

2009 SUPPORTING STATEMENT
U.S. Honey Producers Research, Promotion, and Consumer Information Program

7 CFR Part 1245
OMB Number 0581-NEW

CLEARANCE NOTATION:

OMB review and approval of a new information collection is necessary for the establishment of a newly proposed U.S. Honey Producers Research, Promotion, and Consumer Information Program (Proposed Order (7 CFR Part 1245)). A separate information collection package is also being submitted for the referendum ballot. The referendum ballot needs to be approved in order to conduct the upfront referendum, which will take place prior to the Order being implemented and published as a final rule.

Justification

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

A new U.S. Honey Producer Research, Promotion, and Consumer Information Program (Proposed Order) is being proposed under the Commodity Promotion, Research, and Information Act of 1996, (PL 104-127, 110 Stat. 1032, April 4, 1996, 7 U.S. C. 7411-7425). This legislation is hereinafter referred to as the 1996 Act. Under the enabling legislation, Congress has delegated the Department of Agriculture (USDA) the responsibility of establishing and overseeing agricultural commodity research and promotion orders, which may include a combination of promotion, research, industry information, and consumer information activities funded by mandatory assessments. These programs are designed to maintain, develop, and expand markets and uses for agricultural commodities. The Proposed Order was submitted by the American Honey Producers Association.

This Proposed Order is specifically directed at supporting the U.S. honey industry only. The Proposed Order would provide for the continued development and financing of a coordinated program of research, promotion, and information for U.S. honey. The programs would include projects relating to research, consumer information, advertising, sales promotion, producer information, market development and product research to assist, improve, or promote the marketing, distribution, and utilization of U.S. honey.

The program would be administered by a Board appointed by the Secretary of Agriculture and financed by a mandatory assessment on first handlers and producers of U.S. honey. The Agricultural Marketing Service would provide oversight to ensure: (1) funds are collected and properly accounted for; (2) expenditures of all funds are for the purposes authorized by the enabling legislation; and (3) the Board's administration of the program conforms to USDA policy.

Section 515(i) of the 1996 Act provides authority to request from persons covered under the order any information required to carry out the responsibilities of the program. Each appointed Board is responsible for collecting assessments from the affected persons covered under the program in order to carry out the Board's responsibility. These programs require the

use of the forms described in item 2 below.

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 proposed U.S. Honey Producer Research, Promotion, and Consumer Information Order is being proposed under the 1996 Act and, if adopted, would be established by USDA through the issuance of an order, and rules and regulations. Prior to becoming effective, a referendum would be conducted by USDA to determine if U.S. producers of honey favor the implementation of the Proposed Order.

Under the Proposed Order, U.S. producers of honey would be subject to a mandatory assessment of \$0.02 per pound to fund a coordinated program to maintain, develop, and expand the demand of U.S. honey. The Proposed Order would be administered by a 7-member U.S. Honey Producer Board (Board) comprised of seven producers. For each Board member, there would be an alternate member. The members and alternates would be appointed by the Secretary of Agriculture to administer the program with AMS oversight, and would be selected from eligible individuals representing U.S. honey producers from seven regions of the United States.

When the Board is first established, three producers will be assigned initial terms of four years; two producers will be assigned initial terms of three years; and two producers will be assigned initial terms of two years. Thereafter, each of these positions will carry a full three-year term. Members serving initial terms of two or four years will be eligible to serve a second term of three years. Each Board member and alternate member shall continue to serve until the member's or alternate's successor meets all qualifications and is appointed by the Secretary. The Board would use assessments collected under the Proposed Order to carry out research, promotion, consumer education, and industry information activities. In order to carry out these responsibilities, first handlers and U.S. producers are required to submit certain information, as provided in Sections 515, 516, and 517 of the 1996 Act, and Sections 1245.31, 1245.43, 1245.44, and 1245.61 of the Proposed Order.

A second information collection package that contains the referendum ballot is being submitted in a separate package because its approval is needed for an upfront vote on whether to implement the program. Upon approval of both information collection packages they will be merged into one information collection package.

