

DEPARTMENT OF AGRICULTURE

Statement of Regulatory Priorities

In 2024, the U.S. Department of Agriculture (USDA) plans to prioritize initiatives that promote growth and new market opportunity in Rural America for our farmers, ranchers, small businesses, and communities, particularly among historically underserved communities, while implementing an expected new 5 year Farm Bill reauthorization for our major agricultural and food programs. USDA further anticipates a Farm Bill reauthorization as an opportunity to strengthen and improve our customer service and delivery combined with IT modernization that fosters 21st century innovation. USDA will use available outreach and communication tools to seek input and engagement from our traditional stakeholders as well as those communities whom we may not have been able to reach in the past but who, like our traditional stakeholders, offer critical implementation input and feedback. In short, we want to know what works, and what doesn't work, from everyone.

In 2024, USDA will seek and promote 21st century innovation initiatives like carbon capture and storage, addressing the effects of climate change such as drought and wildfire risks, and other climate-smart agriculture initiatives. As in the past, USDA will continue to tackle food and nutrition insecurity while maintaining a safe food supply and responding to any disaster and emergency threats impacting the American Farm economy, schools, individual households, and our National Forests. Finally, all of USDA's 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 for our customers.

In 2023, the USDA:

Agricultural Marketing Service published the Strengthening Organic Enforcement (SOE) final rule (January 19, 2023, 88 FR 3548) that became effective on March 20, 2023. As required by the 2018 Farm Bill, SOE protects organic integrity and bolsters farmer and consumer confidence in the USDA organic seal by supporting strong organic control systems, improving farm to market traceability, increasing import oversight authority, and providing robust enforcement of the organic regulations. Topics addressed in this rulemaking include: National Organic Program Import Certificates; recordkeeping and product traceability;

certifying agent personnel qualifications and training; standardized certificates of organic operation; unannounced on-site inspections of certified operations; oversight of certification activities; foreign conformity assessment systems; certification of producer group operations; labeling of nonretail containers; and, calculating organic content of multi-ingredient products.

Forest Service implemented a final rule on Special Areas; Roadless Area Conservation; National Forest System Lands in Alaska (January 27, 2023, 88 FR 5252) that repealed a final rule promulgated in 2020 exempting 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. The rule is consistent with President Biden's Executive Order 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.

In late 2023, the Forest Service plans to publish a proposed rule on Carbon Capture, Utilization, and Storage that would allow exclusive or perpetual right of use or occupancy of National Forest System lands that will allow for permanent carbon dioxide sequestration in order to reduce the impacts of climate change. Furthermore, the Forest Service plans to publish a Financial Assurance for Locatable Minerals Interim Final rule that will allow equities and private investment-rated securities within trust funds as financial assurance for long-term post-closure obligations, which is crucial for the stewardship and restoration of National Forest System lands affected by mining. Finally, the Forest Service is making several updates to its directives that will strengthen its ability to combat climate change and improve access to, and delivery of, public programs and services by reducing administrative burden – including equitable access to recreation, mitigation of adverse impacts, climate resilience, and its Tribal action plan.

In late 2023, Food and Nutrition Service (FNS) plans to publish an interim final rule (December 2023) that codifies flexibility for rural program operators to provide non-congregate meal service in the Summer Food Service Program (SFSP) and establishes a permanent Summer Electronic Benefits Transfer for Children Program (Summer EBT). To gather information for this rulemaking, between April - August 2023, FNS hosted more than 100 listening sessions and information meetings with State agencies,

advocacy groups, program operators, and industry partners. For more information about this rule, see RIN 0584-AE96.

In December 2023, FNS also plans to publish a final rule codifying the provisions of the Access to Baby Formula Act of 2022. Amongst other things, the rule codifies requirements for State agencies to include language in their Women, Infants and Children (WIC) infant formula rebate contracts that describes remedies in the event of an infant formula recall. This rule was informed by lessons learned and feedback received from State and local agencies, advocacy organizations, and Federal research on the response to recent disasters, the COVID-19 pandemic, and a major WIC product recall. For more information about this rule, see RIN 0584-AE94.

