

Supporting Statement
Animal Care; Standards for Birds for Use in Research Under the Animal Welfare Act
Docket APHIS-2020-0068

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.

Under the Animal Welfare Act (AWA or the Act, 7 U.S.C. 2131 et seq.), the Secretary of Agriculture is authorized to promulgate standards and other requirements governing the humane handling, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, operators of auction sales, and carriers and intermediate handlers. The Secretary has delegated responsibility for administering the AWA to the Administrator of U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS). Within APHIS, the responsibility for administering the AWA has been delegated to the Deputy Administrator for Animal Care. Regulations and standards are established under the AWA and are contained in the 9 CFR parts 1, 2, and 3.

The Act initially defined animal to mean "live dogs, cats, monkeys (nonhuman primate mammals), guinea pigs, hamsters, and rabbits." Notably, this did not include birds. Beginning in 1970, Congress has made several amendments to the Act that have expanded and refined the definition of "animal". The Farm Security and Rural Investment Act of 2002 (the "Farm Bill") included provisions that amended the definition of animal in the Act yet again, and in so doing it clarified that birds not bred for research and not otherwise excluded under its provisions were, for the first time, explicitly subject to AWA regulation. (Until that time the definition excluded all birds.) In a final rule published on June 4, 2004 in the Federal Register (69 FR 31513-31514, Docket No. 98-106-3), APHIS amended the definition of animal in the AWA regulations to make it consistent with the revised definition of animal in the Act by limiting the exclusion to only those birds bred for use in research (i.e., breeding stock). On the same date, APHIS published an advance notice of proposed rulemaking (69 FR 31537-31541, Docket No. 98-106-4,) notifying the public that we intended to extend enforcement of the AWA to birds not bred for use in research that are sold as pets at the wholesale level, or transported in commerce, or used for exhibition, research, teaching, testing, or experimentation purposes.

Beginning in 2013, various animal welfare organizations filed lawsuits against USDA for failure to promulgate regulations for birds not bred for use in research. On January 10, 2020, the U.S. Court of Appeals for the D.C. Circuit found that the AWA requires APHIS to issue standards applicable to birds not bred for use in research and that APHIS had not issued such standards. On remand, the U.S. District Court for the District of Columbia granted the parties' joint motion to stay the action and adopted the parties' proposed rulemaking schedule, ordering that USDA must publish a proposed rule establishing regulatory standards for birds not more than 18 months after publication of a notice of listening sessions, and promulgate them in a final rule to be published

in the Federal Register no later than 1 year from that proposed rule's publication date. Accordingly, APHS is proposing to establish new regulations and standards and amend existing regulations governing the humane handling, care, treatment, and transportation of birds covered by the AWA. Specifically, APHIS proposes to establish and amend definitions of terms used throughout parts 2 and 3 to inform licensees and registrants of their responsibilities under the Act with respect to covered birds. APHIS is also proposing to amend several sections in part 2 to clarify the requirements and responsibilities for regulated parties with birds. Finally, APHIS is proposing to establish specific standards in a new subpart in part 3 for the humane handling, care, treatment, and transportation of birds covered under the AWA.

APHIS is asking OMB to approve its use of these information collection activities.

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 has the regulatory authority to enforce the AWA. APHIS prepares responsive documents to Congress, industry organizations, animal advocacy groups, and the general public that pertain to animal welfare activities. Information for these documents depends on the proper recording and reporting of the information received in the above-mentioned records. APHIS must be equipped with data on the animals at the regulated facilities in order to make a professional assessment of animal conditions. Failure to provide this data would be contrary to the intent of the AWA and would prevent prosecution of violators.

Furthermore, the records and reports herein provide APHIS with the data necessary for the review and evaluation of program compliance by regulated facilities. This recorded information becomes a part of the enforcement system that carries out the requirements of the AWA and the intent of Congress. This is accomplished on a practical daily basis without the use of more detailed and stringent regulations and standards that could be more burdensome to regulated facilities.

APHIS uses the following information collection activities to help determine whether a reporting facility is following professionally acceptable standards governing care, treatment, and use of animals.

The following activities are currently approved under ICR 0579-0036 but it does not include the respondents and burden associated with this proposed rule. These activities, respondents, and burden are being reported in this ICR which will eventually be merged into 0579-0036 after the rule becomes final.

9 CFR 2.1 and 2.2 - Online Prelicensing Tool to Guide Requests for Licensing/registration Packets (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

This tool (aid) helps members of the public determine what, if any, license or registration is required under the AWA for the activity they want to undertake with the animals identified. This

tool is voluntary and, if used appropriately, will minimize unnecessary paperwork and streamline the application process by focusing the applicant in the correct direction. No data is maintained from this activity by APHIS, and the person is free to apply for a license/registration regardless of the results. This question-based approach will be developed and implemented with the new APHIS IT system – eFile described below. Currently, this information is being exchanged on a case-by-case basis.

9 CFR 2.1, 2.2, 2.5, 2.25, 2.26, and 2.30 – Federal Debt Collection Form (APHIS Form 7030); (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

The Federal Debt Collection Act of 1996 requires APHIS to obtain the Federal Taxpayer Identification Number (Federal Employer Identification Number (EIN) or Social Security Number(s) (SSN)) for the purpose of collecting and reporting any delinquent amounts arising out of a relationship with the Federal Government. The SSN or EIN is required to verify the identity of the applicant. A person may not possess more than one license. If a different ID number is used, a new license will be required.

