Notices

Federal Register
Vol. 86, No. 10
Friday, January 15, 2021

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

Animal and Plant Health Inspection Service

[Docket No. APHIS–2020–0094]

Notice of Availability of a Draft Federal Select Agent Program Policy Statement for Biosafety for Large Animal Study-Related Activities With Brucella abortus and Brucella suis Using Outdoor Containment Spaces

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service (APHIS) is making a draft Federal Select Agent Program (FSAP) policy statement related to brucella available. This policy statement will aid individuals and entities on how to develop biosafety plans for outdoor host animal studies involving swine, elk, bison, and cattle to further brucellosis research in accordance with the select agent and toxin regulations, as well as how to submit such plans to FSAP (administered jointly by the Centers for Disease Control and Prevention (CDC) and APHIS) for approval. We are making this draft policy statement available to the public for review and comment. This notice is being issued as a companion to a notice issued by CDC, which is also published in today's **Federal Register**.

DATES: We will consider all comments that we receive on or before February 16, 2021.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docket Detail;D=APHIS-2020-0094.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2020–0094, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

The draft policy statement and any comments we receive may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2020-0094* or in our reading room, which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

The draft policy statement is also available at the following internet address: *https://www.selectagents.gov/regulations/policy/animalstudy.htm.*

FOR FURTHER INFORMATION CONTACT: Dr. Jacek Taniewski, DVM, Director, Division of Agricultural Select Agents and Toxins, ERCS, APHIS, 4700 River Road, Riverdale, MD 20737; (301) 851–3352; *jacek.taniewski@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (42 U.S.C. 262a) and the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401) provide for the regulation of certain biological agents and toxins that have the potential to pose a severe threat to human, animal, and plant health, or to animal and plant products. The Animal and Plant Health Inspection Service (APHIS) has the primary responsibility for implementing the provisions of the Agricultural Bioterrorism Protection Act of 2002 within the U.S. Department of Agriculture (USDA). The Centers for Disease Control and Prevention (CDC) has the primary responsibility for implementing the provisions of The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 within the Department of Health and Human Services (HHS). Together, APHIS and CDC comprise the Federal Select Agent Program (FSAP) and oversee the possession, use, and transfer of biological agents and toxins, referred to as select agents and toxins. In accordance with the referenced Acts, APHIS and CDC promulgated the select agent and toxin regulations found in 7 CFR part 331, 9 CFR part 121, and 42 CFR part 73. Overlap select agents and toxins, listed in 9 CFR 121.4 and 42 CFR 73.4, are those select agents and toxins that have been determined to pose a severe threat to public health and safety, to animal health, or to animal products. Overlap select agents and toxins are subject to regulation by both APHIS and CDC.

Brucellosis, also known as contagious abortion or Bang's disease, is a contagious, costly disease that has significant animal health, public health, and international trade consequences. While most often found in ruminant animals (*e.g.,* cattle, bison, cervids, and swine), brucellosis can affect other animals and is transmissible to humans. Brucellosis is caused by a group of bacteria known scientifically as the genus *Brucella.* Two species of *Brucella* are of particular concern in the United States: *B. abortus,* principally affecting cattle, bison, and cervids, and *B. suis,* principally affecting swine and reindeer, but also cattle and bison.

Brucellosis can be costly to agriculture production. In 1952, prior to established efforts to eradicate the disease, agriculture production losses due to brucellosis exceeded $400 million. A cautionary indicator of the need for greater understanding of the disease is the expanding range of endemic *B. abortus* in the Greater Yellowstone Area and *B. suis* in feral swine populations throughout various areas of the United States. This disease expansion emphasizes the critical need for improved diagnostics, along with vaccine development for both *Brucella* species, which could be furthered by outdoor research studies.

Both *B. abortus* and *B. suis* are currently listed as overlap select agents in APHIS' and CDC's select agent and toxin regulations (9 CFR 121.4(b) and 42 CFR 73.4(b), respectively). Accordingly, any outdoor research studies must comport with the select agent and toxin regulations. Therefore, APHIS and CDC are issuing a draft FSAP policy statement on biosafety for large animal outdoor containment studies with *B. abortus* and *B. suis* to aid individuals and entities in the development of biosafety plans for such studies that meet the requirements of the select agent and toxin regulations. We are making this draft policy statement available to the public for review and comment on regulations.gov (see **ADDRESSES** above) and at *https://www.selectagents.gov/regulations/*

policy/animalstudy.htm. We will consider all comments that we receive on or before the date listed under the **DATES** section at the beginning of this notice.

Copies of the draft policy statement are also available for public inspection at USDA, room 1620, South Building, 14th Street and Independence Avenue SW, Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 799–7039 to facilitate entry into the reading room. In addition, copies may be obtained by calling or writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Authority: 7 U.S.C. 8401; 7 CFR 2.22, 2.80, 371.3, and 371.4.

Done in Washington, DC, this 11th day of January 2021.

Mark Davidson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2021–00774 Filed 1–14–21; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

The Emergency Food Assistance Program; Availability of Foods for Fiscal Year 2021

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the surplus and purchased foods that the Department expects to make available for donation to States for use in providing nutrition assistance to the needy under The Emergency Food Assistance Program (TEFAP) in Fiscal Year (FY) 2021. The foods made available under this notice must, at the discretion of the State, be distributed to eligible recipient agencies (ERAs) for use in preparing meals and/or for distribution to households for home consumption.

FOR FURTHER INFORMATION CONTACT: Rachel Schoenian, Policy Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place, Alexandria, Virginia 22314 or telephone (703) 305–2937.

SUPPLEMENTARY INFORMATION: In accordance with the provisions set forth in the Emergency Food Assistance Act of 1983 (EFAA), 7 U.S.C. 7501, *et seq.,* and the Food and Nutrition Act of 2008, 7 U.S.C. 2036, the Department makes foods available to States for use in providing nutrition assistance to those in need through TEFAP. In accordance with section 214 of the EFAA, 7 U.S.C. 7515, funding for TEFAP foods is allocated among States according to a formula that accounts for poverty and unemployment levels within each State. Section 214(a)(1) of the Act requires that 60 percent of each State's allocation be based on the number of people with incomes below the poverty level within the State; and Section 214(a)(2) requires that the remaining 40 percent be equal to the percentage of the nation's unemployed persons within the State. State officials are responsible for establishing the network through which the foods will be used by ERAs in providing nutrition assistance to those in need and for allocating foods among those ERAs. States have full discretion in determining the amount of foods that will be made available to ERAs for use in preparing meals and/or for distribution to households for home consumption.

Surplus Foods

Surplus foods donated for distribution under TEFAP are Commodity Credit Corporation (CCC) foods purchased under the authority of section 416 of the Agricultural Act of 1949, 7 U.S.C. 1431 (section 416) and foods purchased under the surplus removal authority of section 32 of the Act of August 24, 1935, 7 U.S.C. 612c (section 32). The types of foods typically purchased under section 416 include dairy, grains, oils, and peanut products. The types of foods purchased under section 32 include meat, poultry, fish, vegetables, dry beans, juices, and fruits. Additionally, in FY 2020, the Department used CCC authority in the CCC Charter Act of 1948, 15. U.S.C. 714, for the Food Purchase and Distribution Program (FPDP), under which surplus foods affected by trade retaliation were purchased for distribution through TEFAP and other federal nutrition programs.

Approximately $496.54 million in surplus and $208.32 million in FPDP foods acquired in FY 2020 will be delivered to States in FY 2021. Surplus foods currently scheduled for delivery in FY 2021 include almonds, apples, beans, blueberries, butter, cheese, cherries, chicken, eggs, figs, grapefruit juice, grapes, haddock, hazelnuts, lentils, milk, mixed fruit, orange juice, oranges, peaches, pears, pecans, pistachios, ocean perch, plums, Alaska pollock, Atlantic pollock, pork, potatoes, raisins, raspberry puree, shrimp, tomato sauce, turkey, and walnuts. FPDP foods scheduled for delivery in FY 2021 include apples, beef, butter, cheese, chicken, corn, eggs, dried fruit mix, lamb, milk, mixed fruit, orange juice, oranges, peaches, plums, pork, and potatoes. Other surplus foods may be made available to TEFAP throughout the year. The Department would like to point out that food acquisitions are based on changing agricultural market conditions; therefore, the availability of foods is subject to change.

Purchased Foods

In accordance with section 27 of the Food and Nutrition Act of 2008, 7 U.S.C. 2036, the Secretary is directed to purchase an estimated $322.5 million worth of foods in FY 2021 for distribution through TEFAP. In addition, States will receive supplemental foods provided through the Families First Coronavirus Response Act (Pub. L. 116–127, FFCRA) and the Coronavirus Aid, Relief, and Economic Security Act (Pub. L. 116–136, CARES Act). $309.5 million was provided through the FFCRA and $314.9 million through the CARES Act for supplemental food purchases made in FY 2020 and FY 2021. These foods are made available to States in addition to those surplus and FPDP foods which otherwise might be provided to States for distribution under TEFAP.

For FY 2021, the Department anticipates purchasing the foods listed in the following table for distribution through TEFAP. The amounts of each item purchased will depend on the prices the Department must pay, as well as the quantity of each item requested by the States. Changes in agricultural market conditions may result in the availability of additional types of foods or the non-availability of one or more foods listed in the table.

FY 2021 USDA FOODS AVAILABLE LIST FOR THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

Fruits:

- Apples, Braeburn, Fresh
- Apples, Empire, Fresh
- Apples, Fuji, Fresh