



Federal Register

**Monday,
May 5, 2008**

Part III

**Department of
Agriculture**

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda, Spring 2008

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

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

Department of Agriculture (USDA) in conformance with Executive Order 12866 “Regulatory Planning and Review.”

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) 720-1272.

Dated: March 7, 2008.

Michael Poe,

Chief, Legislative and Regulatory Staff.

Agricultural Marketing Service—Prerule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 1 | National Organic Program: Add Standards for the Organic Certification of Wild Captured Aquatic Animals (TM-01-08) | 0581-AB97 |
| 2 | National Organic Program: Dairy Replacement Animals (Livestock) (TM-07-03) | 0581-AC69 |
| 3 | National Organic Program, 2011 Sunset (Expiration) Review (Crops and Processing) (TM-07-14) | 0581-AC77 |

Agricultural Marketing Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 4 | National Organic Program: Access to Pasture (TM-05-14) | 0581-AC57 |
| 5 | National Organic Program, Sunset (2008) (TM-07-12) | 0581-AC76 |

Agricultural Marketing Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 6 | Mandatory Country of Origin Labeling of Beef, Pork, Lamb, Fish, Perishable Agricultural Commodities, and Peanuts (LS-03-04) | 0581-AC26 |
| 7 | Mandatory Reporting for Dairy Programs (DA-06-07) | 0581-AC66 |

Animal and Plant Health Inspection Service—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 8 | Tuberculosis in Cattle; Import Requirements (Section 610 Review) | 0579-AB44 |
| 9 | Animal Welfare; Regulations and Standards for Birds | 0579-AC02 |
| 10 | Importation of Plants for Planting; Establishing a New Category of Plants for Planting Not Authorized for Importation Pending Risk Assessment (Rulemaking Resulting From a Section 610 Review) | 0579-AC03 |

USDA

Animal and Plant Health Inspection Service—Proposed Rule Stage (Continued)

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 11 | Minimum Age Requirements for the Transport of Animals | 0579-AC14 |
| 12 | Tuberculosis in Cattle; Import Requirements for Roping Steers | 0579-AC50 |
| 13 | Handling of Animals; Contingency Plans | 0579-AC69 |
| 14 | Bovine Tuberculosis | 0579-AC73 |

Animal and Plant Health Inspection Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 15 | Phytosanitary Certificates for Imported Fruits and Vegetables | 0579-AB18 |
| 16 | Phytophthora Ramorum; Quarantine and Regulations | 0579-AB82 |
| 17 | Interstate Movement of Sheep and Goats; Approved Livestock Facilities, Identification, and Recordkeeping Requirements | 0579-AB84 |
| 18 | Boll Weevil; Quarantine and Regulations | 0579-AB91 |
| 19 | Trichinae Certification Program | 0579-AB92 |
| 20 | Special Need Requests Under the Plant Protection Act | 0579-AB98 |
| 21 | Standards for Permanent, Privately Owned Horse Quarantine Facilities (Section 610 Review) | 0579-AC00 |
| 22 | National Veterinary Accreditation Program (Rulemaking Resulting From a Section 610 Review) | 0579-AC04 |
| 23 | Citrus Canker; Compensation for Certified Citrus Nursery Stock | 0579-AC05 |
| 24 | Agricultural Inspection and AQI User Fees Along the U.S./Canada Border | 0579-AC06 |
| 25 | Citrus Canker; Quarantine of the State of Florida | 0579-AC07 |
| 26 | User Fees; Export Certification for Plants and Plant Products | 0579-AC22 |
| 27 | Importation of Poultry and Poultry Products From Regions Affected With Highly Pathogenic Avian Influenza | 0579-AC36 |
| 28 | Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish | 0579-AC74 |

Animal and Plant Health Inspection Service—Long-Term Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 29 | Plant Pest Regulations; Update of Current Provisions (Section 610 Review) | 0579-AA80 |
| 30 | Animal Welfare: Marine Mammals; Nonconsensus Language and Interactive Programs (Rulemaking Resulting From a Section 610 Review) | 0579-AB24 |
| 31 | Foot-and-Mouth Disease; Payment of Indemnity | 0579-AB34 |
| 32 | Animal Welfare; Climatic and Environmental Conditions for Transportation of Warmblooded Animals Other Than Marine Mammals | 0579-AC41 |

Animal and Plant Health Inspection Service—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|---|------------------------------|
| 33 | Interstate Movement of Citrus Fruit | 0579-AC34 |
| 34 | Bovine Spongiform Encephalopathy; Minimal-Risk Regions; Identification of Ruminants and Processing and Importation of Commodities | 0579-AC45 |

Rural Housing Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 35 | Guaranteed Single-Family Housing | 0575-AC18 |

USDA

Rural Housing Service—Completed Actions

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|----------------------------|------------------------------|
| 36 | Thermal Requirements | 0575-AC65 |

Food Safety and Inspection Service—Final Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 37 | Performance Standards for the Production of Processed Meat and Poultry Products; Control of Listeria Monocytogenes in Ready-To-Eat Meat and Poultry Products | 0583-AC46 |

Office of the Secretary—Proposed Rule Stage

| Sequence Number | Title | Regulation Identifier Number |
|-----------------|--|------------------------------|
| 38 | Voluntary Labeling Program for Designated Biobased Products | 0503-AA35 |
| 39 | Designation of Biobased Items for Federal Procurement, Round 7 | 0503-AA36 |

BILLING CODE 3410-90-S

Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)

Prerule Stage

1. NATIONAL ORGANIC PROGRAM: ADD STANDARDS FOR THE ORGANIC CERTIFICATION OF WILD CAPTURED AQUATIC ANIMALS (TM-01-08)

Legal Authority: 7 USC 6501 through 6522

Abstract: The Agricultural Marketing Service (AMS) is revising regulations pertaining to labeling of agricultural products as organically produced and handled (7 CFR part 205). The term “aquatic animal” will be incorporated in the definition of livestock to establish production and handling standards for operations that capture aquatic animals from the wild. Production standards for operations producing aquatic animals will incorporate requirements for livestock origin, feed ration, health care, living conditions, and recordkeeping. Handling standards for such operations will address prevention of commingling of organically produced commodities and prevention of contact between organically produced and prohibited substances.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 12/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Richard H. Mathews, Chief of Standards Development and Review Branch, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-3252
Fax: 202 205-7808
Email: richard.mathews@usda.gov

