SUPPORTING STATEMENT - PART A for

OMB Control Number 0560-0316

Emergency Relief Program (ERP) 2022

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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 revision of a currently approved collection that covers activities required to administer ERP 2022. The affected public is Private Sector – Farms.

ERP 2022 was authorized by Title I of the Disaster Relief Supplemental Appropriations Act, 2023 (Division N of the Consolidated Appropriations Act, 2023; Pub. L. 117-328). FSA announced ERP 2022 in a notice published in the *Federal Register* on October 31, 2023 (88 FR 74404-74419), and the application period for ERP 2022 ended on August 14, 2024. This revision is needed to update the respondents and burden hours associated with the *de minimis* provisions and crop insurance requirements described below. FSA is also removing the forms previously included under this collection and the corresponding respondent and burden hour estimates because the time period to submit those forms has ended.

De minimis certification

ERP 2022 Track 2 payments were based on a producer's benchmark and disaster year revenue for all eligible crops. Producers who applied for Track 2[1] were required to certify in Item 16 of FSA-524 whether all eligible crops were insured or covered by the Noninsured Crop Disaster Assistance Program (NAP) for the applicable program year. FSA used this certification to determine the ERP factor that was used when calculating a producer's Track 2 payment. If a producer answered "yes" in Item 16, an ERP factor of 90 percent was used, and if a producer answered "no", an ERP factor of 70 percent was used to ensure that payments did not exceed the maximum amount allowed by statute. In cases where FSA determined that a producer's certification that all eligible crops were insured or covered by NAP was false, the producer was responsible for refunding the amount of the overpayment that resulted from calculating their payment with a factor of 90 percent rather than 70 percent.

Section 1207 of the Full-Year Continuing Appropriations and Extensions Act, 2025 (Pub. L. 119-4), signed on March 15, 2025, amended Title I of division N of the Consolidated Appropriations Act, 2023 (Pub. L. 117-328) to specify that "the Secretary shall allow producers to retain payments not to exceed 90 percent of the producer's revenue losses (as determined by the Secretary) if the Secretary determines a de minimis amount, as defined by the Secretary, of a producer's revenue loss is attributable to crops for which the producer did not insure or obtain coverage under the Noninsured Crop Disaster

[1] ERP 2022 was administered through 2 tracks. Track 1 used a streamlined process with pre-filled application forms. Data for the losses covered under Track 1 were already on file with FSA or RMA, as a result of the producer previously receiving a NAP payment or an indemnity for the crop. Track 2 provided payments for eligible crop losses through a revenue-based approach using data provided by eligible producers on application forms. Track 2 covered revenue losses of insured and NAP-covered crops that were not compensated under Track 1 and losses of crops without any coverage.

Assistance Program under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333)." As provided by the statute, this provision only allows a producer to retain an ERP 2022 payment that was previously issued; FSA is not reopening the ERP 2022 application period to accept new applications or allow producers to amend their previously filed ERP 2022 applications.

To be eligible to retain a payment in accordance with the *de minimis* provisions of the Full-Year Continuing Appropriations and Extensions Act, 2025, producers will submit a certification on form FSA-524-C, *De Minimis* Revenue Loss Certification for Uninsured/Uncovered Crops, to their FSA county office. FSA is revising the burden hours for this collection to include the use of this form and an associated notification letter that will be sent to affected participants.

Requirement to Purchase Crop Insurance or NAP Coverage
The Disaster Relief Supplemental Appropriations Act, 2023, requires all participants who received an ERP 2022 payment to purchase crop insurance or NAP coverage for the next 2 available years. To ensure that ERP 2022 participants met this statutory requirement, FSA will verify compliance using crop insurance participation data on file with the Risk Management Agency (RMA) and NAP participation data on file with FSA. FSA is revising the estimated number of respondents and burden hours associated with this collection to reflect the number of participants who received an ERP payment and will be subject to the requirement to purchase crop insurance or NAP coverage.

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.

FSA closed the application period for ERP 2022, and all participants have previously filed the application and eligibility forms required by the NOFA. The information included in the initial approved collection request was used to determine an applicant's eligibility for ERP 2022 and to calculate their payment.

