

**1 Supporting Statement A for
Paperwork Reduction Act Submission**

OMB Control Number 1018-0078

**Injurious Wildlife; Importation Certification for Live Fish and Fish Eggs
50 CFR 16.13**

Terms of Clearance. None.

1. Explain the circumstances that make the collection of information necessary.

The Department of the Interior is responsible for enforcing the Lacey Act (18 U.S.C. 42) (“Act”), which prohibits the importation of any animal deemed to be and prescribed by regulation to be injurious to:

- Human beings;
- The interests of agriculture, horticulture, forestry; or
- Wildlife or the wildlife resources of the United States.

The Act and regulations in 50 CFR 16 allow the importation of animals classified as injurious if specific criteria are met. We Fish and Wildlife Service (Service) use the information that we collect to determine if these criteria are being met. Specifically, this collection allows us to approve the importation of live salmonids or their reproductive products into the United States

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, explain how the collection complies with all applicable Information Quality Guidelines.

The importation of salmonids or their reproductive products is a three-step process. The first step is a request by the importer to bring the animals into the country. The request must provide information on the source and destination of the animals or reproductive products, as well as the numbers, species, and life stage of the desired import.

The second step requires that a certified Title 50 inspector submit a health certification. The animals or reproductive products to be imported must be inspected for specific pathogenic organisms. This certification must contain specific information about the animals or reproductive products to be imported and the finding of the disease assays performed. In addition, the certification must provide the site of border crossing, dates of importation, and/or other information aimed at accurately identifying the proposed imported animals and reproductive products. This allows the Service to track the animals and ensure the safety of both the commercial and natural aquatic resources of the United States. The Director, of the Service designates certifying Title 50 inspectors (50 CFR 16.13(b)(1)). To ensure the qualifications of Title 50 inspectors, the Service requires an application from the inspectors regarding their professional credentials and facilities to be used in performing Title 50 inspection work.

The final step in the process is to consult with the State natural resource agency of the State of import and ensure that the agency agrees with issuance of a permit. If the State does not raise any objections, we issue an authorization for importation. We use the following forms to collect the necessary information:

FWS Form 3-2273 (Title 50 Certifying Official Form). New applicants and those seeking recertification as a Title 50 certifying official provide information so that we can assess their qualifications. Those designated as Title 50 Certifying Officials must use this form to recertify their credentials every 5 years. The information derived is not shared with organizations outside the Service. Information includes, but is not limited to:

- Name, position title, current place of employment (with address) and work phone number, fax number, and e-mail address.
- Professional degrees.
- Primary duties.
- Areas of expertise and related certifications.
- Facilities available for diagnostic tests and available equipment.

FWS Form 3-2274 (U.S. Title 50 Health Certification Form). The certifying official uses this form to affirm the health status of the fish or their reproductive products to be imported. This form must be filled out by the Title 50 Certifying Official and submitted with every import. The information derived is not shared with organizations outside the Service. Information includes, but is not limited to:

- Certifying official's name and date of most recent certification.
- Number, life stage, and species of animals or eggs.
- Site and date of sample collection.
- Name and address of laboratory conducting the assays.
- Site from which the animals or eggs will be shipped.
- Dates of the shipment.
- Means of shipment and anticipated border crossing.

FWS Form 3-2275 (Title 50 Importation Request Form). The Service uses the information on this form to ensure the safety of the shipment and to track and control importations. The importer must complete this form and a form must be submitted with every import. The information derived is not shared with organizations outside the Service. Information includes, but is not limited to:

- Name and address of company/agency and facility receiving animals or eggs.
- Number, life stage, and species of animals or eggs.
- Origin of animals or eggs.
- Name and address of exporter.

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 [and specifically how this collection meets GPEA requirements].

Respondents may submit FWS Form 3-2275 by e-mail, and we estimate that approximately 80 percent of the responses will be by electronic means. FWS Forms 3-2273 and 3-2274 require an original signature but it can be signed, scanned, saved as a PDF document, and can be submitted electronically. All of the forms are available online in a fillable and printable format at <http://www.fws.gov/forms/>.

4. Describe efforts to identify duplication.

No office within the Service collects duplicate information, and we are not aware of any other Federal agency that collects information of this type.

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

The impact on small entities will be minimal, amounting to only 30 minutes to 1 hours to fill out the forms. We collect only the minimum information necessary for us to carry out our responsibilities under the Lacey Act.

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 we collect this information less frequently or if we cease collecting this information, the importation into the United States of fish and their reproductive products would be delayed or ceased. If importation continued without us collecting this information, we would not have the information needed to assess the health of, monitor, or track imported fish or their reproductive products, and the health of our Nation's commercial aquaculture industry and natural fishery resources serving states, tribes and federal hatcheries would be jeopardized. Ceasing the importation of fish and their reproductive products would negatively impact U.S. fisheries and may create tensions with our international trading partners.

7. 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 secrets, 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.**

Not applicable. There are no special circumstances that require us to collect this information in a manner inconsistent with OMB guidelines.

- 8. Provide the date and page number of publication in the Federal Register of the agency's 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 (or in response to a PRA statement) and describe actions taken by the agency in response to these comments.**

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 format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

On December 19, 2016, we published in the *Federal Register* (81 FR 91944) a notice of our intent to request that OMB renew this information collection request (ICR). In that notice, we solicited comments for 60 days, ending on February 17, 2017. We received 1 formal comment in response to that notice. That comment was critical of the 50 CFR 16.13 regulations generally, suggesting that no salmonid fishes be imported into the United States and that we utilize only domestic salmonids for propagation and aquaculture purposes. Under our authority we can regulate salmonids because they may carry harmful pathogens, and therefore restricting all imported salmonid fishes is not within our agency's authority. The Service, however, agrees that the further development of a domestic salmonid fish trade could lessen the demand for imported fishes.

In addition seven individuals and groups that consistently use our forms and were asked to comments on: (1) whether or not the collection is necessary; (2) the accuracy of our burden estimates; (3) ways to enhance the quality, utility, and clarity of the information that we collect; and (4) ways to minimize the burden on respondents.

We received comments from four of the seven respondents contacted. Following the initial inquiry on the forms by the seven individuals and groups that consistently use our forms, we sent out a reminder and attempted to personally contact the remaining individuals. We were however unable to reach the despite multiple attempts to solicit feedback. The individuals who did comment all indicated they felt that collection was necessary and the estimates of the time burden was accurate. They offered no further comments or suggestions regarding the collections of information. No action was taken by the FWS in response to the comments received.

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

We do not provide payment 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.**

We do not make any assurance or guarantee of confidentiality to respondents.

- 11. 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.**

We do not ask questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information.

We estimate that there will be approximately 66 respondents annually for this information collection. We anticipate receiving approximately 116 responses annually, totaling 54 annual burden hours. The completion times for each form vary from 15 minutes to 1 hour (see table below).

We estimate the total dollar value of the annual burden hours for this collection to be \$3,330 (rounded). We used Table [29-1131 Veterinarians](#) of the Bureau of Labor Statistics (BLS) Occupational Employment and Wages, May 2015, to determine the following wage rates:

To estimate average hourly wages and calculate benefits:

- Private Sector – Table 29-1131 states a mean hourly rate of \$47.76 Private Practice Veterinarians, Colleges, Universities, Professional Schools and Other Professional, Scientific, and Technical Services. In accordance with BLS Employer Costs for Employment Compensation (USD L 16--22255), we multiplied this rate by 31.4% to determine benefits, resulting in an hourly cost factor of \$62.76.
- Federal State/Tribal Government - Table 29-1131 states a mean hourly rate of \$44.47 for State Government. In accordance with BLS Employer Costs for Employment Compensation (USD L 16--22255), we multiplied this rate by 36.7% to determine benefits, resulting in an hourly cost factor of \$60.79.

Requirement	Annual Number of Respondents	Total Annual Responses	Completion Time per Response	Total Annual Burden Hours*	Hourly Labor Costs (Incl. Benefits)	Total Dollar Value of Annual Burden
FWS Form 3-2273 (Title 50 Certifying Official Form)						
Private Sector	9	9	1 hour	9	62.76	564.84
Government	7	7	1 hour	7	60.79	425.53
FWS Form 3-2274 (U.S. Title 50 Health Certification Form)						
Private	10	20	30 minutes	10	62.76	627.60
Government	15	30	30 minutes	15	60.79	911.85
FWS Form 3-2275 (Title 50 Importation Request Form)						
Private Sector	10	20	15 minutes	5	62.76	313.80
Government	15	30	15 minutes	8	60.79	486.32
Total	66	116		54		\$3,329.94

* Rounded

13. Provide an estimate of the total annual [nonhour] cost burden to respondents or recordkeepers resulting from the collection of information.

There is no nonhour dollar cost burden to respondents.

14. Provide estimates of annualized costs to the Federal Government.

The annual cost to the Federal Government for this information collection is approximately \$5,539 (\$95.50 X 58 hours). These costs are primarily for staff time (GS-14/5) to review and process the forms. Review and processing time varies from 15 minutes to 1 hour depending on the activity, with an average of 30 minutes per response. Therefore, we estimate a total of 58 Government hours annually associated with this collection. The Office of Personnel Management Salary Table [2017-DCB](#) lists the hourly wage for a GS-14/step 5 as \$60.83. To

calculate benefits, we multiplied this rate by 1.57 in accordance with from Bureau of Labor Statistics News Release [USD-16-2255](#), December 8, 2016, Employer Costs for Employee Compensation—September 2016, resulting in an hourly rate of \$95.50.

15. Explain the reasons for any program changes or adjustments.

There are no changes or adjustments to the total number of respondents or annual burden hours. We did, however, transfer the burden previously reported as “Individuals” for each of the three ICs to either the “Private Sector” or “State, Local, and Tribal Governments” categories, as appropriate. The reason for this transfer is that we discovered we had incorrectly reported the burden for colleges, universities, and professional schools as “individuals” rather than the correct “Private Sector” or “State, Local, and Tribal Governments” categories (depending on the source of funding for the schools).

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

We will not publish the results of this information collection.

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.

We will display the OMB control number and expiration date.

18. Explain each exception to the certification statement.

There are no exceptions to the certification statement.