

SUPPORTING STATEMENT
APPLICATION FOR A FARM LABOR CONTRACTOR OR FARM LABOR CONTRACTOR
EMPLOYEE CERTIFICATE OF REGISTRATION
FORMS WH-530, WH-535, and WH-540
29 CFR PART 500, SUBPART B
29 CFR 500.45(b), FORMS WH-514 and WH-514a and
29 CFR 500.105(b)(1)(ii)(H)-(I), FORM WH-515
OMB CONTROL No. 1235-0016

The Department of Labor (Department or DOL) proposes to revise its information collection request (ICR) related to the Migrant and Seasonal Agricultural Worker Protection Act (MSPA). The Department proposes to update the forms associated with the collection in order to improve customer service and clarify instructions and required fields. Forms WH-514, WH-514a, and WH-515 are a part of this ICR, but the Department does not propose revising these forms at this time. The Department proposes to revise form WH-530 by dividing it into three separate forms, two of which are new forms (WH-535 and WH-540), serving separate purposes. The WH-530 is reorganized into a more intuitive format, deleting data collection fields that are duplicative of other fields or that serve a limited purpose. The revised and new forms expand instructions to clarify for the public how to accurately complete the forms. With the revised and new forms, the Department hopes to reduce the number of forms returned for additional information because they are considered incomplete or contain insufficient information. The Department submits this ICR as a revision.

Part A: JUSTIFICATION

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The MSPA provides that no person shall engage in any farm labor contracting activity for any money or valuable consideration paid or promised to be paid, unless such person has a certificate of registration from the Secretary of Labor specifying which farm labor contracting activities such person is authorized to perform. *See* 29 U.S.C. 1802(7), 1811(a); 29 CFR 500.1(c), 500.20(i), 500.40. The named MSPA contracting activities include recruiting, soliciting, hiring, employing, furnishing, or transporting any migrant or seasonal agricultural worker and, with respect to migrant agricultural workers, providing housing. *See* 29 U.S.C. 1802(6); 29 CFR 500.20(j). The MSPA also provides that a Farm Labor Contractor (FLC) shall not hire, employ, or use any individual to perform farm labor contracting activities unless such individual has a certificate of registration as a FLC or a certificate of registration as a Farm Labor Contractor Employee (FLCE) of the FLC that authorizes the activity for which such individual is hired, employed or used. *See* 29 U.S.C. 1811(b); 29 CFR 500.1(c).

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The MSPA provides that, after appropriate investigation and review, the Secretary shall issue a FLC certificate of registration (including a certificate of registration as a FLCE) to any person who has filed with the Secretary a written application containing the following:

- A. a declaration subscribed and sworn to by the applicant stating the applicant's permanent place of residence, the farm labor contracting activities for which the certificate is requested, and such other relevant information as the Secretary may require;
- B. a statement identifying each vehicle to be used to transport any migrant or seasonal agricultural worker and, if the vehicle is or will be owned or controlled by the applicant, documentation showing that the applicant is in compliance with MSPA safety, insurance, and operator licensing requirements for each such vehicle;
- C. a statement identifying each facility or real property to be used to house any migrant agricultural worker and, if the facility or real property is or will be controlled by the applicant, documentation showing that the applicant is in compliance with MSPA safety and health requirements for each such facility or real property;
- D. a set of the applicant's fingerprints;
- E. a declaration, subscribed and sworn to by the applicant, consenting to the designation by a court of the Secretary as an agent available to accept service of summons in any action against the applicant if the applicant has left the jurisdiction in which the action is commenced or otherwise has become unavailable to accept service.

29 U.S.C. 1812; 29 CFR 500.45.

The MSPA's regulations at 29 CFR 500.40 and 500.44-.47 set forth the standards that must be met in the application process to obtain a certificate. 29 CFR 500.1(i)(1), -.44 provide for the information collection used to obtain a certificate of registration. Use of forms WH-530, WH-535, and WH-540 will enable an applicant to provide all the information the Department will need to determine whether to authorize the farm labor contracting activities an applicant is seeking authorization to perform under the MSPA.

