**Section 125.20 Incorporation by Reference of Federal Rules**

a) The federal rules that have been incorporated by reference in this Part do not include any future amendments, additions or deletions beyond the date specified.

b) For the purpose of administering the federal rules:

1) References to U.S., U.S. Department of Agriculture, Animal and Plant Health Inspection Service or Food Safety and Inspection Service shall mean Illinois, Illinois Department of Agriculture, and the Bureau of Meat and Poultry Inspection, respectively.

2) References to federal personnel (e.g., Secretary, Administrator, Regional Director, Area Supervisor, Circuit Supervisor, and Program Employee) shall mean the Director and State Inspection personnel as defined in Sections 2.2, 2.13 and 2.14 of the Act. References to federal inspection in the incorporations by reference shall mean State inspection.

3) Terms, including but not limited to, promptly, properly, adequately, sufficiently, acceptable, abundant, ample, and thoroughly are considered superfluous. Compliance with the expressed provisions of the Act and the rules of this Part will be deemed sufficient.

4) References to Subchapter shall mean in accordance with provisions of this Part. References to the federal Rules of Practice shall mean in accordance with the Illinois Administrative Procedure Act [5 ILCS 100] and the Department's administrative rules (8 Ill. Adm. Code 1). References within the incorporated language to other parts and sections of the Federal meat inspection or poultry inspection rules shall mean in accordance with those specific provisions as adopted in the rules of this Part. References within the incorporated language to other sections of the federal rules pertaining to equine requirements are not applicable in the Department's enforcement of the rules of this Part.

5) The Department has interpreted the language in the federal rules which refers to the Administrator making decisions "in specific cases" to mean that the Director shall take action based upon the circumstances in a particular case which warrants action to be taken other than as set forth in the rules. In taking such action, the Director shall consider factors, including but not limited to, the potential public health hazard created by the violation, safety hazard to the employees of the establishment or the inspector, the time needed to correct the violation, and the time needed to recall products in order to conduct laboratory analysis. Under no circumstances shall the Department waive statutorily mandated requirements.

c) Section 16.1 of the Meat and Poultry Inspection Act [225 ILCS 650/16.1] adopts by reference the guidelines and procedures as prepared and approved by the United States Department of Agriculture (USDA), Washington, D.C. The following documents are encompassed by that Section 16.1. The publications are effective on the date designated by the USDA and are available through the Department:

1) "Meat and Poultry Inspection Manual,".

2) "List of Proprietary Substances and Nonfood Compounds,".

(Source: Amended by peremptory rulemaking at 24 Ill. Reg. 3933, effective February 22, 2000)