

# Notices

Federal Register

Vol. 64, No. 228

Monday, November 29, 1999

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

[Docket Number LS-99-16]

#### Notice of Request for Extension and Revision of 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 (AMS) request for comments on an extension for and revision to a currently approved information collection related to the assessment of State and private organic certifying agencies by the Meat Grading and Certification (MGC) Branch. The assessment program was established to verify that State and private organic certifying agencies comply with the requirements prescribed under the International Organization for Standardization International Electrotechnical Commission Guide 65 "General Requirements for Agencies Operating Product Certification Systems" (ISO Guide 65). This enables organic certifying agencies to comply with European Union (EU) requirements in a consistent and reliable manner thereby, facilitating uninterrupted exports of U.S. organic agricultural commodities to the EU.

**DATES:** Comments on this notice must be received on or before January 28, 2000 to be assured of consideration.

**FOR FURTHER INFORMATION CONTACT:** Contact Mark Bradley, Quality Systems Manager, Meat Grading and Certification Branch, Livestock and Seed Program, AMS, USDA, STOP 0248, Room 2628-S, 1400 Independence Avenue, SW., Washington, DC 20250-

0248, Telephone (202) 720-1246, or Fax (202) 690-4119.

**SUPPLEMENTARY INFORMATION:** The voluntary assessment program at 7 CFR Part 37 was established under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) to verify that State and private organic certifying agencies comply with the requirements prescribed under ISO Guide 65. To be assessed under this program, an organic certifying agency must submit an application to AMS requesting an assessment. Also a manual documenting the organic certifying agency's quality system and associated quality certification procedures used to certify organic producers and handlers of organically produced agricultural commodities (including those involved with wild crop harvesting) in accordance with applicable industry standards must be submitted to AMS.

According to the most complete data available to AMS, there are 11 State and 33 private organic certifying agencies currently providing organic certification for agricultural commodities in the United States. These certifying agencies provide service to approximately 4,000 organic producers and 600 handlers of agricultural commodities in the United States. ISO Guide 65 assessment will ensure that State and private organic certifying agencies operating third-party certification systems are doing so in a consistent and reliable manner; thereby, facilitating their acceptance on an international basis. Assessing organic certifying agencies under ISO Guide 65 enables U.S. organic producers and handlers of U.S. organically produced agriculture commodities to continue to export to the EU.

**Title:** Program to Accredite Organic Certifying Agencies.

**OMB Number:** 0581-0183.

**Expiration Date of Approval:** 11/30/99 (extension sought).

**Type of Request:** Extension and revision of a currently approved collection.

**Abstract:** The information collection and recordkeeping requirements in this notice are essential to the voluntary assessment program which verifies State and private organic certifying agencies compliance with the requirements of the International Organization for Standardization (ISO) Guide 65.

Based on information available, the Agency has determined that there are

currently 11 State and 33 private organic certifying agencies. These certifying agencies conduct their certification of organic farms and handling operations in a similar manner and have similar recordkeeping systems and business operation practices. The agency also determined that most of the information required to conduct the assessment process could be collected from certifying agencies' existing materials without creating new forms, and that the information currently used by certifying agencies to certify organic producers and handlers could be adapted to comply with this program. The Paperwork Reduction Act also requires the agency to measure the recordkeeping burden. These organic certifying agencies have documented review and auditing procedures and maintain appropriate records and documents for up to 5 years on each certified organic farm or handler of organic products. The recordkeeping burden is the amount of time needed to store and maintain records.

The information collection requirements include: (1) Submission of an application requesting to be assessed to ISO Guide 65, (2) the preparation and submission of a quality manual documenting the procedures that certifying agencies use to provide certification services, and (3) an on-site audit of certifying agencies certification operation programs to determine whether the certifying agencies have implemented the provisions of the quality manual and are in compliance with the requirements of ISO Guide 65. These information collection requirements have been designed to minimize disruption to the normal business practices of organic certifying agencies.

The application form requires the minimal amount of information necessary including: (1) Firm name, address, telephone number, and other information necessary to identify the certifying agency and its location, and (2) other pertinent information to determine that a firm is eligible to apply and receive services available through the program to assess organic certifying agencies. Such information can be supplied without data processing equipment or outside technical expertise.

The on-site audit consists of a review and evaluation of a certifying agency's

process for certifying organic farms and handlers. Verifying implementation of the provisions of a certifying agency's quality manual and compliance with the requirements of ISO Guide 65, includes a review and evaluation of existing records and documents described in the quality manual, interviews of certifiers' employees and customers, and observation of certification activities.

On June 9, 1999, an interim final rule with request for comments was published in the **Federal Register**. That rule established the assessment program under the Agricultural Marketing Act of 1946. Since the interim final rule contained recordkeeping and submission requirements that were subject to public comment and to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995, AMS included in the rulemaking the description of the reporting and recordkeeping requirements and an estimate of the annual burden on organic certifying agencies. Further, because there was insufficient time for normal clearance procedures, AMS received temporary approval from OMB for use of the information collection and recordkeeping requirements in order to implement the assessment program for organic certifying agencies on an expedited basis. AMS is seeking an extension of the approval that expires on November 30, 1999. AMS is also publishing for comment this notice of a request for extension and revision of a currently approved information collection. One comment was received that addressed the information collection and recordkeeping requirements as a result of the June 9, 1999, rulemaking. This comment was made concerning a paragraph in the Regulatory Flexibility Act section of the rule stating that "We estimate the cost of providing and obtaining the information required in this rule to assess State and private organic certifying agencies is \$590 per certifying agency." The commentor stated that "The above statement combined with the financial contained in the Paperwork Reduction Act section, shows that the AMS is seriously underestimating the time needed for certifying agents to prepare for and complete an ISO Guide 65 audit. Certifiers who have completed such audits were consulted prior to the publishing of the **Federal Register** notice. They estimated that approximately 10 times the figure \$590 would be needed to prepare, conduct and come into compliance with an ISO 65 audit." However, the commentor did

not specify separately the number of hours required to apply for service, complete a quality manual, and maintain records for on-site audits. Based on this comment AMS has reviewed the estimated burden contained in the interim final rule.

The estimated annual reporting and recordkeeping burden hours in the interim final rule were the agency's best estimates, based on information available at the time, of the costs associated with completing the request for application, preparing and submitting a quality manual, and maintaining records. The revised figures in this notice are based on costs obtained from organic certifying agencies who have been using the service for approximately the last 6 months, thereby giving AMS more information about the time to apply for service, completing and submitting a quality manual, and maintaining records for on-site audits. Three organic certifying agencies provided information. This information indicated that the time required to complete an application ranged from 5 minutes to 30 minutes; time required to complete and submit a quality manual ranged from 5 hours to 40 hours; and time required for maintenance of records ranged from 0 to 40 hours. Therefore, taking into account this information the agency has decided to revise the estimated annual reporting and recordkeeping burden based on the maximum hours provided by the organic certifying agencies. Accordingly, the annual reporting and recordkeeping burden hours have been increased from 1024 to 1760 for the quality manual and from 264 to 1760 for the maintenance of records. The total average cost increased from approximately \$590 per certifying agency to approximately \$1,605 per certifying agency.

1. Application for Service—Form LS-314.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average .25 hours per response.

*Respondents:* State and private organic certifying agencies.

*Estimated Number of Respondents:* 44.

*Estimated Number of Responses per Respondent:* 1.

*Estimated Total Annual Burden on Respondents:* 11 hours.

*Total Cost:* \$220.

2. Quality Manual.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 40 hours per response.

*Respondents:* State and private organic certifying agencies.

*Estimated Number of Respondents:* 44.

*Estimated Number of Responses per Respondent:* 1.

*Estimated Total Annual Burden on Respondents:* 1760 hours.

*Total Cost:* \$35,200.

3. Maintenance of records for an on-site audit.

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 40 hours per response.

*Recordkeepers:* State and private organic certifying agencies.

*Estimated Number of Recordkeepers:* 44.

*Estimated Total Recordkeeping Hours:* 1760 hours.

*Total Cost:* \$35,200.

The total average cost of the estimated annual reporting burden per certifying agency would be approximately \$1,605.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Mark Bradley, Quality Systems Manager, Meat Grading and Certification Branch, Livestock and Seed Program, AMS, USDA, STOP 0248, Room 2628-S, 1400 Independence Avenue, SW., Washington, DC 20250-0248 or by E-mail to Mark.Bradley@usda.gov. Comments should reference docket number LS-99-16. All comments received will be available for public inspection during regular business hours at the same address.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Dated: November 22, 1999.

**Barry Carpenter,**

*Deputy Administrator, Livestock and Seed Program.*

[FR Doc. 99-30948 Filed 11-26-99; 8:45 am]

BILLING CODE 3410-02-P