

**Revisions to Import Regulations for Horses  
CFN 0579-XXXX  
Docket APHIS-2016-0033**

**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 of 2002 (7 U.S.C. 8301–8317) 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. Disease prevention is the most effective method for maintaining healthy animal populations in the United States and for enhancing the ability to compete in the world market of animal and animal product trade.

The Animal and Plant Health Inspection Service (APHIS) regulates the importation of animals and animal products into the United States to guard against the introduction of animal diseases. The regulations in Title 9, Code of Federal Regulations (9 CFR) Parts 91, 93, 94, 95, and 96 govern the importation of certain animals, birds, poultry, meat, germplasm, other animal products and byproducts, hay, and straw into the United States to prevent the introduction of diseases or pests of livestock. The regulations at 9 CFR 93.301 et. seq. govern import prohibitions, restrictions, and requirements for horses, and are aimed at preventing the introduction of foreign equine diseases such as contagious equine metritis (CEM), foot-and-mouth disease (FMD) and African horse sickness into the United States. APHIS is currently revising these regulations to clarify and, in some cases, broaden the protection they provide.

APHIS uses a variety of information collection procedures and forms to gather data in its effort to prevent the introduction or spread of disease. Information collected via these procedures and forms includes, but is not limited to data about importers, exporters, and the health status of the horses themselves, collected via import permits, health certificates, and other documents as described herein.

APHIS is asking the Office of Management and Budget (OMB) to approve its use of the information collection activities described below in connection with its efforts to reduce the risk of introducing animal disease into the United States.

**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 will use the following information collection activities to safeguard the health of the U.S. livestock and poultry populations from diseases that might be introduced or spread by the importation of horses.

**Application for Import or In-Transit Permit (for Live Animals, Animal Semen, Animal Embryos, Birds, Poultry, or Hatching Eggs) (VS Form 17-129), and Amendments; (9 CFR 93.301(c)(1), 93.304(a), 93.319, 93.321); (Business)**

Anyone required by APHIS to have an import or in-transit permit must submit a VS 17-129, Application for Import or In-Transit Permit (Animals, Animal Semen, Animal Embryos, Birds, Poultry, and Hatching Eggs), to APHIS. The applicant must describe the type, number, and identification of the animals or germplasm to be imported. The applicant must also list the origin, intended date and port of arrival, routes of travel, port of embarkation, mode of transportation, and destination of the animals. APHIS will use the permit applications to carefully evaluate each import request. To guarantee completion of processing prior to shipment arrival, APHIS recommends submitting applications at least 7-10 business days in advance of shipment arrival.

For horses and their germplasm, the application must also include the following information:

- The name and address of the exporter.
- The name and address of the importer.
- The species, breed, number or quantity of horses, or germplasm, to be imported.
- The purpose of the importation.
- The proposed date of arrival of the horses, or germplasm, to be imported.
- The name and address of the person to whom the horses, or germplasm, will be delivered in the United States.

Import permits may also be amended. To guarantee completion of amendment processing prior to shipment arrival, APHIS recommends submitting amendment requests at least 5 business days in advance of shipment arrival. An amendment is required for the following:

- Replacement of individually identified horses.
- Increase in number of horses being imported.
- Changed port of entry.
- Changed route of travel.
- Changes to the consignee/importer or consignor/exporter.
- Changes to port of embarkation.

Currently, only horses from regions that APHIS considers to be affected with CEM, horses intended for quarantine at a privately owned quarantine facility, and horse test specimens for diagnostic screening purposes are required to submit an application for an import permit. Because horses transiting through regions affected with CEM present risks similar to those presented by horses imported directly from these regions, APHIS proposes adding horses

transiting CEM-affected regions listed in 9 CFR 93.301(c)(1) en route to the United States to the list of those animals requiring import permits under 9 CFR 93.304(a).

The regulations at 9 CFR 93.304(a) also currently state that additional information may be required during the import permit application process, which may come “in the form of certificates concerning specific diseases to which the horses are susceptible, as well as vaccinations or other precautionary treatments to which the horses or horse test specimens have been subjected.” APHIS proposes adding the phrase “or other attestation regarding the health of the animals” to this sentence to further clarify the nature of the information that may be requested. Such additional attestation may include requiring certain subsets of horses to provide certification that the horses have not been exposed to other pests or diseases beyond the diseases already addressed in the health certificate, if necessary. APHIS also proposes to clarify that the provisions of 9 CFR 93.304(a) apply to horses intended for quarantine at Federal quarantine facilities as well, to reflect current practices more accurately.

