

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 70—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER CERTAIN ACTS

Subpart A—General

Sec.

70.1 Scope and applicability of rules of practice.

Subpart B—Supplemental Rules of Practice

70.10 Stipulations.

AUTHORITY: 21 U.S.C. 111–114, 114a, 114a–1, 115, 117, 120, 122, 123, 125–127, 134b, 134c, 134e, and 134f; 7 CFR 2.22, 2.80, and 371.4.

EFFECTIVE DATE NOTE: At 66 FR 63615, Dec. 7, 2001, the authority citation for part 70 was revised, effective Feb. 5, 2002. For the convenience of the user, the revised text is set forth as follows:

AUTHORITY: 21 U.S.C. 111, 112, 114a, 114a–1, 115, 117, 120, 122, 123, 125–127, 134b, 134c, 134e, and 134f; 7 CFR 2.22, 2.80, 371.4.

SOURCE: 48 FR 30094, June 30, 1983, unless otherwise noted.

Subpart A—General

§ 70.1 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 the following statutory provisions:

Act of May 29, 1884, commonly known as the Animal Industry Act, section 7, as amended (21 U.S.C. 117),

Act of February 2, 1903, commonly known as the Cattle Contagious Diseases Act of 1903, Section 3, as amended (21 U.S.C. 122),

Act of March 3, 1905, Section 6, as amended (21 U.S.C. 127),

Act of July 2, 1962, Section 6(a), as amended (21 U.S.C. 134e).

In addition, the Supplemental Rules of Practice set forth in subpart B of this part shall be applicable to such proceedings.

EFFECTIVE DATE NOTE: At 66 FR 63615, Dec. 7, 2001, § 70.1 was amended by adding a statutory provision at the end of the list, effective Feb. 5, 2002. For the convenience of the user the added text is set forth as follows:

§ 70.1 Scope and applicability of rules of practice.

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Sections 901–905 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note).

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Subpart B—Supplemental Rules of Practice

§ 70.10 Stipulations.

(a) At any time prior to the issuance of a complaint seeking a civil penalty under any of the Acts listed in § 70.1, 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 pay a specified penalty within a designated time; and

(3) The Administrator agrees to accept the penalty in settlement of the particular matter involved if the penalty is paid within the designated time.

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

PART 71—GENERAL PROVISIONS

Sec.

71.1 Definitions.

71.2 Secretary to issue rule governing quarantine and interstate movement of diseased animals, including poultry.