

**2020 SUPPORTING STATEMENT
for Pistachios Grown in California, Arizona, and New Mexico
OMB No. 0581-0215**

NOTE TO REVIEWER: In this renewal submission, the Committee suggested modifications to forms to streamline the process of pistachio handlers reporting information. The Failed Lot Notification (ACP-2) was combined with the Failed Lot Disposition and Rework Report (ACP-3) to make a new ACP-2 form. The remaining ACP forms were renumbered to maintain sequential order.

A. JUSTIFICATION.

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

Marketing Order No. 983 (7 CFR Part 983) covering pistachios grown in California, Arizona, and New Mexico is regulated under the Agricultural Marketing Agreement Act of 1937, Secs. 1-19, 48 Stat. 31, as amended, (7 U.S.C. 601-674), hereinafter referred to as the “Act.” The Act authorizes the formation of marketing orders for certain agricultural commodities to provide orderly marketing conditions in interstate and intrastate commerce and to improve producer returns. 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). The rules of practice and the procedure governing proceedings to formulate marketing orders are contained in 7 CFR Part 900.

Marketing Order No. 983 went into effect in April 2004, authorizing quality, size, inspection and reporting requirements, along with aflatoxin standards, for pistachios grown in California. In 2009, based on an industry recommendation, USDA expanded the marketing order’s production area to include Arizona and New Mexico.

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 Agricultural Marketing Service (AMS), an agency of USDA, oversees the 12-member Administrative Committee for Pistachios (Committee), which locally administers the marketing order with nine producers, two handlers, and one public member. Each member has an alternate member. Each member serves a two-year term, beginning July 1. The members and alternates are appointed by USDA to administer the program locally, and are selected from nominations submitted by pistachio producers and handlers in the production area.

The marketing order, and the rules and regulations issued thereunder, authorize the Committee to require producers and handlers to submit certain information, as provided in Sections 900.14; 900.304; 900.400; 983.42; 983.47; 983.52; 983.53; 983.58; 983.64; 983.66; 983.71; 983.88; and 983.93.

The Committee has developed forms as a convenience for persons who are required to file information with the Committee relating to pistachio supplies, shipments, dispositions, and other information needed to effectively carry out the purposes of the Act and the marketing order. A small number of edits were made to the existing forms as a result of an evolving industry. The information required under the marketing order is gathered on the following forms and is used by the Committee and USDA as outlined below:

- A. **Receipts/Assessment Report, Form ACP-1 (Sections 983.64 and 983.71):**
Pistachio handlers, who receive pistachios for processing (removal of green hulls and drying pistachios to 5 percent moisture), file this form once a year with the Committee. Regulated handlers would be required to pay an assessment attributable to the assessed weight of pistachios received by the handler and to report that assessed weight to the Committee on the ACP-1, Receipts/Assessment form. The form covers the following worksheet on pistachio data: total marketable in-shell; total marketable closed-shell; total marketable shelling stock; total assessed weight; total assessment due; any penalty and interest due; and the handler employee signature with the certifying representative's name, title and date.
- B. **Failed Lots: Notification and Rework/ Disposition Report Form ACP-2 (Section 983.52, 983.152(a) and 983.152(b)):** Pistachio handlers who have a failed pistachio lot due to maximum aflatoxin concentration, send the completed form to the Committee within 10 days of test completion and retain a copy for their records. The handler completes Section A and is required to identify the handler's name, by whom the product was sampled or the name of the laboratory that sampled the product, the sampling date, describe the lot sampled, report the lot ID/marks, list the weight in pounds, the container size and description, first test results, second test results, average of both test results and certificate number, the name of the person filled the form, the person's title and his/her signature and the date. Rework Report portion of the Section B, "Failed Lot Rework/Disposition," covers the number of pounds reworked; pounds accepted, lot description, lot ID/marks, new container size/description, first test results, second test results, third test results, average of all three tests, whether the lot passed the retest, and certificate number. Disposition Report portion of the Section B, "Failed Lot Rework/Disposition" includes pounds shipped for exports, country it is shipped, customer's name, and BL number. In addition, Disposition Report portion covers pounds shipped for non-human consumption, description of use and BL number. It also includes date of rework/disposition, preparer's name, title, signature and date. Previous ACP-2 and APC-3 were merged to create this new APC-2.
- C. **FMO Exempt Handler Notification, Form ACP-3 (This form was formerly ACP-4) (Sections 983.92):** Handlers submit this form to the Committee for an

