

Notices

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

Agricultural Marketing Service

[TM-94-00-4]

Procedure To Submit Names of Substances for Evaluation for Inclusion in the National List To Be Included in the National Organic Program

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Organic Foods Production Act of 1990, as amended (Act) (7 U.S.C. 6501 *et. seq.*), requires the establishment of a national organic production program for producers and handlers of agricultural products that have been produced using organic methods. The Act requires the Secretary of Agriculture (Secretary) to establish a National List of approved synthetic and prohibited natural substances that shall be included in the standards for organic production and handling. The National Organic Standards Board (NOSB), established by the Secretary, is seeking applications (petitions) for substances to be considered for inclusion on the National List. Petitions for substances for the National List should be submitted by the date set forth below.

DATES: Petitions should be received by close of business, May 26, 1995.

ADDRESSES: Petitions should be sent to Michael Hankin, Senior Marketing Specialist, USDA, Agricultural Marketing Service (AMS), Transportation and Marketing Division (TMD), National Organic Program (NOP), Room 2510 South Building, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Ted Rogers, Marketing Specialist, USDA, AMS, TMD, NOP, Room 2510 South Building, P.O. Box 96456, Washington,

DC 20090-6456. Phone 202/205-7804. Fax 202/205-7808.

SUPPLEMENTARY INFORMATION: Organic production and handling involves more than just the application or addition of certain acceptable substances. The Act in section 2114 (7 U.S.C. 6513) requires producers and handlers seeking certification under the Act to submit an organic plan to the certifying agent and the State organic certification program (if applicable). An organic plan is a plan of management of an organic farming or handling operation that has been agreed to by the producer or handler and the certifying agent that addresses all aspects of agricultural production or handling described in the Act, including crop rotation and other practices required under the Act.

The Act in section 2112 (7 U.S.C. 6511) also requires producers and handlers of certified organic operations to maintain records concerning the production or handling of agricultural products sold or labeled as organically produced under the Act. These records are to include detailed histories of substances applied to fields or agricultural products, the names and addresses of persons who applied the substances, and the date, rate and method of application of such substances. Livestock records shall include, but not be limited to, the amount and source of medications administered and all feeds and feed supplements bought and fed (section 2110 of the Act (7 U.S.C. 6509)).

Further, the Act requires the Secretary to establish a National List of approved synthetic and prohibited natural substances that shall be included in the standards established for the organic production and handling of agricultural products to be sold or labeled as organically produced. The Act in section 2103(21) (7 U.S.C. 6502(21)) defines synthetic as a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes.

The Secretary in accordance with section 6518 of the Act (7 U.S.C. 6518) established a NOSB. The purpose of the NOSB is to assist in the development of standards for substances to be used in

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organic production and to advise the Secretary on any other aspects of implementing the Act.

The NOSB has initiated an evaluation of certain substances for inclusion on the National List. The NOSB's list of substances was generated from existing lists of established organic certification agencies and from input received from various people and organizations, including organic food processors and livestock producers. The substances currently being considered have been referred, in accordance with the Act, to technical advisors, selected by the NOSB, who will provide the NOSB with relevant scientific information. Also, in accordance with the Act, the NOSB will review information from the Environmental Protection Agency, the National Institute of Environmental Health Studies and other sources, as appropriate, in regards to the potential adverse human and environmental effects of a substance under consideration.

Specifically, the NOSB will be considering:

(1) The potential of such substances for detrimental chemical interactions with other materials used in organic farming systems;

(2) The toxicity and mode of action of the substance and of its breakdown products or any contaminants, and their persistence and areas of concentration in the environment;

(3) The probability of environmental contamination during manufacture, use, misuse or disposal of such substance;

(4) The effect of the substance on human health;

(5) The effects of the substance on biological and chemical interactions in the agroecosystem, including the physiological effects of the substance on soil organisms (including the salt index and solubility of the soil), crops and livestock;

(6) The alternatives to using the substance in terms of practices or other available materials; and

(7) Its compatibility with a system of sustainable agriculture.

The results of the evaluations by the technical advisors will be utilized by the NOSB in formulating its own evaluation reports. Both the NOSB evaluations and those of the technical advisors will be submitted to the Secretary along with the NOSB's recommended list of substances. The

Secretary will consider the recommendations of the NOSB. The Secretary will then determine what substances should be proposed to be included in the National List and will publish the proposed list for public comment prior to establishing the National List.

Once established, the National List may be amended. Proposed additions to the National List will also be published for public comment. Substances included in the National List will be reviewed by the NOSB and the Secretary at least every 5 years.

PURPOSE: The NOSB has made an extensive effort to review existing organic certification organizations' lists of substances approved or prohibited for organic production and handling. However, it is possible that one or more substances currently appearing on these existing lists have not been included in the groups of substances being evaluated at this time by the technical advisors persons and the NOSB. In addition, there may be other substances that should be evaluated for inclusion on the National List which may be determined to be compatible with the organic management system of agricultural production and processing.

This Notice establishes the procedure by which interested parties may petition the NOSB for the purpose of having a substance evaluated for recommendation to the Secretary for inclusion as a permitted synthetic or prohibited natural substance on the National List. Only the names of generic, single, active ingredients should be submitted; brand name products and formulations will not be evaluated or appear on the National List.

A request that a substance be evaluated, along with the following information, is specifically requested.

DETAILED INFORMATION:

Substance name (generic or common name); Manufacturer's name, address, and phone, if different from the petitioner; Area of intended use (crops, livestock, or handling/processing); Specific use of the substance within the area of intended use; Sources from which the substance is derived; Description of the manufacturing or processing procedures; and Summary of previous reviews by State or private organic certification programs.

REGULATORY INFORMATION (AS APPLICABLE):

EPA registration (include the registration number);

Food and Drug Administration registration; State regulatory authority registration (include State registration number); Chemical Abstract Service number or other product number; and Labels of products that contain the petitioned substance.

SUPPLEMENTARY INFORMATION:

Detailed findings relevant to the substance's: detrimental chemical interactions with other materials used in organic farming; toxicity and persistence in the environment; environmental contamination resulting from its use and manufacture; effects on human health; and effects on soil organisms, crops and livestock; Bibliographies; Material Safety Data Sheet; Information on the substance obtained from the National Institute of Environmental Health Studies; and Information on whether all or part of any submission is believed to be confidential commercial information, and if so, what parts, and the basis for the belief it is confidential commercial information.

JUSTIFICATION: If petitioning for approval of a synthetic substance, state the reasons why the synthetic substance is necessary to the production, processing or handling of the organic product;

If the substance may be defined as synthetic, describe natural substances or alternative cultural methods that could be utilized in place of the synthetic substance; and summarize the beneficial effects to the environment, human health, or farm ecosystem that might support the use of the synthetic substance instead of the natural substances or alternative cultural methods.

If petitioning for prohibition of a natural substance, state the reasons why the natural substance should not be permitted in the production, processing or handling of the organic product.

The information requested for petitioning for a substance to be evaluated for inclusion on the National List should be completed as fully as possible. Persons submitting petitions may be requested to supply additional information.

Persons wishing to submit a petition should send the request and the information requested to: Michael Hankin, Senior Marketing Specialist, USDA, AMS, TMD, NOP, Room 2510 South Building, PO Box 96456, Washington, DC 20090-6456.

Authority: 7 U.S.C. 6501-6522.

Dated: March 21, 1995.

Lon Hatamiya,

Administrator.

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Animal and Plant Health Inspection Service

[Docket No. 94-119-4]

Boll Weevil Control Program; Availability of Environmental Assessment and Finding of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service has confirmed its finding of no significant impact for a proposed program to eradicate the boll weevil in the Lower Rio Grande Valley of Texas. On January 30, 1995, we announced that we had prepared an environmental assessment and preliminary finding of no significant impact for the proposed eradication program. This confirmation of the finding of no significant impact follows our review of comments received regarding the proposed eradication program and the environmental assessment.

ADDRESSES: Copies of the final environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are requested to call ahead on (202) 690-2817 to facilitate entry into the reading room.

FOR FURTHER INFORMATION CONTACT: Ms. Vicki Wickheiser, Writer-Editor, Environmental Analysis and Documentation, BBEP, APHIS, 4700 River Road Unit 149, Riverdale, MD 20737-1228, (301) 734-8963. Copies of the final environmental assessment and finding of no significant impact are available in both English and Spanish and may be obtained by contacting Ms. Wickheiser or by calling Plant Protection and Quarantine's Central Region Office at (210) 504-4154.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) has proposed to cooperate in a boll weevil