

# 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

### Office of the Secretary

[Docket No. 00-066-1]

#### Declaration of Emergency Because of Bovine Tuberculosis

Bovine tuberculosis (tuberculosis) is a chronic debilitating disease caused by *Mycobacterium bovis*. The disease primarily affects cattle but can be transmitted to humans and other animals. The Animal and Plant Health Inspection Service (APHIS) is working cooperatively with the national livestock industry and State animal health agencies to eradicate tuberculosis from domestic livestock in the United States and, through continued monitoring and surveillance, to prevent its recurrence.

Scientific analysis has recently identified significant tuberculosis threats that could lead to the spread of the disease in the United States and compromise international and domestic trade in U.S. animals and animal products. These outcomes would threaten producers with losses and consumers with price increases.

The emerging tuberculosis threats include the transmission of tuberculosis to livestock from infected wildlife, especially free-ranging deer. Scientific evidence suggests that infected free-ranging deer are transmitting the disease to nearby cattle. Such transmission was recently identified in Michigan, with eight herds of cattle becoming infected with tuberculosis by free-ranging deer. Despite efforts by the State of Michigan to contain tuberculosis-infected wildlife to limited areas, program officials in Michigan subsequently discovered infected deer 75 miles outside the containment zone. This situation is threatening all interstate movement of cattle from Michigan due to concerns that cattle in that State might be exposed to infected deer.

Transmission of tuberculosis from wildlife also threatens cervids held in captivity for production. Infected captive cervids, in turn, pose a threat to cattle and other livestock. It is not currently known how prevalent tuberculosis is in captive cervids, because APHIS does not have the resources to conduct area testing of captive cervids.

Additionally, the U.S. cattle population is being threatened by recurring tuberculosis infection of dairy herds in the El Paso, TX, area. Recent studies have indicated that the greatest risk of reinfection in the El Paso area comes from the U.S. dairy herds' proximity to tuberculosis-infected dairy herds in Juarez, Mexico. Despite ongoing testing of large dairy herds in the El Paso area and removal of tuberculosis-infected animals from those herds, reinfection of U.S. dairy herds in that area continues to occur. Although depopulation of dairy herds in the El Paso area along the U.S./Mexican border is the most dependable method of protecting U.S. livestock from recurring tuberculosis infection in that area of Texas, depopulation of large U.S. dairy herds has not been a viable option because APHIS has lacked the resources to pay indemnity for depopulated herds.

A decline in testing for tuberculosis in recent years also threatens to allow the spread of the disease in the United States. As the number of tuberculosis-free States has increased, limitations on Federal resources have in many cases led Department inspectors to take samples only from those animals exhibiting obvious signs of tuberculosis. The number of samples taken from cattle at slaughter for testing for tuberculosis has decreased from approximately 4,000 in 1995 to 900 in 1999. However, APHIS estimates that 10,000 sample submissions are needed each year to adequately survey the U.S. cattle population for tuberculosis. APHIS needs additional funds both to provide assistance in taking the number of samples at slaughter necessary for adequate surveillance and to increase testing capacity at the Department's National Veterinary Services Laboratories.

Therefore, in order to address the tuberculosis threat to U.S. livestock, APHIS has determined that it is necessary to expand the tuberculosis eradication program in the United States

by implementing the following: Improvement of Federal diagnostic capabilities and national surveillance for tuberculosis; payment of indemnity for the depopulation of herds affected with tuberculosis or at high risk for recurrence of the disease; establishment of identification requirements for animals imported into the United States for feeding and slaughter; assistance in eradicating tuberculosis from foreign areas adjacent to the United States that are at high risk for the disease; and research, control, and surveillance of tuberculosis in wildlife, captive cervids, and zoos in the United States. However, APHIS resources are insufficient to carry out these measures, and additional funds are needed.

Therefore, in accordance with the provisions of the Act of September 25, 1981, as amended (7 U.S.C. 147b), I declare that there is an emergency that threatens the livestock industry of this country and hereby authorize the transfer and use of such funds as may be necessary from appropriations or other funds available to the agencies or corporations of the United States Department of Agriculture to expand the tuberculosis eradication program in the United States.

*Effective Date:* This declaration of emergency shall become effective October 11, 2000.

**Dan Glickman,**

*Secretary of Agriculture.*

[FR Doc. 00-27156 Filed 10-20-00; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Farm Service Agency

#### President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health

**AGENCY:** Farm Service Agency, USDA.

**ACTION:** Notice of Commission Forums.

**SUMMARY:** Executive Order 13168, published September 22, 2000, established the President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health (Commission). The Commission is to advise the President on changes occurring in the tobacco farming economy and recommend such

measures as may be necessary to improve economic opportunity and development in communities that are dependent on tobacco production, while protecting consumers, particularly children, from hazards associated with smoking. This notice announces forums to be conducted by the Commission on November 9, 2000, to be held in Raleigh, NC, and on November 10, 2000, in Louisville, KY. Both forums will be held to seek comments on tobacco and health related issues the Commission should consider in issuing its Reports to the President. The Commission may also hold additional forums and meetings. If it does, they will be announced. The forums are open to the public.

This notice also announces that the Commission will make its Preliminary Report to the President available on the Commission's web site, [www.fsa.usda.gov/tobcom](http://www.fsa.usda.gov/tobcom) by no later than December 31, 2000, to solicit further public review and comment prior to issuance of the Commission's Final Report.

**DATES:** The Commission will conduct forums on November 9, 2000, from 9 a.m. until 3 p.m. at the Kerr Scott Building—NC State Fairgrounds (exit 289 off I-40), Raleigh, NC, and on November 10, 2000, from 9 a.m. until 3 p.m. at the Executive West Hotel, Queen Scott Room, 830 Phillips Lane, Louisville, KY (across from KY Fair and Exposition Center). All times are Eastern Standard Time.

Persons with disabilities who require accommodations to attend or participate in this meeting should contact Doug Richardson, on 866-804-6698 (toll free) or 202-418-4266, Federal Relay Service at 1-800-877-8339, or Internet: [www.fsa.usda.gov/tobcom](http://www.fsa.usda.gov/tobcom), by COB at least 7 days prior to the appropriate meeting.

**Comments:** Forums: Oral comments will be taken and should be limited to no more than 5 minutes unless prior approval has been received from the Commission for a longer presentation. Two hard copies of oral testimony should be presented to the Commission prior to presentation. Hard copies of other suggestions or recommendations to be considered by the Commission will also be accepted. The public is also invited to submit comments, suggestions, and recommendations for consideration by the Commission to their web site, [www.fsa.usda.gov/tobcom](http://www.fsa.usda.gov/tobcom).

**Preliminary Report:** The Commission's Preliminary Report to the President will be posted to the Commission's web site by no later than December 31, 2000. The public is

invited to respond and/or to submit comments, concerns, and issues with respect to the Preliminary Report for consideration by the Commission no later January 22, 2001.

**ADDRESSES:** Written comments and statements not submitted to the Commission at the forums may be sent to Doug Richardson, Executive Director, The Tobacco Commission, U.S. Department of Agriculture, 1400 Independence Avenue, SW., STOP 0574, Washington, DC 20250-0574 by no later than January 22, 2001.

**FOR FURTHER INFORMATION CONTACT:** Doug Richardson (202) 418-4266 or toll free (886) 804-6694; FAX (202) 418-4270; Internet: [www.fsa.usda.gov/tobcom](http://www.fsa.usda.gov/tobcom).

**SUPPLEMENTARY INFORMATION:** The purpose of the Commission is to advise the President on changes occurring in the tobacco farming economy and recommend such measures as may be necessary to improve economic opportunity and development in communities that are dependent on tobacco production, while protecting consumers, particularly children, from hazards associated with smoking. The Commission shall collect and review information about changes in the tobacco farming economy and Federal, State, and local initiatives intended to help tobacco growers, tobacco quota holders; and communities dependent on tobacco production pursue new economic opportunities. The Commission may make recommendations concerning these and any other changes and initiatives that may be necessary to improve economic opportunity in communities dependent on tobacco production. The Commission shall also consider the public health implications of such changes and initiatives, including the efforts to reduce the number of people who incur tobacco-caused diseases and tobacco-related health consequences in the United States and abroad.

In January 1998, the public health community and the tobacco producing community came together and agreed on a "Core Principles Statement". These communities agreed to work together in a spirit of cooperation and with a commitment towards (1) reducing disease caused by tobacco products, and (2) ensuring the future prosperity and stability of the American tobacco farmer, the tobacco farm family, and tobacco farming communities. The full text of this Statement may be found on the Commission's web site [www.fsa.usda.gov/tobcom](http://www.fsa.usda.gov/tobcom). The Commission's work will build on these

Core Principles in view of recent tobacco program developments.

In addition to your views and thoughts regarding the issues for which the Commission was established, as set forth above, the Commission is interested in your input and suggestions on the following questions and issues:

1. Over the past 3-years, burley and flue-cured tobacco quotas have been reduced by 65 percent and 45 percent, respectively. Recently, quotas for other kinds of tobacco subject to a production control program have either not been reduced or not reduced as drastically. What do you believe is the main reason or reasons for this downward trend in quotas? Do you believe the downward trend is due to short-term factors or is it likely to continue? What are the implications for tobacco producers if the only way to curtail the downward trend is to match world tobacco prices?

2. In addition to quota reductions, tobacco producers have experienced significant production and marketing changes including contracting and concentration of production into fewer hands. What are the economic consequences of these actions for tobacco producers and their communities in your area? What Federal, State, or local initiatives regarding diversification of agricultural production have worked well in your community? What changes to existing initiatives or new initiatives do you recommend? How is your State using funds from the National Tobacco Settlement (Phase I) to assist tobacco producers and their communities and to deter tobacco use? What role, if any, should the Federal or State government play in contracting of tobacco production?

3. What Federal, State, or local initiatives have worked well in your community in efforts to prevent tobacco use, including youth tobacco use? What initiatives have been a detriment to preventing tobacco use, including youth tobacco use?

4. The Core Principles Statement provides, in part, that a tobacco production control program which limits the supply and which sets a minimum purchase price is in the best interest of the public health community and the tobacco producer community. Should there be a program that controls tobacco production and/or provides price supports? If so, should the government be involved? If yes, what program changes, if any, are needed to improve economic conditions for tobacco producers and their communities? Are current USDA programs, other than tobacco, helping or hurting tobacco producers and their

communities deal with economic losses?

5. If the tobacco production control program is terminated by either producers voting in a triennial referendum or by legislative repeal, what do you see as the consequences to tobacco producers and tobacco dependent communities? If the tobacco production control program is eliminated, what health related consequences, if any, do you see occurring? In the absence of a tobacco control program, what initiatives should be taken to help maintain a level playing field for independent tobacco producers?

6. Based on the many internal and external factors affecting the tobacco program, do you feel that a buyout of production quotas and elimination of the tobacco production control program is a viable solution? If a buyout is a solution, should it be mandatory for all quota holders, tenants and producers or voluntary, with some form of tobacco production and price support program remaining in place? If a buyout is a solution, at what rate per pound should the compensation be set?

7. Small farms in the South have declined drastically over the past 10 years, with tobacco now being produced on approximately 85,000 farms, most being small farms. The reduction in tobacco quotas has added to the decline in small farms. Since many small farms are owned by African-American farmers and thus tobacco producers, to what extent do civil rights concerns, economic and rural conditions combine to further increase economic problems in tobacco dependent communities? What impact have recent changes in the economies of tobacco had on farm workers in tobacco dependent communities? What initiatives currently address farm workers economic and social needs created by this situation? What new initiatives are needed in this area?

8. What additional measures should be taken to prevent tobacco use, particularly by young people, and to help reduce disease caused by tobacco products?

Signed at Washington, DC, on October 18, 2000.

**Keith Kelly,**

*Administrator, Farm Service Agency.*

[FR Doc. 00-27221 Filed 10-20-00; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

[Docket No. 00-014R2]

#### Announcement of and Request for Comment Regarding Industry Petition on Hazard Analysis and Critical Control Point (HACCP) Petition

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Notice, re-opening of comment period.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) is, for the second time, reopening the comment period on a notice published in the **Federal Register** on May 15, 2000, announcing the availability of and requesting comment on a petition received from several trade associations. The petitioners requested FSIS to amend sections of its Hazard Analysis and Critical Control Point (HACCP) regulations. The comment period will be reopened for an additional 60 days.

**DATES:** Comments must be received on or before December 22, 2000.

**ADDRESSES:** Submit one original and two copies of written comments to: FSIS Docket Room, Docket #00-014R2, Room 102 Cotton Annex Building, 300 12th Street, SW., Washington, DC 20250-3700. All comments received in response to this notice will be considered part of the public record and will be available for viewing in the FSIS Docket Room between 8:30 a.m. and 4:30 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Daniel L. Engeljohn, Director, Regulations Development and Analysis Division, Food Safety and Inspection Service, Washington, DC 20250-3700, Telephone (202) 720-5627, FAX (202) 690-0486.

**SUPPLEMENTARY INFORMATION:** On May 15, 2000, FSIS published a notice in the **Federal Register** announcing the availability of and requesting comment on a petition received from a group of trade associations (65 FR 30952). The petition asked FSIS to amend sections of the Hazard Analysis and Critical Control Point (HACCP) regulations (9 CFR part 417). The petitioners argued that the changes would increase the effectiveness of establishments' HACCP systems and would make the regulations more consistent with the HACCP principles published in 1997 by the National Advisory Committee on Microbiological Criteria for Food (NACMCF). However, the petition was submitted with no data or specific examples to support the requests being

made. The notice provided a 60-day comment period, which ended on July 14, 2000.

FSIS has received a request from the National Advisory Committee on Meat and Poultry Inspection (NACMPI) to extend the comment period to allow the petitioners more time to provide specific examples and data to support the recommendations they posed in their petition. The NACMPI also requested that FSIS make available a set of side-by-side documents discussing definitions, principles, procedures, and prerequisites of FSIS, the Food and Drug Administration, the NACMCF, and the Codex Alimentarius Commission's HACCP procedures.

In response to the requests, FSIS reopened the comment period for 60 days (65 FR 45749), making comments due September 12, 2000. Also, FSIS prepared a set of side-by-side documents which are available on the FSIS homepage at [www.fsis.usda.gov](http://www.fsis.usda.gov) and also in the FSIS Docket Room (see **ADDRESSES**).

FSIS has received another request from a group of trade associations to reopen the comment period once again to allow more time for analysis and comment development. The group believes the additional time will improve their comments which will help to aid in the refinement of the HACCP regulations.

In response to this request, FSIS is reopening the comment period for an additional 60 days, making comments due December 22, 2000. Comments received from September 13, 2000, until the date of this publication will also be included in the official record.

#### Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at <http://www.fsis.usda.gov>. The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied