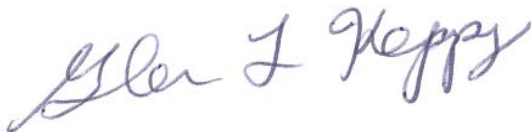


For: State and County Offices

**Pork Promotion, Research, and Consumer Information Order (Pork Checkoff Program)  
Request for Referendum - December 8, 2008, Through January 2, 2009**

Approved by: Acting Administrator



**1 Overview**

**A Background**

The Pork Checkoff Program, was implemented September 5, 1986, as authorized by the Pork Promotion, Research and Consumer Information Act of 1985 (Act). The purposes of the Pork Checkoff Program are to:

- strengthen the position of pork and pork products in the marketplace
- develop and expand markets for pork and pork products.

AMS will conduct a Request for Referendum among eligible pork producers and importers of hogs, pigs, pork, and pork products to determine if those persons want a referendum on the Pork Checkoff Program. The Request for Referendum is being conducted as a result of a settlement of a lawsuit entered into February 28, 2001, with USDA and the Michigan Pork Producers Association, Inc., et al. (Plaintiffs). Eligible producers and importers will be able to participate from December 8, 2008, through January 2, 2009. Participation is voluntary, and only individuals who desire a referendum on the Pork Checkoff Program should participate.

If the Request for Referendum indicates that 15 percent of the 69,446 eligible producers and importers want a referendum on the Pork Checkoff Program, the referendum will be conducted within 1 year after the results of the Request for Referendum are announced. If results of the Request for Referendum indicate that a referendum is **not** supported, a referendum will **not** be conducted.

The Administrator of AMS is responsible for conducting the Request for Referendum.

**Caution:** It is extremely important that State and County Offices follow this notice timely and accurately.

Disposal Date	Distribution
March 1, 2009	State Offices; State Offices relay to County Offices

## Notice AO-1431

### 1 Overview (Continued)

#### B Purpose

This notice provides instructions to State and County Offices on how to carry out FSA's responsibilities in conducting the Pork Checkoff Program's Request for Referendum.

#### C Contact

State Offices shall direct questions about this notice to Rick Pinkston, Field Operations Staff, by either of the following:

- e-mail to [rick.pinkston@wdc.usda.gov](mailto:rick.pinkston@wdc.usda.gov)
- telephone at 202-720-1857.

#### D State and County Office Action

State and County Offices shall assist AMS in conducting the Request for Referendum according to these instructions and Exhibits 1 through 7. AMS provided the instructions.

**Note:** USDA's AMS will reimburse FSA for expenses incurred.

Step	Action
1	<p>County Offices shall publicize the Request for Referendum through regular newspaper articles, county newsletters, or radio programs (Exhibit 2).</p> <p><b>Notes:</b> County Offices shall <b>not</b> prepare a special mailing of postcards or newsletters to publicize the Request for Referendum. Information distributed through the normal media outlets mentioned in this step will be sufficient announcement of the Request for Referendum.</p> <p>Costs incurred for special mailings will <b>not</b> be reimbursed by AMS; however, include excerpts from news release titled, "<b>USDA to Conduct Request for Referendum On Pork Checkoff Program</b>" (Exhibit 2) in routine County Office newsletters and free press.</p> <p>The AMS news release is posted at <a href="http://www.ams.usda.gov/LSMarketingPrograms">www.ams.usda.gov/LSMarketingPrograms</a>.</p>
2	<p>County Offices shall:</p> <ul style="list-style-type: none"><li>• maintain a register of associated and reimbursable costs and report these costs to the State Office by <b>January 27, 2009</b>, using Exhibit 3, Part A</li><li>• report the results of the referendum to the State Office by <b>January 27, 2009</b>, using Exhibit 4, Part A.</li></ul>

## Notice AO-1431

### 1 Overview (Continued)

#### D State and County Office Action (Continued)

Step	Action
3	<p>State Offices shall:</p> <ul style="list-style-type: none"><li>• summarize the County Office costs using Exhibit 3, Part B</li></ul> <p><b>Note:</b> Associated costs incurred by the State Office shall be included in the State report.</p> <ul style="list-style-type: none"><li>• summarize the County Office results using Exhibit 4, Part B</li><li>• transmit the summarized costs and summarized results to Rick Pinkston, Field Operations Staff, at either of the following:<ul style="list-style-type: none"><li>• e-mail at <a href="mailto:rick.pinkston@wdc.usda.gov">rick.pinkston@wdc.usda.gov</a></li><li>• FAX at 202-720-1096.</li></ul></li></ul>

**Note:** Exhibit 3 is available at <http://165.221.16.90/dam/ffasforms/currentforms.asp>. In the “Form Number” field, ENTER “Pork Expenses”.

