

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.

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Doc. No. AMS-AMS-22-0027]

#### Access to Fertilizer: Competition and Supply Chain Concerns

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice; extension of comment period.

**SUMMARY:** The Agricultural Marketing Service (AMS) is providing an additional 30 days for comments and information from the public regarding competition-related challenges in the U.S. fertilizer market and other obstacles to producers accessing affordable, responsibly manufactured fertilizer. This notice requests additional comments and information to inform the U.S. Department of Agriculture's (USDA) efforts to expand capacity and maximize investments in the fertilizer market.

**DATES:** The comment period for the notice originally published on March 17, 2022, at 87 FR 15191, is extended. Comments must be submitted on or before July 15, 2022.

**ADDRESSES:** All written comments in response to this notice should be posted online at <https://www.regulations.gov>. Comments received will be posted without change, including any personal information provided. All comments should reference the docket number AMS-AMS-22-0027, the date of submission, and the page number of this issue of the **Federal Register**. Comments may also be sent to Jaina Nian, Agricultural Marketing Service, USDA, Room 2055-S, STOP 0201, 1400 Independence Avenue SW, Washington, DC 20250-0201. Comments will be made available for public inspection at the above address during regular business hours or via the internet at <https://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

Jaina Nian, Agricultural Marketing Service, at (202) 378-2541; or by email at [jaina.nian@usda.gov](mailto:jaina.nian@usda.gov).

**SUPPLEMENTARY INFORMATION:** On July 9, 2021, President Biden issued an Executive Order titled "Promoting Competition in the American Economy," which creates a White House Competition Council and directs Federal agency actions to enhance fairness and competition across America's economy. Among other things, the Executive Order directs the Council and member agencies to "identify and advance any additional administrative actions necessary" to promote competition on an ongoing basis. The Secretary of Agriculture takes note of wide-ranging concern from agricultural producers regarding access to and pricing of fertilizer.

On March 11, 2022, USDA announced<sup>1</sup> plans for a \$250 million investment in grants to support additional fertilizer production for American farmers to address rising costs and spur competition. On May 11, 2022, in conjunction with his visit to an Illinois farm, the Secretary announced<sup>2</sup> a doubling of the initial investment to \$500 million, among other measures designed to assist farmers.

A notice published in the **Federal Register** on March 17, 2022 (87 FR 15191), requested comments and information from the public to assist AMS in identifying relevant difficulties, including competition concerns, and potential policy solutions for the fertilizer market. This notice established a 60-day comment period, ending May 16, 2022. The comment period was extended by 30 days on May 16, 2022 (87 FR 29731). AMS is once again extending the comment period related to this request for information in order to obtain public input regarding the fertilizer program. Comments must be submitted on or before July 15, 2022.

In particular, and in light of the announced and expanded funding program, AMS seeks additional responses to the following questions, which were listed in the original notice:

- What obstacles exist to the financing and development of new fertilizer capacity that would enhance the competitiveness of fertilizer markets?

- Would new or expanded domestic manufacturing, mining, processing, or alternative fertilizer production capacity help promote access to and affordability of fertilizer for agricultural producers?

- Are there existing "shovel ready" manufacturing, mining, or other processes that could or should be adjusted to facilitate new fertilizer production?

- Are there other potential new entrants in the near or medium-term?

- How might USDA best support investment in new fertilizer capacity in the U.S.?

**Melissa Bailey,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2022-12821 Filed 6-13-22; 8:45 am]

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Doc. No. AMS-AMS-22-0018]

#### 2022/2023 Rates Charged for AMS Services

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Agricultural Marketing Service (AMS) is announcing the 2022/2023 rates it will charge for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables, eggs, dairy products, rice, and cotton and tobacco. The 2022/2023 regular, overtime, holiday, and laboratory services rates will be applied at the beginning of the crop year, fiscal year or as required by law depending on the commodity. Other starting dates are added to this notice based on cotton industry practices. This action establishes the rates for user-funded programs based on costs incurred by AMS. This year, cost-based analyses indicated the need to increase user fee rates in certain cases where current rates are insufficient to cover the costs of providing the service. While cost-saving

<sup>1</sup> USDA Announces Plans for \$250 Million Investment to Support Innovative American-made Fertilizer to give U.S. Farmers more choices in the Marketplace | USDA.

