

**Department of Transportation
Office of the Chief Information Officer**

SUPPORTING STATEMENT

**REPORTS BY AIR CARRIERS ON INCIDENTS INVOLVING
ANIMALS DURING AIR TRANSPORT**

OMB Control Number 2105-0552

INTRODUCTION

This is to request that the Office of Management and Budget (OMB) renew the three-year approved clearance for the information collection entitled, Reports by Air Carriers on Incidents Involving Animals During Air Transport, OMB Control No. 2105-0552, which expired on June 30, 2011.

The Reports by Air Carriers on Incidents Involving Animals During Air Transport was originally codified at 14 CFR 234.13 on February 14, 2005. Section 234.13 required air carriers that provide scheduled passenger air transportation to submit a report to DOT's Aviation Consumer Protection Division (ACPD) on any incidents involving the loss, injury, or death of an animal during air transportation within 15 days after the end of the month during which the incident occurred. It defined "animal" as any warm- or cold-blooded animal which, at the time of transportation, is being kept as a pet in a family household in the United States. The air transport of an animal covered the entire period during which an animal is in the custody of an air carrier, from check-in or delivery of the animal to the carrier prior to departure until the animal is returned to the owner or guardian of the animal at the final destination of the animal. Section 234.13 also listed the information that is to be included in each report (e.g., carrier and flight number, date and time of the incident). However, because section 234.13 is contained in Part 234 of Title 14 and that part applies only to the domestic scheduled passenger flights of carriers that account for at least 1 percent of domestic scheduled passenger revenue ("reporting carriers"), there was confusion regarding which entities are required to submit a report to the ACPD on incidents involving loss, injury, or death of an animal during air transportation as well as which flights are covered (i.e., only domestic scheduled passenger flights or all scheduled passenger flights, including international flights).

In August 2010, the Department received a petition for rulemaking on this matter from the Animal Legal Defense Fund (ALDF), an advocacy group which works to protect the lives and advance the interest of animals through the legal system. In its petition, ALDF requested that the Department's regulation requiring the reporting of loss, injury, or death of animals in air transport be revised to require airlines to report any such incident involving any animal they carry (i.e., not just pets kept in a U.S. household). At about the same time, Senators Richard Durbin, Robert Menendez, and Joseph Lieberman wrote to the Secretary of Transportation urging the Department to amend the rule so that airlines would be required to report all incidents involving the loss, injury, or death of cats and dogs that occur while they are traveling in an

airline's care, custody, or control, regardless of whether the cat or dog is being kept as a pet in a family household in the United States or is part of a commercial shipment.

The Department originally planned to renew OMB Control No. 2105-0552 in conjunction with the rulemaking that addressed some of the issues raised by stakeholders regarding the requirement of air carriers to report incidents involving animals and to address confusion regarding which entities are required to submit a report to the ACPD on incidents involving loss, injury, or death of an animal during air transportation as well as which flights are covered. On June 29, 2012, the Department published in the Federal Register a Notice of Proposed Rulemaking (NPRM) entitled "Reports by Air Carriers on Incidents Involving Animals During Air Transport." See 77 FR 38747. The NPRM also contained the notice to renew and modify OMB Control No. 2105-0552. In compliance with the Paperwork Reduction Act of 1995, the notice announced the Department's intention to request the information collection request and solicited comments from the members of the public and affected agencies.

The Department anticipated that the rulemaking, including renewing the number, would be accomplished in a timely manner. However, due to a variety of reasons including budgetary constraints and mandatory furloughs, as well as unexpected delays in the coordination process, the rulemaking was delayed.

