

**2017 SUPPORTING STATEMENT
SPECIALTY CROP MARKETING ORDERS
HANDLER FORMS FOR FEDERAL MARKETING ORDER FOR CRANBERRIES
GROWN IN MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY,
WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG
ISLAND IN THE STATE OF NEW YORK.
OMB No. 0581-NEW
(Emergency Request)**

NOTE TO REVIEWER: Forms contained in this collection enable the Cranberry Marketing Committee (Committee) to use Federal marketing order authority to implement a handler withholding program for the 2017-18 marketing season. Existing Committee forms are currently approved by the Office of Management and Budget (OMB). After this new collection package is approved, AMS will submit a request for these five new forms to be merged into OMB No. 0581-0189, Fruit Crops.

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).

Marketing orders and marketing agreements become effective only after public hearings are held in accordance with formal rulemaking procedures specified by the Act. The Federal program for cranberries is one of 28 other active marketing orders overseen by AMS. The Committee conducts research and promotion activities and, when supply is deemed to exceed demand, is authorized to establish volume control percentages to better manage inventories and avoid precipitous drops in grower prices. This information collection is necessary for the Secretary and the Committee to monitor adherence to the marketing order regulations.

On August 31, 2017, the Committee recommended establishing a handler withhold volume regulation for the 2017-18 season in response to historically high inventory levels for cranberries. Following the recommendation for the handler withhold, the Committee developed the forms necessary to effectively carry out the handler withhold. Given that the industry has begun harvesting the 2017-18 crop, these forms will need to be effective immediately.

On September 15, 2017, the Committee unanimously recommended that cranberry handlers covered under the marketing order provide the Committee with a report indicating the anticipated total quantity of cranberries acquired by the handler, the amount withheld from handling, and the disposition of such withheld cranberries during the crop year. The forms would also provide for third-party confirmation and an appeal process.

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.**

The rules and regulations authorize USDA and the Committee to collect certain information from handlers on the volume of cranberries withheld, certification of the proper disposal outlets, and any appeals made by a handler regarding withholdings. AMS would make the following forms available to industry members to collect information and data:

- a) **Handler Withholding Report, CMC-JUN (§ 929.54)**: This form will be submitted once by each handler (approximately 10) by June 1, 2018. On this form, the handler will notify the Committee of the anticipated total quantity of cranberries acquired by the handler, withheld from handling, and the disposition of such withheld cranberries during the crop year.
- b) **Handler Disposal Certification, CMC-DISP, with attachments (§ 929.54)**: This form will be submitted by each handler (approximately 10) whenever disposal of withheld cranberries is made. The number of times the form will be submitted will vary from large handlers who may dispose of restricted fruit daily to small handlers who may dispose of restricted fruit weekly. The form has four attachments to help handlers convert processed cranberries into the equivalent amount of fresh berries.
- c) **Handler Application for Outlets for Withheld Fruit, CMC-OUT (§ 929.54)**: This form will be submitted by each handler (approximately 10) who chooses to dispose of their restricted fruit to approved outlets. The number of times the form will be submitted will vary because some handlers may utilize the outlets for restricted fruit multiple times and others may not utilize it at all.
- d) **Third-Party Confirmation of Receipt of Withheld Fruit, CMC-CONF (§ 929.54)**: This form will be submitted by each handler (approximately 10) whenever disposal of withheld cranberries is made. This form will confirm that the fruit was sent to an approved outlet. The number of times the form will be submitted will vary because not all handlers will utilize the outlets for restricted fruit and others may not utilize it multiple times.
- e) **Handler Withholding Appeal, CMC-APPL (§ 929.54)**: This form will be submitted by each handler who wants to appeal a decision made by the Committee. An appeal could be submitted for a denial of an outlet for restricted cranberries, or the calculations for conversion of processed fruit to fresh cranberries. This form will be submitted each time a handler files an appeal. The number of times the form is submitted will vary because some handlers may file multiple appeals and some may not file any appeals.

- 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.**

Upon approval, these five forms will be used to submit information directly to the Committee. The Committee is not part of a Federal agency, but is an industry commodity board that operates under Federal authority and oversight. These forms will be available on the Committee's website. Handlers will submit the forms to Committee staff via fax, postage mail and email.

- 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 collections will be periodically reviewed by USDA and the Committee to ensure they are understood by industry members, are easy to complete, and place as small a burden as possible on the respondents.

USDA and the Committee will use these five forms in this information collection. Consequently, the information needs are unique to the Federal program and do not exist elsewhere. There will be no duplication in effort among the companion marketing orders. The Committee will continue creating new forms and will then work to ensure an efficient and non-duplicative collection of information from industry members.

- 5. IF THE COLLECTION OF INFORMATION HAS SIGNIFICANT IMPACT ON A SUBSTANTIAL NUMBER OF SMALL BUSINESSES OR OTHER SMALL ENTITIES (ITEM 15 OF THE PAPERWORK REDUCTION ACT SUBMISSION FORM), DESCRIBE THE METHODS USED TO MINIMIZE BURDEN.**

Small agricultural service firms (handlers) are defined as those having annual receipts of less than \$7,000,000 (13 CFR 121.201). 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. Thus, the information collection and reporting burden is relatively small. Based on Committee data, there are approximately 65 cranberry handlers subject to the marketing order. Fifty-seven of the 65 handlers are exempt from the volume regulations and forms, and all but one are small businesses.