Outlined below are some of USDA's most important upcoming regulatory actions for 2024. These include efforts to restore and expand economic opportunity; address the climate crisis; 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 planned upcoming regulatory actions.

Foster Sustainable Economic Growth by Promoting Innovation, Building Resilience to Climate Change, and Expanding Renewable Energy

Higher Blends Infrastructure Incentive Program:

Rural Business Cooperative Service (RBCS) Higher Blends Infrastructure Incentive Program (HBIIIP):

HBIIIP is a program designed to increase the sales and use of higher blends of ethanol and biodiesel by expanding the infrastructure for renewable fuels derived from U.S. agricultural products. The program is also intended to encourage a more comprehensive approach to market higher blends by sharing the costs related to building out biofuel-related infrastructure. The program should increase availability of domestic biofuels and give Americans additional cleaner fuel options at the pump. RBCS is proposing a rule to codify the policies and procedures for the program in the Code of Federal Regulations, as this program has a significant impact on climate change which is an Administration priority. Public

engagement will occur in early fall of 2023. A virtual listening session will be announced in the Federal Register. For more information about this rule, see RIN 0570-AB11.

Foster an Equitable and Competitive Marketplace for All Agricultural Producers

Inclusive Competition and Market Integrity Rules Under the Packers and Stockyards Act: USDA plans to supplement a recent revision to regulations under the Packers and Stockyards (P&S) Act to prohibit certain prejudices and disadvantages and unjustly discriminatory conduct against covered producers in the livestock, meat, and poultry markets. The proposal (October 3, 2022, 87 FR 60010) set forth prohibited discrimination on the bases of the producer's personal characteristics and identified as prohibited certain retaliatory practices that interfere with lawful communications, assertion of rights, and participation in associations, among other protected activities. The proposal also identified unlawfully deceptive practices that violate the P&S Act with respect to contract formation, contract performance, contract termination and contract refusal. The purpose of the final rule is to promote inclusive competition and market integrity in the livestock, meats, and poultry markets. For more information about this rule, see RIN 0581-AE05.

Unfair Practices, Undue Preferences, and Harm to Competition under 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, including addressing harm to competition. This proposal reflects feedback received from public input generated by previous proposed and interim final rules. On June 22, 2010, USDA published in the **Federal Register** (75 FR 35338-35354) a proposed rule recommending several changes to the regulations issued under the Packers and Stockyards Act, 1921, as amended (P&S Act). On December 20, 2016, USDA published a new "Scope" paragraph in the **Federal Register** as an Interim Final Rule "IFR" with a request for comments (81 FR 92566-92594). On October 18, 2017, USDA withdrew the IFR (82 FR 48594-01). Though neither of these proposed rules became a final rule, USDA received, reviewed, and considered public comments. For more information about this rule, see RIN 0581-AE04.

Provide All Americans Safe, Nutritious Food

USDA's Food Safety and Inspection Service (FSIS) continues to ensure that meat, poultry, and egg products are safe, wholesome and properly marked, labeled, and packaged, and prohibits the distribution in-commerce of meat, poultry, and egg products that are adulterated or misbranded.

Salmonella Framework:

One of FSIS' top priorities is to develop a more comprehensive and effective strategy to reduce Salmonella illnesses associated with poultry products. The agency gathered data and information and solicited stakeholder input on Salmonella in poultry. FSIS proposed in 2023 to declare that not-ready-to-eat breaded stuffed chicken products that contain Salmonella at levels of 1 colony forming unit per gram or higher in the chicken components are adulterated within the meaning of the Poultry Products Inspection Act (April 28, 2023, 82 FR 26249) and will finalize this determination in 2024. FSIS also plans to propose a new regulatory framework targeted at reducing Salmonella illnesses associated with poultry products and moving closer to the national target of a 25 percent reduction in Salmonella illnesses. For more information about the proposed new regulatory framework, see RIN 0583-AD96.

In addition, FSIS intends to publish several rules to improve regulatory certainty, which assure consumers that meat, poultry, and egg products are safe and truthfully labeled.

