction sales will keep pertinent records of sellers and buyers of all regulated animals bought and sold. Auction activity, on a national basis, has been minimal. However, auction sales are utilized by dealers, exhibitors, and persons exempt under the AWA for the sale of regulated animals. Therefore, records that verify the buying and selling at auctions are important to AWA enforcement. Records are reviewed by inspectors during auction inspections for possible violation of the AWA. Information contained in auction records is extremely important for identifying unlicensed exotic animal dealers and exhibitors. A lack of data from auction sales would leave a serious weakness in enforcement capabilities. There is no form provided for this recordkeeping requirement.

Section 2.78(a)(c) - Health Certificate – Transport Dogs, Cats, or Nonhuman Primates (APHIS 7001)

Individual States and foreign countries presently require health certificates for animals entering the State or country. Airlines and intermediate handlers routinely require health certificates for animals delivered for transportation in order to protect themselves from claims of causing illness or injury during transport. Each State issues its own health certificate for animals. There is, however, no uniformity among such certificates and a great variation in content and format. There is no international certificate for such animals, and States do not have the authority to issue international certificates. Carriers and intermediate handlers are faced with a variety of certificates from different States, and some foreign countries will only accept a Federal (USDA) international health certificates. Additionally, facilities licensed and registered under the AWA must provide health certificates when transporting dogs, cats, and nonhuman primates in commerce. This certificate satisfies the requirements under the AWA and provides a standard, uniform health certificate for interstate and international movement of such animals. These certificates provide AC with a traceable trail of animal movements in case of violation or fraud of the provisions under the AWA. If the AWA were not enforced, the provisions listed in paragraphs (1) and (2), and (3) could not be insured. No dealer, exhibitor, operator of an auction sale, broker, or department, agency, or instrumentality of the United States or of any State or local government will deliver to any intermediate handler or carrier for transportation, in commerce, or will transport in commerce any dog, cat, or nonhuman primate unless the dog, cat, or nonhuman primate is accompanied by a health certificate executed and issued by a licensed veterinarian or an exemption issued by the Secretary.

Section 2.78(a), (b) - Dogs, Cats Inspected by Licensed Veterinarian

No dealer, exhibitor, operator of an auction sale, broker, or department, agency, or

instrumentality of the United States or any State or local government will deliver to any intermediate handler or carrier for transportation, in commerce, or transport in commerce any dog, cat unless the dog, cat is accompanied by a health certificate executed and issued by a licensed veterinarian. The health certificate states that: (1) the licensed veterinarian inspected the dog, cat on a specified date which will not be more than 10 days prior to the delivery of the dog, cat, or nonhuman primate for transportation; and (2) when so inspected, the dog, cat, or nonhuman primate appeared to the licensed veterinarian to be free of any infectious disease or physical abnormality which would endanger the animal(s) or other animals or endanger public health. The Secretary may provide exceptions to the health certification requirement on an individual basis for animals shipped to a research facility for purposes of research, testing, or experimentation when the research facility requires animals not eligible for certification. Requests should be addressed to the Animal and Plant Health Inspection Service, Animal Care, 4700 River Road, Unit 84, Riverdale, Maryland 20737-1234.

Section 2.102(a)(1) - Approval to Hold Animals /Have Someone Else Hold Animals (APHIS 7009)

Section 2.102 for dealers, exhibitors, and intermediate handlers, and Section 2.38 for research facilities require completion of APHIS Form 7009 for approval of a holding facility. The form provides information which allows APHIS to be aware of animals being maintained at sites other than that of the licensee or registrant, which is important to the AWA's enforcement. The ability to retrieve data on an approved holding facility ensures the well-being of the animals, the known location of animals, and maintains adequate enforcement by APHIS. An approved holding facility is used by licensees and registrants to enable unlicensed or unregistered facilities to hold animals for them at locations away from the licensed or registered premise. Both the licensee or registrant and the holding facility must agree to abide by the regulations and standards and to allow inspection by APHIS inspectors.

