

2014 SUPPORTING STATEMENT
USDA FARMERS MARKET APPLICATION
OMB NO. 0581-0229

A. Justification.

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

The USDA Farmers Market has been in operation since August 1996, and it was determined that an Agricultural Marketing Service (AMS) sponsored farmers market held at the Department of Agriculture Headquarters complex located in Washington, D. C. would be a visible and effective means of demonstrating direct marketing opportunities. The market would also help to educate consumers on the importance of small farms, the nutritional value of fresh fruits and vegetables, and the merits of food recovery.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) directs and authorizes the Secretary to conduct, assist, and foster research, investigation, and experimentation to determine the best methods of processing, preparation for market packaging, handling, transporting, distributing, and marketing agricultural products. It is the mission of AMS to experiment with direct marketing techniques and to educate consumers on the benefits of the use of such agricultural products. The USDA Farmers Market falls well within these guidelines.

In order to operate an efficient and effective farmers market, certain information pertaining to participant's product selection, location, and operation is required. This is a standard process throughout the farmers market industry. The information typically gathered through an application process provides the necessary foundation for efficient management of the market. A major portion of the data gathered in the application process includes contact information of who the participants are and where they are located. Information in the application includes questions about their ownership of off-farm liability insurance and product liability insurance. Information about crops planted for sale and months of availability are asked to ensure that there is diversity of product available at the market.

The objective and/or mission statement guiding these organizations typically define eligibility requirements. The USDA Farmers Market application was developed to ensure a uniform and fair process for selecting which farm/business

operations meets the criteria to participate in the market and provide information on type of farming operation and types of products grown and availability. Information from the application is used to ensure a balanced product mix of fresh fruits and vegetables and other products at the market.

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.

Information collected consists of the minimum required to operate the USDA Farmers Market safely and effectively. With the exception of providing an insurance policy number, none of the information requested requires the use of records.

In an effort to improve market operation, expand product diversity and offer direct marketing opportunities to farm/business operators the Form TM-28, USDA Farmers Markets Market Application has been revised from the 2011 application. The application revision will help USDA meet and improve the needs of participating market vendors and consumers. The majority of the application contains contact information and information for the farm/business operation. This information is needed to establish a means of contact with the farmer as well as to create a participant list for the USDA security office. In addition to completing Form TM-28, USDA Farmers Market Application, applicants are required to provide a complete list of products that will be sold by their farm/business and the months the products will be available. Many farm/business operators are expanding their crop production and have a larger variety of products to sell at farmers markets. Information about crops planted for sale, and month(s) available for sale are asked to ensure that there is diversity of product available at the market throughout the market season

Farm/business operators are also required to include a map to the farm/business operation. The map will provide AMS personnel with the ability, if needed, to perform market inspections at the farm/business and to verify that the farmers are actually growing what is being reported and sold at the farmers market. Additional information on the application includes the presence of off-farm liability insurance and product liability insurance. These questions are asked to protect both USDA from lawsuits and customers from financial harm caused by accidents. Weekly vendor sales information will be provided to help AMS measure the overall successful of the market as well as participating farms/business operations.

Farm/business operators are required to complete Form TM-28, USDA Farmers Market Application and submit the form, product list and map of farm/business

location via mail, electronically, or by facsimile.

The information is used to verify that the farm/business meets the criteria for inclusion in the USDA Farmers Market and to provide a database of contacts for AMS personnel. The information is collected by AMS once each year and will not be shared with any other Government agency or with anyone outside of Government unless permission is granted by the farm/business.

The USDA Farmers Market guidelines provide guidance for the overall routine market operations; establish standards for co-operative marketing arrangements, reselling, and non-compliance. Operating guidelines for the USDA Farmers Market is an attached supplement to the farmers market application. The operating guidelines are made available to all applicants electronically or hard copy by mail. Applicants that have been selected to participate in the market will be required to read the guidelines and sign and submit the "Vendor Certification" page, agreeing to accept and abide by the terms set forth in the guidelines.

At the end of the Indoor and Outdoor market seasons, vendors will be required to participate in a vendor satisfaction survey. Information collected from the survey will be for in-house Program use only and used to make adjustments and modifications for market and vendor operation improvements. The vendor responses will not be used as part of statistical data for outside use.

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.

In compliance with the Government Paperwork Elimination Act, the data collection instrument will be available electronically as a PDF file on the USDA Farmers Market web site (<http://www.ams.usda.gov/farmersmarkets/FM-Application.pdf>) that can be printed and returned by mail, electronically or faxed to AMS. The application requires a signature.

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 farmers or business owners who will complete this form are self-selecting.

All applicants make the initial contact to AMS. Because of this, there will be no duplication in collecting data from this office.

There is no other reasonable source for this information. While the farmers or business owners may participate in other farmers markets, including other U.S. Government sponsored markets, it creates an unreasonable burden to determine if the information exists, and then to collect the required information from various sources.

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 estimated 30 farms/businesses that will complete the form are classified as small businesses. Minimum information is required to complete the form and therefore has no major impact on applicants.

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.

Without an application and guidelines, AMS will be unable to continue operating the year-round farmers market. Since the previous submission, the farmers market operates year-round due to numerous consumer requests to extend the season. The outdoor market season is from June through November with the indoor market season operating from December through May in the South Building.

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.**

AMS published a Notice, in the *Federal Register* Vol. 79, No. 36, page 10086 and 10087 on February 24, 2014, of intention to request approval from the Office

of Management and Budget, for an extension and revision of the currently approved the information collection for OMB 0581-0229 USDA Farmers Market Application.” 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 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.

Three representatives from the farmers market industry were contacted to review and provide feedback for the AMS’s farmers market application process. They are:

Penn Farms
393 Parish Lane
Colonial Beach, VA 22443
(540) 226- 8370

USDA Beltsville Farmers Market Manager
Carletha McGriff
5601 Sunnyside Avenue
Beltsville, MD 20705
(301) 504-1776

C&T Produce
210 Chapel Green Road
Fredericksburg, VA 22405
(540) 379-1178

All three representatives were asked if they had any comments about completing the application, they all commented that the application was not difficult to complete and that the application was self-explanatory. No one representative had any specific concerns about filling out the application.

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

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.

There are no unique confidentiality policies.

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.

There is a question that may possibly be construed as being sensitive in nature. It deals with off-farm liability insurance and product liability insurance. This question is asked to protect both USDA from lawsuits and customers from financial harm caused by accidents. The question complies with OMB Federal Regulation V62 #210, pp. 58781-58790.

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 PRACTICES.

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- **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 attached AMS-71, Summary of Information Collection.

- **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 in providing information to AMS is \$693.60. This total has been estimated by multiplying 60 total burden hours by \$11.56 an average mean hourly earnings by Farmworkers, Farm, Ranch and Aquacultural Animals— occupation code 45-2093. Data for computation of this hourly wage were obtained from the U.S. Department of Labor, Bureau of Labor Statistics publication, "May 2012 National Occupational Employment and Wage Estimates, United States. This information can also be found at the following website: http://www.bls.gov/oes/current/oes_nat.htm

13. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORDKEEPERS RESULTING FROM THE COLLECTION OF INFORMATION. (DO NOT INCLUDE THE COST OF ANY HOUR BURDEN SHOWN IN ITEMS 12 AND 14).

- **THE COST ESTIMATE SHOULD BE SPLIT INTO TWO COMPONENTS: (a) A TOTAL CAPITAL AND START-UP COST COMPONENT (ANNUALIZED OVER ITS EXPECTED USEFUL LIFE); AND (b) A TOTAL OPERATION AND MAINTENANCE AND PURCHASE OF SERVICES COMPONENT. THE ESTIMATES SHOULD TAKE INTO ACCOUNT COSTS ASSOCIATED WITH GENERATING, MAINTAINING, AND DISCLOSING OR PROVIDING THE INFORMATION. INCLUDE DESCRIPTIONS OF METHODS USED TO ESTIMATE MAJOR COST FACTORS INCLUDING SYSTEM AND TECHNOLOGY ACQUISITION, EXPECTED USEFUL LIFE OF CAPITAL EQUIPMENT, THE DISCOUNT RATE(S), AND THE TIME PERIOD OVER WHICH COSTS WILL BE INCURRED. CAPITAL**

AND START-UP COSTS INCLUDE, AMONG OTHER ITEMS, PREPARATIONS FOR COLLECTING INFORMATION SUCH AS PURCHASING COMPUTERS AND SOFTWARE; MONITORING, SAMPLING, DRILLING AND TESTING EQUIPMENT; AND RECORD STORAGE FACILITIES.