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.**

Form WH-530 will provide the means for a FLC applicant to meet the statutory MSPA requirement to file an application with the Secretary containing certain specified information regarding prospective farm labor contracting activities. Form WH-535 will provide the means for a FLCE applicant to meet this requirement, and form WH-540 will allow registered FLCs

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and FLCs to amend a currently existing certificate. Applicants will use forms WH-530, WH-535, and WH-540 to obtain authorization to engage in the named MSPA farm labor contracting activities or to obtain authorization to be hired, employed, or used by a currently registered FLC to perform these activities. Applicants will submit the completed forms either to the Wage and Hour Division (WHD) of the DOL or a State Workforce Agency Office. *See* 29 CFR 500.44, -.47. Local WHD and State Workforce Agency Offices forward completed applications forms to WHD's certificate processing office where they are reviewed and appropriate action (issuance or denial) is taken. *See id.* at § 500.48. All initial certificates are issued for a period of 12 months from the date of issuance unless earlier suspended or revoked. *Id.* § 500.50(a)(1). Renewal certificates may be issued for a period of up to 24 months, if the applicant has not been cited for a MSPA violation (or its attendant regulations) within the preceding five years from the expiration date shown on their current certificate. *Id.* at § 500.50(b)(2)-(3).

The WHD uses forms WH-514, WH-514a, and WH-515, which allow FLC applicants to verify to the WHD that the vehicles used to transport migrant/seasonal agricultural workers meet the MSPA vehicle safety standards and that anyone who drives such workers meets the Act's minimum physical requirements. The WHD uses the information in deciding whether to authorize the FLC/FLCE applicant to transport/drive any migrant/seasonal agricultural workers or to cause such transportation. The WH-514 and WH-514a (vehicle inspection forms) are valid for one year, and the WH-515 (doctor's certificate) is valid for three years.

Vehicle Standards

When the adopted Department of Transportation (DOT) rules apply, FLC applicants use form WH-514 to verify that any vehicle used or caused to be used to transport any migrant/seasonal agricultural worker(s) meets the DOT safety standards. When the adopted DOT rules do not apply, FLC applicants seeking authorization to transport any migrant/seasonal agricultural workers use form WH-514a to verify that that the vehicles meet DOL safety standards. The form is completed when the applicant lists identifying vehicle information and an independent mechanic attests that the vehicle meets the required safety standards. The FLC applicant then submits the original form to the WHD certificate processing office. The forms ask for information identifying the carrier, vehicle, inspection station, and inspector. The forms allow for the use of check marks to identify the applicable safety standards met by each vehicle. The FLC applicant need merely to identify the state where the inspection was performed, list the appropriate state vehicle safety inspection number and license tag number, and then sign and date the form if (s)he possesses a valid current state vehicle safety inspection sticker from the jurisdiction in which the vehicle is registered. In order to assist the WHD in better determining the adequacy of the vehicle insurance, forms WH-514 and WH-514a request the "seating capacity" of the vehicles.

Driver Standards

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Form WH-515 is a doctor's certificate used to document that a motor vehicle driver or operator meets the minimum DOT physical requirements that the DOL has adopted. 29 CFR 500.105(b)(1)(ii)(I) specifies the wording of the certification. In accordance with the regulatory provisions, form WH-515 identifies the driver, whether the driver qualifies under the DOT regulations (with or without glasses), date and place of the examination, as well as the address and signature of both the physician and driver. Drivers must have a copy available whenever they transport workers, and the driver's employer must retain a copy of the form at their primary place of business. A properly completed form WH-515 remains valid for 36 months. See 29 CFR 500.105(b)(1)(ii)(G). Form WH-515 requires respondents merely to identify themselves and check a box as to whether the applicant meets the applicable standards; thus, the form itself creates no burden. The regulations create a recordkeeping burden, as the applicant must maintain it.

