



DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[Document Number AMS-FV-14-0087, FV-15-329]

United States Standards for Grades of Processed Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) proposes to revise the United States Standards for Grades of Processed Raisins. AMS is proposing to remove five references to the term “midget” throughout the standards. These changes would modernize and clarify the standards by removing dual terminology for the same requirement.

DATES: Comments must be submitted on or before **[INSERT DATE SIXTY DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Interested persons are invited to submit comments to the Standardization Branch, Specialty Crops Inspection Division, Fruit and Vegetable Program, Agricultural Marketing Service, U.S. Department of Agriculture, National Training and Development Center, 100 Riverside Parkway, Suite 101, Fredericksburg, Virginia 22406; fax: (540) 361-1199, or on the Web at: www.regulations.gov. Comments should reference the dates and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours. All comments submitted in response to this notice will be

included in the public record and will be made available to the public and can be viewed as submitted, including any personal information that you provide, on the Internet via <http://www.regulations.gov>.

FOR FURTHER INFORMATION: Contact Lindsay H. Mitchell at the address above, or at phone (540) 361-1120; fax (540) 361-1199; or, email lindsay.mitchell@ams.usda.gov. Copies of the proposed U.S. Standards for Grades of Processed Raisins are available on the Internet at <http://www.regulations.gov>. Copies of the current U.S. Standards for Grades of Processed Raisins are available on the Specialty Crops Inspection Division website at www.ams.usda.gov/scihome.

SUPPLEMENTARY INFORMATION:

The proposed changes remove the dual nomenclature terminology “small or midget” for the same requirement from the United States Standards for Grades of Processed Raisins. These revisions also affect the grade requirements under the marketing order, 7 CFR parts 989, issued under the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601-674) and applicable imports.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and

Budget.

Executive Order 13175

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this rule.

Regulatory Flexibility Act and Paperwork Reduction Act

Pursuant to requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601-612), the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so small businesses will not be unduly or disproportionately burdened. Marketing orders issued under the Act, and the rules issued thereunder, are unique in that they are brought about through group action of small entities acting on their own behalf.

There are approximately 3,000 California raisin producers and 28 handlers subject to regulation under the marketing order. The Small Business Administration defines small agricultural producers as those with annual receipts less than \$750,000, and defines small agricultural service firms as those with annual receipts less than \$7,000,000 (13 CFR 121.201).

Based on shipment data and other information provided by the Raisin Administrative Committee (RAC), which administers the federal marketing order for raisins produced from

grapes grown in California, a majority of producers and approximately 18 handlers of California raisins may be classified as small entities. This action should not have any impact on handlers' or growers' benefits or costs.

The action would clarify AMS grade standards by eliminating the use of the term "midget," while consistently using the term "small" for raisins graded in that category. The industry has used the two grade terms interchangeably for years. The proposed grade standards would be applied uniformly by all handlers.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this rule would not change the information collection and recordkeeping requirements previously approved, and would impose no additional reporting or recordkeeping burden on domestic producers, first handlers, and importers of processed raisins.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule. The rule will impact marketing programs that regulate the handling of processed raisins under 7 CFR part 989. Raisins under a marketing order have to meet certain requirements set forth in the grade standards. In addition, raisins are subject to section 8e import requirements under the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601-674), which requires imported raisins to meet grade, size, and quality under the applicable marketing order (7 CFR part 999).

Background

AMS continually reviews all fruit and vegetable grade standards to ensure their usefulness in the industry, and to modernize language and remove duplicative terminology. On May 13, 2013, AMS received a petition from the Little People of America stating that they "are trying to raise awareness around and eliminate the use of the word midget." The petition further

stated that, “Though the use of the word midget by the USDA when classifying certain food products is benign, Little People of America, and the dwarfism community, hopes that the USDA would consider phasing out the term midget.”

AMS determined that the processed raisin grade standard contained “small or midget” terminology for the same requirement. Before developing these proposed revisions, AMS solicited comments and suggestions about the grade standards from the RAC. The RAC represents the entire California raisin industry; no other state produces raisins commercially. On August 14, 2014, the RAC approved the removal of the term midget from the standards.

AMS is proposing to remove five references to the term “midget” in the following sections: 52.1845(b) and (c), 52.1850(a)(2) and (a)(3), and Table I. The proposed revisions would modernize and help clarify the language of the standard by removing dual terminology for the same requirement.

The proposed rule provides a 60-day period during which interested parties may comment on the revisions to the standard.

List of subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and recordkeeping requirements, Vegetables.

For reasons set forth in the preamble, 7 CFR Part 52 is proposed to be amended as follows:

Part 52 – [AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 7 U.S.C. 1621 – 1627.

2. In §52.1845, paragraphs (b) and (c) are revised to read as follows:

§52.1845 [Amended]

* * * * *

(b) Small size raisins means that 95 percent, by weight, of all the raisins will pass through round perforations 24/64-inch in diameter, and not less than 70 percent, by weight, of all raisins will pass through round perforations 22/64-inch in diameter.

(c) Mixed size raisins means a mixture which does not meet either the requirements for “select” size; or for “small” size.

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3. In §52.1846, Table I, is amended, under “Substandard Development and Undeveloped” by revising the entry for “small size” to read as follows:

§52.1846 Grades of seedless raisins.

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TABLE I

*	*	*	*	*	*	*
*	Defects	*	U.S. Grade A	U.S. Grade B	U.S. Grade C	*
*	*	*	*	*	*	*
	Substandard Development and Undeveloped		Total	Total	Total	
*	*	*	*	*	*	*
	Small size		2	3	5	
*	*	*	*	*	*	*

4. In §52.1850, paragraphs (a)(2) and (3) are revised to read as follows:

§52.1850 [Amended]

* * * * *

(a) * * *

(2) Small size raisins means that all of the raisins will pass through round perforations 34/64-inch in diameter and not less than 90 percent, by weight, of all the raisins will pass through round perforations 22/64-inch in diameter.

(3) Mixed size raisins means a mixture does not meet either the requirements for “select” size or for “small” size.

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Dated: August 13, 2015.

Rex A. Barnes,
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[FR Doc. 2015-20391 Filed: 8/20/2015 08:45 am; Publication Date: 8/21/2015]