

2007 SUPPORTING STATEMENT
Report Forms Under the Federal Milk Marketing Order Program
OMB NO. 0581-0032

A. Justification

1. EXPLAIN THE CIRCUMSTANCES THAT MAKE THE COLLECTION OF INFORMATION NECESSARY. IDENTIFY ANY LEGAL OR ADMINISTRATIVE REQUIREMENTS THAT NECESSITATE THE COLLECTION.

The Report of Receipts and Utilization and the Producer Payroll Report are completed by regulated milk handlers and milk marketing cooperatives and are the principal reporting forms needed to administer the 10 Federal milk marketing orders.

Milk marketing orders are authorized by the Agricultural Marketing Agreement Act of 1937, as amended. The terms of each of the orders are found at 7 CFR Parts 1000-1199. The authority for requiring reports is found at 8c(5) and (7) of the Act. The authority for requiring records to be kept is found in the general provisions at 7 CFR Part 1000.5. The Act also provides for milk marketing agreements, but there are none in effect. The Act is designed to improve returns to producers while protecting the interests of consumers. The Act provides for the establishment and maintenance of orderly marketing for agricultural commodities in interstate commerce, a gradual approach to parity prices for agricultural commodities at the farm level, subject to maintaining a reasonable supply-demand balance; production and marketing research; and an orderly flow of commodities to market to avoid unreasonable fluctuations in supplies and prices.

There are 10 milk orders regulating the handling of milk in the respective marketing areas. Normally, producer cooperatives propose an order, and evidence on the need and feasibility of the program is developed at a public hearing conducted by the Department of Agriculture. The public may file comments or exceptions to findings and preliminary decisions made by the Department based on the hearing evidence. When a final decision is made by the Secretary to approve an order, it is submitted to producers for approval. Normally, two-thirds of the producers voting affirmatively constitute approval.

A Federal milk marketing order is a regulation issued by the Secretary of Agriculture that places certain requirements on the handling of milk in the area it covers. It is established under the authority of the Agricultural Marketing Agreement Act of 1937, as amended. It requires that handlers of milk for a marketing area pay not less than certain minimum class prices according to how the milk is used. These prices are established under the order after a public hearing at which evidence is received on the supply and demand conditions for milk in the market. A milk order requires that

payments for milk be pooled and paid to individual farmers or cooperative associations of farmers on the basis of a uniform or average price. Thus, all eligible farmers (producers) share in the market wide use-values of milk by regulated handlers.

The Agricultural Marketing Agreement Act of 1937, and its predecessors - the Agricultural Adjustment Acts of 1935 and 1933 - insofar as they relate to milk, grew out of the needs of milk producers for help in achieving and maintaining some degree of bargaining power over the prices they received for milk. The characteristics of milk cause an inherent instability in milk marketing and contribute to producers' bargaining difficulties. Milk is bulky and perishable and must be moved promptly to market. Because milk is produced every day of the year, farmers must continue shipping it to market even when market prices are not satisfactory. Milk production varies widely with the seasons. Because of the biological process, cows produce more milk in the spring and much less in the fall. When there is enough milk in the fall to meet demand, there is too much in the spring.

The demand for fluid milk is relatively stable measured season to season but varies considerably measured day to day. Because of its perishable nature, milk cannot be stored to balance the peaks and troughs of supply. The dairy industry must continually produce an oversupply or reserve to make sure there will be enough fluid milk at all times for the day-to-day needs of consumers. Reserve milk that is not needed for fluid use is manufactured into dairy products. But milk used in manufactured products returns a lower price to producers than milk used for fluid purposes. Milk producers are interested in getting a maximum proportion of their milk into the higher-valued fluid uses, and, in the absence of regulation, often make uneconomic price concessions to achieve that end.

As early as 1910, milk producers in some markets had banded together into cooperative associations to gain bargaining strength over prices for their milk. Impetus was given to the cooperative movement by the Clayton Act of 1914 and the Capper-Volstead Act of 1922 which established the legal right for producers to market their products jointly without being held in violation of certain antitrust laws.

In an effort to promote stability in milk markets, cooperatives developed the classified price system. This system was in effect in a number of the larger markets in the country by about 1920. Along with the classified price plans, various pooling arrangements were used. When the economic depression of the early 1930's struck, these voluntary plans broke down under the price competition from non-cooperators. The depression did not create the basic problems faced by dairy farmers in marketing their milk. It accentuated the problems of existing classified pricing and pooling schemes. The Agricultural Marketing Agreement Act of 1937, while largely a restatement of an Act of 1935, provided a framework for long-run price and marketing stability. This turned the program to dealing with the problems associated with the inherent instability in milk marketing rather than the severe income problems that arose with the depression.

The Agricultural Marketing Agreement Act provides the authority for milk marketing orders designed to promote stable and orderly marketing conditions. The principal mechanism the orders use to promote stability is a uniform system of classified pricing. Each order includes common provisions: a classified pricing plan, a system that determines minimum class prices, the requirements for payment of uniform prices to producers, and provisions for administering the order. Although an order is designed to address the conditions and meet the particular requirements of an individual market, it is aligned and coordinated among all markets.