- 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.**

The Department considered whether to make the forms electronic and found it was impractical to provide an electronic submission option for this information collection. Unique FLC/FLCE applicants respond to this information collection to support a request for transportation/driving authorization on their Application for Farm Labor Contractor and Farm Labor Contractor Employee Certificate of Registration, Form WH-530, an information collection cleared under OMB Control Number 1235-0016. An electronic submission option for Form WH-530 is not practicable, as processing takes place in multiple locations around the country with no centralized clearinghouse for forms. In addition, the agency cannot begin processing the forms until it receives a set of the applicant's fingerprints, when required. Form WH-515 also requires signatures from both the doctor and driver. The multiple signatures create an additional obstacle for an electronic submission option.

Submission of a photocopy of the application form is sufficient to satisfy the regulatory requirements, so long as it contains an original signature in the appropriate places. Pursuant to the Government Paperwork Elimination Act (GPEA), the Department has posted the current form WH-530 in a fillable format on the WHD Website for downloading and printing (<https://www.dol.gov/agencies/whd/forms/wh530>) and will also do so for the revised form WH-530, and new forms WH-535, and WH-540 (when approved).

In accordance with the GPEA, the WHD has posted these forms on the internet in a PDF, fillable format:

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Form WH-514: <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh514.pdf>

Form WH514a: <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh514a.pdf>

Form WH-515: <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh515.pdf>

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This program is unique to the WHD and does not duplicate other information collection requirements. Similar information is not available from any other source.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

WH-530, WH-535, and WH-540:

This information collection will not have a significant economic impact on a substantial number of small entities. Although this information collection involves small farm labor contracting businesses engaged in agriculture, forms WH-530, WH-535, and WH-540 provide the means by which an applicant can provide the information to the WHD needed to obtain or amend a certificate to perform farm labor contracting activities under the MSPA.

WH-514, WH-514A, and WH-515:

This information collection does not have a significant economic impact on a substantial number of small entities. Most of the estimated total respondents are small businesses engaged in agriculture. The Department has reduced respondent burden where possible. For example, the DOL forms allow for the use of checking boxes to the maximum extent possible. The WHD also accepts a FLC's statement documenting that a vehicle has passed a state inspection to satisfy the MSPA regulatory requirements – as opposed to requiring individual notations of each vehicle part inspected – to minimize the amount of time needed to complete forms WH-514 and WH-514a. The FLC statement provides enough information to allow the WHD to verify the claim when that is warranted.

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.

WH-530, WH-535, and WH-540:

In order to engage in farm labor contracting activities, the MSPA requires that a FLC or FLCE be registered with the DOL and carry the certificate of registration. An applicant will file form WH-530 (for an FLC) or form WH-535 (for an FLCE) with the WHD to obtain the certificate. The applicant will file a WH-540 to amend an existing certificate. The WHD needs all information requested to determine whether an applicant meets the MSPA requirements to

obtain a FLC or FLCE registration. Collecting information less frequently than at times of initial registration, renewal, or amendment of a certificate would also prevent the WHD from determining whether to issue or deny a certificate authorizing the applicant as a FLC or FLCE.

WH-514, WH-514A, and WH-515:

In order to transport migrant and seasonal agricultural workers, the MSPA requires that all vehicles used to transport migrant and seasonal workers conform to certain safety standards. Moreover, the MSPA requires those who drive migrant/seasonal agricultural workers to verify that they are physically fit to do so. The Department requires this information only from FLC and FLCE applicants seeking authorization to transport/drive any migrant/seasonal agricultural worker(s) or cause such transportation; thus, they typically only need to provide the information with their WH-530 or WH-535 submissions. The WHD would have no way to determine if a vehicle or driver meets the MSPA safety requirements, in order for the agency to authorize FLCs and FLCEs to drive migrant/seasonal agricultural workers or cause such transportation, were the agency not to collect this information or collect it less frequently. In accordance with Regulations 29 CFR 500.7, DOL staff may also examine copies of these forms during MSPA investigations.

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;**
- **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 secrets, 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 required in the conduct of this information collection.

- 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.**

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.

