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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1212

[Doc. No. AMS–SC–25–0122]

Honey Packers and Importers; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule implements a recommendation from the National Honey Board to increase the assessment rate for first handlers and importers from 1.5 cents ($0.015) per pound of assessable honey and honey products to 2 cents ($0.02) per pound of assessable honey and honey products over two fiscal periods. The assessment rate will remain in effect indefinitely until modified or terminated.

DATES: This final rule is effective September 1, 2026, when the assessment rate will be $0.0175. On and after January 1, 2027, the assessment rate will be $0.02.

FOR FURTHER INFORMATION CONTACT: Katie Cook, Marketing Specialist, or Alexandra Caryl, Chief, Mid-Atlantic Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA; telephone: (202) 720–8085; or via email: *Katie.Cook@usda.gov* or *Alexandra.Caryl@usda.gov.*

SUPPLEMENTARY INFORMATION: This final rule affecting the Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order (7 CFR part 1212) (Order) is authorized by the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411–7425) (Act).

Executive Order 12866

This action is exempt from the Office of Management and Budget (OMB) review process required by Executive Order 12866. This rule amends an existing research and promotion program and is necessary for the continued operation of the Honey Packers and Importers Research, Promotion, Consumer Education and Industry Information Order. Additionally, this action is exempt from the requirements of Executive Order 14192, ''Unleashing Prosperity Through Deregulation,'' pursuant to section 5(c).

Executive Order 13175

This action was reviewed in accordance with the requirements of Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' which requires agencies to consider whether their rulemaking actions will have Tribal implications. AMS determined this final rule is unlikely to have substantial direct effects on one or more Indian Tribes, or the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

Executive Order 12988

This action was reviewed under Executive Order 12988, ''Civil Justice Reform.'' The Act provides that it shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

Under section 519 of the Act (7 U.S.C. 7418), a person subject to an order may file a petition with the Secretary of Agriculture (Secretary) stating the order, any provision of the order, or any obligation imposed in connection with the order, is not established in accordance with the law and requesting a modification of the order or an exemption from the order. Any petition filed challenging the order, any provision of the order, or any obligation imposed in connection with the order, shall be filed within 2 years after the effective date of the order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, the Secretary will issue a ruling on the petition. The Act provides the district court of the United States for any district in which the petitioner resides or conducts business shall have jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of the Secretary's final ruling.

Background

Under the Order, the National Honey Board (NHB or Board) administers a nationally coordinated program of research, promotion, and information designed to strengthen the honey industry's position in the marketplace, and to establish, maintain, and expand markets for honey and honey products. To fund the program, § 1212.52 authorizes the Board to collect assessments on first handlers and importers who handle and/or import more than 250,000 pounds of honey or honey products per calendar year.

Currently, first handlers and importers who handle and/or import more than 250,000 pounds per calendar year pay $0.015 per pound of assessable honey and honey products. The Order specifies that first handlers are responsible for paying the assessment to the Board on all domestically produced honey and honey products the first handler handles. Producers who are first handlers are responsible for paying the assessment to the Board. Importers are responsible for payment of assessments to the Board on all honey and honey products imported into the United States through the United States Customs and Border Protection (Customs or CBP).

The assessment rate has changed only once since the program was established in 2008. In 2015, the assessment rate increased from $0.01 to the current rate of $0.015. Pursuant to § 1212.52(f), the Board may recommend to the Secretary an assessment change as it deems appropriate by at least two-thirds vote of members present at a meeting of the Board. Additionally, the Order specifies the recommendation may not increase the assessment by more than $0.02 per pound and by more than $0.0025 in any single fiscal year.

Board Recommendation To Adjust the Assessment Rate

This final rule amends § 1212.52(a) by increasing the assessment rate from $0.015 per pound to $0.0175 per pound, effective September 1, 2026, and establishes an increase to $0.02 per pound, effective January 1, 2027.

The Board first discussed this recommendation at their spring 2024 meeting. In June 2024, the Board shared the potential of an assessment increase at the National Honey Packers and Dealers Association (NHPDA) meeting. The NHPDA voted to request NHB raise the assessments to $0.02. The Board met on October 25, 2024, and voted 9 in favor to 1 opposed to recommend the assessment increase from $0.015 cents to $0.02 cents per pound of assessable honey.

Since the last assessment change in 2015, inflation in the U.S. has risen 36%. When applying this increase across costs for staffing, promotion, and research, it significantly affects the Board's budget and contracts with agency partners. Although NHB's assessment revenue has only increased slightly since 2023, inflation and the cost of conducting business have outpaced it. Consequently, the Board's effectiveness is compromised due to the loss of purchasing power, which limits implementation of necessary promotion and research projects.

