

2020 SUPPORTING STATEMENT
for
LAMB RESEARCH AND PROMOTION;
LAMB ASSESSMENT REFUND FORM
OMB NO. 0581-NEW

(Proposed Rule)

NOTE TO REVIEWER: Upon approval of this collection, the Agricultural Marketing Service (AMS) will submit a Justification Request to merge this collection into the currently approved OMB No. 0581-0093, National Research, Promotion, and Consumer Information Programs.

A. Justification.

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

Congress has delegated to the U.S. Department of Agriculture (USDA) the responsibility for implementing and overseeing research and promotion (R&P) programs for a variety of commodities, including lamb. These programs are established under legislation. The enabling legislation for the lamb research and promotion program is the Commodity Promotion, Research, and Information Act of 1996 (Act) (7 U.S.C. §§7411–7425 and 7 U.S.C. §7401).

These R&P programs carry out projects relating to research, consumer information, advertising, sales promotion, producer information, market development, and product research to assist, improve, or promote the marketing, distribution, and utilization of their respective commodities. The R&P programs are funded and directed by industry boards whose members are appointed by the Secretary of Agriculture (Secretary), who also approves the boards' budgets, plans, and projects. The latter responsibility has been delegated to AMS.

The funding for these programs is industry-specific, with assessments generating from deductions from sales by producers and importers. AMS' objective in carrying out this responsibility is to assure the following: (1) assessment funds are collected and properly accounted for; (2) expenditures of funds are for the purposes authorized by the enabling legislation; and (3) the boards' administration of the programs conforms to legislation and USDA policy. AMS' Livestock and Poultry Program (LP) has direct oversight of the lamb R&P program. The appointed boards are responsible for collecting assessments from the persons covered under and subject to these programs. In order to carry out their responsibilities, these programs require the use of forms covered under

OMB No. 0581-0093.

- 2. INDICATE HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED. EXCEPT FOR A NEW COLLECTION, INDICATE THE ACTUAL USE THE AGENCY HAS MADE OF THE INFORMATION RECEIVED FROM THE CURRENT COLLECTION.**

The Lamb Promotion, Research, and Information Order (Order) and regulations governing the lamb R&P program authorizes the American Lamb Board (Lamb Board) to collect and submit certain information as required. The information may be used by certain lamb feeders who seek a refund of their paid assessments.

AMS developed a form needed to effectively carry out the regulatory action that would authorize the new collection procedures of their assessment funds to the national program.

LP-85 LAMB ASSESSMENT REFUND FORM

The purpose of the form will be used by certain lamb feeders who seek a refund of their paid assessments.

- 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.**

Upon approval, the form will become part of the AMS Integrated e-Government Report. As with other research and promotion forms, LP-85, will be submitted directly to the applicable research and promotion board. The Lamb Board is not part of a Federal agency but is an industry commodity board that operate under Federal authority and oversight. Therefore, the provision of an electronic submission alternative is not required by the Government Paperwork Elimination Act. In addition, it is determined that LP-85 will not be made available for electronic submission due to having to provide proof of sales receipts to the national program. The form will be made available in a .pdf fillable format located on the AMS and Lamb Board websites, allowing users to fill in and print off a copy to submit by mail to the Lamb Board. A hard copy version is also available through the board for users without internet access.

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 required information is not available from any other source because it relates specifically to a new assessment collection procedure.

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 Small Business Administration defines, 13 CFR part 121.201, small agricultural producers as those having annual receipts of less than \$1 million. Under these definitions, the majority of producers that would be affected are considered small entities. We have estimated the number of respondents for this collection to be 50, and we estimate that 50 are considered small businesses.

The information collection requirements contained in this submission are voluntary. Lamb feeders would complete the form if they chose to seek a refund of their paid assessments from the Lamb Board. The form requires only a minimal amount of information, which can be supplied without data processing equipment or outside technical expertise. The data used to complete these forms is routine in all business transactions.

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.

There would be no consequences to Federal oversight of the lamb R&P programs. The consequence to lamb feeders would be an inability to seek a refund of their paid assessments from the Lamb Board.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE ANY 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;

- 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 such special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR part 1320.

- 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 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 was published in the *Federal Register* on 10/5/2020, Vol. 85, No. 193, pages 62617 – 62625 describing the information gathering requirements, and also providing a 60-day comment period. During these times, interested members of the public will have the opportunity to provide AMS with their input concerning the usefulness, legitimacy, and merit of the information collection activities AMS is proposing.

- **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.**

There are no obstacles to consulting with industry members who must submit information to the Lamb Board. AMS has consulted with staff from the following boards on this new collection:

American Lamb Board; 6300 East Yale Avenue, Suite 110; Denver, Colorado 80222; (303) 759-3001.

In addition, the Lamb Board has consulted with Livestock Marketers Association, American Sheep Industry Association (ASI), and members of the lamb industry. Topics discussed with the Lamb Board and ASI included the form's design, frequency of collection, timeframes, and instructions.

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

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.

To assist the Lamb Board and the Secretary in the collection of proper information, the Order provides that producers, seedstock producers, feeders, and first handlers shall maintain and make available for inspection by the Secretary and the Lamb Board, such books and records prescribed by the Order. The Order provides that all information obtained from those books and records or from reports filed under the order shall be kept confidential by those having the information.

The Act governing the lamb R&P program provides that information acquired from respondents will be kept confidential. Reports submitted to the Lamb Board or in some cases another party designated by the Lamb Board are accessible only by appropriate board staff and certain USDA employees, most of whom are in Washington, D.C. Industry members of the Board do not have access to any party's reports or assessment records. The Lamb Board (or designated party) staffs, as well as USDA staff, are aware of the penalties for violating confidentiality requirements, which could include a fine, imprisonment, and removal from office.

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.

No questions of a sensitive nature are included on these forms.

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 estimated burden of collection of information has been summarized on AMS Form 71, Supplementary Document. This is a new option and based on conversations with the Board, we estimate that about 50 respondents will request a refund. The respondents may increase or decrease in the future depending on the number of refunds requested. The worker's cost in providing information to the boards, councils, or party designated by a board or council is \$2,740.50. This total has been estimated by multiplying 150 total burden hours (50 respondents annually [50 respondents X 12 responses = 600 responses annually] times 15 minutes per response) by \$18.27. AMS used the hourly earnings of farmworkers, farm, ranch, and aquaculture animals as obtained from the U.S. Department of Labor, Bureau of Labor Statistics, May 2019 National Occupational Employment and Wages Estimates and can be found at https://www.bls.gov/oes/current/oes_nat.htm

Based on the average median hourly wage rate of \$13.87 with an additional 31.7 percent to account for benefits and compensation, for an hourly wage total of \$18.27 was used to calculate annual cost. Costs of benefits and compensation guidance provided by Bureau of Labor Statistics News Release issued December 14, 2018.

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.

There are no capital, startup, operation, or maintenance costs associated with this program.

- 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.**

There are no additional costs associated with this information collection. The Board, or a party designated by a board will process the form using assessment funds. By law, the federal government does not bear any cost for overseeing research and promotion programs. All costs to the government are reimbursed by the board.

- 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 program. See the AMS-71 form for the new 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.**

Periodically, the Agency or the board may be asked for information concerning the amount of assessments that have been refunded to lamb producers, seedstock producers, feeders, or first handlers. Any of the data obtained from this information collection would be published in the aggregate so as not to identify an individual entity. Using totals, as opposed to individual information is common practice for reporting industry statistics. For example, USDA's National Agricultural Statistics Service uses similar policies. There are no complex analytical techniques that would be applied to this data.

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.

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.