

Supporting Statement
Emergency Commodity Assistance Program (ECAP)
OMB control number-0560-NEW
Emergency Request

1. Circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Farm Service Agency (FSA) is requesting a new OMB control number for this **EMERGENCY CLEARANCE** to facilitate printing and mailing applications to comply with the statutory deadline to begin issuing ECAP payments.

Division B of Title I of the American Relief Act, 2025 (Pub. L. 118-158) authorizes \$10 billion in funding to issue 1-time economic assistance payments to eligible producers of eligible commodities for the 2024 crop year. USDA has directed FSA to administer this assistance through ECAP. These payments will help farmers of eligible commodities cope with increased costs and falling commodity prices, allowing them to pay down debt relative to the 2024 crop and obtain financing for the 2025 crop year. FSA intends to announce ECAP in a notice of funding availability (NOFA) in the *Federal Register*. The target date to begin accepting applications and issuing payments is March 21, 2025, as mandated by the American Relief Act, 2025. ECAP will use a streamlined process with pre-filled application forms based on a producer's previously reported acreage of eligible commodities for the 2024 crop year. The anticipated application deadline is August 15, 2025.

As provided in the American Relief Act, 2025, ECAP payments are based on a producer's eligible acres of eligible commodities. Eligible acres include the acreage of eligible commodities planted on a farm for harvest, grazing, haying, silage, or other similar purposes for the 2024 crop year; and 50 percent of the acreage on the farm that was prevented from being planted during the 2024 crop year to an eligible commodity because of drought, flood, or other natural disaster, or other condition beyond the control of the producers on the farm. To determine eligibility and calculate payments, FSA must obtain acreage information from producers if not already on file, and producers must confirm their previously reported acreage is eligible for ECAP as provided in the statute and NOFA.

2. Purpose and Use of the Information. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate how the agency has actually used the information received from the current collection.

This is a new information request.

The information submitted by respondents (as known as Producers; applicants; eligible applicants or private industry-farmers) will be used by FSA to determine eligibility and issue payments to eligible applicants under ECAP.

Applicants will complete the following forms to apply for ECAP payments:

FSA-63 ECAP, Emergency Commodity Assistance Program (ECAP) Application — Applicants must submit this form to be eligible for an ECAP payment. This form will be pre-filled using acreage of eligible commodities reported on FSA-578 and CCC-576, if applicable. If a producer has previously reported their acreage and filed a notice of loss for prevented planted acreage, FSA will print and mail this form to applicants. Some producers will be required to manually adjust their eligible acres in certain situations (for example, when multiple crops are reported on the same acreage in the same crop year).

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 exempted from the PRA for any FSA programs but is included in the burden hours for information.

AD-2047, Customer Data Worksheet — This form is used to collect or update 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.

CCC-902E, Farm Operating Plan for Legal Entities — This form is used to collect information about legal entities and to report their farm operations to determine eligibility for payments. Most applicants will already have this form on file with FSA due to their participation in previous programs.

CCC-902I, Farm Operating Plan for Individuals — This form is used to collect information about individuals and to report their farm operations to determine eligibility

for payments. Most applicants will already have this form on file with FSA due to their participation in previous programs.

CCC-943, 75% of Average Gross Income from Farming, Ranching, or Forestry Certification — Applicants, and members of legal entities that are applicants, will use this form to certify that at least 75 percent of their average gross income is derived from farming, ranching, or forestry related activities to qualify for an increased payment limitation.

FSA-578, Report of Acreage — Applicants will use this form to report their acreage of eligible commodities for the 2024 crop year. Most applicants will already have this form on file with FSA due to their participation in previous programs.

CCC-576, Notice of Loss and Application for Payment (Part A and B only) — Applicants will use Part B of this form to report their acreage of eligible commodities that were prevented from being planted for the 2024 crop year. Most applicants will already have this form on file with FSA due to their participation in previous programs.

3. Use of information technology and burden reduction. 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.

FSA makes every effort to comply with the E-Government Act, 2002 (E-Gov) and to provide for alternative submission of information collections.

FSA is creating the ECAP application electronically for the producers. FSA-63 ECAP, Emergency Commodity Assistance Program (ECAP) Application, will be pre-filled based on a producer's 2024 crop year FSA-578, Report of Acreage. Most producers have already reported their acreage as a result of the applicant's participation in prior FSA programs, such as the Agriculture Risk Coverage (ARC) and Price Loss Coverage (PLC) programs. Producers who have not previously filed FSA-578 and CCC-576 Part B, if applicable, may late-file those forms during the ECAP application period.

If a producer has previously filed FSA-578 and CCC-576 Part B, if applicable, FSA will print and mail a pre-filled FSA-63 ECAP to the producer (at no cost to the producer). Producers who have not previously filed FSA-578 and CCC-576 Part B must file those forms (in hard copy or electronically) with their FSA County Office, and then the FSA County Office will generate the pre-filled FSA-63 ECAP for the applicant.

Applicants may return the pre-filled applications to an FSA County Office in person, by mail (postage paid by the applicant), or electronically using Box and One-Span, which are used for other FSA programs (for more information, see <https://www.farmers.gov/working-with-us/signing-and-sharing-documents>). Producers with a level 2 eAuthentication account will be able to access and submit their application electronically through a webpage linked to the program's main webpage, which will be

published at the time of NOFA publication. The producer can go to their FSA County office if necessary to request FSA County office assistance to submit the pre-filled applications for the ECAP payment. After the producer has submitted a complete application, FSA county office staff will complete the application processing (entering information into the payment software and recording FSA action on the application) in an automated system.

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

- AD-1026, Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification;
- AD-2047, Customer Data Worksheet;
- CCC-901, Member Information for Legal Entities;
- CCC-902, Farm Operating Plan; and
- CCC-943, 75% of Average Gross Income from Farming, Ranching, or Forestry Certification.

The electronic form versions are available in the USDA eForms website: <https://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home>. These forms will also be available on FSA's website when the application period begins.

4. Describe efforts to identify duplication. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Question 2.

ECAP is a new information collection; therefore, no similar form exists. Every effort has been made to avoid duplication.

FSA solely administers, manages, and issues funding for Emergency Commodity Assistance Program (ECAP) Application for USDA to ensure integrity. The information required is not currently collected or reported to any other agency on a regular basis in a standardized form.

For many participants, the information needed to calculate a payment is already on file with FSA. FSA will pre-fill applications with that data to avoid duplication in data submission by applicants.

5. Impacts on small businesses or other small entities. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The information collected does not adversely impact small businesses or other small entities. Out of 623,500 producers, there are 43,645 small businesses or entities. FSA has taken steps to minimize burden by pre-filling the application with data already on file with FSA.

6. Consequences of collecting the information less frequently. Describe the consequence to Federal program or policy activities if the collection is not conducted, or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Although this is a mandatory data collection; participation is voluntary, and all data collection activities are required to obtain or retain benefits. This information is necessary to ensure compliance and the integrity of the program.

Failure to solicit applications will result in failure to provide payments to eligible applicants as directed by the American Relief Act, 2025.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- a. Requiring respondents to report information more than quarterly. There are no information collection requirements that require reporting on more than a quarterly basis.
- b. Requiring written responses in less than 30 days. There are no information collection requirements that require written responses in less than 30 days.
- c. Requiring more than an original and two copies. There are no information collection requirements that require more than an original document or a single copy of a document.
- d. Requiring respondents to retain records for more than 3 years. There are no such requirements.
- e. Not utilizing statistical sampling. There are no such requirements.
- f. Requiring use of statistical sampling which has not been reviewed and approved by OMB. There are no such requirements.
- g. Requiring a pledge of confidentiality. There are no such requirements.
- h. Requiring submission of proprietary trade secrets. There are no such requirements.

The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.5.

8. Comments to the Federal Register Notice and efforts for consultation. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8 (d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and

recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years even if the collection of information activity is the same as in prior years. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

This is a new information collection request. The ECAP NOFA will be published in the *Federal Register* that includes the 60-day comment period required by the PRA. The three (3) names for outside consultation on the ECAP information collection request will be included in the regular submission with any changes the agency has made based on public comments and outside consultations.