RIN: 0581-AB97

2. NATIONAL ORGANIC PROGRAM: DAIRY REPLACEMENT ANIMALS (LIVESTOCK) (TM-07-03)

Legal Authority: 7 USC 6501

Abstract: The Agricultural Marketing Service (AMS) is amending the National Organic Program regulations to clarify the regulations. This rule is seeking input on the following issues: (1) Are the current origin of livestock requirements in the NOP regulations adequate for dairy livestock under principles of organic livestock management and production? (2) If the current origin of livestock requirements as described in the NOP regulations are not adequate, how should they be

changed? (3) If the regulations should be changed, how much time should be allowed for the industry to implement the regulation change? This action is being taken to ensure that NOP regulations are clear and consistent, stimulate growth of the organic sector, satisfy consumer expectations, and allow organic producers and handlers flexibility in making site-specific, real-time management decisions.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| ANPRM | 12/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Richard H. Mathews, Chief of Standards Development and Review Branch, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-3252
Fax: 202 205-7808
Email: richard.mathews@usda.gov

RIN: 0581-AC69

USDA—AMS

Prerule Stage

3. • NATIONAL ORGANIC PROGRAM, 2011 SUNSET (EXPIRATION) REVIEW (CROPS AND PROCESSING) (TM-07-14)**Legal Authority:** 7 USC 6501

Abstract: The Agricultural Marketing Service (AMS) is amending regulations pertaining to the National List of Allowed and Prohibited Substances. As required by the National Organic Foods Production Act of 1990, the allowed use of the 12 synthetic and non-synthetic substances in organic production and handling will expire on September 12, 2001. The AMS is publishing an advance notice of

proposed rulemaking to make the public aware of this requirement. AMS believes that public comment is essential in the review process to determine whether these substances should continue to be allowed or prohibited in the production and handling of organic agricultural products.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 03/14/08 | 73 FR 13795 |
| ANPRM Comment Period End | 05/13/08 | |
| NPRM | 12/00/08 | |
| Final Action | 10/00/09 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Richard H. Mathews, Chief of Standards Development and Review Branch, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-3252
Fax: 202 205-7808
Email: richard.mathews@usda.gov

RIN: 0581-AC77**Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)****Proposed Rule Stage****4. NATIONAL ORGANIC PROGRAM: ACCESS TO PASTURE (TM-05-14)****Legal Authority:** 7 USC 6501 et seq

Abstract: The National Organic Program (NOP) is administered by the Agricultural Marketing Service (AMS). Under the NOP, AMS established national standards for the production and handling of organically produced agricultural products. Since implementation of the NOP, some members of the public have advocated for a more explicit regulatory standard on the relationship between livestock, particularly dairy animals, and grazing land. They have asserted the current regulatory language on access to pasture for ruminants and temporary confinement based on an animal's stage of production, when applied together, do not provide a uniform requirement for the pasturing of ruminant animals that meet the principles underlying an organic management system for livestock and livestock products that consumers expect. Comments received as a result of the proposed rule will assist in determining the Agency's next steps in rulemaking on this issue.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 04/13/06 | 71 FR 19131 |
| ANPRM Comment Period End | 06/12/06 | |
| NPRM | 07/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Mark A. Bradley, Associate Deputy Administrator, National Organic Program, Department of Agriculture, Agricultural Marketing Service, Room 4008, South Building, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-3252
Fax: 202 205-7808
Email: mark.bradley@usda.gov

RIN: 0581-AC57**5. • NATIONAL ORGANIC PROGRAM, SUNSET (2008) (TM-07-12)****Legal Authority:** 7 USC 6501

Abstract: This rule pertains to The Agricultural Marketing Services' National Organic Program. This amendment announces the sunset of 11

exempted substance and 1 prohibited substance added to the National List. This rule also begins the public comment process on whether the identified existing exemptions or prohibitions should be continued. Finally, this rule discusses how the NOP will manage the sunset review and renewal process.

Timetable:

| Action | Date | FR Cite |
|-----------------------------|----------|-------------|
| ANPRM | 12/28/07 | 72 FR 73667 |
| ANPRM Comment Period End | 01/28/08 | |
| NPRM | 06/00/08 | |
| Final Action | 10/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Richard H. Mathews, Chief of Standards Development and Review Branch, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-3252
Fax: 202 205-7808
Email: richard.mathews@usda.gov

RIN: 0581-AC76

Department of Agriculture (USDA)
Agricultural Marketing Service (AMS)

Final Rule Stage

6. MANDATORY COUNTRY OF ORIGIN LABELING OF BEEF, PORK, LAMB, FISH, PERISHABLE AGRICULTURAL COMMODITIES, AND PEANUTS (LS-03-04)

Legal Authority: 7 USC 1621 through 1627, Agricultural Marketing Act of 1946

Abstract: The Farm Security and Rural Investment Act of 2002 (Farm Bill) (Pub. L. 107-171) and the 2002 Supplemental Appropriations Act (2002 Appropriations) (Pub. L. 107-206) amended the Agricultural Marketing Act of 1946 (Act) (7 U.S.C. 1621 et seq.) to require retailers to notify their customers of the country of origin of covered commodities beginning September 30, 2004. Covered commodities include muscle cuts of beef (including veal), lamb, and pork; ground beef, ground lamb, and ground pork; farm-raised fish and shellfish; wild fish and shellfish; perishable agricultural commodities; and peanuts. The FY 2004 Consolidated Appropriations bill (2004 Appropriations) (Pub. L. 108-199) delayed implementation of mandatory Country of Origin Labeling (COOL) for all covered commodities except wild and farm-raised fish and shellfish until September 30, 2006. The FY 2006 Agriculture Appropriations Bill further delayed the implementation date for

other covered commodities until September 30, 2008.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| NPRM | 10/30/03 | 68 FR 61944 |
| NPRM Comment Period End | 12/29/03 | |
| Interim Final Rule | 10/05/04 | 69 FR 59708 |
| Interim Final Rule Comment Period End | 01/03/05 | |
| Interim Final Rule Effective | 04/04/05 | |
| Comment Period Extended | 11/27/06 | 71 FR 68431 |
| Comment Period End | 02/26/07 | |
| Comment Period Extended | 06/20/07 | 72 FR 33851 |
| Comment Period End | 08/20/07 | |
| Final Action | 09/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Martin O'Connor, Chief, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250-6456
 Phone: 202 720-4486
 Fax: 202 690-4119
 Email: cool@usda.gov

