

**SUPPORTING STATEMENT JUSTIFICATION FOR  
OVERTIME AND HOLIDAY INSPECTION FEES FOR SMALL AND VERY SMALL ESTABLISHMENTS**

**1. Circumstances Making Collection Of Information Necessary:**

This is a request for a new information collection for overtime and holiday inspection fees for small and very small establishments. The request is being submitting for emergency approval so that the Food Safety and Inspection Service (FSIS) can immediately begin implementing provisions of the American Rescue Plan Act, signed by the President on March 11, 2021, which granted the FSIS \$100 million in budget authority to reduce the costs of overtime and holiday inspection for small and very small official meat and poultry establishments and egg products plants.

FSIS has been delegated the authority to exercise the functions of the Secretary (7 CFR 2.18, 2.53), as specified in the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601, *et seq.*), the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451, *et seq.*) and the Egg Products Inspection Act (EPIA) (21 U.S.C. 1031, *et seq.*). These statutes mandate that FSIS protect the public by verifying that meat, poultry, and egg products are safe, wholesome, unadulterated, and properly labeled and packaged.

**2. How, By Whom and Purpose Information Is To Be Used:**

The following is a discussion of the required information collection and recordkeeping activities.

Provisions of the American Rescue Plan Act are intended to reduce costs for small businesses. As such, the Food Safety and Inspection Service (FSIS) intends to reduce overtime and holiday inspection fees for small and very small meat, poultry, and egg products establishments. FSIS will collect information on FSIS Form 5200-16, *Overtime/Holiday Rate Reduction Form*, to determine whether an establishment inspected by FSIS qualifies for an overtime and holiday inspection fee reduction, and, if so, the amount of the reduction. If an establishment experiences any change in qualifying circumstances, it must immediately notify FSIS

by resubmitting the attestation form.

### **3. Use Of Improved Information Technology:**

Under the Government Paperwork Elimination Act, FSIS form 5200-16 may be completed electronically; but then it must be submitted in paper to FSIS.

### **4. Efforts To Identify Duplication:**

FSIS has determined that these information collections will not duplicate any other information collections. The required records and reports are not available from other sources, either within government or from non-government sources. There is no similar information that can be used or modified.

### **5. Methods To Minimize Burden On Small Business Entities:**

All establishments who want to participate in the reduction program will be small businesses.

### **6. Consequences If Information Were Collected Less Frequently:**

To conduct the information collections less frequently would reduce the effectiveness of the meat and poultry inspection program that ensures that meat and poultry products are properly marked, labeled and packaged.

### **7. Circumstances That Would Cause The 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 that require the collection of information to be inconsistent with 5 CFR 1320.6.

**8. Consultation With Persons Outside The Agency:**

The Agency is submitting this as an emergency approval request. A 60-day notice will be published.

**9. Payment Or Gifts To Respondents:**

Respondents do not receive gifts or payments.

**10. Confidentiality Provided To Respondents:**

No assurances other than routine protection provided under the Freedom of Information Act have been provided to respondents.

**11. Questions Of A Sensitive Nature:**

The applicants are not asked to furnish any information of a sensitive nature.

**12. Estimate Of Burden:**

The total estimated burden for this information collection is 724 burden hours. The burden estimates are broken down into two categories described in the pages that follow.

Submission of Attestation	658	
Resubmission of Attestation	66	
Total		724 hours

Request for Rate Reduction

FSIS estimates that 3944 small and very small establishments would take an average of 10 minutes to complete FSIS Form 5200-16 annually for a total of 3944 annual responses and 658 hours.

**OVERTIME/HOLIDAY RATE REDUCTION FORM  
FSIS FORM 5200-16**

Type of Respondent	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Time for Response in minutes	Total Annual Time in Hours
Small and vs est	3,944	1	3,944	10	658

Resubmission

FSIS estimates that 395 small and very small establishments would take an average of 10 minutes to resubmit the FSIS Form 5200-16 annually due to a change in qualifying circumstances for a total of 395 annual responses and 66 hours.

**OVERTIME/HOLIDAY RATE REDUCTION FORM  
FSIS FORM 5200-16**

Type of Respondent	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Time for Response in minutes	Total Annual Time in Hours
Small and very small estabs	395	1	395	10	66

The cost to the respondents is estimated at \$40,276 annually. The Agency estimates that it will cost respondents \$55.63 an hour, including fringe benefits, in fulfilling these information collection requirements. Respondents will spend an annual total of 724 hours and \$40,276. The hourly rate for the respondents was attained from the Department of Labor Bureau of Labor and Statistics wage data, May, 2020.

**13. Capital, Start-up Cost, And Subsequent Maintenance**

There are no capital or start-up costs related to this information collection activity.

**14. Annual Cost To The Federal Government:**

The cost to the Federal Government for these information collection requirements is \$6,666 annually. FSIS estimates that it will cost the Federal Government \$50.12 an hour, including fringe benefits for Agency personnel time.

**15. Reasons For Changes In Burden:**

This is a new information collection.

**16. Tabulation, Analyses And Publication Plans:**

There are no plans to publish the data for statistical use.

**17. OMB Approval Number Display:**

The OMB approval number will appear on required FSIS forms.

**18. Exceptions To The Certification:**

There are no exceptions to the certification. This information collection accords with the certification in item 19 of the OMB 83-I.

