manner prescribed in §1.147(b) of the rules of practice (7 CFR 1.147(b)), or orally. The Administrator’s decision to deny or suspend the service shall be effective upon such oral or written notification, whichever is earlier, to the applicant or recipient of service. If such notification is oral, the Administrator shall confirm such decision and the reasons therefor, in writing, as promptly as circumstances permit, and such written confirmation shall be served upon the applicant or recipient of service, in the manner prescribed in §1.147(b) of the rules of practice (7 CFR 1.147(b)). In other cases prior to the institution of proceedings for denial of service under this paragraph, the facts or conduct which may warrant such action shall be called to the attention of the person involved, in writing, and he shall be given an opportunity to demonstrate or achieve compliance with all applicable requirements.

§ 350.7 Fees and charges.
(a) Fees and charges for service under the regulations in this part shall be paid by the applicant for the service in accordance with this section, and, if required by the Administrator, the fees and charges shall be paid in advance.
(b) The fees and charges provided for in this section shall be paid by check, draft, or money order payable to the Treasurer of the United States and shall be remitted promptly to the Administrator upon furnishing to the applicant of a statement as to the amount due.
(c) The fees to be charged and collected for service under the regulations in this part shall be at the rates specified in §§391.2, 391.3, and 391.4 respectively for base time; for overtime including Saturdays, Sundays, and holidays; and for certain laboratory services which are not covered under the base time, overtime, and/or holiday costs. Such fees shall cover the costs of the service and shall be charged for the time required to render such services. Where appropriate, this time will include, but will not be limited to, the time required for travel of the inspector or inspectors in connection therewith during the regularly scheduled administrative workweek.
(d) Charges may also be made to cover the cost of travel and other expenses incurred by the Service in connection with the furnishing of the service.


§ 350.8 Scope and applicability of rules of practice.
The rules of practice of the Department of Agriculture in subpart H of part I, subtitle A, title 7 of the Code of Federal Regulations, are the rules of practice applicable to adjudicatory, administrative proceedings under the regulations in this part (9 CFR part 350).

[43 FR 11147, Mar. 17, 1978]
TRANSPORTATION AND EXPORTATION OF CERTIFIED TECHNICAL ANIMAL FAT

§ 351.16 Certificate required for shipments of technical animal fat.

§ 351.17 Identification required.

PROHIBITIONS

§ 351.18 Official identifications; unauthorized use.

REMEDIES; PENALTIES

§ 351.19 Refusal of certification for specific lots.

§ 351.20 Withdrawal of service from certified plants.

APPEALS

§ 351.21 Appeals.

RECORDS AND REPORTS

§ 351.22 Certified plants to maintain records and make reports; access to records.

AUTHORITY: 7 U.S.C. 1622, 1624; 7 CFR 2.17 (g) and (i), 2.55.

SOURCE: 40 FR 58627, Dec. 18, 1975, unless otherwise noted.

DEFINITIONS

§ 351.1 Meaning of words.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 351.2 Terms defined.

When used in this part, unless the context otherwise requires:

(a) Department means the United States Department of Agriculture.

(b) Program means the Meat and Poultry Inspection Program of the Food Safety and Inspection Service of the Department.

(c) Administrator means the Administrator of the Food Safety and Inspection Service of the Department, or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) Circuit supervisor means an employee of the Program assigned to supervise and perform official work in a circuit. Such employee is assigned by and reports directly to the Administrator or person designated by him.

(e) Inspector means an employee of the Program or a cooperating State.

(f) Circuit means one or more inspected plants assigned to a circuit supervisor.

(g) Recognized State means any State not designated in §331.2 of this chapter.

(h) Cooperating State means any State cooperating under §351.7 in administration of the regulations in this part.

(i) Inspection means ante-mortem and post-mortem inspection by Program inspectors or inspectors of a Meat Inspection Service of a recognized State.

(j) Animals means cattle, sheep, swine, goats, horses, mules and other equines.

(k) Technical animal fat means animal fat eligible for exportation, or storage for exportation, in accordance with §325.11 of this chapter.

