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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Doc. No. AMS-CN-20-0091]

#### **Cotton Research and Promotion Program: Determination of Whether To Conduct a Referendum Regarding 1990 Amendments to the Cotton Research and Promotion Act**

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

**ACTION:** Notice.

**SUMMARY:** This notice announces the Department's determination, based on a review by the Agricultural Marketing Service, that it is not necessary to conduct a referendum among producers and importers on continuation of the 1990 amendments to the Cotton Research and Promotion Act. The 1990 amendments require the Secretary of Agriculture to conduct a review to determine whether to hold a continuance referendum. Although USDA is of the view that a referendum is not needed, it will initiate a sign-up period, as required by the Act, to allow cotton producers and importers the opportunity to request a continuance referendum.

**FOR FURTHER INFORMATION CONTACT:** Shethir M. Riva, Director, Research and Promotion Division, Cotton and Tobacco Program, AMS, USDA, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia, 22406, telephone (540) 361-2726, or email at [CottonRP@usda.gov](mailto:CottonRP@usda.gov).

**SUPPLEMENTARY INFORMATION:** In July 1991, the Agricultural Marketing Service (AMS) implemented the 1990 amendments to the Cotton Research and Promotion Act (7 U.S.C. 2101-2118) (Act). These amendments provided for: (1) Importer representation on the Cotton Board by an appropriate number of persons—to be determined by the Secretary—who import cotton or cotton

products into the United States (U.S.) and are selected by the Secretary from nominations submitted by importer organizations certified by the Secretary of Agriculture; (2) assessments levied on imported cotton and cotton products at a rate determined in the same manner as for U.S. cotton; (3) increasing the amount the Secretary can be reimbursed for conducting a referendum from \$200,000 to \$300,000; (4) reimbursing government agencies who assist in administering the collection of assessments on imported cotton and cotton products; and (5) terminating the right of producers to demand an assessment refund.

Results of the initial July 1991 referendum showed that of the 46,220 valid ballots received, 27,879 or 60 percent of the persons voted in favor of the amendments to the Cotton Research and Promotion Order (7 CFR part 1205) (Order) and 18,341 or 40 percent opposed the amendments. AMS developed implementing regulations for the import assessment effective July 31, 1992 (57 FR 29181); the elimination of the producer refund effective July 31, 1992 (57 FR 29181); and provided for importer representation on the Cotton Board effective December 21, 1991 (56 FR 65979).

USDA conducted previous reviews of the 1990 amendments, and for each review, the Department prepared reports that described the impact of the Cotton Research and Promotion Program on the cotton industry and the views of those receiving its benefits. Following each review, USDA announced its decision not to conduct a referendum regarding the amendments to the Order (61 FR 52772, 67 FR 1714, 72 FR 9918, and 78 FR 32228, respectively) and subsequently held sign-up periods, affording all eligible persons to request a continuance referendum on the 1990 Act amendments. The results of each sign-up period did not meet the criteria as established by the Act for a continuance referendum and, therefore, referenda were not conducted.

In 2017, USDA solicited comments from all interested parties, including persons who pay the assessments, as well as from organizations representing cotton producers and importers regarding whether they favor the continuation of the amendments to the Cotton Research and Promotion Order (82 FR 11892). Three comments, which

included comments from two certified producer organizations that nominate producers to the Board, voiced strong support for the continuance of the program and noted that the programs and administration of the Cotton Research and Promotion Act have been beneficial, carries out the intent and purpose, and that there should be no referendum.

USDA has reviewed the Cotton Research and Promotion Program major program activities and accomplishments, including evaluations of advertising and marketing activities and other functional areas; the results of producer and importer awareness and satisfaction surveys; and data from the Foreign Agricultural Service. USDA also reviewed the results of the Cotton Board's 2016 independent program evaluation, which assessed the effectiveness of the Cotton Research and Promotion Program; the strength of cotton's competitive position; the ability to maintain and expand domestic and foreign markets; increases in the number of uses for cotton; and estimates of a return on investment for stakeholders and qualitative benefits and returns associated with the Cotton Research and Promotion Program.

In 2020, the Department prepared a 5-year report that described the impact of the Cotton Research and Promotion Program on the cotton industry. The review report is available upon written request to the Research and Promotion Staff at the address and email provided above. The review report concluded that the 1990 amendments to the Act were successfully implemented and are operating as intended. The report also noted that there is a general consensus within the cotton industry that the Cotton Research and Promotion Program and the 1990 amendments to the Act are operating as intended. Written comments, economic data, and results from independent evaluations support this conclusion.

Although USDA found no compelling reason to conduct a referendum regarding the 1990 Act amendments to the Cotton Research and Promotion Order, some program participants support a referendum. Therefore, USDA will initiate a sign-up period in accordance with the Act. During this sign-up period, eligible producers and importers may sign-up to request such a referendum through USDA, or by

mailing such a request. The Secretary will conduct a referendum if requested by 10 percent or more of the number of cotton producers and importers voting in the most recent referendum (July 1991), with not more than 20 percent of such request from producers in one state or importers of cotton.

Current procedures for the conduct of a sign-up period appear at 7 CFR 1205.10–1205.30. These procedures will be updated as appropriate prior to the beginning of the sign-up period.

