

**Supporting Statement**  
**Conditions for Payment of Avian Influenza Indemnity Claims**  
**OMB Control No. 0579-0440**

**NOTE: This is a request for reinstatement of an information collection request originally approved in January 2016 as an emergency ICR for an interim rule titled “Conditions for Payment of Highly Pathogenic Avian Influenza Indemnity Claims”. The ICR erroneously was not renewed, and the final rule was published in August 2018. This request is now inclusive of both Low Path and High Path Avian Influenza (LPAI and HPAI) indemnity claims.**

**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 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 U.S. poultry industry experienced a severe outbreak of highly pathogenic avian influenza (HPAI) in 2015. The outbreak was discovered in December 2014 in backyard flocks in the Pacific Northwest, and in two commercial turkey and chicken flocks in California. Eventually 21 States reported a total of 337 HPAI detections in backyard flocks, commercial premises, captive wild birds, and wild birds. The most recent detections of HPAI occurred in 2016 and 2017.

Established U.S. animal health policy calls for control, containment, and elimination of the highly pathogenic AI virus when found through depopulation (i.e., euthanasia and disposal) of affected poultry. When HPAI is identified, the Animal and Plant Health Inspection Service (APHIS) works with State and local animal health officials to euthanize poultry, clean and disinfect premises and equipment, and test for elimination of the virus to ensure that farms can be safely restocked.

The 2015 outbreak was unprecedented in magnitude and scope. Poor biosecurity practices may have led to HPAI introduction or spread within some commercial poultry facilities. More specifically, the level of biosecurity practiced appears to have failed to protect layer and turkey facilities in the upper Midwest from HPAI. Therefore, APHIS now requires certain poultry operations to develop a biosecurity plan compliant with principles outlined in the National Poultry Improvement Plan (NPIP) Program Standards and to have those plans audited every 2 years. APHIS may deny indemnity claims for destruction of animals and eggs due to HPAI if the

poultry operation, unless exempted, did not have or did not follow a biosecurity plan aimed at keeping HPAI from spreading to successfully audited commercial premises.

APHIS regulations also include conditions for splitting HPAI indemnity payments when multiple parties are involved. This is necessary because during the 2015 outbreak, APHIS paid the full indemnity amount to the birds' owner – usually the poultry company – with the understanding that the grower/contractor would be paid according to contractual agreements between the owner and grower. However, this did not always occur. All who suffer losses from HPAI should receive equitable reparation when the government provides compensation. APHIS has also developed worksheets/forms for indemnity payments covering different kinds of poultry and products (layers, meat-type birds, and eggs), loss of materials, and virus elimination.

Title 9 of the *Code of Federal Regulations* (9 CFR) parts 56, 145, and 146 provide direction to States participating in the NPIP H5/H7 low pathogenicity avian influenza (LPAI) voluntary control program for commercial poultry. The regulations outline the procedures to receive indemnity for the destruction and disposal of poultry and eggs and compensation for the costs of cleaning and disinfection after confirmation of infection with or exposure to an H5/H7 LPAI virus.

For poultry owners within a State to be eligible for indemnity under part 56, the NPIP Official State Agency (OSA) must have an APHIS Veterinary Services (VS)-approved Initial State Response and Containment Plan (ISRCP) in place. The ISRCP provides detailed procedures for responding to an H5/H7 LPAI event in the State. The regulations at 9 CFR 56.4 describe the procedures for determining indemnity amounts for destruction and disposal of poultry and eggs and the cleaning and disinfection of premises, conveyances, and materials that came into contact with poultry infected with or exposed to H5/H7 LPAI.

Part 56 and procedures outlined in VS guidance apply to all domesticated poultry infected with H5/H7 LPAI, including commercial flocks, live bird marketing system participants, upland game bird and waterfowl farms, and backyard flocks. States are responsible for requesting Federal assistance under part 56 if needed in the event of an outbreak of H5/H7. Indemnity is not guaranteed, even if States meet indemnification requirements, but depends on the availability of funds.

APHIS is asking the Office of Management and Budget (OMB) to approve, for 3 years, its use of the information collection activities outlined below in connection with poultry producers' AI-related losses and expenses. The information collected will inform planning to minimize outbreaks of avian influenza and aid in developing control options.

