

FROM: AGRICULTURE
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 1268
Emergency rules

relating to (Name of rules or description of subject matter)

Amending Federal Meat Inspection Regulations adopted by the 1969 and 1970 sessions of the Washington State Legislature. The amended regulations relate to Tuberculosis Infected Carcasses and Ante Mortem Inspection for Diethylstilbestrol of meat food animals.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. _____^① filed with the code reviser on _____^② (date) were regularly adopted as permanent rules of this agency at _____ (place) on _____ (date) and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be _____^③.

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of these rules is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, were regularly adopted as emergency rules of this agency at Olympia, WA. (place) on 5/19/72 (date) and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW (1971 ex.s. c 250) have been fulfilled.

Dated this 19th day of May 1972.

STATE OF WASH GTON
FILED
MAY 19 1972
CODE REVISER'S OFFICE
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AGRICULTURE
(AGENCY)
M. L. Strommer
By M. L. STROMMER
SUPERVISOR
Title

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
- ② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
- ③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING: RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

STATE OF WASHINGTON
DEPARTMENT OF AGRICULTURE
OLYMPIA
EMERGENCY ORDER NO. 1268
EFFECTIVE MAY 19, 1972

The adoption of these emergency regulations amending the Federal Meat Inspection Regulation adopted by the 1969 and 1970 Sessions of the Washington State Legislature is necessary to protect the public health and welfare.

I, M. L. Strommer, Supervisor of the Dairy and Food Division, Department of Agriculture of the State of Washington, by virtue of the authority vested in me under Chapter 16.49A RCW and Chapter 34.04 RCW, do promulgate the following attached emergency regulations relating to meat inspection, as adopted by the United States Secretary of Agriculture in amending 9 CFR Parts 301, 311, 309.16 and 315 of the Federal Meat Inspection Regulations adopted under the provisions of Chapter 16.49A as amended.

I hereby certify that the attached regulations are true and correct copies of the regulations promulgated.



M. L. STROMMER
Supervisor of the Dairy
and Food Division, Department of Agriculture
State of Washington

Signed at Olympia, Wa.

Date: May 19, 1972

UNITED STATES DEPARTMENT OF AGRICULTURE
CONSUMER AND MARKETING SERVICE

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

TUBERCULOSIS INFECTED CARCASSES

Pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), Parts 301, 311, and 315 of the meat inspection regulations (9 CFR Parts 301, 311, and 315) are hereby amended as follows.

Statement of considerations. A principal function of the U.S. Department of Agriculture, Meat and Poultry Inspection Program, is to assure that the meat supply is safe, wholesome, and not adulterated. This responsibility requires that studies of inspectional procedures and requirements be conducted periodically, giving cognizance to current scientific knowledge and possible changes in conditions affecting animal health.

Because of interest expressed by public health officials regarding disposition of cattle and swine affected with tuberculosis, committees composed of U.S. Department of Agriculture and public health officials were appointed to evaluate current regulations related to this disease.

Upon reviewing present regulations governing dispositions of cattle and swine carcasses affected with tuberculosis, the committees concluded that current guidelines do not preclude the possibility of passing, for food purposes, carcasses containing organisms of tuberculosis. The committees agreed that changes are necessary in existing regulations concerning disposition and handling of carcasses of tuberculosis reactors and carcasses with lesions of tuberculosis. These amendments to the regulations reflect the recommendations of the committees.

PART 301—DEFINITIONS

1. Section 301.2 paragraph (cc) is amended to read:

§ 301.2 Definitions.

(cc) *U.S. Passed for Cooking.* This term means that the meat or meat byproduct so identified has been inspected and passed on condition that it be cooked or rendered as prescribed by the regulations in Part 315 of this chapter.

PART 311—DISPOSAL OF DISEASED OR OTHERWISE ADULTERATED CARCASSES AND PARTS

2. Section 311.2 is amended to read:

§ 311.2 Tuberculosis.

The following principles shall apply to the disposition of carcasses of livestock based on the difference in the pathogenesis of tuberculosis in swine, cattle, sheep, goats, and equines.