The regulations at 9 CFR 93.319 contain import permit requirements for horses imported from Central America and the West Indies. Currently, only horses directly imported from Central America and the West Indies are required to present an import permit and declaration upon entry. Because horses transiting through these regions present risks similar to those presented by horses imported directly from them, APHIS proposes clarifying existing policy by adding to 9 CFR 93.319 a requirement that all horses imported from or transiting Central America and the West Indies obtain an import permit in accordance with 9 CFR 93.304; this requirement is currently implied by the heading of the section, but not overtly stated in the text.

Finally, 9 CFR 93.321 outlines the import permit and inspection requirements for horses imported from Mexico. APHIS proposes expanding the requirement that horses completing quarantine in the United States must obtain an import permit as described in 9 CFR 93.304 to all horses to clarify existing policy.

**Import Permit Requirement for Horses from Regions Affected with Venezuelan Equine Encephalopathy (VEE) (VS Form 17-129); (9 CFR 93.308); (Business)**

The regulations at 9 CFR 93.308(a)(1) currently provide that, with certain exceptions specified in the regulations, horses intended for importation into the Western Hemisphere are to be quarantined at a designated port for not less than 7 days to be evaluated for signs of VEE, unless they originate from regions of the Western Hemisphere that APHIS considers to be free of VEE. APHIS proposes to clarify existing policy by adding a requirement to 9 CFR 93.308(a) that horses imported from regions where VEE exists must obtain an import permit in accordance with 9 CFR 93.304.

**Declaration of Importation of Animals, Animal Semen, Embryos, Birds, Poultry, and Eggs for Hatching (VS Form 17-29); (9 CFR 93.301(c)(1), 93.304(a)); (Business)**

By filling out this form, which is collected by (or may be provided from APHIS to) U.S. Customs officials, importers declare what they are importing into the United States; namely, animals or animal germplasm. This alerts APHIS that certain animals will be entering the United States and assists APHIS in preventing the entry of foreign animal diseases.

**Sampling for Contagious Equine Metritis (CEM) Testing (VS Form 10-4, Specimen Submission and VS Form 10-4A, Continuation Sheet); (9 CFR 93.301(e)(3); (Business)**

Under 9 CFR 93.301(e), stallions or mares over 731 days of age may be imported for permanent entry from certain regions (listed at 9 CFR 93.301(c)(1)) if they meet certain requirements. Among these requirements is the collection of specimens for CEM testing. The current regulations require that samples be taken from mares by accredited veterinarians, but do not include this requirement for stallions. APHIS proposes amending the regulations at 9 CFR 93.301 (e)(3)(i) to require that the samples from stallions be collected by an accredited veterinarian to correct the inconsistency.

Samples are sent for evaluation using VS Forms 10-4 and 10-4A. Veterinarians complete the form using information obtained through discussions with the animal owners. The information on the form identifies the individual animal from which specimens were taken, the animal's herd, the type of specimen submitted, and the purpose for submitting the specimen. The form is then sent with the sample to VS' National Veterinary Services Laboratory (NVSL) for analysis. Without the information contained on this form, NVSL staff would not be able to identify or process the specimens sent for analysis.

**Health Certificate Requirements; (9 CFR 93.314); (Foreign Governments, Business)**

APHIS is expanding and clarifying the information requirements for equine health certificates to increase compliance:

APHIS proposes requiring that certifications are prepared and issued directly from the national government of the region of origin or annotated by the national government of the region of origin to indicate how the documentation may be verified, and requiring that origin and destination addresses, as well as identifying information regarding the horse or horse test specimens, importer, and exporter are listed on the health certificate. These proposed changes would help APHIS confirm the legitimacy of the required documentation, as well as align information presented on the health certificate with what is currently required for other accompanying documents, such as the declaration of importation and the import permit.

**Geldings (Castrated Stallions)**

APHIS also proposes requiring that, if applicable, health certificates confirm that the horse has not been castrated during the 14 days preceding exportation. Horses that have been so recently castrated are at an increased risk of infection and transporting them during this window risks compromising both their own health and the health of other horses. APHIS also proposes requiring that castrated horses be accompanied by a certificate of castration including date of completion and confirmation of removal of both testicles.

**Pre-Export Examination**

APHIS further proposes requiring that horses be accompanied by documentation stating that a pre-export examination occurred within 48 hours of the horse's export to further ensure that horses imported into the United States are free of pests and diseases of livestock and fit to travel at the time of export. The certificate must be endorsed by a salaried veterinary medical officer of the country of export.

*Spanish Pure Breed Horses from Spain and Thoroughbred Horses from France, Germany, Ireland, and the United Kingdom*

Additionally, APHIS proposes, that for Spanish Pure Breed horses from Spain, the health certificate must state that the horses have been in Spain for a minimum of 60 days immediately prior to export, and, for racing Thoroughbreds from France, Germany, Ireland and/or the United Kingdom, the health certificate state that the horses have been in one or more of these respective countries for a minimum of 60 days immediately prior to export. APHIS expects this change to clear up confusion about what the phrases “from Spain” and “from France, Germany, Ireland, and the United Kingdom” mean in the context of horses referred to in 9 CFR 93.301(d). If racing Thoroughbreds have resided in multiple of the previously identified countries within the 60-day period, health certification from all countries must be provided.

The regulations currently require the veterinarian issuing such health certificates to certify that he or she has examined the records of the horse's activities maintained by a breed association. APHIS proposes adding the words “and identification” after the word “activities” to better describe the information the veterinarian is required to examine.

The current regulations require the veterinarian to compare records kept by the breed association to records kept by the horse’s trainer. APHIS proposes adding the words “including the competition or event records” after the words “the records kept by the trainer” to provide veterinarians with more detailed guidance on which records they are required to examine.

For Spanish Pure Breed horses from Spain, the veterinarian is currently required to examine the breed association’s records to ensure that breeding of the horse has never been attempted since the horse reached 731 days of age. To address current and future breeding technologies and practices, APHIS proposes clarifying that this prohibition on breeding applies to both live and artificial breeding.

The regulations at 9 CFR 93.320 require horses directly imported from Central America and the West Indies to present health certificates and undergo quarantine and testing. Because horses transiting through these regions present risks similar to those presented by horses imported directly from them, APHIS proposes requiring horses that transit Central America or the West Indies en route to the United States to comply with these requirements upon entry as well.

**Identification Requirements for Test Mares; (9 CFR 93.301(e)(4)); (State Governments, Business)**

The regulations at 9 CFR 93.301(e)(4) contain requirements for mares used to test stallions for CEM. Currently, the regulations state that test mares used for such testing must be marked with the letter “T.” To allow for greater flexibility, APHIS proposes adding the phrase “or other permanent identification approved by APHIS” to this requirement. The marking shall be permanently applied by an inspector, a State inspector, or an accredited veterinarian who shall use a hot iron, freezemarking, a lip tattoo, or other APHIS-approved method. Importers interested in using other means of permanent identification would be able to contact APHIS Live Animal Imports by email at VS.CEM.DATA@usda.gov to seek approval.

**Approval of States to Receive Horses Over 731 Days of Age from CEM-Affected Regions; Oversight Agreement; (9 CFR 93.301(h)); (State Governments)**

The regulations of 9 CFR 93.301(h) list the conditions that a State must meet to be approved to receive stallions or mares over 731 days of age from a CEM-affected region. These currently include entering into a written agreement with APHIS, quarantining, and State laws requiring testing and treatment. APHIS is proposing to add to this list of conditions that a State must agree to provide oversight during the test breeding of quarantined stallions. Oversight is necessary to ensure that this process is carried out correctly and completely. This change comes at the request of numerous States that have recognized this need but have had difficulty implementing and enforcing this requirement because it was not listed in the regulations.

**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.**

**Application for Import or In-Transit Permit (for Live Animals, Animal Semen, Animal Embryos, Birds, Poultry, or Hatching Eggs), (VS 17-129)**

This form is available on the internet as a fillable form that can be electronically submitted to APHIS via the ePermits system; or may be mailed or emailed to an applicant, through a telephone or email request to APHIS. VS Form 17-129 is available to the public electronically at [http://www.aphis.usda.gov/library/forms/pdf/vs17\\_129.pdf](http://www.aphis.usda.gov/library/forms/pdf/vs17_129.pdf) and can be submitted by fax, mail, or email. The application can also be submitted through the e-Permits system found at: [http://www.aphis.usdu.gov/permits/login\\_epermits.shtml](http://www.aphis.usdu.gov/permits/login_epermits.shtml).

**Declaration of Importation of Animals, Animal Semen, Embryos, Birds, Poultry, and Eggs for Hatching (VS 17-29)**

This form is available for use electronically via the Automated Commercial Environment (ACE) system, where a signed scanned document can be posted; if a paper copy is preferred, it can also be found on the APHIS website (<http://www.aphis.usda.gov/wps/portal/footer/resources/manualsandguidelines>). Respondents may complete one page of the form electronically and print it to make additional copies.

VS 17-29 may be uploaded into ACE through the Digital Imaging System (DIS). It also may be submitted through the Veterinary Services Process Streamlining (VSPS) system.

**VS 10-4, Specimen Submission**

Test sampling, quarantine, and application of identification are physical actions not susceptible to electronic handling.

