

**Supporting Statement for Paperwork Reduction Act Submission**  
**OMB Control Number 1018-XXXX**  
**Eiderdown From Iceland**  
**50 CFR Part 21.33**

The following information is provided as part of a request to obtain an OMB clearance number. The number is needed to collect information associated with the importation of eiderdown harvested sustainably by members of the Icelandic Eider Farmers' Association from the common eider duck nesting in Iceland. The eiderdown would be imported for personal or commercial use by U.S. residents and U.S. companies. Because it is difficult to identify the species of eider from which this down is collected, and because it is difficult (if not impossible) to identify the source and type of down used in finished products, the requirements for information collection are key to monitoring common eider population stability, eiderdown harvest, down availability, down export from Iceland, government-certified collection procedures, possible down laundering, and possible false labeling. With less than three metric tons on average of eiderdown annually harvested from common eiders in Iceland, information collection will help track continuing harvests, alerting the U.S. Fish and Wildlife Service's (FWS or Service) Office of Law Enforcement and the Service's Division of Migratory Bird Management to possible problems including alleged violations of the Migratory Bird Treaty Act. Without the information collection requirements described below, the Service would not be able to properly perform its functions related to the importation of eiderdown.

**Section A. Justification**

1. Explain why you need to collect this information. Identify any legal or administrative requirements that necessitate this information collection.

This information collection will be authorized by regulations implementing the Migratory Bird Treaty Act (MBTA; 16 U.S.C. 703 *et seq.*). The MBTA implements four treaties concerning migratory birds which the United States has signed with Canada, Mexico, Japan, and Russia. The treaties preserve and protect various species of birds, including the common eider duck. Although the United States is currently not party to a treaty with Iceland regarding protection of migratory birds, some of the common eiders that breed in Iceland may migrate to the territorial waters and land of the United States where they are protected by MBTA. Any common eider or its parts (in this case, down) imported into the United States would also be afforded full protection under MBTA. Under the Act, it is unlawful to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter any migratory bird, their parts, nests, or eggs without a valid permit issued under 50 CFR Part 21.

Federal regulations prohibit the commercial use of feathers from migratory birds to prevent the large-scale take of protected birds for profit and to insure the future viability of those species. Current regulations, specifically 50 CFR 20.61 (importation limits), 20.91 (commercial use of feathers), 21.21 (import and export permits), and 21.25 (waterfowl sale and disposal permits) do not allow the importation of eiderdown. The only migratory bird feathers that can be sold are those taken from waterfowl that have been legally hunted (50 CFR 20.91) or are captive bred (50 CFR 21.25). The feathers from legally hunted birds can only be fashioned into fishing flies, bed pillows, and mattresses or used for similar commercial items. Feathers may not be used for millinery

or ornamental purposes. Captive-bred waterfowl that are properly marked may be sold, but because the feathers of wild-reared common eiders in Iceland cannot meet this marking requirement, individual feathers cannot be sold under current regulations. This proposed regulation, which, if adopted, would be a new § 21.33, specifies the requirements for importing down of nesting common eiders that breed in Iceland and lists the procedures required to harvest, import, possess, and manufacture finished eiderdown products.

Because it is difficult to identify the species of eider from which this down is collected, and because it is difficult (if not impossible) to identify the source and type of down used in finished products, the proposed rule contains requirements for information collection. This collection of information is key to monitoring common eider population stability, eiderdown harvest, down availability, down export from Iceland, down laundering, and false labeling. With less than three metric tons on average of eiderdown annually harvested from common eiders in Iceland, information collection will help track continuing harvests, alerting the Service's Office of Law Enforcement to possible problems including alleged violations of the Migratory Bird Treaty Act. Without the information collection requirements contained in the proposed rule, the Service would not be able to properly perform its functions related to the importation of eiderdown.

Current regulations at 50 CFR Part 21 already require permittees to provide the Service with certain permit information. Permittees must also complete annual reporting on, for example, Form 3-202-7, which is already approved under OMB control number 1018-0022 (expires April 30, 2004), by January 31 of each year for the preceding year of a permit issued by the Service's Migratory Bird Permit Program Office. Under this proposed regulation, permittees will be required to complete a permit application on new Form 3-200-72 and to complete annual reporting on new Form 3-202-xx by January 31 of each year for the preceding year of a permit issued by the Service's Migratory Bird Permit Program Office.

2. Explain how FWS will use the information. If this is not a new collection, explain how FWS has used the information received.

