

**Change of Worksheet
Fruit and Vegetable Marketing Orders Generic OMB Fruit Crops
OMB No. 0581-0189**

Since the last renewal in 2010 of the Generic Fruit Crop Forms Package (OMB No. 0581-0189), the nectarine and peach marketing orders failed to receive the minimum number of votes from eligible producers during a January and February 2011 continuance referendum. Consequently, the Secretary of Agriculture determined that the two marketing orders were no longer an effective marketing tool for the handling of nectarines and peaches grown in California and that the order termination best served the current needs of the industries. The final rule terminating the orders was published in the Federal Register on October 27, 2011. The rule specifically terminated Marketing Order No. 916, which covers only nectarines, in its entirety, and only the peach provisions of Marketing Order No. 917. The pear provisions of Marketing Order No. 917 remain active.

DELETED FORMS

The following forms, which are now being eliminated from the Generic Fruit Crop Forms Package, allowed the Nectarine Commodity Committee and the Peach Commodity Committee to collect information and to operate their respective marketing order under the Agricultural Marketing Service's supervision. Extracting these forms will decrease the overall 8,574 burden hours by approximately 349 hours. The forms to be deleted include:

- a. **Confidential Background Questionnaire/Statement: FV-84 (§ 916.23); FV-76 (§ 917.22):** Each marketing order was administered by a committee consisting of producers or growers, handlers, and the public. Committee nominees were required to complete and submit this form, which requested information pertaining to the nominee's relation to the industry overseen by the Committee on which he or she wished to serve. The Secretary used this information to determine whether nominees were eligible to serve in the positions for which they were nominated.
- b. **Committee Ballots/Nominations: No form number (§ 916.22); No form number (§ 917.22):** This form was used by producers and handlers to nominate candidates to serve as producer, handler, and public members on the Committees. The forms were submitted to the Committees, who manage the election process.
- c. **Marketing Agreement/Handler Agreement: FV-85; FV-93 (§ 900.14):** This form was used whenever a marketing order was promulgated or amended. Handlers voluntarily signed the Agreement, indicating their willingness to abide by the regulations in the respective marketing order. Referendum agents distributed and collected the Marketing Agreements from the handlers.
- d. **Certificate of Resolution/Cooperative's Certified Resolution: FV-306-A; FV-306-B (§ 900.14):** Occasionally a corporation or cooperative's board of directors may have attached this form to the Marketing Agreement, to validate that the organization agrees to be a party to the Agreement.

- e. **Producer Referendum Ballot: FV-304 (§§ 916.64, 917.61); FV-92-A (§ 917.61); FV-92-B; FV-305-A; and FV-305-B (§ 900.14)**: These forms were used by producers and growers to vote on the continuance of a marketing order, and by Committees to verify voter eligibility. Cooperatives may have bloc-voted, but must have attached a Certificate of Resolution to verify that the cooperative resolved to do so.
- f. **Recordkeeping: No form numbers, (§§ 916.60, 917.50)**: This was a requirement imposed on a person or organization to maintain and retain specified records, notify third parties, such as the Federal government, that such records exist; disclose such records to third parties, such as the Federal government, and, report to third parties, such as the Federal government or the public, regarding such records.

The Nectarine Commodity Committee and the Peach Commodity Committee also created and maintained forms to collect information mandated by the regulations that accompany the marketing orders:

Order No. 916 – Nectarines:

- a. **Producer List for Referendum: FV-279 (§ 916.64)**: Handlers use this form to report to the Secretary the names, addresses, and volumes of production for fresh shipment produced by their growers. The Secretary uses this information to ensure that referendum ballots are distributed to the greatest number of growers possible.

Order No. 917 – Peaches:

- a. **Producers List for Referendum on M.O. 917 (Peaches Shipped): FV-279A (§ 917.61)**: Handlers use this form to report to the Secretary the names, addresses, and volumes of production for fresh shipment produced by their growers. The Secretary uses this information to ensure that referendum ballots are distributed to the greatest number of growers possible.

NAME CHANGES

This change addresses modifications to four forms currently approved under OMB No. 0581-0189. These forms were used as a combination form in conjunction with the nectarine and peach marketing orders which was terminated. However, these four forms are still utilized by the pear marketing order and require a name change. The forms are used by the California Tree Fruit Agreement and particularly by pear producers to vote on the continuance or termination of the marketing order. These changes are merely cosmetic to remove reference to the nectarine and peach marketing orders. As a result, the hours per response for these four forms remain

unchanged. The pear producers are familiar with these changes and this will not require additional time. The renamed forms include:

- **FV-304A - Pear Producer Referendum Ballot**
- **FV-305A - Cooperative's Certified Resolution**
- **FV-306B - Certificate of Resolution**
- **FV-92A- Cooperative's Official Ballot on Continuation or Termination of Marketing Order No. 917**