**Authority:** 7 U.S.C. 2101–2118.

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Doc No. AMS–FGIS–20–0061]

#### Mycotoxin Test Kit Design Specifications and Performance Criteria

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

**ACTION:** Notice; request for comments.

**SUMMARY:** The United States Department of Agriculture’s (USDA) Agricultural Marketing Service (AMS) evaluates the conformance of mycotoxin test kits to AMS-established design specifications and performance criteria. Only test kits that conform to all of the AMS requirements are approved for the official testing of grains and related commodities. AMS proposes to make several changes to the existing test kit criteria to improve testing services and better facilitate domestic and international trade. AMS is seeking public comment on the proposed changes to the criteria.

**DATES:** Comments are due by January 19, 2021.

**ADDRESSES:** The current criteria documents subject to the changes in this notice are available for review at <https://www.ams.usda.gov/services/fgis/standardization/ke>. Additional technical information regarding the proposed changes can be found at <https://www.ams.usda.gov/sites/default/files/media/technical-doc-frn-ams-fgis-20-0061.pdf>.

To submit Comments: Go to [Regulations.gov](http://Regulations.gov) (<http://www.regulations.gov>). Instructions for submitting and reading comments are detailed on the site. Interested persons are invited to submit written comments

concerning this notice. All comments must be submitted through the Federal e-rulemaking portal at <http://www.regulations.gov> and should reference the document number and the date and page number of this issue of the **Federal Register**. All comments submitted in response to this notice will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting comments will be made public on the internet at the address provided above.

#### FOR FURTHER INFORMATION CONTACT:

Thomas A. Weber, Analytical Chemistry Branch Chief, Technology and Science Division, Federal Grain Inspection Service, AMS, USDA, 816–891–0449, [Thomas.A.Weber@usda.gov](mailto:Thomas.A.Weber@usda.gov).

#### SUPPLEMENTARY INFORMATION:

Mycotoxins are toxic chemicals produced by certain fungal species under favorable environmental conditions. Regulators have set maximum allowable concentration levels for specific mycotoxins in food and feed to ensure the safety of consumers. Mycotoxin levels are a critical factor in the trade of grain and quantitative mycotoxin testing is an integral part of buyer-seller contract specifications.

Under the authority of the United States Grains Standards Act (7 U.S.C. 71–87k), as amended, and the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), as amended, AMS provides official mycotoxin testing services throughout the United States for domestic and export grains, oilseeds, and processed-grain commodities. Official testing services are provided for aflatoxins, deoxynivalenol, fumonisins, ochratoxin A, and zearalenone. Testing at field locations requires rapid, inexpensive, and accurate methods to effectively assess US grain quality. An essential part of ensuring the quality of official mycotoxin testing is the AMS test kit evaluation program, through which test kits are evaluated and certified for conformance to specific criteria. Only test kits having AMS certification are approved for official mycotoxin testing.

AMS establishes the test kit performance criteria and periodically updates them to improve testing accuracy and to meet the official mycotoxin testing program’s operational needs. AMS last updated the criteria in 2016. AMS proposes to update the test kit performance criteria with the following changes in 2021. AMS is seeking comments on the impact of making these changes.

#### Minimum Ranges of Conformance

For each mycotoxin, AMS has established a minimum range of concentrations that must be covered in the test kit’s scope. The test kit must conform to the AMS accuracy requirements throughout this range. AMS proposes to expand the minimum ranges of conformance for fumonisins, ochratoxin A, and zearalenone test kits to meet the current and anticipated testing needs of the grain industry.

The US Food and Drug Administration has set the highest industry guidance level for fumonisins in corn at 100 parts-per-million (ppm). As a result, AMS proposes to expand the current minimum range of conformance from 0.50–30 ppm to 0.50–100 ppm so that it includes this highest guidance level.

Since the measurement of mycotoxin concentrations is not exact, multiple measurements will have results that vary by some amount. To ensure a mycotoxin concentration is below the maximum level allowed, there is a need to measure sufficiently below that level, considering the expected variation in results. For this reason, AMS proposes to expand the minimum ranges of conformance for ochratoxin A and zearalenone test kits to lower concentrations than currently required.

Codex Alimentarius, an internationally recognized food safety standard setting body, recommends a maximum of 5 parts-per-billion (ppb) ochratoxin A in wheat, barley, and rye. Therefore, AMS proposes to expand the minimum range of conformance for ochratoxin A from 5.0–100 ppb to 1.0–100 ppb. AMS is interested in comments on whether the maximum conformance limit should also be changed from 100 ppb to 20 ppb, resulting in a narrower minimum range of conformance (*i.e.*, 1.0–20 ppb).

International regulators, including the European Union (EU) have established maximum levels for zearalenone at 100 ppb in cereals and other grains. To test sufficiently below this regulatory limit, AMS proposes to expand the minimum range of conformance from 100–1000 ppb to 20–1000 ppb.

#### Evaluation of Mycotoxin Test Kit Accuracy

To evaluate test kit accuracy, AMS requires analyses of reference materials to be performed at different concentrations across the range of conformance. At least 95% of these individual results must be within the acceptable range for each of the tested concentrations to meet AMS accuracy requirements. AMS proposes to change