

Notices

Federal Register

Vol. 76, No. 9

Thursday, January 13, 2011

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

January 7, 2011.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), OIRA_Submission@OMB.EOP.GOV or fax (202) 395-5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250-7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720-8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to

the collection of information unless it displays a currently valid OMB control number.

Animal and Plant Health Inspection Service

Title: Dairy Heifer Raiser 2010 Study.
OMB Control Number: 0579-NEW.

Summary of Collection: Collection and dissemination of animal health data and information is mandated by 7 U.S.C. 391, the Animal Industry Act of 1884, which established the precursor of the Animal and Plant Health Inspection Service (APHIS), Veterinary Service, and the Bureau of Animal Industry. Legal requirements for examining and reporting on animal disease control methods were further mandated by 7 U.S.C. 8308 of the Animal Health Protection Act, "Detection, Control, and Eradication of Diseases and Pests," May 13, 2002. This submission is a request for approval to initiate the National Animal Health Monitoring Systems (NAHMS) Dairy Heifer Raiser 2010 Study, an information collection by the Animal and Plant Health Inspection Service (APHIS). The study will be conducted with the assistance of State Animal Health Officials using NAHMS-242, "Dairy Heifer Raiser Questionnaire." The Dairy Heifer Raiser 2010 Study is a part of an ongoing series of NAHMS studies on the U.S. dairy population.

Need and Use of the Information: The information collected through the Dairy Heifer Raiser 2010 Study will be analyzed and organized into descriptive reports. APHIS will use the data collected to: (1) Provide the first comprehensive information on animal health and management practices for heifer-raising operations; (2) Evaluate the biosecurity risks associated with heifer-raising operations (e.g., commingling cattle from multiple operations, exposing young cattle to Mexican cattle); and (3) Assist in the development of a biosecurity assessment that can be used to evaluate the risk of disease transmission (e.g., Tuberculosis, Bovine Viral diarrhea, etc.). Without this type of data, the ability to detect trends in management, production, and health status, either directly or indirectly, would be reduced or nonexistent.

Description of Respondents: Business or other for-profit.

Number of Respondents: 800.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 752.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2011-571 Filed 1-12-11; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS-NOP-10-0045; NOP-10-03]

National Organic Program: Notice of Draft Guidance Concerning "Made With Organic (Specified Ingredients or Food Groups)" Products: Product Composition and Use of Percentage Statements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice with request for comments.

SUMMARY: This notice announces draft guidance for the organic industry to address the labeling, composition of and use of percentage statements in "made with organic (specified ingredients or food groups)." Specifically, the draft guidance addresses (1) the use of non-organic ingredients in "made with organic (specified ingredients or food groups)" products, and (2) the use of statements about the percentage of organic ingredients within the "made with organic (specified ingredients or food groups)" labeling category.

The guidance explains the policy of the National Organic Program (NOP) concerning the portions of the regulations in question, referenced herein. The NOP invites organic producers, handlers, certifying agents, consumers and other interested parties to submit comments about these guidance provisions. A notice of availability of final guidance on this topic will be issued upon its final approval. Once finalized, this guidance document will be available from the NOP through "The Program Handbook: Guidance and Instructions for Accredited Certifying Agents (ACAs) and Certified Operations." This Handbook provides those who own, manage, or certify organic operations with guidance and instructions that can assist them in complying with the

National Organic Program (NOP) regulations. The current edition of the Program Handbook is available online at <http://www.ams.usda.gov/nop> or in print upon request.

DATES: Comments must be submitted on or before March 14, 2011.

ADDRESSES: NOP invites interested persons to submit comments pertaining to guidance on “made with organic (specified ingredients or food groups)” labeling and composition addressed herein using the following procedures:

- *Internet:* <http://www.regulations.gov>.
- *Mail:* Comments may be submitted to Toni Strother, Agricultural Marketing Specialist, National Organic Program, USDA-AMS-NOP, Room 2646-So., Ag Stop 0268, 1400 Independence Ave., SW., Washington, DC 20250-0268.

