

# Rules and Regulations

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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) test<sup>1</sup> 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.

<sup>1</sup>Procedures 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)<sup>2</sup> 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

<sup>2</sup>Procedures 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]

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**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.

**SUMMARY:** This rule amends the Federal meat inspection regulations by establishing new swine post-mortem staffing standards using a more efficient inspection procedure for one- and two-inspector swine slaughter configurations, and for three-inspector swine slaughter configurations with heads detached. For these configurations, the rule will increase the number of swine that can be inspected before a third inspector is required, as well as the number of sows and boars that can be inspected on a detached head inspection configuration. The rule also sets forth certain related facility requirements for inspection. This action allows higher production rates for the establishments and greater inspection efficiency for the Department.

**EFFECTIVE DATE:** July 12, 1985.

**FOR FURTHER INFORMATION CONTACT:** Mr. Paul Taylor, Director, Industrial Engineering and Data Management Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2987.

**SUPPLEMENTARY INFORMATION:**

**Executive Order 12291**

The Agency has determined that this rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects 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.

Through the use of an improved inspection procedure, this rule could increase inspection efficiency and industry productivity in as many as 700 swine slaughter establishments, at little or no extra cost.

**Effect on Small Entities**

The Administrator, Food Safety and Inspection Service, has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). Small and medium-sized establishments (with one or two inspectors) will benefit by gaining more flexibility in the planning of slaughter operations, as well as the opportunity to increase their productivity, at little or no extra cost.

**Background**

*Introduction: Post-Mortem Inspection*

Section 4 of the Federal Meat Inspection Act (21 U.S.C. 604) requires that the Secretary of Agriculture, through appointed inspectors, carry out a post-mortem inspection of the carcasses and parts of certain domestic food animals, including swine, when these animals are slaughtered in an establishment that is subject to inspection under the Act. Post-mortem inspection involves an examination by one or more trained food inspectors, under veterinary supervision, of the head, viscera (internal organs), and carcass of each animal slaughtered, for the purpose of detecting disease or other conditions that could render the carcass or any part thereof unfit for human food or otherwise adulterated.

With the appropriate facilities, equipment, and placement of inspection stations, a swine slaughtering establishment can set its own production rates, and the Food Safety and Inspection Service (FSIS) assigns sufficient inspectors to carry out inspection at that rate. In establishments with relatively low production rates, one inspector performs the inspection of the head, viscera, and carcass of each animal slaughtered at one station. In establishment with higher slaughter rates, two or more inspectors may be needed. On a two-inspector configuration, these three inspection tasks are divided between the two inspectors. On a line with three or more inspectors, each of these three inspection tasks is performed by a different inspector. Where two or more inspectors are required, they rotate between the tasks during the workday to equalize the workload.

*New Post-Mortem Inspection Procedures for Large Establishments*

On August 28, 1981, FSIS published an interim rule in the Federal Register (46 FR 43408) establishing new swine post-mortem inspection rates based on more efficient inspection procedures. The interim rule was adopted as a final regulation on August 4, 1982 (47 FR 33673). The new procedures applied only to those operations requiring three or more inspectors and where the swine heads are inspected while still attached to the carcass.<sup>1</sup> The 1981 interim rule

<sup>1</sup>The tests are reported in two studies titled "A Study on the Effectiveness of Current and Proposed Swine Post-Mortem Inspection" and "A Study on the Applicability of Proposed Swine Post-Mortem Inspection to Sows/Boars." Copies of these reports may be obtained without charge by writing to the Slaughter Inspection Standards and Procedures Division, Meat and Poultry Inspection Technical

expressed FSIS's intention to extend the new procedures to the other classes of establishments upon completion of additional studies, which is the main purpose of this rule.

*Testing the New Procedures in Other Swine Establishments*

Studies were undertaken to determine the impact, applicability, and effectiveness of the new procedures and staffing standards to establishments which require less than three inspectors and to those establishments with three inspectors where the swine heads are inspected after being detached from the carcasses.<sup>2</sup>

These studies were conducted at swine slaughter establishments operating with a one- or two-inspector line configuration and slaughtering both market hogs, and sows and boars. An evaluation of the elements in the one- and two-inspector configurations showed that most of the inspection tasks are identical to the inspection tasks on which the approved work measurement standards for the three- to seven-inspector configurations are based, and that it takes the same amount of time to perform the work in all configurations. As a result of these studies, the Department on September 12, 1984, in the Federal Register (49 FR 35782) proposed improved inspection procedures which appear to be as effective in detecting conditions relating to adulteration as the current procedures.