RIN: 0581-AC26

7. MANDATORY REPORTING FOR DAIRY PROGRAMS (DA-06-07)

Legal Authority: PL 106-532

Abstract: The Agricultural Marketing Service is proposing to establish a Dairy Product Mandatory Reporting Program. The program would: (1) Require persons engaged in manufacturing dairy products to provide the Department of Agriculture certain information including price, quantity, and moisture content of dairy products sold by the manufacturer and (2) require manufacturers and other persons storing dairy products to report to USDA information on the quantity of dairy products stored.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| Interim Final Rule | 07/03/07 | 72 FR 36341 |
| Interim Final Rule Effective | 08/02/07 | |
| Comment Period Extended | 11/02/07 | 72 FR 62105 |
| Final Action | 06/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: John Mengel, Chief Economist, Department of Agriculture, Agricultural Marketing Service, 1400 Independence Avenue SW, Washington, DC 20250
 Phone: 202 720-4664
 Email: john.mengel@usda.gov

RIN: 0581-AC66

BILLING CODE 3410-02-S

Department of Agriculture (USDA)
Animal and Plant Health Inspection Service (APHIS)

Proposed Rule Stage

8. TUBERCULOSIS IN CATTLE; IMPORT REQUIREMENTS (SECTION 610 REVIEW)

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This rulemaking would amend the regulations regarding the importation of animals into the United States to establish several levels of risk classifications to be applied to foreign regions with regard to tuberculosis and to establish requirements governing the importation of cattle and captive bison based on each risk classification. These changes are necessary to help ensure that cattle and captive bison infected with tuberculosis are not imported into the United States.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 07/00/08 | |
| NPRM Comment Period End | 09/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Kelly Rhodes, Senior Staff Veterinarian, Regionalization and Evaluation Services, ISTIT, NCIE, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 38, Riverdale, MD 20737-1231
 Phone: 301 734-4356

RIN: 0579-AB44

9. ANIMAL WELFARE; REGULATIONS AND STANDARDS FOR BIRDS

Legal Authority: 7 USC 2131 to 2159

Abstract: APHIS intends to establish standards for the humane handling, care, treatment, and transportation of birds other than birds bred for use in research.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM | 09/00/08 | |
| NPRM Comment Period End | 12/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Darrel Styles, Veterinary Medical Officer, Animal Care, Department of Agriculture, Animal and Plant Health Inspection

USDA—APHIS

Proposed Rule Stage

Service, 4700 River Road, Unit 84,
Riverdale, MD 20737-1234
Phone: 301 734-0658

RIN: 0579-AC02

10. IMPORTATION OF PLANTS FOR PLANTING; ESTABLISHING A NEW CATEGORY OF PLANTS FOR PLANTING NOT AUTHORIZED FOR IMPORTATION PENDING RISK ASSESSMENT (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

Abstract: This action would establish a new category in the regulations governing the importation of nursery stock, also known as plants for planting. This category would list taxa of plants for planting whose importation is not authorized pending risk assessment. We would allow foreign governments to request that a pest risk assessment be conducted for a taxon whose importation is not authorized pending risk evaluation. After the pest risk assessment was completed, we would conduct rulemaking to remove the taxon from the proposed category if determined appropriate by the risk assessment. We are also proposing to expand the scope of the plants regulated in the plants for planting regulations to include non-vascular plants. These changes would allow us to react more quickly to evidence that a taxon of plants for planting may pose a pest risk while ensuring that our actions are based on scientific evidence.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 08/00/08 | |
| NPRM Comment Period End | 10/00/08 | |

Regulatory Flexibility Analysis Required: Undetermined

Agency Contact: Arnold T. Tschanz, Senior Import Specialist, Commodity Import Analysis & Operations, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 141, Riverdale, MD 20737-1236
Phone: 301 734-5306

RIN: 0579-AC03

11. MINIMUM AGE REQUIREMENTS FOR THE TRANSPORT OF ANIMALS

Legal Authority: 7 USC 2131 to 2159

Abstract: This rulemaking would amend the Animal Welfare Act regulations by adding minimum age and weaning requirements for the transport in commerce of animals. The regulations currently contain such requirements for dogs and cats, but no corresponding ones for other regulated animals, despite the risks associated with the early transport of these species. The rule would also provide an exemption to allow animals to be transported without their mothers for medical treatment and for scientific research before reaching the minimum age and weaning requirement, provided certain conditions are met. Establishing minimum age requirements for the transport of animals and providing for the transport of animals that have not met the minimum age requirements are necessary to help ensure the humane treatment of these animals.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 05/00/08 | |
| NPRM Comment Period End | 07/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Barbara Kohn, Senior Staff Veterinarian, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737-1234
Phone: 301 734-7833

RIN: 0579-AC14

12. TUBERCULOSIS IN CATTLE; IMPORT REQUIREMENTS FOR ROPING STEERS

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This rulemaking would amend the animal importation regulations to require that steers and spayed heifers with more than 3 inches of horn growth that are entering the United States from Mexico meet more stringent tuberculosis testing requirements than those with 3 inches or less. In their current form, the regulations do not distinguish between steers and spayed heifers imported strictly as feeders and those with

sufficient horn growth to enable them to be used as rodeo cattle. Steers and spayed heifers used as rodeo cattle are often maintained longer than feeder cattle and generally come into contact with other cattle in more locations than do steers and spayed heifers imported for feeding purposes. The longer the lifespan of an animal, the greater the chances are that, if exposed to tuberculosis, it will contract the disease, develop generalized disease, and spread it to other animals. The risk of tuberculosis spread is also increased by the number of animals that are exposed to a tuberculosis-infected animal. We believe the risks of tuberculosis transmission associated with rodeo cattle justify requiring more rigorous tuberculosis testing for such animals than for those imported as feeders. This rulemaking is intended to reduce the risk of imported cattle transmitting tuberculosis to domestic livestock in the United States. This rulemaking replaces a previously published proposed rule, which we are withdrawing as part of this document, that would have required that steers and spayed heifers with any evidence of horn growth that are entering the United States meet the same tuberculosis testing requirements as sexually intact animals entering the United States.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 12/00/08 | |
| NPRM Comment Period End | 02/00/09 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Francisco Collazo-Mattei, Assistant Director, Ruminant Health Programs, National Center for Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737
Phone: 301 734-6954

RIN: 0579-AC50

13. • HANDLING OF ANIMALS; CONTINGENCY PLANS

Legal Authority: 7 USC 2131 to 2159

Abstract: This rulemaking would amend the Animal Welfare Act regulations to add requirements for contingency planning and training of personnel by research facilities and by

