

2016 SUPPORTING STATEMENT
for
National Organic Program; Organic Livestock and Poultry Practices
OMB NO. 0581-0293

(Final Rule)

NOTE: Upon OMB's approval of this new information collection for National Organic Program; Organic Livestock and Poultry Practices, we will request to merge this collection into currently approved OMB Control Number 0581-0191 National Organic Program Reporting and Recordkeeping Requirements. In addition, we will submit a Discontinuation Request of this assigned OMB number to prevent duplicity of information.

A. Justification.

- 1. EXPLAIN THE CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY. IDENTIFY ANY LEGAL OR ADMINISTRATIVE REQUIREMENTS THAT NECESSITATE THE COLLECTION.**

The National Organic Program (NOP) is authorized by the Organic Foods Production Act of 1990 (OFPA), as amended, (7 U.S.C. § 6501 *et. seq.*). The Agricultural Marketing Service (AMS) administers the NOP. Under the NOP, AMS oversees national standards for the production and handling of organically produced agricultural products. The NOP is issuing a final rule to amend its regulations to address multiple recommendations provided to USDA by the National Organic Standards Board (NOSB) to add specificity about livestock production practices with the purpose of ensuring consumers that conditions and practices for livestock products labeled as organic encourage and accommodate natural behaviors and utilize preventive health care and humane slaughter practices. This will enable certifying agents to make consistent certification decisions and facilitate fairness and transparency for the organic producers and consumers that participate in this market. This action and its associated information collection will promulgate changes to the USDA organic regulations consistent with the OFPA.

- 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.**

Under the final rule, the amendments to §§ 205.238, 205.239, 205.241 and 205.242 impose a new reporting and recordkeeping burden on livestock operations, certifiers, and inspectors. Organic livestock operations are currently

required to maintain an organic system plan that describes (1) the practices and procedures and the frequency with which they are performed and (2) the monitoring practices to verify that the plan is implemented (§ 205.201). In addition, organic producers are currently required to maintain records that (1) fully disclose all activities of the operation and (2) are sufficient to demonstrate compliance with the USDA organic regulations (§ 205.103). Under the USDA organic regulations each operation is required to maintain and make available upon request, for 5 years, such records as are necessary to verify compliance (§ 205.103). This final rule identifies specific information that organic livestock producers must maintain as part of the organic system plan, including: documentation of attempts to use alternative practices before performing certain physical alterations; keeping records on the percent of the herd or flock suffering from lameness; identify and record treatment of sick and injured animals, plan to minimize internal parasites; plan for prompt, humane euthanasia; maintenance non-compliant records regarding animal transport, and handling and slaughter that are issued by other authorities; and emergency plans to address animal welfare problems that may occur in transport.

Each certifier seeking to continue USDA accreditation for livestock will need to submit information documenting its business practices including certification, enforcement and recordkeeping procedures and personnel qualifications (§ 205.504). AMS will review that information during its next scheduled on-site assessment to determine whether to continue accreditation for the scope of livestock. Certifying agents will need to annually update the above information and provide results of personnel performance evaluations and the internal review of its certification activities (§ 205.510). Certifying agents are required to maintain records for 5 to 10 years, depending on the type of record (§ 205.510(b)) and to make these records available for inspection upon request (§ 205.501(a)(9)). Inspectors conduct on-site inspections of certified operations and operations applying for certification and report the findings to the certifying agent. Inspectors may be the agents themselves, employees of the agents, or individual contractors. Certified operations will be inspected annually; a certifying agent may call for additional inspections on an as needed basis (§ 205.403(a)). Any individual who applies to conduct inspections of livestock operations will need to submit information documenting their qualifications to the certifying agent (§ 205.504(a)(3)). Inspectors will need to provide an inspection report to the certifying agent for each operation inspected (§ 205.403(e)).

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.

