

**SAMPLE ADMINISTRATIVE LAW EXAM QUESTIONS
PROFESSOR JOHN OHNESORGE
FOR FALL 2002 CLASS**

Final Exam in Admin. Law
Wednesday, May 10, 2000

Prof. Clauss
Page 2

QUESTION ONE
(Allow 70 minutes for this question)

The Food Safety and Inspection Service (FSIS), located in the Department of Agriculture (USDA), is responsible for "the inspection of poultry and poultry products ... to prevent the movement or sale ... of poultry products which are adulterated or misbranded." According to the statute, poultry is adulterated when "it bears or contains poisonous or deleterious substance which may render it injurious to health." FSIS also inspects meat and, pursuant to explicit statutory direction, classifies all meat to be sold as either Grade A or B. FSIS thus has no important mandate) providing accurate information to consumers, and protecting the public's health. About 40% of raw poultry is contaminated with salmonella, a bacterium that causes various diseases in humans and animals. Although FSIS inspects poultry processors, at least 40,000 salmonella infections are reported each year to the Center for Disease Control; about 500 of these infected persons die each year. This same statute requires that the USDA protect the "... public from unsafe poultry or poultry products that are imported into the United States. For poultry that is imported from countries *other than* Mexico and Canada, USDA is to ensure that the poultry is "subject to the *same* inspection, sanitary, quality, species verification and residue standards applied to products produced in the United States," and has "been processed in facilities and under conditions that are the *same* as those under which similar products are processed in the United States." (Emphasis added.) For poultry that is imported from Canada and Mexico, USDA is to ensure that the poultry is "subject to the inspection, sanitary, quality, species verification, and residue standards that are *equivalent to* United States standards" and has "been processed in facilities and conditions that meet standards that are *equivalent to* United States standards." (Emphasis added.)

The USDA has promulgated two regulations that clients of your firm dislike.

QUESTION 1A. The first regulation concerns the exportation of poultry to the United States from any foreign country. This regulation is as follows:

Whenever it shall be determined by the [FSIS] Administrator that the system of poultry inspection maintained by any foreign country, (with respect to establishments preparing products in such country for export to the United States,) ensures compliance of such establishments and their poultry products, with requirements *at least equal to all* the provisions of the Act and the regulations in this part which are applied to official establishments in the United States and their poultry products, "that reliance can be placed upon certificates required under this subpart from authorities of such foreign country, poultry products processed in such establishments which are certified and approved ... shall be eligible ... for importation into the United States (Emphasis added.)

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Table of Contents Sample Administrative Supervision Exams

1. Understanding the eBook Sample Administrative Supervision Exams
 - The Rise of Digital Reading Sample Administrative Supervision Exams
 - Advantages of eBooks Over Traditional Books
2. Identifying Sample Administrative Supervision Exams
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Sample Administrative Supervision Exams
 - User-Friendly Interface
4. Exploring eBook Recommendations from Sample Administrative Supervision Exams
 - Personalized Recommendations
 - Sample Administrative Supervision Exams User Reviews and Ratings
 - Sample Administrative Supervision Exams and Bestseller Lists
5. Accessing Sample Administrative Supervision Exams Free and Paid eBooks
 - Sample Administrative Supervision Exams Public Domain eBooks
 - Sample Administrative Supervision Exams eBook Subscription Services
 - Sample Administrative Supervision Exams Budget-Friendly Options

6. Navigating Sample Administrative Supervision Exams eBook Formats
 - ePub, PDF, MOBI, and More
 - Sample Administrative Supervision Exams Compatibility with Devices
 - Sample Administrative Supervision Exams Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Sample Administrative Supervision Exams
 - Highlighting and Note-Taking Sample Administrative Supervision Exams
 - Interactive Elements Sample Administrative Supervision Exams
8. Staying Engaged with Sample Administrative Supervision Exams
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Sample Administrative Supervision Exams
9. Balancing eBooks and Physical Books Sample Administrative Supervision Exams
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Sample Administrative Supervision Exams
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Sample Administrative Supervision Exams
 - Setting Reading Goals Sample Administrative Supervision Exams
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Sample Administrative Supervision Exams
 - Fact-Checking eBook Content of Sample Administrative Supervision Exams
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

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


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