

DEPARTMENT OF AGRICULTURE
Office of the Secretary
2 CFR Subtitle B, Ch. IV
5 CFR Ch. LXXIII
7 CFR Subtitle A; Subtitle B, Chs. I–XI, XIV–XVIII, XX, XXV–XXXVIII, XLII
9 CFR Chs. I–III
36 CFR Ch. II
48 CFR Ch. 4
Semiannual Regulatory Agenda, Spring 2022

AGENCY: Office of the Secretary, USDA.
ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of the significant and not significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in

conformance with Executive Orders 12866 “Regulatory Planning and Review,” and 13563, “Improving Regulation and Regulatory Review.” The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96–354. This agenda also identifies regulatory actions that are being reviewed in compliance with section 610(c) of the Regulatory Flexibility Act. We invite public comment on those actions as well as any regulation consistent with Executive Order 13563.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

USDA’s complete regulatory agenda is available online at www.reginfo.gov.

Because publication in the **Federal Register** is mandated for the regulatory flexibility agendas required by the Regulatory Flexibility Act (5 U.S.C. 602), USDA’s printed agenda entries include only:

(1) Rules that are likely to have a significant economic impact on a substantial number of small entities; and

(2) Rules identified for periodic review under section 610 of the Regulatory Flexibility Act.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. For general comments or inquiries about the agenda, please contact Michael Poe, Office of Budget and Program Analysis, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–3257.

Dated: April 1, 2022.
Michael Poe,
Legislative and Regulatory Staff.

AGRICULTURAL MARKETING SERVICE—PRERULE STAGE

Sequence No.	Title	Regulation Identifier No.
1	Inert Ingredients in Pesticides for Organic Production (AMS–NOP–21–0008)	0581–AE02

AGRICULTURAL MARKETING SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
2	Dealer Trust; Add Livestock Dealer Regulation and Statement (AMS–FTPP–21–0015)	0581–AE01
3	Transparency in Poultry Grower Contracting and Tournaments	0581–AE03
4	Unfair Practices in Violation of the Packers and Stockyards Act (AMS–FTPP–21–0045)	0581–AE05
5	Organic Livestock and Poultry Standards	0581–AE06
6	Natural Grass Sod Promotion, Research, and Information Order (AMS–LP–21–0028)	0581–AE07
7	National Organic Program, Organic Apiculture Practice Standard	0581–AE12
8	National Organic Program, Organic Pet Food Standards	0581–AE13
9	National Organic Program: Organic Mushroom Standards	0581–AE14

AGRICULTURAL MARKETING SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
10	Strengthening Organic Enforcement (AMS–NOP–17–0065)	0581–AD09
11	Dairy Donation Program (AMS–DA–21–0013)	0581–AE00

AGRICULTURAL MARKETING SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
12	National Organic Program—Organic Aquaculture Standards	0581–AD34

AGRICULTURAL MARKETING SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
13	Wheat Flour Foods Promotion, Research, and Information Order (AMS-LP-20-0024)	0581-AE09

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
14	Animal Disease Traceability; Electronic Identification	0579-AE64
15	Revision to Horse Protection Act Regulations	0579-AE70
16	AQI User Fees	0579-AE71
17	Importation of Bovine Meat From Paraguay	0579-AE73

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
18	Establishing AWA Standards for Birds	0579-AE61

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
19	National List of Reportable Animal Diseases	0579-AE39
20	Microchipping, Verifiable Signatures, Government Official Endorsement, and Mandatory Forms for Importation of Live Dogs; Cage Standards for Domestic Dogs.	0579-AE58

ANIMAL AND PLANT HEALTH INSPECTION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
21	Handling of Animals; Contingency Plans	0579-AC69
22	Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts.	0579-AD10
23	Horse Protection; Licensing of Designated Qualified Persons and Other Amendments	0579-AE19

FOOD AND NUTRITION SERVICE—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
24	Special Supplemental Nutrition Program for Women, Infants and Children (WIC): WIC Online Ordering and Transactions.	0584-AE85

FOOD AND NUTRITION SERVICE—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
25	National School Lunch and School Breakfast Programs: School Food Service Account Revenue Amendments Related to the Healthy, Hunger-Free Kids Act of 2010.	0584-AE11

