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SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

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91.41 Cleaning and disinfecting of aircraft.

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SOURCE: 42 FR 28990, June 7, 1977, unless otherwise noted.

Subpart A—General Provisions

§ 91.1 Definitions.

Whenever in the regulations in this part the following terms are used, they shall be construed as follows:

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with the provisions of part 161 of this title to perform functions specified in parts 1, 2, 3, and 11 of subchapter A, and subchapters B, C, and D of this chapter, and to perform functions required by cooperative State-Federal disease control and eradication programs.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service).

Animals. Horses, cattle (including American bison), sheep, swine, and goats.

APHIS representative. An individual employed by APHIS who is authorized to perform the function involved.

Department. The United States Department of Agriculture.

Horses. Horses, mules, and asses.

Inspector. An inspector of the Animal and Plant Health Inspection Service.

Miniature swine. Swine bred and raised as pets or for laboratory testing purposes that do not weigh more than 100 pounds at maturity.

Official brucellosis vaccinate. A female bovine animal vaccinated against brucellosis in accordance with the provisions prescribed in the Recommended brucellosis Eradication Uniform Methods and Rules, chapter 1, part I–H, I, and J. The provisions of the Uniform Methods and Rules are hereby incorporated by reference.

Origin health certificate. An official document issued by an APHIS representative or an accredited veterinarian at the point of origin of a shipment of animals to be moved under this part, which shows the identification tag, tattoo, or registration number or similar identification of each animal to be moved, the number, breed, sex, and approximate age of the animals covered by the document, the date and place of issuance, the points of origin and destination, the consignor, and the consignee, and which states that the animal or animals identified on the certificate meet the export health requirements.

Premises of origin. The farm or other premises where the animals intended for export are being raised or assembled, or both, immediately before movement for export.

Roofing paper. Any saturated roofing paper of a grade known to the trade as 30–pound roofing paper.

State of origin. The State in which the premises of origin is located.

Veterinary Services. The Veterinary Services, Animal and Plant Health Inspection Service of the Department.

[42 FR 28990, June 7, 1977, as amended at 53 FR 51746, Dec. 23, 1988; 57 FR 23047, June 1, 1992; 57 FR 39353, Aug. 31, 1992]

§ 91.2 Animals to be handled in compliance with regulations.

No animals covered by the regulations in this part shall be exported to a foreign country except in compliance with the provisions in this part.

§ 91.3 General export requirements.

(a) All animals intended for exportation to a foreign country, except animals intended for exportation by land to Mexico or Canada, shall be accompanied from the State of origin of the export movement to the port of embarkation by an origin health certificate. All animals intended for exportation by land to Mexico or Canada shall be accompanied from the State of origin of the export movement to the border of the United States by an origin health certificate. The origin health certificate shall certify that the animals were inspected within the 30 days prior to the date of the movement of the animals for export, and were found to be healthy and free from evidence of communicable disease and exposure thereto. The origin health certificate shall be endorsed by an authorized APHIS veterinarian in the State of origin, and shall include any test results added by such authorized APHIS veterinarian pursuant to § 161.3(k) of this chapter (any added test results shall be initialed by such authorized APHIS veterinarian). The origin health certificate shall individually identify the animals in the shipment as to species, breed, sex, and age, and, if applicable, shall also show registration name and number, tattoo markings, or other natural or acquired markings. The origin health certificate shall include all test results, certifications, or other statements required by the foreign country of destination.

(b) *Inspection.* All animals in each export shipment, except animals intended for export by land to Mexico or Canada, shall have been inspected, tested, or treated in the manner prescribed in this part prior to the movement of the export shipment to the export inspection facility. All animals in each export shipment intended for export by land to Mexico or Canada shall have been inspected, tested, or treated in the manner prescribed in this part prior to the movement of the animals from the State of origin. The Administrator may, upon request of the appropriate animal health official of the country of destination, waive the tuberculosis and brucellosis tests referred to in §§ 91.5(a) and (b), 91.6(a)(1) and (2), and 91.9(a) of this part when he finds such tests are not necessary to prevent the exportation of diseased animals from the United States.

(c) *Testing.* All samples for tests required by §§ 91.5 through 91.13 for exportation of animals under this section shall be taken by an inspector or an accredited veterinarian in the State of origin of the export movement. Such samples shall be taken and tests made within the 30 days prior to the date of movement of the animals for export from the premises of origin, except that the Administrator may permit such sampling or tests to be made more than 30 days prior to the date of export, if required by the receiving country

and the tuberculin test may be conducted within the 90 days prior to the date of the movement of the animals for export. The test for brucellosis shall be conducted in a cooperating State-Federal laboratory[1] in accordance with the Recommended Brucellosis Eradication Uniform Methods and Rules.

(d) *Movement in cleaned and disinfected carriers or containers.* The origin health certificate accompanying animals shall be accompanied by a statement from the issuing accredited veterinarian or inspector that the means of conveyance or container has been cleaned and disinfected since last used for animals with a disinfectant approved under §71.10 of this chapter, prior to loading, or that the carrier or container has not previously been used in transporting animals.

(e) *Clean and disinfected facilities for unloading animals.* Animals intended for exportation to Mexico or Canada or enroute to a port of embarkation shall be unloaded only into a facility which shall have been cleaned and disinfected with a disinfectant approved under §71.10 of this chapter, under the supervision of an inspector or an accredited veterinarian prior to such unloading. A statement certifying to such action shall be attached to the origin health certificate by the supervising inspector or accredited veterinarian.

(Approved by the Office of Management and Budget under control number 0579–0020)

[42 FR 28990, June 7, 1977, as amended at 44 FR 28298, May 15, 1979. Redesignated and amended at 45 FR 86412, Dec. 31, 1980; 48 FR 57472, Dec. 30, 1983; 57 FR 23047, 23048, June 1, 1992; 59 FR 48994, Sept. 26, 1994; 59 FR 67613, Dec. 30, 1994; 60 FR 4536, Jan. 24, 1995; 60 FR 9611, Feb. 21, 1995; 60 FR 13898, Mar. 15, 1995]

§91.4 Other movements and conditions.

The Administrator may, upon request in specific cases, permit the exportation of livestock not otherwise provided for in this part under such conditions as he may prescribe in each specific case to prevent the spread of livestock diseases and to insure the humane treatment of the animals while in transit.

[43 FR 27171, June 23, 1978. Redesignated at 45 FR 86412, Dec. 31, 1980, and amended at 57 FR 23047, June 1, 1992]

Subpart B—Diagnostic Tests, Treatments

SOURCE: 45 FR 86412, Dec. 31, 1980, unless otherwise noted.

§91.5 Cattle.

In order to be eligible for export, cattle shall be tested with results as specified in this section, and the origin health certificate shall specify the type of tests conducted, the dates of the tests, and the results of the tests.

(a) *Tuberculosis.* All cattle over 1 month of age shall be negative to a caudal intradermal tuberculin test using 0.1 ml. of tuberculin with a reading obtained 72 hours (plus or minus six hours) after injection as prescribed in Veterinary Services Memorandum 552.15 ''Instructions and Procedures for Conducting Tuberculin Tests in Cattle,'' section VIII A.[2]

(1) *Provided that,* such tests are not required for any of the following:

(i) Cattle exported directly to slaughter in a country that the Administrator has determined has an acceptable tuberculosis surveillance system at slaughter plants and that agrees to share any findings of tuberculosis in U.S. origin cattle with APHIS; or

(ii) Cattle exported directly to slaughter from a State designated as an Accredited-Free State in 9 CFR 77.1.

(2) The Administrator has determined that the following countries have an acceptable tuberculosis surveillance system at slaughter plants: Canada and Mexico.

(b) *Brucellosis.* All cattle over 6 months of age shall be negative to a test for brucellosis conducted as prescribed in ''Standard Agglutination

[1] A list of cooperating State-Federal laboratories may be obtained from the Administrator, Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road, Unit 38, Riverdale, Maryland 20737–1231.

[2] Copies of this publication may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road, Riverdale, Maryland 20737–1231.

Test Procedures for the Diagnosis of Brucellosis''[2] or ''Supplemental Test Procedures for the Diagnosis of Brucellosis.''[2]

(1) *Provided that,* such tests are not required for any of the following:

(i) Official vaccinates of dairy breeds under 20 months of age;

(ii) Official vaccinates of beef breeds under 24 months of age;

(iii) Steers and spayed heifers;

(iv) Cattle exported directly to slaughter in a country that the Administrator has determined has an acceptable brucellosis surveillance system at slaughter plants and that agrees to share any findings of brucellosis in U.S. origin cattle with APHIS; or

(v) Cattle exported directly to slaughter from a State designated as a Class Free State in 9 CFR 78.41.

(2) The Administrator has determined that the following country has an acceptable brucellosis surveillance system at slaughter plants: Canada.

(c) *Treatment for ectoparasites.* All cattle, except those found free of ectoparasites or those intended for exportation for slaughter purposes to any foreign country, shall be treated for ectoparasites within 30 days preceding the date of export. Such treatment shall be made using a pesticide registered by the Environmental Protection Agency for use in treating animals infested with the ectoparasite involved in accordance with the label requirements. Treatment shall be personally supervised and certified on the origin health certificate by an accredited veterinarian who shall be ready to apply an antidote if adverse side effects occur following treatment.

(Approved by the Office of Management and Budget under control number 0579–0020)

[45 FR 86412, Dec. 31, 1980, as amended at 48 FR 57472, Dec. 30, 1983; 55 FR 12634, Apr. 5, 1990; 56 FR 366, Jan. 4, 1991; 57 FR 23047, June 1, 1992; 59 FR 67614, Dec. 30, 1994; 60 FR 4536, Jan. 24, 1995; 60 FR 13898, Mar. 15, 1995; 61 FR 6918, Feb. 23, 1996; 62 FR 3446, Jan. 23, 1997]

§ 91.6 Goats.

(a) In order to be eligible for export, goats shall be tested with results as specified in this section, and the origin health certificate for such animals shall specify the type of test conducted, the date of the tests, and the results of the tests.

(1) *Tuberculosis.* All goats over 1 month of age shall be negative to a caudal intradermal tuberculin test using 0.1 ml. of tuberculin with a reading obtained 72 hours (plus or minus 6 hours) after injection as prescribed in Veterinary Services Memorandum 552.15.

(2) *Brucellosis.* Dairy and breeding goats shall be negative to a plate or tube agglutination test for brucellosis as prescribed in ''Standard Agglutination Test Procedures for the Diagnosis of Brucellosis.''[2]

(3) No goat shall be exported if it is a scrapie-positive animal or an exposed animal, as defined in 9 CFR parts 54 and 79, or if it has ever been in an infected flock, source flock, or trace flock, as defined in 9 CFR parts 54 and 79; or if it is the progeny, parent, or sibling of any scrapie-positive animal.

(4) Goats exported for immediate slaughter need not comply with the requirements of paragraphs (a)(1), (2), (3), and (5) of this section.

(5) All goats intended for export shall be identified by eartags or tattoos approved by the Administrator, except that goats for export to Canada or Mexico for immediate slaughter may be identified by flock brands.

(Approved by the Office of Management and Budget under control number 0579–0020)

[45 FR 86412, Dec. 31, 1980, as amended at 48 FR 57472, Dec. 30, 1983; 57 FR 23048, June 1, 1992; 59 FR 48994, Sept. 26, 1994; 60 FR 4536, Jan. 24, 1995]

§ 91.7 [Reserved]

§ 91.8 Sheep.

(a) No sheep shall be exported if it is a scrapie-positive animal or an exposed animal, as defined in 9 CFR parts 54 and 79, or if it has ever been in an infected flock, source flock, or trace flock, as defined in 9 CFR parts 54 and 79; or if it is the progeny, parent, or sibling of any scrapie-positive animal.

(1) Sheep exported for immediate slaughter need not comply with the requirements of paragraph (a)(2) of this section.

[2] See footnote 2 to § 91.5.

(2) All sheep intended for export shall be identified by eartags or tattoos approved by the Administrator.[3] except that sheep for export to Canada or Mexico for immediate slaughter may be identified by flock brands.

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[45 FR 86412, Dec. 31, 1980, as amended at 57 FR 23047, 23048, June 1, 1992; 59 FR 48994, Sept. 26, 1994; 59 FR 67133, Dec. 29, 1994; 59 FR 67614, Dec. 30, 1994; 61 FR 6918, Feb. 23, 1996]

§91.9 Swine.

(a) No swine shall be exported if they were fed garbage at any time. The swine shall be accompanied by a certification from the owner stating that they were not fed garbage, and that any additions to the herd made within the 30 days immediately preceding the export shipment, have been maintained isolated from the swine to be exported. All breeding swine shall be tested for and show negative test results to brucellosis by a test prescribed in ''Standard Agglutination Test Procedures for the Diagnosis of Brucellosis'' or ''Supplemental Test Procedures for the Diagnosis of Brucellosis''. The test results shall be classified negative in accordance with the provisions prescribed in the Recommended Brucellosis Eradication Uniform Methods and Rules, chapter 2, part II, G, 1, 2, and 3.

(b) [Reserved]

(Approved by the Office of Management and Budget under control number 0579–0020)

[45 FR 86412, Dec. 31, 1980, as amended at 59 FR 67133, Dec. 29, 1994]

Subpart C—Ports of Embarkation, Facilities, Health Certification

§91.14 Ports of embarkation and export inspection facilities.

(a) The following ports which have export inspection facilities which satisfy the requirements of paragraph (c) of this section are hereby designated as ports of embarkation. All animals, except animals being exported by land to Mexico or Canada, shall be exported through said ports or through ports designated in special cases under paragraph (b) of this section:

(1) *California.*

(i) Los Angeles—airport and ocean port.

(A) Jet Pets, Inc., 9014 Pershing Drive, Plaza del Rey, CA 90291, (213) 823–8901.

(B) Valley Livestock, 14380 South Euclid Avenue, Chino, CA 91710, (909) 597–1756.

(ii) San Francisco—airport and ocean port.

(A) Cow Palace, P.O. Box 34206, San Francisco, CA 94134, (415) 469–6000.

(B) Petair, 145 Bel Air Road, P.O. Box 2431, South San Francisco, CA 94080, (415) 877–0200.

(2) *Florida.*

(i) Miami—airport and ocean port.

(A) USDA Import-Export Center, 6300 NW. 36th Street, P.O. Box 523054, Miami, FL 33152, (305) 526–2828.

(ii) Tampa—ocean port.

(A) Tampa Port Authority, 2703 E. 7th Avenue, Tampa, FL 33605, (813) 248–1924.

(3) *Georgia.*

(i) Atlanta Hartsfield International Airport.

(A) Atlanta Equine Complex, 1270 Woolman Place, Atlanta, GA 30354, (404) 767–1700.

(B) Tumbleweed Farm (horses only), 1677 Buckner Road, Mableton, GA 30059, (770) 948–3556.

(C) Southern Cross Ranch (horses only), 1670 Bethany Church Road, Madison, GA 30650, (706) 342–8027.

(4) *Hawaii.*

(i) Honolulu—airport and ocean port.

(A) Hawaii State Quarantine Station, 99–762 Moanalua Road, Aiea, Hawaii 96701, (808) 487–5351.

(5) *Illinois.*

(i) Chicago—airport only.

(A) C&R Midwest Quarantine Facilities, Ltd., Box 470, Route 31, Dundee, IL 60118, (312) 426–5009.

(B) Knief Quarantine Facility, 11 N 470 Chapman Road, Box 305, Burlington, Illinois 60109, (312) 683–3873.

(6) *Kentucky.*

[3] Information concerning eartags or tattoos approved by the Administrator may be obtained, upon request, from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

(i) Greater Cincinnati Airport, Covington; and Standiford Field Airport, Louisville—airport only.

(A) Newton Paddocks (horses only), Barn No. 8, Newton Pike, Lexington, KY 40511, (606) 253–3456.

(7) *Louisiana.*

(i) New Iberia—airport only.

(A) Acadiana Regional Airport, Star R–3, Box 390–H (ARA), New Iberia, LA 70560, (318) 365–7204.

(8) *Massachusetts.* (i) Boston—airport only.

(A) Logan International Airport (miniature swine only), East Boston, Massachusetts 02128, (617) 565–4649.

(9) *Minnesota.*

(i) Minneapolis/St. Paul—airport only.

(A) American Livestock Export Company, 25789 Northfield Blvd., Hampton, MN 55031, (612) 831–3873.

(B) Cannon Export Center, 2870 Rochester Blvd., Cannon Falls, MN 55009, (507) 263–3064.

(10) Missouri.

(i) Kansas City—airport only.

(A) KCI Multipurpose Export Facility, 12600 NW Prairie View Road, Kansas City, MO 64195, (314) 751–4338 (mailing address: P.O. Box 20462, Kansas City, MO 64195–0462).

(11) *New Jersey.*

(i) Salem—ocean port.

(A) Deep Hollow Farm (horses only), RD 2, P.O. Box 360, Haines Neck Road, Woodstown, NJ 08098, (609) 769–0993.

(12) *New York.*

(i) New York—airport and ocean port.

(A) Vetport, Inc., Bldg. 189, J. F. Kennedy International Airport (Cargo Area), Jamaica, NY 11430, (212) 656–6042.

(13) *Ohio.*

(i) Wilmington—airport only.

(A) Airborne Express Animal Export Facility, 145 Hunter Drive, Wilmington, Ohio 96701, (513) 382–5591.

(14) *Pennsylvania.*

(i) Harrisburg—airport only.

(A) Penn. Holstein Farm Export Inspection Facility, R.D. #1, Middletown, PA 17057, (717) 944–1374.

(15) *Puerto Rico.*

(i) San Juan—airport.

(A) El Commandante Race Track (Horses Only), P.O. Box 1304, Rio Piedras, PR 00929, (809) 724–6060.

(16) *Texas.*

(i) Brownsville—airport, ocean port, and border port.

(A) Texas Department of Agriculture, Livestock Inspection Facility, International Airport, Brownsville, TX 78520, (512) 546–5135.

(ii) Dallas/Fort Worth International Airport.

(A) DFW Quarantine (horses only), 1010 A Chinn Chapel Road, Lewisville, TX 75067, (214) 317–6861.

(B) [Reserved]

(iii) Del Rio—border port.

(A) Texas Department of Agriculture, Livestock Export Facility, Box 1046, Del Rio, TX 78840, (512) 775–1518.

(iv) Eagle Pass—border port.

(A) Texas Department of Agriculture, Livestock Export Facility, Box 1164, Eagle Pass, TX 78852, (512) 773–2359.

(v) El Paso—border port.

(A) Texas Department of Agriculture, Livestock Export Facility, 10800 Socorro Drive, El Paso, TX 79927, (915) 543–7419.

(vi) Houston—airport and ocean port.

(A) Texas Department of Agriculture, Livestock Export Facility, Box 60107, AMF, Houston, TX 77205, (713) 443–2447.

(vii) Laredo—airport and border port.

(A) El Primero Equine Export Facility (horses only), Route 7, Box 305, Laredo, TX 78041, (512) 723–5436.

(B) Texas Department of Agriculture, Livestock Export Facility, Route 1, Box 67–P, Laredo, TX 78040, (512) 722–6308.

(17) *Virginia.*

(i) Richmond—airport and ocean port.

(A) American Marketing Services, Inc., 1301 Hermitage Road, Richmond, VA 23220, (804) 359–4433.

(18) *Washington.*

(i) Moses Lake—airport only.

(A) Port of Moses Lake, Grant County Airport, Terminal Bldg., Moses Lake, WA 98837, (509) 762–5363.

(ii) Seattle—airport and ocean port.

(A) Stevedoring Service of America, 3415 11th Avenue SW., Seattle, WA 98134, (800) 422–3505.

(iii) Olympia—ocean port.

(A) Port of Olympia Animal Export Facility, 915 Washington Street NE., Olympia, Washington 98507–0827, (206) 586–6150.

(iv) Tacoma—airport and ocean port.

(A) Pacific Rim Livestock Quarantine, 17835 Highway 507 SE., Yelm, WA 98507, (206) 458–1762.

(b) In special cases, other ports may be designated as ports of embarkation by the Administrator, with the concurrence of the Director of Customs, when the exporter can show to the satisfaction of the Administrator that the animals to be exported would suffer undue hardship if they are required to be moved to a port of embarkation listed in §91.14(a). Such ports shall be designated only if the inspection facilities are approved as meeting the requirements of paragraph (c) of this section.

(c) *Standards for export inspection facilities.* Inspection facilities located at ports of embarkation designated under paragraph (a) of this section, and inspection facilities designated in special cases under paragraph (b) of this section, shall meet the following requirements:

(1) *Materials.* Floors of pens, alleys, and chutes shall be made of impervious materials and finished so as to be skid-resistant. Impervious floors are those constructed of a material that resists the absorption of fluids. Such materials include concrete, asphalt, brick, metal, or other synthetic material that may be cleaned and disinfected. Fences, gates, and other parts of the facility shall be constructed of wood, metal, or other material that will securely restrain the animals in a safe and humane manner. The facility shall have a roof adequate to protect the animals from inclement weather over at least three-fourths of the pens and alleys and over all of the inspection area.

(2) *Size.* The facility shall be large enough to accommodate all the animals in a single export shipment at one time. A minimum space twice the rate required per animal in §91.25(b) shall be provided for each animal. Facilities that inspect horses must have ceilings at least 12 feet high in any areas where horses are inspected.

(3) *Inspection implements.* The facility shall have a separate area available for inspection and identification of the animals. Pens and animal restraining devices shall be provided in this area which are sufficient for the inspection and identification of each animal. Pens or yards shall be provided for appropriate segregation, treatment, or both, of animals of questionable health status apart from animals qualified for exportation under this part.

(4) *Cleaning and disinfection.* The facility and equipment shall be cleaned and disinfected with a disinfectant permitted under §71.10 of this chapter under the supervision of a Federal inspector prior to entry of each export shipment into the export inspection facility. Personnel tending the animals shall, if they come in contact with animals outside of the facility, be required to change or sanitize their outer clothing and footwear. All facilities must have running water available to wash and disinfect the facilities. On and after March 23, 1995, facilities to be approved must have a drainage system; and, on and after March 23, 1997, every facility approved before March 23, 1995, must have a drainage system. The drainage system must control surface drainage into or from the facility in a manner that prevents any significant risk of livestock diseases being spread into or from the facility.

(5) *Feed and water.* An ample supply of running, potable water shall be made available to the animals intended for export, and in cold weather such water shall be kept free of ice. Feed and feeding facilities appropriate for the animals intended for export shall be provided.

(6) *Access; approval of arrangements.* Access to all parts of the facility shall be allowed to an inspector at all times, day or night, and the arrangement for handling the animals shall be subject to the approval of the inspector. Approval shall be granted by the inspector if he finds that such arrangements will not permit the dissemination of communicable diseases of livestock to the animals in the export shipment.

(7) *Testing and treatment.* Testing and treatment of animals in export inspection facilities shall be performed by an accredited veterinarian under the supervision of an APHIS veterinarian. Tests related to APHIS animal disease programs shall be performed in accordance with the Recommended Brucellosis Eradication Uniform Methods and Rules.

(8) *Location.* The arrangement and location of the facilities shall provide for the isolation of all animals in the facility from contact with any other animals. Isolation of separate export shipments in the facility shall be at the discretion of the inspector.

(9) *Disposal of animal wastes.* The application for approval of an export inspection facility shall be accompanied by a certification from the authorities having jurisdiction over environmental affairs in the locality of the facility stating that the facility complies with the applicable State and local regulations or ordinances and the requirements, if any, of the United States Environmental Protection Agency, regarding disposal of animal wastes.

(10) *Lighting.* The facility shall be equipped with artifical lighting to provide not less than 70 foot candle power in the inspection area and not less than 40 foot candle power in the remainder of the facility.

(11) *Office and rest room.* A suitable office and adequate rest room facilities shall be provided at the export inspection facility site for use of the inspectors. The facility must have a working telephone.

(12) *Walkways.* Facilities where horses are inspected must have walkways in front of horse stalls wide enough to allow APHIS personnel to safely remove horses from the stalls for inspection, if necessary.

(d) *Approval and denial, revocation, or suspension of approval.* Approval of each export inspection facility for designation under paragraph (a) of this section and in special cases under paragraph (b) of this section, shall be obtained from the Administrator. Approval of an export inspection facility under paragraph (a) or (b) will be denied or revoked for failure to meet the standards in paragraph (c) of this section. A written notice at least 60 days prior to the date of any proposed revocation and a written notice of any proposed denial shall be given to the operator of the facility and he will be given an opportunity to present his views thereon. Such notice shall list in detail the deficiencies concerned. Pending a final determination, approval of any facility may be denied or suspended by the Administrator when he has reason to believe that the facility does not meet such standards. Approval of a port of embarkation in connection with the designation of an export inspection facility in a special case shall be limited to the special case for which the designation was made.

(Approved by the Office of Management and Budget under control number 0579–0020)

[42 FR 28990, June 7, 1977]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 91.14, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 91.15 Inspection of animals for export.

(a) All animals offered for exportation to any foreign country, except by land to Mexico or Canada, shall be inspected within 24 hours of embarkation by an APHIS veterinarian at an export inspection facility at a port designated in § 91.14(a), or at a port or inspection facility designated by the Administrator in a special case under § 91.14(b).

(b) Such animals shall be held for a period of not less than 5 hours at the port of embarkation or export inspection facility during which time the animals shall be given a careful visual health inspection. Sorting, grouping, identification, or other handling of the animals by the exporter may be before or after this period of time. If individual clinical inspection of an animal is deemed necessary by an APHIS veterinarian for the purpose of determining its health status, such inspection may be made during this period of time or thereafter.

(c) *Feed and water.* All animals shall be allowed a period of at least 5 hours for rest at the export inspection facility, with adequate feed and water available, before movement to an ocean vessel or aircraft for loading for export. (This may be the same period required by paragraph (b) for health inspection.) However, feed and water will not be required if the animals were transported to the export inspection facility in a carrier in which adequate feed and water were provided and if sufficient evidence is presented to an APHIS veterinarian that the animals, if under 30 days of age, will arrive in

the country of destination within 24 hours after they were last fed and watered, in the United States, or in the case of other animals within 36 hours after they were last fed and watered in the United States

[42 FR 28990, June 7, 1977, as amended at 44 FR 28299, May 15, 1979. Redesignated at 45 FR 86413, Dec. 31, 1980, and amended at 57 FR 23048, June 1, 1992; 60 FR 4536, Jan. 24, 1995; 60 FR 9611, Feb. 21, 1995]

§91.16 Certification of animals for export.

If, upon inspection by an APHIS veterinarian at the export inspection facility, the animals offered for export are found to be sound, healthy, and free from evidence of communicable disease or exposure thereto, an export certificate, VS Form 17–37, shall be issued by said APHIS veterinarian and shall contain a statement to that effect.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980, as amended at 57 FR 23047, 23048, June 1, 1992]

Subpart D—Inspection of Vessels and Accommodations

§91.17 Accommodations for humane treatment of animals on ocean vessels.

(a) The owner or operator of an ocean vessel carrying animals from the United States to a foreign country shall provide, for such animals, feed and water, space, ventilation, fittings, and other facilities aboard the carrier as set forth in this part. For animals embarked for a voyage which will be of more than 36 hours duration, there shall be provided to the satisfaction of the inspector sufficient amounts of suitable feed and fresh water, and proper accommodations shall be provided on board for storage and distribution of the water and feed. The feed shall not be exposed to the weather at sea. However, such feed and water shall not be required if it is determined by the APHIS veterinarian that the animals, if under 30 days of age will arrive in the country of destination within 24 hours after they were last fed and watered in the United States, or, in the case of other animals, within 36 hours after they were last fed and watered in the United States.

(b) Owners masters, or operators of such vessels shall not accept for transportation any animal that in the judgment of the APHIS veterinarian is in an unfit condition to withstand the rigors of such transportation. Further, no animal intended for export shall be placed aboard any ocean vessel, unless in the opinion of the inspector the loading arrangements, fittings, ventilation systems, and the arrangements provided by the vessel for their use reasonably assure arrival of a viable animal in the country of destination. Halters, ropes, or other suitable equipment provided for the handling and tying of horses shall be found to be satisfactory by the APHIS veterinarian to assure humane treatment of the animals.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980, as amended at 57 FR 23047, June 1, 1992]

§91.18 Cleaning and disinfection of transport carriers for export.

All fittings, utensils and equipment, unless new, to be used in the loading, stowing, or other handling of animals aboard surface vessels under the provisions of this part, shall first be cleaned and disinfected under the supervision of an inspector before being used for, or in connection with, the transportation of animals from any United States port. Such disinfection of halters, ropes, and similar equipment used in handling and tying of animals shall be by immersion in an approved disinfectant. When the surface vessel has last been used to carry livestock to or from a foot-and-mouth disease infected country, the approved disinfectant shall be a freshly prepared solution of:

(a) Sodium carbonate (4 percent) in the proportion of 1 pound to 3 gallons of water.

(b) 4 percent sodium carbonate plus 0.1 percent sodium silicate.

(c) Sodium hydroxide (Lye) prepared in a fresh solution in the proportion of not less than 1 pound avoirdupois of sodium hydroxide of not less than 95 percent purity to 6 gallons of water, or

one 13½-ounce can to 5 gallons of water.[7]

For carriers returning from other foreign countries, the approved disinfectant shall be a disinfectant permitted for use under § 71.10, part 71 of this chapter.

[42 FR 28990, June 7, 1977. Redesignated and amended at 45 FR 86413, Dec. 31, 1980; 53 FR 51746, Dec. 23, 1988]

§ 91.19 Inspection of ocean vessels prior to loading.

It shall be the responsibility of the owners or the masters of an ocean vessel intended for use in exporting livestock to present the vessel to an inspector at a United States port of embarkation or at the descretion of the Administrator, upon request of the exporter, transporting company, or their agent, at a foreign port, for an inspection to determine if the fittings aboard the vessel are in compliance with the provisions of this part. A notarized statement from an engineering concern shall be required to certify to the rate of air exchange in each compartment. Such notarized statement shall be required upon first use of such vessel: *Provided,* That such notarized statement may again be required by the Administrator if substantive changes in fittings aboard the vessel have been made since the vessel was last certified.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980, and amended at 57 FR 23047, 23048, June 1, 1992]

§ 91.20 General construction.

A variety of construction materials such as wood, metal plate, or pipe may be used for stalls, crates, or pens aboard ocean vessels. Pipe fittings have the advantage of smooth surfaces, easy maintenance, long range economy and spaces between pipe rails to allow for feeding, watering, cleaning and better ventilation. Material used for stalls, crates, or pens shall be properly formed, closely fitted, and rigidly secured in place. Special care shall be taken to design and finish all edges, welds, and hardware that are accessible to animals. A combination of wood and steel pipe or other steel profile construction may be accepted if the construction complies with the regulations in this part. Where the sides of pens are adjacent to the ship's sides which have steel casing, frames, stays or similar fittings, the carrier shall cover these profiles with wooden battens of at least 2 inch thick lumber or plywood of similar strength to prevent animals from injury.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980]

§ 91.21 Ventilation.

Each underdeck compartment on which animals are being transported aboard an ocean vessel shall be equipped with a system of mechanical ventilation that will furnish a complete change of air in each compartment every 2 minutes when deck height[8] is less than 8 feet and every 2½ minutes when the deck height[8] exceeds 8 feet. Spare motors and fans shall be available on board, for replacement or repair of the ventilation system during the voyage. A spare motor and fan of an approved type in working order shall be aboard the vessel for each type of motor or fan used. Net pen space in any compartment shall not exceed 80 percent of the deck area.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec 31, 1980]

§ 91.22 Protection from heat of boilers and engines.

No animals shall be stowed along the alleyways leading to the engine or boiler rooms unless the sides of said engine or boiler rooms are covered by a tongue and groove tight sheathing producing a 3-inch-wide air space except that on ships powered with internal combustion engines this sheathing may not be

[7] Due to the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves, boots, raincoat, and goggles should be observed. An acid solution such as vinegar shall be kept readily available in case any of the sodium hydroxide solution should come in contact with the body.

[8] Deck height is the height from the ceiling to the floor.

required at the discretion of the inspector.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980]

§91.23 Loading ramps and doors.

(a) Ramps connecting one deck of a ship to another shall have a clear width of 3 feet and a clear height of not less than 6 feet 6 inches. The incline of the ramps shall not exceed 1:2 (26½°) between the ramps and the horizontal plane. The ramps shall be fitted with footlocks of approximately 2″ x 2″ lumber and spaced no more than one foot apart. The ramps shall have side fencing not less than 5 feet in height. Side doors in ship's shell plating through which livestock are to be loaded shall have a height of not less than 6 feet for cattle and 6 feet 6 inches for horses.

(b) Alleyways running fore and aft on the ocean vessel that are used for feeding, watering, and loading animals, including horses in box stalls, shall have a minimum width of 3 feet. However, for a distance not to exceed 8 feet at the end of alleyways in the bow and the stern of ship, and where obstructions of less than 3 feet in length occur, the width may be reduced to a minimum of 24 inches. A sufficient number of athwartship alleyways at least 24 inches in width shall be provided to afford ready access to scuppers and to ends of alleyways running fore and aft. However, on exposed decks where scuppers and the end of fore and aft alleyways are readily accessible athwartship alleyways are not required and if the alleyways are to be used for feeding or watering livestock, but not for loading or unloading of livestock, such alleyways shall have a minimum width of 28 inches.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980]

§91.24 Attendants.

It shall be the responsibility of the captain of the ocean vessel to carry at least three men on board the vessel who are experienced in the handling of the kind/kinds of livestock to be carried, and a sufficient number of attendants, satisfactory to the inspector or the APHIS veterinarian at the port embarkation to insure proper care of the animals: *Provided, however,* That only one person experienced in the handling of the kind/kinds of livestock to be carried and a sufficient number of attendants, satisfactory to the APHIS veterinarian at the port of embarkation, to insure proper care of the animals must be carried on board the ocean vessel if less than 800 head of livestock are carried.

[42 FR 28990, June 7, 1977, as amended at 43 FR 27171, June 23, 1978. Redesignated at 45 FR 86413, Dec. 31, 1980, and amended at 57 FR 23047, June 1, 1992]

§91.25 Space requirements for animals on ocean vessels.

(a) *General requirements.* A general space requirement for any individual animal in stalls or crates on ocean vessels shall be six inches more in height, depth, and width than the measurements of the animal concerned. The number of animals in each stall, pen or other container, the cubic inches of air available for each animal, and the ventilation capability of the transporting carrier are other criteria used to determine final space requirements for each animal. Guidelines of space requirements for storage of animals in pens are listed in paragraphs (b) and (c) of this section. Final determination of space needed and manner of loading of animals for export shipment will be made by the inspector or the APHIS veterinarian at the port of embarkation, based upon the size and type of animals presented, weather, destination, route, and means of transportation employed for the export shipment.

(b) *Space guidelines:*

	Space in square feet allowed per animal—
Animal weight, pounds:	
100	4.0
150	5.0
200	6.0
250	6.9
300	7.9
350	8.9
400	9.9
450	10.9
500	11.8
550	12.5
600	13.2
650	13.9
700	14.6
750	15.3

	Space in square feet allowed per animal—
800	15.9
850	16.6
900	17.3
950	17.8
1,000	18.4
1,050	18.9
1,100	19.4
1,150	19.9
1,200	20.4
1,250	21.0
1,300	21.5
1,350	22.0
1,400	22.7
1,450	23.3
1,500	24.0
1,550	24.6
1,600	25.3
1,650	25.9
1.700	26.6
1,750	27.2
1,800	27.8

(c) *Space guidelines for containers.* Containers used aboard containerized ocean vessels measure 8 feet in width outside but vary from 7 feet 3 inches to 7 feet 9 inches in width inside and from 17 feet to 40 feet in length. For such containers the space requirements and minimum pen widths shown in the following charts shall be used whenever the length of the animal exceeds the width of the container. For ready measurement of dairy cattle only, the distance from the withers to the pin bone multiplied by 1.65 gives the approximate total length. Length of other cattle and large animals will require measurement of their total length. Other animals larger than those shown in the following charts shall be stowed subject to the approval of the inspector or the APHIS veterinarian at the port of embarkation. Maximum inside length of container pens shall be 12 feet 9 inches.

Weight	Square feet per head	3 head		4 head	
		Square feet	Width	Square feet	Width
CONTAINERS 7′9″ IN WIDTH					
800	18.5	.....	.....	74.0	9′7″
850	19.5	.....	.....	78.0	10′1″
900	20.4	61.2	7′11″	81.6	10′6″
950	21.4	64.2	8′4″	85.6	11′1″
1,000	22.4	67.5	8′9″	90.6	11′7″
1,050	23.4	70.2	9′1″	93.6	12′1″
1,100	24.5	73.5	9′6″	98.0	12′8″
1,150	25.5	76.2	9′10″	.....	.....
1,200	26.5	79.5	10′3″	.....	.....
1,250	27.4	82.2	10′6″	.....	.....
1,300	28.4	85.2	11′0″	.....	.....
1,350	29.6	88.8	11′6″	.....	.....
1,400	30.8	92.4	12′0″	.....	.....
1,450	31.9	95.7	12′4″	.....	.....
1,500	32.9	98.7	12′9″	.....	.....
CONTAINERS 7′3″ IN WIDTH					
700	16.3	.....	.....	65.2	9′9″
750	17.5	52.2	7′3″	70.0	9′8″
800	18.9	56.7	7′9″	75.6	10′5″
850	20.1	60.3	8′3″	80.4	11′1″
900	21.3	63.9	8′9″	85.2	11′9″
950	22.3	66.9	9′2″	89.2	12′4″
1,000	23.7	71.1	9′8″	.....	.....
1,050	24.8	74.1	10′1″	.....	.....
1,100	26.0	78.6	10′9″	.....	.....
1,150	27.1	81.3	11′3″	.....	.....
1,200	28.4	85.5	11′10″	.....	.....
1,250	29.6	88.8	12′3″	.....	.....
1,300	30.9	92.7	12′9″	.....	.....

(d) *Special requirements.* If an animal to be loaded on an ocean vessel is in the third trimester of pregnancy or the route of the carrier will be into or through a tropical area,[9] the space required for each animal shall be increased by 10 percent. If the animal to be exported is in the third trimester of pregnancy and the route of the vessel will be into or through such area, the space required for such animal shall be increased by 20 percent. (See also paragraph (g). In addition, hospital pens measuring not less than 3 feet by 8 feet for each animal shall be provided at the rate of 3 such pens for each 100 head loaded, except as provided for horses in paragraph (e) of this section.

(e) *Size of stalls or pens for horses on ocean vessels.* Space for horses in pens on ocean vessels shall not be less than 6 feet 6 inches from roof or beams overhead to floor underfoot. Space containing up to 120 square feet may be used for stowage of horses and shall be at least 8 feet but not more than 9 feet in width (thwartship) except that upon approval of the inspector or the APHIS veterinarian at the port of embarkation, pens 7 feet wide may be allowed for medium-sized horses. Single stalls shall be not less than 2½ feet wide. Mares in foal shall be shipped only in separate stalls which shall be not less than 8 feet long by 3 feet wide and for mares due to foal en route and for stallions, stalls shall not be less than 8 feet long by 5 feet wide and shall be readily accessible to ship personnel. Extra stalls suitably located shall be provided in each compartment or on decks where horses are carried so that adequate hospital space can be made available for any horses that become sick or disabled aboard ship. The number of such stalls shall be as follows: One for the first 4 to 10 horses shipped, another for any number in excess of 10 up to and including 25, and still another for each additional 25 horses or fraction thereof.

(f)(1) Except as provided in paragraph (c) of this section, space in pens on ocean vessels for cattle weighing 1000 pounds or more shall be no less than 8 feet in width and 6 feet 3 inches from roof or beams overhead to flooring underfoot, except that when floors are raised over pipes and similar obstructions, a height of not less than 6 feet may be permitted at the discretion of the inspector. Pens for cattle weighing less than 1,100 pounds may not exceed 226 square feet. Pens for cattle weighing 1,100 pounds or more may not exceed 610 square feet. When any such pen includes stanchions, sounding tubes, ventilators, and other obstructions, 20 percent more space for each animal shall be required.

(2) Single stalls in ocean vessels for cattle weighing 1000 pounds or more shall be not less than 8 feet in length by 3 feet in width.

(3) Calves and yearlings may be stowed in pens or stalls at the discretion of the inspector or the APHIS veterinarian at the port of embarkation.

(g) *Space for sheep, goats, and swine on ocean vessels.* Space for sheep, goats, and swine on ocean vessels shall not be less than 3 feet in height and the length and width of pens shall not exceed 15 x 8 feet. An increase of 50 percent square footage shall be required for animals in the third trimester of pregnancy, notwithstanding other provisions in paragraph (d).

[42 FR 28990, June 7, 1977. Redesignated and amended at 45 FR 86413, Dec. 31, 1980; 53 FR 40407, Oct. 17, 1988; 57 FR 23047, June 1, 1992]

§91.26 Concrete flooring.

(a) Pens aboard an ocean vessel shall have a 3 inch concrete pavement, proportioned and mixed to give 2000 psi. compressive strength in 28 days. The pavement shall have a broom or rough finish. Steel angle bars may be used for footlocks if they are mounted into the flooring in such a way that, at the same time, the bars serve as gutterways. The angle bars shall not be less than 2 inches by 2 inches and 5/16 inches in thickness, and spaced on 12 inch centers running for and aft on the vessel.

(b)(1) *Horses and cattle.* Flooring shall be laid athwartship and secured by placing ends beneath the under side of foot and rump boards or under a 2″ x 4″ strip nailed along these boards. Floors may be either of two types, flush or

[9] The area situated between the Tropic of Cancer and the Tropic of Capricorn.

raised. The flush type shall be constructed of not less than 1″ thick lumber laid flat on the deck. The raised type shall be constructed of not less than 2″ thick lumber nailed to scantlings of at least 2″ x 3″ dimensions laid 2 feet 6 inches apart. If desired, flooring may be laid in portable sections. Flooring will not be required on ships with wooden decks provided footlocks are secured to the decks. Cement or composite material diagonally scored one-half inch deep may be used on iron decks instead of wooden flooring if the footlocks are molded in the same and bolted to the deck.

(2) *Sheep, goats, and swine.* Flooring for sheep, goats, and swine shall be the same as prescribed in this section for horses and cattle, except that the raised flooring need not be greater than 12 inch in thickness.

(3) *Drainage.* Provisions shall be made for drainage of urine and surface water from all parts of the vessel used for carriage of animals including sufficient scuppers. A walkway shall provide easy access to the scuppers.

(c)(1) *Horses and cattle.* In pens for horses or cattle, there shall be four footlocks of 1″ x 4″ lumber laid fore and aft with flat side down, and so placed as to provide in-between spaces of 12, 14, 26, and 14 inches, beginning at inside of the footboard. Additional footlocks shall be added at 14 inch intervals in pens having a depth of 9 feet or more. They shall be well secured with nails of a length that will permit 1 inch clinch in 1 inch flooring and 2 inch penetration in 2 inch flooring.

(2) *Sheep, goats, and swine.* Footlocks in pens for sheep, goats, and swine shall be of not less than 1″ x 2″ lumber, four to each pen, equally distributed and laid in the manner prescribed in paragraph (c)(1) of this section for horses and cattle.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980, and amended at 57 FR 23047, June 1, 1992]

§ 91.27 Troughs and hayracks.

All stalls and pens aboard an ocean vessel shall be equipped with proper troughs for feeding and watering animals as provided in this section. Racks or nets furnished for feeding hay shall be of a type acceptable to the inspector. The feeding of hay to the animals on ocean vessels may be by means of dispensing the hay from racks or nets or by placing the hay on the floor of the pens in which the animals are confined.

(a) *Horses and cattle.* Troughs may be constructed of metal or wood and may be either removable or fixed. The space between the first footlock and footboard may be utilized for feeding cattle, provided a 2″ x 4″ piece of lumber is affixed along the top surface of said footlock so that it, together with the footboard and the battens, will form an enclosure. If wooden troughs are used for feeding, an adequate supply of buckets or other metal containers shall be provided for the proper watering of the animals.

(b) *Sheep, goats, and swine.* Pens for these animals shall have feed troughs not less than 8 inches wide and shall be equipped with proper receptacles for watering. Pens for sheep and goats shall also have ample hayracks suitable for these animals.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980]

§ 91.28 Stanchions and rails.

(a)(1) Pipes used for stanchions and rails for pens aboard an ocean vessel shall be made of zinc coated, galvanized, extra strong, medium carbon steel. Steel pipes or other steel profiles shall consist of not less than 4 pipes or profiles, the upper one to have 3 inch diameter and the others a diameter of not less than 2½ inches. Stanchions shall not be of less than 3½ inches diameter; shall not be of less than 5/16 inch thickness and shall not be placed more than 8 feet apart center to center.

(2) Threaded pipe connections shall not be used. All parts shall be cut from factory fabricated, seamless pipe.

(3) Bolt and pin holes shall not be drilled to more than 1/32 inch oversize. Holes shall be properly located and centered on pipe.

(4) Pipe shall not be deformed or weakened by welding such items as reinforcing rods or hinges thereto. Welding shall be used for such attachment to be exposed in the finished work. Pins, plates, and parts other than pipe shall be made of galvanized steel. All areas where galvanizing of the steel

has eroded or has been damaged shall be finished with a rust preventative.

(5) Pipe rails shall be placed in proper alignment with tops of all gates at the same height.

(b) All gates of animal pens aboard an ocean vessel shall have smooth finished surfaces and the pivot-pins shall have a minimum diameter of ¾ inch.

(c) Animals may be carried on upper decks of an ocean vessel in space abutting the outside rails or bulwarks only if such rails or bulwarks are 3 feet or more in height from the deck and are of sufficient strength to hold the necessary fittings securely or if the space available is sufficient to permit securing the required fittings to provide the necessary strength. When animals are carried on upper decks, bulkheads shall be erected at all unprotected ends of stalls.

(d)(1) *Cattle and horses.* Rail stanchions for pens aboard an ocean vessel for cattle or horses shall be constructed of not less that 4″ or 6″ lumber set 5 feet apart on centers secured to the ship's rail or bulwark with ⅝ inch or larger bolts or collars and with heels raced to the sheer streak or waterway. Inboard stanchions of 4″ x 6″ lumber shall be set in line with the rail stanchions and properly braced: *Provided, however,* That the method of securing and bracing of stanchions may be modified as approved by the underwriter of the cargo bureau, and the inspector. Information concerning the modifications shall be made available to APHIS, at its request. On open rail ships, spaces between the rails shall be blocked out to permit the affixing of outside planking. If supplementary stanchions are required for rump boards, these shall not be less than 3″ x 4″ in size and shall be secured to beams and decks as outlined above. On upper deck fittings at ends of unprotected stalls, a stanchion not less than 3″ x 4″ in size shall be similarly spaced and secured to beams and decks and properly braced. Stanchions on underdecks shall be constructed, spaced, and secured in the same manner as upper deck fittings.

(2) *Sheep, goats, and swine.* Stanchions for single or double tier pens for sheep, goats, and swine shall be constructed of not less 3″ x 4″ lumber set at not greater distance than 5 feet on centers and secured as outlined in paragraph (d)(1).

(e) For all animals, two beams of 2″ x 6″ lumber shall be bolted on each side of the stanchions using ⅝ inch bolts, nuts, and washers. Beams shall extend from outside planking to at least 2 feet beyond the line of the breast boards unless the beams butt on the ship's deck fittings. Two beams of 2″ x 6″ lumber shall be used to support the roof of single tier pens on exposed decks and the floor of double tier pens on all decks.

(f) All pens for carrying animals on exposed decks aboard an ocean vessel shall be roofed with not less than 1 inch thick, watertight lumber extending from outside planking to at least 2 feet beyond the line of breast boards: *Provided,* That, if tongue and grooved lumber is used, it must be caulked or covered so that it is watertight or if square edged lumber is used it shall be covered with a saturated roofing paper known to the trade as 30 pound roofing paper and shall be securely battened.

(g) All pens for carrying animals on exposed decks shall be provided with outside planking of not less than 1½ inch tongue and groove lumber, laid fore and aft of ship, driven tightly together and securely nailed to backs of stanchions in a manner to cover all open spaces properly. However, during warm weather the top course planking may be left off in order to allow a free circulation of air. On vessels with closed bulwarks, the outside planking shall extend not less than 6 inches below the upper edge of the bulwark.

(h)(1) *Horses.* All stalls and pens for horses shall be equipped with breast boards of no less than 2″ x 10″ dressed lumber with the top edge placed 3 feet 10 inches from the floor and securely nailed to the stanchions. Where butting occurs, the joints are to be on the stanchions and shall be covered with metal plates 3 inches square or 5 inches in diameter and not less than ¼ inch in thickness. A ⅝ inch bolt shall then be passed through the plate, joint, and stanchion and securely fastened with a nut. All breast boards shall have 1 inch holes bored through them at proper distances for tying animals. An occassional pen shall be provided with

a removable breast board in order that animals may be loaded into and removed from the stalls and pens. All stalls and pens shall be provided with foot boards of not less than 2″ x 10″ lumber securely nailed or bolted to the stanchions. At the discretion of the inspector, small ponies, asses, small mules, mares with foal at foot, young unbroken horses or gentle horses of any size may be stowed loose in pens. In these cases, a sufficient number of finished 2″ x 10″ lumber shall be placed between the breast and foot boards to effectively contain the animals.

(2) *Cattle.* All stalls and pens for cattle shall be provided with boards as required for horses in paragraph (a), except that the front or breast boards shall be constructed in sets of three or more boards of 2″ x 10″ dressed lumber separated by 3 inch spacers and placed on the foot board so that the front of the pen extends 48 inches or more in height from the floor. One or more of the breast boards may be left off if feed or water troughs are to be mounted externally.

(3) *Sheep, goats, and swine.* Front boards in pens for sheep, goats, and swine shall be of not less than 1″ x 6″ pieces of lumber approximately spaced and extending to the proper height for these species of animals. Provision shall be made for removing a section of front boards to allow entry of animals into pens or removal therefrom and for feeding or watering.

(i)(1) *Horses and cattle.* Rump boards in pens for horses or cattle shall form a solid wall at least 4 feet high for cattle and 4 feet 6 inches high for horses and shall be of lumber not less than 1½ inches thick if tongued and grooved or 2 inches thick if square edged or of plywood of the same strength. Where the deck is clear of obstructions, rump boards may be set on the inside of the rail stanchions. When this is not possible, sections so affected may be brought forward to clear such obstructions and shall be fastened by stanchions provided for this purpose. On lower decks where the ship's construction so justifies, rump boards may be affixed to 2″ x 6″ wooden pieces set the same as prescribed for stanchions. Rump boards may be formed by filling spaces between cargo battens. Rump boards in stalls or pens built alongside hatches need be carried down only to the coaming line.

(2) *Sheep, goats, and swine.* Pens for sheep, goats, and swine on all exposed decks shall be provided with rump boards of the specified size built to a height of 2 feet 6 inches.

(j)(1) *Horses and cattle.* Division boards in pens for horses and cattle shall be used to separate all stalls and pens and to close the sides thereof at the ends of rows. They shall be used in sets of four boards of 2″ x 10″ dressed lumber separated by 3 inch spacers, shall extend from the rump boards to the inboard stanchions, and shall be fitted into appropriate channels or slots at both ends in a manner that will permit their ready removal.

(2) *Sheep, goats, and swine.* Division boards and those forming ends of pens for sheep, goats, and swine shall be the same as prescribed for rump boards for these animals in paragraph (i) of this section.

[45 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980, and amended at 57 FR 23047, June 1, 1992]

§ 91.29 Hatches.

(a) Animals may be placed on hatches on exposed decks on an ocean vessel if the pens or stalls are securely lashed down.

(b) Animals may be placed on hatches on underdecks on an ocean vessel provided the height requirements of § 91.25 (e) and (f) are met and sufficient space shall be left clear on such hatches for passageway across ship.

(c) On all hatches on which animals are carried and under which hay and feed or animals are stowed, sufficient space shall be left clear for the proper removal and handling of such hay and feed and animal carcasses. Such hatches shall be watertight.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980]

§ 91.30 Defective fittings.

If previously used fittings aboard an ocean vessel are employed, any portion thereof found by the inspector to be

worn, decayed, unsound, or otherwise defective shall be replaced.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980]

Subpart E—Cleaning and Disinfecting of Aircraft

§91.41 Cleaning and disinfecting of aircraft.

Prior to loading of animals, the stowage area of aircraft to be used to export animals under the provisions of this part shall, under the supervision of an inspector, be cleaned and then disinfected using a freshly prepared solution of 4 percent sodium carbonate plus 0.1 percent sodium silicate. In addition, all loading ramps, fittings, and equipment to be used in loading the animals on the aircraft shall be cleaned and disinfected using an approved disinfectant listed in §71.10 of this chapter. The time at which the cleaning and disinfection is performed must be approved by the inspector, who will give approval only if he or she determines that the cleaning and disinfection will be effective up to the projected time of loading of animals. If the animals are not loaded by the projected time, the inspector shall determine whether further cleaning and disinfection are necessary. The cleaning must remove all garbage, soil, manure, plant materials, insects, paper, and other debris from the stowage area. The disinfectant solution must be applied with a device that creates an aerosol or mist that covers 100 percent of the surfaces in the stowage area, except for any loaded cargo and deck surface under it that, in the opinion of the inspector, do not contain materials that may contain animal disease pathogens such as garbage, soil, manure, plant materials, insects, waste paper, or debris. After cleaning and disinfection is performed, the inspector shall sign and deliver to the captain of the aircraft or other responsible official of the airline involved, a document stating that the aircraft has been properly cleaned and disinfected, and stating further the date, the carrier, the flight number, and the name of the airport and the city and state in which it is located. If an aircraft is cleaned and disinfected at one airport, then flies to a subsequent airport, with or without stops en route, to load animals for export, the inspector at the subsequent airport will determine, based on examination of the cleaning and disinfection documents, whether the previous cleaning and disinfection is adequate or whether to order a new cleaning and disinfection. If the aircraft has loaded any cargo in addition to animals, the inspector at the subsequent airport will determine whether to order a new cleaning and disinfection based on both examination of the cleaning and disinfection documents and inspection of the stowage area for materials that may contain animal disease pathogens such as garbage, soil, manure, plant materials, insects, waste paper, or debris.

[53 FR 51747, Dec. 23, 1988]

PART 92—IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS: PROCEDURES FOR REQUESTING RECOGNITION OF REGIONS

Sec.
92.1 Definitions.
92.2 Application for recognition of the animal health status of a region.

AUTHORITY: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

SOURCE: 62 FR 56012, Oct. 28, 1997, unless otherwise noted.

§92.1 Definitions.

Active surveillance. Sample collection using a systematic or statistically designed survey methodology to actively seek out and find cases of animals with a restricted disease agent, or to determine the prevalence of the restricted disease agent in the population.

Adjacent region. Any geographic land area, whether or not identifiable by geological, political or surveyed boundaries, that shares common boundaries with any region.

Administrator. The Administrator of the Animal and Plant Health Inspection Service or any other employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, delegated to act in the Administrator's stead.

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Animals. All species of the animal kingdom, except man, including: Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, poultry, and birds that are susceptible to communicable diseases of livestock and poultry or capable of being carriers of those diseases or their arthropod vectors.

Communicable disease. Any contagious or infectious disease of animals. It can be transmitted either directly or indirectly to a susceptible animal from an infected animal, vector, inanimate source, or other sources.

Contagious disease. Any communicable disease transmitted from one animal to another by direct contact or by feed, water, aerosol, or contaminated objects.

Disease agent. A virus, bacterium, or other organism that causes disease in animals.

Import (imported, importation) into the United States. To bring into the territorial limits of the United States.

Passive surveillance. A surveillance system that does not depend on active participation by the responsible agency to seek out and monitor a restricted disease agent. The system relies on mandatory reporting, a pool of trained investigators, diagnostic submission procedures and laboratory support, and periodic public information and continuing education programs on diseases.

Prevalence. The number of cases of a disease in existence at a given time in a designated area.

Region. Any defined geographic land region identifiable by geological, political or surveyed boundaries. A region may consist of any of the following:

(1) A national entity (country);

(2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.);

(3) Parts of several national entities combined into an area; or

(4) A group of national entities (countries) combined into a single area.

Restricted disease agent. Any communicable disease agent or its vector not known to exist in the United States or that is subject to a Federal or cooperative Federal/State control or eradication program within the United States.

Surveillance. Systems to find, monitor, and confirm the existence or absence of a restricted disease agent or agents in livestock, poultry and other animals. Surveillance may be passive or active.

United States. All of the States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

Vector-borne disease. A disease transmitted to an animal through an intermediate arthropod vector, including ticks or insects.

§ 92.2 Application for recognition of the animal health status of a region.

(a)(1) The representative of the national government(s) of any country or countries who has the authority to request such a change may request at any time that all or part of the country or countries be recognized as a region, be included within an adjacent previously recognized region, or be made part of a region larger than an individual country. Requests for recognition of a region must be sent to the Administrator, in accordance with paragraph (c) of this section.

(b) Each request for approval to export a particular type of animal or animal product to the United States from a foreign region must be made to the Administrator, in accordance with paragraph (c) of this section, and must include, in English, the following information about the region:

(1) The authority, organization, and infrastructure of the veterinary services organization in the region.

(2) Disease status—i.e., is the restricted disease agent known to exist in the region? If ''yes,'' at what prevalence? If ''no,'' when was the most recent diagnosis?

(3) The status of adjacent regions with respect to the agent.

(4) The extent of an active disease control program, if any, if the agent is known to exist in the region.

(5) The vaccination status of the region. When was the last vaccination? What is the extent of vaccination if it is currently used, and what vaccine is being used?

(6) The degree to which the region is separated from adjacent regions of higher risk through physical or other barriers.

(7) The extent to which movement of animals and animal products is controlled from regions of higher risk, and the level of biosecurity regarding such movements.

(8) Livestock demographics and marketing practices in the region.

(9) The type and extent of disease surveillance in the region—e.g., is it passive and/or active; what is the quantity and quality of sampling and testing?

(10) Diagnostic laboratory capabilities.

(11) Policies and infrastructure for animal disease control in the region—i.e., emergency response capacity.

