

other than the affected district may move swine within Germany. The commenter stated that there is some question whether this practice continues at present and, if so, questioned whether this practice should affect how the United States views the disease status of Germany.

The type of movement within Germany that is referred to by the commenter is governed by a number of restrictions that reduce any disease risk that might otherwise be present. Swine that are moved from districts in a State other than an affected district must be clinically examined and serologically tested for CSF before being moved within Germany. After being moved, the swine must be held in isolation and clinically examined for 30 days.

#### *Disease Surveillance in the EU*

One commenter stated that the site visit report did not provide information on the level of active surveillance in areas next to the regions in the EU in which CSF is considered to exist.

As we stated in our proposed rule, if an outbreak of CSF occurs, eradication measures are conducted on the affected premises, and movement restrictions and active surveillance measures are implemented in surrounding areas. A protection zone with a radius of at least 3 kilometers and a surveillance zone with a radius of at least 10 kilometers are placed around the affected premises. Among the measures taken within the surveillance zone are the serological testing and clinical examination of all swine herds in the zone.

#### *CSF Outbreaks in Previously Free Countries*

At the time we published our proposed rule, there were certain countries in Europe that the existing regulations listed as free of CSF. Because these countries were already considered free of the disease, we did not propose to include them in the multicountry EU region we identified in our proposal. One commenter questioned whether, in the event of a CSF outbreak in those "free" countries, the United States would accept the EU regionalization strategy in those countries, or would instead address the situation on an "entire country" basis. The same commenter stated that the final rule should specify when and how APHIS would choose to invoke safeguarding mechanisms to restrict or prohibit imports from the EU, rather than accept and approve EU regionalization strategies and requests.

We would treat a CSF outbreak in a country we had considered free of the disease in the same way that we would

treat an outbreak of any disease of concern in a "free" country. According to Article 12 of the U.S.-EU Equivalency Agreement: "Either Party may take provisional measures necessary for the protection of public or animal health. These measures shall be notified within 24 hours to the other Party and, on request, consultations regarding the situation shall be held within 14 days. The Parties shall take due account of any information provided through such consultations, and shall endeavor to avoid unnecessary disruption to trade. \* \* \*"

In this final rule, we are adding a new § 92.3 that provides that whenever the EC establishes a quarantine in the EU in a region APHIS recognizes as one in which a disease is not known to exist, and the EC imposes restrictions on the movement of animals or animal products from the quarantined area, such animals and animal products are prohibited importation into the United States. If the outbreak appeared likely to continue in a limited part of the country, we would impose a ban on products from the area in question and, through rulemaking, would change the disease status listing of that part of the country. If the outbreak appeared to be spreading to other areas of the country, we would initiate rulemaking to change the disease status listing of the entire country.

#### *FMD in Greece; SVD in Greece and Italy*

As noted above, in our proposed rule, we proposed to add Greece to the list of regions recognized as free of FMD. Additionally, we proposed to add Greece and eight Regions in northern Italy to the list of regions recognized as free of SVD. One commenter stated that the information regarding Greece upon which the proposal was based was collected in 1997, and expressed concern that the information did not address political unrest in Yugoslavia and an FMD outbreak in Turkey. The commenter also questioned why APHIS did not consider it necessary to conduct a site visit in Italy.

As noted above, following publication of our June 1999 proposed rule, several outbreaks of FMD occurred in Greece in the summer of 2000. No additional outbreaks have occurred since September 2000. In January 2001, APHIS representatives conducted a site visit to Greece to obtain evidence regarding the FMD status of that country and determined that a proposal to consider Greece free of FMD was warranted. In March 2001, APHIS published in the **Federal Register** a proposal to consider Greece free of the disease, received no comments on the

proposal, and made the proposal final in July 2002.

With regard to SVD, we are making no changes based on the comment. The last outbreak of the disease in Greece was diagnosed in 1979. Yugoslavia is recognized as a region in which SVD does not exist. However, we are adding Greece to the list in § 94.13 of SVD-free regions whose exports of pork and pork products to the United States are subject to certain restrictions. We are applying these restrictions because Greece supplements its national pork supply by importing fresh (chilled or frozen) pork from regions where SVD exists; has a common land border with certain regions where SVD exists; and imports swine from regions where SVD exists under conditions less restrictive than would be acceptable for importation into the United States.

We did not conduct a site visit to Italy because we had conducted a site visit to that country 2 years previously (in March 1997) in connection with the Italian request to be recognized as free of African swine fever. That site visit gave us a clear understanding of, and confidence in, Italy's veterinary infrastructure, surveillance, diagnostic capabilities, and detection capabilities.

#### *Noncommingling of Products*

One commenter stated that the proposed rule did not describe how APHIS would validate that products destined for export from Greece or Italy are not commingled with or exposed to products originating in regions where SVD exists.

Such validation will be carried out in the same way as in other countries that export animals and animal products to the United States. We require certification by veterinary officials in those countries that our regulatory requirements have been met. Additionally, initial inspections of slaughtering and processing establishments are conducted by the Department's Food Safety and Inspection Service (FSIS) and APHIS, and periodic inspections are subsequently conducted by FSIS.

#### *Comments Received on Revised Risk Analysis*

Of the 21 comments we received in response to our May 2002 notice of availability, one requested an extension of the comment period, and all but two of the rest of the commenters either supported the results of the revised risk analysis or recommended that the June 1999 proposed rule be made final.

Of the remaining two commenters, one expressed the opinion that the risk of introducing CSF virus into the United