Exhibit 4 is available at <http://165.221.16.90/dam/ffasforms/currentforms.asp>. In the “Form Number” field, ENTER “Pork Results”.

### 2 Maintaining FSA’s Impartiality

#### A State and County Office Action

It is extremely important that State and County Offices follow this notice accurately and according to the dates and timeframe provided. AMS requested FSA’s assistance to conduct this referendum.

**Caution:** State and County Office employees and COC members shall use caution to ensure that FSA is **not** exhibiting bias or partiality. State and County Offices shall **not** become involved in the following:

- issues relating to the USDA regulation in 7 CFR Part 1230
- encourage or discourage persons from participating in the Request for Referendum
- determine eligibility other than in an official capacity
- prejudice for or against the Pork Checkoff Program.

**Notice AO-1431**

**3 Downloading LS-54-1, Pork Promotion, Research, and Consumer Information Order Request for Referendum**

**A Downloading LS-54-1**

County Offices should obtain LS-54-1 (Exhibit 7) through the Internet and reproduce locally as necessary. To access LS-54-1, go to the AMS web site at **<http://www.ams.usda.gov/LSMarketingPrograms>**. CLICK “**Pork Request for Referendum Information**” and CLICK “**Form LS-54-1**”.

**Note:** LS-54-1 will **only** be available on the AMS web site beginning **December 8, 2008**, through **January 2, 2009**.

## AMS Instructions for Conducting the Request for Referendum

### 1 Conducting the Pork Checkoff Program Request for Referendum

#### A Responsibilities

The Administrator of AMS is responsible for conducting the Request for Referendum.

FSA will assist in conducting the Request for Referendum by:

- publicizing the Request for Referendum
- accepting form requests from eligible participants
- confirming eligibility of those persons who participate in the Request for Referendum
- reporting results to AMS.

#### B Purpose

The purpose of these instructions is to:

- describe the significance of the Request for Referendum
- establish procedures about:
  - State and County Office actions
  - eligibility
  - showing evidence for participants' eligibility
  - canvassing, counting, and reporting results
  - record retention and disposition .

### 2 Request for Referendum Participation Period

#### A Significance of the Request for Referendum

The Request for Referendum is being conducted as a result of a settlement of a lawsuit entered into February 28, 2001, between USDA and the Michigan Pork Producers Association, Inc., et al. (Plaintiffs). Under the settlement agreement, USDA will conduct a Request for Referendum among eligible pork producers and importers from December 8, 2008, through January 2, 2009, to determine whether producers and importers favor holding a referendum on the Pork Checkoff Program. Eligible producers and importers will be able to participate during a specified period announced by USDA.

If the Request for Referendum indicates that 15 percent of the 69,446 eligible producers and importers want a referendum on the Pork Checkoff Program, the referendum will be conducted within 1 year after the results of the Request for Referendum are announced. If results of the Request for Referendum indicate that a referendum is **not** supported, a referendum will **not** be conducted. Importers will request a referendum through USDA headquarters.

**AMS Instructions for Conducting the Request for Referendum (Continued)****2 Request for Referendum Participation Period (Continued)****B Request for Referendum Time and Place**

The Request for Referendum shall be held:

- from **December 8, 2008**, through **January 2, 2009**
- in County Offices.

**3 Eligibility****A Eligibility Requirements**

Producers and importers **must** have been:

- engaged in the production of hogs or pigs in the United States for sale in commerce or importation of hogs, pigs, pork, or pork products between January 1, 2007, and December 31, 2007
- at least 18 years of age on or before December 31, 2007.

AMS has determined that contract growers who do **not** own, but do raise, provide care, and feed hogs and pigs for owner, including a parent company, can participate in the Request for Referendum.

The representative period is **January 1, 2007**, through **December 31, 2007**.

**Note:** A group of individuals, such as any of the following, who are 18 years old on or before December 31, 2007, and engaged in the production of hogs or pigs in the United States for sale in commerce or importation of hogs, pigs, pork, or pork products between January 1, 2007, through December 31, 2007, shall be entitled to participate 1 time in the Request for Referendum:

- corporations
- joint tenants
- members of a family
- owners of community property
- partnerships, general or limited
- tenants in common.

**Note:** Any individual member of a group, who is an eligible person separate from the group, may participate separately. Example; husband and wife own operation A. Wife owns operation B. Both individuals may request Form 54-1; 1 for operation A and 1 for operation B. Each participant **must** be able to provide supporting documentation for each operation.

