

# Rules and Regulations

Federal Register

Vol. 81, No. 35

Tuesday, February 23, 2016

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 205

[Document Number AMS–NOP–16–0001; NOP–15–13]

#### National Organic Program: USDA Organic Regulations

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice of 2016 Sunset Review.

**SUMMARY:** This document addresses the 2016 Sunset Review submitted to the Secretary of Agriculture (Secretary) through the Agricultural Marketing Service’s (AMS) National Organic Program (NOP) by the National Organic Standards Board (NOSB) following the NOSB’s October 2014 and April 2015 meetings. The 2016 Sunset Review pertains to the NOSB’s review of the need for the continued allowance for seven substances on the U.S. Department of Agriculture’s (USDA) National List of Allowed and Prohibited Substances (National List). Consistent with the NOSB’s review, this publication provides notice on the renewal of five synthetic and two nonsynthetic substances on the National List, along with any restrictive annotations. For substances that have been renewed on the National List, this document completes the 2016 National List Sunset Process.

**DATES:** This document is effective September 12, 2016.

**FOR FURTHER INFORMATION CONTACT:**

Requests for a copy of this document should be sent to Robert Pooler, 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: [bob.pooler@ams.usda.gov](mailto:bob.pooler@ams.usda.gov).

**SUPPLEMENTARY INFORMATION:** The National Organic Program (NOP) is authorized by the Organic Foods Protection Act (OFPA) of 1990, as amended (7 U.S.C. 6501–6522). The USDA Agricultural Marketing Service (AMS) administers the NOP. Final regulations implementing the NOP, also referred to as the USDA organic regulations, were published December 21, 2000 (65 FR 80548), and became effective on October 21, 2002. Through these regulations, the AMS oversees national standards for the production, handling, and labeling of organically produced agricultural products. Since becoming effective, the USDA organic regulations have been frequently amended, mostly for changes to the National List in 7 CFR 205.601–205.606.

This National List identifies the synthetic substances that may be used and the nonsynthetic (natural) substances that may not be used in organic production. The National List also identifies synthetic, nonsynthetic nonagricultural, and nonorganic agricultural substances that may be used in organic handling. The OFPA and the USDA organic regulations, as indicated in § 205.105, specifically prohibit the use of any synthetic substance in organic production and handling unless the synthetic substance is on the National List. Section 205.105 also requires that any nonorganic agricultural substance, and any nonsynthetic nonagricultural substance used in organic handling appear on the National List.

As stipulated by OFPA, recommendations to propose or amend the National List are developed by the

NOSB, operating in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2 *et seq.*), to assist in the evaluation of substances to be used or not used in organic production and handling, and to advise the Secretary on the USDA organic regulations. OFPA also requires a review of all substances included on the National List within 5 years of their addition to or renewal on the list. If a listed substance is not reviewed by NOSB and renewed by USDA within the five year period, its allowance or prohibition on the National List is no longer in effect. The NOSB sunset review includes considering any new information pertaining to a substance’s impact on human health and the environment, its necessity, and its compatibility with organic production and handling.

To implement the sunset review requirement, AMS initially published an advanced notice of proposed rulemaking on the National List sunset review process on June 17, 2005 (70 FR 35177). This document described the process used by the NOSB to complete their responsibility to review National List substances within the OFPA required five year period.

AMS published a revised sunset review process in the **Federal Register** on September 16, 2013 (78 FR 56811). This revised process provides public notice on the renewal of National List substances. This renewal occurs after the NOSB review.

At its October 2014, and April 2015 public meetings, the NOSB considered seven substances that were added to or continued on the National List after sunset review in 2011. AMS has reviewed and accepted the NOSB sunset review and recommendations. Substances in Table 1 having final actions of “renew” will continue to be listed on the National List and will be included in their next sunset review (Sunset Review 2021).

TABLE 1—OVERVIEW OF FINAL ACTION FOR SUNSET 2016

National List section	Substance listing	Final action
<b>Synthetic substances allowed for use in organic crop production</b>		
§ 205.601(h) .....	As slug or snail bait. Ferric phosphate (CAS # 10045–86–0) .....	Renew.
§ 205.601(n) .....	Seed preparations. Hydrogen chloride (CAS # 7647–01–0)—for delinting cotton seed for planting .....	Renew.