(c) Requests for recognition of a region or for approval to export animals or animal products to the United States from a region, including the information required by this section, must be sent to the Administrator, c/o National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231. (Where possible, include a copy of the request and accompanying information on a 3.5-inch floppy disk in ASCII or a word processing format.)

(d) The information submitted in accordance with paragraph (b) of this section will be made available to the public prior to initiation by APHIS of any rulemaking action on the request.

(e) If, after review of the information submitted, APHIS believes the requested importation can be safely allowed, APHIS will publish a proposed rule in the FEDERAL REGISTER to allow the importation, and the conditions under which the importation would be allowed, along with a discussion of the basis for the proposal.

(f) APHIS will provide a period of time during which the public may comment on the proposal. During the comment period, the public will have access to the information upon which APHIS based its analysis of the risk of such importation, as well as to its methodology in conducting the analysis. Once APHIS has reviewed all comments received, it will make a final decision on what conditions will be necessary to allow the importation in question, and will publish the conditions for import in the FEDERAL REGISTER.

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

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Sec.
93.100 Definitions.
93.101 General prohibitions; exceptions.
93.102 Ports designated for the importation of birds.
93.103 Import permits for birds; and reservation fees for space at quarantine facilities maintained by APHIS.
93.104 Certificates for pet birds, commercial birds, zoological birds, and research birds.
93.105 Inspection at the port of entry.
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CANADA

93.107 Special provisions.

Subpart B—Poultry

93.200 Definitions.
93.201 General prohibitions; exceptions.
93.202 Inspection of certain aircraft and other means of conveyance and shipping containers thereon; unloading, cleaning, and disinfection requirements.
93.203 Ports designated for the importation of poultry.
93.204 Import permits for poultry and for poultry test specimens for diagnostic purposes; and reservation fees for space at quarantine facilities maintained by APHIS.
93.205 Certificate for poultry.
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93.211 Quarantine stations, visiting restricted; sales prohibited.
93.212 Manure from quarantined poultry.
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CANADA

93.214 Import permit and declaration for poultry.
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93.216 Poultry from Canada.

CENTRAL AMERICA AND THE WEST INDIES

93.217 Import permit and declaration for poultry.

MEXICO

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Subpart C—Horses

93.300 Definitions.
93.301 General prohibitions; exceptions.
93.302 Inspection of certain aircraft and other means of conveyance and shipping containers thereon; unloading, cleaning, and disinfection requirements.
93.303 Ports designated for the importation of horses.
93.304 Import permits for horses from regions affected with CEM and for horse specimens for diagnostic purposes; reservation fees for space at quarantine facilities maintained by APHIS.
93.305 Declaration and other documents for horses.
93.306 Inspection at the port of entry.
93.307 Articles accompanying horses.
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93.309 Horse quarantine facilities.
93.310 Quarantine stations, visiting restricted; sales prohibited.
93.311 Milk from quarantined horses.
93.312 Manure from quarantined horses.
93.313 Appearance of disease among horses in quarantine.
93.314 Horses, certification, and accompanying equipment.

CANADA

93.315 Import permit and declaration for horses.
93.316 Horses from Canada for immediate slaughter.
93.317 Horses from Canada.
93.318 Special provisions.

CENTRAL AMERICA AND WEST INDIES

93.319 Import permit and declaration for horses.
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MEXICO

93.321 Import permits and applications for inspection for horses.
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Subpart D—Ruminants

93.400 Definitions.
93.401 General prohibitions; exceptions.
93.402 Inspection of certain aircraft and other means of conveyance and shipping containers thereon; unloading, cleaning, and disinfection requirements.
93.403 Ports designated for the importation of ruminants.
93.404 Import permits for ruminants and for ruminant test specimens for diagnostic purposes; and reservation fees for space at quarantine facilities maintained by APHIS.
93.405 Certificates for ruminants.
93.406 Diagnostic tests.
93.407 Declaration and other documents for ruminants.
93.408 Inspection at the port of entry.
93.409 Articles accompanying ruminants.
93.410 Movement from conveyances to quarantine station.
93.411 Quarantine requirements.
93.412 Ruminant quarantine facilities.
93.413 Quarantine stations, visiting restricted; sales prohibited.
93.414 Milk from quarantined ruminants.
93.415 Manure from quarantined ruminants.
93.416 Appearance of disease among ruminants in quarantine.

CANADA

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93.418 Cattle from Canada.
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93.420 Ruminants from Canada for immediate slaughter.
93.421 Special provisions.

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93.422 Import permit and declaration for ruminants.
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93.424 Import permits and applications for inspection of ruminants.
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93.427 Cattle from Mexico.
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93.430 Importation of ruminants through the Harry S Truman Animal Import Center (HSTAIC).
93.431 Embarkation quarantine facility; criteria and standards for approval.
93.432 Cattle from the Republic of Ireland.

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93.434 Standards for approval of privately operated quarantine facilities for sheep or goats, and handling procedures for the importation of sheep or goats.
93.435 Sheep and goats.

Subpart E—Swine

93.500 Definitions.
93.501 General prohibitions; exceptions.
93.502 Inspection of certain aircraft and other means of conveyance and shipping containers thereon; unloading, cleaning, and disinfection requirements.
93.503 Ports designated for the importation of swine.
93.504 Import permits for swine and for swine specimens for diagnostic purposes; and reservation fees for space at quarantine facilities maintained by APHIS.
93.505 Certificate for swine.
93.506 Declaration and other documents for swine.
93.507 Inspection at the port of entry.
93.508 Articles accompanying swine.
93.509 Movement from conveyances to quarantine station.
93.510 Quarantine requirements.
93.511 Swine quarantine facilities.
93.512 Quarantine stations, visiting restricted; sales prohibited.
93.513 Milk from quarantined swine.
93.514 Manure from quarantined swine.
93.515 Appearance of disease among swine in quarantine.

CANADA

93.516 Import permit and declaration for swine.
93.517 Swine from Canada.
93.518 Swine from Canada for immediate slaughter.
93.519 Special provisions.

CENTRAL AMERICA AND WEST INDIES

93.520 Import permit and declaration for swine.

MEXICO

93.521 Declaration for swine.
93.522 Importation of swine through the Harry S Truman Animal Import Center (HSTAIC).
93.523 Embarkation quarantine facility; criteria and standards for approval.

Subpart F—Dogs

93.600 Dogs for handling livestock.

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93.700 Definitions.
93.701 Prohibitions.
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93.703 Ports designated for importation.
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93.705 Health certificate.
93.706 Notification of arrival.
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93.800 Definitions.
93.801 Prohibitions.
93.802 Import permit.
93.803 Health certificate.
93.804 Declaration upon arrival.
93.805 Ports of entry, inspection, and treatment.
93.806 Animals refused entry.
93.807 Other importations.

AUTHORITY: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

SOURCE: 55 FR 31495, Aug. 2, 1990, unless otherwise noted. Redesignated at 62 FR 56012, Oct. 28, 1997.

Subpart A—Birds

§93.100 Definitions.

Wherever in this subpart the following terms are used, unless the context otherwise requires, they shall be construed, respectively, to mean:

Administrator. The Administrator of the Animal and Plant Health Inspection Service or any other employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, to whom authority has been or may be delegated to act in the Administrator's stead.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service.)

Animals. Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, and poultry.

APHIS representative. A veterinarian or other individual employed by the Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the services required by this part.

Birds. All members of the class aves (including eggs for hatching), other than poultry.

Commercial birds. Birds which are imported for resale, breeding, public display, or any other purpose, except pet

birds, zoological birds, research birds, or performing or theatrical birds.

Communicable disease. Any contagious, infectious, or communicable disease of domestic livestock, poultry or other animals.

Department. The United States Department of Agriculture (USDA).

Inspector. An employee of the Animal and Plant Health Inspection Service authorized to perform duties required under this subpart.

Licensed veterinarian. Any person licensed by any region or political subdivision thereof to practice veterinary medicine.

Pen-raised. Cared for in a fenced enclosure, such that the ratites are kept apart from wild ratites, poultry, and other animals; can be readily observed, and be restrained for inspection and treatment. A flock is not considered to be pen-raised if ratites captured in the wild have been added to it after March 8, 1994.

Performing or theatrical birds. Birds, except ratites, which are to be used in shows, theatrical acts or performances only.

Persons. Any individual, corporation, company, association, firm, partnership, society or joint stock company.

Pet birds. Birds, except ratites, which are imported for the personal pleasure of their individual owners and are not intended for resale.

Port Veterinarian. A veterinarian employed by the Animal and Plant Health Inspection Service to perform duties required under this part at a port of entry.

Poultry. Chickens, doves, ducks, geese, grouse, guinea fowl, partridges, pea fowl, pheasants, pigeons, quail, swans, and turkeys (including eggs for hatching).

Production season. That period of time, usually approximately 9 months each year, from the time ratites in a flock begin laying eggs until the ratites cease laying eggs.

Ratites. Cassowaries, emus, kiwis, ostriches, and rheas.

Region. Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

(1) A national entity (country);

(2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.);

(3) Parts of several national entities combined into an area; or

(4) A group of national entities (countries) combined into a single area.

Research birds. Birds which are to be used for research purposes only.

Smuggled birds. Any bird which has been brought into the United States contrary to any Federal law or regulation and which has been seized by any official of any Department of the United States Government or which has been abandoned to the United States.

United States. All of the States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other Territories and Possessions of the United States.

Veterinary Services. The Veterinary Services unit of the Department.

Zoological birds. Birds intended for breeding or public display, for recreational or educational purposes, at a zoological park.

Zoological park. A professionally operated zoo, park, garden or other place, maintained under the constant surveillance of a Doctor of Veterinary Medicine, for the exhibition of live animals, pigeons or birds, for the purpose of public recreation or education.

[55 FR 31495, Aug. 2, 1990, as amended at 56 FR 31865, July 12, 1991; 59 FR 10732, Mar. 8, 1994; 59 FR 47068, Sept. 14, 1994. Redesignated and amended at 62 FR 56012, 56013, Oct. 28, 1997]

§ 93.101 General prohibitions; exceptions.

(a) No product or bird subject to the provisions of this part shall be brought into the United States except in accordance with the regulations in this part and part 94 of this subchapter;[1] nor shall any such product or bird be handled or moved after physical entry into the United States before final release from quarantine orany other form of governmental detention except in compliance with such regulations;

[1] Importations of certain animals from various regions are absolutely prohibited under part 94 because of specified diseases.

Provided, That the Administrator may upon request in specific cases permit products or birds to be brought into or through the United States under such conditions as he or she may prescribe, when he or she determines in the specific case that such action will not endanger the livestock or poultry of the United States.

(b)(1) Birds from Canada may be imported in accordance with this section or, except for ratites in accordance with the provisions applicable to importation of poultry from Canada as specified in §§ 93.205, 93.214, and 93.216 of this part.

(2) Ratites and hatching eggs of ratites may be imported into the United States only in accordance with the provisions in this part that apply to commercial and zoological birds, and, where specified, with the provisions that apply to ratites or hatching eggs of ratites.

(3) Except for ratites imported as zoological birds, and ratites and ratite hatching eggs imported from Canada in accordance with § 93.107, ratites and hatching eggs of ratites may not be imported into the United States unless the following conditions are met:

(i) The ratites or hatching eggs are produced by a pen-raised flock, and, in the case of ratites, maintained in a pen-raised flock;

(ii) Each ratite produced in the flock is identified with an identification number by means of a microchip implanted at 1-day of age in the pipping muscle of ostriches and in the upper neck of other ratites, each ratite added from outside the flock is identified in like manner upon arrival in the flock, except that the microchip need not be implanted in the pipping muscle or the upper neck, and each ratite already in the flock as of March 8, 1994 is identified in like manner, prior to the next visit to the flock premises by an APHIS representative under § 93.103(a)(2)(iv), except that the microchip need not be implanted in the pipping muscle or the upper neck;

(iii) On the date it is produced, each hatching egg produced in the flock is marked in indelible ink with the date of the production, and with identification, assigned by the national government of the region of export, of the premises and region from which the ratites or hatching eggs are intended for exportation;

(iv) The owner or manager of the premises from which the ratites or hatching eggs are intended for importation into the United States maintains on a daily basis a register listing the following:

(A) Number of live ratites hatched in the flock or added to the flock, and number of live ratites removed from the flock, and the microchip number for each of these ratites;

(B) Number of eggs produced in the flock and date of production, and number of eggs removed from the flock and date of production; and

(C) Number of eggs in incubator/hatcher and date of production;

(v) The owner or manager of the premises submits a copy of the registers to the National Veterinary Service of the region of export on a quarterly basis. The region of export in turn submits a copy of the registers to the Administrator upon his or her request;[2]

(vi) The region from which the ratites or hatching eggs are exported to the United States maintains a registry of premises that wish to export ratites or hatching eggs of ratites to the United States, that lists each ratite according to the microchip number required under paragraph (b)(3)(iv) of this section, and also maintains a count of hatching eggs of ratites produced on or added to the premises;

(vii) Before a premises is added to the registry, either a veterinary officer of the national government of the region of export, or an employee of that government responsible for the protection of fish and wildlife, visits the premises and determines that all ratites and hatching eggs of ratites are identified as required under paragraphs (b)(3)(ii) and (b)(3)(iii) of this section.

(viii) The region from which the ratites or hatching eggs of ratites are exported to the United States requires each premises from which ratites or hatching eggs of ratites are exported to

[2] Copies should be mailed to the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

the United States to receive approval from the National Veterinary Service of that region before ratites are added to the premises from outside the premises, and also prohibits the addition of ratites to a flock during production seasons;

(ix) The region from which ratites or hatching eggs of ratites are exported to the United States establishes a maximum number of hatching eggs of ratites that may be produced on each premises over a set production season. The ceiling for each premises is calculated jointly by a full-time salaried veterinary officer of the national government of the region of export and the APHIS representative who conducts the site visit required under § 93.103(a)(2)(iv), and is adjusted jointly by an APHIS representative and a full-time salaried veterinary officer of the national government of the region of export according to changes in the number of laying hens in the flock;

(x) The region of export conducts random inspections of each premises intending to export ratites or hatching eggs of ratites to the United States, at least twice during each production season, to ensure that all ratites and hatching eggs of ratites on the premises are identified as required under paragraphs (b)(3)(ii) and (b)(3)(iii) of this section. These inspections must be conducted by either a veterinary officer of the national government of the region of export or an employee of that government responsible for the protection of fish and wildlife. If any ratites or hatching eggs are not identified as required, the region of export must not issue the export certificate required under § 93.104(a). The region of export must record, on the copy of the report required to be sent to the Administrator under paragraph (b)(3)(v) of this section, whether all ratites and hatching eggs are identified as required;

(xi) The region of export requires each premises on which ratites or hatching eggs of ratites intended for export to the United States are kept to submit to the National Veterinary Service of that region a copy of the certificate required under § 93.104(a);

(xii) The person intending to import ratites into the United States provides the APHIS veterinary inspector at the intended port of entry with a reader capable of reading the microchip implanted in each of the ratites.

(4) Ratites and hatching eggs of ratites may not be imported into the United States in any container that holds hay, straw, grasses, wood chips, sawdust, or other materials likely to harbor ectoparasites. Ratites and hatching eggs of ratites that are imported into the United States in containers holding such materials will be refused entry.

(c)(1) Pet birds offered for entry from Canada and which are not known to be affected with or exposed to any communicable disease of poultry, which are caged (prior to release from the port of entry) and which are personal pets, may be imported by the owner thereof at any port of entry designated in §§ 93.103 or 93.203: *Provided,* That, such birds are found upon port of entry veterinary inspection under § 93.105 to be free of poultry diseases and at the time of entry the owner signs and furnishes to the Administrator, a statement stating that the bird or birds have been in his or her possession for a minimum of 90 days preceding the date of importation and that during such time such birds have not been in contact with poultry or other birds (for example, association with other avian species at exhibitions or in aviaries.)

(2)(i) Pet birds which originated in the United States and have not been outside the region for more than 60 days may be offered for entry under the provisions of § 93.101(c)(1): *Provided,* That such birds are also accompanied by a United States veterinary health certificate issued prior to the departure of the birds from the United States and the certificate shows the leg band or tattoo number affixed to the birds prior to departure; *And provided further,* That during port of entry veterinary inspection it is determined that the leg band or tattoo on the bird is the same as the one listed on the health certificate.

(ii) Lots of pet birds of United States origin which have been outside the United States for more than 60 days which are found upon port of entry veterinary inspection to be free of poultry diseases, and that otherwise meet the requirements of paragraph (c)(2)(i) of

this section, may be imported by the owner thereof if, the owner importing such birds signs and furnishes to the Administrator, the following:

(A) A notarized declaration under oath or affirmation (or a statement signed by the owner and witnessed by a Department inspector) stating that the bird or birds have not been in contact with poultry or other birds while out of the region (for example, association with other avian species at exhibitions or at aviaries); and

(B) An agreement on VS Form 17–8, obtainable from a Federal inspector at the port of entry, stating:

(*1*) That the birds will be maintained in confinement in his or her personal possession separate and apart from all poultry and other birds for a minimum of 30 days following importation at the address where the birds are to be held and made available for health inspection and testing by Department inspectors upon request until released at the end of such period by such an inspector and

(*2*) That appropriate Federal officials in the State of destination will be immediately notified if any signs of disease are noted in any of the birds or any bird dies during that period.

The owner importing such birds must comply with the provisions of the aforementioned agreement before the birds may be released from confinement. Lots of pet birds of United States origin which do not otherwise meet the requirements of paragraphs (c)(1) or (2) of this section may be offered for entry under the provisions of paragraph (c)(3) of this section.

(3) Pet birds which are not known to be affected with or exposed to communicable diseases of poultry may be offered for entry at one of the ports of entry designated in § 93.102(a) under the following conditions:

(i) The pet birds shall be accompanied by a veterinary health certificate issued by a national government veterinary officer of the region of export stating that he or she personally inspected the birds listed on the health certificate and found them to be free of evidence of Newcastle disease, chlamydiosis, and other communicable diseases of poultry, and that the birds were being exported in compliance with the laws and regulations of the region of export, or if exported from Mexico, shall be accompanied either by such a certificate or by a certificate issued by a veterinarian accredited by the National Government of Mexico and endorsed by a full–time salaried veterinary officer of the National Government of Mexico, thereby representing that the veterinarian issuing the certificate was authorized to do so. Certificates in a foreign language must be translated into English at the expense of the importer.

(ii) An advanced reservation fee as required by § 93.103(a)(3) and a request for space which has been confirmed in writing, at a USDA-operated quarantine facility shall be made with the port veterinarian[3] at the port where the birds are to be held for a minimum 30-day isolation in a biologically secure unit separate and apart from all other avian species, except, that birds arriving without an advanced reservation may be handled if an isolation unit is available, provided the reservation fee as required in § 93.103(a)(3) is paid. Pet birds offered for entry at a port of entry that has not been designated in § 93.102(a), or pet birds arriving without an advanced reservation at a port of entry designated in § 93.102(a) but at which isolation units are not available, shall be refused entry at such port. However, such pet birds may be transported at the owner's expense to another port of entry designated in § 93.102(a) if available quarantine space exists, if the reservation fee is paid and the birds are shipped to such other port under conditions deemed sufficient by the Administrator to prevent the spread of communicable diseases of poultry: *Provided*, That pet birds arriving with or without an advance reservation at the port of Hidalgo, Texas, will be transported at Department expense to the quarantine facility at Mission, Texas, if available quarantine

[3] The names and addresses of the port veterinarians, as well as a fee schedule for quarantine charges, are available from the Animal and Plant Health Inspection Service, Veterinary Services, Operational Support, 4700 River Road Unit 33, Riverdale, Maryland 20737–1231.

space exists at that facility, until quarantine facilities are available at Hidalgo, Texas; and pet birds arriving with or without an approved reservation entered at the port of New York, New York, will be transported at Department expense to the quarantine facility at Newburgh, New York, if available quarantine space exists at the facility, until quarantine facilities are available at New York, New York. Following the isolation period, if such birds are found to be free from communicable diseases of poultry, the birds shall be returned at Department expense to the respective ports of Hidalgo, Texas, or New York, New York, as appropriate, for Agriculture release for entry through U.S. Customs.

(iii) During the isolation period, the birds shall be subjected to such tests and procedures as required by the Administrator to determine whether the birds are free from communicable diseases of poultry.

(iv) Following the isolation period, if the birds are found to be free of communicable disease of poultry, the port veterinarian shall issue an agriculture release for entry through U.S. Customs. If the birds are found during port of entry inspection or during quarantine to be infected with or exposed to a communicable disease of poultry, such birds shall be refused entry and handled in accordance with § 93.106(a) of this part.

(v) The owner of the birds is responsible for all costs which result from these procedures and shall reimburse APHIS for governmental expenses in accordance with § 93.210 (b) and (c) of this part.

(d) The provisions in this subpart relating to birds shall not apply to healthy birds, except ratites, not known to be infected with or exposed, within the 90 days preceding the date of export from the region of origin, to communicable diseases of poultry, if an import permit[4] has been obtained under § 93.103 of this chapter and all conditions therein are observed; and if such birds are handled as follows:

(1)(i) They are maintained under continuous confinement in transit through the United States aboard an aircraft, ocean vessel, or other means of conveyance; or

(ii) Except for birds in transit through Anchorage, Alaska, under § 93.103(c) of this part, which are not allowed to be unloaded, they are unloaded, in the course of such transit, into a bird holding facility which is provided by the carrier or its agent and has been approved[5] in advance by the Administrator in accordance with paragraph (d)(3) of this section as adequate to prevent the spread within the United States of any livestock or poultry disease, and they are maintained there under continuous confinement until loaded aboard a means of conveyance for transportation from the United States and are maintained under continuous confinement aboard such means of conveyance until it leaves the United States; the import permit will specify any additional conditions necessary to assure that the transit of the poultry or birds through the United States can be made without endangering the livestock or poultry of the United States, and that Department inspectors may inspect the poultry or birds on board such means of conveyance or in such holding facility as provided in section 5 of the Act of July 2, 1962 (21 U.S.C. 134d) to ascertain whether the requirements of this paragraph are met, and dispose of them in accordance with section 2 of the Act of July 2, 1962 (21 U.S.C. 134a) if such conditions are not met; and

(2) The carrier or its agent executes and furnishes to the collector of Customs at the first port of arrival a declaration stating that the poultry or birds will be retained aboard such means of conveyance or in an approved holding facility during transhipment as required by this paragraph.

(3) Provisions for the approval of facilities required in this paragraph are:

(i) They must be sufficiently isolated to prevent direct or indirect contact with all other animals and birds while in the United States.

[4] Such permit may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, Operational Support, 4700 River Road Unit 33, Riverdale, Maryland 20737–1231. Requests for approval of such facilities should also be made to the Deputy Administrator.

[5] See footnote 4 in subpart A.

(ii) They must be so constructed that they provide adequate protection against environmental conditions and can be adequately cleaned, washed and disinfected.

(iii) They must provide for disposal of animal and bird carcasses, manure, bedding, waste and any related shipping materials in a manner that will prevent dissemination of disease.

(iv) They must have provisions for adequate sources of feed and water and for attendants for the care and feeding of birds in the facility.

(v) They must comply with additional requirements as may be imposed by the Administrator if deemed applicable for a particular shipment.

(vi) They must also comply with all applicable local, State and Federal requirements for environmental quality and with the provisions of the Animal Welfare Regulations in chapter I of this title, as applicable.

(e) Commercial birds, zoological birds, research birds, or pet birds may be imported into the United States if they meet the requirements of §§ 93.102(a), 93.103, 93.104, 93.105(a), and 93.106(a) which specifically apply to such birds and the requirements of all other sections in this part that are applicable to poultry generally.

(f) Performing or theatrical birds may be imported at any of the ports of entry listed in § 93.102 or 93.203 if accompanied by an import permit as required by § 93.103 and such birds are found upon port of entry veterinary inspection to be free of communicable diseases of poultry.

(g) Any smuggled bird shall:

(1) Be refused entry into the United States and be removed from the United States,[6] or

(2) Be quarantined in a USDA-operated quarantine facility pending negative results to two consecutive tests for exotic Newcastle disease (END)[7] administered not less than 30 days apart, with the first test administered within seven days after the bird enters the facility.

(3) Tissue samples from any smuggled bird which has died prior to release from quarantine shall be submitted for END isolation. Smuggled birds shall also be subject to such other tests and procedures to determine whether the birds are free from communicable diseases of poultry other than END when the port veterinarian determine that the bird in question has shown physical symptoms of being affected with or exposed to communicable diseases of poultry. A lot of smuggled birds placed into the quarantine facility shall be handled on an ''all-in, all-out'' basis: *Provided,* That birds of endangered and threatened species, as determined by the Department of the Interior (16 U.S.C. 1533, as amended) shall be separated for quarantine and testing as separate lots. If END or any other communicable disease of poultry is diagnosed in any smuggled bird at any point or if it is determined that any smuggled bird has been exposed to END or any other such communicable disease, such birds shall not be released from quarantine and shall be disposed of in accordance with procedures established by the Administrator to prevent the entry of communicable diseases of livestock or poultry into the United States. However, if endangered or threatened species are determined to be exposed such birds shall be held in permanent quarantine in accordance with such conditions as the Deputy Administrator may prescribe to protect poultry of the United States. At the time any smuggled bird enters the quarantine facility, it shall be identified in a manner approved by the Administrator.

(4) If the laboratory tests for END are negative and as determined by the port veterinarian the birds are free of clinical evidence of diseases of poultry at the end of the quarantine period, the port veterinarian shall issue an agricultural release for entry of the birds through the United States Customs Service at the termination of the quarantine period. Providing that the sale of the smuggled birds is not contrary to any Federal law or regulation, expenses incurred by the Department for the handling of the smuggled birds under this paragraph shall be reimbursed from funds derived from the sale

[6] Birds that would require handfeeding will be refused entry.

[7] Such tests are conducted according to the Protocol for END which is available upon request from the Administrator.

or disposition of the smuggled birds after their release from quarantine. Any smuggled bird which by law may not be sold, or so disposed, shall be quarantined in accordance with such procedures as the Deputy Administrator may establish to prevent the introduction of communicable diseases of livestock or poultry into the United States, in accordance with the law.

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§ 93.102 Ports designated for the importation of birds.

(a) *Special ports for pet birds.* The following ports are designated as ports of entry for pet birds imported under the provisions of § 93.101(c) and performing or theatrical birds imported under the provisions of § 93.101(f): Los Angeles and San Ysidro, CA; Miami, FL; Honolulu, HI; New York, NY; Baudette, MN; and Hidalgo, TX.

(b) *Designation of other ports.* The Secretary of the Treasury has approved the designation as quarantine stations of the ports specified in this section. In special cases other ports may be designated as quarantine stations under this section by the Administrator, with the concurrence of the Secretary of the Treasury.

(c) Notwithstanding any other provisions of this section, all commercial birds, zoological birds, or research birds shall be imported only at a port of entry specified in § 93.105.

(d) *Limited ports.* The following ports are designated as ports of entry for pet birds imported under the provisions of § 93.101(c)(1) or (2) and performing or theatrical birds imported under the provisions of § 93.101(f): Anchorage and Fairbanks, AK; San Diego, CA; Jacksonville, Port Canaveral, St. Petersburg-Clearwater, and Tampa, FL; Atlanta, GA; Chicago, IL; New Orleans, LA; Boston, MA; Baltimore, MD; Portland, ME; Minneapolis, MN; Great Falls, MT; Covington, KY (Greater Cincinnati International Airport); Portland, OR; San Juan, PR; Galveston and Houston, TX; and Seattle, Spokane, and Tacoma, WA.

[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 36026, July 15, 1994; 60 FR 16045, Mar. 29, 1995; 60 FR 25120, May 11, 1995; 61 FR 68125, Dec. 27, 1996. Redesignated and amended at 62 FR 56012, 56014, Oct. 28, 1997]

§ 93.103 Import permits for birds; and reservation fees for space at quarantine facilities maintained by APHIS.

(a) *Application for permit; reservation required.* Before any permit application is submitted, all construction at the quarantine facility must be completed.

(1) For pet birds, commercial birds, research birds, zoological birds, and performing or theatrical birds, intended for importation into the United States, except as otherwise provided in §§ 93.101(b) and (c), 93.103(c), and 93.107(b), the importer shall first apply for and obtain an import permit. The importer (permit applicant) shall submit a completed VS form 17–128 for ratites or hatching eggs of ratites; or, for other birds, a completed VS form 17–20; or shall submit a document that states that it is an application for a permit to import ratites, hatching eggs of ratites, or birds other than ratites or hatching eggs of ratites. The application[8] must include the following information:

(i) The name, address, and telephone number of the importer;

(ii) The status of the importer, such as individual, partnership, or corporation (if incorporated, include State where incorporated and date of incorporation);

(iii) Name and address of the quarantine facility;

(iv) Date of intended quarantine;

(v) The purpose of the importation;

[8] VS import permit application forms are available from local offices of Veterinary Services, which are listed in telephone directories, or from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231. For other permit requirements for birds, the regulations issued by the U.S. Department of the Interior (title 50, Code of Federal Regulations, parts 14 and 17) should be consulted.

(vi) The region of origin;

(vii) The name and address of the exporter;

(viii) The port of embarkation in the foreign region;

(ix) The mode of transportation, route of travel, and port of entry in the United States;

(x) The name and location of the quarantine facility in the United States to which delivery will be made from the port of entry, in accordance with § 93.106(c)(5);

(xi) A drawing of the floor plan for the facility showing the location of the bird holding area; equipment storage areas; office areas; clothes storage and change areas; feed storage areas; necropsy areas (showing entry and refrigeration); washing areas for equipment; shower areas; ventilation arrangements; and entries and exits; and, for a facility for hatching eggs of ratites in which the hatching eggs of one lot may be quarantined at the same time as the hatched chicks from a previously quarantined lot, the incubation/hatcher and bird (chick) holding areas; and

(xii) Date and certification, by signature of the importer (permit applicant), after the following language:

I certify that the information provided herein is true and correct to the best of my knowledge and belief, and agree to comply with the applicable regulations in title 9, Code of Federal Regulations, §§ 93.100 through 93.107;

(xiii) In addition, the application for a permit to import ratites or hatching eggs of ratites, except for ratites and hatching eggs of ratites imported from Canada in accordance with § 93.107, shall specify the number of ratites or hatching eggs intended for importation, the size of the flock of origin, and the location of the premises where the flock of origin is kept; and shall state that, from the date of application through the date of export, APHIS representatives shall be granted access to the premises where the flock of origin is kept. (For ratites intended for importation as zoological birds, the flock of origin shall be the ratites intended for importation.)

(2)(i) An import permit will be issued only after an APHIS representative has inspected the quarantine facility identified on the permit application, and has determined that it meets the standards set forth in § 93.106(c) of this part.

(ii) An application for a permit to import pet birds, commercial birds, research birds, zoological birds, and performing or theatrical birds, may be denied or withdrawn because of: Communicable disease conditions in the area or region of origin, or in a region where the shipment has been or will be held or through which the shipment has been or will be transported; deficiencies in the regulatory programs for the control or eradication of animal diseases and the unavailability of veterinary services in the above mentioned countries; the importer's failure to provide satisfactory evidence concerning the origin, history, and health status of the animals; the lack of satisfactory information necessary to determine that the importation will not be likely to transmit any communicable disease to livestock or poultry of the United States; the lack of APHIS personnel; any outstanding debts to APHIS the permit applicant has not paid when due; or any other circumstances which the Administrator believes require such denial or withdrawal to prevent the dissemination of any communicable disease of livestock or poultry into the United States, such as if:

(A) Any requirement of this subpart is not complied with;

(B) The importer (permit applicant) or any person responsibly connected with the importer's business, any person responsibly connected with the privately owned bird quarantine facility through which the importation is intended, or, in the case of the importation of ratites or ratite hatching eggs, the operator of the flock of origin or a person responsibly connected with the owner of the flock of origin, has been convicted of any crime under any law regarding the import or export of goods, regarding the quarantine of any animal or bird, or the illegal movement of goods within a region, or involving fraud, bribery, extortion, or of any other crime involving lack of the integrity needed for the conduct of operations affecting the importation of birds;

(C) The importer (permit applicant) or any person responsibly connected with the importer's business, any person responsibly connected with the privately owned bird quarantine facility intended for use for the importation, or, in the case of the importation of ratites or ratite hatching eggs, the operator of the flock of origin or a person responsibly connected with the owner of the flock of origin, threatens to forcibly assault or forcibly assaults, intimidates, or interferes with any APHIS representative or employee in or on account of the performance of his or her official duties, unless, promptly upon the incident being brought to the importer's attention by the authorized supervisor of the APHIS representative or employee, and to the satisfaction of that supervisor, the importer justifies the incident, takes effective steps to prevent a recurrence, or provides acceptable assurance that there will not be any recurrences; or

(D) For any violation of the regulations in this subpart.

(iii) In addition, a permit to import ratites or hatching eggs of ratites, except for ratites or hatching eggs of ratites imported from Canada in accordance with § 93.107, will be denied or withdrawn unless APHIS representatives are granted access to the premises where the flock of origin is kept (or, in the case of zoological birds, to the premises where the birds are kept), from the date of the application for the permit through the date of export.

(iv) Except for ratites intended for importation as zoological birds and ratites and hatching eggs of ratites imported from Canada in accordance with § 93.107, a permit to import ratites or hatching eggs of ratites will be denied or withdrawn unless an APHIS representative has visited the premises where the flock of origin is kept within the 12-month period before the intended importation and has determined that the flock is pen-raised and contains sufficient breeding pairs to produce the number of ratites or hatching eggs intended for importation.

(v) A permit to import ratites or hatching eggs of ratites will be denied or withdrawn if an inspection of the premises of the flock or origin, carried out by the national government of the region of export under § 93.101(b)(3), indicates that the ratites and hatching eggs are not identified and marked as required under § 93.101(b)(3).

(vi) For the purposes of this section, a person shall be deemed to be responsibly connected with an importer's business, a privately owned bird quarantine facility, or an owner of a flock of origin, if such person has an ownership, mortgage, or lease interest in the physical plant of the importer's business, the privately owned bird quarantine facility, or the farm of the flock of origin, or if such person is a partner, officer, director, holder or owner of 10 per centum or more of the voting stock of the importer's business, the privately owned bird quarantine facility, or the farm of the flock of origin, or is an employee of the importer's business, the privately owned bird quarantine facility, or the owner of the flock of origin.

(vii) A permit may be denied or withdrawn at any time by the Administrator, for any of the reasons provided in paragraphs (a)(2)(ii), (iii), (iv), or (v) of this section. Before such action is taken, the importer will be informed of the reasons for the proposed action and, upon request in case of a dispute of material facts, shall be afforded an opportunity for a hearing with respect to the merits or validity of such action, in accordance with rules of practice which shall be adopted for the proceeding. However, withdrawal of a permit shall become effective pending final determination in the proceeding, when the Administrator determines that such action is necessary to protect the public health, interest, or safety. Such withdrawal shall be effective upon oral or written notification, whichever is earlier, to the importer. In the event of oral notification, written confirmation shall be given to the importer as promptly as circumstances permit. This withdrawal shall continue in effect pending the completion of the proceeding and any judicial review thereof, unless otherwise ordered by the Administrator.

(viii) If APHIS receives more than one application for a permit to import birds through a specified port of entry at approximately the same time, such that APHIS personnel could provide

services to only one importer (permit applicant) who requests them, APHIS will issue the permit to the first importer who meets the requirements of this subpart to deposit, with the Administrator, the completed cooperative and trust fund agreement, accompanied by the required deposit.

(3)(i) The importer or importer's agent shall pay or ensure payment of a reservation fee for each lot of birds to be quarantined in a facility maintained by USDA. For birds the reservation fee shall be 100 percent of the cost of providing care, feed, and handling during quarantine, as estimated by the quarantine facility's veterinarian in charge.

(ii) At the time the importer or the importer's agent requests a reservation of quarantine space, the importer or importer's agent shall pay the reservation fee by check or U.S. money order or ensure payment of the reservation fee by an irrevocable letter of credit from a commercial bank (the effective date on such letter of credit shall run to 30 days after the date the birds are scheduled to be released from quarantine); except that anyone who issues a check to the Department for a reservation fee which is returned because of insufficient funds shall be denied any further request for reservation of a quarantine space until the outstanding amount is paid.

(iii) Any reservation fee paid by check or U.S. money order shall be applied against the expenses incurred for services received by the importer or importer's agent in connection with the quarantine for which the reservation was made. Any part of the reservation fee which remains unused after being applied against the expenses incurred for services received by the importer or the importer's agent in connection with the quarantine for which the reservation was made, shall be returned to the individual who paid the reservation fee. If the reservation fee is ensured by a letter of credit, the Department will draw against the letter of credit unless payment for services received by the importer or importer's agent in connection with the quarantine is otherwise made at least 3 days prior to the expiration date of the letter of credit.

(iv) Any reservation fee shall be forfeited if the importer or the importer's agent fails to present for entry, within 24 hours following the designated time of arrival, the lot of birds for which the reservation was made: *Except* that a reservation fee shall not be forfeited if:

(A) Written notice of cancellation from the importer or the importer's agent is received by the office of the veterinarian in charge of the quarantine facility[9] during regular business hours (8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays) no later than 15 days for birds prior to the beginning of the time of importation as specified in the import permit or as arranged with the veterinarian in charge of the quarantine facility if no import permit is required (the 15 day period shall not include Saturdays, Sundays, or holidays), or

(B) The Administrator determines that services, other than provided by carriers, necessary for the importation of the poultry or birds within the requested period are unavailable because of unforeseen circumstances as determined by the Administrator, (such as the closing of an airport due to inclement weather or the unavailability of the reserved space due to the extension of another quarantine.)

(v) If the reservation fee was ensured by a letter of credit and the fee is to be forfeited under paragraph (a)(3)(iv) of this section, the Department will draw against the letter of credit unless the reservation fee is otherwise paid at least 3 days prior to the expiration date of the letter of credit.

(vi) When a reservation is cancelled in accordance with paragraph (a)(3)(iv)(A) of this section and the provisions of paragraph (a)(3)(iv)(B) of this section do not apply, a $40.00 cancellation fee shall be charged. If a reservation fee was paid, the cancellation fee shall be deducted from any reservation fee returned to the importer or the importer's agent. If the reservation fee was ensured by a letter of credit, the

[9] The addresses of USDA quarantine facilities may be found in telephone directories listing the facilities or by contacting the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

Department will draw the amount of the cancellation fee against the letter of credit unless the cancellation fee is otherwise paid at least 3 days prior to the expiration date of the letter of credit.

(4) Permit applications for ratites.

(i) If quarantine space for ratites is desired at either the New York Animal Import Center or the Miami Animal Import Center, permit applications must be submitted to the New York Animal Import Center, USDA, APHIS, Veterinary Services, 200 Drury Lane, Rock Tavern, NY, 12575, or to the port veterinarian in charge of the New York Animal Import Center.

(ii) If quarantine space for ratites other than ostriches is desired at the Hawaii Animal Import Center, permit applications must be submitted to the Hawaii Animal Import Center, USDA, APHIS, Veterinary Services, P.O. Box 50001, Honolulu, HI, 96850, or to the port veterinarian in charge of the Hawaii Animal Import Center.

(iii) Quarantine space for ratites will be offered in the order that permit applications are or have been received, beginning with those permit applications received on August 12, 1991. Reservations for quarantine space at the Miami Animal Import Center will be limited to a maximum of 100 ratites per permit application. There will be a single waiting list for quarantine space at the Miami Animal Import Center and the New York Animal Import Center. Importers who prefer one of these two facilities over the other may remain on the waiting list until space opens up at the facility of their choice. A separate waiting list will be maintained for space at the Hawaii Animal Import Center. Ostriches may not be quarantined at the Hawaii Animal Import Center.

(b) *Permit.* Except as provided in paragraph (c) of this section, when a permit is issued, the original and two copies will be sent to the importer. It shall be the responsibility of the importer to forward the original permit and one copy to the shipper in the region of origin, and it shall also be the responsibility of the importer to insure that the shipper presents the copy of the permit to the carrier and makes proper arrangements for the original permit to accompany the shipment to the specified U.S. port of entry for presentation to the collector of customs. The time prescribed in permits from the importation of pet birds, commercial birds, zoological birds, or research birds, shall not exceed 30 days, and for performing or theatrical birds shall not exceed 90 days. Birds for which a permit is required by these regulations will not be eligible for entry if a permit has not been issued; if unaccompanied by such a permit; if shipment is from any port other than the one designated in the permit; if arrival in the United States is at any port other than the one designated in the permit; if the birds offered for entry differ from those described in the permit.

(c) Notwithstanding any other provisions in this part, importers are not required to obtain an import permit and provide the shipper with an original import permit for each individual shipment of birds other than ratites transiting the port of Anchorage, Alaska, if the following conditions are met:

(1) The importer applies for and obtains an import permit for multiple shipments of birds transiting the port of Anchorage, Alaska, in accordance with the provisions of this section and related requirements concerning application for the permit. However, the following information is not required on the application:

(i) The species, breed, and number of birds to be imported;

(ii) The region of origin;

(iii) The name and address of the exporter;

(iv) The port of embarkation in the foreign region;

(v) The mode of transportation and the route of travel;

(vi) The proposed date of arrival of the birds; and

(vii) The name and address of the person to whom the birds or poultry will be delivered.

(2) The importer completes a copy of the import permit obtained under paragraph (c)(1) of this section for each separate shipment of birds intended to transit the port of Anchorage, Alaska, by inserting the following information on a copy of the permit:

(i) The species, breed, and number of birds to be imported;

(ii) The region of origin;

(iii) The name and address of the exporter;

(iv) The port of embarkation in the foreign region;

(v) The mode of transportation and the route of travel;

(vi) The proposed date of arrival of the birds; and

(vii) The name and address of the person to whom the birds will be delivered.

(3) The importer, not less than 2 weeks prior to the anticipated date of arrival of each separate intransit shipment of birds at the port of Anchorage, Alaska, provides the port veterinarian with a copy of the completed import permit;

(4) A copy of the completed import permit accompanies each separate intransit shipment of birds or poultry to the port of Anchorage, Alaska;

(5) Import permits issued for multiple shipments of birds transiting the port of Anchorage, Alaska, will be valid only during the calendar year in which they are issued.

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§93.104 Certificate for pet birds, commercial birds, zoological birds, and research birds.

(a) *General.* All pet birds, except as provided for in §93.101 (b) and (c) of this part; all research birds; and all commercial birds and zoological birds, including ratites and hatching eggs of ratites, offered for importation from any part of the world, shall be accompanied by a certificate issued by a full-time salaried veterinary officer of the national government of the exporting region, or issued by a veterinarian authorized or accredited by the national government of the exporting region and endorsed by a full-time salaried veterinary officer of the national government of that region.

(b) *Birds other than ratites.* The certificate for birds other than ratites must state:

(1) That all birds covered by the certificate have been inspected by the veterinarian issuing the certificate;

(2) That no evidence of Newcastle disease, chlamydiosis, or other communicable disease of poultry was found among the birds;

(3) That insofar as has been possible to determine, the birds were not exposed to Newcastle disease, chlamydiosis, or other communicable disease of poultry during the 90 days immediately preceding their exportation;

(4) That the birds have not been vaccinated with Newcastle disease vaccine;

(5) That Newcastle disease did not occur anywhere on the premises from which the birds were to be exported or on adjacent premises during the 90 days immediately preceding the exportation of the birds;

(6) That neither the premises from which the birds were to be exported nor any adjacent premises were located in any area under quarantine for poultry diseases at any time during the 90 days immediately preceding the exportation of the birds; and

(7) That the birds were placed into previously unused containers at the premises from which the birds were to be exported.

(c) *Ratites other than hatching eggs.* The certificate for ratites other than hatching eggs must state:

(1) That, except as provided in paragraph (c)(13) of this section, all ratites covered by the certificate, and their flock of origin, have been inspected by the veterinarian issuing the certificate;

(2) That, except when the certificate is for zoological birds or ratites imported from Canada in accordance with §93.107, the flock of origin is pen-raised and the ratites covered by the certificate were produced and maintained in that flock;

(3) That no evidence of Newcastle disease, chlamydiosis, or other communicable disease of poultry was found in the flock of origin;

(4) That insofar as has been possible to determine, the flock of origin was

not exposed to Newcastle disease, chlamydiosis, or other communicable disease of pountry during the 90 days immediately preceding the exportation;

(5) That none of the ratites intended for shipment to the United States have been vaccinated with Newcastle disease vaccine;

(6) That Newcastle disease did not occur anywhere on the premises where the flock of origin was kept or on adjacent premises during the 90 days immediately preceding the exportation;

(7) That neither the premises where the flock of origin was kept nor any adjacent premises was located in any area under quarantine for poultry diseases at any time during the 90 days immediately preceding the exportation;

(8) That, except as provided in § 93.107 for ratites imported from Canada for immediate slaughter, the ratites were treated at least 3 days but not more than 14 days before being loaded for shipment to the United States with a pesticide of a type and concentration sufficient to kill ectoparasites on the ratites;

(9) That the pesticide was applied to all body surfaces of the ratites under the supervision of the veterinarian issuing the certificate;

(10) That the ratites, after being treated for ectoparasites, did not have physical contact with, or share a pen or bedding materials with, any ratite not in the same shipment to the United States; and

(11) That the ratites were placed in previously unused containers for shipment to the United States at the premises where the flock of origin was kept.

(12) The number of ratites contained in the shipment;

(13) That the number of ratites and hatching eggs of ratites exported from the flock of origin has not exceeded the ceiling required to be established under § 93.101(b)(3)(ix);

(14) That all the ratites and hatching eggs of ratites in the flock from which the ratites come were identified in accordance with § 93.101(b)(3);

(15) Except for ratites imported from Canada in accordance with § 93.107, the number of ratite laying hens in the flock from which the ratites come;

(16) For ratites required to be treated prior to shipment with a pesticide for ectoparasites, the certificate must also state the name, concentration, and date of administration of the pesticide used to treat the ratites;

(17) When ratites intended for importation are zoological birds, only the ratites to be imported must be inspected, and the provisions in paragraphs (c)(3), (c)(4), (c)(5), (c)(6), (c)(7), and (c)(11) that apply to the flock of origin shall apply only to the ratites intended for importation.

(d) *Hatching eggs of ratites.* The certificate for hatching eggs of ratites must state:

(1) That the flock of origin of the hatching eggs has been inspected by the veterinarian issuing the certificate;

(2) That, except when the certificate is for hatching eggs of ratites imported from Canada in accordance with § 93.107, the flock of origin is pen-raised, and the hatching eggs covered by the certificate were produced by that flock;

(3) That no evidence of Newcastle disease, chlamydiosis, or other communicable disease of poultry was found in the flock of origin;

(4) That insofar as has been possible to determine, the flock of origin was not exposed to Newcastle disease, chlamydiosis, or other communicable disease of poultry during the 90 days immediately preceding the exportation of the hatching eggs;

(5) That Newcastle disease did not occur anywhere on the premises where the flock of origin was kept or on adjacent premises during the 90 days immediately preceding the exportation of the hatching eggs;

(6) That neither the premises where the flock of origin was kept nor any adjacent premises were located in any area under quarantine for poultry diseases at any time during the 90 days immediately preceding the exportation of the hatching eggs; and

(7) That the hatching eggs were placed into previously unused containers for shipment to the United States at the premises where the flock of origin was kept.

(8) The number of hatching eggs contained in the shipment;

(9) That the number of ratites and hatching eggs of ratites exported from the flock of origin has not exceeded the ceiling required to be established under §93.101(b)(3)(ix);

(10) That all the ratites and hatching eggs of ratites in the flock from which the hatching eggs come were identified in accordance with §93.101(b)(3);

(11) Except for hatching eggs of ratites imported from Canada in accordance with §93.107, the number of ratite laying hens in the flock from which the hatching eggs come.

(Approved by the Office of Management and Budget under control number 0579–0040)

[56 FR 31866, July 12, 1991; 56 FR 41726, Aug. 22, 1991, as amended at 57 FR 28080, June 24, 1992; 59 FR 10733, March 8, 1994; 59 FR 47235, Sept. 15, 1994; 61 FR 56891, Nov. 5, 1996; 61 FR 68126, Dec. 27, 1996. Redesignated and amended at 62 FR 56012, 56014, Oct. 28, 1997]

§93.105 Inspection at the port of entry.

(a) All commercial birds, zoological birds, and research birds, including hatching eggs of ratites, but excluding other ratites, imported into the United States, must be inspected by the port veterinarian at the Customs port of entry, which may be any international airport, or any land-border port within 20 miles of an international airport, serviced by Customs, as well as, for Canadian-origin hatching eggs of ratites, ports listed in §93.107 (c). However, hatching eggs of ratites may be shipped, in bond, from the port of first arrival to the Customs port of entry at which they will be quarantined, for inspection, at that port.

(b) All pet birds imported from any part of the world, except pet birds from Canada and pet birds meeting the provisions of §93.101(c)(2), shall be subjected to inspection at the Customs port of entry by a veterinary inspector of APHIS and such birds shall be permitted entry only at the ports listed in §93.102(a). Pet birds of Canadian origin and those birds meeting the provisions of §93.101(c)(2) shall be subject to veterinary inspection at any of the ports of entry listed in §93.102 and 93.203.

(c) Ratites, other than hatching eggs of ratites, imported from any part of the world must be inspected at the Customs port of entry by a veterinary inspector of APHIS and, except as provided in §93.107(b) for ratites imported from Canada, shall be permitted entry only at one of the following ports of entry:

(1) Ostriches:

(i) Up to 36 inches in height (as measured from the top of the head to the base of the feet) or 30 pounds in weight: New York, NY; Stewart Airport, Newburgh, NY; and Miami, FL.

(ii) Exceeding 36 inches in height or 30 pounds in weight: New York, NY, and Stewart Airport, Newburgh, NY.

(2) Ratites other than ostriches: New York, NY; Stewart Airport, Newburgh, NY; Miami, FL; and Honolulu, HI.

[55 FR 31495, Aug. 2, 1990, as amended at 56 FR 31867, July 12, 1991; 57 FR 21726, May 22, 1992; 59 FR 36026, July 15, 1994; 59 FR 47069, Sept. 14, 1994; 61 FR 68126, Dec. 27, 1996. Redesignated and amended at 62 FR 56012, 56014, Oct. 28, 1997]

§93.106 Quarantine requirements.

(a) *Birds other than ratites and hatching eggs of ratites.* Each lot of pet birds, except as provided for in §93.101(c) of this part; research birds; and commercial birds and zoological birds, except ratites and hatching eggs of ratites, imported into the United States shall be quarantined for a minimum of 30 days, and for such longer period as may be required by the Administrator, in any specific case, on an ''all-in, all-out'' basis, at a Customs port of entry, at a USDA quarantine facility when arrangements have been made in advance by the importer and approval is granted in the permit described in §93.103, or in facilities that meet the requirements of paragraph (c) of this section. At a USDA quarantine facility each psittacine bird shall be individually identified by the Department within 7 days of the entry of the bird into the bird quarantine facility with a serially numbered legband which has been coded to the quarantine facility or by other suitable means of identification. The identification device must be approved by the Administrator, before it shall be used to identify birds under this section. Such means of identification shall be supplied by the Department at cost to the importer. The Department shall make an identification

record at the time such bird is so identified containing the species of the bird, including the common and scientific name, and the number of the identification device placed on the bird. The daily log and the identification record shall be maintained for 12 months following the date of the release of the bird from quarantine. Prior to use of a privately owned quarantine facility, a Cooperative and Trust Fund Agreement as set forth in paragraph (c)(7) of this section shall be executed by the importer and the Department and appropriate funds shall be deposited with the Administrator pursuant to the Cooperative and Trust Fund Agreement. If the birds are found free of evidence of communicable diseases of poultry during quarantine, then the port veterinarian shall issue an agriculture release for entry through U.S. Customs. If the birds are found during port of entry inspection or during quarantine, to be infected with or exposed to a communicable disease of poultry, such birds shall be refused entry or shall be held for an additional period in quarantine until determined to be free of evidence of any communicable disease, or shall be otherwise disposed of as directed by the Administrator, in accordance with the provisions of section 2 of the Act of July 2, 1962 (21 U.S.C. 134a). See also paragraph (c)(3)(ii)(E) of this section.

(b) *Ratites and hatching eggs of ratites.* (1) Each lot of ratites imported from any part of the world except as provided in § 93.107, shall be quarantined upon arrival for a minimum of 30 days, and for such longer period as may be required by the Administrator to determine the ratites' freedom from ectoparasites and communicable diseases. Quarantine shall be on an ''all-in, all-out'' basis, as described in paragraph (c)(3)(ii)(A) of this section, at the New York Animal Import Center at Newburgh, NY, when the port of entry is either New York, NY, or Stewart Airport, Newburgh, NY; the Hawaii Animal Import Center at Honolulu, HI, when the port of entry is Honolulu, HI; or at the Miami Animal Import Center, Miami, FL, when the port of entry is Miami, FL. Reservations for space in these quarantine facilities must be made in advance of arrival and in accordance with § 93.103 of this part.

(2) Each lot of hatching eggs of ratites imported from any part of the world except as provided in § 93.107, shall be quarantined upon arrival, incubated for the full incubation period (approximately 42 days), and held in quarantine for a minimum of 30 days following the hatch of the last chick in the lot, and for such longer period as may be required by the Administrator to determine the ratites' freedom from communicable diseases. Quarantine shall be conducted at a facility that meets the requirements of paragraph (c) of this section, and in the manner prescribed by paragraph (c) of this section.

(3) During the quarantine period, the ratites, including chicks hatched in quarantine, shall be tested for viral diseases of poultry, including Newcastle disease. If any of the ratites exhibit evidence of other communicable diseases, they will be subjected to such additional tests as may be required by the Administrator to determine their freedom from communicable diseases. Ratites other than those imported as hatching eggs also shall be treated for ectoparasites[10] by an inspector until the inspector determines that the ratites are free of ectoparasites.

(4) If the ratites, including chicks hatched during quarantine, are determined to be free of communicable diseases, the port veterinarian shall issue an agricultural release for entry through U.S. Customs. If the port veterinarian finds evidence of communicable disease, or exposure to communicable disease, during port of entry inspection or quarantine of the ratites, the ratites shall be refused entry, or shall be held in quarantine until they are determined to be free of communicable disease, or shall be otherwise disposed of as directed by the Administrator, in accordance with § 2 of the Act of July 2, 1962 (21 U.S.C. 134a).

[10] APHIS will use an EPA registered dust formulation that contains 5 percent carbaryl as the only active ingredient. The dust formulation will be used in accordance with all applicable directions, restrictions, and precautions on the label. Treated birds may not be slaughtered for food purposes.

(c) *Standards for privately owned bird quarantine facilities and handling procedures for importation of birds.* Before the Administrator will issue an import permit for a lot of birds, the Administrator must determine that the privately owned bird quarantine facility to be used to quarantine birds imported into the United States (the facility) and its maintenance and operation meet the minimum requirements of paragraphs (c)(1) through (c)(5) of this section, that adequate APHIS personnel are available to provide services required by the facility, and that a Cooperative and Trust Fund Agreement between the importer and the Department has been executed, and the required funds have been deposited, in accordance with that agreement. The cost of the facility and all costs associated with its maintenance and operation must be borne by the importer, in accordance with the provisions of paragraph (e) of this section.

(1) *Supervision of the facility.* The facility shall be maintained under the supervision of the port veterinarian at the Customs port of entry.

(2) *Physical plant requirements.* The facility shall comply with the following requirements:

(i) *Location.* Each privately owned bird quarantine facility shall be located:

(A) Within the immediate metropolitan area of the port of entry to prevent the imported birds, while in transit to the quarantine facility, from introducing or disseminating disease to domestic poultry or livestock.

(B) At least one-half mile from any concentration of avian species, such as, but not limited to, poultry processing plants, poultry or bird farms, pigeon lofts, or other bird quarantine facilities. Factors such as prevailing winds, the efficiency of the air filtration system of the quarantine facility, possible exposure to poultry or birds moving in local traffic, etc., shall be taken into consideration.

(ii) *Construction.* Each quarantine facility shall consist of a single, self-contained building, which shall:

(A) Be constructed only with material that can withstand continued cleaning and disinfection. All solid walls, floors, and ceilings must be constructed of impervious material. All openings to the outside must be double-screened, with an interior screen of metal or nylon mesh that is impervious to biting insects such as gnats or mosquitos, and an exterior metal screen that is rodent-proof and is made of wire, such as rabbit wire, hardware cloth, or smooth welded wire, with mesh size no larger than 1 inch x 1.5 inches (2.54 cm x 3.81 cm). The interior and exterior screens must be separated by at least 3 inches (7.62 cm);

(B) Have a bird holding area of sufficient size to prevent overcrowding of the birds in quarantine. (All access into this holding area shall be from within the building and each entryway into such area shall be equipped with self-closing, double doors: *Provided,* That emergency exits to the outside may exist in the bird holding area if required by local fire ordinances. Such emergency exits shall be constructed so as to permit their opening from the inside of the facility only.);

(C) Have a ventilation capacity sufficient to control moisture and odor at levels that are not injurious to the health of the birds in quarantine;

(D) Have a vermin-proof feed storage area;

(E) Have office space for record-keeping;

(F) Have a separate necropsy room which shall have refrigerated storage space for carcasses retained for laboratory examination and facilities adequate for specimen preparation and carcass disposal;

(G) Have a separate area for washing facility equipment;

(H) Have a shower at the entrance into the area comprised of the bird holding and necropsy rooms and a clothes storage and change area at each end of the shower area;

(I) Have a storage area for equipment necessary for quarantine operations;

(J) Have equipment necessary to maintain the facility in clean and sanitary condition, including insect and pest control equipment;

(K) Have a receptacle for soiled and contaminated clothing in the clothes change area located nearest the entrance to the bird holding area;

(L) All construction must be completed before any permit application is submitted in accordance with § 93.103.

(M) An APHIS representative shall inspect the facility to determine whether the facility complies with the standards set forth in this section before any permit is issued in accordance with § 93.103. Inspections shall take place at least once each year.