The proposed information collection requirements include the following:

- A completed eiderdown import permit application (Form 3-200-72). This form must be submitted to the Regional Director – Attention Migratory Bird Permit Office in the Region where the applicant's business is headquartered or, for private individuals, where the applicant lives.
- Written preconditions. These preconditions will include written assurances that the down was collected by sustainable means and that only sustainably-harvested down from Iceland may be exported to the United States. At the end of each calendar year, the Government of Iceland (GOI) must verify that the population of common eiders is stable; that no measures are being taken to kill or injure MBTA-protected species (e.g., ravens, black-backed gulls, and common puffins); that down is not being treated with DDT or similar compounds banned in the United States; that hunting of common eiders in Iceland continues to be banned nationwide; and that complete annual export records will be submitted to the United States containing the exact weight, shipment dates, and Iceland shipment and permit numbers of all eiderdown.
- A certification of inspection. This certification must be included with each shipment,

must certify the inspection and weight of each shipment, and must be signed by a legally appointed Icelandic down inspector as specified by the Instructions for Eiderdown Inspectors (Icelandic Ministry of Agriculture, 10 March 1972) and by Iceland's Law of Quality Inspection of Eiderdown (NR 39, p. 310, 11 May 1970).

- A signed "Veterinary Certificate." This document certifies that the down is disease free. It must be attached to each packing bag.
- Labeling requirements. The down must be packed in transparent shipping bags, each bag sealed with the guarantee, "Grade One Icelandic Eiderdown," and each bag marked with the package weight of that bag. The weight must be marked on the label as specified on the "Inspector's Weighting and Quality Certificate," which is the document currently used by the GOI.
- Recordkeeping requirements. The permittee must maintain complete and accurate records of all down imported from Iceland, including the date received, disposition (e.g., maintained in "raw" form, manufactured into a finished product, specifics about the product, and contact information about the manufacturer), date of disposition, and copies of all permits and certificates issued by GOI that were included with each shipment of eiderdown. Records must be maintained for 5 years. The permittee must complete an annual report using Form 3-202-xx, by January 31 of each year for the preceding year, as previously stated. The permittee must further certify in the annual report that no "raw" down or finished products containing Icelandic eiderdown were exported from the United States for commercial purposes. The applicant must reapply for a permit each year.

All the previous information will be used to monitor common eider population stability, eiderdown harvest, down availability, down export from Iceland, possible down laundering, and possible false labeling. It will also be used to track how many individuals/companies import Icelandic eiderdown, how they use the eiderdown, and the disposition of the processed down or finished products. Individual shipments of Icelandic eiderdown will be sealed and labeled with the weight of each shipment of down. This will allow the Service to track each pound of down shipped to the United States as well as to all other nations importing Icelandic eiderdown assuring down harvest sustainability and alerting law enforcement personnel of possible laundering, false labeling, and unsustainable harvest. The permittee will be required to maintain all paperwork for each shipment of eiderdown, enabling the Service to verify that the down is disease free and was certified by officials of the GOI to have been sustainably collected and properly processed. The information will also help determine if MBTA-protected species are being protected from injury and death due to current predator and non-predatory bird control in Iceland. Where unsustainable down harvest or eider population stability is negatively altered, the information will enable FWS to invalidate import permits or deny permit reissuance. The information will enable the Service to determine if eiderdown is being sustainably collected based on inspection procedures and regulations mandated by the GOI. Lastly, the information collection will enable the Service to verify the requirement that commercial export of both raw processed eiderdown and finished eiderdown products are not exported from the United States.

3. Does this information collection use automated, electronic, mechanical, or other technological techniques? Provide the reasons for the decision to adopt this means of collection. Describe any consideration you gave to using information technology to reduce burden on the public.

Respondents may choose to acquire copies of permit application and annual reporting forms via standard mail or electronically. We expect 20% will acquire the forms electronically. Forms 3-200-72 (the permit application) and 3-202-xx (annual reporting) will be available electronically on the Service's website (<http://forms.fws.gov>). However, due to the tremendous cost of developing and implementing the software, the Service is not ready at this time to accept electronic submission of these forms. When new technologies become available to allow secure transmission with digital signature, we will use them. With so few applicants likely to be interested in acquiring an Icelandic eiderdown import permit, the lack of electronic submission of forms should not be a burden on the few who apply for a permit. Similarly, the information required of GOI (e.g., certification of inspection and veterinary certification) needs to be submitted in hard copy so that we have original signatures on these forms.

4. Describe efforts to identify duplication. Show why similar information already available cannot be used or modified.

This information collection is associated with a new regulation and is not being gathered elsewhere. There is no duplication of effort.

5. If the collection will have a significant impact on small entities, such as small businesses, describe methods used to minimize burden on them.

This information collection will be required of individuals and businesses in the United States who are issued Icelandic eiderdown import permits. We estimate that 25 individuals and small businesses within the U.S. could be impacted by these information collection requirements. This is a small number of affected individuals and entities. Therefore, the information collection pertaining to those individuals and entities would not have a significant impact on small businesses within this country.

