

**DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service****9 CFR Parts 71, 92, 93, 94, 98, and 130****[Docket No. 98–090–5]****RIN 0579–AB03****Recognition of Animal Disease Status of Regions in the European Union****AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Final rule.

**SUMMARY:** We are amending the regulations concerning the importation of animals and animal products to recognize a region in the European Union as a region in which hog cholera (classical swine fever) is not known to exist, and from which breeding swine, swine semen, and pork and pork products may be imported into the United States under certain conditions, in the absence of restrictions associated with other foreign animal diseases of swine. Additionally, we are recognizing Greece and four Regions in Italy as free of swine vesicular disease. These actions are based on a request from the European Commission's (EC's) Directorate General for Agriculture and on our analysis of the supporting documentation supplied by the EC and individual Member States. These actions will relieve some restrictions on the importation into the United States of certain animals and animal products from those regions. However, because of the status of those regions with respect to other diseases, and, in some cases, because of other factors that could otherwise result in a risk of introducing animal diseases into the United States, the importation of animals and animal products into the United States from those regions will continue to be subject to certain restrictions.

**EFFECTIVE DATE:** April 7, 2003.

**FOR FURTHER INFORMATION CONTACT:** Dr. Gary Colgrove, Director, Sanitary Trade Issues Team, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–4356. The full risk analysis and economic analysis associated with this rule may be obtained electronically at <http://www.aphis.usda.gov/vs/ncie/reg-request.html>, or by contacting the person listed under this heading.

**SUPPLEMENTARY INFORMATION:****Background**

The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture

(USDA or the Department) regulates the importation of animals and animal products into the United States to guard against the introduction of animal diseases not currently present or prevalent in this country. The regulations pertaining to the importation of animals and animal products are set forth in the Code of Federal Regulations (CFR), title 9, chapter I, subchapter D (9 CFR parts 91 through 99).

On June 25, 1999, we published in the **Federal Register** (64 FR 34155–34168, Docket No. 98–090–1) a proposal to amend the regulations by recognizing—with the exception of specified regions in Germany and Italy—the countries of Austria, Belgium, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, and Spain as a region in which hog cholera (classical swine fever (CSF)) is not known to exist, and from which breeding swine, swine semen, and pork and pork products may be imported into the United States under certain conditions. The regions in Germany and Italy that were not included in that region are the following: In Germany, the Kreis Vechta in the Land of Lower Saxony, the Kreis Warendorf in the Land of Northrhine Westfalia, and the Kreis Altmarkkreis Salzwedel in the Land of Saxony-Anhalt; and in Italy, the Island of Sardinia (referred to in this document as the Region of Sardegna), and the Regions of Emilia-Romagna and Piemonte.

Additionally, we proposed to add Greece to the list of regions recognized as free of foot-and-mouth disease (FMD). We also proposed to add Greece to the list of FMD-free regions whose exports of ruminant and swine meat and products to the United States are subject to certain restrictions to guard against introducing FMD into this country. These restrictions were proposed because Greece imports fresh meat of ruminants or swine from regions where FMD exists; has a common border with regions where FMD exists; and imports ruminants or swine from regions where FMD exists under conditions less restrictive than would be acceptable for importation into the United States.

Finally, we proposed to add Greece and eight Regions in northern Italy (listed below) to the list of regions recognized as free of swine vesicular disease (SVD). Additionally, we proposed to add Greece and the eight Regions in Italy to the list of SVD-free regions whose exports of pork and pork products to the United States are subject to certain restrictions to guard against introducing SVD into this country. These restrictions were proposed

because of the same situations with regard to SVD that were described in the preceding paragraph regarding FMD and Greece. We proposed to add the following Regions in northern Italy to these lists: Abruzzi, Emilia-Romagna, Friuli-Venezia Giulia (referred to in the proposed rule as Friuli), Liguria, Marche, Molise, Piemonte, and Valle d'Aosta.

Before developing our proposed rule, we conducted an analysis to determine the likelihood of introducing CSF from the European Union (EU) and to determine what, if any, mitigation measures we considered necessary. We assessed the likelihood of introducing CSF through the importation of live breeding swine, swine semen, and pork and pork products, and submitted the risk analysis for peer review.

We solicited comments concerning our proposal, including the risk analysis, for 60 days ending August 24, 1999. We received five comments by that date. They were from a domestic industry organization, a veterinary association, the EC, and other members of the public.

One of the comments expressed concerns with several aspects of our risk analysis. Based on that comment, and as recommended by the Department's Office of Risk Assessment and Cost Benefit Analysis based in part on peer review comments, we revised the initial risk analysis and included a supplement that presented in more detail specific information about CSF outbreaks in the EU.

On May 3, 2002, we published in the **Federal Register** a notice (67 FR 22388–22389, Docket No. 98–090–2) that the revised risk analysis was available for public review and we requested comments on the revised document. The comment period was initially scheduled to end July 2, 2002, but on July 5, 2002, in response to a request by a commenter, we published a notice in the **Federal Register** (67 FR 44798–44799, Docket No. 98–090–3) that reopened and extended the comment period until July 17, 2002. We received 21 comments by that date. They were from domestic and foreign industry organizations, individual businesses, a U.S. State Port Authority, the EC, a member State of the EU, and other members of the public.

We carefully considered all comments we received on our June 1999 proposal and our May 2002 notice of availability of the revised risk analysis. For the reasons given in the proposed rule and in this document, we are adopting our June 1999 proposed rule as a final rule, with the changes discussed below. (It should be noted that even though this