

are employed in specific crops and tasks, and farm workers' hygiene and clothes laundering practices. The information obtained from the proposed questions will improve the EPA-OPP's ability to characterize the patterns of exposure, better assess pesticide risks posed to farm workers, and develop improved training and educational programs to manage the risks associated with exposure.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under OMB Control Number 1205-0453. The current OMB approval is scheduled to expire on October 31, 2013. For additional information, see the related notice published in the **Federal Register** on April 5, 2011.

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should reference OMB Control Number 1205-0453. The OMB is particularly interested in comments that:

- 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;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* Employment and Training Administration.

*Title of Collection:* National Agriculture Workers Survey.

*OMB Control Number:* 1205-0453.

*Affected Public:* Individuals or Households and Private Sector—Farms.

*Total Estimated Number of Respondents:* 2,064.

*Total Estimated Number of Responses:* 2,064.

*Total Estimated Annual Burden Hours:* 1,693.

*Total Estimated Annual Other Costs Burden:* \$0.

Dated: March 1, 2012.

**Michel Smyth,**

*Departmental Clearance Officer.*

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**BILLING CODE 4510-FN-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### **Labor Certification Process for the Temporary Employment of Aliens in Agriculture in the United States: 2012 Allowable Charges for Agricultural Workers' Meals and Travel Subsistence Reimbursement, Including Lodging**

**AGENCY:** Employment and Training Administration, Department of Labor.

**ACTION:** Notice and clarification of policy.

**SUMMARY:** The Employment and Training Administration (ETA) of the Department of Labor (Department) is issuing this Notice to announce the allowable charges for 2012 that employers seeking H-2A workers may charge their workers when the employer provides three meals a day, and the maximum meal reimbursement which a worker with receipts may claim. The Department is also providing clarification on the issue of overnight lodging costs as part of required subsistence, where necessary.

**DATES:** *Effective Date:* This notice is effective *March 7, 2012*.

**FOR FURTHER INFORMATION CONTACT:**

William L. Carlson, Ph.D., Administrator, Office of Foreign Labor Certification (OFLC), U.S. Department of Labor, Room C-4312, 200 Constitution Avenue NW., Washington, DC 20210. Telephone: 202-693-3010 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The United States (U.S.) Citizenship and Immigration Services of the Department of Homeland Security will not approve

an employer's petition for the admission of H-2A nonimmigrant temporary agricultural workers in the U.S. unless the petitioner has received from the Department an H-2A labor certification. The H-2A labor certification provides that: (1) There are not sufficient U.S. workers who are able, willing, and qualified, and who will be available at the time and place needed to perform the labor or services involved in the petition; and (2) the employment of the foreign worker(s) in such labor or services will not adversely affect the wages and working conditions of workers in the U.S. similarly employed. 8 U.S.C. 1101(a)(15)(H)(ii)(a), 1184(c)(1), and 1188(a); 8 CFR 214.2(h)(5) and (6).

#### **Allowable Meal Charge**

Among the minimum benefits and working conditions which the Department requires employers to offer their U.S. and H-2A workers are three meals a day or free and convenient cooking and kitchen facilities. 20 CFR 655.122(g). Where the employer provides the meals, the job offer must state the charge, if any, to the worker for such meals.

The Department provides, at 20 CFR 655.173(a), the methodology for determining the maximum amounts that H-2A agricultural employers may charge their U.S. and foreign workers for providing them with three meals per day. This methodology provides for annual adjustments of the previous year's maximum allowable charge based upon updated Consumer Price Index (CPI) data. The maximum charge allowed by 20 CFR 655.122(g) is adjusted by the same percentage as the 12 month percent change in the CPI for all Urban Consumers for Food (CPI-U for Food). The OFLC Certifying Officer may also permit an employer to charge workers a higher amount for providing them with three meals a day, if the higher amount is justified and sufficiently documented by the employer, as set forth in 20 CFR 655.173(b).

The Department has determined the percentage change between December of 2010 and December of 2011 for the CPI-U for Food was 3.7 percent. Accordingly, the maximum allowable charge under 20 CFR 655.122(g) shall be no more than \$11.13 per day, unless the OFLC Certifying Officer approves a higher charge as authorized under 20 CFR 655.173(b).

