

SUPPORTING STATEMENT
OMB NO. 0579-0313
PERMANENT, PRIVATELY OWNED HORSE QUARANTINE FACILITIES

April 2022

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Secretary may also prohibit or restrict import or export of any such animal or related material if necessary to prevent the spread of any livestock or poultry pest or disease. The AHPA is contained in Title X, Subtitle E, Sections 10401-18 of P.L. 107-171, May 13, 2002, the Farm Security and Rural Investment Act of 2002 [7 U.S.C. 8301 et. seq.).

The Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture is responsible for, among other things, protecting the health of the nation's livestock and poultry populations by preventing the introduction and spread of serious diseases and pests of livestock and poultry and for eradicating such diseases and pests from the United States when feasible. In connection with this disease prevention mission, APHIS operates animal quarantine facilities and authorizes the use of privately owned quarantine facilities for certain animal importations.

Title 9 of the *Code of Federal Regulations*, part 93, requires that certain animals be quarantined on arrival in the United States as an import condition. Regulations at 9 CFR 93.308 include requirements for the approval and establishment of permanent, privately owned horse quarantine facilities operated under APHIS supervision. These regulations necessitate the use of several information collection activities when applicants apply for approval to establish and operate permanent, privately owned horse quarantine facilities. These activities include:

- Environmental Certification
- Application for Facility Approval
- Service Agreements
- Letter Challenging Withdrawal of Facility Approval
- Letter Notifying APHIS of Facility Closure
- Memorandum of Understanding (MOU) (including a written justification to APHIS confirming lack of conflict of interest)
- Security Instructions
- Alarm Notification
- Security Breach

- List of Personnel
- Signed Statements (stipulating facility employees will follow terms of the MOU)
- Authorized Access Affidavits
- Daily Log/Recordkeeping
- Request for Variance
- Standard Operating Procedures (SOP)

APHIS is asking the Office of Management and Budget (OMB) to approve, for 3 years, its use of these information collection activities in connection with APHIS' efforts to ensure that horses can be imported into the United States without compromising its ability to protect against the introduction of communicable diseases of horses.

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

APHIS uses the following information activities for the approval and establishment of permanent, privately owned horse quarantine facilities operated under APHIS supervision:

Environmental Certification (Local Government and Business) - 9 CFR 93.308(c)(5)

Anyone wishing to operate a permanent, privately owned horse quarantine facility must, as part of the approval process, submit to APHIS a statement certifying that the facility complies with all applicable local, State, and Federal environmental regulations. This certification must be issued by local environmental authorities.

Application for Facility Approval (Business) - 9 CFR 93.308(c)(1)(i)

Anyone wishing to receive APHIS approval to operate a permanent, privately owned horse quarantine facility must send APHIS an application letter including:

- The full name and mailing address of the applicant.
- The location and street address of the facility.
- Blueprints or other technical drawings of the facility.
- A description of the financial resources available to build, operate, and maintain the facility.
- The average and maximum number of horses to be quarantined.
- The expected frequency of shipments.
- A contingency plan for the possible necropsy and disposal of all the horses capable of being housed in the facility.
- For new ports of entry for quarantine use¹:
 - A letter from the airport port authority requesting recognition as an APHIS-approved port for horse imports.
 - A letter from an active airline company (or companies) confirming a commitment to routinely transport horses to the airport associated with the proposed import quarantine.

Service Agreements (Business) - 9 CFR 93.308(c)(1)(i)(A)

¹ Covers only quarantines serving airports because the United States has only one ocean/waterside port, in Elizabeth, N.J. VS does not expect any future seaside quarantines because shipping horses by water is prohibitively expensive.

If APHIS determines that an application is complete and merits further consideration, the applicant must enter into a service agreement with APHIS agreeing to pay the cost of all APHIS services associated with APHIS' evaluation of the application and facility. This service agreement applies only to fees accrued during the application process and is a signature-only document.

Letter Challenging Withdrawal of Facility Approval (Business) - 9 CFR 93.308(c)(1)(iv)(A)

If APHIS chooses to deny or withdraw its approval of a permanent, privately owned horse quarantine facility, the facility operator may send APHIS a letter explaining why the approval should not be withdrawn. If there is a conflict concerning any material fact, the owner may request a hearing to resolve the conflict.

Letter Notifying APHIS of Facility Closure (Business) - 9 CFR 93.308(c)(1)(i)(B)

If a permanent, privately owned horse quarantine facility has closed, the owner must notify APHIS in writing that the facility is no longer operating.

