



United States Department of Agriculture
National Agricultural Statistics Service



TO: Chris Marokov
Office of Management and Budget

FROM: Kevin L. Barnes
Associate Administrator

SUBJECT: OMB No. 0535-0109

Consistent with OMB No. 0535-0109, the National Agricultural Statistics Service (NASS) was originally scheduled to commence routine data collection for the Agricultural Labor Survey in October 2020. However, on September 30, 2020, USDA suspended data collection; OMB approved this suspension using emergency processing under OMB number 0535-0269. That suspension notice was challenged in federal court; the court recently issued a preliminary injunction ordering USDA to reinstate the data collection previously scheduled for October 2020. See *United Farm Workers v. Perdue*, No. 20-cv-01452-DAD-JLT (E.D. Cal. Oct. 28, 2020). Pursuant to the court's order, NASS will now reinstate data collection for the July and October reference weeks. Completion of the survey and report is expected to require nine weeks following the Federal Register publication of this notice. If the court's order is modified or dissolved in the future, NASS will publish a subsequent notice informing the public of that development as well as NASS's intentions regarding this information collection.

In summary, NASS is requesting a non-substantive change to OMB No. 0535-0109 to begin this previously suspended data collection. NASS will use the same protocols approved for the previously planned October collection. We note that there may be a difference in the quality of the data given the delayed start date (e.g., the period covered by the survey is further from the collection date than usual). Although past cognitive research has not explicitly investigated the recall issues on the Agricultural Labor Survey related to the reference dates, that research suggests that recall may be less significant than respondents' reliance on records when answering, and the compatibility of those records with the survey questions. In addition, the change in data collection timing may impact response rates, due to respondent availability and workloads in NASS's data collection centers.