

# Notices

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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

June 29, 2021.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13 on or after the date of publication of this notice. Comments are requested regarding: 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; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and 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.

Comments regarding these information collections are best assured of having their full effect if received by August 2, 2021. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

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.

### National Agricultural Statistics Service

*Title:* ARMS, Fruit Chemical Use and State Cooperator Surveys—Substantive Change.

*OMB Control Number:* 0535-0218.

*Summary of Collection:* General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204 which specifies that "The Secretary of Agriculture shall procure and preserve all information concerning agriculture which he can obtain . . . by the collection of statistics . . .". The primary objective of the National Agricultural Statistics Service (NASS) is to provide data users with timely and reliable agricultural production and economic statistics, as well as environmental and specialty agricultural related statistics. To accomplish this objective, NASS relies on the use of diverse surveys that show changes within the farming industry over time.

The Agricultural Resource Management Surveys (ARMS), the Fruit Chemical Use Survey and several state funded surveys collect economic and environmental data on numerous crops on an annual basis. The ARMS surveys target numerous crops each year. The Fruit and Vegetable Chemical Use Surveys alternate each year. Changes need to be made to these surveys on an annual basis to address issues that arise each year. In addition, some research questions are added to some of these surveys by the Economic Research Service (ERS) who co-sponsors the ARMS program. The revised questionnaires and listings of the changes to the questionnaires can be viewed in the Reginfo system mentioned above.

The changes to these surveys will add an additional 15,799 burden hours raising the total for this information collection request to 120,828 hours.

*Need and Use of the Information:* These changes will increase the usefulness and relevance of both the economic and environmental data being collected.

*Description of Respondents:* Farms and Ranches.

*Number of Respondents:* 128,417.

*Frequency of Responses:* Reporting: Once.

*Total Burden Hours:* 120,828.

**Levi S. Harrell,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2021-14178 Filed 7-1-21; 8:45 am]

**BILLING CODE 3410-20-P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2008-0119]

### Implementation of Revised Lacey Act Provisions

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Food, Conservation, and Energy Act of 2008 amended the Lacey Act to provide, among other things, that importers submit a declaration at the time of importation for certain plants and plant products. Enforcement of the declaration requirement began on April 1, 2009, and products requiring a declaration are being phased-in. The purpose of this notice is to inform the public of a change in the date of implementation for Phase VI of the enforcement schedule.

**DATES:** Implementation of Phase VI of the Lacey Act enforcement schedule will begin October 1, 2021.

**FOR FURTHER INFORMATION CONTACT:** Ms. Dorothy Wayson, National Policy Manager, Lacey Act Program, Compliance and Environmental Coordination Branch, PPQ, APHIS, 4700 River Road, Unit 150, Riverdale, MD 20737; (301) 851-2036.

### SUPPLEMENTARY INFORMATION:

#### Background

The Lacey Act (16 U.S.C. 3371 *et seq.*), first enacted in 1900 and significantly amended in 1981, is the United States' oldest wildlife protection statute. The Act combats trafficking in illegally taken wildlife, fish, or plants. The Food, Conservation, and Energy Act of 2008, effective May 22, 2008, amended the Lacey Act by expanding its protection to a broader range of plants and plant products (Section 8204, Prevention of Illegal Logging Practices). The Lacey Act now makes it unlawful to import, export, transport, sell, receive, acquire, or purchase in

interstate or foreign commerce any plant, with some limited exceptions, taken, possessed, transported, or sold in violation of any law of the United States or an Indian Tribe, or in violation of any State or foreign law that protects plants or that regulates certain specified plant-related activities. The Lacey Act also now makes it unlawful to make or submit any false record, account, or label for, or any false identification of, any plant.

In addition, Section 3 of the Lacey Act, as amended, makes it unlawful, beginning December 15, 2008, to import certain plants, including plant products, without an import declaration. The declaration must contain the scientific name of the plant, value of the importation, quantity of the plant, and name of the country from which the plant was harvested. For paper and paperboard products containing recycled content, the declaration also must include the average percent of recycled content without regard for species or country of harvest. The plant import declaration requirement does not apply to plants used exclusively as packaging material to support, protect, or carry another item, unless the packaging material itself is the item being imported. Currently, enforcement of the declaration requirement is being phased in, as described in three notices we published in the **Federal Register**,<sup>1</sup> the first on February 3, 2009 (74 FR 5911–5913, Docket No. APHIS–2008–0119), the second on September 2, 2009 (74 FR 45415–45418, Docket No. APHIS–2008–0119), and the third on February 6, 2015 (80 FR 6681–6683, Docket No. APHIS–2008–0119).

In our February 2009 notice, we committed to providing affected individuals and industry with at least 6 months' notice for any products that would be added to the phase-in schedule. The phased-in enforcement schedule began April 1, 2009. The most recent phase (V) began on August 6, 2015. The enforcement schedule is available on the Animal and Plant Health Inspection Service (APHIS) website at [https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/SA\\_Lacey\\_Act](https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/SA_Lacey_Act). We continue to consider the applicability of the declaration requirement to products not included in the current phase-in schedule.

On March 31, 2020, we published a notice in the **Federal Register** (85 FR 17849–17850, Docket No. APHIS–2008–0119) announcing Phase VI of the

enforcement schedule, which would have begun on October 1, 2020. We solicited comments concerning our proposal until July 1, 2020. We received 31 comments by that date. They were from industry associations, conservation organizations, importers, exporters, and representatives of foreign governments.

Several commenters were concerned that adding products under Harmonized Tariff Code 4415, which includes cases, boxes, crates, drums, containers, pallets, and box-pallets, and other solid wood packaging materials, would result in unnecessary burden and disruptions to international trade if the declaration requirement was enforced for these packaging materials.

The Act specifies that the plant import declaration requirement does not apply to plants used exclusively as packaging material to support, protect, or carry another item, unless the packaging material itself is the item being imported (§ 3372(f)(3)). APHIS will only require a declaration for new products in Harmonized Tariff Code 4415 that are formally entering the United States. The declaration requirement will not apply to used, recycled, or reclaimed pallets or to pallets, empty or under load, that are used to carry goods imported into the United States.

Some commenters expressed concern about the addition of essential oils in Harmonized Tariff Code 3301.29.5150—essential oils of “other.” These commenters stated that it was unclear what was included under “other” and that there could be attempts to inaccurately classify products under different codes to avoid the plant import declaration requirement.

We agree with the commenters that this code may not provide sufficient specificity and could result in both deliberate and unintentional inaccuracies. Accordingly, we have decided to remove Harmonized Tariff Code 3301.29.5150—essential oils of “other” from this implementation phase.

In the initial notice, we included both Harmonized Tariff Code 9209.92 and the 10-digit Harmonized Tariff Code 9209.92.8000. Listing the 10-digit code is unnecessary, since it already falls under 9209.92. We also mistakenly categorized Harmonized Tariff Code 9209.99.8000 as “musical instruments of heading 9202, other.” It should read simply “Other.” We have corrected these errors. An updated list of Harmonized Tariff Schedule codes is set out below. Furthermore, we have decided to delay implementation of the enforcement phase based on the comments we received. Implementation

of Phase VI will now begin on October 1, 2021.

### Ch. 33 Headings (Essential Oils)

- 3301295109—essential oils of cedarwood
- 3301295121—essential oils of linaloe or bois de rose
- 3301295139—essential oils of sandalwood

### Ch. 42 Headings (Trunks, Cases, Suitcases)

- 4202292000—trunks, cases, and suitcases of wood
- 4202992000—other, of wood, not lined
- 4202993000—other, of wood, lined

### Ch. 44 Headings (Wood and Articles of Wood)

- 441012—oriented strand board (OSB)
- 4415—cases, boxes, crates, drums, containers, pallets, box-pallets, etc.

### Ch. 92 Headings (Musical Instruments)

- 9205902000—wind musical instruments: bagpipes
- 9205904020—clarinets
- 9205904080—other (woodwind instruments)
- 9205904060—flutes and piccolos
- 9206002000—drums
- 9207900040—musical instruments (fretted string instruments)
- 9209.92—parts and accessories for musical instruments of heading 9202
- 9209992000—parts and accessories for bagpipes
- 9209994040—parts and accessories for other woodwind instruments
- 9209998000—other

### Ch. 96 Headings (Miscellaneous Manufactured Articles)

- 9620005500—monopods, bipods, tripods and similar articles of wood

### Additional Information

APHIS will continue to provide the latest information regarding the Lacey Act on our website, [https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/SA\\_Lacey\\_Act](https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/SA_Lacey_Act). The website currently contains the Lacey Act, as amended; a slideshow covering background and context, requirements, commodities and products covered, information on prohibitions, and the current status of implementation of the declaration requirement of the Lacey Act; frequently asked questions; the phase-in implementation plan; a link to the Lacey Act Web Governance System (LAWGS); and the paper declaration form. The website will be updated as new materials become available. We encourage persons interested in

<sup>1</sup> To view the notices and the comments we received, go to <http://www.regulations.gov>, and enter APHIS–2008–0119 in the Search field.

receiving timely updates on APHIS' Lacey Act efforts to register for our stakeholder registry at <https://public.govdelivery.com/accounts/USDAAPHIS/subscriber/new/> and select "Lacey Act Declaration" as a topic of interest.

### Paperwork Reduction Act

This notice contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The information collection activities included in this notice are approved by the Office of Management and Budget under control number 0579-0349.

### E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this notice, please contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851-2483.

Done in Washington, DC, this 28th day of June 2021.

**Mark Davidson,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2021-14155 Filed 7-1-21; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### National Agricultural Statistics Service

#### Notice of Intent To Request To Conduct a New Information Collection

**AGENCY:** National Agricultural Statistics Service, Agriculture (USDA).

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to seek approval to conduct a new information collection to gather data related to the motivations of targeted operators to adopt conservation practices.

**DATES:** Comments on this notice must be received by August 31, 2021 to be assured of consideration.

**ADDRESSES:** You may submit comments, identified by docket number 0535-NEW, by any of the following methods:

- *Email:* [ombofficer@nass.usda.gov](mailto:ombofficer@nass.usda.gov). Include docket number above in the subject line of the message.

- *E-fax:* (855) 838-6382.

- *Mail:* Mail any paper, disk, or CD-ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250-2024.

- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250-2024.

#### FOR FURTHER INFORMATION CONTACT:

Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720-2707. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202) 690-2388 or at [ombofficer@nass.usda.gov](mailto:ombofficer@nass.usda.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* National Conservation Practice Adoption Motivations Survey.

*OMB Control Number:* 0535-NEW.

*Type of Request:* Intent to seek approval to create a new information collection for a period of three years.

*Abstract:* The purpose of the survey is to target operations who own or operate cropland and/or concentrated livestock feeding operations. NASS will collect information about these types of operations to understand conservation practices within the United States in terms of the following: (1) How often are specific conservation practices adopted without assistance, with technical assistance and/or financial assistance. (2) How does adoption evolve over time? What proportion of producers who "try" a given practice continue or expand use over time? How many discontinue the practice? (3) What motivates farmers to initially try a practice and then continue, expand, or discontinue use? The questions reflect a range of factors including conservation need(s), experience(s) of neighbors, financial benefits or costs, producer's time and effort, availability of technical and financial assistance, regulation or conservation compliance, and concern about the environmental quality. The United States Department of Agriculture's Natural Resources Conservation Service has entered into an interagency agreement with NASS to conduct this survey.

*Authority:* These data will be collected under authority of 7 U.S.C. 2204(a). Individually identifiable data

collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-113, 44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, "Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA)," **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 60 minutes per response. NASS plans to mail out publicity materials prior to the questionnaires to inform respondents of the importance of this survey.

Respondents will be able to reply to the mailed questionnaires by either an online link or by U.S. Postal Service. After two questionnaire mailings, NASS will mail a reminder, pressure sealed postcard to non-respondents with a link to the internet data collection tools, followed up with phone and personal enumeration of non-respondents to increase response rates and to minimize data collection costs.

*Respondents:* The 2022 survey will target operations who own or operate cropland as well as concentrated livestock feeding operations. Operators who have grazing land or forestry land will be done at a later date.

*Estimated Number of Respondents:* 35,200.

*Estimated Total Annual Burden on Respondents:* 35,614 hours.

*Comments:* Comments are invited on: (a) Whether the proposed 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 the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, through the use of appropriate automated, electronic, mechanical, technological, or other forms of information technology collection methods.

All responses to this notice will become a matter of public record and be