DEPARTMENT OF AGRICULTURE
Food Safety and Inspection Service
9 CFR Parts 312, 322, 350, 362, 381, 590, and 592

[DOCKET NO. FSIS–2009–0026]

RIN 0583–AD41

Electronic Export Application and Certification Charge; Flexibility in the Requirements for Export Inspection Marks, Devices, and Certificates; Egg Products Export Certification

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the meat and poultry inspection regulations to provide for an electronic export application and certification system. The electronic export application and certification system will be a component of the Agency’s Public Health Information System (PHIS). The PHIS Export Component will be available as an alternative to the paper-based export application and certification process. FSIS will charge an application fee to exporters that use the PHIS Export Component. FSIS is establishing a formula for calculating the fee. On an annual basis, the Agency will use the formula to update the fee and publish the new fee in the Federal Register. The updated fee will apply at the start of each calendar year. FSIS is also amending the meat and poultry export regulations to provide flexibility in the requirements for official export inspection marks, devices, and certificates. In addition, FSIS is amending the egg product export regulations to parallel the meat and poultry product regulations. FSIS will provide exporters with a new service application and certification system that would be available as an alternative to the paper-based application and certification process (77 FR 3159). The Agency also proposed amendments to provide exporters with more flexibility in the official marking of exported products and to delete certain prescriptive practices from the regulations, such as the obsolete “upon request” poultry export certification provision (9 CFR 381.105(a)) and requirements for “triplicate” and “duplicate” forms (9 CFR 322.2 and 381.105) to allow for “copies” of the export certificates. In addition, FSIS proposed to organize and make parallel, to the extent possible, the regulatory language for the export application and certification of meat and poultry products and to amend the egg products export regulations to add export application and certification requirements.

Because the PHIS Export Component will provide exporters with new service options, such as the ability to electronically submit, track, and manage their export applications, the Agency proposed to charge exporters a fee for the service. FSIS proposed a formula for calculating the fee based on recovering the Agency’s costs of maintaining and operating the PHIS Export Component. After review and consideration of all the comments submitted, FSIS is finalizing the proposed amendments, with modifications:

- One component of the fee formula, direct inspection cost, has been deleted. Other cost components of the formula, e.g., technical support, export library maintenance, on-going operations and maintenance cost, and the number of export applications, have been updated. The export application fee has been recalculated based on the updated costs...