

USDA's Spring 2024 Unified Agenda Includes Rulemakings Concerning Biobased Products and Biotechnology

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On July 5, 2024, the U.S. Department of Agriculture (USDA) released its spring 2024 Unified Agenda, which includes the following items regarding biobased products and biotechnology:

- [Higher Blends Infrastructure Incentive Program](#): The Higher Blends Infrastructure Program is designed to increase the sales and use of higher blends of ethanol and biodiesel by expanding the infrastructure for renewable fuels derived from U.S. agricultural products. The Rural Business-Cooperative Service (RBCS) intends to issue a proposed rule in **May 2025** that would codify the policies and procedures for the program and would seek comment on codification of existing authorities provided through statutory language on eligibility requirements, types and terms of funding, program requirements, and processing procedures. According to the Unified Agenda item, RBCS intends to conduct public engagement to hear from stakeholders and potential applicants about what they would like to see in the regulation, as well as what has worked and what has not worked in the past.
- [Biobased Markets Program \(BioPreferred\)](#): As reported in our February 15, 2024, [blog item](#), RBCS published a proposed rule in January 2024 that would adopt changes from the Agriculture Improvement Act of 2018 (2018 Farm Bill), including merging the Guidelines for Designating Biobased Products for Federal Procurement (7 C.F.R. Part 3201) and the Voluntary Labeling Program for Biobased Products (7 C.F.R. Part 3202) into one streamlined regulation, Biobased Markets (BioPreferred) Program. The proposed rule would amend several definitions, including biobased product, which would be amended to include renewable chemicals, as directed by Section 9002 of the Farm Security and Rural Investment Act of 2002 (Pub. L. 107–171). The definition of biobased product would be amended to clarify that, for the purposes of the BioPreferred Program, the term does not include motor vehicle fuels, heating oils, or electricity. USDA intends to issue a final rule in **July 2024**.
- [National Bioengineered Food Disclosure Standard; Update of the List of Bioengineered Foods \(AMS-FTPP-22-0080\)](#): As reported in our April 4, 2024, [blog item](#), in March 2024, USDA's Agricultural Marketing Service (AMS) requested information about potential additions to or subtractions from the List of Bioengineered Foods as it pertains to the National Bioengineered Food Disclosure Standard. Under 7 C.F.R. Section 66.1, a bioengineered food is a food that — subject to certain factors, conditions, and limitations — contains detectable genetic material

that has been modified through *in vitro* recombinant deoxyribonucleic acid (rDNA) techniques and for which the modification could not otherwise be obtained through conventional breeding or found in nature. According to the Unified Agenda item, USDA intends to publish a notice of proposed rulemaking (NPRM) in **December 2024**.

- [National Bioengineered Food Disclosure Standard; Text Message Disclosures](#): As reported in our April 23, 2024, [blog item](#), in April 2024, AMS published a request for information (RFI) about potential amendments to the electronic or digital link disclosure option as it pertains to the National Bioengineered Food Disclosure Standard. According to the Unified Agenda item, AMS plans to publish in **March 2025** a proposed rule that would amend the National Bioengineered Food Disclosure Standard to align with the results of the legal challenge brought by several groups and improve accessibility of the disclosures to consumers.
- [Labeling of Meat and Poultry Products Made Using Animal Cell Culture Technology](#): In September 2021, USDA's Food Safety and Inspection Service (FSIS) published an advance notice of proposed rulemaking (ANPRM) to request comments pertaining to the labeling of meat and poultry products comprised of or containing cultured cells derived from animals subject to the Federal Meat Inspection Act or the Poultry Products Inspection Act. According to the Unified Agenda item, FSIS intends to issue an NPRM in **July 2024** that would establish new requirements for the labeling of meat or poultry products made using animal cell-culture technology.

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