

UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
(Commodity Credit Corporation)
OMB Number 0560-XXXX
2012 NAP Frost Freeze (NAPFF)

The Farm Service Agency (FSA) is requesting **EMERGENCY CLEARANCE** because of the initial sign-up date for NAPFF payments to eligible producers of eligible fruit crops in Secretarially designated disaster counties designated due to frost or freeze for the 2012 crop year. The Agricultural Act of 2014 (Pub. L. 113-79) (2014 Farm Bill) directs FSA (authorized by the Secretary) to make assistance available “as soon as practicable after October 1, 2013.” In addition, this initial sign-up date for applications is necessary because NAPFF payments may effect processing of applications for 2012 assistance under the Supplemental Revenue Assistance Payments (SURE) Program. Because NAPFF payments are included as revenue for SURE payment calculation, it is advantageous to producers and FSA to complete NAPFF payment processing in advance of 2012 crop year SURE payment processing. Otherwise, SURE payment processing will have to be re-run to capture revenue. This could involve forcing participants to make multiple trips to county offices, and it could require additional administrative time to process SURE applications. This is a one-time collection of data that only runs for about three months.

The notice of funds availability will be published in the Federal Register to notify applicants.

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.**

NAPFF is a one-time program as authorized in section 12305 of 2014 Farm Bill for FSA to provide noninsured crop disaster assistance program (NAP) payments to producers who had eligible losses to 2012 annual fruit crops grown on a bush or tree. Crops must have been located in counties that had Secretarial disaster designations due to frost or freeze during the 2012 crop year and where catastrophic risk protection plan of insurance was not available through the Risk Management Agency (RMA). In addition to frost and freeze, qualifying causes of loss include damaging weather or adverse natural occurrences such as flooding. NAP coverage was available for the 2012 crop year and payments for low yield loss were calculated based on the loss of an eligible NAP crop in excess of 50 percent of expected production (guarantee) times 55 percent of the average market price for the crop. The 2014 Farm Bill retroactively provides additional higher coverage levels for eligible 2012 fruit losses, which will be made available through NAPFF.

FSA requires applications from producers in eligible counties in order to determine eligibility and distribute payments. In order to receive a payment under NAPFF, all applicants will be required to submit a 2012 NAPFF Application, CCC-473, and Average Adjusted Gross Income

(AGI) Certification and Consent to Disclosure of Tax Information, CCC-941, and retain verifiable or reliable documentation of production for three years.

Some applicants who did not previously apply for 2012 NAP coverage will also be required to file a NAP Application for Coverage, CCC-471; Report of Acreage, FSA-578; Actual Production History and Approved Yield Record, CCC-452; Farm Operating Plan for Individual or Legal Entity, CCC-902; and Highly Erodible Land Conservation (HELIC) and Wetland Conservation Certification, AD-1026, to be eligible for NAPFF. A form of CCC-860, Socially Disadvantaged, Limited Resource and Beginning Farm or Rancher Certification, is for the respondents to certify that they are considered a socially disadvantage farm or rancher or limited resource farmer or rancher, or beginning farmer or rancher. A Notice of Loss, CCC-576 part B, and an Application for Payment, CCC-576 part G, will also be required from any applicants who either did not previously apply for 2012 NAP coverage or who had 2012 NAP coverage but did not previously file those forms with their FSA county office.

FSA will publish a notice of funds availability to provide guidance and solicit applications.

- 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 information submitted by respondents will be used by FSA to determine eligibility and distribute payments to eligible producers under NAPFF.

- 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.**

If all other required documentation is on file with the FSA county office, producers may request a 2012 NAPFF Application, CCC-473, and Average AGI Certification and Consent to Disclosure of Tax Information, CCC-941, from their FSA county office and return those forms by mail. CCC-473, CCC-941 and CCC-860 will also be publicly available online. Producers who do not have the other required documentation already on file with FSA will be required to apply in person at their FSA county office; however, data fields for crop/type and intended use will be pre-filled on the application by the county office from information previously provided on CCC-471, if already on file. The producer will indicate crop and type and intended use, if not pre-filled, whether NAPFF benefits are requested or declined, and whether the producer received a 2012 indemnity payment for AGR or AGR Lite, which could be subject to duplicate benefit restrictions. The producers will sign and date the form certifying the loss.

- 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.**

This is a new information collection; therefore, no similar form exists. This data is a one-time request and will be used for a short period of time.

The county office will pre-fill the crop/type and intended use on the NAPFF application form from information previously provided on CCC-471, if already on file. The applicant will provide crop/type and intended use, if not previously provided, indicate whether NAPFF benefits are requested or denied for each crop/type and intended use, and indicate whether the applicant received a 2012 indemnity payment for AGR or AGR Lite, which could be subject to duplicate benefit restrictions. Applicants will sign and date the form certifying their loss.

All applicants will be required to submit a 2012 NAPFF Application, CCC-473, and Average AGI Certification and Consent to Disclosure of Tax Information, CCC-941. Applicants will not be required to resubmit any of the additional required forms if already on file with FSA.

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

The information collection does not negatively impact small businesses or other small entities.

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.

Failure to solicit applications will result in failure to provide payments to eligible producers as intended by NAPFF. This is a one-time collection of information. If all other required documentation is on file with the county office, applicants may request CCC-473 and CCC-941 from their FSA county office and return those forms by mail. CCC-473, CCC-941 and CCC-860 will also be publicly available online. Because of the short time period to receive applications and distribute payments and the need for county offices to complete portions of the application form, applications for producers who do not have all other required documentation on file with FSA must be taken manually at county offices. Other methods for the filing of applications cannot be accomplished without sacrificing timeliness in providing assistance to producers.