<sup>2</sup> \$500 Million for U.S. Fertilizer Production Among Measures Announced by Biden | Hoosier Ag Today.

measures have and will continue to be implemented, user fee rate increases are necessary to offset rising operational costs. In cases where current rates are sufficient to cover the costs of providing the service, user fee rates remain unchanged.

**DATES:** June 15, 2022.

**FOR FURTHER INFORMATION CONTACT:**

Melissa Bailey, Associate Administrator, AMS, USDA, Room 2036-S, 1400 Independence Ave. SW, Washington, DC 20250; telephone (202) 205-9356, or email [melissa.bailey@usda.gov](mailto:melissa.bailey@usda.gov).

**SUPPLEMENTARY INFORMATION:** The Agricultural Marketing Act of 1946, as amended (AMA) (7 U.S.C. 1621-1627), provides for the collection of fees to cover costs of various inspection, grading, certification, or auditing services covering many agricultural commodities and products. The AMA also provides for the recovery of costs incurred in providing laboratory services. The Cotton Statistics and Estimates Act (7 U.S.C. 471-476) and the U.S. Cotton Standards Act (7 U.S.C. 51-65) provide for classification of cotton and development of cotton standards materials necessary for cotton classification. The Cotton Futures Act (7 U.S.C. 15b) provides for futures certification services, and the Tobacco Inspection Act (7 U.S.C. 511-511s) provides for tobacco inspection and grading. These Acts also provide for the recovery of costs associated with these services.

On November 13, 2014, the U.S. Department of Agriculture (Department) published in the **Federal Register** a final rule that established standardized formulas for calculating the fees charged by AMS user-funded programs (79 FR 67313). On the basis of rates calculated using these formulas, AMS is to determine the fee rates necessary to sustain program services. Every year since then, the Department has published in the **Federal Register** a notice announcing the rates for its user-funded programs.

This notice announces the 2022/2023 fee rates for voluntary grading, inspection, certification, auditing, and laboratory services for a variety of agricultural commodities including meat and poultry, fruits and vegetables,

eggs, dairy products, rice, and cotton and tobacco on a per-hour rate and, in some instances, the equivalent per-unit cost. The per-unit cost is provided to facilitate understanding of the costs associated with the service to the industries that historically used unit-cost basis for payment. Fee rates will be effective at the beginning of the fiscal year, crop year, or as required by specific laws.

Rates reflect direct and indirect costs of providing services. Direct costs include the cost of salaries, employee benefits, and, if applicable, travel and some operating costs. Indirect or overhead costs include the cost of Program and Agency activities supporting the services provided to the industry. The formula used to calculate these rates also includes operating reserve, which may add to or draw upon the existing operating reserves.

These services include the grading, inspection, or certification of quality factors in accordance with established U.S. Grade Standards or other specifications; audits or accreditation according to International Organization for Standardization (ISO) standards and/or Hazard Analysis and Critical Control Point (HACCP) principles; and other marketing claims. The quality grades serve as a basis for market prices and reflect the value of agricultural commodities to both producers and consumers. AMS' grading and certification, audit and accreditation, plant process and equipment verification, and laboratory approval services are voluntary tools paid for by the users on a fee-for-service basis. The agriculture industry can use these tools to promote and communicate the quality of agricultural commodities to consumers. Laboratory services are provided for analytic testing, including but not limited to chemical, microbiological, biomolecular, and physical analyses. AMS is required by statute to recover the costs associated with these services.

As required by the Cotton Statistics and Estimates Act (7 U.S.C. 471-476), consultations regarding the establishment of the fee for cotton classification with U.S. cotton industry representatives are held in the

beginning of the year when most industry stakeholder meetings take place. Representatives of all segments of the cotton industry, including producers, ginners, bale storage facility operators, merchants, cooperatives, and textile manufacturers were informed of the fees during various industry-sponsored forums.

**Rates Calculations**

AMS calculated the rate for services, per hour per program employee, using the following formulas (a per-unit base is included for programs that charge for services on a per-unit basis):

(1) *Regular rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours for the previous year, which is then multiplied by the next year's percentage of cost of living increase, plus the benefits rate, plus the operating rate, plus the allowance for bad debt rate. If applicable, travel expenses may also be added to the cost of providing the service.

