

(iii) If the inspector finds ectoparasites, the animal shall be sprayed or dipped in accordance with label instructions with a permitted dip listed in § 72.13(b) of this chapter for as many times as necessary until the inspector finds no ectoparasites; and thereafter the animal shall be sprayed or dipped one additional time in accordance with label instructions with a permitted dip listed in § 72.13(b) of this chapter;

(4) All hay, straw, feed, bedding, and other material that has been placed with the animal at any time prior to the final treatment referred to in paragraph (b)(3) of this section, and any plastic sheet used to wrap any shipping crate, shall be sealed in plastic bags and incinerated under the supervision of an inspector;

(5) Any shipping crate shall be, under the supervision of an inspector, either cleaned and disinfected using a disinfectant listed in § 71.10 of this chapter or incinerated; and if the shipping crate is cleaned and disinfected, it shall then be treated under the supervision of an inspector with a permitted dip listed in § 72.13(b) of this chapter;

(6) Any means of conveyance used to transport an animal not in a shipping crate shall be, under the supervision of an inspector, cleaned and disinfected using a disinfectant listed in § 71.10 of this chapter and then treated with a permitted dip listed in § 72.13(b) of this chapter.

[52 FR 29502, Aug. 10, 1987, as amended at 57 FR 23049, June 1, 1992]

§ 93.7 Animals refused entry.

Any elephant, hippopotamus, rhinoceros, or tapir refused entry into the United States for noncompliance with the requirements of this part shall be removed from the United States within a time period specified by the Administrator or shall be considered abandoned by the importer, and pending removal or abandonment, the animal shall be subject to such safeguards as the inspector determines necessary to prevent the possible introduction of ectoparasites into the United States. If such animal is not removed from the United States within such time period or is abandoned, it may be seized, destroyed, or otherwise disposed of as the

Administrator determines necessary to prevent the possible introduction of ectoparasites into the United States.

[52 FR 29502, Aug. 10, 1987, as amended at 57 FR 23049, June 1, 1992]

§ 93.8 Other importations.

(a) Elephants, hippopotami, rhinoceroses, and tapirs are exempt from the regulations in this part under the following circumstances:

(1) They are imported from Canada and are accompanied by a document signed by a salaried veterinarian of the Canadian Government that states:

(i) They were not imported into Canada during the year preceding their importation into the United States; and

(ii) They did not, during the year preceding their importation into the United States, have physical contact with or share a pen or bedding materials with any elephant, hippopotamus, rhinoceros, or tapir imported into Canada during that year; or

(2) They were exported into Canada from the United States and then imported back into the United States accompanied by a United States health certificate.

(b) Notwithstanding other provisions in this part, the Administrator may in specific cases allow the importation and entry of elephants, hippopotami, rhinoceroses, or tapirs into the United States other than as provided for in this part under such conditions as the Administrator may prescribe to prevent the introduction of ectoparasites into the United States.

(Approved by the Office of Management and Budget under control number 0579-0020)

[52 FR 29502, Aug. 10, 1987; 52 FR 35350, Sept. 18, 1987, as amended at 57 FR 23049, June 1, 1992; 59 FR 67133, Dec. 29, 1994]

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

Sec. 94.0 Definitions.

- 94.1 Countries where rinderpest or foot-and-mouth disease exists; importations prohibited.
- 94.1a Criteria for determining the separate status of a territory or possession as to rinderpest and foot-and-mouth disease.
- 94.2 Fresh, chilled, or frozen products (other than meat), and milk and milk products of ruminants and swine.
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- 94.4 Cured or cooked meat from countries where rinderpest or foot-and-mouth disease exists.
- 94.5 Regulation of certain garbage.
- 94.6 Carcasses, or parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds; importations from countries where Exotic Newcastle disease (END) or S. enteritidis is considered to exist.
- 94.7 Disposal of animals, meats, and other articles ineligible for importation.
- 94.8 Pork and pork products from countries where African swine fever exists or is reasonably believed to exist.
- 94.9 Pork and pork products from countries where hog cholera exists.
- 94.10 Swine from countries where hog cholera exists.
- 94.11 Restrictions on importation of meat and other animal products from specified countries.
- 94.12 Pork and pork products from countries where swine vesicular disease exists.
- 94.13 Restrictions on importation of pork or pork products from specified countries.
- 94.14 Swine from countries where swine vesicular disease exists; importations prohibited.
- 94.15 Animal products and materials; movement and handling.
- 94.16 Milk and milk products.
- 94.17 Dry-cured pork products from countries where foot-and-mouth disease, rinderpest, African swine fever, hog cholera, or swine vesicular disease exists.
- 94.18 Ruminant meat and edible products from ruminants that have been in countries where bovine spongiform encephalopathy exists.
- 94.19 Gelatin derived from horses or swine, or from ruminants that have not been in any country where bovine spongiform encephalopathy exists.

AUTHORITY: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

§ 94.0 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service, of the United States Department of Agriculture (APHIS.)

APHIS representative. An individual employed by Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the function involved.

Authorized inspector. Any employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other individual who is authorized by the Administrator to enforce this part.

Birds. All members of the class Aves (other than poultry or game birds).

Cold spot. The area in a flexible plastic cooking tube or other type of container loaded with meat product, or the areas at various points along the belt in an oven chamber, slowest to reach the required temperature during the cooking process. The cold spot(s) for each container is experimentally determined before the cooking process begins, and once identified, remains constant.

Container. For the purposes of § 94.1(c) and § 94.16(c), this term means a receptacle, sometimes refrigerated, which is designed to be filled with cargo, sealed, and then moved, without unsealing or unloading, aboard a variety of different transporting carriers.

Country of origin. For meat and meat products, the country in which the animal from which the meat or meat products were derived was both raised and slaughtered; and for eggs, the country in which the eggs were laid.

Department. The United States Department of Agriculture (USDA, Department).

Exotic Newcastle disease (END). Any velogenic Newcastle disease. Exotic Newcastle disease is an acute, rapidly spreading, and usually fatal viral disease of birds and poultry.

Flock of origin. The flock in which the eggs were produced.

FSIS inspector. An individual authorized by the Administrator, Food Safety and Inspection Service, United States Department of Agriculture, to perform the function involved.

Game birds. Migratory birds, including certain ducks, geese, pigeons, and doves ("migratory" refers to seasonal flight to and from the United States); free-flying quail, wild grouse, wild pheasants (as opposed to those that are commercial, domestic, or pen-raised).

House. A structure, enclosed by walls and a roof, in which poultry are raised.

Immediate export. The period of time determined by APHIS, based on shipping routes and timetables, to be the shortest practicable interval of time between the arrival in the United States of an incoming carrier and the departure from the United States of an outgoing carrier, to transport a consignment of products.

Import (imported, importation) into the United States. To bring into the territorial limits of the United States.

Indicator piece. A cube or slice of meat to be used for the pink juice test, required to meet minimum size specifications.

Operator. The operator responsible for the day-to-day operations of a facility.

Port of arrival. Any place in the United States at which a product or article arrives, unless the product or article remains on the means of conveyance on which it arrived within the territorial limits of the United States.

Poultry. Chickens, turkeys, swans, partridges, guinea fowl, pea fowl; non-migratory ducks, geese, pigeons, and doves; commercial, domestic, or pen-raised grouse, pheasants, and quail.

Premises of origin. The premises where the flock of origin is kept.

Salmonella enteritidis. *Salmonella enteritidis* serotype *enteritidis*, an organism that causes salmonellosis.

Salmonella enteritidis, phage-type 4. A virulent type of *Salmonella enteritidis* serotype *enteritidis*.

Salmonellosis. An infectious disease caused by species of *Salmonella* bacteria.

Sentinel bird. A chicken that has been raised in an environment free of patho-

gens that cause communicable diseases of poultry and that has not been infected with, exposed to, or immunized with any strain of virus that causes Newcastle disease.

Temperature indicator device (TID). A precalibrated temperature-measuring instrument containing a chemical compound activated at a specific temperature (the melting point of the chemical compound) identical to the processing temperature that must be reached by the meat being cooked. The Administrator will approve a TID for use after determining that the chemical compound in the device is activated at the specific temperature required.

Thoroughly cooked. Heated sufficiently to inactivate any pathogen that may be present, as indicated by the required TID or pink juice test.

United States. The several states, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or any other territory or possession of the United States, except as provided in § 94.5 of this part.

Wild swine. Any swine which are allowed to roam outside an enclosure.

[52 FR 33801, Sept. 8, 1987, as amended at 53 FR 48520, Dec. 1, 1988; 54 FR 7393, Feb. 21, 1989; 54 FR 14794, Apr. 13, 1989; 54 FR 31504, July 31, 1989; 55 FR 38982, Sept. 24, 1990; 57 FR 43886, Sept. 23, 1992; 59 FR 13185, Mar. 21, 1994; 61 FR 56891, Nov. 5, 1996]

§ 94.1 Countries where rinderpest or foot-and-mouth disease exists; importations prohibited.

(a) Notice is hereby given that, in accordance with section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), it has been determined, and official notice has been given to the Secretary of the Treasury that:

(1) Rinderpest or foot-and-mouth disease exists in all countries of the world, except those listed in paragraph (a)(2) of this section;

(2) The following countries are declared to be free of both rinderpest and foot-and-mouth disease: Australia, Austria, The Bahamas, Barbados, Belgium, Bermuda, British Honduras (Belize), Canada, Channel Islands, Chile, Costa Rica, Czech Republic, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, Germany,

Great Britain (England, Scotland, Wales, and Isle of Man), Greenland, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Mexico, The Netherlands, New Caledonia, New Zealand, Nicaragua, Northern Ireland, Norway, Panama, Papua New Guinea, Poland, Republic of Korea, Spain, Territory of St. Pierre and Miquelon, Sweden, Switzerland, Trinidad and Tobago, Trust Territory of the Pacific Islands, and Uruguay.

(b) The importation of any ruminant or swine or any fresh, chilled, or frozen meat of any ruminant or swine¹ that originates in any country where rinderpest or foot-and-mouth disease exists, as designated in paragraph (a) of this section, or that enters a port in or otherwise transits a country in which rinderpest or foot-and-mouth disease exists, is prohibited: (1) Except as provided in part 92 of this chapter for wild ruminants and wild swine; (2) except as provided in part 92 of this chapter for the importation of ruminants and swine through the Harry S Truman Animal Import Center; (3) except as provided in paragraph (c) of this section for meat of ruminants or swine that originates in countries free of rinderpest and foot-and-mouth disease but that enters a port or otherwise transits a country where rinderpest or foot-and-mouth disease exists; and (4) except as provided in § 94.4 of this part for cooked or cured meat from countries where rinderpest or foot-and-mouth disease exists.

(c) Except as otherwise provided in this part, fresh, chilled, or frozen meat of ruminants or swine raised and slaughtered in a country free of foot-and-mouth disease and rinderpest, as designated in paragraph (a) of this section, which during shipment to the United States enters a port or otherwise transits a country where rinderpest or foot-and-mouth disease exists may be imported provided that all of the following conditions are met:

(1) The meat is accompanied by the foreign meat inspection certificate required by § 327.4 of this title and, upon

arrival of the meat in the United States, the foreign meat inspection certificate is presented to an authorized inspector at the port of arrival;

(2) The meat is placed in the transporting carrier in a hold, compartment, or, if the meat is containerized, in a container that which was sealed in the country of origin by an official of such country with serially numbered seals approved by APHIS, so as to prevent contact of the meat with any other cargo, handling of the meat after the hold, compartment, or container is sealed, and the loading of any cargo into and the removal of any cargo from the sealed hold, compartment, or container en route to the United States;

(3) If any foreign official breaks a seal applied in the country of origin in order to inspect the meat, he or she then reseals the hold, compartment, or container with a new serially numbered seal; and, if any member of a ship's crew breaks a seal, the serial number of the seal, the location of the seal, and the reason for breaking the seal are recorded in the ship's log.

(4) The serial numbers of the seals used to seal the hold, compartment, or container are recorded on the foreign meat inspection certificate which accompanies the meat;

(5) Upon arrival of the carrier in the United States port of arrival, the seals are found by an APHIS representative to be intact, and the representative finds that there is no evidence indicating that any seal has been tampered with; *Provided that*, if the representative finds that any seal has been broken or has a different number than is recorded on the foreign meat inspection certificate, then the meat may remain eligible for entry into the United States only if APHIS personnel are available to inspect the hold, compartment, or container, the packages of meat, and all accompanying documentation; and the importer furnishes additional documentation (either copies of pages from the ship's log signed by the officer-in-charge, or certification from a foreign government that the original seal was removed and the new seal applied by officials of that government) that demonstrates to the satisfaction of the Administrator that

¹Importation of animals and meat includes bringing the animals or meat within the territorial limits of the United States on a means of conveyance for use as sea stores or for other purposes.

the meat was not contaminated or exposed to contamination during movement from the country of origin to the United States; and

(6) The meat is found by an authorized inspector to be as represented on the foreign meat inspection certificate.

(Approved by the Office of Management and Budget under control number 0579-0015)

[30 FR 12118, Sept. 23, 1965]

EDITORIAL NOTE: For Federal Register citations affecting §94.1, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§94.1a Criteria for determining the separate status of a territory or possession as to rinderpest and foot-and-mouth disease.

