

York, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin.

(b) The following States and Puerto Rico permit the feeding of treated garbage to swine: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, Texas, Utah, Vermont, Washington, West Virginia, and Wyoming.

(c) The following States have primary enforcement responsibility under the Act: Alabama, Arizona, California, Colorado, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, and Wisconsin.

(d) The following States issue licenses under cooperative agreements with the Animal and Plant Health Inspection Service, but do not have primary enforcement responsibility under the Act: Maryland, Puerto Rico, Texas, and Washington.

(e) The public may contact the Area Veterinarian in Charge, Animal and Plant Health Inspection Service, United States Department of Agriculture or State animal health official, or the Animal and Plant Health Inspection Service, Veterinary Services, Swine Health, 4700 River Road, Unit 37, Riverdale, Maryland 20737-1231, concerning the feeding of garbage to swine.

[47 FR 49945, Nov. 3, 1982, as amended at 51 FR 2348, Jan. 16, 1986; 51 FR 15757, Apr. 28, 1986. Redesignated and amended at 52 FR 4891, Feb. 18, 1987. 52 FR 13231, Apr. 22, 1987; 52 FR 34208, Sept. 10, 1987; 52 FR 37283, Oct. 6, 1987; 55 FR 30688, July 27, 1990; 56 FR 7555, Feb. 25, 1991; 56 FR 26899, June 12, 1991; 56 FR 37827, Aug. 9, 1991; 59 FR 67618, Dec. 30, 1994; 68 FR 7415, Feb. 14, 2003; 69 FR 70180, Dec. 3, 2004]

## PART 167—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE SWINE HEALTH PROTECTION ACT

### Subpart A—General

Sec.

167.1 Scope and applicability of rules of practice.

### Subpart B—Supplemental Rules of Practice

167.10 Stipulations.

AUTHORITY: 7 U.S.C. 3804, 3805, and 3811; 7 CFR 2.22, 2.80, and 371.4.

SOURCE: 48 FR 30095, June 30, 1983, unless otherwise noted.

### Subpart A—General

#### § 167.1 Scope and applicability of rules of practice.

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 5 and 6 of the Swine Health Protection Act (7 U.S.C. 3804, 3805). In addition, the Supplemental Rules of Practice set forth in subpart B of this part shall be applicable to such proceedings.

### Subpart B—Supplemental Rules of Practice

#### § 167.10 Stipulations.

(a) At any time prior to the issuance of a complaint seeking a civil penalty under the Act, the Administrator, in his discretion, may enter into a stipulation with any person in which:

(1) The Administrator or the Administrator's delegate gives notice of an apparent violation of the Act, or the regulations issued thereunder, by such person and affords such person an opportunity for a hearing regarding the matter as provided by the Act;

(2) Such person expressly waives hearing and agrees to a specified order which may include an agreement to pay a specified penalty within a designated time; and

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(3) The Administrator agrees to accept the order in settlement of the particular matter conditioned upon timely payment of the penalty if the order includes an agreement to pay a penalty.

(b) If the order includes an agreement to pay a penalty and the penalty is not

paid within the time designated in such a stipulation, the amount of the penalty shall not be relevant in any respect to the penalty which may be assessed after issuance of a complaint.

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