

2016 SUPPORTING STATEMENT
MARKETING ORDERS FOR FRUIT CROPS
OMB NO. 0581-0189

NOTE TO REVIEWER:

AMS is merging the burden and responses of 0581-0290, Southeastern California Table Grapes, into OMB 0581-0189. OMB 0581-0290 was published in the Federal Register as a final rule on April 26, 2016 (Vol. 81, No. 80, Pages 24456-24459) that indicated OMB had temporarily assigned the new CDGAC Form 8 until it could be incorporated into OMB 0581-0189. Upon approval of collection of OMB 0581-0189, AMS will submit to OMB a Discontinuation Request for 0581-0290 to prevent duplication of burden and responses. The Southeastern California Table Grape reporting form has been changed to reflect the change of number to read 0581-0189 in accordance with the previous approval by OMB which has been stated above.

All form numbers preceded by “FV” were changed to “SC” due to the Agricultural Marketing Service changing the name of the “Fruit and Vegetable Programs” to the “Specialty Crops Program.”

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 programs can authorize the issuance of: grade, size, quality, maturity and inspection requirements; pack and container requirements; and pooling and volume regulations. Some provide authority for research and development, including paid advertising. Pursuant to section 608(e)(1) of the Act, certain grade and condition requirements are imposed on 14 commodities imported into the United States for which Orders regulate domestic production.

This information collection is necessary for the Secretary and the various committees to monitor adherence to the marketing order regulations.

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 and marketing agreements, along with the rules and regulations issued thereunder, authorize Agricultural Marketing Service (AMS)-supervised and industry-operated committees to collect certain information from handlers and producers. (7 CFR Part 900). As a convenience to the handlers and producers who submit this information, AMS and the committees have created the forms listed below as a means for providing the requested information to the appropriate committee. These forms require the minimum information necessary to effectively carry out the requirements of the appropriate Order or Agreement.

The AMS issues and maintains certain forms, which are mandated by the Marketing Orders:

- a. **Confidential Background Questionnaire/Statement: SC-163 (§ 905.23); SC-164 (§ 905.23); SC-82 (§ 906.23); SC-97 (§ 915.23); SC-97-1 (§ 915.23); SC-266 (§ 920.25); SC-266-1 (§ 920.25); SC-152 (§ 922.21); SC-23 (§ 923.23); SC-74 (§ 925.22); SC-120 (§§ 927.20, 927.26); SC-129 (§§ 927.20, 927.26); SC-259 (§ 929.20); and SC-260 (§ 929.22):** Each marketing order is administered by a committee consisting of producers, handlers, and sometimes the public. Committee nominees are required to complete and submit this form, which requests information pertaining to the nominee's relation to the industry overseen by the committee on which he or she wishes to serve. The Secretary uses this information to determine whether nominees are eligible to serve in the positions for which they are nominated. In some cases, this form contains a certification that the nominee will adhere to certain committee ethics regulations if elected.
- b. **Committee Ballots/Nominations: SC-208 (§§ 915.22, 915.115); SC-266-10, SC-266-11 (§ 915.22); SC-216 (§ 915.115); SC-266-2, SC-266-3 (§ 920.122); SC-650 (§ 929.22 (e)(1)&(2)); and SC-651 (§ 929.22(f)(1)):** This form is used by producers and handlers to nominate candidates to serve as producer, handler, and public members on the respective committees. The forms are submitted to the committees, who manage the election process. In the case of the Kiwifruit Administrative Committee (KAC), which has 11 seats spread over three production districts, the member representation is based on the previous five-year average production. The number of open seats therefore changes yearly. The KAC modifies its ballot and nomination forms annually to reflect the number of open seats, and to accommodate more than two seats, if necessary.
- c. **Letter of Acceptance: No form numbers (§§ 905.28, 906.25, 915.25, 922.25, 929.25):** AMS mails a letter of acceptance for signature to each committee nominee who gains a seat on a committee. By signing the letter, the individual agrees to serve and administer the marketing orders to the best of their ability.
- d. **Marketing Agreement/Handler Agreement: SC-162; SC-81; SC-96; SC-71; SC-**

- 151; SC-21; SC-78; SC-119; SC-130; and SC-263 (§ 900.14)**: This form is used whenever a marketing order is promulgated or amended. Handlers voluntarily sign the marketing agreement, indicating their willingness to abide by the regulations in the respective marketing order. Referendum agents distribute and collect the marketing agreements from the handlers.
- e. **Certificate of Resolution/Cooperative's Certified Resolution: SC-162A; SC-151A; SC-21A; SC-119A; and SC-130A (§ 900.14)**: Occasionally a corporation or cooperative's board of directors may attach this form to the marketing agreement, to validate that the organization agrees to be a party to the marketing agreement.
- f. **Producer Referendum Ballot: SC-160 (§§ 900.14, 905.83); SC-161 (§ 905.83); SC-83 (§§ 900.14, 906.55); SC-98 (§ 900.14 and 915.64); SC-70 and SC-70-A (§§ 900.14, 920.63(c)); SC-150, SC-150A, and SC-150B (§§ 900.14, 922.64); SC-22, SC-22A and SC-22B (§§ 900.14, 923.64); SC-77 (§§ 900.14, 925.63); SC-118, SC-118A, and SC-118B (§§ 900.14, 927.78); SC-128, SC-128A, and SC-128B (§§ 900.14, 927.78); SC-53 (§ 929.69); and SC-286, SC-287 and SC-288 (§ 900.403)**: These forms are used by producers and growers to vote on the continuance of a marketing order, and by multiple committees to verify voter eligibility. Cooperatives may bloc-vote, but must attach a Certificate of Resolution to verify that the cooperative resolved to do so. Three of these forms (SC-286, SC-287, and SC-288) are strictly for voting on amendments to the marketing order for cranberries.
- g. **Special Purpose Shipment: CAC-201 (§§ 905.147); SC-212 (§§ 915.55, 915.140); No form number (§§ 923.54, 923.322)**: This form is used by handlers and receivers to report to the Citrus Administrative Committee, Avocado Administrative Committee and Washington Cherry Marketing Committee on shipments made under Certificates of Privilege to special purpose or exempt outlets. The committees use this information for compliance purposes.
- h. **Application for Registered Handler: SC-209 (§§ 915.50(c), 915.120)**: This form is used by the Avocado Administrative Committee (AAC) to register handlers of avocados. Handlers supply their contact information to the AAC, which it uses to keep handlers apprised of pertinent industry information throughout the crop season.
- i. **Application for Registered Processor: SC-217 (§§ 915.50(c), 915.141(b))**: This form registers with the AAC any person who desires to buy, as an approved manufacturer of avocado products, avocados for commercial processing. The form requests applicant information, which the AAC uses for verification and compliance purposes.
- j. **Recordkeeping: No form numbers, (§§ 905.148, 906.51(c), 915.50, 920.60(c), 922.60, 923.60, 925.60(a)(b)(c), 927.70, 929.63)**: This is a requirement imposed on a person or organization to maintain and retain specified records, notify third parties, such as the Federal Government, that such records exist; disclose such records to third parties, such as the Federal Government, and, report to third parties, such as the

Federal government or the public, regarding such records.

- k. Application for Producer Exemption Certificate: SC-210 (§ 915.53); SC-210-1 (§ 915.110):** The AAC uses this form to determine whether it should issue an Exemption Certificate to a grower who provides evidence that its avocados are maturing earlier than normal. This application requests information about the applicant's avocado grove(s), and the reasons for which the applicant requests exemption from certain regulations. This information is needed by the AAC to evaluate and, if approved, authorize the applicant to ship avocados sooner than provided for in the marketing order's maturity regulation.
- l. Packout Report: No form number (§§ 927.70 and 927.125):** Forms used by the Fresh Pear Committee to gather handler volume with which to calculate assessments and determine marketing strategies.

