

**2011 SUPPORTING STATEMENT  
NATIONAL RESEARCH, PROMOTION  
AND CONSUMER INFORMATION PROGRAMS**

**OMB NO. 0581-0093**

**A. Justification.**

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

Congress has delegated to the U.S. Department of Agriculture (USDA) the responsibility for implementing and overseeing programs for a variety of commodities, including beef, blueberries, cotton, dairy, eggs, fluid milk, honey, Hass avocados, lamb, mangos, mushrooms, peanuts, popcorn, pork, potatoes, sorghum, soybeans, and watermelon. Each of these is established under specific freestanding legislation. The enabling legislation includes the Beef Promotion and Research Act of 1985 (PL 94-294); Commodity Promotion, Research, and Information Act of 1996 (blueberries, honey, lamb, mangos, sorghum, and peanuts); the Cotton Research & Promotion Act of 1966 (PL 89-502, as amended, July 13, 1966); the Dairy Production Stabilization Act of 1983 (PL 98-180, as amended, November 29, 1983); the Egg Research and Consumer Information Act (PL 93-428, October 1, 1974, as amended); the Fluid Milk Promotion Act of 1990 (PL 101-624, as amended, November 28, 1990); the Hass Avocado Promotion, Research, and Information Act of 2000 [7 U.S.C. 7801-7813]; the Mushroom Promotion, Research, and Consumer Information Act of 1990 (PL 101-624, Title XIX, Subtitle B, 104 Stat. 3854, November 28, 1990); the Popcorn Promotion, Research and Consumer Information Act (PL 104-127, April 4, 1996); the Pork Promotion, Research and Consumer Information Act of 1985 (PL 99-198); the Potato Research and Promotion Act (PL 101-624, 104 Stat, 3865, as amended, November 28, 1990); the Soybean Promotion, Research, and Consumer Information Act (PL 101-624, November 28, 1990); and the Watermelon Research and Promotion Act (PL 101-189, 107 Stat 2259, as amended, December 14, 1993).

These programs carry out 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 their respective commodities. The funding for such programs is industry specific, usually through deductions from sales by producers, processors, marketers, importers, and/or others in the marketing chain, and the programs are directed by industry boards. However, the Secretary of Agriculture appoints the board members and approves the boards' budgets, plans, and projects. The latter responsibility has been delegated to the Agricultural Marketing Service (AMS) and, for foreign projects, the Foreign Agricultural Service (FAS). The AMS objective in carrying out this responsibility is to assure the following: (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 boards' administration of the programs conforms to USDA policy. The applicable commodity program

areas within AMS have direct oversight of those freestanding programs. The appointed boards are responsible for collecting assessments from the affected persons covered under these programs. In order to carry out their responsibilities, 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 FROM THE CURRENT COLLECTION.**

The boards administering the various programs utilize a variety of forms to carry out the responsibilities. These forms require the minimum information necessary to carry out the requirements of the orders and their use is necessary to fulfill the intents of the respective Acts. The forms are utilized to meet the responsibilities of the boards. The data and information utilized in filling out these forms has generally already been collected and tabulated by the responsible parties in the course of their general business operations. All of the boards request the same general basic type of information and are summarized on Form AMS-71 attached. These forms have all been approved in earlier submissions to OMB and this process is to extend their use for another 3 years. The forms used by the boards fit into one or more of the categories of forms that are described in the following general types.

- (a) The Designated Handler's Report (for domestic use) is submitted on a regular basis during a product's growing season or production and serves as a general summary of individual producer transactions. Persons, such as handlers, importers or producer packers are required to submit this report to the employees of the Board. The information contained in this report is necessary for the Board to perform its duties. The information may include, but is not limited to, total quantity of commodity acquired during the reporting period; total quantity handled or processed during the period; amount of a commodity acquired from each producer, giving name and address of each producer, including those producers who claim exemption from assessment; copy of statement claiming exemption from assessment from those who claim such exemption; assessments collected or collectible during the reporting period; quantity of product processed for sale from producer-packer's own production; and record of each transaction for product on which assessment had already been paid, including a statement of this fact. This report may also serve to verify the accuracy of reported product production and sales. Generally, first handlers are responsible for the collection and remittance of assessments to the applicable board. In some cases, handlers may deduct assessment amounts from prices paid to producers and importers for a particular product. For some industries, some small-scale producers and importers may ask for, and will receive (if they meet the criteria), an exemption from assessments upon application to the applicable board. In other cases, producers may claim credit against the assessment for payments to qualified State and regional dairy promotion programs. Pertinent information to verify such credit claims is also collected. With the expected implementation of the Dairy Import Assessment, the

Monthly Reporting will feature additional inclusive language for newly eligible importers paying into the assessment.

