

Supporting Statement
Oriental Fruit Fly (OFF) Program
OMB control number 0560-NEW

FSA is requesting EMERGENCY CLEARANCE because the USDA has directed Farm Service Agency (FSA) to implement the Oriental Fruit Fly Program (OFF) for producers of agricultural commodities who suffered a revenue loss in calendar years 2015 and/or 2016 due to the APHIS imposed quarantine in Miami-Dade County Florida, August 28, 2015 through February 13, 2016. The quarantine was necessary due to an outbreak of the Oriental Fruit Fly. The emergency approval is needed because we could not comply with the normal clearance under the Paperwork Reduction Act, and it is essential to the mission of FSA to provide financial assistance as quickly as possible to the affected producers. FSA establishes provisions for providing assistance as authorized by Section 778 of the Consolidated Appropriation Act of 2019 (Pub. L. 116-6), which appropriated \$9 million to the FSA for the purpose of making payments to producers impacted by an Oriental Fruit Fly Quarantine. Funds will remain available until expended. FSA will include the implementation of a new Oriental Fruit Fly (OFF) Program under the new regulation of 7 CFR 756. OFF is being implemented through a final rule, which includes changes to FSA dairy regulations that are a priority for USDA to have in effect quickly.

This is necessary to implement the Oriental Fruit Fly Program because we could not comply with the normal clearance procedures under the Paperwork Reduction Act. FSA's OFF program provides eligible producers with financial assistance needed to compensate producers for revenue loss of income, which is essential to the mission of FSA to provide assistance to the producers quickly as possible.

The OFF program provides direct financial assistance to agriculture producers who suffered a loss of revenue for calendar year(s) 2015 and/or 2016 due to the APHIS imposed Oriental Fruit Fly Quarantine in Miami-Dade County Florida that occurred August 28, 2015 through February 13, 2016. Funds will be available until expended. The OFF program will provide assistance as authorized by Public Law 116-6 (The Consolidated Appropriations Act of 2019) which appropriated \$9 million to the Farm Service Agency (FSA) for the purpose of making payments to eligible producers who suffered a revenue loss of income.

1. Circumstances that make the collection of information necessary.

Producers will receive payments under Public Law 116-6, The Consolidated Appropriations Act of 2019, in the amount of \$9 million, to compensate producers for revenue losses in calendar year(s) 2015 and/or 2016. Payments will assist producers that suffered revenue losses of income due to the Oriental Fruit Fly Quarantine in Miami-Dade County, Florida.

In order to determine whether a producer is eligible for OFF and to calculate a payment, a producer is required to submit FSA-438, OFF application; CCC-901, Member

Information for Legal Entities, as applicable; CCC-902E, Farm Operating Plan for An Entity; CCC-941, Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information; and CCC-942, Certification of Income from Farming, Ranching, and Forestry Operations, Optional, and AD-1026- Highly Erodible Land Conservation (HELIC) and Wetland Conservation Certification.

2. How, by whom, and for what purpose is information used.

The information submitted by producers will be used by FSA to determine eligibility and distribute payments to eligible producers under OFF program.

The following forms are for the producers to complete, where applicable, to get OFF payments:

FSA-438-OFF application - Producers are required to submit this form to be eligible for OFF payment. Producers will be providing OFF information to the FSA County employee by either in person, or by email or fax.

CCC-901-Member Information for Legal Entities, as applicable - Producers are required to complete this form to report information about their farming operation, if they have not previously provided it.

CCC-902E-Farm Operating Plan for an Entity is used to collect information about producers to report their farm operations to determine eligibility for payments.

CCC-941- Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information is used for producers to do the certification of compliance with the \$900,000 AGI limitation applicable to 2011 through 2023 crop, program, and fiscal year benefits.

CCC-942 Request for an Exception to Average AGI limitation is required to submit if at least 75 percent of the person or legal entity's average AGI is derived from farming, ranching, forestry and seafood production and related activities and the participant provided required certification and documentation, the person or legal entity, other than a joint venture or general partnership, is eligible to receive payments, directly or indirectly up to the payment limit.

AD-1026- Highly Erodible Land Conservation (HELIC) and Wetland Conservation Certification is used to certify compliance with the highly erodible land and wetland conservation provisions as a condition of eligibility for certain USDA programs. It is not necessary to complete this form if a previously filed AD-1026 is on file in the FSA serving office and there have not been any changes in your farming operation or changes to the previously listed affiliates. This form is exempted from the PRA for any FSA programs but included the burden hours for information purposes only.

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 decisions for adopting this means of collection. Also describe any consideration of information technology to reduce burden.

Applicants will complete a manual OFF application (an electronic version of the form FSA-438) and provide the application to FSA County Office employees, emailing, or faxing. Then, FSA county office staff will enter the application information into an excel workbook that will calculate the OFF payment. The calculated OFF payment will be electronically transferred to the Common Payment System.

