

Agricultural Marketing Service, USDA

§ 98.2

(b) Upon the expiration of the period for the presentation of views by the owner, as provided in paragraph (a) of this section, the Secretary shall refer the matter to the Plant Variety Protection Board for advice, including advice on any limitations or rate of remuneration.

(c) Upon receiving the advice of the Plant Variety Protection Board, the Secretary shall advise the owner of the variety, the members of the Plant Variety Protection Board, and the public, by issuance of a press release, of any decision based on the provisions of section 44 of the Act to declare a variety open to use by the public. Any decision not to declare a variety open to use by the public will be transmitted only to the owner of the variety and the members of the Plant Variety Protection Board.

PUBLICATION

§97.800 Publication of public variety descriptions.

Voluntary submissions of varietal descriptions of "public varieties" on forms obtainable from the Office will be accepted for publication in the Official Journal. Such publication shall not constitute recognition that the variety is, in fact, distinct, uniform, and stable.

[58 FR 42435, Aug. 9, 1993, as amended at 60 FR 17190, Apr. 4, 1995]

PART 98—MEALS, READY-TO-EAT (MRE's), MEATS, AND MEAT PRODUCTS

Subpart A—MRE's, Meats, and Related Meat Food Products

Sec.

- 98.1 General.
- 98.2 Definitions.
- 98.3 Analyses performed and locations of laboratories.
- 98.4 Analytical methods.
- 98.5 Fees and charges.

Subpart B—USDA Certification of Laboratories for the Testing of Trichinae in Horsemeat

- 98.100 General.
- 98.101 Definitions.
- 98.102—98.600 [Reserved]

AUTHORITY: 7 U.S.C. 1622, 1624.

SOURCE: 58 FR 42445, Aug. 9, 1993, unless otherwise noted.

Subpart A—MRE's, Meats, and Related Meat Food Products

§98.1 General.

Analytical services of meat and meat food products are performed for fat, moisture, salt, protein, and other content specifications.

§98.2 Definitions.

Words used in the regulations in this subpart in the singular form will import the plural, and vice versa, as the case may demand. As used throughout the regulations in this subpart, unless the context requires otherwise, the following terms will be construed to mean:

Lard (Edible). The fat rendered from clean and sound edible tissues from swine.

Meals, Ready-To-Eat (MRE). Meals, Ready-To-Eat are complete portions of one meal for one military person and are processed and packaged to destroy or retard the growth of spoilage-type microorganisms in order to extend product shelf life for 7 years. Composition analyses for MRE's are covered by the reimbursable agreement in the Memorandums of Understanding (MOU's) between AMS, USDA and the Defense Personnel Support Center, Department of Defense (DOD). These DOD, Defense Personnel Support Center (DPSC) contracts state certain military specifications for an acceptable one meal serving, retorted pouched or 18-24 serving hermetically-sealed tray packed meat, or meal product regarding satisfactory analyses for fat, salt, protein, moisture content, added stabilizer ingredient, and sometimes microbiological composition. MRE's are for use by the DOD, DPSC as a component of operational food rations, and as an item of general issue by the military.

Meat. This includes the edible part of the muscle of any cattle, sheep, swine, or goats, which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, and which is intended for human food, with

or without the accompanying and overlying fat, and the portions of bone, skin, tendon, nerve, and blood vessels which normally accompany the muscle tissue, and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout, or ears. This term, as applied to products of equines, shall have a meaning comparable to that provided in this paragraph with respect to cattle, sheep, swine, and goats.

Meat food product. Any article capable for use as human food (other than meat, prepared meat, or a meat by-product), which is derived or prepared wholly or in substantial part from meat or other portion of the carcass of any cattle, sheep, swine, or goats. An article exempted from definition as a meat food product by the Administrator, such as an organotherapeutic substance, meat juice, meat extract, and the like, which is used only for medicinal purposes and is advertised solely to the medical profession is not included.

Ready-to-eat. The term means consumers are likely to apply little or no additional heat to the fully-cooked and

the fully-prepared food product before consumption.

Specifications. Descriptions with respect to the class, grade, other quality, quantity or condition of products, approved by the Administrator, and available for use by the industry regardless of the origin of the descriptions.

