

that AMS is seeking emergency approval for a new information collection request enabling organic producers and marketers to apply for exemptions from paying market promotion assessments under the following 28 Federal marketing orders: 7 CFR parts 906, 915, 916, 917, 922, 923, 924, 925, 927, 929, 930, 931, 932, 947, 948, 955, 956, 958, 959, 966, 979, 981, 982, 984, 985, 987, 989, and 993. The emergency request is necessary because insufficient time is available to follow normal clearance procedures.

Title: Organic Producer and Marketer Market Promotion Assessment Exemption under 28 Federal Marketing Orders.

OMB Number: 0581–NEW.

Type of Request: New collection.

Abstract: Marketing order programs provide an opportunity for producers of fresh fruits, vegetables and specialty crops to solve marketing problems that cannot be solved individually. Order regulations help ensure adequate supplies of high quality products for consumers and adequate returns to producers. Under the Act, orders may authorize production and marketing research, including paid advertising, as mentioned earlier. Production and marketing research and development, including paid advertising, activities to promote the various commodities are paid for with assessments levied on handlers regulated under the 28 Federal marketing orders.

On May 13, 2002, section 501 of the FAIR Act was amended (7 U.S.C. 7401) to exempt any person that produces and markets solely 100 percent organic products, and that does not produce any conventional or non-organic products, from paying assessments under a commodity promotion law with respect to any agricultural commodity that is produced on a certified organic farm as defined in Section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502).

To be exempt from paying assessments for marketing promotion, including paid advertising expenses, under the specified marketing orders, the certified organic producer and marketer would submit an application, “Certified Organic Producer and Marketer Application for Exemption from Market Promotion Assessments Paid Under Federal Marketing Orders” to the marketing order committee or board. The application would need to be submitted to the committee or board prior to or during the applicable assessment period, and annually thereafter, as long as the applicant continues to be eligible for the exemption. This application would

include the applicant’s name, name and address of the company, telephone and fax numbers, a copy of the applicant’s organic farm or organic handling operation certificate provided by a USDA-accredited certifying agent under the Organic Foods Production Act of 1990 (7 U.S.C. 6502), and a signed certification that the applicant meets all of the requirements specified for an assessment exemption. The burdens associated with obtaining the certifications under the Organic Foods Production Act of 1990 have already been approved by OMB under OMB Control No. 0581–0181.

If the applicant complies with these requirements and is eligible for a market promotion assessment exemption, the committee or board would approve the exemption and notify the applicant within 30 days of receiving the applicant’s application. The Secretary may review any decisions made by the committees or boards at his/her discretion.

The respective marketing orders (e.g., 7 CFR 932.61 and 7 CFR 981.70) also provide that handlers maintain, and make available, all records necessary to demonstrate compliance with order requirements for two years. The burdens on handlers for such recordkeeping requirements are included in the information collection requests previously approved by OMB for the respective marketing orders under the following OMB Control Numbers: OMB No. 0581–0178 for marketing order Nos. 947, 948, 955, 956, 958, 959, 966, 979, 982, 984, 987, 989, and 993; OMB No. 0581–0189 for marketing order Nos. 906, 915, 916, 917, 922, 923, 924, 925, 927, 929, 930, and 931; OMB No. 0581–0142 for marketing order No. 932; OMB No. 0581–0071 for marketing order No. 981; and OMB No. 0581–0065 for marketing order No. 985.

The information collection would be used only by authorized representatives of USDA, including AMS, Fruit and Vegetable Programs’ regional and headquarters staff, and authorized Committee and Board employees. Authorized Committee and Board employees will be the primary users of the information, and AMS will be the secondary user.

The request for approval of the new information collection under the 28 Federal marketing orders is as follows:

Form FV–649, Certified Organic Producer and Marketer Application for Exemption From Marketing Promotion Assessments Paid Under Federal Marketing Orders

Estimate of Burden: Public reporting burden for this collection of information

is estimated to average 30 minutes per response.

Respondents: Eligible Certified Organic Producers and Marketers.

Estimated Number of Respondents: 84.

Estimated Number of Responses per Respondent: 1

Estimated Total Annual Burden on Respondents: 42 hours.

Comments: Comments are invited on:

(1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency’s estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology.

A sixty-day period is provided to comment on the information collection burden. Comments should reference OMB No. 0581–NEW and be sent to moab.docketclerk@usda.gov. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this rule will be summarized and included in the request for OMB approval. All comments will become a matter of public record. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

List of Subjects in 7 CFR Part 900

Administrative practices and procedures, Freedom of information, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 900 is proposed to be amended to read as follows:

PART 900—GENERAL REGULATIONS

1. The authority citation for part 900 is revised to read as follows:

Authority: 7 U.S.C. 610 and 7 U.S.C. 7401.

2. Add a new subpart heading “Assessment Exemptions” after § 900.601, and add a new § 900.700 to read as follows: