

Submission of Itineraries
SUPPORTING STATEMENT
OMB Clearance 0579-XXXX

October 2009

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

The Laboratory Animal Welfare Act (LAWA) (Public Law 89-544) enacted August 24, 1966, and amended December 24, 1970 (Public Law 91-579), April 22, 1976 (public Law 94-279), and December 23, 1985 (Public Law 99-198), requires the U.S. Department of Agriculture (USDA) to regulate the humane care and handling of most warm-blooded animals, including marine mammals, used for research or exhibition purposes, sold as pets, or transported in commerce. This legislation and its amendments were the result of extensive demand by organized animal welfare groups and private citizens requesting a Federal law to protect such animals.

USDA, Animal and Plant Health Inspection Service (APHIS), Animal Care (AC) has the responsibility to enforce the AWA and the provisions of 9 CFR, Chapter 1, Subchapter A, which implements the AWA.

The stated purpose of the AWA, Section 1(b) includes the following:

- (1) Ensure that animals intended for use in research facilities or exhibition purposes or for use as pets are provided humane care and treatment;
- (2) Ensure the humane treatment of animals during transportation in commerce;
- (3) Protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen

Section 21 of the Act authorizes the Secretary to promulgate such rules, regulations, and orders as he/she may deem necessary in order to effectuate the purposes of the Act.

Section 2.125 contains provisions that “each dealer, exhibitor, operator of an auction sale, intermediate handler, and carrier shall furnish to any APHIS official any information concerning the business...which the APHIS official may request in connection with the enforcement of the provisions of the Act, the regulations and the standards...The information shall be furnished within a reasonable time and as may be specified in the request for information.” APHIS is proposing to codify the implicit authority under this section to require submission of an itinerary from any and all traveling exhibitors. By proposing the regulation as written, we are providing notification to all affect exhibitors of the requirement, as well as specifying the information that is needed.

2. Indicate how, by whom, 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.

Submission of itineraries

Whenever an animal or animals are to be exhibited at any location other than the designated primary facility, the licensee or registrant must submit a written itinerary to the appropriate Animal Care Regional office. This itinerary must include the name and/or other animal identification, species name, sex, and age of each animal, the name of the person exhibiting the animal, the owner of the animal(s) if not the licensee or registrant, the business name of the exhibitor and owner, any names being used to promote the tour, and the current USDA licensee or registration number(s), the dates the animal(s) will be away from the facility, all anticipated dates for all stops, and all site names and complete addresses of all stops and layovers. These itineraries will 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, on a practical daily basis, without resorting to more detailed and stringent regulations and standards which could be more burdensome to regulated facilities.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, 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.

Itineraries can be submitted to APHIS via regular mail, courier services (such as FedEx, UPS, etc.), faxed to the regional office, or emailed to the regional office. The use of electronic submissions (fax and email) afford a decrease in notification time, record of submission, and reduction of paperwork and mailing activities if the party elects these modes of submission. Itineraries must be received by APHIS at least 2 days prior to proposed travel. Use of courier services, fax, and email will make meeting this requirement easier and more reliable.

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 the enforcement of the AWA; therefore, no other agencies require the retention or collection of this information.

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

Approximately, 216 of the business respondents are considered small entities; however, the information collected is the minimum required to ensure that the AWA is being

enforced. Without this information, investigations and proceedings against violators would be impossible. This information being collected is structured to minimize the reporting burden and yet meet provisions of the AWA.

6. Describe the consequences 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.

APHIS currently has requirements that should assure the collection of this information, but without this proposed rule, licensees and registrants will not reliably provide this information requested. If APHIS does not know where the animals are, APHIS cannot adequately enforce the regulations and perform unannounced inspections. In addition, without this information, valuable time and resources are wasted trying to track down exhibitors when APHIS is investigating complaints. Not providing this information would be contrary to the intent to the AWA and prevent prosecution of violators. This collection of information for Part 2 is consistent with 5 CFR 1320.5.

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;**

Some travelling exhibitors are going to be sending in his/her itineraries more than quarterly (estimating 12 times a year for “routine” exhibitors) based upon how many places he/she plans to travel to.

There are no other inconsistencies with 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.

Individual consultation and contact during FY 2009 include the following:

US Fish and Wildlife Service
4401 N. Fairfax Drive. Room 200
Division of Management Authority
Arlington. VA 22203

Association of Zoos and Aquariums
8403 Colesville Road, Suite 710
Silver Spring, MD 20910

The proposed rule, Docket Number APHIS-2006-0023, was published in the Federal Register on Thursday, October 1, 2009 with a 60-day comment period.

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

No payment or gift will be provided to any respondent.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Itineraries are private to the extent permitted by law in accordance with Title 5 U.S.C. 552. Also, if an itinerary is requested via the Freedom of Information Act (FOIA), most likely the itinerary will not be given to the requester until after the itinerary has been completed.

APHIS inspectors will have access to documents which research facilities are required to keep on file describing their animal care and use procedures to ensure compliance with the AWA: however, they must maintain the privacy of such information and may not remove such information from the research facility unless it is required to support the investigation of a possible violation.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and others that are considered private.

No sensitive questions are involved.

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.

2.126(c) – Submission of itineraries

$$2600 \text{ responses} \times .25 \text{ hours} = 650 \text{ hours} \times \$14.88/\text{hr} = \$9,672$$

Total cost to the public is \$ 9,672

\$ 14.88 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>

APHIS is using an estimate of 200 facilities, submitting an itinerary monthly for 2400 responses. We are also estimating that there are about 100 facilities that occasionally take animals away from their designated primary facility for exhibition about 2 times a year, for another 200 responses. The time required to create the itinerary document is estimated to be 0.25 hours, and the average salary for the person creating the document is estimated to be \$14.88/hour.

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 no additional cost burden to the respondents.

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 total cost for the Federal Government is \$6,432. 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 resulting in a program change of 650 hours.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

APHIS has no plans to tabulate or publish this information collection.

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.

No forms are used in this collection.

18. Explain each exception to the certification statement identified under "Certification for Paperwork Reduction Act."

APHIS was able to certify compliance with all the provisions under the Act.