



## DEPARTMENT OF AGRICULTURE

### Farm Service Agency

[Docket ID FSA–2023–0020]

#### Information Collection Request; Emergency Relief Program (ERP) 2022

**AGENCY:** Farm Service Agency, USDA.

**ACTION:** Notice; request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is requesting comments from all interested individuals and organizations on a revision of a currently approved information collection for the Emergency Relief Program (ERP) 2022. The application period for ERP 2022 has ended; however, the collection is continuing because additional information is needed to implement a provision of the Full-Year Continuing Appropriations and Extensions Act, 2025, and to verify participants' compliance with the requirement to purchase crop insurance or Noninsured Crop Disaster Assistance Program (NAP) coverage for the next 2 available years.

**FOR FURTHER INFORMATION CONTACT:** Michael Walter; telephone: (816) 491-6934; or email: Michael.Walter1@usda.gov. Individuals who require alternative means for communication should contact the USDA Target Center at (202) 720-2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay service (both voice and text telephone users can initiate this call from any telephone).

#### SUPPLEMENTARY INFORMATION:

##### Background

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. FSA is revising the estimated respondents and burden hours for this collection to reflect the number of ERP 2022 participants and responses associated with the activities 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 the 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 were required to certify in Item 16 of FSA-524 whether all eligible crops were insured or covered by 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 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 allowing 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-524C, *De Minimis* Revenue Loss Certification for Uninsured/Uncovered Crops, to their FSA county office. FSA will provide additional information related to what qualifies as *de minimis* and announce the submission period for this form in a future *Federal Register* notice. 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 Noninsured Crop Disaster Assistance Program (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.

### **Description of Information Collection Request**

*Title:* Emergency Relief Program (ERP) 2022.

*OMB Control Number:* 0560-0316.

*Type of Request:* Revision.

*OMB Expiration Date:* May 31, 2027.

*Abstract:* The Full-Year Continuing Appropriations and Extensions Act, 2025 (Pub. L. 119-4), provides that producers may retain ERP 2022 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 of a producer's revenue loss is attributable to crops for which the producer did not have crop insurance or NAP coverage. Producers who are affected by this provision will receive a notification letter from FSA and complete FSA-524C to certify their eligibility to retain their payment under the *de minimis* provisions.

The Disaster Relief Supplemental Appropriations Act, 2023 (Pub. L. 117-328) requires all producers who received an ERP 2022 payment to purchase crop insurance or Noninsured Crop Disaster Assistance Program (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 when possible to minimize the burden on producers.

Producers who are determined to be compliant based on FSA or RMA data will be notified of the determination by mail, and no other action will be required. If FSA is not able to determine a producer's compliance based on available data, FSA will notify the producer by mail that they must submit supporting documentation to verify their compliance in order to retain their ERP 2022 payment. These producers will also be notified of FSA's final determination of compliance or noncompliance.

FSA is revising the estimated respondents and burden hours for this collection to reflect the number of ERP 2022 participants and responses associated with these activities. 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 the forms has ended. All participants who received an ERP 2022 payment have already filed the required forms.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hour is the estimated average time per response multiplied by the estimated total annual responses.

*Estimate of Respondent Burden:* Public reporting burden for this information collection is estimated to average 0.101375137 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collections of information.

*Respondents:* Producers.

*Estimated Annual Number of Respondents:* 192,000.

*Estimated Number of Responses Per Respondent:* 1.13875.

*Estimated Total Annual Responses:* 218,640.

*Estimated Average Time per Response:* 0.101375137 hours.

*Estimated Total Annual Burden on Respondents:* 22,165 hours.

We are requesting comments on all aspects of this information collection to help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information including the validity of the methodology and assumptions used;

(3) Evaluate the quality, utility, and clarity of the information technology; and

(4) Minimize the burden of the information collection on those who respond through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses where provided, will be made a matter of public record. Comments will be summarized and included in the request for OMB approval of the information collection.

**Kimberly Graham,**  
*Acting Associate Administrator,*  
*Farm Service Agency.*