Some applicants will already have on file, forms CCC-901, CCC-902E, CCC-941, and CCC-942 at the time of application; however, a percentage of applicants who have not previously participated in FSA programs may need to file these forms to become eligible. All the electronic form versions are available in the USDA eForms website: <https://forms.sc.gov.usda.gov/eForms/welcomeAction.do?Home>.

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

There is no duplication of information.

5. Methods to minimize burden on small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods to minimize burden.

The information collected does not adversely impact small businesses or other small entities. There are 53 small businesses or entities. Economists used 7% of the small business or entities against the total respondents.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Failure to solicit applications will result in failure to provide payments to eligible producers as intended by Public Law 116-6, Consolidated Appropriations Act of 2019. Because of the short period to receive applications and distribute payments and the need for county offices to complete portions of the application form, applications must be provided to the county offices and entered in an excel workbook.

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;**

None.

- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

None.

- **Requiring respondents to submit more than an original and two copies of any document;**

None.

- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**

None.

- **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;**

None.

- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

None.

- **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**

None.

- **Requiring respondents to submit proprietary trade secret, 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.**

None.

8. Describe efforts to consult with persons outside the Agency to obtain their view on the availability of data, frequency of collection, the clarity of instructions and record keeping, disclosure, or reporting format (if any), and on data elements to be recorded, disclosed, or reported.

This is a new information collection request. The final rule for OFF Program published in the Federal Register on December 13, 2021 (86 FR 70689). The 3 names for consultation on OFF information collection request will be included in the regular submission.

9. Explain any decision to provide any payment or gift to respondents.

There is no payment or gift given to respondents.

10. Describe any assurance of confidentiality provided to the respondents and the basis for the assurance in statute, regulation, or Agency policy.

All information collected is treated as confidential. Agency policy prohibits the giving out of individual information. This information is handled according to the Privacy Act and Freedom of Information Act.

11. Provide additional justification for any question of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive or personal nature are included in the application.

12. Provide estimates of the hour burden of the collection of information.

USDA estimates that up to 750 producers may apply for OFF payments. See the Reporting and Recordkeeping Requirements spreadsheet that provides burden hours for each form.

The annual burden for this information collection package is 522 hours.

FSA-438-OFF Application - The estimated burden hours for the application is 375 (750 x 30 minutes).

CCC-901- Member Information for Legal Entities -The estimated burden hours for the form is 45 (90 x 30 minutes).

CCC-902E- Farm Operating Plans for An Entity - The estimated burden hours for the form is 24 (300 x 5 minutes).

CCC-941- Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information - The estimated burden hours for the form is 75 (300 x 15 minutes).

CCC-942 Request for an Exception to Average AGI limitation - The estimated burden hours for the form is 3 (10 x 15 minutes).

AD-1026- Highly Erodible Land Conservation (HELC) and Wetland Conservation Certification - This form is exempted from the PRA for any FSA programs but included the burden hours for information. The estimated burden hours for the form is 24 (300 x 5 minutes).

Respondent cost per hour was derived by using U.S. Bureau of Labor Statistics Occupational Employment and Wages, May 2020, 11-9013 Farmers, Ranchers, and Other Agricultural Managers. The U.S. mean household income, as measured by the Bureau of Labor, is \$41.35. Fringe benefits for all private industry workers are an additional 29.9 percent,¹ or \$12.36, resulting in a total of \$53.71 per hour. The estimated cost is \$28,0036 (\$53.71 x 522).

13. Provide an estimated of the total annual cost burden to the respondents or recordkeepers resulting from the collection of information.

There are no capital, startup, or ongoing operation/maintenance costs associated with this information collection to respondents or record-keepers.

14. Provide estimates of annualized cost to the Federal Government.

The cost of form development, printing and distribution is minimal because the forms are computer generated. A manual OFF application, FSA-438 will be completed by the applicant. Information from the application is entered into an excel workbook that will calculate a payment to be issued through an automated system. County employee cost per response is equal 1 hours for completion of the application form multiplied by \$ 28.26 (estimated county employee average hourly wage; based 2021 General Schedule, Grade 7, Step 6). Fringe benefits for all government workers are an additional 31 percent, or \$8.43, resulting in a total of \$35.64 per hour. The total annualized cost to the Federal Government is \$27,518 (\$36.69 x 750 responses).

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 information request.

¹ U.S. Bureau of Labor Statistics. "Employer Costs for Employee Compensation." News release. March 19, 2020. <https://www.bls.gov/news.release/ecec.htm>.

16. For collection of information whose results will be published, outline plans for the tabulation and publication.

There are no plans to publish the results of OFF.

17. If seeking approval to not display the expiration date for the OMB approval of information collection, explain the reasons that display would be inappropriate.

FSA will display the OMB expiration date.

18. Explain each exception statement to the certification statement identified for PRA submissions.

FSA certified that the collection of information encompassed by this request complies with 5 CFR 1320.9 and the related provisions of 5 CFR 1320.8(b)(3).