A classified pricing plan provides different prices for milk used in different classes of products. Milk used in fluid products is placed in Class I, the highest priced class. Milk used in various manufactured products is placed in lower priced classes. In most orders, Class II includes the so-called "soft" products such as cottage cheese, ice cream and yogurt, while Class III and Class IV include the storable, "hard" manufactured products, such as cheese, butter, and nonfat dry milk. Prices of the higher classes are determined and announced in advance to both buyers and sellers, providing a measure of predictability for economic decisions that facilitates orderly marketing.

Each milk order sets forth minimum prices that handlers must pay producers or associations of producers according to the way the milk is used. Such price levels reflect local and general economic conditions affecting the supply and demand for milk. Many markets receive milk produced over a wide area and prices are adjusted to reflect the different values of milk at different plant locations.

A milk order provides for the payment each month of a uniform or "blend" price to producers. Most areas use market wide pooling wherein the price to producers is an average of the total class-use value of all milk in the market. All producers in the market are paid at least the uniform price per hundredweight (45.36 kilograms). The orders also contain provisions applicable to producer-handlers who process and sell milk of their own production to consumers, and provisions applicable to handlers whose relationship to the market makes them only partially regulated. Federal milk orders provide for the equitable sharing among producers of the returns from all milk uses by requiring that payments for milk be pooled and that a uniform, or average, price be paid to individual dairy farmers or their cooperative associations. Orders assist farmers in developing steady, dependable markets and help to prevent needless fluctuations in price and to correct conditions of price instability. The dairy farmer is assured a minimum price for his milk that takes into consideration the economic conditions throughout the year. This high degree of assurance encourages dairy farmers to make willingly the heavy investments in milk cows and equipment that are needed to produce high-quality milk.

Milk marketing orders also benefit handlers. Regulated handlers are assured that their competitors are not paying less for their milk than the minimum prices set by the order. They can also expect steady supplies of milk the year-round. Milk handlers thus can

focus and concentrate their efforts to a greater degree on improving plant and marketing efficiencies in competing for a larger or more profitable share of the market. The orders also help assure consumers of an adequate supply of milk throughout the year at reasonable prices.

The orders also provide for the public dissemination of market statistics and other information for the benefit of producers, handlers, and consumers. Each milk order is administered by a market administrator who is an agent of the Secretary of Agriculture. Part of the market administrator's duties are to prescribe reports required of each handler, to assure that handlers properly account for milk and milk products, and that such handlers pay producers and associations of producers according to the provisions of the order. The market administrator employs a staff that verifies handlers' reports by examining records to determine that the required payments are made to producers. Most reports required from handlers are submitted monthly to the market administrator.

The forms used for reporting purposes under this section are described on a generic or functional basis. This means that the receipts and utilization forms and the producer payroll forms of the 10 milk orders are represented by those forms for the Mideast milk order that are attached. Special forms used in the Northeast, Upper Midwest, Southwest, Central, Southeast, Florida, Appalachian, Arizona, and Pacific Northwest orders also are attached.

The forms used by the market administrators are required by the respective milk orders that are authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The forms are authorized by the sections of the respective orders as indicated herein. The forms are used to establish: the quantity of milk received by handlers, the pooling status of the handler, the class-use of the milk used by the handler and the butterfat content and amounts of other components of the milk.

2. INDICATE HOW, BY WHOM, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED. EXCEPT FOR A NEW COLLECTION, INDICATE THE ACTUAL USE THE AGENCY HAS MADE OF THE INFORMATION RECEIVED FROM THE CURRENT COLLECTION.

The purpose and use of the forms are described below:

(a) Report of Receipts and Utilization-Form 1 and HR-EZ

This report is to be filed monthly by fully regulated handlers primarily to determine the amount of producer milk that was received during the month. This information is then used to compute the monthly uniform price to producers in each of the markets. If such information was not collected, the price would not be determined.

Because milk is commingled in a milk plant, and thus loses its identity, and because milk plants often receive milk or milk products from sources other than producer milk,

it is necessary to require a fully regulated handler to report all of its receipts of milk and milk products and to account for all uses of milk and milk products as well as to report opening and closing inventories. Regulations in several milk marketing areas require information regarding the amount of milk components, such as skim, butterfat, nonfat solids, and/or protein, and the somatic cell counts of the producer milk receipts. Such information is used to assign a use classification and price to producer milk receipts and to compute the monthly uniform blend price (basically a weighted average price).

All of the information items that fully regulated handlers report to the market administrator are readily available from normally maintained business records.

(b) Report for Partially Regulated Distributing Plants

Many handlers who operate a partially regulated distributing plant must report on a monthly basis the receipts and utilization of all skim milk, butterfat, protein, and/or nonfat solids disposed of in the marketing area in the same manner as handlers operating fully regulated distributing plants except that the receipts of bottling grade milk from dairy farmers are reported in lieu of receipts of producer milk.

All of the information items that handlers operating partially regulated distributing plants report to the market administrator are readily available from normally maintained business records.

