

Proposed Rules

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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

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 95-093-1]

Pork and Pork Products From Mexico Transiting the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to allow fresh, chilled, and frozen pork and pork products from the Mexican State of Yucatan to transit the United States, under certain conditions, for export to another country. Currently, we allow such pork and pork products from the Mexican States of Sonora and Chihuahua to transit the United States for export. Otherwise, fresh, chilled, or frozen pork and pork products are prohibited movement into the United States from Mexico because of hog cholera in Mexico. Yucatan, like Sonora and Chihuahua, appears to be a low risk area for hog cholera, and we believe that fresh, chilled, and frozen pork and pork products from Yucatan could transit the United States with minimal risk of introducing hog cholera. This action would facilitate trade.

DATES: Consideration will be given only to comments received on or before April 23, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95-093-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 95-093-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW, Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call

ahead on (202) 690-2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Michael David, Senior Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737-1231, (301) 734-5097.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) prohibit or restrict the importation of certain animals and animal products into the United States to prevent the introduction of certain animal diseases. Section 94.9 of the regulations prohibits the importation of pork and pork products into the United States from countries where hog cholera exists, unless the pork or pork products have been treated in one of several ways, all of which involve heating or curing and drying.

Because hog cholera exists in Mexico, pork and pork products from Mexico must meet the requirements of § 94.9 to be imported into the United States. However, under § 94.15, pork and pork products that are from certain Mexican States and that are not eligible for entry into the United States in accordance with the regulations may transit the United States for immediate export if certain conditions are met. This provision was added to the regulations in 1992, following a United States Department of Agriculture investigation of the hog cholera situation in Sonora, Mexico, and a determination that pork and pork products from Sonora could transit the United States, under certain conditions, with minimal risk of introducing hog cholera. The Mexican State of Chihuahua was included in this provision in a final rule published in the Federal Register on November 15, 1995 (60 FR 57313-57315, Docket No. 95-037-2).

Mexico's Director of Animal Health has requested that we allow pork and pork products from the Mexican State of Yucatan to transit the United States for export under the same conditions that currently apply to pork and pork products from Sonora and Chihuahua. In response, officials of the Animal and Plant Health Inspection Service (APHIS) met recently in Yucatan with Mexican representatives knowledgeable in

disease prevention, epidemiology, and diagnostic methods. The team reviewed the hog cholera situation in Yucatan (discussed below) and recommended granting Mexico's request.

The last outbreak of hog cholera in the Mexican State of Yucatan occurred in 1982. Vaccination for hog cholera was discontinued in 1993. Mexico officially recognized Yucatan as free of hog cholera in April 1995.

The team found two factors contributing to Yucatan's apparent success in remaining free of hog cholera: Yucatan's location and controls by the Division of Animal Health on the movement into Yucatan of pork, pork products, and live swine.

Yucatan is located in a fairly isolated position at the tip of a peninsula, surrounded by the Gulf of Mexico to the north, the Mexican State of Campeche to the southwest, and the Mexican State of Quintana Roo to the southeast. Campeche is in the control phase of its hog cholera program, in which swine are still being vaccinated for the disease. Quintana Roo is in the eradication phase of its hog cholera program, in which no cases of hog cholera have been detected for at least 12 months and a prohibition on vaccination for hog cholera has been instituted.

As required by the Mexican Government, Yucatan and other States recognized by Mexico as free of hog cholera may only import live swine and pork from other hog cholera-free States and countries. The Mexican Government requires shipments from hog cholera-free countries to be accompanied by a certificate of origin issued by that country's veterinary authorities and by a certificate of import issued by the Mexican veterinary authorities. Yucatan and other States recognized by Mexico as being free of hog cholera also require and issue their own permits and health certificates, further ensuring the origin of imported products. In addition, live swine and pork imported into these hog cholera-free States must be shipped in sealed trucks, and all shipments are inspected at inspection stations located either on State lines or at international ports of entry.

Under these circumstances, we believe that there would be little, if any, risk of introducing hog cholera into the United States by allowing pork and pork products from Yucatan to transit the

United States for export under the same conditions that currently apply to pork and pork products from Sonora and Chihuahua.

These conditions will be as follows:

1. Any person wishing to transport pork or pork products from Yucatan through the United States for export must first obtain a permit for importation from APHIS. The application for the permit tells APHIS who will be involved in the transportation, how much and what type of pork and pork products will be transported, when they will be transported, and the method and route of shipment.
2. The pork or pork products must be sealed in Yucatan in a leakproof container, with a serially numbered seal approved by APHIS. The container must remain sealed at all times while transiting the United States.
3. The person moving the pork or pork products through the United States must inform the APHIS officer at the United States port of arrival, in writing, of the following information before the pork or pork products arrive in the United States: The times and dates that the pork or pork products are expected at the port of arrival in the United States, the time schedule and route of the shipments through the United States, and the permit number and serial numbers of the seals on the containers.
4. The pork or pork products must transit the United States under Customs bond.
5. The pork or pork products must be exported from the United States within the time period specified on the permit.

Any pork or pork products exceeding the time limit specified on the permit or transiting in violation of any of the requirements of the permit or the regulations may be destroyed or otherwise disposed of at the discretion of the Administrator, APHIS, pursuant to section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111).

We believe that applying these same safeguards to shipments of pork and pork products from Yucatan would prevent tampering with the shipments, ensure that the shipments actually leave the United States, and otherwise ensure that shipments would not present a risk of introducing hog cholera. Therefore, we are proposing to amend § 94.15 to allow pork and pork products from the Mexican State of Yucatan to transit the United States for export under the same conditions that currently apply to pork and pork products from Sonora and Chihuahua.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This proposed rule would allow fresh, chilled, and frozen pork and pork products from the Mexican State of Yucatan to transit the United States, under certain conditions, for export to another country. It has been determined that Yucatan is a low risk area for hog cholera and has the veterinary infrastructure necessary to monitor for the presence of the disease.

There appears to be little risk of hog cholera exposure from shipments of pork and pork products from Yucatan transiting the United States. Assuming that proper risk management techniques continue to be applied in Mexico, and that accident and exposure risk would be minimized by proper handling during transport, the risk of exposure to hog cholera from pork in transit from Mexico through the United States would be minimal.

Shipments of pork and pork products from Yucatan transiting the United States would most likely be ocean shipments to Miami with final destinations in the Caribbean and South America. Because no overland transit of pork and pork products through the United States would be expected as a result of this rulemaking, no increase in United States trucking or other United States-based economic activity would be expected.

Both the United States and Mexico are net pork importers. United States pork imports represent approximately 2 to 3 percent of production, and Mexican imports represent 7 to 8 percent of production. With favorable income growth expected in Mexico due to trade liberalization, meat imports, including pork products, are expected to grow and limit Mexican pork exports. However, facilitating export opportunities for the Mexican pork industry may provide incentives for continued efforts to eradicate hog cholera from infected Mexican States.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil

Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 94 would be amended as follows:

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY; PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 would continue to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

§ 94.15 [Amended]

2. In § 94.15, paragraph (b), the introductory text and paragraph (b)(2) would be amended by removing the words "Chihuahua or Sonora" and adding the words "Chihuahua, Sonora, or Yucatan" in their place.

Done in Washington, DC, this 20th day of February 1996.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-4147 Filed 2-22-96; 8:45 am]

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FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Regulation K; Docket No. R-0916]

International Banking Operations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule and request for comments.