

shipped from the official establishment, provided its identity was maintained, and it has not become adulterated or misbranded.

(c) Inspection may be suspended, revoked, or terminated as provided in subsection 21(b) of the Federal Water Pollution Control Act, as amended.

(d) The assignment of inspectors may be temporarily suspended, in whole or in part, by the Administrator, to the extent he determines necessary to avoid impairment of the effective conduct of the inspection service when the operator of any official establishment or any subsidiary therein, or any officer, employee, or agent of any such operator or any subsidiary therein, acting within the scope of his office, employment, or agency, threatens to forcibly assault or forcibly assaults, intimidates, or interferes with any inspection service employee in or on account of the performance of his official duties under the Act, unless promptly upon the incident being brought by an authorized supervisor of the Inspection Service employee to the attention of the operator of the establishment the operator (1) Satisfactorily justifies the incident, (2) Takes effective steps to prevent a recurrence, or (3) Provides acceptable assurance that there will not be any recurrences. The suspension shall remain in effect until one of such actions is taken by the operator: *Provided*, That upon request of the operator he shall be afforded an opportunity for an expedited hearing to show cause why the suspension should be terminated.

[42 FR 12416, Mar. 4, 1977]

Subpart F—Assignment and Authorities of Program Employees; Appeals

§§ 381.30–381.31 [Reserved]

§ 381.32 Access to establishments.

Any duly authorized representative of the Secretary shall have access at all reasonable times, by day or night, whether the establishment is in operation or not, to the premises or any part thereof of an establishment engaged in processing poultry or poultry

products for commerce, upon presentation of appropriate credentials.

§ 381.33 Identification.

Each inspector will be furnished with a numbered official inspection badge, which shall remain in his or her possession at all times, and which shall be worn in such manner and at such times as the Administrator may prescribe. This badge shall be sufficient identification to entitle the inspector to admittance at all regular entrances and to all parts of the establishment and premises to which the inspector is assigned.

[59 FR 42156, Aug. 17, 1994]

§ 381.34 Financial interest of inspectors.

(a) No inspector shall inspect any poultry or poultry product in which he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person with whom he is negotiating or has any arrangement concerning prospective employment, is financially interested.

(b) All inspectors are subject to statutory restrictions with respect to political activities; e.g., 5 U.S.C. 7324 and 1502.

(c) Violation of the provisions of paragraph (a) of this section or the provisions of applicable statutes referenced in paragraph (b) of this section will constitute grounds for dismissal in the case of appointees and for revocation of licenses in the case of licensees.

(d) Inspectors are subject to all applicable provisions of law and regulations and instructions of the Department and the Food Safety and Inspection Service and other authority concerning employee responsibilities and conduct. The setting forth of certain prohibitions in this part in no way limits the applicability of such general or other regulations or instructions.

§ 381.35 Appeal inspections; how made.

Any person receiving inspection service may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision: *Provided*, That such appeal is filed within 48 hours from the time the decision was made. Any such appeal from a