(c) Producer-Handler Report of Receipts and Utilization

Each producer-handler must report to the market administrator the total of receipts and utilization of milk at its plant each month. The total receipts include the pounds of milk produced by its own farm, any receipts of milk from other dairy farmers, any milk from reconstitution, and any receipts of fluid milk products from pool plants. The utilization report includes the quantities of milk packaged and sold on routes, sold to other plants, and used to produce cheese, butter, ice cream, livestock feed, or other products. A producer-handler is eligible to keep all of the higher valued returns from the sale of fluid milk products and not share these returns with other producers in the marketing area. The producer-handler must demonstrate that the operation of the dairy farm and the processing and packaging business are the personal enterprise and risk of such person. A producer-handler is exempt from all provisions of the order except record keeping and reporting requirements. These requirements are necessary to demonstrate that the handler is entitled to the exemption.

The burden on the producer-handler to report receipts and utilization of milk is minimal since the information is normally maintained in its business records.

(d) Handler's Report of Producer Payroll

This report is filed monthly by fully regulated handlers after the uniform price has been computed and producers paid.

Its principal purpose is to enable the market administrator to verify that producers have been paid at least the minimum price required by the order. It also provides information essential in the application of certain order provisions, other than those dealing directly with minimum payments to each producer, such as : (a) identification of nonmembers as well as members of cooperative associations so that marketing service deductions and authorized deductions payable directly to cooperative associations may be determined concurrently with payments, respectively; and (b) a partial basis for checking the accuracy of reported receipts of producer milk.

It provides up-to-date information on a market wide basis essential to other aspects of order administration and modification, such as, but not limited to: (a) seasonality of production patterns by zones or other geographical areas of significance in establishing and appraising the effect of zone differentials, and any allocation rules that may be established with reference thereto, (b) producer response to the entire system of prices and price levels established by the order and supply-demand formulae, (c) level and effect of butterfat, protein, and total solids differentials as a factor in returns to producers, and (d) comparative analysis of several markets in which the information on producer deliveries is comparable in detail and comprehensiveness.

The handler burden in reporting the payments for milk is minimal since the payroll information is a part of the normal business records of a handler.

(e) Report of Payments to Cooperative Associations – Form CPR-2

In many orders handlers are required to report payments made to cooperative associations. The primary purpose of this report is to enable the market administrator to verify the dates and amounts of payments received by cooperatives for milk marketed on behalf of the their members.

The handler burden in reporting the payments to cooperative associations is minimal since the payroll information is a part of the normal business records of a handler.

(f) Notification of Producer Change(s)

In many orders this form is used in conjunction with the producer payroll report. Handlers are required to notify the market administrator of the following changes in producer status: a) new producers delivering to a handler, b) producers no longer delivering to a handler, c) producers who have been degraded or reinstated, and d) changes to current producer data (i.e., name changes, mailing address changes).

The handler burden in reporting changes in producer status is minimal since this information is a part of normal business records.

(g) Designation of Persons(s) Authorized to Sign Handler Reports

In many orders, handlers must file with the market administrator a list of names of individuals authorized to sign reports, and the title and a specimen signature of each such authorized person. Each handler submits the form, or a similarly prepared letter, when the handler first becomes regulated and whenever there is a change in the individuals who are authorized to sign the handler reports.

The market administrator uses the information so that it only accepts reports signed by authorized handler personnel when computing the financial obligations of each handler.

The respondent burden to complete the form letter is minimal since the information is readily available from the handler's own knowledge and records.

(h) Annual Report of Cooperative Milk Marketing Association - Form DA-24

The Secretary must determine that each cooperative association meets specific requirements so that a cooperative association may be eligible for certain privileges and exemptions under the order.

Each cooperative association of dairy farmers must qualify itself under the provisions of the Capper-Volstead Act and annually satisfy the Secretary that it remains qualified under such Act for the cooperative association to be recognized under the marketing orders. Under the Agricultural Marketing Agreement Act of 1937, as amended, the cooperative association must have full authority in the sale of milk of its members, must be engaged in making collective sales or marketing milk or its products, and must have all of its activities under the control of its members. After once receiving the qualification determination, the cooperative association completes Form DA-24 at the end of its fiscal year.

The Secretary reviews the information supplied by the cooperative association and determines if the association satisfies the requirements to be recognized as a cooperative association under the milk marketing order. The burden on a cooperative association to complete annually Form DA-24 is minimal since the information is readily available from the cooperative association's own knowledge and records.

(i) Application for Qualification of Cooperative Milk Marketing Association - Form DA-25

The Secretary must determine that each cooperative association meets specific requirements so that a cooperative association may be eligible for certain privileges and exemptions under the order.

Each cooperative association of dairy farmers must qualify itself under the provisions of the Capper-Volstead Act and annually satisfy the Secretary that it remains qualified under such Act for the cooperative association to be recognized under the marketing orders. Under the Agricultural Marketing Agreement Act of 1937, as amended, the cooperative association must have full authority in the sale of milk of its members, must be engaged in making collective sales or marketing milk or its products, and must have all of its activities under the control of its members. When the cooperative association is seeking its initial qualification determination, it submits all of the information requested by Form DA-25.

The Secretary reviews the information supplied by the cooperative association and determines if the association satisfies the requirements to be recognized as a cooperative association under the milk marketing order.

This information request is collected only when the cooperative association first applies for "qualified status."

(j) Handler Report of Expected Receipts and Expected Class I Needs Form MA - 300
Market administrators have the authority under § .7 of the marketing orders to adjust the applicable supply plant shipping percentages to encourage needed milk shipments or to prevent unnecessary milk shipments. Before making an adjustment-increase or decrease-the market administrator must investigate the need for such a change. If the investigation indicates that such an adjustment might be appropriate, the market administrator must issue a notice stating that an adjustment is being considered and invite data, views, and arguments.

This form provides the market administrator with supply and demand information pertinent to making such a decision. The form is used only when a market administrator needs to investigate the adequacy of milk supplies for Class I use.

(k) Estimated Deliveries by Section 9(c) Cooperatives and/or Section 7(c) Supply Plants to Section 7(a) Class I Distributing Plants – Form MA - 301
Market administrators have the authority under § .7 of the marketing orders to adjust the applicable supply plant shipping percentages to encourage needed milk shipments or to prevent unnecessary milk shipments. Before making an adjustment-increase or decrease-the market administrator must investigate the need for such a change. If the investigation indicates that such an adjustment might be appropriate, the market administrator must issue a notice stating that an adjustment is being considered and invite data, views, and arguments.

This form provides the market administrator with supply and demand information pertinent to making such a decision. The form is used only when a market administrator needs to investigate the adequacy of milk supplies for Class I use.

(l) Summary of Estimated Utilization of Producer Receipts and Listing of Transfers and Diversions to 7(a) Plants – Form MA-302

Market administrators have the authority under § .7 of the marketing orders to adjust the applicable supply plant shipping percentages to encourage needed milk shipments or to prevent unnecessary milk shipments. Before making an adjustment-increase or decrease-the market administrator must investigate the need for such a change. If the investigation indicates that such an adjustment might be appropriate, the market administrator must issue a notice stating that an adjustment is being considered and invite data, views, and arguments.

This form provides the market administrator with supply and demand information pertinent to making such a decision. The form is used only when a market administrator needs to investigate the adequacy of milk supplies for Class I use.

(m) Producer Weight Record

Section .13 provides that milk received from producers whose farms are located outside of the states included in the marketing area, or as otherwise specified, must be formed into state units and must adhere to the supply plant shipping percentages set forth in § .7 of the marketing order. The market administrator uses this form to ensure that the requirements of the order are being fulfilled.

The burden of this form is minimal because the information is readily available from normally maintained business records of handlers.

(n) Brokerage Reports – Form MA-B

This is a special report used only in the Northeast order. Handlers in this market may operate both pool and nonpool plants. Handlers must complete the MA-B report whenever they direct milk transfers to be made between any nonpool plants. Since the milk is not considered producer milk under the order, these transfers are not reported on any other form. The market administrator uses the information to substantiate the movements of milk that are not pooled under the order.

All of the information on this form is readily available from the handler's business records.

(o) Report of Billings to and/or Payments from Pool Handlers (Northeast) – CPR-4

Each cooperative association must report to the market administrator on a monthly basis the billings to and / or payments from pool handlers. The association lists the handler's name and address, the delivery period, date billed, amount received and deposited. The report is due on the 20th of each month and includes all amounts billed and/or received since the previous report.

The market administrator uses the information to verify that each cooperative association has received at least the order's minimum total value for its milk deliveries to handlers regulated under the Northeast order.

The burden on the cooperative association is minimal since the accounts receivable is a normal business record.

(p) Monthly Report of Payments Received by Cooperative Associations from Handlers

Each cooperative association must report to the market administrator on a monthly basis the billings to and /or payments from pool handlers. The association lists the handler's name and address, the delivery period, date billed, amount received and deposited. The report is due on the 20th of each month and includes all amounts billed and/or received since the previous report.

The market administrator uses the information to verify that each cooperative association has received at least the order's minimum total value for its milk deliveries to handlers regulated under the order.

The burden on the cooperative association is minimal since the accounts receivable is a normal business record.

(q) Calculation of Transportation Credit (Producer Milk)

The Appalachian and Southeast marketing areas are the only orders that contain a Transportation Credit Balancing Fund. The credits are funded with a handler assessment on Class I milk.

The fund is used to reimburse handlers for the cost of importing bulk milk into those markets for fluid use when local supplies are insufficient to meet fluid needs. Only milk imported from outside the two markets is eligible for reimbursement.

The form is used to calculate the transportation credit for bulk milk received directly from producers' farms outside of the marketing areas.

(r) Calculation of Transportation Credit (Other Source Milk)

The form is used to calculate the transportation credit for bulk milk transferred from another order plant.

(s) Membership Report by Order 30 Qualified Cooperative Association

This form provides the necessary identification information needed by the market administrator concerning handler operations.

This form is not often requested. All of the information items on this form are readily available from the handler's business records.

(t) Record of Dumped Milk and Accidental Loss

The orders provide that milk dumped, used for animal feed, destroyed, or lost in a vehicular accident, flood, fire or similar occurrence beyond the handler's control may be classified in the lowest priced class for the month if the market administrator is notified no later than the next business day. To receive proper credit for dumped milk and accidental losses, this form must be sent to the market administrator.

The burden to complete this form is minimal since this information is part of a handler's normal business records.

(u) Payments Made to a Cooperative Association

The orders require that handlers pay at least minimum blend price to all producers from who they purchase milk. The difference between what a handlers pays producers and the utilization value of the milk is paid to or received from the producer-settlement fund. This form ensures that the market administrator transfers funds from the producer-settlement fund to the correct banking accounts.

All the information requested is readily available from normally maintained business records.

(v) Report of Route Disposition into Federal Milk Marketing Orders

At the request of the industry, the market administrator has been collecting Class I route disposition information by state for one month every quarter since 1995. The information is collected for the months of January, April, July, and October; and is summarized in the Market Information Bulletin. The summary data is used by handlers, dairy promotion organizations, and others to determine the effectiveness of marketing strategies and identify regional market trends.

All of the information on this report is readily available from the handler's business records.

(w) Information Report for Designation as Producer-Handler – Form PH-1

This is a special form that is seldom used because very few dairy farmers want to process and market their own milk in packaged form. The information required to be submitted with this form helps the market administrator determine if the applicant can satisfy the requirements of § .10 of the order. Producer-handlers, as indicated earlier in this report, are exempt from the pricing and pooling provisions of the order but not the reporting or record-keeping requirements.

All of the information on this report is readily available from the producer-handler's business records.

(x) Expected Producer Milk and Bulk Movements – Form H-11

Market administrators have the authority under § .13 of the marketing orders to adjust

the applicable shipping and/or diversion percentages to encourage needed milk shipments or to prevent unnecessary milk shipments. Before making an adjustment-increase or decrease-the market administrator must investigate the need for such a change. If the investigation indicates that such an adjustment might be appropriate, the market administrator must issue a notice stating that an adjustment is being considered and invite data, views, and arguments.

The market administrator uses form H-11 to collect information from supply plants concerning their expected producer milk receipts and their expected movements of bulk fluid milk products (FMP) to pool and other order distributing plants. This form provides the market administrator with supply and demand information pertinent to making such a decision. The form is used only when a market administrator needs to investigate the adequacy of milk supplies for Class I use.

(y) Expected 1000.9c Movements to Pool Plants – Form H-12

Market administrators have the authority under § .13 of the marketing orders to adjust the applicable shipping and/or diversion percentages to encourage needed milk shipments or to prevent unnecessary milk shipments. Before making an adjustment-increase or decrease-the market administrator must investigate the need for such a change. If the investigation indicates that such an adjustment might be appropriate, the market administrator must issue a notice stating that an adjustment is being considered and invite data, views, and arguments.

The market administrator uses form H-12 to collect information regarding expected movements of milk to pool distributing plants by § .9c cooperatives. This form provides the market administrator with supply and demand information pertinent to making such a decision. The form is used only when a market administrator needs to investigate the adequacy of milk supplies for Class I use.

(z) Expected Bulk Milk Receipts and Usage – Form H-13

Market administrators have the authority under § .13 of the marketing orders to adjust the applicable shipping and/or diversion percentages to encourage needed milk shipments or to prevent unnecessary milk shipments. Before making an adjustment-increase or decrease-the market administrator must investigate the need for such a change. If the investigation indicates that such an adjustment might be appropriate, the market administrator must issue a notice stating that an adjustment is being considered and invite data, views, and arguments.

The market administrator uses form H-13 to collect information from distributing plants regarding expected Grade A milk receipts and expected Class I needs for packaged fluid milk products and other Class I uses. This form provides the market administrator with supply and demand information pertinent to making such a decision. The form is used only when a market administrator needs to investigate the adequacy of milk supplies for Class I use.

(aa) Producer Payroll Report – H-2

This report is filed monthly in conjunction with a handler's producer payroll report certifying that the information submitted is accurate.

The burden to complete this form is minimal.

3. 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.

Respondents are provided certain forms in an Excel spreadsheet as well as Word formats. In addition to providing forms in Excel and Word formats, three marketing order websites make forms available via the Internet as a PDF file. The formats may be downloaded, completed and submitted via e-mail. Respondents also have the option of faxing in their completed forms. Currently, none of the forms are in an interactive format.

4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION. SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR THE USE FOR THE PURPOSE(S) DESCRIBED IN ITEM 2 ABOVE.

Dairy Programs has an ongoing relationship with many organizations in the dairy industry that also respond to other governmental agencies. Thus, we are aware of the reports dairy industry organizations are submitting to other Government agencies. We are confident that the information we collect is not duplicative of information already available.

5. IF THE COLLECTION OF INFORMATION IMPACTS SMALL BUSINESSES OR OTHER SMALL ENTITIES (ITEM 5 OF THE OMB FORM 83-1), DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.

Information collection requirements have been reduced to the minimum requirements of the order. Forms require only a minimal amount of information which can be supplied without data processing equipment or a trained statistical staff. The primary source of data used to complete the forms are routinely used in all business transactions. Thus, the information collection and reporting burden is relatively small. Requiring the same reporting requirements for all handlers does not significantly disadvantage any handler that is smaller than industry average.

6. DESCRIBE THE CONSEQUENCE TO FEDERAL PROGRAM OR POLICY ACTIVITIES IF THE COLLECTION WERE CONDUCTED OR CONDUCTED LESS FREQUENTLY, AS WELL AS ANY TECHNICAL OR LEGAL OBSTACLES TO REDUCING BURDEN.

