

SUBCHAPTER L—SWINE HEALTH PROTECTION

PART 166—SWINE HEALTH PROTECTION

GENERAL PROVISIONS

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AUTHORITY: 7 U.S.C. 3801-3813; 7 CFR 2.22, 2.8, and 371.4

SOURCE: 47 FR 49945, Nov. 3, 1982, unless otherwise noted.

GENERAL PROVISIONS

§ 166.1 Definitions in alphabetical order.

For the purposes of this part, the following terms shall have the meanings assigned them in this section. Unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa. Words undefined in the following paragraphs shall have the meaning attributed to them in general usage as reflected by definitions in a standard dictionary.

Act. The Swine Health Protection Act (Pub. L. 96-468) as amended by the Farm Credit Act Amendments of 1980 (Pub. L. 96-592).

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Animals. All domesticated and wild mammalian, poultry, and fish species, and wild and domesticated animals, including pets such as dogs and cats.

Area Veterinarian in Charge. The veterinarian of APHIS who is assigned by the Administrator to supervise and perform the official work of APHIS in a State or States or any other official to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

Facility. The site and all objects at this site including equipment and structures where garbage is accumulated, stored, handled, and cooked as a food for swine and which are fenced in or otherwise constructed so that swine are unable to have access to untreated garbage.

Garbage. All waste material derived in whole or in part from the meat of any animal (including fish and poultry) or other animal material, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking or consumption of food, except that such term shall not include waste from ordinary household operations which is fed directly to swine on the same premises where such household is located.

Inspector. Any individual employed by the United States Department of Agriculture or by a State for the purposes of enforcing the Act and this part.

License. A permit issued to a person for the purpose of allowing such person to operate a facility to treat garbage that is to be fed to swine.

Licensee. Any person licensed pursuant to the Act and regulations.

Person. Any individual, corporation, company, association, firm, partnership, society or joint stock company or other legal entity.

Premises. The location of a garbage treatment facility, as defined in this part, and any areas owned or controlled by the operator of the facility where swine are kept or fed by the operator.

Processed product. Material derived in whole or in part from the meat of any animal (including fish and poultry) or other animal material, and other refuse of any character whatsoever that has been associated with any such material, that has undergone an industrial manufacturing procedure to prevent spoilage or add shelf stability, and that has, at a minimum, been cooked to a temperature of 167 °F (75 °C) for at least 30 minutes or has been subjected to an industrial process demonstrated to provide an equivalent level of inactivation of disease organisms, as approved by the Administrator.

Rendered product. Waste material derived in whole or in part from the meat of any animal (including fish and poultry) or other animal material, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking or consumption of food that has been ground and heated to a minimum temperature of 230 °F. to make products such as, but not limited to, animal, poultry, or fish protein meal, grease or tallow.

State. The fifty States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

State animal health official. The individual employed by a State who is responsible for livestock and poultry disease control and eradication programs or any other official to whom authority is delegated to act for the State animal health official.

Treated garbage. Edible waste for animal consumption derived from garbage (as defined in this section) that has been heated throughout at boiling or equivalent temperature (212 °F. or 100 °C. at sea level) for 30 (thirty) minutes under the supervision of a licensee.

Treatment. The heating of garbage to specifications as set forth in this part.

Untreated garbage. Garbage that has not been treated in accordance with the Act and these regulations.

[47 FR 49945, Nov. 3, 1982, as amended at 48 FR 22290, May 18, 1983; 52 FR 4890, Feb. 18, 1987; 56 FR 26899, June 12, 1991; 66 FR 21064, Apr. 27, 2001; 74 FR 15218, Apr. 3, 2009]

§ 166.2 General restrictions.

(a) No person shall feed or permit the feeding of garbage to swine unless the garbage is treated to kill disease organisms, pursuant to this part, at a facility operated by a person holding a valid license for the treatment of garbage; except that the treatment and license requirements shall not apply to the feeding or the permitting of the feeding to swine of garbage only because the garbage consists of any of the following: Processed products; rendered products; bakery waste; candy waste; eggs; domestic dairy products (including milk); fish from the Atlantic Ocean within 200 miles of the continental United States or Canada; or fish from inland waters of the United States or Canada which do not flow into the Pacific Ocean.

(b) No person operating such a facility may be licensed to treat garbage unless he or she meets the requirements of this part designed to prevent the introduction or dissemination of any infectious or communicable disease of animals and unless the facility is so constructed that swine are unable to have access to untreated garbage or equipment and material coming in contact with untreated garbage.

(c) The regulations of this part shall not be construed to repeal or supersede State laws that prohibit feeding of garbage to swine or to prohibit any State from enforcing requirements relating to the treatment of garbage that is to be fed to swine or the feeding thereof which are more stringent than the requirements contained in this part. In a State which prohibits the feeding of garbage to swine, a license under the Act will not be issued to any applicant.

[47 FR 49945, Nov. 3, 1982, as amended at 49 FR 14497, Apr. 12, 1984; 52 FR 4890, Feb. 18, 1987; 66 FR 21064, Apr. 27, 2001; 74 FR 15218, Apr. 3, 2009]

§ 166.3 Separation of swine from the garbage handling and treatment areas.

(a) Access by swine to garbage handling and treatment areas shall be prevented by construction of facilities to exclude all ages and sizes of swine.

(b) All areas and drainage therefrom, used for the handling and treatment of untreated garbage shall be inaccessible