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

- a. Requiring respondents to report information to the agency more often than quarterly;

None.

- b. Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

None.

- c. Requiring respondents to submit more than an original and two copies of any document;

None.

- d. Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;

None.

- e. 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;

None.

- f. Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.

None.

- g. 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.

None.

- h. 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.

None.

- 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.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instruction and recordkeeping, 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.

This is a new information collection request. The notice of funds availability will be published in the Federal Register, and the 60-day comment period will be included requesting for public comment on the information collection.

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

No payments or gifts are provided to respondents other than legitimate payments for which the producer is eligible through the NAPFF program.

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

All information collected is treated as confidential. Agency policy prohibits the giving out of individual information. This information is handled according to the Privacy Act and Freedom of Information Act.

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.

No questions of a sensitive or personal nature are included in the application.

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.

USDA estimates that approximately 3,191 producers may apply for NAPFF payments. This estimate is based on the number of participants in eligible counties who previously obtained 2012 NAP coverage for eligible NAPFF crops and information provided by FSA State Offices regarding the expected number of applicants based on known disaster events and losses within their states during the 2012 crop year. This is a one-time collection of data that only runs for three months.

Completing CCC-473 is estimated to take an average of 5 minutes (0.0833 hours) per response. All applicants must also file CCC-941, Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information, which will take an estimated 5 minutes (0.0833 hours) to complete. The annual burden for completing CCC-473 and CCC-941 is 542.47 hours (3,191 responses x 0.17 hours).

The estimated average travel time to and from the FSA county office is one hour. The annual burden for travel time is 3,191 hours (3,191 responses x 1 hour).

Many applicants will have already filed the additional required forms with FSA. Approximately 2,194 applicants will not have previously applied for 2012 NAP coverage and will be required to file: Actual Production History and Approved Yield Record, CCC-452 (0.0833 hours); NAP Application for Coverage, CCC-471 (0.0833 hours); Report of Acreage, FSA-578 (0.5 hours); Farm Operating Plan for Individual or Legal Entity, CCC-902 (0.0833 hours); and Highly Erodible Land Conservation (HELIC) and Wetland Conservation Certification, AD-1026 (0.25 hours). The annual burden for completing CCC-452, CCC-471, FSA-578, CCC-902, and AD-1026 is 2,194 hours (2,194 responses x 1 hour).

Approximately 2,394 applicants will be required to file a Notice of Loss, CCC-576 part B (0.25 hours), including all applicants who did not previously apply for 2012 NAP coverage and approximately 80 percent of applicants who did previously apply for 2012 NAP coverage. The annual burden for completing CCC-576 part B is 598.5 hours (2,394 responses x 0.25 hours).

Approximately 2,493 applicants will be required to file an Application for Payment, CCC-576 part G (0.25 hours), including all applicants who did not previously apply for 2012 NAP coverage and approximately 70 percent of applicants who did previously apply for 2012 NAP coverage. The annual burden for completing CCC-576 part G is 623.25 hours (2,493 responses x 0.25 hours).

All applicants must retain acceptable records of production (3 hours). Approximately 32 applicants will be required to provide and retain documentation of any salvage value received or available for the quantity of the commodity that cannot be marketed or sold in any market (1 hour). Approximately 32 applicants will be required to provide and retain documentation of any marketable or usable harvested production bearing little resemblance to the intended commodity (1 hour). The annual burden for recordkeeping is 9637 hours (3,191 x 3 hours + 32 x 1 hour + 32 x 1 hour).

A form of CCC-860, Socially Disadvantaged, Limited Resource and Beginning Farm or Rancher Certification, is for the respondents to certify that they are considered a socially disadvantage farm or rancher or limited resource farmer or rancher, or beginning farmer or rancher. The annual burden for completing CCC-860 is 40 hours (479 responses X 5 minutes (.0833)).

The annual burden for this information collection package is 16,815 hours. This was calculated by adding the annual burden hours determined for the NAPFF application, other required forms, travel time, and recordkeeping.

Respondent cost per hour was derived by using U.S. Bureau of Labor Statistics Occupational Employment and Wages, May 2013, Table 11-9012-Farmers and Ranchers. The U.S. mean household income, as measured by the Bureau of Labor, is \$35.20 hourly. The estimated cost is \$591,888 (\$35.20 x 16,815 hours).

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, startup, or ongoing operation and maintenance costs associated with this information collection to respondents or recordkeepers.

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 cost of form development, printing and distribution is minimal because the form is computer generated. County employee cost per response is equal to 0.5 hours for completion of the application form multiplied by \$18.64 (estimated county employee average hourly wage; based 2014 General Schedule, Grade 7, Step 5). The total annualized cost to the Federal Government is \$29,740.12 ($\$18.64 \times 0.5 \text{ hours} \times 3,191 \text{ responses}$).

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

This is a new information request.

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

There are no plans to publish the information collected. It is to be used solely to administer the program.

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

FSA is not requesting that the OMB expiration date not be displayed.

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

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

19. How is this information collection related to the Customer County Office? Will this information be part of their one-stop shopping?

Applicants will continue a relationship with FSA county offices administratively responsible for the farms where the applicants suffered eligible losses.