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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 145 and 147

[Docket No. 85-029]

National Poultry Improvement Plan and Auxiliary Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the National Poultry Improvement Plan (NPIP) and its auxiliary provisions by: (1) Amending the definition of Salmonella to include the arizona group; (2) adding the microhemagglutination inhibition test and the enzyme-labeled immunosorbent assay (ELISA) test as supplemental tests for *M. gallisepticum* and *M. synoviae* for chicken breeding flocks and turkey breeding flocks and as a supplemental test for *M. meleagridis* for turkey breeding flocks; (3) establishing criteria for allowing egg yolk testing for monitoring testing for the *M. gallisepticum* and *M. synoviae* classifications for multiplier chicken breeding flocks; (4) establishing criteria for classifying States as "U.S. M. Gallisepticum Clean State, Meat-Type Chickens"; (5) establishing criteria for classifying turkey breeding flocks as "U.S. M. Synoviae Clean"; (6) providing that primary breeding flocks of waterfowl and of exhibition poultry located in U.S. Pullorum-Typhoid Clean States may be qualified under certain conditions as "U.S. Pullorum-Typhoid Clean" with less than an annual test of 300 birds; (7) and establishing procedures for filling vacancies of certain positions on the General Conference Committee. It has been determined that changes (1) through (6)

are necessary in order to incorporate in the NPIP the latest effective procedures to facilitate control of poultry diseases. The intended effect is to improve poultry and poultry products. It has been determined that change (7) is warranted in order to help provide orderly procedures for ensuring full and fair participation on the General Conference Committee.

EFFECTIVE DATE: June 12, 1985.

FOR FURTHER INFORMATION CONTACT:

Dr. L.L. Peterson, Senior Coordinator, National Poultry Improvement Plan, VS, APHIS, USDA, Room 828, Federal Building, Hyattsville, MD 20782, (301) 436-5140.

SUPPLEMENTARY INFORMATION:

Background

In a document published in the Federal Register on January 18, 1985 (50 FR 2684-2689), the Department proposed to amend portions of the provisions governing the National Poultry Improvement Plan and Auxiliary Provisions (contained in 9 CFR Parts 145 and 147 and referred to below as the regulations) by (1) amending the definition of Salmonella to include the arizona group; (2) adding the microhemagglutination inhibition test and the enzyme-labeled immunosorbent assay (ELISA) test as supplemental tests for *M. gallisepticum* and *M. synoviae* for chicken breeding flocks and turkey breeding flocks and as a supplemental test for *M. meleagridis* for turkey breeding flocks; (3) establishing criteria for allowing egg yolk testing for monitoring testing for the *M. gallisepticum* and *M. synoviae* classifications for multiplier chicken breeding flocks; (4) establishing criteria for classifying States as "U.S. M. Gallisepticum Clean State, Meat-Type Chickens"; (5) establishing criteria for classifying turkey breeding flocks as "U.S. M. Synoviae Clean"; (6) providing that primary breeding flocks of waterfowl and of exhibition poultry located in U.S. Pullorum-Typhoid Clean States may be qualified under certain conditions as "U.S. Pullorum-Typhoid Clean" with less than an annual test of 300 birds; (7) and establishing procedures for filling vacancies of certain positions on the General Conference Committee.

Comments were solicited concerning the proposal for a 60-day period ending

March 19, 1985. Three comments were received. These comments were from representatives of the poultry industry. These comments have been carefully considered and are discussed below. Based on the reasons set forth in the proposal, the provisions of the proposal have been adopted in the final rule except as explained below.

U.S. M. Gallisepticum Clean State, Meat-Type Chickens

The three comments concerned the proposal to establish a new § 145.34(b) to set forth a mechanism for designating a State as a "U.S. M. Gallisepticum Clean State, Meat-Type Chickens." Proposed § 145.34(b) provided the following:

U.S. M. Gallisepticum Clean State, Meat-Type Chickens. (1) A State will be declared a U.S. M. Gallisepticum Clean State, Meat-Type Chickens, when it has been determined by the Service that:

(i) No *M. gallisepticum* is known to exist nor to have existed in meat-type chicken breeding flocks in production within the State during the preceding 12 months;

(ii) All meat-type chicken breeding flocks in production are classified as U.S. M. Gallisepticum Clean or have met equivalent requirements for *M. gallisepticum* control under official supervision;

(iii) All hatcheries within the State which handle meat-type chicken products must handle products which are classified as U.S. M. Gallisepticum Clean or have met equivalent requirements for *M. gallisepticum* control under official supervision;

(iv) All shipments of meat-type chicken products other than those classified as U.S. M. Gallisepticum Clean, or equivalent, into the State are prohibited;

(v) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all meat-type chicken specimens that have been identified as being infected with *M. gallisepticum*;

(vi) All reports of *M. gallisepticum* infection in meat-type chickens are promptly followed by an investigation by the Official State Agency to determine the origin of the infection;

(vii) All meat-type chicken flocks found to be infected with *M. gallisepticum* are quarantined until marketed under supervision of the Official State Agency.