(N) In addition, a facility for hatching eggs of ratites, in which the hatching eggs of one lot may be quarantined at the same time as the hatched chicks from the previously quarantined lot, shall:

(*1*) Have a wall or a wall with a lockable door separating the incubator/hatcher area from the bird (chick) holding area, and this wall or wall-with-door shall provide an airtight seal between the two areas, shall be impervious to water, and shall be able to withstand continued cleaning and disinfection;

(*2*) Have a necropsy or sample collection area in both the incubator/hatcher area and the bird (chick) holding area; and

(*3*) Have separate entrances, showers, toilets, and dressing room facilities for the exclusive use of personnel working in the incubator/hatcher area and the bird (chick) holding area.

(O) The bird (chick) holding area in any facility for hatching eggs of ratites shall be of a size large enough to accommodate 75 percent of the incubator capacity, with a minimum of 10 square feet per egg.

(P) If a facility for hatching eggs of ratites has a sun room, the sun room shall be connected to the chick holding area by a wall with a lockable door. This wall; the other walls, if any; and the flooring, must be impervious to water and able to withstand continued cleaning and disinfection. All walls of the sun room must be at least 8 feet high.

(*1*) Any of the exterior walls may be replaced by a double-screened wall set in a concrete or concrete-block curb. The double screening shall be of wire mesh or wire mesh and nylon mesh, as provided in paragraph (c)(2)(ii)(A) of this section, with the interior and exterior screens of the sun room wall separated by at least 3 inches (7.62 cm); the concrete or concrete block curb must be at least 12 inches high, impermeable to water, and able to prevent the escape of water, manure, and debris.

(*2*) The sun room shall have a roof, such as a double-mesh-screened roof or a glass roof, that is both impervious to free-flying birds and biting insects (such as gnats or mosquitoes) and capable of preventing contact between chicks and free-flying birds.

(*3*) Be attended by personnel working in the bird (chick) holding area whenever chicks are in the sun room.

(iii) *Sanitation and security*. Arrangements shall exist for:

(A) A supply of water adequate to meet all watering and cleaning needs.

(B) Disposal of wastes by incineration or a public sewer system which meets all applicable environmental quality control standards;

(C) Control of surface drainage onto or from the facility to prevent any disease agent from entering or escaping;

(D) Protective clothing and footwear adequate to insure that workers at the facility have clean clothing and footwear at the start of each workday and at any time such articles become soiled or contaminated;

(E) Power cleaning and disinfecting equipment with adequate capacity to disinfect the facility and equipment;

(F) Sufficient stocks of a disinfectant authorized in § 71.10(a)(5) of this chapter;

(G) A security system which prevents contact of birds in quarantine with persons not authorized entry to the facility and with other birds and animals. Such a system shall include a daily log to record the entry and exit of all persons entering the facility and controls at all doorways and other openings to the facility to prevent escape or accidental entry of birds.

(3) *Operational procedures.* The following procedures shall be observed at the facility at all times.

(i) *Personnel.* Access to the facility shall be granted only to persons working at the facility or to persons specifically granted such access by the port veterinarian.

(A) All personnel granted access to the bird holding area or the incubator/hatcher area shall:

(*1*) Wear clean protective clothing and footwear upon entering the bird holding area or the incubator/hatcher area;

(*2*) Change protective clothing and footwear when they become soiled or contaminated;

(*3*) Shower when entering and leaving any bird holding area, any incubator/hatcher area, and any necropsy area. Showering when moving between the incubator/hatcher area and the bird holding area is not required when the eggs in the hatching area and the chicks in the holding area are part of the same lot;

(*4*) Work exclusively with one lot of birds until the lot's release from quarantine, and have no contact with other birds or poultry until the release date.

(B) The importer shall handle soiled clothing worn within the quarantine unit in a manner approved by the port veterinarian as adequate to preclude transmission of a poultry disease agent from the facility.

(ii) *Handling of the birds in quarantine.* The birds shall be kept in the quarantine facility for a minimum of 30 days and while in quarantine shall be handled in compliance with the following requirements:

(A) Each lot of birds to be quarantined shall be placed in the facility on an ''all-in, all-out'' basis. No birds shall be taken out of the lot while it is in quarantine except for diagnostic purposes and if additional birds are added to a lot, the total quarantine period for that lot shall be extended so that all birds will have completed at least 30 consecutive days of quarantine before release for entry into the commerce of the United States. The quarantine period may be extended as provided in paragraph (a) of this section.

(*1*) Hatching eggs of ratites comprising a single lot may be added to the facility in stages, provided the entire lot has been placed in the facility no later than 15 days after the arrival of the first shipment.

(*2*) If hatching eggs of ratites begin to hatch in the incubator/hatcher area while ratite chicks from the previously quarantined lot remain in the bird (chick) holding area, then the separate lots assume the status of a single lot, and will be released from quarantine in accordance with paragraph (c)(3)(ii)(A) of this section.

(B) The birds may be vaccinated during quarantine only with a vaccine that has been approved by the Administrator, and is administered by a licensed veterinarian under the direct supervision of a veterinarian employed by the Animal and Plant Health Inspection Service. The Administrator will approve a vaccine if:

(*1*) The vaccine is licensed by the Animal and Plant Health Inspection Service in accordance with § 102.5 of this chapter; and

(*2*) The vaccine is not one that is used to prevent Newcastle disease, avian influenza, or any other hemagglutinating virus of poultry.[11]

(C) Birds of the psittacine family shall receive a balanced, medicated feed ration treatment containing not less than 1% CTC with not more than 0.7% calcium for the entire quarantine period as a precautionary measure against chlamydiosis (psittacosis).

(D) The importer shall immediately collect all birds which die in quarantine and hold them under refrigeration, within the facility, shall account for all birds in the shipment, and shall not dispose of any carcass or parts thereof unless authorized to do so by a Veterinary Medical Officer of APHIS of the Department. Birds that die enroute to the United States or while in quarantine shall be made available at the port of entry for necropsy by a Department poultry disease diagnostician who may submit specimens from such birds for laboratory examination.

(E) During the period of quarantine, the birds shall be subjected to such tests and procedures as are required in specific cases by the port veterinarian, to determine whether the birds are free from communicable diseases of poultry and it shall be the responsibility of the importer to identify individually each psittacine bird within 7 days of the entry of the bird into the quarantine facility with a serially numbered legband which has been coded to the quarantine facility or by other suitable

[11] A list of approved vaccines is available from the the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

means of identification. Any identification device must be approved by the Administrator, upon written request to him, before it shall be used to identify birds under this section. Such means of identification shall be supplied by the importer, and the importer shall insure that each bird is so identified at the time the bird is released from the facility. If frank or clinical Newcastle disease occurs among any birds in quarantine, all birds in the facility shall be destroyed or refused entry and the entire facility shall be thoroughly cleaned and then disinfected as directed under the supervision of an inspector.

(F) The quarantine facility from which a lot of birds has been released shall be thoroughly cleaned and disinfected with a disinfectant authorized in § 71.10(a)(5) of this chapter, under supervision of an inspector before a new lot is placed in the facility.

(iii) *Records.* It shall be the responsibility of the importer to maintain a current daily log for each lot of birds, recording such information as the general condition of the birds each day, source of origin of the birds in the lot, total number of birds in the lot when imported, number of dead birds when lot arrived, date lot was placed into the facility, number of deaths each day in the lot during the quarantine period, necropsy results, and laboratory findings on birds that died during the quarantine date of prescribed tests and results, Department import permit numbers of each lot, date lot was removed from the facility, and any other observations pertinent to the general health of the birds in the lot. The importer shall also make an identification record, at the time each psittacine bird is identified, containing the species of the bird, including the common and scientific name and the number of the identification device placed on each psittacine bird. The daily log and the identification record shall be maintained for 12 months following the date of release of the bird from quarantine and shall be made available to APHIS personnel upon request.

(4) Additional requirements as to location, security, physical plant and facilities, sanitation, and other items may be imposed by the Administrator, in each specific case in order to assure that the quarantine of the birds in such facility will be adequate to enable determination of their health status, prevent spread of disease among birds in quarantine, and prevent escape of poultry disease agents from the facility.

(5) Cooperative and Trust Fund Agreement for services required by importer at a privately owned bird quarantine facility.

(i) When the Administrator determines that a privately owned bird quarantine facility meets the requirements set forth in paragraph (c) of this section, the Department and the importer shall execute a Cooperative and Trust Fund Agreement, as specified in paragraph (c)(5)(iii) of this section. In conjunction with the Cooperative and Trust Fund Agreement, the importer shall deposit with the Administrator a money order or cashier's check in an amount determined by the Administrator to cover all costs incurred by the Department in providing services in accordance with the provisions of the Cooperative and Trust Fund Agreement. Any unobligated funds will, upon request, be returned to the importer, after the birds' release from quarantine.

(ii) The Administrator may provide services required by the importer at a privately owned quarantine facility for the importation of birds on a first come, first served basis, if adequate APHIS personnel are available to provide those services, upon determining that the importer has executed a Cooperative and Trust Fund Agreement, and has deposited funds in an amount determined by the Administrator to be sufficient to cover all costs incurred by the Department in providing services in accordance with that agreement, as specified in paragraph (c)(5)(iii) of this section.

(iii) Cooperative and Trust Fund Agreement.

COOPERATIVE AND TRUST FUND AGREEMENT BETWEEN _____ (NAME OF IMPORTER) AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE.

This agreement is made and entered into by and between ——- (name of importer), hereinafter referred to as the Importer, and the U.S. Department of Agriculture, Animal

and Plant Health Inspection Service, hereinafter referred to as the Service, with respect to _____ (quarantine facility and address of facility). Whereas, the Service is authorized pursuant to section 2 of the Act of February 2, 1903, as amended, section 11 of the Act of May 29, 1884, as amended, and section 4 of the Act of July 2, 1962 (21 U.S.C. 111, 114a, and 134c, respectively), to regulate the introduction of animals into the United States in order to prevent the introduction of animal and poultry diseases into the United States; and

Whereas, the Importer is interested in the importation of certain birds from regions presently under restrictions for such importation; and

Whereas, the Importer is equipped with a bird quarantine facility that meets the requirements of paragraph (c) of this section; and

Whereas, the Importer has requested the Service to conduct inspections, perform laboratory procedures, complete examinations, and supervise the isolation, quarantine, and care and handling of birds to insure that they meet the Department's quarantine requirements before release into the United States; and

Whereas, it is the intention of the parties hereto that such cooperation shall be for their mutual benefit and the benefit of the people of the United States;

Now therefore, for and in consideration of the promises and mutual covenants herein contained, the parties hereto do hereby mutually agree with each other as follows:

(A) The Importer Agrees:

(1) To operate the quarantine facility in accordance with all Federal Laws and regulations.

(2) To provide a current list of designated personnel employed by the Importer who will be used to handle and care for birds during the quarantine period. The list will include the legal names, current residential addresses, and social security numbers of the designated personnel. The list will be furnished to the port veterinarian at the time an application for an import permit to import birds into the quarantine facility is submitted to the Service. The list will be updated for any changes in or additions to the designated personnel in advance of such personnel working in the quarantine facility.

(3) To furnish to the Service a signed statement from each of the designated personnel employed by the Importer which provides that such personnel agree that for a period of 3 days from their most recent contact with birds in the quarantine facility, such personnel will refrain from having contact with other birds and poultry. This restriction ceases to apply on the date the birds are released from quarantine.

(4) To not permit any designated personnel which the Service determines to be unfit to be employed at a quarantine facility upon written notice from the Service. Such determination shall be based upon such employee's committing or aiding and abetting in the commission of any violation of title 9, Code of Federal Regulations, part 93. The Importer further agrees to suspend any designated employee from working at a quarantine facility when the Service has reason to believe that such employee has violated any provision of title 9, Code of Federal Regulations, part 93, and the Administrator has determined that the actions of such employee constitute a severe threat to introduce or disseminate a communicable disease of poultry into the United States. Such action shall be made upon receipt of notice from the Service requiring such action by the Importer.

(5) To allow the unannounced entry into the quarantine facility of Service personnel or other persons authorized by the Service for the purpose of inspecting birds in quarantine, the operations at the quarantine facility and to ascertain compliance with the Standards for quarantine facilities and handling procedures for importation of birds contained in title 9, Code of Federal Regulations, § 93.106(c).

(6) To provide permanent restrooms in both the clean and the quarantine areas of the quarantine facility.

(7) To provide a T.V. monitoring system or a window or windows sufficient to provide a full view of the quarantine area excluding the clothes changing area.

(8) To install a communication system between the clean and quarantine areas of the quarantine facility. Such communication system shall not interfere with the maintenance of the biological security of the quarantine area.

(9) To secure all windows and any openings in the quarantine facility in a manner satisfactory to the Department which will insure the biological security of the quarantine facility and prevent the unauthorized removal of birds.

(10) To install tamperproof hasps and to install hinges on doors from which the pins cannot be removed.

(11) To install a hood with a viewing window over the necropsy table.

(12) To bag waste material in leakproof bags. Such material shall be handled in a manner that spoilage is kept to a minimum and control of pests is maintained. Such material shall be disposed of by incineration or by public sewer or other method authorized by the Administrator to prevent the spread of disease. The disposition of such material shall only be under the direction and supervision of the Service.

(13) To feed chlortetracycline to psittacine birds, upon their arrival in the facility as prescribed in § 93.106(c)(3)(ii)(C).

(14) To install an electronic security system which is coordinated through or with the local police so that monitoring of the quarantine facility is maintained whenever Service personnel are not at the facility or, in lieu of such electronic monitoring system to arrange for continuous guarding of the facility with personnel from a bonded, security company. *Provided,* That, if exotic Newcastle disease is diagnosed in any of the birds in the quarantine facility, continuous guarding of the facility with personnel from a bonded security company shall be maintained by the Importer. The electronic security system if installed shall be of the ''silent type'' and shall be triggered to ring at the monitoring site and not at the facility. The electronic system shall be approved by Underwriter's Laboratories.

Written instructions shall be provided to the monitoring agency which shall require that upon activation of the alarm, the police and a representative of the Service designated by the Service shall be notified by the monitoring agency. Such instructions, as well as any changes in such instructions, shall be filed in writing with the Administrator. The Importer shall notify the Service whenever a break in security occurs or is suspected of occurring.

(15) To not have non-Service personnel in the quarantine area when birds are in the quarantine facility unless Service personnel are present.

(16) To have seals of the Service placed on all entrances and exits of the facility when determined necessary by the Service and to take all necessary steps to ensure that such seals are only broken in the presence of Service personnel.

(17) To decide what the disposition of a lot of birds will be within 48 hours following official notification that such a lot is infected with or exposed to exotic Newcastle disease. Final disposition of the infected or exposed lot is to be accomplished within 4 working days following official notification. Disposition of the birds will be under the supervision of the Service.

(18) To furnish a telephone number or numbers to the Service at which the Importer can be reached on a daily basis or furnish the same for an agent or representative that can act and make decisions on the Importer's behalf.

(19) To deposit with the Service, upon execution of this agreement, a money order or cashier's check, in an amount determined by the Administrator to be sufficient to defray all costs incurred by the Service in providing services required. If such costs exceed the deposited amount, the importer will pay for additional costs incurred, based on official accounting records, within 14 days of receipt of the bill showing the balance due.

(20) To provide for the maintenance and operation of the quarantine facility in accordance with standards for quarantine facilities and handling procedures for importation of birds contained in title 9, Code of Federal Regulations, §93.106(c).

(B) The Service agrees:

(1) To furnish the services of technical and/or professional personnel needed to conduct inspections, perform laboratory procedures, complete examinations, and supervise the isolation, quarantine, and care and handling of birds being imported to ensure that they meet the Department's quarantine requirements before release into the United States.

(2) To issue permits 3 working days following receipt of the permit application, depending upon the availability of personnel to provide the services required for quarantine and the results of an APHIS representative's inspection of the quarantine facility.

(3) To provide the Importer within 30 days following receipt of a written request from the Importer, with an accounting of funds expended in providing services under paragraph (B)(1) of this agreement. Any unobligated balance upon termination or expiration of this agreement shall be returned to the Importer.

(4) To inform the Importer when a diagnosis of END has been made in any facility.

(5) To promptly inform the Embassy or Consulate of the foreign region to which lots of birds, refused entry into the United States due to a diagnosis of END, are to be shipped.

(6) To notify in writing the Importer of any designated employee which the Service believes should be suspended from work at the quarantine facility and the basis for such action. Similar notice shall be afforded to the designated employee. Subsequent to such suspension, the designated employee shall have the right to request an immediate review of such action by the Administrator, including presenting his or her views to the Administrator in an informal conference. If the Administrator makes a final determination that grounds existed to suspend such employee, he or she shall notify the Importer and the suspended employee of his or her decision and such employee shall be discharged by the Importer.

(7) Prior to any final determination being made by the Service concerning the discharge of any designated personnel employed by the Importer, the Service will inform, in writing, the Importer and the designated personnel of the basis for such action. If such person contests such action he or she shall be permitted to present his or her views to the Administrator, provided such request is made within 30 days of the receipt of the aforementioned written notice. If a final determination is made by the Administrator that such personnel should be discharged, he or she shall notify such personnel and the Importer of such determination.

(C) It is mutually understood and agreed:

(1) That a maximum capacity will be established for each quarantine lot. This will be based upon the capacity of the quarantine facility to handle the birds. The number of birds on the permits will not exceed this capacity.

(2) If the seals referred to in paragraph (c)(5)(iii)(A)(*16*) of this section are broken by other than Service personnel, it will be considered a breach in security and an immediate accounting of all birds in the facility shall be made by the Service. If any birds are determined to be missing from the facility, the quarantine period will be extended for an additional 30-day period.

(3) During the performance of this cooperative work, the Importer agrees to be bound by the equal opportunity and nondiscrimination provisions as set forth in exhibit B and nonsegregation of facilities provisions as set forth in exhibit C,[12] which are attached hereto and made a part thereof.

(4) No member of or delegate to Congress or resident commissioner, shall be admitted to any share or part of this agreement or to any benefit to arise therefrom; but this provision shall not be construed to extend to this agreement if made with a corporation of its general benefit.

(5) This agreement shall become effective upon date of final signature and shall continue until the permitted lot of birds is released from quarantine. This agreement may be amended by agreement of the parties in writing. It may be terminated by either party upon 30 days written notice to the other party.

Date _____

_____

Importer
Date _____

_____

Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture

(d) *Charges for services.* The charges to be borne by the importer for services provided for quarantine facilities approved in accordance with paragraph (c) of this section shall be:

(1) The appropriate GS hourly rate (including appropriate premium pay in accordance with 5 U.S.C. 5541–5549) of the employee who actually performs the service, including his or her travel time and his or her travel expenses: *Provided, however,* Such time and travel expense shall not exceed the time and travel expense to and from his or her official duty station;

(2) All applicable user fees, as listed in part 130 of this chapter; and

(3) A surcharge for overhead based on the most current historical data available showing the percentage of APHIS funds expended for administrative support.

(e) Requirements of other Federal laws and regulations, such as the Department's Animal Welfare Regulations in subchapter A of this chapter shall also apply as applicable to the quarantine facilities.

[55 FR 31495, Aug. 2, 1990, as amended at 56 FR 31867, July 12, 1991; 56 FR 41726, Aug. 22, 1991; 57 FR 21726, May 22, 1992; 58 FR 38957, July 21, 1993; 59 FR 36026, July 15, 1994; 59 FR 47069, Sept. 14, 1994; 59 FR 47235, Sept. 15, 1994; 59 FR 67614, Dec. 30, 1994; 61 FR 31392, June 20, 1996; 61 FR 56891, Nov. 5, 1996. Redesignated and amended at 62 FR 56012, 50614–56015, Oct. 28, 1997]

CANADA[13]

§93.107 Special provisions.

(a) *In-bond shipments from Canada.* Birds from Canada transported in-bond through the United States for immediate export shall be inspected at the border port of entry and, when accompanied by an import permit obtained under §93.103 of this part and all conditions therein are observed, shall be allowed entry into the United States and shall be otherwise handled as provided in paragraph (d) of §93.101.

(b) *Ratites from Canada.* Ratites that were hatched and raised in Canada or ratites that were legally imported into Canada and, upon arrival in Canada, were quarantined for a minimum of 28 days at a Canadian quarantine facility and remained in Canada for an additional 60 days following completion of quarantine may be imported into the United States:

(1) Without being quarantined upon arrival in the United States; and

(2) At any of the following ports of entry: Anchorage, AK; Fairbanks, AK;

[12] Import-Export Animals Staff, Veterinary Services, APHIS, USDA, will furnish each importer with copies of exhibits B and C prior to their signing the Cooperative and Trust Fund Agreement.

[13] Importations from Canada shall be subject to §93.107, in addition to other sections in this part which are in terms applicable to such importations.

Los Angeles, CA; San Diego, CA; Denver, CO; Miami, FL; Tampa, FL; Atlanta, GA; Honolulu, HI; Eastport, ID; Chicago, IL; New Orleans, LA; Boston, MA; Baltimore, MD; Houlton, ME; Jackman, ME; Detroit, MI; Port Huron, MI; Sault Ste. Marie, MI; Minneapolis, MN; Raymond, MT; Sweetgrass, MT; Buffalo, NY; Champlain, NY; New York, NY; Stewart Airport, Newburgh, NY; Dunseith, ND; Pembina, ND; Portal, ND; Portland, OR; San Juan, PR; Houston, TX; Highgate Springs, VT; Blaine, WA; Seattle, WA; and Sumas, WA; and

(3) If offered for entry at a Canadian land border port listed in § 93.203(b), without an import permit; and

(4) If consigned directly to slaughter from the port of entry, without being treated for ectoparasites within 3 to 14 days before shipment to the United States, as otherwise required by § 93.104(c)(8); and

(5) If in compliance with all of the applicable regulations of the U.S. Fish and Wildlife Service contained in Title 50, subchapter B, of the Code of Federal Regulations.

(c) *Ratite eggs from Canada.* Hatching eggs of ratites that were laid in Canada may be imported into the United States:

(1) Without being quarantined upon arrival in the United States; and

(2) At any of the ports of entry listed in paragraph (b)(2) of this section or authorized by § 93.105(a); and

(3) If offered for entry at a Canadian land border port listed in § 93.203(b), without an import permit; and

(4) If in compliance with all of the applicable regulations of the U.S. Fish and Wildlife Service contained in Title 50, subchapter B, of the Code of Federal Regulations.

[55 FR 31495, Aug. 2, 1990, as amended at 61 FR 68126, Dec. 27, 1996. Redesignated and amended at 56012, 56015, Oct. 28, 1997]

Subpart B—Poultry

§ 93.200 Definitions.

Wherever in this subpart the following terms are used, unless the context otherwise requires, they shall be construed, respectively, to mean:

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with the provisions of part 161 of this title to perform functions specified in parts 1, 2, 3, and 11 of subchapter A, and subchapters B, C, and D of this chapter, and to perform functions required by cooperative state-federal disease control and eradication programs.

Administrator. The Administrator of the Animal and Plant Health Inspection Service or any other employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, to whom authority has been or may be delegated to act in the Administrator's stead.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service).

Animals. Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, and poultry.

Communicable disease. Any contagious, infectious, or communicable disease of domestic livestock, poultry or other animals.

Department. The United States Department of Agriculture (USDA).

Fever tick. Boophilus annulatus, including, but not limited to, the varieties Americana and Australia.

Immediate slaughter. Consignment directly from the port of entry to a recognized slaughtering establishment[1] and slaughter thereat within two weeks from the date of entry.

Inspector. An employee of the Animal and Plant Health Inspection Service authorized to perform duties required under this subpart.

Operator. For the purpose of § 93.209, any person operating an approved quarantine facility.

Performing or theatrical poultry. Poultry which are to be used in shows, theatrical acts or performances only.

Port veterinarian. A veterinarian employed by the Animal and Plant Health Inspection Service to perform duties required under this part at a port of entry.

[1] The name of recognized slaughtering establishments approved under this part may be obtained from the Area Veterinarian in Charge, Veterinary Services, for the State of destination of the shipment.

Poultry. Chickens, doves, ducks, geese, grouse, guinea fowl, partridges, pea fowl, pheasants, pigeons, quail, swans, and turkeys (including eggs for hatching).

Region. Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

(1) A national entity (country);

(2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.)

(3) Parts of several national entities combined into an area; or

(4) A group of national entities (countries) combined into a single area.

Swine. The domestic hog and all varieties of wild hogs.

United States. All of the States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other Territories and Possessions of the United States.

Veterinary services. The Veterinary Services unit of the Department.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56015, Oct. 28, 1997]

§93.201 General prohibitions; exceptions.

(a) No poultry or product subject to the provisions of this part shall be brought into the United States except in accordance with the regulations in this part and part 94 of this subchapter;[2] nor shall any such poultry or product be handled or moved after physical entry into the United States before final release from quarantine or any other form of governmental detention except in compliance with such regulations; *Provided,* That, the Administrator may upon request in specific cases permit poultry or products to be brought into or through the United States under such conditions as he or she may prescribe, when he or she determines in the specific case that such action will not endanger the livestock or poultry of the United States.

(b) The provisions in this part 93 relating to poultry shall not apply to healthy poultry not known to be infected with or exposed, within the 90 days preceding the date of export from the region of origin, to communicable diseases of poultry, if an import permit[3] has been obtained under §93.204 of this chapter and all conditions therein are observed; and if such poultry are handled as follows:

(1)(i) They are maintained under continuous confinement in transit through the United States aboard an aircraft, ocean vessel, or other means of conveyance; or

(ii) Except for poultry in transit through Anchorage, Alaska, under §93.204(c) of this part, which are not allowed to be unloaded, they are unloaded, in the course of such transit, into an animal or bird holding facility which is provided by the carrier or its agent and has been approved[4] in advance by the Administrator in accordance with paragraph (b)(3) of this section as adequate to prevent the spread within the United States of any livestock or poultry disease, and they are maintained there under continuous confinement until loaded aboard a means of conveyance for transportation from the United States and are maintained under continuous confinement aboard such means of conveyance until it leaves the United States; the import permit will specify any additional conditions necessary to assure that the transit of the poultry through the United States can be made without endangering the livestock or poultry of the United States, and that Department inspectors may inspect the poultry on board such means of conveyance or in such holding facility as provided in section 5 of the Act of July 2, 1962 (21 U.S.C. 134d) to ascertain whether the requirements of this paragraph are met, and dispose of them in accordance with section 2 of the Act of July 2, 1962 (21 U.S.C. 134a) if such conditions are not met; and

[2] Importations of certain animals from various regions are absolutely prohibited under part 94 because of specific diseases.

[3] Such permit may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231. Requests for approval of such facilities should also be made to the Deputy Administrator.

[4] See footnote 3 in subpart B.

(2) The carrier or its agent executes and furnishes to the collector of Customs at the first port of arrival a declaration stating that the poultry will be retained aboard such means of conveyance or in an approved holding facility during transshipment as required by this paragraph.

(3) Provisions for the approval of facilities required in this paragraph are:

(i) They must be sufficiently isolated to prevent direct or indirect contact with all other animals and birds while in the United States.

(ii) They must be so constructed that they provide adequate protection against environmental conditions and can be adequately cleaned, washed and disinfected.

(iii) They must provide for disposal of animal and bird carcasses, manure, bedding, waste and any related shipping materials in a manner that will prevent dissemination of disease.

(iv) They must have provisions for adequate sources of feed and water and for attendants for the care and feeding of poultry in the facility.

(v) They must comply with additional requirements as may be imposed by the Administrator if deemed applicable for a particular shipment.

(vi) They must also comply with all applicable local, State and Federal requirements for environmental quality and with the provisions of the Animal Welfare Regulations in chapter I of this title, as applicable.

(c) Performing or theatrical poultry may be imported at any of the ports of entry listed in § 93.203 if accompanied by an import permit as required by § 93.204 and such poultry are found upon port of entry veterinary inspection to be free of communicable diseases of poultry.

(d) The provisions in this part relating to poultry shall not be applicable to performing or theatrical poultry.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 56012, 56015, Oct. 28, 1997]

§ 93.202 Inspection of certain aircraft and other means of conveyance and shipping containers thereon; unloading, cleaning, and disinfection requirements.

(a) *Inspection:* All aircraft and other means of conveyance (including shipping containers thereon) moving into the United States from any foreign region are subject to inspection without a warrant by properly identified and designated inspectors to determine whether they are carrying any animal, carcass, product or article regulated or subject to disposal under any law or regulation administered by the Secretary of Agriculture for prevention of the introduction or dissemination of any communicable animal disease (21 U.S.C. 134d).

(b) *Unloading requirements:* Whenever in the course of any such inspection at any port in the United States the inspector has reason to believe that the means of conveyance or container is contaminated with material of animal (including poultry) origin, such as, but not limited to, meat, organs, glands, extracts, secretions, fat, bones, blood, lymph, urine, or manure, so as to present a danger of the spread of any communicable animal disease, the inspector may require the unloading of the means of conveyance and the emptying of the container if he or she deems it necessary to enable him or her to determine whether the means of conveyance or container is in fact so contaminated. The principal operator of the means of conveyance and his or her agent in charge of the means of conveyance shall comply with any such requirement under the immediate supervision of, and in the time and manner prescribed by, the inspector.

(c) *Cleaning and disinfection:* Whenever, upon inspection under this section, an inspector determines that a means of conveyance or shipping container is contaminated with material of animal origin so as to present a danger of the spread of any communicable animal disease, he or she shall notify the principal operator of the means of conveyance or his or her agent in charge, of such determination and the requirements under this section. The person so notified shall cause the cleaning and disinfection of such means of conveyance and container under the immediate supervision of, and in the time and manner prescribed by, the inspector.

(d) For purposes of this section, the term ''shipping container'' means any container of a type specially adapted

for use in transporting any article on the means of conveyance involved.

[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 67614, Dec. 30, 1994. Redesignated and amended at 62 FR 56012, 56015, Oct. 28, 1997]

§93.203 Ports designated for the importation of poultry.

(a) *Air and ocean ports.* The following ports have APHIS inspection and quarantine facilities necessary for quarantine stations and all poultry shall be entered into the United States through these stations, except as provided in paragraphs (b), (c), (d) and (e) of this section: Los Angeles, California; Miami, Florida; Honolulu, Hawaii; and Newburgh, New York.

(b) *Canadian border ports.* The following land border ports are designated as having the necessary inspection facilities for the entry of poultry from Canada: Eastport, Idaho; Houlton and Jackman, Maine; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Baudette, Minnesota; Opheim, Raymond, and Sweetgrass, Montana; Alexandria Bay, Buffalo, and Champlain, New York; Dunseith, Pembina, and Portal, North Dakota; Derby Line and Highgate Springs, Vermont; Blaine, Lynden, Oroville, and Sumas, Washington.

(c) *Mexican border ports.* The following land border ports are designated as having the necessary inspection facilities for the entry of poultry from Mexico: Brownsville, Hidalgo, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, Texas; Douglas, Naco, Nogales, Sasabe, and San Luis, Arizona; Calexico and San Ysidro, California; and Antelope Wells, and Columbus, New Mexico.

(d) *Limited ports.* The following ports are designated as having inspection facilities for the entry of poultry and poultry products such as poultry test specimens, or hatching eggs and day old chicks which do not appear to require restraint and holding inspection facilities: Anchorage and Fairbanks, Alaska; San Diego, California; Jacksonville, Port Canaveral, St. Petersburg-Clearwater, and Tampa, Florida; Atlanta, Georgia; Chicago, Illinois; New Orleans, Louisiana; Portland, Maine; Baltimore, Maryland; Boston, Massachusetts; Minneapolis, Minnesota; Great Falls, Montana; Portland, Oregon; San Juan, Puerto Rico; Galveston and Houston, Texas; and Seattle, Spokane, and Tacoma, Washington.

(e) *Designation of other ports.* The Secretary of the Treasury has approved the designation as quarantine stations of the ports specified in this section. In special cases other ports may be designated as quarantine stations under this section by the Administrator, with the concurrence of the Secretary of the Treasury.

[55 FR 31495, Aug. 2, 1990, as amended at 58 FR 37642, July 13, 1993; 60 FR 16045, Mar. 29, 1995; 60 FR 25120, May 11, 1995. Redesignated at 56012, Oct. 28, 1997]

§93.204 Import permits for poultry and for poultry test specimens for diagnostic purposes; and reservation fees for space at quarantine facilities maintained by APHIS.

(a) *Application for permit; reservation required.* (1) For poultry and poultry test specimens for diagnostic screening purposes, intended for importation from any part of the world, except as otherwise provided for in §§93.204(c), 93.214, 93.217, and 93.218, the importer shall first apply for and obtain from APHIS an import permit. The application shall specify the name and address of the importer; the species, breed, number or quantity of poultry or poultry test specimens to be imported; the purpose of the importation; the region of origin; the name and address of the exporter; the port of embarkation in the foreign region; the mode of transportation, route of travel, and the port of entry in the United States; the proposed date of arrival of the poultry or poultry test specimens to be imported; and the name of the person to whom the poultry or poultry test specimens will be delivered and the location of the place in the United States to which delivery will be made from the port of entry. Additional information may be required in the form of certificates concerning specific diseases to which the poultry are susceptible, as well as vaccinations or other precautionary treatments to which the poultry or poultry test specimens have been subjected. Notice of any such requirement

will be given to the applicant in each case.

(2) An application for permit to import poultry may also be denied because of: Communicable disease conditions in the area or region of origin, or in a region where the shipment has been or will be held or through which the shipment has been or will be transported; deficiencies in the regulatory programs for the control or eradication of animal diseases and the unavailability of veterinary services in the above mentioned regions; the importer's failure to provide satisfactory evidence concerning the origin, history, and health status of the poultry; the lack of satisfactory information necessary to determine that the importation will not be likely to transmit any communicable disease to livestock or poultry of the United States; or any other circumstances which the Administrator believes require such denial to prevent the dissemination of any communicable disease of livestock or poultry into the United States.

(3)(i) The importer or importer's agent shall pay or ensure payment of a reservation fee for each lot of poultry to be quarantined in a facility maintained by USDA. For poultry, the reservation fee shall be 100 percent of the cost of providing care, feed, and handling during quarantine, as estimated by the quarantine facility's veterinarian in charge.

(ii) At the time the importer or the importer's agent requests a reservation of quarantine space, the importer or importer's agent shall pay the reservation fee by check or U.S. money order or ensure payment of the reservation fee by an irrevocable letter of credit from a commercial bank (the effective date on such letter of credit shall run to 30 days after the date the poultry are scheduled to be released from quarantine); except that anyone who issues a check to the Department for a reservation fee which is returned because of insufficient funds shall be denied any further request for reservation of a quarantine space until the outstanding amount is paid.

(iii) Any reservation fee paid by check or U.S. money order shall be applied against the expenses incurred for services received by the importer or importer's agent in connection with the quarantine for which the reservation was made. Any part of the reservation fee which remains unused after being applied against the expenses incurred for services received by the importer or the importer's agent in connection with the quarantine for which the reservation was made, shall be returned to the individual who paid the reservation fee. If the reservation fee is ensured by a letter of credit, the Department will draw against the letter of credit unless payment for services received by the importer or importer's agent in connection with the quarantine is otherwise made at least 3 days prior to the expiration date of the letter of credit.

(iv) Any reservation fee shall be forfeited if the importer or the importer's agent fails to present for entry, within 24 hours following the designated time of arrival, the lot of poultry for which the reservation was made: *Except* that a reservation fee shall not be forfeited if:

(A) Written notice of cancellation from the importer or the importer's agent is received by the office of the veterinarian in charge of the quarantine facility[5] during regular business hours (8:00 a.m. to 4:30 p.m., Monday through Friday, excluding holidays) no later than 15 days prior to the beginning of the time of importation as specified in the import permit or as arranged with the veterinarian in charge of the quarantine facility if no import permit is required (the 15 day period shall not include Saturdays, Sundays, or holidays), or

(B) The Administrator determines that services, other than provided by carriers, necessary for the importation of the poultry within the requested period are unavailable because of unforeseen circumstances as determined by the Administrator, (such as the closing of an airport due to inclement weather or the unavailability of the reserved

[5] The addresses of USDA quarantine facilities may be found in telephone directories listing the facilities or by contacting the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

space due to the extension of another quarantine).

(v) If the reservation fee was ensured by a letter of credit and the fee is to be forfeited under paragraph (a)(3)(iv) of this section, the Department will draw against the letter of credit unless the reservation fee is otherwise paid at least 3 days prior to the expiration date of the letter of credit.

(vi) When a reservation is cancelled in accordance with paragraph (a)(3)(iv)(A) of this section and the provisions of paragraph (a)(3)(iv)(B) of this section do not apply, a $40.00 cancellation fee shall be charged. If a reservation fee was paid, the cancellation fee shall be deducted from any reservation fee returned to the importer or the importer's agent. If the reservation fee was ensured by a letter of credit, the Department will draw the amount of the cancellation fee against the letter of credit unless the cancellation fee is otherwise paid at least 3 days prior to the expiration date of the letter of credit.

(b) *Permit.* Except as provided in paragraph (c) of this section, when a permit is issued, the original and two copies will be sent to the importer. It shall be the responsibility of the importer to forward the original permit and one copy to the shipper in the region of origin, and it shall also be the responsibility of the importer to insure that the shipper presents the copy of the permit to the carrier and makes proper arrangements for the original permit to accompany the shipment to the specified U.S. port of entry for presentation to the collector of customs. Poultry and poultry test specimens for diagnostic screening purposes for poultry intended for importation into the United States for which a permit has been issued, will be received at the specified port of entry within the time prescribed in the permit which shall not exceed 14 days from the first day that the permit is effective for all permits, except that the time prescribed in permits from the importation of poultry shall not exceed 30 days, and for performing or theatrical poultry shall not exceed 90 days. Poultry and poultry test specimens for which a permit is required by these regulations will not be eligible for entry if a permit has not been issued; if unaccompanied by such a permit; if shipment is from any port other than the one designated in the permit; if arrival in the United States is at any port other than the one designated in the permit; if the poultry or poultry test specimens offered for entry differ from those described in the permit; or if the poultry or poultry test specimens are not handled as outlined in the application for the permit and as specified in the permit issued.

(c) Notwithstanding any other provisions in this part, importers are not required to obtain an import permit and provide the shipper with an original import permit for each individual shipment of poultry or pigeons transiting the port of Anchorage, Alaska, if the following conditions are met:

(1) The importer applies for and obtains an import permit for multiple shipments of poultry or pigeons transiting the port of Anchorage, Alaska, in accordance with the provisions of this section and related requirements concerning application for the permit. However, the following information is not required on the application:

(i) The species, breed, and number of poultry or pigeons to be imported;

(ii) The individual poultry identification;

(iii) The region of origin;

(iv) The name and address of the exporter;

(v) The port of embarkation in the foreign region;

(vi) The mode of transportation and the route of travel;

(vii) The proposed date of arrival of the poultry or pigeons; and

(viii) The name and address of the person to whom the poultry or pigeons will be delivered.

(2) The importer completes a copy of the import permit obtained under paragraph (c)(1) of this section for each separate shipment of poultry or pigeons intended to transit the port of Anchorage, Alaska, by inserting the following information on a copy of the permit:

(i) The species, breed, and number of poultry or pigeons to be imported;

(ii) The region of origin;

(iii) The name and address of the exporter;

(iv) The port of embarkation in the foreign region;

(v) The mode of transportation and the route of travel;

(vi) The proposed date of arrival of the poultry or pigeons; and

(vii) The name and address of the person to whom the poultry or pigeons will be delivered.

(3) The importer, not less than 2 weeks prior to the anticipated date of arrival of each separate intransit shipment of poultry or pigeons at the port of Anchorage, Alaska, provides the port veterinarian with a copy of the completed import permit;

(4) A copy of the completed import permit accompanies each separate intransit shipment of poultry or pigeons to the port of Anchorage, Alaska;

(5) Import permits issued for multiple shipments of poultry or pigeons transiting the port of Anchorage, Alaska, will be valid only during the calendar year in which they are issued.

[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 67614, Dec. 30, 1994. Redesignated and amended at 56012, 56015, Oct. 28, 1997]

§ 93.205 Certificate for poultry.

All poultry, except eggs for hatching, offered for importation from any region of the world shall be accompanied by a certificate of a salaried veterinary officer of the national government of the region of origin, or if exported from Mexico, shall be accompanied either by such a certificate or by a certificate issued by a veterinarian accredited by the National Government of Mexico and endorsed by a full–time salaried veterinary officer of the National Government of Mexico, thereby representing that the veterinarian issuing the certificate was authorized to do so, stating that such poultry and their flock or flocks of origin were inspected on the premises of origin immediately before the date of movement from such region and that they were then found to be free of evidence of communicable diseases of poultry, and that, as far as it has been possible to determine, they were not exposed to any such disease common to poultry during the 90 days immediately preceding the date of such movement and that these premises are not located in any area under quarantine during the preceding 90 days. Certificates for such poultry shall also state that the poultry have been kept in the region from which they are offered for importation for at least 90 days immediately preceding the date of movement therefrom or since hatched and that, as far as it has been possible to determine, no case of European fowl pest (fowl plague) or Newcastle disease occurred on the premises where such poultry were kept, or on adjoining premises, during that 90-day period. All eggs for hatching offered for importation from any part of the world, shall be accompanied by a certificate of a salaried veterinary officer of the national government of the region of origin, or if exported from Mexico, shall be accompanied either by such a certificate or by a certificate issued by a veterinarian accredited by the National Government of Mexico and endorsed by a full–time salaried veterinary officer of the National Government of Mexico, thereby representing that the veterinarian issuing the certificate was authorized to do so, stating that the flock or flocks of origin were found upon inspection to be free from evidence of communicable diseases of poultry, that no Newcastle disease has occurred on the premises of origin or on adjoining premises during the 90 days immediately preceding the date of movement of the eggs from such region, and that as far as it has been possible to determine such flock or flocks were not exposed to such disease during the preceding 90 days.

[55 FR 31495, Aug. 2, 1992, as amended at 57 FR 28080, June 24, 1992. Redesignated and amended at 62 FR 56012, 56015, Oct. 28, 1997]

§ 93.206 Declaration and other documents for poultry.

(a) The certificates, declarations, and affidavits required by the regulations in this part shall be presented by the importer or his or her agent to the collector of customs at the port of entry, upon arrival of poultry at such port, for the use of the veterinary inspector at the port of entry.

(b) For all poultry offered for importation, the importer or his or her agent shall first present two copies of a declaration which shall list the port of

entry, the name and address of the importer, the name and address of the broker, the origin of the poultry, the number, breed, species, and purpose of the importation, the name of the person to whom the poultry will be delivered, and the location of the place to which such delivery will be made.

§93.207 Inspection at the port of entry.

Inspection shall be made at the port of entry of all poultry imported from any part of the world except as provided in §§93.215 and 93.220. All poultry found to be free from communicable disease and not to have been exposed thereto within 90 days prior to their exportation to the United States shall be admitted subject to the other provisions in this part; all other poultry shall be refused entry. Poultry refused entry, unless exported within a time fixed in each case by the Administrator, and in accordance with other provisions he or she may require in each case for their handling shall be disposed of as the Administrator may direct in accordance with provisions of section 2 of the Act of July 2, 1962 (21 U.S.C. 134a), or the provisions of section 8 of the Act of August 30, 1890 (21 U.S.C. 103). Such portions of the transporting vessel, and of its cargo, which have been exposed to any such poultry or their emanations shall be disinfected in such manner as may be considered necessary by the inspector in charge at the port of entry, to prevent the introduction or spread of livestock or poultry disease, before the cargo is allowed to land.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 56012, 56015, Oct. 28, 1997]

§93.208 Articles accompanying poultry.

No litter or manure, fodder or other aliment, nor any equipment such as boxes, buckets, ropes, chains, blankets, or other things used for or about poultry governed by the regulations this part, shall be landed from any conveyance except under such restrictions as the inspector in charge at the port of entry shall direct.

§93.209 Quarantine requirements.

(a) Poultry, other than eggs for hatching, imported, except as provided in §93.216 of this part, shall be quarantined for not less than 30 days, counting from the date of arrival at the port of entry. During their quarantine, such poultry shall be subject to any inspections, disinfections, and tests as may be required by the Administrator, to determine their freedom from communicable diseases of poultry, and their freedom from exposure to such diseases.

(b) Poultry eggs for hatching imported, except from regions designated in §94.6(a)(2) of this chapter as free of exotic Newcastle disease, shall be quarantined from time of arrival at the port of entry until hatched and the poultry from such eggs shall remain quarantined for not less than 30 days following hatch. During their quarantine, such eggs for hatching and poultry from such eggs shall be subject to any inspections, disinfections, and tests as may be required by the Administrator, to determine their freedom from communicable diseases of poultry.

[55 FR 31495, Aug. 2, 1990, as amended at 61 FR 56891, Nov. 5, 1996. Redesignated and amended at 62 FR 56012, 56015, Oct. 28, 1997]

§93.210 Poultry quarantine facilities.

(a) *Privately operated quarantine facilities.* The importer, or his or her agent, of poultry subject to quarantine under the regulations in this part shall arrange for acceptable transportation to the privately operated quarantine facility and for the care, feed, and handling of the poultry from the time of unloading at the quarantine port to the time of release from quarantine. Such arrangements shall be agreed to in advance by the Administrator. All expenses resulting therefrom or incident thereto shall be the responsibility of the importer; APHIS assumes no responsibility with respect thereto. The quarantine facility must be suitable for the quarantine of such poultry and must be approved by the Administrator prior to the issuance of any import permit. The facilities occupied by poultry should be kept clean and sanitary to

the satisfaction of the inspector assigned to supervise the quarantine. If for any cause the care, feed, or handling of poultry, or the sanitation of the facilities, is neglected, in the opinion of the inspector assigned to supervise the quarantine, such services may be furnished by APHIS in the same manner as though arrangements had been made for such services as provided by paragraph (b) of this section, and/or the poultry may be disposed of as the Administrator, may direct, including sale in accordance with the procedure described in paragraph (b) of this section. The importer, or his or her agent, shall request in writing such inspection and other services as may be required, and shall waive all claim against the United States and APHIS or any employee of APHIS for damages which may arise from such services. The Administrator may prescribe reasonable rates for the services provided under this paragraph. When it is found necessary to extend the usual minimum quarantine period, the importer, or his or her agent, shall be so advised in writing and shall pay for such additional quarantine and other services required. Payment for all services received by the importer, or his or her agent, in connection with each separate lot of poultry shall be made by certified check or U.S. money order prior to release of the poultry. If such payment is not made, the poultry may be sold in accordance with the procedure described in paragraph (b) of this section, or otherwise disposed of as directed by the Administrator.

(b) *Quarantine facilities maintained by APHIS.* The importer, or his or her agent, of poultry subject to quarantine under the regulations in this part shall arrange for acceptable transportation to the quarantine facility, and for the care, feed, and handling of the poultry from the time they arrive at the quarantine port to the time of release from quarantine. Such arrangements shall be agreed to in advance by the Administrator. The importer or his or her agent shall request in writing such inspection and other services as may be required, and shall waive all claim against the United States and APHIS or any employee of APHIS, for damages which may arise from such services. All expenses resulting therefrom or incident thereto shall be the responsibility of the importer; APHIS assumes no responsibility with respect thereto. The Administrator may prescribe reasonable rates for the services provided under this paragraph. When it is found necessary to extend the usual minimum quarantine period, the importer, or his or her agent, shall be so advised in writing and shall pay for such additional quarantine and other services required. Payment for services received by the importer, or his or her agent, in connection with each separate lot of poultry shall be made by certified check or U.S. money order prior to release of the poultry. If such payment is not made, the poultry may be sold in accordance with the procedure described in this paragraph or otherwise disposed of as directed by the Administrator. When payment is not made and the poultry are to be sold to recover payment for services received, the importer, or his or her agent, will be notified by the inspector that if said charges are not immediately paid or satisfactory arrangements made for payment, the poultry will be sold at public sale to pay the expense of care, feed, and handling during that period. The sale will be held after the expiration of the quarantine period, at such time and place as may be designated by the General Services Administration or other designated selling agent. The proceeds of the sale, after deducting the charges for care, feed, and handling of the poultry and other expenses, including the expense of the sale, shall be held in a Special Deposit Account in the United States Treasury for 6 months from the date of sale. If not claimed by the importer, or his or her agent, within 6 months from the date of sale, the amount so held shall be transferred from the Special Deposit Account to the General Fund Account in the United States Treasury.

(c) Amounts collected from the importer, or his or her agent, for service rendered shall be deposited so as to be available for defraying the expenses involved in this service.

§93.211 Quarantine stations, visiting restricted; sales prohibited.

Visitors shall not be admitted to the quarantine enclosure during any time that poultry are in quarantine except that an importer (or his or her accredited agent or veterinarian) may be admitted to the yards and buildings containing his or her quarantined poultry at such intervals as may be deemed necessary, and under such conditions and restrictions as may be imposed, by the inspector in charge of the quarantine station. On the last day of the quarantine period, owners, officers or registry societies, and others having official business or whose services may be necessary in the removal of the poultry may be admitted upon written permission from the said inspector. No exhibition or sale shall be allowed within the quarantine grounds.

§93.212 Manure from quarantined poultry.

No manure shall be removed from the quarantine premises until the release of the poultry producing same.

§93.213 Appearance of disease among poultry in quarantine.

If any contagious disease appears among poultry during the quarantine period special precautions shall be taken to prevent spread of the infection to other poultry in the quarantine station or to those outside the grounds. The affected poultry shall be disposed of as the Administrator may direct, depending upon the nature of the disease.

CANADA[6]

§93.214 Import permit and declaration for poultry.

(a) For poultry intended for importation from Canada, the importer shall first apply for and obtain from APHIS an import permit as provided in §93.204: *Provided*, That an import permit is not required for poultry if offered for entry at a land border port designated in §93.203(b).

(b) For all poultry offered for importation from Canada, the importer or his or her agent shall present two copies of a declaration as provided in §93.206.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56015, Oct. 28, 1997]

§93.215 Special provisions.

(a) *In-bond shipments from Canada.* (1) Poultry from Canada transported in-bond through the United States for immediate export shall be inspected at the border port of entry and, when accompanied by an import permit obtained under §93.204 of this part and all conditions therein are observed, shall be allowed entry into the United States and shall be otherwise handled as provided in paragraph (b) of §93.201. Poultry not accompanied by a permit shall meet the requirements of this part in the same manner as poultry destined for importation into the United States, except that the Administrator may permit their inspection at some other point when he or she finds that such action will not increase the risk that communicable disease of livestock and poultry will be disseminated to the livestock or poultry of the United States.

(2) *In-transit shipments through Canada.* Poultry originating in the United States and transported directly through Canada may re-enter the United States without Canadian health or test certificates when accompanied by copies of the United States export health certificates properly issued and endorsed in accordance with regulations in part 91 of this chapter: *Provided*, That, to qualify for entry, the date, time, port of entry, and signature of the Canadian Port Veterinarian that inspected the poultry for entry into Canada shall be recorded on the United States health certificate, or a paper containing the information shall be attached to the certificate that accompanies the poultry. In all cases it shall be determined by the veterinary inspector at the United States port of entry that the poultry are the identical poultry covered by said certificate.

(b) *Exhibition poultry.* Poultry from the United States which have been exhibited at the Royal Agricultural Winter Fair at Toronto or other publicly

[6] Importations from Canada shall be subject to §§93.214 to 93.216, inclusive, in addition to other sections in this part which are in terms applicable to such importations.

recognized expositions in Canada, including racing, rodeo, circus, or stage exhibitions in Canada, and have not been in that region for more than 90 days are eligible for return to the United States without Canadian health or test certificates, if they are accompanied by copies of the United States health certificate, issued and endorsed in accordance with the export regulations contained in part 91 of this chapter for entry into Canada: *Provided,* That all poultry offered for re-entry upon examination by the veterinary inspector at the U.S. port of entry, are found by the inspector to be free of communicable diseases and exposure thereto and are determined to be the identical poultry covered by said certificates or that they otherwise qualified for entry into Canada under the Canadian regulations.

(Approved by the Office of Management and Budget under control number 0579–0020)

[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 67133, Dec. 29, 1994. Redesignated and amended at 62 FR 56012, 56015, Oct. 28, 1997]

§ 93.216 Poultry from Canada.

Poultry imported from Canada is not required to meet the requirements of § 93.209 but shall meet all other requirements of this part applicable to poultry or to animals generally.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56015, Oct. 28, 1997]

CENTRAL AMERICA AND THE WEST INDIES [7]

§ 93.217 Import permit and declaration for poultry.

(a) For poultry intended for importation from regions of Central America or of the West Indies, the importer shall first apply for and obtain from APHIS an import permit as provided in § 93.204: *Provided,* That the Administrator, when he or she finds that such action may be taken without endangering the livestock or poultry industry of the United States, may, upon request by any person, authorize the importation by such person, without such application or permit, from the British Virgin Islands into the Virgin Islands of the United States, of poultry consigned for immediate slaughter, and such authorization may be limited to a particular shipment or extend to all shipments under this paragraph by such person during a specified period of time.

(b) For all poultry offered for importation from regions of Central America or of the West Indies, the importer or his or her agent shall present two copies of a declaration as provided in § 93.206.

(c) All poultry offered for importation from regions of Central America and the West Indies shall also meet the additional requirements in §§ 93.205, 93.207, 93.209, and 93.210 to qualify for entry. All poultry which fail to meet these requirements shall be rejected entry and shall be disposed of as directed by the Administrator in accordance with applicable laws.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56015, Oct. 28, 1997]

MEXICO [8]

§ 93.218 Import permits and applications for inspection for poultry.

(a) For poultry intended for importation from Mexico, the importer shall first apply for and obtain from APHIS an import permit as provided in § 93.204.

(b) For poultry intended for importation into the United States from Mexico, the importer or his or her agent shall deliver to the veterinary inspector at the port of entry an application, in writing, for inspection, so that the veterinary inspector and customs representatives may make mutually satisfactory arrangements for the orderly inspection of the poultry.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56016, Oct. 28, 1997]

§ 93.219 Declaration for poultry.

For all poultry offered for importation from Mexico, the importer or his

[7] Importations from regions of Central America and the West Indies shall be subject to § 93.217, in addition to other sections in this part, which are in terms applicable to such importations.

[8] Importations from Mexico shall be subject to §§ 93.218 to 93.220 inclusive, in addition to other sections in this part which are in terms applicable for such importations.

or her agent shall present two copies of a declaration as provided in §93.206.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56016, Oct. 28, 1997]

§93.220 Inspection at port of entry.

(a) All poultry offered for entry from Mexico, including such poultry intended for movement through the United States in bond for immediate return to Mexico, shall be inspected at the port of entry, and all such poultry found to be free from communicable disease and fever tick infestation and not to have been exposed thereto, shall be admitted into the United States subject to the other applicable provisions of this part. Poultry found to be affected with or to have been exposed to a communicable disease, or infested with fever ticks, shall be refused entry. Poultry refused entry, unless exported within a time fixed in each case by the Administrator, shall be disposed of as said Administrator may direct.

(b) Poultry covered by paragraph (a) of this section shall be imported through ports designated in §93.203.

[55 FR 31495, Aug. 2, 1990, as amended at 57 FR 12190, Apr. 9, 1992. Redesignated and amended at 62 FR 56012, 56016, Oct. 28, 1997]

Subpart C—Horses

§93.300 Definitions.

Wherever in this subpart the following terms are used, unless the context otherwise requires, they shall be construed, respectively, to mean:

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with the provisions of part 161 of this title to perform functions specified in parts 1, 2, 3, and 11 of subchapter A, and subchapters B, C, and D of this chapter, and to perform functions required by cooperative State-Federal disease control and eradication programs.

Administrator. The Administrator of the Animal and Plant Health Inspection Service or any other employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, to whom authority has been or may be delegated to act in the Administrator's stead.

Animals. Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, and poultry.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service).

APHIS representative. A veterinarian or other individual employed by the Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the services required by this part.

Code of practice. A voluntary system of procedures designed to reduce disease spread, that is established by the veterinarians and horse industry in a region and that includes procedures for the following: Testing for and treatment of the diseases, quarantine of horses that are affected with or are suspected of being affected with the disease, certification of whether horses have been affected with or exposed to the disease, and hygiene for personnel conducting treatments and specimen collections.

Communicable disease. Any contagious, infectious, or communicable disease of domestic livestock, poultry or other animals.

Department. The United States Department of Agriculture (USDA).

Fever tick. Boophilus annulatus, including, but not limited to, the varieties Americana and Australia.

Horses. Horses, asses, mules, and zebras.

Immediate slaughter. Consignment directly from the port of entry to a recognized slaughtering establishment[1] and slaughter thereat within two weeks from the date of entry.

Inspector. An employee of the Animal and Plant Health Inspection Service authorized to perform duties required under this subpart.

Licensed Veterinarian. Any person licensed by any country or political subdivision thereof to practice veterinary medicine.

[1] The name of recognized slaughtering establishments approved under this part may be obtained from the Area Veterinarian in Charge, Veterinary Services, for the State of destination of the shipment.

Operator. For the purposes of § 93.308, any person operating an approved quarantine facility.

Persons. Any individual, corporation, company, association, firm, partnership, society or joint stock company.

Port Veterinarian. A veterinarian employed by the Animal and Plant Health Inspection Service to perform duties required under this part at a port of entry.

Recognized slaughtering establishment.[2] An establishment where slaughtering operations are regularly carried on under federal or state inspection and which has been approved by the Animal and Plant Health Inspection Service to receive animals for slaughter under this part.

Region. Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

(1) A national entity (country);

(2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.)

(3) Parts of several national entities combined into an area; or

(4) A group of national entities (countries) combined into a single area.

State animal health official. The State official responsible for livestock and poultry disease control and eradication programs.

United States. All of the States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other Territories and Possessions of the United States.

Veterinarian in Charge. The veterinary official of the Animal and Plant Health Inspection Service, United States Department of Agriculture, who is assigned by the Administrator to supervise and perform the official animal health work of the Animal and Plant Health Inspection Service in the State concerned.

Veterinary Services. The Veterinary Services unit of the Department.

Weanling or yearling. Any horse, weaned from its dam, that was foaled not more than 731 days prior to its being offered for entry into the United States. A horse will not be considered to be a weanling or yearling if its first permanent incisors have erupted.