**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 activities to collect information necessary to control avian influenza in the United States:

**Biosecurity Plans; (9 CFR 53.10g, 53.11e); (Business)**

Claims for indemnity, unless exempted, require producers to have a plan meeting the biosecurity principles in the NPIP Program Standards. Biosecurity plans support continuity of business and are designed and implemented to prevent the introduction and spread of diseases such as avian influenza (AI). Biosecurity plans are specific to the premises and its operational procedures. Many owners modify a standardized plan for each contractor operation. To facilitate owners' and contractors' biosecurity planning, APHIS created a biosecurity self-assessment and distributed biosecurity training material, which included specific examples of approaches to develop and implement biosecurity protocols for various types of commercial poultry operations.

The NPIP Program Standards describe the 14 biosecurity principles that must be included in the biosecurity plan. These principles can be found through viewing:

<http://poultryimprovement.org/documents/StandardE-BiosecurityPrinciples.pdf> and include:

1. Biosecurity Responsibility
2. Training
3. Line of Separation
4. Perimeter Buffer Area
5. Personnel
6. Wild Bird, Rodent, and Insect Management
7. Equipment and Vehicles
8. Mortality Disposal
9. Manure and Litter Management
10. Replacement Poultry
11. Water Supplies
12. Feed and Replacement Litter
13. Reporting of Morbidity and Mortality
14. Auditing

Additional, detailed educational and training materials on biosecurity for poultry-industry personnel are available at <http://www.poultrybiosecurity.org/>.

**OSA Biosecurity Audit and Check Audits; (9 CFR 53.10g, 53.11(e)(2), 145.12, 146.11); (Business, State)**

Auditing of the biosecurity principles is based on flock size as outlined in 9 CFR 53.10 and the NPIP regulations and Program Standards. Audits are to be conducted at least once every 2 years or a sufficient number of times during that period by the Official State Agency (OSA) to ensure the participant is in compliance. Each audit requires review of the biosecurity plan's training materials, documentation of implementation of the NPIP Biosecurity Principles, corrective actions taken, and the annual review to be audited for completeness and compliance with the NPIP Biosecurity Principles. An audit summary report containing satisfactory and unsatisfactory audits will be provided to the NPIP National Office by the OSAs. Participants who fail the initial document audit may elect to have a check audit performed by a team appointed by National NPIP Office, including an APHIS poultry subject matter expert, the OSA, and a licensed, accredited poultry veterinarian familiar with the type of operation. If these participants seek to be reinstated as being in compliance with the Biosecurity Principles by the NPIP OSA, they must demonstrate they took corrective actions after the check audit.

**Restocking Agreement and HPAI Testing; (9 CFR 53.10g); (Business, State)**

Before allowing a producer to restock his or her premises after depopulation and virus elimination, Federal and State animal health officials will first check that all cleanup efforts are finished and required waiting periods have ended, and confirm that the farm's animal production areas are now virus-free. Restocking can occur no sooner than 21 days after virus elimination work is complete. During those 21 days, all environmental testing must be completed and come back negative for the HPAI virus. Animal health officials will also review the conditions in the surrounding area to make sure there is not an undue risk of new birds being exposed to the HPAI virus.

Producers will receive written approval to restock. The document will be signed by both Federal and State animal health officials, and it will include specific requirements producers must follow for restocking and for continued biosecurity afterward. Producers must review and sign the agreement. All birds used to restock must test negative for HPAI before they can be moved onto the farm. The minimum standard is two negative tests at least 24 hours apart; one of these tests must happen no more than 1 day before the birds are moved.

**Indemnity and Compensation Decision Determination Worksheet (VS Form 9-14); (9 CFR 56.2); (Business, State)**

After LPAI is detected and confirmed on a premises, the State and/or poultry owner fill out the Indemnity and Compensation Decision Determination worksheet and submit it to the Area Veterinarian in Charge (AVIC) so that VS can determine the disposition of the flock as soon as possible. This document serves as the official request for indemnity and compensation funds as required by 9 CFR 56.2(c). The document requires the following information:

- A list of the current test results available for the premises, including the Ct value for any polymerase chain reaction (PCR) tests.
- The bird groups and ages on the premises, with an estimate of whether they would likely have time to clear the virus prior to humane issues occurring.
- The number of commercial premises within 1 kilometer (km), 3 km, and 10 km of the affected premises.
- An estimated number of additional at-risk premises, not included in the radius numbers (this would include premises closely related by the network or business processes, or those identified by trace-in/trace-out).
- Processing plant locations, including distance to the plant, routes to the plant that do not pass other poultry premises, and any reasons why PCR-negative birds could not go to the plant.
- Significant trade impacts of controlled marketing or slaughtering.
- Other reasons why controlled marketing or depopulation via slaughter may not be a viable option for the flock.
- The State and/or industry recommendation for managing the flock (controlled marketing/ depopulation via slaughter, onsite depopulation, or a combination based on flock characteristics) and reasoning behind the recommendation.
- The approximate amounts sought for indemnity, depopulation and disposal, and virus elimination.