9 CFR 2.1(a)(1) and 2.2(a) - Application for New License, Acknowledgment of Regulations and Standards (APHIS Form 7003A); (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

Any person operating or desiring to operate as a dealer, exhibitor, or operator of an auction sale, except persons who are exempted from the licensing requirements under 9 CFR 2.1(a)(3), must have a valid license. The applicant must submit a completed new license application, demonstrate compliance with the regulations and standards, and pay the required fees. A license is issued to a specific person for specific premises and do not transfer upon change in ownership, nor are they valid at a different location. The APHIS Form 7003A is used by applicants for a new license as a dealer or exhibitor. It requests the applicants name, valid mailing address, species and number of animals, and business activity and a valid premises address where animals, animal facilities, equipment, and records may be inspected for compliance. APHIS, to accurately track and enforce the AWA, needs to collect personal identifiable information/ personal identification number (PII/PIN) from the dealers and exhibitors. This information is kept secure. These forms are stored in a secured building and room. Access is limited to authorized APHIS personnel, as needed.

APHIS will supply a copy of the applicable regulations and standards to the applicant with each request for a new license application. The applicant will acknowledge receipt of the regulations and standards and agree to comply with them by signing the application form. APHIS personnel verify the accuracy of the information on the application during the physical inspection of the premises, animals, and records. Without the information on APHIS Form 7003A, the Animal Welfare Program would be unable to enforce the AWA.

9 CFR 2.3 – Request for 1st Pre-licensing Inspection; Signature Acknowledging Receipt of Inspection Report (APHIS Forms 7008, 7080, 7081, 7082, 7083, 7084, 7085, and 7086); (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

An applicant’s facility must meet all applicable regulations and standards to obtain a license. APHIS conducts a prelicense phone conversation with the applicant prior to the facility inspection to discuss the requirements of the regulations and standards and to determine if the facility is ready for the 1st prelicense inspection. APHIS personnel use the dealer/exhibitor pre-license discussion questions as a guide to facilitate the discussion (APHIS Forms 7080, 7082, 7084, and 7086) . The prelicense inspection is scheduled at a time agreeable to the applicant and the inspector. APHIS personnel conduct the inspection along with the applicant following a prelicense inspection checklist (APHIS Forms 7081, 7083, or 7085) and document their findings on an inspection report (APHIS Form 7008). The applicant signs the report acknowledging receipt of the report. APHIS

9 CFR 2.3 – Request for 2nd and 3rd Pre-licensing Inspection; Signature Acknowledging Receipt of Inspection Report (APHIS Forms 7008, 7081, 7083, and 7085); (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

This section provides for the request for additional pre-licensing inspections if the requestor did not pass on the first inspection. There is no set method for making such a request, although it may be made in writing. APHIS personnel conduct the inspection along with the applicant following a prelicense inspection checklist (APHIS Forms 7081, 7083, or 7085) and document their findings on an inspection report (APHIS Form 7008). The applicant signs the report acknowledging receipt of the report.

9 CFR 2.6 – Annual License Fee Credit Card Authorization (APHIS Form 7031); (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

Each applicant for a new license or license renewal must pay the required fees. Payment of fees may be made by credit or debit card, certified check, cashier’s check, or money order.

The paper-based system of records contains the credit card information for persons who used a credit card to pay for a license application or license renewal using the credit card authorization form (APHIS Form 7031). The credit card information is retained for audit purposes only. In addition, the database and electronic payment component of the system collects and retains the last four digits of the credit card and the expiration date or the check number, the name of the person, and the amount collected for those who have applied for a license or renewal of a license requiring a payment. This information is kept secure. These forms are stored in a secured building and room. Access is limited to authorized APHIS personnel, as needed. The APHIS eFile system will support online payment of the application and license fees.

Without the financial information on APHIS Form 7031 (credit card authorization form) the Animal Welfare Program would be unable to collect the appropriate license fees paid by credit card and enforce the AWA.

9 CFR 2.6(e) - Written Request for Correction of Renewal Application including Dollar Amount of Business (APHIS Form 7003); (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

A licensee must submit a complete and accurate application for a new license or license renewal. APHIS personnel verify the accuracy of the information on the application during application processing and/or during the physical inspection of the premises, animals, and records. A corrected application is to be submitted to the appropriate Animal Care office before a license is issued or renewed.

A licensee may demonstrate, in writing, that the dollar amount of his/her business in the present year will change from that of the previous year. This written demonstration of change in dollar amount of business allows a licensee to address the expected change in the amount of the cost of the license renewal. The information is submitted on the license renewal application.

9 CFR 2.11(b) – Denial of a New License Including Response to a Request for a Hearing; (Business or Other For-Profit, Not-For-Profit, and State, Local, and Tribal Governments)

An applicant whose new license application has been denied may request a hearing in accordance with the applicable rules of practice for the purpose of showing why the application for license should not be denied.

9 CFR 2.25, 2.26, and 2.30(a) - Application for New Registration, and Acknowledgment of Regulations and Standards (APHIS Form 7011A); (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

Any person operating or desiring to operate as a research facility, carrier, intermediate handler, or exhibitor not required to be licensed must have a valid registration. The applicant must submit a completed new registration application. The APHIS Form 7011A is used by applicants for a new registration. It requests the applicants name, valid mailing address, species and number of animals, and business activity and a valid premises address where animals, animal facilities, equipment, and records may be inspected for compliance. APHIS, to accurately track and enforce the AWA, needs to collect personal identifiable information/personal identification number (PII/PIN) from the registrant. This information is kept secure. These forms are stored in a secured building and room. Access is limited to authorized APHIS personnel, as needed.

APHIS will supply a copy of the applicable regulations and standards to the applicant with each request for a new registration application. The applicant will acknowledge receipt of the regulations and standards and agree to comply with them by signing the application form. APHIS will issue a registration certificate (APHIS Form 7021). APHIS personnel verify the accuracy of the information on the application during the physical inspection of the premises, animals, and records. Without the information on APHIS Form 7011A, the Animal Welfare Program would be unable to enforce the AWA.