Data elements:

- Identification Data – Identification number, names and addresses of applicant and business, period of report, date of report, date of application, and telephone and facsimile numbers.
- Product Data – Production year, total assessment remittance, and total production and units.
- Assessment Data – Date of transaction, total units, handler's or producer's assessment, total assessment paid, date assessment paid, and state of origin.
- Certification/Credit Data – Assessment rate, signature, title, date, and verifying agent's signature.

- (b) The No Cotton Purchased Report is used to document that a handler did not purchase cotton during a particular month. If the report were not filed then the handler would be considered to have purchased cotton and therefore be obligated for the assessment. This allows the board to keep current records on the handlers and avoid unnecessary costs and efforts in determining what obligations are due.

Data elements:

- Certification/Credit Data – Signature, title, and date.

- (c) The End-of-Season Ginning Report is an annual collection of information by the board on the total ginnings for each producer. It is used to verify that all assessments have been transmitted to the Cotton Board and that a producer does not request refunds on more bales than he/she has ginned. This recaps the amount of cotton ginned so that the board can reconcile the reports received from handlers during the course of the year. This form provides an efficient means of determining if the appropriate records and assessments were received during the year, and pointing out areas where there may be problems in data and assessments reported and collected.

Data elements:

- Identification Data – Date of last report, and telephone number.
- Assessment Data – Total units and accounting period.
- Certification/Credit Data – Verifying agent's signature, title, and telephone number.

- (d) The Private Treaty Sales Check-off Investment Form (Beef) is required any time a transaction occurs between two producers, producer and feeder, producer and stocker, etc., when the assessment is not automatically deducted. Each person making payment to a producer for cattle purchased collects from the producer an assessment at the rate of \$1.00 per head of cattle. The person paying the producer shall give the producer a receipt indicating payment of the assessment. This form is generally used during such types of transactions as producer-producer; producer-feeder; and neighbor-neighbor, where the purchaser is required to complete the form and forward the assessment to the

Qualified State Beef Council or the Cattlemen's Beef Promotion and Research Board.

Data Elements:

- Identification Data – Name and address.
- Assessment Data – Assessment due, date of sell and transaction, state of origin, signature of buyer/seller, and total units.

- (e) The Statement of Delinquent Handler Accounts (Eggs) is a two-fold form. It is sent to handlers who have not submitted handler reports or assessment payments within the prescribed time frame. Information generated by computer onto the form details the late payment charges the handler will incur if the report and payment are more than 30 days overdue. This form is also used to invoice handlers who file reports and pay assessments after the 30-day grace period. Computer-generated information on the form states the actual late charge owed by the handler. The handler is required to return this invoice with the check covering the late charge. No information from the handler is required on this form.
- (f) The Referendum Ballot is used in voting for the implementation, amendment or continuation of national freestanding programs. The other information requested on this form is used for the purpose of verification. The form includes the Registration Statement, the Ballot and the Certification Statement. Referendum agents of 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.

Data elements:

- Identification Data – Date of application, name of applicant, name and address of business or operation, telephone and facsimile numbers, identification numbers, relationship to application, sales certification, type of application, and type of business.
- Qualification Data – Amendment or continuation of program, favorable/unfavorable implementation, number of units produced, and production period.

- (g) The Registration to Vote (Hass avocados) is completed by industry members certifying they are eligible to vote in held referenda.

Data elements:

- Identification Data – Name of applicant, title, name and address of business or operation, business telephone numbers.
- Qualification Data – Number of pounds of Hass avocados produced or imported in specified year; Importers need to supply U.S. Customs Service importer number (SREL).
- Certification Data – Signature and date.

- (h) The Request for Referendum (Soybeans) is completed by industry members certifying

they are soybean producers or producer entities and want to request a referendum on the Soybean Promotion and Research Order.

Data elements:

- Identification Data – Name of producer or producer entity, name and address, including county, of business or operation, business telephone numbers.
- Certification Data – Signature, title and date.

- (i) The Producer or Importer Exemption Application is submitted by producers and importers who produce or import less than a predetermined quantity per year and can claim an exemption from assessments. This form requires production and importation data, supporting documentation and certification. Some programs require that separate refund requests be made for each payment, while others may be required on a one-time basis. The form requests the minimum information necessary for proof that producers, handlers, and importers paid the assessments.

Data Elements:

- Identification Data – Name of application, business telephone number, business name and address, and identification number.
- Qualification Data – Pounds produced and imported.

When an assessment exemption is approved a Certificate of Exemption from Assessments is issued in accordance with applicable regulations.

- Assessment Data – Exempt producer/handler's name, exemption number, issuance date, and expiration date.
- (j) The Status of Certification of Non-Producer Status is used to document exemption for assessments in certain circumstances such as: (1) if a person certifies that the persons only share in the proceeds of a sale of cattle, beef or beef products is a sales commission, handling fee or other service or (2) if the person certifies that the person acquiring ownership of cattle to facilitate the transfer of ownership of such cattle from the seller to a third party; such cattle were resold not later than 10 days from the date on which the person acquired the cattle; and the person certifies that the assessment levied upon the person from whom the person purchased cattle, if an assessment was due, has been collected and remitted in a timely fashion.
- (k) The Application for Refund (no forms – letter is submitted to request reimbursement when needed) allows exempted importers an opportunity to recover assessments paid to their respective board. The U.S. Customs Service automatically collects these assessments on potatoes, watermelons, and mushrooms imported into the United States. When collecting assessments, the U.S. Customs Service does not distinguish between nonexempt importers and exempt importers. Consequently, it becomes each board's responsibility to reimburse exempt importers provided that such importers submit the appropriate paperwork. The boards need the information on the form in

order to verify the status of importers claiming reimbursement.

Data elements:

- Qualification Data – Name of applicant, name of business, business address, importer or broker number, certificate of exemption number, port of entry, entry number, entry date, quantity, and assessment collected.

- (l) The Honey Handler Questionnaire seeks information from producers in connection with compliance investigations. This request is intended to allow producers to update or provide additional information on their operations. The Board needs this information in order to verify the completeness of information provided by producers.
- (m) The Egg Producer/Handler Exemption Registration/Certification serves as a means of identifying handlers who handle only the commodity from exempted producers.
- (n) The Collecting Handler Registration Statement (Eggs) enables the boards to establish an official record and reporting period for new businesses.
- (o) The Certificate of Producer Exemption (Eggs) is used to verify whether certain producers are exempt from paying assessments and other provisions of the applicable law governing the program. (The Non-producer Certification Stamp may be used by persons in lieu of Certification of Producer Exemption.)
- (p) The Organic Exemption Request Form is used by producers and marketers of solely 100 percent organic products. They apply for an assessment exemption on the Organic Exemption Request Form and renew their exemption each year if they remain eligible.

With the expected implementation of the Dairy Import Assessment, the dairy Organic Exemption form will feature additional inclusive language for newly eligible importers paying into the assessment.

Data Elements:

- Identification Data – Applicant's name, name and address of company, telephone and fax numbers.
- Qualification Data – A copy of the applicant's organic farm or organic handling operation certificate provided by a USDA-accredited certifying agent under the Organic Foods Production Act of 1990 (7 U.S.C. 6502), a list of commodities marketed by the applicant and an indication of which commodities are produced by the applicant, and a signed certification that the applicant meets all of the requirements specified for an assessment exemption.

- (q) The Application for Initial or Continued Qualification of State or Regional Dairy Product Promotion, Research, or Nutrition Education Program is used to determine whether applicant organizations are granted or denied qualification. Organizations interested in receiving a portion of the assessment, as specified by the applicable

legislation, must be qualified annually. An accounting of funds and activities accompany the application for inclusion in an annual report to Congress.

With the expected implementation of the Dairy Import Assessment, the Application for Initial or Continued Qualification of National, Regional, or State Dairy Product Promotion, Research, or Nutrition Education Program form, will feature additional inclusive language for newly eligible importers paying into the assessment.

