

2008 SUPPORTING STATEMENT  
FRUIT AND VEGETABLE MARKETING ORDERS  
CERTIFIED ORGANIC HANDLER MARKET PROMOTION  
ASSESSMENT EXEMPTION UNDER 26 FEDERAL MARKETING ORDERS  
OMB No. 0581-0216

**A. Justification**

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

Section 10607 of the Farm Security and Rural Investment Act (Public Law 107-171; 2002 Farm Bill) was enacted May 13, 2002. Section 501 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 401; FAIR Act) was amended by the 2002 Farm Bill. The amendment exempts any person that produces and markets solely 100 percent organic products, and that does not produce any conventional or non-organic products, from paying assessments under a commodity promotion law with respect to any agricultural commodity that is produced on a certified organic farm, as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502; OFPA). The U.S. Department of Agriculture (USDA) has implemented National Organic Program (NOP) requirements (7 CFR Part 205) to carry out the provisions of the OFPA.

USDA amended the general regulations (7 CFR part 900) with respect to 28 Federal marketing order programs established under the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601-674) (AMAA), for which it has oversight, including any additional marketing orders for fruits, vegetables, or specialty crops that may be established or amended to include market promotion. Since then, the number of Federal marketing order programs have changed to 26,

due to the termination of two programs (M.O. No. 931, Winter Pears, and M.O. No. 979, Texas melons). The marketing order citations covered under this submission are: 7 CFR Part 906, Texas citrus; Part 915 Florida avocados; Part 916, California nectarines; Part 917, California peaches and pears; Part 922, Washington apricots; Part 923, Washington Sweet cherries; Part 924, Washington/Oregon fresh prunes; Part 925, California grapes; Part 927, Pears Grown in Oregon and Washington; Part 929, Cranberries grown in the States of Massachusetts, et. al.; Part 930, Tart cherries grown in the States of Michigan, et. al.; Part 932, California olives; Part 947, Oregon/California potatoes; Part 948, Colorado potatoes; Part 955, Vidalia onions; Part 956, Washington/Oregon Walla Walla onions; Part 958, Idaho-Eastern Oregon onions, Part 959, Texas onions; Part 966, Florida tomatoes; Part 981, California almonds; Part 982, Oregon-Washington hazelnuts; Part 984, California walnuts; Part 985, Far West spearmint oil; Part 987, California dates; Part 989, California raisins, and Part 993, California dried prunes. Handlers subject to marketing order requirements are exempt from paying assessments for market promotion activities, including paid advertising, to marketing order committees and boards. To obtain an assessment exemption, that handler must operate under an approved organic processes system plan authorized by the National Organic Program (NOP) and handle or market only products that are eligible for a 100 percent organic product label under the NOP.

The AMAA is designed to permit regulation of certain agricultural commodities for the purpose of providing orderly marketing conditions in

interstate commerce and improving returns to growers. The AMAA provides in section 608(d)(1) that information necessary to determine the extent to which an order has effectuated the declared policy of the AMAA shall be furnished at the request of the Secretary of Agriculture (Secretary).

Federal fruit, vegetable and specialty crop marketing orders have been in effect for a number of years with the first ones promulgated under the AMAA in 1939. Formal rulemaking procedures provided for in the AMAA and specified in the Administrative Procedure Act (5 U.S.C. 553-559) require an initial public hearing and a referendum of affected industry producers to determine industry support for a proposed order.

Depending on the provisions, marketing orders may establish regulations specifying minimum grade, size, quality, maturity requirements, as well as pack, container, inspection, volume regulations, and reporting requirements. Under the AMAA, orders may authorize the following: Production and marketing research, including paid advertising; volume regulations; reserves, including pools and producer allotments; container regulations; and quality control. Production and marketing research and development, including paid advertising activities to promote the commodities, are paid for by assessments levied on handlers regulated under the marketing orders. In addition, marketing order regulations help ensure adequate supplies of high quality products for consumers and adequate returns to producers.

On May 13, 2002, section 501 of the FAIR Act was amended (7 U.S.C. 7401) to exempt any person that produces and markets solely 100 percent organic

products, and that does not produce any conventional or non-organic products, from paying assessments under a commodity promotion law with respect to any agricultural commodity that is produced on a certified organic farm as defined in Section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502).

