

## 2010 SUPPORTING STATEMENT

Referendum for Christmas Tree Promotion, Research and Information Program  
7 CFR Part 1214  
OMB Number 0581-NEW

(Proposed Rule - Referendum)

### CLEARANCE NOTATION:

OMB review and approval of a new information collection is necessary for the establishment of a newly proposed Christmas Tree Promotion, Research and Information Program (Proposed Order (7 CFR Part 1214)). A separate information collection package is also being submitted for the recordkeeping and remaining forms for the Christmas Tree Promotion, Research and Information Program. Upon approval and passing of the referendum, both of the collection packages will be merged into 0581-0093.

### . Justification

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

A new Christmas Tree Promotion, Research and Information Order (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 Order was submitted by the Christmas Tree Checkoff Task Force (Task Force).

The Order would provide for the development and financing of a coordinated program of research, promotion, and information for Christmas trees. 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 Christmas trees.

The program would be administered by a Board appointed by the Secretary of Agriculture and financed by a mandatory assessment on producers and importers of Christmas trees. 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.

The 1996 Act allows for a referendum to be conducted determining if producers and

importers favor the proposed order and also providing that a referenda be conducted up to three years after the effective date of the proposed order. The Order will be implemented if it is approved by a majority of eligible producers and importers of Christmas trees voting in the referendum.

Upon approval and passing of the referendum, this collection package will be merged into 0581-0093.

**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 Christmas Tree Promotion, Research and Information Order (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. A referendum would be conducted by USDA to determine if producers and importers of Christmas trees favor the implementation of the Order.

Under the Order, producers and importers of Christmas trees would be subject to a mandatory assessment of \$0.15 per Christmas tree to fund a coordinated program to maintain, develop, and expand the demand of Christmas trees. The Order would be administered by a 12 member Christmas Tree Promotion Board (Board) comprised of 11 producer members from 3 regions (5 members from the Western Region, 2 members from the Central Region, and 4 member from the Eastern Region), and 1 importer member.

The members would be appointed by the Secretary of Agriculture to administer the program with AMS oversight, and would be selected from nominations conducted by the Board through a nomination and balloting process for both producers and importers.

Board members would serve terms of three years and could serve a maximum of two consecutive terms. For the initial Board, terms will be staggered for two, three, and four year terms. The Board would use assessments collected under the Order to carry out research, promotion, and information activities. In order to carry out these responsibilities, producers and importers are required to submit certain information, as provided in Sections 515, 516, and 517 of the 1996 Act, and Sections 1214.41, 1214.52, 1214.53, 1214.54, and 1214.70 of the Order.

A proposed rule on Referendum Procedures with a 60-day comment period will be published separately in the Federal Register on XX, 2010 (Vol. XXX, No. XXX), which will include the information collection package for the referendum ballot for 114 burden hours. This referendum ballot is being submitted as a separate package because its approval is needed if an upfront referendum is needed to implement the program.

A second new information collection package contains all of the remaining forms needed for this program (recordkeeping, background form, application for exemption, sales/importer report, application for reimbursement, nomination form, nomination ballot, application for refund, and an organic exemption form). The new information collection package is for a total of 10,575 burden hours. Upon approval of both information collection packages they will be merged into one information collection package.

The information required for this collection is gathered through the following form, and is used by USDA's AMS, and the Board as described below:

**Referendum Ballot Form (XMAS-RB) (Section 1217.105)** is used in voting for the implementation, suspension, termination or continuation of the Order. The other information requested on this form is used for the purpose of verification. The form includes the Certification, Vote, Signature, and Mailing requirements. Referendum agents or the Secretary of Agriculture will tabulate the results of the referendum. The agents are officials of USDA who are charged with promulgating and administering the proposed programs.

- 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, this form will be used to submit information directly to the AMS. 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 discretionary. Since the use of computers is not universal within the industry, AMS determined that conducting the referendum from one central location by mail ballot would be the most cost effective and reliable method. 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 this form 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 the producers and imports of Christmas trees.

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 Christmas trees produced or imported. Therefore, there is no practical method for collecting the required information without the use of this form.

- 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 (producers and importers) as those having annual receipts of no more than \$7.0 million. Under these definitions, the majority of producers would be considered small entities, while most importers would not. We have estimated the number of respondents for this collection is 3,263, and we estimate that approximately 700 are considered small businesses.