[55 FR 31495, Aug. 2, 1990, as amended at 56 FR 15489, Apr. 17, 1991; 61 FR 52239, Oct. 7, 1996. Redesignated and amended at 62 FR 56012, 56016, Oct. 28, 1997]

§ 93.301 General prohibitions; exceptions.

(a) No horse or product subject to the provisions of this part shall be brought into the United States except in accordance with the regulations in this part and part 94 of this subchapter;[3] nor shall any such horse or product be handled or moved after physical entry into the United States before final release from quarantine or any other form of governmental detention except in compliance with such regulations; *Provided,* That, the Administrator may upon request in specific cases permit horses to be brought into or through the United States under such conditions as he or she may prescribe, when he or she determines in the specific case that such action will not endanger the livestock or poultry of the United States.

(b) The provisions in this part 93 relating to horses shall not apply to healthy horses in transit through the United States if they are not known to be infected with or exposed, within 60 days preceding the date of export from the region of origin, to communicable diseases of horses if an import permit[4] has been obtained under § 93.304 of this chapter and all conditions therein are observed; and if such horses are handled as follows:

(1)(i) They are maintained under continuous confinement in transit through the United States aboard an aircraft, ocean vessel, or other means of conveyance; or

(ii) They are unloaded, in the course of such transit, into a horse holding facility which is provided by the carrier or its agent and has been approved[5] in

[2] See footnote 1 to subpart C.

[3] Importations of certain animals from various regions are absolutely prohibited under part 94 because of specific diseases.

[4] Such permit may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

[5] See footnote 4 to subpart C.

advance by the Administrator in accordance with paragraph (b)(3) of this section as adequate to prevent the spread within the United States of any livestock or poultry disease, and they are maintained there under continuous confinement until loaded aboard a means of conveyance for transportation from the United States and are maintained under continuous confinement aboard such means of conveyance until it leaves the United States; the import permit will specify any additional conditions necessary to assure that the transit of the horses through the United States can be made without endangering the livestock or poultry of the United States, and that Department inspectors may inspect the horses on board such means of conveyance or in such holding facility as provided in section 5 of the Act of July 2, 1962 (21 U.S.C. 134d) to ascertain whether the requirements of this paragraph are met, and dispose of them in accordance with section 2 of the Act of July 2, 1962 (21 U.S.C. 134a) if such conditions are not met; and

(2) The carrier or its agent executes and furnishes to the collector of Customs at the first port of arrival a declaration stating that the horses will be retained aboard such means of conveyance or in an approved holding facility during transshipment as required by this paragraph.

(3) Provisions for the approval of facilities required in this paragraph are:

(i) They must be sufficiently isolated to prevent direct or indirect contact with all other animals and birds while in the United States.

(ii) They must be so constructed that they provide adequate protection against environmental conditions and can be adequately cleaned, washed and disinfected.

(iii) They must provide for disposal of horse carcasses, manure, bedding, waste and any related shipping materials in a manner that will prevent dissemination of disease.

(iv) They must have provisions for adequate sources of feed and water and for attendants for the care and feeding of horses in the facility.

(v) They must comply with additional requirements as may be imposed by the Administrator if deemed applicable for a particular shipment.

(vi) They must also comply with all applicable local, State and Federal requirements for environmental quality and with the provisions of the Animal Welfare Regulations in chapter I of this title, as applicable.

(c) *Specific prohibitions regarding contagious equine metritis; exceptions*—(1) *Importation prohibited.* Except as provided in paragraph (c)(2) of this section, notwithstanding the other provisions of this part concerning the importation of horses into the United States, the importation of all horses from any of the following listed regions and the importation of all horses that have been in any listed region within the 12 months immediately preceding their being offered for entry into the United States is prohibited, either because contagious equine metritis (CEM) exists in the listed region or because the listed region trades horses freely with a region in which CEM exists without testing for CEM: Austria, Belgium, Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, Finland, France, Germany, Guinea-Bissau, Ireland, Italy, Japan, the Member States of the European Union, The Netherlands, Norway, Slovakia, Slovenia, Sweden, Switzerland, The Former Yugoslav Republic of Macedonia, the United Kingdom (England, Northern Ireland, Scotland, Wales, and the Isle of Man), and the nonrecognized areas of the former Yugoslavia (Montenegro and Serbia).

NOTE: Montenegro and Serbia have asserted the formation of a joint independent State entitled ''The Federal Republic of Yugoslavia,'' but this entity has not been formally recognized by the United States.

(2) *Exceptions.* The provisions of paragraph (c)(1) of this section shall not apply to the following:

(i) Wild (non-domesticated) species of equidae if captured in the wild or imported from a zoo or other facility where it would be unlikely that the animal would come in contact with domesticated horses used for breeding;

(ii) Geldings;

(iii) Weanlings or yearlings whose age is certified on the import health certificate required under § 93.314(a);

(iv) Horses imported in accordance with conditions prescribed by the Administrator as provided in § 93.301(a);

(v) Thoroughbred horses imported for permanent entry from France, Germany, Ireland, or the United Kingdom if the horses meet the requirements of paragraph (d) of this section;

(vi) Stallions or mares over 731 days of age imported for permanent entry if the horses meet the requirements of paragraph (e) of this section;

(vii) Horses over 731 days of age imported into the United States for no more than 90 days to compete in specified events if the horses meet the requirements of paragraph (f) of this section; and

(viii) Horses temporarily exported from the United States or from another region not known to be affected with CEM to a region listed in paragraph (c)(1) of this section within the 12 months immediately preceding their being offered for entry into the United States if the horses meet the requirements of paragraph (g) of this section.

(d) *Thoroughbred horses from France, Germany, Ireland, and the United Kingdom.* (1) Thoroughbred horses may be imported for permanent entry from France, Germany, Ireland, or the United Kingdom if the horses meet the following requirements:

(i) Each horse is accompanied at the time of importation by an import permit in accordance with § 93.304;

(ii) Each horse is accompanied at the time of importation by an import health certificate issued in accordance with § 93.314(a). In addition to the information required by § 93.314(a), the veterinarian signing and issuing the certificate shall certify that:

(A) He or she has examined the daily records of the horse's activities maintained by the trainer and certified to be current, true, and factual by the veterinarian in charge of the training or racing stable;

(B) He or she has examined the records of the horse's activities maintained by a breed association specifically approved by the Department[6] and certified by the breed association to be current, true, and factual for the following information: Identification of the horse by name, sex, age, breed, and all identifying marks; identification of all premises where the horse has been since reaching 731 days of age and the dates that the horse was at such premises; and that none of the premises are breeding premises;

(C) He or she has compared the records maintained by the approved breed association with the records kept by the trainer and has found the information in those two sets of records to be consistent and current;

(D) For thoroughbred horses over 731 days of age, cultures negative for CEM were obtained from sets of specimens collected on 3 separate occasions within a 7-day period from the mucosal surfaces of the clitoral fossa and the clitoral sinuses of any female horses and from the surfaces of the prepuce, the urethral sinus, and the fossa glandis, including the diverticulum of the fossa glandis, of any male horses. For both female and male horses, the sets of specimens must be collected on days 1, 4, and 7 of the 7-day period, and the last of these sets of specimens must be collected within 30 days of exportation. All specimens required by this paragraph must be collected by a licensed veterinarian who either is, or is acting in the presence of, the veterinarian signing the certificate; and

(E) All specimens required by paragraph (d)(1)(ii)(D) of this section were received within 48 hours of collection by a laboratory approved to culture for CEM by the national veterinary service of the region of export and were accompanied by a statement indicating the date and time of their collection.

(2) If any specimen collected in accordance with paragraph (d)(1)(ii)(D) of this section is found to be positive for CEM, the horse must be treated for CEM in a manner approved by the national veterinary service of the region of export. After the treatment is completed, at least 21 days must pass before the horse will be eligible to be tested again in accordance with paragraph (d)(1)(ii)(D) of this section. All

[6] The following breed associations and their record systems have been approved by the Department: Weatherby's Ltd. for the United Kingdom and Ireland; Haras du Pain for France; and Direktorium für Vollblutzucht und Rennen e.v. for Germany.

treatments performed, and the dates of the treatments, must be recorded on the health certificate.

(3) Thoroughbred horses imported under paragraph (d)(1) of this section may be released upon completion of the Federal quarantine required under § 93.308. Thoroughbred horses found positive for CEM that have been treated and retested as provided in paragraph (d)(2) of this section shall, upon completion of the Federal quarantine required under § 93.308, be consigned to an approved State listed in paragraph (h)(6) or (h)(7) of this section, where they shall be quarantined under State or Federal supervision until the stallions have met the testing and treatment requirements of paragraph (e)(3) of this section and the mares have met the testing and treatment requirements of paragraph (e)(5) of this section.

(e) *Stallions and mares over 731 days of age from CEM-affected regions.* (1) Stallions or mares over 731 days of age may be imported for permanent entry from a region listed in paragraph (c)(1) of this section if the horses meet the following requirements:

(i) Each horse is accompanied at the time of importation by an import permit issued in accordance with § 93.304. The import permit must indicate that, after completion of the Federal quarantine required in § 93.308, the stallion or mare will be consigned to a State that the Administrator has approved to receive such horses in accordance with paragraph (h) of this section;

(ii) The horses are accompanied at the time of importation by an import health certificate issued in accordance with § 93.314(a);

(iii) A set of specimens must be collected from each horse within 30 days prior to the date of export by a licensed veterinarian who either is, or is acting in the presence of, the veterinarian signing the certificate. For stallions, the specimens must be collected from the prepuce, urethral sinus, and fossa glandis, including the diverticulum of the fossa glandis; for mares, the specimens must be collected from the mucosal surfaces of the clitoral fossa and the clitoral sinuses. All of the specimens collected must be cultured for CEM with negative results in a laboratory approved to culture for CEM by the national veterinary service of the region of origin;

(iv) The horses described on the certificate must not have been used for natural breeding, for the collection of semen for artificial insemination in the case of stallions, or for artificial insemination in the case of mares, from the time the specimens were collected through the date of export;

(v) All specimens required by paragraph (e)(1)(iii) of this section must be received within 48 hours of collection by a laboratory approved to culture for CEM by the national veterinary service of the region of export and must be accompanied by a statement indicating the date and time of their collection; and

(vi) If any specimen collected in accordance with paragraph (e)(1)(iii) of this section is found to be positive for CEM, the stallion or mare must be treated for CEM in a manner approved by the national veterinary service of the region of export. After the treatment is completed, at least 21 days must pass before the horse will be eligible to be tested again in accordance with paragraph (e)(1)(ii) of this section. All treatments performed, and the dates of the treatments, must be recorded on the health certificate.

(2) *Post-entry.* (i) Stallions and mares imported under paragraph (e)(1) of this section must complete the Federal quarantine required under § 93.308. Upon completion of the Federal quarantine, stallions must be sent to an approved State listed in paragraph (h)(6) of this section, and mares must be sent to an approved State listed in paragraph (h)(7) of this section.

(ii) Once in the approved State, the stallions or mares shall be quarantined under State or Federal supervision until the stallions have met the testing and treatment requirements of paragraph (e)(3) of this section and the mares have met the testing and treatment requirements of paragraph (e)(5) of this section.

(iii) All tests and cultures required by paragraphs (e)(3) through (e)(5) of this section shall be conducted at the

National Veterinary Services Laboratories, Ames, IA, or at a laboratory approved by the Administrator in accordance with paragraph (i) of this section to conduct CEM cultures and tests.

(iv) To be eligible for CEM culture or testing, all specimens collected in accordance with paragraphs (e)(3) through (e)(5) of this section must be received by the National Veterinary Services Laboratories or the approved laboratory within 48 hours of collection and must be accompanied by a statement indicating the date and time of their collection.

(3) *Testing and treatment requirements for stallions.* (i) Once the stallion is in the approved State, one specimen each shall be taken from the prepuce, the urethral sinus, and the fossa glandis, including the diverticulum of the fossa glandis, of the stallion and be cultured for CEM. After negative results have been obtained, the stallion must be test bred to two test mares that meet the requirements of paragraph (e)(4) of this section. Upon completion of the test breeding:

(A) The stallion must be treated for 5 consecutive days by thoroughly cleaning and washing (scrubbing) its prepuce, penis, including the fossa glandis, and urethral sinus while the stallion is in full erection with a solution of not less than 2 percent surgical scrub chlorhexidine and then thoroughly coating (packing) the stallion's prepuce, penis, including the fossa glandis, and urethral sinus with an ointment effective against the CEM organism.[7] The treatment shall be performed by an accredited veterinarian and monitored by a State or Federal veterinarian.

(B) Each mare to which the stallion has been test bred shall be cultured for CEM from sets of specimens that are collected from the mucosal surfaces of the clitoral fossa and clitoral sinuses on the third, sixth, and ninth days after the breeding, with negative results. A complement fixation test for CEM must be done with negative results on the fifteenth day after the breeding.

(ii) If any culture or test required by this paragraph is positive for CEM, the stallion shall be treated as described in paragraph (e)(3)(i)(A) of this section and retested by being test bred to two mares no less than 21 days after the last day of treatment.

(iii) A stallion may be released from State quarantine only if all cultures and tests of specimens from the mares used for test breeding are negative for CEM and all cultures performed on specimens taken from the stallion are negative for CEM.

(4) *Requirements for test mares.* (i) Mares to be used to test stallions for CEM shall be permanently identified before the mares are used for such testing with the letter ''T.'' The marking shall be permanently applied by an inspector, a State inspector, or an accredited veterinarian who shall use a hot iron, freezemarking, or a lip tattoo. If a hot iron or freezemarking is used, the marking shall not be less than 2 inches (5.08 cm) high and shall be applied to the left shoulder or left side of the neck of the mare. If a lip tattoo is used, the marking shall not be less than 1 inch (2.54 cm) high and 0.75 inch (1.9 cm) wide and shall be applied to the inside surface of the upper lip of the test mare.

(ii) The test mares must be qualified prior to breeding as apparently free from CEM and may not be used for breeding from the time specimens are taken to qualify the mares as free from CEM. To qualify, each mare shall be tested with negative results by a complement fixation test for CEM, and specimens taken from each mare shall be cultured negative for CEM. For culture, sets of specimens shall be collected on the first, fourth, and seventh days of a 7-day period from the mucosal surfaces of the clitoral fossa and clitoral sinuses.

(iii) A test mare that has been used to test stallions for CEM may be released from quarantine only if:

(A) The test mare is found negative for CEM on all cultures and tests required under paragraph (e)(3)(ii) of this section; or

[7] A list of ointments effective against the CEM organism may be obtained from the National Center for Import and Export, Import/Export Animals, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231.

(B) The test mare is subjected to an ovariectomy by an accredited veterinarian under the direct supervision of a State or Federal veterinarian; or

(C) The test mare is treated and handled in accordance with paragraph (e)(5) of this section; or

(D) The test mare is moved directly to slaughter without unloading en route, is euthanized, or dies.

(5) *Testing and treatment requirements for mares.* (i) Once the mare is in the approved State, sets of specimens shall be collected from the mare on three separate occasions within a 7-day period. On days 1, 4, and 7, an accredited veterinarian shall collect specimens from the mucosal surfaces of the clitoral fossa and clitoral sinuses and shall submit each set of specimens to the National Veterinary Services Laboratories, Ames, IA, or to a laboratory approved by the Administrator in accordance with paragraph (i) of this section to conduct CEM cultures and tests.

(ii) After the three sets of specimens required by paragraph (e)(5)(i) of this section have been collected, an accredited veterinarian shall manually remove organic debris from the sinuses of each mare and then flush the sinuses with a cerumalytic agent.[8]

(iii) For 5 consecutive days after the sinuses have been cleaned, an accredited veterinarian shall aseptically clean and wash (scrub) the external genitalia and vaginal vestibule, including the clitoral fossa, with a solution of not less than 2 percent chlorhexidine in a detergent base and then fill the clitoral fossa and sinuses, and coat the external genitalia and vaginal vestibule with an antibiotic ointment effective against the CEM organism.[9]

(iv) A mare may be released from State quarantine only if all cultures performed on specimens taken from the mare are negative for CEM.

(v) If any culture required by this paragraph is positive for CEM, the mare shall be treated as described in paragraphs (e)(5)(ii) and (e)(5)(iii) of this section. No less than 21 days after the last day of treatment, the mare shall be tested again in accordance with paragraph (e)(5)(i) of this section. If all specimens are negative for CEM, the mare may be released from quarantine.

(f) *Special provisions for temporary importation.* Horses over 731 days of age may be imported into the United States for no more than 90 days to compete in specified events if the following conditions are met:

(1) The horse may remain in the United States for not more than 90 days following the horse's arrival in the United States, except as provided in paragraph (f)(6) of this section and, while in the United States, the horse must be moved according to the itinerary and methods of transport specified in the import permit provided for in § 93.304 of this part;

(2) While the horse is in the United States, the following conditions must be met:

(i) Except when in transit, the horse must be kept on a premises that has been approved, orally or in writing, by an APHIS representative. If the approval is oral, it will be confirmed in writing by the Administrator as soon as circumstances permit. To receive approval, the premises:

(A) Must not be a breeding premises; and

(B) Must be or contain a building in which the horse can be kept in a stall that is separated from other stalls containing horses, either by an empty stall, by an open area across which horses cannot touch each other, or by a solid wall that is at least 8 feet (2.4 m) high.

(ii) While at the premises at which the horse competes, the horse must be monitored by an accredited veterinarian or APHIS representative to ensure that the provisions of paragraphs (f)(2)(i), (f)(2)(iv), and (f)(2)(v) of this section are met. If the monitoring is performed by an accredited veterinarian, the Veterinarian in Charge will ensure that the accredited veterinarian is familiar with the requirements of this

[8] Recommended protocols for the flushing of sinuses may be obtained from the National Center for Import and Export, Import/Export Animals, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231.

[9] A list of ointments effective against the CEM organism may be obtained from the National Center for Import and Export, Import/Export Animals, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231.

section and spot checks will be conducted by an APHIS representative to ensure that the requirements of this section are being met. If an APHIS representative finds that requirements are not being met, the Administrator may require that all remaining monitoring for the event be conducted by APHIS representatives to ensure compliance.

(iii) While in transit, the horse must be moved in either an aircraft or a sealed van or trailer. If the horse is moved in a sealed van or trailer, the seal may be broken only by an APHIS representative at the horse's destination, except in situations where the horse's life is in danger.

(iv) Except when actually competing or being exercised, the horse must be kept in a stall that is separated from other stalls containing horses, either by an empty stall, by an open area across which horses cannot touch each other, or by a solid wall that is at least 8 feet (2.4 m) high.

(v) The horse may not be used for breeding purposes (including artificial insemination), may not have any other sexual contact with other horses, and may not undergo any genital examinations.

(vi) After the horse is transported anywhere in the United States, any vehicle in which the horse was transported must be cleaned and disinfected in the presence of an APHIS representative, according to the procedures specified in §§ 71.7 through 71.12 of this chapter, before any other horse is transported in the vehicle.

(vii) The cleaning and disinfection specified in paragraph (f)(2)(vi) of this section must be completed before the vehicle is moved from the place where the horse is unloaded. In those cases where the facilities or equipment for cleaning and disinfection are inadequate at the place where the horse is unloaded, the Administrator may allow the vehicle to be moved to another location for cleaning and disinfection when the move will not pose a disease risk to other horses in the United States.

(viii) The owner or importer of the horse must comply with any other provisions of this part applicable to him or her.

(3) If the owner or importer wishes to change the horse's itinerary or the methods by which the horse is transported from that which he or she specified in the application for the import permit, the owner or importer must make the request for change in writing to the Administrator. Requests should be sent to the Administrator, c/o Import-Export Animals Staff, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231. The change in itinerary or method of transport may not be made without the written approval of the Administrator, who may grant the request for change when he or she determines that granting the request will not endanger other horses in the United States and that sufficient APHIS personnel are available to provide the services required by the owner or importer. If more than one application for an import permit is received, APHIS personnel will be assigned in the order that the applications that otherwise meet the requirements of this section are received.

(4) The Administrator may cancel, orally or in writing, the import permit provided for under § 93.304 of this part whenever the Administrator finds that the owner or importer of the horse has not complied with the provisions of paragraphs (f)(1) through (f)(3) of this section or any conditions imposed under those provisions. If the cancellation is oral, the Administrator will confirm the cancellation and the reasons for the cancellation in writing as soon as circumstances permit. Any person whose import permit is canceled may appeal the decision in writing to the Administrator within 10 days after receiving oral or written notification of the cancellation, whichever is earlier. If the appeal is sent by mail, it must be postmarked within 10 days after the owner or importer receives oral or written notification of the cancellation, whichever is earlier. The appeal must include all of the facts and reasons upon which the person relies to show that the import permit was wrongfully canceled. The Administrator will grant or deny the appeal in writing as promptly as circumstances permit, stating the reason for his or her decision. If there is a conflict as to any material fact, a hearing will be

held to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator.

(5) Except in those cases where an appeal is in process, any person whose import permit is canceled must move the horse identified in the import permit out of the United States within 10 days after receiving oral or written notification of cancellation, whichever is earlier. The horse is not permitted to enter competition from the date the owner or importer receives the notice of cancellation until the horse is moved out of the United States or until resolution of an appeal in favor of the owner or importer. Except when being exercised, the horse must be kept, at the expense of the owner or importer, in a stall on the premises where the horse is located when the notice of cancellation is received, or, if the horse is in transit when the notice of cancellation is received, on the premises where it is next scheduled to compete according to the import permit. The stall in which the horse is kept must be separated from other stalls containing horses, either by an empty stall, by an open area across which horses cannot touch each other, or a by solid wall that is at least 8 feet (2.4 m) high. In cases where the owners of the above specified premises do not permit the horse to be kept on those premises, or when the Administrator determines that keeping the horse on the above specified premises will pose a disease risk to horses in the United States, the horse must be kept, at the expense of the owner or importer, on an alternative premises approved by the Administrator.

(6) Stallions or mares over 731 days of age that are imported for no more than 90 days in accordance with paragraphs (f)(1) through (f)(3) of this section may be eligible to remain in the United States if the following is completed:

(i) Following completion of the itinerary specified in the import permit provided for in §93.304 of this part, the horse's owner or importer applies for and receives a new import permit that specifies that the stallion or mare will be moved to an approved State listed in paragraph (h)(6) or (h)(7) of this section; and

(ii) The stallion or mare is transported in a sealed vehicle that has been cleaned and disinfected to an approved facility in an approved State where it is quarantined under State or Federal supervision until the stallion or mare has met the testing and treatment requirements of paragraph (e)(3) or (e)(5) of this section.

(7) All costs and charges associated with the supervision and maintenance of a horse imported under paragraphs (f)(1) through (f)(3) of this section will be borne by the horse's owner or importer. The costs associated with the supervision and maintenance of the horse by an APHIS representative at his or her usual places of duty will be reimbursed by the horse's owner or importer through user fees payable under part 130 of this chapter.

(8) In the event that an APHIS representative must be temporarily detailed from his or her usual place of duty in connection with the supervision and maintenance of a horse imported under paragraphs (f)(1) through (f)(3) of this section, the owner or importer of the horse must execute a trust fund agreement with APHIS to reimburse all expenses (including travel costs, salary, per diem or subsistence, administrative expenses, and incidental expenses) incurred by the Department in connection with the temporary detail. Under the trust fund agreement, the horse's owner or importer must deposit with APHIS an amount equal to the estimated cost, as determined by APHIS, for the APHIS representative to inspect the premises at which the horse will compete, to conduct the monitoring required by paragraph (f)(2)(ii) of this section, and to supervise the cleaning and disinfection required by paragraph (f)(2)(vi) of this section. The estimated costs will be based on the following factors:

(i) Number of hours needed for an APHIS representative to conduct the required inspection and monitoring;

(ii) For services provided during regular business hours (8 a.m. to 4:30 p.m., Monday through Saturday, except holidays), the average salary, per hour, for an APHIS representative;

(iii) For services provided outside regular business hours, the applicable rate for overtime, night differential, or

Sunday or holiday pay, based on the average salary, per hour, for an APHIS representative;

(iv) Number of miles from the premises at which the horse competes to the APHIS office or facility that is monitoring the activities;

(v) Government rate per mile for automobile travel or, if appropriate, cost of other means of transportation between the premises at which the horse competes and the APHIS office or facility;

(vi) Number of trips between the premises at which the horse competes and the APHIS office or facility that APHIS representatives are required to make in order to conduct the required inspection and monitoring;

(vii) Number of days the APHIS representative conducting the inspection and monitoring must be in ''travel status;''

(viii) Applicable government per diem rate; and

(ix) Cost of related administrative support services.

(9) If a trust fund agreement with APHIS has been executed by the owner or importer of a horse in accordance with paragraph (f)(8) of this section and APHIS determines, during the horse's stay in the United States, that the amount deposited will be insufficient to cover the services APHIS is scheduled to provide during the remainder of the horse's stay, APHIS will issue to the horse's owner or importer a bill to restore the deposited amount to a level sufficient to cover the estimated cost to APHIS for the remainder of the horse's stay in the United States. The horse's owner or importer must pay the amount billed within 14 days after receiving the bill. If the bill is not paid within 14 days after its receipt, APHIS will cease to perform the services provided for in paragraph (f)(2) of this section until the bill is paid. The Administrator will inform the owner or importer of the cessation of services orally or in writing. If the notice of cessation is oral, the Administrator will confirm, in writing, the notice of cessation and the reason for the cessation of services as soon as circumstances permit. In such a case, the horse must be kept, at the expense of the owner or importer and until the bill is paid, in a stall either on the premises at which the horse is located when the notice of cessation of services is received, or, if the horse is in transit when the notice of cessation of services is received, on the premises at which it is next scheduled to compete according to the import permit. The stall in which the horse is kept must be separated from other stalls containing horses either by an empty stall, an open area across which horses cannot touch each other, or a solid wall that is at least 8 feet (2.4 m) high. In cases where the owners of the above specified premises do not permit the horse to be kept on those premises, or when the Administrator determines that keeping the horse on the above specified premises will pose a disease risk to other horses in the United States, the horse must be kept, at the expense of the owner or importer, on an alternative premises approved by the Administrator. Until the bill is paid, the horse is not permitted to enter competition. Any amount deposited in excess of the costs to APHIS to provide the required services will be refunded to the horse's owner or importer.

(g) *Special provisions for the importation of horses that have been temporarily exported to a CEM-affected region.* If a horse has been temporarily exported for not more than 60 days from the United States to a CEM-affected region listed in paragraph (c)(1) of this section, or if a horse has been temporarily exported for not more than 60 days from another region not known to be affected with CEM to a CEM-affected region during the 12 months preceding its exportation to the United States, the horse may be eligible for return or importation into the United States without meeting the requirements of paragraphs (d) through (f) of this section under the following conditions:

(1) The horse must be accompanied by a certificate that meets the requirements of §93.314(a) of this part issued by each CEM-affected region that the horse has visited during the term of its temporary exportation, and each certificate must contain the following additional declarations:

(i) That the horse was held separate and apart from all other horses except

for the time it was actually participating in an event or was being exercised by its trainer;

(ii) That the premises on which the horse was held were not used for any equine breeding purpose;

(iii) That the horse was not bred to or bred by any animal, nor did it have any other sexual contact or genital examination while in such region; and

(iv) That all transport while in such region was carried out in cleaned and disinfected vehicles in which no other horses were transported since such cleaning and disinfection;

(2) The horse is accompanied by an import permit issued in accordance with § 93.304 of this part at the time of exportation;

(3) If the horse was temporarily exported from the United States and is being returned to the United States, the horse must be accompanied by a copy of the United States health certificate issued for its exportation from the United States and endorsed in accordance with the export regulations in part 91 of this chapter;

(4) The horse must be examined by an inspector at the U.S. port of entry and found by the inspector to be the identical horse covered by the documents required by paragraphs (a) through (c) of this section and found by the inspector to be free of communicable disease and exposure thereto; and

(5) The horse must be quarantined and tested at the U.S. port of entry as provided in § 93.308 of this part prior to release.

(h) *Approval of States.* In order for a State to be approved to receive stallions or mares over 731 days of age from a CEM-affected region listed in paragraph (c)(1) of this section that are imported under paragraph (e) of this section, the State must meet the following conditions:

(1) The State must enter into a written agreement with the Administrator, whereby the State agrees to enforce its laws and regulations to control CEM and to abide by the conditions of approval established by the regulations in this part.

(2) The State must agree to quarantine all stallions and mares over 731 days of age imported under the provisions of paragraph (e) of this section until the stallions have been treated in accordance with paragraph (e)(3) of this section and the mares have been treated in accordance with paragraph (e)(5) of this section.

(3) The State must agree to quarantine all mares used to test stallions for CEM until the mares have been released from quarantine in accordance with paragraph (e)(4) of this section.

(4) The State must have laws or regulations requiring that stallions over 731 days of age imported under paragraph (e) of this section be treated in the manner specified in paragraph (e)(3) of this section, and that mares over 731 days of age imported under paragraph (e) of this section be treated in the manner specified in paragraph (e)(5) of this section.

(5) Approval of any State to receive stallions or mares imported from regions affected with CEM may be suspended by the Administrator upon his or her determination that any requirements of this section are not being met. After such action is taken, the animal health authorities of the approved State will be informed of the reasons for the action and afforded an opportunity to present their views thereon before such suspension is finalized; however, such suspension of approval shall continue in effect unless otherwise ordered by the Administrator. In those instances where there is a conflict as to the facts, a hearing shall be held to resolve such conflict.

(6) The following States have been approved to receive stallions over 731 days of age imported under paragraph (e) of this section:

The State of Alabama
The State of California
The State of Colorado
The State of Florida
The State of Kentucky
The State of Louisiana
The State of Maryland
The State of Montana
The State of New Hampshire
The State of New Jersey
The State of New York
The State of North Carolina
The State of Ohio
The State of South Carolina
The State of Tennessee
The State of Texas
The State of Virginia

The State of Wisconsin

(7) The following States have been approved to receive mares over 731 days of age imported under paragraph (e) of this section:

The State of Alabama
The State of California
The State of Colorado
The State of Kentucky
The State of Louisiana
The State of Maryland
The State of Montana
The State of Hew Hampshire
The State of New Jersey
The State of New York
The State of North Carolina
The State of Ohio
The State of South Carolina
The State of Tennessee
The State of Texas
The State of Virginia
The State of Wisconsin

(i) *Approval of laboratories.* (1) The Administrator will approve a laboratory to conduct CEM cultures and tests only after consulting with the State animal health official in the State in which the laboratory is located and after determining that the laboratory:

(i) Has technical personnel assigned to conduct the CEM culturing and testing who possess the following minimum qualifications:

(A) A bachelor's degree in microbiology;

(B) A minimum of 2 years experience working in a bacteriology laboratory; and

(C) Experience working with the CEM organism, including knowledge of the specific media requirements, atmospheric requirements, and procedures for the isolation and identification of the CEM organism.[10]

(ii) Follows standard test protocols that will reliably and consistently provide for the isolation and identification of the CEM organism;[11] and

(iii) Reports all official test results to the State animal health official and the Veterinarian in Charge.

(2) To retain approval, the laboratory must meet the requirements prescribed in paragraph (i)(1) of this section, and shall test with the CEM organism each lot of media it prepares to ensure that the media will support growth of the laboratory's reference culture. Media that will not support growth of the reference culture must be discarded.

(3) The Administrator may deny or withdraw approval of any laboratory to conduct CEM culturing or testing upon a determination that the laboratory does not meet the criteria for approval or maintenance of approval under paragraphs (i)(1) and (i)(2) of this section.

(i) In the case of a denial of approval, the operator of the laboratory will be informed of the reasons for denial and, upon request, will be afforded an opportunity for a hearing with respect to the merits or validity of the denial in accordance with rules of practice that will be adopted for the hearing.

(ii) In the case of a withdrawal of approval, before such action is taken, the operator of the laboratory will be informed of the reasons for the proposed withdrawal and, upon request, will be afforded an opportunity for a hearing with respect to the merits or validity of the proposed withdrawal in accordance with rules of practice that will be adopted for the hearing. However, the withdrawal will become effective pending a final determination in the hearing when the Administrator determines that such action is necessary to protect the public health, interest, or safety. The withdrawal will be effective upon oral or written notification, whichever is earlier, to the operator of the laboratory. In the event of oral notification, written confirmation will be given as promptly as circumstances allow. The withdrawal will continue in effect pending completion of the hearing and any judicial review of the hearing, unless otherwise ordered by the Administrator.

(iii) Approval for a laboratory to conduct CEM culturing or testing will be automatically withdrawn by the Administrator when the operator of the

[10] When training regarding CEM culturing and testing is necessary, it may be obtained at the National Veterinary Services Laboratories, Ames, IA 50010.

[11] Standard test protocols recommended by the National Veterinary Services Laboratories and a list of approved laboratories can be obtained from the National Veterinary Services Laboratories, Ames, IA 50010.

approved laboratory notifies the National Veterinary Services Laboratories, Ames, IA 50010, in writing, that the laboratory no longer conducts CEM culturing and testing.

(Approved by the Office of Management and Budget under control number 0579–0040)

[55 FR 31495, Aug. 2, 1990, as amended at 56 FR 15849–15852, Apr. 17, 1991; 56 FR 66781, Dec. 26, 1991; 57 FR 5931, Feb. 18, 1992; 57 FR 28080, June 24, 1992; 59 FR 24888, May 13, 1994; 59 FR 67133, Dec. 29, 1994; 59 FR 67614, Dec. 30, 1994; 61 FR 52239, Oct. 7, 1996. Redesignated and amended at 62 FR 56012, 56016, Oct. 28, 1997]

§93.302 Inspection of certain aircraft and other means of conveyance and shipping containers thereon; unloading, cleaning, and disinfection requirements.

(a) *Inspection:* All aircraft and other means of conveyance (including shipping containers thereon) moving into the United States from any foreign region are subject to inspection without a warrant by properly identified and designated inspectors to determine whether they are carrying any animal, carcass, product or article regulated or subject to disposal under any law or regulation administered by the Secretary of Agriculture for prevention of the introduction or dissemination of any communicable animal disease (21 U.S.C. 134d).

(b) *Unloading requirements:* Whenever in the course of any such inspection at any port in the United States the inspector has reason to believe that the means of conveyance or container is contaminated with material of animal (including poultry) origin, such as, but not limited to, meat, organs, glands, extracts, secretions, fat, bones, blood, lymph, urine, or manure, so as to present a danger of the spread of any communicable animal disease, the inspector may require the unloading of the means of conveyance and the emptying of the container if he or she deems it necessary to enable him or her to determine whether the means of conveyance or container is in fact so contaminated. The principal operator of the means of conveyance and his or her agent in charge of the means of conveyance shall comply with any such requirement under the immediate supervision of, and in the time and manner prescribed by, the inspector.

(c) *Cleaning and disinfection:* Whenever, upon inspection under this section, an inspector determines that a means of conveyance or shipping container is contaminated with material of animal origin so as to present a danger of the spread of any communicable animal disease, he or she shall notify the principal operator of the means of conveyance or his or her agent in charge, of such determination and the requirements under this section. The person so notified shall cause the cleaning and disinfection of such means of conveyance and container under the immediate supervision of, and in the time and manner prescribed by, the inspector.

(d) For purposes of this section, the term ''shipping container'' means any container of a type specially adapted for use in transporting any article on the means of conveyance involved.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56016, Oct. 28, 1997]

§93.303 Ports designated for the importation of horses.

(a) *Air and ocean ports.* The following ports have APHIS inspection and quarantine facilities necessary for quarantine stations and all horses shall be entered into the United States through these stations, except as provided in paragraphs (b), (c), (d), (e), and (f) of this section, §§93.308(a), (b) and (c) and 93.317: Los Angeles, California; Miami, Florida; Honolulu, Hawaii; and Newburgh, New York.

(b) *Canadian border ports.* (1) The following land border ports are designated as having the necessary inspection facilities for the entry of horses from Canada: Eastport, Idaho; Houlton and Jackman, Maine; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Baudette, Minnesota; Opheim, Raymond, and Sweetgrass, Montana; Alexandria Bay, Buffalo, and Champlain, New York; Dunseith, Pembina, and Portal, North Dakota; Derby Line and Highgate Springs, Vermont; Blaine, Lynden, Oroville, and Sumas, Washington.

(2) International Falls, Minnesota, is designated as a port of entry for horses from Canada.

(c) *Mexican border ports.* The following land border ports are designated for the entry of horses from Mexico: Brownsville, Hidalgo, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, Texas; Douglas, Naco, Nogales, Sasabe, and San Luis, Arizona; Calexico and San Ysidro, California; and Antelope Wells, Columbus, and Santa Teresa, New Mexico.

(d) *Limited ports.* The following ports are designated as having inspection facilities for the entry of horses and horse products such as horse test specimens which do not appear to require restraint and holding inspection facilities: Anchorage and Fairbanks, Alaska; San Diego, California; Jacksonville, St. Petersburg-Clearwater, and Tampa, Florida; Atlanta, Georgia; Chicago, Illinois; New Orleans, Louisiana; Portland, Maine; Baltimore, Maryland; Boston, Massachusetts; Minneapolis, Minnesota; Great Falls, Montana; Dayton, Ohio; Portland, Oregon; San Juan, Puerto Rico; Galveston and Houston, Texas; and Seattle, Spokane, and Tacoma, Washington.

(e) *Ports and quarantine facilities provided by the importer for horses.* Horses, except horses from or which have transited any region in which African horsesickness is declared to exist,[12] may be entered into the United States at any port specified in paragraph (a) of this section, or at any other port designated as an international port or airport by the U.S. Customs Service and quarantined at quarantine facilities provided by the importer provided that applicable provisions of §§ 93.301(c), 93.304(a), 93.306, 93.308(a), (b) and (c), and 93.314 are met.

(f) *Designation of other ports.* The Secretary of the Treasury has approved the designation as quarantine stations of the ports specified in this section. In special cases other ports may be designated as quarantine stations under this section by the Administrator, with the concurrence of the Secretary of the Treasury.

[55 FR 31495, Aug. 2, 1990, as amended at 56 FR 15489, Apr. 17, 1991; 57 FR 37690, Aug. 20, 1992; 58 FR 45237, Aug. 27, 1993; 60 FR 16045, Mar. 29, 1995; 60 FR 25120, May 11, 1995; 61 FR 52239, Oct. 7, 1996; 62 FR 27938, May 22, 1997. Redesignated and amended at 62 FR 56012, 56012 Oct. 28, 1997]

§ 93.304 Import permits for horses from regions affected with CEM and for horse specimens for diagnostic purposes; reservation fees for space at quarantine facilities maintained by APHIS.

(a) *Application for permit; reservation required.* (1)(i) For horses from regions listed in § 93.301(c)(1) of the regulations, horses intended for quarantine at a quarantine facility provided by the importer, and horse test specimens for diagnostic screening purposes, intended for importation from any part of the world, except as otherwise provided for in §§ 93.315, 93.319, and 93.321, the importer shall first apply for and obtain from APHIS an import permit. The application shall specify the name and address of the importer; the species, breed, number or quantity of horses or horse test specimens to be imported; the purpose of the importation; individual horse identification which includes a description of the horse, name, age, markings, if any, registration number, if any, and tattoo or eartag; the region of origin; the name and address of the exporter; the port of embarkation in the foreign region; the mode of transportation, route of travel, and the port of entry in the United States; the proposed date of arrival of the horses or horse test specimens to be imported; and the name of the person to whom the horses or horse test specimens will be delivered and the location of the place in the United States to which delivery will be made from the port of entry. Additional information may be required in the form of certificates concerning specific diseases to which the horses are susceptible, as well as vaccinations or other precautionary treatments to which the horses or horse test specimens have

[12] Information as to the regions where African horsesickness is declared to exist may be obtained from the Administrator.

been subjected. Notice of any such requirements will be given to the applicant in each case.

(ii) Horses intended for importation under §93.301(f) of this part must meet the permit requirements of paragraph (a)(1)(i) of this section. Additionally, for horses intended for importation under §93.301(f) of this part, the horse's owner or importer must include the following information with the application for permit that is required by paragraph (a)(1)(i) of this section:

(A) That the application is being made for a horse that will remain in the United States for no more than 90 days;

(B) The names, dates, and locations of the events in which the horse will compete while in the United States;

(C) The names and locations of the premises on which the horse will be kept while in the United States, and the dates the horse will be kept on each premises; and

(D) The methods and routes by which the horse will be transported while in the United States.

(iii) Approval of an application for a permit to import a horse under §93.301(f) of this part is contingent upon a determination by the Administrator that sufficient APHIS personnel are available to provide the services required. If more than one application for an import permit is received, APHIS personnel will be assigned in the order that applications that otherwise meet the requirements of this section are received.

(2) An application for permit to import horses from regions listed in §93.301(c)(1) of the regulations, horses intended for quarantine at a quarantine facility provided by the importer, may also be denied because of: Communicable disease conditions in the area or region of origin, or in a region where the shipment has been or will be held or through which the shipment has been or will be transported; deficiencies in the regulatory programs for the control or eradication of animal diseases and the unavailability of veterinary services in the above mentioned regions; the importer's failure to provide satisfactory evidence concerning the origin, history, and health status of the horses; the lack of satisfactory information necessary to determine that the importation will not be likely to transmit any communicable disease to livestock or poultry of the United States; or any other circumstances which the Administrator believes require such denial to prevent the dissemination of any communicable disease of livestock or poultry into the United States.

(3)(i) The importer or importer's agent shall pay or ensure payment of a reservation fee for each lot of horses to be quarantined in a facility maintained by USDA. For horses, the reservation fee shall be 100 percent of the cost of providing care, feed, and handling during quarantine, as estimated by the quarantine facility's veterinarian in charge.

(ii) At the time the importer or the importer's agent requests a reservation of quarantine space, the importer or importer's agent shall pay the reservation fee by check or U.S. money order or ensure payment of the reservation fee by an irrevocable letter of credit from a commercial bank (the effective date on such letter of credit shall run to 30 days after the date the horses are scheduled to be released from quarantine); except that anyone who issues a check to the Department for a reservation fee which is returned because of insufficient funds shall be denied any further request for reservation of a quarantine space until the outstanding amount is paid.

(iii) Any reservation fee paid by check or U.S. money order shall be applied against the expenses incurred for services received by the importer or importer's agent in connection with the quarantine for which the reservation was made. Any part of the reservation fee which remains unused after being applied against the expenses incurred for services received by the importer or the importer's agent in connection with the quarantine for which the reservation was made, shall be returned to the individual who paid the reservation fee. If the reservation fee is ensured by a letter of credit, the Department will draw against the letter of credit unless payment for services received by the importer or importer's agent in connection with the quarantine is otherwise made at least 3

days prior to the expiration date of the letter of credit.

(iv) Any reservation fee shall be forfeited if the importer or the importer's agent fails to present for entry, within 24 hours following the designated time of arrival, the horse for which the reservation was made: *Except* that a reservation fee shall not be forfeited if:

(A) Written notice of cancellation from the importer or the importer's agent is received by the office of the veterinarian in charge of the quarantine facility[13] during regular business hours (8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays) no later than 5 days prior to the beginning of the time of importation as specified in the import permit or as arranged with the veterinarian in charge of the quarantine facility if no import permit is required (the 5 days period shall not include Saturdays, Sundays, or holidays), or

(B) The Administrator determines that services, other than provided by carriers, necessary for the importation of the horses within the required period are unavailable because of unforseen circumstances as determined by the Administrator (such as the closing of an airport due to inclement weather or the unavailability of the reserved space due to the extension of another quarantine).

(v) If the reservation fee was ensured by a letter of credit and the fee is to be forfeited under paragraph (a)(3)(iv) of this section, the Department will draw against the letter of credit unless the reservation fee is otherwise paid at least 3 days prior to the expiration date of the letter of credit.

(vi) When a reservation is cancelled in accordance with paragraph (a)(3)(iv)(A) of this section and the provisions of paragraph (a)(3)(iv)(B) of this section do not apply, a $40.00 cancellation fee shall be charged. If a reservation fee was paid, the cancellation fee shall be deducted from any reservation fee returned to the importer or the importer's agent. If the reservation fee was ensured by a letter of credit, the Department will draw the amount of the cancellation fee against the letter of credit unless the cancellation fee is otherwise paid at least 3 days prior to the expiration date of the letter of credit.

(b) *Permit.* (1) When a permit is issued, the original and two copies will be sent to the importer. It shall be the responsibility of the importer to forward the original permit and one copy to the shipper in the region of origin, and it shall also be the responsibility of the importer to ensure that the shipper presents the copy of the permit to the carrier and makes the necessary arrangements for the original permit to accompany the shipment to the specified U.S. port of entry for presentation to the collector of customs.

(2) Horses and horse test specimens for which a permit is required under paragraph (a) of this section will be received at the port of entry specified on the permit within the time prescribed in the permit, which shall not exceed 14 days from the first day that the permit is effective.

(3) Horses and horse test specimens for which a permit is required under paragraph (a) of this section will not be eligible for entry if:

(i) A permit has not been issued for the importation of the horse or horse test specimen;

(ii) If the horse or horse test specimen is unaccompanied by the permit issued for its importation;

(iii) If the horse or horse test specimen is shipped from any port other than the one designated in the permit;

(iv) If the horse or horse test specimen arrives in the United States at any port other than the one designated in the permit;

(v) If the horse or horse test specimen offered for entry differs from that described in the permit; or

(vi) If the horse or horse test specimen is not handled as outlined in the

[13] The addresses of USDA quarantine facilities may be found in telephone directories listing the facilities or by contacting Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

application for the permit and as specified in the permit issued.

[55 FR 31495, Aug. 2, 1990, as amended at 56 FR 15489, 15492, Apr. 2, 1991; 56 FR 15489, 15492, Apr. 17, 1991; 56 FR 63627, Dec. 5, 1991; 56 FR 66781, Dec. 26, 1991; 57 FR 27901, June 23, 1992; 59 FR 31924, June 21, 1994; 59 FR 52237, Oct. 17, 1994; 60 FR 49752, Sept. 27, 1995; 61 FR 1699, Jan. 23, 1996; 61 FR 52239, 52245, Oct. 7, 1996. Redesignated and amended at 62 FR 56012, 56016, Oct. 28, 1997]

§93.305 Declaration and other documents for horses.

(a) The certificates, declarations, and affidavits required by the regulations in this part shall be presented by the importer or his or her agent to the collector of customs at the port of entry, upon arrival of horses at such port, for the use of the veterinary inspector at the port of entry.

(b) For all horses offered for importation, the importer or his or her agent shall first present two copies of a declaration which shall list the port of entry, the name and address of the importer, the name and address of the broker, the origin of the horses, the number, breed, species, and purpose of the importation, the name of the person to whom the horses will be delivered, and the location of the place to which such delivery will be made.

§93.306 Inspection at the port of entry.

(a) Inspection shall be made at the port of entry of all horses imported from any part of the world except as provided in §§93.318 and 93.323. All horses found to be free from communicable disease and not to have been exposed thereto within 60 days prior to their exportation to the United States shall be admitted subject to the other provisions in this part; all other horses shall be refused entry. Horses refused entry, unless exported within a time fixed in each case by the Administrator of Veterinary Service, and in accordance with other provisions he or she may require in each case for their handling shall be disposed of as the Administrator may direct in accordance with provisions of section 2 of the Act of July 2, 1962 (21 U.S.C. 134a), or the provisions of section 8 of the Act of August 30, 1890 (21 U.S.C. 103). Such portions of the transporting vessel, and of its cargo, which have been exposed to any such horses or their emanations shall be disinfected in such manner as may be considered necessary by the inspector in charge at the port of entry, to prevent the introduction or spread of livestock or poultry disease, before the cargo is allowed to land.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56016, Oct. 28, 1997]

§93.307 Articles accompanying horses.

No litter or manure, fodder or other aliment, nor any equipment such as boxes, buckets, ropes, chains, blankets, or other things used for or about horses governed by the regulations this part, shall be landed from any conveyance except under such restrictions as the inspector in charge at the port of entry shall direct.

§93.308 Quarantine requirements.

(a) Except as provided in this section and in §93.324, horses intended for importation into the United States from any part of the world shall be shipped directly to a port designated in §§93.303 and 92.324 and be quarantined at said port until negative results to port of entry tests are obtained and the horses are certified by the port veterinarian to be free from clinical evidence of disease.

(1) Except as provided in §93.317, and except with respect to horses from Argentina, Bermuda, and the British Virgin Islands, horses intended for importation from the Western Hemisphere shall be quarantined at a port designated in §93.303 for not less than 7 days to be evaluated for signs of Venezuelan equine encephalomyelitis.

(2) Horses intended for importation from Oman, Qatar, Saudi Arabia, the Yemen Arab Republic, and all regions on the continent of Africa, regions APHIS considers to be affected with African horse sickness, must enter the United States only at the port of New York, and be quarantined at the New York Animal Import Center in Newburgh, New York, for at least 60 days. This restriction also applies to horses that have stopped in or transited a region considered affected with African horse sickness.

(3) In order to qualify for release from quarantine, all horses from any

part of the world, while quarantined shall test negative to the following port of entry tests: An official test for dourine, glanders, equine piroplasmosis, and equine infectious anemia[14] and such other tests, inspections, disinfections and precautionary treatments that may be required by the Administrator, to determine their freedom from communicable diseases.

(4) Any quarantine period required for a horse shall be counted using the first day after arrival of the horse at the quarantine facility as the first day of quarantine and may be extended for such additional period as the Administrator may require to determine its freedom from disease. Any horse which is positive to any of the port of entry tests named in this paragraph or any other test required by the Administrator, or which is found by the port veterinarian to exhibit evidence of communicable disease during quarantine shall be refused entry into the United States and removed by the importer to a country other than the United States within 10 days of the date that the importer is notified by APHIS that such horse has been refused entry into the United States. Upon request, the Administrator may grant additional time for the removal of a horse from the United States in any case in which he or she determines that delay is unavoidable due to unforseen circumstances and the additional time for removal of the horse will not present a threat of the spread of communicable disease to other animals in the United States. At the option of the importer, such horse may be disposed of in accordance with such conditions as the Administrator believes necessary to prevent the dissemination of communicable disease into the United States. The importer shall be responsible for all costs of such removal or disposal.

(b) *Special provisions.* Horses presented for entry into the United States as provided in §93.303(e) of this part shall be quarantined in facilities provided by the importer and approved by the Administrator. Requests for approval and plans for proposed facilities shall be submitted no less than 15 days before the proposed date of entry of horses into the quarantine facility to the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road, Unit 38, Riverdale, Maryland 20737–1231. Before the facility is approved, an inspection of the facility shall be made by a Veterinary Medical Officer of APHIS, to determine whether it complies with the standards set forth in paragraph (c) of this section: *Provided, however,* That approval of any quarantine facility and use of such facility shall be contingent upon a determination made by the Administrator that adequate personnel are available to provide services required by the facility. Approval of any facility may be refused and approval of any approved quarantine facility may be withdrawn at any time by the Administrator, upon his or her determination that any requirement of this section is not being met. Before such action is taken, the operator of the facility shall be informed of the reasons for the proposed action by the Administrator and afforded an opportunity to present his or her views thereon. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict. The cost of the facility and all maintenance and operation costs of such facility shall be borne by the importer.

(c) *Standards and handling procedures for approval of quarantine facilities provided by the importer.* To qualify for designation as an approved quarantine facility provided by the importer for horses, the facility shall be maintained and operated in accordance with the following standards:

(1) *Supervision of the facility.* The facility shall be under the general supervision of an APHIS veterinarian. Inspection and quarantine services shall be arranged by the importer of his or

[14] In view of the fact that official tests for dourine and glanders are run exclusively at the Veterinary Services Laboratory, Beltsville, Maryland, protocols for these tests have not been published and are therefore not available; copies of ''Protocol for the Complement-Fixation Test for Equine Piroplasmosis'' and ''Protocol for the Immuno-Diffusion (Coggins) Test for Equine Infection Anemia'' may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

her agent with the Veterinarian in Charge, Veterinary Services, APHIS, USDA, for the State in which the approved facility is located,[15] no less than 7 days before the proposed date of entry of the horses into the quarantine facility.

(2) *Physical requirements for facilities.* (i) *Location.* The facility shall be located and constructed to prevent horses from having physical contact with animals outside the facility.

(ii) *Construction.* (A) The facility shall be constructed only with materials that can withstand repeated cleaning and disinfection in accordance with §§71.7 and 71.10 of subchapter C of this title. (All walls, floors and ceilings shall be constructed of solid impervious material.)

(B) Doors, windows, and other openings of the facility shall be provided with double screens which will prevent insects from entering the facility.

(3) *Sanitation and security.* (i) The importer shall arrange for a supply of water adequate to clean and disinfect the facility in accordance with §§ 71.7 and 71.10 of subchapter C of this title.

(ii) All feed and bedding used for horses in approved quarantine facilities shall originate from an area not under quarantine because of cattle fever ticks (see §§72.3 and 72.5 of subchapter C of this title) and shall be stored within the facility.

(iii) Upon the death or destruction of any horse, the importer shall arrange for the disposal of the horse's carcass by incineration. Disposal of all other waste removed from the facility during the time the horses are in quarantine or from horses which are refused entry into the United States shall be either by incineration or in a public sewer system which meets all applicable environmental quality control standards. Following completion of the quarantine period and the release of the horses into the United States all waste may be removed from the quarantine facility without further restriction.

(iv) The facility shall be maintained and operated in accordance with any additional requirements the Administrator deems appropriate to prevent the dissemination of any communicable disease.

(v) The facility shall comply with all applicable local, State and Federal requirements for environmental quality.

(4) *Operational procedures.*

(i) *Personnel.* (A) Access to the facility shall be granted only to persons working at the facility or to persons specifically granted such access by the supervising APHIS veterinarian.

(B) The importer shall provide attendants for the care and feeding of horses while in the quarantine facility.

(C) Persons working in the quarantine facility shall not come in contact with any horses outside the quarantine facility during the quarantine period for any horses in such quarantine facility.

(ii) *Handling of horses in quarantine.* Horses offered for importation into the United States which are quarantined in an approved quarantine facility provided by the importer shall be handled in accordance with §93.308(a) while in quarantine.

[55 FR 31495, Aug. 2, 1990, as amended at 55 FR 46040, Nov. 1, 1990; 56 FR 15489, Apr. 17, 1991; 58 FR 45238, Aug. 27, 1993; 59 FR 9073, Feb. 25, 1994; 59 FR 24888, May 13, 1994; 59 FR 67614, Dec. 30, 1994; 60 FR 5128, Jan. 26, 1995; 60 FR 9612, Feb. 21, 1995; 60 FR 17635, Apr. 7, 1995; 61 FR 14240, Apr. 1, 1996; 61 FR 36817, July 15, 1996; 61 FR 39853, July 31, 1996; 61 FR 52245, Oct. 7, 1996. Redesignated and amended at 62 FR 56012, 56016, 56017, Oct. 28, 1997]

§93.309 Horse quarantine facilities.

(a) *Privately operated quarantine facilities.* The importer, or his or her agent, of horses subject to quarantine under the regulations in this part shall arrange for acceptable transportation to the privately operated quarantine facility and for the care, feed, and handling of the horses from the time of unloading at the quarantine port to the time of release from quarantine. Such arrangements shall be agreed to in advance by the Administrator. All expenses resulting therefrom or incident thereto shall be the responsibility of the importer; APHIS assumes no responsibility with respect thereto. The quarantine facility must be suitable for

[15] The name and address of the Veterinarian in Charge of any State are available from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

the quarantine of such horses and must be approved by the Administrator prior to the issuance of any import permit. The facilities occupied by horses should be kept clean and sanitary to the satisfaction of the inspector assigned to supervise the quarantine. If for any cause the care, feed, or handling of horses, or the sanitation of the facilities, is neglected, in the opinion of the inspector assigned to supervise the quarantine, such services may be furnished by APHIS in the same manner as though arrangements had been made for such services as provided by paragraph (b) of this section, and/or the horses may be disposed of as the Administrator, may direct, including sale in accordance with the procedure described in paragraph (b) of this section. The importer, or his or her agent, shall request in writing such inspection and other services as may be required, and shall waive all claim against the United States and APHIS or any employee of APHIS for damages which may arise from such services. The Administrator, may prescribe reasonable rates for the services provided under this paragraph. When it is found necessary to extend the usual minimum quarantine period, the importer, or his or her agent, shall be so advised in writing and shall pay for such additional quarantine and other services required. Payment for all services received by the importer, or his or her agent, in connection with each separate lot of horses shall be made by certified check or U.S. money order prior to release of the horses. If such payment is not made, the horses may be sold in accordance with the procedure described in paragraph (b) of this section, or otherwise disposed of as directed by the Administrator.

(b) *Quarantine facilities maintained by APHIS.* The importer, or his or her agent, of horses subject to quarantine under the regulations in this part shall arrange for acceptable transportation to the quarantine facility, and for the care, feed, and handling of the horses from the time they arrive at the quarantine port to the time of release from quarantine. Such arrangements shall be agreed to in advance by the Administrator. The importer or his or her agent shall request in writing such inspection and other services as may be required, and shall waive all claim against the United States and APHIS or any employee of APHIS, for damages which may arise from such services. All expenses resulting therefrom or incident thereto shall be the responsibility of the importer; APHIS assumes no responsibility with respect thereto. The Administrator may prescribe reasonable rates for the services provided under this paragraph. When it is found necessary to extend the usual minimum quarantine period, the importer, or his or her agent, shall be so advised in writing and shall pay for such additional quarantine and other services required. Payment for services received by the importer, or his or her agent, in connection with each separate lot of horses shall be made by certified check or U.S. money order prior to release of the horses. If such payment is not made, the horses may be sold in accordance with the procedure described in this paragraph or otherwise disposed of as directed by the Administrator. When payment is not made and the horses are to be sold to recover payment for services received, the importer, or his or her agent, will be notified by the inspector that if said charges are not immediately paid or satisfactory arrangements made for payment, the horses will be sold at public sale to pay the expense of care, feed, and handling during that period. The sale will be held after the expiration of the quarantine period, at such time and place as may be designated by the General Services Administration or other designated selling agent. The proceeds of the sale, after deducting the charges for care, feed, and handling of the horses and other expenses, including the expense of the sale, shall be held in a Special Deposit Account in the United States Treasury for 6 months from the date of sale. If not claimed by the importer, or his or her agent, within 6 months from the date of sale, the amount so held shall be transferred from the Special Deposit Account to the General Fund Account in the United States Treasury.

