

1 Supporting Statement

AGRICULTURAL LABOR SURVEY

OMB No. 0535-0109

TERMS OF CLEARANCE

Date 09/02/2011

TERMS OF CLEARANCE: Prior to the commencement of the revised Agricultural Labor Survey forms distribution, the National Agricultural Statistics Service shall provide on its Internet site prominent links to directions on how to obtain a set of finalized survey forms, including instructions, cover letters, and related materials comparable to those provided for the 2007 Census of Agriculture report forms. The final forms and letters shall reflect any changes in the survey year, OMB number expiration date, and NASS or cooperating partner leadership from those submitted for review.

The following website is located on the NASS home page under the Surveys tab. The public may request copies of any of the surveys or publicity materials used by NASS with any of our data collections.

http://www.nass.usda.gov/Surveys/Request_for_Survey_Form/index.php

The questionnaires have all been updated to include the standard information (OMB control number, OMB expiration date, respondent burden statement, NASS contact information, etc.).

A. JUSTIFICATION

This is a request for continuing approval of the NASS Labor Survey for three additional years.

- 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.**

Agricultural labor statistics are an integral part of the primary function of the National Agricultural Statistics Service (NASS), which is the collection, processing, and dissemination of current State, regional, and national agricultural statistics. Wage rate estimates have been published since 1866 and U.S. farm employment estimates have been published since 1910. General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204

which specifies that "The Secretary of Agriculture shall procure and preserve all information concerning agriculture which he can obtain ... by the collection of statistics ... and shall distribute them among agriculturists."

Comprehensive and reliable agricultural labor data are also needed by the Department of Labor for setting "Adverse Effect Wage Rates" (AEWR) and in the administration of the "H-2A" program for non-immigrants who enter the United States for temporary or seasonal agricultural labor. The Department of Labor also uses NASS labor data to set Child Labor Regulations.

The Agricultural Labor Survey is the only timely and reliable source of information on the size of the farm worker population. The decennial population census which previously collected this information has conceded that, because of undercount issues, the agricultural labor data from the decennial census should not be used.

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.

The Agriculture Adjustment Act of 1938, as amended, requires USDA to compute parity prices of farm products. This computation uses an index of Prices Paid by Farmers which in turn is composed of five indexes, one of which is an index of wage rates. Wage rate estimates are the most widely used component of the agricultural labor survey program. These estimates measure actual agricultural wage rates and the year-to-year changes.

Under the H-2A program for agriculture, part of the Immigration Reform and Control Act of 1986, agricultural employers are permitted to employ foreign workers only if domestic workers are unavailable and the employment of foreign workers will not adversely affect wages and working conditions of U.S. agricultural workers employed in similar work. The wage rate offered by agricultural employers is a critical factor in determining the number of domestic workers who apply for work and ensuring that foreign workers cause no adverse effect on American farm workers. The minimum wage rate offered by agricultural employers as a requirement for employing foreign workers is determined by Federal regulations (CFR 655.107 Adverse Effect Wage Rates).

Number of workers and hours worked data, are used to estimate agricultural productivity. The Employment Standards Administration in the Department of Labor uses estimates of agricultural workers in conjunction with their estimates of employment covered by the Fair Labor Standard Act of 1938, as amended.

Agricultural workers are estimated in four categories--field workers, livestock workers, field and livestock workers, and all hired workers--to provide a basis for

meaningful comparison with the nonagricultural sector and to determine the impact of changes in the level of the Federal minimum wage.

The Bureau of Economic Analysis (BEA) in the Department of Commerce relies on the number of hired agricultural workers, hours worked, and wages paid as components in personal and national income for the agricultural sector of the gross domestic product (GDP). Legislatures and policy makers use agricultural labor data when setting policy that affects the farm sector. It is very important that consideration be given to the farm sector under all types of legislation since the food and fiber system as a whole accounts for approximately 6 percent of the Nation's total economic activity in terms of GDP and an equal percent of the total labor force.