Information will also be collected from individuals who are members of Iceland's Eider Farmers' Association, as well as from the GOI. While there are probably several hundred members of the Farmers' Association who collect eiderdown from some 650 registered common eider colonies throughout Iceland each year, we estimate that no more than 50 members of this Association will actually provide down for inspection – along with the appropriate recordkeeping – to GOI for export to the United States. Because virtually all of the average 3 metric tons of down harvested annually in Iceland is currently being exported to Germany, Japan, and Denmark, existing information collection by down farmers and GOI already represents a normal business practice for Iceland. Therefore, the information collection burden on those individuals and GOI would be slight and would not have a significant impact on small businesses.

6. Describe the consequences to Federal programs or policies if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Not conducting this information collection would compromise the Service's ability to conserve populations of the common eider in an informed and responsible manner and could consequently jeopardize the health of populations of the common eider in the

United States, as well as Canada and Russia, our Treaty partners, and perhaps elsewhere.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

We are requiring that recordkeeping by U.S. citizens and U.S. companies be maintained for at least 5 years from the date of their receipt of imported Icelandic eiderdown. This represents a special circumstance beyond OMB's normal 3-year recordkeeping requirement. In light of the Service's concern about possible down laundering, false labeling, and unsustainable harvest, we feel it necessary to maintain records pertaining to the disposition of raw and processed eiderdown for at least 5 years. By enabling the Service to better track the disposition of the eiderdown, this requirement should minimize the possibility of individuals or companies performing illegal activities related to their possession of eiderdown, and the recordkeeping requirement – by the very nature of its length – should provide a disincentive to those in possession of Icelandic eiderdown who might wish to profit from illegal acts. Because the Service is not requiring genetic DNA “fingerprinting” to differentiate the 3 *Somateria* eider species, nor are we requiring stable isotope marking of the Icelandic population of common eiders (both techniques allowing us a way to spot check down for authenticity), we need a way to track the disposition of down for an extensive period of time. The 5 year recordkeeping requirement should help maintain careful review of the status and disposition of any raw and processed eiderdown, providing the Service important in-country data on how the down is used and its status over a fairly extensive period of time.

8. Cite and provide a copy of the 60-day Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received on the 60-day notice, and describe actions taken by FWS in response to those comments. Specifically address comments received on cost and hour burden. Describe your efforts to consult with persons outside of FWS to obtain their views on the availability of data; frequency of collection; clarity of instructions, disclosure, or reporting format; and data elements to be recorded, disclosed, or reported. Consultation should include obtaining their views on the amount of burden to be imposed and ways to minimize the burden. If circumstances prevent this consultation, describe them.

A copy of the proposed rule, which will be published in the Federal Register concurrently with the submission of this information collection clearance package to the Office of Management and Budget, is attached. The proposed rule solicits public comment for 60 days on the information collection and recordkeeping requirements described herein.

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

No gifts or payments are being provided.

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

We will protect confidentiality to the extent consistent with the Freedom of Information

Act (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a).

11. Provide justification for any questions of a sensitive nature. Include the reasons why the questions are necessary, the specific uses for the information, the explanation given to respondents, and steps taken to obtain respondents consent.

No sensitive questions are being asked.

12. Provide estimates of the hour burden of the information collection. Include an estimate of the dollar value of the burden hours.

We estimate that, in the United States, 25 respondents will each need an average of 1 hour to complete the importation permit application. That gives a total of 25 hours per year for all the information collection and recordkeeping requirements associated with the import permit application. We estimate that the average wage of the individuals completing the application is \$30.00 per hour and, thus, the dollar value of the total annual hour burden associated with the permit application for U.S. citizens and companies is \$750.00.

These same 25 respondents will also have to provide an annual report to the Service on Form 3-202-xx which we estimate will each take an average of 1 hour to complete. This give a total of 25 hours per year for all the information collection and recordkeeping requirements associated with the annual report form. Based on the estimated annual wage of \$30.00 per hour for each permittee, the dollar value of the total annual hour burden associated with the annual report for U.S. citizens and companies is \$750.00.

Estimated annual hour burden for individual U.S. citizens and U.S. companies.