If any intermediate handler obtains prior approval of the AC Regional Director, it may arrange to have another person hold animals provided that the other person agrees in writing to comply with the regulations in part 2 and the standards in part 3 of this subchapter and to allow inspection of the premises by an APHIS official during business hours.

Section 2.125 – Information Concerning Business – Beyond What is Currently Identified

This is where APHIS solicits information from other law enforcements, such as description of missing animals to descriptions of facilities at a particular time.

Sections 2.1 and 2.2 - Online Prelicensing Tool to Guide Requests for Licensing/registration Packets

This tool (aid) is available on-line to help members of the public determine what, if any, license

or registration is required under the AWA for the activity they want to undertake with the animals identified. This questionnaire is voluntary and, if used appropriately, will minimize unnecessary paperwork and streamline the application process by focusing the applicant in the correct direction. No data is collected from this site, and the person is free to apply for a license/registration regardless of the results of the questionnaire.

Section 3.66 and 3.6 – Approval for less than minimum housing requirements for dogs and cats

There are additional space requirements for dogs and/or cats with litters of young. If the additional space provided for each offspring is less than 5 percent of minimum required for the dam, the lesser space must be approved by the attending veterinarian and, if the animals are being used in an active protocol, the Institutional Animal Care and Use Committee (IACUC) of a research facility. In the case of a dealer, the lesser space must be approved by the Administrator. These requirements are to ensure that the dogs and cats are afforded the required space to ensure that the animals are comfortable in accordance with good husbandry practices. The applicable sections are 3.6(b)(1)(iii) for cats, and 3.6(c)((1)(ii) for dogs.

Section 3.8 – Written standard procedures (plan) for exercise and recording thereof And Documentation for exercise exemption and recordkeeping

Exercise and socialization for dogs. The 1985 amendments to the Act require the Secretary to promulgate standards for “...exercise of dogs as determined by an attending veterinarian in accordance with general standards promulgated by the Secretary...”.

The written standard procedures will be maintained by the business and reviewed by APHIS’ inspectors during inspections to ensure the intent of the Act is followed. The plan must be in accordance with professionally accepted standards as directed by the attending veterinarian.

Sections 3.13 and 3.86 – Consignment to carriers and intermediate handlers

Sections 3.13, 3.14, 3.16, 3.36, 3.61, and 3.86 – Shipping documents and written instructions for food, water, medication, and special care attached to enclosure. Numbers accounted for under 3.113

Sections 3.137, 3.139, 3.13, 3.19, 3.35, 3.37, 3.60, 3.62, 3.14, 3.19, 3.36, 3.61, 3.87, 3.113, 3.137, 3.92 – Certification by Consignor and attending veterinarians that animal is acclimated to temperature outside requirements

Consignments to carriers and intermediate handlers. Certain information, instructions, and certifications are required for the humane transportation of animals in commerce. The consignor must provide: current name and address, official identification of animals being shipped to carriers and intermediate handlers; food and water certification and instructions for each shipment. Some certifications are mandatory (food and water) for some animals, and some are

optional (enclosure requirements and acclimation to temperature). Shipping documents must be affixed to the transport enclosure or be carried by the attendant.

Sections 3.137, 3.139, 3.13, 3.19, 3.35, 3.37, 3.60, 3.62, 3.14, 3.19, 3.36, 3.61, 3.87, 3.113, 3.137, 3.92 – Marking requirements for transport enclosure (“live animals”)

Markings identifying shipping crates to be holding live animals and directional arrows identifying the upright direction for the kennel are required on the crates when being shipped. These markings are required to identify kennels readily, therefore ensuring the proper handling and the safety of animals being shipped.