Survey data on workers and wage rates help ensure that assistance programs providing federal assistance for farm workers are supported with government funding. The Agricultural Labor Survey provides employment data for equitable allocation and distribution of these funds to where seasonal workers need housing and education.

Changes in wage rates help measure the changes in costs of production of major farm commodities. Cost of production estimates, are used by policy makers to help determine farm program supports—target prices, loan rates, and the milk support price. Price supports affect all farmers directly or indirectly. Price supports for grain farmers, for example, generally result in “adequate” grain supplies and “reasonable” grain prices for livestock producers.

The Agricultural Labor Survey provides data that can be used to measure the availability of farm workers across the Nation, and be used to help determine if there is a shortage of farm laborers.

Labor data are used by policy makers in determining immigration policies. Analysts use the data to evaluate the effect of changes in the immigration and labor laws on producers, wage rates, and costs of production.

Agricultural labor data are used by farm worker organizations to help set wage rates and negotiate labor contracts as well as to determine the need for additional workers. They are also used by private and government agencies responsible for the planning and placement of farm workers and that work closely with employer and labor crew chiefs.

The Economic Research Service in USDA also uses wage rate data to estimate labor costs for crop and livestock enterprise budgets.

- 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.

Web-based data reporting is available for these surveys. As in 2008 the Web response continues to average between 1.0 and 2.0 percent for completed reports for calendar year 2011.

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.

The National Agricultural Statistics Service cooperates with State departments of agriculture and land grant universities to conduct agricultural surveys. These surveys meet both State and Federal needs, thus eliminating duplication and minimizing reporting burden on the agricultural industry. For example, NASS has worked jointly with the California Employment Development Department (EDD) since January 1997 to use one labor questionnaire for both organizations. This administrative data provided to NASS by EDD eliminates the possibility of operators reporting similar data to two government agencies. Respondent burden is reduced by collecting data for both the State of California and USDA during only one data collection effort.

The Agricultural Labor Survey is the only timely and reliable source of information on the size of the farm worker population. Data collected on this survey are not available from any other source.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimize burden.

Information requested for agricultural labor can be provided with a minimum of difficulty by the respondent. Farms using a small number of workers generally provide the needed data without having to consult their record books, while large labor users can respond by using their normal day-to-day operating records.

Generally a pre-survey letter and sample of the questionnaire are mailed to respondents before the April and October surveys begin, alerting them that an interviewer will be contacting them. The sample questionnaire familiarizes respondents with the questions that will be asked and provides them with the opportunity to record the information in advance of the enumerator contact. This reduces interview time and allows the respondent to assemble the needed information at his or her convenience. If operators prefer to provide their data over the internet that option is available too, through our Electronic Data

Repository (EDR) system. Instructions on how to access the EDR system are mailed with the pre-survey letter.

- 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.**

Collecting information less frequently would not produce the timely estimates required to monitor seasonal variations in the agricultural labor work force or provide data for government needs as required by law.

- 7. Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with the general information guidelines in 5 CFR 1320.5.**

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

- 8. 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.**

The Notice soliciting comments on this collection was published in the Federal Register on August 7, 2012 on page 47029. The notice announced the intent to renew the data collection project for 3 years. Three public comments were received; one from the US Dept. of Commerce in support of NASS's labor program, one from Farmworker Justice, also in support of this program, and one from the NJ Dept. of Labor with some questions about the program. The comments and the reply to the NJ Dept. of Labor are attached to this renewal package.

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.

NASS stays in constant contact with Department-level personnel involved with agricultural labor policy. In addition, each year NASS conducts a series of meetings at various sites across the United States to maintain a dialogue with farmers and industry leaders to discuss issues relevant to the NASS program; agricultural labor is one of the areas highlighted in these meetings. Consultations with the Department of Labor, the Economic Research Service, and the Bureau of Economic Analysis are ongoing.

9. Explain any decision to provide any payment or gift to respondents.

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.

All questionnaires include a statement that individual reports are kept confidential. U.S. Code Title 18, Section 1905 and U.S. Code Title 7, Section 2276 provide for the confidentiality of reported information. All employees of NASS and all enumerators hired and supervised under a cooperative agreement with the National Association of State Departments of Agriculture (NASDA) must read these regulations and sign a statement of compliance annually.