However, on July 3, 2014, the Department issued a final rule amending the requirement for air carriers to report incidents involving the loss, injury, or death of an animal during air transport. The final rule: (1) expands the reporting requirement to U.S. carriers that operate scheduled service with at least one aircraft with a design capacity of more than 60 seats ("covered carriers"); (2) expands the definition of "animal" to any warm- or cold-blooded animal which, at the time of transportation, is being kept as a pet in a family household in the United States and any dog or cat which, at the time of transportation, is shipped as part of a commercial shipment on a scheduled passenger flight, including shipments by trainers and breeders; (3) requires covered carriers to file a calendar-year report through December; (4) requires covered carriers to include in the calendar-year report the total number of animals that were lost, injured, or died during air transport in the calendar year, including a requirement to file a negative report if the carrier did not have any reportable incidents during the calendar year; (5) requires covered carriers to provide in their calendar-year reports the total number of animals transported in the calendar year; and (6) requires a certification signed by an authorized carrier representative affirming that the report is true, correct, and complete. Additionally, the final rule moved the reporting requirement out of 14 CFR Part 234 to avoid further confusion regarding which entities are required to submit a report. The reporting requirement is now codified at 14 CFR Part 235.

PART A. JUSTIFICATION

1. Circumstances that make collection of information necessary. *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.*

Section 710 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21; Pub. L. 106-810) requires, among other things, air carriers that provide scheduled passenger air transportation to report to the Secretary of Transportation incidents involving the loss, injury, or death of an animal (as defined by the Secretary) during air transport. 49 U.S.C. § 41721.

This information collection implements 49 U.S.C. § 41721. The information collection also supports the Department's strategic goal of economic competitiveness by providing the public with information on the death, injury, and loss of animals during air transport. More specifically, the goals of this collection of information include promoting more efficient and safer transport of animals and enhanced accountability of covered air carriers for any potential incidents involving the transport of such animals.

2. How, by whom, and for what purpose is the information used. *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.*

In order to implement the statutory requirements of AIR-21, the Department's rule requires certificated U.S. air carriers operating at least one aircraft having a designed seating capacity of more than 60 seats to submit monthly reports of incidents involving the loss, injury, or death of animals during air transport. These reports are due within 15 days after the end of the month during which such incidents occurred, and must be submitted to the Department's ACPD. In addition, covered carriers are required to file a calendar-year report by January 15, even if they did not have any reportable incidents during the calendar year. The calendar-year report must contain the number of animals that were lost, injured, or died during air transport and the total number of animals the carrier transported during the calendar year.

Since 2005, ACPD has processed the reports and published the information on a monthly basis in its Air Travel Consumer Report (ATCR). This information is available to the public to determine each air carrier's reliability and performance when transporting household pets. Under the most recent version of the rule, consumers will be able to evaluate covered carriers based on their transportation of commercially-shipped dogs and cats as well. See 79 Fed. Reg. 37,938. Additionally, the Department shares the reports with the Department of Agriculture's Animal and Plant Health Inspection Service (APHIS), which enforces the Animal Welfare Act.

3. Extent of automated information collection. *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.

Covered carriers are permitted to submit their data to the Department via e-mail within 15 days after the end of the month during which the incident occurred. In the future the Department may create a system for carriers to submit this data via a website.

4. Efforts to identify duplication. *Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.*

There is no similar information accumulated that could be used or modified for the purpose described in the answer for question 2 detailed above.

5. Efforts to minimize the burden on small businesses. *If the collection of information impacts small businesses or other small entities (item 5 of OMB form 83-i), describe any methods used to minimize burden.*

The Department certifies that the rule does not impact a substantial number of small businesses or other small entities. A direct air carrier or foreign air carrier is a small business if it provides air transportation only with small aircraft (i.e., aircraft designed to have a maximum passenger capacity of not more than 60 seats or a maximum payload capacity of not more than 18,000 pounds). See 14 CFR 399.73. Because the most recent version of the rule only applies to U.S. carriers that operate scheduled service with at least one aircraft with a design capacity of more than 60 seats, it does not affect any small businesses or other small entities.

6. Impact of less frequent collection of information. *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.*

The collection of information called for in 14 CFR 235 is specifically outlined in AIR-21. The law requires air carriers that provide scheduled passenger air transportation to submit a monthly report on incidents of loss, injury, or death of an animal. If this collection is not completed, the Secretary of Transportation will be unable to comply with the statutory requirements of AIR-21.