The USDA encourages operations, handlers, and certifiers to use any electronic means available to them to create, submit and store records, including keeping database records of products produced on certified operations; maintaining lists of producers and handlers and their location; creating certification or training documents; maintaining business accounting records; and sending documents over the Internet. Research of the industry indicates that many certifiers use electronic data creation, storage and the Internet. Certifying agents will be able to submit documentation via e-mail to the NOP. This is the preferred method of submission.

AMS is committed to complying with the e-Government Act, which requires Government agencies, in general, to provide the public the option of submitting information or transacting business electronically to the maximum extent possible. To minimize disruption to the normal business practices of the certifying agents, they will be permitted to develop their own format for documenting how they meet the new organic aquatic animal requirements.

4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION. SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSE(S) DESCRIBED IN ITEM 2 ABOVE.

We have made every effort to contact appropriate sources within USDA, other Government agencies, and outside sources to ensure that we are not duplicating information collection. For example, to verify that the requirements for animal transport and handling and slaughter, we are accepting compliance records generated by other authorities to verify compliance with this rule. We encourage participants in the NOP to reduce the paperwork burden by establishing business operating plans and procedures that incorporate the NOP requirements. Because the amendments to §§ 205.238, 205.239, 205.241 and 205.242 introduce new practices, operations and may not be recording information or data to meet the purpose described in item 2. Furthermore, certifying agents may not be auditing or verifying this information.

5. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES (ITEM 5 OF THE OMB FORM 83-I), DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.

The Regulatory Impact Analysis and the Regulatory Flexibility Analysis indicate that many of the businesses in the organic industry are small businesses. Several options have been explored and every effort has been made to mitigate

any negative impacts caused by a reporting or recordkeeping burden.

The NOP has made every effort possible to secure information about the smallest segments of the industry, to provide open dialogue with them, to develop performance standards with a range of practices, and to accept the required documents in a reasonable, logical fashion.

The AMS has considered the economic impact of this action on small entities, particularly organic egg and broiler producers. The cost impacts of this regulation will primarily impact the organic poultry sector. Small egg producers are listed under NAICS code 112310 (Chicken Egg Production) as grossing less than \$15,000,000 per year. AMS estimates that out of 722 operations reporting sales of organic eggs, 4 exceed that threshold. Small chicken producers are listed under NAICS code 11230 (Broilers and Other Meat Type Chicken Production) as grossing less than \$750,000 per year. AMS estimates that 27 of the 245 operations reporting sales of organic broilers would not qualify as small businesses.

Small agricultural service firms, which include accredited certifying agents, have been defined by SBA (13 CFR 121.201) as those having annual receipts of less than \$7,000,000. Most U.S.-based accredited certifying agents are also considered small entities. Of the 5,396 respondents, the large majority are considered to be small businesses by the Small Business Administration (SBA).

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.

If the collection of information was not conducted or was conducted less frequently, the Agency would not be able to carry out the intent of Congress as it enforces the OFPA. This oversight, as mandated by the OFPA, includes an annual inspection of certified producers and handlers. The continued accreditation of certifiers requires written documentation of their management activities.

Every attempt possible has been made to create the regulation to incorporate existing documents and allow flexibility to certifiers, producers, and handlers. Certified operations will be required only to submit annual updates of information after their initial application has been submitted. Certifying agents are encouraged to use or modify existing documents to meet the requirements of accreditation, rather than creating new documents.

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 3 YEARS;**

The OFPA § 6511(d)(1) requires that producers and handlers maintain records concerning the production and handling of agricultural products sold or labeled as organically produced for 5 years. OFPA § 6515(c)(1) requires any certifying agent to maintain all records concerning its activities for a period of not less than 10 years. The recordkeeping requirements include any test results conducted as part of the residue testing requirements.

The three categories of records with varying retention periods that are addressed in the NOP regulations are: (1) records created by certifying agents regarding applicants for certification and certified operations to be maintained 10 years; (2) records obtained from applicants for certification and certified operations to be maintained 5 years; and (3) other records created or received by certifying agents to be maintained 5 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 other 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.

