SUPPORTING STATEMENT
OMB Clearance 0579-0361

February 2013

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) was first enacted as the Laboratory Animal Welfare Act (LAWA) (Public Law 89-544) on August 24, 1966, and amended in 1970, 1976, 1985, 1990, 2002, 2007, 2008, and 2010. The AWA 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.

Part 2 of Subchapter A addresses the regulations for all the AWA licensed and registered facilities, including licensing and registration requirements and procedures, attending veterinarian and adequate veterinary care, recordkeeping and other general requirements for the transport of animals. This includes the requirement to ensure APHIS knows all business and animal locations for a licensee or registrant.

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 codified the implicit authority under this section to require submission of an itinerary from traveling exhibitors. The final regulation, as

written, provides guidance to all affected exhibitors for providing the specific information needed in the timeframe determined to be appropriate to ensure APHIS can carry out its program of unannounced inspections to enforce the AWA.

APHIS is asking OMB to approve the submission of itineraries for 3 years.

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.

APHIS uses the submission of itineraries to 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.

Section 2.126(c) – Submission of itineraries. Whenever an animal or animals are to be exhibited at any location other than the designated primary facility for a time period to include at least one overnight stay away from the 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. Submissions of itineraries to APHIS can be made via mail, e-mail, commercial delivery service or fax. APHIS maintains records for 3 years in the facility file.

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 e-mail) 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.

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.

The information collected is the minimum required to ensure that the AWA is being enforced. These records are structured to minimize the reporting burden and yet meet provisions of the AWA. Approximately 50% of the businesses are considered small.

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 regulations/information collection, licensees and registrants may 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 data would be contrary to the intent to the AWA and prevent prosecution of violators. This collection of data 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 CRF 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 dis-**

closure 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.**

No special circumstances exist that would require this collection to be conducted in a manner inconsistent with the general information collection 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.

APHIS routinely interacts with the following parties on exhibition issues:

Elephant Managers Association
1513 Cambridge Street
Houston TX 77030

Humane Society of the United States
2100 L St., NW
Washington, D.C. 20037

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

On Thursday, December 13, 2012, APHIS published in the Federal Register a 60-day notice (pages 74165-74166) requesting comments from the public. During that time APHIS received 471 comments – none of which were specific to paperwork. All of the comments were on the rule itself or on the use of elephants and other animals for entertainment, or on animal abuse generally. This confusion on commenting on the information collection renewal notice instead of the rule was because this was a pre-approval which was expiring before the Final Rule was published thus the 60-day notice published first and folks thought it was the rule. Approximately 362 comments were about providing the itineraries to the public which will be done after the events have taken place for safety purposes. Three comments were supporting the rule and think we should make itineraries available to the public (see previous sentence). One comment thought APHIS should not release any itineraries because doing so may lead to action by

animal right extremists. Sixty-seven comments concerned the use of animals for entertainment, animal abuse, and generally protecting animals. Four comments had other concerns. Thirty-four comments support the rule as written. One comment opposed the rule as written. All of the comments may be viewed at the link below: http://www.regulations.gov/#!searchResults;rpp=25;po=0;s=aphis-2012-0095;fp=true;ns=true

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.

There has been no assurance of confidentiality for the information collected regarding itineraries. APHIS has determined that to ensure the safety of the regulated animals, any itinerary information requested under FOIA will not be released until the date(s) associated with the location of the animals has passed.

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

4,100 responses x .25 hours = 1,025 hours x $15/hr = $15,375

Total cost to the public is $ 15,375

See the APHIS Form 71 for more detail.

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 $10,400. 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.

	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	4,100	0	1,500	0	0	2,600
Annual Time Burden (Hr)	1,025	0	375	0	0	650
Annual Cost Burden ($)	0	0	0	0	0	0

This is program change to the information collection of 1,500 responses and 375 hours. The respondents increased by 125 thus increasing the responses and then the total burden hours. This occurred based on comments submitted by stakeholders to the proposed rule provisions. As a result, APHIS updated the language in the final rule to address the perceived high burden placed on facilities like stationary zoos that use regulated animals in their education and outreach programs, especially when the animals are used locally and do not spend the night away from the home facility. APHIS amended the response requirements for these day trips. APHIS has also amended the previous respondent numbers for itineraries to account for stationary facilities that do send outreach animals out on overnight trips.

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 approva1 of the information collection, explain the reason that display would be inappropriate.

No forms are used in this collection: therefore APHIS is not seeking approval to not to display the expiration date on any forms.

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.