

Justification for Change Worksheet
OMB No. 0581-0177
Federal Marketing Order for Tart Cherries (7 CFR Part 930)

April 2018

This Justification for Change seeks OMB's approval on modifications to three forms that are part of OMB No. 0581-0177, Tart Cherries Grown in Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin, Marketing Order No. 930 (7 CFR part 930). The revised forms are part of the forms package that enables the Cherry Industry Administrative Board (Board) to locally administer the Federal marketing order for tart cherries under the Agricultural Marketing Service (AMS) oversight.

The U.S. District Court recently issued a decision in *Burnette Foods, Inc. v. USDA* that requires the Board to reconstitute its membership to comply with the Court's decision. AMS added text to the SC-46 *Background Acceptance Statement: Producer/Handler Member-or-Alternate Producer/Handler Member* and to the SC-48 *Tart Cherry Nomination Petition Form* and updates were made to the SC-49 *Grower/Handler Member and Alternate Ballot* to clarify requirements on nomination eligibility. The forms are part of the Board's nomination process and are completed by industry members seeking appointment to the Board.

SC-46 Background Acceptance Statement: Producer/Handler Member-or-Alternate Producer/Handler Member: Three lines were added to the first page of the two-page form so respondents can list the names of companies that market or broker their product. A paragraph was added to the second page to explain the need for this information. Slight formatting changes were made to accommodate the new text on the form. Due to the addition text, the burden increased from five minutes to seven minutes.

SC-48 Tart Cherry Nomination Petition: A new paragraph took the place of an existing one on the second page of the five-page form to explain the Board's correct structure and the need for additional information on nominees' business partnerships. New text replaced previous text under Number 2 on page 4 that asks for the names of companies that market or broker their product. Slight formatting changes were made to accommodate the modified text on the form.

SC-49 Grower/Handler Member and Alternate Ballot: The changes cover the new postal address where respondents should mail the ballot and other details that provide updated information on the form. Reference to a specific voting district and number of seats per district was removed so the committee can update this information since the number of seats per district changes with production amounts. The words "Grower" and "Handler" were also removed so that the same form can be used by both a grower or a handler. No new burden is associated with these slight edits.

Burden Calculation: The hours per response will increase from 5 to 7 minutes for the SC-46. The hours per response would remain unchanged for the SC-48 at 20 minutes and the SC-49 at 10 minutes because text is being revised instead of added. Below is a table that describes the overall change in burden.

Current Burden

	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Hours per Response	Total Hours
SC-46	34	0.3333	11.33	0.083	0.94
SC-48	640	0.3333	213.33	0.3300	70.4
SC-49	640	0.3333	213.33	0.1670	35.63
Total	--	--	437.99	--	106.97

Proposed Burden

	No. of Respondents	No. of Responses per Respondent	Total Annual Responses	Hours per Response	Total Hours
SC-46	34	0.3333	11.33	0.116	1.31
SC-48	640	0.3333	213.33	0.330	70.4
SC-49	640	0.3333	213.33	0.1670	35.63
Total	--	--	437.99	--	107.34

The overall burden increase for these three forms is 0.37 hours.