FOOD AND NUTRITION SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
26	Modernizing Supplemental Nutrition Assistance Program (SNAP) Benefit Redemption Systems	0584-AE37
27	Providing Regulatory Flexibility for Retailers in the Supplemental Nutrition Assistance Program (SNAP)	0584-AE61
28	Strengthening Integrity and Reducing Retailer Fraud in the Supplemental Nutrition Assistance Program (SNAP).	0584-AE71

FOOD AND NUTRITION SERVICE—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
29	Supplemental Nutrition Assistance Program (SNAP): Electronic Benefits Transfer Requirements for Scanning and Product-Lookup Technology.	0584-AE39

FOREST SERVICE—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
30	Special Uses—Communications Uses Rent	0596-AD43

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Prerule Stage

1. Inert Ingredients in Pesticides for Organic Production (AMS-NOP-21-0008) [0581-AE02]

Legal Authority: 7 U.S.C. 6501 to 6524

Abstract: This Advanced Notice of Proposed Rulemaking (ANPR) requests comments on options for replacing outdated references in USDA’s organic regulations to U.S. Environmental Protection Agency (EPA) policy on inert ingredients in pesticides. Inerts, also known as other ingredients, are any substances other than the active ingredient that are intentionally added to pesticide products. The references to outdated EPA policy appear in the USDA organic regulations in the National List of Allowed and Prohibited Substances (National List) and identify the inert ingredients allowed in pesticides for organic production.

Timetable:

Action	Date	FR Cite
ANPRM	08/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 260-8077, *Email:* jennifer.tucker@usda.gov.

RIN: 0581-AE02

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Proposed Rule Stage

2. Dealer Trust; Add Livestock Dealer Regulation and Statement (AMS-FTPP-21-0015) [0581-AE01]

Legal Authority: Pub. L. 116-260, sec. 763

Abstract: The proposed rule would revise the Packers and Stockyards regulations to add provisions for written notifications related to the new livestock dealer trust. The revisions outline the process for livestock sellers to notify livestock dealers and the Secretary of the seller’s intent to preserve their interest in trust benefits should the dealer fail to pay for livestock purchased. The revisions also require livestock sellers to acknowledge in writing that they forfeit rights to the dealer trust under the terms of credit sales to dealers. These provisions mirror existing regulatory provisions related to livestock and poultry sales under the Packers and Stockyards Act.

Timetable:

Action	Date	FR Cite
NPRM	05/05/22	87 FR 26695
NPRM Comment Period End.	06/06/22	
Final Rule	04/00/23	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Stuart Frank, Division Director, Packers and Stockyards Division, Department of Agriculture, Agricultural Marketing Service, Federal Building; Room 917, 210 Walnut Street, Des Moines, IA 50309, *Phone:* 515 323-2586, *Email:* stuart.frank@usda.gov.

RIN: 0581-AE01

3. Transparency in Poultry Grower Contracting and Tournaments [0581-AE03]

Legal Authority: 7 U.S.C. 181 to 229c

Abstract: The U.S. Department of Agriculture’s Agricultural Marketing Service proposes to amend the regulations issued under the Packers and Stockyards Act (P&S Act). The proposal would revise the list of disclosures and information live poultry dealers must furnish to poultry growers and sellers with whom dealers make poultry growing arrangements. The proposal would further establish parameters for the use of poultry grower ranking systems by dealers to determine settlement payments for poultry growers. The proposals are intended to promote transparency in poultry production contracting and to give poultry growers relevant information with which to make business decisions.

Timetable:

Action	Date	FR Cite
NPRM	06/08/22	87 FR 34980
NPRM Comment Period End.	08/08/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael V. Durando, Deputy Administrator, Fair Trade Practices Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250-0237, *Phone:* 202 720-0219.

RIN: 0581-AE03

4. Unfair Practices in Violation of the Packers and Stockyards Act (AMS-FTPP-21-0045) [0581-AE05]

Legal Authority: 7 U.S.C. 181 to 229c

Abstract: USDA proposes to supplement a recent revision to regulations issued under the Packers and Stockyards Act (Act) (7 U.S.C. 181 229c) that provided criteria for the Secretary to consider when determining whether certain conduct or action by packers, swine contractors, or live poultry dealers is unduly or unreasonably preferential or advantageous. The proposed supplemental amendments would

clarify the conduct the Department considers unfair, unjustly discriminatory, or deceptive and a violation of sections 202(a) and (b) of the Act. USDA would also clarify the criteria and types of conduct that would be considered unduly or unreasonably preferential, advantageous, prejudicial, or disadvantageous and violations of the Act.

