

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service**

[Docket No. APHIS-2011-0076]

Fiscal Year 2012 Veterinary Import/Export, Diagnostic Services, and Export Certification for Plants and Plant Products User Fees**AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Notice.

SUMMARY: This notice pertains to user fees charged for Veterinary Services animal quarantine and other import- and export-related services that we provide for animals, animal products, birds, germ plasm, organisms, and vectors; for certain veterinary diagnostic services; and for export certification of plants and plant products. The purpose of this notice is to remind the public of the user fees for fiscal year 2012 (October 1, 2011, through September 30, 2012).

FOR FURTHER INFORMATION CONTACT: For information on user fee rate development, contact Mrs. Kris Caraher, Accountant, Financial Services Branch, FMD, APHIS, 4700 River Road, Unit 55, Riverdale, MD 20737-1231; (301) 734-0882.

For information on Veterinary Services animal quarantine and other import and export program operations, contact Ms. Carol A. Tuszynski, Director, Planning, Finance, and Strategy, VS, APHIS, 4700 River Road Unit 58, Riverdale, MD 20737-1231; (301) 734-0832.

For information on plant and plant product export certification program operations, contact Mr. Marcus McElvaine, Senior Export Specialist, Phytosanitary Issues Management, Plant Health Programs, PPQ, APHIS, 4700 River Road Unit 50, Riverdale, MD 20737-1231; (301) 734-8414.

For information concerning veterinary diagnostic program operations, contact Dr. Elizabeth Lautner, Director, National Veterinary Services Laboratories, VS, APHIS, 1800 Dayton Ave., Ames, IA 50010; (501) 663-7301.

SUPPLEMENTARY INFORMATION:**Background***Veterinary Import/Export User Fees*

The regulations in 9 CFR part 130 (referred to below as the regulations) list user fees for import- and export-related services provided by the Animal and Plant Health Inspection Service (APHIS) for animals, animal products, birds, germ plasm, organisms, and vectors.

These user fees are authorized by section 2509(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990, as amended (21 U.S.C. 136a), which provides that the Secretary of Agriculture may establish and collect fees that will cover the cost of providing import- and export-related services for animals, animal products, birds, germ plasm, organisms, and vectors.

The veterinary import/export user fees are found in §§ 130.2 through 130.11 and §§ 130.20 through 130.30 of the regulations and cover the following:

- Any service rendered by an APHIS representative for each animal or bird receiving standard housing, care, feed, and handling while quarantined in an APHIS-owned or -operated animal import center or quarantine facility;
- Birds or poultry, including zoo birds or poultry, receiving nonstandard housing, care, or handling to meet special requirements while quarantined in an APHIS-owned or -operated animal import center or quarantine facility;
- Exclusive use of space at APHIS Animal Import Centers;
- Processing import permit applications;
- Any service rendered by an APHIS representative for live animals presented for importation or entry into the United States through a land border port along the United States-Mexico border;
- Any service rendered for live animals at land border ports along the United States-Canada border;
- Miscellaneous services;
- Pet birds quarantined in an animal import center or other APHIS-owned or -supervised quarantine facility;
- The inspection of various import and export facilities and establishments;
- The endorsement of export health certificates that do not require the verification of tests or vaccinations;
- The endorsement of export health certificates that require the verification of tests and vaccinations; and
- Hourly rate and minimum user fees.

On October 1, 2011, the veterinary import/export user fees for fiscal year 2012 will take effect. You may view the regulations in 9 CFR part 130, which includes charts showing all of the fiscal year 2012 veterinary import/export user fees, on the Internet at: http://www.access.gpo.gov/nara/cfr/waisidx_11/9cfr130_11.html.

Veterinary Diagnostic Services User Fees

User fees to reimburse APHIS for the costs of providing veterinary diagnostic services are also contained in 9 CFR part 130. These user fees are authorized in section 2509(c) of the Food, Agriculture,

Conservation, and Trade Act of 1990, as amended (21 U.S.C. 136a), which provides that the Secretary of Agriculture may, among other things, prescribe regulations and collect fees to recover the costs of veterinary diagnostics relating to the control and eradication of communicable diseases of livestock and poultry within the United States.

Veterinary diagnostics is the work performed in a laboratory to determine whether a disease-causing organism or chemical agent is present in body tissues or cells and, if so, to identify those organisms or agents. Services in this category include: (1) Performing identification, serology, and pathobiology tests and providing diagnostic reagents and other veterinary diagnostic materials and services for the National Veterinary Services Laboratories (NVSL) in Ames, IA; and (2) performing laboratory tests and providing reagents and other veterinary diagnostic materials and services at the NVSL Foreign Animal Disease Diagnostic Laboratory (NVSL FADDL) in Greenport, NY.

The veterinary diagnostic services user fees are found in §§ 130.14 through 130.19 and cover the following:

- Bacteriology isolation and identification tests performed at NVSL (excluding FADDL) or other authorized sites;
- Virology identification tests performed at NVSL (excluding FADDL) or other authorized sites;
- Bacteriology serology tests performed at NVSL (excluding FADDL) or other authorized sites;
- Virology serology tests performed at NVSL (excluding FADDL) or other authorized sites;
- Veterinary diagnostic tests performed at the Pathobiology Laboratory at NVSL (excluding FADDL) or other authorized sites;
- Bacteriology reagents produced by the Diagnostic Bacteriology Laboratory at NVSL (excluding FADDL) or other authorized sites;
- Virology reagents produced by the Diagnostic Virology Laboratory at NVSL (excluding FADDL) or other authorized sites; and
- Other veterinary diagnostic services or materials available from NVSL (excluding FADDL).

