

2012 SUPPORTING STATEMENT
ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA
OMB NO. 0581-NEW
(Proposed Rule)

A. JUSTIFICATION

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

Federal marketing orders and agreements are authorized by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601-674; Act). This legislation permits the regulation of certain agricultural commodities for the purpose of providing orderly marketing conditions in interstate and intrastate commerce and improving returns to producers. The Act provides in section 608(d)(1) that information necessary to determine the extent to which a marketing order has effectuated the declared policy of the Act shall be furnished at the request of the Secretary of Agriculture (Secretary).

Marketing orders and agreements become effective only after public hearings are held in accordance with formal rulemaking procedures specified by the Act. Marketing orders and agreements can authorize the issuance of grade, size, quality, maturity, inspection requirements, pack and container requirements, and pooling and volume regulations. Some also provide authority for research and development, including paid advertising. Pursuant to section 608(e)(1) of the Act, certain grade and condition requirements are imposed on commodities imported into the United States for which orders regulate domestic production. Marketing orders apply to those business entities that “handle” the item in commercial channels. Among the current 28 active Federal marketing orders is a marketing order for oranges, grapefruit, tangerines, and tangelos grown in Florida. The Citrus Administrative Committee (Committee) locally administers this program under the Department of Agriculture’s (USDA) supervision.

In this particular instance, the Committee depends on the accuracy of other group’s mailing lists of citrus producers when it wants to contact the producers or share marketing information. Once approved, this information collection would enable the Committee to more efficiently administer the marketing order and improve communication with industry members. Section 905.71 under the rules and regulations of the marketing order provides the Committee, with the approval of the Secretary, authority to collect information from handlers that is deemed necessary for administering the order. The proposed action would establish a new § 905.171 that would require handlers of fresh citrus to report to the Committee a list of names and contact information for all growers whose fruit they have shipped by June 15 of each season.

2. INDICATE HOW, BY WHOM, HOW FREQUENTLY, AND FOR WHAT PURPOSE THE INFORMATION IS TO BE USED. EXCEPT FOR A NEW COLLECTION, INDICATE THE ACTUAL USE THE AGENCY HAS MADE OF THE INFORMATION RECEIVED FROM THE CURRENT COLLECTION.

Marketing orders and agreements, along with the rules and regulations issued thereunder, authorize Committees, which locally administer individual programs under USDA's supervision, to collect certain information from handlers and producers (7 CFR Part 900).

The OMB No. 0581-0189 package includes USDA and multiple committees' forms, including those for Florida oranges, grapefruit, tangerines, and tangelos. OMB approved the three-year renewal of this forms package on December 21, 2010. With this new Handler Supplier Report form, all fresh citrus handlers would be required to provide the Committee with a list of all growers whose fruit they handled each season. USDA is requesting OMB's approval of the new form so that it can be merged into the currently approved forms package. The form requires minimum information necessary to effectively carry out the requirement of the marketing order.

- a. **Handler Supplier Report: No form number (§905.71):** Fresh citrus (oranges, grapefruit, tangerines, and tangelos) handlers must provide the Committee with a list of all growers that handled fresh fruit during the season. This information would enable the Committee to more efficiently administer the order and improve communication with growers. The information collected would be utilized to distribute regulatory information, to seek grower nominations for Committee positions, to keep growers informed of issues affecting the fresh segment of the industry, and to prepare both the annual report and marketing policy as required under the order.

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 Committee that administers the marketing order for fresh citrus (oranges, grapefruit, tangerines, and tangelos) produced in Florida. The Committee is not part of a Federal agency, but is an industry commodity board that operates under Federal authority and oversight.

The availability and submission of forms electronically is at the discretion of the

Committee. Currently, all Committee forms are transmitted by fax or postage mail.

The Committee periodically reviews its forms and information collection processes to ensure that they are understood by industry members, are easy to complete, and place as small a burden as possible on the respondents.

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 duplication of information collection by industry and public sector agencies. At the present time, there is 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-I), DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.

Information collection requirements have been reduced to the minimum requirements of each marketing 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, and requires the same reporting requirements for all handlers and receivers. Essentially all of the 45 handlers who would complete the new form are small businesses. The information collection does not significantly disadvantage any handler or receiver 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.

If this information collection was not conducted, not only would the Secretary lose his ability to administer the marketing order in the most effective manner possible, but the Committee would lose the opportunity to improve communication with handlers. Without this information collection, the Committee would not be able to improve its distribution of regulatory information, its collection of grower Committee nominations, its efforts to keep growers informed or its preparation of annual reports and marketing policies.

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 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 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 was imbedded in a Proposed Rule which invited comments from the public.

- **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 meets throughout the year to assess the marketing order's regulatory and informational needs. The Committee assesses the type of information that is collected, keeps close contact with industry representatives and trade associations to ensure their utmost efficiency, and endeavors to consult with representatives from whom the information is to be obtained annually. In addition, notices of Committee meetings are sent to all those associated with the respective industry, and any concerns regarding fresh citrus (oranges, grapefruit, tangerines, and tangelos) issues are welcomed. Use of this form has been discussed with the following Committee managers and their staff:

M.O. No. 905 – Citrus Administrative Committee, Manager, Duke Chadwell, (863) 682-3103.

U.S. Department of Agriculture, Agricultural Marketing Service, Fruit and Vegetable Program, Marketing Order and Agreement Division, Winter Haven, FL; Phone: (863) 324-3375:

- Christian Nissen, USDA Regional Director
- Corey Elliott, USDA Marketing Specialist
- Jennie Varela, USDA Marketing Specialist

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

Respondents are not provided with gifts or payments for providing information.

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

Section 608(d) of the Act provides that information acquired will be kept confidential. Reports submitted to the Committee are accessible only by the Committee

managers and staff, AMS field office employees, and certain USDA employees in Washington, D.C. Committee members have access to handler reports and assessment records for the purpose of administering compliance with the marketing orders, and determining assessments, but are under strict orders to maintain the confidentiality of this information by securing these records under lock and key. Committee staff is 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 form in this information collection.

12. PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION. THIS 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.**

The number of respondents required to file this form is 45 and is estimated based on records kept by the Committee that track handlers regulated under the marketing order. See AMS-71 spreadsheet for breakout.

- 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-71 spreadsheet for breakout of burden.

- PROVIDE ESTIMATES OF ANNUALIZED COST TO RESPONDENTS FOR**

**THE HOUR BURDENS FOR COLLECTIONS OF INFORMATION,
IDENTIFYING AND USING APPROPRIATE WAGE RATE CATEGORIES.**

The respondents' estimated annual cost of providing information to the Committees is \$172.26. This total has been estimated by multiplying 14.85 total burden hours, by \$11.60, the national mean hourly wage of Farm, Ranch, and Other Agricultural Managers, according to the U.S. Department of Labor Statistics. (National Compensation Survey: Occupational Employment and Wages, May 2011; <http://www.bls.gov/oes/current/oes452093.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, PREPARATION FOR COLLECTING INFORMATION SUCH AS PURCHASING COMPUTERS AND SOFTWARE; MONITORING, SAMPLING, DRILLING AND TESTING EQUIPMENT; AND RECORD STORAGE FACILITIES.**
- IF COST ESTIMATES ARE EXPECTED TO VARY WIDELY, AGENCIES SHOULD PRESENT RANGES OF COST BURDENS AND EXPLAIN THE REASONS FOR THE VARIANCE. THE COST OF PURCHASING OR CONTRACTING OUT INFORMATION COLLECTION SERVICES SHOULD BE A PART OF THIS COST BURDEN ESTIMATE. IN DEVELOPING COST BURDEN ESTIMATES, AGENCIES MAY CONSULT WITH A SAMPLE OF RESPONDENTS (FEWER THAN 10), UTILIZE THE 60-DAY PRE-OMB SUBMISSION PUBLIC COMMENT PROCESS AND USE EXISTING ECONOMIC OR REGULATORY IMPACT ANALYSIS ASSOCIATED WITH THE RULEMAKING CONTAINING THE INFORMATION COLLECTION, AS APPROPRIATE.**
- GENERALLY, ESTIMATES SHOULD NOT INCLUDE PURCHASES OF EQUIPMENT OR SERVICES, OR PORTIONS THEREOF, 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 start-up/capital or operations/maintenance costs associated with this collection.

14. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATE COST, WHICH SHOULD INCLUDE QUANTIFICATION OF HOURS, 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 Federal Government's annual costs for providing oversight of, and assistance for, this information collection is estimated at \$15,030.48 for the first year, and \$15,481.40 for subsequent years, assuming higher overhead costs. A breakdown of the oversight costs for the first year is as follows:

Salaries/benefits/awards	\$1,650.48
Travel	\$5,000
Printing/Copying/Mailing/Postage	\$900
Federal Register Services	\$1,680
OGC (legal services)	\$4,000
Supplies/equipment	\$1,800
TOTAL	\$15,030.48

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

This is a New Collection.

16. FOR COLLECTIONS OF INFORMATION WHOSE RESULTS ARE PLANNED TO 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.

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.

USDA requests approval not to display the expiration date on the forms associated with this information collection because having to do so would 1) decrease the efficiency of the marketing order programs, 2) be financially prohibitive to the industry committees, and 3) delay the use of such forms and cause confusion to the respondents.

Displaying expiration dates on the forms in this information collection would decrease the efficiency of these marketing order programs. At the time the forms expire, each committee would need to destroy otherwise-usable forms, counteracting the Administration's goal of increasing program efficiency. As the forms are widely distributed, there is the possibility that a respondent could inadvertently complete an expired form before a new form was distributed, having a severe adverse legal impact if the validity of the form were ever challenged.

This committee is very small with a small operating budget, and relies heavily on financial discounts to function properly. As such, it orders large quantities of these forms at once to get lower printing prices, knowing that they will be in use for several years. Displaying expiration dates on the forms could financially hurt them as they simply could not afford to reprint forms or pay more for the forms they order from the printer.

Finally, putting expiration dates on the forms prevents them from being used once they reach expiration while the new forms are in the OMB-approval process. The committees mail these forms to respondents in a timely manner to ensure accurate completion. If a committee needs to order additional forms during this process, it could not order the forms with a new expiration date, as there are no guarantees that a requested expiration date would be approved by OMB. This would delay the committees' use of these forms, and hinder the smooth operation of marketing order requirements. Displaying expiration dates on forms also confuses respondents, who may think that the expiration date applies to the time their information is due, rather than the validity of the actual form.

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 collection of information does not employ statistical methods.