

**12020 SUPPORTING STATEMENT
FOR
REGULATIONS FOR VOLUNTARY GRADING, CERTIFICATION, AND
STANDARDS - 7 CFR 54, 56, 62, and 70.
OMB NO. 0581-0128**

Note to Reviewer:

Livestock, Poultry, and Seed (LPS) Program was changed to Livestock and Poultry (LP) Program in 2018. With this renewal all forms will be changed from LPS to LP.

Since the last submission of this information collection package, LP Program has published two final rules that amended multiple sections in 7 CFR 54, 56, and 70.

The first final rule published in the **Federal Register** ([84 FR 48551](#)) on [September 16, 2019](#). This final rule did not impose any additional burden on respondents. Changes from this final rule include:

1. removing submission of brand imprints burden in 54.5,
2. moving appeal service from 54.20 to 54.19,
3. moving exemption request from 54.13(b) to 54.20, and
4. moving application for scheduled grading (LP-110) from 54.6(c)2 to 54.27(c).

The second final rule published in the **Federal Register** ([84 FR 49637](#)) on [September 23, 2019](#).

This final rule did not impose any additional burden on respondents. Changes from this final rule include standardized language for providing service. 7 CFR 54 was previously commitment and non-commitment and was amended to scheduled and unscheduled respectively. 7 CFR 56 and 70 was previously resident and non-resident and was amended to scheduled and unscheduled respectively.

Additional changes in 7 CFR 56 include:

1. moving verbal and written requests for service from 56.21(a) to 56.28(a),
2. moving Application for Service (LP-109) from 56.21(a) to 56.28(b) and (c),
3. moving request hearing on debarment from 56.31(a) to 56.29(c).
4. removing the obligation for volume of shell eggs handled per billing period in 56.52(a)(4). (The burden is being deleted in this information

collection package.)

Additional changes in 7 CFR 70 include:

1. moving verbal and written requests from 70.31(a) to 70.30(a),
2. moving proof of applicant's authority from 70.33 to 70.32,
3. moving plant survey from 70.34 to 70.33,
4. moving submit petition of rejected application from 70.35 to 70.34,
5. moving withdrawal application from 70.36 to 70.35,
6. moving company designates in writing from 70.76 to 70.71, and
7. moving applicant's written notice to terminate service from 70.76(b)(3)(ii) to 70.71.
8. removing the obligation for volume of poultry/rabbits handled per billing period in 70.77(a)(4). (The burden is being deleted in this information collection package.)

A. Justification

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

The Agricultural Marketing Act of 1946 (60 Stat. 1087-1091, as amended; 7 U.S.C. § 1621-1627) (AMA), authorizes the Secretary of Agriculture to provide consumers with voluntary Federal grading and certification services that facilitate the marketing of agricultural commodities. The Quality Assessment Division (QAD) provides these services under the authority of 7 CFR parts 54, 56, and 70. The regulations provide a voluntary program for grading and certification services based on U.S. standards, grades, and weight classes to enable orderly marketing of the corresponding agricultural products. The regulation in 7 CFR part 62 - Quality Systems Verification Programs (QSVP) is a collection of voluntary, audit-based, user-fee funded programs that allow applicants to have program documentation and program processes assessed by Agricultural Marketing Service (AMS) auditor(s) and other USDA officials. Services are made available to respondents who request it and provided on a user fee-for-service basis. The Regulations provide provisions for the collection of fees from users of QAD services. To facilitate QAD services, a minimal amount of information collection and/or documentation is required using Forms LP-109, LP-110, LP-157, LP-210P, LP-210S, LP-234, LP-240P, and LP-240S. Information on these forms is collected only from respondents who elect to

utilize QAD voluntary user fee-for-service.

The information collection requirements in this request are essential to carry out the intent of the AMA, to provide the respondents the type of service they request, and to administer QAD services.

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.

Information from respondents is used only by authorized representatives of the USDA (AMS; LP Program's national staff, regional directors and their staffs, supervisors and their staffs, and graders, which include authorized State agencies). The Agency is the primary user of the information and the secondary user is each authorized State agency which has a cooperative agreement with AMS.

In requesting or applying for service, respondents must provide their name and address and other relevant information to specify the kind of services they wish. The Agency seeks to minimize burden and only requests the information necessary to efficiently provide requested services.

Plant surveys determine whether the facilities are satisfactory for grading product (56.17) and (70.15), the information is obtained by Agency observations and via non-standardized discussions with respondents or their representatives. To ensure integrity of the USDA grade shield mark, respondents must submit each USDA grademark label proof to the Agency for approval (56.35(b)) and (70.50). Respondents must submit a new label approval for any change to the label such as a seasonal change or the addition of a coupon.

