

section except for the following circumstances. If the accredited laboratory fails to meet any of the criteria set forth in paragraphs (c)(3)(v), (c)(3)(ix), and (c)(3)(xiii) of this section and it has not so failed during the 12 months preceding its failure to meet the criteria, it shall be placed on probation, but if it has so failed at any time during those 12 months, its accreditation will be revoked.

(3) An accredited laboratory shall have its accreditation revoked if the Administrator determines that the laboratory or any responsibly connected individual or any agent or employee has:

(i) Altered any official sample or analytical finding, or,

(ii) Substituted any analytical result from any other laboratory for its own.

(4) An accredited laboratory shall have its accreditation revoked if the laboratory or any individual or entity responsibly connected with the laboratory is convicted in a Federal or State court of any of the following violations of law:

(i) Any felony.

(ii) Any misdemeanor based upon acquiring, handling, or distributing of unwholesome, misbranded, or deceptively packaged food or upon fraud in connection with transactions in food.

(iii) Any misdemeanor based upon a false statement to any governmental agency.

(iv) Any misdemeanor based upon the offering, giving or receiving of a bribe or unlawful gratuity.

(h) *Notification and hearings.* Accreditation of any laboratory shall be refused, suspended, or revoked under the conditions previously described herein. The owner or operator of the laboratory shall be sent written notice of the refusal, suspension, or revocation of accreditation by the Administrator. In such cases, the laboratory owner or operator will be provided an opportunity to present, within 30 days of the date of the notification, a statement challenging the merits or validity of such action and to request an oral hearing with respect to the denial, suspension, or revocation decision. An oral hearing shall be granted if there is any dispute of material fact joined in such responsive statement. The proceeding shall

thereafter be conducted in accordance with the applicable rules of practice which shall be adopted for the proceeding. Any such refusal, suspension, or revocation shall be effective upon the receipt by the laboratory of the notification and shall continue in effect until final determination of the matter by the Administrator.

(Reporting and recordkeeping requirements approved by the Office of Management and Budget under control number 0583-0015)

[52 FR 2185, Jan. 20, 1987, as amended at 58 FR 65260, 65262-65264, Dec. 13, 1993; 59 FR 33642, June 30, 1994; 59 FR 66448, Dec. 27, 1994; 60 FR 10305, Feb. 24, 1995; 69 FR 254, Jan. 5, 2004]

§ 318.22 Determination of added water in cooked sausages.

(a) For purposes of this section, the following definitions apply.

(1) *Cooked sausage.* Cooked sausage is any product described in §319.140 and §§319.180-319.182 of this chapter.

(2) *Group 1 Protein-Contributing Ingredients.* Ingredients of livestock or poultry origin from muscle tissue which is skeletal or which is found in the edible organs, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing; meat byproducts; mechanically separated (species); and poultry products; except those ingredients processed by hydrolysis, extraction, concentrating or drying.

(3) *Group 2 Protein-Contributing Ingredients.* Ingredients from Group 1 protein-contributing ingredients processed by hydrolysis, extraction, concentrating, or drying, or any other ingredient which contributes protein.

(b) The amount of added water in cooked sausage is calculated by:

(1) Determining by laboratory analysis the total percentage of water contained in the cooked sausage; and

(2) Determining by laboratory analysis the total percentage of protein contained in the cooked sausage; and

(3) Calculating the percentage of protein in the cooked sausage contributed by the Group 2 protein-contributing ingredients; and

§ 318.23

9 CFR Ch. III (1-1-07 Edition)

(4) Subtracting one percent from the total percentage of protein calculated in (b)(3)); and

(5) Subtracting the remaining percentage of protein calculated in (b)(3) from the total protein content determined in (b)(2); and

(6) Calculating the percentage of indigenous water in the cooked sausage by multiplying the percentage of protein determined in (b)(5) by 4, (This amount is the percentage of water attributable to Group 1 protein-contributing ingredients and one percent of Group 2 protein-contributing ingredients in a cooked sausage.); and

(7) Subtracting the percentage of water calculated in (b)(6) from the total percentage of water determined in (b)(1). (This amount is the percentage of added water in a cooked sausage.)¹

[55 FR 7299, Mar. 1, 1990]

§ 318.23 Heat-processing and stabilization requirements for uncured meat patties.

(a) *Definitions.* For purposes of this section, the following definitions shall apply:

(1) *Patty.* A shaped and formed, comminuted, flattened cake of meat food product.

(2) *Comminuted.* A processing term describing the reduction in size of pieces of meat, including chopping, flaking, grinding, or mincing, but not including chunking or sectioning.

(3) *Partially-cooked patties.* Meat patties that have been heat processed for less time or using lower internal temperatures than are prescribed by paragraph (b)(1) of this section.

(4) *Char-marked patties.* Meat patties that have been marked by a heat source and that have been heat processed for less time or using lower inter-

nal temperatures than are prescribed by paragraph (b)(1) of this section.

(b) *Heat-processing procedures for fully-cooked patties.* (1) Official establishments which manufacture fully-cooked patties shall use one of the following heat-processing procedures:

PERMITTED HEAT-PROCESSING TEMPERATURE/TIME COMBINATIONS FOR FULLY-COOKED PATTIES

Minimum internal temperature at the center of each patty (Degrees)		Minimum holding time after required internal temperature is reached (Time)	
Fahrenheit	Or centigrade	Minutes	Or seconds
151	66.1 .....	.68	41
152	66.7 .....	.54	32
153	67.2 .....	.43	26
154	67.8 .....	.34	20
155	68.3 .....	.27	16
156	68.9 .....	.22	13
157 (and up)	69.4 (and up) .....	.17	10

(2) The official establishment shall measure the holding time and temperature of at least one fully-cooked patty from each production line each hour of production to assure control of the heat process. The temperature measuring device shall be accurate within 1 degree F.

(3) Requirements for handling heating deviations. (i) If for any reason a heating deviation has occurred, the official establishment shall investigate and identify the cause; take steps to assure that the deviation will not recur; and place on file in the official establishment, available to any duly authorized FSIS program employee, a report of the investigation, the cause of the deviation, and the steps taken to prevent recurrence.

(ii) In addition, in the case of a heating deviation, the official establishment may reprocess the affected product, using one of the methods in paragraph (b)(1) in this section; use the affected product as an ingredient in another product processed to one of the temperature and time combinations in paragraph (b)(1) in this section, provided this does not violate the final product's standard of composition, upset the order of predominance of ingredients, or perceptibly affect the normal product characteristics; or relabel the affected product as a partially-

¹The equation for the narrative description of the calculation for added water is as follows: $AW = TW - (TP - (P - 1.0))4$. Where AW=Added Water, TW=Total Water Determined by Laboratory Analysis, TP=Total Protein Determined by Laboratory Analysis, P=Protein Contributed by Group 2 Protein-Contributing Ingredients, 1.0=Percent Allowance for Group 2 Protein-Contributing Ingredients, 4=Moisture-Protein Ratio for Cooked Sausage.