The Department published a notice in the Federal Register on November 17, 2020 (85 FR 73295), inviting public comments on the proposed revision of the information collection. The Department received one comment from an interested member of the public on the proposed revisions to the MSPA forms during the 60-day Federal Register notice comment period that ended on January 17, 2021. All timely received comments about the revisions to the forms are available for viewing at www.reginfo.gov.

The comment submitted to the Department was a general statement of opposition and did not make any specific suggestions or edits to the forms. The comment was non-substantive in nature and does not require a specific response.

The Department has made minor grammatical, typographical, and non-substantive changes to the proposed forms since the publication of the Federal Register notice on November 17, 2020. In addition, the Department has included some additional instruction language at the beginning of each of the forms to clarify who should complete which form and when.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

The Department offers no payments or gifts to respondents.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.**

The Department makes no assurances of confidentiality to respondents. As a practical matter, the Department would only disclose information collected in accordance with the provisions of the Freedom of Information Act, 5 U.S.C. 552; the Privacy Act, 5 U.S.C. 552a; and related regulations, 29 CFR parts 70 and 71. While the Department strives to maintain confidentiality whenever possible, the Department publishes lists of eligible and ineligible farm labor contractors as part of enforcement efforts.

- 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.**

WH-530, WH-535, and WH-540:

The Department collects the applicant's Social Security Number (on forms WH-530, WH-535, and, in some circumstances, WH-540) to allow the agency to identify applicants and to run the required background check. The Department needs to be able to identify the applicant specifically and to assist application reviewers and investigators in ensuring the applicant and registration submitter or holder are the same person. Additionally, WHD runs a background check on each applicant to ensure that he or she has not been convicted, within the preceding five years, of certain named crimes which would prevent an applicant from obtaining a certificate of registration. *See* 29 U.S.C. 1813 and 29 CFR 500.51. The Social Security Number is essential for running this background check. The applicant is required by statute to submit fingerprints with the application, and does so on form FD-258 (A Department of Justice form, <https://www.edo.cjis.gov/artifacts/standard-fingerprint-form-fd-258-1.pdf>), which also collects the Social Security number. *See* 29 U.S.C. 1812 and 29 CFR 500.45(d). Forms WH-530, WH-535, and WH-540 will each contain a Privacy Act notice.

WH-514, WH-514A, and WH-515:

The Department asks no sensitive questions in this information collection. Form WH-515 requests only an affirmation that the driver meets the health standards (with an option that the driver meets the standards only when wearing glasses). When a FLC or FLCE applicant does not meet the qualifications, the information collection does not ask the physician to identify any reason(s) for the determination. Form WH-515 informs respondents that the WHD needs this information to determine if a FLC/FLCE applicant seeking authorization to drive meets the DOT requirements that the DOL has adopted.

- 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 differences 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.
- 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 under 'Annual Cost to Federal Government'.

The Department uses the May 2020 national median hourly wage rate for FLCs of \$22.97 to estimate the value of respondent's time. See DOL, Bureau of Labor Statistics (BLS), Occupational Employment Statistics Survey, (<https://www.bls.gov/oes/current/oes131074.htm>).

A. Forms WH-514 and WH-514a

The Department has used enforcement experience and the actual submissions of forms WH-514, WH-514a, and WH-515 in developing the following estimates.

The Department estimates 1,432 respondents annually complete approximately 8,472 forms WH-514/WH-514a. The Department further estimates that it takes approximately 5 minutes to complete and file each response, for an annual burden of 706 hours. The median hourly wage rate for FLCs is \$22.97, with an additional 46% benefits cost and 17% overhead cost.