- (r) The Assessment Designation form is used whenever a mushroom producer or importer voluntarily elects to designate the use of their assessments paid to the mushroom councils.
- (s) The Application for Certification of Organization is used to ascertain eligibility of producer (/importer) organizations wishing to be certified by the Secretary as eligible to nominate members to the board. In general, some programs give consideration to those organizations, which produce a substantial volume of the commodity in a designated region or State. For other programs, the requirements for certification are specified in the authorizing Act and Orders.

Data Elements:

- Identification Data – Name of organization and signature of representative for organization.
- Qualification Data – Industry involvement; name, address, telephone and facsimile numbers of organization; and type of organization.
- Certification/Credit Data – Geographic territory within the State covered by the organization's active membership; evidence of organization stability and permanency, number of members, and number of years in existence; sources of organization's operating funds; functioning of organization; description of organization's ability to further the aims and objectives of the promotion program.

- (t) Nomination and Selection Procedures. Producers, importers and handlers from voting districts must submit to the applicable board their nominees for producer, importer and handler positions on the board. Producers, importers and handlers engaged in the production, importing or handling of commodities in more than one State or district will participate in the nomination process within the State or district in which the producer, importer or handler so elects in writing to the applicable board. Such election will remain valid until revoked in writing by the producer, importer or handler to the applicable board. For the purpose of participation in the initial nomination process such election shall be made in writing to the USDA designated representative.

The nomination form is submitted to the applicable USDA designated representative to coordinate the nominations for selection by the Secretary of Agriculture.

With the expected implementation of the Dairy Import Assessment, the dairy Nomination and Background Information forms will feature additional inclusive language for newly eligible importers paying into the assessment.

Data elements:

- Identification Data – Name of applicant, identification number, mailing address, telephone and facsimile numbers, place and date of birth, and name and address of business, operation, or employer.
- Qualification Data – Current status, experience, service as a community leader, advisory committee and/or board membership, education, size of operation, sources of income (in excess of \$10,000), felony convictions, and any criminal or civil actions or judgments in Federal programs.

(u) The Nominations Profile for Nominations Committee Members is a form forwarded to those candidates who are nominated to serve as members of a nominations committee. This form requests information on the nominees' role in commodity specific production, handling, industry organizations, and programs.

Data elements:

- Identification Data – Name, mailing address, telephone number, and date of report.
- Qualification Data – Nominee, nominated by, for what position/region, size of operation, current status, industry involvement, promotional involvement, previous office held, and expected participation in board meetings.

(v) The Acceptance Statement is submitted by each person nominated for membership to a board. Such persons shall qualify for membership to a board by filing a written acceptance with the Secretary prior to the Secretary's selection of board-membership. (The person filing such acceptance also agrees to disclose any relationship with any entity or any other organization that has a contractual relationship with the board.)

(w) Recordkeeping Requirements. Records are required to be maintained and made available for inspection by the boards and the Secretary. Recordkeeping requirements will help provide for the specific order's smooth operation, its conformance with the specific acts, and compliance with the law.

**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.**



These forms, excluding the Referendum Ballot, were designed to ensure ease in understanding, and to minimize the burden on producers, handlers and importers required to fill out the information, and to maximize the efficiency of a board's collection system. While a number of the forms are available electronically, many of the forms require additional documentation to be provided (i.e., proof of assessments paid, etc.) making these forms unavailable for electronic submission at this time.

Dairy forms DA-19 and DA-15 CG can be submitted electronically at <http://eforms.ams.usda.gov/>. Other applicable forms will be made available through USDA on each board's and/or program's websites in a .pdf file format. The respondent will be able to download and print off a copy to complete and mail or fax in to the Board.

The forms are used to submit information directly to the applicable Research and Promotion Board. The various Research and Promotion Boards are not part of an executive agency, but are composed of industry members that operate under Federal authority and oversight. The source of funds to administer these forms is generated from assessments collected from handlers and importers.

There is no technology currently available that would eliminate or reduce the need for the information solicited on the Referendum Ballot. Completed ballots will be mailed back to USDA through the traditional method of self-addressed envelopes to the designated Referendum Agent. The agents are officials of USDA. In some cases, referendum ballots may be completed and delivered to a designated field office of USDA.

