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This section of the **FEDERAL REGISTER** contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Part 9

[Docket ID: FSA-2020-0004]

#### Notice of Funding Availability; Coronavirus Food Assistance Program (CFAP) Additional Eligible Commodities

**AGENCY:** Office of the Secretary, USDA.

**ACTION:** Notification of funding availability.

**SUMMARY:** The Coronavirus Food Assistance Program (CFAP) helps agricultural producers impacted by the effects of the COVID-19 outbreak. As provided in the CFAP regulation, this document announces additional commodities that have been determined to be eligible for CFAP assistance. USDA carefully reviewed the additional information provided in the comments to develop the list of additional commodities. Additional review is ongoing, which will result in a subsequent announcement.

**DATES:** *Effective:* July 10, 2020.

**FOR FURTHER INFORMATION CONTACT:**

William L. Beam, telephone (202) 720-3175; email [Bill.Beam@usda.gov](mailto:Bill.Beam@usda.gov). Persons with disabilities or who require alternative means for communication should contact the USDA Target Center at (202) 720-2600.

**SUPPLEMENTARY INFORMATION:** The Coronavirus Food Assistance Program (CFAP) helps agricultural producers impacted by the effects of the COVID-19 outbreak. The CFAP regulations are in 7 CFR part 9. The CFAP regulations provide the general eligibility requirements, the application process, and payment calculation information. The CFAP rule was published in the **Federal Register** on May 21, 2020 (85 FR 30825-30835) and a correction published in the **Federal Register** on June 12, 2020 (85 FR 35799-35800).

This document announces additional agricultural commodities that are eligible for CFAP and the payment rates for each commodity. In the interest of announcing additional commodities as eligible for CFAP as quickly as possible, to ensure that eligible producers can apply for and receive their payments as soon as possible, we are issuing more than one document in response to the comments. This document includes those commodities for which we could make decisions quickly. For other commodities, we are reviewing additional information and will provide the responses to the comments on those commodities in a subsequent announcement. Our goal is also to make the subsequent announcement as soon after the publication of this document as possible.

USDA requested information to evaluate whether additional commodities suffered losses that should result in eligibility for CFAP. The CFAP notification that requested information from the public for additional commodities that suffered losses was published in the **Federal Register** on May 22, 2020 (85 FR 31062-31065) and a correction was published on June 12, 2020, (85 FR 30812). USDA specifically requested information in order to evaluate whether additional

commodities suffered losses that should result in eligibility for CFAP. Comments were submitted through June 22, 2020, and USDA continues to review the information provided in the comments. USDA received a total of 1,740 comments. At the time of this document USDA had reviewed about half of the comments received. To expedite payment to growers, USDA is making recommendations for payment in this document based on this subset of comments and further review of market news data. Additional commodities, if they meet eligibility criteria, would be added later.

*Comment:* Individuals and organizations requested that a number of commodities be added to the list of eligible specialty crops. Commenters stated that these commodities experienced price decreases as much as other commodities originally included in the final rule and should be added to the list of eligible commodities to receive payments. Other commenters mentioned that certain commodities could benefit even when no price

decrease was identified because they were affected by market chain disruptions. Some comments included sufficient data for USDA to make a determination. USDA reviewed Market News data and found data for some commodities listed by commenters. Accordingly, we are adding the following commodities, based on comments and Market News data: Alfalfa Sprouts, Anise, Arugula, Basil, Bean Sprouts, Beets, Blackberries, Brussel Sprouts, Celery (celery root), Chives, Cilantro, Coconuts, Collard Greens, Dandelion Greens, Greens (others not listed separately), Guava, Kale Greens, Lettuce Boston, Lettuce Green Leaf, Lettuce Lolla Rossa, Lettuce Oak Leaf Green, Lettuce Oak Leaf Red, Lettuce Red Leaf, Marjoram, Mint, Mustard, Okra, Oregano, Parsnips, Passion Fruit, Peas Green, Pineapples, Pistachios, Radicchio, Rosemary, Sage, Savory, Sorrel, Sugarcane (table), Swiss Chard, Thyme, Turnip Tops Green.