The State or industry official must sign the worksheet. A VS official then reviews and makes recommendations regarding handling of the flock and indemnity payments.

**Appraisal and Indemnity Request (VS Form 9-13); (9 CFR 53.3, 56.3); (Business)**

The owner and/or contract grower (as applicable) of the birds must each complete and sign an Appraisal and Indemnity Request Form. The initial information required for appraisal and indemnity is listed below and must be sent to the preparer of the VS 1-23 indemnity forms. Some of this information may need to be provided or verified by owner, grower, private veterinarian, or State animal health officials:

1. Type of flock (turkey, chicken, layer, breeder, backyard, etc.)
2. Flock information including the age, sex, and number of each type of bird; number of barns and number of birds in each barn; barn mortality records
3. Date of onset of clinical signs (if present)
4. Date of facility quarantine
5. Reason for test (area surveillance, pre-movement, NPIP, sick-bird call)
6. County of premises
7. Premises Identification Number (PIN) – location of poultry, not company home
8. GPS coordinates (latitude/longitude) and 911 address of premises
9. Name of facility/complex
10. Claimant name and address
11. Confirmation of mortgage status
12. Appraisal Date – date value is assigned to the birds or eggs
13. Name of National Animal Health Laboratory Network (NAHLN) and/or NPIP Authorized lab submitting samples.

The submitter must also provide flock information required to determine bird inventory: original documents that describe barn/flock inventory, egg inventory, and related records should be collected for electronic storage if possible. The submitter must also assert that he or she has a biosecurity plan in place and followed to prevent the introduction of AI; that he or she will provide barn and mortality records that verify the current inventory of poultry and eggs on the premises, which includes the number, age, and molt status (if applicable) of the birds and the total number of eggs that must be destroyed; and that he or she agrees to accept the fair market value of the birds, as determined by the APHIS calculator, according to the inventory on the premises at the time this document is signed and subject to an approved indemnity percentage. If there is a grower contract, the owner and/or grower must give APHIS a copy of the current contract executed between the parties as well as any supporting documentation deemed necessary by APHIS to determine appropriate division of the indemnity payment. This includes any checks or statements indicating partial payments or advances already paid in association with the destroyed birds or eggs.

If available, electronic weekly reports are requested for the entire life of the flock (from hatch date to the present). For meat type birds, species, sex, and age in weeks should be included. For layers, species, hatch date, and molt date (if applicable) for each group of birds should be given. Molt date is the date at which molt was initiated, such as a lighting change and/or feed change. For backyard flocks, a complete listing of all bird types including breed, species, age, and sex, including details about specialty types and/or color of fancy breeds is to be obtained.

If applicable, response personnel will get a complete inventory of eggs on the premises. If eggs will be destroyed, they can be included on the VS 1-23 with the birds. If eggs will be sent for

further processing, then a separate VS 1-23 for eggs and accompanying VS 1-24 reflecting salvage value and transportation costs should be prepared after the eggs have been shipped.

**Flock Plan and Compliance Agreement; (9 CFR 56.4d); (Business, State)**

The Flock Plan documents a producer's (poultry owner, contract grower, or both, as applicable) intention to eliminate AI from his or her premises and maintain stringent biosecurity measures to prevent transmission or future introduction of the virus. It is an agreement between APHIS, the State animal health official, the poultry owner, and the contract grower, as applicable, acknowledging regulatory intervention and requirements to release State or Federal quarantine (or both) and be eligible for additional APHIS payments. The Flock Plan describes the methods used for depopulation, disposal, and virus elimination. APHIS personnel work with the producer to develop a Flock Plan using the APHIS template. Designated members of the APHIS Veterinary Services Poultry Health staff review the Flock Plan, sign, and return the Flock Plan to the Incident Management Team or other APHIS personnel for owner signature. APHIS personnel obtain the producer's signature and signatures from the State animal health official and IMT Incident Commander, if applicable.

