

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

Sec.

94.0 Definitions.

- 94.1 Regions where rinderpest or foot-and-mouth disease exists; importations prohibited.
- 94.1a Criteria for determining the separate status of a territory or possession as to rinderpest and foot-and-mouth disease.
- 94.2 Fresh (chilled or frozen) products (other than meat), and milk and milk products of ruminants and swine.
- 94.3 Organs, glands, extracts, or secretions of ruminants or swine.
- 94.4 Cured or cooked meat from regions where rinderpest or foot-and-mouth disease exists.
- 94.5 Regulation of certain garbage.
- 94.6 Carcasses, parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds; importations from regions where Exotic Newcastle Disease (END) or S. enteritidis is considered to exist.
- 94.7 Disposal of animals, meats, and other articles ineligible for importation.
- 94.8 Pork and pork products from regions where African swine fever exists or is reasonably believed to exist.
- 94.9 Pork and pork products from regions where hog cholera exists.
- 94.10 Swine from regions where hog cholera exists.
- 94.11 Restrictions on importation of meat and other animal products from specified regions.
- 94.12 Pork and pork products from regions where swine vesicular disease exists.
- 94.13 Restrictions on importation of pork or pork products from specified regions.
- 94.14 Swine from regions where swine vesicular disease exists; importations prohibited.
- 94.15 Animal products and materials; movement and handling.
- 94.16 Milk and milk products.
- 94.17 Dry-cured pork products from regions where foot-and-mouth disease, rinderpest, African swine fever, hog cholera, or swine vesicular disease exists.
- 94.18 Restrictions on importation of meat and edible products from ruminants due to bovine spongiform encephalopathy.
- 94.19 Gelatin derived from horses or swine, or from ruminants that have not been in any region where bovine spongiform encephalopathy exists.

94.20 Importation of pork and pork products from Sonora and Yucatan, Mexico.

94.21 [Reserved]

94.22 Importation of poultry meat and other poultry products from Sinaloa and Sonora, Mexico.

AUTHORITY: 7 U.S.C. 450, 7711, 7712, 7713, 7714, 7751, and 7754; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

§94.0 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section.

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

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

APHIS representative. An individual employed by Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the function involved.

Authorized inspector. Any employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other individual who is authorized by the Administrator to enforce this part.

Birds. All members of the class Aves (other than poultry or game birds).

Cervid. All species of deer, elk, and moose.

Cold spot. The area in a flexible plastic cooking tube or other type of container loaded with meat product, or the areas at various points along the belt in an oven chamber, slowest to reach the required temperature during the cooking process. The cold spot(s) for each container is experimentally determined before the cooking process begins, and once identified, remains constant.

Contact. Known or potential commingling of products during processing or storage, or while being transported from any point to any other point. Contact includes the simultaneous processing in the same room, locker, or container, but not necessarily the same storage facility or conveyance, as long

as adequate security measures are taken to prevent commingling, as determined by an authorized APHIS representative.

Container. For the purposes of § 94.1(c) and § 94.16(c), this term means a receptacle, sometimes refrigerated, which is designed to be filled with cargo, sealed, and then moved, without unsealing or unloading, aboard a variety of different transporting carriers.

Department. The United States Department of Agriculture (USDA, Department).

Exotic Newcastle disease (END). Any velogenic Newcastle disease. Exotic Newcastle disease is an acute, rapidly spreading, and usually fatal viral disease of birds and poultry.

Flock of origin. The flock in which the eggs were produced.

FSIS inspector. An individual authorized by the Administrator, Food Safety and Inspection Service, United States Department of Agriculture, to perform the function involved.

Game birds. Migratory birds, including certain ducks, geese, pigeons, and doves ("migratory" refers to seasonal flight to and from the United States); free-flying quail, wild grouse, wild pheasants (as opposed to those that are commercial, domestic, or pen-raised).

House. A structure, enclosed by walls and a roof, in which poultry are raised.

Immediate export. The period of time determined by APHIS, based on shipping routes and timetables, to be the shortest practicable interval of time between the arrival in the United States of an incoming carrier and the departure from the United States of an outgoing carrier, to transport a consignment of products.

Import (imported, importation) into the United States. To bring into the territorial limits of the United States.

Indicator piece. A cube or slice of meat to be used for the pink juice test, required to meet minimum size specifications.

Operator. The operator responsible for the day-to-day operations of a facility.

Pink juice test. Determination of whether meat has been thoroughly cooked by observation of whether the flesh and juices have lost all red and pink color.

Port of arrival. Any place in the United States at which a product or article arrives, unless the product or article remains on the means of conveyance on which it arrived within the territorial limits of the United States.

Poultry. Chickens, turkeys, swans, partridges, guinea fowl, pea fowl; non-migratory ducks, geese, pigeons, and doves; commercial, domestic, or pen-raised grouse, pheasants, and quail.