Memorandum of Understanding (MOU)/Compliance Agreement (Business) - 9 CFR 93.308(c)(1)(iv)(C)(3); 9 CFR 93.308(c)(2)

If APHIS approves the facility, its owners must enter into a Memorandum of Understanding (basically, a compliance agreement) with APHIS in which the owner agrees to meet all APHIS requirements for operating the facility; operate the facility under APHIS supervision; accept responsibility for all costs associated with operating and maintaining the facility, including costs associated with APHIS supervision; and suspend or dismiss any employee who fails to comply with APHIS operating requirements. This compliance agreement is a signature-only document.

As part of its agreement to provide quarantine services, the owner agrees that the facility and its employees will not provide services to only one broker or a select few brokers and refuse service to others, without providing a valid written justification explaining whether the owner (or a person responsibly connected with the business of the quarantine facility) acts as a paid agent (broker) for the importation or subsequent sale of horses.

Security Instructions (Business) - 9 CFR 93.308(c)(3)(iv)(C)

The facility and premises must always be guarded, or the facility must have an electronic security system. If the facility has an electronic security system, the facility operator must provide written instructions to the monitoring agency stating that the police and a designated APHIS representative must be notified if the alarm is triggered. The operator must give APHIS a copy of the written instructions.

Alarm Notification (Business) - 9 CFR 93.308(c)(3)(iv)(C)

If the alarm at the facility is triggered, the monitoring agency must notify APHIS immediately.

Security Breach (Business) - 9 CFR 93.308(c)(3)(iv)(C)

If a breach in security occurs or is suspected, the operator of the facility must notify APHIS immediately.

List of Personnel (Business) - 9 CFR 93.308(c)(4)(ii)(B)

The facility operator must give APHIS an updated list of all personnel with access to the facility. This list must include the names, current residential addresses, and identification numbers of each person and must be updated with any changes or additions before the person can access the quarantine facility.

Signed Statements (Business) – 9 CFR 93.308(c)(4)(ii)(C)

Each employee and any other person hired by the operator to work at the facility must sign a statement agreeing to comply with all regulations governing permanent, privately owned horse quarantine facilities, other applicable provisions of 9 CFR part 93, all terms of the MOU, and any related instructions from APHIS representatives regarding quarantine operations. The operator must give APHIS the signed statements.

Authorized Access Affidavits (Business) – 9 CFR 93.308(c)(4)(ii)(C)

The operator, and all authorized personnel except veterinary practitioners providing emergency care, must sign an affidavit before entering the quarantine area stating they will not have contact with any horses outside the quarantine facility during the quarantine period until the horses under quarantine are released for entry into the United States. All personnel must sign a new affidavit annually, and all affidavits must be readily available for review upon APHIS request.

Daily Log/Recordkeeping (Business) - 9 CFR 93.308(c)(4)(vi)

The facility operator must keep a daily log recording all persons entering or exiting the quarantine facility. The operator must keep this daily log, along with any logs created by APHIS personnel and deposited with the operator, for at least 2 years after the date the horses are released from quarantine. The operator must make the logs available to APHIS personnel on request. APHIS needs these records in case it must investigate an equine disease outbreak.

Request for Variance (Business) - 9 CFR 93.308(c)(6)

APHIS may grant variances to its requirements concerning the location, construction, and other design features of the facility, as well as to requirements concerning sanitation, security, operating procedures, and other matters. A facility operator desiring a variance must ask the Administrator for a variance at least 30 days before horses arrive at the facility.

Standard Operating Procedures (Business) - 9 CFR 93.308(c)(4)

Facility cooperators and authorized personnel must observe operational procedures as outlined in 9 CFR 93.308(c)(4) and Veterinary Services Guidance 13402.1. In addition to direct observation and spot-checking procedures to verify compliance, APHIS may ask to review standard operating procedures.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The environmental certifications vary by location, so it is impractical for APHIS to establish an electronic system for them. The same logic applies to the daily log and standard operating procedures. The application for approval, letters challenging withdrawal of approval and notifying of closure, service agreements, and Memorandum of Understanding require the operator's original signature. The signed statements and affidavits are preprinted documents that require the original signature of anyone with access to the quarantine facility. Electronic submission is permissible if the facility has the capability to create a valid electronic signature. All documentation associated with this program can be submitted to APHIS via email by attaching scanned or word processing documents. The remaining activities happen so infrequently that it would be impractical to accept them electronically other than via email.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above.

