

## § 145.11

[38 FR 13706, May 24, 1973, as amended at 40 FR 1500, Jan. 8, 1975; 41 FR 48723, Nov. 5, 1976. Redesignated at 44 FR 61586, Oct. 26, 1979, and amended at 45 FR 10315, Feb. 15, 1980; 47 FR 21991, May 20, 1982; 50 FR 19898, May 13, 1985; 54 FR 23955, June 5, 1989; 57 FR 57341, Dec. 4, 1992; 59 FR 12798, Mar. 18, 1994; 61 FR 11517, Mar. 21, 1996; 62 FR 44068, Aug. 19, 1997; 63 FR 40010, July 27, 1998; 65 FR 8016, Feb. 17, 2000; 67 FR 8468, Feb. 25, 2002]

### § 145.11 Supervision.

(a) The Official State Agency may designate qualified persons as Authorized Agents to do the sample collecting and blood testing provided for in §145.14 and the selecting required for the U.S. Approved classification provided for in §145.53(a).

(b) The Official State Agency shall employ or authorize qualified persons as State Inspectors to perform or supervise the performance of the selecting and testing of participating flocks, and to perform the official inspections necessary to verify compliance with the requirements of the Plan.

(c) Authorities issued under the provisions of this section shall be subject to cancellation by the official State agency on the grounds of incompetence or failure to comply with the provisions of the Plan or regulations of the official State agency. Such actions shall not be taken until a thorough investigation has been made by the official State agency and the authorized person has been given notice of the proposed action and the basis therefor and an opportunity to present his views.

[36 FR 23112, Dec. 3, 1971, as amended at 38 FR 13706, May 24, 1973; 41 FR 48723, Nov. 5, 1976. Redesignated at 44 FR 61586, Oct. 26, 1979]

### § 145.12 Inspections.

(a) Each participating hatchery shall be inspected a sufficient number of times each year to satisfy the Official State Agency that the operations of the hatchery are in compliance with the provisions of the Plan.

(b) The records of all flocks maintained primarily for production of hatching eggs shall be examined annually by a State Inspector. Records shall include VS Form 9-2, "Flock Selecting and Testing Report"; VS Form 9-3, "Report of Sales of Hatching Eggs, Chicks, and Poults"; set and hatch

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records; egg receipts; and egg/chick orders or invoices. Records shall be maintained for 3 years. On-site inspections of flocks and premises will be conducted if the State Inspector determines that a breach of sanitation, blood testing, or other provisions has occurred for Plan programs for which the flocks have or are being qualified.

[36 FR 23112, Dec. 3, 1971, as amended at 40 FR 1501, Jan. 8, 1975. Redesignated at 44 FR 61586, Oct. 26, 1979, and amended at 54 FR 23955, June 5, 1989; 59 FR 12798, Mar. 18, 1994]

### § 145.13 Debarment from participation.

Participants in the Plan, who after investigation by the Official State Agency or its representative, are notified in writing of their apparent non-compliance with the Plan provisions or regulations of the Official State Agency, shall be afforded a reasonable time, as specified by the Official State Agency, within which to demonstrate or achieve compliance. If compliance is not demonstrated or achieved within the specified time, the Official State Agency may debar the participant from further participation in the Plan for such period, or indefinitely, as the Agency may deem appropriate. The debarred participant shall be afforded notice of the bases for the debarment and opportunity to present his views with respect to the debarment in accordance with procedures adopted by the Official State Agency. The Official State Agency shall thereupon decide whether the debarment order shall continue in effect. Such decision shall be final unless the debarred participant, within 30 days after the issuance of the debarment order, requests the Administrator to determine the eligibility of the debarred participant for participation in the Plan. In such event the Administrator shall determine the matter de novo in accordance with the rules of practice in 7 CFR part 50, which are hereby made applicable to proceedings before the Administrator under this section. The definitions in 7 CFR 50.10 and the following definitions shall apply with respect to terms used in such rules of practice:

(a) *Administrator* means the Administrator, Animal and Plant Health Inspection Service of the U.S. Department of Agriculture or any officer or