

(1) Inspect the facility, including cooker function;

(2) Take samples of garbage;

(3) Observe and physically inspect the health status of all species of animals on the premises;

(4) Review records and make copies of such records; and

(5) Take photographs. A copy of each photograph will be provided to the licensee within 14 days.

(b) A licensee shall notify an inspector immediately upon detection of illness or death not normally associated with the licensee's operation in any animal species on the licensee's premises.

(c) A licensee shall notify an inspector or the State animal health official or the Area Veterinarian in Charge, as appropriate, of any change in the name, address, management or substantial control or ownership of his business or operation within 30 days after making such change.

(d) A licensee shall supply, upon request by an inspector, information concerning sources of garbage. Such information shall include the dates of supply and the names and addresses of the person and/or organization from which the garbage was received.

(Approved by the Office of Management and Budget under control number 0579-0065)

[47 FR 49945, Nov. 3, 1982, as amended at 48 FR 57474, Dec. 30, 1983; 52 FR 4890, Feb. 18, 1987. Redesignated at 52 FR 4891, Feb. 18, 1987]

#### § 166.14 Cleaning and disinfecting.

(a) *Disinfectants to be used.* Disinfection required under the regulations in this Part shall be performed with one of the following:

(1) A permitted brand of sodium orthophenylphenate that is used in accordance with directions on the Environmental Protection Agency (EPA) approved label.

(2) A permitted cresylic disinfectant that is used in accordance with directions on the EPA-approved label, provided such disinfectant also meets the requirements set forth in §§ 71.10(b) and 71.11 of this chapter.

(3) Disinfectants which are registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 *et seq.*), with tuberculocidal

claims and labeled as efficacious against any species within the viral genus *Herpes*, that are used for purposes of this Part in accordance with directions on the EPA-approved label.

(b) All premises at which garbage has been fed to swine in violation of the Act or regulations in this part shall, prior to continued use for swine feeding purposes, be cleaned and disinfected under the supervision of an inspector or an accredited veterinarian as defined in Part 160 of this chapter as follows: Empty all troughs and other feeding and watering appliances, remove all litter, garbage, manure, and other organic material from the floors, posts, or other parts of such equipment, and handle such litter, garbage, manure, and other organic material in such manner as not to allow animal contact with such material; clean all surfaces with water and detergent and saturate the entire surface of the equipment, fencing, troughs, chutes, floors, walls, and all other parts of the facilities, with a disinfectant prescribed in paragraph (a) of this section. An exemption to the requirements of this paragraph may be given by the Administrator or, in States with primary enforcement responsibility, by the State animal health official, when it is determined that a threat to the swine industry does not exist.

(c) Any vehicle or other means of conveyance and its associated equipment which has been used by the licensee to move garbage, except any vehicle or other means of conveyance which also has been used to treat the garbage so moved, shall, prior to use for livestock-related or treated garbage hauling purposes, be cleaned and disinfected as follows: Remove all litter, garbage, manure, and other organic material from all portions of each means of conveyance, including all ledges and framework inside and outside, and handle such litter, garbage, manure, and other organic material in such manner as not to allow animal contact with such material; clean the interior and the exterior of such vehicle or other means of conveyance and its associated equipment with water and detergent; and saturate the entire interior surface, including all doors, endgates, portable chutes, and similar

equipment with a disinfectant prescribed in paragraph (a) of this section.

(d) The owner of such facilities and vehicles shall be responsible for cleaning and disinfecting as required under this section, and the cleaning and disinfecting shall be done without expense to the United States Department of Agriculture.

[47 FR 49945, Nov. 3, 1982. Redesignated and amended at 52 FR 4891, Feb. 18, 1987; 56 FR 26899, June 12, 1991; 68 FR 6346, Feb. 7, 2003]

#### § 166.15 State status.

(a) The following States prohibit the feeding of garbage to swine: Alabama, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Nebraska, New York, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin.

(b) The following States and Puerto Rico permit the feeding of treated garbage to swine: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Texas, Utah, Vermont, Washington, West Virginia, and Wyoming.

(c) The following States have primary enforcement responsibility under the Act: Alabama, Arizona, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, and Wisconsin.

(d) The following States issue licenses under cooperative agreements with the Animal and Plant Health Inspection Service, but do not have primary enforcement responsibility under the Act: Maryland, Puerto Rico, Texas, and Washington.

(e) The public may contact the Area Veterinarian in Charge, Animal and Plant Health Inspection Service, United States Department of Agriculture or State animal health official, or the Animal and Plant Health Inspection Service, Veterinary Serv-

ices, Swine Health, 4700 River Road, Unit 37, Riverdale, Maryland 20737-1231, concerning the feeding of garbage to swine.

[47 FR 49945, Nov. 3, 1982. Redesignated at 52 FR 4891, Feb. 18, 1987]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 166.15, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

## PART 167—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE SWINE HEALTH PROTECTION ACT

### Subpart A—General

Sec.

167.1 Scope and applicability of rules of practice.

### Subpart B—Supplemental Rules of Practice

167.10 Stipulations.

AUTHORITY: 7 U.S.C. 3804, 3805, and 3811; 7 CFR 2.22, 2.80, and 371.4.

SOURCE: 48 FR 30095, June 30, 1983, unless otherwise noted.

### Subpart A—General

#### § 167.1 Scope and applicability of rules of practice.

The Uniform Rules of Practice for the Department of Agriculture promulgated in subpart H of part 1, subtitle A, title 7, Code of Federal Regulations, are the Rules of Practice applicable to adjudicatory, administrative proceedings under sections 5 and 6 of the Swine Health Protection Act (7 U.S.C. 3804, 3805). In addition, the Supplemental Rules of Practice set forth in subpart B of this part shall be applicable to such proceedings.

### Subpart B—Supplemental Rules of Practice

#### § 167.10 Stipulations.

(a) At any time prior to the issuance of a complaint seeking a civil penalty under the Act, the Administrator, in his discretion, may enter into a stipulation with any person in which:

(1) The Administrator or the Administrator's delegate gives notice of an