The information that APHIS collects is not available from any other source. APHIS is the only Federal agency responsible for approving and supervising permanent, privately owned horse quarantine facilities in the United States and for preventing foreign animal diseases from entering 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 100 percent of the business respondents are small entities; the authorities issuing environmental certifications are not businesses. However, the information asked of the small businesses is the absolute minimum needed to ensure that permanent, privately owned horse quarantine facilities are being operated in accordance with APHIS regulations. Most of the information-gathering documents used in this program require minimal input from the facility operator.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the information was collected less frequently or not collected at all, APHIS would be unable to approve permanent, privately owned horse quarantine facilities. Importers of horses would find it difficult to get quarantine space at either Federal facilities or temporary, privately owned

facilities, which could decrease equine imports. This would impede trade and create challenges for the U.S. equine industry.

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;**

Security Breach and/or Alarm Notification - The facility owner or operator must notify APHIS immediately if there is a security breach and/or an alarm notification. Immediate notification is necessary so APHIS can inspect the facility promptly to determine the biosecurity risk posed by the breach, and what mitigation procedures are necessary. If no security breaches occur, the facility operator does not need to report anything additional to APHIS.

Daily Log - The facility operator must keep a daily log recording all persons entering or exiting the quarantine facility.

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

Request for Variance – A facility operator desiring a variance must ask the Administrator for a variance at least 30 days before horses arrive at the facility. This ensures enough time to thoroughly evaluate the request and ensure that any variance granted does not pose any risk to the domestic population.

- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than 3 years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

No other special circumstances exist that would require this collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5.

8. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting form, and on the data elements to be recorded, disclosed, or reported. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, soliciting comments on the information collection prior to submission to OMB.

APHIS consulted the following individuals by email and phone to discuss the information APHIS collects to administer its private equine quarantine requirements. 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.

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On Tuesday, November 23, 2021, pages 66518-66519, Volume 86, No. 233, APHIS published in the Federal Register, a 60-day notice seeking public comments on its plans to request a 3-year renewal of this collection of information. No comments from the public were received.

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

This information collection activity involves no payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No additional assurance of confidentiality is provided with this information collection. All information obtained in this collection shall not be disclosed except in accordance with 5 U.S.C. 552a.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection activity will ask no questions of a personal or sensitive nature.

12. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

•Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

See APHIS Form 71. Burden estimates were developed from discussions with U.S. horse importers; owners, operators, and employees of permanent, privately owned horse quarantine facilities; prospective owners and operators of permanent, privately owned horse quarantine facilities; local authorities who complete and issue environmental certifications; and security company employees.

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

APHIS estimates the total annualized cost to these respondents to be \$5,643.42. APHIS arrived at this figure by multiplying the total burden hours (158 hours) by the estimated average hourly wage of the above respondents (\$24.65) and then multiplying the result (\$3,894.70) by 1.449 to capture benefit costs. According to DOL BLS news release USDL-21-0437 released March 31, 2022, 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.

The hourly rate is derived from the U.S. Department of Labor, Bureau of Labor Statistics May 2021 Report – Occupational Employment and Wages in the United States. See <http://www.bls.gov/oes/#tables>.

Owners or operators of facilities: \$47.72 per hour [median, general and operations manager]
 Facility employees: \$17.23 per hour [median, agricultural workers all other], Local environmental authorities: \$18.61 per hour [median, occupational health and safety and protection technicians], and employees of security companies: \$15.02 [median, security guards].

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.

If APHIS determines that an application is complete and merits further consideration, the applicant must enter into a service agreement with APHIS agreeing to pay the cost of all APHIS services associated with APHIS’ evaluation of the application and facility. This service agreement applies only to fees accrued during the application process.

14. Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

The annualized cost to the Federal government is estimated at \$41,742. (See APHIS Form 79.)

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

ICR Summary of Burden:

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	231	0	10	98		123
Annual Time Burden (Hr)	158	0	10	128		20
Annual Cost Burden (\$)	0	0	0	0	0	0

There is a program increase of +10 responses resulting in an increase of +10 burden hours. The increases are due to APHIS adding the addition of two activities to this information collection based on a revision of an underlying Veterinary Services guidance document;

1. Authorized Access Affidavit and
2. Standard Operating procedures.

There is an adjustment increase of +8 respondents and +98 responses resulting in an increase of +128 burden hours. The increase is due to the addition of three import centers since the previous submission of this collection, bringing the total number of permanent privately owned equine import centers to seven. Also, APHIS is increased the accounting of the actual time spent by representative facilities in completing the activities.

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.

No forms are associated with this information collection.

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

APHIS certifies compliance with all provisions of the Act.

B. Collections of Information Employing Statistical Methods

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