

health document up to 10 days after his or her inspection of animals in a herd or flock not under a regular health maintenance program. The commenter acknowledged that the increase from 7 to 10 days would provide some additional time for laboratory results to be received, but stated that even 10 days may not be sufficient time to receive the results of some required tests. The commenter did not, however, cite recurring difficulties with any specific tests. We recognize that laboratory delays beyond an accredited veterinarian's control can occur, but we are unaware of any widespread problems that consistently delay the issuance of animal health documents. The regulations in § 161.3(k) already provide that an accredited veterinarian may issue an origin health certificate for export use without including test results from a laboratory if the APHIS Veterinarian-in-Charge determines that such an action is necessary to save time in order to meet an export schedule and agrees to add the test results to the certificate at a later time. If, in the future, it becomes necessary to address persistent delays in laboratory reporting, similar provisions could be proposed for the issuance of other animal health documents.

One commenter disagreed with our proposal to require that all official animal health documents be valid for only 30 days following the date of inspection, regardless of the date of issuance. The commenter felt that this restriction would place an unfair limitation on certificates made near the end of the 30-day inspection period, noting that a certificate issued on day 28 or 29 would only be valid for a day or two. The commenter envisioned a scenario in which a shipment of animals could be in transit at the time their certificate expired, thus leaving the animals without valid documentation. The commenter suggested that a certificate should be valid for at least 7 days after issuance, provided the certificate was issued during the 30-day inspection period. We believe that the difficulties envisioned by the commenter are not likely to occur due to the time frames associated with inspections and the issuance of animal health documents. Livestock facilities participating in a regular health maintenance program are usually large operations with an established distribution and transportation network in place, which lends a measure of predictability to the facility's shipping activities. We believe that the operator of such a facility would ensure that the health documents for a shipment of

animals would be valid for a long enough period of time to complete the movement of those animals. If not, the next scheduled visit by the accredited veterinarian serving the facility would likely be only a few days in the future, and a new set of documents could be secured following that visit, thus allowing adequate time to move the shipment of animals. A document issued by an accredited veterinarian for animals that are not part of a regular health maintenance program would have to be issued no later than 10 days following inspection, so that document would be valid for at least 20 days following its issuance; in such a case, making the document valid for at least 7 days after issuance would be unnecessary.

Another commenter also objected to our proposal to require that all official animal health documents be valid for only 30 days following the date of inspection, regardless of the date of issuance. This commenter's objection was threefold: (1) The requirement would be a negative influence on regional approaches to animal movements within the United States and North America; (2) the requirement constitutes a centralization of regulation at a time when decentralization should be the goal; and (3) the requirement interferes with provisions that most, if not all, States have set concerning the length of time a health document remains valid. The commenter did not, however, provide any explanation or examples to elucidate his objections. We have made no changes in this final rule in response to that comment because the standards for accredited veterinarians contained in the regulations apply only to an accredited veterinarian's work with APHIS, even though it is common for federally accredited veterinarians to work on State programs in addition to their work with APHIS on Federal and cooperative State/Federal programs. Thus, the 30-day post-inspection limit on the validity of a health document would apply to an official certificate or document issued in connection with an APHIS program activity such as pre-export inspection, tuberculosis, brucellosis, or pseudorabies, but not to a State document issued by an accredited veterinarian in connection with a State-level program.

Finally, one commenter was concerned that the proposed definition of *issue* and removal of the words "or sign" from the phrase "issue or sign" would have the effect of creating a loophole that would allow an accredited veterinarian to legally pre-sign a number of blank animal health documents that could be filled out later by someone

other than the accredited veterinarian. The commenter stated that an accredited veterinarian should be responsible for reviewing all animal health documents for accuracy before they are signed and then issued. We do not believe that the changes will create the loophole envisioned by the commenter for two reasons: First, the proposed definition of *issue*—"the distribution by an accredited veterinarian of an official animal health document that he or she has signed"—clearly indicates that an accredited veterinarian must sign a document before it is distributed. Our second reason builds on the first, in that proposed § 161.3(b) states that an accredited veterinarian may not issue—i.e., sign and distribute—or allow the use of any certificate, form, record, or report until and unless the document has been accurately and fully completed. We believe, therefore, that these provisions ensure that an accredited veterinarian is responsible for the accuracy of all animal health documents he or she issues.

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final rule.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

We are amending the regulations to allow, under certain conditions, accredited veterinarians to issue official animal health documents for animals in herds or flocks under regular health maintenance programs for up to 30 days after inspection. For inspection of other animals, we are allowing up to 10 days between the inspection of animals and the issuance of official animal health documents.

Until the effective date of this final rule, the regulations in § 161.3(a) require accredited veterinarians, when issuing or signing a certificate, form, record, or report regarding any animal, to have inspected the animal within 7 days. That requirement places an economic burden on large livestock facilities that sell and ship animals continuously. That is, large livestock facilities are currently required to have their animals inspected frequently, in order for veterinarians to issue, in a timely manner, the health documents required for the frequent sale and shipment of