7. Special circumstances. *Explain any special circumstances that would cause an information collection to be conducted in a manner:*

- *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 requirement that covered carriers submit monthly reports on the loss, injury or death of animals during air transport is mandated by Section 710 of AIR-21. Otherwise, there are no special circumstances requiring information to be collected in any of the manners stated above.

8. Compliance with 5 CFR 1320.8: *Provide an electronic copy and identify the date, volume number and page number of the publication in the federal register of the agency's notice (for a 60-day and a 30-day notice), required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB.*

- *Summarize public comments received in response to that notice and describe actions taken by the agency in response to those comments. Specifically address comments received on cost and hour burden.*
- *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 record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.*
- *Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years--even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.*

Notice and public comment were solicited with publication of the Notice of Proposed Rulemaking, "Reports by Air Carriers on Incidents Involving Animals During Air Transport," in the Federal Register of June 29, 2012, which initiated a 60-day public comment period. See 77 Fed. Reg. 38747. A subsequent 30-day public comment period was initiated with the publication in the Federal Register of July 3, 2014. See 79 Fed. Reg. 37938.

9. Payments or gifts to respondents. *Explain any decision to provide a payment or gift to respondents, other than enumeration of contractors or grantees.*

No payment or gift of any kind has been or will be provided to any respondents in the public sector or to carriers that must file reports pursuant to this rule.

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

The Privacy Act is applicable and will regulate the manner in which the Department will handle personal and corporate information.

11. Justification for collection of sensitive information: Provide additional justification for any questions of a sensitive nature, such as sexual behavior and 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.

The sensitive information being collected under 14 CFR 235.3 is the name and contact information the owner(s), guardian, and/or shipper of any animal that is lost, injured, or dies during transport. The Department uses the data gathered to identify potential areas of concern and to meet the requirements of AIR-21.

12. Estimate of burden hours for information requested: Provide estimates of the hour burden of the collection of information. The statement should:

- Indicate the number of respondents, frequency of responses, calculation for the individual burdens and for the total;
- Annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hour for customary and usual business practices
- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in items 13 of OMB Form 83-I.
- Provide estimates of annualized cost to respondents for the hourly burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in item 14.

Respondents: U.S. carriers that operate scheduled passenger service with at least one aircraft having a designed seating capacity of more than 60 seats.

Estimated Number of Respondents: The total number of respondents is 27.

Estimated Annual Burden on Respondents:

- For the requirement to prepare and submit monthly reports, between 0 and 12 hours per year for each respondent, depending on the number of reportable

incidents each month. The maximum of 12 hours per year assumes that the respondent has a reportable incident during each month of the calendar year, and that one hour is required to prepare each report.

- For the requirement to prepare and submit the total number of animals that were lost, injured, or died during air transport and the total number of animals the carrier transported during the calendar year in the December reports, between 1 and 1.5 hours per year for each respondent, depending on whether the respondent has a reportable incident during the calendar year. The maximum of 1.5 hours per year assumes that the respondent has at least one incident during the calendar year, that 0.5 hours is required to tabulate the monthly reporting data, and that one hour is required to prepare each report.

Estimated Total Annual Burden:

- For the requirement to prepare and submit monthly reports other than the December report, between 0 and 324 hours per year, depending on the number of reportable incidents that take place throughout the industry. The maximum of 324 hour per year assumes that all 27 respondents have one reportable incident every month during the calendar year (324 incidents per year). This is considerably higher than the historical average since 2008 (47 incidents per year).
- For the requirement to prepare and submit the total number of animals that were lost, injured, or died during air transport and the total number of animals the carrier transported during the calendar year in the December reports, between 27 and 40.5 hours per year for each respondent, depending on how many respondents have reportable incidents during the calendar year. The maximum of 40.5 hours per year assumes that all 27 respondents have at least one incident during the calendar year.