(a) *Carcasses condemned.* The entire carcass of swine, cattle, sheep, goats, and equines shall be condemned if any of the following conditions occur:

(1) When the lesions of tuberculosis are generalized (tuberculosis is considered to be generalized when the lesions are distributed in a manner made possible only by entry of the bacilli into the systemic circulation);

(2) When on ante mortem inspection the animal is observed to have a fever found to be associated with an active tuberculosis lesion on post mortem inspection;

(3) When there is an associated cachexia;

(4) When a tuberculosis lesion is found in any muscle or intermuscular tissue, or bone, or joint, or abdominal organ (excluding the gastrointestinal tract) or in any lymph node as a result of draining a muscle, bone, joint, or abdominal organ (excluding the gastrointestinal tract);

(5) When the lesions are extensive in tissues of either the thoracic or the abdominal cavity;

(6)¹ When the lesions are multiple, acute, and actively progressive; or

(7) When the character or extent of the lesions otherwise is not indicative of a localized condition.

(b) *Organs or other parts condemned.* An organ or other part of a swine, cattle, sheep, goat, or equine carcass affected by localized tuberculosis shall be condemned when it contains lesions of tuberculosis or when the corresponding lymph node contains lesions of tuberculosis.

(c) *Carcasses of cattle passed without restriction for human food.* Carcasses of cattle may be passed without restriction for human food only when the carcass of an animal not identified as a reactor to a tuberculin test administered by an Animal and Plant Health Service, State, or accredited veterinarian¹ is found free of tuberculosis lesions during post-mortem inspection.

¹ Such testing is conducted in the tuberculosis eradication program of the Animal and Plant Health Service, U.S. Department of Agriculture.

(d) *Portions of carcasses and carcasses of cattle passed for cooking.* (1) When a cattle carcass reveals a tuberculosis lesion or lesions not so severe or so numerous as the lesions described in paragraph (a) of this section, the unaffected portion of the carcass may be passed for cooking in accordance with Part 315 of this chapter; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

(2) When the carcass of a cattle identified as a reactor to a tuberculin test administered by an Animal and Plant Health Service, State, or accredited veterinarian is found free of lesions of tuberculosis, the carcass may be passed for cooking in accordance with Part 315 of this chapter.

(e) *Portions of carcasses and carcasses of swine passed without restriction for human food.* Swine carcasses found free of tuberculosis lesions during post mortem inspection may be passed for human food without restriction. When tuberculosis lesions in any swine carcass are localized and confined to one primary seat of infection, such as the cervical lymph nodes, the mesenteric lymph nodes, or the mediastinal lymph nodes, the unaffected portion of the carcass may be passed for human food without restriction after the affected organ or other part is condemned.

(f) *Portions of carcasses of swine passed for cooking.* When the carcass of any swine reveals lesions more severe or more numerous than those described in paragraph (e) of this section, but not so severe or so numerous as the lesions described in paragraph (a) of this section, the unaffected portions of such carcass may be passed for cooking in accordance with Part 315 of this chapter; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

(g) *Carcasses of sheep, goats, and equines passed without restriction for human food.* Carcasses of sheep, goats, and equines may be passed without restriction for human food only if found free of tuberculosis lesions during post mortem inspection.

(h) *Portions of carcasses of sheep, goats, and equines passed for cooking.* If a carcass of any sheep, goat, or equine reveals a tuberculosis lesion or lesions that are not so severe or so numerous as the lesions described in paragraph (a) of this section, the unaffected portion of the carcass may be passed for cooking

in accordance with Part 315 of this chapter; if the character and extent of the lesions indicate a localized condition, and if the lesions are calcified or encapsulated, and provided the affected organ or other part is condemned.

PART 315—RENDERING OR OTHER DISPOSAL OF CARCASSES AND PARTS PASSED FOR COOKING

3. Section 315.2 is redesignated as § 315.3 and a new § 315.2 is added to read:

§ 315.2 Carcasses and parts passed for cooking; utilization for food purposes after cooking.

Carcasses and parts passed for cooking may be used for the preparation of meat food products, provided all such carcasses or parts are heated to a temperature not lower than 170° F. for a period of not less than 30 minutes either before being used in or during the preparation of the finished product.

(Sec. 21, 34 Stat. 1250, as amended, 21 U.S.C. 621; 29 F.R. 16210, as amended)

The foregoing amendments make more stringent the regulatory provisions for disposition of carcasses and parts thereof of animals affected with tuberculosis but allow their use in meat food products if they are passed for cooking and if they are subjected to specified heating procedures in lieu of rendering into lard or similar product. The amendments are deemed necessary and adequate to assure that meat and meat food products prepared at federally inspected establishments are wholesome and not adulterated. In order to accomplish their purpose and because of the nature of the problem and the urgency of the need for providing added consumer protection, the amendments should be made effective as soon as arrangements may be made for their implementation.

Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendments are impracticable and contrary to the public interest and good cause is found for making them effective less than 30 days after publication hereof in the FEDERAL REGISTER. Therefore, the foregoing amendments shall become effective on February 14, 1972.

Done at Washington, D.C., on January 26, 1972.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.72-1600 Filed 2-3-72; 8:48 am]

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UNITED STATES DEPARTMENT OF AGRICULTURE
CONSUMER AND MARKETING SERVICE

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

PART 309—ANTE MORTEM INSPECTION

Diethylstilbestrol

On November 9, 1971, there was published (36 F.R. 21414) a proposal to amend the meat inspection regulations under the Federal Meat Inspection Act (34 Stat. 1260, as amended, 21 U.S.C. 601 et seq.) to change the requirements for handling livestock suspected of being adulterated with biological residues on ante mortem inspection at federally inspected meat processing establishments.

After due consideration of all relevant matters, including those presented in connection with such proposal, and under the authority of the Federal Meat Inspection Act, § 309.16 of the regulations is amended as set forth below.

Statement of considerations. The slaughter of livestock whose edible tissues may be adulterated because of a biological residue must be prevented until the residue is reduced to a level where the tissues are again fit for use as human food and otherwise not adulterated.

This amendment is adopted for the purpose of assuring, in the interest of consumer protection, that cattle and sheep carcasses and parts thereof passed for human food at establishments subject to the Act are not adulterated by residues of the synthetic hormonelike substance diethylstilbestrol (DES). The amendment will not allow cattle or sheep to be slaughtered at official establishments unless the operator of the official establishment obtains a certificate from the owner, feedlot manager, feeder, selling agent, buying agent, dealer, or other person who had custody of the cattle and sheep during the production or feeding period, or during an interim holding period immediately prior to delivery to the official establishment. It must appear from the certificates that (1) the animals have not received feed containing DES within the 7 days immediately prior to presentation for slaughter, and (2) the applicable regulations of the Food and Drug Administration were followed if the drug was administered in the feed of the cattle and sheep prior to such 7-day period. When the certification does not meet these requirements, or no certificate is furnished, the cattle and sheep must be held alive for a required 7-day period, or slaughtered and tissue samples sent to an acceptable private or commercial laboratory for testing.

Section 309.16 is amended to read as follows:

§ 309.16 Livestock suspected of having biological residues.

(a) Except as provided in paragraph (b) or (c) of this section, no cattle or sheep shall be slaughtered at any official establishment until they have been held thereat as described in this paragraph for a minimum of 7 days before slaughter and the following conditions are met:

(1) The animals must be fed a ration free of diethylstilbestrol (DES) throughout the holding period.

(2) Suitable facilities as specified in § 307.2(a) of this chapter must be provided for holding the animals.

(3) During such period the animals shall be identified as "U.S. Condemned."

(b) In lieu of holding as required by paragraph (a) of this section, cattle or sheep may be handled as provided in this paragraph (b).

(1) Cattle or sheep may, subject to other restrictions under this subchapter, be slaughtered at any official establishment if they are accompanied by a certificate as prescribed in this paragraph, signed by the owner, feedlot manager, feeder, selling agent, buying agent, dealer, or other person who had custody of the animals during a period of 7 days or more immediately prior to delivery to the official establishment. Each certificate must show:

(i) The number and kind of animals covered by the certificate;

(ii) That the person making the certification had custody of the animals for 7 days or more, immediately prior to delivery to the official establishment;

(iii) Whether the animals did or did not receive feed containing DES while in the custody of the person making the certification;

(iv) The date of withdrawing from DES if the animals received feed containing DES; and

(v) That the regulations under the Federal Food, Drug, and Cosmetic Act were followed when feed containing DES was used in the feeding of the animals.

(2) Alternatively, cattle or sheep may, subject to other restrictions under this subchapter, be slaughtered at any official establishment if any market agency or dealer who provides cattle or sheep to the official establishment (hereinafter referred to as the agency or dealer) and who had custody of the animals during an interim holding period of less than 7 days prior to delivery to the official establishment, furnishes a certificate showing:

(i) He has in his possession a certificate or certificates executed by another person or persons showing:

(a) The number and kind of animals covered by each certificate;

(b) That the person or persons making the certification had custody of the animals for a period of 7 days or more prior to their delivery to said dealer;

(c) Whether the animals did or did not receive feed containing DES during the period in which the animals were in the custody of the person or persons making the certification;

(d) The date of withdrawing from DES if the animals received feed containing DES during said period; and

(e) That the regulations under the Federal Food, Drug, and Cosmetic Act were followed when feed containing DES was used in the feeding of the animals during said period.

(i) For animals shown by a certificate prescribed in subdivision (i) of this subparagraph to have received feed containing DES within 7 days prior to the date of execution of the agency's or dealer's certificate, the last date on which the animals received such feed, as shown by the certificates prescribed in subdivision (i) of this subparagraph;

(ii) The animals offered for slaughter are the same animals covered by the certificates described in subdivision (i) of this subparagraph;

(iv) The number and kind of animals covered by the certificate;

(v) The number of days the animals were in the custody of such agency or dealer; and

(vi) The animals did not receive feed containing DES while in the custody of such agency or dealer.

(3) A copy of each certificate issued by the agency or dealer as prescribed in subparagraph (2) of this paragraph and the original certificates issued by other persons as prescribed in subparagraph (2) (i) of this paragraph shall be maintained by the agency or dealer in his place of business for not less than 1 year after he issues his certificate under this paragraph (b).

(4) Except as provided in subparagraph (3) of this paragraph, the certificates must accompany the animals and be delivered by the operator of the official establishment to a Program employee at the official establishment prior to presentation of the animals for slaughter.

(5) If it appears to the Program employee, from such certificates, that there was compliance with the conditions specified in subdivision (v) of subparagraph (1) of this paragraph and that the animals did not receive any feed containing DES for 7 days immediately prior to their presentation for slaughter, the animals may be slaughtered, subject to any other restrictions in this subchapter; otherwise, the animals shall be held under the conditions prescribed in paragraph (a) of this section until the expiration of 7 days in which the animals have not received feed containing DES.

(6) The Administrator may, in specific cases, require the collection by Program employees and analysis by a Department laboratory of tissue samples from animals slaughtered under this paragraph (b) to determine whether they contain any DES residues.

(7) Any person who knowingly makes a false statement in any certificate prescribed in this paragraph (b) is subject to criminal prosecution.

(c) In lieu of holding as prescribed in paragraph (a) of this section or of certification as prescribed in paragraph (b) of this section, cattle or sheep may, subject to other restrictions under this subchapter, be slaughtered at any official establishment upon the condition that all the carcasses and edible organs and other parts thereof shall be designated as "U.S. Retained" and held until samples of the tissues have been subjected to laboratory analyses for DES, residues, in accordance with the following procedure, the results of the analyses have been furnished to the Program employee, and the articles have been released by the Program employee from retention or condemned under paragraph (e) of this section.

(1) A specified number of random samples as prescribed in the Manual of Meat Inspection Procedures must be collected by the Program employee. A sufficient quantity of tissue must be collected to provide a duplicate of each sample.

(2) The operator of the official establishment must submit one set of the duplicate samples to a laboratory, other than a Department laboratory, that is acceptable to the Administrator and have such sample analyzed for DES residue. Expenses incurred in connection with such analyses shall be paid by the operator of the official establishment.

(3) The Program employee must submit one set of the duplicate samples to a Department laboratory for monitoring.

(d) Livestock suspected of having been treated with or exposed to any substance that may impart a biological residue which would make the edible tissues unfit for human food or otherwise adulterated, shall be handled in compliance with the provisions of this paragraph in addition to any applicable requirements of paragraph (a) of this section. They shall be identified at official establishments as "U.S. Condemned." These livestock may be held under the custody of a Program employee, or other official designated by the Administrator, until metabolic processes have reduced the residue sufficiently to make the tissues fit for human food and otherwise not adulterated. When the required time has elapsed, the livestock, if returned for slaughter, must be reexamined on ante mortem inspection. To aid in determining the amount

of residue present in the tissues, officials of the Program may permit the slaughter of any such livestock to collect tissues for analysis for the residue.

(e) All carcasses and edible organs and other parts thereof, in which are found any biological residues which render such articles adulterated, shall be marked as "U.S. Condemned" and disposed of in accordance with § 314.1 or § 314.3 of this chapter.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 29 F.R. 16210, as amended; 36 F.R. 13169)

The amendment differs in certain respects from that proposed in the notice of rule making. The differences are due primarily to changes made pursuant to comments received from interested persons. It does not appear that publication of further notice or other public rule making procedure with respect to this amendment would make additional information available to this Department. The amendment should be made effective promptly in order to accomplish its objective of assuring that meat products prepared at federally inspected establishments are not adulterated. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further public rule making procedure is unnecessary and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after its publication in the FEDERAL REGISTER. This amendment shall become effective 15 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., on December 20, 1971.

CLAYTON YEUTTER,
Administrator,
Consumer and Marketing Service.

[FR Doc.71-18837 Filed 12-23-71;8:46 am]