**AMS Instructions for Conducting the Request for Referendum (Continued)****3 Eligibility (Continued)****B Participating in LS-54-1 or FSA-211**

Participating in LS-54-1 by proxy or FSA-211 (to act for another) is **not** authorized, **except** that an authorized representative of any eligible producer, engaged in the production of hogs or pigs in the United States for sale in commerce or importer engaged in the importation of hogs, pigs, pork, or pork products (other than an individual person), such as a corporation or partnership, may participate on behalf of that entity. FSA-211 is **not** applicable since it specifically deals with FSA programs.

- An officer or authorized representative of a qualified corporation, association, or limited partnership may participate for that corporation, association, or limited partnership.
- A guardian, administrator, executor, or trustee of any qualified estate or trust may participate for that estate or trust.
- Proxy registration is **not** authorized. An individual **cannot** participate on behalf of another individual, such as spouse, share crop lease, etc.

Under **no** circumstance should any person wanting to participate be refused the opportunity to participate.

**4 Requesting Referendum Boxes and Obtaining LS-54-1's****A Requests for Referendum Boxes**

County Offices shall provide a holding box or container of sufficient size so arranged that **no** LS-54-1 can be read or removed without breaking seals on the container.

**B Obtaining LS-54-1**

Eligible persons may obtain LS-54-1 in-person, by mail, facsimile (FAX), or telephone. The County Office shall mail directly to the person, at the address provided by the person, if requested by mail, FAX, or telephone. Persons may also obtain LS-54-1 through the Internet at <http://www.ams.usda.gov/LSMarketingPrograms>. CLICK “**Pork Program Request for Referendum Information**” and CLICK “**Form LS-54-1**”.

In-person, mail, or FAX requests **must** be for only one LS-54-1.

**Note:** A list of names is **not** an individual request.

**AMS Instructions for Conducting the Request for Referendum (Continued)****5 Completing LS-54-1****A Overview**

County Offices **must** provide all persons the opportunity to participate during regular business hours during the period **December 8, 2008, through January 2, 2009**.

A completed and signed LS-54-1 and supporting documentation **must** be returned to the County Office where the person's farm records are administratively located.

For the person **not** participating in FSA programs, the opportunity to participate in the Request for Referendum will be provided at the County Office serving the county where the person's operation is located. If an operation is located in several counties, the voting office shall be determined based on the major portion of the operation's location. For the producer **not** participating in FSA programs, the opportunity to participate will be provided at the County Office where the person owns or rents land.

**Note: Each person is entitled to request a referendum only once.**

**B Eligible Person Action**

Eligible persons **must**:

- complete LS 54-1 in its entirety
- for producers, provide **supporting documentation**; such as sales receipts, feed bills, veterinary bills, and copies of grower contracts with cancelled check or proof of payment where applicable, etc., or remittance form, showing that the person was engaged in the production of hogs or pigs in the United States for sale in commerce between January 1, 2007, and December 31, 2007
- for importer, provide supporting documentation; such as Custom form 7501 or other available information, showing that the person was engaged in the importation of hogs, pigs, pork, or pork products between January 1, 2007, and December 31, 2007
- sign LS 54-1 certifying that they were at least 18 years of age on or before December 31, 2007, and engaged in the production of hogs or pigs in the United States for sale in commerce or importation of hogs, pigs, pork, or pork products between January 1, 2007, and December 31, 2007
- provide their grower contract or cancelled check as proof of eligibility, **if a contract grower**, because AMS has determined that contract growers who do **not** own, but do raise, provide care, and feed hogs and pigs for owner, including a parent company, can participate in the Request for Referendum.



**AMS Instructions for Conducting the Request for Referendum (Continued)****5 Completing LS-54-1 (Continued)****B Eligible Person Action (Continued)**

The Pork Checkoff Program defines:

- a “producer” as a person who produces porcine animals in the United States for sale in commerce
- an “importer” as a person who imports porcine animals, pork, or pork products into the United States.

**C In Person at the County Office**

A person who obtains LS-54-1 at the appropriate County Office may complete and return LS-54-1 at that time. The person **must**:

- complete and sign LS-54-1 in its entirety **and** attach (staple) the supporting documentation
- place LS-54-1 and attached supporting documentation in the holding box or container.

**Note:** If a participant wants the original supporting documentation returned, make a copy to attach to LS-54-1 and return the original supporting documentation to that person.

**D By Mail or FAX**

Persons who return LS-54-1 by mail or FAX **must** complete and sign LS-54-1 in its entirety, and return it to the appropriate County Office along with supporting documentation.

When LS-54-1 is returned by mail or FAX, the County Office shall:

- **date stamp** LS-54-1
- attach any supporting documentation (copies are acceptable)
- place LS-54-1 and supporting documentation in the holding box or container.

