

Supporting Statement
Emergency Relief Program (ERP Phase 1)
OMB control number-0560-0309

The Farm Service Agency (FSA) previously requested emergency clearance for ERP Phase 1. FSA is requesting for an extension of the currently approved of information collection request. A 60-day notice was covering both ERP Phase 1 and Phase 2 was published with the Notice of Funding Availability (NOFA) for ERP Phase 1 on May 8, 2022. (87 FR 30164-30172).

The ERP Phase 2 emergency request will be submitted to OMB because it will be associated with the Pandemic Assistance Programs and Agricultural Disaster Assistance Programs-final rule when published. The ERP Phase 2 will be merged with the 0560-0309 ICR through the change worksheet upon OMB approval.

1. Circumstances that make the collection of information necessary.

The Extending Government Funding and Delivering Emergency Assistance Act, (Division B, Title I, Pub. L. 117-43) provided \$10,000,000,000 for necessary expenses related to losses of crops (including milk, on-farm stored commodities, crops prevented from planting in 2020 and 2021, and harvested adulterated wine grapes), trees, bushes, and vines, as a consequence of droughts, wildfires, hurricanes, floods, derechos, excessive heat, winter storms, freeze, including a polar vortex, smoke exposure, quality losses of crops, and excessive moisture occurring in calendar years 2020 and 2021. USDA has directed FSA to use part of this funding to provide assistance to producers of eligible crop, tree, bush, and vine losses through ERP.

ERP Phase 1 will use a streamlined application process for losses for which data is already on file with FSA and RMA. Producers will certify on the application that the loss was due, in whole or in part, to a qualifying disaster event and indicate that they agree to obtain crop insurance or NAP coverage for the next two available crop years, which is a statutory requirement for payment eligibility. Producers may also need to submit additional forms if not already on file with FSA, including forms to establish their eligibility for a higher payment limitation or payment rate, if applicable.

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

This is a new information collection request. The information submitted by respondents will be used by FSA to determine eligibility and issue payments to eligible applicants under ERP.

Applicants complete the following forms to apply for ERP payments:

FSA-520, Emergency Relief Program (ERP) Phase 1 Application — This form will be pre-filled with data already on file with FSA and RMA and mailed to producers. To be eligible for an ERP Phase 1 payment, applicants must certify on this form that the loss was due, in whole or in part, to a qualifying disaster event and indicate that they agree to obtain crop insurance or NAP coverage for the next two available crop years.

AD-2047, Customer Data Worksheet-This form is required to collect basic customer information necessary to establish the applicant's record in FSA's Business Partner system and issue a payment. Most applicants will already have this form on file with FSA.

CCC-901, Member Information for Legal Entities-Legal entities are required to complete this form to report information about their farming operation to determine eligibility for payments. Most legal entities will already have this form on file with FSA. This form is required for most FSA programs. Due to participation in permanent FSA programs and previous ad hoc disaster programs, most applicants will have already filed this.

CCC-902, Farm Operating Plan-Applicants are required to complete this form to report information about their farming operation to determine eligibility for payments. Most applicants will already have this form on file with FSA. This form is required for most FSA programs. Due to participation in permanent FSA programs and previous ad hoc disaster programs, most applicants will have already filed this.

AD-1026 Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification-This form is required 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 the farming operation or previously listed affiliates. Most applicants will already have this form on file with FSA. This form is required for most FSA programs. Due to participation in permanent FSA programs and previous ad hoc disaster programs, most applicants will have already filed this. This form is exempted from the PRA for any FSA programs but is included in the burden hours for information.

Form CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification-Applicants will use this form if they are certifying that they meet the definition of a socially disadvantaged, limited resource, beginning, or veteran farmer or rancher. ERP payments will be calculated using a higher payment rate for applicants who qualify as a member of one of those groups and submit form CCC-860. Applicants who have previously participated in NAP; the Emergency Assistance for Livestock, Honey Bees, and Farm-raised Fish Program (ELAP); or the Emergency Livestock Relief Program (ELRP) are expected to already have this form on file with FSA.

Form FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs-Applicants, and members of legal entities that are applicants, will use

this form to certify that at least 75 percent of their average adjusted gross income (AGI) is derived from farming, ranching, or forestry related activities to qualify for an increased payment limitation. Applicants who previously participated in ELRP are expected to already have this form on file with FSA.

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.

For ERP Phase 1, FSA-520, Emergency Relief Program (ERP) Phase 1 Application will be pre-filled with information already on file with FSA or RMA as a result of the applicant's participation in federal crop insurance or NAP. ERP Phase 1 applications will be pre-filled and mailed to producers to reduce the burden. The applicants will submit pre-filled and certified application to an FSA County Office in person or by mail, E-mail, or FAX. FSA county office staff will complete the application processing in an automated system.