De minimis certification: FSA is adding form FSA-524-C, *De Minimis* Revenue Loss Certification for Uninsured/Uncovered Crops, to this collection. This form will be used by an estimated 1,800 producers to certify their eligibility to retain payments due to the *de minimis* provisions described in the response to item 1 above. FSA will send a notification letter to affected producers. (See "*De minimis* Notification Letter" on FSA-85-1)

Crop Insurance/NAP Coverage Requirement: FSA will also conduct compliance activities to determine whether ERP 2022 participants met the eligibility requirement to purchase crop insurance or NAP coverage for the next 2 available crops years. All related notifications will be sent to producers by mail.

If RMA or FSA data already on file indicates that the producer met the requirement, FSA will notify the participant that they have been determined to be compliant and no further action is needed. (See "Initial Letter – Compliant" on FSA-85-1)

If FSA cannot determine that the participant met the requirement using data already on file, FSA will notify the participant that FSA is unable to make a determination and provide an opportunity to provide documentation to show they are in compliance. (See "Initial Letter – May Request Review" on FSA-85-1)

If FSA receives a response, FSA will notify the participant of FSA's determination, and if not in compliance, the notification will include the amount of the payment the participant must return to FSA. If FSA does not receive a response, FSA will notify the participant that no response was received and provide the amount of the payment the participant must return to FSA. (See "Second Notification" on FSA-85-1)

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 decision for adopting this means of collection. Also describe any consideration of using 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.

De minimis certification: Producers may electronically submit FSA-524-C using Box and OneSpan (see https://www.farmers.gov/working-with-us/signing-and-sharing-documents). They may also submit the form by mail or in person.

Crop insurance/NAP coverage requirement: To reduce the burden on participants, FSA is using data previously filed with RMA through the crop insurance program and with FSA for NAP participation to determine whether a participant obtained the required crop insurance or NAP coverage. If FSA is able to determine that a participant was in compliance, FSA will notify the participant of that determination and no further action is required from the participant. If FSA is unable to make a determination, FSA will accept electronic submission of responses using Box and OneSpan including supporting documentation, in addition to accepting responses by mail or in person.

The agency anticipates 30% of responses to be submitted electronically.

4. 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.

Every effort has been made to avoid duplication. There is similar data collected, however, those do not meet the agency's need. No similar form exists. FSA solely manages issuance for ERP 2022 to ensure integrity. The information required for data collection is not currently reported to any other agency on a regular basis in a standardized form. FSA does not have the information required to determine whether a producer's revenue loss due to uninsured/uncovered crops meets the *de minimis* criteria so this information must be collected from producers.

To avoid duplication related to the crop insurance and NAP requirement, FSA is using information already on file with RMA and FSA to make compliance determinations when possible. A producer is only required to provide supporting documentation to FSA in situations where their compliance cannot be determined from information already on file (for example, when the tax identification number used by a legal entity is different in a compliance year when compared to the year for which they received the ERP 2022 payment).

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. There are about 13,440 small businesses and entities in this request. FSA has taken steps to minimize burden by using data already on file with FSA and RMA.

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.

This collection is mandatory and is a one-time data collection. Failure to solicit applications will result in failure to administer the statutory *de minimis* provision and to ensure compliance with the statutory requirement to obtain crop insurance or NAP coverage for the next two available crop years.

7. Special circumstances relating to the Guidelines of 5 CFR 1320.5. Explain any special circumstances that would cause an information collection to be conducted in a manner:

a. <u>Requiring respondents to report information more than quarterly</u>. There are no information collection requirements that require reporting on more than a quarterly basis.
b. <u>Requiring written responses in less than 30 days</u>. There are no information collection requirements that require written responses in less than 30 days.
c. <u>Requiring more than an original and two copies</u>. There are no information collection requirements that require more than an original document or a single copy of a document.
d. <u>Requiring respondents to retain records for more than 3 years</u>. There are no such requirements.

e. <u>Not utilizing statistical sampling</u>. There are no such requirements.
f. <u>Requiring use of statistical sampling which has not been reviewed and approved by OMB</u>. There are no such requirements.
g. <u>Requiring a pledge of confidentiality</u>. There are no such requirements.
h. <u>Requiring submission of proprietary trade secrets</u>. 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.