exemption under §983.92 if they receive 5,000 pounds or less (assessed weight) of pistachios in a production year. The form must be submitted by November 15 of each production year. The handler is required to provide his/her name, address, and the assessed weight handled in pounds, as well as the production year. The person who completes the form with the required information must include his/her name, title, and signs, dates, and then submits it to the Committee.

- D. **Minimal Testing Request, Form ACP-4 (This form was formerly ACP-5) (Section 983.53)**: Handlers complete this form by October 1, prior to each production year if they handle less than 1,000,000 pounds (assessed weight) of pistachios per production year. The handler is required to provide the handler's name, address, email address and phone number and the production year. The preparer who completes the form provides his/her name, title and signs, dates and submits the form to the Committee. The Committee approves or denies the request by filling the form, signs, dates and returns a copy of the form to the handler.
- E. **Inter-Handler Transfer Report, Form ACP-5 (this form was previously ACP-6) (Sections 983.58 and 983.150(c))**: Pistachio handlers file this form with the Committee within 30 days of the transfer. The information collected on this form includes the date of transfer, the transferring and receiving handlers' names, a description of the inventory including lot description and identification marks, weight, inspection status of the lot, aflatoxin and minimum size/quality certificate numbers, whether the lot is inspected or not, and the signatures of both the transferring and receiving handlers. The transferring handler fills out the form, signs, dates and submits a copy to the Committee within 30 days of the transfer. The transferring handler must provide the receiving handler with the original and a copy of the form. The receiving handler must sign, date and submit the original to the Committee within 30 days of the transfer. Both handlers are responsible for maintaining a copy of the completed forms for their records.
- F. **Monthly Report of Inventory/Shipments, Form ACP-6 (This form was previously ACP-7) (Sections 983.164(f) and 983.66)**: Pistachio handlers currently file this form on a monthly basis to the Committee. The form covers inventory/shipment of pistachios that are open shell, artificially opened, closed shell, shelling stock, and loose kernels. Handlers must report each category under the descriptions of beginning inventory, grower deliveries (new crop), current month's shipments domestic, export, splitting/shelling adjustments, inter-handler transfers, non-handler purchases of product, inventory adjustments, and ending inventory. Instructions are attached to assist in filling out ACP-6. Handlers may opt to fill out the monthly inventory/shipment report; they may also attach a photocopy of the California Pistachio Commission report and sign the ACP-6.
- G. **Producer Delivery Report, Form ACP-7 (This form was previously ACP-8) (Section 983.164(g))**: Handlers are required to annually provide the names of producers who deliver pistachios to them, producers' mailing and email addresses, telephone and facsimile numbers, and tax identification number, as well as total receipts of pistachios from each producer and counties in which the pistachios

were grown. These reports allow the Committee to identify all authorized voters for Committee selections and referenda in which each business entity is entitled to cast one vote. Individual producers may produce and deliver pistachios under more than one business entity. The information collected on this report also allows the Committee to determine individual producer's eligibility to represent more than one business entity based upon the tax identification numbers.

