

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS-NOP-14-0062; NOP-14-01]

National Organic Program: Notice of Final Guidance for Accredited Certifying Agents and Certified Operations on Natural Resources and Biodiversity Conservation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of availability of final guidance.

SUMMARY: The National Organic Program (NOP) is announcing the availability of a final guidance document intended for use by accredited certifying agents and certified operations. The guidance document is entitled: Natural Resources and Biodiversity Conservation (NOP 5020). This guidance document is intended to inform the public of NOP's current thinking on this topic.

DATES: The final guidance document announced by this notice is effective on January 20, 2016.

FOR FURTHER INFORMATION CONTACT: Paul Lewis, Ph.D., Standards Division, National Organic Program, USDA-AMS-NOP, 1400 Independence Ave. SW., Room 2642-S., Ag Stop 0268, Washington, DC 20250-0268. Telephone: (202) 720-3252, Email: Paul.Lewis@ams.usda.gov; Telephone: (202) 260-9294.

SUPPLEMENTARY INFORMATION:

I. Background

On December 29, 2014, the National Organic Program (NOP) published in the **Federal Register** a notice of availability with request for public comment on a draft guidance document addressing Natural Resources and Biodiversity Conservation for Certified Organic Operations and Accredited Certifying Agents (ACA's) (79 FR 78025). The NOP

selected the topic for the draft guidance in response to a May 2009 National Organic Standards Board (NOSB) request that AMS clarify the requirements and limitations codified at 7 CFR 205.200.¹

The general natural resources and biodiversity conservation requirement of the U.S. Department of Agriculture (USDA) organic regulations at 7 CFR 205.200 requires operations to "maintain or improve the natural resources of the operation, including soil and water quality." Section 205.2 of the regulations defines "natural resources of the operation" as the "physical, hydrological, and biological features of a production operation, including soil, water, wetlands, woodlands, and wildlife." The May 2009 NOSB recommendation asked the NOP to establish: (1) Consistent discussion and review of biodiversity protection and enhancement in all certified operations' organic system plans; (2) increased education and information for certified operations, inspectors, and certifiers; (3) uniformity of inspection and certification procedures with regard to how certified operations implement the biodiversity standards; (4) incorporation of biodiversity standards into the procedures for accreditation and certifier audits; and (5) use of materials evaluation criteria that foster consideration of biodiversity conservation when adding or deleting materials from the National List of Allowed and Prohibited Substances. The draft NOP guidance can be viewed on the NOP Web site at <http://www.ams.usda.gov/sites/default/files/media/NOP-5020.pdf>. The 60-day comment period closed on February 27, 2015.

NOP received approximately 964 individual comments on the draft guidance document. Based upon the comments received, the NOP revised and is publishing a final guidance document on Natural Resources and Biodiversity Conservation (NOP 5020). The guidance document includes an appendix (NOP 5020-1) where the NOP provides a complete discussion of the

comments received and the rationale behind any changes made to the guidance documents.

This final guidance provides examples of production practices that support conservation principles and demonstrate compliance with 7 CFR 205.200. This guidance also clarifies: (1) The certified organic operator's responsibility to select, carry out, and record production practices that "maintain or improve the natural resources of the operation;" (2) the accredited certifying agent's (certifier) responsibility to verify operator compliance with this requirement; and (3) how domestic organic operations that participate in a USDA Natural Resources Conservation Service (NRCS) program and the NOP can reduce their paperwork burdens. This final guidance is available from the NOP through "The Program Handbook: Guidance and Instructions for Accredited Certifying Agents (ACAs) and Certified Operations". This Handbook provides those who own, manage, or certify organic operations with guidance and instructions that can assist them in complying with the USDA organic regulations. The current edition of the Program Handbook is available online at <http://www.ams.usda.gov/rules-regulations/organic/handbook>.

II. Significance of Guidance

This final guidance document is being issued in accordance with the Office of Management and Budget (OMB) Bulletin on Agency Good Guidance Practices (GGPs) (January 25, 2007, 72 FR 3432-3440). The purpose of GGPs is to ensure that program guidance documents are developed with adequate public participation, are readily available to the public, and are not applied as binding requirements. This guidance represents the NOP's current thinking on the topic. It does not create or confer any rights for, or on, any person and does not operate to bind the NOP or the public. Guidance documents are intended to provide a uniform method for operations to comply with the Organic Foods Production Act (OFPA) and the USDA organic regulations that can reduce the burden of developing their own methods and simplify audits and inspections. Alternative approaches that can demonstrate compliance with the OFPA, as amended (7 U.S.C. 6501-

¹ NOSB Recommendation: Implementation of Biodiversity Conservation in Organic Agriculture Systems. Issued on March 5, 2009. Available on the NOP Web site at: <http://www.ams.usda.gov/sites/default/files/media/NOP%20Final%20Rec%20Biodiversity.pdf>.