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.

These new forms are essential for the Committee to carry out the volume control regulations. The Committee asked AMS to expedite approval of the forms so it can begin tracking handler activities meant to reduce cranberry deliveries placed in marketing channels. AMS is clearing a notice with a 60-day comment period on the handler withholding program for publication in the Federal Register.

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;**

These three forms are estimated to be filled by handlers approximately once a month:

- a) **Handler Disposal Certification, CMC-DISP, with attachments:** This form will be submitted by each handler (approximately 10) whenever disposal of withheld cranberries is made. The number of times the form will be submitted will vary from large handlers who may dispose of restricted fruit daily to small handlers who may dispose of restricted fruit weekly. The form has four attachments to help handlers convert processed cranberries into the equivalent amount of fresh berries.
- b) **Handler Application for Outlets for Withheld Fruit, CMC-OUT:** This form will be submitted by each handler (approximately 10) who chooses to dispose of their restricted fruit to approved outlets. The number of times the form will be submitted will vary because some handlers may utilize the outlets for restricted fruit multiple times and others may not utilize it at all.
- c) **Third-Party Confirmation of Receipt of Withheld Fruit, CMC-CONF:** This form will be submitted by each handler (approximately 10) whenever disposal of withheld cranberries is made. This form will confirm that the fruit was sent to an approved outlet. The number of times the form will be submitted will vary because not all handlers will utilize the outlets for restricted fruit and others may not utilize it multiple times.

- **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.

- 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 is publishing a notice describing the information gathering requirements and providing a 60-day comment period.

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.

There are no obstacles to consulting with industry members who must submit information to the Committee. AMS has consulted with staff from the Committee on this new collection.

Cranberry Marketing Committee, 219A Main Street, Wareham, MA 02571;
Phone: (508) 291-1510; Fax: (508) 291-1511

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

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 will be kept confidential. Committee staff would be the primary users of this new set of forms. USDA employees would be the secondary users. Information submitted to the Committee is accessible only by the Committee managers and staff, and certain USDA employees in Washington, D.C. and Winter Haven, FL. Industry members of the Committee do not have access to any party's reports or assessment records. The Committee will report trade data in end-of-year marketing policy reports without identifying the amount of individual handling operation's confidential information. Committee members are made aware of the penalties for violating confidentiality requirements.

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDE, 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 found 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 OTHERWISE 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 BURDEN AND EXPLAIN THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOURS FOR CUSTOMARY AND USUAL BUSINESS PRACTICES.**

The number of respondents required to file these forms was estimated based on current records maintained by the Committee in consultation with regional groups existing throughout the U.S. cranberry industry. It is estimated that there is a total of 10 respondents, 380 total annual responses and 37.6 total burden hours. Estimates of the burden and recordkeeping for this collection of information are summarized on the AMS-71 spreadsheet.

- **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.**

The respondents' estimated annual cost of providing information to USDA is approximately \$1,370. This total has been estimated by multiplying 37.6 total burden hours, by \$36.44, the national mean hourly wage of Farmers, Ranches, and other agricultural workers, according to the U.S. Department of Labor Statistics. (National Compensation Survey: Occupational Employment and Wages, May 2016; <http://www.bls.gov/oes/current/oes119013.htm>).

13. PROVIDE AN ESTIMATE OF THE TOTAL ANNUAL COST BURDEN TO RESPONDENTS OR RECORD KEEPERS 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, MAKE: (1) PRIOR TO OCTOBER 1, 1995, (2) TO ACHIEVE REGULATORY COMPLIANCE WITH REQUIREMENTS NOT ASSOCIATED WITH THE INFORMATION COLLECTION OR KEEPING RECORDS FOR THE GOVERNMENT, OR (4) AS PART OF CUSTOMARY AND USUAL BUSINESS OR PRIVATE PRACTICES.**

There is no capital/startup 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, OPERATIONS 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, this information collection is estimated at \$12,830.48 for the first year, and \$13,215.39 for subsequent years, assuming higher overhead costs. A breakdown of the oversight costs for the first year is as follows:

Salaries/benefits/awards	\$1,650.48
Travel	\$5,000
Printing/Copying/Mailing/Postage	\$600
Federal Register Services	\$1,680
OGC (legal services)	\$4,000
Supplies/equipment	\$400
TOTAL	\$13,330.48

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

These five forms under consideration are new to the Federal forms package and, as a result, do not have previous burden numbers associated with them. Once approved, AMS will submit a request for this collection to be merged into OMB No. 0581-0189, Fruit Crops.

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.

Periodically, AMS or the Committee may be asked for information concerning the amount of assessments that have been retained for state programs. Any of the data obtained from this information collection would be published in the aggregate so as not to identify an individual entity. Using totals, as opposed to individual information, is common practice for reporting industry statistics. For example, USDA's National Agricultural Statistics Service uses similar policies. There are no complex analytical techniques that would be applied to this data.

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 forms associated with this information collection. Instead, indicating the month and year when the forms were renewed and approved by OMB enhances internal accounting practices and enables AMS to

work with marketing boards, committees and councils to replace obsolete and out-of-date forms.

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 collection of information does not employ statistical methods.