

SUPPORTING STATEMENT
HOUSING TERMS AND CONDITIONS FOR MIGRANT AGRICULTURAL
WORKERS
REGULATIONS 29 C.F.R. §§ 500.1 and 500.75
Form WH-521
OMB CONTROL No. 1215-0146

1. Migrant and Seasonal Agricultural Worker Protection Act (MSPA) section 201(c) requires all Farm Labor Contractors (FLCs), Agricultural Employers (AGERs), and Agricultural Associations (AGASs) providing housing to any migrant agricultural worker to post in a conspicuous place at the site of the housing, or present to the migrant worker, a written statement of any housing occupancy terms and conditions. *See* 29 U.S.C. § 1821(c); 29 C.F.R. § 500.75(f). In addition, MSPA section 201(g) requires these FLCs, AGERs, and AGASs to give such information in English, or as necessary and reasonable, in a language common to the workers. *See* 29 U.S.C. § 1821(g); 29 C.F.R. §§ 500.1(i)(2), .75(a), (f)-(g). This provision also requires the Department of Labor (DOL) to make optional forms available to provide the required disclosures. *See* 29 U.S.C. § 1821(g); 29 C.F.R. §§ 500.1(i)(2), .75(a), (g).
2. The Wage and Hour Division (WHD) of the DOL created optional Form WH-521 to provide an easy method for FLCs, AGERs, and AGASs to post at the site of the housing or present MSPA housing terms and conditions to migrant agricultural workers, as required under the Act. Among other things, the form specifically identifies the name and address of the entity providing the housing, the name of the person in charge of the housing, and any charges for the housing, utilities, and meals. The form also ensures that workers receive information that enables them to understand the terms and conditions under which they may occupy the housing, as the MSPA requires. The WHD publishes Form WH-521 in English and Spanish.
3. The MSPA and its attendant regulations require FLCs, AGERs, and AGASs to provide housing terms and conditions to workers, but prescribe no particular format for doing so. Therefore, a FLC, AGER, or AGAS may use Form WH-521 or photocopies of it, computer printouts, faxes, etc. to provide the required information. In accordance with the Government Paperwork Elimination Act (GPEA), the WHD has posted Form WH-521 on the internet in a PDF format for downloading and printing. *See* <http://www.dol.gov/esa/forms/whd/wh521.pdf>.
4. This information collection does not duplicate existing WHD requirements. No similar information is available from any other source.
5. While this information collection does involve small businesses engaged in agriculture, it does not have a significant economic impact on a substantial number of small entities. By completing optional Form WH-521—including all the required information—in English and Spanish, FLCs, AGERs, and AGASs are provided with an easy method for disclosing MSPA required information to workers through posting or presenting the form to workers, which minimizes any burden.

6. The DOL has a statutory responsibility to ensure FLCs, AGERs, and AGASs disclose the housing terms and conditions to migrant workers at each housing site. Less frequent disclosure would prevent the DOL from determining compliance with this MSPA requirement.
7. There are no special circumstances associated with this information collection.
8. The DOL published a Federal Register Notice inviting public comments about this information collection on February 27, 2008. 73 Fed. Reg. 10470. In response, the Department received one comment from a person who voiced general concerns about illegal immigrants and other related issues; however, the comment did not address the disclosure of housing terms and conditions that is the subject of this information collection. Regular agency contacts with respondents of this information collection have not indicated any substantive problems or undue burdens.
9. The DOL makes no payments or gifts to respondents.
10. The DOL makes no assurances of confidentiality to respondents. As a practical matter, the DOL would only disclose information collected under this request in accordance with the provisions of the Freedom of Information Act, 5 U.S.C. § 552, and the attendant regulations, 29 C.F.R. Part 70, and the Privacy Act, 5 U.S.C. § 552a with its attendant regulations, 29 C.F.R. Part 71.
11. The DOL asks no sensitive questions in this information collection.
12. The DOL estimates that FLCs, AGERs, and AGASs disclose housing terms and conditions approximately 1300 times per year and each disclosure takes approximately 30 minutes. Based on investigative experience, the DOL estimates that 80% of FLCs, AGERs, and AGASs providing housing to migrant workers use Form WH-521, while the remaining disclosures (i.e., 20%), which provide the same information, are in an alternative format. Thus, the **annual burden is 650 hours** (1300 disclosures x 30 minutes).

In estimating respondent costs, the DOL used the May 2005 median hourly wage for a farm labor contractor of \$9.52. See Occupational and Employment Wages, May 2005, Farm Labor Contractors, DOL, Bureau of Labor Statistics, <http://www.bls.gov/oes/2005/may/oes451012.htm>. The DOL estimates **annual respondent costs to be \$6188** (650 annual burden hours x \$9.52).

13. Because the information requested is basic and readily known to the respondent, no system or technology is required. Therefore, other than the respondent's time, there are no imposed costs to the respondents.

14. Based on the information provided in Item 12 of this supporting statement, the annualized Federal costs involve the printing/reproduction and mailing of 1040 forms (1300 forms x 80%).

Printing or Reproduction: 1040 copies x \$.03 per copy = \$31.20

Mailing: 1040 copies x (\$.42 postage + \$.03 per envelope) = \$468

TOTAL FEDERAL COSTS = \$499.20

15. The DOL has not changed the annual burden.
16. The DOL does not publish this information.
17. The DOL will display the expiration date for this information collection.
18. The DOL is not requesting an exception to the certification requirements for paperwork submissions.