

**2010 SUPPORTING STATEMENT FOR INFORMATION COLLECTION
APPLICABLE TO CRANBERRIES NOT SUBJECT TO THE CRANBERRY
MARKETING ORDER
7 CFR Part 926
OMB No. 0581-0222**

A. JUSTIFICATION

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

The Department of Agriculture (USDA) established reporting and recordkeeping requirements on producer-handlers, second-handlers, processors, brokers and importers of cranberries and cranberry products not subject to the Federal cranberry marketing order (7 CFR part 929) (order). 7 CFR Part 926 of the Code of Federal Regulations was established to require the above-named respondents to report sales, acquisitions and inventory information to the Cranberry Marketing Committee (Committee), and to maintain adequate records on such activities. The establishment of the data collection, reporting and recordkeeping requirements for entities not subject to the order is required pursuant to the Agricultural Marketing Agreement Act of 1937, as amended; 7 U.S.C. 601-674, and as further amended October 22, 1999, by Pub. L. 106-78, 113 Stat. 1171 (Act). The additional information enables the Committee to make more informed volume regulation recommendations to USDA.

A final rule was published in the *Federal Register* on April 4, 2007 (72 FR 16265), suspending the reporting requirements. However, similar to our last information collection, we are requesting that OMB approve a one-hour placeholder for future use of this information collection, should the suspension be lifted and the reporting requirements re-implemented.

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.

Public law 106-78, enacted October 22, 1999, amended 608(d) of the Act which requires producer-handlers, second-handlers, processors, importers, and brokers of cranberries and cranberry products not subject to the order, to maintain adequate records and report sales, acquisitions, and inventory information to a designee chosen by the USDA. USDA designated the Committee to receive this information. The intent of Public Law 106-78 and the objective of the data collection and reporting requirements are to ensure that the cranberry industry has more accurate information for use in making better-informed volume regulation recommendations to USDA. The Committee also publishes periodic reports aggregating the data on cranberry and cranberry products for use by all members of the industry.

Part 926, Data Collection, Reporting and Recordkeeping Requirements Applicable to Cranberries not Subject to the Cranberry Marketing Order, is administered by the Committee, which represents growers and locally administers the Federal cranberry marketing order. USDA appoints all Committee members.

The Committee is considered by the industry as the source for comprehensive cranberry related data, primarily data relating to production, supplies, utilization and inventories. Therefore, it is critical to the Committee to receive comprehensive information on cranberries.

Part 926, and the rules and regulations issued thereunder, authorizes the Committee to require approximately 80 producer-handlers, second-handlers, processors, brokers and importers of cranberries and cranberry products not subject to the Federal cranberry marketing order to submit certain information as provided in section 926.17. Information gathered by the Committee will only be reported in the aggregate to the public, along with other pertinent cranberry data.

The Committee has developed forms as a convenience to persons who are required to file information with the Committee relating to sales, acquisition, and inventory information needed to effectively carry out the administration of the program. These forms require the minimum information necessary to effectively carry out the requirements of Part 926, and their use is necessary to fulfill the intent of the Act as expressed in Part 926. In accordance with 5 CFR Part 1320, a burden statement has been added to each form.

The information required under Part 926 is gathered on the following forms, and will be used by the Committee and/or USDA as outlined below:

(a) Importer Cranberry Inventory Report Form (ICIR A-D (Importer))

(§ 926.17): This form is filed by importers and brokers to inform the Committee of the name, address, variety imported, amount sold to and received by brokers, processors, and handlers, and the beginning and ending inventories of cranberries held by the importer. The form is filed quarterly, to update the Committee on shipments.

(b) **Second-Handler/Processor Cranberry Inventory Report Form (HPCIR A-D Second-Handler/Processor)** (§926.17): This form is used by producer-handlers, second handlers, and processors to indicate the name, address, variety acquired, domestic/foreign sales, acquisitions, and beginning and ending inventories. The form is filed quarterly, to update the Committee on shipments.

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.

Information collection forms are periodically reviewed by the Committee to ensure that they can be understood by industry members, are easy to complete, and place as small a burden as possible on the person required to file the information. Committee procedures are streamlined to assure efficiency in information collections. Computers are being used to maintain the accounting records and grower records. Facsimile (FAX) transmissions are limited to those individuals in possession of such equipment, and are used for the transmission of correspondence. However, the majority of information is delivered by post and by hand, and by phone.