Collecting data less frequently would eliminate data needed to keep the Secretary informed concerning industry operations. Timing and frequency of the various reports are such to meet the needs of the industry and yet minimize the burden of the reporting public.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE AN INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER:

- **REQUIRING RESPONDENTS TO REPORT INFORMATION TO THE AGENCY MORE OFTEN THAN QUARTERLY**

The primary information required under the Federal milk order program must be submitted on a monthly basis because the orders require that the market administrator compute monthly minimum prices to producers based on the monthly information. Without monthly information, the market administrator would not have the information to compute each monthly price nor know if handlers were paying producers on dates prescribed in the order, such as the advance payment for milk received the first 15 days of the month and the final payment which is payable after the end of the month. The Act imposes penalties for order violations, such as the failure to pay producers not later than prescribed dates.

- **REQUIRING RESPONDENTS TO PREPARE A WRITTEN RESPONSE TO A COLLECTION OF INFORMATION IN FEWER THAN 30 DAYS AFTER RECEIPT OF IT;**

- **REQUIRING RESPONDENTS TO SUBMIT MORE THAN AN ORIGINAL AND TWO COPIES OF ANY DOCUMENT;**
- **REQUIRING RESPONDENTS TO RETAIN RECORDS, OTHER THAN HEALTH, MEDICAL, GOVERNMENT CONTRACT, GRANT-IN-AID, OR TAX RECORDS FOR MORE THAN 3 YEARS;**
- **IN CONNECTION WITH A STATISTICAL SURVEY, THAT IS NOT DESIGNED TO PRODUCE VALID AND RELIABLE RESULTS THAT CAN BE GENERALIZED TO THE UNIVERSE OF STUDY;**
- **REQUIRING THE USE OF A STATISTICAL DATA CLASSIFICATION THAT HAS NOT BEEN REVIEWED AND APPROVED BY OMB;**
- **THAT INCLUDES A PLEDGE OF CONFIDENTIALITY THAT IS NOT SUPPORTED BY AUTHORITY ESTABLISHED IN A STATUTE OR REGULATION, THAT IS NOT SUPPORTED BY DISCLOSURE AND DATA SECURITY POLICIES THAT ARE CONSISTENT WITH THE PLEDGE, OR WHICH UNNECESSARILY IMPEDES SHARING OF DATA WITH OTHER AGENCIES FOR COMPATIBLE CONFIDENTIAL USE; OR**
- **REQUIRING RESPONDENTS TO SUBMIT PROPRIETARY TRADE SECRET, OR OTHER CONFIDENTIAL INFORMATION UNLESS THE AGENCY CAN DEMONSTRATE THAT IT HAS INSTITUTED PROCEDURES TO PROTECT THE INFORMATION'S CONFIDENTIALITY TO THE EXTENT PERMITTED BY LAW.**

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

- 8. 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 April 4, 2007, the agency published the notice of information collection and request

for comments in the *Federal Register*. Public comments were invited through June 4, 2007.

No comments were received.

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 PERIODS. THERE MAY BE CIRCUMSTANCES THAT MAY PRECLUDE CONSULTATION IN A SPECIFIC SITUATION. THESE CIRCUMSTANCES SHOULD BE EXPLAINED.

Telephone interviews were conducted on a random sampling of respondents to obtain their views on the data collection requirements of the Federal milk order program. Respondents were asked to express 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.

Mr. Roger Dial – Anderson-Erickson Dairy, Des Moines, Iowa – 515.265.2521

Mr. Gary Lee – Prairie Farms, Carlinville, Illinois – 217.854.2547

Mr. Jim Vogt – Dairy Farmers of America, Kansas City, Missouri – 816.801.6204

The respondents included a large volume, multi-plant, fluid milk processor; a large dairy cooperative that operates several fluid milk processing plants and several milk manufacturing plants (soft products, i.e., ice cream, cottage cheese, sour cream products); and the largest dairy cooperative association in the United States in number of members and total volume of milk marketed in the United States. The latter dairy cooperative has dairy farmer members across the United States. It delivers milk to more than 100 fluid milk processing and distributing plants. It operates many dairy manufacturing and cheese plants across the United States.

They agreed that the frequency of reporting on a monthly basis was appropriate. They agreed that the classified use basis for milk (reporting what products the milk is used to produce) necessitated the level of detail that the Federal milk order program requires in each Order's receipt and utilization schedules and other supporting forms. The consensus was that less detailed information would not allow the current equity to be

maintained among the regulated dairy processors. The processors also agreed that the information required to be reported was the minimum amount needed to determine the amount and composition of the component values of the milk received from the dairy farmer producers.

9. EXPLAIN ANY DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS, OTHER THAN RENUMERATION OF CONTRACTORS OR GRANTEEES.

No payments or gifts are provided to respondents.

10. DESCRIBE ANY ASSURANCE OF CONFIDENTIALITY PROVIDED TO RESPONDENTS AND THE BASIS FOR THE ASSURANCE IN STATUTE, REGULATION OR AGENCY POLICY.

Section 608d of the Act provides assurance of confidentiality of information collected. The Act imposes substantial penalties on anyone violating the confidentiality requirements of the Act.

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND 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.

Questions of a sensitive nature are not asked.

12. PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION.

THE STATEMENT SHOULD:

- **INDICATE THE NUMBER OF RESPONDENTS, FREQUENCY OF RESPONSE, ANNUAL HOUR BURDEN, AND AN EXPLANATION OF HOW THE BURDEN WAS ESTIMATED. UNLESS DIRECTED TO DO SO,**

AGENCIES SHOULD NOT CONDUCT SPECIAL SURVEYS TO OBTAIN INFORMATION ON WHICH TO BASE HOUR BURDEN ESTIMATES. CONSULTATION WITH A SAMPLE (FEWER THAN 10) OF POTENTIAL RESPONDENTS IS DESIRABLE. IF THE HOUR BURDEN ON RESPONDENTS IS EXPECTED TO VARY WIDELY BECAUSE OF DIFFERENCE IN ACTIVITY, SIZE, OR COMPLEXITY, SHOW THE RANGE OF ESTIMATED HOUR BURDEN, AND EXPLAIN THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOURS FOR CUSTOMARY AND USUAL BUSINESS PRACTICES.

Total number of respondents is 740. The frequency ranges from 1 time per year to 12 times per year. The hour burden per respondent ranges from .5 to 2 hours per response. Estimates of the burden of collection of information have been summarized on AMS Form 71 enclosed.

- **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.

See AMS Form 71.

- **PROVIDE ESTIMATES OF ANNUALIZED COST TO RESPONDENTS FOR THE HOUR BURDENS FOR COLLECTIONS OF INFORMATION, IDENTIFYING AND USING APPROPRIATE WAGE RATE CATEGORIES.**

THE COST OF CONTRACTING OUT OR PAYING OUTSIDE PARTIES FOR INFORMATION COLLECTION ACTIVITIES SHOULD NOT BE INCLUDED HERE. INSTEAD, THIS COST SHOULD BE INCLUDED IN ITEM 14.

The estimated annual cost to respondents for report preparation is \$331,867 (21,819 hours times \$15.21/hr.). Although hourly rates vary among handlers in various localities, the wages paid to clerical workers engaged in report preparation is estimated to be compatible to about a grade GS-7, step 1.

This hourly wage was obtained from the U.S. Department of Labor Statistic's publication, "National Compensation Survey: Occupational Wages in the United States, June 2005", published August 2006

(Bulletin 2581). This publication can also be found at the following website: <http://www.bls.gov/ncs/ocs/sp/ncbl0832.pdf>

13. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORDKEEPS RESULTING FROM THE COLLECTION OF INFORMATION. (DO NOT INCLUDE THE COST OF ANY HOUR BURDEN SHOWN IN ITEMS 12 AND 14).

- THE COST ESTIMATE 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. THE ESTIMATES SHOULD TAKE INTO

ACCOUNT COSTS ASSOCIATED WITH GENERATING, MAINTAINING,

AND DISCLOSING OR PROVIDING THE INFORMATION. INCLUDE DESCRIPTIONS OF METHODS USED TO ESTIMATE MAJOR COST FACTORS INCLUDING SYSTEM AND TECHNOLOGY ACQUISITION, EXPECTED USEFUL LIFE OF CAPITAL EQUIPMENT, THE DISCOUNT RATE(S), AND THE TIME PERIOD OVER WHICH COSTS WILL BE INCURRED. CAPITAL AND START-UP COSTS INCLUDE, AMONG OTHER ITEMS, PREPARATIONS FOR COLLECTING INFORMATION SUCH AS PURCHASING COMPUTERS AND SOFTWARE; MONITORING, SAMPLING, DRILLING AND TESTING EQUIPMENT; AND RECORD STORAGE FACILITIES.

- IF COST ESTIMATES ARE EXPECTED TO VARY WIDELY, AGENCIES SHOULD PRESENT RANGES OF COST BURDENS AND EXPLAIN THE REASONS FOR THE VARIANCE. THE COST OF PURCHASING OR CONTRACTING OUT INFORMATION COLLECTION SERVICES SHOULD BE A PART OF THIS COST BURDEN ESTIMATE. IN DEVELOPING COST BURDEN ESTIMATES, AGENCIES MAY CONSULT WITH A SAMPLE OF RESPONDENTS (FEWER THAN 10), UTILIZE THE 60-DAY PRE-OMB SUBMISSION PUBLIC COMMENT PROCESS AND USE EXISTING ECONOMIC OR REGULATORY IMPACT ANALYSIS ASSOCIATED WITH THE RULEMAKING CONTAINING THE INFORMATION COLLECTION, AS APPROPRIATE.

- GENERALLY, ESTIMATES SHOULD NOT INCLUDE PURCHASES OF

EQUIPMENT OR SERVICES, OR PORTIONS THEREOF, MADE: (1) PRIOR TO OCTOBER 1, 1995, (2) TO ACHIEVE REGULATORY COMPLIANCE WITH REQUIREMENTS NOT ASSOCIATED WITH THE INFORMATION OR KEEPING RECORDS FOR THE GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.

There are no capital/startup costs or operation and maintenance costs.

