

The U.S. Department of Agriculture's (USDA) fall 2021 Regulatory Agenda and Plan prioritizes initiatives fostering 21<sup>st</sup> century innovation, job creation, economic and market opportunity in rural America, particularly among historically underserved people and communities, and a safe end to the pandemic. USDA will continue to leverage existing programs in response to unforeseen events and national emergencies affecting the American farm economy, schools, individual households, and our National Forests. All USDA programs, including the priorities contained in this Regulatory Plan, will be structured to advance the cause of equity by removing barriers and opening new opportunities.

In 2021, the USDA:

Agricultural Marketing Service (AMS) implemented a Dairy Donation Program to reimburse dairy organization for donated dairy products to non-profit organizations for distribution to recipient individuals and families. The new program was brought about by the 2020 COVID-19 pandemic which disrupted dairy supply chains and displaced significant volumes of milk normally used in food service channels. This led to milk being dumped or fed to animals across the United States. The new program is intended to encourage the donation of dairy products and to prevent and minimize food waste. Farm Service Agency (FSA) implemented a new Heirs' Property Relending Program authorized by changes that the Agriculture Improvement Act of 2018 (2018 Farm Bill) made to the Consolidated Farm and Rural Development Act. The relending program provides revolving loan funds to eligible intermediary lenders to resolve ownership and succession on farmland with multiple owners. The lenders give loans to qualified individuals to resolve these ownership issues. The intermediary lenders consolidate and coordinate the ownerships of the land-ownership interests.

Outlined below are some of our most important upcoming regulatory actions. These include efforts to restore and expand economic opportunity amid a safe end to the pandemic; address the climate change emergency; and support agricultural markets that are free, open and promote competition. This Regulatory Plan also reflects USDA's continued commitments to ensuring a safe and nutritious food supply and animal welfare protections. As always, our Semiannual Regulatory Agenda contains information on a broad-spectrum of USDA's initiatives and upcoming regulatory actions.

**Restore and expand economic opportunity amid a safe end to the pandemic**

## Pandemic Assistance Programs

USDA will provide additional direct financial assistance to producers of agricultural commodities who suffered eligible revenue losses in calendar year 2020 during the COVID-19 pandemic; this will expand on the assistance USDA provided last year. Payments will be made using funds under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; Public Law 116-136). The rule will also implement the expanded Pandemic Cover Crop Program (PCCP) to help agricultural producers impacted by the effects of the COVID-19 outbreak. Given cover crop cultivation requires sustained, long-term investments to improve soil health and gain other agronomic benefits, the economic challenges due to the pandemic made maintaining cover cropping systems financially challenging for many producers. In addition, the rule will also update the regulations for the Emergency Conservation Program (ECP); the Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program (ELAP); and the Livestock Forage Disaster Program (LFP); Livestock Indemnity Program (LIP); and payment eligibility provisions. For more information about this rule, see RIN 0503-AA75.

### **Address the climate change emergency**

Special Areas; Roadless Area Conservation; National Forest System Lands in Alaska: USDA proposes to repeal a final rule promulgated in 2020 that exempted the Tongass National Forest from the 2001 Roadless Area Conservation Rule (2001 Roadless Rule). The 2001 Roadless Rule prohibited timber harvest and road construction or reconstruction within designated Inventoried Roadless Areas, with limited exceptions. This proposal is consistent with President Biden's Executive Order 13990, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, directing action to address Federal regulations issued during the previous four years that may conflict with protecting the environment and to immediately commence work to confront the climate crisis. For more information about this rule, see RIN 0596-AD51.

### **Support agricultural markets that are free, open and promote competition**

On July 9, 2021, President Biden signed Executive Order 14036 to address the growing concerns over competition and concentration in the U.S. economy, including the agriculture sector. The order includes

72 initiatives by more than a dozen federal agencies including USDA to promptly tackle some of the most pressing competition problems across the economy. Specifically, the White House fact sheet looks to “empower family farmers and increase their incomes by strengthening the Department of Agriculture’s tools to stop the abusive practices of some meat processors.” One of USDA’s initiatives in this area will be to revitalize, through the following rulemakings, the Packers and Stockyards Act to fight unfair practices and rebuild a competitive marketplace:

Poultry Grower Ranking Systems: The proposal would address the use of poultry grower ranking systems as a method of payment and settlement grouping for poultry growers under contract in poultry growing arrangements with live poultry dealers. The proposal would establish certain requirements with which a live poultry dealer must comply if a poultry grower ranking system is utilized to determine grower payment. A live poultry dealer’s failure to comply would be deemed an unfair, unjustly discriminatory, and deceptive practice according to factors outlined in the proposed rule. For more information about this rule, see RIN 0581-AE03.