(l) Certified technical animal fat means technical animal fat certified for export or storage for export under the regulations in this part.

(m) Tallow means technical animal fat with a minimum titre of 40 °C.

(n) Certified plant means any plant or storage facility preparing or storing certified technical animal fat for export, or for transfer to another certified plant or storage facility for ultimate export, and at which certification service is provided under the regulations in this part.

(o) Inspected and Passed means inspected and passed under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the meat inspection laws of a recognized State.

SCOPE OF CERTIFICATION SERVICE

§ 351.3 Kind of service.

(a) Certification, in the form set forth in paragraph (b), is available under the regulations in this part for specific lots of technical animal fat for export, if the fat was rendered from materials derived from carcasses, or parts of carcasses, that had been inspected and passed and came from animals that did not die otherwise than by slaughter under inspection. The certification will be made by a Program employee when he determines, upon the basis of examinations made by him or other inspectors, as provided in §351.14, and information obtained by him or them from the exporter or other sources, as provided in the regulations.
in this part, that the technical animal fat is eligible for certification under this section and therefore the statements to be certified are correct. The service will be available upon a voluntary fee basis in accordance with said regulations.

(b)(1) The form of Certificate for Export of Technical Animal Fats is as follows:

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**UNITED STATES DEPARTMENT OF AGRICULTURE**

**ANIMAL AND PLANT HEALTH INSPECTION SERVICE**

**MEAT AND POULTRY INSPECTION PROGRAM**

WASHINGTON, D.C. 20250

**CERTIFICATE FOR EXPORT OF TECHNICAL ANIMAL FATS**

<table>
<thead>
<tr>
<th>1. KIND OF PRODUCT</th>
<th>2. NET WEIGHT OF PRODUCT (From Bill of Lading)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>3. NAME AND ADDRESS OF PLANT MAKING SHIPMENT</th>
<th>4. NAME AND ADDRESS OF TRANSPORTING COMPANY</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>5.certified plant no.</th>
<th>6. country of destination</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>7. VESSEL NUMBER</th>
<th>8. NAME OF CITY WHERE LOADED</th>
<th>9. DATE LOADED</th>
</tr>
</thead>
</table>

The undersigned certifies in accordance with 9 CFR 351.3 that:

a. The product described above has been obtained by rendering raw materials, none of which were diseased, suspected of being diseased, or from dead animals.

b. The product covered by this certificate has been rendered under the continuous Federal inspection provided in the Federal Meat Inspection Act. For compliance with this certificate, the plant equipment, plant conditions, and processing operations of the rendering plant(s) supplying the product certified by this certificate are subject to Federal inspection on a periodic basis as authorized by the Agricultural Marketing Act and regulations thereunder (9 CFR Part 351).

(2) Certified technical animal fat may be described on the certificate as "technical animal fat"; or if it is tallow, it may be described on the certificate as "Tallow" and the description may include the statement "titre not less than 40 °C."

**PROCEDURE FOR OBTAINING SERVICE:**

**ADMINISTRATION OF PROGRAM**

§ 351.4 Application for certification service.

Application for certification service under the regulations in this part may be made to the Administrator by the operator of any rendering plant or storage facility at which technical animal fat is prepared or stored for export. In case of a change of ownership or change of location, a new application shall be made. Applications shall be made on forms available from the Administrator and provide all information called for thereon relating to the identity of the applicant and the plant, and the nature of the plant operations, and a certification of specified facts and an agreement to comply with specified requirements.

(Approved by the Office of Management and Budget under control number 0583–0036)

[40 FR 58627, Dec. 18, 1975, as amended at 47 FR 746, Jan. 7, 1982]

§ 351.5 Conditions of eligibility for certification service; review of applications.

(a) To be eligible for certification service under the regulations in this part, the operator of a rendering plant must demonstrate that:

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1Copy filed as part of the original document.
§ 351.6 Official number.

The Administrator will assign a certified technical animal fat plant number to each plant granted service. Such number shall be preceded by the letter “C” and be used to identify all certified technical animal fat prepared or stored by the plant.

§ 351.7 Administration of certification service program.