(c) Amounts collected from the importer, or his or her agent, for service rendered shall be deposited so as to be

available for defraying the expenses involved in this service.

§93.310 Quarantine stations, visiting restricted; sales prohibited.

Visitors shall not be admitted to the quarantine enclosure during any time that horses are in quarantine except that an importer (or his or her accredited agent or veterinarian) may be admitted to the yards and buildings containing his or her quarantined horses at such intervals as may be deemed necessary, and under such conditions and restrictions as may be imposed, by the inspector in charge of the quarantine station. On the last day of the quarantine period, owners, officers or registry societies, and others having official business or whose services may be necessary in the removal of the horses may be admitted upon written permission from the said inspector. No exhibition or sale shall be allowed within the quarantine grounds.

§93.311 Milk from quarantined horses.

Milk or cream from horses quarantined under the provisions of this part shall not be used by any person other than those in charge of such horses, nor be fed to any animals other than those within the same enclosure, without permission of the inspector in charge of the quarantine station and subject to such restrictions as he or she may consider necessary to each instance. No milk or cream shall be removed from the quarantine premises except in compliance with all State and local regulations.

§93.312 Manure from quarantined horses.

No manure shall be removed from the quarantine premises until the release of the horses producing same.

§93.313 Appearance of disease among horses in quarantine.

If any contagious disease appears among horses during the quarantine period special precautions shall be taken to prevent spread of the infection to other animals in the quarantine station or to those outside the grounds. The affected horses shall be disposed of as the Administrator may direct, depending upon the nature of the disease.

§93.314 Horses, certification, and accompanying equipment.

(a) Horses offered for importation from any part of the world shall be accompanied by a certificate of a salaried veterinary officer of the national government of the region of origin, or if exported from Mexico, shall be accompanied either by such a certificate or by a certificate issued by a veterinarian accredited by the National Government of Mexico and endorsed by a full-time salaried veterinary officer of the National Government of Mexico, thereby representing that the veterinarian issuing the certificate was authorized to do so, showing that:

(1) The horses described in the certificate have been in said region during the 60 days preceding exportation;

(2) That each horse has been inspected on the premises of origin and found free of evidence of communicable disease and, insofar as can be determined, exposure thereto during the 60 days preceding exportation;

(3) That each horse has not been vaccinated with a live or attenuated or inactivated vaccine during the 14 days preceding exportation: *Provided, however*, that in specific cases the Administrator may authorize horses that have been vaccinated with an inactivated vaccine to enter the United States when he or she determines that in such cases and under such conditions as he or she may prescribe such importation will not endanger the livestock in the United States, and such horses comply with all other applicable requirements of this part;

(4) That, insofar as can be determined, no case of African horse sickness, dourine, glanders, surra, epizootic lymphangitis, ulcerative lymphangitis, equine piroplasmosis, Venezuelan equine encephalomyelitis, or equine infectious anemia has occurred on the premises of origin or on adjoining premises during the 60 days preceding exportation; and

(5) That, except as provided in §93.301(g):

(i) The horses have not been in any region listed in §93.301(c)(1) as affected with CEM during the 12 months immediately prior to their importation into the United States;

(ii) The horses have not been on any premises at any time during which time such premises were found by an official of the veterinary services of the national government of the region where such premises are located, to be affected with CEM;

(iii) The horses have not been bred by or bred to any horses from an affected premises; and

(iv) The horses have had no other contact with horses that have been found to be affected with CEM or with horses that were imported from regions affected with CEM.

(b) If a horse is presented for importation from a region where it has been for less than 60 days, the horse must be accompanied by a certificate that meets the requirements of paragraph (a) of this section that has been issued by a salaried veterinary officer of the national government of each region in which the horse has been during the 60 days immediately preceding its shipment to the United States. The dates during which the horse was in each region during the 60 days immediately preceding its exportation to the United States shall be included as a part of the certification.

(c) Following the port-of-entry inspection required by § 93.306 of this part, and before a horse offered for importation from any part of the world is released from the port of entry, an inspector may require the horse and its accompanying equipment to be disinfected as a precautionary measure against the introduction of foot-and-mouth disease or any other disease dangerous to the livestock of the United States.

[61 FR 52245, Oct. 7, 1996. Redesignated and amended at 62 FR 56012, 56017, Oct. 28, 1997]

CANADA [16]

§ 93.315 Import permit and declaration for horses.

For all horses offered for importation from Canada, the importer or his or her agent shall present two copies of a declaration as provided in § 93.305.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56017, Oct. 28, 1997]

§ 93.316 Horses from Canada for immediate slaughter.

Horses imported from Canada for immediate slaughter shall be consigned from the port of entry directly to a recognized slaughtering establishment and there be slaughtered within two weeks from the date of entry. Such horses shall be inspected at the port of entry and otherwise handled in accordance with § 93.306. As used in this section, ''directly'' means without unloading en route if moved in a means of conveyance, or without stopping if moved in any other manner.

[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 28216, June 1, 1994. Redesignated and amended at 62 FR 56012, 56017, Oct. 28, 1997]

§ 93.317 Horses from Canada.

(a) Except as provided in paragraph (c) of this section, horses from Canada shall be inspected as provided in § 93.306; shall be accompanied by a certificate as required by § 93.314 which shall include evidence of a negative test for equine infectious anemia for which blood samples were drawn during the 180 days preceding exportation to the United States and which test was conducted in a laboratory approved by the Canada Department of Agriculture or the United States Department of Agriculture; *Except,* that horses accompanying their dams which were foaled after their dam was so tested negative need not be so tested; and shall otherwise be handled as provided in § 93.314: *Provided, however,* That certificates required for horses from Canada may be either issued or endorsed by a salaried veterinarian of the Canadian Government: *And provided, further,* That USDA veterinary port inspection is not required for horses imported from Canada under temporary Customs authorization for a period of 30 days from the date of issue of the certificate and the certificate issued is valid for an unlimited number of importations into the United States during the 30-day period.

(b) Horses of United States origin that are imported into Canada under an export health certificate valid for a

[16] Importations from Canada shall be subject to §§ 93.315, 93.316, 93.317 and 93.318, in addition to other sections in this part which are in terms applicable to such importations.

period of 30 days from the date of issue may re-enter the United States an unlimited number of times during the 30-day period, without USDA veterinary port inspection, at any Custom land border port of entry designated for animals from Canada, if accompanied by the original export health certificate under which they were permitted entry into Canada.

(c) Horses for immediate slaughter may be imported from Canada without the certification prescribed in paragraph (a) of this section, but shall be subject to the other applicable provisions of this part, and shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government stating that:

(1) The horses were inspected on the premises where assembled for shipment to the United States within the 30 days immediately prior to the date of export and were found free of evidence of communicable disease, and

(2) As far as can be determined, they have not been exposed to any such disease during the 60 days immediately preceding their exportation.

[55 FR 31495, Aug. 2, 1990, as amended at 56 FR 33863, July 24, 1991. Redesignated and amended at 62 FR 56012, 56017, Oct. 28, 1997]

§93.318 Special provisions.

(a) *In-bond shipments from Canada.* (1) Horses from Canada transported in-bond through the United States for immediate export shall be inspected at the border port of entry and, when accompanied by an import permit obtained under §93.304 of this part and all conditions therein are observed, shall be allowed entry into the United States and shall be otherwise handled as provided in paragraph (b) of §93.301. Horses not accompanied by a permit shall meet the requirements of this part in the same manner as horses destined for importation into the United States, except that the Administrator may permit their inspection at some other point when he or she finds that such action will not increase the risk that communicable diseases of livestock and poultry will be disseminated to the livestock or poultry of the United States.

(2) *In-transit shipments through Canada.* Horses originating in the United States and transported directly through Canada may re-enter the United States without Canadian health or test certificates when accompanied by copies of the United States export health certificates properly issued and endorsed in accordance with regulations in part 91 of this chapter: *Provided,* That, to qualify for entry, the date, time, port of entry, and signature of the Canadian Port Veterinarian that inspected the horses for entry into Canada shall be recorded on the United States health certificate, or a paper containing the information shall be attached to the certificate that accompanies the horses. In all cases it shall be determined by the veterinary inspector at the United States port of entry that the horses are the identical horses covered by said certificate.

(b) *Exhibition horses.* Except as provided in §93.317(b), horses from the United States which have been exhibited at the Royal Agricultural Winter Fair at Toronto or other publicly recognized expositions in Canada, including racing, horse shows, rodeo, circus, or stage exhibitions in Canada, and have not been in that region for more than 90 days are eligible for return to the United States without Canadian health or test certificates, if they are accompanied by copies of the United States health certificate, issued and endorsed in accordance with the export regulations contained in part 91 of this chapter for entry into Canada: *Provided,* That in the case of horses for exhibition, including race horses, the certificates shall certify that negative results were obtained from official tests for equine infectious anemia for which blood samples were drawn within 180 days of the date that the horses are offered for return to the United States: *And, provided further,* That all horses offered for re-entry upon examination by the veterinary inspector at the U.S. port of entry, are found by the inspector to be free of communicable diseases and exposure thereto and are determined to be the identical horses covered by said certificates or are the natural increase of such horses born after official test dates certified on the dam's health certificate.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56017, Oct. 28, 1997]

CENTRAL AMERICA AND THE WEST INDIES[17]

§ 93.319 Import permit and declaration for horses.

For all horses offered for importation from regions of Central America or of the West Indies, the importer or his or her agent shall present two copies of a declaration as provided in § 93.305.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56017, Oct. 28, 1997]

§ 93.320 Horses from Central America and the West Indies.

Horses from Central America and the West Indies shall be inspected as provided in § 93.306; shall be accompanied by a certificate and otherwise handled as provided in § 93.314; and shall be quarantined and tested as provided in § 93.308(a), (b) and (c): *Provided*, That any such horses that are found to be infested with fever ticks, Boophilus annulatus, shall not be permitted entry until they have been freed therefrom by dipping in a permitted arsenical solution or by other treatment approved by the Administrator.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56017, Oct. 28, 1997]

MEXICO[18]

§ 93.321 Import permits and applications for inspection for horses.

For horses intended for importation into the United States from Mexico, the importer or his or her agent shall deliver to the veterinary inspector at the port of entry an application, in writing, for inspection, so that the veterinary inspector and customs representatives may make mutually satisfactory arrangements for the orderly inspection of the horses. The veterinary inspector at the port of entry will provide the importer or his or her agent with a written statement assigning a date when the horses may be presented for import inspection.

§ 93.322 Declaration for horses.

For all horses offered for importation from Mexico, the importer or his or her agent shall present two copies of a declaration as provided in § 93.305.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56017, Oct. 28, 1997]

§ 93.323 Inspection.

(a) All horses offered for entry from Mexico, including such horses intended for movement through the United States in bond for immediate return to Mexico, shall be inspected at a facility described in § 93.324, and all such horses found to be free from communicable disease and fever tick infestation, and not to have been exposed thereto, shall be admitted into the United States subject to the other applicable provisions of this part. Horses found to be affected with or to have been exposed to a communicable disease, or infested with fever ticks, shall be refused entry. Horses refused entry, unless exported within a time fixed in each case by the Administrator, shall be disposed of as said Administrator may direct.

(b) Horses covered by paragraph (a) of this section shall be imported through facilities described in § 93.324, which are equipped with facilities necessary for proper chute inspection, dipping, and testing, as provided in this part.

[55 FR 31495, Aug. 2, 1990, as amended at 58 FR 45238, Aug. 27, 1993. Redesignated at 62 FR 56012, 56017, Oct. 28, 1997]

§ 93.324 Detention for quarantine.

Horses intended for importation from Mexico shall be quarantined, for not less than 7 days and until they qualify for release from such quarantine, either at an APHIS facility designated in § 93.303 (a) or at a facility in Mexico approved by the Administrator and constructed so as to prevent the entry of mosquitoes and other hematophagous insects. In order to qualify for such release, all horses while so detained shall test negative to an official test for dourine, glanders, equine piroplasmosis,

[17] Importations from regions of Central America and the West Indies shall be subject to §§ 93.319 and 93.320, in addition to other sections in this subpart, which are in terms applicable to such importations.

[18] Importations from Mexico shall be subject to §§ 93.321 to 93.326 inclusive, in addition to other sections in this subpart which are in terms applicable for such importations.

equine infectious anemia,[19] and such other tests that may be required by the Administrator to determine their freedom from other communicable diseases. Such horses shall also be subjected to such other inspections and disinfections deemed necessary by the Administrator, and they shall be released from quarantine only if found to be free from any communicable disease upon inspection.

[55 FR 31495, Aug. 2, 1990, as amended at 56 FR 15489, Apr. 17, 1991; 58 FR 45238, Aug. 27, 1993; 59 FR 67614, Dec. 30, 1994; 60 FR 5128, Jan. 26, 1995; 61 FR 39853, July 31, 1996; 61 FR 52246, Oct. 7, 1996. Redesignated at 62 FR 56012, 56017, Oct. 28, 1997]

§93.325 Horses from Mexico.

Horses offered for entry from Mexico shall be inspected as provided in §§93.306 and 93.323; shall be accompanied by a certificate and otherwise handled as provided in §93.314; and shall be quarantined and tested as provided in §93.324: *Provided,* That horses offered for importation from tick-infected areas of Mexico shall be chute inspected, unless in the judgment of the inspector a satisfactory inspection can be made otherwise. If upon inspection they are found to be apparently free from fever ticks, before entering the United States they shall be dipped once in a permitted arsenical solution or be otherwise treated in a manner approved by the Administrator.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56017, Oct. 28, 1997]

§93.326 Horses for immediate slaughter.

Horses may be imported from Mexico, subject to the applicable provisions of §§93.321, 93.322, 93.323, and 93.324 for immediate slaughter if accompanied by a certificate of a salaried veterinarian of the Mexican Government, or by a certificate issued by a veterinarian accredited by the Mexican Goverment and endorsed by a salaried veterinarian of the Mexican Government, thereby representing that the veterinarian issuing the certificate was authorized to do so, stating that he or she has inspected such horses on the premises of origin and found them free of evidence of communicable disease, and that, so far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days, and if the horses are shipped by rail or truck, the certificate shall further specify that the horses were loaded into cleaned and disinfected cars or trucks for transportation directly to the port of entry. Such horses shall be consigned from a facility described in §93.324 to a recognized slaughtering establishment and there slaughtered within 2 weeks from the date of entry. Such horses shall be moved from the port of entry in conveyances sealed with seals of the United States Government.

[55 FR 31495, Aug. 2, 1990, as amended at 57 FR 28080, June 24, 1992; 58 FR 45238, Aug. 27, 1993; 60 FR 5128, Jan. 26, 1995; 61 FR 39853, July 31, 1996. Redesignated and amended at 62 FR 56012, 56017, Oct. 28, 1997]

Subpart D—Ruminants

SOURCE: 55 FR 31495, Aug. 2, 1990, unless otherwise noted. Redesignated at 62 FR 56012, Oct. 28, 1997.

§93.400 Definitions.

Wherever in this subpart the following terms are used, unless the context otherwise requires, they shall be construed, respectively, to mean:

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with the provisions of part 161 of this title to perform functions specified in parts 1, 2, 3, and 11 of subchapter A, and subchapters B, C, and D of this chapter, and to perform functions required by cooperative state-federal disease control and eradication programs.

[19] In view of the fact that official test for dourine and glanders are run exclusively at the National Veterinary Services Laboratory, Ames, Iowa, protocols for these tests have not been published and are therefore not available; copies of ''Protocol for the Complement-Fixation Test for Equine Piroplasmosis'' and ''Protocol for the Immuno-Diffusion (Coggins) Test for Equine Infectious Anemia'' may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

Administrator. The Administrator of the Animal and Plant Health Inspection Service or any other employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, to whom authority has been or may be delegated to act in the Administrator's stead.

Animal and Plant Health Inspection Service. Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service).

Animals. Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, and poultry.

APHIS representative. A veterinarian or other individual employed by the Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the services required by this part.

Brucellosis certified free herd. A herd in which all eligible cattle in the herd were negative to brucellosis tests under the Canadian requirements and which is officially certified by the Canadian Government as a brucellosis free listed herd.

Brucellosis certified-free province or territory of Canada. A province or territory of Canada in which all herds of cattle are brucellosis certified free. The brucellosis certified free provinces and territories of Canada are Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland (including Labrador), Northwest Territories, Nova Scotia, Ontario, Quebec, Prince Edward Island, Saskatchewan, and Yukon Territory.

Cattle. Animals of the bovine species.

Communicable disease. Any contagious, infectious, or communicable disease of domestic livestock, poultry or other animals.

Department. The United States Department of Agriculture (USDA).

Fever tick. Boophilus annulatus, including, but not limited to, the varieties Americana and Australia.

Flock. A herd.

Herd. All animals maintained on any single premises; and all animals under common ownership or supervision on two or more premises which are geographically separated, but among which there is an interchange or movement of animals.

Immediate slaughter. Consignment directly from the port of entry to a recognized slaughtering establishment[1] and slaughter thereat within two weeks from the date of entry.

Inspector. An employee of the Animal and Plant Health Inspection Service authorized to perform duties required under this subpart.

Moved directly. Moved without unloading and without stopping except for refueling, or for traffic conditions such as traffic lights or stop signs.

Moved directly by land. Moved by rail, truck, or other land vehicle without unloading and without stopping except for refueling, or for traffic conditions such as traffic lights or stop signs.

Permitted dip. A dip permitted by the Administrator to be used in the official dipping of cattle for fever ticks and for dipping cattle and sheep for scabies.

Persons. Any individual, corporation, company, association, firm, partnership, society or joint stock company.

Port Veterinarian. A veterinarian employed by the Animal and Plant Health Inspection Service to perform duties required under this part at a port of entry.

Recognized slaughtering establishment.[2] An establishment where slaughtering operations are regularly carried on under federal or state inspection and which has been approved by the Animal and Plant Health Inspection Service to receive animals for slaughter under this part.

Region. Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

(1) A national entity (country);

(2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.);

(3) Parts of several national entities combined into an area; or

[1] The name of recognized slaughtering establishments approved under this part may be obtained from the Area Veterinarian in Charge, Veterinary Services, for the State of destination of the shipment.

[2] The names of recognized slaughtering establishments approved under this Part may be obtained from the Area Veterinarian in Charge, Veterinary Services, for the State of destination of the shipment.

(4) A group of national entities (countries) combined into a single area.

Ruminants. All animals which chew the cud, such as cattle, buffaloes, sheep, goats, deer, antelopes, camels, llamas and giraffes.

Swine. The domestic hog and all varieties of wild hogs.

Tuberculosis-free herd. A herd which is not known to be infected with bovine tuberculosis (*M. bovis*) and which is certified by the Canadian Government as a tuberculosis-free herd.

United States. All of the States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other Territories and Possessions of the United States.

Veterinary Services. The Veterinary Services unit of the Department.

Wether. A castrated male sheep or goat.

Zoological park. A professionally operated zoo, park, garden or other place, maintained under the constant surveillance of a Doctor of Veterinary Medicine, for the exhibition of live animals, pigeons or birds, for the purpose of public recreation or education.

[55 FR 31495, Aug. 2, 1990, as amended at 56 FR 366, Jan. 4, 1991; 58 FR 68509, Dec. 28, 1993; 60 FR 13900, Mar. 15, 1995; 61 FR 17237, Apr. 19, 1996. Redesignated and amended at 62 FR 56012, 56017, Oct. 28, 1997]

§93.401 General prohibitions; exceptions.

(a) No ruminant or product subject to the provisions of this part shall be brought into the United States except in accordance with the regulations in this part and part 94 of this subchapter;[3] nor shall any such ruminant or product be handled or moved after physical entry into the United States before final release from quarantine or any other form of governmental detention except in compliance with such regulations; *Provided,* That, except as prohibited by section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), the Administrator may upon request in specific cases permit ruminants or products to be brought into or through the United States under such conditions as he or she may prescribe, when he or she determines in the specific case that such action will not endanger the livestock or poultry of the United States.

(b) Except for ruminants prohibited entry by section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), the provisions in this part 92 relating to ruminants shall not apply to healthy ruminants in transit through the United States if they are not known to be infected with or exposed, within 60 days preceding the date of export from the region of origin, to communicable diseases of such ruminants, if an import permit[4] has been obtained under §93.404 of this chapter and all conditions therein are observed; and if such ruminants are handled as follows:

(1)(i) They are maintained under continuous confinement in transit through the United States aboard an aircraft, ocean vessel, or other means of conveyance; or

(ii) They are unloaded, in the course of such transit, into a ruminant holding facility which is provided by the carrier or its agent and has been approved[5] in advance by the Administrator in accordance with paragraph (b)(3) of this section as adequate to prevent the spread within the United States of any livestock disease, and they are maintained there under continuous confinement until loaded aboard a means of conveyance for transportation from the United States and are maintained under continuous confinement aboard such means of conveyance until it leaves the United States; the import permit will specify any additional conditions necessary to assure that the transit of the ruminants through the United States can be made without endangering the livestock or poultry of the United States, and that Department inspectors may inspect the ruminants on board such means of conveyance or in

[3] Importations of certain animals from various regions are absolutely prohibited under part 94 because of specified diseases.

[4] Such permit may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231. Requests for approval of such facilities should also be made to the Administrator.

[5] See footnote 4 to subpart D.

such holding facility as provided in section 5 of the Act of July 2, 1962 (21 U.S.C. 134d) to ascertain whether the requirements of this paragraph are met, and dispose of them in accordance with section 2 of the Act of July 2, 1962 (21 U.S.C. 134a) if such conditions are not met; and

(2) The carrier or its agent executes and furnishes to the collector of Customs at the first port of arrival a declaration stating that the ruminants will be retained aboard such means of conveyance or in an approved holding facility during transshipment as required by this paragraph.

(3) Provisions for the approval of facilities required in this paragraph are:

(i) They must be sufficiently isolated to prevent direct or indirect contact with all other animals and birds while in the United States.

(ii) They must be so constructed that they provide adequate protection against environmental conditions and can be adequately cleaned, washed and disinfected.

(iii) They must provide for disposal of ruminant carcasses, manure, bedding, waste and any related shipping materials in a manner that will prevent dissemination of disease.

(iv) They must have provisions for adequate sources of feed and water and for attendants for the care and feeding of ruminants in the facility.

(v) They must comply with additional requirements as may be imposed by the Administrator if deemed applicable for a particular shipment.

(vi) They must also comply with all applicable local, State and Federal requirements for environmental quality and with the provisions of the Animal Welfare Regulations in chapter I of this title, as applicable.

[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 67614, Dec. 30, 1994. Redesignated and amended at 62 FR 56012, 56017, Oct. 28, 1997]

§ 93.402 Inspection of certain aircraft and other means of conveyance and shipping containers thereon; unloading, cleaning, and disinfection requirements.

(a) *Inspection:* All aircraft and other means of conveyance (including shipping containers thereon) moving into the United States from any foreign region are subject to inspection without a warrant by properly identified and designated inspectors to determine whether they are carrying any animal, carcass, product or article regulated or subject to disposal under any law or regulation administered by the Secretary of Agriculture for prevention of the introduction or dissemination of any communicable animal disease (21 U.S.C. 134d).

(b) *Unloading requirements:* Whenever in the course of any such inspection at any port in the United States the inspector has reason to believe that the means of conveyance or container is contaminated with material of animal (including poultry) origin, such as, but not limited to, meat, organs, glands, extracts, secretions, fat, bones, blood, lymph, urine, or manure, so as to present a danger of the spread of any communicable animal disease, the inspector may require the unloading of the means of conveyance and the emptying of the container if he or she deems it necessary to enable him or her to determine whether the means of conveyance or container is in fact so contaminated. The principal operator of the means of conveyance and his or her agent in charge of the means of conveyance shall comply with any such requirement under the immediate supervision of, and in the time and manner prescribed by, the inspector.

(c) *Cleaning and disinfection:* Whenever, upon inspection under this section, an inspector determines that a means of conveyance or shipping container is contaminated with material of animal origin so as to present a danger of the spread of any communicable animal disease, he or she shall notify the principal operator of the means of conveyance or his or her agent in charge, of such determination and the requirements under this section. The person so notified shall cause the cleaning and disinfection of such means of conveyance and container under the immediate supervision of, and in the time and manner prescribed by, the inspector.

(d) For purposes of this section, the term ''shipping container'' means any container of a type specially adapted

for use in transporting any article on the means of conveyance involved.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56017, Oct. 28, 1997]

§93.403 Ports designated for the importation of ruminants.

(a) *Air and ocean ports.* The following ports have APHIS inspection and quarantine facilities necessary for quarantine stations and all ruminants shall be entered into the United States through these stations, except as provided in paragraphs (b), (c), (d), (e), and (f) of this section; Miami, Florida; Honolulu, Hawaii; and Newburgh, New York.

(b) *Canadian border ports.* The following land border ports are designated as having the necessary inspection facilities for the entry of ruminants from Canada: Eastport, Idaho; Houlton and Jackman, Maine; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Baudette, Minnesota; Opheim, Raymond, and Sweetgrass, Montana; Alexandria Bay, Buffalo, and Champlain, New York; Dunseith, Pembina, and Portal, North Dakota; Derby Line and Highgate Springs, Vermont; Blaine, Lynden, Oroville, and Sumas, Washington.

(c) *Mexican border ports.* The following land border ports are designated as having the necessary inspection facilities for the entry of ruminants from Mexico: Brownsville, Hidalgo, Laredo, Eagle Pass, Del Rio, and Presidio, Texas: Douglas, Naco, Nogales, Sasabe, and San Luis, Arizona; Calexico and San Ysidro, California; and Antelope Wells, Columbus, and Santa Teresa, New Mexico.

(d) *Special ports.* Charlotte Amalie, St. Thomas, and Christiansted, St. Croix, in the United States Virgin Islands, are hereby designated as quarantine stations for the entry of ruminants from the British Virgin Islands into the United States Virgin Islands for immediate slaughter.

(e) *Limited ports.* The following ports are designated as having inspection facilities for the entry of ruminants and ruminant products such as ruminant test specimens which do not appear to require restraint and holding inspection facilities: Anchorage and Fairbanks, Alaska; San Diego, California; Jacksonville, St. Petersburg-Clearwater, and Tampa, Florida; Atlanta, Georgia; Chicago, Illinois; New Orleans, Louisiana; Portland, Maine; Baltimore, Maryland; Boston, Massachusetts; Minneapolis, Minnesota; Great Falls, Montana; Portland, Oregon; San Juan, Puerto Rico; El Paso, Galveston, and Houston, Texas; and Seattle, Spokane, and Tacoma, Washington.

(f) *Designation of other ports.* The Secretary of the Treasury has approved the designation as quarantine stations of the ports specified in this section. In special cases other ports may be designated as quarantine stations under this section by the Administrator, with the concurrence of the Secretary of the Treasury.

(g) *Ports and privately operated quarantine facilities for sheep.* Sheep may be entered into the United States at any port specified in paragraph (a) of this section, or at any other port designated as an international port or airport by the U.S. Customs Service and quarantined at privately operated quarantine facilities provided the applicable provisions of §§93.401, 93.404(a), 93.407, 93.408, 93.433, and 93.434 are met.

[55 FR 31495, Aug. 2, 1990, as amended at 57 FR 2010, Jan. 17, 1992; 58 FR 38283, July 16, 1993; 60 FR 16045, Mar. 29, 1995; 60 FR 25120, May 11, 1995. Redesignated and amended at 62 FR 56012, 56017, Oct. 28, 1997]

§93.404 Import permits for ruminants and for ruminant test specimens for diagnostic purposes; and reservation fees for space at quarantine facilities maintained by APHIS.

(a) *Application for permit; reservation required.* (1) For ruminants and ruminant test specimens for diagnostic screening purposes intended for importation from any part of the world, except as otherwise provided for in §§93.417, 93.422, and 93.424, the importer shall first apply for and obtain from APHIS an import permit. The application shall specify the name and address of the importer; the species, breed, number or quantity of ruminants or ruminant test specimens to be imported; the purpose of the importation; individual ruminant identification, which includes a description of the ruminant, name, age, markings, if any, registration number, if any, and tattoo or eartag; the region of origin; the name

and address of the exporter; the port of embarkation in the foreign region; the mode of transportation, route of travel, and the port of entry in the United States; the proposed date of arrival of the ruminants or ruminant test specimens to be imported; and the name of the person to whom the ruminants or ruminant test specimens will be delivered and the location of the place in the United States to which delivery will be made from the port of entry. Additional information may be required in the form of certificates concerning specific diseases to which the ruminants are susceptible, as well as vaccinations or other precautionary treatments to which the ruminants or ruminant test specimens have been subjected. Notice of any such requirement will be given to the applicant in each case.

(2) An application for permit to import will be denied for domestic ruminants from any region where it has been declared, under section 306 of the Act of June 17, 1930, that foot-and-mouth disease or rinderpest has been determined to exist, except as provided in § 93.430.

(3) An application for permit to import ruminants may also be denied because of: Communicable disease conditions in the area or region of origin, or in a region where the shipment has been or will be held or through which the shipment has been or will be transported; deficiencies in the regulatory programs for the control or eradication of animal diseases and the unavailability of veterinary services in the above mentioned regions; the importer's failure to provide satisfactory evidence concerning the origin, history, and health status of the ruminants; the lack of satisfactory information necessary to determine that the importation will not be likely to transmit any communicable disease to livestock or poultry of the United States; or any other circumstances which the Administrator believes require such denial to prevent the dissemination of any communicable disease of livestock or poultry into the United States.

(4)(i) The importer or importer's agent shall pay or ensure payment of a reservation fee for each lot of ruminants to be quarantined in a facility maintained by USDA. For ruminants, the reservation fee shall be 100 percent of the cost of providing care, feed, and handling during quarantine, as estimated by the quarantine facility's veterinarian in charge.

(ii) At the time the importer or the importer's agent requests a reservation of quarantine space, the importer or importer's agent shall pay the reservation fee by check or U.S. money order or ensure payment of the reservation fee by an irrevocable letter of credit from a commercial bank (the effective date on such letter of credit shall run to 30 days after the date the ruminants are scheduled to be released from quarantine); except that anyone who issues a check to the Department for a reservation fee which is returned because of insufficient funds shall be denied any further request for reservation of a quarantine space until the outstanding amount is paid.

(iii) Any reservation fee paid by check or U.S. money order shall be applied against the expenses incurred for services received by the importer or importer's agent in connection with the quarantine for which the reservation was made. Any part of the reservation fee which remains unused after being applied against the expenses incurred for services received by the importer or the importer's agent in connection with the quarantine for which the reservation was made, shall be returned to the individual who paid the reservation fee. If the reservation fee is ensured by a letter of credit, the Department will draw against the letter of credit unless payment for services received by the importer or importer's agent in connection with the quarantine is otherwise made at least 3 days prior to the expiration date of the letter of credit.

(iv) Any reservation fee shall be forfeited if the importer or the importer's agent fails to present for entry, within 24 hours following the designated time of arrival, the lot of ruminants for which the reservation was made: *Except* that a reservation fee shall not be forfeited if:

(A) Written notice of cancellation from the importer or the importer's agent is received by the office of the

veterinarian in charge of the quarantine facility[6] during regular business hours (8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays) no later than 15 days for ruminants prior to the beginning of the time of importation as specified in the import permit or as arranged with the veterinarian in charge of the quarantine facility if no import permit is required (the 15 days period shall not include Saturdays, Sundays, or holidays), or

(B) The Administrator determines that services, other than provided by carriers, necessary for the importation of the ruminants within the requested period are unavailable because of unforeseen circumstances as determined by the Administrator, (such as the closing of an airport due to inclement weather or the unavailability of the reserved space due to the extension of another quarantine).

(v) If the reservation fee was ensured by a letter of credit and the fee is to be forfeited under paragraph (a)(4)(iv) of this section, the Department will draw against the letter of credit unless the reservation fee is otherwise paid at least 3 days prior to the expiration date of the letter of credit.

(vi) When a reservation is cancelled in accordance with paragraph (a)(4)(iv)(A) of this section and the provisions of paragraph (a)(4)(iv)(B) of this section do not apply, a $40.00 cancellation fee shall be charged. If a reservation fee was paid, the cancellation fee shall be deducted from any reservation fee returned to the importer or the importer's agent. If the reservation fee was ensured by a letter of credit, the Department will draw the amount of the cancellation fee against the letter of credit unless the cancellation fee is otherwise paid at least 3 days prior to the expiration date of the letter of credit.

(b) *Permit.* When a permit is issued, the original and two copies will be sent to the importer. It shall be the responsibility of the importer to forward the original permit and one copy to the shipper in the region of origin, and it shall also be the responsibility of the importer to insure that the shipper presents the copy of the permit to the carrier and makes proper arrangements for the original permit to accompany the shipment to the specified U.S. port of entry for presentation to the collector of customs. Ruminants and ruminant test specimens for diagnostic screening purposes for ruminants intended for importation into the United States for which a permit has been issued, will be received at the specified port of entry within the time prescribed in the permit which shall not exceed 14 days from the first day that the permit is effective for all permits. Ruminants and ruminant test specimens for which a permit is required by these regulations will not be eligible for entry if a permit has not been issued; if unaccompanied by such a permit; if shipment is from any port other than the one designated in the permit; if arrival in the United States is at any port other than the one designated in the permit; if the ruminants or ruminant test specimens offered for entry differ from those described in the permit; if the ruminants or ruminant test specimens are not handled as outlined in the application for the permit and as specified in the permit issued; or if ruminants or swine other than those covered by import permits are aboard the transporting carrier.

(c) *Wild ruminants from regions where foot-and-mouth disease or rinderpest exists.* This paragraph (c) applies to the importation of wild ruminants, such as, but not limited to, giraffes, deer and antelopes, from regions designated in part 94 of this subchapter as countries in which foot-and-mouth disease or rinderpest exist.

(1) Permits for the importation of wild ruminants will be issued only for importations through the Port of New York, and only if the animals are imported for exhibition in a PEQ Zoo. A PEQ Zoo is a zoological park or other place maintained for the exhibition of live animals for recreational or educational purposes that:

(i) Has been approved by the Administrator in accordance with paragraph

[6] The addresses of USDA quarantine facilities may be found in telephone directories listing the facilities or by contacting the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

(c)(2) of this section to receive and maintain imported wild ruminants; and

(ii) Has entered into the agreement with APHIS set forth in paragraph (c)(4) of this section for the maintenance and handling of imported wild ruminants.

(2) Approval of a PEQ Zoo shall be on the basis of an inspection, by an authorized representative of the Department, of the physical facilities of the establishment and its methods of operation. Standards for acceptable physical facilities shall include satisfactory pens, cages, or enclosures in which the imported ruminants can be maintained so as not to be in contact with the general public and free from contact with domestic livestock; natural or established drainage from the PEQ Zoo which will avoid contamination of land areas where domestic livestock are kept or with which domestic livestock may otherwise come in contact; provision for the disposition of manure, other wastes, and dead ruminants within the PEQ Zoo; and other reasonable facilities considered necessary to prevent the dissemination of diseases from the PEQ Zoo. The operator of the PEQ Zoo shall have available the services of a full-time or part-time veterinarian, or a veterinarian on a retainer basis, who shall make periodic examinations of all animals maintained at the PEQ Zoo for evidence of disease; who shall make a post-mortem examination of each animal that dies; and who shall make a prompt report of suspected cases of contagious or communicable diseases to an APHIS representative or the State agency responsible for livestock disease control programs.

(3) Manure and other animal wastes must be disposed of within the PEQ Zoo park for a minimum of one year following the date an imported wild ruminant enters the zoo. If an APHIS veterinarian determines that an imported ruminant shows no signs of any communicable disease or exposure to any such disease during this 1-year period, its manure and other wastes need not be disposed of within the zoo after the 1-year period. If, however, an APHIS veterinarian determines that an imported ruminant does show signs of any communicable disease during this 1-year period, an APHIS veterinarian will investigate the disease and determine whether the ruminant's manure and other wastes may safely be disposed of outside the zoo after the 1-year period has ended.

(4) Prior to the issuance of an import permit under this section, the operator of the approved PEQ Zoo to which the imported ruminants are to be consigned, and the importer of the ruminants, if such operator and importer are different parties, shall execute an agreement covering each ruminant or group of ruminants for which the import permit is requested. The agreement shall be in the following form:

AGREEMENT FOR THE IMPORTATION, QUARANTINE AND EXHIBITION OF CERTAIN WILD RUMINANTS AND WILD SWINE

_____, operator(s) of the zoological park known as _____ (Name) located at _____ (City and state), and _____ (Importer) hereby request a permit for the importation of _____ (Number and kinds of animals) for exhibition purposes at the said zoological park, said animals originating in a region where foot-and-mouth disease or rinderpest exists and being subject to restrictions under regulations contained in part 93, title 9, Code of Federal Regulations.

In making this request, it is understood and agreed that:

1. The animals for which an import permit is requested will be held in isolation at a port of embarkation in the region of origin, approved by the Administrator as a port having facilities which are adequate for maintaining wild animals in isolation from all other animals and having veterinary supervision by officials of the region of origin of the animals. Such animals will be held in such isolation for not less than 60 days under the supervision of the veterinary service of that region to determine whether the animals show any clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease that is exotic to the United States or for which APHIS has an eradication or control program in 9 CFR chapter I, and to assure that the animals will not have been exposed to such a disease within the 60 days next before their exportation from that region.

2. Shipment will be made direct from such port of embarkation to the port of New York as the sole port of entry in the United States. If shipment is made by ocean vessel the animals will not be unloaded in any foreign port en route. If shipment is made by air, the animals will not be unloaded at any port or other place of landing, except at a

port approved by the Administrator as a port not located in a region where rinderpest or foot-and-mouth disease exists or as a port in such a region having facilities and inspection adequate for maintaining wild animals in isolation from all other animals.

3. No ruminants or swine will be aboard the transporting vehicle, vessel or aircraft, except those for which an import permit has been issued.

4. The animals will be quarantined for not less than 30 days in the Department's Animal Import Center in Newburgh, New York.

5. Upon release from quarantine the animals will be delivered to the zoological park named in this agreement to become the property of the park and they will not be sold, exchanged or removed from the premises without the prior consent of APHIS. If moved to another zoological park in the United States, the receiving zoological park must be approved by the Administrator in accordance with paragraph 6 of this agreement.

6. The Administrator will approve the movement of an imported animal subject to this agreement if the Administrator determines that the animal has spent at least one year in quarantine in a PEQ Zoo following importation without showing clinical evidence of foot-and-foot mouth disease, rinderpest, or other communicable disease that is exotic to the United States or for which APHIS has an eradication or control program in 9 CFR chapter I, and determines that the receiving zoological park is accredited by the American Zoo and Aquarium Association (AZA), or the receiving zoological park has facilities and procedures in place related to preventing the spread of communicable animal diseases (including but not limited to procedures for animal identification, record keeping, and veterinary care) that are equivalent to those required for AZA accreditation. The Administrator will approve the movement of a carcass, body part, or biological specimen derived from an imported animal subject to this agreement if the Administrator determines that the animal has spent at least one year in quarantine in a PEQ Zoo following importation without showing clinical evidence of foot-and-foot mouth disease, rinderpest, or other communicable disease that is exotic to the United States or for which APHIS has an eradication or control program in 9 CFR chapter I, and determines that the carcass, body part, or biological specimen will be moved only for scientific research or museum display purposes.

_____

(Signature of importer)

Subscribed and sworn to before me this _____ day of _____, _____.

_____

(Title or designation)

_____

(Name of zoological park)

By _____

(Signature of officer of zoological park)

_____

(Title of officer)

Subscribed and sworn to before me this _____ day of _____, _____.

_____

(Title or designation)

(Approved by the Office of Management and Budget under control number 0579–0040)

[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 28216, June 1, 1994; 59 FR 31924, June 21, 1994; 59 FR 67615, Dec. 30, 1994; 62 FR 23637, May 1, 1997. Redesignated and amended at 62 FR 56012, 56018, Oct. 28, 1997]

§93.405 Certificate for ruminants.

(a) All ruminants intended for importation from any part of the world, except as provided in §§93.418(a), 93.419(a), 93.423(c), and 93.428(d), shall be accompanied by a certificate issued by a full-time salaried veterinary officer of the national government of the region of origin, or issued by a veterinarian designated or accredited by the national government of the region of origin and endorsed by a full-time salaried veterinary officer of the national government of the region of origin, representing that the veterinarian issuing the certificate was authorized to do so. The certificate shall state:

(1) That the ruminants have been kept in that region during the last 60 days immediately preceding the date of shipment to the United States, and that during this time the region has been entirely free from foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and surra; *provided, however,* that for wild ruminants for exhibition purposes, the certificate need specify only that the district of origin has been free from the listed diseases; *and provided further,* that for sheep and goats, with respect to contagious pleuropneumonia, the certificate may specify only that the district of origin has been free from this disease; and

(2) That the ruminants are not in quarantine in the region of origin.

(b) *Goats.* (1) In addition to the statements required by paragraph (a) of this section, the certificate accompanying goats intended for importation from any part of the world must state:

(i) That none of the goats in the herd from which the goats will be imported is the progeny of a sire or dam that has been affected with scrapie or that has produced offspring that have been affected with scrapie;

(ii) That none of the female goats in the herd from which the goats will be imported has been impregnated, during the 5 years immediately preceding shipment of the goats to the United States, with germ plasm from a herd known to be infected with scrapie;

(iii) That the veterinarian issuing the certificate has inspected the goats in the herd from which the animals will be imported and found the herd to be free of any evidence of infectious or contagious disease; and

(iv) That as far as it is possible for the veterinarian who inspects the animals to determine, none of the goats in the herd from which the animals will be imported has been exposed to any infectious or contagious disease during the 60 days immediately preceding shipment to the United States.

(2) In addition, the certificate accompanying goats intended for importation from any part of the world except Australia, Canada, and New Zealand must state:

(i) That the goats have not been in any herd nor had contact with sheep or goats that have been in any flock or herd where scrapie has been diagnosed or suspected during the 5 years immediately prior to shipment; and

(ii) That the goats have not had any contact with sheep during the 5 years immediately prior to shipment; *provided that*, this statement is not required if the goats are imported in accordance with § 93.435(a) into a herd in the United States that participates in the Voluntary Scrapie Flock Certification Program.

(c) *Sheep.* (1) In addition to the statements required by paragraph (a) of this section, the certificate accompanying sheep intended for importation from any part of the world must state:

(i) That none of the sheep in the flock from which the sheep will be imported is the progeny of a sire or dam that has been affected with scrapie or that has produced offspring that have been affected with scrapie;

(ii) That none of the female sheep in the flock from which the sheep will be imported has been impregnated, during the 5 years immediately preceding shipment of the sheep to the United States, with germ plasm from a flock known to be infected with scrapie;

(iii) That the veterinarian issuing the certificate has inspected the sheep in the flock from which the animals will be imported and found the flock to be free of any evidence of infectious or contagious disease; and

(iv) That as far as it is possible for the veterinarian who inspects the animals to determine, none of the sheep in the flock from which the animals will be imported has been exposed to any infectious or contagious disease during the 60 days immediately preceding shipment to the United States.

(2) In addition, the certificate accompanying sheep intended for importation from any part of the world except Australia, Canada, and New Zealand must state that the sheep have not been in any flock nor had contact with sheep or goats that have been in any flock or herd where scrapie has been diagnosed or suspected during the 5 years immediately prior to shipment.

(3) In addition, the certificate accompanying sheep intended for importation from Australia, Canada, and New Zealand must state that none of the female sheep in the flock from which the sheep will be imported has been impregnated, during the 5 years immediately preceding shipment of the sheep to the United States, with germ plasm from a region other than Australia, Canada, New Zealand, or the United States, or from a flock of unknown scrapie status; *provided that*, this statement is not required if the sheep are imported in accordance with § 93.435(a) into a flock in the United States that participates in the Voluntary Scrapie Flock Certification Program.

(d) If ruminants are unaccompanied by the certificate as required by paragraphs (a), (b), and (c) of this section, or if such ruminants are found upon inspection at the port of entry to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry and shall be handled thereafter in accordance with the

provisions of section 8 of the Act of August 30, 1890 (26 Stat. 416; 21 U.S.C. 103), or quarantined, or otherwise disposed of as the Administrator may direct.

(Approved by the Office of Management and Budget under control number 0579–0040)

[55 FR 31495, Aug. 2, 1990, as amended at 55 FR 39606, Sept. 28, 1990; 57 FR 28080, June 24, 1992; 59 FR 52241, Oct. 17, 1994; 61 FR 17237, Apr. 19, 1996. Redesignated and amended at 62 FR 56012, 56018, Oct. 28, 1997]

§93.406 Diagnostic tests.

(a) *Tuberculosis and brucellosis tests of cattle.* Except as provided in §§93.418, 93.427(c) and (d), and 93.432, all cattle offered for importation from any part of the world, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the region of origin, or if exported from Mexico, shall be accompanied either by such a certificate or by a certificate issued by a veterinarian accredited by the National Government of Mexico and endorsed by a full–time salaried veterinary officer of the National Government of Mexico, thereby representing that the veterinarian issuing the certificate was authorized to do so, showing that the cattle have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation; *Provided*, That the brucellosis test will not be required for steers, spayed heifers, or any cattle less than 6 months old. The said certificate shall give the dates and places of testing, names of the consignor and consignee, and a description of the cattle, with breed, ages, and markings.

(b) *Tuberculosis and brucellosis tests of goats.* Except as provided in §§93.419 and 93.428(b), all goats offered for importation, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the region of origin, or if exported from Mexico, shall be accompanied either by such a certificate or by a certificate issued by a veterinarian accredited by the National Government of Mexico and endorsed by a full–time salaried veterinary officer of the National Government of Mexico, thereby representing that the veterinarian issuing the certificate was authorized to do so, showing that the goats have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation. The said certificate shall give the dates and places of testing, method of testing, names of consignor and consignee, and a description of the goats, including breed, ages, markings, and tattoo and eartag numbers.

(c) *Further tests during quarantine.* Ruminants that have been tested as prescribed in the paragraphs (a) and (b) of this section and that are subject to quarantine at the port of entry as provided in §93.411, shall be retested during the last 10 days of the quarantine period under the supervision of a veterinary inspector, by one or more of the methods approved by the Administrator.

[55 FR 31495, Aug. 2, 1990, as amended at 57 FR 28080, June 24, 1992; 58 FR 68509, Dec. 28, 1993. Redesignated and amended at 62 FR 56012, 56018, Oct. 28, 1997]

§93.407 Declaration and other documents for ruminants.

(a) The certificates, declarations, and affidavits required by the regulations in this part shall be presented by the importer or his or her agent to the collector of customs at the port of entry, upon arrival of ruminants at such port, for the use of the veterinary inspector at the port of entry.

(b) For all ruminants offered for importation, the importer or his or her agent shall first present two copies of a declaration which shall list the port of entry, the name and address of the importer, the name and address of the broker, the origin of the ruminants, the number, breed, species, and purpose of the importation, the name of the person to whom the ruminants will be delivered, and the location of the place to which such delivery will be made.

§93.408 Inspection at the port of entry.

Inspection shall be made at the port of entry of all ruminants imported from any part of the world except as provided in §§93.421 and 93.426. All ruminants found to be free from communicable disease and not to have been

exposed thereto within 60 days prior to their exportation to the United States shall be admitted subject to the other provisions in this part; all other ruminants except as provided in §§ 93.423(c) and 93.427(a) shall be refused entry. Ruminants refused entry, unless exported within a time fixed in each case by the Administrator, and in accordance with other provisions he or she may require in each case for their handling shall be disposed of as the Administrator may direct in accordance with provisions of section 2 of the Act of July 2, 1962 (21 U.S.C. 134a), or the provisions of section 8 of the Act of August 30, 1890 (21 U.S.C. 103). Such portions of the transporting vessel, and of its cargo, which have been exposed to any such ruminants or their emanations shall be disinfected in such manner as may be considered necessary by the inspector in charge at the port of entry, to prevent the introduction or spread of livestock or poultry disease, before the cargo is allowed to land.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56018, Oct. 28, 1997

§ 93.409 Articles accompanying ruminants.

No litter or manure, fodder or other aliment, nor any equipment such as boxes, buckets, ropes, chains, blankets, or other things used for or about ruminants governed by the regulations in this part, shall be landed from any conveyance except under such restrictions as the inspector in charge at the port of entry shall direct.

§ 93.410 Movement from conveyances to quarantine station.

Platforms and chutes used for handling imported ruminants shall be cleaned and disinfected under APHIS supervision after being so used. The said ruminants shall not be unnecessarily moved over any highways nor allowed to come in contact with other animals, but shall be transferred from the conveyance to the quarantine grounds in boats, cars, or vehicles approved by the inspector in charge at the port of entry. Such cars, boats, or vehicles shall be cleaned and disinfected under APHIS supervision immediately after such use, by the carrier moving the same. The railway cars so used shall be either cars reserved for this exclusive use or box cars not otherwise employed in the transportation of animals or their fresh products. When movement of the aforesaid ruminants upon or across a public highway is unavoidable, it shall be under such careful supervision and restrictions as the inspector in charge at the port of entry and the local authorities may direct.

§ 93.411 Quarantine requirements.

(a) Except for cattle from Central America and the West Indies, and except for ruminants from Canada and Mexico, all ruminants imported into the United States shall be quarantined for not less than 30 days counting from the date of arrival at the port of entry.

(b) Wild ruminants shall be subject, during their quarantine, to such inspections, disinfection, blood tests, or other tests as may be required by the Administrator to determine their freedom from disease.

[61 FR 17238, Apr. 19, 1996. Redesignated at 62 FR 56012, Oct. 28, 1997]

§ 93.412 Ruminant quarantine facilities.

(a) *Privately operated quarantine facilities.* The importer, or his or her agent, of ruminants subject to quarantine under the regulations in this part shall arrange for acceptable transportation to the privately operated quarantine facility and for the care, feed, and handling of the ruminants from the time of unloading at the quarantine port to the time of release from quarantine. Such arrangements shall be agreed to in advance by the Administrator. All expenses resulting therefrom or incident thereto shall be the responsibility of the importer; APHIS assumes no responsibility with respect thereto. The quarantine facility must be suitable for the quarantine of such ruminants and must be approved by the Administrator prior to the issuance of any import permit. The facilities occupied by ruminants should be kept clean and sanitary to the satisfaction of the inspector assigned to supervise the quarantine. If for any cause the care, feed, or handling of ruminants, or the sanitation of the facilities, is neglected, in the opinion of the inspector assigned to

supervise the quarantine, such services may be furnished by APHIS in the same manner as though arrangements had been made for such services as provided by paragraph (b) of this section, and/or the ruminants may be disposed of as the Administrator may direct, including sale in accordance with the procedure described in paragraph (b) of this section. The importer, or his or her agent, shall request in writing such inspection and other services as may be required, and shall waive all claim against the United States and APHIS or any employee of APHIS for damages which may arise from such services. The Administrator, may prescribe reasonable rates for the services provided under this paragraph. When it is found necessary to extend the usual minimum quarantine period, the importer, or his or her agent, shall be so advised in writing and shall pay for such additional quarantine and other services required. Payment for all services received by the importer, or his or her agent, in connection with each separate lot of ruminants shall be made by certified check or U.S. money order prior to release of the ruminants. If such payment is not made, the ruminants may be sold in accordance with the procedure described in paragraph (b) of this section, or otherwise disposed of as directed by the Administrator.

(b) *Quarantine facilities maintained by APHIS.* The importer, or his or her agent, of ruminants subject to quarantine under the regulations in this part shall arrange for acceptable transportation to the quarantine facility, and for the care, feed, and handling of the ruminants from the time they arrive at the quarantine port to the time of release from quarantine. Such arrangements shall be agreed to in advance by the Administrator. The importer or his or her agent shall request in writing such inspection and other services as may be required, and shall waive all claim against the United States and APHIS or any employee of APHIS, for damages which may arise from such services. All expenses resulting therefrom or incident thereto shall be the responsibility of the importer; APHIS assumes no responsibility with respect thereto. The Administrator may prescribe reasonable rates for the services provided under this paragraph. When it is found necessary to extend the usual minimum quarantine period, the importer, or his or her agent, shall be so advised in writing and shall pay for such additional quarantine and other services required. Payment for services received by the importer, or his or her agent, in connection with each separate lot of ruminants shall be made by certified check or U.S. money order prior to release of the ruminants. If such payment is not made, the ruminants may be sold in accordance with the procedure described in this paragraph or otherwise disposed of as directed by the Administrator. When payment is not made and the ruminants are to be sold to recover payment for services received, the importer, or his or her agent, will be notified by the inspector that if said charges are not immediately paid or satisfactory arrangements made for payment, the ruminants will be sold at public sale to pay the expense of care, feed, and handling during that period. The sale will be held after the expiration of the quarantine period, at such time and place as may be designated by the General Services Administration or other designated selling agent. The proceeds of the sale, after deducting the charges for care, feed, and handling of the ruminants and other expenses, including the expense of the sale, shall be held in a Special Deposit Account in the United States Treasury for 6 months from the date of sale. If not claimed by the importer, or his or her agent, within 6 months from the date of sale, the amount so held shall be transferred from the Special Deposit Account to the General Fund Account in the United States Treasury.

(c) Amounts collected from the importer, or his or her agent, for service rendered shall be deposited so as to be available for defraying the expenses involved in this service.

§93.413 Quarantine stations, visiting restricted; sales prohibited.

Visitors shall not be admitted to the quarantine enclosure during any time that ruminants are in quarantine except that an importer (or his or her accredited agent or veterinarian) may be

admitted to the yards and buildings containing his or her quarantined ruminants at such intervals as may be deemed necessary, and under such conditions and restrictions as may be imposed, by the inspector in charge of the quarantine station. On the last day of the quarantine period, owners, officers or registry societies, and others having official business or whose services may be necessary in the removal of the ruminants may be admitted upon written permission from the said inspector. No exhibition or sale shall be allowed within the quarantine grounds.

§ 93.414 Milk from quarantined ruminants.

Milk or cream from ruminants quarantined under the provisions of this part shall not be used by any person other than those in charge of such ruminants, nor be fed to any animals other than those within the same enclosure, without permission of the inspector in charge of the quarantine station and subject to such restrictions as he or she may consider necessary to each instance. No milk or cream shall be removed from the quarantine premises except in compliance with all State and local regulations.

§ 93.415 Manure from quarantined ruminants.

No manure shall be removed from the quarantine premises until the release of the ruminants producing same.

§ 93.416 Appearance of disease among ruminants in quarantine.

If any contagious disease appears among ruminants during the quarantine period special precautions shall be taken to prevent spread of the infection to other animals in the quarantine station or to those outside the grounds. The affected ruminants shall be disposed of as the Administrator may direct, depending upon the nature of the disease.

CANADA[7]

§ 93.417 Import permit and declaration for ruminants.

(a) For ruminants intended for importation from Canada, the importer shall first apply for and obtain from APHIS an import permit as provided in § 93.404: *Provided,* That an import permit is not required for ruminants offered for entry at a land border port designated in § 93.403(b) if such ruminant is:

(1) A wether;

(2) A sheep or goat imported for immediate slaughter; or

(3) A ruminant other than a sheep or goat and that ruminant:

(i) Was born in Canada or the United States, and has been in no region other than Canada or the United States, or

(ii) Has been legally imported into Canada from some other region and unconditionally released in Canada so as to be eligible to move freely within that region without restriction of any kind and has been in Canada after such release for 60 days or longer.

(b) For all ruminants offered for importation from Canada, the importer or his or her agent shall present two copies of a declaration as provided in § 93.407.

[55 FR 31495, Aug. 2, 1990, as amended at 60 FR 13900, Mar. 15, 1995. Redesignated and amended at 62 FR 56012, 56018, Oct. 28, 1997]

§ 93.418 Cattle from Canada.

(a) *Health certificates.* Except for cattle imported for immediate slaughter in accordance with § 93.420, cattle intended for importation from Canada shall be accompanied by a certificate issued in accordance with § 93.405(a). The certificate shall state that the cattle have been inspected and found to be free from any evidence of communicable disease and that, as far as can

[7] Importations from Canada shall be subject to §§ 93.417 to 93.421, inclusive, in addition to other sections in this part which are in terms applicable to such importations.

be determined, they have not been exposed to any such disease during the preceding 60 days. Cattle found unqualified upon inspection at the port of entry will be refused entry into the United States.

(b) *Tuberculin-test certificates.* (1) Cattle from Canada from a herd in which any cattle have been determined to have tuberculosis shall not be imported into the United States.

(2) Except for cattle prohibited from importation under paragraph (b)(1) of this section, cattle from Canada may be imported into the United States if:

(i) The cattle are imported for slaughter in accordance with §93.420 of this part; or

(ii) The cattle are accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing:

(A) That the cattle are from a tuberculosis-free herd; or

(B) The date and place the cattle were last tested for tuberculosis; that the cattle were found negative for tuberculosis on such test; and that such test was performed within 60 days preceding the arrival of the cattle at the port of entry; or

(C) That the cattle are at least five days but not more than four weeks of age and, therefore, exempt from the tuberculosis testing requirement; or

(D) For a calf imported with its dam, the date and place the calf's dam was last tested for tuberculosis; that the dam was found negative for tuberculosis on such test; that such test was performed within 60 days preceding the arrival of the calf and dam at the port of entry; and that the calf was born after such test was performed.

(c) *Brucellosis test or vaccination certificates.* (1) Cattle from Canada from a herd in which any cattle have been determined to have brucellosis may not be imported into the United States;

(2) Except for cattle prohibited from importation into the United States under paragraph (c)(1) of this section, cattle 6 months of age or older from Canada may be imported into the United States if the following conditions are met:

(i) The cattle are imported for slaughter in accordance with §92.420;

(ii) The cattle are steers; or

(iii) The cattle are accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian government showing:

(A) That the cattle are from a brucellosis certified-free herd, province, or territory; or

(B) The date and place the cattle were last tested for brucellosis; that the cattle were found negative for brucellosis on such test; and that such test was performed within 30 days preceding the arrival of the cattle at the port of entry; or

(C) That the female cattle under 18 months of age were vaccinated against brucellosis in accordance with Canadian regulations.