*Response:* We carefully analyzed the Market News data for the requested commodities that we evaluated and have determined that these additional commodities are eligible for CFAP, as requested by the commenters. The table below at the end of this document provides the payment rates by commodity.

*Comment:* A few commenters stated that USDA had miscalculated price decreases for commodities such as blueberries. The commenter ran the market news reports and came up with a different conclusion than the original data included in the May 21, 2020, final rule. Commenters also provided additional industry price information for potatoes and apples and requested that potatoes be separated between fresh, fresh russet, processed, and seed potatoes.

*Response:* While running reports for the new commodities requested, USDA found some inconsistencies in data points. USDA is correcting the regulation in 7 CFR part 9 in a final rule correction published in the **Federal Register** to eliminate these errors by adding eligibility for 5 commodities under sales losses. The commodities are: Blueberries, garlic, raspberries, tangerines and taro.

While doing this review USDA also found that two commodities no longer qualify for the sales losses category and is deleting their availability for this

category. The two commodities are: peaches and rhubarb. The corrected payment rates for these commodities are listed in the rule correction.

USDA also reviewed commenters information on apples and potatoes,

including separating potatoes into fresh, processed, and seed. USDA agrees with commenters data and is providing corrected payment rates for these commodities in the rule correction. USDA is also correcting payment rates

for apples, artichokes, asparagus, blueberries, cantaloupes, cucumbers, garlic, kiwifruit, mushrooms, papaya, peaches, potatoes, raspberries, rhubarb, tangerines, and taro in the rule.

#### PAYMENT RATES FOR SPECIALTY CROPS

[By commodity]

Commodity	CARES Act payment rate for sales losses (\$/lb)	CARES Act payment rate for product that left the farm but spoiled due to loss of marketing channel (\$/lb)	CCC payment rate (\$/lb)
Alfalfa Sprouts .....	.....	\$8.14	\$1.59
Anise .....	\$0.88	0.81	0.16
Arugula .....	.....	4.64	0.91
Basil .....	0.30	1.65	0.32
Bean Sprouts .....	.....	0.26	0.05
Beets .....	.....	0.30	0.06
Blackberries .....	1.72	2.11	0.41
Brussels Sprouts .....	0.26	0.34	0.07
Celeriac (Celery Root) .....	.....	0.52	0.10
Chives .....	.....	1.32	0.26
Cilantro .....	0.19	0.23	0.05
Coconuts .....	.....	0.25	0.05
Collard Greens .....	0.04	0.21	0.04
Dandelion Greens .....	0.06	0.26	0.05
Greens (others not listed) .....	0.08	0.16	0.03
Guava .....	1.52	1.73	0.34
Kale Greens .....	.....	0.22	0.04
Lettuce, Boston .....	0.09	0.34	0.07
Lettuce, Green Leaf .....	0.44	0.60	0.12
Lettuce, Lolla Rossa .....	.....	1.69	0.33
Lettuce, Oak Leaf—Green .....	.....	1.69	0.33
Lettuce, Oak Leaf—Red .....	.....	1.69	0.33
Lettuce, Red Leaf .....	0.42	0.60	0.12
Marjoram .....	1.06	1.42	0.28
Mint .....	.....	7.47	1.46
Mustard .....	.....	0.21	0.04
Okra .....	0.31	0.46	0.09
Oregano .....	.....	1.22	0.24
Parsnips .....	0.06	0.40	0.08
Passion Fruit .....	0.89	3.21	0.63
Peas Green .....	0.10	0.36	0.07
Pineapples .....	.....	0.23	0.04
Pistachios .....	.....	0.74	0.14
Radicchio .....	.....	0.72	0.14
Rosemary .....	.....	2.60	0.51
Sage .....	0.72	3.06	0.60
Savory .....	.....	0.62	0.12
Sorrel .....	.....	2.85	0.56
Sugarcane, table .....	.....	0.14	0.03
Swiss Chard .....	.....	0.25	0.05
Thyme .....	.....	2.63	0.51
Turnip Tops Greens .....	.....	0.19	0.04

The complete list of all eligible specialty crops and payment rates is available at <https://www.farmers.gov/cfap/specialty>. USDA is still evaluating comments and will issue another document with additional determinations and payment rates.