On March 9, 2026 (91 FR 11271), FSA published the 60-day information collection request notice for a revision of a currently approved collection and inviting comments. FSA received 33 comments from ERP 2022 participants requesting a review of their eligibility or reimbursement of repaid funds under the forthcoming *de minimis* provisions. After approval of this revision, FSA will publish a *Federal Register* notice to establish the definition of *de minimis*, and affected producers will be contacted by FSA using the notification letter described in this request, which provides instructions on how to certify their revenue loss as *de minimis* using FSA-524-C. None of these comments addressed the respondent, response, or burden hour estimates for this collection.

FSA received one additional comment that was not related to this collection.

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.

The following individuals were consulted regarding this information collection and have no suggestions to modify the forms or information required.

Scotty A. – 901-219-9145
Joseph F. – 202-306-4299
Kathy S. – 979-777-6598

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.

There is no payment or gift given 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.

Producer information obtained for administration of ERP 2022 is handled according to the Privacy Act of 1974 (5 USC 552a, as amended) and the Freedom of Information Act. The information collected 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), published on March 22, 2019, at 84 FR 10775.

The collection was reviewed and approved by the FPAC Assistant Privacy Act Officer, Samantha Jones, on June 12, 2026, to ensure full compliance with agency privacy policies.

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 in Item 13 of OMB Form 83-I.

FSA estimates that 1,800 participants will be notified of the *de minimis* provision and complete FSA-524-C to retain their ERP 2022 payment calculated using a 90 percent ERP factor. FSA estimates that 192,000 participants will be notified through the crop insurance/NAP coverage compliance process. Of that total, FSA estimates that 178,560 will be determined compliant using existing data. They will receive a letter documenting that determination, and no additional response will be required. FSA estimates that an additional 13,440 will receive a notification that FSA could not make a determination based on available data. They will be notified that they may submit supporting information if they believe they are compliant. The estimated time for a producer to review their documentation and prepare a response is 30 minutes. Those producers will also receive a second notification that provides FSA's final determination. The estimated number of responses is 218,640. See the Reporting and Recordkeeping Requirements spreadsheet that contains all the numbers for each response.

All participants who are subject to the *de minimis* certification provision are also required to meet the crop insurance/NAP coverage requirement; therefore, they are already included in the total estimate of 192,000 respondents for the compliance activities. The revised annual burden for this information collection package is 22,255 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 total employee compensation (average wages with benefit costs) for private industry worker (agricultural industry) is $50.38 per hour for the respondent average. The revised estimated cost is $1,121,206.90 ($50.38 x 22,255 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 or 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.

The revised total annualized cost to the Federal Government is $2,643,904 (218,640 responses x 0.25 hours x $48.37).

The estimated FSA county employee cost per response is equal to 0.25 hours for generating each notification letter and for review of a producer response, multiplied by $33.78 (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 $48.37 per hour.

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

The current burden inventory is 230,000 estimated annual respondents: 327,855 estimated annual responses and 100,072 estimated annual burden hours. With this revision the agency is seeking 192,000 estimated annual respondents, 218,640 estimated annual responses and 22,255 estimated annual burden hours. This reflects a decrease in the number of estimated respondents -38,000 ; decrease in the estimated number of responses -109,215, and a decrease in the number of estimated annual burden hours -77,817 since the last OMB submission.

These changes are the result of adjustments. The burden hours and respondents have been updated to remove the respondents and burden hours associated with forms that are no longer being collected because the application period for ERP 2022 has closed.

The burden hours and respondents have also been updated due to program changes to include notification letters and response time for implementing the *de minimis* provision and for compliance activities to ensure participants met the statutory required to obtain crop insurance or NAP coverage for the next two crop years.

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.

There are no plans to publish the results of ERP 2022 compliance activities.

17. Displaying the OMB Approval Expiration Date. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

FSA will display the OMB approval expiration date in participant communications.

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

FSA is able to certify compliance with all provisions under certification statement.