9. Explain any decisions to provide any payment or gift to respondents. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Eligible applicants will receive ECAP payments calculated as provided in the NOFA published in the *Federal Register*. No other payments or gifts will be provided to respondents.

10. Assurances of confidentiality provided to respondents. Describe any assurance of confidentiality provided to 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 ECAP application forms 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).

This request was reviewed and approved by FPAC Senior Government Information Specialist for Privacy Act compliance, Samantha Jones, on [Date].

11. Justification for any questions of a sensitive nature. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No questions of a sensitive or personal nature are included in the application.

12. Estimates of the hour burden of the collection of information. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

A. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.

USDA estimates that up to 623,500 producers are eligible and may apply for ECAP payments. See the Reporting and Recordkeeping Requirements spreadsheet that contains all the numbers for each form.

The annual burden for this information collection package is 71,310 hours.

FSA-63 ECAP, Emergency Commodity Assistance Program (ECAP) Application — Applicants are required to certify this pre-filled form to be eligible for an ECAP payment. The estimated burden hours for the application are 49,880 (623,500 x 0.08 hours).

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 363 (4,540 x 0.08 hours).

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 227 (4,540 x 0.05 hours).

CCC-901, Member Information for Legal Entities — Producers that are legal entities 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 113 (225 x 0.5 hours).

CCC-902E, Farm Operating Plan for Legal Entities — Applicants that are legal entities are required to submit this form if not already on file with FSA. The estimated burden hours for the form are 1,135 (2,270 x 0.5 hours)

CCC-902I, Farm Operating Plan for Individuals — Applicants that are individuals are required to submit this form if not already on file with FSA. The estimated burden hours for the form are 1,135 (2,270 x 0.5 hours)

CCC-943, 75% of Average Gross Income from Farming, Ranching, or Forestry Certification — Applicants, and members of legal entities that are applicants, will use this form to certify that at least 75 percent of their average gross income is derived from farming, ranching, or forestry related activities to qualify for the increased payment limitation. The estimated burden hours for the form are 15,588 (31,175 x 0.5 hours).

FSA-578, Report of Acreage — Applicants are required to submit this form if not already on file with FSA. The estimated burden hours for the form are 3,087 (18,160 x 0.17 hours).

CCC-576, Notice of Loss and Application for Payment (Part A and B) — Applicants reporting prevented planted acreage are required to submit this form if not already on file with FSA. The estimated burden hours for the form are 146 (1,820 x 0.08 hours)

B. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

The U.S. mean household income (private industry-farmers), as measured by the Bureau of Labor Statistics news release, December 17, 2024, is \$26.86 per hour for the respondent average. Fringe benefits for all private industry workers are an additional 29.5 percent, or \$11.22, resulting in a total of \$38.07 per hour. The estimated cost is \$2,714,772 (\$38.07 x 71,310 hours).

13. Estimates of other total annual cost burden. Provide estimates of the total annual cost burden to respondents or recordkeepers resulting from the collection of information, (do not include the cost of any hour burden shown in questions 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.

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.

Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

To help assist eligible respondents across the nation, ECAP application will be available across States to county employees in an automated system that reflects the pre-filled applications; therefore, manual input of reported acreage data will not be required.

The estimated FSA county employee cost per response is equal to 0.25 hours for completion of a Track 1 application, multiplied by \$25.22 (estimated county employee average hourly wage; based on 2025 General Schedule, Grade 7, Step 8). Fringe benefits for all government workers are an additional 31 percent, or \$14.59, resulting in a total of \$39.81 per hour. The total annualized cost to the Federal Government is \$6,852,296 ((688,500 x 0.25 hours x \$39.81).

15. Explanation of program changes or adjustments. Explain the reasons for any program changes or adjustments reported.

This is a new information request which will add 688,500 estimated total annual responses and 71,310 estimated total burden hours to the OMB inventory.

16. Plans for tabulation, and publication and project time schedule. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

FSA may announce the total number of ECAP 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 plans to display the OMB expiration date on its instruments.

18. Explain each exception to the certification statement "Certification for Paperwork Reduction Act."

There are no exceptions to the certification requirement.