(2) Discontinuation of any of the conditions described in paragraph (b)(1) of this section, or if repeated outbreaks of *M. gallisepticum* occur in meat-type chicken breeding flocks described in paragraph (b)(1)(ii) of this

section, or if an infection spreads from the originating premises, the Service shall have grounds to revoke its determination that the State is entitled to this classification. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity for a hearing.

The three commenters apparently were concerned that the terms "meat-type chicken products," "meat-type chicken specimens," "meat-type chickens," and "meat-type chicken flocks" as used in proposed § 145.34(b) would be interpreted to include products, specimens, chickens, and flocks from other than meat-type chicken breeding flocks. The commenters requested that the regulations be clarified to indicate that a State's eligibility for such a designation would depend solely on factors relating to meat-type chicken breeding flocks and would not depend on factors relating to any other types of poultry, such as exhibition poultry.

It was intended that the criteria for such designation be based solely on factors relating to meat-type chicken breeding flocks, which are a part of the commercial broiler industry. The designation was not intended for any other types of poultry, such as exhibition poultry. Therefore, in the final rule the references in § 145.34(b) to products, specimens, chickens, and flocks are clarified to indicate that they relate solely to meat-type chicken breeding flocks.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291, and has been classified as not a "major rule." The Department has determined that this action will have an annual effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The regulations, among other things, provide for testing for pullorum-typhoid, *M. gallisepticum*, *M. synoviae*, and *M. meleagridis*. The blood testing and egg yolk testing provisions included in the final rule are designed to provide additional testing alternatives, for use at the flockowner's option. The criteria for classifying States as "U.S. M.

Gallisepticum Clean State, Meat-Type Chickens," and for classifying turkey breeding flocks as "U.S. M. Synoviae Clean" will allow recognition of those States and flocks that meet optimum control program standards. The amendments will not cause significant changes in the costs of producing or buying poultry and poultry products or in the amount of poultry and poultry products marketed.

Under the circumstances explained above, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Parts 145 and 147

Animal diseases, Poultry and poultry products, National Poultry Improvement Plan.

Accordingly, Parts 145 and 147 of 9 CFR are amended as follows:

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN

1. The authority citation for 9 CFR Part 145 is revised to read as set forth below and the authority citations following all the sections in Part 145 are removed:

Authority: 7 U.S.C. 429; 7 CFR 2.17, 2.51, and 371.2(d).

2. In § 145.1, paragraph (cc) is revised to read as follows:

§ 145.1 Definitions.

(cc) *Salmonella*. Any bacteria belonging to the genus *Salmonella*, including the arizona group.

3. In § 145.10, the text of paragraphs (c) and (e) is revised and a new paragraph (j) is added to read, respectively, as follows:

§ 145.10 Terminology and classification; flocks, products, and States.

(c) *U.S. M. Gallisepticum Clean*. (See § 145.23(c), § 145.23(f), § 145.33(c), § 145.33(f), § 145.43(c), and § 145.53(c).)

(e) *U.S. M. Synoviae Clean*. (See § 145.23(e), § 145.23(g), § 145.33(c), § 145.33(g), and § 145.43(e).)

(j) *U.S. M. Gallisepticum Clean State, Meat-Type Chickens*. (See § 145.34(b).)



Figure 11

4. In § 145.14, "or Arizona" is removed from the fourth sentence of paragraph (a)(10).

5. In § 145.14, paragraph (b)(1) is revised and a new paragraph (c) is added to read as follows:

§ 145.14 Blood testing.

