2016 SUPPORTING STATEMENT
SPECIALTY CROP MARKETING ORDERS
ALMONDS GROWN IN CALIFORNIA (ALMOND SALMONELLA)
OMB NO. 0581-0242

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Justification

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

This is a request for OMB review and approval of an extension of a currently approved information collection related to the mandatory treatment program to reduce the incidence of *Salmonella* bacteria in almonds, as part of the outgoing quality control requirements under the California almond marketing order (M.O. No. 981).

The marketing order (7 CFR Part 981), regulates the handling of almonds grown in California and is authorized by the Agricultural Marketing Agreement Act of 1937, Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674. This legislation, hereinafter referred to as the Act, permits regulation of certain agricultural commodities for the purpose of providing orderly marketing conditions in interstate commerce and to improve returns to growers. Section 608 (d)(1) of the Act provides the Department of Agriculture (USDA) with the authority to request from the regulated handlers such information as is deemed necessary to determine the extent to which a marketing order has effectuated the declared policy of the Act.

Marketing Order No. 981 became effective in 1950, following public hearings in accordance with formal rulemaking procedures specified under the Act, and is locally administered by the Almond Board of California (Board). Growers approved the marketing order in referendum, as specified by the Act. The marketing order authorizes the issuance of quality and volume control regulations, as well as inspection and reporting requirements.

On August 22, 2006, the Board unanimously recommended implementation of a mandatory treatment program to reduce the potential for *Salmonella* bacteria in almonds, and thus help ensure that quality almonds are available for human consumption. This action was taken in response to *Salmonella* outbreaks in 2001 and 2004 that were linked to almonds. The Agricultural Marketing Service (AMS) issued a final rule on March 7, 2007, allowing the Board to implement this mandatory treatment program. Under this program, handlers are required to subject their almonds to a process that achieves a 4-log reduction in *Salmonella* bacteria prior to shipment. The program provides for an exemption for handlers who ship untreated almonds under a direct verifiable (DV) program to manufacturers within the United States, Canada or Mexico who agree to treat the almonds accordingly. The program also provides an exemption for handlers who ship untreated almonds to locations outside of the three North American countries. All containers of untreated almonds shipped under the two exemptions have to be prominently identified with the term “unpasteurized.”

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.

The marketing order is administered by a 10-member Board, comprised of five growers and five handlers. For each member, there is an alternate member. Two members serve 1-year terms, and the remaining eight members serve 3-year terms, beginning March 1 of each respective year. Board members may serve for a total of six consecutive years. Membership is also allocated between cooperative and independent growers. The members and alternates are appointed by USDA to administer the program locally, and are selected from nominations submitted by almond growers and handlers in the production area.

The marketing order, and rules and regulations issued thereunder, authorize the Board to require growers and handlers to submit certain information, as provided in Sections 900.14, 981.32, 981.34, 981.41, 981.42, 981.55, 981.67, 981.71, 981.72, 981.73, 981.74, 981.441, 981.455, 981.567, 981.472, 981.473, and 981.474.

The information required under the mandatory treatment program is gathered through the following forms, and is used by AMS, the Board, and USDA's Food Safety Inspection Service (FSIS) as described below:

a) <u>Handler Treatment Plan (No form number) (Section 981.442)</u>: To ensure compliance with the mandatory program, handlers will be subject to verification by the Federal-State Inspection Service (inspection agency). Handlers could use either an on-site or audit based verification program. All handlers will be required to submit a treatment plan to the Board by May 31 for each year. The crop year runs from August 1 through July 31 of the subsequent year. The treatment plan will be reviewed by the Board in conjunction with the inspection agency to ensure such plans are complete and auditable. The plan will be approved by the Board and must address specific parameters for the handler to ship almonds. These parameters will include, but are not limited to: 1) The handler name and address; 2) crop year; 3) certification that the information is accurate; 4) destination of almond shipment(s); 5) location of treatment plant(s);
6) the name and address of off-site treatment facility (custom processor), if applicable; 7) a statement regarding whether treatment processes have been accepted by the Technical Expert Review Panel (or TERP), or determined by the Food and Drug Administration to achieve a minimum 4-log reduction; 8) a statement regarding validation of treatment technology and equipment by a Board-approved process authority; 9) a statement whether untreated almonds will be exported; 10) a statement whether the handler would use the DV program; 11) a description or flow chart to be attached by the handler, explaining how raw, untreated almonds enter and flow through the handler facility and the treatment process, including post treatment packing, identification and storage; 12) a list of all treatments that would be used on the almonds (for example, number of blanching lines, etc.); 13) the name and company details for the process authority; 14) a description of how treated product would be differentiated and segregated from untreated product to ensure maintenance of treated product integrity; 15) a description of processes, procedures, and internal controls the handler will implement to ensure that all almonds received as inter-handler transfer or industry purchase will receive the appropriate

treatment before shipment from handler's facility to prevent recontamination; and 16) process documentation detailing treatment process, whether the equipment used has been validated by a Board-approved process authority, explanation of how untreated almonds will be introduced into the system, and treatment documentation. All inter-handler transfers must be accompanied by ABC Form 7, "Inter-handler Transfer of Almonds," which is currently approved under OMB No. 0581-0178, Vegetable and Specialty Crops.