9 CFR 2.25, 2.26, and 2.30(a) - Application for Registration Update (APHIS Form 7011): (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

Each registrant continuing to operate as a research facility, carrier, intermediate handler, or exhibitor not required to be licensed must update his/her registration by completing and filing the APHIS Form 7011 every three years with the appropriate Animal Care office.

The APHIS Form 7011 is used by applicants for registration renewal. It requests the applicants name, valid mailing address, species and number of animals, and business activity and a valid premises address where animals, animal facilities, equipment, and records may be inspected for compliance. APHIS, to accurately track and enforce the AWA, needs to collect personal identifiable information/personal identification number (PII/PIN) from the registrant. This information is kept secure. These forms are stored in a secured building and room. Access is limited to authorized APHIS personnel, as needed.

The registrant agrees to comply with the regulations and standards by signing the registration renewal form. APHIS personnel verify the accuracy of the information on the application during the physical inspection of the premises, animals, and records. Without the information on APHIS Form 7011, the Animal Welfare Program would be unable to enforce the AWA.

9 CFR 2.31(c)(3) - Written Notification of Failure to Adhere to Correction Scheduled: (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

An agent of a research facility prepares reports of its evaluations conducted and submits the reports to the Institutional Official of the research facility. The reports are reviewed, signed, and must include any minority views. The reports are updated at least once every six months upon completion of the required semi-annual evaluations and will be maintained by the research facility and made available to APHIS and to officials of funding Federal agencies for inspection and copying upon request. If program or facility deficiencies are noted, the reports must contain a reasonable and specific plan and schedule with dates for correcting each deficiency. Any failure to adhere to the plan and schedule that results in a significant deficiency remaining uncorrected will be reported, in writing, within 15 business days to APHIS and any Federal agency funding that activity.

9 CFR 2.31(c-e), 2.35(a), 1.35(f) - Records of IACUC Activities; (Business or Other For-Profit, Not-For-Profit, and State, Local, and Tribal Governments)

A research facility is required to review, at least once every six months, the research facility's program of humane care and use of animals; inspect, at least once every six months, all of the research facility's animal facilities; and prepare reports of these evaluations. The IACUC is to make recommendations to the Institutional Official regarding any aspect of the research facility's program, facilities, or personnel training. The inspection and program evaluation reports are maintained at the research facilities and reviewed by the APHIS inspector during inspections.

A research facility is required to review and, if warranted, investigate concerns involving the care and use resulting from public complaints received and from reports of noncompliance received from facility personnel.

A research facility will maintain the following IACUC records: (1) minutes of IACUC meetings, including records of attendance, activities of the IACUC, and IACUC deliberations; (2) records of proposed activities involving animals and proposed significant changes in activities involving animals, and whether IACUC approval was given or withheld; and (3) records of semiannual IACUC reports and recommendations (including minority views). All records and reports will be maintained for at least three years. Records that relate directly to proposed activities and proposed significant changes in ongoing activities reviewed and approved by the IACUC will be maintained for the duration of the activity and for an additional three years after completion of the activity.

All records will be available for inspection and copying by authorized APHIS or funding Federal agency representatives at reasonable times. APHIS inspectors will maintain the confidentiality of the information and will not remove the materials from the research facilities' premises unless they are needed to investigate a possible violation, or for other enforcement purposes. Whenever the Administrator notifies a research facility, in writing, that specified records will be retained pending completion of an investigation or proceeding under the Act, the research facility will hold those records until their disposition is authorized, in writing, by the Administrator.

The reporting and recordkeeping requirements are necessary to ensure that the research facility is complying with the AWA.

9 CFR 2.33(a)(1),(b)(3) and 2.40(a)(1),(b)(3) - Written Program of Veterinary Care for Research Facilities or Exhibitors/Dealers (APHIS Form 7002 or equivalent): (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

Section 2143 of the AWA requires that animals intended for use in research, exhibition, or as pets be provided adequate veterinary care. Sections 2.33 and 2.40 of the CFR require registrants and licensees to have an attending veterinarian to provide veterinary care to their animals that complies with the regulations.

All licensees and registrants that employ a part-time attending veterinarian are required to establish through formal arrangements a written program of veterinary care that provides adequate veterinary care to the animals and regularly scheduled visits to the premises of the licensee and registrant. The written program of veterinary care is a document that is maintained at the facility. Use of APHIS Form 7002 is optional and widely used. The design of this form allows for its use by different types of facilities for various species of animals. The information contained in APHIS Form 7002 allows verification that the facility has an attending veterinarian and a written program of adequate veterinary care.

Sections 2.33(b)(3) and 2.40(b)(3) require that licensees and registrants establish a mechanism of direct and frequent communication with the attending veterinarian so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian, including on weekends, holidays, and in emergency situations.

During inspections, an APHIS official may review APHIS Form 7002 maintained at the facility, to compare the observed health status of the animals to the documents. If necessary, an inspector may contact the attending veterinarian, identified in the written program of veterinary care, for supplemental information regarding an animal's health or the facility's program of veterinary care. Without the information contained in the written program of veterinary care, it would be very difficult to assess and enforce the requirement for adequate veterinary care in Section 2143 of the AWA.

9 CFR 2.36 - Annual Report of Research Facility (APHIS Forms 7023, 7023A, 7023B, and 7023C); (Business or Other For-Profit, Not-For-Profit, and State, Local, and Tribal Governments)

Each research facility is required to submit a report to the appropriate Animal Care office that provides specific assurances, lists the IACUC-approved exceptions to the regulations and standards, the numbers of animals that are used for research activities, and the pain level the animals experienced during the research, teaching, testing, or experimentation. The optional forms, APHIS Form 7023, 7023A – continuation sheet, 7023B - Column E explanations, and 7023C - Site Specific Annual Report of Research Facility provide research facilities a standardized method to report the required information.