USDA—APHIS

Proposed Rule Stage

dealers, exhibitors, intermediate handlers, and carriers. We are proposing these requirements because we believe all licensees and registrants should develop a contingency plan for all animals regulated under the Animal Welfare Act in an effort to better prepare for potential disasters. This action would heighten the awareness of licensees and registrants regarding their responsibilities and help ensure a timely and appropriate response should an emergency or disaster occur.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 09/00/08 | |
| NPRM Comment Period End | 11/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jodie Kulpa-Eddy, Staff Veterinarian, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 84, Riverdale, MD 20737

Phone: 301 734-7833
RIN: 0579-AC69

14. • BOVINE TUBERCULOSIS

Legal Authority: 7 USC 8301 to 8317

Abstract: This rulemaking would amend the bovine tuberculosis regulations by removing from incorporation by reference the Bovine Tuberculosis Eradication Uniform Methods and Rules, 1999, and including in 9 CFR part 77 all Federal requirements. We are also proposing a number of substantive changes to the requirements in order to enhance our bovine tuberculosis eradication efforts. The proposed changes include, but are not limited to, tightening certain tuberculosis surveillance and reporting requirements; strengthening the quarantine and quarantine-release requirements; setting minimum testing ages, depending upon the status of the State or zone of origin and/or the purpose of movement, when testing is required for interstate movement of cattle and bison; adding new requirements to prevent the spread of

tuberculosis from wildlife to cattle and bison; adding new requirements for interstate movement of dairy cattle; strengthening the requirements for individual cattle and bison that are to be added to accredited herds; and providing for the interstate movement of commuter herds. Finally, we would reorganize 9 CFR part 77 to make the regulations clearer and easier to use.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|---------|
| NPRM | 07/00/08 | |
| NPRM Comment Period End | 09/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Charles W. Hench, Senior Staff Veterinarian, National Tuberculosis Eradication Program, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 2150 Centre Avenue, Building B, MSC 3E20, Ft. Collins, CO 80526
 Phone: 970 494-7378

RIN: 0579-AC73

Department of Agriculture (USDA)
 Animal and Plant Health Inspection Service (APHIS)

Final Rule Stage

15. PHYTOSANITARY CERTIFICATES FOR IMPORTED FRUITS AND VEGETABLES

Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

Abstract: Currently APHIS does not require a phytosanitary certificate to accompany fruits and vegetables imported into the United States except for certain fruits and vegetables grown in designated foreign regions. This rule would require a phytosanitary certificate to accompany all noncommercial shipments of fruits and vegetables imported into the United States by air passengers.

Timetable:

| Action | Date | FR Cite |
|--|----------|-------------|
| NPRM | 08/29/01 | 66 FR 45637 |
| NPRM Comment Period End | 10/29/01 | |
| NPRM; Availability of Risk Assessment | 05/24/06 | 71 FR 29846 |

| Action | Date | FR Cite |
|---|----------|---------|
| NPRM; Availability of Risk Assessment Comment Period End | 07/24/06 | |
| Final Action | 10/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Evelia Sosa, Senior Staff Officer, Quarantine Policy Analysis and Support, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737-1236
 Phone: 301 734-8295

RIN: 0579-AB18

16. PHYTOPHTHORA RAMORUM; QUARANTINE AND REGULATIONS

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: This action will amend the Phytophthora ramorum regulations to make the regulations consistent with a Federal Order issued by APHIS in

December 2004 that established restrictions on the interstate movement of nursery stock from nurseries in nonquarantined counties in California, Oregon, and Washington. This action will also update conditions for the movement of regulated articles of nursery stock from quarantined areas, as well as restrict the interstate movement of all other nursery stock from nurseries in quarantined areas. We are also updating the list of plants regulated because of *P. ramorum* and the list of areas that are quarantined for *P. ramorum* and making other miscellaneous revisions to the regulations. These actions are necessary to prevent the spread of *P. ramorum* to noninfested areas of the United States. We will continue to update the regulations through additional rulemakings as new scientific information on this pathogen becomes available.

Timetable:

| Action | Date | FR Cite |
|--------------------|----------|------------|
| Interim Final Rule | 02/27/07 | 72 FR 8585 |

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| Action | Date | FR Cite |
|---------------------------------------|----------|---------|
| Interim Final Rule Effective | 02/27/07 | |
| Interim Final Rule Comment Period End | 04/30/07 | |
| Final Rule | 12/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Jonathan Jones, National Phytophthora Ramorum Program Manager, Pest Detection and Management Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 160, Riverdale, MD 20737
Phone: 301 734-8247

RIN: 0579-AB82

17. INTERSTATE MOVEMENT OF SHEEP AND GOATS; APPROVED LIVESTOCK FACILITIES, IDENTIFICATION, AND RECORDKEEPING REQUIREMENTS

Legal Authority: 7 USC 8301 to 8317

Abstract: This rulemaking will amend the regulations regarding the interstate movement of animals to require livestock facilities that handle sheep or goats in interstate commerce to be approved by APHIS. These will include stockyards, livestock markets, buying stations, concentration points, or any other premises where sheep or goats in interstate commerce are assembled. APHIS' approval will be contingent on the facility operator meeting certain minimum standards and other conditions relating to the receipt, handling, and release of sheep and goats at the facility, as well as complying with certain animal identification and recordkeeping requirements. The standards and other conditions will be based, in part, on recently implemented regulations relating to the interstate movement of sheep and goats in order to control the spread of scrapie, a serious disease of sheep and goats. This rule will provide for the establishment of standards for the approval of livestock facilities that handle sheep or goats in interstate commerce.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| NPRM | 08/26/04 | 69 FR 52451 |

| Action | Date | FR Cite |
|-------------------------|----------|---------|
| NPRM Comment Period End | 10/25/04 | |
| Final Rule | 05/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Diane Sutton, Senior Staff Veterinarian, National Center for Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 43, Riverdale, MD 20737-1235
Phone: 301 734-6954

RIN: 0579-AB84

18. BOLL WEEVIL; QUARANTINE AND REGULATIONS

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: This action establishes domestic boll weevil regulations that will restrict the interstate movement of regulated articles within regulated areas and from regulated areas into or through nonregulated areas in commercial cotton producing States. The regulations will help prevent the artificial spread of boll weevil into noninfested areas of the United States and the reinfestation of areas from which the boll weevil has been eradicated.