Also, ERP applicants must submit the following forms if not already on file with FSA:

AD-2047, Customer Data Worksheet;
CCC-901, Member Information for Legal Entities;
CCC-902, Farm Operating Plan;
AD-1026, Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification; Form CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification (if applicable); and
Form FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs (if applicable).

The electronic form versions are available in the USDA eForms website:
<https://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home>. Forms will also be made available at the following website for emergency relief programs:
<https://www.fsa.usda.gov/programs-and-services/emergency-relief/index>

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 ERP application is a new information collection; therefore, no similar form exists. For ERP Phase 1, the loss data needed to calculate a payment is already on file with FSA and RMA; FSA will pre-fill applications with that data to avoid duplication in data submission by applicants.

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 21,350 small businesses or entities. For ERP Phase 1, FSA has taken steps to minimize burden by pre-filling the application with data already on file with FSA and RMA.

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 applicants as intended by the Extending Government Funding and Delivering Emergency Assistance Act.

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.

The ERP Phase 1 and Phase 2 Notice of Fund Availability (NOFA) was published in the *Federal Register* on May 18, 2022, and included the 60-day comment period required by the PRA. No comments were received. FSA consulted with the following individuals on the ERP information collection with no comments:

L. Paul Georing—lgoering@umd.edu; 301-405-3541
Richard Flournoy— richard.flournoy@usda.gov; 816-926-7394
Chris Albur— chris.aulbur@usda.gov; 816-823-4378

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

In order to receive an ERP payment, a completed application is required.

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

Agency policy prohibits the giving out of individual information. This information is handled according to the Privacy Act of 1974 (5 USC 552a, as amended) and Freedom of Information Act. The information collected on the ERP application form may be disclosed to other Federal, State, and Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-2, Farm Records File (Automated).

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 305,000 producers may apply for ERP Phase 1 payment. The estimate is based on the number of prefilled applications that we will have to send out - based on 5,000 NAP producers and approximately 300,000 crop insurance customers. Those estimates are based on customers that received payments from NAP or crop insurance. See the Reporting and Recordkeeping Requirements spreadsheet that contains all the numbers for each form.

The annual burden for this information collection package is 92,310 hours.

FSA-520, Emergency Relief Program (ERP) Phase 1 Application — Applicants are required to certify this pre-filled form to be eligible for an ERP Phase 1 payment. The estimated burden hours for the application are 76,250 (305,000 x 15 minutes).

AD-2047, Customer Data Worksheet — Applicants are required to submit this form if not already on file with FSA. The estimated burden hours for the form are 1000 (100 x 1 hour).

CCC-901, Member Information for Legal Entities — Producers are required to complete this form to report information about their farming operation if they have not previously provided it. The estimated burden hours for the form are 80 (1,000 x 5 minutes).

CCC-902, Farm Operating Plan — Applicants are required to submit this form if not already on file with FSA. The estimated burden hours for the form are 80 (1,000 x 5 minutes).

AD-1026 Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification — This form is required 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 the farming operation or previously listed affiliates. 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 are 80 (1,000 x 5 minutes)

Form CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification — Applicants must use this form if they are certifying that they meet the definition of a socially disadvantaged, limited resource, beginning, or

veteran farmer or rancher. The estimated burden hours for the form are 15,000 (150,000 x 6 minutes).

Form FSA-510, Request for an Exception to the \$125,000 Payment Limitation for Certain Programs — Applicants, and members of legal entities that are applicants, will use this form to certify that at least 75 percent of their average AGI is derived from farming, ranching, or forestry related activities to qualify for the increased payment limitation. The estimated burden hours for the form are 720 (9,000 x 5 minutes).

The U.S. mean household income (private industry-farmers), as measured by the Bureau of Labor, is \$27.44 for the respondent average. Fringe benefits for all private industry workers are an additional 29.5 percent, or \$11.47, resulting in a total of \$38.07 per hour. The estimated cost is \$3,591,282 (\$38.91 x 92,310 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 record-keepers.

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

For ERP Phase 1, FSA-520, Emergency Relief Program (ERP) Phase 1 Application will be available to county employees in an automated system that reflects the pre-filled applications; therefore, manual input of loss data will not be required.

The estimated FSA county employee cost per response is equal to 0.25 hours for completion of an ERP Phase 1 application, or 1 hour for completion of an ERP Phase 2 application, multiplied by \$28.21 (estimated county employee average hourly wage; based 2022 General Schedule, Grade 7, Step 6). Fringe benefits for all government workers are an additional 31 percent, or \$12.52, resulting in a total of \$40.73 per hour. The total annualized cost to the Federal Government is \$3,105,663 (305,000 x 0.25 hours x \$40.73=3,105,663).

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

There is no change to the burden hours since the last OMB approval.

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

FSA may announce the total number of ERP applicants and payments issued by press release or other means.

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 displaying the OMB expiration date.

18. Explain each exception statement to the certification statement identified.

FSA is able to certify compliance with all provisions.