(b) For *M. gallisepticum* and *M. synoviae*: (1) The official blood tests for *M. gallisepticum* and *M. synoviae* shall be the serum plate agglutination test, the tube agglutination test, the hemagglutination inhibition (HI) test, the microhemagglutination inhibition test, the enzyme-labeled immunosorbent assay (ELISA) test¹ or a combination of two or more of these tests. The HI test, the microhemagglutination inhibition test, and the ELISA test shall be used to confirm the positive results of other serological tests. HI titers of 1:40 or less may be interpreted as equivocal, and final judgment may be based on further samplings and/or culture of reactors.

¹Procedures for the enzyme-labeled immunosorbent assay (ELISA) test are set forth in the following publications:

A.A. Ansari, R.F. Taylor, T.S. Chang, "Application of Enzyme-Linked Immunosorbent Assay for Detecting Antibody to *Mycoplasma gallisepticum* Infections in Poultry," *Avian Diseases*, Vol. 27, No. 1, pp. 21-35, January-March 1983; and

H.M. Opitz, J.B. Duplessis, and M.J. Cyr, "Indirect Micro-Enzyme-Linked Immunosorbent Assay for the Detection of Antibodies to *Mycoplasma synoviae* and *M. gallisepticum*," *Avian Diseases*, Vol. 27, No. 3, pp. 773-786, July-September 1983; and

H.B. Ortmeier and R. Yamamoto, "Mycoplasma Meleagridis Antibody Detection by Enzyme-Linked Immunosorbent Assay (ELISA)," *Proceedings, 30th Western Poultry Disease Conference*, pp. 63-66, March 1981.

(c) For *M. meleagridis*. The official blood tests for *M. meleagridis* are specified in § 145.43(d)(2).

6. Section 145.23 is amended by adding a new paragraph (c)(1)(ii)(C) to read as follows:

§ 145.23 Terminology and classification; flocks and products.

- (c) * * *
(1) * * *
(ii) * * *

(C) At intervals of not more than 30 days, egg yolk testing shall be conducted in accordance with § 147.8.

7. In § 145.23, paragraph (e)(1)(ii) is revised to read as follows:

- (e) * * *
(1) * * *

(ii) It is a multiplier breeding flock which originated as U.S. M. Synoviae Clean chicks from primary breeding flocks and from which a sample comprised of a minimum of 75 birds has been tested for *M. synoviae* as provided in § 145.14(b) when more than 4 months of age: *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:

(a) At intervals of not more than 90 days, a sample of 50 birds shall be tested: *Provided*, That a sample of less than 50 birds may be tested at any one time, provided that a minimum of 30 birds per flock with a minimum of 15 birds per pen, whichever is greater, is tested each time and a total of at least 50 birds is tested within each 90-day period; or

(b) At intervals of not more than 30 days, egg yolk testing shall be conducted in accordance with § 147.8.

8. Section 145.33 is amended by adding new paragraph (c)(1)(ii)(C) to read as follows:

§ 145.33 Terminology and classification; flocks and products.

- (c) * * *
(1) * * *
(ii) * * *

(C) At intervals of not more than 30 days, egg yolk testing shall be conducted in accordance with § 147.8.

9. In § 145.33, paragraph (e)(1)(ii) is revised to read as follows:

- (e) * * *
(1) * * *

(ii) It is a multiplier breeding flock which originated as U.S. M. Synoviae Clean chicks from primary breeding flocks and from which a sample comprised of a minimum of 75 birds has

been tested for *M. synoviae* as provided in § 145.14(b) when more than 4 months of age: *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:

(a) At intervals of not more than 90 days, a sample of 50 birds shall be tested: *Provided*, That a sample of less than 50 birds may be tested at any one time, provided that a minimum of 30 birds per flock with a minimum of 15 birds per pen, whichever is greater, is tested each time and a total of at least 50 birds is tested within each 90-day period; or

(b) At intervals of not more than 30 days, egg yolk testing shall be conducted in accordance with § 147.8.

10. In § 145.34, a new paragraph (b) is added to read as follows:

§ 145.34 Terminology and classification; States.

