

which would clearly endanger public health under the criteria in paragraph (a) of this section, the following procedure will be followed:

(1) The Program Inspector will informally advise the operator of the establishment concerning the deficiencies found by him and report his findings to the appropriate Regional Director for the Program. When it is determined by the Regional Director that any establishment preparing products solely for distribution within any State is producing adulterated products for distribution within such State which would clearly endanger the public health, written notification thereof will be issued to the appropriate State officials, including the Governor of the State and the appropriate Advisory Committee, for effective action under State or local law to prevent such endangering of the public health. Such written notification shall clearly specify the deficiencies deemed to result in the production of adulterated products and shall specify a reasonable time for such action under State or local law.

(2) If effective action is not taken under State or local law within the specified time, written notification shall be issued by the Regional Director to the operator of the establishment, specifying the deficiencies involved and allowing him ten days to present his views or make the necessary corrections, and notifying him that failure to correct such deficiencies may result in designation of the establishment and operator thereof as subject to the provisions of titles I and IV of the Act as though engaged in commerce.

(3) Thereafter the Program Inspector shall survey the establishment and designate it if he determines, in consulta-

tion with the Regional Director, that it is producing adulterated products, which would clearly endanger the public health, and formal notice of such designation will be issued to the operator of the establishment by the Regional Director.

(c) Products on hand at the time of designation of an establishment under this section are subject to detention, seizure and condemnation in accordance with part 329 of this subchapter: *Provided*, That products that have been federally inspected and so identified and that have not been further prepared at any nonfederally inspected establishment may be released for distribution if the products appear to be not adulterated or misbranded at the time of such release.

(d) No establishment designated under this section can lawfully prepare any products unless it first obtains inspection or qualifies for exemption under § 303.1 of this subchapter. All of the provisions of the regulations shall apply to establishments designated under this section, except that the exceptions provided for in § 331.3 of this part shall apply to such establishments.

§ 331.6 Designation of States under section 205 of the Act; application of sections of the Act and the regulations.

Each of the following States has been designated, effective on the date shown below, under section 205 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Sections of act and regulations	Classes of operators	State	Effective date of designation
Act, section 202; §§ 320.1, 320.2, 320.3, and 320.4.	Persons engaged (not in or for commerce) in (1) the business of slaughtering any livestock or preparing, freezing, packaging or labeling any livestock carcasses or parts or products thereof, for use as human food or animal food; (2) the business of buying or selling (as a meat broker, wholesaler, or otherwise), transporting or storing any livestock carcasses or parts or products thereof; or (3) business as a renderer, or in the business of buying, selling, or transporting any dead, dying, disabled, or diseased livestock or parts of carcasses of any livestock that died otherwise than by slaughter.	Alaska	July 31, 1999.
		Arkansas	Mar. 29, 1982.
		California	Apr. 1, 1976.
		Colorado	July 1, 1975.
		Connecticut	Oct. 1, 1975.
		Guam	Nov. 19, 1976.
		Idaho	Mar. 29, 1982.
		Kentucky	Apr. 18, 1973.
		Maine	Feb. 9, 1981.
		Maryland	Mar. 31, 1991.
		Massachusetts ..	Jan. 12, 1976.
		Michigan	Mar. 29, 1982.
		Nebraska	Jan. 31, 1975.

Food Safety and Inspection Service, USDA

§ 331.6

Sections of act and regulations	Classes of operators	State	Effective date of designation
Act, 203; § 320.5	Persons engaged (not in or for commerce) in business as a meat broker; renderer; animal food manufacturer; wholesaler or public warehouseman of livestock carcasses, or parts or products thereof; or buying, selling, or transporting any dead, dying, disabled, or diseased livestock, or parts of carcasses of any such livestock that dies otherwise than by slaughter.	Nevada Jan. 31, 1975. New Hampshire Oct. 29, 1979. New Jersey July 1, 1975. New York July 16, 1975. Northern Mariana Islands Oct. 29, 1979. Oregon Jan. 31, 1975. Pennsylvania May 2, 1974. Puerto Rico Nov. 19, 1976. Rhode Island Mar. 29, 1982. Tennessee Oct. 1, 1975. Virgin Islands Nov. 19, 1976. Washington Jan. 31, 1975. Alaska July 31, 1999. Arkansas Mar. 29, 1982. California Apr. 1, 1976. Colorado July 1, 1975. Connecticut Oct. 1, 1973. Guam Nov. 19, 1976. Idaho Mar. 29, 1982. Kentucky Apr. 18, 1976. Maine Feb. 9, 1981. Maryland Mar. 31, 1991. Massachusetts Jan. 12, 1975. Michigan Mar. 29, 1982. Nebraska Jan. 31, 1975. Nevada Jan. 31, 1975. New Hampshire Oct. 29, 1979. New Jersey July 1, 1975. New York July 16, 1973. Northern Mariana Islands Oct. 29, 1979. Oregon Jan. 31, 1974. Pennsylvania May 2, 1975. Puerto Rico Nov. 19, 1976. Rhode Island Mar. 29, 1982. Tennessee Oct. 1, 1975. Virgin Islands Nov. 19, 1976. Washington Jan. 31, 1975. Alaska July 31, 1999. Arkansas Mar. 29, 1982. Connecticut Oct. 1, 1975. Guam Nov. 19, 1976. Idaho Mar. 29, 1982. Kentucky Apr. 18, 1973. Maine Feb. 9, 1981. Maryland Mar. 31, 1991. Massachusetts Jan. 12, 1976. Michigan Mar. 29, 1982. Nevada Jan. 31, 1975. New Hampshire Oct. 29, 1979. New Jersey July 1, 1975. New York July 16, 1975. Northern Mariana Islands Oct. 29, 1979. Oregon Jan. 31, 1975. Pennsylvania May 2, 1974. Puerto Rico Nov. 19, 1976. Rhode Island Mar. 29, 1982. Virgin Islands Nov. 19, 1976. Washington Jan. 31, 1975.	
Act, 204; §§ 325.20 and 325.21.	Persons engaged (not in or for commerce) in the business of buying, selling or transporting any dead, dying, disabled or diseased animals, or parts of carcasses of any animals that died otherwise than by slaughter.		

[35 FR 19667, Dec. 29, 1970]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 331.6, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.