Written comments responding to this request should be identified with the document number AMS-NOP-10-0045; NOP-10-03. Clearly indicate the provision you are addressing and your support for or opposition to it and the reason for your position. Please include only relevant information and data to support your position.

USDA intends to make available all comments, including names and addresses when provided, regardless of submission procedure used, on <http://www.regulations.gov> and at USDA, AMS, NOP, Room 2646-South building, 1400 Independence Ave., SW., Washington, DC, from 9 a.m. to noon and from 1 to 4 p.m., Monday through Friday (except official Federal holidays). Persons wanting to visit the USDA South building to view comments from the public to this notice are request to make an appointment by calling (202) 720-3252.

FOR FURTHER INFORMATION CONTACT: Melissa Bailey, Director, Standards Division, National Organic Program, USDA-AMS-NOP, 1400 Independence

Ave., SW., Room 2646-So., Ag Stop 0268, Washington, DC 20250. Telephone: (202) 720-3252; Fax: (202) 205-7808.

SUPPLEMENTARY INFORMATION:

Purpose & Applicability

The Organic Foods Production Act of 1990 (OFPA), 7 U.S.C. Section 6501, *et seq.*, as amended, and the NOP regulations implemented in 7 CFR part 205, National Organic Program (NOP) Final Rule, regulate the production, handling, processing, and labeling of all raw or processed agricultural products to be sold, labeled, or represented as organic in the United States.

This guidance describes the policies for certified operations, certifying agents accredited by the U.S. Department of Agriculture (USDA), and approved State Organic Programs with respect to “made with organic (specified ingredients or food group(s))” products in the following two areas:

1. Restrictions on the use of non-organic ingredients; and
2. Statements about the percentage of organic ingredients.

I. Product Composition

Background

The NOP regulations describe the composition requirements for products to be labeled as “100% organic,” “organic,” and “made with organic (specified ingredients or food group(s)).” The purpose of this section is to explain the allowances and restrictions on the use of non-organic ingredients that may comprise up to 30 percent of a “made with organic (specified ingredients or food group(s))” product.

According to § 205.301(c) products within the “made with organic (specified ingredients or food group(s))” labeling category must contain at least 70 percent certified organic agricultural products. None of the ingredients in the

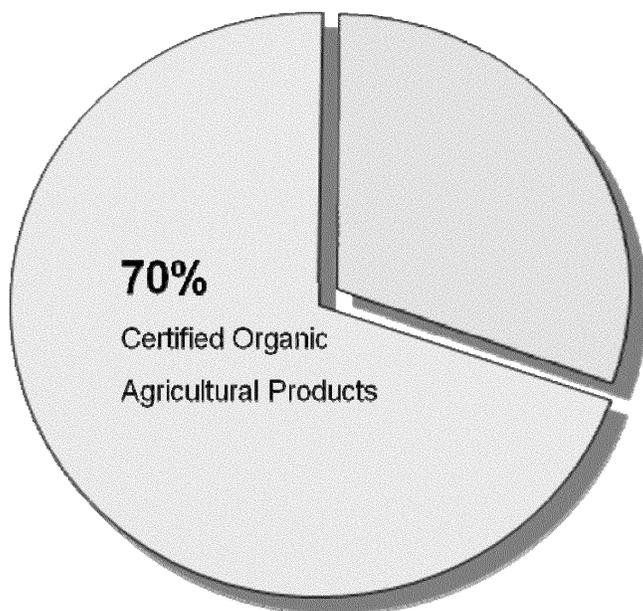
final product may be produced using excluded methods (*i.e.*, genetically modified organisms), sewage sludge or ionizing radiation.

Multi-ingredient products labeled as “made with organic (specified ingredients or food group(s))” may contain up to 30 percent of the following: (1) Conventionally produced (non-organic) agricultural products such as fruits, spices and grains regardless of the synthetic substances which may have been used in their production or processing; and (2) natural and synthetic ingredients or processing aids listed in § 205.605 *Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food groups).”* Any synthetic substance may be used to manufacture a substance on § 205.605; however, if the synthetic is present in the final § 205.605 substance, the synthetic must also be on the National List and allowed for the intended use.

