

analysis upon which the June 1999 proposed rule was based took into consideration the most serious CSF situation in EU history. Any disease outbreaks since then have not been of the severity of the 1997–1998 outbreaks.

*Comment:* Although EU regulations restrict trade in domestic pigs from specified wild boar areas in Germany to other EU Member States, trade is allowed to other regions of Germany with some restrictions. How does the risk analysis account for the risk of the spread of CSF within Germany from such movement?

*Response:* The risk analysis took into account all CSF outbreaks in Germany that occurred outside of any established restriction zones. Therefore, any undetected outbreaks outside such zones that resulted from domesticated swine movement within Germany were considered to be part of the population of herds from which the United States could potentially import. These outbreaks were included in the risk estimates as part of variable “g” in the breeding swine and swine semen models, and variable “P<sub>1</sub>” in the pork model.

*Comment:* Does a 2002 outbreak in France in domestic swine exposed to infected wild boar change APHIS’ conclusion in the risk analysis that areas containing infected wild boar can be considered CSF-free for export? The outbreak in France additionally calls into question the statement made in the risk analysis report that no CSF outbreaks in France had been attributed to wild swine during the 7 years prior to development of the risk analysis.

*Response:* Obviously, areas that have had recent outbreaks of CSF in domesticated swine, such as the area in France, would not be considered for recognition of CSF freedom until the waiting periods discussed in the proposed rule had elapsed. The risk analysis itself did not deal directly with declarations of disease freedom, but rather dealt with the risk to the United States of outbreaks that occurred outside any established EU restriction zones. As discussed in responses to comments above, the risk analysis anticipates future situations in the EU where CSF epidemics reach the same magnitude and the same level of detection and control failures as occurred during the 1997–98 epidemic. Given that recent CSF epidemics are of a smaller magnitude and have fewer failures in detection and control, they fall within the expectations of the current risk analysis.

*Comment:* How can APHIS support its statement in the risk analysis that the 1997–98 CSF outbreak in the

Netherlands was “unique” and did not serve as a very good model of how CSF can be introduced into or spread within the region? What made this situation and a 2000 outbreak in East Anglia in the United Kingdom unique and unlikely to recur? Many of the factors that APHIS considered in judging the Netherlands outbreak to be unique have not and will not change, such as highly concentrated production, dependence on pig transport between farm sites and regions, and insufficient rendering capacity.

*Response:* The 1997–98 EU CSF epidemic is considered unique in its magnitude and scope because nothing comparable has occurred before or since. As noted above, this CSF epidemic is considered the most severe the EU has ever experienced. The computer model for the risk assessment alone is not intended to predict all possible future scenarios. APHIS intends to monitor the animal health situation in the EU and periodically review the parameters of the risk assessment model to determine if the situation in the EU has changed sufficiently to alter the findings of the assessment.

*Comment:* Although the site visit report indicates the Netherlands has instituted additional restrictions on handling semen, transporting live animals, and biosecurity practices, no information was presented on the measures taken at semen centers in other countries or regions.

*Response:* The risk analysis regarding CSF in the EU region, and the additional mitigations we proposed for the importation of swine semen, were based on the situation prior to any changes in biosecurity measures in the Netherlands. Any increases in biosecurity there and in other countries will serve to lower the assessed risk, but were not depended upon to bring the risk of CSF to an acceptable level.

*Comment:* The site visit report noted that a surveillance zone was established in Luxembourg in 1999 due to CSF in a neighboring area in Germany. It is not clear if movement restrictions are in place for domestic swine in the surveillance zone.

*Response:* Movement restrictions are in place for domestic pigs in the surveillance zone, and swine are not permitted to be moved until they are tested by both serology and virology.

*Comment:* Although the United Kingdom had originally been considered a low-risk area, a CSF outbreak there in 2000, coupled with the FMD outbreak in 2001, indicates disease control measures there are not adequate.

*Response:* The United Kingdom was not included in the region under consideration in our June 1999 proposal. We have addressed the disease outbreaks in the United Kingdom separately from the those in the region under consideration.

*Comment:* The commenter stated that because of recent CSF outbreaks in Spain, the EU extended its implementation of restrictive measures in that country.

*Response:* As we discussed above, CSF outbreaks in the EU region in question since publication of the proposed rule have been of a smaller magnitude, and have had fewer failures in detection and control, than during the 1997–1998 epidemic and fall within the expectations of our risk analysis. It should be noted, however, that because the outbreaks in Spain occurred after the publication of the proposed rule, and the public has not had the opportunity to formally comment on any CSF classification of Spain following those outbreaks, we are not including Spain in this final rule as a country in which CSF is not known to exist.

*Comment:* Will any of the risk mitigation measures in the proposed rule be applied to countries that have already been recognized as free of CSF?

*Response:* The scope of the risk analysis explicitly excluded those EU Member States that APHIS had already recognized as CSF free.

*Comment:* Would APHIS prohibit imports from areas under EU restrictions due to wild boar infections when the EU allows trade with restrictions within the country in question, even though it prohibits trade to other Member States?

*Response:* In this final rule, we are amending part 92 of the regulations to add a new § 92.3, as proposed, that provides that whenever the EC establishes a quarantine for a disease in the EU in a region that APHIS recognizes as one in which the disease is not known to exist, and the EC imposes prohibitions or other restrictions on the movement of animals or animal products from the quarantined area in the EU, such animals and animal products are prohibited importation into the United States.

#### Change in Terminology

We are making a change in this final rule to reflect current terminology regarding who receives certificates at the port of arrival. In § 94.23(c), instead of referring to “collector of customs,” we refer instead to “appropriate Customs and Border Protection Officer.”