Information collection requirements have been reduced to the minimum requirements of the proposed rule for the referendum procedures. The form requires only a minimal amount of information which can be supplied without data processing equipment. This information collection and reporting burden is relatively small. Under the referendum procedures, information collection would be requested from producers and importers of Christmas trees who would be subject to the program and eligible to vote in the referendum. Under the referendum procedures proposed rule, about 3263 entities of producers and importers would be subject to the program and eligible to vote in the referendum. Producers and importers of 500 Christmas trees or less annually will be exempt from assessments and not eligible to vote in the referendum. In addition, voting in the referendum is optional. However, if producers and importers choose to vote in the referendum the burden of voting would be offset by benefits of having the opportunity to vote whether or not they want to be covered by the program. Since the reporting burden under the referendum procedures proposed rule would be the same for all entities, such entities should not be significantly disadvantaged.

**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 referendum procedures allow for the use of the referendum ballot. The information will be collected through a mandatory research and promotion program designed to maintain, develop, and expand markets for Christmas trees.

If the information collection for the referendum ballot herein were not collected, a referendum could not be conducted and therefore the proposed Order could not be implemented and the Board could not carry out the coordinated research, promotion, consumer education, and industry information program on Christmas trees, ensure compliance with the mandatory program or ensure proper assessment collection. Collecting data less frequently also would limit the Secretary's ability to conduct the referendum and future referendums.

**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.**

A 60-day notice for comments is embedded in a proposed rule published in the Federal Register on XX, 2010 (XX FR XXX), which will include the information collection package for the referendum ballot for 114 burden hours. 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. Christopher Salisbury, Legal Counsel to the Christmas Tree Task Force, telephone number (202) 842-2345; and Ms. Betty Malone, Chairperson of the Christmas Tree Checkoff Task Force, telephone number (541) 929-2289 were contacted on their views of the information collection.

**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.**

There are no identified obstacles for consulting with industry members who must submit information to AMS under the referendum procedures proposed rule. Industry members would be 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 GRANTEES.**

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.**

Questions of a sensitive nature are not included on this form. The referendum ballot ascertains from producers and importers a certification statement. This information is sent to AMS for tabulation. Under the referendum procedures proposed rule, section 518 of the Act provides for referenda to obtain approval of an order to be conducted either prior to its going into effect or within three years after assessments first begin under the Order. The Christmas Tree Task Force has recommended that the Department conduct a referendum in which approval of an Order would be based on a majority of producers and importers voting in the referendum.

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. Also, Section 515(i) (4) of the 1996 Act provides that information acquired will be kept confidential, and that penalties exist for violating confidentiality requirements. Therefore, USDA's AMS staff in Washington, D.C. is required to maintain confidentiality. 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.**

No questions of such sensitive nature are included in this information collection.

- 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.**

Referendum voting is once every seven years, therefore, we used 0.14 to figure an annual burden. The estimated burden for the referendum ballot is 114 hours annually. This is addressed on the AMS 71 spreadsheet.

**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 and/or

AMS is \$3,762. An estimated number of 3,263 respondents would provide information to the Board and/or AMS annually. This total has been estimated by multiplying 114 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 manufacture or importation of Christmas trees 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 to the Federal government associated with this information collection. AMS is reimbursed by the Board for all of its oversight costs. The estimated annual cost for providing oversight and assistance for this information collection is estimated at \$70,100 the first year (initial referendum) and approximately \$50,000 every 7 years thereafter to conduct a subsequent referendum to determine if producers and importers favor the continuation of this program. (This would average approximately \$10,000 per year [\$50,000/5 years = \$10,000]). A breakdown of the oversight costs for the first year is the following:

Salaries/Benefits/FERS Contributions/Awards	\$40,400
Contracts/Services/Training	\$2,000
Printing/Copying/Mailing/Postage	\$11,500
Rent/Communication/Utilities/FTS	\$200
OGC (Legal Services)	\$15,000
Supplies/Equipment	<u>\$1,000</u>
TOTAL	\$70,100

**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. Upon approval and passing of the referendum, this collection package will be merged into 0581-0093.

**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 this form 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 when the date expires, 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. 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.

Additionally, the Board office orders forms well in advance of the fiscal year, so that forms can be mailed to producers and importers in a timely manner. The Boards of existing programs typically attempt to order forms in quantities large enough to get a price break. If the Board's 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 approved 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.

**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.