A proposed rule soliciting public comments on this information collection was published in the Federal Register on April 13, 2016 (71 FR 21956). There were a total of 6,675 which addressed the proposed requirements for organic livestock production practices. Twelve comments addressed recordkeeping and reporting burden; however, two of these comments were duplicative. Based on these comments, AMS did not make any changes to the estimated burden hours.

AMS received eight out of ten comments specifically objecting to the recordkeeping requirements, relative to the population of respondents. One of the ten comments submitted the results of a survey of the organic livestock producers they certify, the majority of which indicated that compliance with this rule would not entail additional records. AMS also received comments from 2 certifying agents which stated that AMS underestimated the hours that certifying agents would need to implement these requirements because it would necessitate new forms, training personnel and compliance-related correspondence. AMS received two comments expressing that the recordkeeping requirements are duplicative and contribute to an increasing burden to document food safety, labor and environmental compliance. Finally, three comments suggested that AMS provide templates for certain types of records (e.g.,

monitoring lameness), training and other resources for certain documentation requirements.

This final rule contains several provisions that specifically identify a recordkeeping or documentation requirement. These provisions are unchanged from the proposed rule. AMS did not make changes based on comments for several reasons. AMS received only ten unique comments objecting to the recordkeeping requirements, relative to the population of respondents. AMS expects that this is because this rule refers to specific, narrow documentation requirements that are already within the scope of the general recordkeeping requirements for organic producers and the components of an organic system plan. Specifically, such records fully disclose all activities in sufficient detail to be readily understood and audited and be sufficient to demonstrate compliance with the USDA organic regulations (7 CFR 205.103); and that an organic system plan must contain a description of practices and procedures to be performed, and monitoring practices to ensure the plan implemented (7 CFR 205.201).

AMS believes, and some comments support this conclusion, that many organic producers already maintain the records that are specified in this rule as part of their organic system plans. The estimates of total recordkeeping and reporting burden are average per-operation estimates based on the number of operations and animals across the whole industry. Consequently, some operations will have greater or lesser record-keeping burden and costs depending on the number of operations they inspect and certify, or the number of animals they manage. In addition, AMS understands that numerous organic livestock producers also participate in third-party animal welfare certification programs and would likely maintain records concerning animal health/condition to participate in those programs.

AMS does intend to develop tools and conduct training to assist in the implementation of this regulation. AMS is considering tools that would assist producers and certifying agents with assessing body condition scoring and monitoring lameness in a flock or herd. After the publication of this rule, AMS plans to conduct web-based training and in-person training on the new requirements.

- **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**

FORMAT (IF ANY), AND ON THE DATA ELEMENTS TO BE RECORDED, DISCLOSED, OR REPORTED.

Over the period of 1994 to 2011, the National Organic Standards Board (NOSB) held public meetings and made nine recommendations for AMS regarding livestock welfare within the USDA organic regulations. These recommendations incorporated input from the livestock industry experts, public-interest groups, and academia. AMS has also consulted with the USDA Food Safety Inspection Service (FSIS), the Animal Plant Health Inspection service (APHIS) and maintains a working relationship with potentially affected regulatory agencies to ensure compliances with existing laws and regulations. A 60-day comment period and collection of information for the PRA was embedded in the proposed rule. Based on public comment, AMS extended the comment period by 30 days for a total comment period of 90 days.

- **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.**

The proposed rule provided a 60-day comment period for stakeholders on the accuracy of the information collection request. AMS granted a 30-day extension based on requests received via public comments. The total comment period on the proposed rule was 90 days.

- 9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN REMUNERATION OF CONTRACTORS OR GRANTEES.**

There would be no payment or gift rendered to any respondent.

