

2011 SUPPORTING STATEMENT
FRUIT AND VEGETABLE MARKETING ORDERS
NATIONAL MARKETING AGREEMENT REGULATING
LEAFY GREEN VEGETABLES
OMB No. 0581-NEW

A. JUSTIFICATION

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

Under the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. § 601 *et seq.*; Act), the U. S. Department of Agriculture (USDA) has authority to promulgate and oversee marketing agreements to regulate the handling of any agricultural commodity placed in interstate or foreign commerce. Section 608d(1) of the Act provides that information necessary to determine the extent to which a marketing agreement has effectuated the declared policy of the Act shall be furnished at the request of the Secretary of Agriculture (Secretary). These agreements apply to processors, producers, associations, and others engaged in the handling of the commodity, who are parties to a marketing agreement.

In September 2006, a multi-state *Escherichia coli* (*E. coli*) incident linked to fresh spinach grown in California's Salinas Valley resulted in the Food and Drug Administration's (FDA) largest recall ever for leafy green products. A representative group of the U.S. produce industry subsequently proposed the formation of a national marketing agreement regulating leafy green vegetables to the USDA.

If implemented following an extensive rulemaking and public-comment process, the marketing agreement for leafy green vegetables would establish a comprehensive food safety program that is accessible to all leafy green operations, helping minimize the risk of food-borne contamination in cabbage, lettuce, spinach, and related vegetables. Handlers who choose to sign the agreement would certify that they are adhering to Good Handling Practices and Good Manufacturing Practices and are sourcing only from producers who employ Good Agricultural Practices. The Agricultural Marketing Service (AMS) would oversee the proposed marketing agreement through a National Leafy Green Vegetable Board (Board), and any administrative rules and regulations issued under the proposed program.

Under this program, handlers would have the option of signing the marketing agreement. The information contained in the related forms is essential to carrying out the intent of the Act, providing the signatory handlers the type of service they request, and administering the marketing agreement.

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 marketing agreement, and the rules and regulations issued thereunder, would authorize the Board to collect certain information from product handlers. (7 CFR § 970). The Board would use the following Fruit and Vegetable Programs (FV) forms to collect such data:

- a) **National Marketing Agreement Regulating Leafy Green Vegetables; FV-307 (§ 900.14)**: Handlers would sign this Agreement to indicate their willingness to comply with provisions of the proposed program. Signed agreements would be delivered to the Secretary. The USDA would use this information to verify compliance with the Agreement.
- b) **Certificate of Resolution; FV-308A (§ 900.14)**: Corporation handlers would file this form with the Board to verify that the corporation voted to become a party to the agreement. The Board would use this information for compliance purposes.
- c) **National Leafy Green Vegetable Board Nomination Form by Producer/Signatory Handler; FV-309 (§§ 970.40, 970.42, 970.44(a), (c), 970.45)**: Producers and signatory handlers would use this form to nominate themselves or other producers or handlers to serve on the Board. AMS would use this information to document and oversee the Board selection process.
- d) **National Leafy Green Vegetable Board Nomination Form by General Public; FV-310 (§§ 970.40, 970.42, 970.44(b), (c), 970.45)**: This form would be used by members of the general public to nominate themselves or other persons from the public to serve as a retailer, foodservice operator, or public member or alternate member to positions on the Board. Nominations would be made to the Secretary of Agriculture, who makes the selections.
- e) **National Leafy Green Vegetable Board Background Information; FV-311 (§§ 970.40, 970.42, 970.43, 970.44(a), (b), (c), 970.45)**: This form would be used by nominated candidates to provide their qualifications to serve on the Board. The USDA would use this information in the selection and appointment process.
- f) **National Leafy Green Vegetable Technical Review Committee/Research and Development Committee Nomination Form by Producer/Handler; FV-312 (§§ 970.46, 970.47)**: Producers and signatory handlers would use this form to nominate persons to serve on the Board's Technical Review Committee or the Research and Development Committee. The Board, which oversees both committees, would use this information to make committee selections.

g) National Leafy Green Vegetable Technical Review Committee/Research and Development Committee Background Information; FV-313 (§§ 970.40, 970.42, 970.46, 970.47): Candidates who are nominated to the Board's Technical Review Committee or the Research and Development Committee would complete this application to provide their qualifications for serving on one of the committees. The Board would use this information to select members.

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 Board that administers the proposed marketing agreement. The Board would not be part of a Federal agency, but would be an industry commodity entity that operates under Federal authority and oversight.

The availability and submission of forms electronically would be at the discretion of the Board once it is established. Among similar organizations that currently exist, most forms are transmitted by fax and mail to accommodate a wide population of responding growers and handlers.

Information collections would be periodically reviewed by the Board 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.

The Board would periodically review the information collection forms to ensure that they are understood by industry members, are easy to complete, and place as small a burden as possible on the person supplying the information.

In response to the 2006 E. coli incident, California established a marketing agreement on the State level and formed a committee that locally administers the program that became effective in February 2007. In October 2007, a similar program was implemented in Arizona. Any national marketing agreement on the Federal level would replace the existing State programs, as the Federal program would have broader authority to regulate for Good Manufacturing Practices and would authorize audits at production and handling facilities outside of the production area (i.e., the United States), something that the Arizona and California marketing agreements cannot do.

USDA and the newly appointed Board would use these initial seven Federal forms in this information collection. Consequently, the information needs are unique to the Federal program and do not exist on the State side. There would be no duplication in effort among the companion marketing agreements. Once established, however, the Federal Board would create new forms and would 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.