The Board's budget also continues to be constrained by rising reimbursement requests on imported organic honey. Pursuant to § 1212.53(c), products that are 100 percent organic, as defined by the National Organic Program, may be exempt from assessments under the Order. Customs collects assessments on all imported honey and honey products, meaning importers must request a reimbursement from the NHB for any certified organic honey that was assessed. Aside from the costs incurred to process these reimbursement requests, the Board must set aside substantial funds for reimbursements requested throughout the fiscal year and 90 days into the next fiscal year as required in § 1212.53(e)(1). This causes the Board to be more conservative with promotion and research efforts to ensure funds are available to reimburse these assessments. By increasing assessments, the Board will fund promotion and research efforts with less concern of having to move funds to cover reimbursement requests for certified organic honey.

Final Regulatory Flexibility Act and Paperwork Reduction Act

In accordance with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS is required to examine the impact of this rule on small entities. Accordingly, AMS has considered the economic impact of this action on such entities.

This rule increases the assessment rate on importers and handlers of honey to $0.02 per pound of honey. Based on the calculated volume of honey assessed in 2024, described below, the increased assessment rate would add $2.99 million to the program's budget, with $2.42 million being paid by importers and $567,782 paid by handlers. Assessments are applied uniformly to all first handlers and importers who handle or import an amount of honey above the de minimis threshold of 250,000 pounds. This action increases the assessment imposed on first handlers and importers but does not disproportionately burden small domestic first handlers and importers.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be unduly or disproportionately burdened. The Small Business Administration (SBA) defines small agricultural producers of honey as those having annual receipts equal to or less than $3.25 million (North American Industry Classification System (NAICS code 112910, Apiculture)) (13 CFR 121.201), and small agricultural service firms (first handlers and importers) as those having annual receipts equal to or less than $34 million (NAICS code 115114, Postharvest Crop Activities except Cotton Ginning).[1]

The Board reported there were 95 importers and 34 first handlers of honey and honey products covered under the program during the 2024 fiscal period. Total assessments for 2024 were $8.96 million, of which 81 percent was paid by importers and 19 percent was paid by first handlers. This data can be used to estimate the average annual revenue from honey sales of importers and first handlers along with determining the number of these considered to be small businesses based on the SBA definitions.

Of total paid assessments in 2024, importers paid $7.26 million, and first handlers paid $1.70 million. The amount of honey assessed in pounds can be calculated by dividing 2024 assessment values by the 2024 assessment rate of $0.015 per pound. This results in assessed honey volumes of 484.11 million pounds for importers and 113.56 million pounds for first handlers. Based on analysis of the CBP Automated Customs Entry (ACE) importer data, the 2024 average importer price for honey was $5.34 per pound. Little data is available regarding handler prices; therefore, USDA used this estimated importer price as a proxy for handler price for the purposes of this RFA. Multiplying the estimated importer and handler price of $5.34 per pound by the 2024 assessed volumes results in estimated 2024 total revenues for assessed entities of $2.59 billion for the 95 assessed importers and $606.39 million for the 34 assessed handlers. Assuming equal distribution of revenues, per entity annual receipts would be $27.21 million per importer and $17.83 million per handler, both of which are below the SBA threshold for a small business, which calls for annual receipts no greater than $34 million.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the information collection and recordkeeping requirements imposed by the Order have been approved under OMB control number 0581–0093. This final rule does not require changes to the current information collection. Should any changes become necessary, they would be submitted to OMB for approval.

This final rule will not impose any additional reporting or requirements on either small or large importers or first handlers of honey. As with all Federal research and promotion programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

Regarding alternatives, the Board considered not making these changes to the Order and leaving it as-is. If the Order were left unchanged, operational costs and services provided by the Board would have continued to be issues that could have resulted in the Board failing to cover its expenses through assessments as prescribed in § 1212.52(a). After considering these potential issues, the Board decided against leaving the Order unchanged.

Regarding outreach efforts, the Board discussed the assessment rate change at its meetings throughout 2024. Board staff also traveled to industry events, like the NHPDA meeting, to garner feedback and gauge support. On October 25, 2024, the Board voted to recommend the assessment rate change to the Secretary. The members who voted represent producers, handlers, importers, and the industry marketing cooperative.

AMS is committed to complying with the E-Government Act to promote the use of the internet and other information technologies to provide increased opportunities for citizen

[1] The activities of honey handler and importers span multiple NAICS classifications in industry group 311999—All Other Miscellaneous Food Manufacturing. The small business size standards associated with these classifications are defined by number of employees; however, with the data available to USDA, basing the definition of a small business on average annual receipts results in a more meaningful analysis of the impact of the rule on honey handlers and importers in the RFA. Therefore, USDA used the definition of a small firm which engages in ''Postharvest Crop Activities (except Cotton Ginning)'' as a more appropriate criterion for this analysis.

access to government information and services, and for other purposes.

AMS has not identified any relevant Federal rules that duplicate, overlap, or conflict with this final rule.

A proposed rule concerning this action was published in the **Federal Register** on March 9, 2026 (91 FR 11189). A copy of the proposed rulemaking was also made available through the internet by AMS and the Office of the Federal Register via *https://www.regulations.gov.* A 30-day comment period ending April 8, 2026, was provided for interested parties to respond to the rule as proposed. AMS received 58 comments, and of the 58 comments received: one comment remains unposted as it is both out of scope of this rulemaking and contains sensitive personally identifiable information; 39 opposing comments were from industry members not known to be subject to the Order; 13 supportive comments were from stakeholders subject to the Order and members of the public; one opposing comment was from a first handler subject to the Order; one was neutral; and a further three submissions had no written comment.

Some commenters asserted that the Board's promotional activities, including materials featuring foreign honey origins, disproportionately benefit imported honey and therefore harm domestic beekeepers. AMS reviews all promotional materials to ensure compliance with legislative authority, USDA policy, and the Guidelines for AMS Oversight of Commodity Research and Promotion Programs. AMS must deny any promotion seen as disparaging to any market segment, producer, importer, handler, competing product, or other agricultural commodity. Additionally, promotion that is false or misleading to consumers and anything outside the scope of Board-authorized activities is prohibited. As required by § 1212.47(e), the Board must generically promote honey and create a favorable image of honey and honey products to the public and food industry as part of its mission to maintain, develop, and expand domestic and foreign markets. AMS therefore concludes that generic promotion, as required under the Act and Order, effectuates the purpose, mission, and goal of the program.

Some commenters claimed the assessment rate increase will harm domestic beekeepers who are already facing market pressures, rising labor costs, pest pressures, and low honey prices. It is important to note that most small-scale and hobbyist beekeepers are not subject to the Order and therefore do not pay assessments to the Board. Beekeepers' economic burden argument does not reflect a regulatory burden imposed by the assessment increase, because they do not pay assessments unless they are also a first handler subject to the Order, which none of the 39 opposing commenters indicated. Therefore, AMS does not expect domestic beekeepers to be harmed by this rule.

Several commenters request AMS remove the organic exemption or apply assessments only to imported honey. The exemption of organic products, established in § 1212.53(c), is in accordance with USDA's National Organic Program (NOP) (7 CFR part 205), as amended by Exemption of Organic Products from Assessment Under a Commodity Promotion Law, 80 FR 82006 (Dec. 31, 2015), effective February 29, 2016. The amendment was required by section 10004 of the Agricultural Act of 2014 (Pub. L. 113–79). Therefore, removing or changing the exemption is outside the scope and authority of this rule.

Several commenters argued, unrelated to the merits of the rule, that promotional activities should cease and funds instead be diverted to bee health research, sustainability, or authenticity testing. The Board currently funds nutrition, market, and production research and is required to invest no less than five percent (5%) of their anticipated annual assessment revenue into production research per the Order. The Board has full discretion, subject to the approval of the Secretary, to allocate funds.

Several commentors discussed increasing Nuclear Magnetic Resonance (NMR), deoxyribonucleic acid (DNA), or Isotope Ratio Mass Spectrometry (IRMS) testing for all imported honey, and destruction of fraudulent products. These recommendations are outside the scope of this action.

One neutral comment was submitted by the National Honey Board and offered an alternative effective date if the June 1, 2026, date was not met by the USDA and AMS. Their suggestion is to execute the first increase on first day of the following month after publication in the **Federal Register**, for example July 1st, 2026, August 1st, 2026, and so on, and keeping the second increase effective date of January 1, 2027. AMS agrees with this approach. Accordingly, after review and consideration of all comments received, AMS makes changes to the effective date of the initial assessment rate increase.

After considering all relevant material presented, including the information and recommendations submitted by the Board, public comments, and other available information, AMS has determined that this final rule is consistent with and effectuates the purposes of the Act.

List of Subjects in 7 CFR Part 1212

Administrative practice and procedure, Advertising, Consumer education, Honey and honey products, Marketing agreements, Promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS amends 7 CFR part 1212 as follows:

PART 1212—HONEY PACKERS AND IMPORTERS RESEARCH, PROMOTION, CONSUMER EDUCATION AND INDUSTRY INFORMATION ORDER

■ 1. The authority citation for part 1212 continues to read as follows:

Authority: 7 U.S.C. 7411–7425; 7 U.S.C. 7401.

■ 2. Amend § 1212.52 by revising paragraph (a) to read as follows:

§ 1212.52 Assessments.

(a) The Board will cover its expenses by levying in a manner prescribed by the Secretary an assessment on first handlers and importers. Through August 31, 2026, the assessment rate shall be $0.015 per pound of assessable honey and honey products. For the period of September 1, 2026, through December 31, 2026, the assessment rate shall be $0.0175 per pound of assessable honey and honey products. On and after January 1, 2027, the assessment rate shall be $0.02 per pound of assessable honey and honey products.

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Erin Morris,

Administrator, Agricultural Marketing Service.

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DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 208

[CIS No. 2851–26; DHS Docket No. USCIS–2026–0199]

RIN 1615–AD18

Affirmative Asylum Referrals Without Interview

Correction