- 10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS AND THE BASIS FOR THE ASSURANCE IN STATUTE, REGULATION, OR AGENCY POLICY.**

Evaluators reviewing private certifiers' confidential records would be Federal employees representing the USDA. The OFPA § 6515(g) states "that any certifying agent shall maintain strict confidentiality with respect to its clients

under the applicable organic certification program and may not disclose to third parties (with the exception of the Secretary or the applicable State Program's governing State official) any business related information concerning such client obtained while implementing this chapter." Section 205.504(b)(4) of the rule further states that a private certifying agent shall establish policies for protecting the confidentiality of client records.

11. **PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND 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 being requested that are of a sensitive nature. The information we are seeking is directly related to the applicants' business activities as they relate to the NOP.

12. **PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION.**

It is estimated that there will be 5,396 respondents, with 47,918 responses for a total of 132,068 burden hours. Estimates of the hour burden of collection of information have been summarized on the enclosed AMS Form 71.

THE STATEMENT SHOULD:

- **INDICATE THE NUMBER OF RESPONDENTS, FREQUENCY OF RESPONSE, ANNUAL HOUR BURDEN, AND AN EXPLANATION OF HOW THE BURDEN WAS ESTIMATED. UNLESS DIRECTED TO DO SO, AGENCIES SHOULD NOT CONDUCT SPECIAL SURVEYS TO OBTAIN INFORMATION ON WHICH TO BASE HOUR BURDEN ESTIMATES. CONSULTATION WITH A SAMPLE (FEWER THAN 10) OF POTENTIAL RESPONDENTS IS DESIRABLE. IF THE HOUR BURDEN ON RESPONDENTS IS EXPECTED TO VARY WIDELY BECAUSE OF DIFFERENCE IN ACTIVITY, SIZE, OR COMPLEXITY, SHOW THE RANGE OF ESTIMATED HOUR BURDEN, AND EXPLAIN THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOURS FOR CUSTOMARY AND USUAL BUSINESS PRACTICES.**

- **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.**

The estimated reporting burden is based upon the Organic Integrity Database (accessed on September 21, 2016) which provides a list of certified USDA organic operations.¹ AMS projects that the additional components of organic system plans for livestock may entail longer review times than those for other types of organic system plans. AMS estimates the total reporting/training and recordkeeping cost for respondents (certifying agents, operations, and inspectors) to be \$3,932,134.40 This estimate is based on an estimated 104,114.81 labor hours per year which is the sum of 7,637.70 hours at \$33.26 per hour for certifiers, 56,352.11 hours at \$33.60 per hour for operations, and 40,125 hours at \$21.07 per hour for inspectors. The estimated total cost for web-based and in-person training is \$12,821.70 at \$33.26 per hour. The estimated total recordkeeping cost for operations is \$939,239.88 based on 27,953.57 hours at \$33.60 per hour for recordkeepers. The source of the mean hourly rates for compliance officers (occupation code 13-1041), farmers (occupation code 11-9013), and agricultural inspectors (occupation code 45-2011) is the National Compensation Survey: Occupational Employment and Wages, May 2015 published by the Bureau of Labor Statistics.

We expect that the estimated reporting time will be consistent with that for certifying agents that certify livestock operations, as reported in information collection 0581-0191. However, the additional components of organic system plans for livestock operations may entail longer review times than those for other types of organic system plans. AMS estimates the annual collection cost per certifying agent will be \$3,215.57. This estimate is based on an estimated 96.68 labor hours per year at \$33.26 per hour for a total salary component of \$3,215.57 per year for certifiers. The rate for certifiers is the mean hourly wage for compliance officers. This classification was selected as an occupation with similar duties and responsibilities to that of a certifying agent.²

1 This database is available on the AMS website: <https://apps.ams.usda.gov/integrity/>.

2 Compliance officers examine, evaluate, and investigate eligibility for or conformity with laws and regulations governing contract compliance of licenses and permits, and perform other compliance and enforcement inspection

AMS estimates the annual collection cost per inspector to be \$6,763.47. This estimate is based on an estimated 321 additional labor hours per year at \$21.07 per hour for a total salary component of \$6,763.47 per year. The source of the hourly rate is the National Compensation Survey: Occupational Employment and Wages, May 2015, published by the Bureau of Labor Statistics. The rate is the mean hourly wage for agricultural inspectors.

