

SUBCHAPTER A—AGENCY ORGANIZATION AND TERMINOLOGY; MANDATORY MEAT AND POULTRY PRODUCTS INSPECTION AND VOLUNTARY INSPECTION AND CERTIFICATION

PART 300—AGENCY MISSION AND ORGANIZATION

Sec.

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AUTHORITY: 21 U.S.C. 451–470, 601–695, 1031–1056; 7 U.S.C. 138–138i, 450, 1621–1627, 1901–1906; 7 CFR 2.7, 2.18, 2.53.

SOURCE: 63 FR 72354, Dec. 31, 1998, unless otherwise noted.

§ 300.1 Purpose.

This part describes the duties and organization of the Food Safety and Inspection Service (FSIS), an agency of the United States Department of Agriculture (USDA). It also includes rules on the access of government employees to regulated places of business.

[63 FR 72354, Dec. 31, 1998, as amended at 69 FR 253, Jan. 5, 2004]

§ 300.2 FSIS responsibilities.

(a) *Delegations of authority.* The Secretary of Agriculture and Under Secretary for Food Safety have delegated to the Administrator of the Food Safety and Inspection Service the responsibility for exercising the functions of the Secretary of Agriculture under various statutes (see 7 CFR 2.7, 2.18, and 2.53).

(b) *Implementing regulations.* This chapter of title 9 of the Code of Federal Regulations (9 CFR chapter III) includes, in addition to administrative rules, rules and regulations that implement provisions of the following statutes:

(1) The Federal Meat Inspection Act, as amended (FMIA) (21 U.S.C. 601 *et seq.*), except provisions pertaining to the inspection and certification of the condition of animals for export, and related legislation;

(2) The Poultry Products Inspection Act, as amended (PPIA) (21 U.S.C. 451 *et seq.*);

(3) The Egg Products Inspection Act, as amended (EPIA) (21 U.S.C. 1031 *et seq.*), except for the shell egg surveillance program, voluntary laboratory analyses of egg products, and the voluntary grading program;

(4) The Humane Slaughter Act (7 U.S.C. 1901–1906);

(5) The Talmadge-Aiken Act (7 U.S.C. 450), with respect to cooperation with States in the administration of the Federal Meat Inspection Act and the Poultry Products Inspection Act;

(6) The Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), relating to voluntary inspection of poultry and edible products thereof; voluntary inspection and certification of technical animal fat; certified products for dogs, cats, and other carnivora; voluntary inspection of rabbits and edible products thereof; and voluntary inspection and certification of edible meat and other products; and

(7) The National Laboratory Accreditation Program (7 U.S.C. 138–138i) with respect to laboratories accredited only for pesticide residue analysis in meat and poultry products.

[63 FR 72354, Dec. 31, 1998, as amended at 69 FR 253, Jan. 5, 2004]

§ 300.3 FSIS organization.

(a) *General.* The organization of FSIS reflects the agency's primary regulatory responsibilities: implementation of the FMIA, the PPIA, and the EPIA. FSIS implements the inspection provisions of the FMIA, the PPIA, and the EPIA through its field structure.

(b) *Headquarters.* FSIS has eight principal components or offices, each of which is under the direction of a Deputy Administrator. The Deputy Administrators, along with their staffs, and the Administrator, along with the Office of the Administrator and three

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staff offices that report to the Administrator, are located at U.S. Department of Agriculture headquarters in Washington, DC.

(1) *Program Offices.* FSIS’s headquarters offices are the Office of Public Health and Science, which provides scientific analysis, advice, data, and recommendations on matters involving public health and science; the Office of Management, which provides centralized administrative and support services; the Office of Policy and Program Development, which develops and articulates the Agency’s policies regarding food safety and other consumer protections; the Office of Field Operations, which manages regulatory oversight and inspection (see paragraph (c) of this section); the Office of Food Security and Emergency Preparedness, which works to prevent or, if necessary, coordinate a response to an intentional attack on the food supply; the Office of Program Evaluation, Enforcement, and Review, which acts to

ensure that Agency programs are functioning in an efficient and effective manner; the Office of Public Affairs, Education, and Outreach, which is responsible for facilitating communications between FSIS and Congress, the Agency’s constituents, and the media; and the Office of International Affairs, which is responsible for recommending and developing international policy activities.

(2) [Reserved]

(c) *Field.* FSIS’s field structure consists of eighteen district offices and a technical center.

(1) *District offices.* Each district office, under the direction of a District Manager, manages a farm-to-table food safety program of regulatory oversight and inspection in a district consisting of a State or several States and territories.

The locations of the district offices and the districts’ geographic boundaries are as follows:

<i>Alameda, CA</i>	California.
<i>Boulder, CO</i>	Arizona, Colorado, Nevada, New Mexico, Utah, Alaska, American Samoa, Guam, Hawaii, Idaho, Northern Mariana Islands, Oregon, and Washington.
<i>Salem, OR (satellite office)</i>	
<i>Minneapolis, MN</i>	Minnesota, Montana, North Dakota, South Dakota, and Wyoming.
<i>Des Moines, IA</i>	Iowa and Nebraska.
<i>Lawrence, KS</i>	Kansas and Missouri.
<i>Springdale, AR</i>	Arkansas, Louisiana, and Oklahoma.
<i>Dallas, TX</i>	Texas.
<i>Madison, WI</i>	Michigan and Wisconsin.
<i>Chicago, IL</i>	Illinois, Ohio, and Indiana.
<i>Pickering, OH, (satellite office)</i>	
<i>Philadelphia, PA</i>	Pennsylvania and New Jersey.
<i>Albany, NY</i>	Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.
<i>Belttsville, MD</i>	Delaware, District of Columbia, Maryland, Virginia, and West Virginia.
<i>Raleigh, NC</i>	North Carolina, South Carolina, and Kentucky.
<i>Atlanta, GA</i>	Florida, Georgia, Puerto Rico, and the Virgin Islands.
<i>Jackson, MS</i>	Alabama, Mississippi, and Tennessee.