(2) *Overtime rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 1.5, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

(3) *Holiday rate.* The total AMS grading, inspection, certification, classification, audit, or laboratory service program personnel direct pay divided by direct hours, which is then multiplied by the next year's percentage of cost of living increase and then multiplied by 2, plus the benefits rate, plus the operating rate, plus an allowance for bad debt. If applicable, travel expenses may also be added to the cost of providing the service.

All rates are per-hour except when a per-unit cost is noted. The specific amounts in each rate calculation are available upon request from the specific AMS program.

2022/2023 RATES

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
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**Cotton Fees**

**7 CFR Part 27—Cotton Classification Under Cotton Futures Legislation**  
 Subpart A—Requirements; §§ 27.80–27.90 Costs of Classification and Micronaire

**Cotton Standardization**

Certification for Futures Contract (Grading services for samples submitted by CCC-licensed samplers).	\$4.25/bale			X	August 1, 2022.
Transfer of Certification Data to New Owner or Certified Warehouse (Electronic transfer performed).	\$0.20/bale or \$5.00 per page minimum			X	August 1, 2022.

**7 CFR Part 28—Cotton Classing, Testing, and Standards**

Subpart A—Regulations Under the United States Cotton Standards Act; §§ 28.115–28.126 Fees and Costs  
 Subpart D—Cotton Classification and Market News Service for Producers; § 28.909 Costs; § 28.910 Classification of Samples and Issuance of Classification Data; § 28.911 Review Classification

**Cotton Grading**

Form 1: Grading Services for Producers (submitted by licensed sampler).	\$2.50/bale			X	July 1, 2022.
Form 1 Review (new sample submitted by licensed sampler).	\$2.50/bale			X	July 1, 2022.
Form A Determinations (sample submitted by licensed warehouse).	\$2.50/bale			X	July 1, 2022.
Form C Determinations (sample submitted by non-licensed entity; bale sampled under USDA supervision).	\$2.50/bale			.....	July 1, 2022.
Form D Determination (sample submitted by owner or agent; classification represents sample only).	\$2.50/bale			X	July 1, 2022.
Foreign Growth Classification (sample of foreign growth cotton submitted by owner or agent; classification represents sample only).	\$6.00/sample			X	August 1, 2022.
Arbitration (comparison of a sample to the official standards or a sample type).	\$6.00/sample			X	August 1, 2022.
Practical Cotton Classing Exam (for non-USDA employees).	Exam: \$150/applicant Reexamination: \$130/applicant			X	July 1, 2022.
Special Sample Handling (return of samples per request).	\$0.50/sample			X	July 1, 2022.
Electronic Copy of Classification Record .....	\$0.05/bale (\$5.00/month minimum with any records received)			X	July 1, 2022.
Form A Rewrite (reissuance of Form 1, Form A, or Futures Certification data or combination).	\$0.15/bale or \$5.00/page minimum			X	August 1, 2022.
Form R (reissuance of Form 1 classification only) .....	\$0.15/bale or \$5.00/page minimum			X	July 1, 2022.
International Instrument Level Assessment .....	\$4.00/sample			X	July 1, 2022.

**Dairy Fees**

**7 CFR Part 58—Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products**  
 Subpart A—Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products; §§ 58.38–58.46 Fees and Charges

Continuous Resident Grading Service .....	\$90.00	\$106.00	\$123.00	X	Oct 1, 2022.
Continuous Resident Grading Service 6 p.m.–6 a.m. ....	\$99.00	\$123.00	\$135.00	X	Oct 1, 2022.
Non-resident and Intermittent Grading Service; State Graders.	\$110.00	\$129.00	\$147.00	X	Oct 1, 2022.

## 2022/2023 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
Non-resident Services 6 p.m.–6 a.m. (10 percent night differential).	\$121.00	\$147.00	\$162.00	X	Oct 1, 2022.
Export Certificate Services .....	\$95.00/certificate			.....	Oct 1, 2022.
Equipment Review <sup>1</sup> .....	\$115.00	\$135.00	\$154.00	.....	Oct 1, 2022.
Equipment Review 6 p.m.–6 a.m. <sup>1</sup> .....	\$126.00	\$154.00	\$169.00	.....	Oct 1, 2022.
Audit Services .....	\$120.00			X	Oct 1, 2022.
Special Handling .....	\$47.50/certificate			.....	Oct 1, 2022.
Uncertified Copy of Certificate .....	\$8.00/copy			.....	Oct 1, 2022.
Derogation Application .....	\$125.00/application			.....	Oct 1, 2022.

## Specialty Crops Fees

**7 CFR Part 51—Fresh Fruits, Vegetables and Other Products (Inspection, Certification, and Standards)**  
 Subpart A—Requirements; §§ 51.37–51.44 Schedule of Fees and Charges at Destination Markets  
 § 51.45 Schedule of Fees and Charges at Shipping Point Areas

Quality and Condition Inspections for Whole Lots .....	\$225.00 per lot			.....	Oct 1, 2022.
Quality and Condition Half Lot or Condition-Only Inspections for Whole Lots.	\$186.00 per lot			.....	Oct 1, 2022.
Condition—Half Lot .....	\$172.00 per lot			.....	Oct 1, 2022.
Quality and Condition or Condition-Only Inspections for Additional Lots of the Same Product.	\$103.00 per lot			.....	Oct 1, 2022.
Dockside Inspections—Each package weighing <30 lbs.	\$0.044 per pkg.			.....	Oct 1, 2022.
Dockside Inspections—Each package weighing >30 lbs.	\$0.068/pkg.			.....	Oct 1, 2022.
Charge per Individual Product for Dockside Inspection ...	\$225.00/lot			.....	Oct 1, 2022.
Charge per Each Additional Lot of the Same Product ....	\$103.00/lot			.....	Oct 1, 2022.
Inspections for All Hourly Work .....	\$100.00	\$137.00	\$175.00	.....	Oct 1, 2022.
Audit Services—Federal .....	\$132.00/audit			.....	Oct 1, 2022.
Audit Services—State .....	\$132.00/audit			.....	Oct 1, 2022.
GFSI Certification Fee <sup>2</sup> .....	\$250.00/audit			.....	Oct 1, 2022.

**7 CFR Part 52—Processed Fruits and Vegetables, Processed Products Thereof, and Other Processed Food Products**  
 Subpart A—Requirements Governing Inspection and Certification; §§ 52.41–52.51 Fees and Charges

Lot Inspections .....	\$85.00	\$112.00	\$139.00	.....	Oct 1, 2022.
In-plant Inspections Under Annual Contract (year-round)	\$85.00	\$107.00	\$129.00	.....	Oct 1, 2022.
Additional Graders (in-plant) or Less Than Year-Round ..	\$91.00	\$120.00	\$149.00	.....	Oct 1, 2022.
Audit Services—Federal .....	\$132.00/audit			.....	Oct 1, 2022.
Audit Services—State .....	\$132.00/audit			.....	Oct 1, 2022.
GFSI Certification Fee <sup>2</sup> .....	\$250.00/audit			.....	Oct 1, 2022.

## Meat Fees

**7 CFR Part 54—Meats, Prepared Meats, and Meat Products (Grading, Certification, and Standards)**  
 Subpart A—Grading of Meats, Prepared Meats, and Meat Products; §§ 54.27–54.28 Charges for Service

Scheduled Grading .....	\$86.00	\$107.00	\$129.00	X	Oct 1, 2022.
Unscheduled Grading .....	\$114.00	\$132.00	\$154.00	.....	Oct 1, 2022.

2022/2023 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
Scheduled Night Differential (6 p.m.–6 a.m.) .....	\$95.00	\$118.00	\$129.00	X	Oct 1, 2022.

**7 CFR Part 62—Agricultural Marketing Service Audit Verification and Accreditation Programs (AVAAP)**  
Subpart E—Fees; § 62.300 Fees and Other Costs of Service

Auditing Activities .....	\$155.00	\$229.00	\$238.00	.....	Oct 1, 2022.
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**Poultry Fees**

**7 CFR Part 56—Voluntary Grading of Shell Eggs**  
Subpart A—Grading of Shell Eggs; §§ 56.45–56.54 Fees and Charges

**7 CFR Part 70—Voluntary Grading of Poultry and Rabbit Products**  
Subpart A—Grading of Poultry and Rabbit Products; §§ 70.70–70.78 Fees and Charges

Scheduled Grading .....	\$65.00	\$84.00	\$101.00	X	Oct 1, 2022.
Scheduled, Night Differential (6 p.m.–6 a.m.) .....	\$71.00	\$93.00	\$101.00	X	Oct 1, 2022.
Scheduled, Sunday Differential .....	\$83.00	\$107.00	N/A	X	Oct 1, 2022.
Scheduled, Sunday and Night Differential .....	\$92.00	\$118.00	N/A	X	Oct 1, 2022.
Unscheduled Grading .....	\$99.00	\$122.00	\$147.00	.....	Oct 1, 2022.

**Science and Technology Fees**

**7 CFR Part 91—Services and General Information**  
Subpart I—Fees and Charges; §§ 91.37–91.45

Laboratory Testing Services .....	\$110.00	\$125.00	\$141.00	.....	Oct 1, 2022.
Laboratory Approval Services <sup>1</sup> .....	\$188.00	\$213.00	\$238.00	X	Jan 1, 2023.

**7 CFR Part 75—Provisions for Inspection and Certification of Quality of Agricultural and Vegetable Seeds**  
§ 75.41 General

Laboratory Testing .....	\$62.00	\$93.00	\$113.00	.....	Oct 1, 2022.
Administrative Fee .....	\$15.50/certificate			.....	Oct 1, 2022.
Auditing Services .....	\$115.00/audit			.....	Oct 1, 2022.
Organization for Economic Cooperation and Development Seed Schemes for Corn Seeds.	\$0.29/100 pounds			.....	July 1, 2022.
Organization for Economic Cooperation and Development Seed Schemes for Other Seeds.	\$0.18/100 pounds			.....	July 1, 2022.

**Tobacco Fees**

**7 CFR Part 29—Tobacco Inspection**

Subpart A—Policy Statement and Regulations Governing the Extension of Tobacco Inspection and Price Support Services to New Markets and to Additional Sales on Designated Markets;

Subpart B—Requirements; §§ 29.123–29.129 Fees and Charges; § 29.500 Fees and charges for inspection and acceptance of imported tobacco

Subpart F—Policy Statement and Provisions Governing the Identification and Certification of Non-quota Tobacco Produced and Marketed in Quota Area; § 29.9251 Fees and Charges

Domestic Permissive Inspection and Certification (re-grading of domestic tobacco for processing plants, re-testing of imported tobacco, and grading tobacco for research stations).	\$55.00	\$64.00	\$72.00	.....	July 1, 2022.
Export Permissive Inspection and Certification (grading of domestic tobacco for manufacturers and dealers for duty drawback consideration).	\$0.0025/pound			X	July 1, 2022.
Grading for Risk Management Agency (for Tobacco Crop Insurance Quality Adjustment determinations).	\$0.015/pound			X	July 1, 2022.

2022/2023 RATES—Continued

	Regular	Overtime	Holiday	Includes travel costs in rate	Start date
Pesticide Test Sampling (collection of certified tobacco sample and shipment to AMS National Science Laboratory for testing).	\$0.0065/kg or \$0.0029/pound			X	July 1, 2022.
Pesticide Retest Sampling (collection of certified tobacco sample from a previously sampled lot for re-testing at the AMS National Science Laboratory; fee includes shipping).	\$115.00/sample and \$55.00/hour			X	July 1, 2022.
Standards Course (training by USDA-certified instructor on tobacco grading procedures).	\$1,250.00/person			.....	July 1, 2022
Import Inspection and Certification (grading of imported tobacco for manufacturers and dealers).	\$0.0170/kg or \$0.0080/pound			X	July 1, 2022.

Rice Fees

7 CFR Part 868—General Regulations and Standards for Certain Agricultural Commodities  
Subpart A—Regulations; §§ 868.90–868.92 Fees

Contract (per hour per Service representative) <sup>3</sup> .....	\$56.30	\$84.50	\$112.60	.....	Oct 1, 2022.
Noncontract (per hour per Service representative) <sup>3</sup> .....	\$66.60	\$99.90	\$133.20	.....	Oct 1, 2022.
Export Port Services <sup>4</sup> .....	\$0.047/cwt			.....	Oct 1, 2022.
Inspection for quality (per lot, subplot, or sample inspection):					
Rough rice .....	\$41.80			.....	Oct 1, 2022.
Brown rice for processing .....	\$37.60			.....	Oct 1, 2022.
Milled rice .....	\$30.30			.....	Oct 1, 2022.
Factor analysis for any single factor (per sample):					
Milling yield (Rough or Brown rice) .....	\$32.00			.....	Oct 1, 2022.
All other factors (all rice) .....	\$19.90/factor			.....	Oct 1, 2022.
Total oil and free fatty acid .....	\$45.80			.....	Oct 1, 2022.
Faxed and extra copies of certificates .....	\$1.90/copy			.....	Oct 1, 2022.
Stowage examination (service-on-request):					
Ship .....	\$38.50 (per stowage space, minimum 5 spaces per ship)			.....	Oct 1, 2022.
Subsequent ship examinations .....	\$38.50 (per stowage space, minimum 3 spaces per ship)			.....	Oct 1, 2022.
Barge .....	\$35.10/examination			.....	Oct 1, 2022.
All other carriers .....	\$12.90/examination			.....	Oct 1, 2022.
Aflatoxin (Rapid Test Kit) .....	\$31.40/test			.....	Oct 1, 2022.
All Other Mycotoxins (Rapid Test Kit) .....	\$37.50/test			.....	Oct 1, 2022.

<sup>1</sup> Travel costs outside the United States will be added to the fee, if applicable.

<sup>2</sup> Global Food Safety Initiative (GFSI) Certification Fee—\$250 per GFSI audit to recoup the costs associated with attaining technical equivalency to the GFSI benchmarking requirements.

<sup>3</sup> Original and appeal inspection services include: Sampling, grading, weighing, and other services requested by the applicant when performed at the applicant's facility.

<sup>4</sup> Services performed at export locations on lots at rest.

*Authority:* 7 U.S.C. 15b; 7 U.S.C. 473a–b; 7 U.S.C. 55 and 61; 7 U.S.C. 51–65; 7 U.S.C. 471–476; 7 U.S.C. 511–511s; and 7 U.S.C. 1621–1627.

**Erin Morris,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2022–12795 Filed 6–13–22; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### The Emergency Food Assistance Program; Availability of Foods for Fiscal Year 2022

**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) 2022. 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:**

Katie Treen, Policy Branch, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, 1320 Braddock Place,

Alexandria, Virginia 22314 or telephone (703) 305–2674.

**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.

#### 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 \$399.74 million worth of foods in FY 2022 for distribution through TEFAP. In addition, States will receive approximately \$400 million in supplemental foods provided through the Coronavirus Aid, Relief, and Economic Security Act (Pub. L. 116–136, CARES Act) as part of USDA’s Build Back Better initiative. These foods are made available to States in addition to those surplus foods which otherwise might be provided to States for distribution under TEFAP.

For FY 2022, 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 2022 USDA FOODS AVAILABLE LIST FOR THE EMERGENCY FOOD ASSISTANCE PROGRAM (TEFAP)

#### FRUITS:

Apples, Braeburn, Fresh  
 Apples, Empire, Fresh  
 Apples, Fuji, Fresh  
 Apples, Gala, Fresh  
 Apples, Granny Smith, Fresh  
 Apples, Red Delicious, Fresh  
 Apples, Fresh  
 Apple Juice, 100%, Unsweetened  
 Apple Slices, Unsweetened, Frozen (IQF)  
 Applesauce, Unsweetened, Canned (K)  
 Applesauce, Unsweetened, Cups, Shelf-Stable  
 Apricots, Halves, Extra Light Syrup, Canned  
 Blueberries, Highbush, Frozen  
 Cherry Apple Juice, 100%, Unsweetened  
 Cranberry Apple Juice, 100%, Unsweetened  
 Cranberries, Dried, Individual Portion  
 Grape Juice, Concord, 100%, Unsweetened  
 Grapefruit Juice, 100%, Unsweetened  
 Fruit and Nut Mix, Dried  
 Mixed Fruit, Extra Light Syrup, Canned  
 Oranges, Fresh  
 Orange Juice, 100%, Unsweetened  
 Peaches, Freestone, Slices, Frozen  
 Peaches, Sliced, Extra Light Syrup, Canned  
 Pears, Bartlett, Fresh  
 Pears, Bosc, Fresh