**SUPPORTING STATEMENT - OMB NO. 0579-0313**

**PERMANENT, PRIVATELY OWNED HORSE QUARANTINE FACILITIES**

August 2012

**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.**

The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Secretary may also prohibit or restrict import or export of any such animal or related material if necessary to prevent the spread of any livestock or poultry pest or disease. The AHPA is contained in Title X, Subtitle E, Sections 10401-18 of P.L. 107-171, May 13, 2002, the Farm Security and Rural Investment Act of 2002.

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is responsible for, among other things, protecting the health of the nation’s livestock and poultry populations by preventing the introduction and spread of serious diseases and pests of livestock and poultry and for eradicating such diseases and pests from the United States when feasible. In connection with this disease prevention mission, APHIS operates animal quarantine facilities and authorizes the use of privately owned quarantine facilities for certain animal importations.

Title 9 of the *Code of Federal Regulations*, part 93, requires that certain animals be quarantined on arrival in the United States as an import condition. Regulations at 9 CFR 93.308 include requirements for the approval and establishment of permanent, privately owned horse quarantine facilities operated under APHIS supervision. These **regulations necessitate the use of several** information collection activities when applicants apply for approval to establish and operate permanent, privately owned horse quarantine facilities. These activities include:

* Environmental Certification
* Application for Facility Approval
* Service Agreements
* Letter Challenging Withdrawal of Facility Approval
* Letter Notifying APHIS of Facility Closure
* Compliance Agreement
* Security Instructions
* Alarm Notification
* Security Breach
* List of Personnel
* Signed Statements
* Daily Log/Recordkeeping
* Request for Variance

APHIS is asking the OMB to approve, for an additional 3 years, these information collection activities in connection with APHIS’ efforts to ensure that horses can be imported into the United States without compromising its ability to protect against the introduction of communicable diseases of horses.

**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 activities for the approval and establishment of permanent, privately owned horse quarantine facilities operated under APHIS supervision.

**Environmental Certification**

Anyone wishing to operate a permanent, privately owned horse quarantine facility must, as part of the approval process, submit to APHIS a statement certifying that the facility complies with all applicable local, State, and Federal environmental regulations. This certification must be issued by local environmental authorities.

**Application for Facility Approval**

Anyone wishing to receive APHIS approval to operate a permanent, privately owned horse quarantine facility must send APHIS an application letter including:

* The full name and address of the applicant
* The location and address of the facility
* Blueprints of the facility
* A description of the financial resources available to build, operate, and maintain the facility
* The anticipated origin of the horses to be quarantined
* The expected size and frequency of shipments
* A contingency plan for the possible disposal of all the horses capable of being housed in the facility.

**Service Agreements**

If APHIS determines that an application is complete and merits further consideration, the applicant must enter into a service agreement with APHIS agreeing to pay the cost of all APHIS services associated with APHIS’ evaluation of the application and facility. This service agreement applies only to fees accrued during the application process and is a signature-only document.

**Letter Challenging Withdrawal of Facility Approval**

If APHIS chooses to deny or withdraw its approval of a permanent, privately owned horse quarantine facility, the facility operator may send APHIS a letter explaining why the approval should not be withdrawn. If there is a conflict concerning any material fact, the owner may request a hearing to resolve the conflict.

**Letter Notifying APHIS of Facility Closure**

If a permanent, privately owned horse quarantine facility has closed, the owner must notify APHIS in writing that the facility is no longer operating.

**Compliance Agreement**

If APHIS approves the facility, its owners must enter into a compliance agreement with APHIS in which the owner agrees to (1) meet all APHIS requirements for operating the facility;

(2) operate the facility under APHIS supervision; (3) accept responsibility for all costs associated with operating and maintaining the facility, including costs associated with APHIS supervision; and (4) suspend or dismiss any employee who fails to comply with APHIS operating requirements. This compliance agreement is a signature-only document.

**Security Instructions**

The facility and premises must be guarded at all times or the facility must have an electronic security system. If the facility has an electronic security system, the facility operator must provide written instructions to the monitoring agency stating that the police and a designated APHIS representative must be notified if the alarm is triggered. The operator must give APHIS a copy of the written instructions.

**Alarm Notification**

If the alarm at the facility is triggered, the monitoring agency must notify APHIS.

**Security Breach**

If a breach in security occurs or is suspected, the operator of the facility must notify APHIS.

**List of Personnel**

The facility operator must give APHIS an updated list of all personnel with access to the facility. This list must include the names, current residential addresses, and identification numbers of each person and must be updated with any changes or additions before the person can access the quarantine facility.

