



United States
Department of
Agriculture

Farm
Production
and
Conservation

Farm
Service
Agency

1400 Independence Avenue, SW
Stop 0540
Washington, DC
20250-0540

DATE: April 27, 2022

TO: Brenda Aguilar
Branch Chief

THROUGH: Levi Harrell
USDA Information Collection Officer

FROM: Kimberly Graham
Acting Deputy Administrator for Farm Programs

SUBJECT: Request for Emergency Approval for a New Information Collection
Request —Commodity Container Assistance Program (CCAP)

The Farm Service Agency (FSA) is requesting OMB emergency approval of a collection of information necessary to implement the new Commodity Container Assistance Program (CCAP) in response to ongoing market disruptions that have created logistical challenges associated with all aspects of the availability and flow of containers to transport agricultural commodities and are preventing or delaying American-grown agricultural products from reaching their markets as a result of the COVID-19 pandemic. Also, ocean carriers have made fewer shipping containers available for U.S. agricultural commodities, repeatedly changed return dates, and charged unjust fees. CCAP is another program as a part of USDA's mission to assist the owners of U.S. agricultural products or designated marketing agents for picking up the empty containers provided by ocean carrier or for the temporary storage of filled shipping containers at certain ports.

OMB will be reviewing the CCAP notice of funding availability (NOFA) that will have a 60-day notice requesting public comments to get 3-year OMB approval to cover this information collection request. FSA will be using a portion of the funding transferred from CCC funds for addressing market disruptions to establish a marketing assistance program to support agricultural product owners in shipping domestic commodities, and products made from those commodities, out of the Port of Oakland and the Northwest Seaport Alliance (NWSA). CCC funds will be used as authorized by sections 5(b) and (f) of the CCC Charter Act (15 U.S.C. 714c(b) and (f)). As explained below, FSA could not obtain OMB approval under the normal clearance under the Paperwork Reduction Act because CCAP needs to provide CCAP payments to assist the owners of U.S. agricultural products or designated marketing agents improve the movements of the agricultural commodities' containers to reach their destination. As outlined in the NOFA and recently discussed with OMB, CCAP will improve the flow in containers' movements at certain port and provide the financial assistance to cover the movement costs of different container types for the owners of U.S. agricultural products or designated marketing agents.

Specifically, FSA will be focused on increasing intermodal container capacity

through partnerships with the Port of Oakland, in Oakland, California, and NWSA, a marine cargo operating partnership between the Port of Seattle and the Port of Tacoma in Washington State. Both the Port of Oakland and NWSA have been identified as key gateways for American-grown agricultural products, and each have also experienced significant challenges with the flow of containerized agricultural commodities and products. To ensure owners of American-grown agricultural products are able to ship their products from U.S. ports to global markets, CCAP will support improved use of empty shipping containers, along with the prepositioning and temporary storage of filled shipping containers near export terminals, to ensure agricultural shippers can deliver products to their customers.

We are requesting emergency approval by May 9, 2022, to start accepting the Commodity Container Assistance Program Application to provide the payments to the eligible applicants when the NOFA is published.

FSA expects approximately 200 applicants (owners of U.S. agricultural products or designated marketing agents) to receive CCAP payments. FSA needs to collect the following information from applicants:

- FSA-862, Commodity Container Assistance Program Application that includes applicant information, SAM UEI, and number of containers by port, type, and month.
- If requested by FSA, the applicant must provide supporting documentation to verify the accuracy of information provided on the application, including to substantiate the number and type of shipping containers, ownership of the commodities, or authority to act as a designated marketing agent.

The collection of information is needed to provide the financial assistance quickly to the owners of U.S. agricultural products or designated marketing agents because the COVID-19 pandemic dramatically disrupted the flow of the transported agricultural commodities containers that needed to be shipped out to the domestic market. If FSA had announced anything estimating the burden sooner, it would have preannounced the program; set expectations for payments sooner than would have been possible, it would have most likely been an unrealistic burden estimate.

The collection of information is needed prior to the 3 months or more required for the normal PRA process to avoid having further disruption in transporting the containers and shipping the products to the domestic market at certain port.

This collection of the information is also essential as a part of the mission of USDA to help in improving the flow of the agricultural products and commodities in containers for the domestic market; and to make payments to the qualified owners of U.S. agricultural products or designated marketing agents for either the empty containers or a temporary storage of filled shipping containers.

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

- This collection of information needs to be implemented quickly to avoid further logistical challenges associated with the flow and availability of temporary storage containers at certain ports, that were heavily impacted by the COVID-19 pandemic; and
- Public harm is reasonably likely to result if normal PRA clearance procedures are followed – that public harm would be to the owners of American-grown agricultural products, who would continue to experience higher costs and difficulties in bringing agricultural products to ports; accessing shipping containers; and traveling longer distances to ports, which all hinders the market for U.S. agricultural products.

If there are any questions or concerns, please call Deirdre Holder at (202) 205-5851 or Mary Ann Ball.