AMS estimates the annual collection cost per organic livestock operation to be \$559.45. This estimate is based on an estimated 16.65 labor hours per year at \$33.60 per hour for a total salary component of \$559.45 per year. The source of the hourly rate is the National Compensation Survey: Occupational Employment and Wages, May 2015, published by the Bureau of Labor Statistics. The rate is the mean hourly wage for farmers, ranchers and other agricultural managers (occupation code 11-9013).

Cost Analysis Table					
Reporting	# of respondents	Total hours reporting	Hours per respondent	Hourly wage	Total cost
Certifiers	79	7,252.20	91.8	\$33.26	\$241,208.17
Operations (includes new applicants) ³	4,913	56,352.11	11.47	\$33.60	\$1,893,430.90
Inspectors	125	40,125.00	321.00	\$21.07	\$845,433.75
<i>SubTotal</i>	5117	103,729.31			\$2,980,072.82
Training(Certifiers)					
		Total hours training			Total cost
In-person	79	306.50	3.88	\$33.26	10,194.16
Web-based	79	79	1	\$33.26	2627.54
<i>Subtotal</i>		385.50	4.88		\$12,821.70
<i>Total Reporting & Training</i>		104,114.81			
Recordkeeping	# of respondents	Total hours recordkeeping	Hours per respondent	Hourly wage	Total cost
Operations (includes exempt and new applicants)	5,396	27,953.57	5.18	\$33.60	\$939,239.95
Grand Total of Reporting/Training and Recordkeeping					\$3,932,134.40
Reporting,	Total hours	Hourly	Total cost per		

and analysis activities not classified elsewhere. Bureau of Labor Statistics, Occupational Employment and Wages, May 2015, 13-1041 Compliance Officers.

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3 NOP 2016 List of certified USDA organic operations. Available on the NOP Web site, <http://apps.ams.usda.gov/nop/>.

Recordkeeping, and Training Per Wage Rate Category	per respondent	Wage	respondent
Certifiers (includes training)	96.68	\$33.26	\$3,215.57
Inspectors	321.00	\$21.07	\$6,763.47
Operations	16.65	\$33.60	\$559.45

13. PROVIDE AN ESTIMATE 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).

Estimate of Burden: The public recordkeeping burden is estimated to be an annual total of 5.18 hours per operation at \$33.60 hour for a salary component cost of \$939,240. The total cost per year for recordkeeping is estimated at \$939,240 for operations. This total has been estimated by multiplying the 27,953.57 hours incurred by 5,396 operators by \$33.60, the mean hourly wage for farmers. The source of the mean hourly wage for compliance officers and farmers, ranchers and other agricultural managers (occupation code 11-9013) is the National Compensation Survey: Occupational Employment and Wages, May 2015, published by the Bureau of Labor Statistics.

- **THE COST ESTIMATE 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. THE ESTIMATES SHOULD TAKE INTO ACCOUNT COSTS ASSOCIATED WITH GENERATING, MAINTAINING, AND DISCLOSING OR PROVIDING THE INFORMATION. INCLUDE DESCRIPTIONS OF METHODS USED TO ESTIMATE MAJOR COST FACTORS INCLUDING SYSTEM AND TECHNOLOGY ACQUISITION, EXPECTED USEFUL LIFE OF CAPITAL EQUIPMENT, THE DISCOUNT RATE(S), AND THE TIME PERIOD OVER WHICH COSTS WILL BE INCURRED. CAPITAL AND START-UP COSTS INCLUDE, AMONG OTHER ITEMS, PREPARATIONS FOR COLLECTING INFORMATION SUCH AS PURCHASING COMPUTERS AND SOFTWARE; MONITORING, SAMPLING, DRILLING AND TESTING EQUIPMENT; AND RECORD STORAGE FACILITIES.**
- **IF COST ESTIMATES ARE EXPECTED TO VARY WIDELY, AGENCIES SHOULD PRESENT RANGES OF COST BURDENS AND EXPLAIN THE REASONS FOR THE VARIANCE. THE**