Frequency:

- For monthly reports, 0 to 12 reports per year for each respondent, depending on the number of months in which animals are lost, injured, or died while under each respondent's care. Some carriers may not be required to file any monthly reports in a given year, while others could be required to file a report every month.
- For the requirement to prepare and submit the total number of animals that were lost, injured, or died during air transport and the total number of animals the carrier transported during the calendar year in the December reports, one report to ACPD per year for each respondent.

13. Estimate of total annual costs to respondents. *Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the costs of any hour burden shown in items 12 and 14).*

- *Include a breakdown for total capital/start-up costs and operation/maintenance. 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. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major costs factors*

including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

- *If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.*
- *Generally, estimates should not include purchases of equipment or services, or portions thereof, made (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.*

For the monthly reports requirement, the Department estimates that the total annual cost of compliance to industry will be between \$0 and \$12,590.64, depending on the number of reportable incidents. The maximum amount was calculated based on the assumption that, at most, each of the 27 covered carriers would be required to pay one paralegal working in scheduled air transportation, making \$38.86 per hour (the average wage rate including benefits), for one hour of work every month to prepare and submit a monthly report to ACPD.

For the requirement to prepare and submit the total number of animals that were lost, injured, or died during air transport and the total number of animals the carrier transported during the calendar year, the Department estimates that industrywide costs will be between \$1,049.22 and \$1,573.83 per year. The maximum amount was calculated based on the assumption that, at most, each of the 27 covered carriers would be required to pay one paralegal working in scheduled air transportation, making \$38.86 per hour (the average wage rate including benefits), for 1.5 hours of work to tabulate monthly data and prepare and submit a report to ACPD. First year start-up costs (computer hardware and software, consultants) will be approximately \$270,000 for the entire industry. Subsequent annual costs to industry for maintenance of the reporting system are estimated to be roughly \$424,000 over 20 years. Covered carriers that do not transport animals during the calendar year will incur neither first year start-up costs nor subsequent maintenance costs under the rule.

14. Estimate of cost to the Federal government. Provide estimates of annualized cost to the federal government. Also, provide a description of the method used to estimate costs, which should include quantification of hours, operational expenses such as equipment, overhead, printing, and support staff, and any other expense that would not have been incurred without this

collection of information. Agencies also may aggregate cost estimates from items 12, 13, and 14 in a single table.

The Department estimates that the total annual cost to the federal government to receive the reports, publish the reports in the monthly ATCRs, and make the reports publicly available on the ACPD website will be \$648. The estimate is calculated by multiplying the total time required to receive the reports, publish the reports in the monthly ATCRs, and make the reports publicly available on the ACPD website (1 hour per month for 12 months = 12 hours per year) by the average hourly wage for a Senior Transportation Industry Analyst (\$54).

15. Explanation of program changes or adjustments. *Explain the reasons for any program changes or adjustments reported in items 13 or 14 of the OMB Form 83-I.*

The estimated total annual burden hours in question 12 will decrease. In 2008, the estimated total annual burden hours was between 0 and 360 (the number of respondents was 30; the maximum number of hours assumed that all 30 respondents have one reportable incident every month during the calendar year). The most recent version of the rule decreases the number of respondents to 27. Therefore, the estimated total annual burden hours is between 27 and 324 because each respondent must, at a minimum, submit one report each year—the December report. For the other months of the year, the respondent must submit a report only if it experienced an incident in that month. The maximum number of hours assumes that all 27 respondents have one reportable incident every month during the calendar year.

16. Publication of results of data collection. *For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*

AIR-21 requires the Secretary to publish data on incidents and complaints involving the loss, injury, or death of an animal during air transport. The Department will continue to publish the reports in the ATCR. This publication is issued monthly and can be found on-line at <http://www.dot.gov/airconsumer>. The Department also plans to continue to share the reports with APHIS.

17. Approval for not displaying the expiration date of OMB approval. *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.

18. Exceptions to certification statement. *Explain each exception to the certification statement identified in item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.*

Not applicable.