APHIS officials review the reports to ensure consistency with the observed activities at the facilities and in the facility records. APHIS Forms 7023, 7023A (continuation sheet), and 7023B (Column E explanations) may be used to submit this report. The new APHIS Form 7023C (Site Specific Annual Report of Research Facility) may be used to document the site specific data if the research facility has more than one location housing animals. It is to be retained at the facility and made available for review by APHIS personnel.

The electronically fillable APHIS 7023 forms are available via the APHIS website. This information is stored in a database format necessary to generate a summary report.

9 CFR 2.38(a) and 2.125 – Registrant Furnish All Requested Information; (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

Each research facility, intermediate handler, carrier, dealer, operator of an auction sale, and exhibitor furnishes to an APHIS official any information concerning the business of the facility which the APHIS official may request in connection with enforcement of the provisions of the AWA, regulations, and standards. The requested documents are required to ensure compliance with the AWA and supplement enforcement as part of an investigation when such actions are indicated.

9 CFR 2.38(b) and 2.126(a) – Access and Inspection of Records and Property (APHIS Form 7008); (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

Each licensee/registrant shall allow APHIS officials to inspect the animals, records, and property. APHIS personnel conduct the inspection along with the applicant following the guidelines in the Inspection Guide and document their findings on an inspection report (APHIS

Form 7008). The applicant signs the report acknowledging receipt of the inspection report. This is necessary to enforce the provisions of the Act, the regulations, and the standards.

9 CFR 2.38(h)(1) and 2.78(a), (b), (c) - Health Certificate in Transport, Inspection by a Licensed Veterinarian (optional APHIS Form 7001); (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

Facilities licensed and registered under the AWA, any department, agency, or instrumentality of the United States, or of any State or local government transporting dogs, cats, and non-human primates in commerce are required to provide a health certificate executed and issued by a licensed veterinarian. The optional APHIS form 7001 “United States Interstate and International Certificate of Health Examination for Small Animals” satisfies the requirements and provides a standard, uniform health certificate for interstate and international movement of such animals. The health certificate provides documentation of the animal’s health status prior to transportation in commerce as determined by a licensed veterinarian.

9 CFR 2.50(e), 2.75(b), and 2.80 – Record of Acquisition, Disposition, or Transport of Animals (Other Than Dogs and Cats) (APHIS Forms 7019, 7020, and 7020A); (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

All animals, except dogs and cats, delivered for transportation, transported, purchased, sold, or otherwise acquired or disposed of by any dealer or exhibitor are identified by the dealer or exhibitor at the time of delivery for transportation, purchase, sale, acquisition or disposal, as provided for in this paragraph and in records maintained as required in 9 CFR 2.75 and 2.77. When any animal, other than a dog or cat, is not confined in a primary enclosure, it will be identified on a record, as required by 9 CFR 2.75, which will accompany the animal at the time it is delivered for transportation, transported, purchased, or sold, and will be kept and maintained by the dealer or exhibitor as part of his/her records.

When any animal, other than a dog or cat, is confined in a primary enclosure, it will be identified by a label attached to the primary enclosure which bears a description of the animal(s) in the primary enclosure, including (a) the number of animals; (b) the species of the animals; (c) any distinctive physical features of the animals; and (d) any identifying marks, tattoos, or tags attached to the animals, or the primary enclosure may be marked with a painted or stenciled number which will be recorded in the records of the dealer or exhibitor together with (a) a description of the animals; (b) the species of the animals; and (c) any distinctive physical features of the animals, or a tag or tattoo may be applied to each animal in the primary enclosure by the dealer or exhibitor which individually identifies each animal by description or number. These forms provide an inventory record of animals other than dogs and cats that are on-hand, and they provide information on the disposition of regulated animals other than dogs and cats, as required in Section 2140 of the AWA and 9 CFR 2.75 of the regulations. The information is maintained by the sending and receiving facilities and must accompany the animals during transit. The records must be held for 1 year after an animal is euthanized or disposed of and for any period in excess of one year as necessary to comply with any applicable Federal, State, or local law or request by the APHIS Administrator. The records may be used in investigations or proceedings under the AWA. USDA inspectors examine the records during inspections of facilities and identify certain animals moved illegally and animals exposed to disease. In

addition, the records assist with the detection of animal origin and destination and ensure the humane care and handling of such animals by identifying the responsible person(s) in cases of violation or noncompliance. The inspectors also compare the data with data collected on other forms in this information collection package.

9 CFR 2.75(a)(2)(i) – Written Request for Variance Using Other Than APHIS Form 7005, 7006, and 7006A; (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

Dealers (other than operators of auction sales and brokers to whom animals are consigned) and exhibitors are required to use specific forms, APHIS Forms 7005 and 7006, to make, keep, and maintain the animal acquisition and disposition records required by Section 2.75(a)(1) of the regulations. Dealers and exhibitors may request a variance to the mandatory use of the forms if they have a computerized recordkeeping system that is determined by the Administrator to meet the requirements of the regulations. The request for a variance must consist of a written statement describing why the use of the mandatory APHIS Forms 7005 and 7006, are unsuitable for the dealer/exhibitor to make, keep, and maintain. Without the ability to apply for a variance to the mandatory use of the APHIS Forms 7005 and 7006, some dealers and exhibitors with computerized recordkeeping systems that meet the regulations would be required to switch to a more expensive and less expedient form of paper recordkeeping system.

