

**CHAPTER 105. PENNSYLVANIA AGRICULTURAL PRODUCT
PROMOTION MATCHING GRANT PROGRAM—
STATEMENT OF POLICY**

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Source

The provisions of this Chapter 105 adopted December 8, 1995, effective December 9, 1995, 25 Pa.B. 5617, unless otherwise noted.

§ 105.1. Program objectives.

(a) *Purpose.* Through the awarding of matching grants and the placing of conditions upon how grant moneys are to be spent, the Grant Program will fund projects to increase consumer awareness of Pennsylvania agricultural products and thereby increase sales of these agricultural products. Grants will be awarded to Pennsylvania nonprofit agricultural product promotion or marketing organizations.

(b) *Competitive program.* The Grant Program is competitive. Grant requests and related documentation shall be collected by the Bureau and reviewed by the Secretary, who will approve or reject each grant request.

(c) *Funds available basis.* Grants will not be awarded unless funds are available for this purpose. The Department need not expend all of the funds that are available for Pennsylvania agricultural product promotion through the Grant Program.

§ 105.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Applicant—A Pennsylvania nonprofit agricultural product promotion and marketing organization which submits an application for grant moneys as described in this chapter.

Bureau—The Bureau of Market Development of the Department.

Department—The Department of Agriculture of the Commonwealth.

Grant Program—The Pennsylvania Agricultural Product Promotion and Marketing Matching Grant Program.

Pennsylvania agricultural products—Any of the following agricultural commodities grown, processed or manufactured within this Commonwealth: Agricultural, horticultural, aquacultural, viticulture and dairy products, livestock and the products thereof, ranch raised fur-bearing animals and the products thereof, the products of poultry and bee raising, forestry and forestry products, and all products raised or produced on farms intended for human consumption, and the processed or manufactured products thereof intended for human consumption, transported or intended to be transported in commerce.

Pennsylvania nonprofit agricultural product promotion and marketing organization—A nonprofit business organization having its principal business offices within this Commonwealth, or having 50% or more of its membership within this Commonwealth, or having 50% or more of the agricultural products which it promotes or markets produced within this Commonwealth, and having as its members groups, individuals or organizations that serve to distribute a Pennsylvania agricultural product in commerce. These members may include wholesalers, distributors, brokers, retailers, processors, growers and producers.

Secretary—The Secretary of the Department.

Source

The provisions of this § 105.2 amended September 20, 1996, effective September 21, 1996, 26 Pa.B. 4526. Immediately preceding text appears at serial pages (206511) to (206512).

§ 105.3. Limitations on grants.

The minimum amount of a matching grant is \$1,000. As a requisite to receiving a matching grant, an applicant shall obtain and provide funds in an amount at least equal to the matching grant amount for the Pennsylvania agricultural product promotion and marketing project described in the grant application.

Source

The provisions of this § 105.3 amended September 20, 1996, effective September 21, 1996, 26 Pa.B. 4526. Immediately preceding text appears at serial page (206512).

§ 105.4. Uses of matching grant moneys.

(a) *Conformity to application.* Matching grant moneys awarded to an applicant under this chapter shall be expended solely for the specific Pennsylvania agricultural product promotion and marketing project described in the grant application.

(b) *Allowable expenditures of grant moneys.* Grant moneys shall be used for one or more of the following purposes:

(1) To pay the cost of Pennsylvania agricultural product promotion and marketing projects described in the grant application.

- (2) To pay the cost of a portion of a Pennsylvania nonprofit agricultural product promotion and marketing organization's contribution to a National or regional agricultural product promotion or marketing project.
- (3) To pay the cost of education programs conducted by an applicant.
- (4) To pay the cost of trade shows conducted or attended by an applicant.
- (c) *Prohibited expenditure of grant moneys.* Grant moneys may not be used to defray the costs of employing temporary or permanent personnel.

Source

The provisions of this § 105.4 amended September 20, 1996, effective September 21, 1996, 26 Pa.B. 4526. Immediately preceding text appears at serial page (206512).

§ 105.5. Applications generally.

- (a) *Application required.* Interested Pennsylvania nonprofit agricultural product promotion and marketing organizations shall submit grant applications to the Department.
- (b) *Obtaining an application.* Application for grants under this chapter shall be made on forms prepared by the Department. The forms will be furnished, upon request, by the Department of Agriculture, Bureau of Market Development, 2301 North Cameron Street, Harrisburg, Pennsylvania 17110-9408.
- (c) *Additional documentation.* The Secretary may require that an applicant submit additional documentation to complete or verify the application form. The additional documentation may include a letter, affidavit or other documentation:
 - (1) Verifying that an applicant is a Pennsylvania nonprofit agricultural product promotion and marketing organization.
 - (2) Verifying the activities and location of offices of an applicant.
 - (3) Confirming that the applicant for a matching grant has secured funds in an amount at least equal to the matching grant amount sought for the project.

Cross References

This section cited in 7 Pa. Code § 105.6 (relating to filing applications).

§ 105.6. Filing applications.

