

Apple Marketing Order and Apple Research and Development Program Reporting Requirements

The rules and regulations which govern the administration of the New York State Apple Marketing Order and the New York State Apple Research and Development Program (1NYCRR Part 201 and 1NYCRR Part 204, respectively) contain provisions which require the various parties which are subject to them to submit periodic reports to the Department of Agriculture and Markets regarding the collection of assessments.

Under the regulations, New York **growers** are required to report and remit assessments due on all apples which:

- they produce and process themselves;
- they sell directly to consumers;
- they sell to sales agents;
- are sold by or for them to an out-of-state party.

A New York **storage operator, grower sales agent, or grower sales cooperative** is required to collect, report and remit assessments due from a grower only when such storage operator, sales agent or sales cooperative sells apples on the grower's behalf (i.e., consignment sales).

New York **processors** are required to collect, report and remit assessments due whenever they purchase apples directly from a grower only.

In the case where the party which sells the apples to the processor is both a grower and a sales agent, that party will be considered a sales agent for reporting purposes only.

In the event a storage operator, sales agent, sales cooperative or processor fails to fulfill its collection and reporting obligations on behalf of a grower, the grower is ultimately responsible for reporting and paying the assessment due.

All parties which must submit reports to the Department on apples sold are required to do so for the periods August 1 through October 31, November 1 through January 31, February 1 through April 30, and May 1 through July 31 each year. The deadlines established by the regulations for the submission of all reports and assessments for these periods are November 15, February 15, May 15, and August 15, respectively. Assessments are due at the end of the period the apples were sold. Sale takes place when title to the product passes from the seller to the purchaser, which may not necessarily be when payment is received.

The combined assessment rates for the Apple Marketing Order and the Apple Research and Development Program are currently as follows:

- Apples sold as fresh direct to consumers.....\$.088 per bushel (\$.08 AMO & \$.008 ARDP)
- Apples sold as fresh other than to consumers.....\$.168 per bushel (\$.16 AMO & \$.008 ARDP)
- Apples sold to processors.....\$.10 per hundredweight (\$.08 AMO/\$.02 ARDP)

Effective for Apples grown in 2012 and after:

- Apples sold as fresh direct to consumers.....\$.096 per bushel (\$.08 AMO & \$.016 ARDP)
- Apples sold as fresh other than to consumers.....\$.176 per bushel (\$.16 AMO & \$.016 ARDP)
- Apples sold to processors.....\$.12 per hundredweight (\$.08 AMO/\$.04 ARDP)

If you have any questions concerning the completion of this form or your reporting obligations under state law and regulations, please contact the Department's Marketing Order Administrator by letter, phone, or fax as follows:

**Marketing Order Administrator
New York State Department of Agriculture and Markets
10B Airline Drive
Albany, New York 12235**

**Phone: (518) 457-8857
Fax: (518) 457-2716**