

The 2019 Supporting Statement for OMB 0596-0087

Commercial Use of the Woodsy Owl Symbol

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

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:

- Contact information
- How long the individual, business, or organization has been in business;
- The products the individual, business, or organization requests to sell;
- The country the licensed products will be manufactured in;
- Other licenses held by applicant;
- The geographic location from which the products will be sold;
- The projected sales volume;
- How the individual, business, or organization plans to market and distribute the products;
- A description of how the products promote environmental conservation;
- Proposed term, royalty, advance, and/or guarantee.

Respondents 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
- Actual sales of each item
- Sales price of each item
- Royalty due based on actual sales quantity and price
- Description and itemization of deductions (such as fees waived or previously paid as part of advanced royalty payment)
- New total royalty the licensee must pay after deductions
- Running total balance of advanced royalties
- Certification of report by authorized representative.
- Copy of check sent to USDA Forest Service Albuquerque Service Center

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, and organizations applying for or currently licensed to sell Woodsy Owl products for profit.

In addition, there are freelance writers who ask for permission to use Woodsy's character image or slogan in their educational publication(s). Those freelance writers need to request permission to use Woodsy in their publications even if there is no profit involved. Information is also collected from visual media producers (TV and Cable) as they would like to use Woodsy's image or slogan as part of a television show.

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

The information is used to determine whether the applicant will receive a license or renewal of an existing license, and the amount of royalties due to Forest Service 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?

Whereas, in accordance with 16 U.S.C. 580p, p-1, p-3, and p-4, 18 U.S.C. 711a, and 36 CFR Part 272: the name and character of Woodsy Owl are the property of the United States; and, the Forest Service may authorize the commercial manufacture, use, or reproduction of the name or character of Woodsy Owl.

The Woodsy Owl Licensing Program operates under this code. To qualify applicants, the Licensing Program collects non-confidential information about the applicant's business on an application form in MS Word, transmitted directly to the licensing contractor. There is no collection of information via the WoodsyOwlProducts.com website. As a general rule, the United States Department of Agriculture (USDA) and the Forest Service do not collect Personally Identifiable Information (PII) about the

applicant or anyone when visiting our website, unless you choose to provide such information to us via email.

Telephone calls are received at the Contractor's offices where a caller is either referred to www.woodsyowlproducts.com website to download the application or emailed the application directly. Callers are routinely walked through the application process while on the telephone call and provided submittal information verbally as well as shown where on the website the information is detailed. The www.woodsyowlproducts.com website has a tab "Become a Licensee" with detailed steps, contact information and the application as a PDF file or Word document for download. Initial applicants complete the Woodsy Owl Licensing Program License Application. Responses may be submitted by mail, fax or e-mail.

License renewal and amendment requests may also be submitted by mail, fax, or e-mail.

Quarterly reports require an original signature from the licensee's representative, must include any royalty payment due, and therefore may be mailed. Checks for royalty payments due and the quarterly royalty reports are sent to the Forest Service's Albuquerque Service Center, while separate copies of both are also sent to each: the National Symbols Program Manager and the licensing contractor. The Quarterly Royalty Reporting Template will be transmitted each quarter as a Word document to all licensees by email. Licensees may use the form provided or submit their own report as long as all required information is presented and calculable. A copy of these reports is sent to the contractor and the National Symbols program manager in Washington DC. The contractor and the program manager need to know this information to acknowledge the amount collected and the contractor share of royalties.

e. How frequently will the information be collected?

- Initial license applicants submit the information one time.
- Licenses are issued for a minimum of two years and a maximum of five years. The renewal process typically begins one quarter before the license expires. The one page renewal is sent via email to the licensee with a request to sign it and return.
- Licensees submit the royalty reports and pay the royalties due to the Agency quarterly.

- License amendments to add products to the license are collected on an as-needed basis, at the request of the licensee by the licensing contractor.

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

A list of all licensees, their contact information, and a list of their licensed products are published on the Woodsy Owl Licensing Program website, maintained and hosted by the licensing contractor. Beyond the website, the Forest Service does not share licensees' information with any other organization inside or outside the USDA or the government.

All information is shared with the licensing contractor responsible for the proper tracking of royalties due to Forest Service and for managing the performance and compliance of individual licensees.

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

Forest Service has developed the following 3 forms:

- Woodsy Owl® Licensing Program Licensee Application
- Woodsy Owl® Quarterly Royalty Reporting Template
- Woodsy Owl® Renewal/Amendment Template

These forms have been standardized and have been formatted to be templates with electronic entry of information.

The respondents must provide 2 additional copies of the quarterly report and of the royalty payment check sent to the Forest Service's Albuquerque Service Center. The additional copies are to be sent to each the National Program Manager, and to the contractor managing the licensing program.

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.

Initial application, renewals and amendments may be reported by hard copy mail, fax or email. The Forest Service has considered the alternative

of providing for on line application, renewals and amendments. However, this would not simplify the process for most applicants and licensees. Most of the licensees are a small business with very little or inexistent technology capabilities to file or submit paperwork via electronic means.

Quarterly reports require an original signature from the licensee's representative, and must include any royalty payment due, and therefore must be mailed. Checks and quarterly royalty reports with original signatures are mailed to the Albuquerque Service Center, while copies are also sent to each the National Symbols Program Manager and the licensing contractor fax, mail, or email.

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 process. The Forest Service is the only Federal agency authorized to manage the Woodsy Owl symbol and associated slogan.

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.

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.

Overall, this process serves to protect the integrity and purpose of the icon as established in the Woodsy Owl Act. Without the collection of this information, the Forest Service would not be able to evaluate, approve, manage, and monitor the appropriate use of the Woodsy Owl symbol and slogan, nor would we be able to calculate and collect royalty fees due to the agency.

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 May 11, 2018, in volume 83, No. 92 page 22002. No comments were received.

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.

The following licensees were contacted and asked for comments on this information collection:

Jessica Jordan
Director of Licensing & Marketing
Mad Engine LLC.
6740 Cobra Way Ste 100
San Diego, CA 92121
T: 858.558.5270 Ext: 8926

“The quarterly reporting of royalties is consistent with other commercial licenses and does not impose any challenges. The quarterly reporting is preferred. There are no suggestions for improvements to the reporting requirements for the Woodsy Owl licensing program as the requirements and what is requested is not difficult to provide.”

Joel Barnett, Licensing Professional
15 Bayview
Irvine, CA 92614
Telephone: (310) 720-3285

“Quarterly royalties are standard in the licensing industry. The application does not seem to contain anything that is different from any other application or information that is not immediately and readily known by applicant.”

Doug Momary
Creative Director
Laguna Productions
6000 S. Eastern Ave.
Suite 14-L
Las Vegas, Nevada 89119
Direct Line: (702) 596-7759

“When applying and obtaining a license for the character of Woodsy Owl, the process was very straight-forward. All the forms were self-explanatory and did not require information that my firm did not have. Using templates made it easy to understand and complete in a timely manner.”

Amber Mullenix

Director of Licensing
Jerry Leigh
4860 Nelson Road
Van Nuys, CA 91402
Direct: (818) 933-7004

“All processes are pretty standard and not too cumbersome. Amendments or renewals do take a little longer than some licensors, however they are for a longer term/time frame. So somewhat of a trade. Ultimately, no complaints and they are easy to work with in comparison to other licensors.”

Derrick Baca
EVP Licensing
Hybrid Apparel
10711 Walker Street
Cypress CA 90630
dbaca@hybridapparel.com
(714) 947-8347

“The paperwork for Woodsy Owl is not burdensome. There are templates used and records kept that make it easy to submit information. When a change is needed, we are able to do it by email, with the information then included into a form for signature. We can use our own royalty report format, which saves time. There are no difficult forms or questions that make it difficult to be a licensee.”

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.**

The total number of respondents per application per year is 8, respondents for licensing amendment and renewals is 6 and for quarterly reports is 21. The total number of hours per response totals 106 per year. *(New calculation: $(8*1)+(6*.25)+(21*4*.5)+(21*3)=114.5$).*

The estimated number of respondents is based on the number of applications received each year over the past three years and the current activity. The estimated number of respondents for amendments and renewals is based on the number produced over the past three years. The number of respondents for quarterly reports is based on the current licensee roster.

The estimated burden per response and record keeping burden was estimated. The cost to respondents was estimated by multiplying the total burden hours by the mean hourly wage for a Business Operations Specialist. Data for computation of this hourly wage were obtained from the Department of Labor, Occupational employment and Wages for Business, Professional, Labor, Political, and Similar Organizations May 2013. *(New rate: \$48.47 (includes 31% for fringe benefits) according to link * 114.5 hours = \$5,549.82)*
https://www.bls.gov/oes/current/oes_nat.htm#27-0000.

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 1

Activity	Hours	Per Hour Cost to Government	Total Cost to Government
Employee labor and materials for developing, printing, storing forms	12	\$79.70	\$956.40
Employee labor and materials for developing computer systems, screens, or	4	\$79.70	\$318.80

reports to support the collection			
Cost of contractor services or other reimbursements to individuals or organizations assisting in the collection of information.	148	\$47.71	\$7,061.08
Employee labor and materials for collecting the information	56	\$79.70	\$4,463.20
Employee labor and materials for analyzing, evaluating, summarizing, and/or reporting on the collected information	280	\$79.70	\$22,316
Total estimated annualized cost to Federal Government			\$35,115

Annualized cost to the Federal government based on OPM pay tables found at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2019/DCB_h.pdf for a GS-13 step 8. Fringe benefits included at 36% for government employees and 31% for contractors.

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

No change in burden

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

A list of all licensees, their contact information, and a list of their licensed products are published on the Woodsy Owl Licensing Program website, maintained and hosted by the licensing contractor.

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.

The valid OMB control number and expiration date will be displayed on all collection instruments.

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

The Agency is able to certify compliance with 5 CFR 1320.