(a) The Secretary of Agriculture will make a determination as to whether a territory or possession may be deemed separate from the mother country, in which rinderpest or foot-and-mouth disease has been determined to exist, for the purposes of section 306(a) of the Act of June 17, 1930, as amended (19 U.S.C. 1306(a)), only if:

(1) The official authority of that territory or possession, having responsibility for animal health matters, has declared such territory or possession free of rinderpest and foot-and-mouth disease;

(2) The territory or possession is geographically separate from the mother country and has full autonomy from the mother country in all animal health matters, including import and export;

(3) The territory or possession has a veterinary service which is capable of speedily detecting rinderpest or foot-and-mouth disease and which is comprised of veterinarians who:

(i) Are employed as officials of the government of the territory or possession,

(ii) Are graduates of a recognized school of veterinary medicine, and

(iii) Are assigned in sufficient numbers and are so distributed, with respect to the livestock population, to be able to promptly recognize the existence of rinderpest and foot-and-mouth disease;

(4) A laboratory capable of diagnosing rinderpest and foot-and-mouth dis-

ease is available to the veterinary service of the territory or possession;

(5) Vaccinations for foot-and-mouth disease or rinderpest are not permitted in the territory or possession;

(6) The reporting of rinderpest or foot-and-mouth disease to the veterinary authorities of the territory or possession is required by anyone who has notice of the existence of these diseases;

(7) Laws and regulations are in effect and are administered in such manner as to insure against the introduction of foot-and-mouth disease or rinderpest through the importation of animals, meat, and animal products from countries, including the mother country, declared by the United States Secretary of Agriculture to be countries where foot-and-mouth disease or rinderpest exist;

(8) Animals introduced into the territory or possession from rinderpest or foot-and-mouth disease infected countries, including the mother country, are imported through a quarantine station and under conditions acceptable to the Secretary of Agriculture of the United States, and such conditions include, but are not restricted to:

(i) Tests deemed necessary for the detection of rinderpest and foot-and-mouth disease,

(ii) Quarantine deemed necessary for the detection of rinderpest and foot-and-mouth disease, and

(iii) Opportunity for observation by a United States Department of Agriculture veterinarian during all phases of the import procedures;

(b) An on-site inspection by a veterinary representative of the United States Department of Agriculture to determine whether the criteria in this section are met shall be made of the territory or possession before any final determination is made as to its status.

[39 FR 13069, Apr. 11, 1974]

§94.2 Fresh, chilled, or frozen products (other than meat), and milk and milk products of ruminants and swine.

(a) The importation of fresh, chilled, or frozen products (other than meat and milk and milk products) derived from ruminants or swine, originating in, shipped from, or transiting any

country designated in §94.1(a) as a country infected with rinderpest or foot-and-mouth disease is prohibited, except as provided in §94.3 and parts 95 and 96 of this chapter.

(b) The importation of milk and milk products of ruminants and swine originating in, shipped from, or transiting any country designated in §94.1(a) as a country infected with rinderpest or foot-and-mouth disease is prohibited, except as provided in §94.16.

[40 FR 44123, Sept. 25, 1975]

§94.3 Organs, glands, extracts, or secretions of ruminants or swine.

The importation of fresh, chilled, or frozen organs, glands, extracts, or secretions derived from ruminants or swine, originating in any country designated in §94.1, except for pharmaceutical or biological purposes under conditions prescribed by the Administrator in each instance, is prohibited.

[28 FR 5980, June 13, 1963, as amended at 53 FR 48520, Dec. 1, 1988]

§94.4 Cured or cooked meat from countries where rinderpest or foot-and-mouth disease exists.

(a) The importation of cured meats derived from ruminants or swine, originating in any country designated in §94.1 is prohibited unless the following conditions have been fulfilled:

(1) All bones shall have been completely removed in the country of origin.

(2) The meat shall have been held in an unfrozen, fresh condition for at least 3 days immediately following the slaughter of the animals from which it was derived.

(3)(i) The meat shall have been thoroughly cured and fully dried in such manner that it may be stored and handled without refrigeration, as in the case of salami and other summer sausages, tasajo, xarque, or jerked beef, bouillon cubes, dried beef, and Westphalia, Italian and similar type hams. The term "fully dried" as used in this paragraph means dried to the extent that the water-protein ratio in the wettest portion of the product does not exceed 2.25 to 1.

(ii) Laboratory analysis of samples to determine the water-protein ratios will not be made in the case of all ship-

ments of cured and dried meats. However, in any case in which the inspector is uncertain whether the meat complies with the requirements of paragraph (a)(3)(i) of this section, he will send a sample of the meat representative of the wettest portion to the Meat Inspection Division for analysis of the water-protein ratio. Pending such analysis the meat shall not be released or removed from the port of arrival.

(4) The cured meat shall be accompanied by a certificate issued by an official of the national government of the country of origin who is authorized to issue the foreign meat inspection certificate required by §327.4 of this title, stating that such meat has been prepared in accordance with paragraphs (a)(1), (a)(2) and (a)(3)(i) of this section. Upon arrival of the cured meat in the United States, the certificate must be presented to an authorized inspector at the port of arrival.

(b) The importation of cooked meat from ruminants or swine originating in any country where rinderpest or foot-and-mouth disease exists, as designated in §94.1, is prohibited, except as provided in this section.

(1) The cooked meat must be boneless and must be thoroughly cooked.

(2) The cooked meat must have been prepared in an establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act (21 U.S.C. 610 *et seq.*) and the regulations in 9 CFR 327.2; must meet all other applicable requirements of the Federal Meat Inspection Act and regulations thereunder (9 CFR Chapter III); and must have been approved by the Administrator in accordance with paragraph (c) of this section.

(3) Canned product (canned meat), as defined in §318.300(d) of this chapter, is exempt from the requirements in this section.

(4) *Ground meat cooked in an oven.* Ground meat must be shaped into patties no larger than 5 inches in diameter and 1-inch thick. Each patty must weigh no more than 115 grams, with fat content no greater than 30 percent. These patties must be broiled at 210 °C for at least 133 seconds, then cooked in moist heat (steam heat) in a continuous, belt-fed oven for not less than 20

minutes, to yield an internal exit temperature of at least 99.7 °C, as measured by temperature indicator devices (TID's) placed in temperature monitor patties positioned, before the belt starts moving through the oven, on each of the predetermined cold spots along the oven belt. TID's must be used at the beginning of each processing run.

(5) *Meat cooked in plastic.* The ground meat, cubes of meat, slices of meat, or anatomical cuts of meat (cuts taken from the skeletal muscle tissue) must weigh no more than 5 kilograms, and must be loaded into a flexible cooking tube constructed of plastic film or other material approved by the Food Safety and Inspection Service, U.S. Department of Agriculture. The meat must be cooked in boiling water or in a steam-fed oven to reach a minimum internal temperature of 79.4 °C at the cold spot after cooking for at least 1.75 hours. Thoroughness of cooking must be determined by the TID registering at least 79.4 °C at the cold spot, or by the pink juice test, as follows:

(i) *Cubes of meat.* At least 50 percent of meat pieces per tube must be 3.8 centimeters or larger in each dimension after cooking or, if more than 50 percent of meat pieces per tube are smaller than 3.8 centimeters in any dimension after cooking and no TID is being used, an indicator piece of sufficient size for a pink juice test to be performed (3.8 centimeters or larger in each dimension after cooking) must have been placed at the cold spot of the tube.

(ii) *Slices of meat.* At least 50 percent of the slices of meat must be 3.8 centimeters or larger in each dimension after cooking or, if more than 50 percent of meat pieces are smaller than 3.8 centimeters in any dimension after cooking, and no TID is being used, an indicator piece of sufficient size for a pink juice test to be performed (3.8 centimeters or larger in each dimension after cooking) must be placed at the cold spot of the tube.

(iii) *Anatomical cuts of meat.* An indicator piece removed from an anatomical cut of meat after cooking must be removed from the center of the cut, farthest from all exterior points and be 3.8 centimeters or larger in each di-

mension for performance of the pink juice test.

(6) Any TID used in accordance with §94.4 (b)(4) or (b)(5) must remain in the meat, as originally inserted, and must accompany the cooked meat whose temperature it has gauged when that meat is shipped to the United States.

(7) The cooked meat must be accompanied by a certificate issued by an official of the national government of the country of origin, who is authorized to issue the foreign meat inspection certificate required by §317.4 of this title, stating: "This cooked meat produced for export to the United States meets the requirements of title 9, Code of Federal Regulations, §94.4(b)." Upon arrival of the cooked meat in the United States, the certificate must be presented to an authorized inspector at the port of arrival.

(8) The meat is inspected by an FSIS inspector at a port of arrival in a defrost facility approved by the Administrator¹ and the meat is found to be thoroughly cooked.

(i) Request for approval of any defrost facility must be made to the Administrator. The Administrator will approve a defrost facility only under the following conditions:

(A) The defrost facility has equipment and procedures that permit FSIS inspectors to determine whether meat is thoroughly cooked;

(B) The defrost facility is located at a port of arrival; and

(C) The defrost facility is approved by the Food Safety and Inspection Service, United States Department of Agriculture.²

¹The names and addresses of approved defrost facilities and conditions for approval may be obtained from the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Washington, DC 20250.

²Conditions for the approval of any defrost facility by the Food Safety and Inspection Service, United States Department of Agriculture, may be obtained from the Import Inspection Division, International Programs, Food Safety and Inspection Service, United States Department of Agriculture, Washington, DC 20250.

(ii) The Administrator may deny approval of any defrost facility if the Administrator determines that the defrost facility does not meet the conditions for approval. If approval is denied, the operator of the defrost facility will be informed of the reasons for denial and be given an opportunity to respond. The operator will be afforded an opportunity for a hearing with respect to any disputed issues of fact. The hearing will be conducted in accordance with rules of practice that will be adopted for the proceeding.

(iii) The Administrator may withdraw approval of any defrost facility as follows: (A) When the operator of the defrost facility notifies the Administrator in writing that the defrost facility no longer performs the required services; or (B) when the Administrator determines that the defrost facility does not meet the conditions for approval. Before the Administrator withdraws approval from any defrost facility, the operator of the defrost facility will be informed of the reasons for the proposed withdrawal and given an opportunity to respond. The operator will be afforded a hearing with respect to any disputed issues of fact. The hearing will be conducted in accordance with rules of practice that will be adopted for the proceeding. If approval of a defrost facility is withdrawn, the Administrator will remove its name from the list of approved defrost facilities.

(c) *Meat processing establishment; standards.* (1) Before the Administrator will approve a meat processing establishment for export shipment of cooked meat to the United States, the Administrator must determine:

(i) That the meat processing establishment has furnished APHIS with a description of the process used to inactivate rinderpest or FMD virus that may be present in meat intended for export to the United States, and with blueprints of the facilities where this meat is cooked and packaged;

(ii) That an APHIS representative has inspected the establishment and found that it meets the standards set forth in paragraph (c)(2) of this section;

(iii) That the operator of the establishment has signed a cooperative service agreement with APHIS, stating: (A) That all cooked meat processed for im-

portation into the United States will be processed in accordance with the requirements of this part; (B) that a full-time, salaried meat inspection official of the National Government of the exporting country will supervise the processing (including certification of the cold spot) and examination of the product, and certify that it has been processed in accordance with this section; and (C) that APHIS personnel or other persons authorized by the Administrator may enter the establishment, unannounced, to inspect the establishment and its records; and

(iv) That the operator of the establishment has entered into a trust fund agreement with APHIS and is current in paying all costs for an APHIS representative to inspect the establishment for initial evaluation, and periodically thereafter, including travel, salary, subsistence, administrative overhead, and other incidental expenses (including an excess baggage provision up to 150 pounds). In accordance with the terms of the trust fund agreement, before the APHIS representative's site inspection, the operator of the processing establishment must deposit with the Administrator an amount equal to the approximate cost of one inspection by an APHIS representative, including travel, salary, subsistence, administrative overhead, and other incidental expenses (including an excess baggage provision up to 150 pounds). As funds from that amount are obligated, a bill for costs incurred based on official accounting records will be issued, to restore the deposit to the original level, revised as necessary to allow for inflation or other changes in estimated costs. To be current, bills must be paid within 14 days of receipt.

(2) *Establishment.* An APHIS representative will conduct an on-site evaluation, and subsequent inspections, as provided in § 94.4(c)(1), to determine whether the following conditions are met:

(i) The facilities used for processing cooked meat in the meat processing establishment are separate from the facilities used for processing raw meat (precooking, boning, preparation, and curing), with only the through-the-wall cooking system through which the

meat product is delivered at the end of the cooking cycle connecting them; and there is at all times a positive air flow from the cooked to the raw product side;

(ii) The cooking equipment has the capacity to cook all meat pieces in accordance with § 94.4(b)(4) or (b)(5);

(iii) Workers who process cooked meat are at all times kept separate from workers who process raw meat, and have, for their exclusive use: A separate entrance, dining area, toilets, lavatories with cold and hot water, soap, disinfectants, paper towels, clothes hampers and waste baskets for disposal, and changing rooms stocked with the clean clothing and rubber boots into which all persons must change upon entering the establishment. Workers and all other persons entering the establishment must wash their hands and change into the clean clothing and boots provided in the changing rooms before entering the cooking facilities, and must leave this clothing for laundering and disinfecting before exiting from the establishment, regardless of the amount of time spent inside or away from the establishment;

(iv) Original records identifying the slaughtering facility from which the meat was obtained and the date the meat entered the meat processing establishment, and original certification (including temperature recording charts and graphs), must be kept for all cooked meat by the full-time salaried meat inspection official of the National Government of the exporting country assigned to the establishment, and must be retained for 2 years.

