

DATE: October 12, 2023

TO: Brenda Aguilar
Branch Chief

THROUGH: Ruth Brown
USDA Information Collection Officer

FROM: John Berge
Acting Deputy Administrator for Farm Programs

SUBJECT: Request for Emergency Approval for a New Information Collection
Package—Emergency Relief Program 2022 (ERP 2022)

The Farm Service Agency (FSA) is requesting OMB approval on the emergency request for a collection of information necessary to implement ERP 2022. FSA is requesting OMB approval by October 16, 2023, to have the forms ready for the farmers and ranchers to apply for the financial assistance.

FSA will use funds authorized by Title I of the Disaster Relief Supplemental Appropriations Act, 2023 (Division N of the Consolidated Appropriations Act, 2023; Pub. L. 117-328) to assist crop producers who suffered losses due to wildfires, hurricanes, tornadoes, floods, derechos, excessive heat, winter storms, freeze (including a polar vortex), smoke exposure, excessive moisture, qualifying drought, and related conditions occurring in calendar year 2022. FSA is planning to announce ERP 2022 in a Notice of Funding Availability (NOFA) in the *Federal Register*. ERP 2022 will administer through 2 tracks (referred to as Track 1 and Track 2).

Track 1 will assist producers who received indemnities for crop or tree losses through certain federal crop insurance policies or payments for crop losses through the Noninsured Crop Disaster Assistance Program (NAP). Track 1 applications will be pre-filled based on data already on file with FSA and the Risk Management Agency (RMA) and mailed to producers. Track 1 applicants must certify that they suffered an eligible loss and agree to obtain crop insurance or NAP coverage and indicate shares in the crops listed on the form. Producers with a Whole Farm Revenue Protection policy or whole-farm unit must also indicate the percentage attributed to specialty crops in order to implement payment limitation provisions as required by law.

Track 2 will assist producers for other crop losses through a revenue-based approach. Track 2 applicants will complete an application form to indicate their benchmark and disaster year revenue, and percentage from specialty crops. Track 2 producers must also submit FSA-525, Crop Insurance or NAP Coverage Agreement, to certify that they will purchase federal crop insurance or NAP coverage as required by law. FSA is also providing optional worksheets (FSA-525-A and FSA-525-B) that Track 2 applicants can use to assist in calculating their benchmark and disaster year revenue.

Applicants must also submit the following forms if applicable and if not previously filed with FSA: CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification; CCC-901, Member Information for Legal Entities; CCC-902, Farm Operating Plan; AD-1026, Highly Erodible Land Conservation (HELC) and Wetland Conservation Certification; AD-2047, Customer Data Worksheet; and FSA-510, Request for An Exception to the \$125,000 Payment Limitation for Certain Programs.

The collection of information is essential to the mission of FSA because it is part of the safety net to help producers continue farming despite suffering losses that are outside of their control. FSA cannot reasonably comply with the normal PRA clearance procedures as specified in the 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 who have suffered crop losses due to qualifying disaster events, many of whom may not be able to absorb those losses, and any additional delay in assistance could cause them to have to consider making business decisions that they would not otherwise choose to make, which could result in changes that could extend the harm to consumers and others in the line of business.

If there are any questions or concerns, please call Deirdre Holder at 202-205-5851 or Mary Ann Ball at 202-720-4283.