Timetable:

| Action | Date | FR Cite |
|------------------------------|----------|-------------|
| NPRM | 10/31/06 | 71 FR 63707 |
| NPRM Comment Period End | 01/02/07 | |
| NPRM Comment Period Extended | 12/20/06 | 71 FR 76224 |
| NPRM Comment Period End | 02/01/07 | |
| Final Rule | 09/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: William Grefenstette, National Coordinator, Boll Weevil Eradication Program, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 138, Riverdale, MD 20737
Phone: 301 734-8676

RIN: 0579-AB91

19. TRICHINAE CERTIFICATION PROGRAM

Legal Authority: 7 USC 8301 to 8317; 7 USC 1622; 15 USC 1828; 21 USC 136a

Abstract: This action establishes a voluntary Trichinae Certification Program for U.S. pork that has been produced under disease-prevention conditions. Under the program, we will certify pork production sites that follow prescribed good production practices that reduce, eliminate, or avoid the risk of exposure of animals to zoonotic parasites of the species Trichinella, a disease of swine. Such a program should enhance the ability of producers to export pork and pork products to overseas markets. This program has been developed as a cooperative effort by the U.S. Department of Agriculture, the National Pork Board, and the pork processing industry. If adopted, this program will include those producers who choose to participate in the program, as well as slaughter facilities and other persons that handle or process swine from pork production sites that have been certified under the program.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 05/16/07 | 72 FR 27656 |
| NPRM Comment Period End | 07/16/07 | |
| Final Action | 05/00/08 | |
| Final Rule Effective | 06/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dave Pyburn, National Trichinae Coordinator, VS, Department of Agriculture, Animal and Plant Health Inspection Service, Room 891, 210 Walnut Street, Des Moines, IA 50309
Phone: 515 284-4122

RIN: 0579-AB92

20. SPECIAL NEED REQUESTS UNDER THE PLANT PROTECTION ACT

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: This action amends our domestic quarantine regulations to establish a process by which a State or political subdivision of a State could request approval to impose prohibitions or restrictions on the movement in interstate commerce of specific articles that are in addition to the prohibitions and restrictions imposed by the Animal and Plant Health Inspection Service. The Plant Protection Act provides that States or political subdivisions of States may make such special need requests,

but there are currently no procedures in place for their submission or consideration. This action establishes a process by which States may make a special need request.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 04/04/06 | 71 FR 16711 |
| NPRM Comment Period End | 06/05/06 | |
| Final Rule | 10/00/08 | |

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Osama El-Lissy, Director, Emergency and Domestic Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 134, Riverdale, MD 20737-1237
Phone: 301 734-5459

RIN: 0579-AB98

21. STANDARDS FOR PERMANENT, PRIVATELY OWNED HORSE QUARANTINE FACILITIES (SECTION 610 REVIEW)

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This rulemaking establishes standards for the approval of permanent, privately owned quarantine facilities for horses. We are taking this action because demand for quarantine services for horses exceeds the space available at existing facilities. We believe that allowing imported horses to be quarantined in permanent, privately owned quarantine facilities that meet these newly proposed criteria facilitates the importation of horses while continuing to protect against the introduction of communicable diseases of horses.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/13/06 | 71 FR 74827 |
| NPRM Comment Period End | 02/12/07 | |
| Final Rule | 12/00/08 | |

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Freeda Isaac, Assistant Director for Animal Import, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737-1231

Phone: 301 734-6479

Ellen Buck, Staff Veterinary Medical Officer, Equine Import, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737-1231

Phone: 301 734-8364

RIN: 0579-AC00

22. NATIONAL VETERINARY ACCREDITATION PROGRAM (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Legal Authority: 7 USC 8301 to 8317; 15 USC 1828

Abstract: This rulemaking amends the regulations regarding the National Veterinary Accreditation Program to establish two accreditation categories in place of the current single category, to add requirements for supplemental training and renewal of accreditation, and to offer accreditation specializations. These changes are intended to support the Agency's animal health safeguarding initiatives, to involve accredited veterinarians in integrated surveillance activities, and to make the provisions governing our National Veterinary Accreditation Program more uniform and consistent.

Timetable:

| Action | Date | FR Cite |
|--------------------------------------|----------|-------------|
| NPRM | 06/01/06 | 71 FR 31109 |
| NPRM Comment Period End | 07/31/06 | |
| Supplemental NPRM | 02/27/07 | 72 FR 8634 |
| Supplemental NPRM Comment Period End | 04/30/07 | |
| Final Action | 05/00/08 | |
| Final Rule Effective | 06/00/08 | |

Regulatory Flexibility Analysis

Required: No

Agency Contact: Todd Behre, Program Manager, National Veterinary Accreditation Program, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 46, Riverdale, MD 20737
Phone: 301 734-6188

RIN: 0579-AC04

23. CITRUS CANKER; COMPENSATION FOR CERTIFIED CITRUS NURSERY STOCK

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: This rulemaking establishes provisions under which eligible commercial citrus nurseries may, subject to the availability of appropriated funds, receive payments for certified citrus nursery stock destroyed to eradicate or control citrus canker. The payment of these funds is necessary in order to reduce the economic effects on affected commercial citrus nurseries that have had certified citrus nursery stock destroyed to control citrus canker.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| Interim Final Rule | 06/08/06 | 71 FR 33168 |
| Interim Final Rule Effective | 06/08/06 | |
| Interim Final Rule Comment Period End | 08/07/06 | |
| Affirmation of Interim Final Rule | 06/00/08 | |

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Stephen R. Poe, Senior Operations Officer, EDP, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 137, Riverdale, MD 20737-1231

Phone: 301 734-4387

RIN: 0579-AC05

24. AGRICULTURAL INSPECTION AND AQI USER FEES ALONG THE U.S./CANADA BORDER

Legal Authority: 7 USC 450; 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 49 USC 80503

Abstract: This action amends the foreign quarantine and user fee regulations by removing the exemptions from inspection for fruits and vegetables grown in Canada and the exemptions from user fees for commercial vessels, commercial trucks, commercial railroad cars, commercial aircraft, and international air passengers entering the United States from Canada. As a result of this action, all agricultural products imported from Canada will be subject to inspection, and commercial conveyances, as well

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as airline passengers arriving on flights from Canada, will be subject to inspection and user fees. We are taking this action in part because we are not recovering the costs of our current inspection activities at the U.S./Canada border. In addition, our data show an increasing number of interceptions on the U.S./Canada border of prohibited material that originated in regions other than Canada that presents a high risk of introducing plant pests or animal diseases into the United States. These findings, combined with additional Canadian airport preclearance data on interceptions of ineligible agricultural products approaching the U.S. border from Canada, strongly indicate that we need to expand and strengthen our pest exclusion and smuggling interdiction efforts at that border. In order to do this and to recover the costs of our existing inspection activity, we need to collect user fees from commercial conveyances and international air passengers entering the United States from Canada.

