

**Supporting Statement
Commercial Transportation of Equines to Slaughter
OMB 0579-0160**

A. JUSTIFICATION:

July 2016

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.

Sections 901–905 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901) authorize the Secretary of Agriculture to issue guidelines for regulating the commercial transportation of equines to slaughter by persons regularly engaged in that activity within the United States. Specifically, the Secretary is authorized to regulate the food, water, and rest provided to these equines while the equines are in transit and to review related issues appropriate to ensuring that these animals are treated humanely.

To implement the provisions of this Act, the Animal and Plant Health Inspection Service (APHIS) has established minimum standards to ensure the humane movement of equines to slaughtering facilities, or to assembly points while en route to slaughtering facilities, via commercial transportation. These standards, contained in title 9, Code of Federal Regulations, part 88, require that conveyances protect the health and well-being of the animals and meet certain other criteria; that double-deck conveyances are prohibited; and that access to food, water, and rest be provided to these animals 6 hours prior to shipment. APHIS' regulations also require the identification of equines, details of the transportation, signatures attesting to compliance with the provision of food, rest, and water and to the animal's fitness to travel, as well as maintenance of pertinent records.

APHIS is asking OMB to approve, for an additional 3 years, its use of these information collection activities in connection with its efforts to ensure that equines being transported commercially for slaughter receive adequate food, water, and rest and their health and well-being are protected.

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 to regulate food, water, and rest for the equines while they are in transit and to review other related issues that may be appropriate to ensure that their health and well-being are protected.

Business Information – Drivers of Transport Vehicles (Business) – 9 CFR 88.2(a)

APHIS representatives may ask for information from the driver of a transport vehicle (or the driver's company) to determine if the regulations apply to the driver and the equines being transported. This information must be submitted to APHIS within 30 days.

Owner/Shipper Certificate Fitness to Travel to a Slaughter Facility, VS Form 10-13 (Business and Foreign Government) - 9 CFR 88.4(a)(3)

Before the commercial transportation of equines to a slaughtering establishment, or to an assembly point while en route to the slaughtering facility, the shipper or owner must complete and sign an owner/shipper certificate for each shipment of equines. If ownership of the equines is transferred to the slaughtering facilities before the movement of equines to slaughter, the owners or operators of slaughtering facilities will complete the form. The form provides space for listing up to 15 equines. This document must accompany the equines throughout their transit to the slaughtering facility and must include the following information (the language below is taken from part 88, and contains more detail than is actually used in the form):

- The shipper's name and address and (if applicable) the owner's name and address.
- A description of the transporting vehicle, including the license plate number.
- A description of each horse's physical characteristics, including its sex, coloring, distinguishing marks, permanent brands, electronic means of identification, or other characteristics that can be used to accurately identify each horse.
- The numbers of the USDA backtags that have been applied to the equines.
- A statement of the animals' fitness to travel, which must indicate that the equines are able to bear weight on all four limbs, are able to walk unassisted, are not blind in both eyes, are older than 6 months of age, and are not likely to give birth during the trip.
- A description of anything unusual with regard to the physical condition of each horse, such as a wound or blindness in one eye, and any special handling needs.
- The date, time, and place each horse was loaded on the conveyance.
- A statement that each horse was provided access to food, water, and rest before transport.

The owner/shipper/certificate is an enforcement tool. By completing and signing this document, the owner/shipper of the equines is certifying, in writing, that he/she is aware of APHIS' requirements concerning the transportation of the equines and is abiding by these requirements.

Foreign Officials collect the forms as the animals enter Mexico or Canada. These officials complete a small section of the form to include est., date, and time and send to APHIS.

Owner/Shipper Certificate Fitness to Travel to a Slaughter Facility (Continuation Sheet), VS Form 10-13A - (Business) - 9 CFR 88.4(a)(3)

The continuation sheet provides space for 30 more equines to be listed and accompanies the VS Form 10-13. See the description for the VS Form 10-13 above for information on this activity.

Recordkeeping - (Business) - 9 CFR 88.4(f)

The person who signs the owner/shipper certificate must maintain a copy of it for 1 year after the date of signature. APHIS requires retention of the certificates because information on them may help trace animals and is useful in investigating alleged violations of the regulations.

Application of Backtags - (Business) - 9 CFR 88.4(a)(2)

The regulations at 9 CFR 88.4(a)(2) require owners or shippers of equines being sent to slaughter to apply USDA backtags to each animal in the shipment. The backtag numbers are recorded on the VS Form 10-13 (see above). The backtags contain a number and a barcode and are not to be removed until the animal is presented for slaughter.