#### **Reimbursement for Daily Travel Subsistence**

The regulations at 20 CFR 655.122(h) establish that the minimum daily travel subsistence expense, for which a worker

is entitled to reimbursement, is equivalent to the employer's daily charge for three meals or, if the employer makes no charge, the amount permitted under 20 CFR 655.122(g).

The maximum meals component of the daily travel subsistence expense is based upon the standard minimum Continental United States (CONUS) per diem rate as stated by the General Services Administration (GSA) at 41 CFR part 301, Appendix A. The CONUS meal component remains \$46.00 per day. Workers who qualify for travel reimbursement are entitled to reimbursement for meals up to the CONUS meal rate when they provide receipts. In determining the appropriate amount of reimbursement for meals for less than a full day, the employer may provide for meal expense reimbursement, with receipts, to 75 percent of the maximum reimbursement for meals of \$34.50, as provided for in the GSA per diem schedule. If a worker has no receipts, the employer is not obligated to reimburse above the minimum stated at 20 CFR 655.122(g) as specified above.

The Department notes that the regulation has consistently used the term "subsistence" which includes both meals and lodging during travel to and from the worksite. An employer is responsible for providing, paying in advance, or reimbursing a worker for the reasonable costs of transportation and daily subsistence between the employer's worksite and the place from which the worker comes to work for the employer, if the worker completes 50 percent of the work contract period, and upon the worker completing the contract, return costs. In those instances where a worker must travel to obtain a visa so that the worker may enter the U.S. to come to work for the employer, the employer must pay for the transportation and daily subsistence costs of that part of the travel as well. The Department interprets the regulation to require the employer to assume responsibility for the reasonable costs associated with the worker's travel, including transportation, food, and, in those instances where it is necessary, lodging. If not provided by the employer, the amount an employer must pay for transportation and, where required, lodging must be no less than (and is not required to be more than) the most economical and reasonable costs. The employer is responsible for those costs necessary for the worker to travel to the worksite if the worker completes 50 percent of the work contract period, but is not responsible for unauthorized detours, and if the worker completes the contract, return transportation and

subsistence costs, including lodging costs where necessary. This policy applies equally to instances where the worker is traveling within the U.S. to the employer's worksite. For further information on when the employer is responsible for lodging costs, see the FAQ on travel costs at the OFLC Web site at <http://www.foreignlaborcert.doleta.gov/>.

Signed in Washington, DC, this 2nd day of March, 2012.

**Jane Oates,**

*Assistant Secretary, Employment and Training Administration.*

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**BILLING CODE 4510-FF-P**

## DEPARTMENT OF LABOR

### Office of Workers' Compensation Programs

#### Division of Coal Mine Workers' Compensation; Proposed Extension of Existing Collection; Comment Request

##### ACTION: Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Notice of Termination, Suspension, Reduction or Increase in Benefit Payments (CM-908). A copy of the information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before May 7, 2012.

**ADDRESSES:** Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0701, fax (202) 693-1447, Email [yooferguson@dol.gov](mailto:yooferguson@dol.gov). Please use only

one method of transmission for comments (mail, fax, or Email).

#### SUPPLEMENTARY INFORMATION:

*I. Background:* The Office of Workers' Compensation Programs (OWCP) administers the Federal Mine Safety and Health Act of 1977 as amended, Section 432 (30 U.S.C. 942) and 20 CFR 725.621 necessitate this information collection. Under this Act, Coal mine operators, their representatives, or their insurers who have been identified as responsible for paying Black Lung benefits to an eligible miner or an eligible surviving dependent of the miner, are called Responsible Operators (RO's). RO's that pay benefits are required to report any change in the benefit amount to the Department of Labor (DOL). The CM-908, when completed and sent to DOL, notifies DOL of the change in the beneficiary's benefit amount and the reason for the change. The Federal Mine Safety and Health Act of 1977 as amended, Section 432 (30 U.S.C. 942) and 20 CFR 725.621 necessitate this information collection. This information collection is currently approved for use through June 30, 2012.

*II. Review Focus:* The Department of Labor is particularly interested in comments which:

- \* 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;

- \* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- \* Enhance the quality, utility and clarity of the information to be collected; and

- \* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

*III. Current Actions:* The Department of Labor seeks the approval for the extension of this currently-approved information collection in order to carry out its responsibility to evaluate an applicant ability to be a representative payee. If the Program were not able to screen representative payee applicants the beneficiary's best interest would not be served.

*Agency:* Office of Workers' Compensation Programs.