A Flock Plan is required before any payment can be made to support depopulation and disposal activities, virus elimination activities or materials destroyed. All poultry producers, regardless of size or type of operation, must have a Flock Plan. A compliance agreement is separate from the Flock Plan. The Flock Plan specifies the necessary procedures for the premises to resume normal production; a compliance agreement indicates what tasks will be completed, who will be responsible for each task, and how much the work is expected to cost. A signed compliance agreement is required before beginning any work for which indemnity funds will be requested. Suggested activities that a compliance agreement for depopulation and disposal should cover include:

- Labor and materials to pen the birds for depopulation.
- Estimated costs for labor and materials required to depopulate the birds, including costs of foam, CO<sub>2</sub>, etc.
- Composting – labor cost per hour and number of hours to complete, cost of any additional carbon sources needed, fuel for equipment, and any equipment rental required.
- Landfill – costs for labor, trucking, and disposal.
- Litter (bedding material)/compost removal or disposal – labor cost per hour and number of hours to complete, fuel for equipment, and any equipment rental required.

The Flock Plan will generally contain the following information: The premises ID; the premises owner's name and address; the name, phone number, and email address of a contact person; the name and address of the bird owner, if different from the premises owner; the number, type, purpose, and age of all birds on the premises; a brief history of clinical signs, mortality rates, and testing results; designation of who is responsible for biosecurity as well as cleaning and disinfection, movement restriction, and euthanasia; description of disposal and virus elimination; and designation of NAHLN laboratory for submitting samples. APHIS has slightly different suggested templates for backyard and for commercial flocks.

**Appraisal and Indemnity Claim-(VS Forms 1-23 and 1-23A); (9 CFR 53.3; 9 CFR 56.4(c); 9 CFR 56.6); (Business, State)**

After a Flock Plan is completed, a VS 1-23 may be prepared to support a producer's virus elimination (cleaning and disinfection) activities. Two VS 1-23s are usually completed for virus elimination, each for 50 percent of the total. The first is finished after the Flock Plan is completed and provides initial support for virus elimination. The second is for the remaining 50 percent and is completed when laboratory testing of environmental samples ends with negative results reported. APHIS personnel prepare the VS 1-23 with input from the producer; amounts are calculated based on the number of birds and APHIS flat rates.

Information needed to complete the VS 1-23 for virus elimination includes:

- Claimant (producer) full legal name and address
- Premises information: premises name, premises identification number, address where birds are located (address, city, county, State, zip code)
- Type of flock (turkey, chicken, layer, breeder, backyard, etc.)
- APHIS flat rate for the type of flock (turkey, layer, broiler)
- The length, width and height of facilities that will require virus elimination.
- Claimant DUNS number and confirmation that the claimant has registered in the SAM.
- Appraisal Date: The bird appraisal date (usually the presumptive positive date) is used on the VS 1-23.
- Date when laboratory testing of environmental samples is completed with negative results reported: This is required to process the second (final) VS 1-23 payment for virus elimination.

APHIS personnel obtain the producer's signature and date on the VS 1-23, and also record the producer's DUNS number. APHIS personnel submit the signed VS Form 1-23 to the IMT Finance/Administrative Group or District Administrative Officer.

**Compost Windrow Checklists (VS Form 9-15); (9 CFR 56.5(d)(2)(i)); (Business)**

When constructing a compost windrow as part of cleanup or disposal, owners and producers can verify mortality composting follows VS guidelines by using a series of checklists. The checklists, which are geared to initial windrow construction, 14 days out from initial construction, and 28 days out from construction, ask for the following information:

- Premises county and ID number
- Farm name, address, and phone number
- Farm contact information
- Number of windrows, and dates started and completed
- The name and phone number of the person who constructed the windrows
- Specifics of the windrow construction, including height, width, base thickness, shape, and composition. Photos and a sketch of flag locations can be attached.

A composting subject matter expert (SME), usually an APHIS employee or contractor, reviews the progress of the windrows and signs and dates the forms, making recommendations as needed regarding construction and temperature of the windrows. The composting SME will inform the poultry producer what to expect during the composting process. The SME will also ask the

poultry producer whether he or she can acquire temperatures of compost piles at various locations throughout the composting process and educate the producer on temperature capture requirements.