$8,472 \text{ responses} \times 5 \text{ minutes per response} / 60 \text{ minutes} = 706 \text{ burden hours.}$

$706 \text{ burden hours} \times \$22.97 = \$16,216.82$

$706 \text{ burden hours} \times (\$22.97 \times 46\%) = \$7,459.74 \text{ (rounded).}$

$706 \text{ burden hours} \times (\$22.97 \times 17\%) = \$2,756.86 \text{ (rounded).}$

Total burden cost: \$26,433.42

B. Form WH-515

The Department estimates it receives 7,532 WH-515 forms from an equal number of respondents who would not otherwise get a doctor's certificate under the DOT requirements. It takes a doctor 20 minutes to complete each form. ($7,532 \text{ responses} \times 20 \text{ minutes} = 2,511 \text{ hours}$ (rounded)). The agency also estimates that it takes an employer approximately 6 minutes to file each form, for an annual burden of 753 hours (rounded). The median hourly wage rate for FLCs is \$22.97, with an additional 46% benefits cost and 17% overhead cost.

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7,532 respondents × 26 minutes = 3,264 (rounded) burden hours.

3,264 burden hours × \$22.97 = \$74,974.08

3,264 burden hours (\$22.97 × 46%) = \$34,488.08 (rounded)

3,264 burden hours (\$22.97 × 17%) = \$12,745.59 (rounded)

Total burden costs: \$122,207.75

C. Form WH-530

The Department bases the following estimates on agency experience with the program and a form completion trial conducted by WHD staff. The Department estimates annually 6,635 respondents complete form WH-530 to apply for an FLC certificate of registration, and thus will use the revised WH-530 form. The Department also estimates it takes an average of 30 minutes to complete each form, either via paper or electronically. The median hourly wage rate for FLCs is \$22.97, with an additional 46% benefits cost and 17% overhead cost.

6,635 respondents × 30 minutes = 3,318 hours (rounded).

3,318 burden hours × \$22.97 = \$76,214.46

3,318 burden hours × (\$22.97 × 46%) = \$35,058.65 (rounded).

3,318 burden hours × (\$22.97 × 17%) = \$12,956.46 (rounded).

Total burden cost: \$124,229.57

D. Form WH-535

The Department bases the following estimates on agency experience with the program and a form completion trial conducted by WHD staff. The Department estimates annually 12,033 respondents complete form WH-530 to apply for an FLCE certificate of registration, and thus will use the new WH-535 form. The Department also estimates it takes an average of 30 minutes to complete each form, either via paper or electronically. The median hourly wage rate for FLCs is \$22.97, with an additional 46% benefits cost and 17% overhead cost.

12,033 respondents × 30 minutes = 6,017 hours (rounded).

6,017 burden hours × \$22.97 = \$138,210.49

6,017 burden hours × (\$22.97 × 46%) = \$63,576.83 (rounded).

6,017 burden hours × (\$22.97 × 17%) = \$23,495.78 (rounded).

Total burden cost: \$225,283.10

E. Form WH-540: Amendment Application

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The Department bases the following estimates on agency experience with the program and a form completion trial conducted by WHD staff. The Department estimates annually 10,000 respondents complete form WH-530 to amend a currently existing certificate, and thus will use the new WH-540 form. The Department also estimates it takes an average of 15 minutes to complete each form, either via paper or electronically. The median hourly wage rate for FLCs is \$22.97, with an additional 46% benefits cost and 17% overhead cost.

10,000 respondents × 15 minutes = 2,500 hours

2,500 burden hours × \$22.97 = \$57,425

2,500 burden hours × (\$22.97 × 46%) = \$26,415.50

2,500 burden hours × (\$22.97 × 17%) = \$9,762.25

Total burden cost: \$93,602.75

F. Total Hour Burden Costs

Form WH-514 = \$26,433.42

Form WH-515 = \$122,207.75

Form WH-530 = \$124,229.57

Form WH-535 = \$225,283.10

Form WH-540 = \$93,602.75

Total: \$591,756.59

Form	Respondents	Responses	Burden (Hours)	Median Hourly Wage	Wage × Burden Hours Cost	Benefits Cost	Overhead Cost	Total Cost
WH-514 and WH-514a	1,432	8,472	706	\$22.97	\$16,216.82	\$7,459.74	\$2,756.86	\$26,433.42
WH-515	7,532	7,532	3,264	\$22.97	\$74,974.08	\$34,488.08	\$12,745.59	\$122,207.75
WH-530	6,635	6,635	3,318	\$22.97	\$76,214.46	\$35,058.65	\$12,956.46	\$124,229.57
WH-535	12,033	12,033	6,017	\$22.97	\$138,210.49	\$63,576.83	\$23,495.78	\$225,283.10
WH-540	10,000	10,000	2,500	\$22.97	\$57,425	\$26,415.50	\$9,762.25	\$93,602.75
TOTAL	37,632	44,672	15,805	-	\$363,040.85	\$166,998.80	\$61,716.94	\$498,153.84

