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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 54

[Docket No. LS-98-09]

Notice of Public Meeting on Voluntary, User-Fee Funded Program to Inspect and Certify Equipment Used to Process Livestock and Poultry Products

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Advance Notice of Proposed Rulemaking; Notice of public meeting.

SUMMARY: The Agricultural Marketing Service (AMS) is developing a voluntary, user-fee funded program to inspect and certify equipment used to process livestock and poultry products under the Agricultural Marketing Act of 1946. This program is required under the provisions of the 1999 Omnibus Appropriations Bill. Comments received concerning this notice and information provided at the public meeting will assist AMS in the issuance of the proposed rule concerning the establishment of this program.

DATES: Comments must be received by September 14, 1999. A public meeting will be held August 10, 1999, from 8:30 a.m. to 4:00 p.m.

ADDRESSES: Interested persons are invited to submit one original and two copies of written comments concerning this program to Craig Morris, Docket No. LS-98-09, Room 2092 South Agriculture Building, 1400 Independence Ave., SW., Washington, DC 20250-0249.

The public meeting will be held in Room 107-A at the USDA Jamie L. Whitten Building, 12th and Jefferson Drive, SW., Washington, DC. To register for the meeting or to schedule a presentation, contact Christine Miles by

telephone at 202-720-5705 or by FAX at 202-720-3499. If a sign language interpreter or other special accommodation is necessary, contact Christine Miles at the above number.

Submit one original and two copies of written presentations to Craig Morris, Docket No. LS-98-09, Room 2092 South Agriculture Building, 1400 Independence Ave., SW., Washington, DC 20250-0249. All comments received in response to this notice will be considered part of the public record and will be available for viewing in Room 2092 South Agriculture Building, 1400 Independence Ave., SW., Washington, DC 20250-0249, between 8:30 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Barry Carpenter, Deputy Administrator, Livestock and Seed Program, by telephone at 202-720-5705 or by Fax at 202-720-3499.

SUPPLEMENTARY INFORMATION: The 1999 Omnibus Appropriations Bill requires development of a voluntary, user-fee funded program to inspect and certify agricultural processing equipment, including equipment used to process livestock and poultry products (Pub. L. 105-277, sec. 747). Previously, this function was carried out by USDA on a mandatory prior approval basis by the Food Safety and Inspection Service (FSIS) as a prerequisite for equipment use in Federally inspected meat and poultry packing and processing establishments. FSIS continues to verify that equipment is of such material and construction as will facilitate its thorough cleaning and otherwise avoid adulteration and misbranding of product. However, to provide Federally inspected establishments with the flexibility to design equipment in the manner they deem best to maintain a sanitary environment for food production without having to seek prior approval, FSIS published a document in the **Federal Register** of August 25, 1997 (62 FR 45016) which eliminated the mandatory FSIS prior approval program.

At the time FSIS announced its intention to discontinue its prior approval program, equipment manufacturers and meat and poultry processors expressed interest in continuing the FSIS program, or

developing a new program through AMS on a voluntary, user-fee funded basis to inspect and certify equipment used to process livestock and poultry products to a sanitary standard. Subsequently, passage of the 1999 Omnibus Appropriations Bill required development of a program to inspect and certify agricultural processing equipment which would be similar to other inspection and certification programs under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627).

Accordingly, AMS is issuing this advance notice of proposed rulemaking to assist in the development of an inspection and certification program for equipment used to process livestock and poultry products. Further, a public meeting will be held on August 10, 1999, in Room 107-A at the USDA Jamie L. Whitten Building, 12th and Jefferson Drive, SW, Washington, DC. Through this advance notice of proposed rulemaking and the public meeting, AMS will be seeking information which will enable the Agency to develop an efficient and cost-effective program for inspecting and certifying equipment used to process livestock and poultry products.

Specifically, AMS will be seeking information concerning:

- (1) Initiatives underway in the industry to develop a voluntary, consensus sanitary standard for the design and manufacture of equipment used to process livestock and poultry products;
- (2) Comments on the validity and usability of standards presented to AMS for consideration for adoption;
- (3) Suggestions of criteria to be used by AMS to select a sanitary standard; and
- (4) Any other information which would aid AMS in implementing and administering this program.

Authority: 7 U.S.C. 1621-1627
Dated: July 13, 1999.

Barry L. Carpenter,
Deputy Administrator, Livestock and Seed Program.

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