*Factors Influencing Increased Rate of Inspection*

1. Revised Post-Mortem Inspection Procedures. The revised post-mortem inspection procedures require fewer motions, and hence less effort and time to perform, than the procedure used prior to 1981. This has resulted from the installation of a mirror at the carcass station to eliminate turning the carcass, from the substitution of visual inspection for some of the palpation at the viscera station, and from the elimination of the requirement to turn and examine the carcass at the head station.

2. Attached and Detached Heads. The inspection of the head requires the

Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

<sup>2</sup>A copy of the report on these studies, "Work Measurement Staffing Standard for the One to Three Inspector Swine Slaughter Configurations," may be obtained without charge from Mr. Paul Taylor, Director, Industrial Engineering and Data Management Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

examination of mandibular lymph nodes. These nodes are made accessible to the inspector in two ways. The head may be disjointed from the neck and left attached to the carcass by a flap of skin, or it may be removed and placed in a head rack, nose down, for the inspector's examination. Most establishments requiring three or more inspectors provide for the inspection of the head while it is still attached to the carcass by the flap of skin. However, most one- and two-inspector line configurations provide for the removal of the head from the carcass for inspection. Removal of the heads does not affect the inspection rate on market hog slaughter lines. The carcasses are short enough so that the market hog heads can be inspected while attached without requiring stooping by the inspector. Sow and boar heads hang nearer to the floor which requires the inspector to stoop and, therefore, more inspection time is necessary for sow and boar head inspection.

3. Addition of a Mirror at the Carcass Inspection Station. Mirrors are required for three or more inspector slaughter lines where the swine heads are inspected while still attached. The criteria for such mirrors are set forth in § 307.2(m)(6) of the Federal meat inspection regulations (9 CFR 307.2(m)(6)). The mirror allows the inspector to view the back of the carcass without turning the carcass which decreases the time required.

4. Arrangement of Facilities Determines the Inspector's Walking Distance. In one- and two-inspector configurations, the inspector must sometimes walk from one of the three inspection stations to another. The arrangement of the facilities, therefore, influences the rate of inspection. If the stations are located close to each other, the inspector can perform his/her duties with less walking time. The less walking involved, the more animals that can be inspected per hour and, thus, the faster the line speeds may be set.

#### The Proposal

On September 12, 1984, FSIS published a proposal in the *Federal Register* (49 FR 35782) to establish new swine post-mortem inspection procedures and staffing standards.

FSIS received two comments in response to the proposed rule—1 from an industry association and 1 from a State department of agriculture. Both commenters expressed full support of the proposal. FSIS is therefore adopting the proposal as published, except for minor changes made for clarification purposes, as described below.

#### The Final Rule

1. This rule requires mirrors at the carcass inspection stations on those sow and boar three-inspector lines where the heads are detached from the carcasses in addition to the current requirement that mirrors are required for three or more inspector slaughter lines where swine heads are inspected while still attached. In establishments where one or two inspectors are assigned, a mirror is not required unless the establishment desires to increase production to the point where an additional inspector must be assigned. In that event, the inspection service will have the option to require a carcass mirror rather than place another inspector in the establishment. Section 310.1(b)(3) has been amended to clarify that the inspection service, rather than the inspector, has the authority to require a mirror in such cases. The inspection rates on one- and two-inspector configurations may be slightly higher if mirrors are provided. Therefore, to receive the faster inspection rate, such establishments will be required to install mirrors meeting the criteria in § 307.2(m)(6).

2. The new staffing standards for one- and two-inspector lines are based upon the distance the inspector walks between the inspection stations. The new procedures provide an incentive for smaller plants to increase productivity by rearranging their facilities to minimize the distance between the inspection stations.

3. As previously mentioned, when two inspectors are assigned to an establishment, the three inspection tasks are divided between them. Various combinations of inspection tasks have been included in this rule, some of which are more productive than others.

The inspection rate for market hog two-inspector configurations is the same for both attached and detached heads. Sow and boar rates for detached heads are different from those for attached heads because the inspection time is greater for attached heads due to the necessary stooping by the inspector. The "Note" following the footnotes under Tables 2 and 3 has been clarified by changing "On multiple-inspector kills" to "In multiple-inspector plants".

4. As previously discussed, the inspection rates for three or more inspector lines, with heads inspected while attached to the carcasses, were promulgated on August 4, 1982. Those rates were previously contained in two tables (9 CFR 310.1(b)(3))—one for butcher hogs and one for sows and boars. For purposes of organization, this rule combines the two tables into one as

Table 4, making no distinction, except as otherwise noted, between swine slaughter lines with heads attached and those with heads detached. The "Note" following the footnote under Table 4 has been clarified by changing "On multiple-inspector kills" to "In multiple-inspector plants".