COST OF PURCHASING OR CONTRACTING OUT INFORMATION COLLECTION SERVICES SHOULD BE A PART OF THIS COST BURDEN ESTIMATE. IN DEVELOPING COST BURDEN ESTIMATES, AGENCIES MAY CONSULT WITH A SAMPLE OF RESPONDENTS (FEWER THAN 10), UTILIZE THE 60-DAY PRE-OMB SUBMISSION PUBLIC COMMENT PROCESS AND USE EXISTING ECONOMIC OR REGULATORY IMPACT ANALYSIS ASSOCIATED WITH THE RULEMAKING CONTAINING THE INFORMATION COLLECTION, AS APPROPRIATE.

- **GENERALLY, ESTIMATES SHOULD NOT INCLUDE PURCHASES OF EQUIPMENT OR SERVICES, OR PORTIONS THEREOF, MADE: (1) PRIOR TO OCTOBER 1, 1995, (2) TO ACHIEVE REGULATORY COMPLIANCE WITH REQUIREMENTS NOT ASSOCIATED WITH THE INFORMATION COLLECTION, (3) FOR REASONS OTHER THAN TO PROVIDE INFORMATION OR KEEPING RECORDS FOR THE GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.**

There are no capital and start-up costs associated with this new collection. Under the NOP (§ 205.103) each operation is required to maintain and make available upon request, for 5 years, such records as are necessary to verify compliance with the NOP. There are no additional costs to maintain the required records.

14. **PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATE COST, WHICH SHOULD INCLUDE QUANTIFICATION OF HOURS, OPERATION EXPENSES (SUCH AS EQUIPMENT, OVERHEAD, PRINTING, AND SUPPORT STAFF), AND ANY OTHER EXPENSE THAT WOULD NOT HAVE BEEN INCURRED WITHOUT THIS COLLECTION OF INFORMATION. AGENCIES ALSO MAY AGGREGATE COST ESTIMATES FROM ITEMS 12, 13, AND 14 IN A SINGLE TABLE.**

We estimate the annual cost to operate the NOP at approximately \$7.8 million. These costs include salaries and benefits; travel and transportation; rent, communications, utilities; printing; contractual services; supplies; and equipment. The NOP currently operates on appropriated funds.

15. **EXPLAIN THE REASON FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14 OF THE OMB FORM 83-I.**

This is a new collection. Since the publication of the proposed rule the estimated burden hours for information collection and recordkeeping are modified for several reasons. (1) AMS has updated data on the number of organic livestock producers, which are the entities that will need to comply with the reporting and recordkeeping requirements in this rule. The estimated number of certified organic livestock operations moved from 4,177 to 5,117. We understand that the primary reason for this increase was a change in which a number of producers, which previously were grouped under one certification, were required to obtain individual certifications; (2) The number of accredited certifying agents increased by 2 from 77 to 79; and (3) based on comment received, a 4.88 burden hour for training to implement this new regulation has been added. These changes amounted to an overall increase of 4,231 responses and 12,111 burden hours.

- 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.**

No publication of data obtained through the regulation is planned.

- 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.**

No new forms will be generated from this collection.

- 18. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS," OF OMB FORM 83-I.**

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

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

- THE AGENCY SHOULD BE PREPARED TO JUSTIFY ITS DECISION NOT TO USE STATISTICAL METHODS IN ANY CASE WHERE SUCH METHODS MIGHT REDUCE BURDEN OR IMPROVE ACCURACY OF RESULTS. WHEN ITEM 17 ON THE FORM 83-I IS CHECKED "YES", THE FOLLOWING DOCUMENTATION

SHOULD BE INCLUDED IN THE SUPPORTING STATEMENT TO THE EXTENT THAT IT APPLIES TO THE METHODS PROPOSED.

This information collection does not employ statistical methods.