- (a) *Place and time.* An application for a grant under this chapter shall be received at the address in § 105.5(b) (relating to applications generally) by December 1, 1996. In subsequent years for which funding is available for this Grant Program, grant applications shall be received during a specific 30-day application period as advertised in the *Pennsylvania Bulletin*. The advertisement will be published at least 14 days prior to the commencement of the application period.
- (b) *Incomplete or inaccurate applications.* The Bureau will review each timely application, and supporting documentation submitted therewith, for completeness and accuracy. If a timely application is found to be incomplete or inac-

curate, the Bureau may request additional documentation and may discontinue further processing of the application if the documentation is not received by the Bureau by December 1, 1996, or in subsequent years for which funding is available for this Grant Program, within the 30-day application period in subsection (a).

Source

The provisions of this § 105.6 corrected December 15, 1995, effective December 9, 1995, 25 Pa.B. 5752; amended September 20, 1996, effective September 21, 1996, 26 Pa.B. 4526. Immediately preceding text appears at serial page (206513).

§ 105.7. Review of application.

(a) *Transmittal of application to Bureau.* When the Bureau receives a complete and accurate grant application, it will forward this application, together with supporting documentation submitted therewith, to the Secretary for review. The Bureau may also forward a recommendation as to whether the application should be approved or rejected, whether the grant should be in an amount less than requested, and whether special restrictions or limitations should be placed on the grant.

(b) *Factors.* The Secretary will review and evaluate the application and supporting documentation and may consider the following factors, among others, in deciding whether to approve or reject the grant request:

- (1) The relevance of the project to the promotion or marketing of Pennsylvania agricultural products.
- (2) The innovativeness of the project described in the application.
- (3) The scope of the project and the number of people who will be exposed to or affected by the project described in the application.
- (4) The impact which the project will have upon the promotion and sales of the Pennsylvania agricultural products to which the project is targeted.
- (5) The availability of full funding for the project from the applicant or from any source other than the Grant Program.
- (6) The apparent ability of the applicant to complete the project as described in the application or, in the case of a grant to fund a National or regional agricultural product promotion or marketing project, the apparent ability of the entity with primary responsibility for the project to complete it.
- (7) The overall performance of the project if the project had received funding from the Grant Program in a previous fiscal year.
- (8) Projects that are joint efforts between two or more Pennsylvania non-profit agricultural product promotion and marketing organizations may be given preference over projects involving only one organization.

(9) Projects where reference to the Department as a source of funding can practicably be made in promotional materials or broadcasts, and that would make such a reference, may be given preference over projects that would not make such a reference.

(c) *Decisions.* The Secretary may approve a grant in an amount less than that requested in the grant application. In addition, the Secretary may impose restrictions or special conditions upon the issuance of a grant. The Secretary will review all recommendations of the Bureau, but will have final authority to accept or reject these recommendations.

Source

The provisions of this § 105.7 amended September 20, 1996, effective September 21, 1996, 26 Pa.B. 4526. Immediately preceding text appears at serial pages (206513) to (206514).

§ 105.8. Notice of disposition of application.

The Department will mail to the applicant written notice of the acceptance or rejection of a grant application within 20 days of a decision in this regard. This notice will be by regular mail to the address indicated by the applicant on the grant application form.

§ 105.9. Grant agreement.

After the Secretary approves a grant application, and as a precondition to the Department's release of grant moneys to a successful applicant, the Department and the applicant will execute a written Grant Agreement which describes the terms and conditions subject to which the grant is made. This Grant Agreement shall contain and conform to the requirements of this chapter. It shall contain a project completion date. It shall also contain special terms and conditions required by the Secretary. A Grant Agreement shall be fully-executed and in effect by June 30 of the July 1—June 30 fiscal year in which funds are appropriated or otherwise available for this Grant Program. If the Grant Agreement is not fully-executed and in effect by that date, the grant will not be awarded.

§ 105.10. Verification of use.

(a) *Verification.* Within 3 months of the project completion date specified in the Grant Agreement, the applicant shall submit to the Department written receipts for the total amount of the project costs. The Department may also require that additional documentation be submitted by the applicant in order to document the expenditure of grant moneys.

(b) *Extension of time.* The 3-month period described in subsection (a) may only be extended by the written permission of the Secretary. An extension will be for a specific period of time.

(c) *Failure to verify use.* If required receipts or documentation, or both, are not submitted to the Department as described in subsections (a) and (b), or if the

grant moneys or any portion thereof are unaccounted for, the Secretary may demand, in writing, the return by the grant recipient of the entire grant sum or a lesser amount, plus appropriate legal interest. The grant recipient shall repay a sum demanded by the Department within 60 days of a written demand.

Cross References

This section cited in 7 Pa. Code § 105.11 (relating to grant cancellation).

§ 105.11. Grant cancellation.

A grant may be canceled by the Department if the Secretary determines that grant funds are not being spent in accordance with the terms and conditions of the Grant Agreement. In the event of cancellation, the Department may demand the return of the grant sum, or a portion thereof, plus legal interest thereon, and the grant recipient shall repay the sum in the manner described in § 105.10(c) (relating to verification of use).

§ 105.12. Deficits.

The Department's financial obligation or liability is limited to the amount of the grant. The Department will not be financially responsible for program cost overruns incurred by grant recipients.

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