- 14. PROVIDE ESTIMATES OF AN ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATE COST, WHICH SHOULD INCLUDE QUANTIFICATION OF HOURS, OPERATION EXPENSES (SUCH AS EQUIPMENT, OVERHEAD, PRINTING, AND SUPPORT STAFF), AND ANY OTHER EXPENSE THAT WOULD NOT HAVE BEEN INCURRED WITHOUT THIS COLLECTION OF INFORMATION. AGENCIES ALSO MAY AGGREGATE COST ESTIMATES FROM ITEMS 12, 13, AND 14 IN A SINGLE TABLE.**

The orders provide for an administrative assessment based on the volume of milk that handlers receive each month. These funds are used to pay all the expenses incurred by the various market administrators in the administration of the Federal milk orders; including preparing and publishing the required forms. All costs incurred by the various marketing orders are covered through user fees.

- 15. EXPLAIN THE REASON FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14 OF THE OMB FORM 83-I.**

Adjustments are due to either an increase or decrease in respondents.

| <u>Parts & Section of Regulations (7 CFR)</u> | <u>Reason</u> | <u>Prev. Burden</u> | <u>New Burden</u> | <u>Diff.</u> | <u>Type Change</u> |
|---|--|---------------------|-------------------|----------------|--------------------|
| Parts 1000, Sec. 27 & 27(a) | Increase in recordkeepers | 273.43 | 273.80 | +0.370 | Adj |
| Parts 1001-1199, Section .30 | Form 1: increase in respondents | 9000.00 | 9162.00 | +162.00 | Adj |
| Parts 1001-1199, Section .30 | Form HR-EZ: increase in respondents | 240.00 | 360.00 | +120.00 | Adj |
| Part 1001-1199, Section .31 | Form PH1 R8-74: decrease in respondents | 684.00 | 660.00 | -24.00 | Adj |
| Part 1001-1199, Section .31 | Handler's Report of Producer Payroll: decrease in respondents | 7218.00 | 6696.00 | -522.00 | Adj |
| Parts 1001-1199, Section .31 &.32 | Notice of Change in Producer Status: increase in respondents | 936.00 | 975.00 | +39.00 | Adj |
| Parts 1001-1199, Section .31 &.32 | (No Form Number) Designation of Person(s) Authorized to Sign Handler Reports: decrease in respondents | 68.50 | 60.00 | -8.50 | Adj |
| Parts 1001, Sections .32 & .73 | Form CPR-4 Report of Billings to and/or Payments from Pool Handlers: increase in respondents | 120.00 | 144.00 | +24.00 | Adj |
| Part 1001, 1005, 1006, 1007, Section .30 & .32 | Monthly Report of Payments Received by Cooperative Associations from Handlers: decrease in respondents | 600.00 | 480.00 | -120.00 | Adj |
| Parts 1001-1199, Section .32 | Record of Dumped Milk and Accidental Loss: increase in respondents | 52.00 | 184.00 | +132.00 | Adj. |
| TOTAL | | | | -197.13 | Adj |

16. FOR COLLECTION OF INFORMATION WHOSE RESULTS ARE PLANNED TO BE PUBLISHED, OUTLINE PLANS FOR TABULATION, AND PUBLICATION. ADDRESS ANY COMPLEX ANALYTICAL TECHNIQUES THAT WILL BE USED. PROVIDE THE TIME SCHEDULE FOR THE ENTIRE PROJECT, INCLUDING BEGINNING AND ENDING DATES OF THE COLLECTION OF INFORMATION, COMPLETION OF REPORT, PUBLICATION DATES, AND OTHER ACTIONS.

The information collection data will not be published.

17. IF SEEKING APPROVAL TO NOT DISPLAY THE EXPIRATION DATE FOR OMB APPROVAL OF THE INFORMATION COLLECTION, EXPLAIN THE REASONS THAT DISPLAY WOULD BE INAPPROPRIATE.

Federal Milk Marketing Offices order forms well in advance, so forms are mailed to handlers in a timely manner. Federal Milk Marketing Offices attempt to order forms in quantities large enough to get a price break. If the Milk Marketing Offices needs to order more forms prior to an OMB submission for extension of approval, there is no guarantee that a requested expiration date will be used by OMB. There is also some confusion to respondents thinking their annual applications are good for the length of time noted in the expiration date, rather than expiring at the end of the application period. Therefore, we are seeking approval to not display the OMB expiration date on these forms.

18. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS," OF OMB FORM 83-I.

The agency is able to certify compliance with all provisions under Item 19 of OMB Form 83-I.

B. Collection of Information Employing Statistical Methods

This information collection does not employ statistical methods.

Attachment 1

| Order # | 7 CFR Part No. | Name of Federal Milk Order |
|---------|----------------|----------------------------|
| 1 | 1001 | Northeast |
| 5 | 1005 | Appalachian |
| 6 | 1006 | Florida |
| 7 | 1007 | Southeast |
| 30 | 1030 | Upper Midwest |
| 32 | 1032 | Central |
| 33 | 1033 | Mideast |
| 124 | 1124 | Pacific Northwest |
| 126 | 1126 | Southwest |
| 131 | 1131 | Arizona |