(Approved by the Office of Management and Budget under control number 0579-0015)

[28 FR 5980, June 13, 1963, as amended at 52 FR 33801, Sept. 8, 1987; 53 FR 48520, Dec. 1, 1988; 54 FR 7393, Feb. 21, 1989; 59 FR 13186, Mar. 21, 1994; 59 FR 67134, Dec. 29, 1994]

§ 94.5 Regulation of certain garbage.

(a) *Garbage.* For purposes of this part, garbage means all waste material derived in whole or in part from fruits, vegetables, meats, or other plant or animal (including poultry) material, and other refuse of any character whatsoever that has been associated with any such material on board any means

of conveyance, and including food scraps, table refuse, galley refuse, food wrappers or packaging materials, and other waste material from stores, food preparation areas, passengers' or crews' quarters, dining rooms, or any other areas on means of conveyance. For purposes of this subpart, garbage also means meals and other food that were available for consumption by passengers and crew on an aircraft but were not consumed.

NOTE: Not all garbage is regulated for the purposes of this part. Garbage regulated for the purposes of this part is defined as "regulated garbage" in paragraphs (b) and (c) of this section.

(b) *Garbage regulated because of movements outside the United States or Canada.* For purposes of this part, garbage on or removed from a means of conveyance is regulated garbage, if, when the garbage is on or removed from the means of conveyance, the means of conveyance has been in any port outside the United States and Canada within the previous 2-year period. There are, however, two exceptions to this provision. These exceptions are as follows:

(1) *Exception 1.* Garbage on or removed from a means of conveyance other than an aircraft is exempt from requirements under paragraph (b) of this section if the following conditions are met when the garbage is on or removed from the means of conveyance:

(i) The means of conveyance is accompanied by a certificate from an inspector stating the following:

(A) That the means of conveyance had first been cleared of all garbage and of the following: All meats and meat products, whatever the country of origin, except meats that are shelf-stable; all fresh and condensed milk and cream from countries designated in 9 CFR 94.1 as those in which foot-and-mouth disease exists; all fresh fruits and vegetables; and all eggs; and the items cleared from the means of conveyance as prescribed by this paragraph have been disposed of according to the procedures for disposing of regulated garbage, as specified in paragraph (f)(1) of this section.

(B) That the means of conveyance had been cleaned and disinfected in the presence of the inspector; and

(ii) Since being cleaned and disinfected, the means of conveyance has not been in a non-Canadian foreign port.

(2) *Exception 2.* Garbage on or removed from an aircraft is exempt from requirements under paragraph (b) of this section if the following two conditions are met:

(i) The aircraft had been cleared of all garbage and all stores; and the items cleared from the aircraft as prescribed by this paragraph have been disposed of according to the procedures for disposing of regulated garbage, as specified in paragraph (f)(1) of this section.

(ii) After the garbage and stores referred to in paragraph (b)(2)(i) of this section were removed, the aircraft has not been in a non-Canadian foreign port.

(c) *Garbage regulated because of certain movements to or from Hawaii, territories, or possessions.* For purposes of this part, garbage on or removed from a means of conveyance is regulated garbage, if the means of conveyance has moved during the previous one-year period, either directly or indirectly, to the continental United States from any territory or possession or from Hawaii; to any territory or possession from any other territory or possession or from Hawaii; or to Hawaii from any territory or possession. There are, however, two exceptions to this provision. These exceptions are as follows:

(1) *Exception 1.* Garbage on or removed from a means of conveyance other than an aircraft is exempt from requirements under paragraph (c) of this section if the following two conditions are met when the garbage is on or removed from the means of conveyance:

(i) The means of conveyance is accompanied by a certificate from an inspector, stating that the means of conveyance has been cleared of all garbage and all fresh fruits and vegetables; and the items cleared from the means of conveyance as prescribed by this paragraph have been disposed of according to the procedures for disposing of regulated garbage, as specified in paragraph (f)(1) of this section.

(ii) After being cleared of the garbage and stores referred to in paragraph

(c)(1)(i) of this section, the means of conveyance has not moved to the continental United States from any territory or possession or from Hawaii; to any territory or possession from any other territory or possession or from Hawaii; or to Hawaii from any territory or possession.

(2) *Exception 2.* Garbage on or removed from an aircraft is exempt from requirements under paragraph (c) of this section if the following two conditions are met when the garbage is on or removed from the means of conveyance:

(i) The aircraft had been cleared of all garbage and all fresh fruits and vegetables; and the items cleared from the aircraft as prescribed by this paragraph have been disposed of according to the procedures for disposing of regulated garbage, as specified in paragraph (f)(1) of this section.

(ii) After the garbage and stores referred to in paragraph (c)(2)(i) of this section were removed, the aircraft has not moved to the continental United States from any territory or possession or from Hawaii; to any territory or possession from any other territory or possession or from Hawaii; or to Hawaii from any territory or possession.

(d) Garbage that is commingled with regulated garbage is also regulated garbage.

(e) *Restrictions on regulated garbage.* (1) Regulated garbage shall not be on or removed from a means of conveyance, or be disposed of, unless in accordance with the provisions of this part. (2) Regulated garbage is subject to general surveillance for compliance with this section by Animal and Plant Health Inspection Service inspectors and to such disposal measures as authorized by section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd), section 10 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 164a), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), and section 306 of the Act of July 17, 1930, as amended (19 U.S.C. 1306), to prevent the dissemination of plant pests and livestock or poultry diseases.

(f)(1) All regulated garbage must be contained in tight, leak-proof covered receptacles during storage on board a

means of conveyance while in the territorial waters, or while otherwise within the territory of the United States. All such receptacles shall be contained inside the guard rail if on a watercraft. Such regulated garbage shall not be unloaded from such means of conveyance in the United States unless such regulated garbage is removed in tight, leak-proof receptacles under the direction of an Animal and Plant Health Inspection Service inspector to an approved facility for incineration, sterilization, or grinding into an approved sewage system, under supervision by such an inspector, or such regulated garbage is removed for other handling in such manner and under such supervision as may, upon request in specific cases, be approved by the Administrator as complying with the applicable laws for environmental protection and as adequate to prevent the dissemination into or within the United States of plant pests and livestock or poultry diseases.

(2) Application for approval of a facility or sewage system may be made in writing by the authorized representative of any carrier or by the official having jurisdiction over the port or place of arrival of the means of conveyance, to the Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. The application shall be endorsed by the operator of the facility or sewage system. Approval will be granted if the Administrator determines that the requirements set forth in this section are met. Approval may be denied or withdrawn at any time, if the Administrator determines that such requirements are not met, after notice of the proposed denial or withdrawal of the approval and the reasons therefor, and an opportunity to demonstrate or achieve compliance with such requirements, has been afforded to the operator of the facility or sewage system and to the applicant for approval. However, approval may also be withdrawn without such prior procedure in any case in which the public health, interest or safety requires immediate action, and in such case, the operator of the facility or sewage system and the applicant for approval shall promptly thereafter be given no-

tice of the withdrawal and the reasons therefor and an opportunity to show cause why the approval should be reinstated.

(g) APHIS will cooperate with other Federal, State, and local agencies responsible for enforcing other statutes and regulations governing disposal of regulated garbage to the end that such disposal shall be adequate to prevent the dissemination of plant pests and livestock or poultry diseases and comply with applicable laws for environmental protection. The inspectors, in maintaining surveillance over regulated garbage movements and disposal, shall coordinate their activities with the activities of representatives of the Environmental Protection Agency and other Federal, State, and local agencies also having jurisdiction over such regulated garbage.

(h)(1) *Shelf-stable* means the condition achieved in a product, by application of heat, alone or in combination with other ingredients and/or other treatments, of being rendered free of microorganisms capable of growing in the product under nonrefrigerated conditions (over 50° F or 10° C).

(2) *Sterilization* means cooking regulated garbage at 212° F. for 30 minutes and disposal of the residue by burying in a landfill, except that the burial provisions do not apply to materials extracted from the residue after cooking and determined by the Administrator to be unsuitable for use as food or as soil additives.

(3) *Incineration* means to reduce the regulated garbage to ash by burning.

(4) *Approved sewage system* means a sewage system approved by the Administrator, Animal and Plant Health Inspection Service, upon his determination that the system is designed and operated in such a way as to preclude the discharge of sewage effluents onto land surfaces or into lagoons or other stationary waters, and otherwise is adequate to prevent the dissemination of plant pests and livestock or poultry diseases, and that it is certified by an appropriate government official as currently complying with the applicable laws for environmental protection.

(5) *Approved facility* means a facility approved by the Administrator, Animal and Plant Health Inspection Service,

upon his determination that it has equipment and uses procedures that are adequate to prevent the dissemination of plant pests and livestock or poultry diseases, and that it is certified by an appropriate government official as currently complying with the applicable laws for environmental protection.

(6) *Carrier* means the principal operator of a means of conveyance.

(7) *United States* means the States, District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

(8) *Territories or possessions* means Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

(9) *Continental United States* means the 49 States located on the continent of North America and the District of Columbia.

(10) *Person* means any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(i) *Compliance agreement and cancellation*.

(1) Any person engaged in the business of handling or disposing of regulated garbage must first enter into a compliance agreement with the Animal and Plant Health Inspection Service (APHIS). Compliance agreement forms (PPQ Form 519) are available without charge from local USDA/APHIS/Plant Protection and Quarantine offices, which are listed in telephone directories.

(2) A person who enters into a compliance agreement, and employees or agents of that person, shall comply with the following conditions and any supplemental conditions which shall be listed in the compliance agreement, as deemed by the Administrator to be necessary to prevent the dissemination into or within the United States of plant pests and livestock or poultry diseases:

(i) Comply with the provisions of 9 CFR 94.5;

(ii) Allow APHIS inspectors access to all records maintained by the person regarding handling or disposal of regulated garbage, and to all areas where handling or disposal of regulated garbage occurs;

(iii) Remove regulated garbage from a means of conveyance only in tight, leak-proof receptacles;

(iv) Move the receptacles of regulated garbage only to a facility approved in accordance with § 94.5(f)(2); and

(v) At the approved facility, dispose of the regulated garbage only through incineration, sterilization, grinding into a sewage system approved in accordance with § 94.5(f)(2), or in any other manner approved by the Administrator and described in the compliance agreement.

(3) Approval for a compliance agreement may be denied at any time if the Administrator determines that the requirements set forth in this section are not met, after notice of, and the reasons for, the proposed denial of the approval, and an opportunity to demonstrate or achieve compliance with such requirements, has been afforded to the compliance agreement applicant.

(4) Any compliance agreement may be cancelled in writing by the Administrator whenever it is found that the person who has entered into the compliance agreement has failed to comply with this section. Any person whose compliance agreement has been cancelled may appeal the decision, in writing, within 10 days after receiving written notification of the cancellation. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully cancelled. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflicts as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator. This administrative remedy must be exhausted before a person can file suit in court challenging the cancellation of a compliance agreement.

(5) Where a compliance agreement is denied or cancelled, regulated garbage may continue to be unloaded from a means of conveyance and disposed of at

an approved facility in accordance with § 94.5(f)(1).

(Approved by the Office of Management and Budget under control numbers 0579-0015 and 0579-0054)

[39 FR 32323, Sept. 6, 1974, as amended at 43 FR 39956, Sept. 8, 1978; 45 FR 80269, Dec. 4, 1980; 48 FR 57472, Dec. 30, 1983; 53 FR 22129, June 14, 1988; 53 FR 48520, Dec. 1, 1988; 53 FR 49977, Dec. 13, 1988; 53 FR 52576, Dec. 28, 1988; 58 FR 66248, Dec. 20, 1993; 59 FR 67134, Dec. 29, 1994]

§ 94.6 Carcasses, or parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds; importations from countries where Exotic Newcastle disease (END) or *S. enteritidis* is considered to exist.

(a) *Countries where Exotic Newcastle disease (END) is considered to exist.* (1) Exotic Newcastle disease (END) is considered to exist in all countries of the world except those listed in paragraph (a)(2) of this section.

(2) The following countries are considered to be free of Exotic Newcastle disease (END): Australia, Canada, Chile, Denmark, Fiji, Finland, Great Britain (England, Scotland, Wales, and the Isle of Man), Iceland, New Zealand, Northern Ireland, Norway, Republic of Ireland, Sweden, and Switzerland.

(b) *Countries where *S. enteritidis*, phage-type 4, is considered to exist.* (1) *S. enteritidis*, phage-type 4, is considered to exist in all countries of the world except those listed in paragraph (b)(2) of this section.

(2) The following countries are considered to be free of *S. enteritidis*, phage-type 4: Canada.