Chemical compounds; e.g., cleaning and sanitizing compounds, insecticides, inks, mineral oils, etc., are required to receive approval from AMS before they are used in food processing plants (56.76(h)). This is necessary to determine whether they are satisfactory for use in food processing plants and to control their proper use within the plant; i.e., in non-product areas, where food products are exposed, or in contact with food products. Since there are so many various compounds with numerous and varying uses, the Agency has found no other satisfactory alternative to control adulteration and contamination of food products.

These regulations are designed to provide flexibility by permitting experimentation (56.3) and (70.3) enabling development of new procedures and techniques or technological improvements that increase efficiency.

Respondents may request various types of services to meet their needs or approval of alternate processing and grading procedures. Although flexibility is provided, it directly affects the information burden.

(a) **Form LP-110 (previously LPS-110), Work Schedule Request**, is completed and submitted by a respondent when applying for grading service and provides the basis for regular and overtime hours of service and for the cost of the hours of voluntary service. It is part of the written contract/agreement between the Program and the respondent covering services provided under 7 CFR parts 54, 56, and 70. The Office of the General Counsel requires a contract/agreement before the Program can provide voluntary services and allows the Program to collect the fees associated with these services as required by section 203(h) of the AMA. This form provides simplicity and eliminates the time-consuming difficulties in obtaining proper wording for an agreement from the applicants that would be needed through correspondence. Based on years of experience, a written schedule has proven to reduce the hours of overtime and regular service needed by a plant and effectively reduced the cost of service to the applicant.

(b) **Form LP-157 (previously LPS-157), Application for License**, is used under the Program's regulations (7 CFR Parts 56 and 70) to document that a USDA or State employee is qualified to perform the duties of a commodity grader or a shell egg surveillance inspector. State employees under cooperative agreements grade or inspect products for USDA. The form is the basis for issuing a license. Form LP-157 is used as proof that an employee is qualified and authorized to investigate and document violations (shell egg surveillance inspector), to perform the duties of a commodity grader, and to issue official certificates as prima facie evidence when challenged by industry or in representing testimony in judicial proceedings, etc.

After training under USDA-licensed graders or inspectors and USDA supervisors, USDA and State employees can be licensed to grade or inspect one or more products according to the applicable program regulations. Form LPS-157 is used to document that a USDA or State employee is qualified to grade or inspect one or more products according to one or more program regulations. Form LPS-157 is a multiple-part form with sections for the employee to provide his or her education or work experience applicable to the position(s), sections for a USDA supervisor to document USDA training and the results of the employee's/supervisor's comparative examination of gradings and/or inspections of products under plant conditions, and sections for USDA

approval and license information. State employees who are licensed to grade shell eggs and poultry are supervised by USDA supervisors.

(c) **Form LP-240P and LP-240S (previously LPS-240P and LPS-240S), Grading Volume Report**, form LP-240P, Poultry Grading Volume Report is designed for use under program regulations 7 CFR part 70, Regulations Governing the Voluntary Grading of Poultry Products and Rabbits Products. Form LP-240S, Shell Egg Grading Volume Report is designed for use under program regulation 7 CFR part 56, Regulation Governing the Voluntary Grading of Shell Eggs.

In respondents' plants with voluntary poultry grading or shell egg grading service, plant management provided information on volume of product once a month to the grader. Graders documented the information on the LP-240P and LP-240S with the volume information used to calculate and bill for administrative volume charges in poultry and shell egg plants.

The second final rule published in the **Federal Register** ([84 FR 49637](#)) [on September 23, 2019](#) removed §56.52(a)(4) and §70.77(a)(4) which contained the administrative volume charge. With the removal of the administrative volume charge, we are deleting the burden obligation in this information collection renewal package.

These forms will continue to be utilized in plants where service is provided by state graders through a cooperative agreement. Information for the contract acceptance section of the form is from the grader's own record and the data provides LP Program's administration with volume information for the amount of poultry (LP-240P) or shell eggs (LP-240S) graded in each state plant having scheduled service.

There is no duplication of information on these forms. Additionally, the obligation for volume of poultry/rabbits handled per billing period in 70.77(a)(4) and the obligation for volume of shell eggs handled per bill period in 56.52(a)(4) was removed.

(d) **Form LP-109 (previously LPS-109), Application for Service**, is completed and submitted by a respondent when applying for QAD voluntary service(s). Form LP-109 is the basis for a written contract/agreement between the Agency and the respondent covering services provided under 7 CFR parts 54, 56, 62, and 70. The Office of the General Counsel requires a contract/agreement before the Agency can provide voluntary services and allows the Agency to collect the fees associated with these services as required by section 203(h) of the AMA. Without a properly signed and approved Form LP-109, Agency officials would not have the authority to enter the premises to provide grading, certification, and/or

verification services nor would users of the services be legally obligated to abide by the regulations or to remit payment for services rendered.