(d) The certificates prescribed in paragraphs (b) and (c) of this section shall state:

(1) The names of the consignor and the consignee;

(2) A description of the cattle to be imported, including the breed, ages, markings, and tattoo and eartag numbers of each animal;

(3) The dates and places of each test required by paragraphs (b) and (c) of this section; and

(4) The date of vaccination, dosage of vaccine used, and the age of each animal on the date of vaccination for each vaccination conducted in accordance with paragraph (c)(2)(ii)(C) of this section.

[55 FR 31495, Aug. 2, 1990, as amended at 55 FR 49990, Dec. 4, 1990; 58 FR 37641, July 13, 1993; 59 FR 28216, June 1, 1994; 61 FR 17238, Apr. 19, 1996. Redesignated and amended at 62 FR 56012, 56018, Oct. 28, 1997]

§93.419 Sheep and goats from Canada.

(a) Except for sheep and goats imported for immediate slaughter in accordance with §93.420, sheep and goats intended for importation from Canada shall be accompanied by a certificate issued in accordance with §93.405.

(b) If sheep or goats are unaccompanied by the certificate required by paragraph (a) of this section, or if they are found upon inspection at the port of entry to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry and shall be handled thereafter in accordance with the provisions of section 8 of the act of August 30, 1890 (26 Stat. 416;

21 U.S.C. 103), or quarantined, or otherwise disposed of as the Administrator may direct.

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[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 28216, June 1, 1994; 61 FR 17239, Apr. 19, 1996. Redesignated and amended at 62 FR 56012, 56018, Oct. 28, 1997]

§ 93.420 Ruminants from Canada for immediate slaughter.

Any ruminant imported from Canada for immediate slaughter shall be consigned from the port of entry directly to a recognized slaughtering establishment and there be slaughtered within 2 weeks from the date of entry. Such ruminants shall be inspected at the port of entry and otherwise handled in accordance with § 93.408.

[59 FR 28216, June 1, 1994. Redesignated and amended at 62 FR 56012, 56018, Oct. 28, 1997]

§ 93.421 Special provisions.

(a) *In-bond shipments from Canada.* (1) Cattle, sheep, and goats from Canada transported in-bond through the United States for immediate export shall be inspected at the border port of entry and, when accompanied by an import permit obtained under § 93.404 of this part and all conditions therein are observed, shall be allowed entry into the United States and shall be otherwise handled as provided in paragraph (b) of § 93.401. Ruminants not accompanied by a permit shall meet the requirements of this part in the same manner as ruminants destined for importation into the United States, except that the Administrator may permit their inspection at some other point when he or she finds that such action will not increase the risk that communicable diseases of livestock and poultry will be disseminated to the livestock or poultry of the United States.

(2) *In-transit shipments through Canada.* Ruminants originating in the United States and transported directly through Canada may re-enter the United States without Canadian health or test certificates when accompanied by copies of the United States export health certificates properly issued and endorsed in accordance with regulations in part 91 of this chapter: *Provided,* That, to qualify for entry, the date, time, port of entry, and signature of the Canadian Port Veterinarian that inspected the ruminants for entry into Canada shall be recorded on the United States health certificate, or a paper containing information shall be attached to the certificate that accompanies the ruminants. In all cases it shall be determined by the veterinary inspector at the United States port of entry that the ruminants are the identical ruminants covered by said certificate.

(b) *Exhibition ruminants.* Ruminants from the United States which have been exhibited at the Royal Agricultural Winter Fair at Toronto or other publicly recognized expositions in Canada, including racing, rodeo, circus, or stage exhibitions in Canada, and have not been in that region for more than 90 days are eligible for return to the United States without Canadian health or test certificates, if they are accompanied by copies of the United States health certificate, issued and endorsed in accordance with the export regulations contained in part 91 of this chapter for entry into Canada: *Provided,* That all ruminants offered for re-entry upon examination by the veterinary inspector at the U.S. port of entry, are found by the inspector to be free of communicable diseases and exposure thereto and are determined to be the identical ruminants covered by said certificates or are the natural increase of such ruminants born after official test dates certified on the dam's health certificate.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56018, Oct. 28, 1997]

CENTRAL AMERICA AND WEST INDIES [8]

§ 93.422 Import permit and declaration for ruminants.

(a) For ruminants intended for importation from regions of Central America or of the West Indies, the importer shall first apply for and obtain

[8] Importations from regions of Central America and the West Indies shall be subject to §§ 93.422 and 93.423, in addition to other sections in this part, which are in terms applicable to such importations.

from APHIS an import permit as provided in §93.404: *Provided,* That the Administrator, when he or she finds that such action may be taken without endangering the livestock or poultry industry of the United States, may, upon request by any person, authorize the importation by such person, without such application or permit, from the British Virgin Islands into the Virgin Islands of the United States, of ruminants consigned for immediate slaughter, and such authorization may be limited to a particular shipment or extend to all shipments under this paragraph by such person during a specified period of time. The importation of cattle from any area infested with cattle fever ticks is prohibited except as provided in paragraph (c) of §93.423.

(b) For all ruminants offered for importation from countries of Central America or of the West Indies, the importer or his or her agent shall present two copies of a declaration as provided in §93.407.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56019, Oct. 28, 1997]

§93.423 Ruminants from Central America and the West Indies.

(a) Ruminants intended for importation from Central America and the West Indies, except as provided in paragraph (c) of this section, must be accompanied by a certificate issued in accordance with §93.405(a) stating that the animals have been in that region at least 60 days immediately preceding the date of shipment to the United States; that he or she has inspected the ruminants on the premises of origin and found them free from evidence of any communicable disease; and that, as far as it has been possible to determine, the ruminants have not been exposed to any communicable disease during the preceding 60 days. If no such veterinary officer is available in the region of origin, ruminants, other than sheep and goats, may be accompanied by an affidavit of the owner or importer stating that such ruminants have been in the region from which they were directly shipped to the United States for a period of at least 60 days immediately preceding the date of shipment therefrom, and that during such period no communicable disease has existed among them or among animals of their kind with which they have come in contact. Ruminants for which such affidavit is presented, unless imported for immediate slaughter, shall be quarantined at the port of entry at least seven days and during that time shall be subjected to such dipping, blood tests or other tests, as may be required by the Administrator to determine their freedom from communicable diseases. If imported for immediate slaughter, such animals shall be handled as provided in §93.420.

(b) The certificate accompanying sheep and goats intended for importation from Central America and the West Indies must, in addition to the statements required by paragraph (a) of this section, meet all of the requirements of §93.405.

(c) Cattle, which have been infested with or exposed to fever ticks, may be imported from the British Virgin Islands into the United States Virgin Islands, for immediate slaughter, only, if they are free from fever ticks at the time of such importation; if they are entered through one of the ports designated in §93.403(d) and are consigned to a recognized slaughtering establishment with facilities approved by the Administrator for holding the animals in isolation until slaughtered, which shall be within 14 days after the date of entry into the United States Virgin Islands; and if they are accompanied by a certificate of a responsible official of the government of the British Virgin Islands certifying that the cattle originated in and are being shipped directly from the British Virgin Islands, that they are free of fever ticks, and that, as far as it has been possible to determine, such cattle are free from evidence of communicable disease and have not been exposed to any such disease common to animals of their kind, other than splenetic, southern, or tick fever, during the 60 days preceding their movement to the United States Virgin Islands.

(d) If ruminants are unaccompanied by the certificate or affidavit as required by paragraphs (a), (b), or (c) of this section, or if they are found upon inspection at the port of entry to be affected with a communicable disease or

to have been exposed thereto, they shall be refused entry, except as provided in paragraph (c) of this section. Ruminants refused entry shall be handled thereafter in accordance with the provisions of section 8 of the Act of August 30, 1890 (26 Stat. 416; 21 U.S.C. 103), or quarantined, or otherwise disposed of as the Administrator may direct.

(Approved by the Office of Management and Budget under control number 0579–0040)

[55 FR 31495, Aug. 2, 1990, as amended at 61 FR 17239, Apr. 19, 1996. Redesignated and amended at 62 FR 56012, 56019, Oct. 28, 1997]

MEXICO[9]

§ 93.424 Import permits and applications for inspection of ruminants.

(a) Forruminants intended for importation from Mexico, the importer shall first apply for and obtain from APHIS an import permit as provided in § 93.404: *Provided,* That an import permit is not required for a ruminant offered for entry at a land border port designated in § 93.403(c), if such animal is:

(1) A wether;

(2) A sheep or goat imported for immediate slaughter; or

(3) A ruminant other than a sheep or goat and that ruminant:

(i) Was born in Mexico or the United States, and has been in no region other than Mexico or the United States, and

(ii) Has not, during the preceding 60 days been corralled, pastured, or held with, or bred by, or inseminated with semen from any ruminant which has been imported into Mexico from a region designated in § 94.1(a)(1) as infected with foot-and-mouth disease or rinderpest, and

(iii) Is not pregnant as a result of having been bred by, or artificially inseminated with semen from, a ruminant imported into Mexico from regions designated in § 94.1(a) as infected with foot-and-mouth disease or rinderpest.

(b) For ruminants intended for importation into the United States from Mexico, the importer or his or her agent shall deliver to the veterinary inspector at the port of entry an application, in writing, for inspection, so that the veterinary inspector and customs representatives may make mutually satisfactory arrangements for the orderly inspection of the animals. For all cattle, except those entering pursuant to the third proviso in § 93.427(d), and except for steers, an official record of negative brucellosis test conducted on the herd of origin as required in § 93.427(d) shall be presented to the veterinary inspector at the port of entry when application is made for inspection. The veterinary inspector at the port of entry will provide the importer or his or her agent with a written statement assigning a date when the animals may be presented for import inspection.

[55 FR 31495, Aug. 2, 1990, as amended at 60 FR 13898, 13900, Mar. 15, 1995. Redesignated and amended at 56012, 56019, Oct. 28, 1997]

§ 93.425 Declaration for ruminants.

For all ruminants offered for importation from Mexico, the importer or his or her agent shall present two copies of a declaration as provided in § 93.407.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56019, Oct. 28, 1997]

§ 93.426 Inspection at port of entry.

(a) All ruminants offered for entry from Mexico, including such ruminants intended for movement through the United States in bond for immediate return to Mexico, shall be inspected at the port of entry, and all such ruminants found to be free from communicable disease and fever tick infestation, and not to have been exposed thereto, shall be admitted into the United States subject to the other applicable provisions of this part. Ruminants found to be affected with or to have been exposed to a communicable disease, or infested with fever ticks, shall be refused entry except as provided in § 93.427(b)(2). Ruminants refused entry shall be handled thereafter in accordance with provisions of section 8 of the Act of August 30, 1890 (26 Stat. 416; 21 U.S.C. 103) or quarantined or otherwise disposed of as the Administrator, may direct.

(b) Ruminants covered by paragraph (a) of this section shall be imported

[9] Importations from Mexico shall be subject to §§ 93.424 to 93.429, inclusive, in addition to other sections in this part which are in terms applicable for such importations.

through ports, designated in §93.403, which are equipped with facilities necessary for proper chute inspection, dipping, and testing, as provided in this part.

[55 FR 31495, Aug. 2, 1990, as amended at 60 FR 13898, Mar. 15, 1995. Redesignated and amended at 62 FR 56012, 56019, Oct. 28, 1997]

§93.427 Cattle from Mexico.

(a) Cattle and other ruminants imported from Mexico, except animals being transported in bond for immediate return to Mexico or animals imported for immediate slaughter, may be detained at the port of entry, and there subjected to such disinfection, blood tests, other tests, and dipping as required in this part to determine their freedom from any communicable disease or infection of such disease. The importer shall be responsible for the care, feed, and handling of the animals during the period of detention.

(b) *Fever ticks.* (1) Except as provided in paragraph (b)(2) of this section, all cattle intended for importation from Mexico, for purposes other than immediate slaughter, shall be accompanied by a certificate issued in accordance with §93.405(a), and showing that the veterinarian issuing the certificate inspected the cattle at the time of movement to the port of entry and found them free from any evidence of communicable disease and that, as far as it has been possible to determine, they have not been exposed to any such disease, including splenetic, southern or tick fever, during the preceding 60 days and, if shipped by rail or truck, the certificate shall further specify that the cattle were loaded into clean and disinfected cars or trucks for transportation direct to the port of entry. They shall also be accompanied by a certificate of the importer, or his or her agent supervising the shipment, stating that while en route to the port of entry they have not been trailed or driven through any district or area infested with fever ticks. Notwithstanding such certificates, such cattle shall be detained as provided in paragraph (a) of this section and shall be dipped at least once, under the supervision of an inspector, in one of the permitted dips listed in §72.13(b) of this chapter. The selection of the permitted dip to be used will be made by the port veterinarian in each case. The owner or his or her agent shall first execute an application for inspection and dipping as provided in paragraph (b)(2)(iii) of this section.

(2) Cattle that have been exposed to splenetic, southern, or tick fever, or that have been infested with or exposed to fever ticks, may be imported from Mexico for admission into the State of Texas, except into areas quarantined because of said disease or tick infestation as specified in §72.5 of this chapter, either at one of the land border ports in Texas listed in §93.403(c) of this part, or at the port of Santa Teresa, NM, provided that the following conditions are strictly observed and complied with:

(i) The cattle shall be accompanied by a certificate issued in accordance with §93.405(a), and showing that the veterinarian issuing the certificate has inspected the cattle and found them free from fever ticks and any evidence of communicable disease, and that, as far as it has been possible to determine, they have not been exposed to any such disease, except splenetic, southern, or tick fever, during the 60 days immediately preceding their movement to the port of entry.

(ii) The cattle shall be shown by a certificate issued in accordance with §93.405(a) to have been dipped in a tick-icidal dip within 7 to 12 days before being offered for entry.

(iii) The importer, or his or her duly authorized agent, shall first execute and deliver to an inspector at the port of entry an application for inspection and supervised dipping wherein he or she shall agree to waive all claims against the United States for any loss or damage to the cattle occasioned by or resulting from dipping, or resulting from the fact that they are later found to be still tick infested; and also for all subsequent loss or damage to any other cattle in the possession or control of such importer which may come into contact with the cattle so dipped.

(iv) The cattle when offered for entry shall receive a chute inspection by an inspector. If found free from ticks they shall be given one dipping in one of the permitted dips listed in §72.13(b) of this

chapter under the supervision of an inspector 7 to 14 days after the dipping required by paragraph (b)(2)(ii) of this section. The selection of the permitted dip to be used will be made by the port veterinarian in each case. If found to be infested with fever ticks, the entire lot of cattle shall be rejected and will not be again inspected for entry until 10 to 14 days after they have again been dipped in the manner provided by paragraph (b)(2)(ii) of this section.

(v) The conditions at the port of entry shall be such that the subsequent movement of the cattle can be made without exposure to fever ticks.

(c) *Tuberculosis.* (1) In addition to the provisions required in the certificate under paragraph (b) of this section, such certificate shall also show, with respect to all cattle from Mexico, except cattle certified in accordance with § 93.429, that a review of the available herd history, including any tuberculin test results, traceback slaughter reports and post-mortem record, and any other available records or information do not indicate evidence of tuberculosis or exposure thereto during the preceding 60 days. The certificate shall also show, with respect to all cattle, except cattle certified in accordance with § 93.429 and steers, that the herd or herds from which the cattle proceed have been tuberculin tested with negative results not more than 12 months nor less than 3 months before the date the animals are offered for entry into the United States and that the animals presented for entry, excepting only the natural increase in the herd, were included in the herd or herds of origin at the time of said herd test. The certificate shall further show, with respect to steers, except those certified in accordance with § 93.429, that each animal has been tested with negative results either by a salaried veterinarian of the National Government of Mexico or by a veterinarian accredited by the National Government of Mexico, not more than 60 days before the date the animals are offered for entry into the United States: *Provided,* That for steers not so tested and certified, the importer may elect to have the tuberculin test completed at the port of entry under the supervision of the port veterinarian. The said certificate shall give the date and place of inspection, the date and place and results of the tuberculin test if applicable, the name of the herd owner, the name of the consignor and consignee, and an individual description of each animal including breed, age, sex, and tattoo and official Mexican Ministry of Agriculture and Water Resources (SARH) blue eartag numbers. However, cattle, including steers, that originated in herds declared to be tuberculosis-accredited by the Government of Mexico in accordance with that region's standards do not have to comply with the other provisions of this paragraph if they are moved directly to the U.S. port of entry from their herd of origin without having commingled with cattle from any herd not so accredited enroute to the port of entry, and they are accompanied by a health certificate, issued in accordance with § 93.405(a), stating that the cattle originated in such a tuberculosis-accredited herd and identifying the animals by official Mexican Ministry of Agriculture and Water Resources (SARH) blue eartag and tattoo numbers.

(2) Each steer imported into the United States from Mexico shall be identified with a distinct, permanent, and legible ''M'' mark applied with a freeze brand, hot iron, or other method prior to arrival at a port of entry, unless the steer is imported for slaughter in accordance with § 93.429. Each spayed heifer imported into the United States from Mexico shall be identified with a distinct, permanent, and legible ''M_x'' mark applied with a freeze brand, hot iron, or other method prior to arrival at a port of entry, unless the spayed heifer is imported for slaughter in accordance with § 93.429. The ''M'' or ''M_x'' mark shall be not less than 2 inches nor more than 3 inches high, and shall be applied to each animal's right hip, high on the tailhead (over the junction of the sacral and first coccygeal vertebrae).

(3) Cattle from a herd or herds in which one or more reactors to the tuberculin test have been disclosed shall not be eligible for importation until said herd or herds have reached full tuberculosis-free status under Mexican Government regulations.

(4) All bulls and female cattle accompanied by the certificate described herein shall be detained at the port of entry under the supervision of the port veterinarian until tested for tuberculosis with negative results: *Provided,* That if any reactor is disclosed in any lot when so tested at the port of entry, the entire lot shall be refused entry and the entire lot or any portion thereof shall not be eligible for importation until said lot has reached full tuberculosis-free status under Mexican Government regulations and the animals offered for entry have met the other applicable requirements of this section.

(5) The importation of Holstein steers and Holstein spayed heifers from Mexico is prohibited.

(d) *Brucellosis.* All cattle offered for importation into the United States from Mexico shall be individually identified with a numbered, blue metal eartag issued by the Mexican Ministry of Agriculture and Water Resources (SARH); and except in the case of steers, shall be eligible for entry into the United States only if, in addition to complying with other applicable provisions of this part, they:

(1) Are accompanied by a certificate issued in accordance with §93.405(a) stating:

(i) That such cattle originated in a herd in which all cattle (except calves under 6 months of age and steers) were tested for brucellosis not less than 30 days nor more than 90 days prior to the date of certification and were found to be negative;

(ii) The date and place such herd was tested; and

(iii) That the cattle in the herd have been isolated from all other cattle from the time the herd was tested negative for brucellosis to the date of the offer of the cattle for entry into the United States; and

(2) Except for calves under 6 months of age, are subjected to an additional test for brucellosis at the port of entry and found negative to such test: *Provided,* That if any reactor is disclosed in any lot when so tested at the port of entry, the entire lot shall be refused entry and the entire lot or any portion thereof may not be reoffered for entry until retested and recertified in accordance with paragraphs (d)(1) and (2) of this section or any cattle found to be negative to such test and any calves under 6 months of age in such lot may enter if consigned and moved under U.S. Department of Agriculture seal and without diversion to recognized slaughtering establishment as defined in §78.1 of this chapter for immediate slaughter, or if consigned and moved under U.S. Department of Agriculture seal and without diversion to a quarantined feedlot, as defined in §78.1 of this chapter and thereafter handled in accordance with the provisions of §78.12 of this chapter: *Provided, further,* That if any suspect but no reactor is disclosed in any lot when so tested at the port of entry, any cattle found to be negative to such test and any calves under 6 months of age in such lot may enter without further restriction under this paragraph (d): *And provided further,* That any cattle other than cattle which are classified as a reactor or suspect to a test for brucellosis may enter the United States from Mexico without the certificate or any test otherwise required by this paragraph, if they are individually identified with a numbered, blue metal eartag issued by the Mexican Ministry of Agriculture and Water Resources (SARH) and are consigned and moved to a slaughtering establishment for immediate slaughter, or to a quarantined feedlot, in accordance with the first proviso in this paragraph and otherwise comply with the applicable provisions of this part.

[55 FR 31495, Aug. 2, 1990, as amended at 57 FR 2010, Jan. 17, 1992; 57 FR 28080, 28081, June 24, 1992; 58 FR 68509, Dec. 28, 1993; 59 FR 24886, May 13, 1994; 59 FR 65897, Dec. 22, 1994; 60 FR 13898, Mar. 15, 1995; 61 FR 17239, Apr. 19, 1996. Redesignated and amended at 62 FR 56012, 56019, Oct. 28, 1997; 62 FR 64266, Dec. 5, 1997]

EFFECTIVE DATE NOTE: At 62 FR 64266, Dec. 5, 1997, in §93.427, in paragraph (c)(2), in the second sentence remove the words ''or in bond for temporary entry in accordance with §93.427(e)''; effective Jan. 5, 1998.

§93.428 Sheep and goats and wild ruminants from Mexico.

(a) Sheep and goats intended for importation from Mexico shall be accompanied by a certificate issued in accordance with §93.405 and stating, if such sheep and goats are shipped by rail or truck, that such animals were loaded into cleaned and disinfected

cars or trucks for transportation direct to the port of entry. Notwithstanding such certificate, such sheep and goats shall be detained as provided in § 93.427(a) and shall be dipped at least once in a permitted scabies dip under supervision of an inspector.

(b) The certificate accompanying goats offered for importation from Mexico shall, in addition to the statements required by paragraph (a) of this section, state that such goats have been tested for tuberculosis and brucellosis with negative results within 30 days preceding their being offered for entry, and give the date and method of testing, the name of the consignor and of the consignee, and a description of the animals including breed, ages, markings, and tattoo and eartag numbers. Notwithstanding such certification, such goats shall be detained or quarantined as provided in § 93.427 and retested for brucellosis.

(c) If sheep or goats are unaccompanied by the certificate as required by paragraphs (a) and (b) of this section, or if they are found upon inspection or retesting, as provided for in this part, to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry and shall be handled thereafter in accordance with the provisions of section 8 of the Act of August 30, 1890 (26 Stat. 416; 21 U.S.C. 103), or quarantined, or otherwise disposed of as the Administrator may direct.

(d) Certificates will not be required for wild ruminants, other than sheep and goats, originating in and shipped direct from Mexico, but such animals are subject to inspection at the port of entry as provided in § 93.426.

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§ 93.429 Ruminants for immediate slaughter.

Ruminants, other than sheep and goats, may be imported from Mexico, subject to the applicable provisions of §§ 93.424, 93.425, 93.426, and 93.427(b)(2) for immediate slaughter if accompanied by a certificate issued in accordance with § 93.405(a) and stating that the veterinarian who issued the certificate has inspected the animals in the herd from which the ruminants will be imported and found them free of evidence of communicable disease, and that, so far as it has been possible to determine, they have not been exposed to any such disease common to animals of their kind during the preceding 60 days, and if the ruminants are shipped by rail or truck, the certificate shall further specify that the ruminants were loaded into cleaned and disinfected cars or trucks for transportation directly to the port of entry. Such ruminants shall be moved from the port of entry in conveyances sealed with seals of the United States Government. Sheep and goats from any part of Mexico may be imported only in compliance with other applicable sections in this part.

[55 FR 31495, Aug. 2, 1990, as amended at 57 FR 28081, June 24, 1992; 61 FR 17239, Apr. 19, 1996. Redesignated and amended at 62 FR 56012, 56019, Oct. 28, 1997]

§ 93.430 Importation of ruminants through the Harry S Truman Animal Import Center (HSTAIC).

(a) *Exclusive right to use HSTAIC.* The Animal and Plant Health Inspection Service will enter into a cooperative-service agreement with only one importer for each importation through the Harry S Truman Animal Import Center (HSTAIC). Applications for the HSTAIC lottery will not be accepted from, and a cooperative-service agreement to use HSTAIC will not be offered to or entered into with, any person who has debts owing to APHIS that have not been paid by the date specified in APHIS's original billing notification to the person. Any person who has debts owing to APHIS that have not been paid by the date specified in APHIS's original billing notification to that person will be removed from the current priority list. An importer granted the exclusive right to use HSTAIC may include in his or her allotted number, animals of the same species belonging to other persons interested in importing animals through HSTAIC, except

that llamas and alpacas may be included in the same importation. However, the Animal and Plant Health Inspection Service will deal exclusively with the importer in whose name the application for use of HSTAIC was submitted. The Animal and Plant Health Inspection Service will hold this importer solely responsible for all costs (excepting capital expenditures at HSTAIC) incurred during the animal qualification process. The animal qualification process begins on the date the cooperative-service agreement is delivered to the address listed on the importer's HSTAIC application, for the importer's signature, if HSTAIC is not available to other importers, up to a maximum of 30 days. A cooperative-service agreement will be deemed to have been delivered when the importer signs the U.S. Postal Service domestic return receipt, or the importer refuses delivery of the cooperative-service agreement by the U.S. Postal Service, or the cooperative-service agreement is returned by the U.S. Postal Service as either unclaimed or undeliverable. HSTAIC can accommodate a finite number of animals at one time, but the maximum allowed for a particular importation will vary, depending on the size of the species. The Animal and Plant Health Inspection Service will specify this figure in the cooperative-service agreement, reproduced in paragraph (d) of this section.

(b) *Scheduling.* Applications from prospective users of HSTAIC are processed according to the following system:

(1)(i) *All applications for use of HSTAIC.* To qualify to use HSTAIC, an importer must submit a completed application,[10] providing estimates when exact information as required on the application form is unavailable.

(ii) Each applicant for the importation of animals through HSTAIC must make a deposit of $32,000 in the form of a certified check or money order, payable in U.S. funds. The deposit of each applicant who is not given the opportunity to use HSTAIC will be returned to the applicant at the end of the calendar year of the prospective importation, or whenever the applicant removes his or her name from the priority list described in paragraph (b)(4) of this section. The Animal and Plant Health Inspection Service will draw on the deposit of the applicant whose application is selected, to pay for the costs of preparing and maintaining HSTAIC in readiness for the applicant's animals. A charge of $1,067 will be made for each day that HSTAIC is not available to another importer, starting on the date the cooperative-service agreement is delivered to the address listed on the importer's HSTAIC application, and ending either with the day that APHIS receives the signed cooperative-service agreement or the day the applicant notifies APHIS in writing that he or she does not intend to sign the cooperative-service agreement, up to a maximum of 30 days. A cooperative-service agreement will be deemed to have been delivered when the importer signs the U.S. Postal Service domestic return receipt, or refuses delivery of the cooperative-service agreement by the U.S. Postal Service, or the cooperative-service agreement is returned by the U.S. Postal Service as either unclaimed or undeliverable.

(2)(i) During the first seven days of December,[11] the Animal and Plant Health Inspection Service will hold a lottery, randomly drawing the names of applicants in an order that will determine the order in which they will be offered use of HSTAIC for an importation during the next calendar year. To be included in the annual December lottery, applications must reach the Import-Export Animals Staff, Veterinary Services, no earlier than October 1 and no later than October 15 of that year.

(ii) One application is required for each importation proposed. Deposits required by paragraph (b)(1)(ii) of this section must be received by APHIS at least 7 calendar days prior to the date of the lottery.

[10] Application forms are available from, and must be submitted to the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

[11] The Animal and Plant Health Inspection Service will publish a notice announcing the exact date in the FEDERAL REGISTER at least 30 days in advance of the December drawing.

(3) The priority list established by the annual December lottery will remain effective from January 1 through December 31 of the next calendar year, superseding all previous lists. Which year's list is used is governed by the date exclusive use of HSTAIC is offered and not by the date the applicant's animals are scheduled to arrive at HSTAIC.

(4) The names of all applicants whose applications have reached the Import-Export Animals Staff, Veterinary Services, no earlier than October 1 and no later than October 15 (see paragraphs (b)(1) and (2) of this section), and whose deposits have reached APHIS at least 7 calendar days prior to the date of the lottery, will be drawn during the December lottery. The order in which names appear on the priority list will correspond to that established by the lottery. If the person first offered the right to use HSTAIC does not ensure receipt of the cooperative-service agreement by the Import-Export Animals Staff, Veterinary Services, within 30 days of receiving the cooperative-service agreement, the Animal and Plant Health Inspection Service will void that offer, and make an offer to the applicant next on the priority list. The Animal and Plant Health Inspection Service will limit importations to one per importer for the period encompassing the calendar year for which the lottery is held and the following two calendar years, except when no other lottery participants are prepared to use HSTAIC during the time it would be available in those years. The priority list established during the December lottery will remain in effect during the calendar year following the lottery, and will take precedence over any applications received after October 15th. Applications received after October 15th will be added to the priority list, with precedence established by the order in which the Import-Export Animals Staff, Veterinary Services, receives them.

(5) If the Import-Export Animals Staff, Veterinary Services, does not receive more than one application between October 1st and October 15th for the December lottery, the December lottery for that year will be cancelled, and the Animal and Plant Health Inspection Service will grant the exclusive right to use HSTAIC for an importation during the next calendar year in the order applications are received.

(6) The Secretary of Agriculture may grant priority over other applications to an application from an agency of the United States Government, if for an importation potentially of value to the general public, and if received before July 15 of the year preceding the proposed importation.[12] However, an agency of the United States Government must submit its application in accordance with this section, except that an agency of the United States Government must enter into an interagency agreement with the Animal and Plant Health Inspection Service for a deposit of $32,000 by certified check or money order, payable in U.S. funds. HSTAIC importations by agencies of the United States government will be limited to one per year, except when HSTAIC is available and the Import-Export Animals Staff, Veterinary Services, has received no other applications for its use during that year.

(c) *Responsibilities of the Applicant Selected.* By certified mail, return receipt requested, the Animal and Plant Health Inspection Service will send a cooperative-service agreement to the applicant being offered the exclusive right to use HSTAIC, as provided in paragraph (d) of this section. The applicant must, within 30 days of receipt, sign and ensure that the Import-Export Animals Staff, Veterinary Services, receives the cooperative-service agreement. The cooperative-service agreement must be accompanied by a certified check or money order, or an irrevocable letter of credit (the letter of credit having an effective date 90 days after the animals' scheduled release date from HSTAIC), payable in U.S. funds, for the amount specified in the cooperative-service agreement. Any funds remaining from the $32,000 deposit will be applied to the quarantine costs, and will be deducted from the

[12] If the Secretary grants priority to an application from an agency of the United States Government, the Animal and Plant Health Inspection Service will publish a notice in the FEDERAL REGISTER prior to October 1 of the year preceding the proposed importation.

balance due with the cooperative-service agreement. For importations requiring use of an embarkation quarantine facility, including site-specific blueprints and location, must be included when the cooperative-service agreement is returned to the Import-Export Animals Staff, Veterinary Services.

(1) An importer interested in animals ineligible for importation because officials in the exporting region or area will not allow the Animal and Plant Health Inspection Service to provide the services prescribed in the cooperative-service agreement, may, upon notification of this ineligibility from the Animal and Plant Health Inspection Service, propose to substitute animals available from another location. If this importer has not returned the signed cooperative-service agreement within the 30 days specified in the cooperative-service agreement, the Animal and Plant Health Inspection Service will return any portion of the importer's deposit that has not been expended. In that case, the applicant next in priority will be offered the exclusive right to use HSTAIC, in accordance with the procedures in this section.

(2) The importer may not abrogate his/her responsibility for costs incurred after the signing of the cooperative-service agreement, regardless of any occurrences that prevent the importation from proceeding as planned.

(3) The importer signing the cooperative-service agreement returned to the Animal and Plant Health Inspection Service is responsible for paying all costs, excluding capital expenditures at HSTAIC, incurred in qualifying the specified animals for importation through HSTAIC. A partial list of costs for which the importer must assume responsibility includes: expenses for preparing and maintaining HSTAIC in readiness for the importation; expenses for sentinel animals in the United States, when required, and for tested animals prevented, for any reason, from moving from HSTAIC elsewhere within the United States; laboratory tests; medical treatment; official travel by Animal and Plant Health Inspection Service personnel, including per diem expenses in the country from which animals are being exported, when required; courier services to transport test samples to the Foreign Animal Disease Diagnostic Laboratory, when required; salaries of HSTAIC personnel; all supplies for animals care, maintenance, and testing during the quarantine and in the post-quarantine cleaning and disinfection of HSTAIC; utilities and overhead, including support staff, during the quarantine and post-quarantine cleanup.

(4) Capital expenditures at HSTAIC constitute the only costs for which the importer will not be held responsible.

(5) For costs incurred during any stage of the importation through HSTAIC—that is, costs not calculated into the amount collected from the importer in accordance with the cooperative-service agreement—the Animal and Plant Health Inspection Service will bill the importer at a later date. Payment will be due upon receipt of the bill.

(6) The Animal and Plant Health Inspection Service will return to the importer any part of the money remitted with the cooperative-service agreement set forth in paragraph (d) of this section that is not used to cover the noncapital costs of the importation through HSTAIC.

(d) *Cooperative-Service Agreement.* Each importer being granted the right to use HSTAIC must sign, and comply with, the cooperative-service agreement with the Animal and Plant Health Inspection Service. A sample cooperative-service agreement for importers other than agencies of the United States government is reproduced in this paragraph. (Agencies of the United States government being granted the right to use HSTAIC must enter into an interagency agreement with the Animal and Plant Health Inspection Service.) The amount of money the importer must advance, left blank in the following sample, will depend on figures unique to a particular importation. This amount will be specified in the cooperative-service agreement the importer receives.

COOPERATIVE-SERVICES AGREEMENT BETWEEN (NAME OF IMPORTER) AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE

The importer, _____, wishes to qualify animals for importation into the United States. The United States Department of Agriculture, Animal and Plant Health Inspection Service, administers the Harry S Truman Animal Import Center (HSTAIC), a facility through which the importer may import animals into the United States.

To effect this importation, both parties agree to the following terms:

The importer agrees:

1. To have this cooperative-service agreement in the office of the Animal and Plant Health Inspection Service's Import-Export Animals Staff, Veterinary Services, within 30 days of the date of receipt, evidenced by the postal return-receipt.

2. To remit with the cooperative-service agreement a certified check, money order, or irrevocable letter of credit having an effective date that extends 90 days beyond the animals' scheduled release from HSTAIC, payable in U.S. funds to the United States Department of Agriculture, Animal and Plant Health Inspection Service, in the amount of $_____. (This amount represents the estimated cost (except capital expenditures at HSTAIC) of qualifying the animals for importation through HSTAIC, less any unused portion of the $32,000 deposited in conjunction with the application for the exclusive right to use HSTAIC.

3. To limit to _____ the number of animals, species _____ transported to HSTAIC for an importation scheduled to begin on or about _____ and to end with the animals' release from HSTAIC, scheduled for _____.

4. To assume liability for all costs (except capital expenditures at HSTAIC) attributable to preparing and maintaining HSTAIC in readiness for the importation, and to qualifying animals for and through quarantine in the embarkation quarantine facility (EQF), when quarantine in an EQF is required, and in HSTAIC for importation into the United States. (A partial list of these costs would include expenses for sentinel animals in the United States and for tested animals prevented, for any reason, from moving from HSTAIC elsewhere within the United States; laboratory tests; medical treatment; official travel by Animal and Plant Health Inspection Service personnel, including per diem expenses in the region from which the animals are being exported; courier services to transport test samples to the Foreign Animal Disease Diagnostic Laboratory; salaries of HSTAIC personnel; all supplies for animal care, maintenance, and testing during the quarantine and in the post- quarantine cleaning and disinfection of HSTAIC; utilities and overhead, including support staff, during the quarantine and post-quarantine cleanup.)

5. To obtain from foreign government officials authorizations granting Animal and Plant Health Inspection Service personnel free access to the EQF, when quarantine in an EQF is required, and permits for export.

6. To secure from animal carriers permission for Animal and Plant Health Inspection Service personnel to accompany the animals to the EQF, when quarantine in an EQF is required, and from the EQF to HSTAIC.

7. To maintain and operate the EQF, when quarantine in an EQF is required, in compliance with 9 CFR 93.431 of the Code of Federal Regulations.

8. To accept as final the findings of the Administrator, Animal and Plant Health Inspection Service, on the animals' eligibility to enter the EQF, when quarantine in an EQF is required, to enter HSTAIC, and to be released from HSTAIC.

9. To follow procedures prescribed by the Animal and Plant Health Inspection Service, appropriate to the disease and pest status of the quarantined animals. (When quarantine in an EQF is required, the presence in the EQF of even one animal either exposed to, or infected with, rinderpest, foot-and-mouth disease, hog cholera, African swine fever, swine vesicular disease, or certain other contagious, exotic diseases, automatically disqualifies all animals in the EQF from entering HSTAIC. The presence in HSTAIC of even one animal either exposed to, or infected with, one of the diseases referred to in this paragraph, automatically disqualifies all animals in HSTAIC from moving anywhere within the United States after the period in quarantine.)

10. To assume responsibility for disposal of quarantined animals that do not qualify to move into or within the United States. (In the case of animals disqualified while quarantined in HSTAIC, the Animal and Plant Health Inspection Service will stipulate the conditions under which the disqualified animals in HSTAIC must be destroyed. The importer must, within 10 days of notification from the Animal and Plant Health Inspection Service, remove from the EQF or HSTAIC, animals untreatable or treated for, but not cured of, a communicable disease other than foot-and-mouth disease or any of certain other exotic diseases. Animals removed from HSTAIC must be moved out of the United States or be destroyed under conditions stipulated by the Animal and Plant Health Inspection Service.)

11. To assume responsibility for all costs the Animal and Plant Health Inspection Service incurs during this importation, excluding capital expenditures at HSTAIC.

12. To pay, upon receipt, post-quarantine billings incurred during this importation, for

costs exceeding the amount remitted with this cooperative-service agreement plus the initial $32,000 deposit.

The Animal and Plant Health Inspection Service Agrees:

1. To provide the personnel required to perform inspections, laboratory procedures, and examinations, and to provide on-site supervision of the isolation, quarantine, care and handling of animals on premises of origin, in the EQF when quarantine in an EQF is required, and in HSTAIC.

2. To inform the importer of any quarantined animals in the EQF or in HSTAIC that fail to qualify for entry into the United States, and to inform the importer that he/she must assume responsibility for their disposal.

3. To finance capital expenditures at HSTAIC without charging the importer.

4. To account for all money disbursed from the amount remitted, and to provide the importer with a complete written accounting upon termination of this cooperative-service agreement.

5. To refund to the importer any part of the money remitted with this cooperative-service agreement that is not used to cover the non-capital costs of the importation through HSTAIC.

Both parties agree:

1. That this cooperative-service agreement is effective upon signature by both parties.

2. That this cooperative-service agreement will not be signed by the Administrator if the Import-Export Animals Staff, Veterinary Services, Animal and Plant Health Inspection Service, has not received this signed cooperative-service agreement, including the specified remittance for the amount due, by 4:30 p.m. on the thirtieth calendar-day after the date on the United States Postal Service's return receipt, evidencing its receipt by the importer.

3. That this cooperative-service agreement will not be signed by the Administrator if the cooperative-service agreement is not accompanied by the physical plans for the EQF, including its location and site-specific blueprints (except when quarantine in an EQF is not required).

4. That this cooperative-service agreement will be voided if the Administrator, Animal and Plant Health Inspection Service, determines that the importer has not completed arrangements with the responsible officials in the exporting region by 4:30 p.m. on the date 42 calendar-days after the importer's signing of this cooperative-service agreement.

5. That, if both parties agree, this cooperative-service agreement may be amended in writing.

6. That either party may terminate this cooperative-service agreement upon giving 30 days written notice to the other party, but premature termination will not relieve the importer of responsibility for costs incurred, as provided in this cooperative-services agreement, nor will it relieve the Animal and Plant Health Inspection Service of responsibility for providing the importer with a complete written accounting of money disbursed from the amounts remitted.

7. That during the performance of this cooperative-service agreement, the importer agrees to be bound by the Equal Employment Opportunity and Nondiscrimination provisions set forth in Exhibit A and the Nonsegregation of Facilities provisions set forth in Exhibit B,[13] which are attached to and made part of this cooperative-service agreement.

8. That no member of, or delegate to, Congress may participate in, or benefit from, this cooperative-service agreement.

Date	Importer
Date	Administrator Animal and Plant Health Inspection Service, United States Department of Agriculture.

[55 FR 31495, Aug. 2, 1990, as amended at 55 FR 53136, Dec. 27, 1990; 59 FR 9620, Mar. 1, 1994; 59 FR 67615, Dec. 30, 1994; 60 FR 13898, Mar. 15, 1995. Redesignated and amended at 62 FR 56012, 56019, Oct. 28, 1997]

§93.431 Embarkation quarantine facility; criteria and standards for approval.

Criteria for establishment of an embarkation quarantine facility outside the United States for the purpose of importing ruminants into the United States that are eligible for importation only through the Harry S Truman Animal Import Center are as follows:

(a) *Establishment.* (1) The Administrator may enter into an agreement with one or more parties for the establishment of such a facility pursuant to the standards in paragraph (b) of this section.

(2) To qualify for designation as an embarkation quarantine facility (EQF) for a specifically authorized importation, the facility must meet the requirements of paragraph (b) of this section.

(3) All costs associated with the establishment and operation of such an embarkation quarantine facility shall

[13] Import-Export Animal Staff, Veterinary Services, APHIS, USDA, will send each importer copies of exhibits A and B along with the cooperative-services agreement.

be borne by the owner or operator of such facility.

(4) The Animal and Plant Health Inspection Service requires that the importer submit the physical plans for the EQF for which he/she is requesting approval. The physical plans must include location of the facility and site-specific blueprints. The importer must send these physical plans, due with the cooperative-service agreement as provided in §93.430(d) to the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231. The Animal and Plant Health Inspection Service will, after reviewing the importer's physical plans and conducting an on-site inspection, approve an EQF found to meet the requirements of this section. Approval of an EQF will expire at the end of the specifically authorized quarantine. Subsequent importers granted use of HSTAIC and proposing to use one of the existing EQFs must apply for approval as if for a new facility. No more than one EQF will receive approval for a specific HSTAIC importation. If the EQF specified in the signed cooperative-service agreement, as provided in §93.430(d), is not approved by the Animal and Plant Health Inspection Service, the importer may use an alternative EQF, provided it is approved by the Animal and Plant Health Inspection Service during the 42 days following the date the importer signs the cooperative-service agreement. If an EQF closes down or loses its ''approved'' status for any reason, the Animal and Plant Health Inspection Service may approve replacement following the method specified in this paragraph.

(5) Permission to place ruminants in the foreign embarkation facility shall be given to any person who has received permission to import ruminants through the Harry S Truman Animal Import Center unless the Administrator determines that sufficient grounds exist whereby such person may be denied such permission.

(6) Fees charged by the owner or operator for the use of such facility shall be provided in private agreements between the owner or operator of the facility and the owners of the ruminants proposed for importation. Such fees shall be nondiscriminatory and reasonable as determined by the Administrator.

(7) Approval of any approved quarantine facility may be withdrawn at any time by the Administrator, upon his or her determination that any requirement of this section is not being met. Before such action is taken, the operator of the facility will be informed of the reasons for the proposed action and afforded opportunity to present his or her views thereon. Upon withdrawal of approval, the operator, upon request, shall be afforded opportunity for a hearing with respect to the merits or validity of such action; but such withdrawal or refusal shall continue in effect unless otherwise ordered by the Administrator.

(b) *Standards for approval of embarkation quarantine facilities.* (1) *Location.* (i) The EQF must be in an area isolated from ruminants, swine, and poultry. It must be located near the point of embarkation: A dock, if the ruminants will travel by ocean vessel; an airport, if the ruminants will travel by plane.

(ii) The ruminants' route from EQF to the point of embarkation will be limited to areas free of ruminants, swine, and poultry.

(iii) The facility shall be so situated that there will be no contact between ruminants held in the facility with any other species of animals.

(iv) The facility shall be so situated that it will be free from contact with water and waste effluents from local livestock or poultry. Water and waste effluents from the facility shall be disposed of in a manner determined by the Administrator to be adequate to insure no exposure to local livestock or poultry.

(2) *Building.* (i) The exterior of the building shall be of durable low maintenance, waterproof type construction that will withstand repeated cleaning and disinfecting.

(ii) Roofs shall be watertight. The styling and configuration of the roof of the ruminant holding building shall provide for optimum air circulation throughout the facility.

(iii) The interior finish of the building shall be durable, washable, and of low maintenance type construction.

The floor shall be concrete with no cracks or crevices.

(iv) Mesh double screens must protect all open areas, so that insects cannot gain access to the ruminant holding area. If the ruminants are removed from the double-screened building before export to the HSTAIC, or if the United States Department of Agriculture Veterinarian in Charge of the quarantine operation determines that insects capable of transmitting communicable animal diseases are entering the ruminant holding area, the Animal and Plant Health Inspection Service will require implementation of a program of insect vector control. This vector control program will involve treating ruminants, building interiors, and environs with United States Environmental Protection Agency-registered pesticides. The pesticides must be used in the manner prescribed on the United States Environmental Protection Agency-approved label, and in accordance with the requirements of the government of the region in which the EQF is located.

(v) Stalls, pens, and runways shall be constructed of sufficient height and strength to confine and restrain all ruminants simultaneously for daily veterinary examinations.

(vi) At least 70-foot candle lighting shall be provided in the inspection area. A minimum light of 30-candle shall be available in all other areas of the facility.

(vii) A dipping vat of a concrete pit type with inspection chute, holding pen, dripping pen, and post-drip area similar to USDA Extension Plan 5940, revised, shall be provided.[14]

(viii) The waste management system shall be carefully designed to meet all applicable sanitation and quarantine requirements and the existing environmental standards of the country in which the embarkation quarantine facility is located.

(3) *Fencing.* (i) The outer perimeter of all facilities shall be surrounded by a fence which shall be of sufficiently small mesh as to preclude the entrance of small farm animals, including dogs, and of such height and strength as to prevent entrance of larger animals. This fence shall be located at least 200 feet from the building in which quarantined ruminants are to be held, except that, in an urban or industrial area the location of the fence may be less than 200 feet as determined by the Administrator, if such action will not increase the risk that communicable diseases of livestock or poultry will be disseminated from the facility.

(ii) In areas affected by cattle fever ticks all such facilities shall be double fenced with the inner perimeter fence located at least 15 feet from the outer perimeter fence. When double fencing is required, the space between the outer and inner perimeter fences shall be kept free from all foliage at all times.

(iii) The outer fence of the facility shall be posted with signs in appropriate language, which shall convey the following: Restricted Area—Keep Out, Quarantine Area—Keep Out, or Registered Quarantine Area—Keep Out.

(4) *Feed.* The animal feed supply in the EQF must consist only of feed obtained from a region or area that is listed as free of foot-and-mouth disease (see §94.1(a)(2) of this chapter) and any other exotic disease necessitating the quarantine or that could jeopardize the quarantine.

(5) *Other requirements.* (i) Access into the quarantine area shall be through a single door which shall lead into a walkthrough shower area with clothes change areas located on either side of the shower and adjacent thereto.

(ii) Toilet and lavatory facilities as determined by the Administrator to be adequate to preclude transmission of livestock or poultry disease agents from the facility shall be located within the ruminant holding areas.

(iii) A sufficient supply of clean clothing including towels and footwear as determined by the Administrator to be adequate to prevent the transmission of livestock or poultry disease agents from the facility, shall be maintained within the quarantine area.

(iv) A continuous supply of hot and cold running water shall be provided which shall include potable water for personnel.

[14] Copies of USDA Extension Plan 5940, revised, may be obtained from the Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

(v) If lunch is to be eaten within the facility, a lunch room must be provided and all food entered into the facility must be approved by the supervising United States government veterinarian.

(vi) A separate room containing the equipment for preparation and packaging of laboratory specimens with adequate office space as determined by the Administrator, to perform his or her duties shall be provided for the supervising veterinary official. All records, equipment, and other materials used in the facility, must be maintained within the quarantine facility for the entire quarantine period.

(vii) A separate area situated apart from the ruminant holding area shall be provided for necropsies and a means for the removal of the carcasses of dead ruminants shall be provided without breaking quarantine security.

(viii) A ruminant receiving area and a chute or stocks for restraint during examination and veterinary inspection, as determined to be appropriate by the Administrator, to permit examination of the ruminant, shall be provided.

(ix) Feed shall be stored in such a manner that replenishment during the quarantine period does not require transporting vehicles to enter the quarantine area.

(x) Equipment necessary for the care, cleaning, feeding, waste disposal, and handling of the ruminants shall be provided and maintained within the quarantine area.

(xi) Additional requirements as to security, physical plant and facilities, and sanitation may be imposed by the Administrator, in each specific case in order to assure that the quarantine of the ruminants in such facility will be adequate to enable determination of their health status, prevent the spread of disease among ruminants in quarantine, and prevent escape of animal disease agents from the facility.

[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 67615, Dec. 30, 1994; 60 FR 13898, Mar. 15, 1995. Redesignated and amended at 62 FR 56012, 56019, Oct. 28, 1997]

§ 93.432 Cattle from the Republic of Ireland.

(a) All cattle to be imported from the Republic of Ireland shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Republic of Ireland showing that the cattle originated from a herd which is officially certified by the Republic of Ireland as a brucellosis qualified for export herd and that the cattle meet the requirements in § 93.432(c).

(b) A brucellosis qualified for export herd is a herd in which all of the cattle have been maintained as a herd unit for at least two years prior to importation and all of the test eligible cattle in the herd (i.e., cattle over 6 months of age, except steers and spayed heifers) have been tested annually for brucellosis and found negative in accordance with Republic of Ireland requirements for at least two years prior to importation. The most recent negative herd test must have been conducted within 12 months of the date of importation. In addition:

(1) Such herd unit may include cattle which were born and raised within such herd unit during the two year period, or cattle which were moved directly to the herd from another herd unit of like status; or

(2) Such herd unit may include other cattle (except brucellosis reactors, suspects and animals listed in § 93.432(c)(1)) if:

(i) Such other cattle have been tested for brucellosis and found negative within 30 days prior to entry into the herd unit and all eligible cattle in the herd unit have been tested for brucellosis and found negative not less than 90 days following the date when the last of the other cattle had been added to the herd unit; or

(ii) All eligible cattle in the herd unit have been tested negative for brucellosis no less than 180 days nor more than 12 months (365 days) following the date when the last of the other cattle had been added to the herd unit.

(c) The certificate accompanying cattle offered for importation from the Republic of Ireland shall show that the cattle are from a brucellosis qualified for export herd and that they meet the following requirements:

(1) The cattle to be exported were not born to or nursed by brucellosis reactors and they were not born in a herd at the time the herd was under quarantine due to brucella infection.

(2) The cattle were placed in an isolation facility approved by a full-time, salaried, Government of Ireland veterinary official, on separate premises a minimum of 500 yards from other livestock not destined for export to the United States for at least 60 days prior to export.

(3) The cattle were negative to the following tests conducted not less than 60 nor more than 120 days from the date of export and a second set of tests conducted within 30 days of the date of export;

(i) Plate or Tube agglutination test conducted in dilutions to detect reactions at 30, 60, 120, and 240 International Units per milliliter (IU/ml);

(ii) Brucellosis card test (Rose Bengal test);

(iii) Complement Fixation (CF) test conducted in dilutions to detect prozone reactions, when present.

(4) Cattle are eligible for entry only if classified as negative at 30 IU to the Plate or Tube agglutination test, negative to the brucellosis card test and negative to the CF test as performed and interpreted by standard methods at the Republic of Ireland Brucellosis Diagnostic Laboratory. Any animal exhibiting a prozone serological reaction is ineligible for export to the United States.

(5) Cattle showing a serological titer more than 60 IU to the Plate or Tube agglutination test, or a reaction to the Brucellosis card test (Rose Bengal) or CF test that would be interpreted to be an infected animal (reactor) under the Republic of Ireland brucellosis control program. Animals from that herd of origin and all other cattle having the opportunity for contact with the reactor animal shall not be eligible for export to the United States. Brucellosis bacteriologically positive animals, if known, regardless of serologic reactions, are not eligible for importation nor are any animals in contact with such animals.

(6) The cattle were moved directly to the port of export from the isolation facility without contact with any other cattle which are not qualified for export to the United States.

(d) The certificate accompanying the cattle offered for importation must also show the dates and places of testing, names of the consignor and consignee, and descriptions of the cattle, including breed, ages, markings, and tattoo and eartag numbers.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56019, Oct. 28, 1997]

§93.433 [Reserved]

§93.434 Standards for approval of privately operated quarantine facilities for sheep or goats, and handling procedures for the importation of sheep or goats.

(a) *Cooperative agreement.* No facility shall operate as a privately operated quarantine facility for sheep or goats unless it is operated in accordance with a cooperative agreement executed by the operator or other designated representative of the facility and by the Administrator, and unless such cooperative agreement includes all the requirements of this section and includes a requirement that the cost of the facility and all costs associated with the maintenance and operation of the facility shall be borne by the operator in accordance with the provisions of §93.412 of this part.

(b) *Approval of facilities.* To qualify for designation as an approved privately operated quarantine facility[15] and to retain such approval, the facility and its maintenance and operation must meet the minimum requirements of this section. Approval of any quarantine facility shall be contingent upon a determination by the Administrator that adequate personnel are available to provide services required by the facility if approved. The cost of the facility and all costs associated with the maintenance and operation of the facility shall be borne by the operator in accordance with the provisions of §93.412 of this part.

(1) *Supervision of the facility.* The facility shall be maintained under the supervision of an APHIS veterinarian.

(2) *Physical plant requirements.* The facility shall comply with the following requirements:

[15] Information as to the identity of such facilities may be obtained from the Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

(i) *Location.* The quarantine facility shall:

(A) Be located at one of the ports listed in § 93.403(g) of this part;

(B) Be located within the immediate area of the port of entry to minimize the possibility of introduction and dissemination of diseases by the imported sheep or goats while in transit from the point of entry to the quarantine facility; and

(C) Be located at least one-half mile from any livestock.

(ii) *Construction.* The quarantine facility building shall:

(A) Be constructed so that the surfaces of the floors and the surfaces of that part of the walls with which the sheep or goats, their excrement, or discharges have contact are constructed of materials that are substantially impervious to moisture and that can withstand continued cleaning and disinfection;

(B) Be constructed so that the ceiling and that part of the walls with which the sheep or goats, their excrement, or discharges do not have contact can withstand cleaning and disinfection between shipments;

(C) Be constructed with each entryway equipped with a series of two solid doors, and with other openings covered with screening 16 mesh or finer, unless the Administrator specifically approves other types of doors and openings as adequate to prevent the entry of insects;

(D) Be constructed so that different lots of sheep or goats in the facility at the same time are separated by physical barriers in such a manner that sheep or goats in a given lot do not have physical contact with sheep or goats in another lot, or with their excrement, or discharges (for the purposes of this section a ''lot'' shall mean a group of sheep or goats that have been held on a premises with opportunity for commingling (physical contact with other sheep or goats in the group or with their excrement or discharges) at any time since 30 days prior to export to the United States);

(E) Have a ventilation capacity sufficient to control moisture and odor at levels that are not injurious to the health of the sheep or goats in quarantine;

(F) Have a separate, controlled, forced air ventilation system for each lot of sheep or goats that is housed in the facility if the facility is approved to handle more than one lot of sheep or goats at a time;

(G) Have a separate feed storage area, if feed is stored in the facility;

(H) Have office space for recordkeeping available for use by APHIS personnel;

(I) Have a necropsy area with facilities adequate for specimen preparation and equipped with a refrigerator-freezer for storing specimens for laboratory examination;

(J) Have a separate area for washing clothes and equipment used in the facility;

(K) Have a shower at the entrance to the sheep- or goat-holding area and the necropsy area and a clothes storage and change area at each end of the shower area; and

(L) Have a storage area for equipment necessary for quarantine operations.

(iii) *Sanitation and security.* Arrangements shall exist for:

(A) Equipment and supplies necessary to maintain the facility in a clean and sanitary condition, including insect and pest control equipment and supplies;

(B) Separately maintained equipment and supplies for each lot of animals;

(C) A supply of potable water adequate to meet all watering and cleaning needs;

(D) Power cleaning and disinfecting equipment with adequate capacity to disinfect the facility and equipment;

(E) Sufficient stocks of a disinfectant authorized in § 71.10 of this chapter;

(F) Disposal of wastes by burial, incineration or in a public sewer system in compliance with all applicable environmental quality control standards;

(G) Upon the death or destruction of any sheep or goat, disposal of the carcass, in conformance with all applicable environmental quality control standards, by incineration, by burial, or by storing the sheep or goat carcasses in the facility in a freezer at a temperature below 20 degrees Fahrenheit and upon release of the lot of sheep or goats from the facility, disposing of any carcasses by grinding and

then heating them for at least one hour at a temperature of not less than 265 degrees Fahrenheit;

(H) Control of surface drainage into or from the facility in a manner adequate to prevent any significant risk of livestock diseases being spread into or from the facility;

(I) Protective clothing and footwear adequate in quantity to ensure that workers at the facility have clean clothing and footwear at the start of each workday and at any time such articles become soiled or contaminated;

(J) A receptacle for soiled and contaminated clothing in the clothes change area located nearest the entrance to the sheep- or goat-holding area;

(K) A security system which prevents persons not authorized entry to the facility and animals outside the facility from having contact with sheep or goats in quarantine. Such a system shall include a daily log to record the entry and exit of all persons entering the facility; and

(L) Feed and bedding for sheep or goats in quarantine must originate in an area not under quarantine because of cattle fever ticks (see part 72 of this chapter) and must be stored in the facility in a manner which adequately protects these supplies against infestation by vermin and against spoilage.

(3) *Operating procedures.* To retain designation as an approved quarantine facility, the following procedures shall be observed at the facility at all times:

(i) *Personnel.* Access to the facility shall be granted only to persons working at the facility or to persons specifically granted such access by the APHIS veterinarian.