5. Staffing standards for various inspection station configurations are contained in this rule for those establishments that have low slaughter production rates. If such establishments desire increased production rates that would require an additional inspector, FSIS has the option of implementing a different inspection configuration rather than adding an inspector. This would require that such establishments install mirrors at the inspection stations as set forth in section 310.1(b)(3).

#### List of Subjects

##### 9 CFR Part 307

Facilities, Meat inspection, Official establishment.

##### 9 CFR Part 310

Meat inspection, Post-mortem inspection, Slaughter.

#### Final Rule

The Federal meat inspection regulations are revised as follows:

1. The authority citation for Parts 307 and 310 continues as follows:

Authority: 34 Stat. 1260, 81 Stat. 584, as amended (21 U.S.C. 601 *et seq.*); 72 Stat. 862, 92 Stat. 1069, as amended (7 U.S.C. 1901 *et seq.*); 76 Stat. 663 (7 U.S.C. 450 *et seq.*).

2. Section 307.2(m)(6) is revised to read as follows:

§ 307.2 Other facilities and conditions to be provided by establishment.

• • • • •

(m) • • •

(6) For swine slaughter lines requiring three or more inspectors, and for those one- and two-inspector configurations where the establishment installs a mirror: At the carcass inspection station one glass or plastic, distortion-free mirror, at least 5 feet × 5 feet, mounted far enough away from the vertical axis of the moving line to allow the carcass to be turned, but not over 3 feet away, and so mounted that any inspector standing at the carcass inspection station can readily view the back of the carcass.

3. Section 310.1(b)(3) is revised to read as follows:

§ 310.1 Extent and time of post-mortem inspection; post-mortem inspection staffing standards.

• • • • •

(b) \* \* \*

(3) *Swine Inspection.* The following inspection staffing standards are applicable to swine slaughter configurations. The inspection standards for all slaughter lines are based upon the observation rather than palpation, at the viscera inspection station, of the spleen, liver, heart, lungs, and mediastinal lymph nodes. In addition, for one- and two-inspector lines, the standards are based upon the distance walked (in feet) by the inspector between work stations; and for three or more inspector slaughter lines, upon the use of a mirror, as described in § 307.2(m)(6), at the carcass inspection station. Although not required in a one- or two-inspector slaughter configuration, except in certain cases as determined by the inspection service, if a mirror is used, it must comply with the requirements of § 307.2(m)(6).

TABLE 1.—ONE INSPECTOR—STAFFING STANDARDS FOR SWINE

Distance walked <sup>1</sup> in feet is—	Maximum inspection rates (head per hour)			
	Market hogs (heads attached or detached)		Sow's and boars (heads detached)	
	Without mirror	With mirror	Without mirror	With mirror
0 to 5	140	150	131	143
6 to 10	134	144	126	137
11 to 15	129	137	122	132
16 to 20	124	132	117	127
21 to 25	120	127	113	122
26 to 30	116	122	110	118
31 to 35	112	118	106	114
36 to 40	109	114	103	110
41 to 45	105	110	100	106
46 to 50	101	107	97	103
51 to 55	98	103	94	100
56 to 60	96	100	91	97
61 to 65	93	97	89	94
66 to 70	90	95	87	92
71 to 75	88	92	85	89
76 to 80	86	89	82	87
81 to 85	84	87	80	85
86 to 90	82	85	79	83
91 to 95	80	83	77	81
96 to 100	78	81	75	79

<sup>1</sup> Distance walked is the total distance that the inspector will have to walk between work stations during one inspection cycle (e.g., between viscera, carcass, head, and washbasin).

TABLE 2.—TWO INSPECTORS—STAFFING STANDARDS FOR MARKET HOGS

Distance walked <sup>1</sup> in feet by inspector B is—	Maximum inspection rates (head per hour with heads attached or detached)		
	Line configuration		
	Carcass, <sup>2</sup> head viscera <sup>3</sup>	Viscera, <sup>2</sup> head carcass <sup>3</sup>	Head, <sup>2</sup> viscera carcass <sup>3</sup>
Without Mirror			
0 to 5	151-253	151-271	151-296
6 to 10	151-239	151-255	151-277
11 to 15	151-226	151-240	151-260
16 to 20	151-214	151-227	151-244
21 to 25	151-204	151-215	151-231

TABLE 2.—TWO INSPECTORS—STAFFING STANDARDS FOR MARKET HOGS—Continued

Distance walked <sup>1</sup> in feet by inspector B is—	Maximum inspection rates (head per hour with heads attached or detached)		
	Line configuration		
	Carcass, <sup>2</sup> head viscera <sup>3</sup>	Viscera, <sup>2</sup> head carcass <sup>3</sup>	Head, <sup>2</sup> viscera carcass <sup>3</sup>
With Mirror			
0 to 5	151-253	151-303	151-318
6 to 10	151-239	151-283	151-304
11 to 15	151-226	151-235	151-289
16 to 20	151-214	151-243	151-270
21 to 25	151-204	151-235	151-254

<sup>1</sup> Distance walked is the total distance that inspector B will have to walk between work stations during one inspection cycle (e.g., between viscera, carcass, and washbasin).