Policy Statement

Products within the “made with organic (specified ingredients or food group(s))” labeling category must contain at least 70 percent certified organic agricultural products. The remaining 30 percent may include:

1. Agricultural ingredients which are conventionally produced. These ingredients must not have been produced using excluded methods (genetically modified organisms), sewage sludge, or ionizing radiation, but may be produced using synthetic substances not appearing on the National List at § 205.605.
2. Natural and synthetic ingredients or processing aids that are listed within § 205.605.



- 30% may be
 - Substances from 205.605
 - Any non-organic agricultural product produced without GMO, sewage sludge, or irradiation

II. Statement of Percentage of Organic Ingredients

Background

The NOP regulations (§§ 205.303(a) and 205.304(a)) state that products in packages described in §§ 205.301(a), (b), and (c), *may* display the terms, “100 percent organic,” “organic,” and “made with organic (specified ingredients or food group(s)),” respectively, as applicable. These provisions also state these products *may* display the percentage of organic ingredients in the product.

Accordingly, the NOP has received questions about whether a percentage statement may appear without a product composition statement (“100% organic,” “organic,” “made with organic (specified ingredients or food groups)” on a product package. For example, may a soup label state, “75 percent organic ingredients” on the principal display panel without a “made with organic vegetables” statement?

The purpose of this section is to clarify (a) the display of product composition and percentage statements on packaged products, and (b) whether percentage statements can be used when the percent of the organic ingredients exceeds the product composition category. For example, may a soup label state “95 percent organic ingredients” when the soup qualifies only for a “made with organic vegetables” claim?

Policy Statement

The “made with organic (specified ingredients or food group(s))” statement is essential to clarify the product category and may be used without the percentage statement. The statements,

“made with organic ingredients,” or “made with (insert number)% organic ingredients,” do not comply with §§ 205.304(a)(1)(i) or (ii) and are not acceptable variations of a “made with organic” statement. The correct formats for “made with organic” statements are: “made with organic (*specified* ingredients); or (*specified* food groups),” provided that the statement does not list more than three organically produced ingredients or food groups.

A percentage statement must be accompanied by the statement, “made with organic (specified ingredients or food group(s))” when displayed on packages of products in this category, which are described in § 205.301(c). As written in the NOP regulations, the section heading for § 205.304, “Packaged products labeled “made with organic (specified ingredients or food group(s)),” implies that a “made with organic (specified ingredients or food group(s))” statement is present on the product, and, therefore, the product must contain at least 70 percent certified organic agricultural products. The “made with (specified ingredients or food group(s))” statement is particularly important when the product contains 95 percent or more organic ingredients; without it, a consumer cannot determine the appropriate product category and could be misled to assume that the product qualifies for the “organic” labeling category.

A claim of “100% organic” should only be used for products that qualify under § 205.301(a). The “100% organic” claim refers to a particular labeling category within the NOP regulations and should not be used in combination

with other NOP labeling categories. For example, a “made with 100% organic (specified ingredients or foods groups)” label may lead consumers into thinking that the “made with” product qualifies for the “100% organic” category.

Acceptable variations of percentage statements include: “X% Organic,” “X% Organic Ingredients,” “Contains X% Organic Ingredients,” “Made with X% Organic Ingredients.” Each of the above versions of a percentage statement need to appear with a proper “made with organic” statement. Additional versions of percentage claim statements may be acceptable as long as they are not misleading. Percentage statements must appear without highlighting and in the same type size, font and color in its entirety. The size of a percentage statement must not exceed one-half of the largest type size on the display panel, in accordance with § 205.304(a)(2).

III. Significance of Guidance

This draft guidance document is being issued in accordance with the Office of Management and Budget (OMB) Bulletin on Agency Good Guidance Practices (GGPs) (January 25, 2007, 72 FR 3432–3440).