Timetable:

Action	Date	FR Cite
NPRM	08/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Michael V. Durando, Deputy Administrator, Fair Trade Practices Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250-0237, *Phone:* 202 720-0219.

RIN: 0581-AE05

5. Organic Livestock and Poultry Standards [0581-AE06]

Legal Authority: 7 U.S.C. 6501-7 U.S.C. 6524

Abstract: This action would establish additional practice standards for organic livestock and poultry production. This action would add provisions to the USDA organic regulations to address and clarify that livestock and poultry living conditions (for example, outdoor access, housing environment, and stocking densities), health care practices (for example, physical alterations, administering medical treatment, and euthanasia), and animal handling and transport to and during slaughter are part of the organic certification.

Timetable:

Action	Date	FR Cite
NPRM	06/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Erin Healy, Director, Standards Division, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20024, *Phone:* 202 617-4942, *Email:* erin.healy@usda.gov.

RIN: 0581-AE06

6. Natural Grass Sod Promotion, Research, and Information Order (AMS-LP-21-0028) [0581-AE07]

Legal Authority: 7 U.S.C. 7411 to 7425

Abstract: This proposed rule invites comments on the establishment of an industry-funded promotion, research, and information program for natural grass sod products. The proposed

Natural Grass Sod Promotion, Research, and Information Order was submitted to the U.S. Department of Agriculture by Turfgrass Producers International, a group of natural grass sod producers. The program will conduct research, marketing, and promotion activities that will benefit the entire industry. Primary goals of the program include educating consumers and stakeholders of the benefits of natural grass and providing producers with marketing tools they can use to grow their business. The goals identified in this proposed rule are only attainable through a national research and promotion program for natural grass sod.

Timetable:

Action	Date	FR Cite
NPRM	06/00/22	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Jeana Harbison, Deputy Director of Livestock and Poultry Program, Department of Agriculture, Agricultural Marketing Service, Washington, DC 20024, *Phone:* 202 690-3192, *Email:* jeana.m.harbison@usda.gov.

RIN: 0581-AE07

7. National Organic Program, Organic Apiculture Practice Standard [0581-AE12]

Legal Authority: 7 U.S.C. 6501

Abstract: This action proposes to amend the USDA organic regulations to reflect an October 2010 recommendation submitted to the Secretary by the National Organic Standards Board (NOSB) concerning the production of organic apicultural (or beekeeping) products.

Timetable:

Action	Date	FR Cite
NPRM	04/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Jennifer Tucker, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 260-8077, *Email:* jennifer.tucker@usda.gov.

RIN: 0581-AE12

8. National Organic Program, Organic Pet Food Standards [0581-AE13]

Legal Authority: 7 U.S.C. 6501

Abstract: This action proposes to amend the USDA organic regulations to reflect a recommendation submitted to

the Secretary by the National Organic Standards Board (NOSB) to develop organic pet food standards.

Timetable:

Action	Date	FR Cite
NPRM	02/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Jennifer Tucker, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 260-8077, *Email:* jennifer.tucker@usda.gov.

RIN: 0581-AE13

9. National Organic Program: Organic Mushroom Standards [0581-AE14]

Legal Authority: 7 U.S.C. 6501 to 6524

Abstract: This action proposes to establish standards for the organic production and certification of mushrooms in the USDA organic regulations.

Timetable:

Action	Date	FR Cite
NPRM	02/00/23	

Regulatory Flexibility Analysis

Required: Yes.

Agency Contact: Jennifer Tucker, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 260-8077, *Email:* jennifer.tucker@usda.gov.

RIN: 0581-AE14

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Final Rule Stage

10. Strengthening Organic Enforcement (AMS-NOP-17-0065) [0581-AD09]

Legal Authority: 7 U.S.C. 6501

Abstract: The Strengthening Organic Enforcement (SOE) rulemaking will address 2018 Farm Bill mandates. In summary, SOE will follow requirements that align with the Farm Bill:

- Limiting the types of operations in the organic supply chain that are not required to obtain organic certification;
- Imported organic products must be accompanied by an electronic import certificate to validate organic status;
- Import certificates will be submitted to the U.S. Customs and

Border Protection’s Automated Commercial Environment (ACE);

- Certifying agents must notify USDA within 90 days of the opening of any new office that conducts certification activities; and,
- Entities acting on behalf of certifying agents may be suspended when there is noncompliant activity.