- **IF COST ESTIMATES ARE EXPECTED TO VARY WIDELY, AGENCIES SHOULD PRESENT RANGES OF COST BURDENS AND EXPLAIN THE REASONS FOR THE VARIANCE. THE COST OF PURCHASING OR CONTRACTING OUT INFORMATION COLLECTION SERVICES SHOULD BE A PART OF THIS COST BURDEN ESTIMATE. IN DEVELOPING COST BURDEN ESTIMATES, AGENCIES MAY CONSULT WITH A SAMPLE OF RESPONDENTS (FEWER THAN 10), UTILIZE THE 60-DAY PRE-OMB SUBMISSION PUBLIC COMMENT PROCESS AND USE EXISTING ECONOMIC OR REGULATORY IMPACT ANALYSIS ASSOCIATED WITH THE RULEMAKING CONTAINING THE INFORMATION COLLECTION, AS APPROPRIATE.**

- **GENERALLY, ESTIMATES SHOULD NOT INCLUDE PURCHASES OF EQUIPMENT OR SERVICES, OR PORTIONS THEREOF, MADE: (1) PRIOR TO OCTOBER 1, 1995, (2) TO ACHIEVE REGULATORY COMPLIANCE WITH REQUIREMENTS NOT ASSOCIATED WITH THE INFORMATION COLLECTION, (3) FOR REASONS OTHER THAN TO PROVIDE INFORMATION OR KEEPING RECORDS FOR THE GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.**

There are no capital/start up or ongoing operation/maintenance costs associated with this information 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 estimated annual cost for providing oversight and

assistance for this information collection is estimated at \$117,024.28 for the year-round market. The farmers market has transitioned from a seasonal market to a year-round market and requires more staff time and additional personnel to manage the market operations. The process for this information collection involves participants completing the application form which consist of contact, farm/business and product information. The market manager and staff member devote approximately 62 percent of their time managing the year-round farmers market to include overseeing the information collection process, collecting and processing applications, responding to email, phone inquiries and the overall logistics of coordinating set-up and managing the weekly market. AMS has contracted with the Office of Operations and Office of Protective Services to provide support throughout the market season. The cost information below is a more accurate estimate for Salaries/Benefits; Office of Operations; Office of Protective Services; and additional staff to operate a year-round market which is a significant increase over 2011 cost estimate. A breakdown of the oversight cost is as follows:

Salaries/Benefits/Administrative/Operational	\$80,625.00
Office of Operations-Facility Support (set-up/breakdown tents/trash removal, electrician, etc.)	13,725.68
Office of Protective Services (security services provided during the market hours)	17,823.60
Printing/Copying/Posters/Postage/Communication	1,000.00
Supplies/Equipment	3,150.00
OMB Administrative Services	<u>700.00</u>
TOTAL	\$117,024.28

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

It is estimated that 30 respondents will be completing the form. Out of the 30 respondents 14 will be selected to participate in the outdoor market season and 8 to participate in the indoor market season. While the number of respondents remains the same the Program has expanded to a year-round market increasing the burden by 56 hours from 4 to 60. The Summer/Outdoor market season is from June through November and Winter/Indoor market season operates from December through May. Based on the transition from a seasonal market to a year-round the burden hours have significantly increased since 2011 to include reading and signing market guidelines, submitting weekly sales data and completing vendor satisfaction survey.

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 collected information will not be published.

- 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 is seeking approval to not display the OMB expiration date on the forms associated with this information collection. Farmers market participants are required to submit a new application package each market season to update any business changes and to list all products that will be sold during the current year. If the OMB expiration date is printed on these forms, there may be confusion by the applicants in 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

THE AGENCY SHOULD BE PREPARED TO JUSTIFY ITS DECISION NOT TO USE STATISTICAL METHODS IN ANY CASE WHERE SUCH METHODS MIGHT REDUCE BURDEN OR IMPROVE ACCURACY OF RESULTS. WHEN ITEM 17 ON THE FORM OMB 83-1 IS CHECKED "YES", THE FOLLOWING DOCUMENTATION SHOULD BE INCLUDED IN THE SUPPORTING STATEMENT TO THE EXTENT THAT IT APPLIES TO THE METHODS PROPOSED.

This information collection does not employ statistical methods.