

**JUSTIFICATION FOR
NON-SUBSTANTIVE CHANGE REQUEST TO OMB 1205-0466
Form: ETA 9142A: H-2A Application For Temporary Employment Certification,
Appendix A**

BACKGROUND:

The Employment and Training Administration (ETA) is requesting approval for a non-substantive change to OMB Control Number 1205-0466. This change is needed in order to collect the proper information. During the most recent extension process, ETA attempted to combine the employer attestations for both regular agricultural workers and those of herders after recently having promulgated regulations for the herding industry. A requirement was added in attestation 8(vii) that employers must provide meals and potable water, without charge to the worker. However, the caveat that would make it clear that this provision only applied to the herding industry was inadvertently left out. Specifically, the provision in 8(vii) needs to read:

(vii) Will provide meals and potable water, without charge to the worker, if subject to the requirements at 20 CFR 655.200-235.

Action sought: Therefore the Department seeks OMB approval for a non-substantive change to its current information collection (OMB 1205-0466), specifically by minor changes to Appendix A of its existing Form ETA 9142. The minor changes to this appendix, which will entail no additional burden, will ensure that employers who file an H-2A application (or on whose behalf an H-2A application is filed) indicate their agreement to provide the meals and potable water if the herder rule applies to them and those to whom it does not apply will not be confused by this statement.

For the reasons stated above, this clearance is being sought so that the Department can fulfill its responsibility under the Immigration and Nationality Act for the H-2A program.