6522), and its implementing regulations are also acceptable. As with any alternative compliance approach, the NOP strongly encourages industry to discuss alternative approaches with the NOP before implementing them to avoid unnecessary or wasteful expenditures of resources, and to ensure the proposed alternative approach complies with the OFPA and its implementing regulations.

Electronic Access

Persons with access to Internet may obtain the final guidance at the NOP's Web site at <http://www.ams.usda.gov/nop>. Request for hard copies of the final guidance document can be obtained by submitting a written request to the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

Authority: 7 U.S.C. 6501–6522.

Dated: January 13, 2016.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2016–00862 Filed 1–15–16; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Request for Public Comment on Services Currently Offered or Needed To Facilitate the Marketing of Grain and Related Products

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Request for Information.

SUMMARY: The U.S. Department of Agriculture's (USDA) Grain Inspection, Packers and Stockyards Administration (GIPSA) is informing the public that it is soliciting comments to ensure that current services reflect market needs to facilitate the marketing of grain and related commodities. Specifically, GIPSA is inviting comments from producers, handlers, processors, food manufacturers, exporters, importers, consumers, scientists, academicians, industry stakeholders, and other interested persons on how GIPSA can best facilitate the marketing of grains, oilseeds, rice, pulses, and related products or products made from them, including co-products of ethanol production, commonly referred to as distillers' grains, based on market-identified quality attributes. To ensure that standards and official grading practices remain relevant in the market, GIPSA invites interested parties to comment on the relevance of current

standards, methods, and grading practices, and on potential market needs for new standards or services.

DATES: Comments must be received on or before April 18, 2016.

ADDRESSES: You may submit your written or electronic comments on this notice to:

- *Mail:* R. Dexter Thomas, GIPSA, USDA, 1400 Independence Avenue SW., Room 2530, Washington, DC 20250–3604.

- *Fax:* (202) 690–2173

- *Internet:* Go to <http://www.regulations.gov> and follow the on-line instruction for submitting comments.

Instructions: All comments will become a matter of public record and should be identified as “U.S. Services Offered for Grains Notice Comments,” making reference to the date and page number of this issue of the **Federal Register**. All comments received become the property of the Federal government, are made a part of the public record, and will generally be posted to www.regulations.gov without change. Comments may also be viewed in the above office during regular business hours (7 CFR 1.27(b)). Please call the GIPSA Management Support Staff at (202) 720–6529 to make an appointment to read comments received. If you send a comment directly to GIPSA without going through www.regulations.gov, or you submit a comment to GIPSA via fax, the originating address or telephone number will be captured automatically and included as part of the comment that is placed in the public docket and made available on the Internet. Also, all personal identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

Electronic submissions should avoid the use of special characters, avoid any form of encryption, and be free of any defects or viruses, since these may prevent GIPSA from being able to read and understand, and thus consider your comment.

FOR FURTHER INFORMATION CONTACT: Anthony Goodeman at GIPSA, USDA, 1400 Independence Avenue SW., Washington, DC, 20250; Telephone (202)–720–0228; Fax Number (202) 720–1015; email Anthony.T.Goodeman@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

Under the authority of the United States Grain Standards Act, as amended, and the Agricultural Marketing Act of 1946, as amended, GIPSA establishes standards for grains, oilseeds, rice, pulses, and related graded and processed commodities, regarding kind, class, quality and condition. The standards facilitate marketing and define U.S. grain and commodity quality in the domestic and global marketplace. The standards define commonly used industry terms; contain basic principles governing the application of standards, such as the type of sample used for a particular quality analysis; specify grades, grade requirements, special grades; and special grade requirements. Official procedures for determining grading factors are provided in GIPSA's Inspection Handbooks, which also include standardized procedures for additional quality attributes not used to determine grade, such as protein content and falling number. Together, the grade standards and inspection procedures allow buyers and sellers to communicate quality requirements, compare quality using equivalent forms of measurement, and assist in price discovery.

GIPSA periodically reviews the standards to ensure they reflect marketplace needs. In 2007, when the U.S. ethanol industry was expanding rapidly, GIPSA issued an Advance Notice of Proposed Rulemaking (ANPR) titled “The Role of USDA in Differentiating Grain Inputs for Ethanol Production and Standardizing Testing of the Co-Products of Ethanol Production” (72 FR 39762). The ANPR sought comments from the marketplace asking if there were any additional services GIPSA should offer to facilitate the marketing of ethanol co-products. Commenters overwhelmingly agreed that GIPSA should not intervene in standardizing testing of ethanol inputs and outputs. Commenters did state that an appropriate role for GIPSA was to continue approving rapid test kits for determining the concentration of mycotoxins. Accordingly, GIPSA did not initiate any rulemaking action related to the matters presented in the ANPR. However, GIPSA did agree to monitor the industry and remain actively engaged with the ethanol and co-product markets and to support the industry, as appropriate, in its efforts to successfully market ethanol co-products. Further, GIPSA has continued to approve rapid test kits for mycotoxins.