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DEP

Agricultural Marketing Service

[Doc. No. AMS-NOP-26-1024; NOP-26-07]

National Organic Program: Notice of Intent to Extend and Revise a Previously Approved Information Collection (2027)

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the U.S. Department of Agriculture, Agricultural Marketing Service's intention to request an extension and revision of a previously approved information collection titled *National Organic Program* (OMB Control Number: 0581-0191).

DATES: Comments on this notice must be received by [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*] to be assured of consideration.

ADDRESSES: Interested persons are invited to submit comments by using the electronic process available at http://www.regulations.gov/. All comments should reference the docket number, date, and page number of this issue of the *Federal Register*. All comments received will be posted without change to http://www.regulations.gov/ and will be included in the record and made available to the public. Please do not include personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. Comments may be submitted anonymously.

FOR FURTHER INFORMATION CONTACT: Erin Healy, Director, Standards Division, National Organic Program; phone: (202) 720-3252; email: *erin.healy@usda.gov*.

SUPPLEMENTARY INFORMATION:

Background

Title: National Organic Program.

OMB Control Number: 0581-0191.

Expiration Date of Current Approval: May 31, 2027.

Type of Request: Notice of intent to extend and revise a previously approved information collection for three years.

Abstract: The U.S. Department of Agriculture (USDA) Agricultural Marketing Service (AMS) is requesting that the Office of Management and Budget (OMB) extend the approval for the currently approved collection, *National Organic Program* (NOP) (OMB Control Number 0581-0191), for three years past its existing expiration date of May 31, 2027. AMS is also requesting that OMB approve the proposed revisions to the *National Organic Program* information collection described in this notice. AMS is requesting the extension of this previously approved *National Organic Program* collection so that it may continue to fully implement USDA organic regulations and enforcement as mandated by the Organic Foods Production Act of 1990 (OFPA), as amended (7 U.S.C. chapter 94).

Authority

The OFPA authorized the Secretary of Agriculture to establish the NOP and accredit certifying agents to certify that farms and businesses meet national organic standards. Under OFPA, the purpose of the NOP is to: (1) establish national standards governing the marketing of certain agricultural products as organically produced products; (2) assure consumers that organically produced products meet a consistent standard; and (3) facilitate interstate commerce in fresh and processed food that is organically produced (7 U.S.C. 6501).

Information Collection

On December 21, 2000, the Secretary established the NOP under USDA AMS, and the USDA organic regulations, which established the *National Organic Program* information collection, were published (7 CFR part 205; 65 FR 80548). The *National Organic Program* collection has been used at the Federal level to evaluate the compliance of organically produced products, evaluate the effectiveness of the program, and to inform program management decisions and policy changes.

Respondents

Respondents to the *National Organic Program* collection include operations seeking or maintaining USDA organic certification, USDA-accredited certifying agents and their inspectors, certifying agents that are not USDA-accredited and their operations who are certified organic under equivalence arrangements exporting organic products to the United States, and State and foreign program officials. The collected information is used by accredited certifying agents and their inspectors, State and foreign program officials, and AMS.

Additional respondents to this collection include entities seeking accreditation as certifying agents, members of the public petitioning a change to the National List of Allowed and Prohibited Substances portion of the USDA organic regulations (7 CFR 205.600 through 205.607), and members of the public submitting allegations of fraudulent organic activities (complaints). This collected information is used by AMS.

Forms

In addition to generic descriptions of information to be collected (described in the USDA organic regulations, 7 CFR part 205), the *National Organic Program* collection includes three forms: (1) TM-10CG, Application for Accreditation; (2) TM-11, Export Certificate; and (3) NOP 2110-1, NOP Import Certificate.

Respondents who use form TM-10CG, Application for Accreditation include entities seeking accreditation as certifying agents or seeking to renew their accreditation. Respondents who use form TM-11, Export Certificate are domestic certified organic operations seeking to export organic goods to a country with an organic trade arrangement requiring the form (currently Japan and Taiwan) and their certifying agents. Respondents who use form NOP 2110-1, NOP Import Certificate are foreign certified operations seeking to export certified organic products to the United States and USDA-certified organic operations seeking to import those products, and their certifying agents.

