OMB No. 0581-0215
Marketing Order for Pistachios grown in California, Arizona, and New Mexico
(7 CFR 983)

May 2025

This Justification for Change seeks OMB's approval on updates to fifteen forms used in the specialty crop industry.

This Justification for Change seeks OMB's approval on corrections to fifteen forms that are part of OMB No. 0581-0215, pistachios grown in California, Arizona and New Mexico, Marketing Order No. 983 (7 CFR part 983). The Administrative Committee for Pistachios (Committee) uses these forms to locally administer the Federal marketing order for pistachios under the Agricultural Marketing Service's oversight.

The following forms require an update to the address of the Committee's office location. This change will ensure that any correspondence, as well as submissions of indicated forms, are sent to the correct office address. By making this change form users will have a more streamlined completion and up-to-date contact information that will not affect the burden hours for those completing this form.

1) **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.

2) **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.

3) **FMO Exempt Handler Notification**, Form ACP-3 (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.

4) **Minimal Testing Request**, Form ACP-4 (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.

5) **Inter-Handler Transfer Report,** Form ACP-5 (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.

6) **Monthly Report of Inventory/Shipments,** Form ACP-6 (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.

7) **Producer Delivery Report,** Form ACP-7 (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.

8) **Producer's Referendum Ballot and/or Official Producer's Ballot,** SC-240 (Sections 900.14, 900.304, 900.400 and 983.88): Producers use these ballots for voting on continuing 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.

9) **Producer's Referendum Ballot and/or Official Producer's Ballot,** SC-240-A (Sections 900.14, 900.304, 900.400 and 983.88): Producers use these ballots for voting on an amendment to 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.

10) **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.

11) **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.

12) **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.

13) **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.

14) **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.

15) **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.