13. **Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).**
- **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 collections 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 keep records for the government, or (4) as part of customary and usual business or private practices.**

Because respondents submit forms WH-514, WH-514a, and WH-515 to supplement forms WH-530, WH-535, and WH-540 costs that are already captured for filing forms WH-530, WH-535, and WH-540 (*e.g.*, mailing) are not duplicated for forms WH-514, WH-514a, & WH-515. The Department associates no capital or start-up costs with this information collection. However, the agency estimates the following respondent costs for maintenance and operation and the purchase of services related to this collection.

A. Forms WH-514 and WH-514a

This information collection supports an underlying substantive requirement that those who transport any migrant/seasonal agricultural worker(s) do so in vehicles that meet the applicable safety standards. Consequently, FLCs have mechanics sign form WH-514 or WH-514a to verify the information. The Department estimates average mechanic costs associated with completion of each form WH-514/WH-514a to be \$39, for a total operation and maintenance cost of \$330,408 (rounded). $8,472 \text{ annual responses} \times \$39 = \$330,408$.

B. Forms WH-515

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This information collection supports an underlying substantive requirement that those who drive any migrant/seasonal agricultural worker(s) meet the applicable health standards. Consequently, respondents take form WH-515 to their physicians, who mark the appropriate box and sign form WH-515 to verify the information. The Department estimates average physician costs associated with completion of each form WH-515 to be \$69. Total operation and maintenance cost is equal to 7,532 annual responses × \$69 = **\$519,708**.

C. Form WH-530

There will be an estimated 6,635 WH-530 applications completed, and approximately 60% of those, or 3,981, are estimated to be completed via mail. The remainder of the applications are submitted in person. The cost of sending a 9"×12" envelope with 6 pages is used for the approximate weight of an application packet. The cost of sending such a packet from Washington, DC to San Francisco using first class mail is \$7.95 (as of April 2021). 3,981 applications × \$7.99 (\$7.95 postage + \$0.04 per envelope) = **\$31,808.19**

D. Form WH-535

There will be an estimated 12,033 WH-535 applications, and approximately 60% of those, or 7,220, will be estimated to be completed via mail. The remainder of the applications are submitted in person. The cost of sending a 9"×12" envelope with 3 pages is used for the approximate weight of an application packet. The cost of sending such a packet from Washington, DC to San Francisco using first class mail is \$7.95 (as of April 2021). 7,220 applications × \$7.99 (\$7.95 postage + \$0.04 per envelope) = **\$57,687.80**

E. Form WH-540

There will be an estimated 10,000 WH-540 applications, and approximately 60% of those, or 6,000, are estimated to be completed via mail. The remainder of the applications are submitted in person. The cost of sending a 9"×12" envelope with 5 pages is used for the approximate weight of an application packet. The cost of sending such a packet from Washington, DC to San Francisco using first class mail is \$7.95 (as of April 2021). 6,000 applications × \$7.99 (\$7.95 postage + \$0.04 per envelope) = **\$47,940**

F. Total Associated Costs

\$330,408 (forms WH-514/514a) + \$519,708 (form WH-515) + \$31,808.19 (form WH-530) + \$57,687.80 (Form WH- 535) + \$47,940 (form WH-540) = **\$987,552**.