The information collected with TM-10CG, Application for Accreditation is used by AMS. The information collected with TM-11, Export Certificate and NOP 2110-1, NOP Import Certificate, is used by accredited certifying agents and their inspectors, State and foreign program officials, and AMS.

Revisions to Forms

TM-10CG, Application for Accreditation. AMS intends to revise the explanatory/instructional text in form TM-10CG, Application for Accreditation. The existing form instructs the respondent to attach records with their submission that demonstrate their compliance with the *Evidence of expertise and ability* section of the USDA organic regulations for entities seeking accreditation (7 CFR 205.504). This requires certifying agents to provide evidence of their staff's expertise and operation's ability to carry out certification activities. AMS intends to remove the requirement to include this expertise and ability evidence with the respondent's initial submission of the form. Instead, this information will be submitted later in the application process. This revision will lower the occurrence of duplicative and incomplete responses from respondents, streamlining the process for both respondents and AMS.

NOP 2110-1, NOP Import Certificate. AMS intends to revise the explanatory/instructional text in form NOP 2110-1, NOP Import Certificate. The existing

form identifies item 7 as "RECIPIENT IN THE U.S. (NAME AND ADDRESS)." AMS plans to change item 7 to read "CERTIFIED ORGANIC IMPORTER IN THE U.S. (NAME AND ADDRESS)." This revision will clarify the type of information the respondent should record and will lower the occurrence of erroneous responses from respondents resulting in duplicative submissions, streamlining the process for both respondents and AMS.

Other Revisions

AMS intends to revise the *National Organic Program* collection to refine the estimate of burden due to routine changes in numbers used during calculations. For example, the number of certified organic operations changes over time, so burden estimates will be refined to reflect updated data.

AMS also intends to revise the *National Organic Program* collection to remove burden estimates related to the Transition to Organic Partnership Program, as the program concludes on December 31, 2026, and will be obsolete by the time this extension request is submitted to OMB.[1] These respondents included operations (*e.g.,* farmers) seeking to transition their agricultural operation to USDA certified organic production, operations looking to expand their existing USDA certified organic operation and/or acreage, and existing USDA certified organic operations looking to serve in a mentorship role to the above listed respondents. The collected information was used by AMS and Transition to Organic Partnership Program cooperators.

Finally, AMS intends to make minor revisions to the *National Organic Program* collection to incorporate and revise estimates of paperwork burdens currently detailed in four separate collections associated with recent USDA organic certification-related rulemaking. Upon OMB approval of this revised collection, AMS will submit a Discontinuation Request to OMB to delete the four individual collections:

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[1] https://www.ams.usda.gov/services/organic-certification/topp.

1. *Strengthening Organic Enforcement* information collection (0581-0321): Approved October 24, 2023, expires October 31, 2026.[2]

2. *Origin of Livestock-Variance Request* information collection (0581-0343): Approved January 05, 2024, expires January 31, 2027.

3. *Organic Livestock and Poultry Standards* information collection (0581-0293): Approved August 27, 2024, expires August 31, 2027.

4. *Market Development for Mushrooms and Pet Food* information collection (0581-0347): Approved February 09, 2026, expires February 28, 2027.

Where these four collections contain burden estimates that already exist or overlap with the *National Organic Program* collection, AMS will incorporate and revise estimates as necessary to eliminate overlapping or duplicative estimates. For example, the *Strengthening Organic Enforcement* collection includes respondents who must label bulk nonretail containers. Labeling is a routine activity that is already accounted for in the *National Organic Program* collection and would overestimate the overall burden if AMS did not incorporate the *Strengthening Organic Enforcement* collection's estimate into the related, existing burden in the *National Organic Program* collection's estimate.

