

confirmed cases of BSE in cervids, it is possible that they are susceptible to BSE. To date, there have been no challenge studies for BSE in cervids (*i.e.*, studies in which cervids are intentionally exposed to the BSE agent) to indicate the level of susceptibility of cervids to BSE. Given the stringent controls described above, however, and the fact that there have been no confirmed cases of BSE in cervids, we believe the likelihood BSE would be introduced into the United States through cervid importations is extremely low, and we do not believe that mitigation measures other than those listed above are necessary.

One of the requirements listed above is that the cervids have been members of a herd in which surveillance for TSE's was conducted by appropriate authorities according to national or regional standards. At present, the TSE program for cervids in Canada, the one region we are proposing to classify as BSE-minimal risk at this time, is one that monitors for chronic wasting disease (CWD). However, all sampling done to monitor for CWD would identify animals that might be affected with other TSE's such as BSE.

Ruminant Products From Minimal-Risk Regions

We are proposing to add a new § 94.19 to list those ruminant products that would be allowed importation from a BSE minimal-risk region and to set forth the conditions for such importation.

In evaluating the risk that ruminant products imported into the United States might present, the same factors affecting the BSE risk of the live animals from which the products are derived are applicable. Additionally, other factors must be considered due to the processing the products undergo. Slaughter methods and the removal of risk material from source animals in the exporting region affect the level of risk associated with meat and meat products from those animals, as do intended use and the demonstrated likelihood of the animal product in question to contain the BSE agent.

Similar to the slaughter requirements for ruminants imported live into the United States for immediate slaughter, it would be necessary to require that most ruminant products intended for importation into the United States from a BSE minimal-risk region come from animals from which intestines were removed during processing. In some cases, however, because of other mitigating factors, such as if no natural infection has been observed in the type of animal, we do not believe it would

be necessary to require that the intestines have been removed from the animal from which the product is derived.

We believe that the importation of the categories of meat and other edible products from ruminants from BSE minimal-risk regions discussed below would be unlikely to contain the BSE agent provided the following conditions are met, as certified to on an original certificate issued by a full-time salaried veterinary officer of the national government of the region of origin, or issued by a veterinarian designated or accredited by the national government of the region of origin and endorsed by a full-time salaried veterinary officer of the national government of the region of origin, representing that the veterinarian issuing the certificate was authorized to do so.

As one of the conditions for bringing the commodity into the United States, we are proposing that the meat and edible products, if arriving at a land border port, arrive only at one of the ports we would list in new § 94.19(k). At this time, the only region that would be listed in § 94.18(a)(3) as a BSE minimal-risk region would be the country of Canada. Because the type of shipments that would require inspection under this proposed rule have not been subject to inspection in recent years when arriving at land border ports from Canada, we believe it is advisable to limit their arrival by land from Canada to those U.S. ports staffed with personnel fully trained in the inspection of such shipments.

We would list the following as designated land border ports in § 94.19(k): Eastport, ID; Houlton, ME; Detroit (Ambassador Bridge), Port Huron, and Sault St. Marie, MI; International Falls, MN; Sweetgrass, MT; Alexandria Bay, Buffalo (Lewiston Bridge and Peace Bridge), and Champlain, NY; Pembina and Portal, ND; Derby Line and Highgate Springs, VT; and Blaine (Pacific Highway and Cargo Ops), Lynden, Oroville, and Sumas (Cargo), WA. If, in the future, we add other countries to the list of BSE minimal-risk regions in § 94.18(a)(3), we would adjust the list of designated ports accordingly.

Fresh (Chilled or Frozen) Meat From Bovines Less Than 30 Months of Age

Section 94.19, paragraph (a), would allow the importation of meat under the following conditions:

- The meat is fresh (chilled or frozen) meat from bovines less than 30 months old at the time of slaughter that are not known to have been fed ruminant

protein, other than milk protein, during their lifetime.

- The bovines from which the meat is derived were slaughtered in a slaughtering establishment that slaughters only bovines less than 30 months of age or complies with a segregation process approved by the national veterinary authority of the region of origin and the Administrator as adequate to prevent contamination or commingling of the meat with products not eligible for importation into the United States.

- The intestines of the bovines were removed at slaughter.

- The product qualifies as meat according to the definition of meat set forth in USDA's Food Safety and Inspection Service's (FSIS) regulations at 9 CFR 301.2.

- The shipment is accompanied by authorized official certification, as described above, that the above conditions have been met.

We would require that the commodity meet the definition of "meat" according to the FSIS regulations to ensure that, if imported as ground meat, it has not been combined with meat that might contain high-risk tissues from high-risk animals. Under the FSIS definition in 9 CFR 301.2, to be considered "meat," product that undergoes mechanical separation and meat recovery from the bones of livestock must be processed in such a way that the processing does not crush, grind, or pulverize bones, so that bones emerge comparable to those resulting from hand-deboning and the meat itself meets the criteria of no more than 0.15 percent or 150 mg/100 gm of product for calcium (as a measure of bone solids content) within a tolerance of 0.03 percent or 30 mg. We are proposing to use this standard for the eligibility of meat from bovines (and, as indicated later, for meat from sheep and goats) to ensure that the product contains no mechanically separated meat that might contain high risk-tissues. (**Please note:** Except where the FSIS definition of *meat* is specifically referenced in proposed § 94.19(a)(3) with regard to meat from bovines, and in proposed § 94.19(e)(2) with regard to meat from sheep or goats or other ovines or caprines, the standard dictionary definition of meat is intended throughout this proposed rule.)

To avoid commingling or contamination of meat from bovines under 30 months of age with materials from older bovines, we would require that the slaughtering facility in the region of origin either slaughter only bovines less than 30 months of age or comply with an approved segregation process. Such segregation during