Clarification of Scope of the Packers and Stockyards Act: The proposal would revise regulations under the Packers and Stockyards Act (Act), providing clarity regarding conduct that may violate the Act. The proposal would make clear that it is not necessary to demonstrate harm or likely harm to competition to establish a violation of either section 202(a) or (b) of the Act. For more information about this rule, see RIN 0581-AE04.

Unfair Practices in Violation of the Packers and Stockyards Act: The proposal supplements recent updates to the regulations issued under the Act that provided criteria for the Secretary to consider when determining whether certain conduct or actions by packers, swine contractors, or live poultry dealers is unduly or unreasonably preferential or advantageous. The proposal clarifies the conduct USDA considers unfair, unjustly discriminatory, or deceptive and a violation of the Act, regardless of whether such action harms or is likely to harm competition. The proposal also clarifies the criteria and types of conduct considered unduly preferential, advantageous, prejudicial, or disadvantageous and violations of the Act. For more information about this rule, see RIN 0581-AE05.

**Ensuring that America’s Food Supply is Safe and Nutritious**

USDA's Food Safety and Inspection Service (FSIS) continues to ensure that meat, poultry, and egg products are properly marked, labeled, and packaged, and prohibits the distribution in-commerce of meat, poultry, and egg products that are adulterated or misbranded. Consistent with the President's priorities of advancing the country's economic recovery and promoting economic resilience, FSIS is proposing several rules to improve regulatory certainty, which assure consumers that meat, poultry, and egg products are safe and truthfully labeled and fosters fair competition among the regulated industry. In a similar vein, AMS has prepared proposed standards for organic livestock and poultry production.

Voluntary Labeling of Meat Products With "Product of USA" and Similar Statements: In accordance with Executive Order 14036, Promoting Competition in the American Economy, FSIS will propose to address concerns that the voluntary "Product of USA" label claim may confuse consumers about the origin of FSIS regulated products. FSIS intends to clarify the voluntary claim so that it is more meaningful to consumers and ensures a fair and competitive marketplace for American farmers and ranchers. For more information about this rule, see RIN 0583-AD87.

Revision of the Nutrition Facts Panels for Meat and Poultry Products and Updating Certain Reference Amounts Customarily Consumed; Prior Label Approval System: Expansion of Generic Label Approval: FSIS plans to finalize two rules, one to update nutrition labeling for meat and poultry products and another to expand the categories of meat and poultry product labels deemed generically approved that may be used in commerce without prior FSIS review and approval. The rule expanding the categories of generically approved labels would reduce labeling costs for meat and poultry establishments, including small and very small establishments. Both rules will provide additional certainty about what is required for meat and poultry labeling while ensuring that consumers have access to the information they need about the food they buy. For more information about these rules, see RINs 0583-AD56 and 0583-AD78.

National Organic Program; Organic Livestock and Poultry Standards: The proposal would establish standards that support additional practice standards for organic livestock and poultry production. This proposed action would add provisions to the USDA organic regulations to address and clarify livestock and poultry living conditions (for example, outdoor access, housing environment and stocking densities), health care practices (for example physical alterations, administering medical treatment, euthanasia), and

animal handling and transport to and during slaughter. For more information about this rule, see RIN 0581-AE06.

### **Animal Welfare Protections**

Standards for the Humane Handling, Care, Treatment and Transportation of Birds Not Bred for Use in Research under the Animal Welfare Act: The proposal would establish standards for humane handling, care, treatment, and transportation of birds not bred for use in research when those birds are engaged in any activity covered under the Animal Welfare Act. For more information about this rule, see RIN 0579-AE61.