

§ 98.37 [Reserved]

§ 98.38 Restrictions on the importation of swine semen from the APHIS-defined European CSF region.

In addition to meeting all other applicable provisions of this part, swine semen imported from the APHIS-defined European CSF region, as defined in § 94.0 of this subchapter, must meet the following conditions, except as noted in paragraph (h) of this section with regard to swine semen imported from Denmark, Finland, the Republic of Ireland, Sweden, or the United Kingdom:

(a) The semen must come from a semen collection center approved for export by the competent veterinary authority.

(b) The semen must not have been collected from a donor boar that was in any of the following regions or zones, unless the semen was collected after the periods described:

(1) Any region when the region was classified under §§ 94.9(a) and 94.10(a) of this chapter as a region in which classical swine fever is known to exist, except for the APHIS-defined European CSF region;

(2) A restricted zone in the APHIS-defined European CSF region established because of the detection of classical swine fever in domestic swine, from the time of detection until the designation of the zone as a restricted zone is removed by the competent veterinary authority or until 6 months following depopulation of the swine on affected premises in the restricted zone and the cleaning and disinfection of the last affected premises in the zone, whichever is later; or

(3) A restricted zone in the APHIS-defined European CSF region established because of the detection of classical swine fever in wild boar, from the time of detection until the designation of the zone as a restricted zone is removed by the competent veterinary authority.

(c) The semen must not have been collected from a donor boar that was commingled with swine that at any time were in any of the regions or zones described in paragraphs (b)(1) through (b)(3) of this section, unless the semen was collected after the periods described.

(d) The semen must not have been collected from a donor boar that transited any region or zone described in paragraphs (b)(1) through (b)(3) of this section during the periods described, unless the donor boar was moved directly through the region or zone in a sealed means of conveyance with the seal determined to be intact upon arrival at the point of destination, or unless the semen was collected after the periods described;

(e) The donor boar must be held in isolation for at least 30 days prior to entering the semen collection center.

(f) No more than 30 days prior to being held in isolation as required by paragraph (e) of this section, the donor boar must be tested with negative results with a classical swine fever test approved by the World Organization for Animal Health.

(g) No equipment or materials used in transporting the donor boar from the farm of origin to the semen collection center may have been used previously for transporting swine that do not meet the requirements of this section, unless such equipment or materials have first been cleaned and disinfected.

(h) Except for semen collected from swine in Denmark, Finland, the Republic of Ireland, Sweden, or the United Kingdom, before the semen is exported to the United States, the donor boar must be held at the semen collection center and observed by the center veterinarian for at least 40 days following collection of the semen, and, along with all other swine at the semen collection center, exhibit no clinical signs of classical swine fever.

(i) The semen must be accompanied by a certificate issued by a salaried veterinary officer of the competent veterinary authority, stating that the provisions of paragraphs (a) through (h) of this section have been met.³

(Approved by the Office of Management and Budget under control numbers 0579–0218 and 0579–0265)

[71 FR 29072, May 19, 2006, as amended at 72 FR 67233, Nov. 28, 2007; 76 FR 70040, Nov. 10, 2011; 77 FR 1396, Jan. 10, 2012]

³The certification required may be placed on the certificate required under § 98.35(c) or may be contained in a separate document.

Animal and Plant Health Inspection Service, USDA

§ 99.10

EFFECTIVE DATE NOTE: At 77 FR 74558, Dec. 17, 2012, § 99.38 was amended by, in the introductory text, removing the words “, except as noted in paragraph (h) of this section with regard to swine semen imported from Denmark, Finland, the Republic of Ireland, Sweden, or the United Kingdom”; by removing paragraph (h); by redesignating paragraph (i) as paragraph (h); and in newly redesignated paragraph (h), by removing the words “through (h)” and adding the words “through (g)” in their place, effective Jan. 16, 2013.

PART 99—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER CERTAIN ACTS

Subpart A—General

Sec.
99.1 Scope and applicability of rules of practice.

Subpart B—Supplemental Rules of Practice

99.10 Stipulations.

AUTHORITY: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

SOURCE: 48 FR 30095, June 30, 1983, unless otherwise noted. Redesignated at 52 FR 29502, Aug. 10, 1987.

Subpart A—General

§ 99.1 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 August 30, 1890, section 6, as amended (21 U.S.C. 104),

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 July 2, 1962, section 6(a), as amended (21 U.S.C. 134e),

Act of May 6, 1970, section 2, as amended (21 U.S.C. 135a).

The Animal Health Protection Act, section 10414 (7 U.S.C. 8313)

In addition, the Supplemental Rules of Practice set forth in subpart B of this part shall be applicable to such proceedings.

[48 FR 30095, June 30, 1983. Redesignated at 52 FR 29502, Aug. 10, 1987, as amended at 68 FR 6345, Feb. 7, 2003]

Subpart B—Supplemental Rules of Practice

§ 99.10 Stipulations.

(a) At any time prior to the issuance of a complaint seeking a civil penalty under any of the Acts listed in § 99.1, 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.

[48 FR 30095, June 30, 1983. Redesignated and amended at 52 FR 29502, Aug. 10, 1987]