

Supporting Statement
Emergency Livestock Relief Program (ELRP)
OMB control number-0560-NEW

The Farm Service Agency (FSA) is requesting **EMERGENCY CLEARANCE** by April 1, 2022 to begin distributing payments for the Emergency Livestock Relief Program (ELRP). USDA has directed FSA to implement payments under the ELRP eligible livestock producers who faced increased supplemental feed costs as a result of forage losses due to a qualifying drought or wildfire in calendar year 2021. For eligible producers, ELRP Phase 1 will pay for a portion of the increased feed costs in 2021 based on the number of animal units (AU), limited by available grazing acreage, in eligible drought counties. For eligible producers, ELRP Phase 1 will pay for a portion of the increased feed costs in 2021 based on the number of animal units (AU), limited by available grazing acreage, in eligible drought counties. Although payments made under the Livestock Forage Disaster Program (LFP) do not have a direct correlation to the increased feed costs incurred, in order to deliver this assistance quickly, for Phase 1, FSA is using certain LFP data, and a percentage of the payment made through LFP applications will be used as a proxy for these increased supplemental feed costs to eliminate the requirement for producers to resubmit information for ELRP Phase 1. The Secretary is using an estimated \$750 million in funds provided by the Extending Government Funding and Delivering Emergency Assistance Act, (Division B, Title I, Pub. L. 117-43) to assist producers under ELRP. FSA will issue ELRP Phase 1 payments as 2021 LFP applications are processed and approved. Because FSA is using LFP information to generate a reasonable approximation for the costs covered by ELRP Phase 1, no action is required for eligible producers to receive these payments

1. Circumstances that make the collection of information necessary.

Applicants will receive payments under the Extending Government Funding and Delivering Emergency Assistance Act to assist producers of livestock for losses incurred during calendar year 2021 due to qualifying droughts or wildfires. The livestock producers who suffered losses due to drought are eligible for assistance if any area within the county in which the loss occurred was rated by the U.S. Drought Monitor as having a D2 (severe drought) for eight consecutive weeks or a D3 (extreme drought) or higher level of drought intensity during the applicable year. \$750 million has been allocated to fund ELRP. Because FSA is using LFP information to generate a reasonable approximation for the costs covered by ELRP Phase 1, no action is required for eligible producers to receive these payments

To determine whether a producer is eligible for ELRP increased payment, an applicant is required to submit the:

FSA-510, Request For An Exception To The \$125,000 Payment Limitation For Certain Programs; and

CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification.

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

This is a new information collection request.

The following forms if applicable must be on file to receive increased ELRP payment:

Form FSA-520-Request For An Exception To The \$125,000 Payment Limitation For Certain Programs is required certification according to the direct attribution provisions in 7 CFR 1400.105, "Attribution of Payments." If a legal entity would be eligible for the \$250,000 payment limitation based on the legal entity's average AGI from farming, ranching, or forestry related activities but a member of that legal entity either does not complete an FSA-510 and provide the required certification or is not eligible for the \$250,000 payment limitation, the payment to the legal entity will be reduced for the limitation applicable to the share of the ELRP payment attributed to that member.

Form CCC-860-Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification, applicable for the 2021 program year; must be on file with FSA with a certification applicable for the 2021 program year to receive the higher ELRP payment rate of 90 percent.

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 must submit the following forms or have them on file to be eligible for an increased ELRP payment:

- FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs, if applicable; and
- CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification, if applicable.

The electronic form versions are available in the USDA eForms website: <https://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home>, or through farmers.gov/elrp.

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.

The ELRP application is a new information collection; therefore, no similar form exists.

5. Methods to minimize burden on small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods to minimize burden.

The information collected does not adversely impact small businesses or other small entities.

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.

If the producers fail to apply, FSA will result in failure to provide payments to eligible producers as intended. This is a one-time collection of information.

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 Notification of Funds Availability (NOFA) for ELRP will likely to be published in the Federal Register on April 1, 2022.

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

There is no payment or gift given to producers.

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.

Using data from LFP payment reductions with increase payment limitations, FSA estimates that up to 5,644 producers may apply for increased ELRP payments. See the Reporting and Recordkeeping Requirements spreadsheet which contains data for each form.

The annual burden for this information collection package is 559.4 hours.

FSA-510 Request for an Exception to the \$125,000 Payment Limitation for Certain Programs-applicants are required to submit this form to be eligible for an increased payment limitation for their ELRP payment. The estimated burden hours are 25 (300 annual responses x 5 minutes).

CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification-applicants are required to complete this form for a higher payment rate for eligible historically underserved farmers or ranchers. The estimated burden hours are 534 (5344 annual responses x 10 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 \$30,045 (\$53.71 per hour x 559.5 total hours).

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 recordkeepers.

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. County employee cost per response is equal to 1 hour for completion of the application form multiplied by \$23.72 (estimated county employee average hourly wage; based 2021 General Schedule, Grade 7, Step 5). The total annualized cost to the Federal Government is \$129,654 (\$23.72 x 5,466 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.

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 ELRP.

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 is not requesting the OMB expiration date since it is a one time collection.

18. Explain each exception statement to the certification statement.

FSA is able to certify compliance with all provisions. .

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>.