(a) The regulations in this part shall be administered by the circuit supervisor for the jurisdiction in which is located the certified plant or plants for which application for certification service is made, and such assistants as may be necessary will be assigned by the Administrator.

(b) The Administrator may enter into a cooperative agreement with any recognized State for the conduct by State employees of any surveys, examinations, and other activities involved in the administration of the regulations in this part. However, certifications under these regulations may be issued only by Program employees, as provided in §351.3.

FEES

§ 351.8 Charges for surveys of plants.

Applicants for the certification service shall pay the Department for salary costs at the rates specified in §§391.2 and 391.3 respectively for base time, and for overtime, travel, and per diem allowances at rates currently allowed by the Federal Travel Regulations, and other expenses incidental to the initial survey of the rendering plants or storage facilities for which certification service is requested.

§ 351.9 Charges for examinations.

(a) The fees to be charged and collected by the Administrator for examination shall be at the rates specified in §§391.2, 391.3, and 391.4 respectively.
Food Safety and Inspection Service, USDA § 351.14

for base time; for overtime including Saturdays, Sundays, and holidays, as provided for in §351.14; and for certain laboratory services which are not covered under the base time, overtime, and/or holiday costs and which are required to determine the eligibility of any technical animal fat for certification under the regulations in this Part. Such fees shall be charged for the time required to render such service, including, but not limited to, the time required for the travel of the inspector or inspectors in connection therewith.

(b) Charges may also be made to cover the actual cost of travel and per diem allowance at rates currently allowed by the General Services Administration, and other expenses incurred by the Department in connection with such examinations and laboratory service.


§ 351.10 Facilities.

(a) Facilities for the preparation, identification, and storage of the technical animal fat to be certified shall be furnished and maintained by the certified plant in accordance with this section.

(b) The operator of the certified plant shall provide at the plant, rooms, compartments, and equipment needed to maintain the identity of certified technical animal fats and materials used in their preparation, and separation of such articles from other products. Such rooms, compartments, and equipment shall be conspicuously marked with the phrase “Certified Technical Animal Fat” whenever they contain these fats.

§ 351.11 Identification and separation of technical animal fats for certification and materials for use therein; removal of wrappers, etc; cleaning of equipment.

(a) All technical animal fat to be offered for certification under this part and materials to be used in the preparation of such fat, and all certified technical animal fat, shall be identified and kept separate from other products from the time of receipt at a certified plant and throughout processing or handling at such plant. All wrappers and packaging shall be removed from the source materials to the fullest extent practicable before the materials are rendered at the plant.

(b) If a plant's operations are within the provisions of §351.14(b)(3), all equipment shall be cleaned before it is used for receiving, preparation, or storage of certified technical animal fats or material to be used in preparation of such fats. Such cleaning shall be done in such manner as to prevent contamination of such certified fats or source material with materials that are unacceptable under §351.3.

§ 351.12 Circuit supervisor to be informed when plant operates.

The operator of each certified plant shall inform the circuit supervisor, in advance, when the plant’s work schedule will include preparing technical animal fats for certification and identify the approximate days and hours when operations will begin and end.

§ 351.13 Inspectors to have access to certified plants at all times.

For the purpose of administering the regulations in this part, inspectors shall have access at all times by day or night to every part of a certified plant.

§ 351.14 Processes to be supervised; extent of examinations.

(a) All processes used in the preparation of certified technical animal fats at any certified plant shall be subject to supervision by an inspector. Certified plants shall not prepare any technical animal fat for certification under the regulations in this part, except in accordance with such regulations.

(b) Supervision, ranging from full-time coverage of an entire process to one or more reviews per month, to determine a plant’s compliance with the regulations in this part will be maintained. A circuit supervisor may increase the frequency of reviews whenever he deems necessary to assure the validity of certifications under the regulations in this part. Usual coverage of individual rendering plants will be as follows:
§ 351.15 Reports of violations.

Inspectors shall report to the circuit supervisor any apparent violations of the regulations in this part or the Federal Meat Inspection Act or regulations thereunder (subchapter A of this chapter) which occur at certified plants, or elsewhere, within their knowledge. The circuit supervisor shall report such actions to the Administrator through appropriate channels.

