

Brazil, PANAFTOSA conducted inspection visits in the three countries and issued recommendations to strengthen and improve the existing FMD programs.

In addition, Uruguay has reviewed its own FMD strategy and has increased the authority of local offices in border areas, improved communication between local offices, developed a communication and education program for producers, and established a National Honorary Animal Health Commission with the participation of producers and both private and official veterinarians. The regional situation has greatly improved since 2001.

It is evident that Uruguay's government is committed to strengthening and improving its information systems for FMD surveillance and eradication in the region. Uruguay is continually reviewing and improving its regional coordination agreements. As a matter of national policy, Uruguay is coordinating with neighboring countries to establish common strategies for combating FMD and for direct information exchange between both official and private sectors.

We carefully considered the regional situation as an integral part of assessing Uruguay's FMD status, and we are continually monitoring the FMD situation in South America. We believe that Uruguay, Argentina, and Brazil have an effective cooperative, regional approach to FMD surveillance and control programs, and that each of these countries is committed to transparency and to collaboration in controlling and eradicating FMD.

A few commenters asked what guarantee we have that FMD has been eradicated in Uruguay. As noted in our site visit report, we have no evidence of the presence of the FMD virus in Uruguay, and have concluded that Uruguay has the ability to detect, control, and respond to FMD outbreaks in an effective way. The mitigation measures that we have put in place protect against the introduction of FMD into the United States.

A few commenters expressed concern that Uruguay is not able to determine where every beef animal is located or to confirm whether wild cattle are pastured on the same ranches with domestic cattle or that every herd is FMD-free. All cattle in Uruguay are identified with tags for movement that indicate the farm and herd of origin. All shipments of cattle must be accompanied by certificates that indicate that each animal has been vaccinated twice, and information about the date, brand, and series of vaccine

that was used must also be on the certificate. In addition, Uruguay's ongoing surveillance program, combined with all of the movement control measures, provide adequate levels of surveillance for FMD in herds in Uruguay. Also, international trade agreements entered into by the United States provide that we should not require more of our trading partners than we carry out ourselves. The United States does not have a system that allows us to determine where every beef animal is located.

One commenter asked what guarantee we have that the mitigating measures are effective. The scientific literature supporting the efficacy of the mitigation measures such as the requirement that carcasses reach a pH level of 5.8 or below and the requirement that all bones, major lymph nodes, and blood clots be removed, is cited in the risk assessment. In addition, these measures comply with or exceed international standards for importing fresh (chilled or frozen) beef from countries that vaccinate against FMD. The OIE prescribes that the meat reach a pH level below 6.0 during the first 24 hours of maturation. Our requirement of a pH level of 5.8 or below provides a margin of safety and ensures the complete inactivation of the FMD virus.

One commenter requested that we provide details about the FSIS export plant approval process, Hazard Analysis and Critical Control Point (HACCP) related equivalency, and resampling procedures used to verify microbiological and residue requirements monitored upon arrival in the United States.

The FSIS regulations related to imported products are found in 9 CFR part 327. In those regulations, § 327.2(a)(2)(i) requires foreign countries to have a system of meat inspection that provides standards equivalent to those of the Federal system of meat inspection in the United States in areas that include, but are not limited to, ultimate control and supervision by the national government; the assignment of competent, qualified inspectors; and inspection, sanitation, quality, species verification, and residue standards.

The requirement listed in § 327.2(a)(2)(ii)(H) states that the foreign country must have an HACCP system as described in 9 CFR part 417. The regulations in § 327.2(a)(3) require a responsible official of the foreign meat inspection system to certify processing plants as eligible to participate in an export program according to all FSIS regulations contained within 9 CFR part 327. Sections 327.5 and 327.6 list the regulations and instructions related to

importer applications for inspection of products for entry and related to reinspection of imported products. The actual procedures that FSIS uses for sampling and reinspection are detailed in that agency's Import Manual of Procedures. Information about FSIS requirements, procedures, and regulations can also be obtained on the Internet at <http://www.fsis.usda.gov>.

One commenter asked whether Uruguay's bovine spongiform encephalopathy (BSE) safeguarding system is equivalent to that of the United States. Although the intent of the proposal was to address the risk of importing fresh beef from Uruguay in the absence of other diseases, not to assess the risk of BSE in Uruguay, it should be noted that there is no evidence of which we are aware that BSE is a concern in Uruguay. Canada has evaluated Uruguay and found it to be low risk for BSE. Through our tricountry agreement with Canada and Mexico, we accept Canada's evaluation for our purposes. Furthermore, Uruguay has had minimal, if any, imports from Europe, and therefore minimal potential exposure to BSE. Additionally, regulations are set forth in § 94.18 of the regulations to guard against the introduction of BSE into the United States. We will continue to monitor the health status of Uruguay, and will reassess the situation if we determine that BSE has become a cause for concern with respect to Uruguay.

A few commenters asked how we will ensure that all biologicals, chemotherapeutics, extra-label usage, and pesticides in raw feed production are used under an approval system equivalent to ours. The issues raised by the commenters are beyond the scope of this rulemaking and deal primarily with products and practices that are under the purview of the FSIS and FDA and outside of our regulatory authority.

Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule with the changes discussed in this document.

#### *Effective Date*

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**. Immediate implementation of this rule is warranted to relieve certain restrictions on the importation of fresh (chilled or frozen) beef from Uruguay that are no longer necessary. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be