Timetable:

| Action | Date | FR Cite |
|---|----------|-------------|
| Interim Final Rule | 08/25/06 | 71 FR 50320 |
| Interim Final Rule Comment Period End | 11/24/06 | |
| Interim Final Rule Effective | 11/24/06 | |
| Delay of Effective Date | 11/22/06 | 71 FR 67436 |
| Delay of Effective Date | 02/26/07 | 72 FR 8261 |
| Affirmation of Interim Final Rule | 06/00/08 | |

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Alan S. Green, Executive Director, Plant Health Programs, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 36, Riverdale, MD 20737
Phone: 301 734-8261

RIN: 0579-AC06**25. CITRUS CANCKER; QUARANTINE OF THE STATE OF FLORIDA**

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786

Abstract: This action will amend the citrus canker regulations to list the entire State of Florida as a quarantined area for citrus canker and to amend the requirements for the movement of regulated articles from Florida now that the eradication of citrus canker in

Florida is no longer being carried out as an objective. It will also amend the regulations to allow regulated articles that would not otherwise be eligible for interstate movement to be moved to a port for immediate export. These changes are necessary in light of the Department's determination that the established eradication program was no longer a scientifically feasible option to address citrus canker.

Timetable:

| Action | Date | FR Cite |
|---|----------------------|-------------|
| Interim Final Rule | 08/01/06 | 71 FR 43345 |
| Interim Final Rule Effective | 08/01/06 | |
| Interim Final Rule Comment Period End | 10/02/06 | |
| Technical Amendment Final Rule | 01/12/07 09/00/08 | 72 FR 1415 |

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Stephen R. Poe, Senior Operations Officer, EDP, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 137, Riverdale, MD 20737-1231
Phone: 301 734-4387

RIN: 0579-AC07**26. USER FEES; EXPORT CERTIFICATION FOR PLANTS AND PLANT PRODUCTS**

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 49 USC 80503

Abstract: This rulemaking would amend the user fee regulations by adjusting the fees charged for export certification of plants and plant products. The rule would increase these user fees to reflect the anticipated costs associated with providing these services. It would also add a new user fee for Federal export certificates for plants and plant products that an exporter obtains from a State or county cooperator in order to recover administrative costs associated with that service. Finally, it would make several nonsubstantive changes to the regulations for clarity. These changes would enable us to properly recover the costs of providing export certification services for plants and plant products.

Timetable:

| Action | Date | FR Cite |
|----------------------------|----------|-------------|
| NPRM | 06/12/07 | 72 FR 32223 |
| NPRM Comment Period End | 08/13/07 | |
| Final Rule | 09/00/08 | |

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Marcus McElvaine, Senior Import Specialist, PIM, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 140, Riverdale, MD 20737-1236
Phone: 301 734-4382

Kris Caraher, User Fee Section Head, Financial Management Division, MRPBS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 54, Riverdale, MD 20737-1232
Phone: 301 734-5901

RIN: 0579-AC22**27. IMPORTATION OF POULTRY AND POULTRY PRODUCTS FROM REGIONS AFFECTED WITH HIGHLY PATHOGENIC AVIAN INFLUENZA**

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a

Abstract: This rulemaking will amend the regulations concerning the importation of animals and animal products to prohibit or restrict the importation of birds, poultry, and bird and poultry products from regions that have reported the presence in commercial birds or poultry of highly pathogenic avian influenza other than subtype H5N1. This action will supplement existing prohibitions and restrictions on articles from regions that have reported the presence of exotic Newcastle disease or highly pathogenic avian influenza subtype H5N1. The new restrictions will be almost identical to those imposed on articles from regions with exotic Newcastle disease.

Timetable:

| Action | Date | FR Cite |
|---|----------|---------|
| Interim Final Rule | 05/00/08 | |
| Interim Final Rule Comment Period End | 07/00/08 | |

Regulatory Flexibility Analysis**Required:** Yes

Agency Contact: Julia Punderson, Senior Staff Veterinarian, NCIE, Animal

Health Policy and Programs, VS,
Department of Agriculture, Animal and
Plant Health Inspection Service, 4700
River Road, Unit 38, Riverdale, MD
20737
Phone: 301 734-4356
RIN: 0579-AC36

28. • VIRAL HEMORRHAGIC SEPTICEMIA; INTERSTATE MOVEMENT AND IMPORT RESTRICTIONS ON CERTAIN LIVE FISH

Legal Authority: 7 USC 1622; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This rulemaking will establish regulations to restrict the interstate movement and importation

into the United States of live fish that are susceptible to viral hemorrhagic septicemia, a highly contagious disease of certain fresh and saltwater fish. In 2005 and 2006, viral hemorrhagic septicemia was detected in freshwater fish in several of the Great Lakes and related tributaries. The disease has been responsible for several large-scale die-offs of wild fish in the Great Lakes region. This action is necessary to prevent further introductions into, and dissemination within, the United States of viral hemorrhagic septicemia.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|---------|
| Interim Final Rule | 05/00/08 | |
| Interim Final Rule Comment Period End | 07/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: P. Gary Egrie, Senior Staff Veterinary Medical Officer, National Center for Animal Health Programs, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 46, Riverdale, MD 20737-1231
Phone: 301 734-6188

Peter Merrill, Senior Staff Veterinarian, National Center for Import and Export, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road, Unit 39, Riverdale, MD 20737-1231
Phone: 301 734-8364

RIN: 0579-AC74

**Department of Agriculture (USDA)
Animal and Plant Health Inspection Service (APHIS)**

Long-Term Actions

29. PLANT PEST REGULATIONS; UPDATE OF CURRENT PROVISIONS (SECTION 610 REVIEW)

Legal Authority: 7 USC 450; 7 USC 7711 to 7772; 7 USC 7781 to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: APHIS is undertaking rulemaking to amend its plant pest regulations by: (1) Setting out the criteria that will be used by APHIS when considering whether an organism is a plant pest; (2) adding a permit category for organisms that would be released into the environment for purposes such as the biological control of weeds; (3) establishing a notification system that could be used in place of permits for the importation and interstate movement of regulated organisms; and (4) revising or amending existing portions of the regulations to clarify or update requirements, eliminate redundancy, and make the regulations easier for the public to use. This action will serve as a follow-up to the advance notice of proposed rulemaking that APHIS published in the Federal Register on September 27, 1996, to solicit input on the need for regulatory changes and alternative methods of addressing plant pest risk.

Timetable:

| Action | Date | FR Cite |
|--------|----------|-------------|
| ANPRM | 09/27/96 | 61 FR 50767 |

| Action | Date | FR Cite |
|---------------------------|------------------|-------------|
| ANPRM Comment Period End | 12/26/96 | |
| NPRM | 10/09/01 | 66 FR 51340 |
| NPRM Comment Period End | 02/06/02 | |
| Withdrawal and Reproposal | To Be Determined | |

Regulatory Flexibility Analysis Required: Undetermined

Agency Contact: Robert Flanders
Phone: 301 734-5930

RIN: 0579-AA80

30. ANIMAL WELFARE: MARINE MAMMALS; NONCONSENSUS LANGUAGE AND INTERACTIVE PROGRAMS (RULEMAKING RESULTING FROM A SECTION 610 REVIEW)

Legal Authority: 7 USC 2131 to 2159

Abstract: The U.S. Department of Agriculture regulates the humane handling, care, treatment, and transportation of certain marine mammals under the Animal Welfare Act. The present standards for these animals have been in effect since 1979, and amended in 1984. During this time, advances have been made and new information has been developed with regard to the housing and care of marine mammals. This rulemaking addresses marine mammal standards on which consensus was not reached

during negotiated rulemaking conducted between September 1995 and July 1996. These include standards affecting variances, indoor facilities, outdoor facilities, space requirements, and water quality, as well as swim-with-the-dolphin programs. These actions appear necessary to ensure that the minimum standards for the humane handling, care, treatment, and transportation of marine mammals in captivity are based on current general, industry, and scientific knowledge and experience.

Timetable:

| Action | Date | FR Cite |
|--------------------------|------------------|-------------|
| ANPRM | 05/30/02 | 67 FR 37731 |
| ANPRM Comment Period End | 07/29/02 | |
| NPRM | To Be Determined | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Barbara Kohn
Phone: 301 734-7833

RIN: 0579-AB24

31. FOOT-AND-MOUTH DISEASE; PAYMENT OF INDEMNITY

Legal Authority: 7 USC 8301 to 8317

Abstract: This rule would amend the regulations for the cooperative control and eradication of foot-and-mouth disease (FMD) and other serious diseases, including both cooperative

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Long-Term Actions

programs and extraordinary emergencies. The purpose of this rule is to remove possible sources of delay in eradicating foot-and-mouth disease, should an occurrence of that disease occur in this country, so that eligible claimants will be fully compensated while at the same time protecting the U.S. livestock population from the further spread of this highly contagious disease.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| NPRM | 05/01/02 | 67 FR 21934 |
| NPRM Comment Period Extended | 06/28/02 | 67 FR 43566 |
| NPRM Comment Period End | 07/01/02 | |
| NPRM Comment Period End | 07/31/02 | |
| Next Action Undetermined | | |

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Mark Teachman
Phone: 301 734-8073

RIN: 0579-AB34

32. ANIMAL WELFARE; CLIMATIC AND ENVIRONMENTAL CONDITIONS FOR TRANSPORTATION OF WARMBLOODED ANIMALS OTHER THAN MARINE MAMMALS

Legal Authority: 7 USC 2131 to 2159

Abstract: This rulemaking would amend the Animal Welfare Act regulations regarding transportation of live animals other than marine mammals by removing the current ambient temperature requirements for various stages in the transportation of those animals. The action would replace those requirements with a single performance standard under which the animals would be transported under climatic and environmental conditions that are appropriate for their welfare. The regulations currently require that ambient temperatures be maintained within certain ranges during transportation, but animals may be transported at ambient temperatures below the minimum temperatures if their consignor provides a certificate signed by a veterinarian certifying that the animals are acclimated to temperatures lower than the minimum temperature. This proposal would make acclimation certificates for live animals other than marine mammals unnecessary. This rule would replace a previously published proposed rule, which we are withdrawing as part of this document, that would have required that the acclimation certificate for a dog or cat be signed by the owner of the dog or cat being transported rather than by a veterinarian. This

rulemaking does not address marine mammals due to their unique requirements for care and handling. We believe that establishing a single performance standard would ensure that warmblooded animals other than marine mammals are transported in climatic and environmental conditions that are not detrimental to their welfare while allowing for variations in climatic and environmental conditions that are suitable for individual animals.

Timetable:

| Action | Date | FR Cite |
|---------------------------------|----------|-------------|
| NPRM | 01/03/08 | 73 FR 413 |
| NPRM Comment Period End | 03/03/08 | |
| NPRM Comment Period Reopened | 03/18/08 | 73 FR 14403 |
| NPRM Comment Period End | 04/17/08 | |
| Next Action Undetermined | | |

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Jerry D. DePoyster
Phone: 301 734-7586

RIN: 0579-AC41

Department of Agriculture (USDA)

Animal and Plant Health Inspection Service (APHIS)

Completed Actions

33. INTERSTATE MOVEMENT OF CITRUS FRUIT

Legal Authority: 7 USC 7701 to 7772; 7 USC 7781 to 7786; 21 USC 136 and 136a

Abstract: This rulemaking amends the regulations to relieve restrictions that currently require citrus producers to ensure that citrus groves in the State of Florida are certified to be free of citrus canker prior to interstate movement of citrus fruit. This action also requires that all inspection of fruit for symptoms of citrus canker as well as treatments and packaging of citrus fruit to be moved interstate occur in packinghouses that operate under a compliance agreement with APHIS. This action allows the interstate movement of fresh citrus fruit from Florida, provided the fruit does not exhibit symptoms of citrus canker and

is handled in accordance with the regulations.

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|-------------|
| Final Action | 11/19/07 | 72 FR 65172 |
| Final Action Effective | 11/19/07 | |

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Stephen R. Poe
Phone: 301 734-4387

RIN: 0579-AC34

34. BOVINE SPONGIFORM ENCEPHALOPATHY; MINIMAL-RISK REGIONS; IDENTIFICATION OF RUMINANTS AND PROCESSING AND IMPORTATION OF COMMODITIES

Legal Authority: 7 USC 450 ; 7 USC 1622; 7 USC 7701 to 7772; 7 USC 7781

to 7786; 7 USC 8301 to 8317; 21 USC 136 and 136a; 31 USC 9701

Abstract: This rulemaking will amend the regulations regarding the importation of animals and animal products to remove several restrictions regarding the identification of animals and the processing of ruminant materials from regions that present a minimal risk of introducing bovine spongiform encephalopathy into the United States. This action will remove these restrictions because they are not necessary to prevent the introduction of bovine spongiform encephalopathy into the United States.

