

## SUPPORTING STATEMENT

### Request for a Medical Exemption to the COVID-19 Vaccination Requirement OMB Control No. 0503-New

#### Terms of Clearance:

##### 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.**

On September 9, 2021, the President signed Executive Order (EO) 14043, titled, “Requiring Coronavirus Disease 2019 Vaccination for Federal Employees.” As reflected in Section 1 of the EO, the President has determined that in order to promote the health and safety of the workforce and the efficiency of the civil service, it is necessary to require COVID–19 vaccination for Federal employees, subject to such exceptions as are required by law.

Safer Federal Workforce Task Force guidance specifies that agencies should require all of their employees, with exceptions only as required by law, to be fully vaccinated by November 22, 2021. That means employees must complete required vaccination dose(s) by November 8, as they will not become “fully vaccinated” until 2 weeks after their final dose (the second of 2 doses for Pfizer and Moderna, and the first dose for Johnson and Johnson) or request an exception. The only exception is for individuals who receive a legally required exception approved under established agency processes.

The U.S. Department of Agriculture is administering requests for Reasonable Accommodation, which are submitted as medical exceptions to the COVID-19 vaccination requirement, in accordance with the Rehabilitation Act of 1973, as amended, requires Federal Agencies to provide reasonable accommodations to qualified employees with disabilities unless that reasonable accommodation would impose an undue hardship on the employee’s Agency. See 29 U.S.C. 791; 29 C.F.R. Part 1614; see also 20 C.F.R. Part 1630 and Executive Order 13164 of July 26, 2000, *Requiring Federal Agencies to Establish Procedures to Facilitate the Provision of Reasonable Accommodation*. Section 2 of E.O. 14043 mandates that each agency “implement, to the extent consistent with applicable law, a program to require COVID-19 vaccination for all of its Federal employees, with exceptions only as required by law.” This medical exemption form is necessary for USDA to determine legal exemptions to the vaccine requirement under the Rehabilitation Act. This includes the requisite confidentiality requirements, subject to the applicable Rehabilitation Act standards, and maintenance of supporting documents.

- 2. Indicate how, by whom, how frequently, 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.**

This information is being requested to promote the safety of the Federal workforce, the safety of Federal buildings, and others on site at agency facilities or those interacting with the public consistent with the COVID-19 Workplace Safety: Agency Model Safety Principles established by the Safer Federal Workforce Task Force and guidance from the Centers for Disease Control and Prevention. To request a medical exemption from the COVID-19 vaccination requirement, an employee must provide documentation from their medical provider.

This will ensure the information collected is consistent among the agencies and staff offices and minimize the need to seek additional evidence.

USDA seeks OMB's approval to process the request as emergency clearance requests in accordance with 5 C.F.R. § 1320.13, Emergency Processing.

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.**

This information collection is paper-based. We will continue to explore options to use technology to reduce the burden on individuals.

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

We are unaware of other sources of similar information available for use by the respondents.

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

This information collection request has no identified impact on small businesses and organizations.

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.**

Less frequent collection would inhibit USDA's ability to meet the mandates of the Safer Federal Workforce Task Force and USDA's specific established COVID-19 workplace safety protocols.

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 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 other special circumstances involved in the collection of this information.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, 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.**

USDA is requesting emergency approval and therefore no notice has been published.

**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 form, and on the data elements to be recorded, disclosed, or reported.**

Aside from discussions with Office of Management and Budget (OMB) personnel, and other Federal agencies, no additional consultation was conducted for this submission.

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

No gifts or payments has been or will be provided to any individuals who are connected to this collection.

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

The information is consistent with OMB's guidance for requesting a medical exemption.

This collection is covered under USDA Personnel Public Health Emergency Records System, USDA/OSEC 01, published on Monday, November 8, 2021, Vol 86, Number 213, Page 61747, and USDA/OSEC-02 Contractors and Visitors Public Health and Emergency Records, published on November 9, 2021, Vol 86, Number 214, Page 62142. This section describes the safeguards of records in this system according to applicable rules and policies, including all applicable USDA automated systems security and access policies. The Department has imposed strict controls to minimize the risk of compromising the information that is being stored. Users of individual computers can only gain access to the data by a valid user identification and password. Paper records are maintained in a secure, access-controlled room, with access limited to authorized personnel.

- 11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or 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.**

Any information collected will only be used to determine whether an individual is legally entitled to an accommodation. The information is consistent with OMB's guidance for requesting a medical exemption.

- 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. 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.**

USDA estimates that about 2,000 would request a medical exception. The time it takes to request the medical exception is 10 minutes, resulting in 333 burden hours.

- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

The cost to the medical provider is \$34,318.98. (333x\$103.06\*)

\*\* National estimate for Family Medicine Physicians mean hourly wage  
<https://www.bls.gov/oes/current/oes291215.htm>

- 13. Provide estimates of 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 shown in items 12 and 14). The cost estimates 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.**

There is no capital or start-up cost associated with this collection.

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.**

There is no cost to the Federal Government.

- 15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.**

This is a new collection of information.

- 16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.**

No information will be published from 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 OMB Control Number and Expiration date will be displayed on each instrument.

- 18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act."**