**Initial State Response and Containment Plan; (9 CFR 56.10, 145.15, 146.14); (State)**

For poultry owners within a State to be eligible for indemnity and/or compensation for up to 100 percent of eligible indemnity costs, the State in which the poultry participate in the Plan must have in place an initial State response and containment plan approved by APHIS. The initial State response and containment plan must be developed by the Official State Agency. In States where the Official State Agency is different than the Cooperating State Agency, the Cooperating State Agency must also participate in the development of the plan. The plan must be administered by the Cooperating State Agency of the relevant State. This plan must include:

- Provisions for a standing emergency disease management committee, regular meetings, and exercises, including coordination with any affected Tribal governments.
- A minimum biosecurity plan followed by all poultry producers.
- Provisions for adequate diagnostic resources.
- Detailed, specific procedures for initial handling and investigation of suspected cases of H5/H7 LPAI.
- Detailed, specific procedures for reporting test results to APHIS. These procedures must be developed after appropriate consultation with poultry producers in the State and must provide for the reporting only of confirmed cases of H5/H7 LPAI in accordance with 9 CFR 146.13.
- Detailed, strict quarantine measures for presumptive and confirmed index cases.
- Provisions for developing flock plans for infected and exposed flocks.
- Detailed plans for disposal of infected flocks, including preexisting agreements with regulatory agencies and detailed plans for carcass disposal, disposal sites, and resources for conducting disposal, and detailed plans for disposal of materials that come into contact with poultry infected with or exposed to H5/H7 LPAI.
- Detailed plans for cleaning and disinfection of premises, repopulation, and monitoring after repopulation.
- Provisions for appropriate control/monitoring zones, contact surveys, and movement restrictions.
- Provisions for monitoring activities in control zones.
- If vaccination is considered as an option, a written plan for use in place with proper controls and provisions for APHIS approval of any use of vaccine.
- Plans for H5/H7 LPAI-negative flocks that provide for quarantine, testing, and controlled marketing.
- Public awareness and education programs regarding avian influenza.

**Initial Contact Epidemiological Report (VS Form 9-16); (Business)**

VS also has a form to document initial epidemiological contact. This form contains the identification number, name, owner, address, and county of the affected premises; the owner's phone and email; the latitude of the premises entrance; the name, address, phone number, and email address of the birds' owner, if different than the premises owner; the names of the persons asking and answering the questionnaire, as well as their phone numbers, positions, and the date of the interview; flock information, including clinical signs, mortality rates, dates of sample collection, test results, quarantine dates, and the laboratory conducting the tests; descriptions of



the birds and housing units; the name of the veterinarian advising the premises owner on disease prevention; description of the usual depopulation method; and information regarding disposal, work crews on the premises, visitors, vehicles, and manure or litter brought on the premises; birds or eggs moving on or off the premises; and any other relevant information.

**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 frequency for which the forms used in this information collection request are used does not warrant creation of an information system. Also, signed documents must have original signatures. APHIS will work towards making the forms PDF fillable.

**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 in connection with this program is not available from any other source. APHIS is the only Federal agency responsible for preventing, detecting, controlling, and eliminating diseases of poultry from 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 approximately 85 percent of the respondents in this information collection are small businesses. The information collected is the absolute minimum needed for rapid depopulation and disposal activities for preventing the spread of avian influenza.

**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 were conducted less frequently or not at all, APHIS would not know how to properly reimburse producers and flock owners for their lost inventory. APHIS might also pay producers who did not implement biosecurity measures. Lack of this information could undermine APHIS' ability to provide indemnity and rapid depopulation and disposal, which may lead to additional spread of disease and greater hardship for producers.

**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, such as:**

- **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;**

Compost windrow checklists are prepared 14 days out from initial construction, and reviewed again 28 days before full construction.

- **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 engaged in productive consultations with the following individuals for the original emergency information collection and chose to report them in this follow on request to maintain

continuity with the rulemaking process. It discussed with them how the necessary data was collected and how frequently; how much data is available; the convenience and clarity of reporting formats and other collection instruments; and the clarity of, and necessity for, any recordkeeping requirements. The respondents stated via email or phone that they had no concerns with any of these items and had no further recommendations.

Dr. Michelle M. Kromm  
Veterinarian  
Jennie-O Turkey Store  
2205 Willmar Ave SW  
Willmar, MN 56201  
Tel. 507.438.9017  
Email: MMKromm@J-OTS.Com

Dr. David Shapiro  
Director of Veterinary Services  
Perdue Foods LLC  
P. O. Box 1537  
Salisbury, MD 21802  
Tel. 410-543-3921  
Email: david.shapiro@perdue.com

Dr. Eric Gingerich  
Technical Service Specialist  
Poultry – Diamond V  
6514 Hyde Park Drive  
Zionsville, IN 46077  
M: 317.645.6622 F: 319.366.6333  
E: egingerich@diamondv.com

On Friday, May 22, 2020, APHIS published in the Federal Register on page 31136 a 60-day notice seeking public comments on its plans to request a reinstatement of this collection of information. One comment was received but it did not result in any changes to this request.

**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.

**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 request does not ask any 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 for hour burden estimates. Estimates were developed based on real-time use and discussions with commercial poultry farm owners and managers; private veterinarians; poultry agencies and organizations; and State animal health officials and laboratory personnel.

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

The total annualized cost to respondents is \$2,080,893, computed by multiplying the estimated average hourly wage (\$29.48) by the total number of burden hours (48,714) needed to complete the work, and then multiplying the result by 1.449 to capture benefit costs.

The average hourly rates used to calculate the estimate are for ranchers (SOCC 11-9013, \$36.93); animal scientists (SOCC 19-1011, \$35.84); agricultural technicians (SOCC 19-4010, \$22.08); veterinarians (SOCC 29-1131, \$52.09); animal breeders (SOCC 45-2021, \$21.12); ranch farmworkers (SOCC 45-2093, \$14.93); and agricultural Inspectors (SOCC 45-2011, \$23.38), using information found at the U.S. DOL Bureau of Labor Statistics occupational employment statistics website at [http://www.bls.gov/current/oes\\_stru.htm](http://www.bls.gov/current/oes_stru.htm).

According to DOL BLS news release USDL-21-0437 released March 18, 2021, employee benefits account for 31 percent of employee costs, and wages account for the remaining 69 percent. Mathematically, total costs can be calculated as a function of wages using a multiplier of 1.449.

**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.**

See APHIS 79. The annualized cost to the Federal government is estimated at \$1,595,115.

**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	19,763	0	0	0	0	0
Annual Time Burden (Hr)	48,714	0	0	0	0	0

This is a reinstatement of a previously approved information collection resulting in a program change of 19,763 annual responses and 48,714 annual burden hours.

While the initial information collection accounted for a biosecurity plan, the current regulations require all plans to have the NPIP program standard-prescribed biosecurity principles. Consultation with industry members revealed that the original estimate of 17.5 hours to complete a biosecurity plan was too long, as most entities already have biosecurity activities in place. Producers now review their plans to ensure the plans meet the biosecurity principles outlined in the NPIP program standards. Therefore, the original estimate of 17.5 hours was reduced to reflect a review of plans at 2.25 hours.

Adjustments were also made to accurately reflect the number of respondents to correspond to the number of affected entities required to have a plan per the current regulations and NPIP Program Standards.

VS also removed the statement on biosecurity implementation. The interim rule required this, but the current regulations replace self-certification (other than checking off a statement on the VS Form 1-23) with an audit by the OSA. APHIS added an OSA biosecurity audit and check audit activities to reflect the auditing burden. This accounts for 610 responses and 4,920 hours of burden.

Additional adjustments were necessary because, in the initial information collection, VS made assumptions based on worst case outbreak scenarios in poultry-producing regions such as the Southeastern United States. These worst-case scenarios did not occur. Therefore APHIS adjusted the number of respondents for the indemnity and appraisal forms to reflect the average level of infections seen in subsequent years, a more accurate assessment of the true burden.

The 2015 HPAI response identified the need to simplify emergency management policy and procedures. VS adjusted to account for virus elimination (disinfection) by adding restocking agreement and HPAI testing, compost windrow checklists and initial contact epidemiological reports. These documents collect poultry production grower/owner specific information and include producer review or signature. They were not included in the initial collection. These changes account for 75 responses and 713 hours of burden.

This collection also adds the appraisal and indemnity request, flock plan and compliance agreement, and initial State response and containment plan, as well as adding respondents, as appropriate, for LPAI responses. These changes account for 114 responses and 523 hours of burden.

**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.**

VS Forms 1-23 and 1-23A are used in multiple information collections with different approval expiration dates and showing one would be impractical. APHIS is seeking approval not to display the OMB expirations date on these two forms.

APHIS will display the expiration date on the remaining forms in this information collection request.

**18. Explain each exception to the certification Statement in the "Certification for Paperwork Reduction Act."**

APHIS can certify compliance with all provisions under the Act.