b) Application for Process Authority for Almonds (ABC Form 51) (Sections 981.42 and 981.442(b)): Entities interested in being almond process authorities that validate technologies have to submit this form to the Board on an annual basis. All almond process authorities must have their application approved by the Board. If denied approval by the Board, the process authorities could appeal the denial to USDA. A process authority is a person or organization that has expert knowledge of appropriate processes for the treatment of almonds and meets other criteria as specified by the Board. Information provided on this application includes the applicant's company, name, address, telephone number, and fax number. The applicant also submits information regarding their professional affiliation(s) and education; length of time as a process authority; experience conducting or evaluating tests that determine the effects of the treatment on microorganisms; and experience conducting or evaluating tests that determine the effects of the treatment on foods (how this is relevant to processing of almonds or other nuts). The application also contains a certification statement, which is dated and signed by the applicant, certifying that the information provided to USDA and the Board is complete and correct, and that any false statement could result in a penalty of a fine, or imprisonment, or both.

c) Application for Direct Verifiable (DV) Program for Further Processing of Untreated Almonds (ABC Form 52) (Sections 981.42 and 981.442 (b)): Manufacturers in the United States, Canada or Mexico, who meet outlined criteria and are interested in being approved to accept untreated almonds, and agree to treat the almonds themselves under the Board's DV program, must submit this form annually to the Board. Information to be provided by the DV applicant on this form include their name, title, company name, address, telephone number, and fax number. Additional information that must be provided include the crop year to receive and further process untreated almonds from almond handlers; manufacturing locations or warehouses covered by the agreement; a statement indicating that the DV user agrees that all untreated almonds received from the almond handler meet the requirements outlined in the application criteria; a statement that the DV user agrees to provide documentation (if applicable), with the application from a Board-approved process authority that the technology and equipment provide a treatment process that complies with the requirements of the order, or that has been established by a Board-approved process authority; and a certification statement, which is dated and signed, indicating that the applicant supplied information that is complete and correct, and that the making of any false statement or representation on the form will result in a penalty of a fine, or imprisonment, or both.

d) Application for Direct Verifiable (DV) Program Auditors (ABC Form 53) (Sections 981.42 and 981.442(b)): Handlers must subject their almonds to a treatment process or processes that have been determined to achieve in total a minimum 4-log reduction of *Salmonella* bacteria. Handlers may treat the almonds prior to shipment, ship untreated almonds

labeled as "unpasteurized" to locations outside the U.S., Canada, or Mexico, or ship untreated almonds labeled as "unpasteurized" under the DV program to approved manufacturers within the United States, Canada or Mexico, who agree to treat the almonds. Such manufacturers are subject to audit by approved DV auditors. DV auditors must submit this application, on an annual basis, to the Board for approval. The type of information collected on this form includes the crop year, company name, address, telephone and fax numbers, professional affiliation(s), education, length of time as an auditor, products/equipment/processes for which the applicant has audited, and experience conducting audits for the food industry.

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 will be used to submit information directly to the Board, which administers the order. The Board is not part of a Federal agency, but is a commodity industry board that operates under Federal authority and oversight. Though AMS 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 Board's discretion. Currently, forms are transmitted by fax machine and postal delivery.

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.

Information collection processes are periodically reviewed to avoid unnecessary duplication 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 83-1), DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.

There are an estimated 175 respondents who would respond to this information collection, 100 of whom are handlers regulated under the marketing order. Approximately 50 percent of the 100 handlers subject to regulation are considered small businesses, as defined by the Small Business Administration (13 CFR 121.201). Small agricultural service firms are defined as those whose annual receipts are less than $6,500,000. USDA is not able to identify the business size of the remaining 75 respondents, including the direct verifiable (DV) users. Information collection requirements have been reduced to the minimum requirements of the order. With the exception of the Handler Treatment Plan, the forms require only a minimal

amount of information which can be supplied without data processing equipment. This information collection and reporting burden is relatively small. Requesting this information from almond handlers, persons or organizations that would like to qualify to be Board-approved process authorities that validate treatments and technologies, manufacturers or DV program auditors, does not significantly disadvantage any handler, person or organization, manufacturer or DV program auditor 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.