The purpose of GGPs is to ensure that program guidance documents are developed with adequate public participation, are readily available to the public, and are not applied as binding requirements. The draft guidance, when finalized, will represent the NOP’s current thinking on these topics. It does not create or confer any rights for, or on, any person and does not operate to bind the NOP or the public. Guidance documents are intended to provide a

uniform method for operations to comply that can reduce the burden of developing their own methods and simplify audits and inspections. Alternative approaches that can demonstrate compliance with the Organic Foods Production Act (OFPA), as amended (7 U.S.C. 6501–6522), and its implementing regulations are also acceptable.

The NOP strongly encourages the industry to discuss alternative approaches with the NOP before implementing them to avoid unnecessary or wasteful expenditures of resources and to ensure the proposed alternative approach complies with the Act and its implementing regulations.

Authority: 7 U.S.C. 6501, *et seq.*; 7 CFR part 205.

Dated: January 7, 2011.

David R. Shipman,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2011–573 Filed 1–12–11; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

Bridger-Teton National Forest Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Bridger-Teton Resource Advisory Committee will meet in Kemmerer, Wyoming. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose is to review project applications.

DATES: The meeting will be held on February 14, 2011, and will begin at 5 p.m.

ADDRESSES: The meeting will be held at the Kemmerer Ranger District Office, 308 U.S. Highway 189 North, Kemmerer, WY. Written comments should be sent to Tracy Hollingshead, Bridger-Teton National Forest, 308 Hwy 189 North, Kemmerer, WY 83101. Comments may also be sent via e-mail to thollingshead@fs.fed.us, or via facsimile to 307–828–5135.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Bridger-Teton National Forest, Hwy 189 North, Kemmerer, WY 83101. Visitors are encouraged to call ahead to 307–877–4415 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT:

Tracy Hollingshead, DFO, USDA, Bridger-Teton National Forest, Hwy 189 North, Kemmerer, WY 83101; (307) 877–4415; E-mail thollingshead@fs.fed.us.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: (1) Approve minutes from November 29, 2010 meeting. (2) Review and discuss project applications. (3) Update on potential additional Resource Advisory Committee applicants; and (4) Public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting.

Dated: January 7, 2011.

Tracy Hollingshead,

Designated Federal Officer.

[FR Doc. 2011–662 Filed 1–12–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Pike & San Isabel Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Pike & San Isabel Resource Advisory Committee will meet in Pueblo, Colorado. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose of the conference call is for project coordination and understanding.

DATES: The meeting will be held on February 10, 2011, and will begin at 9 a.m.

ADDRESSES: The conference call will be held at the Supervisor's Office of the Pike & San Isabel National Forests, Cimarron and Comanche National Grasslands (PSICC) at 2840 Kachina Dr., Pueblo, Colorado. Written comments should be sent to Barbara Timock, PSICC, 2840 Kachina Dr., Pueblo, CO 81008. Comments may also be sent via e-mail to btimock@fs.fed.us, or via facsimile to 719–553–1416.

All comments, including names and addresses when provided, are placed in

the record and are available for public inspection and copying. The public may inspect comments received at PSICC, 2840 Kachina Dr., Pueblo, CO 81008. Visitors are encouraged to call ahead to 719–553–1415 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT:

Barbara Timock, RAC coordinator, USDA, Pike & San Isabel National Forests, 2840 Kachina Dr., Pueblo, CO 81008; (719) 553–1415; E-mail btimock@fs.fed.us.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: To understand project proposals and coordination efforts, the PSI–RAC will convene a conference call. No decisions will be made during this call and the RAC will report out at the next meeting. The February 10 conference call is open to the public. The following business will be conducted: (1) Review projects submitted to the Web site, (2) Discuss RAC member liaison efforts, (3) Public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by February 7, 2011 will have the opportunity to address the Committee at those sessions.

Dated: January 7, 2011.

John F. Peterson,

Designated Federal Official.

[FR Doc. 2011–670 Filed 1–12–11; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Idaho Panhandle Resource Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 110–343) the Idaho Panhandle Resource Advisory Committee will meet Friday, January 21, 2011, at 9 a.m. in Coeur d'Alene, Idaho for a business meeting. The business meeting is open to the public.

DATES: January 21, 2011.