The various committees also create and maintain forms to collect information mandated by the regulations that accompany the marketing orders:

Order No. 905 – Citrus Grown in Florida:

- a. Florida Citrus Crop Prospects: No form number (§ 905.50):** This form is used by growers and handlers of Florida citrus to estimate the size, grade and available crop of each variety of citrus regulated under the Order. This information is used by the Citrus Administrative Committee (CAC) to develop an advisable marketing policy for the current shipping season.
- b. Certificate of Privilege: CAC 100 and CAC 200 (§ 905.147); CAC 110 (§ 905.148):** Commodities that are shipped to the fresh market must meet certain requirements in grade, size, quality, maturity, pack, container, and inspection. The same commodities shipped to other outlets are exempt from these requirements, provided that they meet certain safeguards, one of which is a certification that a commodity shipped to an exempt outlet will not enter fresh market channels. To receive this exemption, a handler must apply to the CAC and acquire this certificate permitting each such shipment. The CAC uses this form to verify compliance with these requirements.
- c. Handler Loan and Transfer Form – Size 48 and Smaller Red Grapefruit, CAC 301 (§ 905.153):** This form is filed by handlers loaning and/or receiving base quantity transfers during the extended 11-week regulation period (weeks 12 through 22) of the crop season.
- d. Report of Red Grapefruit Shipments by Day Regulation Week: CAC 302 (§ 905.153):** Handlers file this form with the CAC, reporting on their daily shipments of size 48 and size 56 red grapefruit during the extended 11-week regulation period (weeks 12 through 22) of the crop season.
- e. New Handler Application: CAC 303 (§ 905.153):** This form is used when a

handler first applies to the CAC to handle size 48 and size 56 red seedless grapefruit.

- f. **Grower Tree Run Certificate Application: CAC 401 (§ 905.149):** This application must be filed with the CAC by each grower who chooses to participate in the program, providing information on the grower's citrus grove(s) and the estimated volume of fruit to be tree run.
- g. **Report of Shipments Under Grower Tree Run Certificate: CAC 402 (§ 905.149):** Growers who participate in the voluntary tree run program must file this form with the CAC for each tree run shipment. This report enables the CAC to verify compliance with the program, while gathering data to determine its effectiveness. The grower must also provide a copy of the completed form to Road Guard Stations passed within the State, who are operated by the Florida Department of Agriculture and Consumer Services, and monitor shipments of agricultural production in Florida.
- h. **Handler Supplier Report: No form number (§905.71):** Handlers of fresh oranges, grapefruit, tangerines, and tangelos provide the CAC with a list of growers for whom the handlers sourced their fruit during the season. This information enables the Committee to more effectively keep growers informed of issues affecting the fresh segment of the industry, and to prepare both the annual report and marketing policy as required under the marketing order.

Order No. 906 – Texas Citrus:

- a. **Diversion Report: No form number (§ 906.51):** Handlers who ship fruit to processing plants complete this form and submit a copy to the Texas Valley Citrus Committee (TVCC) and the processor. This form allows the TVCC to monitor handler compliance with the marketing order.
- b. **Handler Application: No form number (§ 906.51):** Anyone who handles citrus fruit in the production area must file this application with the TVCC, who approves or denies these applications, and also tracks the number of handlers in the production area.
- c. **Confidential Citrus Crop Questionnaire: No form number (§ 906.51 (a)):** This is a voluntary form that the TVCC uses to gather information regarding the citrus crop outlook, such as fruit acreage, supply, quality, size, and maturity. The information is used in determining promotion and advertising programs that are financed by the TVCC, and also in setting assessment rates.
- d. **Seller/Buyer Certificate: No form number (§ 906.51(b), 906.151 (a), (b), (c)):** Sellers submit this form to the TVCC any time they sell over 400 pounds of citrus fruit that is destined for resale inside the production area. The TVCC uses this information to monitor compliance with the marketing order and to ensure that fruit does not leave the production area in violation of the marketing order's requirements.
- e. **Application & Certification Citrus By-Products Purchase Agreement: No form**

number (§ 906.123 (b)): The TVCC uses this form to register processors who intend to use Texas citrus fruit for processing of juice products, thus being exempt from fresh fruit regulations of the marketing order. Processors must certify that the fruit will not re-enter fresh fruit channels, and the TVCC monitors compliance with this certification.

- f. **Information Data Sheet on Citrus Processor: No form number (§ 906.123(b)):** The TVCC uses this form in conjunction with the Application & Certification Citrus By-Products Purchase Agreement as a means of maintaining records on processors of Texas citrus fruit.
- g. **Certificate of Privilege: No form number (§ 906.120(d)):** Commodities that are shipped to the fresh market must meet certain requirements in grade, size, quality, maturity, pack, container, and inspection. The same commodities shipped to other outlets are exempt from these requirements, provided that they meet certain safeguards, one of which is a certification that a commodity shipped to an exempt outlet will not enter fresh market channels. To receive this exemption, a handler must apply to the TVCC and acquire this certificate permitting each such shipment. The TVCC uses this form to verify compliance with these requirements.

Order No. 915 – Avocados:

- a. **Avocado Handler’s Weekly Report Form: SC-215 (§§ 915.60, 915.150(a), (b)):** The Avocado Administrative Committee uses this form to track the avocado production and distribution in the production area, and to ensure fruit is handled in accordance with Order requirements.

Order No. 920 – Kiwifruit:

- a. **Kiwifruit Restyle Verification Form: SC-266-4 (§ 920.303):** Handlers submit this form to the Federal-State Inspection Program (FSIP) any time kiwifruit is restyled from previously-inspected kiwifruit, prior to it being shipped. The FSIP must approve the shipment, and then notifies the Committee thereof. The KAC uses this information to monitor compliance with the marketing order.
- b. **Return Receipt of Kiwifruit to Growers: SC-266-5 (§ 920.160(c)):** Each handler submit this form to the KAC when returning cull fruit to growers to ensure that all fruit returned to growers is not purchased and then sold in the fresh market. This form enables the KAC to ensure compliance with the order.

- c. **Kiwifruit Inventory Shipment System Price/Shipment Report, SC-266-6 (§ 920.160(d))**: Handlers use this form to report weekly price and shipment information to the KAC, allowing the KAC to generate reports on which handlers can base their marketing decisions. Handlers who submit this form do not also need to submit the Kiwifruit Inventory Shipment System Shipment Form. The KAC has also created an electronic version of this form that pre-populates the inputted information. The KAC transmits this form via email to those handlers who request it, who can then enter the information on a computer and transmit the form to the KAC by return email.
- d. **The End-of-Season F.O.B. Sales Report, SC-266-7 (Section 920.160)**: This form would collect data on gross f.o.b. sales value and number of containers for fresh market shipments by fruit size and pack style for the crop year.
- e. **The Final Packout Report, SC-266-8 (Section 920.160)**: This form would collect information on containers shipped by pack style for fresh market shipments, for each grower entity during the crop year, as well as the grower and farm name, entity mailing address, the county where the farm is located, and total acreage.
- f. **Shipment Report: SC-266-9 (§ 920.160(a))**: Each handler submits this form to the KAC on a monthly basis during the crop season, reporting shipments by destination and container type. The KAC uses this information to compile industry information and to verify individual assessments.
- g. **Application for Inspection (Waiver Form): SC-266-12 (§ 920.110)**: Handlers submit this form to the Kiwifruit Administrative Committee (KAC) to document shipments of kiwifruit that were handled without inspection due to special circumstances, but which met certain other requirements of the marketing order. The KAC uses this information to verify compliance with the marketing order.
- h. **Kiwifruit Inventory Shipment System: SC-266-13 (§920.160(b))**: Handlers complete this form and submit it to the KAC twice a month during the crop season, evidencing their inventory. The KAC tracks inventory throughout the crop season to monitor production and calculate assessments.

Order No. 922 – Apricots:

- a. **Application for Waiver of Inspection at Time of Shipment: No form number (§§ 922.55, 922.111)**: Handlers who are located in parts of the production area where the FSIP is not readily available to inspect their fruit may submit this form to the Washington Apricot Marketing Committee (WAMC) seeking a waiver of inspection, as long as the fruit otherwise meets the requirements of the marketing order and agreement, and they continue to pay assessments. The WAMC uses the form's information to approve or deny the waiver, and if approved, to verify compliance with the marketing order.

- b. Waiver of Inspection Permit: No form number (§§ 922.55, 922.111):** The WAMC uses this form to track fruit shipments that are made pursuant to the approval of the Application for Waiver of Inspection, and to determine compliance and assessments. All such shipments must be accompanied by this form, certifying that they are packed in accordance with marketing order requirements.

Order No. 923 – Sweet Cherries:

- a. Certificate of Privilege: No form number (§§ 923.54, 923.322):** Commodities shipped to the fresh market must meet certain requirements in grade, size, quality, maturity, pack, container, and inspection. The same commodities shipped to other outlets are exempt from these requirements, provided that they meet certain safeguards, one of which is a certification that a commodity shipped to an exempt outlet will not enter fresh market channels. To receive this exemption, a handler must apply to the Washington Cherry Marketing Committee (WCMC) and acquire this certificate permitting each such shipment. The WCMC uses this form to verify compliance with these requirements.

Order No. 925 – California Desert Grapes:

- a. Grape Acreage Report: CDGAC – 7 (§ 925.50):** Handlers file this report annually with the California Desert Grape Administrative Committee (CDGAC), estimating the grape acreage in the production area, and the estimated volume of fruit that will be produced during the crop season. This information enables the CDGAC to develop the annual budget and calculate an assessment rate.
- b. Organically Grown Grapes: CDGAC – 1 (§§ 925.54, 925.304(c)):** Producers and/or handlers file this form annually with the CDGAC to request exemption from berry size regulations for organically-grown grapes. Recipients of this exemption must meet certain requirements. The CDGAC uses this information to track organic producers and to ensure compliance with the Order.
- c. Experimental Containers: CDGAC – 5 (§ 925.54):** This form is filed annually by handlers requesting exemption from the marketing order’s container requirements. Only certain sizes and weights of containers are authorized for use in handling desert grapes. With the approval of an application, however, a handler may use a different size container than is authorized by the marketing order. This request is rarely made, but the CDGAC uses the information collected in this form to verify compliance with the marketing order.
- d. End of Season Shipment Report: CDGAC – 3 (§ 925.160):** Handlers submit this form to the CDGAC at the close of each season, documenting the grape shipments they made during the season. The CDGAC uses this information to track fruit production and shipments.
- e. Food Donation Form: CDGAC Form No. 8 (§ 925.304) (NEW):** 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 would voluntarily choose to redirect product to charitable outlets and would complete the form on an as-needed basis.

Order No. 927 – Fresh Pears:

- a. **Handler Statement of Fresh Pear Shipments: No form number (§§ 927.70, 927.125):** Every other Friday during the marketing season, handlers report shipment information by date shipped, number of containers of each pear variety, and destination to the Fresh Pear Committee (FPC) for assessment and compliance purposes.
- b. **Pear Size and Grade Storage Report: No form number (§§ 927.70, 927.125):** Handlers file this monthly report to document unsold pear volume and storage information to the FPC, which uses this information in making marketing determinations of fresh winter pears.

Order No. 927 – Processed Pears:

- a. **Assessment Report: No form number (§§ 927.70, 927.125):** Handlers file this form annually to document sales of fruit for processing, along with submission of their assessments, to the Processed Pear Committee, which uses this information for verification and compliance purposes.

Order No. 929 – Cranberries:

- a. **Grower Sales and Acreage Report: CMC-GSAR-1 (§§ 929.62):** Growers file this form annually with the Cranberry Marketing Committee (CMC), documenting cranberry acreage and sales. This information enables the CMC to compute the sales history for the crop year.
- b. **Leased Acreage Form: CMC-L1 (§§ 929.49, 929.50):** Lessors submit this form to the CMC if they transfer sales history to a lessee, and indicate the lease terms. The CMC tracks sales history of each crop year. For accuracy purposes, the CMC must therefore be notified when sales history transfers ownership.
- c. **Cranberry Acreage & Sales History Transfer Forms: CMC-Trf 20XX-20XX (§§ 929.50, 929.110):** Sellers and buyers of cranberry acreage submit these forms to the CMC when sales history is transferred. Because the CMC tracks sales history, it requires notification of a change in ownership.
- d. **Inter-handler Transfer Form: 1HTR (§ 929.55):** Handlers who transfer cranberries to other handlers file this form with the CMC, noting which handler is assuming the assessment obligation for that fruit. The CMC uses this information to track assessments.

