

§ 3809. Primary enforcement responsibility

(a) State obligation

For purposes of this chapter, a State shall have the primary enforcement responsibility for violations of laws and regulations relating to the treatment of garbage to be fed to swine and the feeding thereof during any period for which the Secretary determines that such State—

(1) has adopted adequate laws and regulations regulating the treatment of garbage to be fed to swine and the feeding thereof which laws and regulations meet the minimum standards of this chapter and the regulations hereunder: *Provided*, That the Secretary may not require a State to have laws that are more stringent than this chapter;

(2) has adopted and is implementing adequate procedures for the effective enforcement of such State laws and regulations; and

(3) will keep such records and make such reports showing compliance with paragraphs (1) and (2) of this subsection as the Secretary may require by regulation.

Except as provided in subsection (c), the Secretary shall not enforce this chapter or the regulations hereunder in any State which has primary enforcement responsibility pursuant to this section.

(b) Inadequate enforcement or administration by State; termination of responsibility by Secretary

Whenever the Secretary determines that a State having primary enforcement responsibility pursuant to this section does not have adequate laws or regulations or is not effectively enforcing such laws or regulations, the Secretary shall notify the State. Such notice shall specify those aspects of the administration or enforcement of the State program that are determined to be inadequate. The State shall have ninety days after receipt of the notice to correct any deficiencies. If after that time the Secretary determines that the State program remains inadequate, the Secretary may terminate, in whole or in part, the State's primary enforcement responsibility under this chapter.

(c) Request of State official

(1) In general

On request of the Governor or other appropriate official of a State, the Secretary may terminate, effective as soon as the Secretary determines is practicable, the primary enforcement responsibility of a State under subsection (a). In terminating the primary enforcement responsibility under this subsection, the Secretary shall work with the appropriate State official to determine the level of support to be provided to the Secretary by the State under this chapter.

(2) Reassumption

Nothing in this subsection shall prevent a State from reassuming primary enforcement responsibility if the Secretary determines that the State meets the requirements of subsection (a).

(d) Emergency conditions

Nothing in this section shall limit the authority of the Secretary to enforce this chapter

whenever the Secretary determines that emergency conditions exist that require immediate action on the part of the Secretary and the State authority is unwilling or unable adequately to respond to the emergency.

(Pub. L. 96-468, §10, Oct. 17, 1980, 94 Stat. 2233; Pub. L. 104-127, title IX, §914(a), Apr. 4, 1996, 110 Stat. 1186.)

Editorial Notes

AMENDMENTS

1996—Subsecs. (c), (d). Pub. L. 104-127 added subsec. (c) and redesignated former subsec. (c) as (d).

§ 3810. Repealed. Pub. L. 104-127, title IX, § 914(b)(1), Apr. 4, 1996, 110 Stat. 1186

Section, Pub. L. 96-468, §11, Oct. 17, 1980, 94 Stat. 2233, authorized Secretary to appoint and consult with advisory committees concerning matters within scope of this chapter.

§ 3811. Issuance of regulations; maintenance of records

The Secretary is authorized to issue such regulations and to require the maintenance of such records as he deems necessary to carry out the provisions of this chapter.

(Pub. L. 96-468, §11, formerly §12, Oct. 17, 1980, 94 Stat. 2233; renumbered §11, Pub. L. 104-127, title IX, §914(b)(2), Apr. 4, 1996, 110 Stat. 1186.)

Editorial Notes

PRIOR PROVISIONS

A prior section 11 of Pub. L. 96-468 was classified to section 3810 of this title prior to repeal by Pub. L. 104-127.

§ 3812. Authority in addition to other laws; effect on State laws

The authority conferred by this chapter shall be in addition to authority conferred by other statutes. Nothing in this chapter shall be construed to repeal or supersede any State law prohibiting the feeding of garbage to swine or to prohibit any State from enforcing requirements relating to the treatment of garbage to be fed to swine or the feeding thereof which are more stringent than those under this chapter or the regulations hereunder.

(Pub. L. 96-468, §12, formerly §13, Oct. 17, 1980, 94 Stat. 2233; renumbered §12, Pub. L. 104-127, title IX, §914(b)(2), Apr. 4, 1996, 110 Stat. 1186.)

Editorial Notes

PRIOR PROVISIONS

A prior section 12 of Pub. L. 96-468 was renumbered section 11 and is classified to section 3811 of this title.

§ 3813. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter.

(Pub. L. 96-468, §13, formerly §14, Oct. 17, 1980, 94 Stat. 2234; renumbered §13, Pub. L. 104-127, title IX, §914(b)(2), Apr. 4, 1996, 110 Stat. 1186.)