**Note:** FSA-237, Facsimile Signature Authorization and Verification, does **not** need to be on file for LS-54-1's returned by FAX.

**AMS Instructions for Conducting the Request for Referendum (Continued)****6 Canvassing Requests****A Overview**

**Confidentiality:** The names of persons participating in the Request for Referendum shall be confidential and may **not** be divulged except as the Secretary may direct.

Canvassing of LS-54-1's shall take place on **January 10, 2009**. At least 2 members of COC shall assist with the canvassing. If the County Office serves more than 1 county, then a COC member from each county served by the office shall assist in the canvassing.

**Exception:** STC or SED, if authorized by STC, may designate the following:

- CED and a county or State FSA employee to canvass requests if it is determined that the number of LS-54-1's is so limited that having members of COC present would be impractical
- CED and/or a county or State Office employee to canvass requests in any emergency situation precluding at least 2 members of COC from being present to canvass the requests.

**The forms for the Request for Referendum shall be canvassed according to the following subparagraphs.**

**Note:** It is the responsibility of the person to provide information needed by the County Office to determine eligibility. It is **not** the responsibility of the County Office to obtain information needed to determine eligibility.

**B Eligible Participants**

FSA will consider a person eligible if LS-54-1 has been completed in its entirety and supporting documentation has been provided.

**C Ineligible Participant**

If FSA **cannot** determine that a person is eligible based on the submitted supporting documentation or if the person fails to submit supporting documentation, the person shall be determined to be ineligible.

## AMS Instructions for Conducting the Request for Referendum (Continued)

## 6 Canvassing Requests (Continued)

## D Invalid LS-54-1's

An invalid LS-54-1 may include, but is **not** limited to, the following:

- LS-54-1 **not** signed, completed in its entirety, or all required information **not** provided
- LS-54-1 and supporting documentation returned **in person** or **by FAX** was **not** received by the close of business **January 2, 2009**
- LS-54-1 and supporting documentation returned **by mail** was **not** postmarked by **January 2, 2009**
- LS-54-1 and supporting documentation returned **by mail** was **not** received in the County Office **before January 9, 2009**
- LS-54-1, or the supporting documentation, is mutilated or marked in such a way that any required information on LS-54-1 or supporting documentation is illegible
- LS-54-1 and supporting documentation was **not** returned to the appropriate County Office.

## AMS Instructions for Conducting the Request for Referendum (Continued)

## 6 Canvassing Requests (Continued)

## E Notification of Ineligibility

If FSA **cannot** determine that a person is eligible based on the submitted documentation, or if the person fails to submit the required documentation, the person shall be determined to be ineligible. FSA shall notify ineligible persons in writing as soon as practicable, but no later than **January 14, 2009**. Use the language shown in the following letter of ineligibility.

Dear [challenged participant's name]:

This is to inform you that your eligibility to participate in the Request for Referendum on the Pork Checkoff Program has been questioned.

In order for us to determine if your participation is valid, you **must** provide us with supporting documentation showing that you were engaged in the production of hogs or pigs in the United States for sale in commerce or importation of hogs, pigs, pork, or pork products between January 1, 2007, and December 31, 2007, and, at least 18 years of age as of or before December 31, 2007.

If, within five business days after the postmark date of this letter, we do **not** receive in the County Office additional documentation supporting your eligibility to participate in the referendum, your form will **not** be eligible to be counted.

## F Appeals

A person declared to be ineligible by FSA can appeal the decision and provide additional documentation to the County Office within 5 workdays after the postmark date of the notification letter of ineligibility according to subparagraph D. FSA will make a final decision on the person's eligibility and notify the person of the decision no later than **January 22, 2009**. Use the language shown in the following letter to notify the person of the decision. Ensure that the second paragraph reflects the decision made by FSA.

Dear [challenged participant's name]:

This is to inform you that FSA has reviewed the documents that you provided in connection with the appeal regarding your eligibility to participate in the Request for Referendum on the Pork Checkoff Program.

Based on your documentation, we have determined that you (meet/do **not** meet) the eligibility requirements. We are; therefore, (including/**not** including) your request for a referendum among those that will be counted.

**AMS Instructions for Conducting the Request for Referendum (Continued)****7 Additional Information****A Counting Requests**

If there are **no** ineligibility determinations to resolve, the requests for a referendum shall be counted on the same day as LS-54-1's are canvassed on **January 10, 2009**.

For County Offices that **do have** ineligibility determinations to resolve, the requests for a referendum shall be counted **after** the ineligible determinations have been resolved, but **no** later than **January 23, 2009**.

