



# OFFICE OF ADVOCACY *FACTSHEET*

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## ***Advocacy Suggests that the Animal and Plant Health Inspection Service Improve its Analysis in the Proposed Rule on Contingency Plans for the Handling of Animals***

On February 2, 2009, the Office of Advocacy (Advocacy) filed comments with the Animal and Plant Health Inspection Service (APHIS) asking that the agency do a better job of analyzing the economic impacts of its proposed rule on Contingency Plans for the Handling of Animals. A copy of Advocacy's letter may be accessed at <http://www.sba.gov/advo/laws/comments>.

- On October 23, 2008, APHIS published a proposed rule titled, "Handling of Animals; Contingency Plans" in the *Federal Register* (73 Fed. Reg. 63085). In the rule, APHIS proposes amending provisions of the Animal Welfare Act (Act) to add requirements for contingency planning and training of personnel by research facilities and dealers, exhibitors, intermediate handlers and carriers for all animals regulated under the Act. While APHIS did provide some analysis about how the rule would impact affected small entities, it suggested that the impact would be minimal. Yet, APHIS admitted that measuring the rule's impacts on small businesses was difficult and it lacked data.
- Advocacy received inquiries from small affected businesses asserting that APHIS had underestimated the impacts of the rule and was incorrect in its conclusion that the burdens associated with the rule would be minimal.
- Advocacy suggested to APHIS that pursuant to the Regulatory Flexibility Act, the agency should have done a better job of analyzing the how the rule would affect small businesses. For example, Advocacy suggested to APHIS that it use its existing authority for marine facilities (which are required to file an emergency contingency plan with the agency) to obtain additional data on the impacts of the regulation.

For more information, visit Advocacy's web page at [www.sba.gov/advo](http://www.sba.gov/advo) or contact Linwood Rayford at (202) 205-6533.