

2015 SUPPORTING STATEMENT  
SPECIALTY CROP MARKETING ORDERS  
TABLE GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN  
CALIFORNIA AND IMPORTED TABLE GRAPES  
GENERIC FRUIT CROPS  
OMB NO. 0581-NEW

**Note to Reviewer:** Upon OMB's approval of this new information collection, the Agricultural Marketing Service (AMS) will request to merge this collection with the forms currently approved for use under OMB No. 0581-0189 Generic Fruit Crops, which OMB approved with an expiration date of December 31, 2016.

**A. JUSTIFICATION**

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

Marketing orders and marketing 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 an order has effectuated the declared policy of the Act shall be furnished at the request of the Secretary of Agriculture (Secretary).

This new information collection enables the California Desert Grape Administrative Committee (Committee) to monitor adherence to CFR 925.304 of the administrative rules and regulations. The Committee received authorization to revise § 925.304 to allow grapes that do not meet minimum quality requirements, yet are still desirable for human consumption, to be donated to charitable organizations, and revise § 925.160 to require handlers to report to the Committee any grapes donated to charitable organizations. These changes allow the industry to participate in the U.S. Food Waste Challenge while ensuring donated table grapes are distributed as authorized. Authority for permitting Special Purchase Shipments is provided in § 925.54. The requirement for handlers and importers to report this information to the Committee is provided in § 925.60 of the marketing order.

**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, along with the rules and regulations issued thereunder, authorize AMS-supervised and industry-operated committees to collect certain information from handlers and producers (7 CFR Part 900). Table grapes failing to meet inspection and quality requirements may be donated to charitable organizations. It is prohibited for such donated

grapes to be sold or distributed in unauthorized channels. The Committee developed “CDGAC Form No. 8” to track handlers’ and importers’ shipment of table grapes and verify their receipt by the intended charitable organization.

- a. **Food Donation Form; CDGAC Form No. 8 (§ 925.304):** Handlers donating table grapes to charitable organization would complete, sign, and furnish this form to the Committee within two days of receipt by the intended charity. Handlers who opt to donate grapes to charitable organizations would submit this form to the Committee on an as needed basis.

**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 are used to submit information directly to the Committee, which administers the order. The Committee is not part of a Federal agency, but is a commodity industry that operates under Federal authority and oversight. Though the Agricultural Marketing Service is committed to complying with the e-Government Act, which requires Government agencies, in general, to provide the public the option of submitting information or transacting business electronically to the maximum extent possible, the availability and submission of forms electronically is at the Committee’s discretion. The Committee transmits its forms by fax, mail, and email.

Information collection forms are periodically reviewed by the Committee to ensure that they are understood by industry members, are easy to complete, and place as small a burden as possible on the person required to file the information.

**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.**

AMS and the Committee periodically review forms 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.**

The information being collected has been reduced to the minimum requirements of the marketing order. The forms require a minimal amount of information, which can be

supplied without data processing equipment or a trained statistical staff. The primary sources of data respondents use to complete the form are routinely available in their individual business transactions. The Small Business Administration (SBA) defines and small agricultural handling and service firms as those whose annual receipts are less than \$7,000,000 (13 CFR 121.201). Eleven of the 14 handlers subject to regulation have annual grape sales of less than \$7,000,000 according to USDA Market News Service and Committee data. Thus, most grape handlers regulated under the marketing order could be classified as small entities.

**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, the Committee would have no means of tracking deliveries to charitable outlets and monitoring handler compliance with the new section of its marketing order. The Secretary would also not be able to monitor table grape industry participation in the Food Waste Challenge.

**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 other special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR section 1320.6. Table grape handlers and importers, and the charitable organization recipients of table grape deliveries, would submit the form to the Committee on an as-needed basis.

Circumstances determining whether handlers and importers choose a charitable outlet as a destination for their table grapes are based on whether they possess table grapes not meeting grade requirements and have other established buyers.

- 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 proposed rule in the Federal Register on October 1, 2015. The notice contained material on the information collection process and a form to be used under this program, and invited comments from interested parties through November 30, 2015 (Vol. 80, No. 190, Page 59077-59080).

- ☐ 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 held a public meeting on November 5, 2013, and unanimously recommended amending its marketing order to provide this additional outlet for grapes which did not meet minimum quality requirements. The proposed new form was subsequently approved at a meeting held on October 30, 2014. This supports the Secretary of Agriculture's initiative to reduce, recover, and recycle food in conjunction with the U.S. Food Waste Challenge.

- Laurie Cooper, Manager, California Desert Grape Administrative Committee; Indio, CA; Phone: (760) 342-4385.
- Kathie Notoro, California Marketing Field Office, Fresno, CA; Phone: (559) 487-5901.
- Martin Engeler, California Marketing Field Office, Fresno, CA; Phone: (559) 487-5901.
- Weiya Zeng, Program Services Branch, Washington, D.C.; Phone: (202) 720-2491.

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

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 is kept confidential. Reports submitted to marketing order committees 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 staffs are aware of the penalties for violating confidentiality requirements. Forms, such as ballots, which request confidential information, contain statements that the information will be held in strict confidence.

**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 any 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.**
  
- ▣ **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 USDA is approximately \$72.01. This total has been estimated by multiplying 1.17 burden hours by \$32.72, the national mean hourly wage of Farm, Ranch, and Other Agricultural Managers, according to the U.S. Department of Labor Statistics, and adding that to the total of 1.17 burden hours by \$28.83, the national mean hourly wage for Social and Community Service Managers. Combined burdens hours total 2.34 hours. (National Compensation Survey: Occupational Employment and Wages, May 2014; <http://www.bls.gov/oes/current/oes119013.htm> and <http://www.bls.gov/ooh/management/social-and-community-service-managers.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, the information collection is estimated at \$30,876 for the first year, and \$31,802 for subsequent years, assuming escalating overhead costs. A breakdown of the oversight costs for the first year is as follows:

Salaries/benefits/awards	\$10,476
Travel	\$4,000
Printing/Copying/Mailing/Postage	\$2,000
Federal Register Services	\$2,400
OGC (Legal Services)	\$8,000
Supplies/Equipment	\$4,000
TOTAL	\$30,876

**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.**

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

Displaying an expiration date on the form in this information collection would decrease the efficiency of these marketing order and agreement programs. At the time the form expires, each Committee or Board would need to destroy otherwise-usable forms, counteracting the Administration's goal of increasing program efficiency. As the form is 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.



Some of the Committees and Boards are very small with small operating budgets, and rely heavily on financial discounts to function properly. As such, they order large quantities of this form at once to get lower printing prices, knowing that it will be in use for several years. Displaying expiration dates on the form could financially devastate them as they simply could not afford to reprint forms or pay more for the forms they order from the printer.

Finally, putting an expiration dates on the form would prevents it from being used once it reaches expiration while the new form is in the OMB-approval process. Committees and Boards mail forms to respondents in a timely manner to ensure accurate completion. If a Committee or Board 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 Committee's or Board's use of this form, and hinder the smooth operation of marketing order and agreement 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.