

Agricultural Marketing Service, USDA

§ 36.3

or revise a standard) should be addressed to the Director of the appropriate Division (Dairy, Fruit and Vegetable, Livestock and Seed, Poultry, or Tobacco). All communications should include in the address: Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Washington, DC 20090-6456.

§ 36.2 Initiating action on grade standards.

The Agency will develop, revise, suspend, or terminate grade standards if it determines that such action is in the public interest. Any standardization action should reflect the broad interest of individuals or an industry involved in manufacturing, producing, packaging, distributing, testing, consuming, or using the product; or the interest of a Federal, State, or local agency. Proposed actions should always be based on sound technical and marketing information and should include careful consideration of the factors that determine a commodity's quality and condition and that will allow trained personnel to determine objectively conformance or non-conformance.

(a) AMS encourages interested parties to participate in the review, development, and revision of grade standards. Interested parties include growers, producers, processors, shippers, distributors, consumers, individuals or groups, trade associations, companies, and State or Federal agencies. Such groups and individuals may at any time recommend that AMS develop, revise suspend, or terminate a grade standard. Requests for Agency action should be in writing, preferably accompanied by a draft of the suggested change.

(1) The Agency, in cooperation with interested parties, as applicable, will:

- (i) Determine the need for new or revised standards;
- (ii) Collect technical, marketing, or other appropriate data;
- (iii) Conduct research regarding new or revised standards, as appropriate; and,
- (iv) Draft the proposed standards;

(2) [Reserved]

(b) If the Agency determines that new standards are needed, existing

standards need to be revised, or the suspension or termination of existing standards is justified, it will undertake the action, with input from all interested parties.

§ 36.3 Public notification of grade standards action.

After developing a standardization proposal, the Agency will publish a notice in the FEDERAL REGISTER describing new or changes to existing standards or to suspend or terminate existing standards. AMS will simultaneously issue a news release about these actions. AMS will also distribute copies of the full text of the proposals to anyone requesting a copy or to anyone the Agency believes may be interested, including other Federal, State, or local government agencies, and on the Internet. For other than minor editorial or technical changes, the notice will provide at least 60 days for interested parties to submit comments to the Agency.

(a) All comments received within the comment period will be part of the public record maintained by the Agency, will be available to the public for review, and will be considered by the Agency before final action is taken on the proposal.

(1) Based on the comments received, the Agency's knowledge of standards, grading, marketing, and other technical factors, and any other relevant information AMS will decide whether the proposed actions should be implemented.

(2) If AMS concludes that the actions as proposed or with minor modifications should be adopted, AMS will publish a description of the changes or actions in a FEDERAL REGISTER notice. The Agency, through the appropriate AMS Divisions, will make the grade standards and related information available in printed form and electronic media.

(3) If the Agency determines that proposed changes are not warranted, or otherwise are not in the public interest, the Agency will either publish in the FEDERAL REGISTER a notice withdrawing the proposal, or will revise the proposal and again seek public input.

(b) [Reserved]

PART 37—PROGRAM TO ASSESS ORGANIC CERTIFYING AGENCIES

Sec.

- 37.1 Definitions.
- 37.2 Services.
- 37.3 Availability of service.
- 37.4 How to apply for service.
- 37.5 Order of furnishing service.
- 37.6 When application may be withdrawn.
- 37.7 Authority to request service.
- 37.8 Financial interest of official.
- 37.9 Access to establishments or records; record retention.
- 37.10 Official assessment.
- 37.11 Publication of program assessment status.
- 37.12 Reassessment.
- 37.13 Suspension or denial of program assessment; appeals and termination.
- 37.14 Fees and other charges.
- 37.15 Payment of fees.
- 37.16 OMB assigned numbers.

AUTHORITY: 7 U.S.C. 1621–1627.

SOURCE: 64 FR 30867, June 9, 1999, unless otherwise noted.

§37.1 Definitions.

Words used in this part in the singular form shall be deemed to impart the plural, and vice versa, as the case may demand. For the purposes of such regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

Assessment services. The services provided by the Meat Grading and Certification Branch in accordance with the regulations that may result in assessment of an organic certification program that certifies agricultural commodities to established specifications or standards.

Act. The Agricultural Marketing Act of 1946 (Title II of the act of Congress approved August 14, 1946, 60 Stat. 1087, as amended by Pub. L. 272, 84th Cong., 69 Stat. 553, 7 U.S.C. 1621–1627).

Agricultural commodity. Any agricultural commodity or product, raw or processed, that is used for human or animal consumption or use.

Agricultural Marketing Service. The Agricultural Marketing Service of the Department.

Applicant. Any person who applies for service under the regulations.

Audit. A systematic review of the adequacy of program or system documentation, or the review of the com-

pleteness of implementation of a documented program or system.

Auditor. Person authorized by the Branch to conduct official assessments of agricultural commodity product certification programs.

Branch. The Meat Grading and Certification Branch.

Branch Chief. The Chief of the Branch, or any officer or employee of the Meat Grading and Certification Branch, Livestock and Seed Program, Agricultural Marketing Service, to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his or her stead.

Department. The United States Department of Agriculture.

Deputy Administrator. The Deputy Administrator of the Livestock and Seed Program of the Agricultural Marketing Service or any officer or employee of the Livestock and Seed Program to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his or her stead.

Legal holiday. Those days designated as legal public holidays in Title 5, United States Code, Section 6103(a).

Livestock and Seed Program. The Livestock and Seed Program of the Agricultural Marketing Service.

Part. The program to assess organic certifying agencies in the regulations.

Person. Any individual, partnership, corporation, or other legal entity, or Government agency.

Quality Manual. A manual documenting an organic certifying agency's quality system and associated quality certification procedures used to certify organic producers and handlers of organically produced agricultural commodities in accordance with established specifications or standards.

Regulations. The regulations in this part.

§37.2 Services.

Organic certifying agencies requesting assessment services under this part shall conform to the provisions of the regulations and the requirements of International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) Guide 65—General Requirements for Bodies