

2017 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 United States Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) has sponsored a farmers market outside USDA Headquarters in Washington, D.C. since 1995. For 22 years, the farmers market operation has directly supported The Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), which directs and authorizes the Secretary of Agriculture 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, 7 U.S.C. 1622(a). Moreover, 7 U.S.C.1622(f) directs and authorizes the Secretary to conduct and cooperate in consumer education for effective utilization and greater consumption of agricultural products. In addition, 7 U.S.C. 1622(n) authorizes the Secretary to conduct services and to perform activities that will facilitate the marketing and utilization of agricultural products through commercial channels.

On December 23, 2005, AMS published a final rule in the Federal Register (70 FR 76129) to implement established regulations and procedures under 7 CFR Part 170 for AMS to operate the USDA Farmers Market, specify vendor criteria and selection procedures, and define guidelines to be used for governing the USDA Farmers Market. In conjunction, the USDA Farmers Market Application was developed to receive information from farmers and small business owners who are interested in participating in the market. Prospective vendors fill out the Application online once per year.

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 information collected is used only by authorized employees of the USDA, AMS to review and select vendors for the USDA Farmers Market and to determine the overall performance of vendors and the market.

USDA Farmers Market Application TM-28 (USDA Farmers Market Rules and Procedures and Operating Guidelines):

Farms and small businesses are required to complete the USDA Farmers Market Application (Form TM-28) and submit it online once per year. AMS uses the information collected on Form TM-28 to review and select participants for the annual market season. The type of information requested on the Application includes: (1) certification the applicant is the owner or representative of the farm or business; (2) applicant contact information including name(s), address, phone number, and email address; (3) directions to farm or business location; (4) types of products grown or to be sold; (5) business practices and direct sourcing relationships with local farmers, ranchers and growers; (6) insurance coverage; and (7) all applicable food safety documents.

The information is used to make contact with the farmer and small business owner and to determine if the applicant meets the requirements outlined in the USDA Farmers Market Rules, Procedures and Operating Guidelines to become a vendor at the USDA Farmers Market. Once verified and selected, a participant list is created for the USDA security office and USDA Farmers Market website.

The directions to the farm or business location provide AMS personnel with the ability, if needed, to perform inspections at the farm/business and to verify that the farmers are actually growing or producing what is being reported and sold at the farmers market. Additional information on the Application includes having prospective vendors provide proof of insurance coverage, which is used to protect both USDA from lawsuits and customers from financial harm caused by accidents.

In addition, vendors selected for the market provide a signed copy of the Participant Agreement, which states that the vendor has read, understands and agrees to adhere to all applicable rules and guidelines as outlined in the USDA Farmers Market Rules, Procedures, and Operating Guidelines document.

Sales Data (previously indoor/outdoor weekly and vendor satisfaction):

AMS collects weekly Sales Data from vendors to determine the overall performance of vendors and the market. The Sales Data is used to better understand how much product is sold at the market, what customers are purchasing, which months are the busiest and slowest during the market season, and how the market can be improved.

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.

The USDA Farmers Market at full capacity is able to accommodate thirty-two different farmers and/or small businesses during the market season but more than double this number apply to participate. AMS personnel had been collecting paper copies of applications - including farm or business information, vendor products with availability and descriptions, as well as licenses, certificates, and product documentation – from each applicant and then electronically filing this information. Collecting this information put a significant burden on AMS staff.

In compliance with the Government Paperwork Elimination Act, AMS decided to eliminate both paperwork and redundant efforts by using an online vendor management system – called ManageMyMarket – that organizes all vendor data in one secure and easy to use place for both AMS personnel and vendors.

ManageMyMarket is an online vendor registration tool used by farmers market managers and vendors across the United States. It is a proven solution that eliminates paperwork, streamlines management tasks for market managers and is easy to use for vendors.

Farmers and small business owners that want to apply to the market visit the USDA Farmers Market website and are directed with a link (<https://www.usda.gov/content/usda-farmers-market>) to Form TM-28 on ManageMyMarket.com.

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 32 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 farmers market. Since the previous submission, the hours and operating months of the farmers market have changed due to numerous consumer requests to extend the season. The outdoor market season now has occasional evening hours from 4 p.m. to 8 p.m.

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. 82, No. 73, page 18277 and 18278 on April 18, 2017, of intention to request approval from the Office of Management and Budget, for an extension and revision of the currently approved 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.

Several representatives that are either partners of the USDA Farmers Market or members of the farmers market industry were contacted to provide feedback and recommendations for the USDA Farmers Market Application process. They include:

Jen O'Brien Cheek
Executive Director
Farmers Market Coalition
(313) 303-6244

Wing Yuen
Business Development Manager
AgFed Credit Union
(202) 479-3889

Tracy DeBernard
C&T Produce
Fredericksburg, VA 22405
(540) 379-1178

All three representatives were asked if they had any comments about completing the vendor 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 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 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 \$7,328.81. This total has been estimated by multiplying 201 total burden hours by \$36.44 an average mean hourly earnings by Farmers, Ranchers and Other Agricultural Managers – occupation code 11-9013. Data for computation of this hourly wage were obtained from the U.S. Department of Labor, Bureau of Labor Statistics publication entitled “May 2016 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 operating the USDA Farmers Market is estimated at approximately \$174,000. This cost includes all operating and security expenses, education programs like VegU, marketing and promotional materials, vendor recruitment and retention, and food access programs at the market. The popularity with customers, quality of educational programs, and quantity of vendors at the market has grown in recent years. Additional personnel have been required to manage market operations as well as this information collection.

The process for this information collection involves AMS staff verifying that vendors have submitted a fully complete USDA Farmers Market Application as well as collecting weekly Sales Data from vendors during the market season. The

market manager, assistant market manager and intern devote approximately 50 percent of their time managing the market, which includes overseeing the information collection process and verifying collected information through email and phone calls as well as responding to inquiries and managing the overall coordination of logistics at 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 the market, which is a 49% increase from the 2014 cost estimate. A breakdown of the oversight cost is as follows:

Salaries/Benefits/Administrative/Operational	\$80,000.00
Office of Operations-Facility Support (set-up/breakdown tents/trash removal, electrician, etc.)	\$46,637.00
Office of Protective Services (security services provided during the market hours)	\$33,588.00
Food Access Assistance (SNAP, WIC and Senior Farmers Market Nutrition Program (SFMNP) coupons.	\$3,757.00
Supplies/Equipment/Printing Services	\$10,000
TOTAL	\$173,982

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 68 respondents will be completing the Application TM-28 form. Out of the 68 respondents 32 will be selected to participate in the market. The number of vendors selected to participate in the market has more than doubled from the previous submission of 14 to 32. Due to this increase in vendors, the responses have increased by 1,170 and the burden hours by 141.04.

Functions previously reported separately have been combined to streamline the application, selection, and reporting functions since the last submission with a minimal overall increase in burden hours.

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.