Additionally, NASS and NASS contractors comply with OMB Implementation Guidance, "Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA), (Public Law 107-347). CIPSEA supports NASS' pledge of confidentiality to all respondents and facilitates the agency's efforts to reduce burden by supporting statistical activities of collaborative agencies through designation of NASS agents; subject to the limitations and penalties described in CIPSEA.

11. Provide additional justification for any questions of a sensitive nature.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should 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 and aggregate the hour burdens in Item 13 of OMB Form 83-I. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

Burden hour calculations are shown below. The minutes-per-response figures come from telephone and field enumerator experience with previous labor surveys.

Reporting time of 11,594 hours is multiplied by \$24 per hour, for a total cost to the public of \$278,256.

Projected 2013 - 2015 Agricultural Labor Response Burden Hours

Survey	Sample Size	Freq	Responses				Non-response				Total Burden Hours
			Resp. Count	Freq x Count	Min./ Resp.	Burden Hours	Nonresp Count	Freq x Count	Min./ Nonr.	Burden Hours	
Labor Survey - List Frame	9,900	2	7,920	15,840	30	7,920	1,980	3,960	2	132	8,052
Labor Survey - Area Frame	2,100	2	1,680	3,360	30	1,680	420	840	2	28	1,708
Quality Control Re-contact	1,000	1	800	800	5	67	200	200	2	7	74
Publicity Materials List Frame	9,900	2	7,920	15,840	5	1,320	1,980	3,960	2	132	1,452
Publicity Materials Area Frame	2,100	2	1,680	3,360	5	280	420	840	2	28	308
Total	12,000		20,000	39,200		11,267	5,000	9,800		327	11,594

13. Provide an estimate of the total annual cost burden to respondents or record-keepers resulting from the collection of information.

There are no capital/start-up or ongoing operation/maintenance 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 which should include quantification of hours, operational expenses, and any other expense that would not have been incurred without this collection of information.

The total cost to the Federal government for the agricultural labor survey is \$1.2 million. The decrease in cost is due to the reduction in the frequency of conducting the survey from quarterly to biannually.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I (reasons for changes in burden).

The overall reduction in burden hours is due to several factors. The primary reduction in the number of responses and total respondent burden is due to one major program change; the collection of data biannually instead of quarterly. The other program change that is taking place is the discontinuation of the Agricultural Services survey. The remainder of the reductions are due to an adjustment in the overall sample size down by about 350 operators per year.

	Total Number of Responses	Annual Burden Hours
Beginning Balances	82,865	16,007
Program Changes		
Frequency of Surveys	31,865	4,149
Discontinuation of Service Survey	600	124
Adjustment		
Changes to Sample Sizes	1,400	140
Ending Balances	49,000	11,594

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Agricultural labor survey data collection procedures include periodic national statistician training schools and regular enumerator training sessions in each field office.

Data from the list frame are collected biannually (April and October) during the 2-week period following the survey reference week, which is the Sunday through Saturday period containing the 12th day of the survey month. This is the same week specified by other government agencies which deal with employment and wage series. Attached to this supporting statement are the survey questionnaires, as shown in the table below; list and area frames, use the same questionnaire versions. The primary questionnaire is used in all States except for California. The quality control sheet is also attached. Estimates are published approximately 30 days after the survey reference date; all agricultural labor releases can be found on the Web at

<http://usda.mannlib.cornell.edu/MannUsda/viewDocumentInfo.do?documentID=1063>.

Data Collection and Publication					
Survey	Data Collection			Publication	
	Timing	Reference Period	Survey Period	Date of Release	Name of Release
List	Apr. & Oct.	Week of the 12th for Apr. & Oct.	2 weeks following reference week	Middle of the following months	Quarterly Labor Survey
Area	Apr. & Oct.				
Quality Control	NASS standard telephone QC sheet				

- 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.**

There is no request for approval of non-display of the expiration date.

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

There are no exceptions to the certification statement.