Completed:

| Reason | Date | FR Cite |
|------------------------|----------|------------|
| Final Action | 01/18/08 | 73 FR 3379 |
| Final Action Effective | 02/19/08 | |

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Completed Actions

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Karen A. James—Preston

Phone: 301 734-4356

Freeda Isaac

Phone: 301 734-6479

RIN: 0579-AC45

BILLING CODE 3410-34-S

**Department of Agriculture (USDA)
Rural Housing Service (RHS)**

Final Rule Stage

35. GUARANTEED SINGLE-FAMILY HOUSING

Legal Authority: 5 USC 301; 7 USC 1989; 42 USC 1480

Abstract: The Guaranteed Single-Family Housing program will provide better clarity and consistency within the program. The action is taken to update the regulations to current mortgage industry standards and

provide more guidance on program oversight and monitoring.

Timetable:

| Action | Date | FR Cite |
|-------------------------|----------|-------------|
| NPRM | 12/15/99 | 64 FR 70124 |
| NPRM Comment Period End | 02/14/00 | |
| Final Action | 01/00/09 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Joaquin Tremols, Acting Director, Single-Family Housing Guaranteed Loan Division, Department of Agriculture, Rural Housing Service, 1400 Independence Avenue SW, Washington, DC 20250
Phone: 202 720-1465
Fax: 202 205-2476
Email: joaquin.tremols@wdc.usda.gov

RIN: 0575-AC18

**Department of Agriculture (USDA)
Rural Housing Service (RHS)**

Completed Actions

36. THERMAL REQUIREMENTS

Legal Authority: 5 USC 301; 7 USC 1989; 42 USC 1480

Abstract: The current Agency procedure, section 1924.6 (a)(3)(i)(A), requires that surety be provided when the construction contract exceeds \$100,000. This Procedure Notice changes the surety requirements in 1924-A [section 1924.6 (a)(3)(i)(A)] from a \$100,000 contract amount to the Rural Development Single-Family

Housing area lending limits, which will vary with the locality. This will liberalize the requirement for surety and take into account the increase in construction cost of single-family homes in the Rural Development's Single-Family Housing Program since the last revision (1980) to this section of the regulation. This should ease the burden on small contractors for whom obtaining surety is difficult and expensive, additionally reducing costs to our single-family housing borrowers.

Completed:

| Reason | Date | FR Cite |
|--------------|----------|-------------|
| Final Action | 12/11/07 | 72 FR 70220 |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Michel Mitias
Phone: 202 720-9653
Fax: 202 690-4335
Email: michel.mitias@wdc.usda.gov

RIN: 0575-AC65

BILLING CODE 3410-XV-S

**Department of Agriculture (USDA)
Food Safety and Inspection Service (FSIS)**

Final Rule Stage

37. PERFORMANCE STANDARDS FOR THE PRODUCTION OF PROCESSED MEAT AND POULTRY PRODUCTS; CONTROL OF LISTERIA MONOCYTOGENES IN READY-TO-EAT MEAT AND POULTRY PRODUCTS

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

Abstract: FSIS has proposed to establish pathogen reduction performance standards for all ready-to-eat (RTE) and partially heat-treated meat and poultry products, and measures, including testing, to control *Listeria monocytogenes* in RTE products. The performance standards spell out the objective level of pathogen

reduction that establishments must meet during their operations in order to produce safe products but allow the use of customized, plant-specific processing procedures other than those prescribed in the earlier regulations. With HACCP, food safety performance standards give establishments the incentive and flexibility to adopt innovative, science-based food safety processing procedures and controls, while providing objective, measurable standards that can be verified by Agency inspectional oversight. This set of performance standards will include and be consistent with standards already in place for certain ready-to-eat meat and poultry products.

Timetable:

| Action | Date | FR Cite |
|---------------------------------------|----------|-------------|
| NPRM | 02/27/01 | 66 FR 12590 |
| NPRM Comment Period End | 05/29/01 | |
| NPRM Comment Period Extended | 07/03/01 | 66 FR 35112 |
| NPRM Comment Period End | 09/10/01 | |
| Interim Final Rule | 06/06/03 | 68 FR 34208 |
| Interim Final Rule Effective | 10/06/03 | |
| Interim Final Rule Comment Period End | 01/31/05 | |
| NPRM Comment Period Reopened | 03/24/05 | 70 FR 15017 |

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Final Rule Stage

NPRM Comment 05/09/05
 Period End
 Affirmation of Interim 12/00/08
 Final Rule
 Final Action 04/00/09

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Dr. Daniel L. Engeljohn, Deputy Assistant Administrator, Office of Policy and Program Development, Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Washington, DC 20250

Phone: 202 205-0495
 Fax: 202 401-1760
 Email: daniel.engeljohn@fsis.usda.gov

RIN: 0583-AC46
BILLING CODE 3410-DM-S

**Department of Agriculture (USDA)
 Office of the Secretary (AgSEC)**

Proposed Rule Stage

38. • VOLUNTARY LABELING PROGRAM FOR DESIGNATED BIOBASED PRODUCTS

Legal Authority: PL 107-171

Abstract: The purpose of the program is to provide a "U.S.D.A. Certified Biobased Product" label for use on biobased products meeting certain criteria to be established in the proposed rule, to specify those criteria for gaining use of the label, establish a system to make the label available to manufacturers and vendors of biobased products, and to establish the labeling program.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 12/00/08 | |

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Marvin Duncan, Senior Agricultural Economist,

Department of Agriculture, Office of the Secretary, Office of Energy Policy and New Uses, 1400 Independence Avenue SW, Room 4059, South Building, Washington, DC 20250
 Phone: 202 401-0461
 Fax: 202 401-0535
 Email: mduncan@oce.usda.gov

RIN: 0503-AA35

39. • DESIGNATION OF BIOBASED ITEMS FOR FEDERAL PROCUREMENT, ROUND 7

Legal Authority: PL 107-171, sec 9002

Abstract: Designates bath products; concrete and asphalt cleaners, including microbial and non-microbial concrete and asphalt cleaners as subcategories; corrosion removers; dishwashing detergents; floor cleaners and protectors; hair cleaning products, including shampoos and conditioners as subcategories; microbial cleaners; oven and grill cleaners; slide way

lubricants; and thermal shipping containers, including durable and non-durable thermal shipping containers as subcategories.

Timetable:

| Action | Date | FR Cite |
|--------|----------|---------|
| NPRM | 11/00/08 | |

Regulatory Flexibility Analysis Required: Yes

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