

adopt and enforce all necessary measures and shall comply with all such directions as the circuit supervisor may prescribe, for carrying out the purposes of this section.

**§ 305.5 Withdrawal of inspection; statement of policy.**

(a) The Administrator is authorized to withdraw inspection from an official establishment where the sanitary conditions are such that its products are rendered adulterated, or for failure of the operator to destroy condemned products as required by the Act and the regulations in this subchapter. Inspection may be withdrawn in accordance with section 401 of the Act and the applicable rules of practice.

(b) The assignment of inspectors may be temporarily suspended, in whole or in part, by the Administrator to the extent it is determined necessary to avoid impairment of the effective conduct of the program 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 program 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 program 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. Such 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.

(c) Inspection service may be temporarily suspended, in whole or in part, at an official establishment, by the Administrator, to the extent that it is determined necessary to prevent inhumane slaughtering or handling in connection with slaughter of livestock as defined in § 301.2(kk) (9 CFR 301.2(kk)).

The Administrator shall notify the operator of an establishment orally or in writing, as promptly as circumstances permit, of such suspension and the reasons therefor. Such suspension shall remain in effect until the operator of the establishment takes effective steps to prevent a recurrence, or provides other satisfactory assurances that there will not be any recurrences. Upon request, the operator shall be afforded an opportunity for a hearing to show cause why the suspension should be terminated.

[38 FR 9794, Apr. 20, 1973, as amended at 44 FR 68813, Nov. 30, 1979; 53 FR 49848, Dec. 12, 1988]

EFFECTIVE DATE NOTE: At 64 FR 66545, Nov. 29, 1999, § 305.5 was removed, effective Jan. 25, 2000.

**§ 305.6 Reports of violations.**

Program employees shall report, in a manner prescribed by the Administrator, all violations of the Act or regulations in this subchapter of which they have information.

**PART 306—ASSIGNMENT AND AUTHORITIES OF PROGRAM EMPLOYEES**

Sec.

306.1 Designation of circuit supervisor and assistants.

306.2 Program employees to have access to establishments.

306.3 Badge as identification of inspectors.

306.4 Assignment of Program employees where members of family employed; soliciting employment; procuring product from official establishments.

306.5 Appeals.

AUTHORITY: 21 U.S.C. 601-695; 7 CFR 2.18, 2.53.

SOURCE: 35 FR 15559, Oct. 3, 1970, unless otherwise noted.

**§ 306.1 Designation of circuit supervisor and assistants.**

The Administrator shall designate a circuit supervisor of the inspection in each circuit, and assign to said inspector such assistants as may be necessary.

**§ 306.2 Program employees to have access to establishments.**

For the purpose of any examination or inspection necessary to prevent the

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use in commerce of any adulterated product, Program employees shall have access at all times, by day or night, whether the establishment is operated or not, to every part of any official establishment to which they are assigned. Access to establishments is also authorized in accordance with section 202 of the Act and the regulations in part 320 of this subchapter.

#### § 306.3 Badge as identification of inspectors.

Each inspector will be furnished with a numbered official badge, which he shall not allow to leave his possession, and which he shall wear in such manner and at such times as the Administrator may prescribe. This badge shall be sufficient identification to entitle him to admittance at all regular entrances and to all parts of the establishment and premises to which he is assigned.

#### § 306.4 Assignment of Program employees where members of family employed; soliciting employment; procuring product from official establishments.

(a) Except as specifically authorized by the Administrator, no Program employee shall be detailed for duty at an establishment where any member of his family is employed by the operator of the establishment, or any tenant or subsidiary of such operator nor shall any circuit supervisor or other employee acting in a supervisory capacity be continued on duty at a circuit where any member of his family is so employed at any establishment under his jurisdiction. Program employees are forbidden to solicit, for any person, employment at any official establishment, or by any officer, manager, or employee thereof.

(b) Program employees shall not procure product from any official establishment or any other establishment if its operations or products are inspected or regulated under the Poultry Products Inspection Act or the Agricultural Marketing Act of 1946, as amended, or any other law administered by the Department unless the store or outlet from which the purchase is made is open to the general public and the price paid by such employee is the same as the price paid by the general

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public. Program employees must pay, and obtain receipts for money paid to such establishments for all such product and keep such receipts subject to inspection by supervisory employees or other authorized Department employees.

#### § 306.5 Appeals.

Any appeal from a decision of any Program employee shall be made to his/her immediate supervisor having jurisdiction over the subject matter of the appeal, except as otherwise provided in the applicable rules of practice.

[48 FR 11418, Mar. 18, 1983, as amended at 60 FR 67454, Dec. 29, 1995]

## PART 307—FACILITIES FOR INSPECTION

Sec.

- 307.1 Facilities for Program employees.
- 307.2 Other facilities and conditions to be provided by the establishment.
- 307.3 Inspectors to furnish and maintain implements in a sanitary condition.
- 307.4 Schedule of operations.
- 307.5 Overtime and holiday inspection service.
- 307.6 Basis of billing for overtime and holiday services.
- 307.7 Safety requirements for electrical stimulating (EST) equipment.

AUTHORITY: 7 U.S.C. 394, 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

SOURCE: 35 FR 15560, Oct. 3, 1970, unless otherwise noted.

#### § 307.1 Facilities for Program employees.

Office space, including necessary furnishings, light, heat, and janitor service, shall be provided by official establishments, rent free, for the exclusive use for official purposes of the inspector and other Program employees assigned thereto. The space set aside for this purpose shall meet with approval of the circuit supervisor and shall be conveniently located, properly ventilated and provided with lockers suitable for the protection and storage of Program supplies and with facilities suitable for Program employees to change clothing if such clothes changing facilities are deemed necessary by