

the documentation submitted by the government of Switzerland in support of its request, and a team of APHIS officials travelled to Switzerland in 1994 to conduct an on-site evaluation of the country's animal health program with regard to the rinderpest, FMD, and VVND situation in Switzerland. The evaluation consisted of a review of Switzerland's veterinary services, laboratory and diagnostic procedures, vaccination practices, and administration of laws and regulations intended to prevent the introduction of rinderpest, FMD, and VVND into Switzerland through the importation of animals, meat, or animal products. The APHIS officials conducting the on-site evaluation concluded that Switzerland is free of rinderpest, FMD, and VVND. (Details concerning the on-site evaluation are available, upon written request, from the person listed under **FOR FURTHER INFORMATION CONTACT.**)

Therefore, based on the information discussed above, we are proposing to amend § 94.1(a)(2) by adding Switzerland to the list of countries declared to be free of both rinderpest and FMD. We are also proposing to amend § 94.6(a)(2) by adding Switzerland to the list of countries declared to be free of VVND. These proposed actions would remove the prohibition on the importation, from Switzerland, of ruminants and fresh, chilled, and frozen meat of ruminants, and would relieve restrictions on the importation, from Switzerland, of milk and milk products of ruminants and of poultry and poultry products. However, because Switzerland has not been declared free of hog cholera, the importation into the United States, from Switzerland, of pork and pork products would continue to be restricted under § 94.9 of the regulations, and the importation of swine from Switzerland would continue to be prohibited under § 94.10. Because Switzerland has not been declared free of bovine spongiform encephalopathy (BSE), the importation into the United States, from Switzerland, of ruminant meat and edible products from ruminants would continue to be restricted under § 94.18 of the regulations. Also, for the reasons discussed below, we would make the importation of the meat and other animal products of ruminants or swine from Switzerland subject to the restrictions contained in § 94.11.

We are proposing to amend § 94.11(a) by adding Switzerland to the list of countries that have been declared free of rinderpest and FMD but from which the importation of meat and other animal products is restricted. The countries listed in § 94.11(a) are subject to these

restrictions because they: (1) Supplement their national meat supply by importing fresh, chilled, or frozen meat of ruminants or swine from countries that are designated in § 94.1(a) as infected with rinderpest or FMD; (2) have a common land border with a country designated as infected with rinderpest or FMD; or (3) import ruminants or swine from countries designated as infected with rinderpest or FMD under conditions less restrictive than would be acceptable for importation into the United States.

Switzerland supplements its national meat supply by the importation of fresh, chilled, and frozen meat of ruminants and swine from countries designated in § 94.1(a)(1) as countries in which rinderpest or FMD exists. In addition, Switzerland has common land borders with Austria, France, Germany, and Italy. Italy is designated in § 94.1(a)(1) as a country in which rinderpest or FMD exists. As a result, even though Switzerland appears to qualify for designation as a country free of rinderpest and FMD, there is the potential that meat or other animal products produced in Switzerland may be commingled with the fresh, chilled, or frozen meat of animals from a country in which rinderpest or FMD exists. This potential for commingling constitutes an undue risk of introducing rinderpest or FMD into the United States.

Therefore, we are proposing that meat and other animal products of ruminants or swine, as well as the ship stores, airplane meals, or baggage containing such meat or other animal products, offered for importation into the United States from Switzerland be subject to the restrictions specified in § 94.11 of the regulations and to the applicable requirements contained in the regulations of the USDA's Food Safety and Inspection Service at 9 CFR chapter III. Section 94.11 generally requires that the meat and other animal products of ruminants or swine be: (1) Prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act; and (2) accompanied by an additional certification from a full-time salaried veterinary official of the national government of the exporting country, stating that the meat or other animal product has not been commingled with or exposed to meat or other animal products originating in, imported from, or transported through a country infected with rinderpest or FMD.

### **Executive Order 12866 and Regulatory Flexibility Act**

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This proposed rule, if adopted, would amend the regulations in part 94 by adding Switzerland to the list of countries declared to be free of rinderpest and FMD and to the list of countries declared free of VVND. This action would remove the prohibition on the importation into the United States, from Switzerland, of ruminants and poultry and fresh, chilled, and frozen meat of ruminants and poultry, although those importations would be subject to certain restrictions. This proposed revision would also relieve restrictions on the importation, from Switzerland, of milk and milk products of ruminants. This action would not relieve certain restrictions on the importation of live swine and fresh, chilled, and frozen meat of swine from Switzerland because Switzerland is still considered to be affected with hog cholera. Similarly, this action would not relieve certain restrictions on the importation from Switzerland, of ruminant meat and edible products from ruminants because BSE exists in Switzerland.

Based on available information, the Department does not anticipate a major increase in exports of ruminants and fresh, chilled, or frozen meat of ruminants or poultry from Switzerland into the United States as a result of this proposed rule.

The primary effects due to the proposed change in the regulations would be limited to bovine meat and prepared products, since swine and swine products are excluded because of restrictions due to hog cholera, live cattle and breeding material are excluded due to BSE, and there is no sheep, lamb, or goat production in Switzerland (USDA, National Agricultural Statistics Service (NASS), "Agricultural Statistics," 1993). Commencement of such production is not expected due to the proposed regulation change. The impact of increased beef imports resulting from the proposed regulation changes would likely be minimal because the cattle industry in Switzerland is relatively small and high cost compared to the United States domestic market. Cattle inventories in Switzerland were estimated to be about 1.78 million head in 1993, while U.S. inventories were over 101 million head in 1993 (USDA, Foreign Agricultural Service, Switzerland's Annual Livestock Report,