TRANSPORTATION AND EXPORTATION OF CERTIFIED TECHNICAL ANIMAL FAT

§ 351.16 Certificate required for shipments of technical animal fat.

No certified plant shall export any certified technical animal fat unless the shipment is accompanied by a certificate issued under §351.3.

§ 351.17 Identification required.

Certified technical animal fats being exported directly from a certified plant or transferred between certified plants for storage for export are subject to the requirements of §325.11 of this chapter. In addition, such shipments between certified plants shall be accompanied by MP Form 85 (Declaration to Accompany Technical Animal Fats Between Certified Technical Animal Fat Plants) prepared by the operator of the certified plant from which shipment is made, certifying that the product has been obtained by rendering raw materials derived from federally or State inspected and passed carcasses, or parts of carcasses. Technical animal fat described on MP Form 85 as tallow must meet the definition of “Tallow” in §351.2.

PROHIBITIONS

§ 351.18 Official identifications; unauthorized use.

(a) The form of certification set forth in §351.3 and the term “Certified Technical Animal Fat” are official identifications for purposes of the Agricultural Marketing Act of 1946, as amended, and shall not be falsely made, issued, altered, forged, or counterfeited, or used for purpose of misrepresentation or deception.

(b) No container which bears or is to bear any designation as certified technical animal fat shall be filled in whole or in part, except with technical animal fats which have been certified and identified in compliance with this part.

REMEDIES; PENALTIES

§ 351.19 Refusal of certification for specific lots.

If an inspector has reason to believe that a lot of technical animal fat is ineligible for certification under §351.3, or any materials to be used in a lot of technical animal fat would make the technical animal fat ineligible for such certification, certification of the lot shall be withheld pending final determination by the circuit supervisor. The operator of the plant shall be afforded
Food Safety and Inspection Service, USDA

§ 351.20 Withdrawal of service from certified plants.

(a) After opportunity for hearing has been accorded the operator of a certified plant, the certification service, provided for in this part, may be withdrawn from such plant in accordance with the applicable rules of practice, if it is determined that:

(1) The operator, or his employee or agent:

(i) Has made any willful misrepresentation or engaged in any fraudulent or deceptive practice in connection with the service;

(ii) Has interfered with or obstructed any Program employee or other inspector in the performance of his duties, under the regulations in this part, by intimidation, threats, or other improper means; or

(iii) Has violated section 203(h) of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622(h)), or any regulation in this part; or

(2) Facilities or procedures at the certified plant do not conform to the arrangements approved by the Administrator under §351.5.

(b) Pending final determination of the matter, the Administrator may summarily suspend the certification service at any certified plant when he has reason to believe that there is cause for withdrawal of the service under paragraph (a). The operator of the certified plant shall be notified of the Administrator’s decision to suspend summarily the certification service at any certified plant when he has reason to believe that there is cause for withdrawal of the service under paragraph (a). The operator of the certified plant shall be notified of the Administrator’s decision to suspend summarily the certification service at any certified plant when he has reason to believe that there is cause for withdrawal of the service under paragraph (a). The operator of the certified plant shall be notified of the Administrator’s decision to suspend summarily the certification service at any certified plant when he has reason to believe that there is cause for withdrawal of the service under paragraph (a). The operator of the certified plant shall be notified of the Administrator’s decision to suspend summarily the certification service at any certified plant when he has reason to believe that there is cause for withdrawal of the service under paragraph (a).

(c) The rules of practice of the Department of Agriculture in subpart H of part I, subtitle A, title 7 of the Code of Federal Regulations, are the rules of practice applicable to adjudicatory, administrative proceedings under the regulations in this part (9 CFR part 351).

[40 FR 58627, Dec. 18, 1975, as amended at 43 FR 11148, Mar. 17, 1978]

Appeals

§ 351.21 Appeals.

Any decision by an employee of the Program may be appealed by any adversely affected person to the immediate supervisor of such employee. Decisions of other inspectors may be appealed to the circuit supervisor.