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.

Reports and forms are periodically reviewed to avoid unnecessary information collection duplication by industry and public sector agencies. At the present time, it is expected that there will be no duplication between Federal agencies.

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 sources 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 producer-handlers, second-handlers, processors, brokers and importers does not significantly disadvantage any producer-handlers, second-handlers, processors, brokers and importers that is smaller than 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.

Collecting data less frequently would have a negative impact on the quantity and quality of data needed to keep the cranberry industry and USDA abreast of changes at the State and local level. The timing and frequency of the various reports have evolved to meet the needs of the cranberry 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;**
- 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 THREE 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 such 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.**

A 60-day notice was published in the *Federal Register* on November 24, 2009,

(Vol. 74; No. 225; Page 61317) which invited comments from interested persons through January 25, 2010. One comment was received but did not pertain to the burden hours or address the practical utility of this information collection.

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.

The Committee, the agency that administers the cranberry marketing order along with oversight by USDA, meets throughout the year to assess the Order's regulatory and informational needs. Discussed at these meetings is the type of information that is collected while keeping in close contact with the industry and trade associations to ensure the utmost efficiency.

The Committee members and staff are constantly alert to what is going on in other marketing orders through correspondence, meetings, and information received from USDA. The Committee endeavors to consult with representatives from whom the information is to be obtained on an annual basis. In addition, notices of the committee's meetings are sent to committee members, alternates and handlers within the industry and any concerns regarding committee business are welcome. Use of these forms has been discussed with the Cranberry Marketing Committee General Manager, David Farrimond,

phone number (508) 291-1510, Ext. 14, or Fax (508) 291-1511.

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

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 608(d) of the Act provides that information acquired will be kept confidential, and that penalties exist for violating confidentiality requirements. Reports submitted to the Committee are accessible only by the Committee manager, the Committee staff, USDA-AMS field office staff, and certain USDA employees in Washington, D.C. Committee members never have access to any handler's reports or assessment records. The Committee staff and USDA are aware of the penalties for violating confidentiality requirements.

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 the forms submitted for approval in this package.

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 83.1.**
- 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 in providing information to MOAB is approximately \$25.94. This total has been estimated by multiplying 1 burden hour by \$25.94, the average mean hourly earnings of Purchasing Agents and Buyers, Farm Products (13-1021); and Farmers and Ranchers (11-9012). The mean hourly earnings data for computation of this average hourly wage was obtained from the U.S. Department of Labor Statistics' Occupational Employment and Wages, May 2008. The hourly earnings for this submission differ from the previous submission, as these occupational earnings are more closely applicable to the respondents in this information collection package. The mean hourly earnings data can be found at the following websites:

<http://www.bls.gov/oes/2008/may/oes119012.htm>

<http://www.bls.gov/oes/2008/may/oes131021.htm>.

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).

- **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 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 is no capital, startup, operation, or maintenance costs associated with this program.

- 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.**

The estimated annual cost to the Federal Government for the cost of this information collection and processing is about \$3,200. The cost was developed by estimating the number of hours that the Agency employees will spend in the preparation of this information collection package (80 hours) at approximately \$40 per hour.

- 15. EXPLAIN THE REASON FOR ANY PROGRAM CHANGES OR ADJUSTMENTS REPORTED IN ITEMS 13 OR 14 OF THE OMB FORM 83-1.**

There is no change in burden.

- 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.**

Although 7 CFR Part 926 does not require the Committee to prepare a marketing policy statement, the Committee will utilize the data information collected into the marketing policy for section 929.46 of the cranberry marketing order. Although many of the statistics contained in the marketing policy are obtained from outside sources, several tables are derived from information collected by the Committee.

Documentation is required for compliance monitoring and is not intended for publication purposes. The collection of information does not employ statistical methods.

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 Committee office orders forms well in advance of the marketing year, so that forms can be mailed to the respondents in a timely manner. The Committee office attempts to order forms in quantities large enough to get a price break. If the Committee 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 83-1.**

No exceptions are requested to the certification statement identified in Item 19 of
OMB Form 83-1.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection of information does not employ statistical methods.