9 CFR 2.75(a)(2)(ii) - Request for Hearing; (Business or Other For-Profit)

Dealers and exhibitors are required to use specific forms, APHIS Forms 7005 and 7006, to make, keep, and maintain the animal acquisition and disposition records. Dealers and exhibitors may request a variance to the mandatory use of the forms if they have a computerized recordkeeping system that is determined by the Administrator to meet the requirements of the regulations (see above). If the Administrator determines that the computerized recordkeeping system does not meet the regulations, a licensed dealer may request a hearing for the purpose of showing why the request for the variance should not be denied. Without the ability to request a hearing, a dealer or exhibitor would not have access to due process under the law.

9 CFR 2.76(a) – Auction Sales or Brokers Records; (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

As required by Section 2142 of the AWA, operators of auction sales must keep pertinent records of sellers and buyers of all regulated animals bought and sold. Auction activity, on a national basis, has been minimal. However, auction sales are used by dealers, exhibitors, and persons exempt under the AWA for the sale of regulated animals. Therefore, records that verify the buying and selling at auctions are important to AWA enforcement.

Every operator of an auction sale or broker shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each animal consigned for auction or sold, whether or not a fee or commission is charged: The name and address of the person who owned or consigned the animal(s) for sale; The name and address of the buyer or consignee who received the animal; The USDA license or registration number of the person(s) selling, consigning, buying, or receiving the animals if he or she is licensed or registered under

the Act; The vehicle license number and State, and the driver's license number (or photographic identification card for non-drivers issued by a State) and State of the person, if he or she is not licensed or registered under the Act; The date of the consignment; The official USDA tag number or tattoo assigned to the animal under Sections 2.50 and 2.54; A description of the animal; The auction sales number or records number assigned to the animal.

One copy of the record containing the required transaction information shall be given to the consignor of each animal, one copy of the record shall be given to the purchaser of each animal: *Provided, however,* That information which indicates the source and date of consignment of any animal need not appear on the copy of the record given the purchaser of any animal. One copy of the record containing the information required by paragraph (a) of this section shall be retained by the operator of such auction sale, or broker, for each animal sold by the auction sale or broker.

Records are reviewed by inspectors during auction inspections for possible violation of the AWA. Information contained in auction records is extremely important for identifying unlicensed exotic animal dealers and exhibitors. A lack of data from auction sales would leave a serious weakness in enforcement capabilities. There is no form provided for this recordkeeping requirement.

9 CFR 2.77 and 2.79(a), (b) – Carriers and Intermediate Handlers Records; Consignor Written Guarantee; Attempt to Notify Consignor; (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

In connection with all live dogs, cats, or nonhuman primates delivered for transportation, in commerce, to any carrier or intermediate handler, by any dealer, research facility, exhibitor, operator of an auction sale, broker, or department, agency or instrumentality of the United States or of any state or local government, the accepting carrier or intermediate handler shall keep and maintain a copy of the health certification completed as required by Section 2.78, tendered with each live dog, cat, or nonhuman primate.

No carrier or intermediate handler shall accept any animal for transportation, in commerce, upon any C.O.D. or other basis where any money is to be paid and collected upon delivery of the animal to the consignee, unless the consignor guarantees in writing the payment of all transportation, including any return transportation, if the shipment is unclaimed or the consignee cannot be notified in accordance with paragraphs (b) and (c) of this 9 CFR, including reimbursing the carrier or intermediate handler for all out-of-pocket expenses incurred for the care, feeding, and storage or housing of the animal.

The consignor provides a written guarantee that the shipment fee for any animal shipped C.O.D. will be paid to the shipper if the animal is not claimed by the consignee. This payment also includes the return payment, and out-of-pocket costs such as feeding, care, and boarding. This written guarantee is necessary to ensure that the animals will receive the necessary care if not claimed by the consignee and the shipper will be paid for services rendered. For all animals shipped C.O.D., the shipper will make and keep documentation of the guarantee and a shipping document containing the time and date and method of each attempted notification and final notification to consignee and the name of the person notifying the consignee. This documentation is required to demonstrate the time, date, and method used by the shipper to

contact the consignee and verifies that the animal was not forgotten at the destination. This documentation also provides evidence that the consignee was not available and permits the shipper to return the animal to the consignor.

9 CFR 2.125 – Information Concerning Dealers, Exhibitors, Operators of Auction Sales, Intermediate Handlers, and Carriers Business-Beyond What is Currently Required; (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

Each dealer, exhibitor, operator of an auction sale, intermediate handler, and carrier shall furnish to any APHIS official any information concerning the business of the dealer, exhibitor, operator of an auction sale, intermediate handler or carrier which the APHIS official may request in connection with the enforcement of the provisions of the Act, the regulations and the standards in this subchapter. The information shall be furnished within a reasonable time and as may be specified in the request for information.

9 CFR 2.126(c) – Submission of Itinerary of Exhibition with Overnight Travel (APHIS Forms 7010 and 7010A); (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

Whenever an animal or animals are to be exhibited at any location other than the designated primary facility for a time period to include at least one overnight stay away from the facility, the licensee or registrant must submit a written itinerary to the appropriate Animal Care office. This itinerary must include the name, animal identification, species name, sex, and age of each animal, the name of the person exhibiting the animal, the owner of the animal(s) if not the licensee or registrant, the business name of the exhibitor and owner, and the current USDA licensee or registration number(s), the dates the animal(s) will be away from the facility, all anticipated dates for all stops, and all site names and complete addresses of all stops and layovers. Submissions of itineraries to APHIS can be made via mail, e-mail, commercial delivery service or fax. APHIS maintains records for 3 years in the facility file.

USDA APHIS Animal Care Online Complaint Form; (Individuals or Household, Business or Other For-Profit)

USDA APHIS provided a way for members of the general public to electronically submit via the Internet concerns about animals regulated under the Animal Welfare Act (AWA) and Horse Protection Act (HPA). Complaint information is sent to a general email box for the field office that manages complaints for the State where the incident occurred (acwest@aphis.usda.gov and aceast@aphis.usda.gov). APHIS acknowledges that the online complaint has been received by immediately sending the submitter an electronic response that shows what they submitted and that APHIS will look into their concerns. Their contact information is not stored in any database. The contact information, if provided, is used to contact the submitter if additional information is needed.

The following activities are new and apply specifically to this rule change.

9 CFR 2.50 (e)(2) – Time and Method of Identification – Enclosure Labels; (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

This section requires that all animals covered under the AWA, except dogs and cats, that are delivered for transportation, transported, purchased, sold, or otherwise acquired or disposed of by any dealer or exhibitor be identified by the dealer or exhibitor at the time of delivery for transportation, purchase, sale, acquisition or disposal. Labels attached to primary enclosures, leg and wing bands, and transponders (also referred to as microchips) are preferred methods of identification for birds. APHIS believes that these methods are the safest and most acceptable means of identifying birds, and APHIS is proposing in this rule to modify this section accordingly. Specifically, the label attached to the primary enclosure will bear a description of the birds in the primary enclosure, including the number and species of birds, and any distinctive physical features or identifying marks of the birds.

9 CFR 3.154(e) - Environment Enhancement to Promote Psychological Well-Being; (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

As evidenced by casual observation and numerous scientific studies, many species of birds exhibit a level of intelligence and an ability to solve problems approaching that of higher mammals. As the regulations in Subpart D, Section 3.81 require a plan to provide environmental enhancement for nonhuman primates that includes social grouping and enrichment requirements, APHIS is likewise proposing a set of requirements specifically for birds in a proposed Section 3.154. Under the proposed requirements, dealers, exhibitors, and research facilities would need to develop, document, and follow a species-appropriate plan for environment enhancement adequate to promote the psychological well-being of birds. The plan, which would be part of the required program of veterinary care, would have to be approved by a qualified veterinarian and be in accordance with the other regulations proposed in Subpart G--Specifications for the Humane Handling, Care, Treatment, and Transportation of Birds.

The plan for environment enhancement would be made available to APHIS upon request, and, in the case of research facilities, to officials of any pertinent funding agency. The plan, at a minimum, would need to address social grouping needs, environmental enrichment, special considerations for young birds and birds needing to be isolated due to aggression or disease, use of restraints, and birds exempted from the plan. APHIS would require in paragraph (e) that records of any exemptions must be maintained by the dealer, exhibitor, or research facility and must be made available to USDA officials or officials of any pertinent funding Federal agency upon request.

9 CFR 3.158(a)(2), (b)(1) – Cleaning, Sanitization, Housekeeping, and Pest Control; (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

Proper cleaning and sanitization of primary enclosures for birds is necessary to prevent the accumulation of feces and food waste and to reduce disease hazards, pests, insects, and odors.

Therefore, APHIS is proposing to require that excreta and food waste be removed from primary enclosures and from under and around primary enclosures as often as necessary to prevent accumulation of feces and food waste, to prevent soiling of the birds contained in the primary enclosures, and to reduce disease hazards, insects, pests, and odors. Scheduled cleaning and sanitization may be modified or delayed during breeding, egg-sitting, or feeding of chicks for those species of birds that are easily disrupted during such behaviors. Scheduled cleaning and sanitation would have to resume when cleaning would no longer disrupt such behaviors. In these situations, APHIS would require that a schedule of cleaning be documented by appropriate facility personnel that includes when breeding season began, when the primary enclosure was last cleaned and sanitized, and when cleaning and sanitization are expected to resume. Such records would have to be available for review by an APHIS inspector. Without this record keeping and review APHIS would be unable to enforce the AWA with respect to the unique biological and behavior characteristics of birds.

9 CFR 3.161(b), (c) – Consignments to Carriers and Intermediate Handlers; (Business or Other For-Profit, Not-For-Profit, Farms, and State, Local, and Tribal Governments)

Regulated entities, such as dealers and exhibitors, may elect to consign their bird to a carrier or intermediate handler in connection with the animal's transportation in commerce. To ensure the health and well-being of birds during such transport in commerce, APHIS is proposing to establish several conditions that must be met before carriers and intermediate handlers can accept a bird for transport.

Carriers and intermediate handlers would not be allowed to accept a live bird for transport in commerce unless they are provided with the name, address, and telephone number of the consignee. Carriers and intermediate handlers would also not be allowed to accept a live bird for transport in commerce unless the consignor certifies in writing to the carrier or intermediate handler that the bird was offered food and water. Certification for shipment of birds would have to be securely attached to the outside of the primary enclosure in a manner that makes it easy to notice and read. The certification would have to include the following information for each live bird: The consignor's name and address; the number of birds; the species or common names of the birds; the time and date the bird was last fed and watered; and the specific instructions for the next feeding(s) and watering(s) for a 24-hour period; and the consignor's signature and the date and time the certification was signed.

In addition, following the arrival of any live birds at the bird holding area of the terminal cargo facility, APHIS would require that carriers and intermediate handlers attempt to notify the consignee at least once in every 6-hour period. The time, date, and method of each attempted notification and the final notification to the consignee and the name of the person notifying the consignee would have to be recorded on the copy of the shipping document retained by the carrier or intermediate handler and on a copy of the shipping document accompanying the bird shipment.

Without such documentation APHIS would be unable to enforce the AWA and ensure the welfare of covered birds during their transport in commerce.

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.