LS-54-1's shall be counted as follows:

- number of eligible requests for a referendum
- number of invalid requests for a referendum.

**B County Office Report**

County Offices shall certify and transmit the results and expenses to the State Office as soon as the LS-54-1's are counted, but no later than **January 27, 2009**. See Exhibits 3 and 4.

The results in each county may be made available to the public upon notification by the Administrator, FSA, that the **final** results have been released by the Secretary. A copy of the report shall be posted for 30 calendar days **following** the date of notification by the Administrator, FSA, in the County Office in a conspicuous place accessible to the public.

**C State Office Report**

Each State Office shall certify and transmit as soon as possible, but **no** later than **January 30, 2009**, the following to FSA, DAFO:

- a report summarizing the data contained in each of the reports from County Offices
- expenses incurred by County Offices.

**Note:** One copy of the State summary shall be filed for a period of 1-year and available for public inspection **after** the results have been released.

**D Request for Referendum Results**

The results of the Request for Referendum will be issued by USDA in an official press release.

**AMS Instructions for Conducting the Request for Referendum (Continued)****7 Additional Information (Continued)****E Disposition of Records**

Each CED will place in a sealed container marked “Pork Checkoff Program Request for Referendum” all of LS-54-1’s, accompanying documentation, any other related material, and county summaries. The records will be placed in a secure location under CED’s custody for a period of **not** less than 1-year after the date of notification by the Administrator, FSA, that the Secretary has announced the results. If the County Office receives **no** notice to the contrary from the Administrator, FSA, by the end of the 1-year period, CED or designee shall destroy the records.

## News Release

County Offices shall include excerpts from the following in routine County Office newsletters and free press.

**USDA to Conduct Request for Referendum on Pork Checkoff Program**

AMS No. 220-08

Hakim Fobia (202)720-8998

hakim.fobia@usda.gov

Billy Cox (202)720-8998

billy.cox@usda.gov

WASHINGTON, Nov. 13, 2008 -- The U.S. Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) announced today that it will conduct a Request for Referendum next month among eligible producers and importers of hogs, pigs, pork, and pork products to determine if they want a referendum on the Pork Promotion, Research, and Consumer Information Order, commonly known as the Pork Checkoff Program. Participation is voluntary, and only individuals who desire a referendum on the Pork Checkoff Program should participate.

USDA will only conduct a referendum on the order if at least 15 percent of the total number of eligible pork producers and importers request a referendum. The total number of producers and importers eligible to participate in the Request for Referendum is approximately 69,446; therefore, at least 10,417 eligible producers and importers **must** request a referendum. If necessary, the referendum will be conducted within one year after the results of the Request for Referendum are announced. If results of the Request for Referendum indicate that a referendum is **not** supported, a referendum would **not** be conducted.

The Request for Referendum will be held Dec. 8, 2008 through Jan. 2, 2009. Producers and importers who were engaged in pork production or in the importation of hogs, pigs, pork, or pork products between Jan. 1, 2007, and Dec. 31, 2007, and were at least 18 years of age on or before Dec. 31, 2007, are eligible to participate.

For producers, the Request for Referendum will be conducted at the USDA County Farm Service Agency (FSA) offices where their administrative farm records are maintained. For producers **not** participating in FSA programs, the opportunity to participate will be provided at the County FSA office where the person owns or rents land. Eligible producers may obtain form LS-54-1: Pork Promotion, Research, and Consumer Information Request for Referendum from those offices either in person, by mail or by facsimile. Forms may also be obtained at: <http://www.ams.usda.gov/LSMarketingPrograms>.

## News Release (Continued)

In order to vote, Form LS-54-1 and supporting documentation, where applicable, such as a sales receipt, veterinary bill, feed bill, copies of grower contracts, cancelled check or proof of payment **must** be returned in person, by mail, or by facsimile to the appropriate county FSA office by the close of business Jan. 2, 2009. Form LS-54-1 and supporting documentation returned by mail **must** be postmarked no later than midnight on Jan. 2, 2009, and received by Jan. 9, 2009.

Importers may obtain Form LS-54-1 through the Marketing Programs Branch, Livestock and Seed Program, AMS, USDA or via the Internet at: <http://www.ams.usda.gov/LSMarketingPrograms>. Form LS-54-1 and accompanying documentation, such as Customs Form 7501, can be returned in person, by mail or by facsimile. Forms returned by mail **must** be postmarked no later than midnight on Jan. 2, 2009, and received by Jan. 9, 2009. It is recommended that the form and supporting documentation be mailed via an express service.