The information required under this program is gathered through the following forms, and is used by USDA's AMS, and the Board as described below:

a) Background Information Form AD-755 (OMB 0505-0001) (Section 1245.31):

This form contains questions to ascertain the nominee's qualifications for consideration of appointment to the Board by the Secretary of Agriculture. The form questions include: personal identification information, including name, social security number, date of birth, and address; length of time engaged in honey production; quantity of pounds produced; employment information; professional affiliation(s); education; income sources for amounts over \$10,000; and criminal history. The form would be completed by all Board nominees including producers. This information would be provided to the Board and forwarded to

USDA for use in the nomination process. Upon approval of this collection, a change of worksheet will be submitted to increase the burden of 0505-0001 by 1 hour.

b) Application for Exemption (HPR-AAE) (Section 1245.45). Producers who produce 100,000 pounds or less of U.S. honey per year may claim an exemption from assessments. This form requires supporting documentation and certification that the producer should be exempt from paying assessments under the Proposed Order.

c) Monthly First Handler Report (HPR-FHR) (Sections 1245.61): First handlers or producer-packers would be required to report to the Board on a reporting period determined by the Board information necessary for the Board to perform its duties. For first handlers and producer-packers, the information may include: the total quantity of honey acquired during the reporting period; total quantity handled during the period; the total quantity of U.S. honey sold from the first handlers own production; the quantity of honey purchased from a first handler or producer responsible for paying the assessment; the date assessment payments were made; and the first handler or producer-packers's tax identification number.

Recordkeeping Requirements (Sections 1245.62 and 1245.43) are required to maintain and make available information for inspection by the Board and USDA. Recordkeeping requirements will help provide for the effective operation of the Proposed Order, and its conformance with the 1996 Act.

d) Nomination Appointment Form (HPR-NOM) (Section 1245.31). This form would be used to nominate producers to serve on the Board. Under the Proposed Order, producers of U.S. honey may nominate persons for Board positions for consideration by the Secretary of Agriculture.

e) Nomination Appointment Ballot (HPR-BAL) (Section 1245.31). This form would be used by producers to vote on nominees to the Board. Once the votes are tallied from the ballots, those receiving the most votes would be nominated to the Board, and those nominees will be forwarded to USDA for consideration by the Secretary of Agriculture.

f) Organic Exemption Request (AMS-15 Approved under 0581-0093) (Section 1245.43(b)). Under the Proposed Order, the form would be completed by producers requesting exemption from paying assessments. Producers requesting exemption must producer honey that meet the requirements for a "100 percent organic" label under the National Organic Program (7 CFR Part 205), and are not part of a split operation. The form also includes a certification statement.

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.

Upon approval, these forms will be used to submit information directly to the Board, which administers the Order. The Board is not part of a Federal agency, but is a commodity industry Board that operates under Federal authority and USDA-AMS oversight. Though AMS is committed to complying with the e-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible, the availability and submission of forms electronically is at the Board's discretion. Currently, forms are transmitted by fax machine and postal delivery.

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 information to be included on these forms is not available from other sources because such information relates specifically to individual producers and importers who are subject to the proposed Order. The primary sources of information would be books and records pertaining to production of U.S. honey and collections by first handlers.

Information generated by State, Federal, and private sources would not generate information of a proprietary nature relative to producers and importers who are subject to the provision of the Order. Such information would not be detailed enough to be used for the specific purposes of determining the amount of U.S. honey produced. Therefore, there is no practical method for collecting the required information without the use of these forms.

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.

The Small Business Administration defines, in 13 CFR part 121, small agricultural producers as those having annual receipts of no more than \$750,000 and small agricultural service firms as those having annual receipts of no more than \$7.0 million. Under these definitions, the majority of producers that would be affected are considered small entities. We have estimated the number of respondents for this collection is 2000, and we estimate that 1646 are considered small businesses.

Information collection requirements have been reduced to the minimum requirements of the Order. The primary sources of information used to complete the required forms are readily available from normal business records maintained by producers, first handlers, and importers. Such information can be supplied without data processing equipment or outside technical expertise.

Thus, the information collection and reporting burden is relatively small, and requiring the same reporting requirements for all first handlers and producers does not significantly disadvantage any first handler or producer that is smaller than the industry average.

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.

The information will be collected through a mandatory check-off program designed to maintain, develop, and expand markets for U.S. honey. If the information collection herein were not collected, the Board could not carry out the coordinated research, promotion, consumer education, and industry information program on U.S. honey, ensure compliance with the mandatory program or ensure proper assessment collection. Collecting data less frequently also would limit the Secretary's ability to oversee the Order.

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.

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.**

The 60-day notice for comments is embedded in the proposed rule. No comments are expected.

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.

Mr. Mark Brady, President, American Honey Producers Association, telephone number (214) 937-2022; Mr. John Waits, Attorney at Law, Winston & Strawn LLP, telephone number (202) 282-5779; and Mr. John Waits, Attorney at Law, Winston & Strawn LLP, telephone number (202) 282-5740 were contacted on their views of the information collected.

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.

The Order has not yet been implemented. There are no identified obstacles for consulting with industry members who must submit information to the Board under the Proposed Order. Industry members are consulted on an ongoing basis regarding information collection requirements.

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

AMS does not provide payments or gifts to respondents.

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

Section 1205(m)(2) of the 1996 Act provides that information collected from books and records will be kept confidential by those individuals having access to such information. The 1996 Act also provides for a fine and/or imprisonment for employees of the Board or USDA convicted of violating this confidentiality provision.

All information collected will be treated as confidential, as indicated on the forms and in conformance with the Privacy Act and Freedom of Information Act. Other confidential information will be withheld from public review under the Freedom of Information Act and the Privacy Act, 5 USC 552.

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 included on any form. The only private information required is on the Background Information Form that a nominee to the Board must fill out. These questions are asked to ascertain his/her qualifications to serve on the Board and include: personal identification information, including name, social security number, date of birth, and address; length of time engaged in honey production and/or packing; quantity of pounds produced and/or packed; employment information; professional affiliation(s); education; income sources for amounts over \$10,000; and criminal history. The form would be completed by all Board nominees including producers, importers, foreign producers, and at-large members. This information would be provided to the Board and forwarded to USDA for use in the nomination process. This information is provided to the Secretary for use in the selection process.

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. 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 respondents' estimated annual cost of providing information to the Board is \$47,751. An estimated number of 2000 respondents would provide information to the Board annually. This total has been estimated by multiplying 1,447 hours by \$33, 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 areas (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/ncbl0832.pdf>.

- 13. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORDKEEPERS RESULTING FROM THE COLLECTION OF INFORMATION. (DO NOT INCLUDE THE COST OF ANY HOUR BURDEN SHOWN IN ITEMS 12 AND 14).**
- 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 COLLECTION, (3) FOR REASONS OTHER THAN TO PROVIDE INFORMATION OR KEEPING RECORDS FOR THE GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.

There are no capital, startup, operation, or maintenance costs associated with this program. The primary sources of information will be books and records pertaining to production of U.S. honey that are normally maintained as part of usual and customary business practices.

- 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, 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.**

There are no additional costs associated with this information collection. The Federal government’s estimated annual cost for providing oversight and assistance for this information collection is estimated at \$129,449 the first year and for subsequent years it is estimated to be about \$85,000. AMS is reimbursed by the Board for its oversight costs. A breakdown of the oversight costs for the first year is the following:

Salaries/Benefits/FERS Contributions/Awards	\$107,698
Travel	\$3,352
Contracts/Services/Training	\$3,836
Printing/Copying/Mailing/Postage	\$5,000
Rent/Communication/Utilities/FTS	\$3,268
OGC (Legal Services)	\$5,000
Supplies/Equipment	<u>\$1,295</u>
TOTAL	\$129,449

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

This is a new program. See the AMS-71 form for the new burden hours.

- 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.

There are no plans to publish any information or data collected. The information collected on these forms is not for publication or statistical use.

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 based on the expiration date, if the form is revised, and redistributed. Such needless cost increases are passed on to users of mandatory services, and are counter-productive to the Administration's goal of reducing costs and increasing program efficiency. In addition, the Board office orders forms well in advance of the fiscal year, so that forms can be mailed to first handlers and producers in a timely manner. The Board office attempts to order forms in quantities large enough to get a price break. If the Board office needs to order more forms prior to an OMB submission for extension of approval, there are no guarantees that a requested expiration date will be honored by OMB. There is also some confusion among 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. 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 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.

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

This information collection does not employ statistical methods.