Tallow (Edible). The hard fat derived from USDA inspected and passed cattle, sheep, or goats.

Titer. The measure of the hardness or softness of the tested material as determined by the solidification point of fatty acids and expressed in degrees centigrade (°C).

§98.3 Analyses performed and locations of laboratories.

(a) Tables 1 through 4 list the special laboratory analyses rendered by the Science and Technology Division as a result of an agreement with the Livestock and Seed Division. The payment for such laboratory services rendered at the request of an individual or third party served shall be reimbursed pursuant to the terms as specified in the cooperative agreement.

TABLE 1—SCHEDULE ANALYSIS

Identity	Analyses	Samples tested
Schedule BC (Beef Chunks, Canned)	Fat, salt	1
Schedule BJ (Beef with Natural Juices, Canned)	Fat	1
Schedule CS (Canned Meatball Stew)	Fat	3
Schedule GP (Frozen Ground Pork)	Fat	4
Schedule PJ (Pork with Natural Juices, Canned)	Fat	1
Schedule RB (Beef for Reprocessing)	Fat	4
Schedule RG (Beef Roasts and Ground Beef)	Fat	4
Schedule SB (Slab or Sliced Bacon)	Moisture, fat, salt	1
Schedule WS (Beef or Wafer Steaks)	Fat	1

TABLE 2—MICROBIOLOGICAL ANALYSIS

Type of analysis	Number of samples tested
Psychrotrophic Bacterial Plate Count	1

TABLE 3—NONSCHEDULE ANALYSIS

Identity	Analyses	Samples tested
Fed Specification PP-B-2120B (Ground Beef Products)	Fat	4
Fed Specification PP-B-81J (Sliced Bacon)	Fat, salt, moisture	1
Fed Specification PP-L-800E (Luncheon Meat, Canned)	Fat, salt	1
Ground Beef or Ground Pork	Fat	4
Ground Beef or Ground Pork	Fat	1
Pork Sausage	Fat, salt	4
Pork Sausage	Fat, moisture	4

TABLE 3—NONSCHEDULE ANALYSIS—Continued

Identity	Analyses	Samples tested
Pork Sausage	Fat	4
Mil-P-44131A (Pork Steaks, Flaked, Formed, Breaded)	Fat	4
Milwaukee Public Schools (Breaded/Unbreaded Meat)	Fat	4
Chili Con Carne Without Beans	Fat	1
A-A-20047-B	Fat, protein	3
A-A-20136	salt	3
A-A-20148	Fat, salt	3
Mil-B-44133 (GL)	Fat, salt	3
Mil-B-44158A	Water activity	6
Mil-C-44253	Fat, salt	3
Mil-H-44159B (GL)	Fat, salt	1
PP-F-02154 (Army GL)	Fat, salt, moisture	1

TABLE 4—LARD AND TALLOW ANALYSIS

Type of analysis	Number of samples tested
Fat Analysis Committee (FAC) Color	1
Free Fatty Acids	1
Insoluble Impurities	1
Moisture and Volatile Matter	1
Specific Gravity	4 to 6
Titer Test	1
Unsaponifiable Material	1

(b) Meats, such as ground beef or ground pork, meat food products, and MRE's, not covered by an agreement with Livestock and Seed Division, are analyzed for fat, moisture, salt, sulfur dioxide, nitrites, sulfites, ascorbates, citric acid, protein, standard plate counts, and coliform counts, among other analyses. These food product analyses are performed at any one of the Science and Technology Division (S&TD) field laboratories as follows:

- (1) USDA, AMS, Science and Technology Division, Midwestern Laboratory, 3570 North Avondale Avenue, Chicago, IL 60618.
- (2) USDA, AMS, S&TD Aflatoxin Laboratory, 107 South 4th Street, Madill, OK 73446.
- (3) USDA, AMS, S&TD, Eastern Laboratory, 2311-B Aberdeen Boulevard, Gastonia, NC 28054.

[58 FR 42445, Aug. 9, 1993, as amended at 59 FR 24325, May 10, 1994; 59 FR 50121, Sept. 30, 1994; 61 FR 51353, Oct. 2, 1996]

§98.4 Analytical methods.

