

Supporting Statement for OMB Approval of the Regulations Governing the
National Inspection and Weighing System
under Authority of the
United States Grain Standards Act
and the Agricultural Marketing Act of 1946
(0580-0013)
Dec 2007

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Congress enacted the United States Grain Standards Acts (USGSA) and the Agricultural Marketing Act (AMA) to facilitate the marketing of grain, oilseeds, pulses, rice, and related commodities. These statutes establish standards and terms which accurately and consistently measure the quality of grain and related products, provide for uniform official inspection and weighing, provide regulatory and service responsibilities, and furnish the framework for commodity quality improvement incentives to both domestic and foreign buyers. The Grain Inspection, Packers and Stockyards Administration establishes policies, guidelines, and regulations to carry out the objectives of the USGSA and the AMA. (These statutes and regulations are on GIPSA's website at <http://www.gipsa.usda.gov/GIPSA>.)

The USGSA, with few exceptions, requires official certification of export grain sold by grade. Official services are provided, upon request, for grain in domestic commerce. The AMA authorizes similar inspection and weighing services, upon request, for rice, pulses, flour, corn meal, and certain other agricultural products. Conversely, the regulations promulgating the USGSA and AMA require specific information collection and record-keeping necessary to carry out requests for official services. Applicants for service must specify the kind and level of service desired, the identification of the product, the location, the amount, and other pertinent information in order that official personnel can efficiently respond to their needs.

Official services under the USGSA are provided through GIPSA field offices and delegated and/or designated State and private agencies. Delegated agencies are State agencies delegated authority under the Act to provide official inspection service, Class X or Class Y weighing services, or both, at one or more export port locations in the State. Designated agencies are State or local governmental agencies or persons designated under the Act to provide either official inspection services, Class X or Class Y weighing services, or both, at locations other than export port locations. In general, State and private agencies are viewed by the U.S. grain industry as an extension of GIPSA. State and private agencies, as a requirement for delegation and/or designation, must comply with all regulations, procedures, and instructions in accordance with provisions established under the USGSA. GIPSA field offices oversee the performance of these agencies and provide technical guidance as needed.

Official services under the AMA are performed, upon request, on a fee basis for domestic and export shipments either by GIPSA employees, individual contractors, or cooperators. Contractors are persons who enter into a contract with GIPSA to perform specified inspection services. Cooperators are agencies or departments of the Federal Government which have an interagency agreement or State agencies which have a reimbursable agreement with GIPSA.

2. Indicate how, by whom, 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.

This information is used by employees of the U.S. Department of Agriculture and State or private agencies authorized to perform official services under the USGSA or AMA.

USGSA and the AMA regulations require producers, elevators operators, and/or merchandisers who obtain official inspection, testing, and weighing services to keep records pertaining to the lot of grain or related commodity for a period of 3 years. Further, the USGSA and the AMA regulations require GIPSA, State, and private personnel who provide official inspection, testing, and weighing services to keep such records pertaining to the lot of grain or related commodity for a period of 5 years. This information is used for the purpose of investigating suspected violations of the USGSA and AMA.

Details responsive to item 2 are in ATTACHMENT 1.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, 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.

Information is collected primarily through verbal communication or the submission of letters, emails, forms, and copies of documents pertaining to the grain and commodity shipments or samples. GIPSA is developing automated programs to reduce time for the preparation of forms. In 1995, GIPSA authorized the use of electronic data transmissions in lieu of preparing hardcopy certificates. Customers are now receiving and printing these certificates. This action facilitated information transfer to grain companies which eliminated their data entry. In the last reporting period remote certification has continued to grow dramatically. At the current time GIPSA is just starting to rollout FGIS-Online where certificates will be obtainable and online by customers. Official agencies also will be able to use this system to complete and file results. These results are not accounted for

in this OMB filing because this feature was just beginning to rollout at the time of this submittal.

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.

There are ongoing discussions throughout GIPSA to eliminate duplication and the paperwork burden.

There is no similar information available. The information reported from or maintained by the public involves individual shipments or samples of grain or commodities.

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

In general, every effort is made to identify the specific information needed to provide timely service with minimal burden to the public. Records are maintained in order to verify the integrity of the inspection and weighing programs.

6. Describe the consequences 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.

GIPSA provides inspection and weighing services upon a request basis. Therefore, users of the service (producers, grain handlers, exporters, and processors) must request service either verbally or in writing. Without the collection of this information, the public would not be able to obtain official inspection and weighing services.

The Acts and regulations require State and private inspection and weighing agencies to comply with uniform sampling, inspection, weighing, and certification procedures. State and private agencies are aware of this requirement prior to entering into their agreement with GIPSA. The integrity of the official inspection and weighing certification is jeopardized if State and private agencies are not required to follow these procedures for all inspections. Further, certificates are issued to transmit the results of inspection and/or weighing services which facilitates marketing through independent third-party analysis.

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.

This collection of information is consistent with 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.

The 60-day notice was published in the *Federal Register* on April 24, 2007, (72 FR78), pages 20321 and 20322, soliciting comments on our intent to seek renewal for this collection of information. No comments from the public were received.

GIPSA meets on a regular basis with representatives which are directly affected by the USGSA, AMA, regulations and directives. These meetings are conducted to discuss program activity and correct or resolve related concerns.

In addition to the regular association meetings, GIPSA meets with producer groups (e.g., American Farm Bureau Federation, National Association of Wheat Growers, American Soybean Association, National Corn Growers Association) and trade associations (e.g., National Grain Trade Council, U.S. Wheat Associates, U.S. Feed Grains Council) to discuss inspection and weighing programs.

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

No remunerations are made to respondents in this information collection.

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

Documents submitted by the public are considered confidential and are only used for official purposes. All public records are maintained and handled according to the provisions of the Freedom of Information Act and the Privacy Act. There is no additional assurance of confidentiality provided by statute or regulation.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and others that are 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 collection of information contains no questions of a 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.

Number of respondents – 8,754

Frequency of responses vary as set forth in ATTACHMENT 2

Annual burden hours – 164,393

Burden hours were determined by utilizing various program area expertise and public comment to provide the best estimates of the time to complete forms and maintain records required under the regulations and that are not otherwise maintained as a matter of normal business accounting or recordkeeping practice.

The cost to the public (\$1,829,937) was determined by multiplying the total number of burden hours times wages per hour rate as set forth in ATTACHMENT 3.

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.

There are no capital or startup costs associated with this information collection.

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.

Costs of \$194,698 were estimated based on a consensus of opinion by experienced personnel who calculated the time and cost factors required to properly analyze and process each response. See ATTACHMENT 4.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1. (See ATTACHMENT 5)

This is a revision to the currently approved collection. There is an overall increase of 5,242 burden hours since last submission. The inspection volume because of improved marketing conditions for grain movements increased this period over last therefore increasing our overall responses per respondents, increasing the number of certificates and work records produced this reporting period versus the last period. Also form FGIS 921-2 was merged into this collection. The form FGIS 921-2 was approved by OMB under the number 0580-0025. It was stated in the Federal Register that this form would be merged into this package at time of renewal.

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

There are no plans to publish information obtained through this collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The Federal government would incur higher printing costs if forms, that were otherwise usable, had to be discarded because of needing to replace forms to change the OMB expiration date. Therefore, we are seeking approval to not display the OMB expiration date of all the forms listed in Attachment 1.

18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act Submissions" of OMB Form 83-1.

There are no exceptions to the certification statement.