

The Supporting Statement for OMB 0596-0087 **Woodsy Owl Official Licensee Royalty Statement** **2011**

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.**

Laws, Statutes, and Regulations:

- Act of June 22, 1974 (P.L. 93-318, 88 Stat. 244; 16 U.S.C. 580 p 1-4; 18 U.S.C. 711, 711a)
- 7 USC 2001
- 36 CFR 272 - Use of Woodsy Owl Symbol
- 36 CFR 261.22 - Unauthorized use of "Smokey Bear" and "Woodsy Owl" symbol
- Forest Service Manual 1621

The Forest Service oversees the licensing of the Woodsy Owl character and associated slogans, "Give a Hoot, Don't Pollute" and "Lend a Hand - Care for the Land." The Act of June 22, 1974, also known as the "Woodsy Owl - Smokey Bear Act," declared the Woodsy Owl character and associated slogan as property of the United States of America. The USDA Forest Service originated Woodsy Owl, and the Act gives the Secretary of Agriculture the authority to establish and collect use or royalty fees for the manufacture, reproduction, or use of the name or character and the associated slogan.

The Forest Service gathers specific sales information from businesses wishing to obtain a license or currently licensed to use the Woodsy Owl symbol for commercial purposes. This information is necessary to grant a license, collect royalty fees, and gauge the effectiveness of licenses in meeting guaranteed sales objectives; and is needed to comply with regulations found at 7 USC 2001 and 36 CFR 272.

Title 36 CFR 261.22, prohibits the manufacture, importation, reproduction, or use of the Woodsy Owl symbol, except as provided under 36 CFR 272. Forest Service Manual 1621 outlines Forest Service policy governing the Woodsy Owl program and symbol.

- 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.**

- a. What information will be collected - reported or recorded? (If there are pieces of information that are especially burdensome in the collection, a specific explanation should be provided.)**

Individuals, businesses, or organizations desiring to obtain a license to use the Woodsy Owl symbol and slogan provide the Forest Service with the

following information:

- How long the individual, business, or organization has been in business;
- The products the individual, business, or organization sells or plans to sell;
- The geographic location from which the products will be sold;
- The projected sales volume; and
- How the individual, business, or organization plans to market the products.

Individuals, businesses, and organizations currently licensing the Woodsy Owl symbol and slogan send a quarterly accounting of sales, including:

- List of each item sold with the Woodsy Owl symbol
- Projected sales of each item
- Sales price of each item
- Royalty fee due based on sales quantity and price
- Description and itemization of deductions (such as fees waived or previously paid as part of advance royalty payment)
- New total royalty fee the business or organization must pay after deductions
- Running total of royalties accrued in fiscal year, and
- Certification of report by authorized representative.

b. From whom will the information be collected? If there are different respondent categories (e.g., loan applicant versus a bank versus an appraiser), each should be described along with the type of collection activity that applies.

Information collected is from individuals, businesses applying for or currently licenses to sell Woodsy Owl products for profit.

c. What will this information be used for - provide ALL uses?

The USDA Forest Service National Symbols Program Manager uses the information to determine whether the applicant will receive a license or renewal of an existing license, and royalty fees associated with the license.

The information also contributes to program management reports used to monitor the success of the licensing program.

d. How will the information be collected (e.g., forms, non-forms, electronically, face-to-face, over the phone, over the Internet)? Does the respondent have multiple options for providing the information? If so, what are they?

Applicants and licensees submit the collected information using required documents template. The collected information comes to the Agency in hard copy. Facsimile (Faxed) quarterly reports are accepted. Licensees pay royalties owed via check. Licensees have not requested alternate submission processes for applications, reports, or payments.

e. How frequently will the information be collected?

License applicants submit the information one time. The Forest Service collects quarterly reports from approved licensees quarterly (i.e. every three months, four times a year).

f. Will the information be shared with any other organizations inside or outside USDA or the government?

The Forest Service contracts with a company to do the licensing and this company provides the Forest Service with copies of information collected. Other than with the contracted management company, sharing outside the USDA of specific information collected does not occur. Upon request, general program information regarding licensees and royalties (i.e. total licensees, total royalties collected, etc.) have been provided to requesters outside the USDA.

g. If this is an ongoing collection, how have the collection requirements changed over time?

No changes to collection requirements have occurred.

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.

Requests for licenses require an applicant's original signature, and therefore arrive via hard copy mail. Quarterly reports require an original signature from the licensee's representative, as well as any royalty payment due. The Forest Service currently may not accept electronic payments. The usual practice is for a licensee to send in the quarterly report and payment due at the same time. Licensees have not requested alternate submission processes for applications, reports, or payments.

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

This is a unique information collection. The Forest Service is the only Federal agency authorized to manage the Woodsy Owl symbol and associated slogan. The Forest Service contracts with a company to do the licensing and this company provides the Forest Service with copies of information collected.

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

The collection of information, while impacting small businesses or other small entities, is the minimum necessary to oversee and manage the Woodsy Owl licensing program. The Forest Service has not received any comments from licensees indicating that this collection is burdensome.

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.

