

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

Agricultural Marketing Service

[Doc. No. TM-03-08]

Request for an Extension of and Revision to a Currently Approved Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the Agricultural Marketing Service's intention to request approval from the Office of Management and Budget, for an extension of and revision to the currently approved information collection National Organic Program Record Keeping Requirements.

DATES: Comments received by December 8, 2003 will be considered.

ADDITIONAL INFORMATION OR COMMENTS: Contact Toni Strother, National Organic Program, Transportation and Marketing Programs, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave., SW., Room 4008-So., Ag Stop 0268, Washington, DC 20250, telephone (202) 720-3252, fax (202) 205-7808.

SUPPLEMENTARY INFORMATION:

Title: National Organic Program.

OMB Number: 0581-0191.

Expiration Date Of Approval: January 31, 2004.

Type of Request: Extension and Revision of a currently approved information collection.

Abstract: The Organic Foods Production Act of 1990 (OFPA) as amended (7 U.S.C. 6501 *et seq.*) mandates that the Secretary develop a National Organic Program (NOP) to accredit eligible State program's governing State officials or private persons as certifying agents who would

certify producers or handlers of agricultural products that have been produced using organic methods as provided for in OFPA. This regulation: (1) Established national standards governing the marketing of certain agricultural products as organically produced products; (2) assures consumers that organically produced products meet a consistent standard; and (3) facilitates interstate commerce in fresh and processed food that is organically produced. The NOP requires that agricultural products labeled "organic" be from a production or handling operation that is certified by a certifying agent who is accredited by the U.S. Department of Agriculture (USDA).

Proposed rules to implement OFPA were published in December 1997 and March 2000. Both contained information collection requirements, an estimate of the annual economic burden on the organic industry, and a request for comments about the burden. The Agricultural Marketing Service (AMS) addressed these comments in the final rule published on December 21, 2000 (65 FR 80548) to ensure that the least amount of the burden is placed on the public.

Reporting and recordkeeping are essential to the integrity of the organic certification system. They create a paper trail that is a critical element in carrying out the mandate of OFPA and NOP. They serve the AMS mission, program objectives, and management needs by providing information on the efficiency and effectiveness of the program. The information affects decisions because it is the basis for evaluating compliance with OFPA and NOP, for administering the program, for management decisions and planning, and for establishing the cost of the program. It supports administrative and regulatory actions in response to noncompliance with OFPA and NOP.

In general, the information collected is used by USDA, State program governing State officials, and certifying agents. It is created and submitted by State and foreign program officials, peer review panel members, accredited certifying agents, organic inspectors, certified organic producers and handlers, those seeking accreditation or certification, and parties interested in changing the National List. Additionally, it necessitates that all of these entities have procedures and

space for recordkeeping. The burden on each entity is discussed below.

USDA. USDA is the accrediting authority. USDA accredits domestic and foreign certifying agents who certify domestic and foreign organic producers and handlers, using information from the agents documenting their business operations and program expertise. USDA also permits State program governing State officials to establish their own organic certification programs after the programs are approved by the Secretary, using information from the States documenting their ability to operate such programs and showing that such programs meet the requirements of OFPA and NOP.

States. State program governing State officials may operate their own organic certification programs. State officials obtain the Secretary's approval of their programs by submitting information to USDA documenting their ability to operate such programs and showing that such programs meet the requirements of OFPA and NOP. To date no State organic certification programs have been approved by USDA. Upon approval State organic certification programs will require reporting and recordkeeping burdens similar to those required by the NOP. The annual burden for each State will be an average of 74 hours or if calculated at a rate of \$27 per hour (rounded up to the next dollar) \$1,998.

Peer review panels. The panel assists the AMS Administrator in evaluating NOP's adherence to the accreditation procedures in subpart F of the regulations and International Organization for standards/International Electro-technical Commission Guide 61, General requirements for assessment and accreditation of certification/registration bodies, and NOP's accreditation decisions. The American National Standards Institute (ANSI) was selected by the NOP to perform the peer review assessment. The peer review panel consists of three individuals, two ANSI provided assessors and one NOP technical expert. Estimates: Three people participate in the peer review panel. The annual burden for each panel member is an average of 4 hours or if calculated at a rate of \$27 per hour (rounded up to the next dollar) \$108.

Certifying agents. Certifying agents are State program governing State officials, private entities, or foreign entities who are accredited by USDA to certify