The Order is authorized by the Pork Promotion, Research, and Consumer Information Act of 1985, part of the 1985 Farm Bill. The program became effective on Sept. 5, 1986, and assessments began Nov. 1, 1986. This program is designed to strengthen the position of pork and pork products in the marketplace.

For more information, contact Kenneth R. Payne, Chief; Marketing Programs Branch, Room 2628-S; Livestock and Seed Program, AMS, USDA; Stop 0251; 1400 Independence Avenue, SW; Washington, D.C. 20250-0251; by calling (202) 720-1115; or faxing (202) 720-1125.; or e-mail at [Kenneth.Payne@usda.gov](mailto:Kenneth.Payne@usda.gov).



**List of State and County Expenses for Pork Promotion, Research, and Consumer Information Program Request for Referendum**

County Offices shall maintain a register of associated and reimbursable costs and report these costs to the State Office by **January 27, 2009**, using Part A.

State Offices shall summarize the County Office costs using Part B. Associated costs incurred by the State Office shall be included in the State report.

**Note:** Exhibit 3 is available at <http://165.221.16.90/dam/ffasforms/currentforms.asp>. In the "Form Number" field, ENTER "Pork Expenses".

This form is available electronically.		
U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency  <b>LIST OF STATE AND COUNTY EXPENSES FOR PORK PROMOTION, RESEARCH,                  AND CONSUMER INFORMATION PROGRAM REQUEST FOR REFERENDUM</b>		
1. STATE NAME	2. COUNTY NAME	
<b>PART A - TO BE COMPLETED BY COUNTY OFFICE</b>		
3. List Grade and Title of personnel working on request for referendum, including COC	A. Hours Worked	B. Costs
		\$
		\$
		\$
4. Reproduction Costs		\$
5. Mailing Costs		\$
<b>6. TOTAL:</b>		\$
7. <b>County Office Certification:</b> I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief.		
A. NAME OF PREPARER	B. TITLE OF PREPARER	C. DATE PREPARED (MM-DD-YYYY)
<b>PART B - TO BE COMPLETED BY STATE OFFICE</b>		
8. List Grade and Title of personnel working on request for referendum, including STC	A. Hours Worked	B. Costs
		\$
		\$
		\$
9. Reproduction Costs		\$
10. Mailing Costs		\$
<b>11. TOTAL:</b>		\$
12. <b>State Office Certification:</b> I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief.		
A. NAME OF PREPARER	B. TITLE OF PREPARER	C. DATE PREPARED (MM-DD-YYYY)
<b>NOTE:</b> State Office shall email or FAX results to National Office. <b>ATTENTION:</b> Rick Pinkston at <a href="mailto:rick.pinkston@wdc.usda.gov">rick.pinkston@wdc.usda.gov</a> or Fax to (202)720-1096.		

**Transmittal of Results Sheet for Pork Promotion, Research, and Consumer Information Order Request for Referendum**

County Offices shall report the results of the referendum to the State Office by **January 27, 2009**, using Part A.

State Offices shall summarize the County Office results using Part B and transmit the summarized costs and summarized results to Rick Pinkston, Field Operations Staff, at **rick.pinkston@wdc.usda.gov** or FAX at 202-720-1096.

**Note:** Exhibit 4 is available at <http://165.221.16.90/dam/ffasforms/currentforms.asp>. In the "Form Number" field, ENTER "**Pork Results**".

<small>This form is available electronically.</small>		
U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency  <b>TRANSMITTAL OF RESULTS SHEET FOR PORK PROMOTION, RESEARCH,                  AND CONSUMER INFORMATION ORDER REQUEST FOR REFERENDUM</b>		
1. STATE NAME	2. COUNTY NAME	
<b>PART A - TO BE COMPLETED BY COUNTY OFFICE</b>		
3. Total number of producers who filed a form LS-54-1 "Pork Promotion, Research, and Consumer Information Order Request for Referendum".		
4. Number of eligible producers requesting a referendum.		
5. Number of ineligible producers requesting a referendum.		
6. Number of valid requests for a referendum.		
7. Number of invalid requests for a referendum.		
8. <b>County Office Certification:</b> I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief.		
A. NAME OF PREPARER	B. TITLE OF PREPARER	C. DATE PREPARED (MM-DD-YYYY)
<b>PART B - TO BE COMPLETED BY STATE OFFICE</b>		
9. Total number of producers who filed a form LS-54-1 "Pork Promotion, Research, and Consumer Information Order Request for Referendum".		
10. Number of eligible producers requesting a referendum.		
11. Number of ineligible producers requesting a referendum.		
12. Number of valid requests for a referendum.		
13. Number of invalid requests for a referendum.		
14. <b>State Office Certification:</b> I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief.		
A. NAME OF PREPARER	B. TITLE OF PREPARER	C. DATE PREPARED (MM-DD-YYYY)
<b>NOTE:</b> State Office shall email or FAX results to National Office. <b>ATTENTION:</b> Rick Pinkston at rick.pinkston@wdc.usda.gov or Fax to (202)720-1096.		

