

products may be imported only if they were processed solely in countries listed in §381.196(b). Slaughtered poultry may be imported only if it qualifies as ready-to-cook poultry.

[37 FR 9706, May 16, 1972, as amended at 40 FR 42338, Sept. 12, 1975; 54 FR 41049, Oct. 5, 1989]

**§381.196 Eligibility of foreign countries for importation of poultry products into the United States.**

(a)(1) Whenever it shall be determined by the Administrator that the system of poultry inspection maintained by any foreign country, with respect to establishments preparing products in such country for export to the United States, insures compliance of such establishments and their poultry products, with requirements equivalent to all the provisions of the Act and the regulations in this part which are applied to official establishments in the United States, and their poultry products, and that reliance can be placed upon certificates required under this subpart from authorities of such foreign country, notice of that fact will be given by including the name of such foreign country in paragraph (b) of this section. Thereafter, poultry products processed in such establishments which are certified and approved in accordance with paragraph (a)(3) of this section shall be eligible, so far as the regulations in this part are concerned, for importation into the United States from such foreign country after applicable requirements of this part have been met.

(2) The determination of acceptability of a foreign poultry inspection system for purposes of this section shall be based on an evaluation of the foreign program in accordance with the following requirements and procedures:

(i) The system shall have a program organized and administered by the national government of the foreign country. The system as implemented must provide standards equivalent to those of the Federal system of poultry inspection in the United States with respect to:

(A) Organizational structure and staffing, so as to insure uniform enforcement of the requisite laws and regulations in all establishments

throughout the system at which poultry products are processed for export to the United States;

(B) Ultimate control and supervision by the national government over the official activities of all employees or licensees of the system;

(C) The assignment of competent, qualified inspectors;

(D) Authority and responsibility of national inspection officials to enforce the requisite laws and regulations governing poultry inspection and to certify or refuse to certify poultry products intended for export;

(E) Adequate administrative and technical support;

(F) The inspection, sanitation, quality, species verification, and residue standards applied to products produced in the United States.

(G) Other requirements of adequate inspection service as required by the regulations.

(ii) The legal authority for the system and the regulations thereunder shall impose requirements equivalent to those governing the system of poultry inspection organized and maintained in the United States with respect to:

(A) Ante mortem inspection of poultry for slaughter, which shall be performed by veterinarians or by other employees or licensees of the system under the direct supervision of veterinarians;

(B) Post mortem inspection of carcasses and parts thereof at time of slaughter, performed by veterinarians or other employees or licensees of the system under the direct supervision of veterinarians;

(C) Official controls by the national government over establishment construction, facilities, and equipment;

(D) Direct and continuous official supervision of slaughtering of poultry and processing of poultry products, by the assignment of inspectors to establishments certified under paragraph (a)(3) of this section to assure that adulterated or misbranded poultry products are not processed for export to the United States;

(E) Complete separation of establishments certified under subparagraph (3) of this paragraph from establishments not certified, and the maintenance of a

single standard of inspection and sanitation throughout all certified establishments;

(F) Requirements for sanitation at certified establishments and for sanitary handling of poultry products;

(G) Official controls over condemned material until destroyed or removed and thereafter excluded from the establishment;

(H) A Hazard Analysis and Critical Control Point (HACCP) system, as set forth in part 417 of this chapter.

(I) Other matters for which requirements are contained in the Act or the regulations in this part.

(iii) Countries desiring to establish eligibility for importation of poultry products into the United States may request a determination of eligibility by presenting copies of the laws and regulations on which the foreign poultry inspection system is based and such other information as the Administrator may require with respect to matters enumerated in paragraphs (a)(2) (i) and (ii). Determination of eligibility is based on a study of the documents and other information presented and an initial review of the system in operation by a representative of the Department using the criteria listed in paragraphs (a)(2) (i) and (ii) of this section. Maintenance of eligibility of a country for importation of poultry products into the United States depends on the results of periodic reviews of the foreign poultry inspection system in operation by a representative of the Department, and the timely submission of such documents and other information related to the conduct of the foreign inspection system as the Administrator may find pertinent to and necessary for the determinations required by this section.

