

(d) The information submitted in accordance with paragraph (b) of this section will be made available to the public prior to initiation by APHIS of any rulemaking action on the request.

(e) If, after review of the information submitted, APHIS believes the requested importation can be safely allowed, APHIS will publish a proposed rule in the FEDERAL REGISTER to allow the importation, and the conditions under which the importation would be allowed, along with a discussion of the basis for the proposal.

(f) APHIS will provide a period of time during which the public may comment on the proposal. During the comment period, the public will have access to the information upon which APHIS based its analysis of the risk of such importation, as well as to its methodology in conducting the analysis. Once APHIS has reviewed all comments received, it will make a final decision on what conditions will be necessary to allow the importation in question, and will publish the conditions for import in the FEDERAL REGISTER.

(g) If a region is granted animal health status under the provisions of this section, that region may be required to submit additional information pertaining to animal health status or allow APHIS to conduct additional information collection activities in order for that region to maintain its animal health status.

(Approved by the Office of Management and Budget under control number 0579-0219)

[62 FR 56012, Oct. 28, 1997, as amended at 68 FR 50054, Aug. 20, 2003]

### § 92.3 Movement restrictions.

Whenever the European Commission (EC) establishes a quarantine for a disease in the European Union in a region the Animal and Plant Health Inspection Service recognizes as one in which the disease is not known to exist and the EC imposes prohibitions or other restrictions on the movement of animals or animal products from the quarantined area in the European Union, such animals and animal products are prohibited importation into the United States.

[68 FR 16938, Apr. 7, 2003]

### § 92.4 Reestablishment of a region's disease-free status.

This section applies to regions that are designated in this subchapter D as free of a specific animal disease and then experience an outbreak of that disease.

(a) *Interim designation.* If a region recognized as free of a specified animal disease in this subchapter D experiences an outbreak of that disease, APHIS will take immediate action to prohibit or restrict imports of animals and animal products from that region. Such action may include publishing an interim rule that imposes prohibitions or restrictions that may be announced initially administratively. The interim rule may be given an effective date earlier than the date of signature or publication to affirm our authority for issuing previous administrative orders. The interim rule may impose prohibitions or restrictions on only a portion of the region previously recognized as free of a disease. In these cases, APHIS will provide information to the public as soon as possible regarding the basis for its decision to prohibit or restrict imports from the smaller area of that region previously recognized as free.

(b) *Reassessment of the disease situation.* (1) Following publication of an interim rule as described in paragraph (a) of this section, APHIS will reassess the disease situation in that region to determine whether it is necessary to continue the interim prohibitions or restrictions. In reassessing a region's disease status, APHIS will take into consideration the standards of the Office International des Epizooties for reinstatement of disease-free status, as well as all relevant information obtained through public comments on both the initial interim rule and the notice of availability of the reassessment or relevant information collected by or submitted to APHIS through other means.

(2) Prior to taking any action to relieve or finalize prohibitions or restrictions imposed by the interim rule, APHIS will make information regarding its reassessment of the region's disease status available to the public for comment. APHIS will announce the

availability of this information by publishing a notice in the FEDERAL REGISTER.

(c) *Determination.* Based on the reassessment conducted in accordance with paragraph (b) of this section, including comments regarding the reassessment information, APHIS will take one of the following actions:

(1) Publish a final rule that reinstates the disease-free status of the region, or a portion of the region, covered by the interim rule;

(2) Publish an affirmation of the interim rule that imposed prohibitions or restrictions on the imports of animals and animal products from that region; or

(3) Publish another document in the FEDERAL REGISTER for comment.

[69 FR 25819, May 10, 2004]

**PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, FISH, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS**

**Subpart A—Birds**

Sec.

- 93.100 Definitions.
- 93.101 General prohibitions; exceptions.
- 93.102 Ports designated for the importation of birds.
- 93.103 Import permits for birds; and reservation fees for space at quarantine facilities maintained by APHIS.
- 93.104 Certificates for pet birds, commercial birds, zoological birds, and research birds.
- 93.105 Inspection at the port of entry.
- 93.106 Quarantine requirements.

CANADA

- 93.107 Special provisions.

**Subpart B—Poultry**

- 93.200 Definitions.
- 93.201 General prohibitions; exceptions.
- 93.202 Inspection of certain aircraft and other means of conveyance and shipping containers thereon; unloading, cleaning, and disinfection requirements.
- 93.203 Ports designated for the importation of poultry.
- 93.204 Import permits for poultry and for poultry test specimens for diagnostic purposes; and reservation fees for space

at quarantine facilities maintained by APHIS.

- 93.205 Certificate for poultry.
- 93.206 Declaration and other documents for poultry.
- 93.207 Inspection at the port of entry.
- 93.208 Articles accompanying poultry.
- 93.209 Quarantine requirements.
- 93.210 Poultry quarantine facilities.
- 93.211 Quarantine stations, visiting restricted; sales prohibited.
- 93.212 Manure from quarantined poultry.
- 93.213 Appearance of disease among poultry in quarantine.

CANADA

- 93.214 Import permit and declaration for poultry.
- 93.215 Special provisions.
- 93.216 Poultry from Canada.

CENTRAL AMERICA AND THE WEST INDIES

- 93.217 Import permit and declaration for poultry.

MEXICO

- 93.218 Import permits and applications for inspection for poultry.
- 93.219 Declaration for poultry.
- 93.220 Inspection at port of entry.

**Subpart C—Horses**

- 93.300 Definitions.
- 93.301 General prohibitions; exceptions.
- 93.302 Inspection of certain aircraft and other means of conveyance and shipping containers thereon; unloading, cleaning, and disinfection requirements.
- 93.303 Ports designated for the importation of horses.
- 93.304 Import permits for horses from regions affected with CEM and for horse specimens for diagnostic purposes; reservation fees for space at quarantine facilities maintained by APHIS.
- 93.305 Declaration and other documents for horses.
- 93.306 Inspection at the port of entry.
- 93.307 Articles accompanying horses.
- 93.308 Quarantine requirements.
- 93.309 Horse quarantine facilities.
- 93.310 Quarantine stations, visiting restricted; sales prohibited.
- 93.311 Milk from quarantined horses.
- 93.312 Manure from quarantined horses.
- 93.313 Appearance of disease among horses in quarantine.
- 93.314 Horses, certification, and accompanying equipment.

CANADA

- 93.315 Import permit and declaration for horses.
- 93.316 Horses from Canada for immediate slaughter.