Timetable:

Action	Date	FR Cite
Proposed Rule	08/05/20	85 FR 47536
Comment Period End.	10/05/20	
Final Rule	08/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, Deputy Administrator, USDA National Organic Program, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250, *Phone:* 202 260–8077, *Email:* jennifer.tucker@usda.gov.

RIN: 0581–AD09

11. Dairy Donation Program (AMS–DA–21–0013) [0581–AE00]

Legal Authority: Pub. L. 116–260, sec. 762

Abstract: This rulemaking for the Dairy Donation Program will finalize the program authorized in the Consolidated Appropriations Act of 2021. The Dairy Donation Program is a voluntary program that reimburses eligible dairy organizations for milk used to make eligible dairy products donated to non-profit groups for distribution to low-income persons.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/01/21	86 FR 48887
Interim Final Rule Comment Period End.	11/01/21	
Final Rule	11/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Erin Taylor, Acting Director, Order Formulation and Enforcement Division, Department of Agriculture, Agricultural Marketing Service, Dairy Program, 1400 Independence Avenue SW, Room 2969–S, Washington, DC 20250, *Phone:* 202 720–7311, *Email:* erin.taylor@ams.usda.gov.

RIN: 0581–AE00

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Long-Term Actions

12. National Organic Program—Organic Aquaculture Standards [0581–AD34]

Legal Authority: 7 U.S.C. 6501 to 6522
Abstract: This action proposes to establish standards for organic production and certification of farmed aquatic animals and their products in the USDA organic regulations. This action would also add aquatic animals as a scope of certification and accreditation under the National Organic Program (NOP).

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jennifer Tucker, *Phone:* 202 260–8077, *Email:* jennifer.tucker@usda.gov.
RIN: 0581–AD34

DEPARTMENT OF AGRICULTURE (USDA)

Agricultural Marketing Service (AMS)

Completed Actions

13. Wheat Flour Foods Promotion, Research, and Information Order (AMS–LP–20–0024) [0581–AE09]

Legal Authority: 7 U.S.C. 7411 to 7425
Abstract: This proposed rule intended to invite comments on the establishment of an industry-funded promotion, research, and information program for wheat flour used to produce grain foods. The proposed Wheat Flour Foods Promotion, Research, and Information Order was submitted to the U.S. Department of Agriculture by the Grain Foods Foundation (GFF), a group of baking and milling industries and allied suppliers. The proposed Order, initially submitted by GFF, was intended to increase sales by reversing the current decline in wheat flour consumption, improving the perception of bread, and producing research to strengthen the industry’s promotion of bread through: (a) Consumer Media; (b) Retail Channel Development; (c) Food Service Channel Development; and (d) Science/Nutrition Research. The proposed order submitted by GFF intended to improve consumption of grain foods, ensure that benefits to the entire industry are paid for by the entire industry, and allow for

consistent funding to maximize promotion and research efforts. However, prior to publication of this proposed rule, the GFF Board formally requested that efforts to publish this proposed rule cease.

Completed:

Reason	Date	FR Cite
Withdrawn	05/12/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Jeana Harbison, *Phone:* 202 690–3192, *Email:* jeana.m.harbison@usda.gov.
RIN: 0581–AE09

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DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Proposed Rule Stage

14. Animal Disease Traceability; Electronic Identification [0579–AE64]

Legal Authority: 7 U.S.C. 8301 *et seq.*

Abstract: This action would amend APHIS’ animal disease traceability regulations, currently codified at 9 CFR part 86. The primary proposed change would require that beginning June 30, 2023, APHIS would only recognize identification devices (e.g., eartags) as official identification for cattle and bison covered by the regulations if the devices have both visual and electronic readability (EID). Other proposed changes are intended to clarify language and requirements in several sections of part 86. These changes would enhance the U.S. traceability system to better achieve goals of rapidly tracing diseased and exposed animals and containing outbreaks.

