ARTICLE 12. GRADING AND CERTIFICATION PROGRAMS

Rule 1. Grading and Certification of Meat and Meat Products

345 IAC 12-1-1 Definitions and general provisions

Authority: IC 15-17-3-19; IC 15-17-3-21
Affected: IC 15-17

Sec. 1. (a) The definitions in IC 15-17-2 and the following definitions apply throughout this rule:
(1) "Board" means the Indiana state board of animal health appointed under IC 15-17-3.
(2) "State veterinarian" means the state veterinarian appointed by the board under IC 15-17-4 and any authorized agents.
(3) "USDA" means the United States Department of Agriculture.
(b) Federal regulations incorporated by reference in this rule are:
(1) the January 1, 2008, version of the federal regulations; and
(2) available from the U.S. Government Printing Office at their website: www.gpoaccess.gov/cfr/index.html.
(c) Copies of the matters incorporated by reference are available by contacting the board as follows:
Indiana State Board of Animal Health
805 Beachway Drive, Suite 50
Indianapolis, IN 46224
(317) 227-0300
(Indiana State Board of Animal Health; 345 IAC 12-1-1; filed Nov 24, 2008, 12:32 p.m.: 20081217-IR-345080424FRA)

345 IAC 12-1-2 Grading and certification programs

Authority: IC 15-17-3-19; IC 15-17-3-21
Affected: IC 15-17-5.5

Sec. 2. (a) The state veterinarian may do the following:
(1) Create and implement voluntary grading and certification programs for meat and meat products providing the services described in section 3 of this rule.
(2) Enter into agreements with the USDA or other federal agencies to implement federal grading and certification programs for meat and meat products in the state.
(b) The board's animal health and public health missions shall take first priority over any programs and services discussed in this rule. The state veterinarian may refuse to create or implement grading and certification programs under this rule in order to carry out the board's animal health and public health functions. *(Indiana State Board of Animal Health; 345 IAC 12-1-2; filed Nov 24, 2008, 12:32 p.m.: 20081217-IR-345080424FRA)*

345 IAC 12-1-3 Kind of service

Authority: IC 15-17-3-19; IC 15-17-3-21
Affected: IC 15-17-5.5

Sec. 3. (a) Grading service under this rule consists of the determination and certification and other identification of the class, grade, or other quality of products under applicable standards. Class, grade, and other quality may be determined under the standards for meat of cattle, sheep, or swine in carcass form only, but the state veterinarian may approve other procedures upon his or her determination of good cause and provided that the meat can be identified in conformance with the standards.
(b) Certification service under this rule consists of determining the conformity of products to specifications approved by the state veterinarian and the certification and other identification of such livestock or products in accordance with specifications. Determination as to product compliance with specifications for ingredient content or method of preparation may be based upon information received from the inspection system having jurisdiction over the products involved.
(c) Carcass data service under this rule consists of the evaluation of carcass characteristics, in accordance with applicable official United States standards of carcasses, of animals identified with official identification under this rule, the recording of such data, and transmittal of the data to, or as directed by, the applicant for the service.
(d) Contract verification service under this rule provides wholesale buyers of noncertified commodity products a method of determining whether procurement or procurements met contractually specified requirements.

(e) Other services requested by applicants that are consistent with the purposes of this rule. *(Indiana State Board of Animal Health; 345 IAC 12-1-3; filed Nov 24, 2008, 12:32 p.m.: 20081217-IR-345080424FRA)*

345 IAC 12-1-4 Obtaining service

Authority: IC 15-17-3-19; IC 15-17-3-21
Affected: IC 15-17-5.5

Sec. 4. (a) Service under this rule may be made available for products produced, shipped, or received in commerce in the state to facilitate the:

(1) marketing;
(2) distribution;
(3) processing; or
(4) utilization;

of agricultural products through commercial channels.

(b) Any person may apply to the board for service under this rule with respect to products in which the applicant is financially interested. The application must:

(1) be made on a form approved by the state veterinarian; and
(2) include all of the information requested on the application form, such as the:
    (A) name and address of the establishment at which service is desired;
    (B) name and post office address of the applicant;
    (C) financial interest of the applicant in the products, except where the application is made by an official of a government agency in his or her official capacity; and
    (D) signature of the applicant or the signature and title of the applicant's agent.

The application must state the legal status of the applicant as an individual, partnership, corporation, or other form of legal entity. Any change in such status, at any time while service is being received, shall be promptly reported to the state veterinarian by the person receiving the service. The state veterinarian may request any person submit proof of their authority to act for an organization.

(c) If the service is intended to be furnished at an establishment not operated by the applicant, the application must be approved by the operator of the establishment, and such approval shall constitute an authorization for any employees of the board to enter the establishment for the purpose of performing their functions under this rule.

(d) Applicants for services under this rule may, upon approval of their application, request service as follows:

(1) Service on a noncommitment basis. The applicant from time to time makes oral or written requests to the state veterinarian for service with respect to specific products.
(2) Service on a commitment basis. The applicant requests to enter into an agreement with the board for the furnishing of service on a set commitment basis, whereby the applicant agrees to pay for a certain number of hours of service per day for certain regular days during the week.

(Indiana State Board of Animal Health; 345 IAC 12-1-4; filed Nov 24, 2008, 12:32 p.m.: 20081217-IR-345080424FRA)

345 IAC 12-1-5 Fees

Authority: IC 15-17
Affected: IC 15-17-5.5

Sec. 5. (a) The state veterinarian will charge and collect from applicants a fee to cover the cost of the services rendered under this rule.

(b) The following fees and procedures apply to services provided under this rule:

(1) For services conducted under a cooperative agreement with the USDA pursuant to 7 CFR Part 54, the terms of the cooperative agreement and the applicable provisions in 7 CFR 54.27, which is incorporated by reference as a rule of the board.
(2) For services conducted under a cooperative agreement with a federal agency other than those described in subdivision (1), the cooperative agreement and applicable federal regulations.
(3) Fees and procedures that are agreed to by an applicant in an agreement to provide a particular service that covers the cost of the service rendered by the board.
(4) For services and circumstances other than those described in subdivisions (1) through (3), an hourly rate of twenty-four

dollars ($24) per hour plus travel expenses related to providing the service. However, if services are provided:

(A) for more than eight (8) hours in one (1) day;

(B) for more than forty (40) hours in one (1) calendar week; or

(C) on a Saturday, Sunday, or legal holiday;

the hourly rate is thirty-six dollars ($36) per hour.

(5) For all services, applicable state laws and fiscal policies apply.

(c) The recipient of services under this rule must pay the fees assessed under this rule to the board not later than thirty (30) days after assessment. However, if there is an applicable law or policy under subsection (a) that is different, that law or policy shall apply. *(Indiana State Board of Animal Health; 345 IAC 12-1-5; filed Nov 24, 2008, 12:32 p.m.: 20081217-IR-345080424FRA)*

345 IAC 12-1-6 Denial and withdrawal of service

Authority: IC 15-17-3-19; IC 15-17-3-21
Affected: IC 15-17-5.5

Sec. 6. The state veterinarian may deny an application or request for services under this rule or withdraw service under this rule for any of the following reasons:

(1) Limitations on the availability of qualified personnel to conduct the services.

(2) Limitations on available funds to conduct the services.

(3) Nonpayment of fees or other charges imposed under this rule.

(4) Any reason listed in 7 CFR 54.11, which is incorporated by reference into this rule.

(5) Refusal to allow access to facilities, products, or records needed to conduct services.

(6) A violation of this rule or IC 15-17-5.5.

(Indiana State Board of Animal Health; 345 IAC 12-1-6; filed Nov 24, 2008, 12:32 p.m.: 20081217-IR-345080424FRA)

345 IAC 12-1-7 USDA cooperative agreement program; official documents and devices; appeal service

Authority: IC 15-17-3-19; IC 15-17-3-21
Affected: IC 15-17-5.5

Sec. 7. If the state veterinarian enters into an agreement with the USDA to implement federal grading and certification programs for meat and meat products, the following apply:

(1) The state veterinarian and participants in the program will use the applicable official:

(A) certificates and procedures described in 7 CFR 54.14 through 7 CFR 54.15; and

(B) identification and procedures in 7 CFR 54.17;

which are incorporated by reference into this rule.

(2) A request for an appeal of a determination of class, grade, or other quality under this rule may be filed with the state veterinarian using the procedures in 7 CFR 54.19 through 7 CFR 54.26.

(Indiana State Board of Animal Health; 345 IAC 12-1-7; filed Nov 24, 2008, 12:32 p.m.: 20081217-IR-345080424FRA)

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