**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 required information for these forms, excluding the Referendum Ballot, is not generally available from other sources because the forms relate specifically to individual producers, handlers and importers. The primary sources of data would be records, delivery receipts, import data, and sales records. There is no practical method for collecting the information without the use of forms. Reporting requirements have been reduced to the minimum necessary to effectively carry out the requirements of the various Acts.

In reference to the Referendum Ballot, the required information is not available from any other source because it relates specifically to issues related to each national program. Also, there is no need for the information to be collected until prior to a referendum. The required information would not be available by other sources because it asks for specific information on production, quantities handled or imported during a representative period that precedes the referendum.

In some instances, other organizations may collect the same information. When access to this information is not restricted, the policy of some boards will be to contract with these organizations to obtain the required information. By contracting with such organizations, the

board can further reduce the burden upon handlers and importers as well as the collection cost to it. Organizations with which this relationship could exist would be the USDA Farm Service Agency, the U.S. Customs Service, and major marketing cooperatives.

**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 (first handlers and importers) as those having annual receipts of no more than \$6.5 million. Under these definitions, the majority of producers, first handlers, and importers that would be affected are considered small entities. We have estimated the number of respondents for this collection is 324,330, and we estimate that 243,248 are considered small businesses.

Information collection requirements shall be reduced to the minimum requirements of the applicable order. These forms require only a minimal amount of information, which can be supplied without data processing equipment or outside technical expertise. The primary sources of data, which will be used to complete these forms, are routinely used in all business transactions.

Thus, the information collection and reporting burden shall be relatively small and requiring the same reporting requirements for all producers, handlers and importers shall not significantly disadvantage any producer, handler or importer that is smaller than the industry average. In some cases, producers and importers of small quantities of the product are exempt from the provisions of the Act, Order, and Rules and Regulations.

**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 hinder data needed to collect and refund assessments in a timely manner and result in delayed or even lost revenue. The boards would be unable to carry out the responsibilities of their respective Acts. Collecting information monthly generally coincides with normal business practices. Requiring reports less frequently than monthly would impose additional record keeping requirements by requiring information from several months to be consolidated prior to filling out either the designated handler or processor reports rather than just copying end-of-month figures already available onto the form. Additionally, a number of the Acts provide a penalty for failing to report expeditiously on a monthly basis.

A referendum is needed to determine if the program is favored for implementation, amendment or continuation by members of a specific commodity industry. Timing and frequency of the reporting was established to meet the needs of the industry and yet minimize the burden of the reporting entities.

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 reports less frequently than monthly would impose additional record keeping requirements by requiring information from several months to be consolidated prior to filling out either the designated handler or designated processor reports rather than just copying end-of-month figures already available onto the form.

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

For implementation, amendatory, or continuance referenda to be conducted under these programs, USDA will mail eligible voters ballots or they may be picked up at USDA field offices in certain cases. The voters could be required to vote, report their production, importation, or processing for the qualifying period, provide additional information, if applicable, and sign and mail the ballots to USDA within 30 days to facilitate the timely verification and tabulation of ballots. The ballots would be mailed to eligible voters in sufficient time to ensure the ballots are received prior to the voting period.

- **REQUIRING RESPONDENTS TO SUBMIT MORE THAN AN ORIGINAL AND TWO COPIES OF ANY DOCUMENT;**

Some of these forms used for information collection would typically consist of an original and two copies in non-carbon paper set. Any additional copies required would be in the form of an additional page(s) in the carbon set.

- **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 STATUTE OR**

**REGULATION, THAT IS NOT SUPPORTED BY DISCLOSURE AND DATA SECURITY POLICIES THAT ARE CONSISTENT WITH THE PLEDGE, OR WHICH UNNECESSARILY IMPEDES SHARING OF DATA WITH OTHER AGENCIES FOR COMPATIBLE CONFIDENTIAL USE; OR**

- **REQUIRING RESPONDENTS TO SUBMIT PROPRIETARY TRADE SECRETS, 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 other such special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.

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. 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 RECORD KEEPING, DISCLOSURE, OR REPORTING FORMAT (IF ANY), AND ON THE DATA ELEMENTS TO BE RECORDED, DISCLOSED OR REPORTED.**

The Agency published the notice of information collection and request for comments, in the Federal Register on October 1, 2010, Vol. 75, No. 190, pages 60712-60713. The 60-day comment period ended on November 30, 2010. No comments were received.