Timetable:

Action	Date	FR Cite
NPRM	07/00/22	
NPRM Comment Period End.	09/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Dr. Aaron Scott Ph.D., DACVPM, Director, Department of Agriculture, Animal and Plant Health Inspection Service, National Animal Disease Traceability and Veterinary Accreditation Center, APHIS Veterinary Services Strategy and Policy, 2150 Centre Avenue, Building B (Mail Stop 3E87), Fort Collins, CO 80526, *Phone:*

970 494-7249, Email: traceability@usda.gov.
RIN: 0579-AE64

15. • Revision to Horse Protection Act Regulations [0579-AE70]

Legal Authority: 15 U.S.C. 1823
Abstract: Current Horse Protection Act (HPA) regulations require Designated Qualified Persons (DQPs) to be licensed directly through Horse Industry Organizations (HIOs). DQPs conduct inspections of horses at HIO-affiliated shows, sales, auctions, and exhibitions to determine compliance with the HPA. We are proposing to amend the Horse Protection regulations by eliminating the role of HIOs and DQPs as inspectors at horse shows, exhibitions, sales, and auctions, and assigning inspection authority solely to Animal and Plant Health Inspection Service (APHIS) Veterinary Medical Officers and other persons authorized by APHIS. Other changes are also being contemplated.
Timetable:

Action	Date	FR Cite
NPRM	10/00/22	
NPRM Comment Period End.	12/00/22	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Lance Bassage, VMD, Director, National Policy Staff, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 84, Riverdale, MD 20737, Phone: 301 851-3748, Email: lance.h.bassage@usda.gov.
RIN: 0579-AE70

16. • AQI User Fees [0579-AE71]

Legal Authority: 21 U.S.C. 136a
Abstract: We are proposing multiple revisions to our AQI user fee regulations in order to facilitate full cost recovery as required by 21 U.S.C. 136a. We are proposing to update the fees using more current operational data, as well as update the fees to incorporate recurring costs such as capital improvements and staffing needs. Inflation would also be incorporated into our model. Other changes are also being contemplated.
Timetable:

Action	Date	FR Cite
NPRM	12/00/22	
NPRM Comment Period End.	02/00/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: George Balady, PEIP Cost and Fee Analysis, PPQ, Department

of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Riverdale, MD 20737, Phone: 301 851-2338.

RIN: 0579-AE71

17. • Importation of Bovine Meat From Paraguay [0579-AE73]

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: We are proposing to amend the regulations governing the importation of certain animals, meat, and other animal products by allowing, under certain conditions, the importation of fresh (chilled or frozen) beef from Paraguay. Based on the evidence from a risk analysis, we have determined that fresh beef can safely be imported from Paraguay, provided certain conditions are met. This action would provide for the importation of fresh beef from Paraguay into the United States while continuing to protect the United States against the introduction of foot-and-mouth disease.
Timetable:

Action	Date	FR Cite
NPRM	01/00/23	
NPRM Comment Period End.	03/00/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Ingrid Kotowski, Regionalization Evaluation Services, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606, Phone: 919 855-7732.
RIN: 0579-AE73

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Final Rule Stage

18. Establishing AWA Standards for Birds [0579-AE61]

Legal Authority: 7 U.S.C. 2131 to 2159
Abstract: This rulemaking would extend APHIS enforcement of the Animal Welfare Act (AWA) to birds, other than birds bred for use in research. This would help ensure the humane care and treatment of such birds.
Timetable:

Action	Date	FR Cite
NPRM	02/22/22	87 FR 9880

Action	Date	FR Cite
NPRM Comment Period Extended.	04/22/22	87 FR 24072
NPRM Comment Period End.	04/25/22	
NPRM Comment Period Extended End.	05/25/22	
Final Rule	02/00/23	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Lance Bassage, VMD, Director, National Policy Staff, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 84, Riverdale, MD 20737, Phone: 301 851-3748, Email: lance.h.bassage@usda.gov.
RIN: 0579-AE61

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Long-Term Actions

19. National List of Reportable Animal Diseases [0579-AE39]

Legal Authority: 7 U.S.C. 8301 to 8317
Abstract: This rulemaking amends our disease regulations to provide for a National List of Reportable Animal Diseases, along with reporting responsibilities for animal health professionals that encounter or suspect cases of communicable animal diseases and disease agents. The changes are necessary to streamline State and Federal cooperative animal disease detection, response, and control efforts. This action will consolidate and enhance current disease reporting mechanisms, and it will complement and supplement existing animal disease tracking and reporting at the State level.
Timetable:

Action	Date	FR Cite
NPRM	04/02/20	85 FR 18471
NPRM Comment Period End.	06/01/20	
NPRM Comment Period Re-opened.	08/18/20	85 FR 50796
NPRM Comment Period Re-opened End.	08/21/20	
Final Action	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Jane Rooney, Phone: 970 494-7397.
RIN: 0579-AE39

20. Microchipping, Verifiable Signatures, Government Official Endorsement, and Mandatory Forms for Importation of Live Dogs; Cage Standards for Domestic Dogs [0579-AE58]

Legal Authority: 7 U.S.C. 2131 to 2159
Abstract: We are proposing to amend the regulations regarding the importation of live dogs by requiring all live dogs imported to the United States for resale purposes to be microchipped for permanent identification, and to require importers to procure a microchip reader and make it available to port-of-entry officials as requested. This action would also add microchipping as one of three identification options for dogs and cats used by dealers, exhibitors and research facilities. In addition, APHIS is proposing to require a verifiable signature on the health certificate and rabies certificate accompanying imported live dogs, an endorsement of the health certificate by a government official in the country of origin, and the mandatory use of forms provided by APHIS. Additionally, we are proposing to update cage standards for dogs held domestically by dealers or exhibitors who are licensed under the Animal Welfare Act or used in research at registered facilities. Other changes are also being contemplated.

Timetable:

Action	Date	FR Cite
NPRM	To Be Determined	

Regulatory Flexibility Analysis Required: Yes.
Agency Contact: Lance Bassage, Phone: 301 851-3748, Email: lance.h.bassage@usda.gov.
 RIN: 0579-AE58

DEPARTMENT OF AGRICULTURE (USDA)

Animal and Plant Health Inspection Service (APHIS)

Completed Actions

21. Handling of Animals; Contingency Plans [0579-AC69]

Legal Authority: 7 U.S.C. 2131 to 2159
Abstract: The Animal and Plant Health Inspection Service issued a final rule on December 31, 2012, to establish regulations under which research facilities and dealers, exhibitors, intermediate handlers, and carriers must meet certain requirements for contingency planning and training of personnel. Implementation of the final

rule was stayed on July 31, 2013, so that the agency could conduct additional review to further consider the impact of contingency plan requirements on regulated entities. Since that time, we have conducted such a review, and the 2021 Congressional Appropriations Act has required us to lift the stay. We are therefore lifting the stay and making minor revisions to the requirements in order to update compliance dates and clarify intent. The lifting of the stay and revisions will better ensure that entities responsible for animals regulated under the Animal Welfare Act are prepared to safeguard the health and welfare of such animals in the event of possible emergencies or disasters.

Completed:

Reason	Date	FR Cite
Final Rule	12/03/21	86 FR 68533
Final Rule Effective.	01/03/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Elizabeth Theodorson, Phone: 970 494-7473.
 RIN: 0579-AC69

22. Bovine Spongiform Encephalopathy and Scrapie; Importation of Small Ruminants and Their Germplasm, Products, and Byproducts [0579-AD10]

Legal Authority: 7 U.S.C. 450; 7 U.S.C. 1622; 7 U.S.C. 7701 to 7772; 7 U.S.C. 7781 to 7786; 7 U.S.C. 8301 to 8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701

Abstract: We are amending the regulations governing the importation of animals and animal products to revise conditions for the importation of live sheep, goats, and certain other non-bovine ruminants, and products derived from sheep and goats, with regard to transmissible spongiform encephalopathies such as bovine spongiform encephalopathy (BSE) and scrapie. We are removing BSE-related import restrictions on sheep and goats and most of their products and adding import restrictions related to transmissible spongiform encephalopathies for certain wild, zoological, or other non-bovine ruminant species. The conditions we are adopting for the importation of specified commodities are based on internationally accepted scientific literature and will, in general, align our regulations with guidelines established in the World Organization for Animal Health's Terrestrial Animal Health Code.

Completed:

Reason	Date	FR Cite
Final Rule	12/03/21	86 FR 68834
Final Rule Effective.	01/03/22	
Final Rule; Correction.	01/03/22	87 FR 29

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Alexandra MacKenzie, Phone: 301 851-3300.
 RIN: 0579-AD10

23. Horse Protection; Licensing of Designated Qualified Persons and Other Amendments [0579-AE19]

Legal Authority: 15 U.S.C. 1823 to 1825; 15 U.S.C. 1828

Abstract: We are withdrawing a proposed rule that would have amended the horse protection regulations with respect to several program practices. We are taking this action to withdraw the proposed rule so that we may reevaluate these program practices based on the findings of research conducted after its publication.

Completed:

Reason	Date	FR Cite
NPRM; Withdrawal.	12/13/21	86 FR 70755

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Lance Bassage, Phone: 301 851-3748, Email: lance.h.bassage@usda.gov.
 RIN: 0579-AE19

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DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Proposed Rule Stage

24. Special Supplemental Nutrition Program for Women, Infants and Children (WIC): WIC Online Ordering and Transactions [0584-AE85]

Legal Authority: Pub. L. 111-296

Abstract: This rule addresses key regulatory barriers to online ordering in the WIC Program by making changes to the provisions that prevent online transactions and types of online capable stores from participating in the Program. This rule will also allow FNS to modernize WIC vendor regulations that do not reflect current technology and facilitate the Program's transition to EBT.

Timetable:

Action	Date	FR Cite
NPRM	11/00/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael DePiro, Department of Agriculture, Food and Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314, *Phone:* 703 305–2876, *Email:* michael.depiro@usda.gov.

Maureen Lydon, Department of Agriculture, Food and Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314, *Phone:* 703 457–7713, *Email:* maureen.lydon@usda.gov.
RIN: 0584–AE85

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Final Rule Stage

25. National School Lunch and School Breakfast Programs: School Food Service Account Revenue Amendments Related to the Healthy, Hunger-Free Kids Act of 2010 [0584–AE11]

Legal Authority: Pub. L. 111–296
Abstract: This rule amends National School Lunch Program (NSLP) regulations to conform to requirements contained in the Healthy, Hunger-Free Kids Act of 2010 regarding equity in school lunch pricing and revenue from non-program foods sold in schools. This rule requires school food authorities (SFAs) participating in the NSLP to provide the same level of financial support for lunches served to students who are not eligible for free or reduced-price lunches as is provided for lunches served to students eligible for free lunches. This rule also requires that all food sold in a school and purchased with funds from the nonprofit school food service account other than meals and supplements reimbursed by the Department of Agriculture must generate revenue at least proportionate to the cost of such foods.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/17/11	76 FR 35301
Interim Final Rule Effective.	07/01/11	
Interim Final Rule Comment Period End.	09/15/11	
Final Rule	05/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Michael DePiro, Department of Agriculture, Food and

Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314, *Phone:* 703 305–2876, *Email:* michael.depiro@usda.gov.

Maureen Lydon, Department of Agriculture, Food and Nutrition Service, 1320 Braddock Place, Alexandria, VA 22314, *Phone:* 703 457–7713, *Email:* maureen.lydon@usda.gov.
RIN: 0584–AE11

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Long-Term Actions

26. Modernizing Supplemental Nutrition Assistance Program (SNAP) Benefit Redemption Systems [0584–AE37]

Legal Authority: Pub. L. 113–79
Abstract: The Food and Nutrition Service (FNS) will propose changes that collectively modernize SNAP benefit issuance and increase program integrity while streamlining program administration, offering greater flexibility to State agencies, and improving customer service. The rule will codify provisions of the 2014 Farm Bill, the 2018 Farm Bill, and respond to 2018 OIG audit findings. The rule will codify 2014 Farm Bill provisions requiring most SNAP-authorized retailers to pay the costs associated with EBT equipment, supplies and related services and requirements pertaining to the online SNAP payment option. This rule would also codify waivers that have been granted to State agencies to implement practices that have proven beneficial as the EBT system has developed and matured, address Disaster-SNAP requirements for on-going households, and update EBT system technical and functional requirements.