APHIS uses DocuSign and eFile to provide a standard approach to collect, record, analyze, maintain, and report information to cooperating and regulatory entities. DocuSign and eFile electronically collects and manages customer data for license, registration, and research facility annual report data which are part of the Animal Care collection. The system is designed to comply with the Government Paperwork Elimination Act (GPEA) and e-Authentication. It will be used by the Animal Care Program office in conducting inspections to determine compliance with the Animal Welfare Act (AWA) and the Horse Protection Act (HPA) throughout the United States, and as a central point for information sharing whereby eFile business processes, standard operational procedures, and data can be shared internally.

APHIS makes several electronically fillable and printable forms available through the Web site to reduce the burden on the regulated entities to fulfill the requirements of the applicable regulations.

- A request for an APHIS license or registration kit may be submitted online at https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/SA_Regulated_Businesses/SA_Request_License_Registration_Application_Kit.

The following required forms are to be completed using DocuSign and eFile for electronic signatures or with a physical signature of the sender, and submitted to APHIS:

- APHIS Form 7003A Application for a New License
- APHIS Form 7011 Application for Registration Update
- APHIS Form 7011A Application for a New Registration
- APHIS Form 7030 Federal Debt Collection Act Form
- APHIS Form 7031 Credit Card Authorization Sheet

The APHIS Form 7008 USDA APHIS Animal Care Inspection Report and Narrative is electronically completed by the APHIS employee. The regulated entity physically signs the paper version of the report acknowledging receipt of the report.

APHIS has identified the licensing and registration process and the research facility annual report for animal use submissions (APHIS Forms 7003A, 7011, and 7011A, 7023, 7023A, 7023B, and 7030) as a process to be included in its master, cross-program new IT system titled DocuSign and eFile which is one system devoted to all of APHIS' certification, accreditation, registration, permits, and other licensing activities and processes. The person or facility will be able to input the necessary information directly into an IT system. APHIS anticipates that this will save time and cost both for the regulated community and for AC.

The regulated entity is required to submit or maintain information to comply with the AWA. The information may be maintained using one of the optional forms created by APHIS or an

equivalent format.

The following optional documents, or an equivalent format, may be submitted via regular mail or courier services (such as FedEx, UPS, etc.) to APHIS at the respondents' preference. The documents require a physical signature of the sender. The use of electronic submissions (fax and e-mail) afford a decrease in notification time, record of submission, and reduction of paperwork, costs, and mailing activities:

- APHIS Form 7010 Submission of Itinerary of Exhibition with Overnight Travel
- APHIS Form 7010A Submission of Itinerary of Exhibition with Overnight Travel Continuation Sheet
- APHIS Form 7023 Annual Report of Research Facility
- APHIS Form 7023A Continuation Sheet for Annual Report of Research Facility
- APHIS Form 7023B Annual Report of Research Facility Column E Explanation

The following optional documents, or an equivalent format, may be submitted via email, fax, regular mail, or courier services (such as FedEx, UPS, etc.) to APHIS at the respondents' preference. The use of electronic submissions (fax and e-mail) affords a decrease in notification time, a record of submission, and reduction of paperwork, costs, and mailing activities:

- Request for Pre-Licensing Inspection,
- Written Request for Correction of Dollar Amount,
- Request for Variance, and

The regulated entity may use the following optional forms, or equivalent formats, to fulfill the requirements of the applicable regulations and are maintained at the facility to be available for review by APHIS personnel.

- APHIS Form 7001 United States Interstate and International Certificate of Health Examination for Small Animals
- APHIS Form 7002 Program of Veterinary Care (PVC)
- APHIS Form 7010 and 7010A Itinerary of Exhibition with Overnight Travel
- APHIS Form 7019 Record of Animals On-Hand (Other than Dogs and Cats)
- APHIS Form 7020 Record of Acquisition, Disposition or Transport of Animals (Other than Dogs and Cats)
- APHIS Form 7020A Continuation Sheet for Record of Acquisition, Disposition or Transport of Animals (Other than Dogs and Cats)
- APHIS Form 7023C Site Specific Annual Report of Research Facility Animal Use

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.

APHIS is the only Federal agency charged with enforcement of the AWA. As such, there are no other sources for the information nor is it being collected through other forms or reports.

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

APHIS estimates 95 percent of the businesses completing this information collection are small entities. The information collected is the minimum required to ensure the humane handling and care of animals under the AWA.

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 collections were conducted less frequently, APHIS would not be able to accurately measure the effectiveness of the program and meet the provisions of the Animal Welfare Act.

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 1320.6.

- **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;**

Under 9 CFR 2.31(c)(3), if program or facility deficiencies are noted, the reports will be required to contain a reasonable and specific plan and schedule with dates for correcting each deficiency. Failure to adhere to the plan and schedule that results in a significant deficiency remaining uncorrected will be reported, in writing, within 15 business days to APHIS and any Federal agency funding that activity.

Under 9 CFR 3.161(b), (c), following the arrival of any live birds at the bird holding area of the terminal cargo facility, carriers and intermediate handlers will be required to attempt to notify the consignee at least once in every 6-hour period.

- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

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 held productive consultations with the following individuals in connection with the information collection activity associated with this rule. They were contacted by email and telephone to discuss how APHIS plans to administer this collection of information, specifically how it is obtained, how frequently, the convenience and clarity of reporting formats and other collection instruments, and the clarity of, and necessity for, any recordkeeping requirements. The respondents had no concerns with any of these items and were generally enthusiastic about them. They had no further recommendations.