(a) The majority of analytical methods used by the USDA laboratories to perform analyses of meat, meat food

products and MRE's are listed as follows:

(1) Official Methods of Analysis of AOAC INTERNATIONAL, Suite 500, 481 North Frederick Avenue, Gaithersburg, MD 20877-2417.

(2) U.S. Army Individual Protection Directorate's Military Specifications, approved analytical test methods noted therein, U.S. Army Natick Research, Development and Engineering Center, Kansas Street, Natick, MA 01760-5017.

(b) Additional analytical methods for these foods will be used, from time to time, as approved by the Director.

[58 FR 42445, Aug. 9, 1993, as amended at 61 FR 51353, Oct. 2, 1996]

§98.5 Fees and charges.

(a) The fee charged for any single laboratory analysis of meat, meat food products, and MRE's, not covered by an agreement with Livestock and Seed Division, is specified in the schedules of charges in paragraph (a) of §91.37 of this subchapter.

(b) The laboratory analyses of meat, meat food products, and MRE's, not covered by a cooperative agreement, shall result in an additional fee, found

in Table 7 of §91.37 of this subchapter, for sample preparation or grinding.

(c) The charge for any requested laboratory analysis of meat, meat food products, and MRE's not listed shall be based on the standard hourly rate specified in §91.37, paragraph (b).

Subpart B—USDA Certification of Laboratories for the Testing of Trichinae in Horsemeat

§98.100 General.

A laboratory that has met the requirements for certification specified in this subpart shall receive an AMS Science and Technology Division certificate to approve its analysis for *Trichinella spiralis* in horsemeat. Certification would be granted to a qualified analyst or a laboratory based on having the proper training, facilities, and equipment. This AMS laboratory certification program will enable horsemeat exporters to comply with trichinae testing requirements of the European Community.

[58 FR 42445, Aug. 9, 1993, as amended at 61 FR 51353, Oct. 2, 1996]

§98.101 Definitions.

Words used in the regulations in this part in the singular form will import the plural, and vice versa, as the case may demand. As used throughout the regulations in this part, unless the context requires otherwise, the following terms will be construed to mean:

European Community. The European Community (EC) consists of the initial 12 European countries and the updated and expanded membership of nations. The original EC members are Belgium, Britain, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal and Spain.

Horsemeat. That U.S. inspected and passed clean, wholesome muscle tissue of horses, which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat and the portions of sinews, nerves, and blood vessels, which normally accompany the muscle tissue and which are not separated from it in the process of dressing.

Trichinae. Round worms or nematodes of the genus *Trichinella*, which live as parasites in man, horses, rats, and other animals.

Trichinella spiralis. A small parasitic nematode worm which lives in the flesh of various animals, including the horse. When such infected meat is inadequately cooked and eaten by man, the live worm multiplies within the body and the larvae burrow their way into the muscles, causing a disease referred to as trichinosis.

§§98.102—98.600 [Reserved]

PARTS 99—109 [RESERVED]

PART 110—RECORDKEEPING ON RESTRICTED USE PESTICIDES BY CERTIFIED APPLICATORS; SURVEYS AND REPORTS

Sec.

- 110.1 Scope.
- 110.2 Definitions.
- 110.3 Records, retention, and access to records.
- 110.4 Demonstration of compliance.
- 110.5 Availability of records to facilitate medical treatment.
- 110.6 Federal cooperation with States.
- 110.7 Penalties.
- 110.8 Rules of practice.
- 110.9 Miscellaneous.

AUTHORITY: 7 U.S.C. 136a(d)(1)(c), 136i-1, and 450; 7 CFR 2.17, 2.50.

SOURCE: 58 FR 19022, Apr. 9, 1993, unless otherwise noted.

§110.1 Scope.

This part sets forth the requirements for recordkeeping on restricted use pesticides by all certified applicators, both private applicators and commercial applicators.

§110.2 Definitions.

As used in this part, the following terms shall be construed, respectively, to mean:

Administrator. The Administrator of the Agricultural Marketing Service, United States Department of Agriculture, or any individual to whom the Administrator delegates authority to act in his or her behalf.

Authorized representative. Any person who is authorized to act on behalf of