Premises of origin. The premises where the flock of origin is kept.

Region. Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

- (1) A national entity (country);
- (2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.);
- (3) Parts of several national entities combined into an area; or
- (4) A group of national entities (countries) combined into a single area.

Region of origin. For meat and meat products, the region in which the animal from which the meat or meat products were derived was born, raised and slaughtered; and for eggs, the region in which the eggs were laid.

Ruminants. All animals that chew the cud, such as cattle, buffaloes, sheep, goats, deer, antelopes, camels, llamas and giraffes.

Salmonella enteritidis. *Salmonella enteritidis* serotype *enteritidis*, an organism that causes salmonellosis.

Salmonella enteritidis, phage-type 4. A virulent type of *Salmonella enteritidis* serotype *enteritidis*.

Salmonellosis. An infectious disease caused by species of *Salmonella* bacteria.

Sentinel bird. A chicken that has been raised in an environment free of pathogens that cause communicable diseases of poultry and that has not been infected with, exposed to, or immunized with any strain of virus that causes Newcastle disease.

Temperature indicator device (TID). A precalibrated temperature-measuring instrument containing a chemical compound activated at a specific temperature (the melting point of the chemical compound) identical to the processing temperature that must be reached by

the meat being cooked. The Administrator will approve a TID for use after determining that the chemical compound in the device is activated at the specific temperature required.

Thoroughly cooked. Heated sufficiently to inactivate any pathogen that may be present, as indicated by the required TID or pink juice test.

United States. The several states, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or any other territory or possession of the United States, except as provided in §94.5 of this part.

Veterinarian in Charge. The veterinary official of the Animal and Plant Health Inspection Service, United States Department of Agriculture, who is assigned by the Administrator to supervise and perform the official animal health work of the Animal and Plant Health Inspection Service in the State or area concerned.

Wild swine. Any swine which are allowed to roam outside an enclosure.

[52 FR 33801, Sept. 8, 1987, as amended at 53 FR 48520, Dec. 1, 1988; 54 FR 7393, Feb. 21, 1989; 54 FR 14794, Apr. 13, 1989; 54 FR 31504, July 31, 1989; 55 FR 38982, Sept. 24, 1990; 57 FR 43886, Sept. 23, 1992; 59 FR 13185, Mar. 21, 1994; 61 FR 56891, Nov. 5, 1996; 62 FR 56021, Oct. 28, 1997]

§94.1 Regions where rinderpest or foot-and-mouth disease exists; importations prohibited.

(a) Notice is hereby given that, in accordance with section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), it has been determined, and official notice has been given to the Secretary of the Treasury that:

(1) Rinderpest or foot-and-mouth disease exists in all regions of the world, except those listed in paragraph (a)(2) or (a)(3) of this section;

(2) The following regions are declared to be free of both rinderpest and foot-and-mouth disease: Australia, Austria, The Bahamas, Barbados, Belgium, Bermuda, British Honduras (Belize), Canada, Channel Islands, Chile, Costa Rica, Czech Republic, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, Germany, Greenland, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Luxembourg, Mexico, New Caledonia, New

Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Poland, Portugal, Spain, Territory of St. Pierre and Miquelon, Sweden, Switzerland, Trinidad and Tobago, and Trust Territory of the Pacific Islands.

(3) The following regions are declared to be free of rinderpest: Greece and the Republic of South Africa.

(b) The importation of any ruminant or swine or any fresh (chilled or frozen) meat of any ruminant or swine¹ that originates in any region where rinderpest or foot-and-mouth disease exists, as designated in paragraph (a) of this section, or that enters a port in or otherwise transits a region in which rinderpest or foot-and-mouth disease exists, is prohibited: (1) Except as provided in part 93 of this chapter for wild ruminants and wild swine; (2) except as provided in paragraph (c) of this section for meat of ruminants or swine that originates in regions free of rinderpest and foot-and-mouth disease but that enters a port or otherwise transits a region where rinderpest or foot-and-mouth disease exists; and (3) except as provided in §94.4 of this part for cooked or cured meat from regions where rinderpest or foot-and-mouth disease exists.

(c) Except as otherwise provided in this part, fresh (chilled or frozen) meat of ruminants or swine raised and slaughtered in a region free of foot-and-mouth disease and rinderpest, as designated in paragraph (a)(2) of this section, which during shipment to the United States enters a port or otherwise transits a region where rinderpest or foot-and-mouth disease exists may be imported provided that all of the following conditions are met:

(1) The meat is accompanied by the foreign meat inspection certificate required by §327.4 of this title and, upon arrival of the meat in the United States, the foreign meat inspection certificate is presented to an authorized inspector at the port of arrival;

(2) The meat is placed in the transporting carrier in a hold, compartment, or, if the meat is containerized, in a

¹Importation of animals and meat includes bringing the animals or meat within the territorial limits of the United States on a means of conveyance for use as sea stores or for other purposes.