**Signed Statements**

Each employee and any other person hired by the operator to work at the facility must sign a statement agreeing to comply with all regulations governing permanent, privately owned horse quarantine facilities, other applicable provisions of 9 CFR part 93, all terms of the compliance agreement, and any related instructions from APHIS representatives regarding quarantine operations. The operator must give APHIS the signed statements.

**Daily Log/Recordkeeping**

The facility operator must keep a daily log recording all persons entering or exiting the quarantine facility. The operator must keep this daily log, along with any logs created by APHIS personnel and deposited with the operator, for at least 2 years after the date the horses are released from quarantine. The operator must make the logs available to APHIS personnel on request. APHIS needs these records in case it has to investigate an equine disease outbreak.

**Request for Variance**

APHIS may grant variances to its requirements concerning the location, construction, and other design features of the facility, as well as to requirements concerning sanitation, security, operating procedures, and other matters. A facility operator desiring a variance must ask the Administrator for a variance at least 30 days before horses arrive at the facility.

**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 service agreements and compliance agreement require the operator’s original signature and thus are not candidates for electronic submission. The signed statements are preprinted documents that simply require the signature of anyone with access to the quarantine facility; electronic submission is impractical at this time. All other documentation associated with this program can be submitted to APHIS via email by attaching scanned or word processing documents. APHIS otherwise has no plans for electronic submission of these documents 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.**

The information that APHIS collects is not available from any other source. APHIS is the only Federal agency responsible for approving and supervising permanent, privately owned horse quarantine facilities in the United States and for preventing foreign animal diseases from entering the United States.

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

APHIS estimates that 100 percent of the business respondents are small businesses; the authorities issuing environmental certifications are not businesses. However, the information asked of the small businesses is the absolute minimum needed to ensure that permanent, privately owned horse quarantine facilities are being operated in accordance with APHIS regulations. Most of the information gathering documents used in this program require minimal input from the facility operator.

**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, APHIS would be unable to approve permanent, privately owned horse quarantine facilities. Importers of horses would find it difficult to get quarantine space at either Federal facilities or temporary, privately owned facilities, which could decrease equine imports. This would impede trade and hurt the U.S. equine industry.

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;**

If there is a Security Breach and/or an Alarm Notification, the facility owner /operator must notify APHIS immediately.

* **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.**

No other 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.**

In 2012, APHIS consulted the following individuals to obtain their views regarding this subject:

Jay Hickey

American Horse Council

1700 K Street, NW, Suite 300

Washington, DC 20006

(202) 296-4031

Matt Haug

Chicago Import Center at Arlington Park

1525 Kautz Road, Suite 1600

West Chicago, IL 60185

(630) 513-0312

Peter Timoney

University of Kentucky, College of Agriculture

108 Gluck Equine Research Center

Lexington, KY 40546

(859) 257-1531

On Tuesday, December 11, 2012, pages 73614 -73615, APHIS published in the Federal Register, a 60-day notice seeking public comments on its plans to request a 3-year renewal of this collection of information. No comments from the public were received.

**9. Explain any decision to provide any payment or gift to respondents, other than renumeration 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. 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.**

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 U.S. horse importers; owners, operators, and employees of temporary, privately owned horse quarantine facilities; prospective owners and operators of permanent, privately owned horse quarantine facilities; local authorities who complete and issue environmental certifications; and security company employees.

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

APHIS estimates the total annualized cost to the respondents to be $440.64. APHIS arrived at this figure by multiplying the total burden hours (17 hours) by the estimated average hourly wage of the above respondents ($25.92).

Estimated hourly wages for the respondents were determined from the U.S. Department of Labor; Bureau of Labor Statistics March 2012 Report – National Compensation Survey: Occupational Wages in the United States, May 2012. See http://www.bls.gov/oes/#tables.

Owners or operators of facilities: $55.04 per hour [median, general and operations manager] Facility employees: $13.91 per hour [median, agricultural workers all other], Local environmental authorities: $21.76 per hour [median, environmental science and protection technicians], and employees of security companies: $13.00 [median, security guards].

**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.**

No annual cost burden is associated with capital and startup, 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 $1,789.95. (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.**

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| ICR Summary of Burden: |



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| --- | --- | --- | --- | --- | --- | --- |
|  | **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 | 21 | 0 | 0 | -7 | 0 | 28 |
| Annual Time Burden (Hr) | 17 | 0 | 0 | -3 | 0 | 20 |
| Annual Cost Burden ($) | 0 | 0 | 0 | 0 | 0 | 0 |

There is an adjustment decrease of -4 respondents and -7 responses resulting in a decrease of -3 burden hours. The decrease is because APHIS received fewer applications for permanent private quarantine facilities.

**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 it collects 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.**

No forms are associated with this information collection.

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

APHIS certifies compliance with all provisions of the Act.

**B. Collections of Information Employing Statistical Methods**

No statistical methods are associated with the information collection activities used in this program.