

(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 regions where hog cholera exists.

(a) Hog cholera is known to exist in all regions of the world except Australia, Canada, Denmark, Fiji, Finland, Great Britain (England, Scotland, Wales, and Isle of Man), Iceland, New Zealand, Northern Ireland, Norway, the Republic of Ireland, Sweden, and Trust Territory of the Pacific Islands.⁹

(b) No pork or pork product may be imported into the United States from any region where hog cholera is known to exist unless it complies with the following requirements:

⁹See 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.

(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 region 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 region 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 region which specifies that:

(1) The pork involved originated in that region and the pork or pork product was consigned to a processing establishment in ——— (a region 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 region 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 region which accompanied the shipment from such free region: *And, provided further*, That the certificate required by paragraph (b)(3) of this section 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 regions 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 region of origin who is authorized to issue the foreign meat inspection certificate required by §327.4 of this title.¹⁰ 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.

(c) Thoroughly cured and fully dried pork and pork products from regions

¹⁰The 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.

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.

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[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 regions where hog cholera exists.

(a) Hog cholera is known to exist in all regions of the world except Australia, Canada, Denmark, Fiji, Finland, Great Britain (England, Scotland, Wales, and Isle of Man), Iceland, New Zealand, Northern Ireland, Norway, the Republic of Ireland, Sweden, and Trust Territory of the Pacific Islands. No swine which are moved from or transit any region 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 §93.504(c) or §93.501 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; 62 FR 8868, Feb. 27, 1997; 62 FR 28620, May 27, 1997; 62 FR 43925, Aug. 18, 1997; 62 FR 56022, Oct. 28, 1997]

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

(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