<sup>2</sup> Inspector A.

<sup>3</sup> Inspector B.

**Note.**—In multiple-inspector plants, the inspectors must rotate between all inspection positions during each shift to equalize the workload.

TABLE 3.—TWO INSPECTORS—STAFFING STANDARDS FOR SOWS AND BOARS

Distance walked <sup>1</sup> in feet by inspector B is—	Maximum inspection rates (head per hour)			
	Line Configuration			
	Carcass, <sup>2</sup> head viscera, <sup>2</sup> heads detached	Viscera, <sup>2</sup> head carcass, <sup>2</sup> heads detached	Head, <sup>2</sup> viscera carcass, <sup>2</sup> heads detached	Head, <sup>2</sup> viscera carcass, <sup>2</sup> heads attached
Without Mirror				
0 to 5	144-248	144-254	144-267	144-267
6 to 10	144-235	144-240	144-253	144-253
11 to 15	144-222	144-227	144-239	144-239
16 to 20	144-211	144-215	144-226	144-226
21 to 25	144-201	144-205	144-214	144-214
With Mirror				
0 to 5	144-248	144-292	144-305	144-292
6 to 10	144-235	144-273	144-291	144-280
11 to 15	144-222	144-256	144-272	144-268
16 to 20	144-211	144-241	144-255	144-255
21 to 25	144-201	144-228	144-240	144-240

<sup>1</sup> Distance walked is the total distance that inspector B will have to walk between work stations during one inspection cycle (e.g., between viscera, carcass, and washbasin).

<sup>2</sup> Inspector A.

<sup>3</sup> Inspector B.

**Note.**—In multiple-inspector plants, the inspectors must rotate between all inspection positions during each shift to equalize the workload.

TABLE 4.—THREE INSPECTORS OR MORE—STAFFING STANDARDS FOR SWINE

Maximum inspection rates (head per hour with heads attached)	Number of inspectors by station			
	Head	Viscera	Carcass	Total
<b>Market hogs:</b>				
319 to 506	1	1	1	3
507 to 540	1	2	1	4
541 to 859	2	2	1	5
860 to 1,022	2	3	1	6
1,023 to 1,106	3	3	1	7
<b>Sows and boars:</b>				
306 to 439	1	1	1	3
440 to 462 <sup>1</sup>	1	1	1	3
463 to 475	2	1	1	4
476 to 752	2	2	1	5
753 to 895	3	2	1	6

TABLE 4.—THREE INSPECTORS OR MORE—STAFFING STANDARDS FOR SWINE—Continued

Maximum inspection rates (head per hour with heads attached)	Number of inspectors by station			
	Head	Viscera	Carcass	Total
896 to 954	3	3	1	7

<sup>1</sup> This rate applies if the heads of sows and boars are detached from the carcasses at the time of inspection.

**Note.**—In multiple-inspector plants, the inspectors must rotate between all inspection positions during each shift to equalize the workload.

Done at Washington, D.C., on April 30, 1985.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

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BILLING CODE 3410-DM-M

## 9 CFR Parts 317 and 318

[Docket No. 84-028F]

### Agar-Agar in Meat Food Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

**SUMMARY:** The Food Safety and Inspection Service (FSIS) has been petitioned to amend the Federal meat inspection regulations to permit the use of agar-agar as a stabilizer and thickener in certain meat food products (canned jellied meat food products). The Food and Drug Administration (FDA) has affirmed this substance as generally recognized as safe (GRAS) for use in foods under certain conditions. The petitioner has supplied the Agency with sufficient information to satisfy the requirements of 9 CFR 318.7(a)(2), for amending the Federal meat inspection regulations to permit the requested use. The Administrator has determined that it is appropriate to add agar-agar to the list of acceptable binders commonly used in foods.

**EFFECTIVE DATE:** July 12, 1985.

**ADDRESS:** Written comments to U.S. Department of Agriculture, Food Safety and Inspection Service, Attn: FSIS Hearing Clerk, Room 2637, South Agriculture Building, Washington, D.C. 20250. (See also "Comments" under "SUPPLEMENTARY INFORMATION.")

**FOR FURTHER INFORMATION CONTACT:** Dr. Daniel Jones, Chief, Standards Branch, Standards and Labeling Division, Meat and Poultry Inspection Technical Services, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7503.