- H. **Producer's Referendum Ballot and/or Official Producer's Ballot, SC-240 and SC-240-A (Sections 900.14, 900.304, 900.400 and 983.88):** Producers use these ballots for voting on establishing, amending, or terminating a marketing order. The ballots allow eligible producers to vote in a referendum. Information collected includes: the vote cast; eligibility statement with production information; name and signature and type organization (individual, trust, partnership, or corporation); partnership names; address and telephone.
- I. **Marketing Agreement, SC-242 (Sections 900.14):** Handlers use this form to promulgate or amend the marketing order. Handlers voluntarily sign the agreement, indicating their willingness to abide by provisions regulating respective commodity handling in the promulgated or amended marketing order. Referendum agents distribute and collect the marketing agreements from the handlers.
- J. **Confidential Producer/Handler and Public Member Qualification and Acceptance Statement, SC-243 (Section 983.42):** This form, used by candidates nominated to serve as members and alternates on the Committee, requests information on the nominee's role in pistachio production, handling, industry organizations, and programs. USDA uses this information to determine nominee eligibility to serve in the nominated positions. This form includes an acceptance statement that nominees would sign to indicate that, if they are appointed, they would be willing to serve on the Committee.
- K. **Handler and Alternate Member Nomination Ballot, SC-244 (Section 983.42):** This form permits qualifying handlers to vote for a handler member or alternate for the Committee. Information requested includes: name and signature; type or organization (individual, trust, partnership or corporation); name of business entity; telephone number; verification of address, production information, tax identification number, and vote cast.
- L. **Producer and Alternate Member Nomination Form, SC-245 (Section 983.42):** Producers prepare this form to nominate candidates to serve as a producer member on the Committee. A producer/handler may nominate either a producer or a handler, but not both.
- M. **Handler Member Nomination Form, SC-245A (Section 983.42):** Handlers use this form to nominate candidates to serve as a handler member on the Committee. A producer/handler may nominate either a producer or a handler, but not both.

N. **Producer and Alternate Member Ballot, SC-246 (Section 983.42)**: This form permits qualifying pistachio producers to vote for the producer members and alternates of their choice. Information requested includes a signature, verification of address, production information, tax identification number, and vote cast.

O. **Imported Pistachios – Failed Lot Notification Report, SC-249 (Sections 999.500 and 999.600)**: This electronic form will collect information on the laboratory name, phone number, certificate number, Specialty Crop Inspection number, Customs entry number, importer, applicant, country of origin, commodity, date sampled, date received, date tested, date certificate issued, tester name, container number, total weight, unit of measure, inspection results, aflatoxin results, lot number, sample number, testing methodology. It has drop down choices for “meets,” “fails,” “destroyed,” location of testing site, and testing method. The test results will automatically be uploaded into the database to inform USDA.

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 Committee. The Committee is not part of a Federal agency but is an industry commodity board that operates under Federal authority and oversight. The availability and submission of forms electronically is at the Committee’s discretion. Currently, most forms are transmitted by fax, postage mail and email. Committee staff periodically review information collections to ensure the forms are understood by industry members, are easy to complete, and place as small burden as possible on the respondents.

The SC-249 is submitted electronically, and the laboratories report all aflatoxin test results (both “meets” and “fails”) to USDA.

4. DESCRIBE EFFORTS TO IDENTIFY DUPLICATION. SHOW SPECIFICALLY WHY ANY SIMILAR INFORMATION ALREADY AVAILABLE CANNOT BE USED OR MODIFIED FOR USE FOR THE PURPOSE(S) DESCRIBED IN ITEM 2 ABOVE.

Information collection processes are periodically reviewed to avoid unnecessary duplication by industry and public-sector agencies. At the present time, there is no duplication between Federal agencies. The data for the information collection are not available anywhere.

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 to oversee each marketing order. Requesting this information from producers does not pose a significant disadvantage to any of the respondents; therefore, it does not significantly or negatively impact small businesses. An estimated 80 percent of the 1,200 producers in the pistachio industry are small business owners.

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 the information collection herein was not collected, the Secretary could not ascertain the support level for the order, nor in fact, carry out obligations required by the Act. Use of the forms is required by regulations governing marketing order administration. Collecting data less frequently would also eliminate the Secretary's ability to administer the order.