Estimated total annual number of respondents	25
Estimated number of hours required per response (permit application and annual report)	2 (1 for permit application and 1 for annual report)
Estimated number of total annual burden hours	50
Estimated hourly wage	\$30.00 per hour
Estimated dollar value	\$1,500

Further, we estimate that, per year, the GOI will need an average of 25 hours to locate, photocopy, maintain records, and mail copies of all the veterinary certificates related to export of eiderdown to the United States; 25 hours to locate, photocopy, maintain records, and mail copies of all labeling certificates related to eiderdown export to the United States; 100 hours to visit randomly selected eider colonies to verify that preconditions are being met; 1 hour to locate, photocopy, maintain records, and mail

information regarding preconditions to exporting eiderdown; and 1 hour to locate, photocopy, maintain records, and mail information for annual reporting. This amounts to a total of 152 hours per year for GOI to comply with the information collection requirements associated with the export of eiderdown to the United States. We estimate that the average wage of GOI officials collecting the information is \$30.00 per hour (U.S.), and thus, the dollar value of the total annual hour burden for GOI is \$4,560.00.

We estimate that 50 representatives of the Icelandic Eider Farmers' Association will each need 1 hour to photocopy and mail records regarding the processing and export of eiderdown to GOI. This amounts to a total of 50 hours per year for Icelandic eider farmers to comply with the information collection requirements associated with the export of eiderdown to the United States. We estimate that the average wage of eider farmers collecting the information is \$30.00 per hour (U.S.), and thus, the dollar value of the total annual hour burden is \$1,500.00.

Estimated annual hour burden for members of the Eider Farmers' Association and representatives of GOI.

Estimated total annual number respondents	51 (50 eider farmers plus GOI)
Estimated total annual burden hours	202 (50 for eider farmers and 152 for GOI)
Estimated hourly wage (U.S.)	\$30.00 per hour
Estimated dollar value	\$6,060.00

The information collection requirements for Iceland would not be significant because members of Iceland's Eider Farmers' Association (private individuals) and representatives of the GOI already maintain records for the processing and export of eiderdown to Germany, Japan, and Denmark. The recordkeeping is already part of their normal business practices. Essentially, any burden would primarily involve randomly monitoring select eiderdown colonies for compliance; locating, photocopying, and mailing copies of records and existing documents; and providing that documentation to the Service on an annual basis.

13. Provide an estimate for the total annual non-hour dollar cost burden to respondents or recordkeepers. Do not include the cost of burden hours described in items 12 and 14.

Because importing eiderdown from Iceland is a commercial enterprise, there is a \$100 application fee associated with form 3-200-72. This fee may further increase due to increased administrative costs. As part of a separate rulemaking, the Service is proposing to revise its permit fee schedule. In keeping with the increases in that rulemaking, we have determined that the current fee is necessary to cover our administrative costs. Once an import permit is acquired, there is no fee to import raw processed Icelandic eiderdown. Therefore, we estimate a \$2,500.00 total annual non-hour dollar cost burden on respondents.

14. Provide estimates of the annual cost to the Federal Government. Include a description of the method used to estimate cost, which should include quantification of hours, operational expenses, and any other expense that would not have been incurred without this collection of information.

Number of Federal Government entities involved	1 (Fish and Wildlife Service)*
Estimated hours	230
Estimated salaries	\$6,900 (\$30 per hour x 230 hours)
Estimated operational expenses (paper, postage)	\$690
Total annual cost to Federal Government	\$7,590.00

\* Within the Service, we estimate that 23 employees (7 FWS Regional Lead Permit Examiners, 8 FWS Law Enforcement Special Agents, 7 FWS Law Enforcement Port Inspectors, and 1 FWS Washington office employee) would be involved with the information collection requirements associated with the importation of eiderdown from Iceland.

We will be the only Federal Government agency involved with the collection of information regarding import of Icelandic eiderdown. Within the Service, we estimate that 23 employees (7 FWS Regional Lead Permit Examiners, 8 FWS Law Enforcement Special Agents, 7 FWS Law Enforcement Port Inspectors, and 1 FWS Washington office representative) would be involved. We estimate that each of these FWS employees would spend an average of 10 hours per year on this information collection, amounting to a total of 230 hours per year. At an estimated wage of \$30 per hour, salary expenses amount to \$6,900. We estimate that operational expenses will be \$690 per year. Thus, we estimate the total annual cost to the Federal Government to be \$7,590.

15. Provide the reasons for any program changes or adjustments reported in items 13 or 14 of OMB 83-I.

We are requesting a new OMB control number to cover the proposed importation of Icelandic eiderdown. This proposed rule has many new information collection requirements, including a completed eiderdown import permit application, written preconditions, certification of inspection, labeling requirements, and recordkeeping requirements.

16. For collections whose results will be published, outline the plans for tabulation and publication.

No applicable. The results of this information collection will not be published.

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.

Not applicable. We intend to display the expiration date for OMB approval on the information collection.

18. Explain each exception to the certification statement identified in item 19 of OMB 83-I.

Not applicable. No exceptions were identified in Item 19.