(b) *U.S. M. Gallisepticum Clean State, Meat-Type Chickens.* (1) A State will be declared a U.S. M. Gallisepticum Clean State, Meat-Type Chickens, when it has been determined by the Service that:

(i) No *M. gallisepticum* is known to exist nor to have existed in meat-type chicken breeding flocks in production within the State during the preceding 12 months;

(ii) All meat-type chicken breeding flocks in production are classified as U.S. M. Gallisepticum Clean or have met equivalent requirements for *M. gallisepticum* control under official supervision;

(iii) All hatcheries within the State which handle products from meat-type chicken breeding flocks only handle products which are classified as U.S. M. Gallisepticum Clean or have met equivalent requirements for *M. gallisepticum* control under official supervision;

(iv) All shipments of products from meat-type chicken breeding flocks other than those classified as U.S. M. Gallisepticum Clean, or equivalent, into the State are prohibited;

(v) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all specimens from chickens from meat-type chicken breeding flocks that have been identified as being infected with *M. gallisepticum*;

(vi) All reports of *M. gallisepticum* infection in chickens from meat-type chicken breeding flocks are promptly followed by an investigation by the

Official State Agency to determine the origin of the infection;

(vii) All chickens from meat-type chicken breeding flocks found to be infected with *M. gallisepticum* are quarantined until marketed under supervision of the Official State Agency.

(2) Discontinuation of any of the conditions described in paragraph (b)(1) of this section, or if repeated outbreaks of *M. gallisepticum* occur in meat-type chicken breeding flocks described in paragraph (b)(1)(ii) of this section, or if an infection spreads from the originating premises, the Service shall have grounds to revoke its determination that the State is entitled to this classification. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity for a hearing.

11. In § 145.43, paragraph (d)(2) is revised and a new paragraph (e) is added to read as follows:

§ 145.43 Terminology and classification; flocks and products.

- (d) * * *

(2) The official blood tests for *M. meleagridis* shall be the serum plate agglutination test, the tube agglutination test, or the microagglutination test. The hemagglutination inhibition (HI) test, microhemagglutination inhibition test, serum plate dilution test, microagglutination test and the enzyme-labeled immunosorbent assay (ELISA)² test may be used as supplemental tests to determine the status of the flock, in accordance with § 147.6(b).

(e) *U.S. M. Synoviae Clean.* (1) All birds, or a sample of at least 100 birds from flocks of more than 100 and each bird in flocks of 100 or less, have been tested for *M. synoviae* when more than 4 months of age in accordance with the procedures in § 145.14(b): *Provided*, That to retain this classification a minimum of 30 samples from male flocks and 60

²Procedures for the enzyme-labeled immunosorbent assay (ELISA) test are set forth in the following publications:

A.A. Ansaari, R.F. Taylor, T.S. Chang, "Application of Enzyme-Linked Immunosorbent Assay for Detecting Antibody to *Mycoplasma gallisepticum* Infections in Poultry," *Avian Diseases*, Vol. 27, No. 1, pp. 21-35, January-March 1983; and

H.M. Opitz, J.B. Duplessis, and M.J. Cyr, "Indirect Micro-Enzyme-Linked Immunosorbent Assay for the Detection of Antibodies to *Mycoplasma synoviae* and *M. gallisepticum*," *Avian Diseases*, Vol. 27, No. 3, pp. 773-786, July-September 1983; and

H.B. Ortmyer and R. Yamamoto, "Mycoplasma Meleagridis Antibody Detection by Enzyme-Linked Immunosorbent Assay (ELISA)," *Proceedings, 30th Western Poultry Disease Conference*, pp. 63-66, March 1981.

samples from female flocks shall be retested at 28-30 weeks of age and at 4-6 week intervals thereafter.

(2) When reactors to the official test are found and can be identified, tracheal swabs and their corresponding blood samples from 10 (all if fewer than 10) reacting birds shall be submitted to an authorized laboratory for serological and cultural examination. If reactors cannot be identified, at least 30 tracheal swabs and their corresponding blood samples shall be submitted. In a flock with a low reactor rate (less than five reactors) the reactors may be submitted to the laboratory within 10 days for serology, necropsy, and thorough bacteriological examination. When reactors to the official test are found, the procedures outlined in § 147.6 will be used to determine the status of the flock.

(3) Flocks located on premises which, during 3 consecutive years, have contained breeding flocks qualified as U.S. M. Synoviae Clean, as described in paragraph (e)(1) above, may qualify for this classification by a negative blood test of at least 100 birds from flocks of more than 100 and each bird in flocks of 100 or less, when more than 4 months of age, and by testing a minimum of 30 samples from male flocks and 60 samples from female flocks at 28-30 weeks of age and at 45 weeks of age.

12. In § 145.53, paragraph (b)(5) is amended by changing the punctuation mark at the end of the paragraph from a period to a colon and adding a new proviso to read as follows:

§ 145.53 Terminology and classification; flocks and products.

