SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF LIVESTOCK OR POULTRY DISEASES

PART 49—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER CERTAIN ACTS

Subpart A—General

Sec. 49.1 Scope and applicability of rules of practice.

Subpart B—Supplemental Rules of Practice

49.10 Stipulations.


SOURCE: 48 FR 30094, June 30, 1983, unless otherwise noted.

Subpart A—General

§ 49.1 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 the following statutory provisions:

Act of May 29, 1884, commonly known as the Animal Industry Act, section 7, as amended (21 U.S.C. 117),

Act of February 2, 1903, commonly known as the Cattle Contagious Diseases Act of 1903, section 3, as amended (21 U.S.C. 122),

Act of March 3, 1905, Section 6, as amended (21 U.S.C. 127),


The Animal Health Protection Act (7 U.S.C. 8301 et seq.)

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

§ 49.10 Stipulations.

(a) At any time prior to the issuance of a complaint seeking a civil penalty under any of the Acts listed in §49.1, 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 apparent violation of the applicable Act, or the regulations issued thereunder, by such person and affords such person an opportunity for a hearing regarding the matter as provided by such Act;

(2) Such person expressly waives hearing and agrees to pay a specified penalty within a designated time; and

(3) The Administrator agrees to accept the penalty in settlement of the particular matter involved if the penalty is paid within the designated time.

(b) If the penalty is not paid within the time designated in such a stipulation, the amount of the stipulated penalty shall not be relevant in any respect to the penalty which may be assessed after issuance of a complaint.

PART 50—ANIMALS DESTROYED BECAUSE OF TUBERCULOSIS

Sec. 50.1 Definitions.

Subpart A—General Indemnity

50.2 Applicability of this subpart; cooperation with States.

50.3 Payment to owners for animals destroyed.

50.4 Classification of cattle, bison, captive cervids, and other livestock as infected, exposed, or suspect.

50.5 Record of tests.

50.6 Identification of animals to be destroyed because of tuberculosis.

50.7 Destruction of animals.

50.8 Payment of expenses for transporting and disposing of infected, exposed, and suspect animals.

50.9 Appraisals.

50.10 Report of appraisals.