antimicrobial treatment is in place and functioning properly, the use of the nonconforming antimicrobial treatment may be discontinued and processing of carcasses may continue. Product not treated in conformance with approved parameters shall be retained for disposition by the Inspector in Charge.

(c) Exemptions for exported product. Product designated for export only to a country which will not accept product exposed to the antimicrobial treatment installed in the establishment will be exempted by the inspection program from the requirement for antimicrobial treatment if the product is properly identified, segregated, and labeled.

Subpart K—Post Mortem Inspection: Disposition of Carcasses and Parts

21. In § 381.76, Table 1—Definitions of Nonconformances, would be amended in paragraph A–1 by removing the word "feces", by amending paragraph A–2 to remove the end note regarding feces, and by removing paragraph A–8, "Feces $\geq \frac{1}{8}$ ", and renumbering paragraphs A–9 through A–20 as A–8 through A–19.

22. Section 381.79 would be amended by revising the heading, redesignating the existing text as paragraph (a), and adding a new paragraph (b) to read as follows:

§ 381.79 Passing of carcasses; microbial testing.

(a) * * *

(b) Microbial Testing—(1) General. (i) Incidental sampling. In the event of an outbreak of foodborne disease or other evidence of a threat to public health attributable to a poultry or poultry food product, the Administrator will conduct a sampling and testing program as may be required. Poultry at official establishments may be included in such a sampling and testing program. Procedures and protocols will vary, depending on the pathogen of concern and other circumstances.

(ii) Routine sampling.

(A) All establishments that have slaughter operations or produce raw, ground poultry are required to collect a minimum of one sample for testing each day from each slaughter class and/or species of ground poultry. The sample will be tested for *Salmonella* species. The results of the analysis will be provided to FSIS, as well as to the establishment. The results of the analysis will be entered by the establishment in a moving sum verification chart or table for review by Program employees.

(B) FSIS will require producers to evaluate and improve their process controls when their performance, as indicated by the number of positive samples over a specified time, exceeds established Acceptable Limits.

(C) Establishments that have adopted a Hazard Analysis and Critical Control Point system documenting that product being produced meets or exceeds the established targets for pathogen reduction may, upon approval by the Administrator, continue their current operating procedure in lieu of the proposed testing verification program, set forth in paragraph (b)(1)(ii)(C) of this section.

(2) Sample collection. (i) Each establishment will prepare written procedures outlining specimen collection. Procedures will address location(s) of sampling, how sampling randomness is achieved, and handling of the sample to ensure sample integrity. The written procedure will be made available to Program employees for verification that it is being followed.

(ii) The establishment will designate an employee or agent to collect the specimen, as follows:

(A) Whole birds will be collected at the end of the chilling process, after the drip line, and rinsed in an amount of buffer appropriate for the type of bird sampled.

(B) Samples from raw ground poultry will be taken prior to packaging. Samples will be 1/2 pound (0.4 kg).

(3) Analysis. (i) An establishment may test the specimens in its own laboratory or in a commercial/contract laboratory. However, the laboratory which is selected must demonstrate experience in testing poultry for Salmonella spp. Either an internal or external quality assurance/quality control (QA/QC) program with check sample analysis is required. QA/QC records must be available to FSIS employees and FSIS reserves the right to send official check samples to the laboratory to verify laboratory capabilities.

(ii) The method used for analyzing a sample for *Salmonella* must be one of the following:

(A) The method published by FSIS in the current edition of the Microbiology Laboratory Guidebook. A copy of this method may be obtained from the Microbiology Division, Science and Technology, Food Safety and Inspection Service, Washington, DC 20250.

(B) Any method for *Salmonella* species recognized by the Association of Official Analytical Chemists or other recognized scientific body that may be approved by the Administrator for this purpose. The analytic method used must be accepted by this third party authority as being at least as sensitive as the method used by FSIS for official samples.

(4) *Reports and recordkeeping.* (i) The designated laboratory or establishment employee will record the test results and supply them on a daily basis to the establishment. The establishment will provide the results, at least weekly, to Program employees. The results may be electronically transmitted.

(ii) The establishment will be responsible for entering the results into a moving sum verification chart or table. The verification chart or table will be maintained by the establishment for each type of production (slaughter class and/or species of comminuted product). This chart or table will consist of a moving sum of results (i.e., a moving count of positives) that is updated with each new result. The moving sum procedure is determined by width of window (n) in terms of number of days' results to include, and maximum acceptable number of positives during that time frame.

(A) An example of a moving sum process control chart with the corresponding decision about process acceptability is given below. In the example, the window is 8 days (n=8), and the maximum number of positives permitted in that window is 3 (AL=3):

Day No.	Test result	Moving sum	Comparison to AL	Days in- cluded
1	0	0	Meets	1.
2	0	0	Meets	1, 2.
3	0	0	Meets	1 to 3.
4	1	1	Meets	1 to 4.
5	0	1	Meets	1 to 5.
6	0	1	Meets	1 to 6.
7	1	2	Meets	1 to 7.
8	0	2	Meets	1 to 8.
9	0	2	Meets	2 to 9.