The information will be collected through a mandatory program to ensure that quality almonds are available for human consumption and to reduce the potential for *Salmonella* bacteria in almonds. If the information collection herein were not collected, the Secretary could not ensure compliance with the mandatory program or track shipments of almonds. Collecting data less frequently would also eliminate the Secretary's ability to administer the order.

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.

The 60-day notice for comments was published in the Federal Register Volume 81, No. 53, Page 14822-14823, on March 18, 2016. Comments were due by May 17, 2016. 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.

Board members and staff consult with representatives from whom the information is to be obtained through one-on-one meetings and through regular Board meetings. All meetings are widely publicized throughout the industry and all interested persons are invited to attend and participate in discussion and deliberation concerning forms required for this new program. The Board is elected by the members of the almond industry for the purpose of representing them and making decisions for them. The staff is subsequently hired by the Board to carry out directives and attend various meetings to respond to questions and recommendations that come

directly from members. Use of these forms has been discussed with the Board's Chief Executive Officer, Richard Waycott, telephone number (209) 549-8262; Board staff member, Sue Olson, telephone number (209) 343-3224; and U.S. Department of Agriculture, Agricultural Marketing Services, Marketing Order and Agreement Division, Marketing Specialist, Andrea Ricci, California Marketing Field Office, located in Fresno, California, telephone (559) 487-5901.

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

AMS does not provide payments or gifts to respondents.

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

Questions of a sensitive nature are not included on any form. Private information is required on the Application for Process Authority for Almonds (ABC Form 51) and on the Application for Direct Verifiable (DV) Program Auditors (ABC Form 53), which the applicants must fill out for Board approval. These questions are asked to ascertain the applicant's qualifications to be approved as a process authority for almonds and as a DV Program Auditor, and include the professional affiliation(s) and education; length of time as a process authority or auditor; products, equipment, or processes for which they have been a process authority or audited; prior experience in conducting or evaluating tests that determine the effects of treatment on microorganisms and the effects of the treatment on foods, and conducting audits for the food industry. This information is provided to the Board for use in the approval process. In addition, Section 608(d) of the Act provides that information acquired will be kept confidential, and that penalties exist for violating confidentiality requirements. Therefore, USDA's AMS field office staff and employees in Washington, D.C. are required to maintain confidentiality. Other confidential information will be withheld from public review under the Freedom of Information Act and the Privacy Act, 5 USC 552.

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.

No questions of such sensitive nature are included in this information collection.

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 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.

There is no change in figures for this renewal submission. Figures remain at 175 respondents, 305 responses, and 4,200 burden hours. Estimates of the burden of collection of information are summarized on AMS Form 71

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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 respondents' estimated annual cost of providing information to the Board is approximately $137,424. This total has been estimated by multiplying 4,200 hours (total 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. (National Compensation Survey: Occupational Employment and Wages, May 2014; http://www.bls.gov/oes/current/oes119013.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).

- **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 is no capital, startup, operation, or maintenance costs associated with this program.

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 estimated annual cost to the Federal government for this information collection and processing is about $5,160.00. The cost was developed by estimating the number of hours that agency employees will spend in the preparation of this information collection package (120 hours) at approximately $43 per hour. This amount is more than the estimated amount three years ago due to cost of living allowance.

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

Since the previous submission, there has been no change in the burden of 4,200 hours (reporting and recordkeeping).

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.

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.

The Agency requests approval not to display the expiration date for OMB approval of the information collection. This requirement significantly affects mandatory programs by increasing costs to users because otherwise usable forms must be destroyed based on the expiration date, if the form is revised, and redistributed. Such needless cost increases are passed on to users of mandatory services, and are counter-productive to the Administration's goal of reducing costs and increasing program efficiency. The Board office orders forms well in advance of the marketing year, so that forms can be mailed to handlers and growers in a timely manner, and in quantities large enough to get a price break. If the Board office needs to order more forms prior to an OMB submission for extension of approval, there are no guarantees that a requested expiration date will be honored by OMB. There is also some confusion among respondents 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.

Additionally, the impact of the expiration date requirement on administrative and regulatory forms for the programs can adversely affect the operation and enforcement of statutes. Inadvertent use of a form with an expired date poses an opportunity for those looking for a means of disruption to challenge paying for services rendered, the validity of the collection of information, or legal requirement imposed by regulations or statutes.

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.