To be exempt from paying assessments for marketing promotion, including paid advertising expenses, under the specified marketing orders, the certified organic handler must submit an application, “Certified Organic Handler Application for Exemption from Market Promotion Assessments Paid Under Federal Marketing Orders” to the marketing order committee or board. The information gathered on the form is explained in Item 2 of this statement.

This information is necessary to help the committees or boards to determine an applicant’s eligibility and to verify compliance. Inclusion of this information on the form assists the applicants in making their certifications and the committee or boards in properly administering the assessment exemption.

The respective marketing orders (e.g. 7 CFR 932.61 and 7 CFR 981.70) also require that handlers maintain and make available, all records necessary to demonstrate compliance with order requirements for two years. The burdens on handlers for such recordkeeping requirements are included in the information collection requests previously approved by OMB for the respective marketing orders under the following OMB control numbers: OMB No. 0581-0178 for marketing order Nos. 932, 947, 948, 955, 956, 958, 959, 966, 981, 982, 984, 985, 987, 989, and 993; OMB No. 0581-0189 for marketing order Nos. 906, 915, 916, 917, 922, 923, 024, 925, 927, 929, and 930. As previously mentioned, there is

authority for the assessment exemption for any additional marketing orders for fruits, vegetables, or specialty crops that may be established or amended to include marketing promotion.

**2. INDICATE HOW, BY WHOM, HOW FREQUENTLY, 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 orders, and rules and regulations issued thereunder, authorize the committees and boards to require growers and handlers to submit certain information, as provided in § 900.700.

An application form was developed by the Agricultural Marketing Service which is necessary to effectively carry out the purposes of the FAIR Act provisions. The application is consistent with the AMAA and the applicable marketing order requirements. The marketing order committee or board uses the application as a notice that the applicant will not pay, or will expect a refund, of some of the applicant's assessment. The committee or board also uses the application to begin the calculation process to determine the actual assessments that should be paid by the applicant.

**(a) Certified Organic Handler Application for Exemption From Marketing Promotion Assessments Paid Under Federal Marketing Orders, Form FV-649 (§900.700):**

Eligible handlers, who operate under an approved organic process system plan authorized by the National Organic Program (NOP) and handle or market only products that are eligible for a 100 percent organic product label under the NOP, will complete this application prior to or during the applicable assessment

period, and annually thereafter, as long as the applicant continues to be eligible for the exemption, for the specified commodity. Information collected in the application includes the applicable marketing committee or board and Federal marketing order number; date, applicant's (handler) name, company name and mailing address, telephone number, fax number, e-mail address (optional), assertions that the applicant operates under an approved organic process system plan authorized by the NOP, and handles or markets products that are eligible to be labeled 100 percent organic under the NOP; that the applicant is not a split operation as defined by the Organic Foods Production Act of 1990 (OFPA) and the NOP, that the applicant is subject to assessments under the Federal marketing order program for which this exemption is requested. The applicant is to list all the commodities handled or marketed, whether the commodity is eligible to be labeled as 100 percent organic, and the number of producers for whom the applicant handles or markets. The applicant is instructed to include itself in the total if they handle or market their own production, to attach a copy of their organic handling operation certificate provided by a USDA-accredited certifying agent under the OFPA and the NOP, as well as a copy of their NOP producer certificate. If applicable, a NOP certificate should also be attached for each additional producer for whom the applicant handles or markets. The applicant is to certify that they meet all of the applicable requirements for an assessment exemption. The applicant is to file the application with the appropriate committee or board prior to or during the applicable assessment period, and annually thereafter, as long as the handler continues to be eligible for the exemption. In

addition, the committee or board will notify the applicant, in writing, of approval or disapproval of the application, and the reason(s) for disapproval.

**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.**

As with other marketing order forms, FV-649 will be submitted directly to the applicable committee or board that administers the Order. These committees and boards are not part of a Federal agency, but are industry commodity committees and boards that operate under Federal authority and oversight. In addition, it is determined that FV-649 will not be made available for electronic submission due to logical constraints of the need to submit an organic certification document with the application.

The form will be made available in a pdf fillable format located on the program's website, <http://www.ams.usda.gov/fv/mocommodities/FV649fillable.pdf>, allowing users to fill in and print off a copy to submit by fax or mail to the appropriate committee or board. A hard copy version is also available through the committee or board for users without Internet access.

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

The applications will be periodically reviewed to avoid unnecessary duplication of information submitted by industry and public sector agencies. At the present time, there is no duplication between Federal agencies with regard to these applications. The information provided in these applications will be supplemented with certifications issued pursuant to the National Organic Program (7 CFR Part 205).

Currently, information generated by State, Federal, and private sector reports will pertain to commodities in general, but will not specifically address organic commodities specified within the regulated order production areas. In addition, such information will not necessarily contain information of a proprietary nature relative to the affected certified organic producers and handlers. Therefore, such information will not be detailed enough to be used for the specific purposes required under 7 CFR Part 900.700.

**5. IF THE COLLECTION OF INFORMATION HAS SIGNIFICANT IMPACT ON A SUBSTANTIAL NUMBER OF SMALL BUSINESSES OR OTHER SMALL ENTITIES (ITEM 15 OF THE PAPERWORK REDUCTION ACT SUBMISSION FORM), DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.**

The benefits of this program, exemption from marketing promotion assessments for qualified handlers, far exceeds the burden of completing the information collection. In addition, the information collected in this package has been reduced to the minimum requirements of the program, and the information can be supplied without data processing equipment or a trained statistical staff. The primary sources of data used to complete the form are routinely used in all business transactions. Requiring the same reporting requirements for all handlers



will not significantly disadvantage any handler or shipper that is smaller than industry average.

The form will be made available for those eligible handlers that want to use it. This form allows eligible handlers meeting specified criteria and procedures to be exempt from paying assessments. The application is a means to alleviating burden on those handlers who operate under an approved organic process system plan authorized under the NOP, and handle or market only products that are eligible to be labeled 100 percent organic under the NOP.

**6. 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.**

There would be no consequences for Federal marketing orders if this information collection is not conducted. The recipients of any benefits are the eligible handlers. The information must be collected on a crop year basis in order to be consistent with crop production and other organic certifications under the NOP. Thus, the information will not be accurate if collected less frequently than once a year. It will not provide the committees or boards with the information needed to reduce assessment collection notices to qualified handlers.

**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;**
- **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 STATUE 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.**

The application must be submitted in written format once a year.

There is no information that is responsive to any of the information requested above.

- 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.**

A 60-day notice concerning this information collection was published in the Federal Register on August 29, 2007 (Vol. 72, No. 167, page 49693), which invited comments from interested persons through October 29, 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.**

Each committee or board manager may receive information on other marketing orders through correspondence, meetings, and information from other managers and USDA. Committee/Boards endeavor to consult with representatives from whom the information is to be obtained at least every three years. Notice of the committee/board meetings are sent to all those associated with the respective industry, and any concerns regarding committee/board issues are welcome. Use of this form has been discussed with the committee/board managers and their staff.

M.O. No. 906 -- Texas Valley Citrus Committee, Manager, John McClung,

(956) 581-2190; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Belinda G. Garza, McAllen, Texas, (956) 682-2833.

M.O. No. 915 -- Florida Avocado Administrative Committee, Manager Alan Flinn, (305) 247-0848; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, William (Bill) G. Pimental, Winter Haven Florida, (863) 324-3375.

M.O. No. 916 and 917 -- Nectarine Commodity Committee and Peach Commodity Committee Manager, Sheri Mierau, (559) 638-8260; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Jennifer Garcia, Fresno California, (559) 487-5901.

M.O. No. 922 -- Washington Apricot Marketing Committee, Manager Lucille McFarland, (509) 457-7697; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Robert Curry, Portland, Oregon, (503) 326-2724.

M.O. No. 923 -- Washington Cherry Marketing Committee, Manager B.J. Thurlby, (509) 453-4837; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Robert Curry, Portland, Oregon. (503) 326-2724.

