

§ 93.14

Single Stock Point (DODSSP) for Military Specifications, Standards, Building 4/D, 700 Robbins Avenue, Philadelphia, PA 19111-5094.

[65 FR 64317, Oct. 26, 2000]

§ 93.14 Fees for aflatoxin analysis and fees for testing of other mycotoxins.

(a) The fee charged for any laboratory analysis for aflatoxins and other mycotoxins shall be obtained from the Laboratory Director for aflatoxin laboratories at the Dothan administrative office as follows: USDA, AMS, Science & Technology, 3119 Wesley Way, Suite 6, Dothan, Alabama 36305, Voice Phone: 334-794-5070, Facsimile: 334-792-1432.

(b) The charge for the aflatoxin testing of raw peanuts under the Peanut Marketing Agreement for subsamples 1-AB, 2-AB, 3-AB, and 1-CD is a set cost per pair of analyses and shall be set by cooperative agreement between the Peanut Administrative Committee and AMS Science and Technology program.

[65 FR 64317, Oct. 26, 2000]

§ 93.15 Fees for analytical testing of oilseeds.

The fee charged for any laboratory analysis for oilseeds shall be obtained from the Laboratory Director for aflatoxin laboratories at the Dothan administrative office as listed in 7 CFR 93.14(a).

[65 FR 64318, Oct. 26, 2000]

PART 94—POULTRY AND EGG PRODUCTS

Subpart A—Mandatory Analyses of Egg Products

Sec.

- 94.1 General.
- 94.2 Definitions.
- 94.3 Analyses performed and locations of laboratories.
- 94.4 Analytical methods.
- 94.5 Charges for laboratory service.

Subpart B—Voluntary Analyses of Egg Products

- 94.100 General.
- 94.101 Definitions.
- 94.102 Analyses available.
- 94.103 Analytical methods.
- 94.104 Fees and charges.

7 CFR Ch. I (1-1-25 Edition)

Subpart C—Salmonella Laboratory Recognition Program

94.200 [Reserved]

Subpart D—Processed Poultry Products

- 94.300 General.
- 94.301 Definitions.
- 94.302 Analyses available and locations of laboratories.
- 94.303 Analytical methods.
- 94.304 Fees and charges.

AUTHORITY: Secs. 2-28 of the Egg Products Inspection Act (84 Stat. 1620-1635; 21 U.S.C. 1031-1056), Agricultural Marketing Act of 1946, Secs. 202-208 as amended (60 Stat. 1087-1091; 7 U.S.C. 1621-1627).

SOURCE: 58 FR 42428, Aug. 9, 1993, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 94 appear at 61 FR 51352, Oct. 2 1996.

Subpart A—Mandatory Analyses of Egg Products

§ 94.1 General.

Microbiological, chemical, and physical analysis of liquid, frozen, and dried egg products is performed under authority of the Egg Products Inspection Act (21 U.S.C. 1031-1056).

§ 94.2 Definitions.

Words used in the regulations in this subpart in the singular form will import the plural, and vice versa, as the case may demand. As used throughout the regulations in this subpart, unless the context requires otherwise, the following terms will be construed to mean:

Egg. The shell egg of the domesticated chicken, turkey, duck, goose, or guinea. Some of the terms applicable to shell eggs are defined by the AMS Poultry Programs in 7 CFR 57.5.

Egg product. Any dried, frozen, or liquid eggs, with or without added ingredients. However, products which contain eggs only in a relatively small proportion or historically have not been, in the judgment of the Secretary, considered by consumers as products of the egg food industry may be exempted by the Secretary under such conditions as may be prescribed to assure that the egg ingredients are not adulterated and such products are not represented as

Agricultural Marketing Service, USDA

§ 94.4

egg products. Some of the products exempted as not being egg products are specified by the AMS Poultry Programs in 7 CFR 57.5.

Mandatory sample. An official sample of egg product(s) taken for testing under authority of the Egg Products Inspection Act (21 U.S.C. 1031–1056) for analysis by a United States Department of Agriculture, Agricultural Marketing Service, Science and Technology laboratory at government expense. A mandatory sample shall include an egg product sample to be analyzed for microbiological, chemical, or physical attributes. A mandatory egg product sample analyzed for the presence of *Salmonella* is also referred to as a confirmation sample as specified by the Food Safety and Inspection Service agency of USDA in 9 CFR 590.580, paragraph (d).