Without the collection of this information, the Forest Service would not be able to allow the use of the Woodsy Owl symbol and slogan by licensees. The Agency needs the collected information to approve licensee applications and determine the type and quantity of Woodsy Owl merchandise licensees are selling in order to collect royalties due the Federal government and evaluate annual license renewal requests.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **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 three 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.**

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

The notice requesting comments on the renewal of this information collection was published in the Federal Register on August 28, 2010, in Volume 75, Number 200, on page 63800-63801. *No comments were received in response to the Federal Register Notice.*

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 record keeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

Since licenses are for three years, the licensees have an opportunity to discuss information if we renew their license. In addition, the following licensees were contacted and asked for comments on this information collection:

Signs and Shapes
2320 Paul Street
Omaha, NE 68102
Phone: 402-331-3181

Comment: Said paperwork minimal - not burdensome at all.

Junk Food
11727 Mississippi Ave.
Los Angeles, CA 90025
Phone: 310-445-7776 ext. 225

Comment: Reporting royalties is a standard operating procedure. The reporting to Forest Service is no different than reporting to others.

Trau & Louvner
5817 Central Ave.
Pittsburg, PA 15206
Phone: 1-800-245-6207

Comment: No more burdensome than any of the others they had to report.

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

There are 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.

There is no assurance of confidentiality.

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.

There are 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.

- **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.**

Table 1

(a) Description of the Collection Activity	(b) Form Number	(c) Number of Respondents	(d) Number of responses annually per Respondent	(e) Total annual responses (c x d)	(f) Estimate of Burden Hours per response	(g) Total Annual Burden Hours (e x f)
Licensee Application	No specific form	5	1	5	30 minutes	2.5 hours
Quarterly Report	No specific form	31	4	124	40 minutes	82.67 hours
Totals	---	36	--	129	--	85.17

- **Record keeping burden should be addressed separately and should include columns for:**

Table 2

(a) Description of record keeping activity	(b) Number of Record keepers	(c) Annual hours per record keeper	(d) Total annual record keeping hours (b x c)
Records for Quarterly Report	31*	3 hours	93hours
Totals	31*	3 hours	93 hours

* Record keepers are the same respondents listed in Table 1, item - Quarterly Report, column (c)

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

Table 3

(a) Description of the Collection Activity	(b) Estimated Total Annual Burden on Respondents (Hours)	(c) Estimated Average Income per Hour	(d) Estimated Cost to Respondents
License applications	2.5 hours	29.14	72.85
Quarterly reports	82.67 hours	29.14	2409.00
Record keeping	93 hours	29.14	2710.02
Totals	178.17 hours	---	5191.87

The respondents' estimated annual cost of providing information is \$5191.87. This total has been estimated by multiplying 178.17 hours by \$29.14, the mean hourly wage for Business Operations Specialist. Data for computation of this hourly wage were obtained from the department of labor, Occupational employment and Wages, May 2009, on the following website: <http://www.bls.gov/oes/current/oes131199.htm>.

- 13. Provide estimates of the total annual cost burden to respondents or record keepers 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 operation and maintenance costs.

- 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 response to this question covers the actual costs the agency will incur as a result of implementing the information collection. The estimate should cover the entire life cycle of the collection and include costs, if applicable, for:

- **Employee labor and materials for developing, printing, storing forms**
- **Employee labor and materials for developing computer systems, screens, or reports to support the collection**
- **Employee travel costs**
- **Cost of contractor services or other reimbursements to individuals or organizations assisting in the collection of information**
- **Employee labor and materials for collecting the information**
- **Employee labor and materials for analyzing, evaluating, summarizing, and/or reporting on the collected information**

Table 4

Activity	Hours	Per Hour Cost to Government	Total Cost to Government
Employee labor and materials for developing, printing, storing forms	10	\$66.55	\$665.50
Employee labor and materials for developing computer systems, screens, or reports to support the collection	4	\$66.55	\$266.20
Employee Travel Costs	N/A	0	0
Cost of contractor services or other reimbursements to individuals or organizations assisting in the collection of information	90	\$35.50	\$3,195.00
Employee labor and materials for collecting the information	50	\$66.55	\$3,327.50
Employee labor and materials for analyzing, evaluating, summarizing, and/or reporting on the collected information	280	\$66.55	\$18,634.00
Total estimated annualized cost to Federal Government			\$26,088.20

Annualized cost to the Federal government based on OMB pay tables at <http://www.opm.gov/oca/10tables/indexGS.asp>. Annual cost determined by adding the hourly rate of GS-13, step 7 (\$51.19) by 30 percent of hourly rate (overhead costs). Thus, the hourly cost to the Federal government is $51.19 \times 1.3 = \$66.55$. The total estimated annualized cost to the Federal government for this information collection is \$26,088.20.

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

There is an increase of 115 burden hours attributed to an increase in respondents and after re-evaluation increased the record keeping response time from 2 hours to 3 hours.

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

There are no plans for publishing this information

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

There are no plans to seek such approval.

17. Explain each exception to the certification statement identified in item 19, "Certification Requirement for Paperwork Reduction Act."

We are able to certify compliance with all provisions under Item 19 of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

This information collection does not employ statistical methods.