

(d) No establishment designated under this section can lawfully prepare any poultry products unless it first obtains inspection or qualifies for exemption under § 381.10 of this subpart. All other provisions of the regulations shall apply to establishments designated under this section to the same extent and in the same manner as if they were engaged in commerce, except that the exceptions provided for in § 381.222 shall apply to such establishments.

### **Subpart W—Rules of Practice Governing Proceedings Under the Poultry Products Inspection Act**

SOURCE: 42 FR 10962, Feb. 25, 1977, unless otherwise noted.

EFFECTIVE DATE NOTE: At 64 FR 66546, Nov. 29, 1999, Subpart W, consisting of §§ 381.230–381.236, was removed effective Jan. 25, 2000.

#### **GENERAL**

#### **§ 381.230 Scope and applicability of rules of practice.**

(a) The Uniform Rules of Practice for the Department of Agriculture promulgated in subpart H of part 1, subtitle A, title 7, Code of Federal Regulations, are the Rules of Practice applicable to adjudicatory, administrative proceedings under sections 6, 7, 8(d) and 18 of the Poultry Products Inspection Act (21 U.S.C. 455, 456, 457(d), and 467). In addition, the Supplemental Rules of Practice set forth in §§ 381.232 through 381.234 of this subpart shall be applicable to such proceedings.

(b) The rules of practice set forth in §§ 381.235 and 381.236 shall be applicable to the suspension of assignment of inspectors for threats to forcibly assault or forcible assault, intimidation or interference with any inspection service employee pursuant to § 381.29 of the regulations (9 CFR 381.29) under the Poultry Products Inspection Act. In addition, the definitions applicable to proceedings under the Uniform Rules of Practice (7 CFR 1.132) shall apply with equal force and effect to proceedings under §§ 381.235 and 381.236 of this subpart (9 CFR 381.235 and 381.236).

#### **SUPPLEMENTAL RULES OF PRACTICE**

#### **§ 381.231 Refusal or withdrawal of inspection service under section 18(a) of the Act.**

If the Administrator has reason to believe that the applicant for or recipient of service under the Act is unfit to engage in any business requiring such inspection because of any of the reasons specified in section 18(a) of the Act, he may institute a proceeding by filing a complaint with the Hearing Clerk, who shall promptly serve a true copy thereof upon each respondent, as provided in section 1.147(b) of the Uniform Rules of Practice (9 CFR 1.147(b)).

#### **§ 381.232 Withdrawal of inspection service for failure of an establishment to destroy any condemned carcass or part thereof or any condemned poultry product.**

(a) In any situation in which the Administrator has reason to believe that an establishment which receives inspection service under the Poultry Products Inspection Act has failed to destroy any condemned carcass or part thereof or any condemned poultry product, as required under section 6 of the Poultry Products Inspection Act (21 U.S.C. 455) and the regulations in this subchapter, he may notify the operator of the establishment, orally or in writing, of the Administrator's intent to withdraw (for such period or indefinitely as the Administrator deems necessary to effectuate the purposes of the Act) inspection service from the establishment, pursuant to section 18(b) of the Act (21 U.S.C. 467(b)), if the establishment fails to destroy the condemned articles involved, as specified in the notification, within three days of the receipt of the notification by the operator of the establishment. In the event of oral notification, a written confirmation shall be given, as promptly as circumstances permit, the operator of the establishment of the intent to withdraw inspection. The written notification or confirmation shall be served upon the operator of the establishment in the manner prescribed in § 1.147(b) of the Uniform Rules of Practice (7 CFR 1.147(b)).

(b) If any establishment so notified fails to destroy any condemned carcass