Voluntary Labeling of Meat Products With "Product of USA" and Similar Statements: FSIS plans to publish a final rule to address concerns that the voluntary "Product of USA" label claim may confuse consumers about the origin of FSIS regulated products. FSIS received 3,364 comments on the proposed rule during a 60-day comment period that FSIS extended to 90 days based on requests from stakeholders. In response to the Agency's consumer research and comments received on the proposed rule, FSIS will define voluntary U.S.-origin label claims so that they are more meaningful to consumers. For more information about this rule, see RIN 0583-AD87.

Labeling of Meat or Poultry Products Comprised of or Containing Cultured Animal Cells; and Revision of the Nutrition Facts Panels for Meat and Poultry Products and Updating Certain Reference Amounts Customarily Consumed: FSIS will propose to establish new requirements for the labeling of meat and poultry food products made using animal cell culture technology (i.e., "cell-cultured" food products). In

advance of the proposed rule, FSIS and FDA held a joint public meeting in October 2018 to discuss the potential hazards, oversight considerations, and labeling of cell-cultured food products derived from livestock and poultry tissue (September 13, 2018, 83 FR 46476). In addition, FSIS published an advanced notice of proposed rulemaking in the **Federal Register**, soliciting public input on the labeling of cell-cultured seafood, meat, and poultry food products (September 3, 2021, 86 FR 49491). FSIS also plans to finalize a labeling rule to update nutrition labeling for meat and poultry products. The two rules would provide additional certainty about what is required for meat and poultry labeling while ensuring that consumers have accurate information about the food they buy. For more information about these rules, see RINs 0583-AD56 and 0583-AD89.

FNS' Child Nutrition Programs: Revisions to Meal Patterns Consistent with the 2020 Guidelines for

Americans: The final rule would revise meal patterns in the National School Lunch Program and School Breakfast Program to make school meals healthier and more consistent with the most recent Dietary Guidelines for Americans while reflecting the nutrient needs of children at risk for food insecurity.

Throughout 2022, USDA held over 50 listening sessions with State agencies, school food authorities, advocacy organizations, Tribal dietitians and schools, professional associations, food manufacturers, and other Federal agencies to inform the proposed rule (February 7, 2023, 88 FR 8050). USDA also received extensive input through over 136,000 public comments on the proposed rule during a 60-day comment period that USDA extended to 90 days based on requests from stakeholders. Through this stakeholder engagement, USDA gained valuable insights into the successes and challenges that schools experience implementing the school meal nutrition standards and will use this information to develop a practical and durable final rule. For more information about this rule, see RIN 0584-AE88.

FNS' Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Revisions in the

WIC Food Packages: Consistent with recommendations from the National Academies of Sciences, Engineering, and Medicine and the latest Dietary Guidelines for Americans, the final rule would provide participants with greater choices in variety and food package sizes and align the WIC food packages with available nutrition science. When developing the proposed rule (November 21, 2022, 87 FR 71090), FNS solicited feedback from WIC participants, state and tribal partners, and other government agencies. FNS

published the proposed rule with a 90-day comment period and will consider comments received in development of this final rule. For more information about this rule, see RIN 0584-AE82.

National Organic Program; Organic Livestock and Poultry Standards: The final rule would establish standards that support additional practice standards for organic livestock and poultry production. This final 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.

Improve Access to, and Delivery of, Public Programs and Services by Reducing Administrative Burden

Forest Service Amendment to Locatable Minerals:

The locatable minerals regulations have remained mostly unchanged since they were first promulgated in 1974. Court cases, government audits, and implementation experience have identified many shortcomings in the current regulations that challenge the agency's ability to efficiently and effectively administer locatable mineral activity on National Forest System lands. The Forest Service is proposing to revise its regulations for administering hard-rock mining activities on National Forest System lands, providing permitting certainty; strong, responsible mining standards; enhanced community and Tribal engagement; and proactive environmental management. To gather public input into this proposed rule, it was preceded by a Locatable Minerals advance notice of proposed rulemaking (ANPR) (September 13, 2018, 83 FR 46451). Following the completion of the comment period for the ANPR, the Forest Service analyzed the comments received and used the information to draft the proposed regulation. For more information about this rule, see RIN: 0596-AD32.