7. EXPLAIN ANY SPECIAL CIRCUMSTANCES THAT WOULD CAUSE AN INFORMATION COLLECTION TO BE CONDUCTED IN A MANNER:

- **REQUIRING RESPONDENTS TO REPORT INFORMATION TO THE AGENCY MORE OFTEN THAN QUARTERLY;**
- **REQUIRING RESPONDENTS TO PREPARE A WRITTEN RESPONSE TO A COLLECTION OF INFORMATION IN FEWER THAN 30 DAYS AFTER RECEIPT OF IT;**
- **REQUIRING RESPONDENTS TO SUBMIT MORE THAN AN ORIGINAL AND TWO COPIES OF ANY DOCUMENT;**
- **REQUIRING RESPONDENTS TO RETAIN RECORDS, OTHER THAN HEALTH, MEDICAL, GOVERNMENT CONTRACT, GRANT-IN-AID, OR TAX RECORDS FOR MORE THAN 3 YEARS;**
- **IN CONNECTION WITH A STATISTICAL SURVEY, THAT IS NOT DESIGNED TO PRODUCE VALID AND RELIABLE RESULTS THAT CAN BE GENERALIZED TO THE UNIVERSE OF STUDY;**
- **REQUIRING THE USE OF A STATISTICAL DATA CLASSIFICATION THAT HAS NOT BEEN REVIEWED AND APPROVED BY OMB;**
- **THAT INCLUDES A PLEDGE OF CONFIDENTIALITY THAT IS NOT SUPPORTED BY AUTHORITY ESTABLISHED IN STATUE OR**

REGULATION, THAT IS NOT SUPPORTED BY DISCLOSURE AND DATA SECURITY POLICIES THAT ARE CONSISTENT WITH THE PLEDGE, OR WHICH UNNECESSARILY IMPEDES SHARING OF DATA WITH OTHER AGENCIES FOR COMPATIBLE CONFIDENTIAL USE; OR

- **REQUIRING RESPONDENTS TO SUBMIT PROPRIETARY TRADE SECRET, OR OTHER CONFIDENTIAL INFORMATION UNLESS THE AGENCY CAN DEMONSTRATE THAT IT HAS INSTITUTED PROCEDURES TO PROTECT THE INFORMATION'S CONFIDENTIALITY TO THE EXTENT PERMITTED BY LAW.**

There are no special circumstances. The collection of information is conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

- 8. IF APPLICABLE, PROVIDE A COPY AND IDENTIFY THE DATE AND PAGE NUMBER OF PUBLICATION IN THE FEDERAL REGISTER OF THE AGENCY'S NOTICE, REQUIRED BY 5 CFR 1320.8(d), SOLICITING COMMENTS ON THE INFORMATION COLLECTION PRIOR TO SUBMISSION TO OMB. SUMMARIZE PUBLIC COMMENTS RECEIVED IN RESPONSE TO THAT NOTICE AND DESCRIBE ACTIONS TAKEN BY THE AGENCY IN RESPONSE TO THESE COMMENTS. SPECIFICALLY ADDRESS COMMENTS RECEIVED ON COST AND HOUR BURDEN.**

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 60-day notice for this information collection was published in the Federal Register on December 10, 2019 (Vol. 84, No. 237 and Pages 67423 and 67424). The notice invited comments on AMS' request for an extension for and revision to the currently used forms. Comments were due by February 10, 2020. No comments were received.

AMS marketing specialists participate in and monitor Committee meetings that are attended by pistachio producers and handlers, and regularly convey information on the

overall marketing order updates. Meetings are held throughout the year in the production area. The use and content of these forms have been discussed with the following Committee managers and their staff. During these discussions, the Committee staff has decided to better organize and improve the readability of the previous ACP-2 and ACP-3 by merging them into a new ACP-2. This action allows the respondents to complete one less form and makes Committee's record keeping more efficient. This change created the need to renumber the remaining ACP forms to keep them in sequential order..

Dr. Bob Klein, Manager, Administrative Committee for Pistachios, (559) 255-6480
Tom Coleman, Chairperson, Administrative Committee for Pistachios, (559) 222-1055
Terry Vawter, California Marketing Field Office Manager, (559) 487-5901
Vincent Fusaro, Compliance and Enforcement Branch Chief, (202) 720-2491

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

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.

Private information is required on the Confidential Producer/Handler and Public Member Qualification and Acceptance Statement (SC-243), which a nominee to the Committee fills out. These questions are asked to ascertain his/her qualifications to serve on the Committee and include position in the industry or firm, years producing or handling, approximate volume produced or handled, and office held in industry organizations. This information is provided to the Secretary for use in the selection process.

The information collected on form ACP-7 requires handlers to annually provide the producer names, addresses, tax identification number, and other contact information. The information collected allows the Committee to determine whether individual producers are eligible to represent more than one business entity based on the tax identification numbers.

Section 608(d) of the Act states that information acquired will be kept confidential, and that penalties exist for violating confidentiality requirements. Therefore, USDA requires AMS field office staff and employees in Washington, D.C. to maintain confidentiality. Confidential information is withheld from public review under the Freedom of Information Act and the Privacy Act, 5 USC 552.

11. PROVIDE ADDITIONAL JUSTIFICATION FOR ANY QUESTIONS OF A SENSITIVE NATURE, SUCH AS SEXUAL BEHAVIOR AND ATTITUDES, RELIGIOUS BELIEFS, AND OTHER MATTERS THAT ARE COMMONLY CONSIDERED PRIVATE. THIS JUSTIFICATION SHOULD INCLUDE THE REASONS WHY THE AGENCY CONSIDERS THE QUESTIONS NECESSARY,

THE SPECIFIC USES TO BE MADE OF THE INFORMATION, THE EXPLANATION TO BE GIVEN TO PERSONS FROM WHOM THE INFORMATION IS REQUESTED, AND ANY STEPS TO BE TAKEN TO OBTAIN THEIR CONSENT.

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

12. PROVIDE ESTIMATES OF THE HOUR BURDEN OF THE COLLECTION OF INFORMATION.

**THE STATEMENT SHOULD:
INDICATE THE NUMBER OF RESPONDENTS, FREQUENCY OF RESPONSE, ANNUAL HOUR BURDEN, AND AN EXPLANATION OF HOW THE BURDEN WAS ESTIMATED. UNLESS DIRECTED TO DO SO, AGENCIES SHOULD NOT CONDUCT SPECIAL SURVEYS TO OBTAIN INFORMATION ON WHICH TO BASE HOUR BURDEN ESTIMATES. CONSULTATION WITH A SAMPLE (FEWER THAN 10) OF POTENTIAL RESPONDENTS IS DESIRABLE. IF THE HOUR BURDEN ON RESPONDENTS IS EXPECTED TO VARY WIDELY BECAUSE OF DIFFERENCE IN ACTIVITY, SIZE, OR COMPLEXITY, SHOW THE RANGE OF ESTIMATED HOUR BURDEN, AND EXPLAIN THE REASONS FOR THE VARIANCE. GENERALLY, ESTIMATES SHOULD NOT INCLUDE BURDEN HOURS FOR CUSTOMARY AND USUAL BUSINESS PRACTICES.**

IF THIS REQUEST FOR APPROVAL COVERS MORE THAN ONE FORM, PROVIDE SEPARATE HOUR BURDEN ESTIMATES FOR EACH FORM AND AGGREGATE THE HOUR BURDENS IN ITEM 13 OF OMB FORM 83-I.

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 Committee is \$27,390. This total has been estimated by multiplying 541.19, total burden hours, by \$50.61, the national mean hourly wage of Farmers, Ranchers, and other agricultural managers, according to the U.S. Department of Labor Statistics. (National Compensation Survey: Occupational Employment and Wages, May 2018; <http://www.bls.gov/oes/current/oes119013.htm>). This national mean hourly wage includes \$12.18 as directed by U.S. Bureau of Labor Statistics news release on Dec 14, 2018 for benefits and compensation of 31.7% (https://www.bls.gov/news.release/archives/ecec_12142018.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, startup, operation, or maintenance costs associated with this program.

14. PROVIDE ESTIMATES OF ANNUALIZED COST TO THE FEDERAL GOVERNMENT. ALSO, PROVIDE A DESCRIPTION OF THE METHOD USED TO ESTIMATE COST, WHICH SHOULD INCLUDE QUANTIFICATION OF HOURS, OPERATION EXPENSES (SUCH AS EQUIPMENT, OVERHEAD, PRINTING, AND SUPPORT STAFF), AND ANY OTHER EXPENSE THAT WOULD NOT HAVE BEEN INCURRED WITHOUT THIS COLLECTION OF INFORMATION. AGENCIES ALSO MAY AGGREGATE COST ESTIMATES FROM ITEMS 12, 13, AND 14 IN A SINGLE TABLE.

The estimated total annual cost to the Federal government for this information collection and processing is about \$16,285. The cost was developed by estimating the number of hours that agency employees will spend in the preparation of this information collection package (120 hours) at approximately \$48.21 per hour. This amount is slightly more than the estimated amount three years ago due to cost of living allowance. This is based on the average median hourly wage rate of \$36.61 with an additional 37.6% this will cause your per hours total to change. to account for benefits and compensation, for an hourly wage total of \$48.21. Costs of benefits and compensation guidance provided by Bureau of Labor Statistics News Release issued on December 14, 2018 (https://www.bls.gov/news.release/archives/ecec_12142018.htm). The Federal government’s annual cost for providing oversight and assistance for this marketing order program is estimated at \$16, 285 the first year and for subsequent year it is estimated to be \$17,285 assuming overhead costs and newly allocated cost of living increases. A breakdown of the costs for the first year is the following:

| | |
|--------------------------|-----------------|
| Salaries/Benefits/Awards | \$5,785 |
| Travel | \$2,000 |
| Federal Register Notices | \$2,500 |
| OGC (Legal Services) | \$4,800 |
| Supplies/Equipment | \$1,200 |
| TOTAL | \$16,285 |

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

AMS is requesting approval for 541.19 burden hours, based on 1,968.37 annual responses. The revised ACP-2 is a combined version of the previously approved 2017 forms ACP-2 and ACP-3. The Committee requested combining the two forms into one to simplify the reporting requirements on pistachios that failed testing. Since the last submission in 2017, the number of responses increased proportionally to the number of pistachio producers that increased from 1,046 to 1,200. There is an increase of 71 hours in the overall burden due primarily to the growth in the industry.

16. FOR COLLECTIONS OF INFORMATION WHOSE RESULTS WILL BE PUBLISHED, OUTLINE PLANS FOR TABULATION, AND PUBLICATION. ADDRESS ANY COMPLEX ANALYTICAL TECHNIQUES THAT WILL BE USED. PROVIDE THE TIME SCHEDULE FOR THE ENTIRE PROJECT, INCLUDING BEGINNING AND ENDING DATES OF THE COLLECTION OF

INFORMATION, COMPLETION OF REPORT, PUBLICATION DATES, AND OTHER ACTIONS.

There are no plans to publish any information or data collected.

- 17. IF SEEKING APPROVAL TO NOT DISPLAY THE EXPIRATION DATE FOR OMB APPROVAL OF THE INFORMATION COLLECTION, EXPLAIN THE REASONS THAT DISPLAY WOULD BE INAPPROPRIATE.**

AMS has switched from displaying the month and year on each form when OMB last renewed the forms to the month and year that OMB's approval will expire.

- 18. EXPLAIN EACH EXCEPTION TO THE CERTIFICATION STATEMENT IDENTIFIED IN ITEM 19, "CERTIFICATION FOR PAPERWORK REDUCTION ACT SUBMISSIONS," OF OMB FORM 83-I.**

The agency is able to certify compliance with all provisions under Item 19 of OMB Form 83-I.

- B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This information collection does not employ statistical methods.