(c) *Carcasses, and parts or products of carcasses, from countries where END is considered to exist.* Carcasses, and parts or products of carcasses, of poultry, game birds, or other birds may be imported only in accordance with this section if they: are of poultry, game birds, or other birds that were raised or slaughtered in any country where END is considered to exist (see paragraph (a) of this section); are imported from any country where END is considered to exist; or are moved into or through any country where END is considered to exist at any time before importation or during shipment to the United States.

(1) Carcasses of game birds may be imported if eviscerated, with heads and feet removed. Viscera, heads, and feet removed from game birds are ineligible for entry into the United States.

(2) Carcasses, or parts or products of carcasses, of poultry, game birds, and other birds may be imported for consignment to any museum, educational institution or other establishment which has provided the Administrator, with evidence that it has the equipment, facilities, and capabilities to store, handle, process, or disinfect such articles so as to prevent the introduction or dissemination of END into the United States, and which is approved by him.¹

(3) Carcasses, or parts or products of carcasses, of poultry, game birds, and other birds, may be imported if packed in hermetically sealed containers and if cooked by a commercial method after such packing to produce articles which are shelf stable without refrigeration.

(4) Carcasses, or parts or products of carcasses, of poultry, game birds, and other birds may be imported if thoroughly cooked, and if, upon inspection by a representative of the United States Department of Agriculture at the port of arrival, the carcasses or parts or products thereof have a thoroughly cooked appearance throughout.

(5) Carcasses or parts or products of carcasses, of poultry, game birds, and other birds that do not otherwise qualify for importation under paragraph (c) of this section may be imported only if the importer applies to, and is granted a permit by, the Administrator, Veterinary Services authorizing such importation. Permission will be given only when the Administrator determines that such importation will not constitute a risk of introduction or dissemination of END into the United States. Application for a permit may be made in accordance with paragraph (e) of this section.

¹The names and addresses of approved establishments may be obtained from, and requests for approval may be made to, the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231.

(d) *Eggs (other than hatching eggs) from countries where END or S. enteritidis is considered to exist.* Eggs (other than hatching eggs²) from poultry, game birds, or other birds may be imported only in accordance with this section if they: Are laid by poultry, game birds, or other birds that were raised in any country where END or *S. enteritidis*, phage-type 4, is considered to exist (see paragraphs (a) and (b) of this section); are imported from any country where END or *S. enteritidis*, phage-type 4, is considered to exist; or are moved into or through any country where END or *S. enteritidis*, phage-type 4, is considered to exist at any time before importation or during shipment to the United States.

(1) *With a certificate.* The eggs may be imported if they are accompanied by a certificate signed by a salaried veterinarian of the national government of the country of origin and:

(i) The eggs are imported in cases marked with the identity of the flock of origin and sealed with the seal of the national government of the country of origin.

(ii) The certificate accompanying the eggs is presented to an authorized inspector when the eggs reach the port of arrival in the United States.

(iii) The certificate identifies the flock of origin and shows the country of origin, the port of embarkation, the port of arrival, the name and address of the exporter and importer, the total number of eggs, and cases of eggs, shipped with the certificate, and the date the certificate was signed.

(iv) The certificate states that the eggs qualify for importation in accordance with this section.

(v) No more than 90 days before the certificate was signed, a salaried veterinary officer of the national government of the country of origin inspected the flock of origin and found no evidence of communicable diseases of poultry.

(vi) The eggs were washed, to remove foreign material from the surface of the shells, and sanitized on the premises of origin with a hypochlorite solu-

tion of from 100 ppm to 200 ppm available chlorine.

(vii) The eggs were packed on the premises of origin in previously unused cases.

(viii) Before leaving the premises of origin, the cases in which the eggs were packed were sealed with a seal of the national government of the country of origin by the salaried veterinarian who signed the certificate.

(ix) And, if the eggs were laid in any country where END is considered to exist (see paragraph (a) of this section):

(A) No END occurred on the premises of origin or on adjoining premises during the 90 days before the certificate was signed.

(B) There is no evidence that the flock of origin was exposed to END during the 90 days before the certificate was signed.

(C) The eggs are from a flock of origin found free of END in one of the following ways:

(1) Sentinel birds³ were present in the flock of origin for at least 60 days before the certificate was signed. There was at least 1 sentinel bird per 1,000 poultry, with at least 30 sentinel birds per house. The sentinel birds remained free of clinical and immunological evidence of END as demonstrated by negative hemagglutination inhibition tests conducted on blood samples drawn at 10-day intervals by a salaried veterinary officer of the national government of the country of origin. The tests were conducted in a laboratory located in the country of origin, and the laboratory was approved to conduct the tests by the national government of that country or;

(2) Once every week, beginning at least 60 days before the certificate was signed, a salaried veterinary officer of the national government of the country of origin collected carcasses of all poultry that died during that week, and the carcasses were examined for END using the embryonated egg inoculation technique. Once a month, beginning at least 60 days before the certificate was signed, a salaried veterinary

²The requirements for importing hatching eggs are contained in Part 92 of this chapter.

³For information on sources of sentinel birds, contact the Animal and Plant Health Inspection Service, Veterinary Services, Operational Support, 4700 River Road Unit 33, Riverdale, Maryland 20737-1231.

officer of the national government of the country of origin collected tracheal and cloacal swabs from not less than 10 percent of the poultry in the flock, and the swabs were tested for END. All examinations and tests were conducted in a laboratory located in the country of origin, and the laboratory was approved to conduct the tests and examinations by the national government of that country. All results were negative for VVND.

(x) And, if the eggs were laid in any country where *S. enteritidis*, phage-type 4, is considered to exist (see paragraph (b) of this section):

(A) No salmonellosis caused by *S. enteritidis* occurred on the premises of origin or on adjoining premises during the 90 days before the certificate was signed.

(B) There is no evidence that the flock of origin was exposed to *S. enteritidis* during the 90 days before the certificate was signed.

(C) The eggs are from a flock of origin found free of *S. enteritidis* as follows:

(1) At least 60 days before the certificate was signed, a veterinary medical officer of the national government of the country of origin took a blood specimen from a representative sample of at least 300 poultry in each house, or, if any house contained fewer than 300 poultry, from all the poultry in that house. The blood specimens were tested for *S. enteritidis* with *Salmonella pullorum* or *S. enteritidis* antigen using a tube or plate test. The tests were conducted in a laboratory located in the country of origin, and the laboratory was approved to conduct the tests by the national government of that country.

(2) Beginning the week after the flock was tested and found negative as required in paragraph (d)(1)(x)(C)(1) of this section, and continuing once a week thereafter, a salaried veterinarian of the national government of the country of origin collected 25 carcasses, or 10 percent of the carcasses, whichever was greater, of all the poultry that died in each house during the previous week. The carcasses were bacteriologically examined and found negative for *S. enteritidis*. The examinations were conducted in a laboratory

located in the country of origin, and the laboratory was approved to conduct the examinations by the national government of that country.

(3) After the blood specimens were drawn as required in paragraph (d)(1)(x)(C)(1) of this section, no poultry were added to the flock of origin until a blood specimen from each was tested for *S. enteritidis* with *Salmonella pullorum* or *S. enteritidis* antigen using a plate or tube test, and the specimen was found negative. The tests were conducted in a laboratory located in the country of origin, and the laboratory was approved to conduct the tests by the national government of that country.

(2) *To an approved establishment for breaking and pasteurization.* The eggs may be imported if they are moved from the port of arrival in the United States, under seal of the United States Department of Agriculture, to an approved establishment for breaking and pasteurization. Establishments will be approved when the Administrator determines that pasteurization and sanitation procedures for handling the eggs, and for disposing of egg shells, cases, and packing materials, are adequate to prevent the introduction of END or *S. enteritidis*, phage-type 4, into the United States.

(3) *For scientific, educational, or research purposes.* The eggs may be imported if they are imported for scientific, educational, or research purposes and the Administrator has determined that the importation can be made under conditions that will prevent the introduction of END or *S. enteritidis*, phage-type 4, into the United States. The eggs must be accompanied by a permit obtained from APHIS prior to the importation in accordance with paragraph (e) of this section, and they must be moved and handled as specified on the permit to prevent the introduction of END or *S. enteritidis*, phage-type 4, into the United States.

(4) *Other.* The eggs may be imported when the Administrator determines that the eggs have been cooked or processed or will be handled in a manner that will prevent the introduction of END or *S. enteritidis*, phage-type 4, into the United States. The eggs must

be accompanied by a permit obtained from APHIS prior to the importation in accordance with paragraph (e) of this section, and they must be moved and handled as specified on the permit to prevent the introduction of END or *S. enteritidis*, phage-type 4, into the United States.

(e) To apply for a permit, contact the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231.

(Approved by the Office of Management and Budget under control number 0579-0015)

[39 FR 39546, Nov. 8, 1974; 39 FR 41242, Nov. 26, 1974]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §94.6, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§94.7 Disposal of animals, meats, and other articles ineligible for importation.

(a) Ruminants and swine, and fresh, chilled, or frozen meats, prohibited importation under §94.1, which come into the United States by ocean vessel and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Administrator, may direct pursuant to section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), unless they are exported by the consignee within 48 hours, and meanwhile are retained under such isolation and other safeguards as the Administrator, may require to prevent the introduction or dissemination of livestock or poultry diseases into the United States.

(b) Ruminants and swine, and fresh, chilled, or frozen meats, prohibited importation under §94.1, which come into the United States aboard an airplane or railroad car and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Administrator, may direct pursuant to section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), unless they are exported by the consignee within 24 hours and meanwhile are retained under such isolation and other safeguards as the Administrator, may require to prevent the introduction or dissemination of live-

stock or poultry diseases into the United States.

(c) Ruminants and swine, and fresh, chilled, or frozen meats, prohibited importation under §94.1, which come into the United States by any means other than ocean vessel, airplane, or railroad car and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Administrator, may direct pursuant to section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), unless they are exported by the consignee within 8 hours on the same means of conveyance and meanwhile are retained under such isolation and other safeguards as the Administrator, may require to prevent the introduction or dissemination of livestock or poultry diseases into the United States.

(d) Ruminants and swine, and fresh, chilled, or frozen meats, prohibited importation under §94.1, which come into the United States by any means but are not offered for entry into this country; and other animals, meats, and other articles prohibited importation under other sections of this part which come into the United States by any means, whether they are offered for entry into this country or not, shall be immediately destroyed or otherwise disposed of as the Administrator, may direct at any time in accordance with section 2 of the Act of February 2, 1903, as amended, or section 2 of the Act of July 2, 1962 (21 U.S.C. 111, 134a).

[38 FR 2752, Jan. 30, 1973, as amended at 53 FR 48520, Dec. 1, 1988]

§94.8 Pork and pork products from countries where African swine fever exists or is reasonably believed to exist.

African swine fever exists or the Administrator has reason to believe that African swine fever exists¹ in: All the

¹The Administrator bases the reason to believe African swine fever exists in a country on the following factors: (1) When a country allows the importation of host animals, pork or pork products, or vectors of African swine fever from a country in which African swine fever exists under conditions which the Administrator has determined are less stringent than those prescribed by this chapter for importing host animals, pork or pork products, or vectors of African swine fever

countries of Africa, Brazil, Cuba, Haiti, Italy, Malta, and Portugal.

(a) No pork or pork products may be imported into the United States from any country listed in this section unless:

(1) Such pork or pork product has been fully cooked by a commercial method in a container hermetically sealed promptly after filling but before such cooking, so that such cooking and sealing produced a fully-sterilized product which is shelf-stable without refrigeration; or

(2) Such pork or pork product is not otherwise prohibited importation under this part and is consigned directly from the port of arrival in the United States to a meat processing establishment operating under Federal meat inspection, approved by the Administrator, for further processing of such pork or pork product by heat.

(3) Such pork or pork product meets the conditions of paragraphs (a)(3)(i) through (a)(3)(vi) of this section;

(i) It was derived from pork or pork products:

(A) Which originated from swine raised and slaughtered in a country not listed in this section;

(B) Which were shipped from the country of origin to a processing establishment² in a country listed in this

into the United States from a country in which African swine fever exists; or (2) When a country allows the importation or use of African swine fever virus or cultures under conditions which the Administrator has determined are less stringent than those prescribed by this chapter for the importation or use of African swine fever virus or cultures into or within the United States; or (3) When a country has a contiguous border with, or is subject to commercial exchange or natural spread of African swine fever host animals, host materials, or vectors with, another country with known outbreaks of African swine fever; or (4) A country's lack of a disease detection, control or reporting system capable of detecting or controlling African swine fever and reporting it to the United States in time to allow this country to take appropriate action to prevent the introduction of African swine fever into the United States; or, (5) Any other fact or circumstance found to exist which constitutes a risk of introduction of African swine fever into the United States.