- e. **Grower Acquisition Listing: CMC-GAL (§ 929.62)**: Growers file this form annually, noting from whom they acquired cranberries during the current crop year. The CMC completes information relating to cranberries acquired during the previous crop year, and uses this information to track cranberry production volume.
 - f. **Handler Inventory Report: HIR (§§ 929.62, 929.105)**: Handlers submit this report to the CMC, documenting their cranberry inventory for the crop year. The CMC uses this information to track cranberry production volume.
 - g. **Processor Inventory Report: PIR (§§ 929.62, 929.105)**: Processors submit this form to the CMC documenting their cranberry inventory. This information is used for third-party verification of Handler Inventory Reports.
 - h. **Growers Notice of Intent to Produce and Qualifying for Annual Allotment Form: CMC-AL 1 (§ 929.49(d))**: In the event volume regulation is implemented, the CMC would require growers to qualify for their allotment by filing this form annually with the CMC. This form requires growers to provide details on their cranberry acreage and production, and enables the CMC to ensure compliance with allotment regulations.
 - i. **Declaration Allotments: CMC-T7 (§ 929.151(c))**: Growers may enter into agreements with handlers as to the disposition of their annual allotments. This form documents the terms of those agreements. This information enables the CMC to monitor grower allotments and ensure compliance with the Order.
 - j. **Letter of Acknowledgement: No form number (§ 929.66)**: This letter is mailed to handlers along with the CMC's Compliance Plan. Handlers sign and submit this letter to the CMC to verify that they have received the Compliance Plan.
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 forms will be used to submit information directly to the individual committees that administer the respective marketing orders. These committees are industry commodity committees that operate under Federal authority and oversight.

The availability and submission of forms electronically is at the committees' discretion. Currently, most forms are transmitted by fax and mail. Some committees are transmitting some forms via email, but many handlers and growers do not have the ability to

access electronic forms. The Kiwifruit Administrative Committee (KAC) transmits one form via email, which is electronically pre-populated by handlers, and then returned to the KAC.

Information collection forms are periodically reviewed by each committee to ensure that they are understood by industry members, are easy to complete, and place as small a burden as possible on the respondents.

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.

Reports and forms are periodically reviewed 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.

Information collection requirements have been reduced to the minimum requirements of each marketing order. Forms require only a minimal amount of information, which can be supplied without data processing equipment or a trained statistical staff. The primary sources of data used to complete the forms are routinely used in all business transactions. Thus, the information collection and reporting burden is relatively small, and requires the same reporting requirements for all handlers and receivers. It does not significantly disadvantage any handler or receiver that is smaller than industry average. Small agricultural producers are defined by the Small Business Administration as those having annual receipts less than \$750,000, and small agricultural service firms are defined as those whose annual receipts are less than \$7,000,000. Of the 13,300 respondents, approximately 60 percent of handlers subject to marketing order regulations, and the producers who vote on them and nominate members and alternates, meet the definition of 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.

If this information collection was not conducted, not only would the Secretary lose his ability to administer the marketing orders, but the respective committees also would have no way of monitoring industry compliance with their respective marketing order and agreement. They would also not be able to determine the assessments due from industry handlers and growers, which would negatively impact any market research and promotion activities.

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;

Several of the forms in this information collection require respondents to report information more often than quarterly:

Handler Reports (for all marketing orders)

Packout Reports (for all marketing orders)

Shipment Report: SC-266-9 (§ 920.160(a)): Each handler submits this form to the Kiwifruit Administrative Committee (KAC) on a monthly basis during the crop season, reporting shipments by destination and container type. The KAC uses this information promptly to compile industry information and to verify individual assessments.

Kiwifruit Inventory Shipment System: SC-266-13 (§920.160(b)): Handlers complete this form and submit it to the KAC twice a month during the crop season, evidencing their inventory. The KAC tracks industry inventory throughout the crop season and needs this information to monitor industry production and assessments.

Kiwifruit Inventory Shipment System Price/Shipment Report, SC-266-6 (§ 920.160(d)): Handlers use this form to report weekly price and shipment information to the KAC, allowing its staff to generate reports on which handlers can base their marketing decisions. The KAC cannot generate useful marketing information for handlers without this information.

Handler Statement of Fresh Pear Shipments: No form number (§§ 927.70, 927.125): Every other Friday during the marketing season, handlers report shipment information by date shipped, number of containers of each pear variety, and destination to the Fresh Pear Committee for assessment and compliance purposes.

Pear Size and Grade Storage Report: No form number (§§ 927.70, 927.125): Handlers file this monthly report to document unsold pear volume and storage information, which the Fresh Pear Committee uses in making marketing determinations of fresh winter pears.