The information being collected has been reduced to the minimum requirements of the marketing agreement. 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 information presented at the hearing, it is estimated that 89 percent of the potential signatories to the marketing agreement are considered small businesses as defined by the Small Business Administration. Requiring the same reporting requirements for all eligible handlers will not significantly disadvantage any handler that is smaller than the industry average.

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.

Unlike marketing orders, which apply to all product handlers once a marketing order is approved in an industry referendum, marketing agreements apply only to those handlers who voluntarily sign the marketing agreement, which is one of the seven forms in this information collection. Thus, the marketing agreement is the enforcement mechanism for this program that helps ensure the safety of leafy greens in the United States. If this information collection were not conducted, not only would the Secretary lose the ability to administer the marketing agreement, but the Board would have no way to monitor industry compliance with the proposed national program.

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;**

None of the seven forms in this information collection requires responses more often than once annually. The forms are essentially start-up forms for the proposed program and

address handlers' voluntary adherence to the regulations and initial nominations to the Board that locally administers the marketing agreement under Federal oversight.

- **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.**

On April [date], 2011, USDA published a Recommended Decision on this marketing agreement in the Federal Register. This document contained material on the Information Collection process and certain forms to be used under the program, and invited comments from interested persons through June [date], 2011. (Vol. --, No. ---, Page -----). [Number] comments were received.

- **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.**

In October 2007, AMS published an Advanced Notice of Proposed Rulemaking (ANPR) in the Federal Register (72 FR 56678) in response to the industry's expressed interest in a national marketing agreement for leafy green vegetables. The ANPR resulted in the submission and AMS' consideration of 3,500 public comments on the need and level of support for a nationwide regulatory program for Good Agriculture Practices, Good Handling Practices and Good Manufacturing Practices. AMS, at the request of industry, then conducted a hearing in seven U.S. cities in September and October 2009 to gather additional evidence from producers, handlers and other interested parties on the proposed marketing agreement. Since the close of the hearings and while AMS drafted the Recommended Decision, AMS has been prohibited from publically discussing the merits of the proposed program or indicating whether it plans to endorse or reject the industry proposal for a national marketing agreement for leafy green vegetables due to *ex parte* rules. The creation and content of the initial seven forms was based on AMS' consideration of the comments and evidence, as well as its experience in establishing new programs. Use and content of the forms has been discussed with the following individuals internal to AMS' Fruit and Vegetable Marketing Order Administration Branch:

- Sue Coleman, Northwest Marketing Field Office, Portland, OR; Phone: (503) 326-2724
- Melissa Schmaedick, Northwest Marketing Field Office, Portland, OR; Phone: (503) 326-2724
- Antoinette Carter, Washington, D.C.; Phone: (202) 720-2491

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. Information submitted to the Board is accessible only by the Board managers and staff, and certain USDA employees in Washington, D.C. Board members will be made aware of the penalties for violating confidentiality requirements. Authorized Board employees will be the primary users of the information and AMS employees will be the secondary users.

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. Private information (in the form of home and business contact information, occupational background and experience, and whether the respondent is a convicted felon) is required on the nomination forms for the Board and the Technical/Research and Development Committee. Name and contact information of the nominee and the nominator is required on the nomination forms for the Board and the Technical/Research and Development Committee. This information is provided to the Secretary for use in the selection and appointment process.

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 national, regional and state data contained in the National Agricultural Statistics Service's 2007 Census of Agriculture, as well as additional records that are part of AMS' administration of the Perishable Agricultural Commodities Act and the Federal-State Inspection Program.

- **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 the Board is approximately \$16,249.86. This total has been estimated by multiplying 522 total burden hours by \$31.13, the national mean hourly wage of Farm, Ranch, and Other Agricultural Managers, according to the U.S. Department of Labor Statistics. (National Compensation Survey: Occupational Employment and Wages, May 2009; <http://bls.gov/oes/current/oes119011.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 are 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 \$15,030.48 for the first year, and \$15,481.40 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	\$900
Federal Register Services	\$1,680
OGC (legal services)	\$4,000

Supplies/equipment	\$1,800
TOTAL	\$15,030.48

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

The seven forms under consideration are new to the Federal forms package and, as a result, do not have previous burden numbers associated with them.

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.

The AMS requests approval not to display the expiration date on the form associated with this information collection because having to do so would 1) decrease the efficiency of the Marketing Order programs, 2) be financially prohibitive to some Committees or Boards, and 3) delay the use of such forms and cause confusion to the respondents.

Displaying an expiration date on the form in this information collection would decrease the efficiency of these Marketing Order programs. At the time the form expires, each Committee or Board would need to destroy otherwise-usable forms, counteracting the Administration's goal of increasing program efficiency. As the form is widely distributed, there is the possibility that a respondent could inadvertently complete an expired form before a new form was distributed, having a severe adverse legal impact if the validity of the form were ever challenged.

Some of the Committees and Boards are very small with small operating budgets, and rely heavily on financial discounts to function properly. As such, they order large quantities of this form at once to get lower printing prices, knowing that it will be in use for several years. Displaying expiration dates on the form could financially devastate them as they simply could not afford to reprint forms or pay more for the forms they order from the printer.

Finally, putting an expiration dates on the form would prevents it from being used once it reaches expiration while the new form is in the OMB-approval process. Committees and Boards mail forms to respondents in a timely manner to ensure accurate completion. If a

Committee or Board needs to order additional forms during this process, it could not order the forms with a new expiration date, as there are no guarantees that a requested expiration date would be approved by OMB. This would delay the Committee's or Board's use of this form, and hinder the smooth operation of Marketing Order requirements. Displaying expiration dates on forms also confuses respondents, who may think that the expiration date applies to the time their information is due, rather than the validity of the actual form.

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.