

Document: Proposed Rule, **Register Page Number:** 27 IR 4118
Source: September 1, 2004, Indiana Register, Volume 27, Number 12
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**TITLE 345 INDIANA STATE BOARD OF
ANIMAL HEALTH**

Proposed Rule
LSA Document #04-135

DIGEST

Amends 345 IAC 4-4-1 to update the National Poultry Improvement Plan incorporated by reference. Adds 345 IAC 10-2-5 to require that establishments slaughter poultry within 48 hours after delivery and that certain cages be cleaned and disinfected after each use. Amends 345 IAC 10-2.1-1 to update poultry slaughter and processing requirements incorporated by reference and to prohibit the slaughter of poultry under the retail exemption. Makes other changes in the law of poultry slaughter and processing. Effective 30 days after filing with the secretary of state.

345 IAC 4-4-1
345 IAC 10-2-5
345 IAC 10-2.1-1

SECTION 1. 345 IAC 4-4-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 4-4-1 National Poultry Improvement Plan; adoption by reference

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-19

Sec. 1. The board adopts and incorporates by reference as rules of the board the United States Department of Agriculture National Poultry Improvement Plan in 9 CFR Part 145 and the auxiliary provisions in 9 CFR Part 147, that are in effect on January 1, ~~2000~~, **2004**, and the amendments thereto in ~~65 FR 8014~~ **69 FR 7679** through ~~65 FR 8023-~~ **69 FR 7680**. But, 9 CFR Part 147, Subpart E and any amendments thereto are not incorporated by reference. (*Indiana State Board of Animal Health; 345 IAC 4-4-1; filed Oct 11, 1996, 2:00 p.m.: 20 IR 750; filed Dec 10, 1997, 11:00 a.m.: 21 IR 1327; filed Dec 18, 2000, 9:57 a.m.: 24 IR 1341; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 2. 345 IAC 10-2-5 IS ADDED TO READ AS FOLLOWS:

345 IAC 10-2-5 Delivery and acceptance of poultry for slaughter

Authority: IC 15-2.1-3-13; IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 15-2.1-24

Sec. 5. (a) A person accepting poultry for slaughter, including inspected establishments and establishments slaughtering under an exemption in 9 CFR 381.10, must slaughter delivered poultry within twenty-four (24) hours of the poultry's arrival at the establishment.

(b) An establishment that provides cages for use by its customers to transport poultry to the establishment for slaughter shall clean and disinfect the cages after each use before providing the cages to another customer. The state veterinarian may designate minimum standards for cleaning and disinfecting that will facilitate public health and animal health by reducing the risk of disease transmission. (*Indiana State Board of Animal Health; 345 IAC 10-2-5*)

SECTION 3. 345 IAC 10-2.1-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 10-2.1-1 Incorporation by reference; poultry products inspection

Authority: IC 15-2.1-3-19; IC 15-2.1-24-6; IC 15-2.1-24-7

Affected: IC 4-21.5-3; IC 15-2.1-2; IC 15-2.1-19; IC 15-2.1-24-14

Sec. 1. (a) The board adopts as its rule and incorporates by reference the following federal regulations in effect on January 1, ~~2002~~; **2004**, relating to poultry products inspection:

(1) **9 CFR Part 362 with the following amendments and additions:**

(A) **9 CFR 362.4(a)(2), 9 CFR 362.4(b)(2), 9 CFR 362.4(c), 9 CFR 362.4(d), and 9 CFR 362.5 are not incorporated.**

(B) **Fees for voluntary inspection service shall be charged in accordance with IC 15-2.1-24-14(c).**

(C) **The state veterinarian may refuse to provide or withdraw voluntary inspection service for administrative reasons, including nonavailability of personnel and failure to pay for service.**

(2) 9 CFR 381.1, except the definitions in IC 15-2.1 and 345 IAC 10-1-1 shall control over conflicting definitions in 9 CFR.

