

**DATE:** June 13, 2022

**TO:** Michael Ciccarone  
OMB Desk Officer

**THROUGH:** Ruth Brown  
USDA Information Collection Officer

**FROM:** Scott Marlow  
Deputy Administrator for Farm Programs

**SUBJECT:** Request for Emergency Approval for a New Information Collection Package—Food Safety Certification for Specialty Crops Program (FSCSC)

The Farm Service Agency (FSA) is requesting OMB approval on the emergency approval of a collection of information necessary to implement the Food Safety Certification for Specialty Crops Program (FSCSC), which will assist specialty crop operations that incurred eligible expenses for 2022 and 2023 food safety certifications. These operations incur significant costs to comply with market-driven food safety certification requirements each year with little opportunity to recover the increased costs.

FSCSC funding of \$200,000,000 is authorized under the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(e)).

FSA will begin accepting applications for the 2022 program year in June of 2022 after NOFA publication, and will announce the 2022 deadline and 2023 application period at a later time.

The collection of information is essential to the mission of FSA because it will help producers meet the demands of grocery stores, schools, and other institutional buyers and retailers that require food safety plans to ensure the safe growing, harvesting, packing, and holding of their crops.

FSA cannot reasonably comply with the normal PRA clearance procedures under 5 CFR part 1320 because:

- Public harm is reasonably likely to result if normal PRA clearance procedures are followed – that public harm would be to the producers of specialty crops who need to obtain food safety certification in order to access markets for their crops. Failure of specialty crop producers to meet buyers' requirements could result in potential food shortages or other changes that could extend the harm to consumers and others in the line of business (5 CFR 1320.13(a)(2)(i)).

FSA is currently finalizing details of FSCSC administration and expects to publish a NOFA announcing FSCSC on June 26, 2022.

The application form has been developed to be easy for specialty crop producers to complete. Producers will provide their eligible expenses and the amount of any other cost share received for those expenses from other sources, and also the number of microbiological tests they have paid for if they are requesting assistance for those costs. Applicants must also confirm that they qualify as a small or very small business, which is required under the eligibility criteria for FSCSC.

The collection of information is needed to provide producers financial assistance as quickly as possible because most specialty crop producers typically need to work with certifiers throughout the summer and obtain or renew certification in late summer in order to meet buyers' requirements and access markets for their crops. If FSA had announced anything estimating the burden sooner, it would have preannounced the program and set expectations for payments sooner than would have been possible.