The correction in the payment rates and the resulting changes in the eligibility for specific types of payments per commodity will not change CFAP costs.

**Stephen L. Censky,**  
Vice Chairman, Commodity Credit Corporation, and Deputy Secretary, U.S. Department of Agriculture.

[FR Doc. 2020-14854 Filed 7-9-20; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 956

[Doc. No. AMS-SC-19-0115; SC20-956-1 FR]

### Sweet Onions Grown in Walla Walla Valley of Southeast Washington and Northeast Oregon; Increased Assessment Rate

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This rule implements a recommendation from the Walla Walla Sweet Onion Marketing Committee (Committee) to increase the assessment rate established for the 2020 and subsequent fiscal periods. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

**DATES:** Effective August 10, 2020.

**FOR FURTHER INFORMATION CONTACT:** Barry Broadbent, Senior Marketing Specialist, or Gary Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (503) 326-2724 or Email: [Barry.Broadbent@usda.gov](mailto:Barry.Broadbent@usda.gov) or [GaryD.Olson@usda.gov](mailto:GaryD.Olson@usda.gov).

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250-0237; Telephone: (202) 720-2491, Fax: (202) 720-8938, or Email: [Richard.Lower@usda.gov](mailto:Richard.Lower@usda.gov).

**SUPPLEMENTARY INFORMATION:** This action, pursuant to 5 U.S.C. 553,

implements an amendment to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This rule is issued under Marketing Agreement and Order No. 956, as amended (7 CFR part 956), regulating the handling of sweet onions grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon. Part 956 (referred to as the "Order") is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act." The Committee locally administers the Order and is comprised of producers and handlers of Walla Walla sweet onions operating within the production area, and a public member.

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 13563 and 13175. This rule falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled "Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs'" (February 2, 2017).

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the Order now in effect, Walla Walla sweet onion handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rate be applicable to all assessable Walla Walla sweet onions for the 2020 fiscal period and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed no later than

20 days after the date of the entry of the ruling.

This final rule increases the assessment rate from \$0.10 per 50-pound bag or equivalent, the rate that was established for the 2017 and subsequent fiscal periods, to \$0.15 per 50-pound bag or equivalent of Walla Walla sweet onions handled for the 2020 and subsequent fiscal periods.

The Order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members are familiar with the Committee's needs and with the costs of goods and services in their local area and are in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2017 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate of \$0.10 per 50-pound bag or equivalent of Walla Walla sweet onions handled. That assessment rate continued in effect from fiscal period to fiscal period until modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on February 13, 2020 and unanimously recommended expenditures of \$84,200 and an assessment rate of \$0.15 per 50-pound bag or equivalent of Walla Walla sweet onions handled for the 2020 and subsequent fiscal periods. In comparison, last fiscal period's budgeted expenditures were \$99,800. The assessment rate of \$0.15 is \$0.05 higher than the rate previously in effect. The Committee recommended increasing the assessment rate to provide sufficient income, along with interest income and reserve funds, to cover all of the Committee's budgeted expenses for the 2020 fiscal period. Funds in the reserve are expected to be \$104,377 at the end of the 2020 fiscal period, which is within the Order's requirement of no more than approximately two fiscal period's budgeted expenses.

The major expenditures recommended by the Committee for the 2020 fiscal period include \$47,400 for administrative, \$26,000 for promotions, \$5,000 for travel, \$5,000 for research, and \$800 for miscellaneous expenses. Budgeted expenses for these items in 2019 were \$47,400, \$41,600, \$5,000, \$5,000, and \$800 respectively.