Mr. Joe Locke
 General Manager
 Apet, Inc.
 195 Prairie Lake Road
 East Dundee, IL 60118
 Tel. 847-586-5816

Darren E. Minier
 Assistant Director, Animal Care, Conservation, and Research
 Conservation Society of California
 Tel. 510-632-9525 ex. 165
 Email dminier@oaklandzoo.org
 Ann Marie Bisagno
 Zoological Manager
 Conservation Society of California
 Oakland Zoo
 9777 Golf Links Rd.
 Oakland Ca. 94605
 Tel. 510-632-9525 ext. 168

Email abisagno@oaklandzoo.org

APHIS published in the Federal Register on August 20, 2020 (Vol. 85, No. 162, page 51368), a notice that the agency would hold virtual listening sessions to receive public input on topics related to the development of regulations regarding the welfare of birds not bred for use in research. These sessions were held on September 29, 2020, October 7, 2020 and October 15, 2020.

APHIS also published in the Federal Register on February 22, 2022 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 remuneration of contractors or grantees.

This information collection activity will involve 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.

Under Section 2143(a)(6)(B) of the AWA, no rule, regulation, order, or part of this chapter shall be construed to require a research facility to disclose publicly or to the Institutional Animal Committee during its inspection, trade secrets or commercial or financial information which is privileged or confidential. Further, under Section 2157(a), (b) of the AWA, it shall be unlawful for any member of an Institutional Animal and Use Committee to release any confidential information of the research facility including any information that concerns or relates to – (1) the trade secrets, processes, operations, style of work or apparatus; or (2) the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures, of the research facility. It shall be unlawful for any member of such IACUC – to use or attempt to use to his advantages; or to reveal to any other person, any information which is entitled to protection as confidential information under subsection (a) of this section.

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 activity will ask no questions of a personal or sensitive nature. However, APHIS, to more effectively enforce the AWA, can collect PII/PIN from licensees and registrants during their application for license or registration. This information includes the name, mailing address, site address, and financial data of the applicant. The tax identification number of each applicant is requested to validate that it is the same person during the license/registration renewal process. The paper-based system of records contains the credit card information for persons who used a credit card to pay for a license application or license renewal using APHIS Form 7031. This information is retained for audit purposes only.

In addition, the database and electronic payment component of the system collects and retains the last four digits of credit card and expiration date or check numbers of persons, name of person, and amount for those who have applied for a license or renewal of a license requiring a payment. This form is stored in a secured building, room, and cabinets. Access is limited to authorized APHIS personnel, as needed.

Digital records, including completed electronic forms, can be uploaded into or directly entered into and stored in APHIS' DocuSign and eFile system. Information housed in that system is stored on one of APHIS' secure servers in which only authorized users have access. APHIS has an IT security program (which includes, but is not limited to, privileged access management) which complies with Federal IT security standards including, but not limited to, FISMA controls to ensure the protection of electronic data within its IT infrastructure.

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.

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

APHIS estimates there are 6,268 new respondents in this information collection. They are anticipated to include private citizens that request and submit licensure or registration packets, businesses, not-for-profit institutions (e.g., entities with foundation, haven, refuge, rehabilitation, rescue, sanctuary, SPCA, society, or organization, to include colleges, universities, medical facilities, zoological organizations, museums, and nature or conservation centers), farms (e.g., entities with farm, ranch, orchard, dairy, range, patch in its name and the inventory is only farm animals that exhibit exotic bird species, such as ostriches), foreign Federal governments, and State, local, and Tribal governments.

See APHIS Form 71 for hour burden estimates. Because this proposed rule would implement new regulations and standards for birds covered under the AWA, APHIS does

have historical data to draw on. The estimates were derived from comments received during public listening sessions and written comments on www.regulations.gov in response to the listening session notice. Comments were received from bird breeders and fanciers; raptor breeders, conservationists, and hobbyists; national and regional animal welfare organizations; organizations representing zoos, shelters, and rescues; avian veterinarians, ornithologists, and aviculturists; a Federal government agency, and members of the public. In addition, APHIS undertook direct outreach to various industry and professional organizations, whose members include bird breeders, dealers, exhibitors, researchers, and transporters and carriers for their input. APHIS also incorporated input from internal subject matter experts in developing this estimate.

APHIS estimates the total annualized cost to these respondents to be \$4,536,053. APHIS arrived at this figure by multiplying the total burden hours (128,298) by the estimated average hourly wage of the above respondents (\$24.40) 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. The occupation and SOC codes used were government health officials (USDL-21-0437, \$33.08), ranchers (SOCC 11-9013, \$36.93), animal caretaker (SOCC 39-2021, \$13.65), transporter (SOCC 53-7199, \$18.16), and individuals (SOCC 00-0000, \$20.17).

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 record keepers 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.

There are no capital/start-up costs. APHIS estimates collection of approximately \$675,000 in new license and application fees as result of the rule. APHIS estimates there will be 5,625 new licensees and the fee for each license is \$120.

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 \$3,341,694.

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 information collection. APHIS estimates this rulemaking action will result in an estimated 150,685 responses and 128,298 hours of burden.

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

APHIS uses the data regarding animals used in teaching, testing, and experimentation reported on APHIS Form 7023 to compile a summary of animal use in research during each fiscal year. The report contains a listing of the number and species of animals used and categorizes whether they experience pain associated with the research procedures. The summary report is tabulated by State, facility type, and species of animals. Throughout each fiscal year, frequent inquiries are made to the Animal Care regarding the information collected from the research facility annual reports. Inspection reports are available to the general public through the website link to the Public Search Tool.

The collected information also is tabulated to create a list of all registered exhibitors, carriers, intermediate handlers, and research facilities and all licensed dealers and exhibitors. The tabulated data is shown by type, name, city, and state.

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.

APHIS will display the OMB approval expiration date on the forms.

APHIS has begun work on consolidating its “common forms” (forms used in multiple ICR’s) into a single ICR where the forms will display only one OMB control number and an approval expiration date.

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

APHIS certifies compliance with all provisions of the Act.