On October 1, 2011, the veterinary diagnostic services user fees for fiscal year 2012 will take effect. You may view the regulations in 9 CFR part 130, which includes charts showing all of the fiscal year 2012 veterinary import/export user fees, on the Internet at: http://www.access.gpo.gov/nara/cfr/waisidx_11/9cfr130_11.html.

User Fees for Export Certification of Plants and Plant Products

User fees for the issuance of export certificates for plants and plant products are contained in 7 CFR part 354. Export certificates issued in accordance with the regulations certify agricultural products as being considered free from plant pests, according to the phytosanitary requirements of the foreign countries to which the plants and plant products may be exported. Export certificates are also issued to certify that reexported plants or plant products conform to the most current phytosanitary requirements of the importing country and that, during storage in the United States, the consignment has not been subjected to risk of infestation or infection. These export certificates must be issued in accordance with 7 CFR part 353 to be accepted in international commerce.

In a final rule published in the **Federal Register** on July 8, 2009 (74 FR 32391–32400, Docket No. APHIS–2006–0137), and effective October 1, 2009, we established, for fiscal years 2007 through 2012 and beyond, user fees charged for export certification of plants and plant products. Services for this category include: (1) Certification for export or reexport of a commercial shipment; (2) certification for export or reexport of a low-value commercial or noncommercial shipment; and (3) replacement of any certificate for export or reexport.

The user fees charged for export certification of plants and plant products are found in § 354.3(g) and cover the following:

- Administrative fee for exporters who receive a certificate issued on behalf of APHIS by a designated State or county inspector;
- Fee for export or reexport certification of a commercial shipment;
- Fee for export or reexport certification of a low-value commercial shipment;
- Fee for export or reexport certification of a noncommercial shipment; and
- Fee for replacing any certificate.

On October 1, 2011, the user fees charged for export certificates for plants and plant products for fiscal year 2012 will take effect. You may view the regulations in 7 CFR part 354, which includes charts showing all of the fiscal year 2012 user fees charged for export certificates for plants and plant products, on the Internet at: http://www.access.gpo.gov/nara/cfr/waisidx_11/7cfr354_11.html.

Done in Washington, DC, this 25th day of August 2011.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2011–0013]

Availability of Final Compliance Guide for the Use of Video or Other Electronic Monitoring or Recording Equipment in Federally Inspected Establishments

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of availability.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the availability of the final compliance guide on the use of video or other electronic monitoring or recording equipment in federally inspected establishments. FSIS has received Office of Management and Budget (OMB) approval of information collection under the Paperwork Reduction Act (PRA) related to Hazard Analysis and Critical Control Point (HACCP) and Sanitation Standard Operating Procedures (Sanitation SOP) video records. FSIS made changes to the final compliance guide based on comments received on the draft guide. FSIS has posted this final compliance guide on its Significant Guidance Documents Web page (http://www.fsis.usda.gov/Significant_Guidance/index.asp).

DATES: *Effective Date:* August 31, 2011.

FOR FURTHER INFORMATION CONTACT: Isabel Arrington, U.S. Department of Agriculture (USDA), FSIS, by phone at (402) 344–5000 or by e-mail at Isabel.Arrington@fsis.usda.gov.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2010 (75 FR 63434), FSIS posted on its Web site a draft guide on the use of video or other electronic monitoring or recording equipment in federally inspected establishments. The Agency issued the document as a draft guide because it needed Office of Management and Budget PRA approval on the information collection and stated that when it received OMB approval on the information collection, it would issue a final guide. FSIS also solicited comments on the compliance guide. FSIS now has OMB approval. The OMB

approval number is 0583–0103. The guide is final, and establishments can use the recommendations in this guide on the use of video or other electronic monitoring or recording equipment for monitoring operations and facilities. The final compliance guide reflects comments received.

This compliance guide provides information to industry to help it maintain compliance with Federal regulations, including humane treatment of livestock and the use of good commercial practices in poultry.

FSIS is providing this guide to advise establishments that video or other electronic monitoring or recording equipment can be used in federally inspected establishments. This guide informs establishments of the Agency's expectations if they decide to use this type of equipment to create records to meet the requirements of the HACCP regulations, or the regulations governing Sanitation SOPs. In addition, this guide provides information on issues establishments should consider if they use this equipment for any other purpose, such as part of their food defense plans.

Comments

FSIS received a total of 1,217 comments on the draft compliance guide. Of those comments, 813 were a letter campaign form requesting that the use of video be mandated in establishments. In addition, 400 of them were general statements that video use should be made mandatory in establishments or expressed concerns about humane handling and worker safety. Another individual commented that FSIS should also require an accredited third party to audit the required video use in establishments.

Requiring video cameras in establishments is not necessary to ensure that animals are handled humanely in conjunction with slaughter. FSIS inspection program personnel (IPP) verify that establishments are meeting regulatory requirements for humane handling in livestock slaughter and good commercial practices in poultry slaughter. Worker safety issues are outside the scope of the compliance guide. Establishments that have video or electronic monitoring or recording equipment may choose to have a third party audit their use of such equipment.

Additionally, one meat and poultry trade association and one video company, recommended the guide state more clearly that the following video records are not subject to routine access by FSIS: Video records not designated by establishments for use in their