- 14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational 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 may also aggregate cost estimates from Items 12, 13, and 14 in a single table.**

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The annualized Federal cost involves printing, mailing, and processing the forms. WHD field offices and state workforce agency offices maintain the forms for distribution. Approximately 8,472 WH-514s; 7,532 WH-515s; 6,635 WH-530s; 12,033 WH-535s; and 10,000 WH-540s will be filed annually for a total of 44,672 forms filed.

The Department estimates that the majority of the forms are produced and distributed by state workforce agencies and farm labor contractors. The rest, about 10%, of the WH-514s and WH-515s forms are produced and distributed by WHD, which equals = 1,600.

The Department estimates that about 10% of the WH-530, WH-535, and WH-540 forms will be produced and distributed by WHD, which equals = 2,867. Of those, the Department estimates that 40% will be filled out electronically, which will not entail mailing and postage costs, and that equals 1,147 forms. The remainder will involve mailing and postage costs, which is 1,720 forms.

The WHD processes applications in the San Jose/San Francisco/Oakland office and used OPM wages for that region: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/SF_h.pdf. In addition, there is a 46% benefit cost and 17% overhead cost.

Printing: $1,600 + 1,720 \text{ forms} \times \$0.03 \text{ per form} = \100 (rounded) .

Postage: $1,600 + 1,720 \text{ forms} \times (\$0.55 \text{ postage} + \$0.04 \text{ per envelope}) = \$1,958.80$

GS-5, Step 4 mail clerk to mail forms:

$1,600 + 1,720 \text{ forms} \times 5 \text{ minutes per form} / 60 \text{ minutes} \times \$22.67 \text{ per hour} = \$6,272.03$
(rounded).

$1,600 + 1,720 \text{ forms} \times 5 \text{ minutes per form} / 60 \text{ minutes} \times (\$22.67 \times 46\%) = \$2,885.14$
(rounded).

$1,600 + 1,720 \text{ forms} \times 5 \text{ minutes per form} / 60 \text{ minutes} \times (\$22.67 \times 17\%) = \$1,067.53$ (rounded).

GS-7, Step 4 clerk to review completed forms:

$44,672 \text{ forms} \times 15 \text{ minutes per form} / 60 \text{ minutes} \times \$28.09 \text{ per hour} = \$313,709.12$

$44,672 \text{ forms} \times 15 \text{ minutes per form} / 60 \text{ minutes} \times (\$28.09 \times 46\%) = \$144,306.20$ (rounded).

$44,672 \text{ forms} \times 15 \text{ minutes per form} / 60 \text{ minutes} \times (\$28.09 \times 17\%) = \$53,330.55$ (rounded).

TOTAL ANNUAL FEDERAL COST = \$523,668.37

15. **Explain the reasons for any program changes or adjustments reported on the burden worksheet.**

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There are multiple reasons for the change in burdens hours and costs. Though the burden hours decreased from 15,805 to 14,001 hours, the costs to the federal government increased from \$52,012.51 to \$523,668.44. The data used in the previous packages has aged in light of an updated numbers of applicants and responses. The increase is derived from the new amendment form, WH-540, that can be used to amend an existing certificate of registration (which is obtained using form WH-530 or WH-535). Though an option to amend was available on WH-530 before it was divided into three forms, the Department did not necessarily require the applicant to use form WH-530 to amend an existing certificate. Thus, the Department expects more use of the form WH-540, but does not necessarily expect more responses, as applicants were always required to amend an existing certificate in certain circumstances, but did not always use a form to do so. Additionally, respondents are not unique—those that fill out WH-540 will have already filled out either WH-530 or WH-535. There has been an updated number of responses and applicants based on the most recent numbers provided. Additionally, there was an increase in salaries for government workers, and the added cost of benefits and overhead, as well as a slight increase in the cost of postage.

- 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.**

The Department does not publish the results of this information collection.

- 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 Department does not seek an exception to the requirement to display the expiration date on this information collection.

- 18. Explain each exception to the topics of the certification statement identified in “Certification for Paperwork Reduction Act Submissions.”**

The Department is not requesting an exception to any of the certification requirements for this information collection. This request complies with 5 CFR 1320.9.

Part B: COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable.