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## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

#### 7 CFR Part 1430

RIN 0560-A166

[Docket No. FSA-2024-0001]

#### Dairy Margin Coverage Production History Adjustment and Program Extension; Correction

**AGENCY:** Commodity Credit Corporation (CCC) and Farm Service Agency (FSA), Department of Agriculture (USDA).

**ACTION:** Final rule; technical correction.

**SUMMARY:** CCC and FSA are making a technical correction to the Dairy Margin Coverage (DMC) regulations published on February 27, 2024. The technical correction will apply to the 2024 DMC coverage election period to allow dairy operations that dissolved prior to or during the 2024 DMC coverage election period the opportunity to enroll in 2024 DMC for the days they marketed milk in the 2024 calendar year.

**DATES:**

*Effective:* May 9, 2024.

*Application deadline for dissolved dairies to apply for DMC:* May 23, 2024.

**FOR FURTHER INFORMATION CONTACT:**

Douglas Kilgore; telephone: (717) 887-0963; email: [douglas.e.kilgore@usda.gov](mailto:douglas.e.kilgore@usda.gov). Individuals who require alternative means of communication should contact the USDA TARGET Center at (202) 720-2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any telephone).

**SUPPLEMENTARY INFORMATION:**

**Correction**

FSA announced changes made to DMC in a final rule on February 27, 2024 (89 FR 14372-14376). FSA inadvertently omitted a modification in 7 CFR 1430.403 to allow dairy operations that dissolved in the 2024

calendar year prior to or during the 2024 DMC coverage election period, the opportunity to enroll in 2024 DMC for the days the dairy operations were still in business and commercially marketing milk.

This technical correction amends the DMC regulation in 7 CFR 1430.403(a)(1) by inserting “and 2024” to address the unintentional exclusion of dairy operations that dissolved and stopped commercially marketing milk in the 2024 calendar year at any time before or during the DMC 2024 enrollment period that began on February 2, 2024, and ends on April 29, 2024.

Under the February 27, 2024, final rule, to be approved for enrollment in DMC, participating dairy operations must certify that they are commercially marketing milk at the time of application for DMC. Most DMC annual enrollment periods occur before the start of the coverage year. However, DMC changes authorized by the Further Continuing Appropriations and Other Extensions Act, 2024 (Pub. L. 118-22) required that a regulatory amendment to DMC be published before the coverage election period for 2024 could begin. As a result, some dairy operations that were marketing milk early in 2024, but then dissolved, were not eligible for 2024 DMC for the days they marketed milk in 2024.

The technical correction to the rule is consistent with how dissolved dairy operations were treated during coverage election periods that did not begin before the start of the applicable DMC coverage year in the past. For example, in 2019, when the 2019 DMC coverage election period was delayed until mid-year, provisions were provided in the rule to allow dairy operations that dissolved in the 2019 calendar year prior to or during the 2019 coverage election period the opportunity to enroll in 2019 DMC and receive benefits for the days they were commercially marketing milk. This technical correction provides dissolved dairy operations the opportunity to enroll in 2024 DMC under provisions consistent with 2019 DMC implementation. This is also consistent with the Congressional intention that DMC be available to eligible dairy operations as of the start of the 2024 calendar year, as illustrated by section 102(g) of Title I of Division B of the Further Continuing Appropriations and Other Extensions

Act, 2024, which provides for the extension of DMC, among other provisions, to be effective as of September 30, 2023.

To enroll, you must send your application for 2024 DMC to the administrative county FSA office serving the dairy operation. Participating dairy operations that dissolved in the 2024 calendar year prior to or during the 2024 DMC coverage election period may apply for DMC. The deadline for dissolved dairies to apply for DMC is May 23, 2024. This application is to enroll in 2024 DMC for the days the dissolved dairy operation was still in business and commercially marketing milk.

#### USDA Non-Discrimination Policy

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To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the

complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

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#### List of Subjects in 7 CFR Part 1430

Dairy products, Fraud, Penalties, Price support programs, Reporting and recordkeeping requirements.

For the reasons discussed above, CCC amends 7 CFR part 1430 as follows:

### PART 1430—DAIRY PRODUCTS

- 1. The authority citation for part 1430 continues to read as follows:

**Authority:** 7 U.S.C. 9051–9060 and 9071 and 15 U.S.C. 714b and 714c.

#### Subpart D—Dairy Margin Coverage Program

##### § 1430.403 [Amended]

- 2. In § 1430.403, amend paragraph (a)(1) by removing the year “2019” and adding “2019 and 2024” in its place.

Zach Ducheneaux,

Administrator, Farm Service Agency, and Executive Vice President, Commodity Credit Corporation.

[FR Doc. 2024-10162 Filed 5-8-24; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Parts 71, 77, 78, and 86

[Docket No. APHIS-2021-0020]

RIN 0579-AE64

#### Use of Electronic Identification Eartags as Official Identification in Cattle and Bison

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

**ACTION:** Final rule.

**SUMMARY:** We are amending the animal disease traceability regulations to require that eartags applied on or after a date 180 days after publication in the *Federal Register* of this final rule be both visually and electronically readable in order to be recognized for use as official eartags for interstate movement of cattle and bison covered under the regulations. We are also clarifying certain record retention and

record access requirements and revising some requirements pertaining to slaughter cattle. These changes will enhance the ability of Tribal, State and Federal officials, private veterinarians, and livestock producers to quickly respond to high-impact diseases currently existing in the United States, as well as foreign animal diseases that threaten the viability of the U.S. cattle and bison industries.

**DATES:** This rule is effective November 5, 2024.

**FOR FURTHER INFORMATION CONTACT:** Dr. Alexander K. Turner, Acting Director, Animal Disease Traceability and Veterinary Accreditation Center, Strategy and Policy, VS, APHIS, 2150 Centre Ave., Building B, Fort Collins, CO 80526; (970) 494-7353.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under the Animal Health Protection Act (AHPA, 7 U.S.C. 8301 *et seq.*), the Secretary of Agriculture has the authority to issue orders and regulations to prevent the introduction into the United States and the dissemination within the United States of any pest or disease of livestock. Within the U.S. Department of Agriculture (USDA), the Animal and Plant Health Inspection Service (APHIS) has primary regulatory responsibility to prevent, control, and eradicate communicable diseases of livestock in the United States. Knowing where diseased and at-risk animals are, where they have been, and when, is indispensable in emergency response and in ongoing disease control and eradication programs.

The animal disease traceability regulations, which were set forth in a final rule<sup>1</sup> published on January 9, 2013 (78 FR 2040–2075, Docket No. APHIS-2009-0091) and are contained in 9 CFR part 86, provide the requirements for identification and documentation for certain classes of cattle and bison to move interstate. These regulations establish minimum national official identification and documentation requirements for the traceability of livestock moving interstate. The species covered in the regulations include cattle and bison (sexually intact and 18 months of age or older, all female dairy cattle of any age and male dairy cattle born after March 11, 2013, cattle and bison of any age used for rodeo or recreational events, and cattle and bison of any age used for shows or exhibitions), sheep and goats, swine,

horses and other equids, captive cervids (*e.g.*, deer and elk), and poultry.

Under the regulations, official identification devices or methods are determined by the APHIS Administrator. An “official identification device or method” is defined in § 86.1 of the regulations as “[a] means approved by the Administrator of applying an official identification number to an animal of a specific species or associating an official identification number with an animal or group of animals of a specific species or otherwise officially identifying an animal or group of animals.”

One of the approved identification methods for cattle and bison covered by part 86 is an official eartag. An official eartag is defined in § 86.1 of the regulations as “[a]n identification tag approved by APHIS that bears an official identification number for individual animals. Beginning March 11, 2014, all official eartags manufactured must bear an official eartag shield. Beginning March 11, 2015, all official eartags applied to animals must bear an official eartag shield. The design, size, shape, color, and other characteristics of the official eartag will depend on the needs of the users, subject to the approval of the Administrator. The official eartag must be tamper-resistant and have a high retention rate in the animal.” The other methods of official identification of cattle and bison include “[b]rands registered with a recognized brand inspection authority and accompanied by an official brand inspection certificate, when agreed to by the shipping and receiving State or Tribal animal health authorities; or [t]attoos and other identification methods acceptable to a breed association for registration purposes, accompanied by a breed registration certificate, when agreed to by the shipping and receiving State or Tribal animal health authorities; or Group/lot identification when a group/lot identification number (GIN) may be used.” 9 CFR 86.4(a)(1)(ii) through (iv).

Historically, APHIS has used metal, non-electronic identification (EID) tags for animal identification in disease programs for many decades and has approved both non-EID and radio frequency identification (RFID, a form of EID) tags for use as official eartags in cattle and bison since 2008.

Since the enactment of the animal disease traceability regulations, APHIS has worked with stakeholders to enhance its traceability capacity within the Animal Disease Traceability (ADT) program. In January 2017, APHIS staff officers met with State officials and

<sup>1</sup> To view the final rule, supporting documents, and comments we received, go to: <https://www.regulations.gov/docket/APHIS-2009-0091>.