

AMS Response to Comments on the Addition of Polyoxin D Zinc Salt to § 205.601 for Plant Disease Control

AMS disagrees with comments opposed to the use of polyoxin D zinc salt in organic crop production. As stated in the 2017 technical report, polyoxin D zinc salt prevents the growth of fungi rather than destroying them. In addition, studies on macro-invertebrates, including pollinators and earthworms, indicated no or little toxic effects. While the soil half-life from aerobic microbial metabolism could be upwards to 15.9 days, photolytic degradation from sunlight was observed as soon as 1.6 days in spring conditions, and generally within 2–3 days, especially in alkaline soil. Consequently, polyoxin D zinc salt has not been found to accumulate or persist in soil. Polyoxin D zinc salt was assessed according to the OFPA criteria (7 U.S.C. 6518(m)). AMS determined that the use of polyoxin D zinc salt for plant disease control meets the OFPA evaluation criteria.

In addition, like all synthetic materials allowed for use in organic agricultural production per § 205.601, organic crop producers must describe their management practices to prevent specific pest infestations and plant diseases, and the specific conditions under which the use of polyoxin D zinc salt may be necessary in their OSP (§§ 205.201(a)(1) and 205.206(e)). The USDA organic regulations require that the producer first use mechanical or physical methods or nonsynthetic materials to control pests and plant diseases. When these are not sufficient, organic producers may use polyoxin D salt as described in their OSP.

Nonsynthetic and allowed synthetic materials must be used as specified on their material safety data sheet (MSDS) and product label to prevent injury to humans, animals, plants, and nontarget and beneficial insects, and detrimental impacts on soil health and air or water quality. Producers should monitor their soil pH and health with appropriate soil tests as needed, or as requested by a certifying agent.

Comments Received on the Addition of Magnesium Chloride to § 205.605 as an Ingredient in or on Processed Products

AMS received eight public comments regarding the proposed reclassification of magnesium chloride as a nonsynthetic allowed for use in processed organic products. Commenters broadly supported the proposed reclassification, stating that many nonsynthetic forms of magnesium chloride are commercially available.

One commenter was opposed to the reclassification of magnesium chloride; however, no substantive reason for the opposition was given.

Two commenters who supported reclassifying magnesium chloride as a nonsynthetic for use in handling also raised concerns that this reclassification would allow its use in organic crop production without restriction. They cautioned against future rulemaking allowing the use of magnesium chloride in crop production, citing concerns that chloride can accumulate in the soil and that this would allow the application of magnesium as an instantly available micronutrient, which are contrary to organic production practices. Both commenters requested that AMS ask the NOSB to consider prohibiting the use of nonsynthetic forms of magnesium chloride in organic crop production by listing it on § 205.602.

AMS Response to Comments on Magnesium Chloride

AMS disagrees with commenters that allowing nonsynthetic magnesium chloride for organic handling affects use of magnesium chloride in organic crop and livestock production. Nonsynthetic forms of magnesium chloride have always been allowed for organic crop and livestock production because magnesium chloride is not specifically prohibited at either § 205.602 or § 205.604. Furthermore, this final rule does not alter the definition of the terms “synthetic,” “nonsynthetic (natural),” or “chemical change” in the USDA organic regulations (§ 205.2). Commenters who are concerned about the allowance of nonsynthetic forms of magnesium chloride in organic crop or livestock production can petition the NOSB to consider prohibiting at § 205.602 or § 205.604.

F. General Notice of Public Rulemaking

This final rule reflects recommendations submitted by the NOSB to the Secretary to add two substances to the National List and to reclassify one substance on the National List.

List of Subjects in 7 CFR Part 205

Administrative practice and procedure, Agriculture, Archives and records, Crops, Imports, Labeling, National List, Organically produced products, Plants, Reporting and recordkeeping requirements, Seals and insignia, Soil conservation.

For the reasons set forth in the preamble, 7 CFR part 205, subpart G is amended as follows:

PART 205—NATIONAL ORGANIC PROGRAM

■ 1. The authority citation for part 205 continues to read as follows:

Authority: 7 U.S.C. 6501–6522.

■ 2. Amend § 205.601 by revising paragraph (h) and adding (i)(11) to read as follows:

§ 205.601 Synthetic substances allowed for use in organic crop production.

\* \* \* \* \*

(h) As slug or snail bait.

(1) Ferric phosphate (CAS # 10045–86–0).

(2) Elemental sulfur.

(i) \* \* \*

(11) Polyoxin D zinc salt.

\* \* \* \* \*

■ 3. Amend § 205.605 as follows:

■ a. In paragraph (a), add in alphabetical order an entry for “Magnesium chloride”; and

■ b. In paragraph (b), remove “Magnesium chloride—derived from seawater”.

The addition reads as follows:

§ 205.605 Nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food group(s)).”

\* \* \* \* \*

(a) \* \* \*

Magnesium chloride.

\* \* \* \* \*

Dated: October 17, 2019.

Bruce Summers,  
Administrator, Agricultural Marketing Service.

[FR Doc. 2019–23035 Filed 10–22–19; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

9 CFR Parts 201, 202, and 203

[Doc. No. AMS–FGIS–18–0073 FR]

Reorganization and Transfer of Regulations; Correction

AGENCY: Agricultural Marketing Service; Farm Service Agency; Grain Inspection, Packers, and Stockyards Administration; USDA.

ACTION: Final rule; correcting amendments.

SUMMARY: The Agricultural Marketing Service is making correcting amendments pertaining to a final rule that appeared in the **Federal Register** on August 30, 2019. The final rule

transferred certain regulations under the Farm Service Agency (FSA) and the Grain Inspection, Packers and Stockyards Administration (GIPSA) to the Agricultural Marketing Service (AMS) to reflect changes in the organizational structure and delegated authorities within the United States Department of Agriculture (USDA). The final rule also made corresponding revisions to the regulations to reflect the organizational changes.

**DATES:** Effective October 23, 2019.

**FOR FURTHER INFORMATION CONTACT:** Dawana J. Clark, Legislative and Regulatory Review Staff, Office of the Administrator, AMS, USDA; Telephone: (202) 720-7540, Fax: (202) 690-3767, or Email: [Dawana.Clark@usda.gov](mailto:Dawana.Clark@usda.gov).

**SUPPLEMENTARY INFORMATION:** In FR Doc. 2019-18201 appearing on page 45644 in the **Federal Register** of Friday, August 30, 2019, portions of amendatory instructions to sections in 9 CFR parts 201, 202, and 203 were either incorrect or incomplete.

In an instruction amending § 201.108-1, the section number read in error (§ 201.180-1). When amending paragraph (b) in § 202.2, we neglected to replace “GIPSA” with “AMS.” In amending § 203.7, we cited incorrect language to be changed. And finally, in the amendment to § 203.14, we incorrectly cited § 203.114.

This correcting amendment rule amends 9 CFR 201.108-1, 202.2, 203.7, and 203.14 as intended in the final rule published August 30, 2019, at 84 FR 45644.

#### List of Subjects

##### 9 CFR Part 201

Confidential business information, Reporting and recordkeeping requirements, Stockyards, Surety bonds, Trade practices.

##### 9 CFR Part 202

Administrative practice and procedure, Stockyards.

##### 9 CFR Part 203

Reporting and recordkeeping requirements, Stockyards.

Accordingly, 9 CFR parts 201, 202, and 203 are amended by making the following correcting amendments:

#### PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

■ 1. The authority citation for part 201 continues to read as follows:

**Authority:** 7 U.S.C. 181–229c.

#### § 201.108-1 [Amended]

■ 2. Amend § 201.108-1, in the introductory text, by removing both instances of the words “Packers and Stockyards Programs” and adding in their place “Packers and Stockyards Division”.

#### PART 202—RULES OF PRACTICE GOVERNING PROCEEDINGS AND UNDER THE PACKERS AND STOCKYARDS ACT

■ 3. The authority citation for part 202 continues to read as follows:

**Authority:** 7 U.S.C. 181–229c.

#### § 202.2 [Amended]

■ 4. In § 202.2, amend paragraph (b) by removing the term “GIPSA” and adding in its place “AMS”.

#### PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

■ 5. The authority citation for part 203 continues to read as follows:

**Authority:** 7 U.S.C. 2.22 and 2.81.

#### § 203.7 [Amended]

■ 6. Amend § 203.7:

■ a. In the third sentence of paragraph (b)(2)(iii), by removing the word “area” and adding in its place “regional”.

■ b. In the fourth sentence of paragraph (b)(2)(iii), by removing the words “the Administration” and adding in their place the term “PSD”.

#### § 203.14 [Amended]

■ 7. Amend § 203.14 in the note following paragraph 1 by removing the words “Grain Inspection, Packers and Stockyards Administration (Packers and Stockyards Programs)” and adding in their place “PSD”.

Dated: October 18, 2019.

**Bruce Summers,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 2019-23103 Filed 10-22-19; 8:45 am]

**BILLING CODE 3410-02-P**

#### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2019-0524; Product Identifier 2019-NM-081-AD; Amendment 39-19738; AD 2019-19-02]

RIN 2120-AA64

#### Airworthiness Directives; The Boeing Company Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 747-400 and 747-400F series airplanes. This AD was prompted by an evaluation that determined fatigue cracks could develop in the underwing longerons. This AD requires repetitive inspections of the underwing longerons and certain fuselage skins for any crack, and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

**DATES:** This AD is effective November 27, 2019.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 27, 2019.

**ADDRESSES:** For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminister Blvd., MC 110-SK57, Seal Beach, CA 90740-5600; phone: 562-797-1717; internet: <https://www.myboeingfleet.com>. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0524.

#### Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2019-0524; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-