(e) **Form LP-210P (previously LPS-210P), Poultry Products Grading Certificate and LP-210S (previously LPS-210S), Shell Egg Grading Certificate.** These forms are used to document grading and inspection results in all of Livestock and Poultry Program programs. Respondents verbally advise the grader/inspector of the commodity lots to be analyzed and the type of grading, inspection, analyses or certification needed. This certificate is receivable in all courts of the United States as prima facie evidence of the truth of the statements therein contained and is extensively used by the poultry industry to facilitate transactions.

(f) **Form LP-234 (previously LPS-234), USDA Processed Eggs and Egg Products Export Certificate.** This form will be completed by AMS and used to document verification results for the Processed Egg and Egg Products Export Verification Program. Respondents will communicate to the AMS official of the commodity lots to be analyzed and verified when certification is needed.

Another form used under 7 CFR part 56 and 70 is **Form LPS-518-1** shown in the attached AMS Form 71 is designed for use under these and the other Program regulations. The form is discussed below:

Form LPS-518-1, Alleged Violation and Detention Notice (currently approved under OMB # 0581-0113) is used to report and document alleged violations of the Egg Products Inspection Act (7 CFR part 57) and section 203(h) of the AMA (7 CFR parts 56 and 70). The form also serves as a record and notice of product detained outside of a plant due to noncompliance with these Acts. Form LPS-518-1 is completed by USDA or State regulatory inspectors and USDA supervisors based on facts and opinions obtained through direct observations during inspections and non-standardized oral discussions with management of the firms in connection with these direct observations. Information collected under this request enables the Agency to provide the voluntary grading service as authorized and requested by Congress under the AMA, to provide the types of services requested by industry, to administer the program, to ensure properly grade-labeled products, to calculate the cost of the service, and to collect for the cost of furnishing service as required by section 203(h) of the AMA.

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.

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 facilitate providing service, the LP-109, Application for Service and LP-110, Work Schedule Request are available electronically on the AMS website located: <https://www.ams.usda.gov/services/grading/request-service#meat>. The QAD accepts electronically signed and submitted LP-109's and LP-110's.

Forms LP-157, LP-240P, LP-240S, and LP-234 are available electronically but are only filled out and printed off by Agency personnel. Agency personnel obtain facts or opinions through direct observations and non-standardized oral communications with respondents and plant management to complete the forms. Forms LP-210P and LP-210S are prepared by Agency personnel with information provided by the respondents. The Agency will continue to review new technology and use electronic information collection. Forms are available to Agency personnel on an internal website.

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.

The Agency periodically reviews forms and works with the respondents to ensure there is no duplication of information. The information must be obtained from each respondent specifically for their product, plant operation, product label, or chemical compound for their specific purposes or needs.

The regulations in this request reference and apply appropriate requirements of the Federal Food, Drug, and Cosmetic Act; the Fair Packaging and Labeling Act; and the regulations promulgated under these two Acts. To prevent duplications on respondents, the regulations in this request require products to be labeled in accordance with these two Acts.

Any information burden incurred under one program would fulfill the information needs of the other programs. In these cases, there would be no additional information needed or burden for the other programs.

States and the Agency require that water used in food processing plants be potable (56.76(f)). The frequency of testing required by the States is equal to or greater than the frequency required by the Agency (annually for

municipal sources and semiannually for private wells). Because the majority of the States perform the test at no cost to respondents and the respondents provide the Agency a copy of the results, the burden for 56.76(f) on the attached AMS Form 71 is reflected primarily as a reporting burden. The Agency's requirement for iron analysis is also included in this burden (when the plant is initially approved for scheduled service and whenever the source of water changes).

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.

Collection of the information requested does not present any additional effort on the part of small businesses or other small entities as the information burden depends upon the types of services the respondent requests and the number and frequency of their requests.

Since the voluntary programs are designed for any size of business, the information burden increases as the size and complexity of the operation increases. The smaller and less complex operators are subject to smaller burdens.

We currently estimate 1,639 respondents for this information collection, and we estimate that 125 are considered small businesses.

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.

The frequency of data collection is due to the needs of respondents; e.g., request grading on a lot-fee basis, request specification acceptance certification or grading certificates, submit new labels for approval, request approval of a new chemical compound, request changes in hours of service, or request the service of a USDA grader on as-needed basis. Collecting data less frequently would have a negative impact on the services provided to respondents.

The Agencies responsiveness to requests for service and the frequency of reporting have evolved to meet the needs of the industries while minimizing the reporting burden.

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;

A quarterly reporting requirement would inhibit the Agency's ability to provide grading services for commodities. In order to conduct normal business activity, timely responses on the part of industry and the Agency are vital in meeting consumer demands for these highly perishable products. The collection of information is conducted in a manner consistent with the guidelines in 7 CFR parts 54, 56, 62, and 70.

The regulations and/or adjudicatory proceedings of the Department outline the response times to pending regulatory or administrative actions on the applicant; e.g., 7 days for a USDA licensed employee to file an appeal why his/her license should not be suspended or revoked, 10 days for applicant's petition of a rejected application for service, and 10 days for applicant to respond to why service should not be withdrawn. In special situations, these response times may be extended. In the case of an appeal of a grading or a grader's decision, the respondent must request the appeal before the product has undergone any material change. This must be done within 1 to 2 days, and in a few instances, up to within 5 days, depending upon the type of product and the reason(s) for the appeal.

The Agency requires the exceptions to 5 CFR 1320.5(d)(2)(i) and (ii) in order to provide the service requested; to assure products are processed under sanitary conditions, are properly graded and labeled; to control improperly labeled products; and to collect for the cost of the service.

-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;

-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 STATUE 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.**

The Agency published a 60-day notice in the *Federal Register* on May 1, 2020; Vol. 85, No. 85, page 25383 announcing its intention to request an extension and revision of this information collection and required by 5 CFR 1320.8(d). No comments were received for this collection.

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.

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.

When regulatory changes are planned, letters of information and proposed rulemaking are sent directly to users of the service, industry trade organizations, States, and other interested persons for their comments. The Agency meets with trade organizations at least yearly to obtain their views on issues and problems and to exchange information on efficiency and effectiveness of the grading program. Also, the Agency consults these organizations when there are significant program issues or when major changes are proposed in the program. During the last three years, representatives of the national staff or regional staffs have met, on an as needed basis, with the following organizations or have participated in their seminars and workshops:

USA Poultry & Egg Export Council
2300 West Park Place Blvd. Suite 100
Stone Mountain, Georgia USA 30087
(770) 413-0006
Jim Sumner

Tyson Fresh Meats
Dakota Dunes, SD
(605) 235-2802
Scott Sorenson

KatieRose McCullough
North American Meat Institute
Washington, DC
(202) 587-4249

National Turkey Federation
1225 New York Avenue NW, Suite 400
Washington, D.C. 20005
(202) 898-0100
Beth Breeding

National Chicken Council
1152 Fifteenth Street, NW, Suite 430
Washington, D.C. 20005-2622
Phone (202) 296-2622
Ashley Peterson

Plants with scheduled service are routinely provided copies of information and materials about service by the state, regional, or national offices. The supervisory field staff regularly visits with industry during their supervisory travel to obtain respondents' views and exchange information.

These forms of communications--between the Agency and industry and between the Agency and States--have proven to be an invaluable method of exchanging information. They give the industry and the States the opportunity to express their views and to discuss their problems. They give the Agency the opportunity to obtain their views, to answer questions, and to solve or resolve problems.

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.

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

It is Department policy that no employee or official of USDA or State shall use to their advantage, or reveal other than to the authorized representatives of the USDA, any information acquired concerning the business or operations of the respondents or any matter entitled to protection as a trade secret.

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).

Information of a sensitive nature is not collected.

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. 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 COST OF CONTRACTING OUT OR PAYING OUTSIDE PARTIES FOR INFORMATION COLLECTION ACTIVITIES SHOULD NOT BE INCLUDED HERE. INSTEAD, THIS COST SHOULD BE INCLUDED IN ITEM 14.

The number of respondents, frequency of response, and annual burden for each information collection requirement, as well as totals, are shown in the attached AMS -71.

The majority of the estimates and calculations are based on the average

yearly number of respondents and responses from FY 2019 program records, except where there were continuous decreases or increases, or there were unusual circumstances. In these cases, estimates are projections of what is expected on the average over the next 3 years. Estimated average time for each response is based on program experience.

The respondents' estimated annual cost of providing information is \$417,371.13. This total has been estimated by multiplying 9,264.62 total burden hours by \$45.05 (\$34.21 + 10.84). Median wage for Farmers, Ranchers, and Other Agricultural Managers is \$34.21 and \$10.84 benefits and compensation (\$34.21 multiplied by .317). This hourly wage was obtained from the U.S. Department of Labor, Bureau of Labor Statistics, Occupational Outlook Handbook, May 2019. This publication can be found at: <http://www.bls.gov/ooh/management/farmers-ranchers-and-other-agricultural-managers.htm>.

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).

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.

This collection of information did not require the expenditure of start-up/capital costs nor any operation/maintenance costs.

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.

The voluntary grading program is provided on a user-fee basis with the cost of the program borne by those respondents utilizing the service (section 203(h) of the AMA). Therefore, this collection package represents no cost to the Federal Government.

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

The administrative volume charge was removed in the final rule ([84 FR 49637](#)) published on September 23, 2019 therefore, we are removing the obligation and deleting the burden in 56.52(a)(4) and 70.77(a)(4). A program change is reflected in 62.202 with the anticipation of publication of a final rule in the near future that will increase the burden.

The reasons for the changes in burden since previous submission are summarized below:

Question 15 breakout:

REG. NO.	REASON: (Merge)	PREVIOUS BURDEN	NEW BURDEN	DIFFERENCE	TYPE OF CHANGE
54.2 (Previously 54.15)	Decrease in respondents	14	13.60	-.4	A
54.5	Submission of Brand Imprints (Obligation removed - burden deleted)	0	0	0	PC
54.8	Increase in respondents	28.05	32.80	4.75	A
54.9	Decrease in respondents	1.5	1.2	-.3	A
56.10(a)	Decrease in respondents	15	14	-1	A
56.10(c)	Decrease in respondents	260	104	-156	A
56.17(b)	Increase in respondents	10	13	3	A
56.18	Decrease in respondents	32.50	31	-1.5	A
56.18	Increase in respondents	2.88	3.2	.32	A
56.23	Decrease in respondents	246.75	210	-36.75	A
56.28(a) (Previously)	Decrease in respondents	560	544	-16	A

56.21(a))					
56.28(a) (Previously 56.21(a))	Increase in respondents	324.48	332.80	8.32	A
56.28(a) (Previously 56.21(a))	Decrease in respondents	5	4.5	-5	A
56.35(b)	Decrease in respondents	1400	1190	-210	A
56.35(c)	Decrease in respondents	10	8	-2	A
56.52(a)(4)	(Obligation removed from Regulations - Burden is being Deleted)	1,584	0	-1,584	PC
56.52(b)(1)	Increase in respondents	14	16	2	A
56.52(b)(3)(ii)	Decrease in respondents	4	3.5	-5	A
56.56(a) and 56.57	Increase in respondents	528	546	18	A
56.76(f) (previously 56.76 (f) (6))	Increase in respondents	110	112.50	2.5	A
56.76(h)	Decrease in respondents	30	24	-6	A
62.200	Decrease in respondents	129	111	-18	A
62.202	Increase in respondents	1,800	3,240	1,440	PC
70.3	Decrease in respondents	20	16	-4	A
70.30(a) (Previously 70.31(a))	Increase in respondents	247.2	259.2	12	A
70.30(a) (Previously 70.31(b))	Increase in respondents	29.50	41	11.5	A
70.33 (Previously 70.34)	Increase in respondents	7.5	10	2.5	A
70.61	Decrease in respondents	463.50	414	49.5	A
70.77(a)(4)	(Obligation removed from Regulations - Burden is being Deleted)	990	0	-990	PC

70.77(b)(1)	Increase in respondents	3	4	1	A
70.91(a)	Increase in respondents	1,111.8	1,162.8	51	A
					-385.56 A -1134 PC
TOTAL		9381.66	8462.1	-1519.56	

A - Adjustment

PC - Program Change

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.

Information under this request does not employ statistical methods and is not published for statistical use. The information is summarized for internal Program management decision making and the Programs' annual progress report, to prepare Agency and Department reports, and to answer congressional requests.

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 Agency requests approval not to display the expiration date for forms LP-210P and LP-210S of the information collection.

Forms LP-210P and LP-210S are Grading Certificates and state: "This certificate is receivable in all courts of the United States as prima facie evidence of the truth of the statements therein contained. This certificate does not excuse failure to comply with any of the laws and regulations enforced by

the United States Department of Agriculture.”

The impact of the expiration date requirement on these certificates can adversely affect operation and enforcement of the statutes. Inadvertent use of a form with the wrong expiration date or the form issued on an expired form poses disruption of service with loads of commodity detained at U.S. borders, the validity of the form, or legal requirements imposed by regulations or statutes.

The remainder of the forms in this collection will carry the expiration date, currently noted as XX-XX-XXXX. The applicable expiration date will be inserted into the forms when this collection is approved.

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

No exceptions are requested to the certification statement identified in item 19 of OMB Form 83-I.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used with this collection.