(b) * * *

(5) * * * *And Provided further,* That when a flock is a waterfowl or exhibition poultry primary breeding flock located in a State which has been deemed to be a U.S. Pullorum-Typhoid Clean State for the past three years, and during which time no isolation of pullorum or typhoid has been made that can be traced to a source in that State, a bacteriological examination monitoring program or a serological examination monitoring program acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing.

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

13. The authority citation for 9 CFR Part 147 is revised to read as set forth below and the authority citations following all the sections in Part 147 are removed:

Authority: 7 U.S.C. 429; 7 CFR 2.17, 2.51, and 371.2(d).

§ 147.6 [Amended]

14. In the heading for § 147.6 "Mycoplasma gallisepticum and Mycoplasma synoviae" is changed to "Mycoplasma gallisepticum, Mycoplasma synoviae, and Mycoplasma meleagridis."

15. In the material preceding the colon in paragraph (a) of § 147.6, "M. gallisepticum or M. synoviae:" is changed to "M. gallisepticum, M. synoviae, or M. meleagridis:".

16. Part 147 is amended by adding a new § 147.8 to read as follows:

§ 147.8 Procedures for preparing egg yolk samples for diagnostic tests.

The following testing provisions may be used for retaining the classification U.S. M. Gallisepticum Clean under § 145.23(c)(1)(ii)(C) and § 145.33(c)(1)(ii)(C), and for retaining the classification U.S. M. Synoviae Clean under § 145.23(e)(1)(ii)(b) and § 145.33(e)(1)(ii)(b).

(a) Under the supervision of an Authorized Agent or State Inspector, the eggs which are used in egg yolk testing must be selected from the premises where the breeding flock is located, must include a representative sample of 30 eggs collected from a single day's production from the flock, must be identified as to flock of origin and pen, and must be delivered to an authorized laboratory for preparation for diagnostic testing.

(b) The authorized laboratory must identify each egg as to the breeding flock and pen from which it originated, and maintain this identity through each of the following:

(1) Crack the egg on the round end with a blunt instrument.

(2) Place the contents of the egg in an open dish (or a receptacle to expose the yolk) and prick the yolk with a needle

(3) Using a 1 ml syringe without a needle, aspirate 0.5 ml of egg yolk from the opening in the yolk.

(4) Dispense the yolk material in a tube. Aspirate and dispense 0.5 ml of PBS (phosphate-buffered saline) into the same tube, and place in a rack.

(5) After all the eggs are sampled, place the rack of tubes on a vortex shaker for 30 seconds.

(6) Centrifuge the samples at 2500 RPM (1000 x g) for 30 minutes.

(7) Test the resultant supernatant for *M. gallisepticum* and *M. synoviae* by using test procedures specified for detecting IgG antibodies set forth for testing serum in § 147.7 (for these tests the resultant supernatant would be substituted for serum); except that a

single 1:20 dilution hemagglutination inhibition (HI) test may be used as a screening test in accordance with the procedures set forth in § 147.7.

Note.—For evaluating the test results of any egg yolk test, it should be remembered that a 1:2 dilution of the yolk in saline was made of the original specimen.

§ 147.11 [Amended]

17. In § 147.11, "or arizonae" is removed from the first sentence of paragraph (h).

§ 147.21 [Amended]

18. In § 147.21, "and Arizona" is removed from the second sentence of paragraph (f).

19. In § 147.43, paragraph (c) is revised to read as follows:

§ 147.43 General Conference Committee.

(c) Three regional members shall be elected at each Plan Conference. All members shall serve for a period of 4 years, subject to the continuation of the Committee by the Secretary of Agriculture, and may not succeed themselves: *Provided*, That an alternate member who assumed a Committee member vacancy following mid-term would be eligible for re-election to a full term. When there is a vacancy for the member-at-large position, the General Conference Committee shall make an interim appointment and the appointee shall serve until the next Plan Conference at which time an election will be held. If a vacancy occurs due to both a regional member and alternate being unable to serve, the vacant position will be filled by an election at the earliest regularly scheduled national or regional Plan Conference, where members of the affected region have assembled.

Done at Washington, D.C., this 8th day of May 1985.

B.G. Johnson,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 85-11482 Filed 5-10-85; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Inspection Service

9 CFR Parts 307 and 310

[Docket No. 83-031F]

Swine Post-Mortem Inspection Procedures and Staffing Standards

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.