Timetable:

Action	Date	FR Cite
NPRM	05/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles H. Watford, *Phone:* 703 605–0800, *Email:* charles.watford@usda.gov.
Maureen Lydon, *Phone:* 703 457–7713, *Email:* maureen.lydon@usda.gov.
RIN: 0584–AE37

27. Providing Regulatory Flexibility for Retailers in the Supplemental Nutrition Assistance Program (SNAP) [0584–AE61]

Legal Authority: Pub. L. 113–79; 7 U.S.C. 2011 to 2036

Abstract: The Agricultural Act of 2014 amended the Food and Nutrition Act of 2008 to increase the requirement that certain Supplemental Nutrition Assistance Program (SNAP) authorized retail food stores have available on a continuous basis at least three varieties of items in each of four staple food categories, to a mandatory minimum of seven varieties. The Food and Nutrition Service (FNS) codified these mandatory requirements. Subsequent annual Agency appropriations bill language prohibited implementation of certain final rule provisions. In response, this change will provide some retailers participating in SNAP as authorized food stores with more flexibility in meeting the enhanced SNAP eligibility requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/05/19	84 FR 13555
NPRM Comment Period End.	06/04/19	
NPRM Comment Period Re-opened.	06/14/19	84 FR 27743
NPRM Comment Period Reopen End.	06/20/19	
Final Action	05/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles H. Watford, *Phone:* 703 605–0800, *Email:* charles.watford@usda.gov.
Maureen Lydon, *Phone:* 703 457–7713, *Email:* maureen.lydon@usda.gov.
RIN: 0584–AE61

28. Strengthening Integrity and Reducing Retailer Fraud in the Supplemental Nutrition Assistance Program (SNAP) [0584–AE71]

Legal Authority: Pub. L. 113–79; Pub. L. 115–334

Abstract: This proposed rule would implement statutory provisions of the Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), the Agriculture Improvement Act of 2018 (the 2018 Farm Bill), and other language intended to deter retailer fraud, abuse, and non-compliance in the Supplemental Nutrition Assistance Program (SNAP).

Timetable:

Action	Date	FR Cite
NPRM	05/00/24	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles H. Watford, *Phone:* 703 605–0800, *Email:* charles.watford@usda.gov.

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RIN: 0584-AE71

DEPARTMENT OF AGRICULTURE (USDA)

Food and Nutrition Service (FNS)

Completed Actions

29. Supplemental Nutrition Assistance Program (SNAP): Electronic Benefits Transfer Requirements for Scanning and Product-Lookup Technology [0584-AE39]

Legal Authority: Pub. L. 113-79
Abstract: The Department is withdrawing this rule from public consideration while the agency considers the cost and impact on food access associated with implementation of this policy. This rule will align program regulations with changes made by section 4002 of the Agricultural Act of 2014 (Pub. L. 113-79, the Farm Bill), which introduced new technical requirements for point-of-sale (POS) devices in the Electronic Benefits Transfer (EBT) system in section 7(h)(2)(C) of the Food and Nutrition Act of 2008 (the FNA). The Food and Nutrition Service (FNS) will propose to

revise existing regulations both to codify these statutory requirements as well as to provide for their effective implementation and enforcement through the clarification of the technical specifications and capabilities required of this equipment and by addressing methods for ensuring compliance. In addition, USDA will define what constitutes an area that has significantly limited access to food to determine who is exempt from this requirement.

Completed:

Reason	Date	FR Cite
Withdrawn	02/25/22	

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Charles H. Watford, *Phone:* 703 605-0800, *Email:* charles.watford@usda.gov.

Maureen Lydon, *Phone:* 703 457-7713, *Email:* maureen.lydon@usda.gov.

RIN: 0584-AE39

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DEPARTMENT OF AGRICULTURE (USDA)

Forest Service (FS)

Long-Term Actions

30. Special Uses—Communications Uses Rent [0596-AD43]

Legal Authority: 43 U.S.C. 1761 to 1771

Abstract: Consistent with the requirement in title V, section 504 (g) of the Federal Land Policy and Management Act, the proposed rule would update the Forest Service’s rental fee schedule for communications uses based on market value. Updated rental fees that exceed 100 percent of current rental fees would be phased in over a 3-year period. USDA is coordinating development of the information base to support this rulemaking with the Department of the Interior.

Timetable: Next Action Undetermined.

Regulatory Flexibility Analysis Required: Yes.

Agency Contact: Edwina Howard-Agu, *Phone:* 202 205-1419, *Email:* edwina.howard-agu@usda.gov.

RIN: 0596-AD43

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