²As a condition of entry into the United States, pork or pork products must also

section in a closed container sealed with serially numbered seals applied by an official of the national government of the country of origin;

(C) Which were accompanied from the country of origin to such processing establishment by a certificate signed by an official of the national government of the country of origin specifying the country of origin, the processing establishment to which the pork was consigned, and the numbers of the seals applied; and

(D) Which were taken out of the container at such processing establishment only after an official of the national government of the country where such processing establishment is located determined that the seals were intact and free of any evidence of tampering, and had so stated on the certificate referred to in paragraph (a)(3)(i)(C) of this section;

(ii) All bones were completely removed;

(iii) It was heated by other than a flash-heating method at the processing establishment referred to in paragraph (a)(3)(i)(B) of this section, to an internal temperature of at least 69 °C. (156 °F.) throughout (this must have occurred after the bones had been removed);

(iv) The processing establishment referred to in paragraph (a)(3)(i)(B) of this section:

(A) Does not receive or process any live swine, uses only pork or pork products which originate in countries not listed in this section, and processes port or pork products only in accordance with paragraphs (a)(3)(i) through (a)(3)(vi) of this section;

(B) Is operated by persons who have entered into a valid written compliance agreement with APHIS whereby such persons have agreed to maintain on file at the establishment for at least two years copies of the certificates referred to in paragraph (a)(3)(i)(C) of this section, to allow APHIS personnel to make unannounced inspections as necessary to monitor compliance with

meet all of the requirements of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and regulations thereunder (9 CFR part 301 *et seq.*), including requirements that the pork or pork products be prepared only in approved establishments.

the provisions of this section, and have agreed to otherwise comply with the provisions of this section;

(C) Is operated by persons who have entered into a trust fund agreement executed by such persons and APHIS; pursuant to the trust fund agreement the establishment is current in paying the cost for APHIS personnel to inspect the establishment (it is anticipated that such inspections will occur once per year), including travel, salary, subsistence, administrative overhead, and other incidental expenses (including excess baggage provisions up to 150 pounds); and in addition the establishment has on deposit with the Animal and Plant Health Inspection Service an unobligated amount equal to the cost for APHIS personnel to conduct one inspection;

(v) It was processed at only one processing establishment in a country listed in this section; and

(vi) It is accompanied by a certificate issued by an official of the national government of the country in which the processing establishment is located who is authorized to issue the foreign meat inspection certificate required by § 327.4 of this title, stating that all of the requirements of this section have been met. Upon arrival of the pork or pork products in the United States, the certificate must be presented to an authorized inspector at the port of arrival.

(b) Pork or pork products consigned from the port of arrival to an approved establishment under the provisions of paragraph (a)(2) of this section shall be moved from the port of arrival to the approved establishment under Customs seals or seals of the Administrator, and shall be otherwise handled as the Administrator, may direct in order to guard against the introduction and dissemination of the contagion of African swine fever. Seals applied under this section shall not be broken except by persons authorized to do so by the Administrator.

(c) Pork or pork products imported into the United States from a country listed in this section which do not meet the requirements specified in this section shall be seized, quarantined, and disposed of as the Administrator, may direct in order to guard against the in-

roduction and dissemination of the contagion of the disease.

(d) Any compliance agreement may be cancelled orally or in writing by the inspector who is supervising its enforcement whenever the inspector finds that such person has failed to comply with the provisions of this section or any conditions imposed pursuant to such provisions. If the cancellation is oral, the decision and the reasons therefore shall be confirmed in writing, as promptly as circumstances allow. Any person whose compliance agreement has been cancelled may appeal the decision, in writing, within ten (10) days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully cancelled. The Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict. Rules of Practice concerning such a hearing will be adopted by the Administrator.

(Approved by the Office of Management and Budget under control number 0579-0015)

[28 FR 5980, June 13, 1963]

EDITORIAL NOTE: For Federal Register citations affecting § 94.8, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 94.9 Pork and pork products from countries where hog cholera exists.

(a) Hog cholera is known to exist in all countries of the world except Australia, Canada, Denmark, Dominican Republic, Fiji, Finland, Great Britain (England, Scotland, Wales, and Isle of Man), Iceland, The Netherlands, New Zealand, Northern Ireland, Norway, the Republic of Ireland, Spain, Sweden, and Trust Territory of the Pacific Islands.¹

(b) No pork or pork product may be imported into the United States from any country where hog cholera is

¹See also other provisions of this part and parts 92, 95, and 96 of this chapter, and 327 of this title for other prohibitions and restrictions upon importation of swine and swine products.

known to exist unless it complies with the following requirements:

(1) Such pork or pork product has been treated in accordance with one of the following procedures:

(i) Such pork and pork product has been fully cooked by a commercial method in a container hermetically sealed promptly after filling but before such cooking, so that such cooking and sealing produced a fully sterilized product which is shelf-stable without refrigeration;

(ii) Such pork or pork product is in compliance with the following requirements:

(A) All bones have been completely removed in the country of origin, and

(B) Such article has received heat treatment producing an internal temperature of 156° F.; or

(iii) Such pork or pork product is in compliance with the following requirements:

(A) All bones have been completely removed in the country of origin, and

(B) The meat has been held in an unfrozen, fresh condition for at least 3 days immediately following the slaughter of the animals from which it was derived, and

(C) The meat has been thoroughly cured and fully dried for a period of not less than 90 days so that the product is shelf stable without refrigeration: *Provided*, That the period of curing and drying shall be 45 days if the pork or pork product is accompanied to the processing establishment by a certificate of an official of the national government of a hog cholera free country which specifies that:

(1) The pork involved originated in that country and the pork or pork product was consigned to a processing establishment in _____ (a country not listed in paragraph (a) of this section as free of hog cholera), in a closed container sealed by the national veterinary authorities of the hog cholera free country by seals of a serially numbered type; and

(2) The numbers of the seals used were entered on the meat inspection certificate of the hog cholera free country which accompanied the shipment from such free country: *And, provided further*, That the certificate required by paragraph (b)(3) of this sec-

tion also states that: The container seals specified in paragraph (b)(1)(iii)(C)(1) of this section were found intact and free of any evidence of tampering on arrival at the processing establishment by a national veterinary inspector; and the processing establishment from which the pork or pork product is shipped to the United States does not receive or process any live swine, and uses only pork or pork product which originates in countries listed in paragraph (a) of this section as free of hog cholera and processes all such pork or pork products in accordance with paragraph (b)(1)(i), (ii), or (iii) of this section.

(2) Articles under paragraph (b)(1)(ii) or (iii) of this section were prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act and § 327.2 of this title; and,

(3) In addition to the foreign meat inspection certificate required by § 327.4 of this title, pork and pork products prepared under paragraph (b)(1)(ii) or (iii) of this section shall be accompanied by a certificate that states that the provisions of paragraph (b)(1)(ii) or (iii) of this section have been met. This certificate shall be issued by an official of the national government of the country of origin who is authorized to issue the foreign meat inspection certificate required by § 327.4 of this title.² Upon arrival of the pork or pork products in the United States, the certificate must be presented to an authorized inspector at the port of arrival.

(4) Small amounts of pork or pork product, subject to the restrictions in this section, may in specific cases be imported for purposes of examination, testing, or analysis if the importer applies for and receives written approval for such importation from the Administrator. Approval will be granted only when the Administrator determines that the articles have been processed by heat in a manner so that such importation will not endanger the livestock of the United States.

²The certification required may be placed on the foreign meat inspection certificate prescribed by § 327.4 of this title or may be contained in a separate document.

(c) Thoroughly cured and fully dried pork and pork products from countries where both hog cholera and swine vesicular disease are known or considered to exist need not comply with paragraph (b)(1)(iii) of this section if they are in compliance with the provisions of §94.12(b)(1)(iii) of this part.

(Approved by the Office of Management and Budget under control number 0579–0015)

[37 FR 21149, Oct. 6, 1972]

EDITORIAL NOTE: For Federal Register citations affecting §94.9, see the List of CFR Section Affected in the Finding Aids section of this volume.

§94.10 Swine from countries where hog cholera exists.

(a) Hog cholera is known to exist in all countries of the world except Australia, Canada, Denmark, Dominican Republic, Fiji, Finland, Great Britain (England, Scotland, Wales, and Isle of Man), Iceland, The Netherlands, New Zealand, Northern Ireland, Norway, the Republic of Ireland, Spain, Sweden, and Trust Territory of the Pacific Islands. No swine which are moved from or transit any country in which hog cholera is known to exist may be imported into the United States except wild swine imported into the United States in accordance with paragraph (b) of this section.

(b) Wild swine may be allowed importation into the United States by the Administrator upon request in specific cases under §92.504(c) or §92.501 of this chapter.

[54 FR 7394, Feb. 21, 1989, as amended at 54 FR 13053, Mar. 30, 1989; 55 FR 31558, Aug. 2, 1990; 58 FR 11367, Feb. 25, 1993; 61 FR 40293, Aug. 2, 1996]

§94.11 Restrictions on importation of meat and other animal products from specified countries.

(a) Austria, The Bahamas, Belgium, Channel Islands, Chile, Czech Republic, Denmark, Finland, France, Germany, Great Britain (England, Scotland, Wales, and Isle of Man), Hungary, Italy, Japan, The Netherlands, Northern Ireland, Norway, Papua New Guinea, Poland, Republic of Ireland, Republic of Korea, Spain, Sweden, Switzerland, and Uruguay, which are declared in §94.1 to be free of rinderpest and foot-and-mouth disease, supplement

their national meat supply by the importation of fresh, chilled, or frozen meat of ruminants or swine from countries that are designated in §94.1(a) to be infected with rinderpest or foot-and-mouth disease; or have a common land border with countries designated as infected with rinderpest or foot-and-mouth disease; or import ruminants or swine from countries designated as infected with rinderpest or foot-and-mouth disease under conditions less restrictive than would be acceptable for importation into the United States. Thus, even though this Department has declared such countries to be free of rinderpest and foot-and-mouth disease, the meat and other animal products produced in such free countries may be commingled with the fresh, chilled, or frozen meat of animals from an infected country, resulting in an undue risk of introducing rinderpest or foot-and-mouth disease into the United States. Therefore, meat of ruminants or swine, and other animal products, and ship stores, airplane meals, and baggage containing such meat or animal products originating in the free countries listed in this section shall not be imported into the United States unless the following requirements in addition to other applicable requirements of chapter III of this title are met. However, meat and meat products which meet the requirements of §94.4 do not have to comply with the requirements of this section. As used in this section the term “other animal product” means all parts of the carcass of any ruminant or swine, other than meat and articles regulated under part 95 or 96 of this chapter.

(b) All meat or other animal product from such countries, whether in personal-use amounts or commercial lots (except that which has been fully cooked by a commercial method in a container hermetically sealed promptly after filling but before such cooking and sealing produced a fully sterilized product which is shelf-stable without refrigeration) shall have been prepared only in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the regulations in §327.2, chapter III of this title, issued

thereunder, and shall be accompanied by a Department-approved meat inspection certificate prescribed in §327.4 in chapter III of this title, or similar certificate approved by the Administrator, as adequate to effectuate the purposes of this section, regardless of the purpose or amount of product in the shipment.

(c) *Additional certification.* Meat of ruminants or swine or other animal products from countries designated in paragraph (a) of this section must be accompanied by additional certification by a full-time salaried veterinary official of the agency in the national government that is responsible for the health of the animals within that country. Upon arrival of the meat of ruminants or swine or other animal product in the United States, the certification must be presented to an authorized inspector at the port of arrival. The certification must give the name and official establishment number of the establishment where the animals were slaughtered, and shall state that:

(1) The slaughtering establishment is not permitted to receive animals that originated in, or have ever been in, or that have been aboard a means of conveyance at the time such means of conveyance called at or landed at a port in, a country listed in §94.1(a) as a country infected with rinderpest or foot-and-mouth disease;

(2) The slaughtering establishment is not permitted to receive meat or other animal products derived from ruminants or swine which originated in such a rinderpest or foot-and-mouth disease infected country, or meat or other animal products from a rinderpest and foot-and-mouth disease free country transported through a rinderpest or foot-and-mouth disease infected country except in containers sealed with serially numbered seals of the National Government of the noninfected country of origin;

(3) The meat or other animal product covered by the certificate was derived from animals born and raised in a country listed in §94.1(a)(2) as free of rinderpest and foot-and-mouth disease and the meat or other animal product has never been in any country in which

rinderpest or foot-and-mouth disease existed;

(4) The meat or other animal product has been processed, stored, and transported to the means of conveyance that will bring the article to the United States in a manner to preclude its being commingled or otherwise in contact with meat or other animal products that do not comply with the conditions contained in this certificate.

(Approved by the Office of Management and Budget under control number 0579-0015)

[38 FR 2752, Jan. 30, 1973]

EDITORIAL NOTE: For Federal Register citations affecting §94.11, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§94.12 Pork and pork products from countries where swine vesicular disease exists.

(a) Swine vesicular disease is considered to exist in all countries of the world except Australia, Austria, The Bahamas, Bulgaria, Canada, Central American countries, Chile, Denmark, Dominican Republic, Fiji, Finland, Germany, Great Britain (England, Scotland, Wales, and the Isle of Man), Greenland, Haiti, Hungary, Iceland, Luxembourg, Mexico, The Netherlands, New Zealand, Northern Ireland, Norway, Panama, Republic of Ireland, Romania, Spain, Sweden, Switzerland, Trust Territories of the Pacific Islands, and Yugoslavia.

(b) No pork or pork product may be imported into the United States from any country where swine vesicular disease is known to exist unless it complies with the following requirements and it is not otherwise prohibited importation into the United States under this part:

(1) Such pork or pork product has been treated in accordance with one of the following procedures:

(i) Such pork or pork product has been fully cooked by a commercial method in a container hermetically sealed promptly after filling, but before such cooking, so that such cooking and sealing produced a fully sterilized product which is shelf-stable without refrigeration; or

(ii) Such pork or pork product is in compliance with the following requirements:

(A) All bones have been completely removed in the country of origin, and

(B) Such article has received heat treatment in a commercially accepted manner used for perishable canned pork products that produces an internal temperature of 156° F.; or

(iii) Such pork or pork product if cured and dried is in compliance with the following requirements:

(A) All bones have been completely removed in the country of origin, and

(B) Such pork or pork products shall be consigned directly from the port of entry in the United States to a meat processing establishment operating under Federal meat inspection and approved by the Administrator¹, for heating to an internal temperature of 166° F, or

(iv) Such pork or pork product, if it originated in a swine vesicular disease free country, has been cured and dried and is in compliance with the following requirements:

(A) All bones have been completely removed, either in the country of origin or in the country where the pork or pork products are processed; and

(B)(i) Such pork or pork product is accompanied from the swine vesicular disease free country of origin to the processing establishment in the swine vesicular disease infected country by a certificate signed by an official of the National Government of the swine vesicular disease free country of origin specifying that the pork or pork product involved originated in that country and the pork or pork product was consigned to a processing establishment in _____ (a country not listed in para-

graph (a) of this section as free of swine vesicular disease), in a closed container sealed by the national veterinary authorities of the swine vesicular disease free country of origin by seals of a serially numbered type. The numbers of these seals shall be entered on this certificate; and

(2) The certificate required by paragraph (b)(3) of this section shall also state that:

(i) The container seals specified in paragraph (b)(1)(iv)(B)(i) of this section were found intact and free of any evidence of tampering on arrival at the processing establishment in the swine vesicular disease infected country by a national veterinary inspector of that country,

(ii) The processing establishment from which the pork or pork product was shipped to the United States does not receive or process any live swine, and uses only pork or pork products which originate in countries listed in paragraph (a) of this section as free of swine vesicular disease; and

(iii) That such establishment processes all such pork or pork products in accordance with paragraph (b)(1)(i), (ii), (iii) or (iv) of this section.

(2) Articles under paragraph (b)(1)(ii), (iii) or (iv) of this section were prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act and the regulations in §327.2 in chapter III of this title; and

(3) In addition to the foreign meat inspection certificate required in §327.4 of this title, pork or pork products prepared under paragraph (b)(1)(ii), (iii) or (iv) of this section shall be accompanied by certification that paragraph (b)(1)(ii), (b)(1)(iii)(A), or (b)(1)(iv)(B)(2) of this section has been met. The certification shall be issued by an official of the national government of the country of origin who is authorized to issue the foreign meat inspection certificate required by §327.4 of this title.² Upon arrival of the pork or pork products in the United States, the certificate must be presented to an authorized inspector at the port of arrival.

¹The names and addresses of approved establishments may be obtained from, and request for approval of any establishment may be made to, the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231. Establishments will be approved only if the Administrator, determines that the imported articles will be so handled at the establishments as to prevent the introduction and dissemination of livestock or poultry diseases into the United States. Approval of any establishment may be refused or withdrawn only after the operator thereof has been given notice of the proposed action and has had an opportunity to present his views thereon.

²See footnote 2 in §94.9 of this part.

(4) Small amounts of pork or pork product subject to the restrictions of this section, may in specific cases be imported for purposes of examination, testing, or analysis, if the importer applies for and receives written approval for such importation from the Administrator, authorizing such importation. Approval will be granted only when the Administrator determines that the articles have been processed by heat in a manner so that such importation will not endanger the livestock of the United States.

(Approved by the Office of Management and Budget under control number 0579-0015)

[38 FR 20610, Aug. 2, 1973]

EDITORIAL NOTE: For Federal Register citations affecting §94.12, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§94.13 Restrictions on importation of pork or pork products from specified countries.

Austria, The Bahamas, Bulgaria, Chile, Denmark, Germany, Great Britain (England, Scotland, Wales, and the Isle of Man), Hungary, Luxembourg, The Netherlands, Northern Ireland, Republic of Ireland, Spain, Switzerland, and Yugoslavia, which are declared to be free of swine vesicular disease in §94.12(a), are countries that either supplement their national pork supply by the importation of fresh, chilled, or frozen pork from countries where swine vesicular disease is considered to exist; have a common border with such countries; or have certain trade practices that are less restrictive than are acceptable to the United States. Thus, the pork or pork products produced in such countries may be commingled with fresh, chilled, or frozen meat of animals from a country where swine vesicular disease is considered to exist resulting in an undue risk of swine vesicular disease introduction into the United States. Therefore, pork or pork products and shipstores, airplane meals, and baggage containing such pork, other than those articles regulated under part 95 or part 96 of this chapter, produced in such countries shall not be brought into the United States unless the following requirements are met in addition to other ap-

plicable requirements of part 327 of this title:

(a) All such pork or pork products, except those treated in accordance with §94.12(b)(1)(i) of this part, shall have been prepared only in inspected establishments that are eligible to have their products imported into the United States under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and under §327.2 of this title and shall be accompanied by the foreign meat inspection certificate required by §327.4 of this title. Upon arrival of the pork or pork products in the United States, the foreign meat inspection certificate must be presented to an authorized inspector at the port of arrival.

(b) Unless such pork or pork products are treated according to one of the procedures described in §94.12(b) of this part, the pork or pork products must be accompanied by an additional certificate issued by a full-time salaried veterinary official of the agency in the national government responsible for the health of the animals within that country. Upon arrival of the pork or pork products in the United States, the certificate must be presented to an authorized inspector at the port of arrival. The certificate shall state the name and official establishment number of the establishment where the swine involved were slaughtered and the pork was processed. The certificate shall also state that:

(1) The slaughtering establishment is not permitted to receive animals that originated in, or have ever been in a country listed in §94.12(a) as a country in which swine vesicular disease is considered to exist;

(2) The slaughtering establishment is not permitted to receive pork derived from swine which originated in such a country or pork from swine from a swine vesicular disease free country which has been transported through a country where swine vesicular disease is considered to exist except pork which was transported in containers sealed with serially numbered seals of the National Government of a country of origin listed in §94.12 as a country considered free of the disease.

(3) The pork has been processed, stored, and transported to the means of conveyance that will bring the article

to the United States in a manner that precludes its being commingled or otherwise coming in contact with pork or pork products that have not been handled in accordance with the requirements of this section.

(Approved by the Office of Management and Budget under control number 0579-0015)

[38 FR 20611, Aug. 2, 1973]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 94.13, see the List of Sections Affected in the Finding Aids section of this volume.

§ 94.14 Swine from countries where swine vesicular disease exists; importations prohibited.

(a) Swine vesicular disease is known to exist in all countries of the world except those listed in § 94.12(a) of this part. No swine which are moved from or transit any country in which swine vesicular disease is known to exist may be imported into the United States except wild swine imported in accordance with paragraph (b) of this section.

(b) Wild swine may be allowed importation into the United States by the Administrator upon request in specific cases under § 92.501 or § 92.504(c) of this chapter.

(Approved by the Office of Management and Budget under control number 0579-0040)

[54 FR 7395, Feb. 21, 1989, as amended at 55 FR 31558, Aug. 2, 1990; 59 FR 67134, Dec. 29, 1994]

§ 94.15 Animal products and materials; movement and handling.

(a) Any animal product or material which would be eligible for entry into the United States, as specified in the regulations in this part, may transit through the United States for immediate export if the following conditions are met:

(1) Notification of the transiting of such animal product or material must be made by the importer to the Plant Protection and Quarantine Officer at the United States port of arrival prior to such transiting, and

(2) The animal product or material transited shall be contained in a sealed, leakproof carrier or container which shall remain sealed while aboard the transporting carrier or other means of conveyance, or if the con-

tainer or carrier in which such animal product or material is transported is offloaded in the United States for re-shipment, it shall remain sealed at all times.

(b) Pork and pork products from Chihuahua, Sonora, or Yucatan Mexico, that are not eligible for entry into the United States in accordance with the regulations in this part may transit the United States for immediate export if the following conditions are met:

(1) The person desiring to move the pork and pork products through the United States obtains a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors (VS Form 16-6). (An application for the permit may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231.)

(2) The pork and pork products are sealed in Chihuahua, Sonora, or Yucatan Mexico, in a leakproof container with serially-numbered seals approved by APHIS, and the container remains sealed during the entire time that it is in transit across the United States, from the point of arrival to its exportation.

(3) The person moving the pork and pork products through the United States notifies, in writing, the Plant Protection and Quarantine Officer at the United States port of arrival prior to such transiting. The notification must include the following information regarding the pork and pork products:

- (i) Permit number;
- (ii) Times and dates of arrival in the United States;
- (iii) Time schedule and route to be followed through the United States; and
- (iv) Serial numbers of the seals on the containers.

(4) The pork and pork products transit the United States under Customs bond and are exported from the United States within the time limit specified on the permit. Any pork or pork products that have not been exported within the time limit specified on the permit or that have not been transited in

accordance with the permit or applicable requirements of this part will be destroyed or otherwise disposed of as the Administrator may direct pursuant to section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111).

(c) Meat and other products of ruminants or swine from countries listed in § 94.11(a) and pork and pork products from countries listed in § 94.13 that do not meet the requirements of § 94.11(b) or § 94.13(a) may transit through the United States for immediate export, provided the provisions of paragraph (a) of this section are met, and provided all other applicable provisions of this part are met.

[43 FR 4595, Feb. 3, 1978, as amended at 57 FR 23928, June 5, 1992; 57 FR 43886, Sept. 23, 1992; 59 FR 67616, Dec. 30, 1994; 60 FR 57315, Nov. 15, 1995; 61 FR 32647, June 25, 1996]

§ 94.16 Milk and milk products.

(a) The following milk products are exempt from the provisions of this part:

(1) Cheese, but not including cheese with liquid and not including cheese containing any item that is regulated by other sections of this part, unless such item is independently eligible for importation into the United States under this part;

(2) Butter; and

(3) Butteroil.

(b) Milk and milk products originating in, or shipped from, any country designated in § 94.1(a) as a country infected with rinderpest or foot-and-mouth disease may be imported into the United States if they meet the requirements of paragraphs (b)(1), (2), or (3) of this section:

(1) They are in a concentrated liquid form and have been processed by heat by a commercial method in a container hermetically sealed promptly after filling but before such heating, so as to be shelf stable without refrigeration.

(2) They are dry milk or dry milk products, including dry whole milk, nonfat dry milk, dried whey, dried buttermilk, and formulations which contain any such dry milk products, and are consigned directly to an approved establishment¹ for further processing for human food in a manner approved by the Administrator, as adequate to prevent the introduction or dissemination

of livestock diseases into the United States. However, in specific cases, upon request by the importer to the Administrator, and approval by the Administrator, they may be stored for a temporary period in an approved warehouse¹ under the supervision of an inspector of the Animal and Plant Health Inspection Service pending movement to an approved establishment. Such products shall be transported from the United States port of first arrival to an approved establishment¹ or an approved warehouse,¹ and from an approved warehouse¹ to an approved establishment¹ only under Department seals or seals of the U.S. Customs Service. Such seals shall be broken only by such an inspector or other person authorized to do so by the Administrator. Such products shall not be removed

¹The names and addresses of approved establishments or warehouses or information as to approved manner of processing, and request for approval of any such establishment, warehouse, or manner of processing may be made to the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231. Any establishment or warehouse will be approved for the purpose of this section only if the operator has provided the Administrator, with satisfactory evidence that the establishment or warehouse has the equipment, facilities, and capability to store, handle and process the imported dry milk or dry milk product subject to § 94.16(b)(2) in a manner which will prevent the introduction or dissemination of livestock diseases into the United States. Similarly, processing methods will be approved only if the Administrator determines they are adequate to prevent the introduction or dissemination of such diseases into the United States. Approval of any establishment or warehouse or processing method may be refused or withdrawn by the Administrator only after the operator thereof has been given notice of the proposed action and has had an opportunity to present his views thereon, and upon a determination by the Administrator that the conditions for approval are not met. Approval of an establishment or warehouse may also be withdrawn after such notice and opportunity if the Administrator determines that such imported dry milk or milk products have been stored, handled, or processed by the operator thereof other than at an approved establishment or warehouse or other than in an approved manner.

from the approved warehouse¹ or approved establishment¹ except upon special permission by the Administrator, and upon compliance with all the conditions and requirements specified by him for such movement in each specific case.

(3) Milk and milk products not exempted under paragraph (a) and not of classes included within the provisions of paragraphs (b)(1) or (2) of this section may be imported if the importer first applies to and receives written permission from the Administrator, authorizing such importation. Permission will be granted only when the Administrator determines that such action will not endanger the health of the livestock of the United States. Products subject to this provision include but are not limited to condensed milk, long-life milks such as sterilized milk, casein and caseinates, lactose, and lactalbumin.

(4) Small amounts of milk and milk products subject to the restrictions of this part may in specific cases be imported for purposes of examination, testing, or analysis, if the importer applies to and receives written approval for such importation from the Administrator. Approval will be granted only when the Administrator determines that such action will not endanger the health of the livestock of the United States.

(c) Milk and milk products originating in and shipped from countries listed in §94.1(a)(2) as free of rinderpest and foot-and-mouth disease but which have entered a port or otherwise transited any country designated in §94.1(a)(1) as a country infected with rinderpest or foot-and-mouth disease shall not be imported into the United States unless:

(1) The product was transported under serially numbered official seals applied at the point of origin of the shipment by an authorized representative of the country of such origin; except that, if any seal applied at the point of origin was broken by any foreign official to inspect the shipment, an authorized representative of that country applied a new serially numbered official seal to the hold, compartment, or container in which the milk or milk products were transported; and

if any member of a ship's crew broke a seal, the serial number of the seal, the location of the seal, and the reason for breaking the seal were recorded in the ship's log.

(2) The numbers of such seals are listed on, or are on a list attached to, the bill of lading or similar document accompanying the shipment.

(3) Upon arrival of the carrier at the United States port, an inspector of the Animal and Plant Health Inspection Service determines that the seals are intact and that their numbers are in agreement with the numbers appearing on the accompanying document; *Provided*, That, if the representative finds that any seal has been broken or has a different number than is recorded on the accompanying document, then the milk or milk products may remain eligible for entry into the United States only if APHIS personnel are available to inspect the hold, compartment, or container, the cartons or other containers of milk or milk products, and all accompanying documentation; and the importer furnishes additional documentation (either copies of pages from the ship's log signed by the officer-in-charge, or certification from a foreign government that the original seal was removed and the new seal applied by officials of the government) that demonstrates to the satisfaction of the Administrator that the milk or milk products were not contaminated or exposed to contamination during movement from the country of origin to the United States.

(d) Except for milk and milk products imported from Canada, and except as provided in this paragraph, milk or milk products imported from a country listed in §94.1(a)(2) as free of rinderpest and foot-and-mouth disease must be accompanied by a certificate endorsed by a full-time, salaried veterinarian employed by the country of export. The certificate must state that the milk was produced and processed in a country listed in §94.1(a)(2), or that the milk product was processed in a country listed in §94.1(a)(2) from milk produced in a country listed in §94.1(a)(2). The certificate must name the country in which the milk was produced and the country in which the milk or milk product was processed. Further, the

certificate must state that, except for movement under seal as described in § 94.16(c), the milk or milk product has never been in any country in which rinderpest or foot-and-mouth disease exists. Milk or milk products from a country listed in § 94.1(a)(2) that were processed in whole or in part from milk or milk products from a country not listed in § 94.1(a)(2) may be imported into the United States in accordance with § 94.16(b)(3).

(Approved by the Office of Management and Budget under control number 0579-0015)

[40 FR 44123, Sept. 25, 1975, as amended at 48 FR 57472, Dec. 30, 1983; 50 FR 20390, May 16, 1985; 50 FR 24187, June 10, 1985; 53 FR 22129, June 14, 1988; 53 FR 48520, Dec. 1, 1988; 54 FR 7395, Feb. 21, 1989; 55 FR 38982, Sept. 24, 1990; 59 FR 67616, Dec. 30, 1994; 60 FR 15858, Mar. 28, 1995]

§ 94.17 Dry-cured pork products from countries where foot-and-mouth disease, rinderpest, African swine fever, hog cholera, or swine vesicular disease exists.

Notwithstanding any other provisions in this part, a dry-cured ham, pork shoulder, or pork loin shall not be prohibited from being imported into the United States if it meets the following conditions:

(a) Except for Italian-type hams, Serrano hams, Iberian hams, Iberian pork shoulders, and Iberian pork loins that have been processed in accordance with paragraph (i) of this subpart, the dry-cured ham, pork shoulder, or pork loin came from a swine that was never out of the country in which the dry-cured ham, pork shoulder, or pork loin was processed;

(b) The ham, pork shoulder, or pork loin came from a country determined by the Administrator, to have and to enforce laws requiring the immediate reporting to the national veterinary services in that country any premises found to have any animal infected with foot-and-mouth disease, rinderpest, African Swine fever, hog cholera, or swine vesicular disease;

(c) The ham, pork shoulder, or pork loin came from a swine that was not on any premises where foot-and-mouth disease, rinderpest, African swine fever, hog cholera, or swine vesicular disease exists or had existed within 60 days prior to slaughter;

(d) The ham, pork shoulder, or pork loin was accompanied from the slaughtering facility to the processing establishment by a numbered certificate issued by a person authorized by the government of the country of origin stating that the provisions of paragraphs (a) and (c) of this section have been met;

(e) The ham, pork shoulder, or pork loin was processed as set forth in paragraph (i) of this section in only one processing establishment;¹

(f) The ham, pork shoulder, or pork loin was processed in a processing establishment that prior to the processing of any hams, pork shoulders, or pork loins in accordance with this section, was inspected by a veterinarian of APHIS and determined by the Administrator, to be capable of meeting the provisions of this section for processing hams, pork shoulders, or pork loins for importation into the United States;

(g) The ham, pork shoulder, or pork loin was processed in a processing establishment for which the operator of the establishment has signed an agreement with APHIS within 12 months prior to receipt of the hams, pork shoulders, or pork loins for processing, stating that all hams, pork shoulders, or pork loins processed for importation into the United States will be processed only in accordance with the provisions of this part;

(h) Workers who handle fresh pork in the processing establishment where the dry-cured ham, pork shoulder, or pork loin was processed are required to shower and put on a full set of clean clothes, or to wait 24 hours after handling fresh pork, before handling hams, pork shoulders, or pork loins that have progressed in the aging/curing process as follows:

(1) In the case of Italian-type hams processed in accordance with paragraph (i)(1) of this section, those that have progressed beyond the final wash stage;

¹As a condition of entry into the United States, pork and pork products must also meet all of the requirements of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and regulations thereunder (9 CFR part 301 *et seq.*), including requirements that the pork or pork products be prepared only in approved establishments.

(2) In the case of Serrano hams or Iberian hams or pork shoulders processed in accordance with paragraphs (i)(2), (i)(3), or (i)(4) of this section, those that have progressed beyond salting; and

(3) In the case of Iberian pork loins processed in accordance with paragraph (i)(5) of this section, those that have progressed beyond being placed in a casing.

(i) The dry-cured ham, pork shoulder, or pork loin was processed in accordance with this paragraph. Except for pork fat treated to at least 76 °C (168.8 °F), which may have been placed over the meat during curing, the dry-cured pork product must have had no contact with any other meat or animal product during processing. (1) *Italian-type hams.* The ham was processed for a period of not less than 400 days in accordance with the following conditions: after slaughter the ham was held at a temperature of 0°–3°C. (32°–34.7°F.) for a minimum of 72 hours during which time the “aitch” bone and the foot was removed and the blood vessels at the end of the femur were massaged to remove any remaining blood; thereafter the ham was covered with an amount of salt equal to 4–6 percent of the weight of the ham, with a sufficient amount of water added to ensure that the salt had adhered to the ham; thereafter the ham was placed for 5–7 days on racks in a chamber maintained at a temperature of 0°–4°C. (32°–39.2°F.) and at a relative humidity of 70–85 percent; thereafter the ham was covered with an amount of salt equal to 4–6 percent of the weight of the ham, with a sufficient amount of water added to ensure that the salt had adhered to the ham; thereafter the ham was placed for 21 days in a chamber maintained at a temperature of 0°–4°C. (32°–39.2°F.) and at a relative humidity of 70–85 percent; thereafter the salt was brushed off the ham; thereafter the ham was placed in a chamber maintained at a temperature of 1°–6°C. (33.8°–42.8°F.) and at a relative humidity of 65–80 percent for between 52 and 72 days; thereafter the ham was brushed and rinsed with water; thereafter the ham was placed in a chamber for 5–7 days at a temperature of 15°–23°C. (59°–73.4°F.) and a relative humidity of 55–85 percent; there-

after the ham was placed for curing in a chamber maintained for a minimum of 314 days at a temperature of 15°–20°C. (59°–68°F.) and at a relative humidity of 65–80 percent at the beginning and increased by 5 percent every 2½ months until a relative humidity of 85 percent was reached.

(2) *Serrano hams.* Serrano hams were processed as follows (190-day minimum curing process):

(i) If the ham is received frozen, it was thawed in a chamber with relative humidity between 70 and 80 percent, with room temperature maintained at 12 °C to 13 °C (53.6 °F to 55.4 °F) for the first 24 hours, then at 13 °C to 14 °C (55.4 °F to 57.2 °F) until the internal temperature of the ham reached 3 °C to 4 °C (37.4 °F to 39.2 °F), at which point the blood vessels at the end of the femur were massaged to remove any remaining blood.

(ii) The ham was covered in salt and placed in a chamber maintained at a temperature from 0 °C to 4 °C (32 °F to 39.2 °F), with relative humidity between 75 and 95 percent, for a period no less than 0.65 days per kg and no more than 2 days per kg of the weight of the ham.

(iii) The ham was rinsed with water and/or brushed to remove any remaining surface salt.

(iv) The ham was placed in a chamber maintained at a temperature of 0 °C to 6 °C (32 °F to 42.8 °F), with a relative humidity of 70 to 95 percent, for no less than 40 and no more than 60 days;

(v) The ham was placed for curing in a chamber with a relative humidity of 60 to 80 percent and a temperature gradually raised in 3 phases, as follows:

(A) A temperature of 6 °C to 16 °C (42.8 °F to 60.8 °F), maintained for a minimum of 45 days;

(B) A temperature of 16 °C to 24 °C (60.8 °F to 75.2 °F), maintained for a minimum of 35 days;

(C) A temperature of 24 °C to 34 °C (75.2 °F to 93.2 °F), maintained for a minimum of 30 days;

(vi) Finally, with the relative humidity unchanged at 60 to 80 percent, the temperature was lowered to 12 °C to 20 °C (53.6 °F to 68 °F) and maintained at that level for a minimum of 35 days, until at least 190 days after the start of the curing process; *Except that:* In a

country where swine vesicular disease exists, the ham must be maintained at that level an additional 370 days, until at least 560 days after the start of the curing process.

(3) *Iberian hams.* Iberian hams were processed as follows (365-day minimum curing process):

(i) If the ham is received frozen, it was thawed in a chamber with relative humidity between 70 and 80 percent, with room temperature maintained at 5.5 °C to 6.5 °C (41.9 °F to 43.7 °F) for the first 24 hours, then at 9.5 °C

to 10.5 °C (49.1 °F to 50.9 °F) until the internal temperature of the ham reached 3 °C to 4 °C (37.4 °F to 39.2 °F), at which point the blood vessels at the end of the femur were massaged to remove any remaining blood.

(ii) The ham was covered in salt and placed in a chamber maintained at a temperature from 0 °C to 4 °C (32 °F to 39.2 °F), with relative humidity between 75 and 95 percent, and kept in the chamber for a period no less than 0.65 days per kg and no more than 2 days per kg of the weight of the ham;

(iii) The ham was rinsed with water and/or brushed to remove any remaining surface salt.

(iv) The ham was placed in a chamber maintained at a temperature of 0 °C to 6 °C (32 °F to 42.8 °F), with relative humidity of 70 to 95 percent, for no less than 40 and no more than 60 days.

(v) The ham was placed for curing in a chamber with a temperature of 6 °C to 16 °C (42.8 °F to 60.8 °F) and relative humidity of 60 to 80 percent for a minimum of 90 days.

(vi) The temperature was raised to 16 °C to 26 °C (60.8 °F to 78.8 °F) and the relative humidity reduced to 55 to 85 percent, for a minimum of 90 days.

(vii) Finally, with the relative humidity raised to 60 to 90 percent, the temperature was lowered to 12 °C

to 22 °C (53.6 °F to 71.6 °F) and maintained at that level for a minimum of 115 days, until at least 365 days after the start of the curing process; *Except that:* In a country where swine vesicular disease exists, the ham must be maintained at that level an additional 195 days, until at least 560 days after the start of the curing process.

(4) *Iberian pork shoulders.* Iberian pork shoulders were processed as follows (240-day minimum curing process):

(i) If the pork shoulder is received frozen, it was thawed at a room temperature of 12 °C to 13 °C (53.6 °F to 55.4 °F), with the relative humidity between 75 and 85 percent, for approximately 24 hours, until the internal temperature reached 3 °C

to 4 °C (37.4 °F to 39.2 °F), at which point the blood vessels in the scapular region were massaged to remove any remaining blood.

(ii) The pork shoulder was covered in salt and placed in a chamber maintained at a temperature of 0 °C to 4 °C (32 °F to 39.2 °F) with the relative humidity between 75 and 95 percent, for a period of no less than 0.65 days per kg and no more than 2 days per kg of the weight of the pork shoulder.

(iii) The pork shoulder was rinsed with water and/or brushed to remove any remaining surface salt.

(iv) The pork shoulder was placed in a chamber maintained at a temperature of 0 °C to 6 °C (32 °F to 42.8 °F) and a relative humidity of 70 to 95 percent for not less than 40 days and not more than 60 days.

(v) The pork shoulder was placed for curing in a chamber at a temperature of 6 °C to 16 °C (42.8 °F to 60.8 °F) and a relative humidity of 60 to 80 percent for a minimum of 90 days.

(vi) The temperature was raised to 16 °C to 26 °C (60.8 °F to 78.8 °F) and the relative humidity was changed to 55 to 85 percent, and those levels were maintained for a minimum of 90 days.