(2) *Technical Service Center.* The Technical Service Center, which is located in Omaha, Nebraska, provides technical guidance, review, and training on the interpretation and application of regulatory requirements.

§300.4 Organizational terminology; personnel.

(a) Unless otherwise specifically provided or required in the context of a particular part of the regulations:

[63 FR 72354, Dec. 31, 1998, as amended at 69 FR 253, Jan. 5, 2004]

Administrator means the Administrator of the Food Safety and Inspection Service or any other officer or employee of the Department to whom authority has been or may in the future be delegated to act in his or her stead.

Circuit Supervisor means the official of the Inspection Service who is assigned responsibility for supervising the conduct of inspection at a specific group of official establishments.

Inspection program, inspection service, or program means the organizational unit within the Department with responsibility for carrying out the FMIA, the PPIA, and the EPIA.

Inspection program employee, inspection service employee, or program employee means an inspector or other government employee who is authorized to conduct any inspection or perform any other duty in connection with the inspection program, inspection service, or program.

Inspection service supervisor or inspection program supervisor means an inspection program or service employee or program employee who is delegated authority to exercise supervision over one or more phases of the inspection program.

Inspector means an inspector of the inspection program, inspection service, and program. ("Inspector" includes an employee or official of the Federal government or the government of a State or territory or the District of Columbia who is authorized by the Administrator to inspect meat and meat products or poultry and poultry products under the authority of the FMIA or the PPIA, respectively, under an agreement entered into between the Administrator and the appropriate State or other agency.)

Inspector in charge or IIC means an inspection program employee, inspection service employee, or program employee who has primary responsibility for inspection program functions at a particular official establishment.

Secretary means the Secretary of Agriculture of the United States or his or her delegate.

(b) FSIS has replaced the regional office and import field office structure referenced in some parts of subchapter A of this chapter. Authority previously delegated to Regional Directors now is delegated to district managers; author-

ity previously delegated to area supervisors and import supervisors now is delegated to inspection program supervisors in the successor district offices.

[69 FR 253, Jan. 5, 2004]

§ 300.6 Access to establishments and other places of business.

(a) *General.* Upon presentation of credentials—

(1) Persons subject to provisions of the FMIA or the PPIA must afford representatives of the Secretary access to establishments that slaughter or otherwise prepare livestock products or process poultry products and to other places of business subject to regulation thereunder; and

(2) Persons subject to provisions of the EPIA must afford representatives of the Secretary access as specified in part 590 of this chapter.

(b) *Meat and poultry establishments and related industries.* (1) At all times, by day or night, whether the establishment is being operated or not, inspection program employees must have access to the premises and to every part of an establishment that slaughters livestock or otherwise prepares meat products or slaughters poultry or otherwise processes poultry products that are subject to inspection for the purpose of conducting an inspection or performing any other inspection program duty. The numbered official badge of an inspection program employee is sufficient identification to entitle him or her to admittance to all parts of such an establishment and its premises.

(2) At all ordinary business hours, upon presentation of credentials by a representative of the Secretary, any person (including any firm or corporation or other business unit) subject to recordkeeping requirements under section 202 of the FMIA or section 11(b) of the PPIA must permit such representative to enter his or her place of business to examine the facilities and inventory and to examine and copy the records specified in § 320.1 and § 381.175, respectively, of this chapter and, upon payment of the fair market value

therefor, take reasonable samples of the inventory.

[63 FR 72354, Dec. 31, 1998, as amended at 69 FR 254, Jan. 5, 2004]

PART 301—TERMINOLOGY; ADULTERATION AND MISBRANDING STANDARDS

Sec.

301.1 General.

301.2 Definitions.

AUTHORITY: 21 U.S.C. 601–695; 7 U.S.C. 138–1381, 450, 1901–1906; 7 CFR 2.7, 2.18, 2.53.

§ 301.1 General.

For purposes of this chapter and unless otherwise specifically provided by regulation or required in the context of particular regulations:

(a) Terms have the meanings set forth in this part;

(b) The singular form also imports the plural, and the masculine form also imports the feminine and vice versa.

[69 FR 254, Jan. 5, 2004]

§ 301.2 Definitions.

As used in this subchapter, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

The Act. The Federal Meat Inspection Act, as amended, (34 Stat. 1260, as amended, 81 Stat. 584, 84 Stat. 438, 92 Stat. 1069, 21 U.S.C., sec. 601 *et seq.*).

Adulterated. This term applies to any carcass, part thereof, meat or meat food product under one or more of the following circumstances:

(1) If it bears or contains any such poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2)(i) If it bears or contains (by reason of administration of any substance to the live animal or otherwise) any added poisonous or added deleterious substance (other than one which is:

(A) A pesticide chemical in or on a raw agricultural commodity;

(B) A food additive; or

(C) A color additive which may, in the judgment of the Administrator, make such article unfit for human food;

(ii) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(iii) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(iv) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not deemed adulterated under paragraphs (aa)(2) (ii), (iii), or (iv) of this section shall nevertheless be deemed adulterated if use of the pesticide chemical food additive, or color additive in or on such article is prohibited by the regulations in this subchapter in official establishments;

(3) If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(4) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) If it is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

(6) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act;

(8) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to