

§ 310.23

9 CFR Ch. III (1–1–97 Edition)

Testing level	Sampling Rate (percent of estimated day's slaughter)	
	Certified	Noncertified
F .....	1	2

(d) *Testing of carcasses:*

(1) The inspector shall test all carcasses as prescribed in paragraph (c) of this section.

(2) Upon initiation of this program at an establishment, the inspector shall begin the testing rate for carcasses from healthy-appearing certified and noncertified calves at Level D as prescribed in paragraph (c)(4) of this section. The inspector shall increase the testing rate to the next higher level the following business day when three carcasses in 100 or less consecutively tested show a positive test result for a drug residue. The inspector shall decrease it to the next lower level when no more than two calves show a positive test result for a drug residue in either 500 calves consecutively tested or all calves tested over a 60 working day period.

(3) Test results shall be determined by the veterinary medical officer.

(4) The establishment may designate one or more of its employees to aid the inspector in performing the swab bioassay test under the supervision of the veterinary medical officer who shall interpret the results, maintain animal identification with the test unit, and ensure integrity of the testing program.

(5) All carcasses and parts thereof from calves selected for testing shall be retained until all test results are complete.

(6) The veterinary medical officer shall condemn all carcasses and parts thereof for which there are positive test results and release for human consumption all carcasses and parts thereof for which there are negative test results.

(7) If there is a positive test result, subsequent calves from the producer of the calf shall be tested in accordance with paragraph (e) of this section. These test results will not be included in computations to determine an establishment's compliance record.

(8) The veterinary medical officer may reduce inspection line rates when, in his/her judgment, the prescribed testing cannot be adequately performed within the time available because the establishment's compliance history dictates a need for extensive testing.

(e) *Calves from producers with a previous residue condemnation.* The inspector shall perform a swab bioassay test on all carcasses of all calves in the group. The veterinary medical officer shall determine the test results and shall condemn any carcass and parts thereof for which there is a positive test result and pass for human consumption any such carcass and parts thereof for which there is a negative test result. All subsequent calves from the same producer which has previously sold or delivered to official establishments any carcass that was condemned because of drug residues must be tested according to this paragraph until five consecutive animals test completely free of animal drug residues.

(f) If the owner or operator of an official establishment disagrees with the veterinary medical officer's disposition of carcasses and parts thereof, the owner or operator may appeal as provided in section 306.5 of this chapter.

[50 FR 32164, Aug. 9, 1985, as amended at 52 FR 2104, Jan. 20, 1987; 55 FR 7475, Mar. 2, 1990; 60 FR 66483, Dec. 22, 1995]

§ 310.22 [Reserved]

§ 310.23 **Identification of carcasses and parts of swine.**

(a) The identification of the carcasses and parts of swine identified in accordance with part 71 of this title shall be made available to the inspector upon the inspector's request throughout post-mortem inspection.

(b) If the establishment fails to provide required swine identification, the inspector shall order the retention of swine carcasses at the establishment until the completion of tests to confirm that the carcasses are not adulterated.

[53 FR 40387, Oct. 14, 1988]

**§ 310.24 [Reserved]****§ 310.25 Contamination with microorganisms; pathogen reduction performance standards for Salmonella.**

(a) Criteria for verifying process control; *E. coli* testing.

(1) Each official establishment that slaughters cattle and/or hogs shall test for *Escherichia coli* Biotype I (*E. coli*) and shall:

(i) Collect samples in accordance with the sampling techniques, methodology, and frequency requirements in paragraph (a)(2) of this section;

(ii) Obtain analytic results in accordance with paragraph (a)(3) of this section; and

(iii) Maintain records of such analytic results in accordance with paragraph (a)(4) of this section.

(2) Sampling requirements.

(i) *Written procedures.* Each establishment shall prepare written specimen collection procedures which shall identify employees designated to collect samples, and shall address location(s) of sampling, how sampling randomness is achieved, and handling of the sample to ensure sample integrity. The written procedure shall be made available to FSIS upon request.

(ii) *Sample collection.* The establishment shall collect random samples from carcasses in the cooler. Samples shall be collected by sponging three sites on the selected carcass. On cattle carcasses, establishments shall take samples from the flank, brisket, and rump; on swine carcasses, establishments shall take samples from the ham, belly, and jowl areas.<sup>1</sup>

(iii) *Sampling frequency.* Samples shall be taken at a frequency proportional to a slaughter establishment's volume of production, at the following rates:

Bovines: 1 test per 300 carcasses

Swine: 1 test per 1,000 carcasses

(iv) *Sampling frequency alternatives.* An establishment operating under a validated HACCP plan in accordance with § 417.2(b) of this chapter may substitute an alternative frequency for the

frequency of sampling required under paragraph (a)(2)(iii) of this section if,

(A) The alternative is an integral part of the establishment's verification procedures for its HACCP plan and,

(B) FSIS does not determine, and notify the establishment in writing, that the alternative frequency is inadequate to verify the effectiveness of the establishment's processing controls.

(v) *Sampling in very low volume establishments.*

(A) An establishment annually slaughtering no more than 6,000 bovines, 20,000 swine, or a combination of bovines and swine not exceeding 6,000 bovines and 20,000 animals total, shall collect one sample per week starting the first full week of June and continuing through August of each year. An establishment slaughtering both species shall collect samples from the species it slaughters in larger numbers. Weekly samples shall be collected and tested until the establishment has completed and recorded one series of 13 tests that meets the criteria shown in Table 1 of paragraph (a)(5) of this section.

(B) Upon the establishment's meeting requirements of paragraph (a)(2)(v)(A) of this section, weekly sampling and testing is optional, unless changes are made in establishment facilities, equipment, personnel or procedures that may affect the adequacy of existing process control measures, as determined by the establishment or FSIS. FSIS determinations that changes have been made requiring resumption of weekly testing shall be provided to the establishment in writing.

(3) *Analysis of samples.* Laboratories may use any quantitative method for analysis of *E. coli* that is approved by the Association of Official Analytical Chemists International<sup>2</sup> or approved by a scientific body in collaborative trials against the three tube Most Probable Number (MPN) method and

<sup>1</sup>A copy of FSIS's "Guidelines for *E. coli* Testing for Process Control Verification in Cattle and Swine Slaughter Establishments" is available for inspection in the FSIS Dock-et Room.

<sup>2</sup>A copy of the "Official Methods of Analysis of the Association of Official Analytical Chemists International," 16th edition, 1995, is on file with the Director, Office of the Federal Register, and may be purchased from the Association of Official Analytical Chemists International, Inc., 481 North Frederick Ave., Suite 500, Gaithersburg, MD 20877-2417.