Official plant. Any plant, as determined by the Secretary, at which the U.S. Department of Agriculture maintains inspection of the processing of egg products under the authority of the Egg Products Inspection Act.

Pasteurize. The subjecting of each particle of egg products to heat or other treatments to destroy harmful viable microorganisms by such processes as may be prescribed by the regulations in the EPIA.

Pesticide chemical, food additive, color additive, and raw agricultural commodity. These terms shall have the same meaning for purposes of this subpart as under sections 408, 409, and 706 of the Federal Food, Drug, and Cosmetic Act.

Plant. Any place of business where egg products are processed.

Processing. Manufacturing of egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing, drying, or packaging egg products at official plants.

[58 FR 42428, Aug. 9, 1993, as amended at 65 FR 64318, Oct. 26, 2000]

§ 94.3 Analyses performed and locations of laboratories.

(a) Samples drawn by a USDA egg products inspector will be analyzed by AMS Science and Technology (S&T) personnel for microbiological, chemical, and physical attributes. The analytical results of these samples will be

reported to the resident egg products inspector at the applicable plant on the official certificate.

(b) Mandatory egg product samples for *Salmonella* are required and are analyzed in S&T laboratories to spot check and confirm the adequacy of USDA approved and recognized laboratories for analyzing routine egg product samples for *Salmonella*.

(c) Mandatory egg product samples for chlorinated hydrocarbons are required and are submitted by the plant inspectors on a random basis. These samples screen for pesticide residues and industrial chemical contaminants in egg products.

(d) Samples are drawn by a USDA egg products inspector to determine potential adulteration. These egg product samples may be analyzed for extraneous material, color, color additive, pesticide, heavy metal, microorganism, dextrin, or other substance.

(e) The AMS Science and Technology's Eastern Laboratory shall conduct the majority of laboratory analyses for egg products. The analyses for mandatory egg product samples are performed at the following USDA location: USDA, AMS, Science & Technology, Eastern Laboratory (Microbiology), 2311-B Aberdeen Boulevard, Gastonia, NC 28054–0614.

[58 FR 42428, Aug. 9, 1993, as amended at 59 FR 24325, May 10, 1994; 59 FR 50121, Sept. 30, 1994; 65 FR 64318, Oct. 26, 2000]

§ 94.4 Analytical methods.

The majority of analytical methods used by the USDA laboratories to perform mandatory analyses for egg products are listed as follows:

(a) Compendium Methods for the Microbiological Examination of Foods, Carl Vanderzant and Don Splittstoesser (Editors), American Public Health Association, 1015 Fifteenth Street, NW, Washington, DC 20005.

(b) Edwards, P.R. and W.H. Ewing, Edwards and Ewing's Identification of Enterobacteriaceae, Elsevier Science, Inc., Regional Sales Office, 655 Avenue of the Americas, P.O. Box 945, New York, NY 10159–0945.

§ 94.5

7 CFR Ch. I (1–1–25 Edition)

(c) FDA Bacteriological Analytical Manual (BAM), AOAC INTERNATIONAL, 481 North Frederick Avenue, Suite 500, Gaithersburg, MD 20877–2417.

(d) Manual of Analytical Methods for the Analysis of Pesticide Residues in Human and Environmental Samples, EPA 600/9–80–038, U.S. Environmental Protection Agency (EPA) Chemical Exposure Research Branch, EPA Office of Research and Development (ORD), 26 West Martin Luther King Drive, Cincinnati, Ohio 45268.

(e) Official Methods of Analysis of AOAC INTERNATIONAL, Volumes I & II, AOAC INTERNATIONAL, 481 North Frederick Avenue, Suite 500, Gaithersburg, MD 20877–2417.

(f) Standard Methods for the Examination of Dairy Products, American Public Health Association, 1015 Fifteenth Street, NW, Washington, DC 20005.

(g) Standard Methods for the Examination of Water and Wastewater, American Public Health Association (APHA), the American Water Works Association (AWWA) and the Water Pollution Control Federation, AWWA Bookstore, 6666 West Quincy Avenue, Denver, CO 80235.

(h) Test Methods for Evaluating Solid Waste Physical/Chemical Methods, Environmental Protection Agency, Office of Solid Waste, SW–846 Integrated Manual (available from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161).

(i) U.S. Food and Drug Administration, Pesticide Analytical Manuals (PAM), Volumes I and II, Food and Drug Administration, Center for Food Safety and Applied Nutrition (CFSAN), 200 C Street, SW, Washington, DC 20204 (available from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161).

[65 FR 64318, Oct. 26, 2000]

§ 94.5 Charges for laboratory service.

The costs for analysis of mandatory egg product samples at Science and Technology Division laboratories shall be paid by annually appropriated and designated funds allocated to the egg

products inspection program. The costs for any other mandatory laboratory analyses and testing of an egg product's identity and condition, necessitated by the Egg Products Inspection Act, shall also be paid by such program funding.

Subpart B—Voluntary Analyses of Egg Products

§ 94.100 General.

Analyses for voluntary egg product samples may be requested to certify that specifications regarding stated identity, quality, and wholesomeness are met; to test routinely for the presence of *Salmonella*; and to ensure laboratory quality control with testing activities.

§ 94.101 Definitions.

Words used in the regulations in this subpart in the singular form will import the plural, and vice versa, as the case may demand. As used throughout the regulations in this part, unless the context requires otherwise, the following terms will be construed to mean:

Certification sample. An egg product sample submitted by an applicant for chemical, physical, or microbiological analyses and tests at a Science and Technology Division laboratory. This voluntary sample is analyzed or tested by the Division's analyst or scientist to certify that an egg product lot meets applicable specifications for identity, quality, and wholesomeness.

Surveillance sample. This is a 100 gram sample for *Salmonella* analysis that is drawn by the USDA egg product inspector from each lot of egg product processed at an official plant. This sample may be analyzed by a Science and Technology Division laboratory, or by a laboratory approved and recognized by the Division to analyze for *Salmonella* in egg products.

Unofficial sample. These samples of egg products are drawn by plant personnel upon the request of plant management. Analyses of these samples are usually conducted for the plant's refractometer correlation, bacteriological evaluation of production techniques, or quality control of procedures. Official plant or Science and

Agricultural Marketing Service, USDA

§ 94.302

Technology Division laboratories can analyze these samples.

§ 94.102 Analyses available.

A wide array of analyses for voluntary egg product samples is available. Voluntary egg product samples include surveillance, certification, and unofficial samples. The physical and chemical tests for voluntary egg products include analyses for total ash, fat by acid hydrolysis, moisture, salt, protein, beta-carotene, catalase, cholesterol, NEPA color, density, total solids, aflatoxin, daminozide and amitraz residues, BHA, BHT, alcohol, chlorinated hydrocarbon and fumigant residues, dextrin, heavy and light filth, glucose, glycerol and gums. In addition, egg products can be analyzed for high sucrose content, pH, heavy metals and minerals, monosodium dihydrogen phosphate, monosodium glutamate, nitrites, oxygen, palatability and odor, phosphorus, propylene glycol, SLS, and zeolox. There are also tests for starch, total sugars, sugar profile, whey, standard plate count, direct microscopic count, *Campylobacter*, coliforms, presumptive *Escherichia coli*, *Listeria monocytogenes*, proteolytic count, psychrotrophic bacteria, *Salmonella*, *Staphylococcus*, thermophilic bacteria, and yeast with mold count.

§ 94.103 Analytical methods.

The analytical methods used by the Science and Technology Division laboratories to perform voluntary analyses for egg products shall be the same as listed in § 94.4.

§ 94.104 Fees and charges.

(a) The fee charged for any single laboratory analysis of voluntary egg product samples shall be obtained from the schedules of charges in paragraph (a) of § 91.37 of this subchapter.

(b) The charge for any requested laboratory analysis not listed shall be based on the standard hourly rate specified in § 91.37, paragraph (b).

Subpart C—Salmonella Laboratory Recognition Program

§ 94.200 [Reserved]

Subpart D—Processed Poultry Products

§ 94.300 General.

Laboratory services of processed poultry products are conducted to derive their analytical attributes used to determine the compliance of the product with applicable specifications.

§ 94.301 Definitions.

Words used in the regulations in this subpart in the singular form will import the plural, and vice versa, as the case may demand. As used throughout the regulations in this subpart, unless the context requires otherwise, the following terms will be construed to mean:

Dark meat. Refers to the skinless and deboned drumstick, thigh, and back portions of poultry.

Light meat. Refers to the skinless and deboned breast and wing portions of poultry.

Poultry. Any kind of domesticated bird, including, but not limited to, chicken, turkey, duck, goose, pigeon, and guinea.

Poultry product. Any ready-to-cook poultry carcass or part therefrom or any specified poultry food product.

§ 94.302 Analyses available and locations of laboratories.

(a) The Science and Technology Division laboratories will analyze processed poultry products for moisture, fat, salt, protein, nitrites, and added citric acid.

(b) Deboned poultry for roasting will have the individual dark meat, light meat, and skin portions tumbled separately in the natural juices prior to grinding. The skin, light meat, and dark meat portion weight percentages of the total product are determined. The ground skin, ground dark meat, and ground light meat portions will be analyzed separately for moisture, protein, salt, and fat. Moisture to protein ratios will be reported also for the individual portions of poultry.

§ 94.303

(c) Canned boned poultry for a variety of USDA programs will be tested as a total can composite of the canned product for moisture, fat, salt, and protein analyses. Additional poultry commodities and related products for specific USDA sponsored programs will be tested for different chemical and physical attributes.

(d) Microbiological analyses, as the *Salmonella* determination, are available for poultry products.

(e) The majority of analyses for processed poultry products shall be performed at the Science and Technology Division Eastern Laboratory, as indicated in paragraph (e) of § 94.3.

§ 94.303 Analytical methods.

The analytical methods used by the USDA laboratories to perform analyses for processed poultry products are found in the latest edition of the Official Methods of Analysis of AOAC INTERNATIONAL, Suite 500, 481 North Frederick Avenue, Gaithersburg, MD 20877-2417.

[61 FR 51352, Oct. 2, 1996]

§ 94.304 Fees and charges.

(a) The fee charged for any single laboratory analysis of processed poultry products shall be obtained from the schedules of charges in paragraph (a) of § 91.37 of this subchapter.

(b) The laboratory analyses for processed poultry products shall result in an additional fee, found in Table 7 of § 91.37 of this subchapter, for sample preparation or grinding.

(c) The charge for any requested laboratory analysis of processed poultry products not listed shall be based on the standard hourly rate specified in § 91.37 (b) of this subchapter.

PARTS 95-96 [RESERVED]

PART 97—PLANT VARIETY AND PROTECTION

SCOPE

Sec.

97.1 General.

DEFINITIONS

97.2 Meaning of words.

7 CFR Ch. I (1-1-25 Edition)

ADMINISTRATION

97.3 Plant Variety Protection Board.

THE APPLICATION

- 97.5 General requirements.
- 97.6 Application for certificate.
- 97.7 Deposit of Voucher Specimen.
- 97.8 Specimen requirements.
- 97.9 Drawings and photographs.
- 97.10 Parts of an application to be filed together.
- 97.11 Application accepted and filed when received.
- 97.12 Number and filing date of an application.
- 97.13 When the owner is deceased or legally incapacitated.
- 97.14 Joint applicants.
- 97.15 Assigned varieties and certificates.
- 97.16 Amendment by applicant.
- 97.17 Papers of completed application to be retained.
- 97.18 Applications handled in confidence.
- 97.19 Publication of pending applications.
- 97.20 Abandonment for failure to respond within the time limit.
- 97.21 Extension of time for a reply.
- 97.22 Revival of an application abandoned for failure to reply.
- 97.23 Voluntary withdrawal and abandonment of an application.
- 97.24 Assignee.

EXAMINATIONS, ALLOWANCES, AND DENIALS

- 97.100 Examination of applications.
- 97.101 Notice of allowance.
- 97.102 Amendments after allowance.
- 97.103 Issuance of a certificate.
- 97.104 Application or certificate abandoned.
- 97.105 Denial of an application.
- 97.106 Reply by applicant; request for reconsideration.
- 97.107 Reconsideration and final action.
- 97.108 Amendments after final action.

CORRECTION OF ERRORS IN CERTIFICATE

- 97.120 Corrected certificate—office mistake.
- 97.121 Corrected certificate—applicant's mistake.

REISSUANCE OF CERTIFICATE

- 97.122 Certified seed only election.

ASSIGNMENTS AND RECORDING

- 97.130 Recording of assignments.
- 97.131 Conditional assignments.
- 97.132 Assignment records open to public inspection.

MARKING OR LABELING PROVISIONS

- 97.140 After filing.
- 97.141 After issuance.
- 97.142 For testing or increase.
- 97.143 Certified seed only.
- 97.144 Additional marking or labeling.