These four collections contain some unique burden estimates not currently present in the *National Organic Program* collection. AMS will incorporate these burdens into the *National Organic Program* collection's estimate. For example, the *Strengthening Organic Enforcement* collection outlined specific training hour requirements for certain organic personnel. This type of burden was not previously estimated in the *National Organic Program* collection, so this estimate will be added. Similarly, the *Origin of Livestock-Variance Request* collection contains a burden related to livestock operations

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[2] *Strengthening Organic Enforcement*: 88 FR 3548, January 19, 2023. As the *Strengthening Organic Enforcement* information collection (0581-0321) expires October 31, 2026, AMS is requesting a 1-year approval extension of that information collection in a separate *Federal Register* notice (AMS-NOP-26-1321) to allow AMS time to complete the revisions described here.

submitting variance requests to their certifying agent. This estimate will also be added to the *National Organic Program* collection.[3]

AMS does not intend to carry over one-time burdens from these four individual collections that no longer apply. The burdens from these collections that no longer apply include respondents who needed to comply with new provisions of those rules for the first time. For example, one-time reporting burdens in *Strengthening Organic Enforcement*, *Origin of Livestock-Variance Request*, *Organic Livestock and Poultry Standards*, and *Market Development for Mushrooms and Pet Food* collections included organic operations updating their existing OSPs and accredited certifying agents developing new procedures as required by the rule.[4, 5]

Estimate of Paperwork Burden

Estimate of Burden: The total annual burden estimated for the *National Organic Program* collection is described below. This estimated burden includes time needed for training; record creation and administration; and preparation, review, and submission of reports. Respondents include producers and handlers of certified and exempt organic products, applicants for organic certification, organic inspectors, certifying agents, State governments, petitioners, complainants, and foreign-based certifying agents and certified organic operations importing organic products to the United States.

Estimated Number of Respondents: 56,827.

Estimated Number of Responses per Respondent: approximately 9.1.

Estimated Burden per Response: approximately 8.3 hours.

Estimated Total Annual Burden on Respondents: 4,274,732.82 hours.

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[3] *Origin of Livestock-Variance Request*: 88 FR 25289, April 26, 2023.
[4] *Organic Livestock and Poultry Standards*: 88 FR 75394, November 02, 2023.
[5] *Market Development for Mushrooms and Pet Food*: 89 FR 104367, December 23, 2024.

Request for Comments

This notice invites comments on the revisions being made to the *National Organic Program* collection and whether the revisions accurately reflect the time required for respondents to respond to this information collection. This notice relates strictly to Paperwork Reduction Act (44 U.S.C. chapter 35) requirements (https://digital.gov/guides/pra) and is part of the routine process through which AMS requests continued approval from OMB to continue collecting information necessary to implement the OFPA and the USDA organic regulations. While this notice invites comments, commenters should know that changes to the USDA organic regulations are outside the scope of this activity. AMS invites comments on the following items:

1. If there are any concerns with the proposed revisions to the explanatory/instructional text in form TM-10CG, Application for Accreditations;

2. If there are any concerns with the proposed revisions to the explanatory/instructional text in form NOP 2110-1, NOP Import Certificate; and

3. If there are any refinements or corrective suggestions to AMS's plan to incorporate the burden estimates currently in the four separate collections *Strengthening Organic Enforcement*, *Origin of Livestock-Variance Request*, *Organic Livestock and Poultry Standards*, and *Market Development for Mushrooms and Pet Food*.

AMS also invites public comment on the entire *National Organic Program* information collection regarding the following topics:

i. Whether the collection of information continues to be necessary for the proper performance of the functions of the NOP, including whether the information has practical utility;

ii. The accuracy of the burden estimates of the collection of information;

iii. Ways to enhance the quality, utility, and clarity of the collected information; and

iv. Ways to minimize the burden of the collection of information on those who must respond, including the use of automated collection techniques or other forms of information technology.

Comments received will inform AMS's submission to OMB. AMS responses to received comments will be summarized in a Supporting Statement submitted to OMB. This Supporting Statement will be accessible to the public by searching for OMB Control Number "0581-0191" on http://www.reginfo.gov/.

To submit a comment, access the background documents (such as the "AMS-71 Grid" used to estimate burden), or read comments received, search for Docket ID "AMS-NOP-26-1024" on http://www.regulations.gov/. See the ADDRESSES section above for more information on submitting a public comment.

Authority: 7 U.S.C. chapter 94.

Erin Morris
Administrator,
Agricultural Marketing Service.

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