(iv) The foreign inspection system must maintain a program to assure that the requirements referred to in this section, equivalent to those applicable to the Federal system in the United States, are being met. The program as implemented must provide for the following:

(A) Periodic supervisory visits by a representative of the foreign inspection system to each establishment certified in accordance with paragraph (a)(3) of this section to ensure that require-

ments referred to in paragraphs (a)(2)(ii)(A) through (H) of this section are being met: Provided, That such visits are not required with respect to any establishment during a period when the establishment is not operating or is not engaged in producing products for exportation to the United States;

(B) Written reports prepared by the representative of the foreign inspection system who has conducted a supervisory visit, documenting his or her findings with respect to the requirements referred to in paragraphs (a)(2)(ii)(A) through (a)(2)(ii)(H) of this section, copies of which shall be made available to the representative of the Department at the time of the representative's review upon request by that representative to a responsible foreign inspection official: *Provided*, that such reports are not required during a period when the establishment is not operating or not engaged in producing products for exportation to the United States.

(C) Random sampling and testing at the point of slaughter of carcasses, including internal organs and fat, for residues identified by the exporting country's inspection authorities or by this Agency as potential contaminants, in accordance with sampling and analytical techniques approved by the Administrator: *Provided*, that such testing is required only on samples taken of carcasses from which poultry or poultry products intended for importation into the United States are produced.

(3) Only those establishments that are determined and certified to the Department by a responsible official of the foreign poultry inspection system as fully meeting the requirements of paragraphs (a)(2) (i) and (ii) of this section are eligible to have their products imported into the United States. Eligibility of certified establishments is subject to review by the Department (including observations of the establishments by Program representatives at times prearranged with the officials of the foreign inspection system). Certifications of establishments must be renewed annually. Notwithstanding certification by a foreign official, the Administrator may, at his discretion, terminate the eligibility of any foreign establishment for importation of its

poultry products into the United States if he has information that such establishment does not comply with the requirements listed in paragraphs (a)(2) (i) and (ii) of this section or if he cannot obtain current information concerning such establishment. The Administrator will provide reasonable notice to the foreign government of the proposed termination of eligibility of any foreign establishment for importation of its poultry products into the United States unless, in his judgment, delay in terminating its eligibility could result in the importation of any adulterated or misbranded poultry products. Certifications of official establishments by the responsible official of the foreign poultry inspection system shall be in the following form:

FOREIGN OFFICIAL POULTRY ESTABLISHMENT  
CERTIFICATE

I hereby certify that the establishment(s) listed below fully complies (comply) with requirements of (specify foreign country) equivalent to all the provisions of the Poultry Products Inspection Act and regulations issued thereunder, which apply to official establishments in the United States, and their poultry products, as provided in § 381.196(a)(2)(i) and (ii) of the poultry products inspection regulations of the United States.

Control numbers	Name
	Address
_____	_____
_____	_____

Date \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Official title)

(4) Poultry products from foreign countries not listed in paragraph (b) of this section are not eligible for importation into the United States, except as provided by §§ 381.207 and 381.209. The listing of any foreign country under this section may be withdrawn whenever it shall be determined by the Administrator that the system of poultry inspection maintained by such foreign country does not assure compliance with requirements equivalent to all the requirements of the Act and the regulations as applied to official establishments in the United States; or that reliance cannot be placed upon certifi-

cates required under this subpart from authorities of such foreign country; or that, for lack of current information concerning the system of poultry inspection being maintained by such foreign country, such foreign country should be required to reestablish its eligibility for listing.

(b) It has been determined that poultry products from the following countries, covered by foreign poultry inspection certificates of the country of origin as required by § 381.197, are eligible under the regulations in this subpart for entry into the United States, after inspection and marking as required by the applicable provisions of this subpart:<sup>1</sup>

- Australia (ratites only).
- Canada.
- Chile.
- France.
- Great Britain.
- Hong Kong.
- Israel.
- Mexico.<sup>2</sup>
- New Zealand (ratites only).
- People's Republic of China.<sup>2</sup>

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**§ 381.197 Imported products; foreign inspection certificates required.**

(a) Except as provided in §§ 381.207 and 381.209, each consignment containing any slaughtered poultry or other poultry product consigned to the United States from a foreign country shall be accompanied with a foreign inspection certificate substantially in the form illustrated in paragraph (b) of this section.

<sup>1</sup>Listing of any country in this section does not relieve the poultry products of such country from applicable requirements under other Federal laws.

<sup>2</sup>May export to the United States only processed poultry products slaughtered under Federal inspection in the United States or in a country eligible to export slaughtered poultry products to the United States.