Handler's Packout Report: No form number (§§ 927.70, 927.125): Respondents are required to file this form with the Fresh Pear Committee every two weeks during the crop season. The committee needs this information to track pear production.

□ 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 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.**

A 60-day notice was published in the Federal Register on May 13, 2016 (Vol. 81, No. 93, page 29832-29833), which invited comments from interested persons through July 12, 2016. AMS received no comments during the open 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.**

The committees meet throughout the year to assess the Orders' regulatory and informational needs. The committees assess the type of information that is collected, maintain contact with industry representatives and trade associations to ensure their utmost efficiency, and endeavor to consult with representatives from whom the information is to be obtained at least every three years. In addition, notices of committee meetings are sent to all those associated with the respective industry, and any concerns regarding industry or committee issues are welcome. Use of these forms has been discussed with the following committee managers and their staff:

M.O. No. 905 – Citrus Administrative Committee, Manager, Duke Chadwell, (863) 682-3103.

M.O. No. 906 – Texas Valley Citrus Committee, Manager, Ted Prukop, (956) 581-2190.

M.O. No. 915 – Avocado Administrative Committee, Manager, Alan Flinn, (305) 247-0848.

M.O. No. 920 – Kiwifruit Administrative Committee, Executive Vice President, Chris Zanobini, (916) 441-0678.

M.O. No. 922 – Washington Apricot Marketing Committee, Manager, B.J. Thurlby, (509) 453-4837.

M.O. No. 923 – Washington Cherry Marketing Committee, Manager, B.J. Thurlby, (509) 453-4837.

M.O. No. 925 – California Desert Grape Administrative Committee, Manager, Lorrie Cooper, (760) 342-4385.

M.O. No. 927 – Fresh Pear Committee, Manager, Kevin Moffitt, (503) 652-9720.

M.O. No. 927 – Processed Pear Committee, Manager, B.J. Thurlby, (509) 453-

4837.

M.O. No. 929 – Cranberry Marketing Committee, Executive Director, Michelle Hogan, (508) 291-1510, ext. 14.

9. EXPLAIN ANY DECISION TO PROVIDE ANY 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 is kept confidential. Reports submitted to the 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. Private information is required on the “Confidential Background Statement” for grower and public members and alternates, which are completed by committee nominees. This form inquire about a nominee’s qualifications to serve on a committee, such as position in a firm, years growing or handling a commodity, approximate volume grown or handled, and offices held in industry organizations. This information is provided to the Secretary for use in the selection process.

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.**

The number of respondents required to file forms is approximately 13,300 and was estimated based on records kept by committees that track handlers regulated under their respective marketing orders. These estimates, which is a decrease from 15,087 from three years ago, are close to the actual number of producers and handlers because the members of the industry are required to work closely with the committees, and are the result of ongoing consolidations that are taking place in the overall food industry. See AMS-71 spreadsheet for breakout.

- ▣ **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 the committees is \$278,678. This total has been estimated by multiplying 8,294 total burden hours, by \$33.60, the national mean hourly wage of Farmers, Ranches, and other agricultural managers, according to the U.S. Department of Labor Statistics. (National Compensation Survey: Occupational Employment and Wages, May 2015; <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).

- ▣ **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, this information collection is estimated at \$101,190 for the first year, and \$104,226 for subsequent years, assuming escalating overhead costs. A breakdown of the oversight costs for the first year is as follows:

Salaries/benefits/awards	\$10,790
Travel	\$28,000
Printing/Copying/Mailing/Postage	\$40,000
Federal Register Services	\$2,400
OGC (Legal Services)	\$8,000
Supplies/Equipment	\$12,000
TOTAL	\$101,190

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

The Agency is requesting approval for 8,294 burden hours, based on 26,761 annual responses. Since the last submission in 2013, there is an overall increase of 3 burden hours from 8,291. This forms package includes the addition of a new Food Donation Form (CDGAC-8) as part of the Federal marketing order for grapes grown in Southeastern California. As such, we are merging 0581-0290, Southeastern California Table Grapes. In addition, the Letter of Acceptance (no burden) was merged into the existing Nominee Questionnaire form (SC-74) for the marketing order for grapes produced in Southeastern California.

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 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 boards and committees 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

This collection of information does not employ statistical methods.