**Health Certificates**

For health certificates, VS relies on foreign veterinary authorities to certify that U.S. import requirements have been met. These government-to-government certificates must accompany each horse presenting for arrival. They include formal markings such as official (original) signatures and government seals, stamps, and/or watermarks that identify the document as

authentic. An APHIS Veterinary Medical Officer must visually review the original paper document to verify the legitimacy of a foreign government-issued certificate and prevent individuals from circumventing APHIS regulations by using fraudulent documents. The original, pen and ink signature also provides APHIS and the foreign country of origin recourse when inaccurate, fraudulent, or incomplete documentation is presented at the port of entry.

**The Approval of States to Receive Horses Over 731 Days of Age from CEM-Affected Regions and Oversight Agreement** generally must contain an original signature of the State government official and owner, or importer to be valid. However, APHIS has permitted respondents to electronically submit copies of certain documents during the COVID-19 outbreak, due to logistical difficulties and safety concerns associated with hard copy deliveries. APHIS will accept a digital signature with a time stamp on this document during the current circumstances.

**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 APHIS will collect in connection with this program is not available from any other source. APHIS is the only Agency responsible for preventing the introduction of foreign animal diseases into the United States.

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

APHIS estimates that 50 percent of the total respondents are small entities. Information can be collected in either a paper or electronic format, both of which are made available to importers at no cost. The information APHIS collects in connection with its import programs is the minimum needed to ensure that animals imported into the United States pose a negligible risk of introducing foreign animal diseases into the U.S. livestock population.

**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 collected less frequently or not collected at all, it would diminish APHIS' ability to protect the United States from foreign (and other communicable) animal disease incursions. The U.S. livestock population would suffer repeated disease outbreaks, and many billions of dollars would need to be spent on containment and eradication efforts. In addition, the U.S. livestock industry would suffer many additional billions of dollars in losses as the value of its products would be diminished both domestically and internationally and trade would be impacted significantly.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5.**

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

The regulations at 9 CFR 93.314 require horses to be accompanied by health certification satisfying the regulatory requirements to be considered eligible for entry into the United States. If a horse is accompanied by a deficient health certificate, APHIS requires the importer of record to resolve the deficiencies as soon as reasonably possible before APHIS releases the horse from import quarantine. Acceptable resolutions include either receipt of requested physical documentation at the servicing port office, or receipt of electronic correspondence directly from the issuing competent authority by the servicing port office, addressing the deficiency.

- **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.**

There are no other special circumstances; this information collection is otherwise conducted in a manner consistent with the guidelines established 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 has engaged in productive consultations with the following individuals in connection with the information collection activities associated with its programs:



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APHIS contacted these respondents by email and phone to discuss the information APHIS collects to approve the importation of certain animals and animal products. We discussed with them how we and they obtain the necessary data 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.

APHIS' published in the Federal Register on November 29, 2021 (see 86 FR 67661) a proposed rule notice that describes the information gathering requirements and provides a 60-day public comment period. During this time, interested members of the public will have the opportunity to provide APHIS with their input concerning the usefulness, legitimacy, and merit of the information collection activities APHIS is proposing.

**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 assurance of confidentiality is provided with this information collection. However, the confidentiality of information is protected under 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 importers of animals into the United States; foreign exporters; foreign animal health authorities; and State animal health authorities.

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

Respondents include foreign animal health authorities; U.S. importers; foreign exporters; veterinarians and animal health technicians in other countries; State animal health authorities; shippers, owners, and other individuals involved (directly or indirectly) in importing animals into the United States.

APHIS estimates the total annualized cost to these respondents to be \$2,284,348. APHIS arrived at this figure by multiplying the total burden hours (38,339) by the estimated average hourly wage of the above respondents (\$41.12) and then multiplying the result by 1.449 to capture benefit costs.

Estimated hourly wages for the respondents were obtained from the U.S. Department of Labor; Bureau of Labor Statistics Occupational Employment and Wage Statistics website found at [https://www.bls.gov/oes/current/oes\\_stru.htm](https://www.bls.gov/oes/current/oes_stru.htm). The occupation and SOC codes used were Foreign and State animal health authorities (BLS notice, \$53.47); importers and exporters (SOCC 13-1020, \$34.80), veterinarians (SOCC 29-1131, \$52.09); animal

health technicians (SOCC 29-2056, \$18.20); shippers (SOCC 53-7062, \$16.21); and owners and operators of private quarantine facilities (SOCC 11-9198, \$59.61).

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 Form 79. The annualized cost to the Federal government is estimated at \$1,398,567.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.**

This is a new collection.

**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 Forms 17-29, 17-129, and 10-4 appear in multiple collections with different renewal dates making it impractical to display an expiration date on the forms. No other official forms appear in this collection.

**18. Explain each exception to the certification statement identified under "Certification for Paperwork Reduction Act."**

APHIS can certify compliance with all provisions in the Act.

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

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