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 business-related information that APHIS may require from drivers or their employers can be submitted via e-mail or completed electronically and printed on safety paper. The owner/shipper certificate and continuation sheet must physically accompany the equines throughout their journey to the slaughtering facility and are, therefore, not candidates for electronic transmission; however, these forms are available on the APHIS Web site at http://www.aphis.usda.gov/animal_health/animal_dis_spec/horses/horse_transport.shtml and can be completed electronically and printed. Foreign officials currently collect the forms as the animals enter Mexico or Canada and mail them to APHIS.

The VS 10-13 is available to the public electronically at:
https://www.aphis.usda.gov/library/forms/pdf/vs10_13.pdf.

The VS 10-13a is available to the public electronically at:
https://www.aphis.usda.gov/library/forms/pdf/vs10_13a.pdf.

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 collected in connection with this program is not available from any other source. APHIS is the only Federal agency responsible for monitoring the humane treatment of equines during transport to slaughter.

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

APHIS is keeping the information collection requirements to the absolute minimum needed to ensure that the health and well-being of equines destined for slaughter is protected during transit. APHIS estimates that 100 percent of the total 300 business respondents are small entities.

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, APHIS' ability to ensure that equines destined for slaughter are treated humanely would be significantly hampered.

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 prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

APHIS representatives may ask for information from the driver of a transport vehicle (or the driver's company) to determine if the regulations apply to the driver and the equines being transported. This information must be submitted to APHIS within 30 days.

- **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 3 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.

APHIS consulted with three shippers or owners (outside the agency) for this information collection to obtain their views on these information collection activities. They provided time estimates for completing the VS forms. APHIS averaged those times, included them on the APHIS Form 71, and explained the change in the supporting statement. If APHIS were to disclose the names and the locations of the three people, their cooperation in carrying out the program would decrease. Since compliance is a major issue with this program, disclosing this information would be harmful to the program and the trust APHIS has established with these people. APHIS is available to provide more information on the results of the consultations.

On Wednesday, December 28, 2016, pages 95555-9556, 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. During that time, APHIS received 15 comments from interested members of the public. All comments can be reviewed at <https://www.regulations.gov/docketBrowser?rpp=25&so=DESC&sb=commentDueDate&po=0&dct=PS&D=APHIS-2016-0096>. The vast majority of the comments are voicing opposition to horse slaughter or transportation of horses for slaughter. While we recognize the strongly held opinions and high emotion associated with this issue these comments are not relevant to information collection. Some writers did contribute relevant comments to information collection; they are summarized below:

- Susan Carter: no accessible data from the intermediate assembly points, markets, etc. Enhanced quality, utility and clarity of information is requested.
- Sonja Meadows: electronic submission of 10-13 forms to improve quality, timeliness and would reduce paper, transportation costs, prevent loss of information/data and ameliorate storage issues.
- HSUS, Front Range Equine Rescue and ASPCA: Include on the 10-13 certification that the transporter is not subject to any outstanding fines under the Agency's commercial transport regulatory scheme.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration 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 the owners of slaughter horses, drivers of the transport vehicles, and Foreign Officials.

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

Respondents are the owners and shippers of slaughter equines (farmers/ranchers (\$23.22) and agricultural managers (\$33.60)). APHIS estimates the total annualized cost to these respondents to be \$ 99,662.28. APHIS arrived at this figure by multiplying the hours of estimated response time (3,508 hours) by the estimated average hourly wage of the above respondents (\$28.41).

\$28.41 is the hourly rate derived from the U.S. Department of Labor, Bureau of Labor Statistics May 2015 Report - Occupational Employment and Wages in the United States. See <http://www.bls.gov/news.release/pdf/ocwage.pdf>

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 costs, 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 \$19,952. (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.

ICR Summary of Burden:

	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	12,300	0	6,000	-6,800	0	13,100
Annual Time Burden (Hr)	3,508	0	305	-6,600	0	9,803
Annual Cost Burden (\$)	0	0	0	0	0	0

There is a program change increase of +2 respondents and 6,000 responses resulting in an increase of +305 total burden hours. APHIS now accounting for the (1) Owner/Shipper Certificate Fitness to Travel to a Slaughter Facility (Federal Government) and the Application of backtags (Business), in this information collection which were omitted from the previous submission and is be being counted as a violation.

Even though the respondents remain at 300 since the previous collection, there has been an adjustment decrease of -6,800 responses resulting in a decrease of -6,600 total burden hours. When APHIS prepared the previous renewal of this information collection, the current regulations for commercial transportation of equines for slaughter had just been published. APHIS has adjusted the burden based on actual numbers of forms received since the revised regulation went into effect.

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.

The VS Form is in multiple information collections; therefore, it is not practical to include an OMB expiration date because of the various expiration dates for each information collection. APHIS is seeking approval to not display the OMB expiration date on this form.

APHIS will display the expiration date for the VS Form 10-13.

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

APHIS can certify compliance with all provisions under the Act.

B. Collections of Information Employing Statistical Methods

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