

US TREASURY ISSUES UNIFIED AGENDA AND RULE-MAKING INITIATIVES FOR TTB



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Twice each year, the federal government publishes a list of regulations either recently adopted, in process, or under consideration for promulgation. Over 60 departments and agencies of the federal government, including the **Treasury Department** and its **Alcohol and Tobacco Tax and Trade Bureau (TTB)**, participate in this regulatory disclosure process by contributing to a document that is titled **The Unified Agenda**.

The Unified Agenda has appeared in the **Federal Register** twice yearly since 1983 and has been available online since 1995. The activities included in the Unified Agenda are generally those that will have a regulatory action within the next 12 months. Agencies may choose to include activities with a longer timeframe than 12 months. Agency agendas also show actions or reviews completed or withdrawn since the last Unified Agenda.

The complete Unified Agenda is available to the public at <http://reginfo.gov/>. The online Unified Agenda offers user-friendly, flexible search tools and a vast historical database.

The **Spring 2022 Unified Agenda** publication is the latest iteration of this regulatory disclosure to address TTB regulations. It consists of each agency's regulatory flexibility agendas, containing information on (i) rules that are likely to have a significant economic impact on a substantial number of small entities and (ii) regulations that have been selected for periodic review under section 610 of the Regulatory Flexibility Act. Complete agenda information for any listed entry on the Unified Agenda appears, in a uniform format, in the online Unified Agenda at <http://reginfo.gov/>.

Listed below are all the regulations currently being promulgated or under consideration by TTB. There are several noteworthy regulatory changes under consideration, *e.g.*, whether to adopt a new rule on ingredient labeling for distilled spirits wines and malt beverages, whether to amend TTB regulations addressing the labeling of malt beverages with less than 0.5% Alcohol by Volume,

and whether to make permanent specific time-limited provisions of the Craft Beverage Modernization and Tax Reform Act of 2019.

However, of all the regulatory changes on TTB's radar, perhaps the most far-reaching is the agency's consideration of **Updates to Trade Practice Regulations** (highlighted in the list below). This particular regulatory review is currently in the pre-rule stage, which means the agency is open to input from industry members, policy advocates, and the public at large.

Rob Tobiassen, President of the National Association of Beverage Importers, recently offered an important observation on TTB's current regulatory activities, and opined that the trade practice review is the most deserving of the industry's attention. As Rob noted:

"Of all the pending regulations project, the advance notice of proposed rulemaking on the unfair trade practices seeking comments on revisions to foster competition and prevent barriers to entry by new businesses is the most significant for making major changes in a longstanding TTB compliance and enforcement program. Unfair trade practice enforcement dates from 1936, but the recent aggressive enforcement actions during the past decade by TTB has raised and highlighted competition concerns to the beverage alcohol industry. It bears close watching."

These are words to the wise for all alcohol industry members, policymakers, and even state alcohol regulators. TTB, on occasion, sets the tone and pace for innovative changes to alcohol industry regulation in America. The agency's current efforts to reconcile longstanding regulations with new marketing practices warrants everyone's careful consideration!

Again, you can click on the link corresponding to a particular Unified Agenda item from the list below to learn more about that regulatory review initiative.

TREAS/TTB	Prerule Stage	Consideration of Updates to Trade Practice Regulations	1513-AC92
TREAS/TTB	Prerule Stage	Ingredient Labeling of Distilled Spirits, Wines, and Malt Beverages	1513-AC95
TREAS/TTB	Proposed Rule Stage	Use of American Viticultural Area Names as Appellations of Origin on Wine Labels	1513-AC13
TREAS/TTB	Proposed Rule Stage	Proposal to Allow for the Use of Molasses and Grain in Wine and to Address Sugar as a Fermentable in the Production of Wine and Beer	1513-AC44
TREAS/TTB	Proposed Rule Stage	Modernization of Permit Application Requirements for Wine Premises	1513-AC47

TREAS/TTB	Proposed Rule Stage	Proposal to Amend TTB Regulations to Address Labeling of Malt Beverages With Less Than 0.5% Alcohol by Volume	1513-AC74
TREAS/TTB	Proposed Rule Stage	Establishment of the Comptche Viticultural Area	1513-AC77
TREAS/TTB	Proposed Rule Stage	Establishment of the Crystal Springs of Napa Valley Viticultural Area	1513-AC78
TREAS/TTB	Proposed Rule Stage	Revision of the Mendocino Ridge Viticultural Area Name	1513-AC80
TREAS/TTB	Proposed Rule Stage	Expansion of the Red Hills Lake County Viticultural Area	1513-AC82
TREAS/TTB	Proposed Rule Stage	Establishment of the Wanapum Village Viticultural Area	1513-AC84
TREAS/TTB	Proposed Rule Stage	Implementation of the Craft Beverage Modernization Act Permanent Provisions	1513-AC87
TREAS/TTB	Proposed Rule Stage	Additional New Grape Names for American Wine	1513-AC90
TREAS/TTB	Proposed Rule Stage	Establishment of the Contra Costa Viticultural Area and Modification of the Central Coast and San Francisco Bay Viticultural Areas	1513-AC97
TREAS/TTB	Proposed Rule Stage	Establishment of the Rancho Guejito Viticultural Area	1513-AC98
TREAS/TTB	Proposed Rule Stage	Streamlining of Tax Return and Report Requirements	1513-AC68
TREAS/TTB	Proposed Rule Stage	Amendments Regarding Use of Wine Treating Materials to Reflect Limitations of "Good Manufacturing Practice" Rather Than Specific Numerical Limits	1513-AC75
TREAS/TTB	Proposed Rule Stage	Establishment of the Winters Highlands Viticultural Area	1513-AC91
TREAS/TTB	Proposed Rule Stage	Labeling and Advertising of Distilled Spirits, Wines, and Malt Beverages With Statements of Alcohol and Nutritional Content	1513-AC93
TREAS/TTB	Proposed Rule Stage	Major Food Allergen Labeling for Wines, Distilled Spirits, and Malt Beverages	1513-AC94
TREAS/TTB	Proposed Rule Stage	Labeling of Alcohol Beverage Products Manufactured in Japan	1513-AC96

TREAS/TTB	Final Stage	Rule	Proposed Addition of New Grape Variety Names for American Wines	1513-AC24
TREAS/TTB	Final Stage	Rule	Proposed Revision to Wine Label Information Record Requirements	1513-AC27
TREAS/TTB	Final Stage	Rule	Proposal to Remove a Prohibition Against Labeling of Wines to Indicate Added Distilled Spirits	1513-AC29
TREAS/TTB	Final Stage	Rule	Implementation of Statutory Amendments Requiring the Modification of the Definition of Cider	1513-AC31
TREAS/TTB	Final Stage	Rule	Modernization of Permit and Registration Application Requirements for Distilled Spirits Plants	1513-AC46
TREAS/TTB	Final Stage	Rule	Modernization of Qualification Requirements for Brewers' Notices	1513-AC48
TREAS/TTB	Final Stage	Rule	Addition of Singani to the Standards of Identity for Distilled Spirits	1513-AC61
TREAS/TTB	Final Stage	Rule	Modernization of Wine Labeling and Advertising Regulations	1513-AC67
TREAS/TTB	Final Stage	Rule	Establishment of the Long Valley-Lake County Viticultural Area and Modification of the High Valley and North Coast Viticultural Areas	1513-AC79
TREAS/TTB	Final Stage	Rule	Establishment of the Yucaipa Valley Viticultural Area	1513-AC85
TREAS/TTB	Final Stage	Rule	Standards of Fill for Wine and Distilled Spirits	1513-AC86
TREAS/TTB	Final Stage	Rule	Addition of American Single Malt Whisky to the Standards of Identity for Distilled Spirits	1513-AC88
TREAS/TTB	Final Stage	Rule	Implementation of Refunds in Lieu of Reduced Rates for Certain Alcohol Produced Outside of the United States	1513-AC89
TREAS/TTB	Final Stage	Rule	Technical Corrections to Alcohol and Tobacco Tax and Trade Bureau Regulations; Update of Regulatory Reference to Incorporated Standards	1513-AB93
TREAS/TTB	Final Stage	Rule	Civil Monetary Penalty Inflation Adjustment--Alcoholic Beverage Labeling Act	1513-AC28

Note that the opportunities and timelines for submission of public comments on any regulatory review will vary based on the particular initiative. For example, the deadline for public comments

relating to TTB's reconsideration of current trade practice regulations is currently no later than Thursday, **March 9, 2023**.

For more information on TTB's current Unified Agenda or assistance in filing a comment in response to a particular regulatory initiative, contact **GrayRobinson's Nationwide Alcohol Industry Group** via telephone at **(866) 382-5132** or via email at **beveragelaw@gray-robinson.com**



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