A correction to "Supplementary Info" concerning the expiration date was published in the Federal Register on November 5, 2010, Volume 75, No. 214, page 68316. 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 RECORD KEEPING, DISCLOSURE, OR REPORTING FORMAT (IF ANY), AND ON THE DATA ELEMENTS TO BE RECORDED, DISCLOSED, OR REPORTED.**

Board members and staff are constantly alert to what is going on in other marketing program boards and committees through correspondence, meetings, and information received from other boards and the USDA. The boards' offices will endeavor to consult with representatives from whom the information is to be obtained once every three years. However, notice of the boards' annual meetings are sent to all those associated with the products industry, and any concerns regarding board business are welcome. Consultation regarding the use of these forms has occurred with the following board representatives: **Mushrooms** – Bart Minor, President, 408-432-7210; **Potatoes** – Tim O'Connor, President, 303-369-7783; **Fluid Milk** – Vivien Godfrey, Chief Executive Officer, 202-737-0153.

**CONSULTATION WITH REPRESENTATIVE OF THOSE FROM WHO INFORMATION 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 obstacles to consulting with industry members who must submit information to these Boards. Industry members are consulted on an ongoing basis on the information collection requirements.

**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.**

To assist the boards and the Secretary in the collection of proper information, the research and promotion orders provide that producers, handlers, and importers shall maintain and make available for inspection by the Secretary and the board such books and records prescribed by the orders. The orders each provide specifically that all information obtained from those books and records or from reports filed under the orders shall be kept confidential by those having access to the information. In addition, the orders provide for fines, imprisonment, and removal from office for employees of the Department or the board convicted of violating the confidentiality provisions of these orders.

The Acts for all such programs provide that all information collected pursuant to a referendum will remain confidential. Furthermore, the instructions on the ballot state that the

information submitted on the ballot form will be held confidential. Completed ballots will be kept in a lock-box or secured facility until all are received. They will be tabulated at the same time, only by referendum agents of the Secretary of Agriculture.

**11. PROVIDE ADDITIONAL JUSTIFICATION FOR QUESTIONS ASKED 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.**

The only questions of a sensitive nature are found on the Acceptance Statement and the Qualification Statement for Nominations Committee Members which nominees to the board must fill out. These questions are asked to ascertain their qualifications to serve on the board and are provided to the Secretary for use in his selection process. Otherwise, questions of a sensitive nature are not included on any other 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 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 BE INCLUDE BURDEN HOURS FOR CUSTOMARY AND USUAL BUSINESS PRACTICES.**

Estimates of the burden of collection of information have been summarized on the enclosed AMS Form 71.

- **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 total annual estimated cost for producers, processors, handlers, and importers of the various commodities in providing the information to the various commodity Boards is \$2,449,641.10. This total has been estimated by multiplying 167,211 total burden hours by \$14.65, the estimated wage rate of respondents. The hourly wage was calculated from wage estimates of various agricultural occupations listed in the U.S. Bureau of Labor Statistic's "May 2009 National Occupational Employment and Wage Estimates-United States," published May 2009. This publication can be found at the following website:  
[http://www.bls.gov/oes/current/oes\\_nat.htm#top..](http://www.bls.gov/oes/current/oes_nat.htm#top..)

**13. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORD-KEEPER 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 NO 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 these programs.

- 14. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATED 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 funds to cover the expenses of the board are obtained through assessments levied on producers, handlers, and importers. All administrative costs incurred by the Federal Government are reimbursed by the affected industries through their respective boards. Referendum costs incurred by the Federal Government will be reimbursed by the affected industry program. Costs will vary among programs.

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



There is an overall adjustment decrease of -15,487 burden hours since the last submission. This decrease was primarily due to a decrease in the number of responses. Several forms no longer used have been deleted. See detailed breakout of Question 15.

- 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.**

The information and data collected on these forms is not for publication or statistical use. 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.**

Approval is requested to not display the expiration date of OMB approval on the forms that will be used to collect information. The boards of existing programs typically have large quantities of three-part, non-carbon paper forms printed to take advantage of lower printing costs. If the expiration date for OMB approval is printed on the forms, it would be costly to the boards to destroy inventories of forms displaying an obsolete date or burdensome and time consuming for the boards to manually alter an obsolete date.

- 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.