(vii) Finally, the temperature was reduced to 12 °C to 22 °C (53.6 °F to 71.6 °F) and the relative humidity was raised to 60 to 90 percent for a minimum of 45 days, until at least 240 days after the start of the curing process.

(5) *Iberian pork loins.* Iberian pork loins were processed as follows (130-day minimum curing process):

(i) If the pork loin is received frozen, it was thawed at a room temperature maintained at 11 °C to 12 °C (51.8 °F to 53.6 °F), with the relative humidity between 70 and 80 percent for the first 24 hours, then between 75 and 85 percent, until the loin's internal temperature reached 3 °C to 4 °C

(37.4 °F to 39.2 °F), at which point the external fat, aponeurosis, and tendons were cleaned from the loin.

(ii) The pork loin was covered in a pickle preparation (25–30 grams of salt for each kilogram of pork loin) and placed in a chamber where it was maintained at a relative humidity of 75 to 95 percent and a temperature of 3 °C to 4 °C (37.4 °F to 39.2 °F) for 72 hours.

(iii) The pork loin was removed from the pickle preparation (25–30 grams of salt for each kilogram of pork loin), externally cleaned (brushed or rinsed), placed in an artificial casing, and fastened shut with a metal clip.

(iv) The pork loin was placed for curing in a chamber with a relative humidity of 60 to 90 percent and a temperature gradually raised in 3 phases, as follows:

(A) A temperature of 2 °C to 6 °C (35.6 °F to 42.8 °F), maintained for a minimum of 20 days;

(B) A temperature of 6 °C to 15 °C (42.8 °F to 59.0 °F), maintained for a minimum of 20 days;

(C) A temperature of 15 °C to 25 °C (59.0 °F to 77.0 °F), maintained for a minimum of 40 days;

(v) Finally, with the relative humidity unchanged at 60 to 80 percent and the temperature lowered to 0 °C to 5 °C (32.0 °F to 41.0 °F), the pork loin was vacuum-packed and maintained under those conditions for a minimum of 15 days, until at least 130 days after the start of the curing process.

(j)(1) The ham, if it is Italian-type ham processed in accordance with paragraph (i)(1) of this section, bears a hot iron brand or an ink seal (with the identifying number of the slaughtering establishment) which was placed thereon at the slaughtering establishment under the direct supervision of a person authorized to supervise such activity by the veterinary services of the national government of the country of origin, bears a button seal (approved by the Administrator, as being tamper-proof) on the hock that states the month and year the ham entered the processing establishment and a hot iron brand (with the identifying number of the processing establishment and the date salting began) which were placed thereon at the processing establishment immediately prior to salting,

under the supervision of a person authorized to supervise such activity by the veterinary services of the national government of the country of origin;

(2) The dry-cured ham, if it is processed in accordance with paragraphs (i)(2) or (i)(3) of this section, or the dry-cured pork shoulder, if it is processed in accordance with paragraph (i)(4) of this section, bears an ink seal (with the identifying number of the slaughtering establishment) which was placed thereon at the slaughtering establishment under the direct supervision of a person authorized to supervise such activity by the veterinary services of the national government of the country of origin, and an ink seal (with the identifying number of the processing establishment and the date the salting began) which was placed thereon at the processing establishment, immediately prior to salting, under the supervision of a person authorized to supervise such activity by the veterinary services of the national government of the country of origin; or

(3) The dry-cured pork loin, if it is processed in accordance with paragraph (i)(5) of this section, is packaged with material that bears a seal of the government of the country of origin which was placed thereon at the slaughtering establishment under the direct supervision of a person authorized to supervise such activity by the veterinary services of the national government of the country of origin, and bears a tamper-proof plastic tag, securely attached to the pork loin itself, that states the identifying number of the slaughtering establishment and the date the pork loin was placed in the pickle preparation under the supervision of a person authorized to supervise such activity by the veterinary service of the national government of the country of origin.

(k) The dry-cured ham, pork shoulder, or pork loin came from an establishment where a person authorized by the veterinary services of the national government of the country of origin to conduct activities under this paragraph, maintained original records (which shall be kept for a minimum of two years) identifying the dry-cured ham, pork shoulder, or pork loin by the

date it entered the processing establishment, by the slaughtering facility from which it came, and by the number of the certificate which accompanied the dry-cured ham, pork shoulder, or pork loin from the slaughtering facility to the processing establishment, and where such original records are maintained under lock and key by such person, with access to such original records restricted to officials of the government of the country of origin, officials of the United States Government, and such person maintaining the records;

(l) The dry-cured ham, pork shoulder, or pork loin came from a processing establishment which allows the unannounced entry into the establishment of APHIS personnel, or other persons authorized by the Administrator, for the purpose of inspecting the establishment and records of the establishment;

(m) The dry-cured ham, pork shoulder, or pork loin was processed in accordance with one of the following criteria: (1) The ham, if it is an Italian-type ham processed in accordance with paragraph (i)(1) of this section, was processed in a country which has been determined by the Administrator, to be free of rinderpest, and which has through its veterinary services submitted to the Administrator, a written statement stating that it conducts a program to authorize persons to supervise activities specified under this section;

(2) The Serrano ham, processed in accordance with paragraph (i)(2) of this section, and came from any breed of large, white swine, including but not limited to Landrace, Pietrain, Duroc, Jersey, Hampshire, and Yorkshire breeds, and crosses of such breeds;

(3) The Iberian ham, processed in accordance with paragraph (i)(3) of this section, and came from a swine of the Iberico breed of pigs;

(4) The Iberian pork shoulder, processed in accordance with paragraph (i)(4) of this section, and came from a swine of the Iberico breed of pigs;

(5) The Iberian pork loin, if processed in accordance with paragraph (i)(5) of this section, and came from a swine of the Iberico breed of pigs.

(n) The dry-cured ham, pork shoulder, or pork loin came from a process-

ing establishment that has entered into a trust fund agreement executed by the operator of the establishment or a representative of the establishment and APHIS, and that pursuant to the trust fund agreement is current in paying all costs for a veterinarian of APHIS to inspect the establishment (it is anticipated that such inspections will occur up to four times per year), including travel, salary, subsistence, administrative overhead, and other incidental expenses (including an excess baggage provision up to 150 pounds). In accordance with the terms of the trust fund agreement, the operator of the processing establishment shall deposit with the Administrator, an amount equal to the approximate costs for a veterinarian to inspect the establishment one time, including travel, salary, subsistence, administrative overhead and other incidental expenses (including an excess baggage provision up to 150 pounds), and as funds from that amount are obligated, bills for costs incurred based on official accounting records will be issued to restore the deposit to its original level. Amounts to restore the deposit to its original level shall be paid within 14 days of receipt of such bills.

(o) The dry-cured ham, pork shoulder, or pork loin is accompanied at the time of importation into the United States by a certificate issued by a person authorized to issue such certificates by the veterinary services of the national government of the country of origin, stating:

(1) That all the provisions of this section have been complied with, including paragraphs (i) and (m) of this section;

(2) The paragraph of this section under which the dry-cured ham, pork shoulder, or pork loin was processed; and stating further that, if the product covered by the certificate:

(i) Is an Italian-type ham processed under paragraph (i)(1) of this section, it was processed for a minimum of 400 days;

(ii) Is a Serrano ham processed under paragraph (i)(2) of this section, it was:

(A) Processed for a minimum of 190 days in a country free of swine vesicular disease, in a facility authorized by the veterinary services of the national

government of that country to process only meat from countries free of swine vesicular disease; or,

(B) Processed for a minimum of 560 days in any country, in a facility that may also process meat from countries where swine vesicular disease exists;

(iii) Is an Iberian ham processed under paragraph (i)(3) of this section, it was:

(A) Processed for a minimum of 365 days in a country free of swine vesicular disease, in a facility authorized by the veterinary services of the national government of that country to process only meat from countries free of swine vesicular disease; or,

(B) Processed for a minimum of 560 days in any country, in a facility that may also process meat from countries where swine vesicular disease exists;

(iv) Is a dry-cured pork shoulder, it was processed in accordance with paragraph (i)(4) of this section for a minimum of 240 days; or

(v) Is a dry-cured pork loin, it was processed in accordance with paragraph (i)(5) of this section for a minimum of 130 days.

(Approved by the Office of Management and Budget under control number 0579-0015)

[52 FR 11625, Apr. 10, 1987, as amended at 53 FR 48520, Dec. 1, 1988; 54 FR 7395, Feb. 21, 1989, 59 FR 55024, Nov. 3, 1994; 59 FR 67134, Dec. 29, 1994]

§94.18 Ruminant meat and edible products from ruminants that have been in countries where bovine spongiform encephalopathy exists.

(a) Bovine spongiform encephalopathy exists in the following countries: France, Great Britain, Northern Ireland, the Republic of Ireland, Oman, Portugal, and Switzerland.

(b) Except as provided in paragraph (d) of this section, the importation of fresh, frozen, and chilled meat, and edible products other than meat (excluding gelatin, milk, and milk products), from ruminants that have been in any country listed in paragraph (a) of this section is prohibited unless the articles are accompanied by an accurate certificate of a veterinarian employed by the national government of the country in which the ruminants were

slaughtered stating that the following conditions have been met:

(1) If fresh, frozen, and chilled meat derived from animals in the family *Cervidae*, the meat was derived either from wild animals, or from farm-raised animals that have never been fed ruminant protein;

(2) For articles other than those identified in paragraph (b)(1) of this section:

(i) all bones and visually identifiable lymphatic tissue and nerve tissue have been removed from the meat or edible product other than meat;

(ii) the meat or edible product other than meat is from ruminants that have not been in any country listed in paragraph (a) of this section during a period of time when the country permitted the use of ruminant protein in ruminant feed; and

(iii) the ruminants were examined prior to slaughter by a veterinarian employed by the national government of the country in which the ruminants were slaughtered, and found not to display any signs indicative of a neurological disorder.

(c) *Gelatin*. The importation of gelatin derived from ruminants that have been in any country listed in paragraph (a) of this section is prohibited unless the following conditions have been met:

(1) The gelatin must be imported for use in human food, human pharmaceutical products, photography, or some other use that will not result in the gelatin coming in contact with ruminants in the United States.

(2) The person importing the gelatin must obtain a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors by filing a permit application on VS form 16-3.¹

(3) The permit application must state the intended use of the gelatin and the name and address of the consignee in the United States.

(d) *Transit shipment of articles*. Fresh, chilled, or frozen meat, and edible

¹VS form 16-3 may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231.

products other than meat, that are prohibited importation into the United States in accordance with this section may transit the United States for immediate export if the following conditions are met:

(1) The person moving the articles must obtain a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors by filing a permit application on VS form 16-3.²

(2) The articles must be sealed in leakproof containers bearing serial numbers during transit. Each container must remain sealed during the entire time that it is in the United States.

(3) The person moving the articles shall notify, in writing, the Plant Protection and Quarantine Officer at both the place in the United States where the articles will arrive and the port of export prior to such transit. The notification must include the:

(i) United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors permit number;

(ii) Times and dates of arrival in the United States;

(iii) Times and dates of exportation from the United States;

(iv) Mode of transportation; and

(v) Serial numbers of the sealed containers.

(4) The articles must transit the United States in Customs bond.

(Approved by the Office of Management and Budget under control number 0579-0015)

[56 FR 63868, Dec. 6, 1991, as amended at 58 FR 65104, Dec. 13, 1993; 59 FR 24638, May 12, 1994; 59 FR 67616, Dec. 30, 1994]

§ 94.19 Gelatin derived from horses or swine, or from ruminants that have not been in any country where bovine spongiform encephalopathy exists.

Gelatin derived from horses or swine, or from ruminants that have not been in any country listed in § 94.18(a) of this part, must be accompanied at the time of importation into the United States

²VS form 16-3 may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231.

by an official certificate issued by a veterinarian employed by the national government of the country of origin. The official certificate must state the species of animal from which the gelatin is derived and, if the gelatin is derived from ruminants, certify that the gelatin is not derived from ruminants that have been in any country listed in § 94.18(a).

(Approved by the Office of Management and Budget under control number 0579-0015)

[58 FR 50251, Sept. 27, 1993, as amended at 59 FR 67134, Dec. 29, 1994]

PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

Sec.

95.1 Definitions.

95.2 Country of origin.

95.3 Byproducts from diseased animals prohibited.

95.4 Bone meal, blood meal, meat meal, offal, fat, glands, and serum from ruminants that have been in countries in which bovine spongiform encephalopathy exists.

95.5 Untanned hides and skins; requirements for unrestricted entry.

95.6 Untanned hides and skins; importations permitted subject to restrictions.

95.7 Wool, hair, and bristles; requirements for unrestricted entry.

95.8 Wool, hair, and bristles; importations permitted subject to restrictions.

95.9 Glue stock; requirements for unrestricted entry.

95.10 Glue stock; importations permitted subject to restrictions.

95.11 Bones, horns, and hoofs for trophies or museums; disinfected hoofs.

95.12 Bones, horns, and hoofs; importations permitted subject to restrictions.

95.13 Bone meal for use as fertilizer or as feed for domestic animals; requirements for entry.

95.14 Blood meal, tankage, meat meal, and similar products, for use as fertilizer or animal feed; requirements for entry.

95.15 Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; requirements for unrestricted entry.

95.16 Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; importations permitted subject to restrictions.