M.O. No. 924 -- Washington - Oregon Fresh Prune Marketing Committee, Manager Lucille McFarland, (509) 453-4784; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Teresa L. Hutchinson, Portland, Oregon, (503) 326-2724.

M.O. No. 925 -- California Desert Grape Administrative Committee, Manager, Larry Edge, (760) 342-4385; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Terry Vawter, Fresno, California, (559) 487-5901.

M.O. No. 927 -- Fresh Pear Committee and Processed Pear Committee Manager, Kevin Moffitt, (509) 453- 4837; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Susan Cole, Portland, Oregon, (503) 326-2724.

M.O. No. 929 -- Cranberry Marketing Committee, General Manager, David Farrimond, (508) 291-1510, ext. 14; or U.S. Department of Agriculture, Agricultural Marketing Service, Patty Petrella, Riverdale, Maryland, (301) 334-1174.

M.O. No. 930 -- Cherry Industry Administrative Board, Executive Director Perry Hedin, (517) 669-1070; or U.S. Department of Agriculture, Agricultural Marketing Service, Patty Petrella, Riverdale, Maryland, (301) 334-1174.

M.O. No. 932 -- California Olive Committee Manager, Christi Darling, (559) 456-9096; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Jennifer Garcia, Fresno California, (559) 487-5901.

M.O. No. 947 -- Oregon-California Potato Committee Manager, Bill Brewer, (503) 731-3300; or U.S. Department of Agriculture, Agricultural Marketing Service, Regional Manager, Gary D. Olson, Portland, Oregon, (503) 326-2724.

M.O. No. 948 -- Colorado Potato Administrative Committee Area II – San Luis Valley Office - Executive Director, Jim Ehrlich, (719) 852-3322; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Teresa Hutchinson, Portland, Oregon, (503) 326-2724.

M.O. No. 948 – Colorado Potato Administrative Committee Area III – North Colorado Office – Executive Director, Lola Mundt (970) 352-5231; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Teresa Hutchinson, Portland, Oregon, (503) 326-2724.

M.O. No. 955 – Vidalia Onion Committee, Manager Wendy Brannen, (912) 537-1918; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Doris Jamieson, Winter Haven, Florida, (863) 324-3375.

M.O. No. 958 – Idaho-Eastern Oregon Onion Committee, Manager, Candi Fitch, (208) 722-5111; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Susan Cole, Portland, Oregon, (503) 326-2724.

M.O. No. 959 – South Texas Onion Committee, Manager, John M. McClung, (956) 581-2190; or U.S. Department of Agriculture, Agricultural Marketing Service, Regional Manager, Belinda Garza, McAllen, Texas (956) 682-2833.

M.O. No. 966 – Florida Tomato Committee, Manager, Reggie Brown, (407) 660-1949; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, William Pimental, Winter Haven, Florida, (863) 324-3375.

M.O. No. 981 – Almond Board of California, Chief Executive Officer, Richard Waycott, (209) 549-8262; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Terry Vawter, Fresno, California, (559) 487-5901.

M.O. No. 982 – Hazelnut Marketing Board, Manager, Polly Owen, (503) 678-6823; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Barry Broadbent, Portland, Oregon, (503) 326-2724.

M.O. No. 984 – Walnut Marketing Board of California, Executive Director, Dennis A. Balint, (916) 932-7070; or U.S. Department of Agriculture,

Agricultural Marketing Service, Regional Manager, Kurt Kimmel, Fresno, California (559) 487-5901.

M.O. No. 985 – Far West Spearmint Oil Administrative Committee, Manager, Rod Christensen, (509) 585-5460; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Susan Cole, Portland, Oregon, (503) 326-2724.

M.O. No. 987 – California Date Administrative Committee, Manager, Lorrie Cooper, (760) 347-4510; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Terry Vawter, Fresno, California, (559) 487-5901.

M.O. No. 989 – Raisin Administrative Committee, President, Ron Worthley, (559) 225-0520; or U.S. Department of Agriculture, Agricultural Marketing Service, Marketing Specialist, Rose Aguayo, Fresno, California, (559) 487-5901.

M.O. No. 993 – Prune Marketing Committee, Executive Director, Richard Peterson, (916) 565-6235; or U.S. Department of Agriculture, Agricultural Marketing Service, Regional Manager, Kurt Kimmel, Fresno, California, (559) 487-5901.

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



Respondents are not provided gifts or payments for providing information.

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

Section 608(d) of the Act provides that information acquired will be kept confidential. Reports submitted to the committee/boards are accessible only by the committee/board managers, committee/board staff, certain employees of USDA's Agricultural Marketing Service's (AMS) field office and headquarters staff, and certain USDA employees in Washington, D.C. Committee/board members are aware of the penalties for violating confidentiality requirements. Authorized committee/board employees will be the primary users of the information and AMS employees will be the secondary users.

**11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDE, 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 included on any form.

**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 OTHERWISE 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 BURDEN AND EXPLAIN THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOURS FOR CUSTOMARY AND USUAL BUSINESS PRACTICES.**

The number of respondents required to file this form was estimated based on records kept by the committees/boards, which track growers and handlers regulated under their respective programs. While not exact, these estimates are very close to the actual number of growers or handlers because the members of the industry are required to work closely with the committees/boards that locally administer their respective marketing orders.

- **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.**

The respondents' estimated annual cost of providing information to the Committees/Boards is approximately \$ 1,716. This total has been estimated by multiplying 52 (total burden hours) by \$33.00, the average mean hourly earnings of professional, specialty and technical white collar occupations, and executive, administrative, and managerial white collar occupations by worker and establishment characteristics and geographic (metropolitan). Data for computation of this hourly wage were obtained from the U.S. Department of Labor Statistics' 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/ncb10832.pdf>.

**13. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORD KEEPERS 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, PREPARATION 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, MAKE: (1) PRIOR TO OCTOBER 1, 1995, (2) TO ACHIEVE REGULATORY COMPLIANCE WITH REQUIREMENTS NOT ASSOCIATED WITH THE INFORMATION COLLECTION OR KEEPING RECORDS FOR THE GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.**

There are no capital/startup or ongoing operation/maintenance costs associated with this information collection.

- 14. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATE COST, WHICH SHOULD INCLUDE QUANTIFICATION OF HOURS, OPERATIONS 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 cost of this form is covered by assessments collected by the committees/boards. The cost to the Federal government for this information collection renewal is estimated to be \$4,800 (120 hours at \$40), which is an average of the salaries of the staff involved in the review and compilation of this information collection renewal.

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

There is an increase of 9.5 burden hours requested. An updated summary of the reasons for changes in the burden of information collection follow:

<u>Reg #</u>	<u>Reason for Change</u>	<u>Previous Burden</u>	<u>New Burden</u>	<u>Difference</u>	<u>Type</u>
900.70	Increase in number of respondents	42	51.5	+9.5	Adj.

**16. FOR COLLECTIONS OF INFORMATION WHOSE RESULTS WILL 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.**

Any data gleaned from this information collection would be used in the development of the applicable committee or board's annual budget in determining the appropriate assessment rate to apply towards those expenses. There are no complex analytical techniques that would be applied to this data.

**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.**

The Agency requests approval not to display the expiration date for OMB approval of the information collection. This requirement significantly affects mandatory programs by increasing costs to users because otherwise usable forms must be destroyed when the date expires, the form is revised, and redistributed. Such needless cost increases passed on to users of mandatory services are counter productive to the Administration's goal of reducing costs and increasing program efficiency. Additionally, the impact of the expiration date requirement on administrative and regulatory forms for the programs can adversely affect the

operation and enforcement of statutes. Inadvertent use of a form with an expired expiration date poses an opportunity for those looking for a means of disruption to challenge paying for services rendered, the validity of the collection of information, or legal requirement imposed by regulations or statutes.

In addition, the Committee/Board offices orders forms well in advance of the marketing year, so that forms are mailed to handlers and growers in a timely manner. The committee/board offices attempts to order forms in quantities large enough to get a price break. If the Committee/Board offices need to order more forms prior to an OMB submission for extension of approval, there are not guarantees that a requested expiration date will be approved 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 marketing season.

**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. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.**

The collection of information does not employ statistical methods.