**Request for Referendum Calendar**

<b>Dates</b>	<b>Event</b>
January 1, 2007, through December 31, 2007	Representative Period
December 8, 2008, through January 2, 2009	Referendum Period (4 Weeks)
January 2, 2009	FAX and in-person LS-54-1's <b>must</b> be received by COB.
January 2, 2009	Mail-in LS-54-1's <b>must</b> be postmarked no later than midnight.
January 9, 2009	Mail-in LS-54-1's <b>must</b> be received in the County Office.
January 10, 2009	FSA begins canvassing and counting LS-54-1's. FSA should begin notifying ineligible producers in writing.
January 14, 2009	Last day for FSA to notify ineligible producers in writing.
January 22, 2009	Last day for ineligible producer to provide additional information regarding eligibility.
January 23, 2009	Last day for FSA to determine eligibility.
January 23, 2009	All LS-54-1's <b>must</b> be counted.
January 27, 2009	Final date for County Offices to send results to State Offices.
January 30, 2009	Final date for State Offices to send results to DAFO, National Office.

## Questions and Answers About the Required Request for Referendum on the Pork Promotion, Research, and Consumer Information Order

### 1 How was the Pork Checkoff program established?

The Pork Promotion, Research, and Consumer Information Order was authorized by the Pork Promotion, Research, and Consumer Information Act of 1985 [7 U.S.C. 4801-4819]. The Act was passed as part of the 1985 Farm Bill. The Pork Checkoff Program became effective September 5, 1986, and assessments began November 1, 1986.

### 2 Who administers the program?

The 15-member National Pork Board administers the day to day operations of the Pork Checkoff Program. The Board's office is located in Des Moines, Iowa.

### 3 What is the Department of Agriculture's (USDA) role in the program?

USDA has 2 basic roles under the Act. The first role is to assist with the implementation of the Act, which includes preparing and publishing in FR the rules and regulations, referendum rules, and other required documents. The second role is to oversee the Pork Checkoff Program's activities conducted by the Board to ensure that the Board complies with the law.

### 4 What is a Request for Referendum?

The Request for Referendum is being conducted as a result of a settlement of a lawsuit entered into February 28, 2001, with USDA and the Michigan Pork Producers Association, Inc., et al. Under the settlement agreement, USDA agreed to conduct a Request for Referendum among eligible pork producers and importers to determine whether producers and importers favor holding a referendum on the Pork Checkoff Program. If the Request for Referendum indicates that 15 percent of the total number of eligible producers and importers want a referendum on the Pork Checkoff Program, the referendum will be conducted within 1 year after the results of the Request for Referendum are announced. If results of the Request for Referendum indicate that a referendum is **not** supported, a referendum will **not** be conducted. Participation is voluntary, and only individuals who desire a referendum on the Pork Checkoff Program should participate.

### 5 Where and when will the Request for Referendum be conducted?

The Request for Referendum will be conducted at County Offices. Individual producers and authorized entity representatives may participate between **December 8, 2008, through January 2, 2009**, at the County Office at which their administrative farm records are maintained. Producers that do **not** participate in FSA programs and do **not** have a County Office at which their records are maintained, may cast a ballot at the County Office serving the county where the land is located on which the hogs and pigs were produced.

## Questions and Answers About the Required Request for Referendum on the Pork Promotion, Research, and Consumer Information Order (Continued)

### 5 Where and when will the Request for Referendum be conducted? (Continued)

Importers will participate by obtaining LS-54-1 by mail, FAX, or telephone from Kenneth R. Payne, Chief, Marketing Programs, Livestock and Seed Program, AMS, USDA, Room 2628-S, STOP 0251, 1400 Independence Avenue, SW, Washington, DC 20250-0251; Telephone: 202-720-1115; FAX: 202-720-1125; by e-mail at [kenneth.payne@usda.gov](mailto:kenneth.payne@usda.gov); or by the Internet at <http://www.ams.usda.gov/LSMARKETINGPROGRAMS>.

Completed LS 54-1, Customs Form 7501, and supporting documentation, as needed, **must** be returned to AMS by FAX at 202-720-1125, or in person no later than the last day of the Request for Referendum period or, if returned by mail, they **must** be postmarked by the last day of the Request for Referendum period. Importers **must** use an express mail service if returning LS 54-1, Customs Form 7501, and supporting documentation by mail to Kenneth R. Payne, Chief, Marketing Programs, Livestock and Seed Program, AMS, USDA, Room 2628-S, STOP 0251, 1400 Independence Avenue, SW, Washington, DC 20250-0251, telephone: 202-720-1115.

