

Document: Emergency Rule, **Register Page Number:** 27 IR 2758

Source: June 1, 2004, Indiana Register, Volume 27, Number 9

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**TITLE 345 INDIANA STATE BOARD OF
ANIMAL HEALTH**

LSA Document #04-119(E)

DIGEST

Temporarily amends matters incorporated by reference in 345 IAC 9-2.1-1 to facilitate prevention of and surveillance for bovine spongiform encephalopathy (BSE), including prohibiting the slaughter of nonambulatory cattle for human food, prohibiting meat and meat products from nonambulatory cattle to be distributed for food, prohibiting the distribution of carcasses and parts of BSE positive animals, declaring certain animal parts specified risk materials, amending rules governing products produced using advanced meat recovery technology, prohibiting air-injection stunning of cattle, and further regulating or prohibiting the use of mechanically separated meat in human food. Temporarily adds rules that require carcasses from animals tested for BSE be held until test results are obtained. Authority: IC 15-2.1-18-21. *NOTE: The original emergency document LSA Document #04-29(E), printed at 27 IR 1930, effective January 23, 2004, expires April 22, 2004. Effective April 22, 2004.*

SECTION 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, ~~2002~~ **2004, and as amended in 69 FR 1862 through 69 FR 1891, January 12, 2004:**

- (1) 9 CFR 301, except the definitions in IC 15-2.1 and 345 IAC 9-1-3 shall control over conflicting definitions in 9 CFR.
- (2) 9 CFR 303 through 9 CFR 311, except the following are not incorporated:
 - (A) 9 CFR 303.1(c), 9 CFR 303.1(g), and 9 CFR 303.2.
 - (B) 9 CFR 306.1.
 - (C) 9 CFR 307.4, 9 CFR 307.5, and 9 CFR 307.6.
 - (D) 9 CFR 308.
- (3) 9 CFR 313 through 9 CFR 320, except 9 CFR 317.4 and 9 CFR 317.5.
- (4) 9 CFR 325.
- (5) 9 CFR 416.
- (6) 9 CFR 417.
- (7) 9 CFR 500, except the following:
 - (A) References to the Uniform Rules of Practice, 7 CFR Subtitle A, Part 1, Subpart H shall mean IC 15-2.1-19 and IC 4-21.5-3.
 - (B) References to adulterated or misbranded product shall refer to products adulterated or misbranded as defined in ~~IC 15-2.1-24~~ **IC 15-2.1-2.**

(b) When interpreting this article, including all matters incorporated by reference, the following shall apply:

- (1) A reference to any subpart of 9 CFR 302 refers to the corresponding section of 345 IAC 9-2.
- (2) A reference to:
 - (A) 9 CFR 307.4 shall refer to 345 IAC 9-7-4;
 - (B) 9 CFR 307.5 shall refer to 345 IAC 9-7-6; and
 - (C) 9 CFR 307.6 shall refer to 345 IAC 9-7-6.
- (3) A reference to any subpart of 9 CFR 312 refers to the corresponding section of 345 IAC 9-12.
- (4) A reference to:
 - (A) 9 CFR 316.16 shall refer to 345 IAC 9-16-16;
 - (B) 9 CFR 317.4 shall refer to 345 IAC 9-17-4;
 - (C) 9 CFR 317.5 shall refer to 345 IAC 9-17-5; and
 - (D) 9 CFR 317.16 shall refer to 345 IAC 9-17-16.
- (5) A reference to:
 - (A) 9 CFR 321.1 shall refer to 345 IAC 9-20; and

(B) 9 CFR 321.2 shall refer to 345 IAC 9-20.

(6) A reference to any subpart of 9 CFR 329 shall refer to the corresponding section in 345 IAC 9-22.

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control.

SECTION 2. The following apply to the carcass and parts of carcasses of an animal that is tested for bovine spongiform encephalopathy (BSE):

(1) In an official establishment, carcass and parts thereof shall be retained until such time as the BSE test results are received and a board representative releases the carcass and parts. If the animal tests negative for BSE, the carcass and parts thereof may be passed if the carcass and parts otherwise qualify to be passed. If the animal tests positive for BSE, the carcasses and parts shall be condemned as adulterated and held for disposition in a manner approved by the state veterinarian.

(2) In a custom exempt establishment, carcass and parts thereof shall be retained until such time as the BSE test results are received and a board representative releases the carcass and parts. If the animal tests negative for BSE, the carcass and parts may be released. If the animal tests positive for BSE, the carcasses and parts shall be condemned as adulterated and held for disposition in a manner approved by the state veterinarian.

SECTION 3. SECTIONS 1 and 2 of this document expire on the earliest of the following:

(1) The date that another temporary rule adopted under IC 15-2.1-18-21 supercedes this document.

(2) The date that permanent rules adopted under IC 4-22-2 supercede this document.

(3) July 21, 2004.

LSA Document #04-119(E)

Filed with Secretary of State: April 22, 2004, 4:00 p.m.