Sections 3.77, 3.78, 3.103, 3.127 – Perimeter fencing variance from requirements

The outdoor areas of a sheltered housing facility or outdoor housing facility must be enclosed by a fence that is of sufficient height to keep unwanted species out. Fences less than 6 feet high must be approved by the Administrator of APHIS. Potentially dangerous species require an 8 foot perimeter fence. Alternate safety protocols may be used with the approval of the Administrator. Requests for approval of alternative security measure that meet or exceed the safety provided to the animals and the public in the regulations concerning perimeter fences for marine mammals and animals other than cats, dogs, guinea pigs, hamsters, rabbits, nonhuman primates, and marine mammals, must be submitted to APHIS for approval. These written requests are used to evaluate the extent to which the proposed deviation from the requirements protects the animals and the public and meets the intent of the regulations. If the plan meets or exceeds the current requirements, approval is granted. This process allows for flexibility in enforcing the regulations without compromising the health and safety of the animals and the safety of the public.

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.

Section 2.75(a)(2) recordkeeping requirements for dealers and exhibitors with dogs and/or cats allow a facility to submit a written request for a variance to use an approved computerized record keeping system. The availability of this variance is to decrease the burden and expense of maintaining vast amounts of mandatory paper records by dealers and exhibitors with dogs and cats. APHIS acknowledged that it was necessary to allow dealer and exhibitor facilities to use approved computerized recordkeeping systems to facilitate compliance with the AWA.

At present, due to the extreme differences in the operation of the various licensees and registrants, a uniform technical reporting system is not possible. For example, standards for the dealer operations and the standards for the research community differ widely. Also, there is a

vast difference in the physical plants and the economic and administrative structures of licensees and registrants. At this time, there is not a system that would improve APHIS' methods of attaining necessary information.

APHIS has made the APHIS 7001 fillable printable and it is available at <http://www.aphis.usda.gov/library/forms/pdf/APHIS7001.pdf>.

AC also plans to computerize the registration and licensing process, which includes APHIS forms 7003, 7003A, and the draft 7030 among other non-standardized burden items. The applicant will be able to input the necessary information directly on a computer screen. APHIS anticipates that this also will save time and cost both for the regulated community and for AC. No timeframe has been set yet.

Other processes for computer input will be identified in the future as an ongoing effort toward efficiency.

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 duplication.

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

The majority (80%) of licensees are small business dealers.

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 APHIS did not collect this information or collected it less frequently, the effectiveness of APHIS' enforcement of the AWA would be severely compromised, and it would be impossible for APHIS to confirm or enforce facility compliance with the regulations for animal health, adequate veterinary care, and animal identification without the required records.

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. 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.

The following non-government organizations personally consulted with Animal Care Staff regarding information collection activities under the AWA during 2012:

Tracie Letterman
 Director of Regulatory Affairs, Federal Affairs
 The Humane Society of the United States
 2100 L Street, NW Washington, DC 20037
 202-676-2303

Michael Maddox
 Governmental Affairs
 Pet Industry Advisory Council (PJAC)
 1140 19th Street NW
 Washington, DC 20036

202-452-1525

Deborah Press
Regulatory Affairs Manager
American Society for the Prevention of Cruelty to Animals (ASPCA)
1755 Massachusetts Avenue
Washington, DC 20036
202-621-6927

On Wednesday, May 16, 2012, APHIS published a proposed rule in the Federal Registrar and a request for comments.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

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. 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.

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.

See APHIS Form 71 for the burden estimate.

•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.

APHIS estimates the total annualized cost to these respondents to be \$260,650. APHIS arrived at this figure by multiplying the total burden hours (15,216) by the estimated hourly wage of the respondents (\$17.13). 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 Employment and Wages, May 2010. 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.

There are no additional costs associated with this collection.

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 estimated cost for the Federal Government is \$34,299 (See APHIS Form 79). Changes in the estimated costs reflect updated information and increases in salaries.

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 does not plan on publishing its information.

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.

Not applicable. APHIS will display the expiration date.

18. Explain each exception to the certification statement identified under "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.