### 6 Who will participate in the Request for Referendum?

Only persons who favor a referendum on the Pork Checkoff Program. Persons who do **not** desire a referendum on the Pork Checkoff Program would **not** participate in the Request for Referendum. Participating in the Request for Referendum is voluntary.

### 7 Who is “eligible”?

Producers and importers **must** have been

- engaged in the production of hogs or pigs in the United States for sale in commerce or importation of hogs, pigs, pork, or pork products between January 1, 2007, and December 31, 2007
- at least 18 years of age on or before December 31, 2007.

AMS has determined that contract growers, who do **not** own, but do raise, provide care, and feed hogs and pigs for owner, including a parent company, will be allowed to participate in the Request for Referendum. Contract growers will be required to provide their grower contract or cancelled check as proof of eligibility.

Each person engaged in the production or importation of hogs, pigs, pork, or pork products **must** provide evidence; such as sales receipts, feed bills, veterinary bills, copies of grower contracts, and cancelled check or proof of payment where applicable, etc., or remittance form, showing that they or the entity they represent engaged in the production of hogs or pigs or importation of hogs, pigs, pork, or pork products between January 1, 2007, through December 31, 2007, to be eligible to participate in the Request for Referendum. Importers should provide Customs Form 7501 or some other type of documentation.

**Questions and Answers About the Required Request for Referendum on the Pork Promotion, Research, and Consumer Information Order (Continued)****8 Can a spouse, child, or partner participate in the Request for Referendum?**

A group of individuals (such as members of a family, joint tenants, tenants' in common, a partnership, or owners of community property) is considered a producer entity and is entitled to a participate 1 time. Individual members of a group such as a spouse, child, partner, sibling, shareholder, etc. are eligible to participate as an individual if they produced and marketed animals as individuals during the representative period: January 1, 2007, through December 31, 2007.

**9 Can a farm manager or other representative with power of attorney participate in the Request for Referendum?**

A farm manager or other representative may participate for a producer entity for which they have a power of attorney, provided the entity meets **all** of the eligibility criteria. Participation by power of attorney or proxy for an individual is **not** authorized.

**10 How is the outcome of the Request for Referendum determined?**

If the Request for Referendum indicates that 15 percent, or 10,417, of the 69,446 eligible producers and importers want a referendum on the Pork Checkoff Program, the referendum will be conducted within 1 year after the results of the Request for Referendum are announced. If results of the Request for Referendum indicate that a referendum is **not** supported, a referendum will **not** be conducted.

**LS-54-1, Pork Promotion, Research and Consumer Information Order Request for Referendum**

REPRODUCE LOCALLY. Include from number and date on all reproductions.		FORM APPROVED - OMB NO. 0581-0249
UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE		
<h2 style="margin: 0;">PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER REQUEST FOR REFERENDUM</h2>		
<p><i>According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0249. The time required to complete this information collection is estimated to average 12 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.</i></p> <p><i>The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's Target Center at 202-720-2600 (voice and TDD).</i></p> <p><i>To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call 202-720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.</i></p>		
<b>CERTIFICATION STATEMENT</b>		
<p><i>I HEREBY CERTIFY that I am a pork producer, producer entity, importer, or importer entity that has been engaged in the production of hogs or pigs in the United States for sale in commerce or importation of hogs, pigs, pork or pork products between January 1, 2007, and December 31, 2007, and that I am at least 18 years of age on or before December 31, 2007. <b><u>I am requesting a referendum only once in the same capacity registered.</u></b> I FURTHER CERTIFY that the supporting documentation that I am providing along with this form is true, complete, and correct to the best of my knowledge and belief. Failure to provide supporting documentation and complete and sign this form will invalidate the request.</i></p>		
NAME OF INDIVIDUAL PRODUCER, PRODUCER ENTITY, IMPORTER, OR IMPORTER ENTITY <i>(Print)</i>		
ADDRESS <i>(Street, P.O. Box, or Route No., City, State, ZIP Code)</i>		
TELEPHONE NUMBER <i>(Including Area Code)</i>	COUNTY	
<p><b>IMPORTANT:</b> Sign and date this form if you wish to request a referendum on the Pork Promotion, Research, and Consumer Information Order.</p>		
SIGNATURE OF PRODUCER, PRODUCER ENTITY, IMPORTER, OR IMPORTER ENTITY		DATE
TITLE <i>(if applicable)</i>		
LS-54-1 (11-08)		