~~(2)~~ (3) **9 CFR 381.10 with the following amendments and additions:**

(A) **9 CFR 381.10(d)(2)(i) shall be amended by deleting the word “unless” and the remaining part of the sentence that follows that word.**

(B) **A person operating a facility engaged in exempt operations described in 9 CFR 381.10(a)(4) through 9 CFR 381.10(a)(7) and 9 CFR 381.10(b) through 9 CFR 381.10(c) shall comply with the registration and record keeping requirements in 9 CFR 381.175 through 9 CFR 381.182.**

(4) **9 CFR 381.11** through 9 CFR 381.95, except the following are not incorporated:

(A) 9 CFR 381.36.

(B) 9 CFR 381.37.

(C) 9 CFR 381.38.

(D) 9 CFR 381.39.

(E) 9 CFR 381.45 through 9 CFR 381.61.

~~(4)~~ (5) **9 CFR 381.115** through 9 CFR 381.182, except the following are not incorporated:

(A) 9 CFR 381.132.

(B) 9 CFR 381.133.

~~(4)~~ (6) **9 CFR 381.189** through 9 CFR 381.194.

~~(5)~~ (7) **9 CFR 381.300** through 9 CFR 381.500.

~~(6)~~ (8) **9 CFR 416** through **9 CFR 441.**

~~(7)~~ ~~9 CFR 417.~~

~~(8)~~ (9) **9 CFR 500**, except the following:

(A) References to 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) References to 9 CFR 381.3 through 9 CFR 381.7 refer to the corresponding section in 345 IAC 10-2.

(2) References to:

(A) 9 CFR 381.36 refer to 345 IAC 10-7-1;

(B) 9 CFR 381.37 refer to 345 IAC 10-7-2 and 345 IAC 10-7-3; and

(C) 9 CFR 381.38 and 9 CFR 381.39 refer to 345 IAC 10-7-4.

(3) References to:

(A) 9 CFR 381.96 refer to 345 IAC 10-13-1;

(B) 9 CFR 381.98 refer to 345 IAC 10-13-2;

(C) 9 CFR 381.99 refer to 345 IAC 10-13-3;

(D) 9 CFR 381.100 refer to 345 IAC 10-13-4;

(E) 9 CFR 381.101 refer to 345 IAC 10-13-5;

(F) 9 CFR 381.103 refer to 345 IAC 10-13-6;

(G) 9 CFR 381.110 refer to 345 IAC 10-13-7; and

(H) 9 CFR 381.111 refer to 345 IAC 10-13-8.

(4) References to 9 CFR 381.131, 9 CFR 381.132, and 9 CFR 381.133 refer to 345 IAC 10-14-18 and 345 IAC 10-

14-20.

(5) References to:

(A) 9 CFR 381.185 refer to 345 IAC 10-18-1; and

(B) 9 CFR 381.186 refer to 345 IAC 10-18-2.

(6) References to 9 CFR 381.210 through 9 CFR 381.218 refer to the corresponding section of 345 IAC 10-20.

(c) Where the provisions of this article conflict with matters incorporated by reference, the express provisions of this article shall control. (*Indiana State Board of Animal Health; 345 IAC 10-2.1-1; filed Dec 10, 1997, 11:30 a.m.: 21 IR 1319; errata filed Mar 9, 1998, 9:30 a.m.: 21 IR 2393; filed Sep 10, 1999, 9:14 a.m.: 23 IR 16; filed Oct 30, 2000, 2:06 p.m.: 24 IR 685; errata filed Apr 9, 2001, 12:52 p.m.: 24 IR 2470; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:43 p.m.: 26 IR 1541*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on October 7, 2004 at 9:45 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed rules concerning the National Poultry Improvement Plan, requirements that establishments slaughter poultry within 48 hours after delivery and that certain cages be cleaned and disinfected after each use, and to update poultry slaughter and processing requirements incorporated by reference and prohibit the slaughter of poultry under the retail exemption. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.
Indiana State Veterinarian
Indiana State Board of Animal Health