Records and Reports

§ 351.22 Certified plants to maintain records and make reports; access to records.

(a) Each day a certified plant prepares, receives, or ships certified technical animal fat or receives material for use in such product, the operator of the plant shall prepare records identifying the kinds and quantities of such materials and technical animal fats received, the number of pounds of certified technical animal fat prepared or shipped, and an up-to-date inventory of certified technical animal fats in storage. The operator of each certified plant shall include in the records required by this section all MP Forms 85 which he receives with shipments of certified technical animal fat from any other certified plant. These records shall be maintained by the operator of each certified plant and made available to an inspector, upon request, for examination and copying, for a period of 1 year after the date of the transaction involved.

(b) The operator of each certified plant shall provide such relevant information as any inspector may request to enable him to determine whether any technical animal fats are eligible for certification and whether the plant...
is eligible for certification service under the regulations in this part.

(Approved by the Office of Management and Budget under control number 0583–0036)

[40 FR 58627, Dec. 18, 1975, as amended at 47 FR 746, Jan. 7, 1982]

PART 352—EXOTIC ANIMALS AND HORSES; VOLUNTARY INSPECTION

Subpart A—Exotic Animals

Sec.
352.1 Definitions.
352.2 Type of service available.
352.3 Application by official exotic animal establishment for inspection service.
352.4 Application for ante-mortem inspection service in the field.
352.5 Fees and charges.
352.6 Denial or withdrawal of inspection service.
352.7 Marking inspected products.
352.8 Time of inspection in the field and in an official exotic animal establishment.
352.9 Report of inspection work.
352.10 Ante-mortem inspection.
352.11 Post-mortem inspection.
352.12 Disposal of diseased or otherwise adulterated carcasses and parts.
352.13 Handling and disposal of condemned or other inedible exotic animal products at official exotic animal establishments.
352.14 Entry into official establishments; re-inspection and preparation of products.
352.15 Records, registration and reports.
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352.18 Cooperation of States in Federal programs.

Subpart B—Horses

352.19 Ante-mortem inspection and applicable requirements.

AUTHORITY: 7 U.S.C. 1622, 1624; 7 CFR 2.17 (g) and (t), 2.55.

SOURCE: 50 FR 41847, Oct. 16, 1985, unless otherwise noted.

Subpart A—Exotic Animals

§ 352.1 Definitions.

The definitions in §301.2, not otherwise defined in this part, are incorporated into this part. In addition to those definitions, the following definitions will be applicable to the regulations in this part.

(a) Act means the applicable provisions of the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087, as amended; 7 U.S.C. 1621 et seq.).

(b) Acceptable means suitable for the purpose intended and acceptable to the Food Safety and Inspection Service.

(c) Antelope means any animal belonging to the antelope family.

(d) Applicant means any interested party who requests any inspection service.

(e) Bison means any American bison or catalo or cattalo.

(f) Buffalo means any animal belonging to the buffalo family.

(g) Catalo or Cattalo means any hybrid animal with American bison appearance resulting from direct cross-breeding of American bison and cattle.

(h) Condition means any condition, including, but not limited to, the state of preservation, cleanliness, or soundness of any product or the processing, handling, or packaging which may affect such product.

(i) Condition and wholesomeness means the condition of any product, its healthfulness and fitness for human food.

(j) Deer means any member of the deer family.

(k) Exotic animal means any reindeer, elk, deer, antelope, water buffalo or bison.

(l) Elk means any American elk.

(m) Exotic animal inspection service means the personnel who are engaged in the administration, application, and direction of exotic animal inspection programs and services pursuant to the regulations in this part.

(n) Exotic animal producer means any interested party that engages in the raising and/or marketing of an exotic animal for commercial purposes.

(o) Field ante-mortem inspection means the ante-mortem inspection of an exotic animal away from the official exotic animal establishment’s premises.

(p) Field designated area means any designated area on the applicant’s premises, approved by the Regional Director, where field ante-mortem inspection is to be performed.

(q) Identify means to apply official identification to products or containers.

(r) Inspection means any inspection by an inspector to determine, in accordance with regulations in this part,