TABLE 1—OVERVIEW OF FINAL ACTION FOR SUNSET 2016—Continued

National List section	Substance listing	Final action
<b>Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s))”</b>		
§ 205.605(a)	L—malic acid (CAS # 97–67–6)	Renew.
§ 205.605(a)	Microorganisms—any food grade bacteria, fungi, and other microorganism	Renew.
§ 205.605(b)	Activated charcoal (CAS #s 7440–44–0; 64365–11–3)—only from vegetative sources; for use only as a filtering aid.	Renew.
§ 205.605(b)	Peracetic acid/Peroxyacetic acid (CAS # 79–21–0)—for use in wash and/or rinse water according to FDA limitations. For use as a sanitizer on food contact surfaces.	Renew.
§ 205.605(b)	Sodium acid pyrophosphate (CAS # 7758–16–9)—for use only as a leavening agent	Renew.

Authority: 7 U.S.C. 6501–6522.

Dated: February 18, 2016.

Elanor Starmer,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2016–03808 Filed 2–22–16; 8:45 am]

BILLING CODE 3410–02–P

**DEPARTMENT OF AGRICULTURE**

**Animal and Plant Health Inspection Service**

**7 CFR Part 301**

[Docket No. APHIS–2015–0040]

**Golden Nematode; Removal of Regulated Areas in Orleans, Nassau, and Suffolk Counties, New York**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Affirmation of interim rule as final rule.

**SUMMARY:** We are adopting as a final rule, without change, an interim rule that amended the golden nematode regulations by removing areas in Orleans, Nassau, and Suffolk Counties in the State of New York from the list of generally infested areas. The interim rule was necessary to relieve restrictions on the movement of regulated articles from areas no longer under quarantine for golden nematode. As a result of the interim rule, movement of such articles from areas no longer under quarantine can proceed while preventing the spread of golden nematode from infested areas to noninfested areas of the United States.

**DATES:** Effective on February 23, 2016, we are adopting as a final rule the interim rule published at 80 FR 59551–59557 on October 2, 2015.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jonathan M. Jones, National Policy Manager, Pest Management, Plant Protection and Quarantine, APHIS, 4700 River Road, Unit 160, Riverdale, MD 20737; (301) 851–2128.

**SUPPLEMENTARY INFORMATION:**

**Background**

In an interim rule<sup>1</sup> effective and published in the **Federal Register** on October 2, 2015 (80 FR 59551–59557, Docket No. APHIS–2015–0040), we amended the golden nematode regulations in 7 CFR part 301 by removing areas in Orleans, Nassau, and Suffolk Counties in the State of New York from the list of areas regulated for golden nematode.

Comments on the interim rule were required to be received on or before December 1, 2015. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

**List of Subjects in 7 CFR Part 301**

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

**PART 301—DOMESTIC QUARANTINE NOTICES**

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 80 FR 59551–59557 on October 2, 2015.

<sup>1</sup>To view the interim rule and supporting documents, go to <http://www.regulations.gov/#/docketDetail;D=APHIS-2015-0040>.

Done in Washington, DC, this 17th day of February 2016.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2016–03672 Filed 2–22–16; 8:45 am]

BILLING CODE 3410–34–P

**DEPARTMENT OF AGRICULTURE**

**Agricultural Marketing Service**

**7 CFR Part 1217**

[Document No. AMS–SC–15–0079]

**Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order; Continuance Referendum**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Referendum order.

**SUMMARY:** This document directs that a referendum be conducted among eligible domestic manufacturers and importers of softwood lumber to determine whether they favor continuance of the Softwood Lumber Research, Promotion, Consumer Education and Industry Information Order (Order).

**DATES:** The referendum will be conducted by mail ballot from August 1 through 25, 2016. To be eligible to vote, softwood lumber manufacturers and importers must have domestically manufactured and shipped or imported 15 million board feet or more of softwood lumber during the representative period of January 1 through December 31, 2015, paid assessments during that period, and must currently be softwood lumber domestic manufacturers or importers subject to assessment under the Order. Ballots must be received by the referendum agents no later than the close of business on August 25, 2016, to be counted.

**ADDRESSES:** Copies of the Order may be obtained from: Referendum Agent,