(A) All personnel granted access to the sheep- or goat-holding area shall:

(*1*) Wear clean protective clothing and footwear upon entering the sheep- or goat-holding area;

(*2*) Change protective clothing and footwear when they become soiled or contaminated;

(*3*) Shower when entering and leaving the sheep- or goat-holding area;

(*4*) Shower when leaving the necropsy area after conducting a necropsy; and

(*5*) Be prohibited from having contact with any sheep other than the lot of sheep or goats to which the person is assigned and be prohibited from having contact with ruminants or swine outside the quarantine facility.

(B) The operator of the facility shall handle soiled and contaminated clothing worn within the quarantine facility in a manner approved by the APHIS veterinarian as adequate to preclude transmission of any animal disease agent from the facility.

(ii) Any other person who enters the sheep- or goat-holding area, in addition to those persons granted access in paragraph (b)(3)(i) of this section, shall be prohibited from having contact with other lots of sheep or goats within the facility and with ruminants and swine outside the facility for a period of time determined by the supervising veterinarian as necessary to prevent a risk of spreading communicable livestock diseases.

(iii) Any vehicle entering the quarantine facility building to deliver feed shall be cleaned and disinfected under the supervision of an inspector with a disinfectant authorized in § 71.10 of the regulations immediately before entering and before leaving the facility.

(iv) *Handling of the sheep or goats in quarantine.* The sheep or goats in the quarantine facility shall be handled in compliance with the following requirements:

(A) Each lot of sheep or goats to be quarantined shall be placed in the facility on an ''all-in, all-out'' basis. No sheep or goat shall be taken out of the lot while it is in quarantine except for diagnostic purposes and no sheep shall be added to a lot while the lot is in quarantine.

(B) The portion of the quarantine facility from which a lot of sheep or goats has been released shall be thoroughly cleaned and disinfected under supervision of an inspector with a disinfectant authorized in § 71.10 of this chapter, before a new lot is placed in that portion of the facility.

(v) *Records.* It shall be the responsibility of the supervisory veterinarian to maintain a current daily log for each lot of sheep or goats, recording such information as the individual identification of the sheep or goats, source or origin of the sheep or goats in the lot, total number of sheep or

goats in the lot when imported, number of dead or injured sheep or goats when the lot arrived, the date the lot was placed into the facility, the general condition of the sheep or goats each day, record of any medication administered to the sheep or goats, number of deaths each day in the lot during the quarantine period, necropsy results, laboratory findings on sheep or goats that died during the quarantine period, date of prescribed tests and results, Department import permit numbers of each lot, the date the lot was removed from the facility, and any other observations pertinent to the general health of the sheep or goats in the lot. The operator of the facility shall hold the log for 12 months following the date of release of the sheep or goats from quarantine and shall make it available to APHIS personnel upon request.

(4) *Environmental requirements.* It shall be the responsibility of the operator of the facility to provide a certification executed by an appropriate government official indicating compliance with the applicable laws for environmental protection.

(5) *Additional requirements.* Additional requirements as to location, security, physical plant and facilities, sanitation, and other items may be imposed by the Administrator in each specific case in order to assure that the quarantine of the sheep or goats in such facility will be adequate to enable determination of their health status, prevent spread of disease among sheep or goats in quarantine, and prevent escape of animal disease agents from the facility.

(c) *Request for approval.* Requests for approval of a privately operated quarantine facility shall be made by writing to the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231. The request should include the full name and mailing address of the applicant and the location and street address of the facility for which approval is sought. Requests for approval and plans for proposed facilities shall be submitted no less than 90 days before the proposed date of entry of the first lot of sheep or goats into the quarantine facility.

(d) *Withdrawal or denial of approval.* (1) Approval of any facility may be refused and approval of any approved quarantine facility may be withdrawn at any time by the Administrator, for any of the reasons provided in paragraph (d)(2) of this section. Before such action is taken, the operator of the facility will be informed of the reasons for the proposed action. If there is a conflict as to any material fact, the operator, upon request, shall be afforded an opportunity for a hearing with respect to the merits or validity of such action, in accordance with rules of practice which shall be adopted for the proceeding. However, such withdrawal shall become effective pending final determination in the proceeding when the Administrator determines that such action is necessary to protect the public health, interest, or safety. Such withdrawal shall be effective upon oral or written notification, whichever is earlier, to the operator of the facility. In the event of oral notification, written confirmation shall be given to the operator of the facility as promptly as circumstances allow. This withdrawal shall continue in effect pending the completion of the proceeding and any judicial review, unless otherwise ordered by the Administrator. In addition to withdrawal or denial of approval when the requirements for approval are not complied with, approval will be automatically withdrawn by the Administrator when the operator of any approved facility notifies the Area Veterinarian in Charge for the State in which the facility is located, in writing, that the facility is no longer in operation.[16]

(2) Except as provided in paragraph (d)(4) of this section, the approval of a privately operated quarantine facility for sheep or goats may be denied or withdrawn if:

(i) Any requirement of this section is not complied with; or

[16] The name and address of the Veterinarian in Charge of any State are available from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

(ii) The operator or a person responsibly connected with the business of the quarantine facility is or has been convicted of any crime under any law regarding the importation or quarantine of any animal or bird; or

(iii) The operator or a person responsibly connected with the business of the quarantine facility is or has been convicted of any crime involving fraud, bribery, or extortion or any other crime involving a lack of integrity needed for the conduct of operations affecting the importation of animals; or

(iv) The approved quarantine facility has not been used to quarantine sheep or goats for a period of one year.

(3) For the purposes of this section, a person shall be deemed to be responsibly connected with the business of the quarantine facility if such person has an ownership, mortgage, or lease interest in the facility's physical plant, or if such person is a partner, officer, director, holder or owner of 10 percent or more of its voting stock, or an employee in a managerial or executive capacity.

(4) The denial or withdrawal referred to in paragraph (d)(2) of this section shall not be solely based upon the convictions of those persons responsibly connected with an approved privately operated quarantine facility for sheep or goats if, after issuance of a complaint and upon receipt of notification from the Administrator of the denial or withdrawal, the operator of the approved quarantine facility enters into a consent agreement with the Administrator, in which it is agreed that the responsibly connected person identified in the notification shall not ever be associated with the approved quarantine facility and the operator complies with the provisions of the agreement. Violation of the consent agreement shall constitute independent grounds for withdrawal of approval of an approved quarantine facility.

[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 67615, Dec. 30, 1994; 60 FR 13898, Mar. 15, 1995; 61 FR 17239, Apr. 19, 1996. Redesignated and amended at 62 FR 56012, 56019, Oct. 28, 1997]

§93.435 Sheep and goats.

(a) Except as provided in paragraph (b) of this section, all sheep and goats imported into the United States must be placed in a flock or herd in the United States that participates in the Voluntary Scrapie Flock Certification Program (see 9 CFR part 54, subpart B) and:

(1) The flock or herd qualifies as a ''Certified'' flock or herd; or

(2) The flock or herd owner has agreed, in writing, to maintain the flock or herd in compliance with all requirements of the Voluntary Scrapie Flock Certification Program until the flock or herd qualifies as a ''Certified'' flock or herd.

(b) The following sheep and goats are not subject to paragraph (a) of this section:

(1) Goats intended for importation from Australia, Canada, or New Zealand;

(2) Goats intended for importation from any region other than Australia, Canada, or New Zealand, provided that such goats have not had any contact with sheep during the 5 years immediately prior to shipment, in accordance with §93.405(b)(2)(ii);

(3) Sheep intended for importation from Australia, Canada, or New Zealand, provided that none of the female sheep in the flock from which the sheep will be imported has been impregnated, during the 5 years immediately preceding shipment of the sheep to the United States, with germ plasm from a region other than Australia, Canada, New Zealand, or the United States, in accordance with §93.405(c)(3);

(4) Wethers;

(5) Sheep or goats imported for immediate slaughter; and

(6) Wild sheep or goats imported for exhibition purposes to an approved zoological park in accordance with §93.404(c).

(c) Sheep or goats may be imported under paragraph (a) of this section only if the importer provides the Voluntary Scrapie Flock Certification Program identification number of the receiving flock or herd as part of the application for an import permit.

(d) Sheep and goats may be imported under paragraph (a)(1) of this section only if they come from a flock or herd in the region of origin that participates in a program determined by the Administrator to be equivalent to the

Voluntary Scrapie Flock Certification Program, and the flock or herd has been determined by the Administrator to be at a level equivalent to ''Certified'' in the Voluntary Scrapie Flock Certification Program.

(e) Sheep and goats may be imported under paragraph (a)(2) of this section only if they are placed in a Certifiable Class C flock or herd participating in the Voluntary Scrapie Flock Certification Program; *except,* that if the sheep and goats come from a flock or herd in the region of origin that participates in a program determined by the Administrator to be equivalent to the Voluntary Scrapie Flock Certification Program, then the sheep and goats may be placed in a herd or flock in the United States which would be classified at a level equivalent to or lower (i.e., at a greater risk) than the certification level, as determined by the Administrator, of the flock or herd from which the sheep or goats are to be imported.

(f) Sheep and goats imported under paragraph (a)(2) of this section must be monitored for scrapie disease until the flock or herd qualifies as a ''Certified'' flock or herd.

(g) Except for imported sheep and goats placed in Certifiable Class C flocks or herds, the certificate accompanying sheep or goats imported under paragraph (a) of this section must contain the following statement: ''The animals identified on this certificate have been monitored by a salaried veterinary officer of [*name of country of origin*], for [*number of months*], in the same source flock or herd which had been determined by the Administrator, APHIS, prior to the exportation of these animals to the United States, to be equivalent to [*certification level*] of the Voluntary Scrapie Flock Certification Program authorized under 9 CFR part 54, subpart B.''

(1) The Administrator will determine, based upon information supplied by the importer, whether the flock or herd from which the animals are to be imported participates in a program in the country of origin that is equivalent to the Voluntary Scrapie Flock Certification Program, and if so, at what level the source flock or herd should be classified.

(2) In order for the Administrator to make a determination, the importer must supply the following information with the application for an import permit no less than 1 month prior to the anticipated date of importation:

(i) The name, title, and address of a knowledgeable official in the veterinary services of the region of origin;

(ii) The details of scrapie control programs in the region of origin, including information on disease surveillance and border control activities and the length of time such activities have been in effect;

(iii) Any available information concerning additions, within the 5 years immediately preceding shipment to the United States, to the flock or herd from which the sheep and goats will be imported;

(iv) Any available data concerning disease incidence, within the 5 years immediately preceding shipment to the United States, in the flock or herd from which the sheep or goats are to be imported, including, but not limited to, the results of diagnostic tests, especially histopathology tests, conducted on any animals in the flock or herd;

(v) Information concerning the health, within the 5 years immediately preceding shipment to the United States, of other ruminants, flocks, and herds with which the imported sheep and goats, and with which animals in the sheep or goats' flock or herd might have had physical contact, and a description of the type and frequency of such physical contact; and

(vi) Any other information requested by the Administrator in specific cases as needed to make a determination.

(Approved by the Office of Management and Budget under control numbers 0579–0040 and 0579–0101)

[61 FR 17240, Apr. 19, 1996. Redesignated and amended at 62 FR 56012, 56019, Oct. 28, 1997]

Subpart E—Swine

§ 93.500 Definitions.

Wherever in this subpart the following terms are used, unless the context otherwise requires, they shall be construed, respectively, to mean:

Accredited veterinarian. A veterinarian approved by the Administrator in

accordance with the provisions of part 161 of this title to perform functions specified in parts 1, 2, 3, and 11 of subchapter A, and subchapters B, C, and D of this chapter, and to perform functions required by cooperative state-federal disease control and eradication programs.

Administrator. The Administrator of the Animal and Plant Health Inspection Service or any other employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, to whom authority has been or may be delegated to act in the Administrator's stead.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service).

Animals. Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, and poultry.

APHIS representative. A veterinarian or other individual employed by the Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the services required by this part.

Communicable disease. Any contagious, infectious, or communicable disease of domestic livestock, poultry or other animals.

Department. The United States Department of Agriculture (USDA).

Immediate slaughter. Consignment directly from the port of entry to a recognized slaughtering establishment[1] and slaughter thereat within two weeksfrom the date of entry.

Inspector. An employee of the Animal and Plant Health Inspection Service authorized to perform duties required under this subpart.

Port veterinarian. A veterinarian employed by the Animal and Plant Health Inspection Service to perform duties required under this part at a port of entry.

Recognized slaughtering establishment.[2] An establishment where slaughtering operations are regularly carried on under federal or state inspection and which has been approved by the Animal and Plant Health Inspection Service to receive animals for slaughter under this part.

Region. Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

(1) A national entity (country);

(2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.);

(3) Parts of several national entities combined into an area; or

(4) A group of national entities (countries) combined into a single area.

Ruminants. All animals which chew the cud, such as cattle, buffaloes, sheep, goats, deer, antelopes, camels, llamas and giraffes.

Swine. The domestic hog and all varieties of wild hogs.

United States. All of the States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other Territories and Possessions of the United States.

Veterinary Services. The Veterinary Services unit of the Department.

Zoological park. A professionally operated zoo, park, garden or other place, maintained under the constant surveillance of a Doctor of Veterinary Medicine, for the exhibition of live animals, pigeons or birds, for the purpose of public recreation or education.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56020, Oct. 28, 1997]

§93.501 General prohibitions; exceptions.

(a) No swine or product subject to the provisions of this part shall be brought into the United States except in accordance with the regulations in this part and part 94 of this subchapter;[3] nor shall any such swine or product be handled or moved after physical entry

[1] The name of recognized slaughtering establishments approved under this part may be obtained from the Area Veterinarian in Charge, Veterinary Services, for the State of destination of the shipment.

[2] The name of recognized slaughtering establishments approved under this part may be obtained from the Area Veterinarian in Charge, Veterinary Services, for the State of destination of the shipment.

[3] Importations of certain animals from various countries are absolutely prohibited under part 94 because of specified diseases.

into the United States before final release from quarantine or any other form of governmental detention except in compliance with such regulations; *Provided*, That, except as prohibited by section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), the Administrator may upon request in specific cases permit swine or products to be brought into or through the United States under such conditions as he or she may prescribe, when he or she determines in the specific case that such action will not endanger the livestock or poultry of the United States.

(b) Except for swine prohibited entry by section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), the provisions in this part 93 relating to swine shall not apply to healthy swine in transit through the United States if they are not known to be infected with or exposed, within 60 days preceding the date of export from the region of origin, to communicable diseases of such swine, if an import permit[4] has been obtained under § 93.504 of this Chapter and all conditions therein are observed; and if such swine are handled as follows:

(1)(i) They are maintained under continuous confinement in transit through the United States aboard an aircraft, ocean vessel, or other means of conveyance; or

(ii) They are unloaded, in the course of such transit, into a swine holding facility which is provided by the carrier or its agent and has been approved[5] in advance by the Administrator in accordance with paragraph (d)(3) of this section as adequate to prevent the spread within the United States of any livestock or poultry disease, and they are maintained there under continuous confinement until loaded aboard a means of conveyance for transportation from the United States and are maintained under continuous confinement aboard such means of conveyance until it leaves the United States; the import permit will specify any additional conditions necessary to assure that the transit of the swine through the United States can be made without endangering the livestock or poultry of the United States, and that Department inspectors may inspect the swine on board such means of conveyance or in such holding facility as provided in section 5 of the Act of July 2, 1962 (21 U.S.C. 134d) to ascertain whether the requirements of this paragraph are met, and dispose of them in accordance with section 2 of the Act of July 2, 1962 (21 U.S.C. 134a) if such conditions are not met; and

(2) The carrier or its agent executes and furnishes to the collector of Customs at the first port of arrival a declaration stating that the swine will be retained aboard such means of conveyance or in an approved holding facility during transshipment as required by this paragraph.

(3) Provisions for the approval of facilities required in this paragraph are:

(i) They must be sufficiently isolated to prevent direct or indirect contact with all other animals and birds while in the United States.

(ii) They must be so constructed that they provide adequate protection against environmental conditions and can be adequately cleaned, washed and disinfected.

(iii) They must provide for disposal of swine carcasses, manure, bedding, waste and any related shipping materials in a manner that will prevent dissemination of disease.

(iv) They must have provisions for adequate sources of feed and water and for attendants for the care and feeding of swine in the facility.

(v) They must comply with additional requirements as may be imposed by the Administrator if deemed applicable for a particular shipment.

(vi) They must also comply with all applicable local, State and Federal requirements for environmental quality and with the provisions of the Animal Welfare Regulations in chapter I of this title, as applicable.

[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 67615, Dec. 30, 1994. Redesignated and amended at 62 FR 56012, 56020, Oct. 28, 1997]

[4] Such permit may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231. Requests for approval of such facilities should also be made to the Administrator.

[5] See footnote 4 to subpart E.

§93.502 Inspection of certain aircraft and other means of conveyance and shipping containers thereon; unloading, cleaning, and disinfection requirements.

(a) *Inspection:* All aircraft and other means of conveyance (including shipping containers thereon) moving into the United States from any foreign region are subject to inspection without a warrant by properly identified and designated inspectors to determine whether they are carrying any animal, carcass, product or article regulated or subject to disposal under any law or regulation administered by the Secretary of Agriculture for prevention of the introduction or dissemination of any communicable animal disease (21 U.S.C. 134d).

(b) *Unloading requirements:* Whenever in the course of any such inspection at any port in the United States the inspector has reason to believe that the means of conveyance or container is contaminated with material of animal (including poultry) origin, such as, but not limited to, meat, organs, glands, extracts, secretions, fat, bones, blood, lymph, urine, or manure, so as to present a danger of the spread of any communicable animal disease, the inspector may require the unloading of the means of conveyance and the emptying of the container if he or she deems it necessary to enable him or her to determine whether the means of conveyance or container is in fact so contaminated. The principal operator of the means of conveyance and his or her agent in charge of the means of conveyance shall comply with any such requirement under the immediate supervision of, and in the time and manner prescribed by, the inspector.

(c) *Cleaning and disinfection:* Whenever, upon inspection under this section, an inspector determines that a means of conveyance or shipping container is contaminated with material of animal origin so as to present a danger of the spread of any communicable animal disease, he or she shall notify the principal operator of the means of conveyance or his or her agent in charge, of such determination and the requirements under this section. The person so notified shall cause the cleaning and disinfection of such means of conveyance and container under the immediate supervision of, and in the time and manner prescribed by, the inspector.

(d) For purposes of this section, the term ''shipping container'' means any container of a type specially adapted for use in transporting any article on the means of conveyance involved.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56020, Oct. 28, 1997]

§93.503 Ports designated for the importation of swine.

(a) *Air and ocean ports.* The following ports have APHIS inspection and quarantine facilities necessary for quarantine stations and all swine shall be entered into the United States through these stations, except as provided in paragraphs (b), (c), (d), (e), and (f) of this section: Los Angeles, California; Miami, Florida; Honolulu, Hawaii; and Newburgh, New York.

(b) *Canadian border ports.* The following land border ports are designated as having the necessary inspection facilities for the entry of swine from Canada: Eastport, Idaho; Houlton and Jackman, Maine; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Baudette, Minnesota; Opheim, Raymond, and Sweetgrass, Montana; Alexandria Bay, Buffalo, and Champlain, New York; Dunseith, Pembina, and Portal, North Dakota; Derby Line and Highgate Springs, Vermont; Blaine, Lynden, Oroville, and Sumas, Washington.

(c) *Mexican border ports.* The following land border ports are designated as having the necessary inspection facilities for the entry of swine from Mexico: Brownsville, Hidalgo, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, Texas; Douglas, Naco, Nogales, Sasabe, and San Luis, Arizona; Calexico and San Ysidro, California; and Antelope Wells, and Columbus, New Mexico.

(d) *Special ports.* Charlotte Amalie, St. Thomas, and Christiansted, St. Croix, in the United States Virgin Islands, are hereby designated as quarantine stations for the entry of swine from the British Virgin Islands into the United States Virgin Islands for immediate slaughter.

(e) *Limited ports.* The following ports are designated as having inspection facilities for the entry of swine and swine products such as swine test specimens which do not appear to require restraint and holding inspection facilities: Anchorage and Fairbanks, Alaska; San Diego, California; Jacksonville, St. Petersburg-Clearwater, and Tampa, Florida; Atlanta, Georgia; Chicago, Illinois; New Orleans, Louisiana; Portland, Maine; Baltimore, Maryland; Boston, Massachusetts; Minneapolis, Minnesota; Great Falls, Montana; Portland, Oregon; San Juan, Puerto Rico; Galveston and Houston, Texas; and Seattle, Spokane, and Tacoma, Washington.

(f) *Designation of other ports.* The Secretary of the Treasury has approved the designation as quarantine stations of the ports specified in this section. In special cases other ports may be designated as quarantine stations under this section by the Administrator, with the concurrence of the Secretary of the Treasury.

[55 FR 31495, Aug. 2, 1990, as amended at 58 FR 38283, July 16, 1993; 60 FR 16045, Mar. 29, 1995; 60 FR 25120, May 11, 1995. Redesignated at 62 FR 56012, Oct. 28, 1997]

§ 93.504 Import permits for swine and for swine specimens for diagnostic purposes; and reservation fees for space at quarantine facilities maintained by APHIS.

(a) *Application for permit; reservation required.* (1) For swine and swine test specimens for diagnostic screening purposes, intended for importation from any part of the world, except as otherwise provided for in §§ 93.516 and 93.520, the importer shall first apply for and obtain from APHIS an import permit. The application shall specify the name and address of the importer; the species, breed, number or quantity of swine or swine test specimens to be imported; the purpose of the importation; individual swine identification which includes a description of the swine, name, age, markings, if any, registration number, if any, and tattoo or eartag; the region of origin; the name and address of the exporter; the port of embarkation in the foreign region; the mode of transportation, route of travel, and the port of entry in the United States; the proposed date of arrival of the swine or swine test specimens to be imported; and the name of the person to whom the swine or swine test specimens will be delivered and the location of the place in the United States to which delivery will be made from the port of entry. Additional information may be required in the form of certificates concerning specific diseases to which the swine are susceptible, as well as vaccinations or other precautionary treatments to which the swine or swine test specimens have been subjected. Notice of any such requirements will be given to the applicant in each case.

(2) An application for permit to import will be denied for domestic swine from any region where it has been declared, under section 306 of the Act of June 17, 1930, that foot-and-mouth disease or rinderpest has been determined to exist, except as provided in § 93.522.

(3) An application for permit to import swine may also be denied because of: Communicable disease conditions in the area or region of origin, or in a region where the shipment has been or will be held or through which the shipment has been or will be transported; deficiencies in the regulatory programs for the control or eradication of animal diseases and the unavailability of veterinary services in the above mentioned regions; the importer's failure to provide satisfactory evidence concerning the origin, history, and health status of the swine; the lack of satisfactory information necessary to determine that the importation will not be likely to transmit any communicable disease to livestock or poultry of the United States; or any other circumstances which the Administrator believes require such denial to prevent the dissemination of any communicable disease of livestock or poultry into the United States.

(4)(i) The importer or importer's agent shall pay or ensure payment of a reservation fee for each lot of swine to be quarantined in a facility maintained by USDA. For swine the reservation fee shall be 100 percent of the cost of providing care, feed, and handling during quarantine, as estimated by the quarantine facility's veterinarian in charge.

(ii) At the time the importer or the importer's agent requests a reservation

of quarantine space, the importer or importer's agent shall pay the reservation fee by check or U.S. money order or ensure payment of the reservation fee by an irrevocable letter of credit from a commercial bank (the effective date on such letter of credit shall run to 30 days after the date the swine are scheduled to be released from quarantine); except that anyone who issues a check to the Department for a reservation fee which is returned because of insufficient funds shall be denied any further request for reservation of a quarantine space until the outstanding amount is paid.

(iii) Any reservation fee paid by check or U.S. money order shall be applied against the expenses incurred for services received by the importer or importer's agent in connection with the quarantine for which the reservation was made. Any part of the reservation fee which remains unused after being applied against the expenses incurred for services received by the importer or the importer's agent in connection with the quarantine for which the reservation was made, shall be returned to the individual who paid the reservation fee. If the reservation fee is ensured by a letter of credit, the Department will draw against the letter of credit unless payment for services received by the importer or importer's agent in connection with the quarantine is otherwise made at least 3 days prior to the expiration date of the letter of credit.

(iv) Any reservation fee shall be forfeited if the importer or the importer's agent fails to present for entry, within 24 hours following the designated time of arrival the lot of swine for which the reservation was made: *Except* that a reservation fee shall not be forfeited if:

(A) Written notice of cancellation from the importer or the importer's agent is received by the office of the veterinarian in charge of the quarantine facility[6] during regular business hours (8:00 a.m. to 4:30 p.m. Monday through Friday, excluding holidays) no later than 15 days prior to the beginning of the time of importation as specified in the import permit or as arranged with the veterinarian in charge of the quarantine facility if no import permit is required (the 15 day period shall not include Saturdays, Sundays, or holidays), or

(B) The Administrator determines that services, other than provided by carriers, necessary for the importation of the swine within the requested period are unavailable because of unforeseen circumstances as determined by the Administrator, (such as the closing of an airport due to inclement weather or the unavailability of the reserved space due to the extension of another quarantined.)

(v) If the reservation fee was ensured by a letter of credit and the fee is to be forfeited under paragraph (a)(4)(iv) of this section, the Department will draw against the letter of credit unless the reservation fee is otherwise paid at least 3 days prior to the expiration date of the letter of credit.

(vi) When a reservation is cancelled in accordance with paragraph (a)(4)(iv)(A) of this section and the provisions of paragraph (a)(4)(iv)(B) of this section do not apply, a $40.00 cancellation fee shall be charged. If a reservation fee was paid, the cancellation fee shall be deducted from any reservation fee returned to the importer or the importer's agent. If the reservation fee was ensured by a letter of credit, the Department will draw the amount of the cancellation fee against the letter of credit unless the cancellation fee is otherwise paid at least 3 days prior to the expiration date of the letter of credit.

(b) *Permit.* When a permit is issued, the original and two copies will be sent to the importer. It shall be the responsibility of the importer to forward the original permit and one copy to the shipper in the region of origin, and it shall also be the responsibility of the importer to insure that the shipper presents the copy of the permit to the carrier and makes proper arrangements for the original permit to accompany the shipment to the specified U.S. port of entry for presentation to the collector of customs. Swine and swine test

[6] The addresses of USDA quarantine facilities may be found in telephone directories listing the facilities or by contacting the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

specimens for diagnostic screening purposes for swine intended for importation into the United States for which a permit has been issued, will be received at the specified port of entry within the time prescribed in the permit which shall not exceed 14 days from the first day that the permit is effective for all permits. Swine and swine test specimens for which a permit is required by these regulations will not be eligible for entry if a permit has not been issued; if unaccompanied by such a permit; if shipment is from any port other than the one designated in the permit; if arrival in the United States is at any port other than the one designated in the permit; if the swine or swine test specimens offered for entry differ from those described in the permit; if the swine or swine test specimens are not handled as outlined in the application for the permit and as specified in the permit issued; or if ruminants or swine other than those covered by import permits are aboard the transporting carrier.

(c) *Wild swine from regions where foot-and-mouth disease or rinderpest exists.* This paragraph (c) applies to the importation of wild swine from countries designated in part 94 of this subchapter as regions in which foot-and-mouth disease or rinderpest exist.

(1) Permits for the importation of wild swine will be issued only for importations through the Port of New York, and only if the animals are imported for exhibition in a PEQ Zoo. A PEQ Zoo is a zoological park or other place maintained for the exhibition of live animals for recreational or educational purposes that:

(i) Has been approved by the Administrator in accordance with paragraph (c)(2) of this section to receive and maintain imported wild swine; and

(ii) Has entered into the agreement with APHIS set forth in paragraph (c)(4) of this section for the maintenance and handling of imported wild swine.

(2) Approval of a PEQ Zoo shall be on the basis of an inspection, by an authorized representative of the Department, of the physical facilities of the establishment and its methods of operation. Standards for acceptable physical facilities shall include satisfactory pens, cages, or enclosures in which the imported swine can be maintained so as not to be in contact with the general public and free from contact with domestic livestock; natural or established drainage from the PEQ Zoo which will avoid contamination of land areas where domestic livestock are kept or with which domestic livestock may otherwise come in contact; provision for the disposition of manure, other wastes, and dead swine within the PEQ Zoo; and other reasonable facilities considered necessary to prevent the dissemination of diseases from the PEQ Zoo. The operator of the PEQ Zoo shall have available the services of a full-time or part-time veterinarian, or a veterinarian on a retainer basis, who shall make periodic examinations of all animals maintained at the PEQ Zoo for evidence of disease; who shall make a post-mortem examination of each animal that dies; and who shall make a prompt report of suspected cases of contagious or communicable diseases to appropriate state or federal livestock sanitary officials.

(3) Manure and other animal wastes must be disposed of within the PEQ Zoo park for a minimum of one year following the date an imported wild swine enters the zoo. If an APHIS veterinarian determines that an imported swine shows no signs of any communicable disease during this 1-year period, its manure and other wastes need not be disposed of within the zoo after the 1-year period. If, however, an APHIS veterinarian determines that the swine does show signs of any communicable disease during this 1-year period, an APHIS veterinarian will investigate the disease and determine whether the swine's manure and other wastes may safely be disposed of outside the zoo after the 1-year period has ended.

(4) Prior to the issuance of an import permit under this section, the operator of the approved PEQ Zoo to which the imported swine are to be consigned, and the importer of the swine, if such operator and importer are different parties, shall execute an agreement covering each swine or group of swine for which the import permit is requested. The agreement shall be in the following form:

AGREEMENT FOR THE IMPORTATION, QUARANTINE AND EXHIBITION OF CERTAIN WILD RUMINANTS AND WILD SWINE

_____, operator(s) of the zoological park known as _____ (Name) located at _____ (City and state), and _____ (Importer) hereby request a permit for the importation of _____ (Number and kinds of animals) for exhibition purposes at the said zoological park, said animals originating in a region where foot-and-mouth disease or rinderpest exists and being subject to restrictions under regulations contained in part 93, title 9, Code of Federal Regulations.

In making this request, it is understood and agreed that:

1. The animals for which an import permit is requested will be held in isolation at a port of embarkation in the region of origin, approved by the Administrator as a port having facilities which are adequate for maintaining wild animals in isolation from all other animals and having veterinary supervision by officials of the region of origin of the animals. Such animals will be held in such isolation for not less than 60 days under the supervision of the veterinary service of that region to determine whether the animals show any clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease that is exotic to the United States or for which APHIS has an eradication or control program in 9 CFR chapter I, and to assure that the animals will not have been exposed to such a disease within the 60 days next before their exportation from that region.

2. Shipment will be made direct from such port of embarkation to the port of New York as the sole port of entry in this region. If shipment is made by ocean vessel, the animals will not be unloaded in any foreign port en route. If shipment is made by air, the animals will not be unloaded at any port or other place of landing, except at a port approved by the Administrator as a port not located in a region where rinderpest or foot-and-mouth disease exists or as a port in such a region having facilities and inspection adequate for maintaining wild animals in isolation from all other animals.

3. No ruminants or swine will be aboard the transporting vehicle, vessel or aircraft, except those for which an import permit has been issued.

4. The animals will be quarantined for not less than 30 days in the Department's Animal Import Center in Newburgh, New York.

5. Upon release from quarantine the animals will be delivered to the zoological park named in this agreement to become the property of the park and they will not be sold, exchanged or removed from the premises without the prior consent of APHIS. If moved to another zoological park in the United States, the receiving zoological park must be approved by the Administrator in accordance with paragraph 6 of this agreement.

6. The Administrator will approve the movement of an imported animal subject to this agreement if the Administrator determines that the animal has spent at least one year in quarantine in a PEQ Zoo following importation without showing clinical evidence of foot-and-mouth disease, rinderpest, or other communicable disease that is exotic to the United States or for which APHIS has an eradication or control program in 9 CFR chapter I, and determines that the receiving zoological park is accredited by the American Zoo and Aquarium Association (AZA), or the receiving zoological park has facilities and procedures in place related to preventing the spread of communicable animal diseases (including but not limited to procedures for animal identification, record keeping, and veterinary care) that are equivalent to those required for AZA accreditation. The Administrator will approve the movement of a carcass, body part, or biological specimen derived from an imported animal subject to this agreement if the Administrator determines that the animal has spent at least one year in quarantine in a PEQ Zoo following importation without showing clinical evidence of foot-and-foot mouth disease, rinderpest, or other communicable disease that is exotic to the United States or for which APHIS has an eradication or control program in 9 CFR chapter I, and determines that the carcass, body part, or biological specimen will be moved only for scientific research or museum display purposes.

_____

(Signature of importer)

Subscribed and sworn to before me this _____ day of _____, _____.

_____

(Title or designation)

_____

(Name of zoological park)

By _____

(Signature of officer of zoological park)

_____

(Title of officer)

Subscribed and sworn to before me this _____ day of _____, _____.

_____

(Title or designation)

(Approved by the Office of Management and Budget under control number 0579–0040.)

[55 FR 31495, Aug. 2, 1990 as amended at 59 FR 28216, June 1, 1994; 59 FR 31924, June 21, 1994; 59 FR 67615, Dec. 30, 1994; 62 FR 23638, May 1, 1997. Redesignated and amended at 62 FR 56012, 56020, Oct. 28, 1997]

§ 93.505 Certificate for swine.

(a) All swine offered for importation from any part of the world except as provided in § 93.517 shall be accompanied by a certificate of a salaried veterinary officer of the national government of the region of origin, or if exported from Mexico, shall be accompanied either by such a certificate or by a certificate issued by a veterinarian accredited by the National Government of Mexico and endorsed by a full–time salaried veterinary officer of the National Government of Mexico, thereby representing that the veterinarian issuing the certificate was authorized to do so, stating that such swine have been kept in said region at least 60 days immediately preceding the date of movement therefrom and that said region during such period has been entirely free from foot-and-mouth disease, rinderpest, contagious pleuropneumonia, and surra: *Provided, however,* That certificates for wild swine for exhibition purposes need specify freedom from the said diseases of the district of origin only: *And provided further,* That in the case of swine the certificate, as far as it relates to contagious pleuropneumonia, may specify freedom from such disease of the district of origin only. For domestic swine, the certificate shall also show that the entire region of origin is free of hog cholera, African swine fever, and swine vesicular disease and that for 60 days immediately preceding the time of movement from the premises of origin no swine erysipelas or swine plague has existed on such premises or on adjoining premises.

(b) If swine are unaccompanied by the certificate as required by paragraph (a) of this section, or if such swine are found upon inspection at the port of entry to be affected with a communicable disease or to have been exposed thereto, they shall be refused entry and shall be handled thereafter in accordance with the provisions of section 8 of the Act of August 30, 1890 (26 Stat. 416; 21 U.S.C. 103), or quarantined, or otherwise disposed of as the Administrator may direct.

[55 FR 31495, Aug. 2, 1990, as amended at 57 FR 28081, June 24, 1992. Redesignated and amended at 62 FR 56012, 56020, Oct. 28, 1997]

§ 93.506 Declaration and other documents for swine.

(a) The certificates, declarations, and affidavits required by the regulations in this part shall be presented by the importer or his or her agent to the collector of customs at the port of entry, upon arrival of swine at such port, for the use of the veterinary inspector at the port of entry.

(b) For all swine offered for importation, the importer or his or her agent shall first present two copies of a declaration which shall list the port of entry, the name and address of the importer, the name and address of the broker, the origin of the swine, the number, breed, species, and purpose of the importation, the name of the person to whom the swine will be delivered, and the location of the place to which such delivery will be made.

§ 93.507 Inspection at the port of entry.

(a) Inspection shall be made at the port of entry of all swine imported from any part of the world except as provided in § 93.519. All swine found to be free from communicable disease and not to have been exposed thereto within 60 days prior to their exportation to the United States shall be admitted subject to the other provisions in this part; all other swine shall be refused entry. Swine refused entry, unless exported within a time fixed in each case by the Administrator, and in accordance with other provisions he or she may require in each case for their handling shall be disposed of as the Administrator may direct in accordance with provisions of section 2 of the Act of July 2, 1962 (21 U.S.C. 134a), or the provisions of section 8 of the Act of August 30, 1890 (21 U.S.C. 103). Such portions of the transporting vessel, and of its cargo, which have been exposed to any such swine or their emanations shall be disinfected in such manner as may be considered necessary by the inspector in charge at the port of entry, to prevent the introduction or spread of livestock or poultry disease, before the cargo is allowed to land.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56020, Oct. 28, 1997]

§93.508 Articles accompanying swine.

No litter or manure, fodder or other aliment, nor any equipment such as boxes, buckets, ropes, chains, blankets, or other things used for or about swine governed by the regulations in this part, shall be landed from any conveyance except under such restrictions as the inspector in charge at the port of entry shall direct.

§93.509 Movement from conveyances to quarantine station.

Platforms and chutes used for handling imported swine shall be cleaned and disinfected under APHIS supervision after being so used. The said swine shall not be unnecessarily moved over any highways nor allowed to come in contact with other swine, but shall be transferred from the conveyance to the quarantine grounds in boats, cars, or vehicles approved by the inspector in charge at the port of entry. Such cars, boats, or vehicles shall be cleaned and disinfected under APHIS supervision immediately after such use, by the carrier moving the same. The railway cars so used shall be either cars reserved for this exclusive use or box cars not otherwise employed in the transportation of swine or their fresh products. When movement of the aforesaid swine upon or across a public highway is unavoidable, it shall be under such careful supervision and restrictions as the inspector in charge at the port of entry and the local authorities may direct.

§93.510 Quarantine requirements.

Swine shall be quarantined for not less than 15 days, counting from the date of arrival at the port of entry. During their quarantine, wild swine shall be subject to such inspections, disinfection, blood tests, or other tests as may be required by the Administrator, to determine their freedom from disease and the infection of disease.

§93.511 Swine quarantine facilities.

(a) *Privately operated quarantine facilities.* The importer, or his or her agent, of swine subject to quarantine under the regulations in this part shall arrange for acceptable transportation to the privately operated quarantine facility and for the care, feed, and handling of the swine from the time of unloading at the quarantine port to the time of release from quarantine. Such arrangements shall be agreed to in advance by the Administrator. All expenses resulting therefrom or incident thereto shall be the responsibility of the importer; APHIS assumes no responsibility with respect thereto. The quarantine facility must be suitable for the quarantine of such swine and must be approved by the Administrator prior to the issuance of any import permit. The facilities occupied by swine should be kept clean and sanitary to the satisfaction of the inspector assigned to supervise the quarantine. If for any cause the care, feed, or handling of swine, or the sanitation of the facilities, is neglected, in the opinion of the inspector assigned to supervise the quarantine, such services may be furnished by APHIS in the same manner as though arrangements had been made for such services as provided by paragraph (b) of this section, and/or the swine may be disposed of as the Administrator, may direct, including sale in accordance with the procedure described in paragraph (b) of this section. The importer, or his or her agent, shall request in writing such inspection and other services as may be required, and shall waive all claim against the United States and APHIS or any employee of APHIS for damages which may arise from such services. The Administrator, may prescribe reasonable rates for the services provided under this paragraph. When it is found necessary to extend the usual minimum quarantine period, the importer, or his or her agent, shall be so advised in writing and shall pay for such additional quarantine and other services required. Payment for all services received by the importer, or his or her agent, in connection with each separate lot of swine shall be made by certified check or U.S. money order prior to release of the swine. If such payment is not made, the swine may be sold in accordance with the procedure described in paragraph (b) of this section, or otherwise disposed of as directed by the Administrator.

(b) *Quarantine facilities maintained by APHIS.* The importer, or his or her agent, of swine subject to quarantine

under the regulations in this part shall arrange for acceptable transportation to the quarantine facility, and for the care, feed, and handling of the swine from the time they arrive at the quarantine facility, and for the care, feed, and handling of the swine from the time they arrive at the quarantine port to the time of release from quarantine. Such arrangements shall be agreed to in advance by the Administrator. The importer or his or her agent shall request in writing such inspection and other services as may be required, and shall waive all claim against the United States and APHIS or any employee of APHIS, for damages which may arise from such services. All expenses resulting therefrom or incident thereto shall be the responsibility of the importer; APHIS assumes no responsibility with respect thereto. The Administrator may prescribe reasonable rates for the services provided under this paragraph. When it is found necessary to extend the usual minimum quarantine period, the importer, or his or her agent, shall be so advised in writing and shall pay for such additional quarantine and other services required. Payment for services received by the importer, or his or her agent, in connection with each separate lot of swine shall be made by certified check or U.S. money order prior to release of the swine. If such payment is not made, the swine may be sold in accordance with the procedure described in this paragraph or otherwise disposed of as directed by the Administrator. When payment is not made and the swine are to be sold to recover payment for services received, the importer, or his or her agent, will be notified by the inspector that if said charges are not immediately paid or satisfactory arrangements made for payment, the swine will be sold at public sale to pay the expense of care, feed, and handling during that period. The sale will be held after the expiration of the quarantine period, at such time and place as may be designated by the General Services Administration or other designated selling agent. The proceeds of the sale, after deducting the charges for care, feed, and handling of the swine and other expenses, including the expense of the sale, shall be held in a Special Deposit Account in the United States Treasury for 6 months from the date of sale. If not claimed by the importer, or his or her agent, within 6 months from the date of sale, the amount so held shall be transferred from the Special Deposit Account to the General Fund Account in the United States Treasury.

(c) Amounts collected from the importer, or his or her agent, for service rendered shall be deposited so as to be available for defraying the expenses involved in this service.

§ 93.512 Quarantine stations, visiting restricted; sales prohibited.

Visitors shall not be admitted to the quarantine enclosure during any time that swine are in quarantine except that an importer (or his or her accredited agent or veterinarian) may be admitted to the yards and buildings containing his or her quarantined swine at such intervals as may be deemed necessary, and under such conditions and restrictions as may be imposed, by the inspector in charge of the quarantine station. On the last day of the quarantine period, owners, officers or registry societies, and others having official business or whose services may be necessary in the removal of the swine may be admitted upon written permission from the said inspector. No exhibition or sale shall be allowed within the quarantine grounds.

§ 93.513 Milk from quarantined swine.

Milk or cream from swine quarantined under the provisions of this part shall not be used by any person other than those in charge of such swine, nor be fed to any animals other than those within the same enclosure, without permission of the inspector in charge of the quarantine station and subject to such restrictions as he or she may consider necessary to each instance. No milk or cream shall be removed from the quarantine premises except in compliance with all State and local regulations.

§ 93.514 Manure from quarantined swine.

No manure shall be removed from the quarantine premises until the release of the swine producing same.

§93.515 Appearance of disease among swine in quarantine.

If any contagious disease appears among swine during the quarantine period special precautions shall be taken to prevent spread of the infection to other animals in the quarantine station or to those outside the grounds. The affected swine shall be disposed of as the Administrator may direct, depending upon the nature of the disease.

CANADA[7]

§93.516 Import permit and declaration for swine.

(a) For swine intended for importation from Canada, the importer shall first apply for and obtain from APHIS an import permit as provided in §93.504: *Provided,* That an import permit is not required for swine offered for entry at a land border port designated in §93.503(b) if such swine:

(1) Was born in Canada or the United States, and has been in no region other than Canada or the United States, or

(2) Has been legally imported into Canada from some other region and unconditionally released in Canada so as to be eligible to move freely within that region without restriction of any kind and has been in Canada after such release for 60 days or longer.

(b) For all swine offered for importation from Canada, the importer or his or her agent shall present two copies of a declaration as provided in §93.506.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56020, Oct. 28, 1997]

§93.517 Swine from Canada.

(a) *For purposes other than immediate slaughter.* Swine offered for importation from Canada for purposes other than immediate slaughter shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing that said swine have been inspected on the premises of origin immediately before the date of movement therefrom and found to be free of evidence of communicable disease and that, as far as it has been possible to determine, they were not exposed to any such disease during the preceding 60 days; in addition, the certificate shall show that no hog cholera or swine plague has existed on the premises of origin or on adjoining premises for such 60 days.

(b) *For immediate slaughter.* Swine for immediate slaughter may be imported from Canada without certification as prescribed in paragraph (a) of this section but shall be subject to the provisions of §§93.507, 93.516, and 93.518.

[55 FR 34195, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56020, Oct. 28, 1997]

§93.518 Swine from Canada for immediate slaughter.

Swine imported from Canada for immediate slaughter shall be consigned from the port of entry directly to a recognized slaughtering establishment and there be slaughtered within two weeks from the date of entry. As used in this section, ''directly'' means without unloading en route if moved in a means of conveyance, or without stopping if moved in any other manner.

[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 28216, June 1, 1994. Redesignated at 62 FR 56012, Oct. 28, 1997]

§93.519 Special provisions.

(a) *In-bond shipments from Canada.* (1) Swine from Canada transported in-bond through the United States for immediate export shall be inspected at the border port of entry and, when accompanied by an import permit obtained under §93.504 of this part and all conditions therein are observed, shall be allowed entry into the United States and shall be otherwise handled as provided in paragraph (b) of §93.501. Swine not accompanied by a permit shall meet the requirements of this part in the same manner as swine destined for importation into the United States, except that the Administrator may permit their inspection at some other point when he or she finds that such action will not increase the risk that communicable diseases of livestock and poultry will be disseminated to the livestock or poultry of the United States.

(2) *In-transit shipments through Canada.* Swine originating in the United States and transported directly

[7] Importations from Canada shall be subject to §§93.516 to 93.519, inclusive, in addition to other sections in this part which are in terms applicable to such importations.

through Canada may re-enter the United States without Canadian health or test certificates when accompanied by copies of the United States export health certificates properly issued and endorsed in accordance with regulations in part 91 of this chapter: *Provided,* That, to qualify for entry, the date, time, port of entry, and signature of the Canadian Port Veterinarian that inspected the swine for entry into Canada shall be recorded on the United States health certificate, or a paper containing the information shall be attached to the certificate that accompanies the swine. In all cases it shall be determined by the veterinary inspector at the United States port of entry that the swine are the identical swine covered by said certificate.

(b) *Exhibition swine.* Swine from the United States which have been exhibited at the Royal Agricultural Winter Fair at Toronto or other publicly recognized expositions in Canada, including racing, rodeo, circus, or stage exhibitions in Canada, and have not been in that region for more than 90 days are eligible for return to the United States without Canadian health or test certificates, if they are accompanied by copies of the United States health certificate, issued and endorsed in accordance with the export regulations contained in Part 91 of this chapter for entry into Canada: *Provided,* That all swine offered for re-entry upon examination by the veterinary inspector at the U.S. port of entry, are found by the inspector to be free of communicable diseases and exposure thereto and are determined to be the identical swine covered by said certificates or are the natural increase of such swine born after official test dates certified on the dam's health certificate.

(Approved by the Office of Management and Budget under control number 0579–0020)

[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 67133, Dec. 29, 1994. Redesignated and amended at 62 FR 56012, 56020, Oct. 28, 1997]

CENTRAL AMERICA AND WEST INDIES[8]

§ 93.520 Import permit and declaration for swine.

For all swine offered for importation from countries of Central America or of the West Indies, the importer or his or her agent shall present two copies of a declaration as provided in § 93.506.

[55 FR 34195, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56020, Oct. 28, 1997]

MEXICO[9]

§ 93.521 Declaration for swine.

For all swine offered for importation from Mexico, the importer or his or her agent shall present two copies of a declaration as provided in § 93.506.

[55 FR 34195, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56020, Oct. 28, 1997]

§ 93.522 Importation of swine through the Harry S Truman Animal Import Center (HSTAIC).

(a) *Exclusive right to use HSTAIC.* The Animal and Plant Health Inspection Service will enter into a cooperative-service agreement with only one importer for each importation through the Harry S Truman Animal Import Center (HSTAIC). Applications for the HSTAIC lottery will not be accepted from, and a cooperative-service agreement to use HSTAIC will not be offered to or entered into with, any person who has debts owing to APHIS that have not been paid by the date specified in APHIS's original billing notification to the person. Any person who has debts owing to APHIS that have not been paid by the date specified in APHIS's original billing notification to that person will be removed from the current priority list. An importer granted the exclusive right to use HSTAIC may include in his or her allotted number, animals of the same species belonging to other persons interested in importing animals through HSTAIC, except that llamas and alpacas may be included in the same importation. However, the Animal and Plant Health Inspection Service will deal exclusively with the importer in whose name the application for use of HSTAIC was submitted. The Animal and Plant Health

[8] Importations from regions of Central America and the West Indies shall be subject to §§ 93.520 to 93.522 inclusive, in addition to other sections in this part, which are in terms applicable to such importations.

[9] Importations from Mexico shall be subject to § 93.521, in addition to other sections in this subpart, which are in terms applicable to such importations.

Inspection Service will hold this importer solely responsible for all costs (excepting capital expenditures at HSTAIC) incurred during the animal qualification process. The animal qualification process begins on the date the cooperative-service agreement is delivered to the address listed on the importer's HSTAIC application, for the importer's signature, if HSTAIC is not available to other importers, up to a maximum of 30 days. A cooperative-service agreement will be deemed to have been delivered when the importer signs the U.S. Postal Service domestic return receipt, or the importer refuses delivery of the cooperative-service agreement by the U.S. Postal Service, or the cooperative-service agreement is returned by the U.S. Postal Service as either unclaimed or undeliverable. HSTAIC can accommodate a finite number of animals at one time, but the maximum allowed for a particular importation will vary, depending on the size of the species. The Animal and Plant Health Inspection Service will specify this figure in the cooperative-service agreement, reproduced in paragraph (d) of this section.

(b) *Scheduling.* Applications from prospective users of HSTAIC are processed according to the following system:

(1)(i) *All applications for use of HSTAIC.* To qualify to use HSTAIC, an importer must submit a completed application,[10] providing estimates when exact information as required on the application form is unavailable.

(ii) Each applicant for the importation of animals through HSTAIC must make a deposit of $32,000 in the form of a certified check or money order, payable in U.S. funds. The deposit of each applicant who is not given the opportunity to use HSTAIC will be returned to the applicant at the end of the calendar year of the prospective importation, or whenever the applicant removes his or her name from the priority list described in paragraph (b)(4) of this section. The Animal and Plant Health Inspection Service will draw on the deposit of the applicant whose application is selected, to pay for the costs of preparing and maintaining HSTAIC in readiness for the applicant's animals. A charge of $1,067 will be made for each day HSTAIC is not available to another importer, starting on the date the cooperative-service agreement is delivered to the address listed on the HSTAIC application, and ending either with the day that APHIS receives a signed cooperative-service agreement from the applicant or the day the applicant notifies APHIS in writing that he or she does not intend to sign the cooperative-service agreement, up to a maximum of 30 days. A cooperative-service agreement will be deemed to have been delivered when the importer signs the U.S. Postal Service domestic return receipt, or refuses delivery of the cooperative-service agreement by the U.S. Postal Service, or the cooperative-service agreement is returned by the U.S. Postal Service as either unclaimed or undeliverable.

(2)(i) During the first seven days of December,[11] the Animal and Plant Health Inspection Service will hold a lottery, randomly drawing the names of applicants in an order that will determine the order in which they will be offered use of HSTAIC for an importation during the next calendar year. To be included in the annual December lottery, applications must reach the Import-Export Animals Staff, Veterinary Services, no earlier than October 1 and no later than October 15 of that year.

(ii) One application is required for each importation proposed. Deposits required by paragraph (b)(1)(ii) of this section must be received by APHIS at least 7 calendar days prior to the date of the lottery.

(3) The priority list established by the annual December lottery will remain effective from January 1 through December 31 of the next calendar year, superseding all previous lists. Which year's list is used is governed by the

[10] Application forms are available from, and must be submitted to the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

[11] The Animal and Plant Health Inspection Service will publish a notice announcing the exact date in the FEDERAL REGISTER at least 30 days in advance of the December drawing.

date exclusive use of HSTAIC is offered, and not by the date the applicant's animals are scheduled to arrive at HSTAIC.

(4) The names of all applicants whose applications have reached the Import-Export Animals Staff, Veterinary Services, no earlier than October 1 and no later than October 15 (see paragraphs (b)(1) and (2) of this section), and whose deposits have reached APHIS at least 7 days prior to the date of the lottery, will be drawn during the December lottery. The order in which names appear on the priority list will correspond to that established by the lottery. If the person first offered the right to use HSTAIC does not ensure receipt of the cooperative-service agreement by the Import-Export Animals Staff, Veterinary Services, within 30 days of receiving the cooperative-service agreement, the Animal and Plant Health Inspection Service will void that offer, and make an offer to the applicant next on the priority list. The Animal and Plant Health Inspection Service will limit importations to one per importer for the period encompassing the calendar year for which the lottery is held and the following two calendar years, except when no other lottery participants are prepared to use HSTAIC during the time it would be available in those years. The priority list established during the December lottery will remain in effect during the calendar year following the lottery, and will take precedence over any applications received after October 15th. Applications received after October 15th will be added to the priority list, with precedence established by the order in which the Import-Export Animals Staff, Veterinary Services, receives them.

(5) If the Import-Export Animals Staff, Veterinary Services, does not receive more than one application between October 1st and October 15th for the December lottery, the December lottery for that year will be cancelled, and the Animal and Plant Health Inspection Service will grant the exclusive right to use HSTAIC for an importation during the next calendar year in the order applications are received.

(6) The Secretary of Agriculture may grant priority over other applications to an application from an agency of the United States Government, if for an importation potentially of value to the general public, and if received before July 15 of the year preceding the proposed importation.[12] However, an agency of the United States Government must submit its application in accordance with this section, except that an agency of the United States Government must enter into an interagency agreement with the Animal and Plant Health Inspection Service for a deposit of $32,000 by certified check or money order, payable in U.S. funds. HSTAIC importations by agencies of the United States government will be limited to one per year, except when HSTAIC is available and the Import-Export Animals Staff, Veterinary Services, has received no other applications for its use during that year.

(c) *Responsibilities of the Applicant Selected.* By certified mail, return receipt requested, the Animal and Plant Health Inspection Service will send a cooperative-service agreement to the applicant being offered the exclusive right to use HSTAIC, as provided in paragraph (d) of this section. The applicant must, within 30 days of receipt, sign and ensure that the Import-Export Animals Staff, Veterinary Services, receives the cooperative- service agreement. The cooperative-service agreement must be accompanied by a certified check, a money order, or an irrevocable letter of credit (the letter of credit having an effective date 90 days after the animals' scheduled release date from HSTAIC), payable in U.S. funds, for the amount specified in the cooperative-service agreement. Any funds remaining from the $32,000 deposit will be applied to the quarantine costs, and will be deducted from the balance due with the cooperative-service agreement. For importations requiring use of an embarkation quarantine facility, including site-specific blueprints and location, must be included when the cooperative-service agreement is returned to the Import-

[12] If the Secretary grants priority to an application from an agency of the United States Government, the Animal and Plant Health Inspection Service will publish a notice in the FEDERAL REGISTER prior to October 1 of the year preceding the proposed importation.

Export Animals Staff, Veterinary Services.

(1) An importer interested in animals ineligible for importation because officials in the exporting region will not allow the Animal and Plant Health Inspection Service to provide the services prescribed in the cooperative-service agreement, may, upon notification of this ineligibility from the Animal and Plant Health Inspection Service, propose to substitute animals available from another location. If this importer has not returned the signed cooperative-service agreement within the 30 days specified in the cooperative-service agreement, the Animal and Plant Health Inspection Service will return any portion of the importer's deposit that has not been expended. In that case, the applicant next in priority will be offered the exclusive right to use HSTAIC, in accordance with the procedures in this section.

(2) The importer may not abrogate his/her responsibility for costs incurred after the signing of the cooperative-service agreement, regardless of any occurrences that prevent the importation from proceeding as planned.

(3) The importer signing the cooperative-service agreement returned to the Animal and Plant Health Inspection Service is responsible for paying all costs, excluding capital expenditures at HSTAIC, incurred in qualifying the specified animals for importation through HSTAIC. A partial list of costs for which the importer must assume responsibility includes: Expenses for preparing and maintaining HSTAIC in readiness for the importation; expenses for sentinel animals in the United States, when required, and for tested animals prevented, for any reason, from moving from HSTAIC elsewhere within the United States; laboratory tests; medical treatment; official travel by Animal and Plant Health Inspection Service personnel, including per diem expenses in the region from which animals are being exported, when required; courier services to transport test samples to the Foreign Animal Disease Diagnostic Laboratory, when required; salaries of HSTAIC personnel; all supplies for animal care, maintenance, and testing during the quarantine and in the post-quarantine cleaning and disinfection of HSTAIC; utilities and overhead, including support staff, during the quarantine and post-quarantine cleanup.

(4) Capital expenditures at HSTAIC constitute the only costs for which the importer will not be held responsible.

(5) For costs incurred during any stage of the importation through HSTAIC—that is, costs not calculated into the amount collected from the importer in accordance with the cooperative-service agreement—the Animal and Plant Health Inspection Service will bill the importer at a later date. Payment will be due upon receipt of the bill.

(6) The Animal and Plant Health Inspection Service will return to the importer any part of the money remitted with the cooperative-service agreement set forth in paragraph (d) of this section that is not used to cover the noncapital costs of the importation through HSTAIC.

(d) *Cooperative-Service Agreement.* Each importer being granted the right to use HSTAIC must sign, and comply with, the cooperative-service agreement with the Animal and Plant Health Inspection Service. A sample cooperative-service agreement for importers other than agencies of the United States government is reproduced in this paragraph. (Agencies of the United States government being granted the right to use HSTAIC must enter into an interagency agreement with the Animal and Plant Health Inspection Service.) The amount of money the importer must advance, left blank in the following sample, will depend on figures unique to a particular importation. This amount will be specified in the cooperative-service agreement the importer receives.

COOPERATIVE-SERVICES AGREEMENT BETWEEN (NAME OF IMPORTER) AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE

The importer, _____, wishes to qualify animals for importation into the United States. The United States Department of Agriculture, Animal and Plant Health Inspection Service, administers the Harry S Truman Animal Import Center (HSTAIC), a facility through which the importer may import animals into the United States.

To effect this importation, both parties agree to the following terms:

The importer agrees:

1. To have this cooperative-service agreement in the office of the Animal and Plant Health Inspection Service's Import-Export Animals Staff, Veterinary Services, within 30 days of the date of receipt, evidenced by the postal return-receipt.

2. To remit with the cooperative-service agreement a certified check, money order, or irrevocable letter of credit having an effective date that extends 90 days beyond the animals' scheduled release from HSTAIC, payable in U.S. funds to the United States Department of Agriculture, Animal and Plant Health Inspection Service, in the amount of $_____. (This amount represents the estimated cost (except capital expenditures at HSTAIC) of qualifying the animals for importation through HSTAIC, less any unused portion of the $32,000 deposited in conjunction with the application for the exclusive right to use HSTAIC.)

3. To limit to ___ the number of animals, species _____ transported to HSTAIC for an importation scheduled to begin on or about ___ and to end with the animals' release from HSTAIC, scheduled for _____.

4. To assume liability for all costs (except capital expenditures at HSTAIC) attributable to preparing and maintaining HSTAIC in readiness for the importation, and to qualifying animals for and through quarantine in the embarkation quarantine facility (EQF), when quarantine in an EQF is required, and in HSTAIC for importation into the United States. (A partial list of these costs would include expenses for sentinel animals in the United States and for tested animals prevented, for any reason, from moving from HSTAIC elsewhere within the United States; laboratory tests; medical treatment; official travel by Animal and Plant Health Inspection Service personnel, including per diem expenses in the region from which the animals are being exported; courier services to transport test samples to the Foreign Animal Disease Diagnostic Laboratory; salaries of HSTAIC personnel; all supplies for animal care, maintenance, and testing during the quarantine and in the post- quarantine cleaning and disinfection of HSTAIC; utilities and overhead, including support staff, during the quarantine and post-quarantine cleanup.)

5. To obtain from foreign government officials authorizations granting Animal and Plant Health Inspection Service personnel free access to the EQF, when quarantine in an EQF is required, and permits for export.

6. To secure from animal carriers permission for Animal and Plant Health Inspection Service personnel to accompany the animals to the EQF, when quarantine in an EQF is required, and from the EQF to HSTAIC.

7. To maintain and operate the EQF, when quarantine in an EQF is required, in compliance with 9 CFR 93.523 of the Code of Federal Regulations.

8. To accept as final the findings of the Administrator, Animal and Plant Health Inspection Service, on the animals' eligibility to enter the EQF, when quarantine in an EQF is required, to enter HSTAIC, and to be released from HSTAIC.

9. To follow procedures prescribed by the Animal and Plant Health Inspection Service, appropriate to the disease and pest status of the quarantined animals. (When quarantine in an EQF is required, the presence in the EQF of even one animal either exposed to, or infected with, rinderpest, foot-and-mouth disease, hog cholera, African swine fever, swine vesicular disease, or certain other contagious, exotic diseases, automatically disqualifies all animals in the EQF from entering HSTAIC. The presence in HSTAIC of even one animal either exposed to, or infected with, one of the diseases referred to in this paragraph, automatically disqualifies all animals in HSTAIC from moving anywhere within the United States after the period in quarantine.)

10. To assume responsibility for disposal of quarantined animals that do not qualify to move into or within the United States. (In the case of animals disqualified while quarantined in HSTAIC, the Animal and Plant Health Inspection Service will stipulate the conditions under which the disqualified animals in HSTAIC must be destroyed. The importer must, within 10 days of notification from the Animal and Plant Health Inspection Service, remove from the EQF or HSTAIC, animals untreatable or treated for, but not cured of, a communicable disease other than foot-and-mouth disease or any of certain other exotic diseases. Animals removed from HSTAIC must be moved out of the United States or be destroyed under conditions stipulated by the Animal and Plant Health Inspection Service.)

11. To assume responsibility for all costs the Animal and Plant Health Inspection Service incurs during this importation, excluding capital expenditures at HSTAIC.

12. To pay, upon receipt, post-quarantine billings incurred during this importation, for costs exceeding the amount remitted with this cooperative-service agreement plus the initial $32,000 deposit.

The Animal and Plant Health Inspection Service Agrees:

1. To provide the personnel required to perform inspections, laboratory procedures, and examinations, and to provide on-site supervision of the isolation, quarantine, care and handling of animals on premises of origin, in the EQF when quarantine in an EQF is required, and in HSTAIC.

2. To inform the importer of any quarantined animals in the EQF or in HSTAIC

that fail to qualify for entry into the United States, and to inform the importer that he/she must assume responsibility for their disposal.

3. To finance capital expenditures at HSTAIC without charging the importer.

4. To account for all money disbursed from the amount remitted, and to provide the importer with a complete written accounting upon termination of this cooperative-service agreement.

5. To refund to the importer any part of the money remitted with this cooperative-service agreement that is not used to cover the non-capital costs of the importation through HSTAIC.

Both parties agree:

1. That this cooperative-service agreement is effective upon signature by both parties.

2. That this cooperative-service agreement will not be signed by the Administrator if the Import-Export Animals Staff, Veterinary Services, Animal and Plant Health Inspection Service, has not received this signed cooperative-service agreement, including the specified remittance for the amount due, by 4:30 p.m. on the thirtieth calendar-day after the date on the United States Postal Service's return receipt, evidencing its receipt by the importer.

3. That this cooperative-service agreement will not be signed by the Administrator if the cooperative-service agreement is not accompanied by the physical plans for the EQF, including its location and site-specific blueprints (except when quarantine in an EQF is not required).

4. That this cooperative-service agreement will be voided if the Administrator, Animal and Plant Health Inspection Service, determines that the importer has not completed arrangements with the responsible officials in the exporting region by 4:30 p.m. on the date 42 calendar-days after the importer's signing of this cooperative-service agreement.

5. That, if both parties agree, this cooperative-service agreement may be amended in writing.

6. That either party may terminate this cooperative-service agreement upon giving 30 days written notice to the other party, but premature termination will not relieve the importer of responsibility for costs incurred, as provided in the cooperative-service agreement, nor will it relieve the Animal and Plant Health Inspection Service of responsibility for providing the importer with a complete written accounting of money disbursed from the amounts remitted.

7. That during the performance of this cooperative-service agreement, the importer agrees to be bound by the Equal Employment Opportunity and Nondiscrimination provisions set forth in Exhibit A and the Nonsegregation of Facilities provisions set forth in Exhibit B,[13] which are attached to and made part of this cooperative-service agreement.

8. That no member of, or delegate to, Congress may participate in, or benefit from, this cooperative-service agreement.

Date	Importer
Date	Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture.

[55 FR 31495, Aug. 2, 1990, as amended at 55 FR 53137, Dec. 27, 1990; 59 FR 9621, Mar. 1, 1994; 59 FR 67615, Dec. 30, 1994. Redesignated and amended at 62 FR 56012, 56020, Oct. 28, 1997]

§93.523 Embarkation quarantine facility; criteria and standards for approval.

Criteria for establishment of an embarkation quarantine facility outside the United States for the purpose of importing swine into the United States that are eligible for importation only through the Harry S Truman Animal Import Center are as follows:

(a) *Establishment.* (1) The Administrator may enter into an agreement with one or more parties for the establishment of such a facility pursuant to the standards in paragraph (b) of this section.

(2) To qualify for designation as an embarkation quarantine facility (EQF) for a specifically authorized importation, the facility must meet the requirements of paragraph (b) of this section.

(3) All costs associated with the establishment and operation of such an embarkation quarantine facility shall be borne by the owner or operator of such facility.

(4) The Animal and Plant Health Inspection Service requires that the importer submit the physical plans for the EQF for which he or she is requesting approval. The physical plans must include location of the facility and site-specific blueprints. The importer must send these physical plans, due with the cooperative-service agreement as provided in §93.522(d) to the Animal and Plant Health Inspection Service,

[13] Import-Export Animal Staff, Veterinary Services, APHIS, USDA, will send each importer copies of Exhibits A and B along with the cooperative-services agreement.

Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231. The Animal and Plant Health Inspection Service will, after reviewing the importer's physical plans and conducting an on-site inspection, approve an EQF found to meet the requirements of this section. Approval of an EQF will expire at the end of the specifically authorized quarantine. Subsequent importers granted use of HSTAIC and proposing to use one of the existing EQFs must apply for approval as if for a new facility. No more than one EQF will receive approval for a specific HSTAIC importation. If the EQF specified in the signed cooperative-service agreement, as provided in § 93.522(d), is not approved by the Animal and Plant Health Inspection Service, the importer may use an alternative EQF, provided it is approved by the Animal and Plant Health Inspection Service during the 42 days following the date the importer signs the cooperative-service agreement. If an EQF closes down or loses its ''approved'' status for any reason, the Animal and Plant Health Inspection Service may approve replacement following the method specified in this paragraph.

(5) Permission to place swine in the foreign embarkation facility shall be given to any person who has received permission to import swine through the Harry S Truman Animal Import Center unless the Administrator determines that sufficient grounds exist whereby such person may be denied such permission.

(6) Fees charged by the owner or operator for the use of such facility shall be provided in private agreements between the owner or operator of the facility and the owners of the swine proposed for importation. Such fees shall be nondiscriminatory and reasonable as determined by the Administrator.

(7) Approval of any approved quarantine facility may be withdrawn at any time by the Administrator, upon his or her determination that any requirement of this section is not being met. Before such action is taken, the operator of the facility will be informed of the reasons for the proposed actions and will be afforded opportunity to present his or her views thereon. Upon withdrawal of approval, the operator, upon request, shall be afforded opportunity for a hearing with respect to the merits or validity of such action; but such withdrawal or refusal shall continue in effect unless otherwise ordered by the Administrator.

(b) *Standards for approval of embarkation quarantine facilities.* (1) *Location.* (i) The EQF must be in an area isolated from ruminants, swine, and poultry. It must be located near the point of embarkation: A dock, if the swine will travel by ocean vessel; an airport, if the swine will travel by plane.

(ii) The swine's route from EQF to the point of embarkation will be limited to areas free of ruminants, swine, and poultry.

(iii) The facility shall be so situated that there will be no contact between swine held in the facility with any other species of animals.

(iv) The facility shall be so situated that it will be free from contact with water and waste effluents from local livestock or poultry. Water and waste effluents from the facility shall be disposed of in a manner determined by the Administrator to be adequate to insure no exposure to local livestock or poultry.

(2) *Building.* (i) The exterior of the building shall be of durable low maintenance, waterproof type construction that will withstand repeated cleaning and disinfecting.

(ii) Roofs shall be watertight. The styling and configuration of the roof of the swine holding building shall provide for optimum air circulation throughout the facility.

(iii) The interior finish of the building shall be durable, washable, and of low maintenance type construction. The floor shall be concrete with no cracks or crevices.

(iv) Mesh double screens must protect all open areas, so that insects cannot gain access to the swine holding area. If the swine are removed from the double-screened building before export to the HSTAIC, or if the United States Department of Agriculture Veterinarian in Charge of the quarantine operation determines that insects capable of transmitting communicable animal diseases are entering the swine holding

area, the Animal and Plant Health Inspection Service will require implementation of a program of insect vector control. This vector control program will involve treating swine, building interiors, and environs with United States Environmental Protection Agency-registered pesticides. The pesticides must be used in the manner prescribed on the United States Environmental Protection Agency-approved label, and in accordance with the requirements of the government of the region in which the EQF is located.

(v) Stalls, pens, and runways shall be constructed of sufficient height and strength to confine and restrain all swine simultaneously for daily veterinary examinations.

(vi) At least 70-foot candle lighting shall be provided in the inspection area. A minimum light of 30-candle shall be available in all other areas of the facility.

(vii) A dipping vat of a concrete pit type with inspection chute, holding pen, dripping pen, and post-drip area similar to USDA Extension Plan 5940, revised, shall be provided.[14]

(viii) The waste management system shall be carefully designed to meet all applicable sanitation and quarantine requirements and the existing environmental standards of the region in which the embarkation quarantine facility is located.

(3) *Fencing.* (i) The outer perimeter of all facilities shall be surrounded by a fence which shall be of sufficiently small mesh as to preclude the entrance of small farm animals, including dogs, and of such height and strength as to prevent entrance of larger animals. This fence shall be located at least 200 feet from the building in which quarantined swine are to be held, except that, in an urban or industrial area the location of the fence may be less than 200 feet as determined by the Administrator, if such action will not increase the risk that communicable diseases of livestock or poultry will be disseminated from the facility.

(ii) In areas affected by cattle fever ticks all such facilities shall be double fenced with the inner perimeter fence located at least 15 feet from the outer perimeter fence. When double fencing is required, the space between the outer and inner perimeter fences shall be kept free from all foliage at all times.

(iii) The outer fence of the facility shall be posted with signs in appropriate language, which shall convey the following: Restricted Area—Keep Out, Quarantine Area—Keep Out, or Registered Quarantine Area—Keep Out.

(4) *Feed.* The animal feed supply in the EQF must consist only of feed obtained from a region or area that is listed as free of foot-and-mouth disease (see §94.1(a)(2) of this chapter) and any other exotic disease necessitating the quarantine or that could jeopardize the quarantine.

(5) *Other requirements.* (i) Access into the quarantine area shall be through a single door which shall lead into a walkthrough shower area with clothes change areas located on either side of the shower and adjacent thereto.

(ii) Toilet and lavatory facilities as determined by the Administrator to be adequate to preclude transmission of livestock or poultry disease agents from the facility shall be located within the swine holding areas.

(iii) A sufficient supply of clean clothing including towels and footwear as determined by the Administrator to be adequate to prevent the transmission of livestock or poultry disease agents from the facility, shall be maintained within the quarantine area.

(iv) A continuous supply of hot and cold running water shall be provided which shall include potable water for personnel.

(v) If lunch is to be eaten within the facility, a lunch room must be provided and all food entered into the facility must be approved by the supervising United States Government veterinarian.

(vi) A separate room containing the equipment for preparation and packaging of laboratory specimens with adequate office space as determined by the Administrator, to perform his or her duties shall be provided for the supervising veterinary official. All records,

[14] Copies of USDA Extension Plan 5940, revised, may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

equipment, and other materials used in the facility, must be maintained within the quarantine facility for the entire quarantine period.

(vii) A separate area situated apart from the swine holding area shall be provided for necropsies and a means for the removal of the carcasses of dead swine shall be provided without breaking quarantine security.

(viii) A swine receiving area and a chute or stocks for restraint during examination and veterinary inspection, as determined to be appropriate by the Administrator to permit examination of the swine, shall be provided.

(ix) Feed shall be stored in such a manner that replenishment during the quarantine period does not require transporting vehicles to enter the quarantine area.

(x) Equipment necessary for the care, cleaning, feeding, waste disposal, and handling of the swine shall be provided and maintained within the quarantine area.

(xi) Additional requirements as to security, physical plant and facilities, and sanitation may be imposed by the Administrator, in each specific case in order to assure that the quarantine of the swine in such facility will be adequate to enable determination of their health status, prevent the spread of disease among swine in quarantine, and prevent escape of animal disease agents from the facility.

[55 FR 31495, Aug. 2, 1990, as amended at 59 FR 67615, Dec. 30, 1994. Redesignated and amended at 62 FR 56012, 56020, Oct. 28, 1997]

Subpart F—Dogs

§ 93.600 Dogs for handling livestock.

Collie, Shepherd, and other dogs imported from any part of the world except Canada, Mexico, and regions of Central America and the West Indies which are to be used in the handling of sheep or other livestock, shall be inspected and quarantined at the port of entry for a sufficient time to determine their freedom from the tapeworm, *Taenia coenurus.* If found to be infested with such tapeworm they shall be properly treated under the supervision of a veterinary inspector at the port of entry until they are free from the infestation.

[55 FR 34195, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56020, Oct. 28, 1997]

Subpart G—Miscellaneous Animals

SOURCE: 60 FR 55181, unless otherwise noted. Redesignated at 62 FR 56012, Oct. 28, 1997.

§ 93.700 Definitions.

Wherever in this subpart the following terms are used, unless the context otherwise requires, they shall be construed, respectively, to mean:

Administrator. The Administrator of the Animal and Plant Health Inspection Service or any other employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, delegated to act in the Administrator's stead.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS).

Brushtail possum. Vulpine phalangers (*Trichosurus vulpecula*) of the family Phalangeridae.

Delivery. The transfer of goods or interest in goods from one person to another.

Enter (entry). To introduce into the commerce of the United States after release from government detention.

Hedgehog. All members of the family Erinaceidae.

Import (imported, importation). To bring into the territorial limits of the United States.

Inspector. An employee of the Animal and Plant Health Inspection Service authorized to perform duties required under this subpart.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

Region. Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

(1) A national entity (country);

(2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.)

(3) Parts of several national entities combined into an area; or

(4) A group of national entities (countries) combined into a single area.

Tenrec. All members of the family Tenrecidae.

United States. All of the States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

[55 FR 34195, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56020, Oct. 28, 1997]

§93.701 Prohibitions.

(a) No person may import a hedgehog or tenrec into the United States from any region designated in §94.1 of this chapter as a region where foot-and-mouth disease exists.

(b) No person may import a brushtail possum or hedgehog into the United States from New Zealand.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 56012, 56021, Oct. 28, 1997]

§93.702 Restrictions.

Hedgehogs and tenrecs not specifically prohibited from being imported under §93.701 may be imported into the United States only in accordance with the regulations in this subpart.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56021, Oct. 28, 1997]

§93.703 Ports designated for importation.

(a) Any person importing a hedgehog or tenrec into the United States may import it, except as provided in paragraph (b) of this section, only through the following ports:

(1) *Air and ocean ports.* Anchorage and Fairbanks, AK; San Diego and Los Angeles, CA; Denver, CO; Jacksonville, Miami, St. Petersburg-Clearwater, and Tampa, FL; Atlanta, GA; Honolulu, HI; Chicago, IL; New Orleans, LA; Portland, ME; Baltimore, MD; Boston, MA; Minneapolis, MN; Great Falls, MT; Newburgh, NY; Portland, OR; San Juan, PR; Galveston and Houston, TX; and Seattle, Spokane, and Tacoma, WA.

(2) *Canadian border ports.* Eastport, ID; Houlton and Jackman, ME; Detroit, Port Huron, and Sault Ste. Marie, MI; Opheim, Raymond, and Sweetgrass, MT; Alexandria Bay, Buffalo, and Champlain, NY; Dunseith, Pembina, and Portal, ND; Derby Line and Highgate Springs, VT; Blaine, Lynden, Oroville, and Sumas, WA.

(3) *Mexican border ports.* Douglas, Naco, Nogales, Sasabe, and San Luis, AZ; Calexico and San Ysidro, CA; Antelope Wells, and Columbus, NM; and Brownsville, Hidalgo, Laredo, Eagle Pass, Del Rio, Presidio, and El Paso, TX.

(b) The Secretary of the Treasury has approved the designation, as inspection stations, of the ports specified in paragraph (a) of this section. In special cases, the Administrator may designate other ports as inspection stations in accordance with this section, with the concurrence of the Secretary of the Treasury.

§93.704 Import permit.

(a) *General requirements.* No person may import a hedgehog or tenrec into the United States unless it is accompanied by an import permit issued by APHIS and is imported into the United States within 30 days after the proposed date of arrival stated in the import permit. The importer or his or her agent must notify the inspector at the port of first arrival of the date of arrival at least 72 hours before the hedgehog or tenrec arrives in the United States.

(b) *Import permit required.* Any person who desires to import a hedgehog or tenrec must complete and submit one copy of an application (VS Form 17–129) for an import permit to the Import-Export Animals Staff, National Center for Import-Export, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, 4700 River Road Unit 39, Riverdale, Maryland 20737–1231. This staff will supply application forms for import permits upon request. A separate application must be prepared for each shipment.

(c) *Application for an import permit.* The importer must complete, sign, and date the application for an import permit, which must include the following information:

(1) The name and address of the shipper in the region of origin of the hedgehog or tenrec intended for importation into the United States.

(2) The name, address, and telephone number of the importer.

(3) The port of embarkation.

(4) The region from which the hedgehog or tenrec will be shipped to the United States.

(5) The mode of transportation.

(6) The number, breed, species, and descriptions of the hedgehogs or tenrecs to be imported.

(7) The purpose of the importation.

(8) The route of travel, including all carrier stops en route.

(9) The proposed shipping and arrival dates.

(10) The port of first arrival in the United States.

(11) The name, mailing address, and telephone number of the person to whom the hedgehog or tenrec will be delivered in the United States.

(12) The location of the place where delivery will be made in the United States.

(13) Any remarks regarding the shipment.

(d) *Issuance of an import permit.* Upon receipt of the application, APHIS will review the application. If the hedgehog or tenrec appears to be eligible to be imported into the United States, APHIS will issue an import permit indicating the applicable requirements under this subpart for the importation of the hedgehog or tenrec. Even though an import permit has been issued for the importation of a hedgehog or tenrec, the animal may enter the United States only if all other applicable requirements of this subpart have been met.

(Approved by the Office of Management and Budget under control number 0579–0040)

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56021, Oct. 28, 1997]

§ 93.705 Health certificate.

(a) No person may import a hedgehog or tenrec into the United States unless it is accompanied by a health certificate either issued by a full-time salaried veterinary officer of the national government of the exporting region or issued by a veterinarian authorized or accredited by the national government of the exporting region and endorsed by a full-time salaried veterinary officer of the national government of that region. The health certificate must contain the names and street addresses of the consignor and consignee and must state:

(1) That the hedgehog or tenrec originated in a region that has been recognized as free of foot-and-mouth disease by the USDA;

(2) That the hedgehog or tenrec has never been in a region where foot-and-mouth disease exists;

(3) That the hedgehog or tenrec has not been commingled with any other hedgehog or tenrec that originated in or has ever been in a region where foot-and-mouth disease exists;

(4) That the hedgehog or tenrec was inspected by the individual issuing the health certificate and was found free of any ectoparasites not more than 72 hours before being loaded on the means of conveyance which transported the animal to the United States;

(5) That all body surfaces of the hedgehog or tenrec were treated for ectoparasites under the supervision of the veterinarian issuing the health certificate at least 3 days but not more than 14 days before being loaded on the means of conveyance that transported the animal to the United States;

(6) That the pesticide and the concentration used would kill the types of ectoparasites that may infest the animal to be imported;

(7) That the hedgehog or tenrec, after being treated for ectoparasites in accordance with paragraphs (a)(5) and (a)(6) of this section, had physical contact only with, or shared a pen or bedding materials only with, treated hedgehogs or tenrecs in the same shipment to the United States; and

(8) The name and concentration of the pesticide used to treat the hedgehog or tenrec.

(b) [Reserved]

(Approved by the Office of Management and Budget under control number 0579–0040)

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56021, Oct. 28, 1997]

§ 93.706 Notification of arrival.

Upon the arrival of a hedgehog or tenrec at the port of first arrival in the United States, the importer or his or her agent must present the import permits and health certificates required

by this subpart to the collector of customs for the use of the inspector at that port.

§93.707 Inspection at the port of first arrival.

(a) A hedgehog or tenrec from any part of the world must be inspected by an APHIS inspector at the port of first arrival. Subject to the other provisions in this subpart, a shipment of hedgehogs or tenrecs may enter the United States only if each hedgehog or tenrec in the shipment is found free of ectoparasites and any clinical signs of communicable diseases.

(b) If any hedgehog or tenrec in a shipment is found to be infested with ectoparasites or demonstrates any clinical signs of communicable diseases, then the entire shipment will be refused entry. The importer will be given the following options:

(1) Remove the shipment from the United States; or

(2) Release the shipment to the U.S. Department of Agriculture. The Administrator will destroy or otherwise dispose of the shipment as necessary to prevent the possible introduction into the United States of communicable animal diseases.

Subpart H—Elephants, Hippopotami, Rhinoceroses, and Tapirs

§93.800 Definitions.

The following terms, when used in this part, shall be construed as defined. Those terms used in the singular form in this part shall be construed as the plural form and vice versa, as the case may demand.

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with part 161 of this chapter to perform functions specified in parts 1, 2, 3, and 11 of this chapter, and subchapters B, C, and D of this chapter; and to perform functions required by cooperative State-Federal disease control and eradication programs.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS).

APHIS representative. A veterinarian or other person employed by APHIS in animal health activities, who is authorized to perform the function involved.

Enter (entered, entry) into the United States. To introduce into the commerce of the United States after release from government detention.

Import (imported, importation) into the United States. To bring into the territorial limits of the United States.

Incinerate (incinerated). To reduce to ash by burning.

Inspector. An employee of APHIS who is authorized to perform the function involved.

Person. Any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other legal entity.

Region. Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

(1) A national entity (country);

(2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.)

(3) Parts of several national entities combined into an area; or

(4) A group of national entities (countries) combined into a single area.

United States. All of the several States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

United States health certificate. An official document issued by an APHIS representative or an accredited veterinarian at the point of origin of a movement of animals. It must show the identification tag, tattoo, or registration number of each animal to be moved; the age and sex of each animal to be moved; the number of animals covered by the document; the points of origin and destination; the consignor; and the consignee.

Veterinary Services. The Veterinary Services unit of the Animal and Plant

Health Inspection Service of the United States Department of Agriculture.

[52 FR 29502, Aug. 10, 1987, as amended at 57 FR 23048, 23049, June 1, 1992. Redesignated and amended at 62 FR 56012, 56021, Oct. 28, 1997]

§ 93.801 Prohibitions.

Elephants, hippopotami, rhinoceroses, or tapirs shall not be imported or entered into the United States unless in accordance with this part.

[52 FR 29502, Aug. 10, 1987. Redesignated at 62 FR 56012, Oct. 28, 1997]

§ 93.802 Import permit.

(a) An elephant, hippopotamus, rhinoceros, or tapir shall not be imported into the United States unless accompanied by an import permit issued by APHIS and unless imported into the United States within 30 days after the proposed date of arrival stated in the import permit. The port veterinarian must be notified of the date of arrival at least 72 hours before the animal arrives in the United States.

(b) An application for an import permit must be submitted to the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231. pplication forms for import permits may be obtained from this staff.

(c) The completed application shall include the following information:

(1) The name and address of the person intending to export an elephant, hippopotamus, rhinoceros, or tapir to the United States;

(2) The name and address of the person intending to import an elephant, hippopotamus, rhinoceros, or tapir into the United States;

(3) The species, breed, and number of elephants, hippopotami, rhinoceroses, or tapirs to be imported;

(4) The purpose of the importation;

(5) The port of embarkation;

(6) The name and concentration of the pesticide intended to be used to treat the elephant, hippopotamus, rhinoceros, or tapir for ectoparasites prior to the animal being transported to the United States;

(7) The mode of transportation;

(8) The route of travel;

(9) The port of entry in the United States and, if applicable, the address of the facility to be provided by the importer for inspection, treatment, and incineration pursuant to § 93.6 of this part;

(10) The proposed date of arrival in the United States; and

(11) The name and address of the person to whom the elephant, hippopotamus, rhinoceros, or tapir will be delivered in the United States.

(d) After receipt and review of the application by APHIS, an import permit indicating the applicable conditions under this part for importation into the United States shall be issued for the importation of the elephant, hippopotamus, rhinoceros, or tapir described in the application if such animal appears to be eligible to be imported. Even though an import permit has been issued for the importation of an elephant, hippopotamus, rhinoceros, or tapir, the animal may be imported only if all applicable requirements of this part are met.

[52 FR 29502, Aug. 10, 1987, as amended at 57 FR 23049, June 1, 1992; 59 FR 67615, Dec. 30, 1994. Redesignated at 62 FR 56012, Oct. 28, 1997]

§ 93.803 Health certificate.

(a) An elephant, hippopotamus, rhinoceros, or tapir shall not be imported into the United States unless accompanied by a health certificate either signed by a salaried veterinarian of the national veterinary services of the region where the inspection and treatment required by this section occurred or signed by a veterinarian authorized by the national veterinary services of such region and endorsed by a salaried veterinarian of the national veterinary services of such region (the endorsement representing that the veterinarian signing the health certificate was authorized to do so), certifying:

(1) That the elephant, hippopotamus, rhinoceros, or tapir was inspected by the individual signing the health certificate and found free of any ectoparasites not more than 72 hours before being loaded on the means of conveyance which transported the animal to the United States; and

(2) That the elephant, hippopotamus, rhinoceros, or tapir was treated for

ectoparasites at least 3 days but not more than 14 days before being loaded on the means of conveyance which transported the animal to the United States. The animal shall have been treated, under the supervision of the individual signing the health certificate, by being thoroughly wetted with a pesticide applied with either a sprayer with a hand-held nozzle, a spray-dip machine, or a dip vat; and

(3) That the elephant, hippopotamus, rhinoceros, or tapir, after being treated for ectoparasites in accordance with paragraph (a)(2) of this section, did not have physical contact with or share a pen or bedding materials with any elephant, hippopotamus, rhinoceros, or tapir not in the same shipment to the United States; and

(4) The name and concentration of the pesticide used to treat the animal (such pesticide and the concentration used must be adequate to kill the types of ectoparasites likely to infest the animal to be imported; a list of recommended pesticides and concentrations may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231; and

(5) The name and address of the consignor and consignee.

[52 FR 29502, Aug. 10, 1987; 52 FR 35350, Sept. 18, 1987, as amended at 57 FR 23049, June 1, 1992; 59 FR 67615, Dec. 30, 1994. Redesignated and amended at 62 FR 56012, 56021, Oct. 28, 1997]

§93.804 Declaration upon arrival.

Upon arrival of an elephant, hippopotamus, rhinoceros, or tapir at a port of entry, the importer or the importer's agent shall notify APHIS of the arrival by giving an inspector a completed VS Form 17–29, ''Declaration of Importation for Animals, Animal Semen, Birds, Poultry, and Eggs for Hatching.'' (This form is available from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.) It must state:

(a) The port of entry;

(b) The date of arrival;

(c) The import permit number;

(d) The name of the carrier and identification of the means of conveyance;

(e) The name and address of the importer;

(f) The name and address of the broker;

(g) The region from which the elephant, hippopotamus, rhinoceros, or tapir was shipped;

(h) The number, species, and purpose of importation of the elephant, hippopotamus, rhinoceros, or tapir; and

(i) The name and address of the person to whom the elephant, hippopotamus, rhinoceros, or tapir will be delivered.

[52 FR 29502, Aug. 10, 1987; 52 FR 35350, Sept. 18, 1987, as amended at 57 FR 23049, June 1, 1992; 59 FR 67615, Dec. 30, 1994. Redesignated and amended at 62 FR 56012, 56021, Oct. 28, 1997]

§93.805 Ports of entry, inspection, and treatment.[1]

(a) An elephant, hippopotamus, rhinoceros, or tapir shall be imported into the United States only:

(1) At Los Angeles, California; Miami, Florida; Honolulu, Hawaii; and Newburgh, New York; or

(2) On a case-by-case basis, at another port of entry if:

(i) The animals will be inspected and treated at a facility provided by the importer;

(ii) The Administrator has determined that the importer's facility is adequate for inspection, treatment, and incineration required under this section;

(iii) The Administrator has determined that an inspector is available to perform at the importer's facility the services that are required under this section; and

(iv) The Administrator has determined that an inspector is available to perform at the port of entry the services that are required under this section if the animals will be inspected and treated at a facility provided by the importer.

[1] Importers must also meet all requirements of the U.S. Department of the Interior regulations relevant to the importation of elephants, hippopotami, rhinoceroses, and tapirs, including regulations concerning ports of entry.

(b) An elephant, hippopotamus, rhinoceros, or tapir shall be entered into the United States only under the following conditions:

(1) Any documents accompanying the animal shall be subject to inspection by an inspector at the port of entry;

(2) If the animal is to be moved from the port of entry to a facility provided by the importer:

(i) At the port of entry the animal shall be subject to as much inspection by an inspector as is feasible and shall be sprayed or dipped, as feasible, under the supervision of an inspector and with a permitted dip listed in § 72.13(b) of this chapter;

(ii) At the port of entry, as much hay, straw, feed, bedding, and other material as can feasibly be removed from the shipping crate or vehicle containing the animal shall be removed, sealed in plastic bags, and incinerated by the importer under the supervision of an inspector;

(iii) At the port of entry, the shipping crate or the vehicle containing the animal shall be sealed by an inspector with an official seal of the United States Department of Agriculture:

(iv) If the animal is moved from the port of entry in a shipping crate, plastic must be fastened around the shipping crate so that all animal waste, hay, straw, feed, bedding, and other material accompanying the animal are retained inside the crate, but not so as to interefere with ventilation, feeding, and watering of the animal;

(v) After the arrival of the animal at the facility provided by the importer, the seal shall be broken by an inspector;

(3) The animal shall be inspected by an inspector within 24 hours of being unloaded at the port of entry or at a facility provided by the importer, and shall be treated under the supervision of an inspector, as follows:

(i) The animal shall be removed from its shipping crate or cargo hold, placed on a concrete or other nonporous surface, and physically inspected for ectoparasites by an inspector. If inspection and treatment are not performed upon unloading, the animal must be isolated from all other animals, except those in the same shipment, and kept in a facility with a nonporous floor and where any ectoparasites that may drop off the animal can be contained and destroyed, until the animal has been inspected and treated;

(ii) If the inspector finds no ectoparasites, the animal shall be sprayed or dipped one time in accordance with label instructions with a permitted dip listed in § 72.13(b) of this chapter; or

(iii) If the inspector finds ectoparasites, the animal shall be sprayed or dipped in accordance with label instructions with a permitted dip listed in § 72.13(b) of this chapter for as many times as necessary until the inspector finds no ectoparasites; and thereafter the animal shall be sprayed or dipped one additional time in accordance with label instructions with a permitted dip listed in § 72.13(b) of this chapter;

(4) All hay, straw, feed, bedding, and other material that has been placed with the animal at any time prior to the final treatment referred to in paragraph (b)(3) of this section, and any plastic sheet used to wrap any shipping crate, shall be sealed in plastic bags and incinerated under the supervision of an inspector;

(5) Any shipping crate shall be, under the supervision of an inspector, either cleaned and disinfected using a disinfectant listed in § 71.10 of this chapter or incinerated; and if the shipping crate is cleaned and disinfected, it shall then be treated under the supervision of an inspector with a permitted dip listed in § 72.13(b) of this chapter;

(6) Any means of conveyance used to transport an animal not in a shipping crate shall be, under the supervision of an inspector, cleaned and disinfected using a disinfectant listed in § 71.10 of this chapter and then treated with a permitted dip listed in § 72.13(b) of this chapter.

[52 FR 29502, Aug. 10, 1987, as amended at 57 FR 23049, June 1, 1992. Redesignated at 62 FR 56012, Oct. 28, 1997]

§ 93.806 Animals refused entry.

Any elephant, hippopotamus, rhinoceros, or tapir refused entry into the United States for noncompliance with the requirements of this part shall be removed from the United States within

a time period specified by the Administrator or shall be considered abandoned by the importer, and pending removal or abandonment, the animal shall be subject to such safeguards as the inspector determines necessary to prevent the possible introduction of ectoparasites into the United States. If such animal is not removed from the United States within such time period or is abandoned, it may be seized, destroyed, or otherwise disposed of as the Administrator determines necessary to prevent the possible introduction of ectoparasites into the United States.

[52 FR 29502, Aug. 10, 1987, as amended at 57 FR 23049, June 1, 1992. Redesignated at 62 FR 56012, Oct. 28, 1997]

§ 93.807 Other importations.

(a) Elephants, hippopotami, rhinoceroses, and tapirs are exempt from the regulations in this part under the following circumstances:

(1) They are imported from Canada and are accompanied by a document signed by a salaried veterinarian of the Canadian Government that states:

(i) They were not imported into Canada during the year preceding their importation into the United States; and

(ii) They did not, during the year preceding their importation into the United States, have physical contact with or share a pen or bedding materials with any elephant, hippopotamus, rhinoceros, or tapir imported into Canada during that year; or

(2) They were exported into Canada from the United States and then imported back into the United States accompanied by a United States health certificate.

(b) Notwithstanding other provisions in this part, the Administrator may in specific cases allow the importation and entry of elephants, hippopotami, rhinoceroses, or tapirs into the United States other than as provided for in this part under such conditions as the Administrator may prescribe to prevent the introduction of ectoparasites into the United States.

(Approved by the Office of Management and Budget under control number 0579–0020)

[52 FR 29502, Aug. 10, 1987; 52 FR 35350, Sept. 18, 1987, as amended at 57 FR 23049, June 1, 1992; 59 FR 67133, Dec. 29, 1994. Redesignated at 62 FR 56012, Oct. 28, 1997]

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

Sec.

94.0 Definitions.
94.1 Regions where rinderpest or foot-and-mouth disease exists; importations prohibited.
94.1a Criteria for determining the separate status of a territory or possession as to rinderpest and foot-and-mouth disease.
94.2 Fresh (chilled or frozen) products (other than meat), and milk and milk products of ruminants and swine.
94.3 Organs, glands, extracts, or secretions of ruminants or swine.
94.4 Cured or cooked meat from regions where rinderpest or foot-and-mouth disease exists.
94.5 Regulation of certain garbage.
94.6 Carcasses, or parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds; importations from regions where Exotic Newcastle disease (END) or S. enteritidis is considered to exist.
94.7 Disposal of animals, meats, and other articles ineligible for importation.
94.8 Pork and pork products from regions where African swine fever exists or is reasonably believed to exist.
94.9 Pork and pork products from regions where hog cholera exists.
94.10 Swine from regions where hog cholera exists.
94.11 Restrictions on importation of meat and other animal products from specified regions.
94.12 Pork and pork products from regions where swine vesicular disease exists.
94.13 Restrictions on importation of pork or pork products from specified regions.

94.14 Swine from regions where swine vesicular disease exists; importations prohibited.
94.15 Animal products and materials; movement and handling.
94.16 Milk and milk products.
94.17 Dry-cured pork products from regions where foot-and-mouth disease, rinderpest, African swine fever, hog cholera, or swine vesicular disease exists.
94.18 Ruminant meat and edible products from ruminants that have been in regions where bovine spongiform encephalopathy exists.
94.19 Gelatin derived from horses or swine, or from ruminants that have not been in any region where bovine spongiform encephalopathy exists.
94.20 Importation of pork from Sonora, Mexico.
94.21 Restrictions on importation of beef from Argentina.

AUTHORITY: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

§ 94.0 Definitions.

As used in this part, the following terms shall have the meanings set forth in this section.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service, of the United States Department of Agriculture (APHIS.)

APHIS representative. An individual employed by Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the function involved.

Authorized inspector. Any employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other individual who is authorized by the Administrator to enforce this part.

Birds. All members of the class Aves (other than poultry or game birds).

Cervid. All species of deer, elk, and moose.

Cold spot. The area in a flexible plastic cooking tube or other type of container loaded with meat product, or the areas at various points along the belt in an oven chamber, slowest to reach the required temperature during the cooking process. The cold spot(s) for each container is experimentally determined before the cooking process begins, and once identified, remains constant.

Contact. Known or potential commingling of products during processing or storage, or while being transported from any point to any other point. Contact includes the simultaneous processing in the same room, locker, or container, but not necessarily the same storage facility or conveyance, as long as adequate security measures are taken to prevent commingling, as determined by an authorized APHIS representative.

Container. For the purposes of § 94.1(c) and § 94.16(c), this term means a receptacle, sometimes refrigerated, which is designed to be filled with cargo, sealed, and then moved, without unsealing or unloading, aboard a variety of different transporting carriers.

Department. The United States Department of Agriculture (USDA, Department).

Exotic Newcastle disease (END). Any velogenic Newcastle disease. Exotic Newcastle disease is an acute, rapidly spreading, and usually fatal viral disease of birds and poultry.

Flock of origin. The flock in which the eggs were produced.

FSIS inspector. An individual authorized by the Administrator, Food Safety and Inspection Service, United States Department of Agriculture, to perform the function involved.

Game birds. Migratory birds, including certain ducks, geese, pigeons, and doves (''migratory'' refers to seasonal flight to and from the United States); free-flying quail, wild grouse, wild pheasants (as opposed to those that are commercial, domestic, or pen-raised).

House. A structure, enclosed by walls and a roof, in which poultry are raised.

Immediate export. The period of time determined by APHIS, based on shipping routes and timetables, to be the shortest practicable interval of time between the arrival in the United States of an incoming carrier and the departure from the United States of an outgoing carrier, to transport a consignment of products.

Import (imported, importation) into the United States. To bring into the territorial limits of the United States.

Indicator piece. A cube or slice of meat to be used for the pink juice test, required to meet minimum size specifications.

Operator. The operator responsible for the day-to-day operations of a facility.

Pink juice test. Determination of whether meat has been thoroughly cooked by observation of whether the flesh and juices have lost all red and pink color.

Port of arrival. Any place in the United States at which a product or article arrives, unless the product or article remains on the means of conveyance on which it arrived within the territorial limits of the United States.

Poultry. Chickens, turkeys, swans, partridges, guinea fowl, pea fowl; nonmigratory ducks, geese, pigeons, and doves; commercial, domestic, or penraised grouse, pheasants, and quail.

Premises of origin. The premises where the flock of origin is kept.

Region. Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

(1) A national entity (country);

(2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.)

(3) Parts of several national entities combined into an area; or

(4) A group of national entities (countries) combined into a single area.

Region of origin. For meat and meat products, the region in which the animal from which the meat or meat products were derived was born, raised and slaughtered; and for eggs, the region in which the eggs were laid.

Ruminants. All animals that chew the cud, such as cattle, buffaloes, sheep, goats, deer, antelopes, camels, llamas and giraffes.

Salmonella enteritidis. Salmonella enteritidis serotype *enteritidis*, an organism that causes salmonellosis.

Salmonella enteritidis, phage-type 4. A virulent type of *Salmonella enteritidis* serotype *enteritidis*.

Salmonellosis. An infectious disease caused by species of *Salmonella* bacteria.

Sentinel bird. A chicken that has been raised in an environment free of pathogens that cause communicable diseases of poultry and that has not been infected with, exposed to, or immunized with any strain of virus that causes Newcastle disease.

Temperature indicator device (TID). A precalibrated temperature-measuring instrument containing a chemical compound activated at a specific temperature (the melting point of the chemical compound) identical to the processing temperature that must be reached by the meat being cooked. The Administrator will approve a TID for use after determining that the chemical compound in the device is activated at the specific temperature required.

Thoroughly cooked. Heated sufficiently to inactivate any pathogen that may be present, as indicated by the required TID or pink juice test.

United States. The several states, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or any other territory or possession of the United States, except as provided in §94.5 of this part.

Veterinarian in Charge. The veterinary official of the Animal and Plant Health Inspection Service, United States Department of Agriculture, who is assigned by the Administrator to supervise and perform the official animal health work of the Animal and Plant Health Inspection Service in the State or area concerned.

Wild swine. Any swine which are allowed to roam outside an enclosure.

[52 FR 33801, Sept. 8, 1987, as amended at 53 FR 48520, Dec. 1, 1988; 54 FR 7393, Feb. 21, 1989; 54 FR 14794, Apr. 13, 1989; 54 FR 31504, July 31, 1989; 55 FR 38982, Sept. 24, 1990; 57 FR 43886, Sept. 23, 1992; 59 FR 13185, Mar. 21, 1994; 61 FR 56891, Nov. 5, 1996; 62 FR 56021, Oct. 28, 1997]

§94.1 Regions where rinderpest or foot-and-mouth disease exists; importations prohibited.

(a) Notice is hereby given that, in accordance with section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), it has been determined, and official notice has been given to the Secretary of the Treasury that:

(1) Except as provided in § 94.21, rinderpest or foot-and-mouth disease exists in all regions of the world, except those listed in paragraph (a)(2) of this section;

(2) The following regions are declared to be free of both rinderpest and foot-and-mouth disease: Australia, Austria, The Bahamas, Barbados, Belgium, Bermuda, British Honduras (Belize), Canada, Channel Islands, Chile, Costa Rica, Czech Republic, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, Germany, Great Britain (England, Scotland, Wales, and Isle of Man), Greenland, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Mexico, The Netherlands, New Caledonia, New Zealand, Nicaragua, Northern Ireland, Norway, Panama, Papua New Guinea, Poland, Republic of Korea, Spain, Territory of St. Pierre and Miquelon, Sweden, Switzerland, Trinidad and Tobago, Trust Territory of the Pacific Islands, and Uruguay.

(b) The importation of any ruminant or swine or any fresh (chilled or frozen) meat of any ruminant or swine[1] that originates in any region where rinderpest or foot-and-mouth disease exists, as designated in paragraph (a) of this section, or that enters a port in or otherwise transits a region in which rinderpest or foot-and-mouth disease exists, is prohibited: (1) Except as provided in part 92 of this chapter for wild ruminants and wild swine; (2) except as provided in part 92 of this chapter for the importation of ruminants and swine through the Harry S Truman Animal Import Center; (3) except as provided in paragraph (c) of this section for meat of ruminants or swine that originates in regions free of rinderpest and foot-and-mouth disease but that enters a port or otherwise transits a region where rinderpest or foot-and-mouth disease exists; and (4) except as provided in § 94.4 of this part for cooked or cured meat from regions where rinderpest or foot-and-mouth disease exists.

[1] Importation of animals and meat includes bringing the animals or meat within the territorial limits of the United States on a means of conveyance for use as sea stores or for other purposes.

(c) Except as otherwise provided in this part, fresh (chilled or frozen) meat of ruminants or swine raised and slaughtered in a region free of foot-and-mouth disease and rinderpest, as designated in paragraph (a) of this section, which during shipment to the United States enters a port or otherwise transits a region where rinderpest or foot-and-mouth disease exists may be imported provided that all of the following conditions are met:

(1) The meat is accompanied by the foreign meat inspection certificate required by § 327.4 of this title and, upon arrival of the meat in the United States, the foreign meat inspection certificate is presented to an authorized inspector at the port of arrival;

(2) The meat is placed in the transporting carrier in a hold, compartment, or, if the meat is containerized, in a container that which was sealed in the region of origin by an official of such region with serially numbered seals approved by APHIS, so as to prevent contact of the meat with any other cargo, handling of the meat after the hold, compartment, or container is sealed, and the loading of any cargo into and the removal of any cargo from the sealed hold, compartment, or container en route to the United States;

(3) If any foreign official breaks a seal applied in the region of origin in order to inspect the meat, he or she then reseals the hold, compartment, or container with a new serially numbered seal; and, if any member of a ship's crew breaks a seal, the serial number of the seal, the location of the seal, and the reason for breaking the seal are recorded in the ship's log.

(4) The serial numbers of the seals used to seal the hold, compartment, or container are recorded on the foreign meat inspection certificate which accompanies the meat;

(5) Upon arrival of the carrier in the United States port of arrival, the seals are found by an APHIS representative to be intact, and the representative finds that there is no evidence indicating that any seal has been tampered with; *Provided that,* if the representative finds that any seal has been broken or has a different number than is

recorded on the foreign meat inspection certificate, then the meat may remain eligible for entry into the United States only if APHIS personnel are available to inspect the hold, compartment, or container, the packages of meat, and all accompanying documentation; and the importer furnishes additional documentation (either copies of pages from the ship's log signed by the officer-in-charge, or certification from a foreign government that the original seal was removed and the new seal applied by officials of that government) that demonstrates to the satisfaction of the Administrator that the meat was not contaminated or exposed to contamination during movement from the region of origin to the United States; and

(6) The meat is found by an authorized inspector to be as represented on the foreign meat inspection certificate.

(Approved by the Office of Management and Budget under control number 0579–0015)

[30 FR 12118, Sept. 23, 1965]

EDITORIAL NOTE: For Federal Register citations affecting §94.1, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§94.1a Criteria for determining the separate status of a territory or possession as to rinderpest and foot-and-mouth disease.

(a) The Secretary of Agriculture will make a determination as to whether a territory or possession may be deemed separate from the mother region, in which rinderpest or foot-and-mouth disease has been determined to exist, for the purposes of section 306(a) of the Act of June 17, 1930, as amended (19 U.S.C. 1306(a)), only if:

(1) The official authority of that territory or possession, having responsibility for animal health matters, has declared such territory or possession free of rinderpest and foot-and-mouth disease;

(2) The territory or possession is geographically separate from the mother region and has full autonomy from the mother region in all animal health matters, including import and export;

(3) The territory or possession has a veterinary service which is capable of speedily detecting rinderpest or foot-and-mouth disease and which is comprised of veterinarians who:

(i) Are employed as officials of the government of the territory or possession,

(ii) Are graduates of a recognized school of veterinary medicine, and

(iii) Are assigned in sufficient numbers and are so distributed, with respect to the livestock population, to be able to promptly recognize the existence of rinderpest and foot-and-mouth disease;

(4) A laboratory capable of diagnosing rinderpest and foot-and-mouth disease is available to the veterinary service of the territory or possession;

(5) Vaccinations for foot-and-mouth disease or rinderpest are not permitted in the territory or possession;

(6) The reporting of rinderpest or foot-and-mouth disease to the veterinary authorities of the territory or possession is required by anyone who has notice of the existence of these diseases;

(7) Laws and regulations are in effect and are administered in such manner as to insure against the introduction of foot-and-mouth disease or rinderpest through the importation of animals, meat, and animal products from regions, including the mother region, declared by the United States Secretary of Agriculture to be regions where foot-and-mouth disease or rinderpest exist;

(8) Animals introduced into the territory or possession from rinderpest or foot-and-mouth disease infected regions, including the mother region, are imported through a quarantine station and under conditions acceptable to the Secretary of Agriculture of the United States, and such conditions include, but are not restricted to:

(i) Tests deemed necessary for the detection of rinderpest and foot-and-mouth disease,

(ii) Quarantine deemed necessary for the detection of rinderpest and foot-and-mouth disease, and

(iii) Opportunity for observation by a United States Department of Agriculture veterinarian during all phases of the import procedures;

(b) An on-site inspection by a veterinary representative of the United States Department of Agriculture to determine whether the criteria in this

section are met shall be made of the territory or possession before any final determination is made as to its status.

[39 FR 13069, Apr. 11, 1974, as amended at 62 FR 56021, Oct. 28, 1997]

§ 94.2 Fresh (chilled or frozen) products (other than meat), and milk and milk products of ruminants and swine.

(a) The importation of fresh (chilled or frozen) products (other than meat and milk and milk products) derived from ruminants or swine, originating in, shipped from, or transiting any region designated in § 94.1(a) as a region infected with rinderpest or foot-and-mouth disease is prohibited, except as provided in § 94.3 and parts 95 and 96 of this chapter.

(b) The importation of milk and milk products of ruminants and swine originating in, shipped from, or transiting any region designated in § 94.1(a) as a region infected with rinderpest or foot-and-mouth disease is prohibited, except as provided in § 94.16.

[40 FR 44123, Sept. 25, 1975, as amended at 62 FR 56022, Oct. 28, 1997]

§ 94.3 Organs, glands, extracts, or secretions of ruminants or swine.

The importation of fresh (chilled or frozen) organs, glands, extracts, or secretions derived from ruminants or swine, originating in any region designated in § 94.1, except for pharmaceutical or biological purposes under conditions prescribed by the Administrator in each instance, is prohibited.

[28 FR 5980, June 13, 1963, as amended at 53 FR 48520, Dec. 1, 1988; 62 FR 56022, Oct. 28, 1997]

§ 94.4 Cured or cooked meat from regions where rinderpest or foot-and-mouth disease exists.

(a) Except for cured beef from Argentina that meets the requirements for the importation of fresh, chilled or frozen, beef as provided in § 94.21, the importation of cured meats derived from ruminants or swine, originating in any region designated in § 94.1, is prohibited unless the following conditions have been fulfilled:

(1) All bones shall have been completely removed in the region of origin.

(2) The meat shall have been held in an unfrozen, fresh condition for at least 3 days immediately following the slaughter of the animals from which it was derived.

(3)(i) The meat shall have been thoroughly cured and fully dried in such manner that it may be stored and handled without refrigeration, as in the case of salami and other summer sausages, tasajo, xarque, or jerked beef, bouillon cubes, dried beef, and Westphalia, Italian and similar type hams. The term ''fully dried'' as used in this paragraph means dried to the extent that the water-protein ratio in the wettest portion of the product does not exceed 2.25 to 1.

(ii) Laboratory analysis of samples to determine the water-protein ratios will not be made in the case of all shipments of cured and dried meats. However, in any case in which the inspector is uncertain whether the meat complies with the requirements of paragraph (a)(3)(i) of this section, he will send a sample of the meat representative of the wettest portion to the Meat Inspection Division for analysis of the water-protein ratio. Pending such analysis the meat shall not be released or removed from the port of arrival.

(4) The cured meat shall be accompanied by a certificate issued by an official of the national government of the region of origin who is authorized to issue the foreign meat inspection certificate required by § 327.4 of this title, stating that such meat has been prepared in accordance with paragraphs (a)(1), (a)(2) and (a)(3)(i) of this section. Upon arrival of the cured meat in the United States, the certificate must be presented to an authorized inspector at the port of arrival.

(b) Except for cooked beef from Argentina that meets the requirements for the importation of fresh, chilled or frozen, beef as provided in § 94.21, the importation of cooked meats from ruminants or swine originating in any region where rinderpest or foot-and-mouth disease exists, as designated in § 94.1, is prohibited, except as provided in this section.

(1) The cooked meat must be boneless and must be thoroughly cooked.

(2) The cooked meat must have been prepared in an establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act (21 U.S.C. 610 *et seq.*) and the regulations in 9 CFR 327.2; must meet all other applicable requirements of the Federal Meat Inspection Act and regulations thereunder (9 CFR Chapter III); and must have been approved by the Administrator in accordance with paragraph (c) of this section.

(3) Canned product (canned meat), as defined in § 318.300(d) of this chapter, is exempt from the requirements in this section.

(4) *Ground meat cooked in an oven.* Ground meat must be shaped into patties no larger than 5 inches in diameter and 1-inch thick. Each patty must weigh no more than 115 grams, with fat content no greater than 30 percent. These patties must be broiled at 210 °C for at least 133 seconds, then cooked in moist heat (steam heat) in a continuous, belt-fed oven for not less than 20 minutes, to yield an internal exit temperature of at least 99.7 °C, as measured by temperature indicator devices (TID's) placed in temperature monitor patties positioned, before the belt starts moving through the oven, on each of the predetermined cold spots along the oven belt. TID's must be used at the beginning of each processing run.

(5) *Meat cooked in plastic.* The ground meat, cubes of meat, slices of meat, or anatomical cuts of meat (cuts taken from the skeletal muscle tissue) must weigh no more than 5 kilograms, and must be loaded into a flexible cooking tube constructed of plastic film or other material approved by the Food Safety and Inspection Service, U.S. Department of Agriculture. The meat must be cooked in boiling water or in a steam-fed oven to reach a minimum internal temperature of 79.4 °C at the cold spot after cooking for at least 1.75 hours. Thoroughness of cooking must be determined by the TID registering at least 79.4 °C at the cold spot, or by the pink juice test, as follows:

(i) *Cubes of meat.* At least 50 percent of meat pieces per tube must be 3.8 centimeters or larger in each dimension after cooking or, if more than 50 percent of meat pieces per tube are smaller than 3.8 centimeters in any dimension after cooking and no TID is being used, an indicator piece of sufficient size for a pink juice test to be performed (3.8 centimeters or larger in each dimension after cooking) must have been placed at the cold spot of the tube.

(ii) *Slices of meat.* At least 50 percent of the slices of meat must be 3.8 centimeters or larger in each dimension after cooking or, if more than 50 percent of meat pieces are smaller than 3.8 centimeters in any dimension after cooking, and no TID is being used, an indicator piece of sufficient size for a pink juice test to be performed (3.8 centimeters or larger in each dimension after cooking) must be placed at the cold spot of the tube.

(iii) *Anatomical cuts of meat.* An indicator piece removed from an anatomical cut of meat after cooking must be removed from the center of the cut, farthest from all exterior points and be 3.8 centimeters or larger in each dimension for performance of the pink juice test.

(6) Any TID used in accordance with § 94.4 (b)(4) or (b)(5) must remain in the meat, as originally inserted, and must accompany the cooked meat whose temperature it has gauged when that meat is shipped to the United States.

(7) The cooked meat must be accompanied by a certificate issued by an official of the national government of the region of origin, who is authorized to issue the foreign meat inspection certificate required by § 317.4 of this title, stating: ''This cooked meat produced for export to the United States meets the requirements of title 9, Code of Federal Regulations, § 94.4(b).'' Upon arrival of the cooked meat in the United States, the certificate must be presented to an authorized inspector at the port of arrival.

(8) The meat is inspected by an FSIS inspector at a port of arrival in a defrost facility approved by the Administrator[2] and the meat is found to be thoroughly cooked.

[2] The names and addresses of approved defrost facilities and conditions for approval may be obtained from the Administrator, Animal and Plant Health Inspection Service,

Continued

(i) Request for approval of any defrost facility must be made to the Administrator. The Administrator will approve a defrost facility only under the following conditions:

(A) The defrost facility has equipment and procedures that permit FSIS inspectors to determine whether meat is thoroughly cooked;

(B) The defrost facility is located at a port of arrival; and

(C) The defrost facility is approved by the Food Safety and Inspection Service, United States Department of Agriculture.[3]

(ii) The Administrator may deny approval of any defrost facility if the Administrator determines that the defrost facility does not meet the conditions for approval. If approval is denied, the operator of the defrost facility will be informed of the reasons for denial and be given an opportunity to respond. The operator will be afforded an opportunity for a hearing with respect to any disputed issues of fact. The hearing will be conducted in accordance with rules of practice that will be adopted for the proceeding.

(iii) The Administrator may withdraw approval of any defrost facility as follows: (A) When the operator of the defrost facility notifies the Administrator in writing that the defrost facility no longer performs the required services; or (B) when the Administrator determines that the defrost facility does not meet the conditions for approval. Before the Administrator withdraws approval from any defrost facility, the operator of the defrost facility will be informed of the reasons for the proposed withdrawal and given an opportunity to respond. The operator will be afforded a hearing with respect to any disputed issues of fact. The hearing will be conducted in accordance with rules of practice that will be adopted for the proceeding. If approval of a defrost facility is withdrawn, the Administrator will remove its name from the list of approved defrost facilities.

(c) *Meat processing establishment; standards.* (1) Before the Administrator will approve a meat processing establishment for export shipment of cooked meat to the United States, the Administrator must determine:

(i) That the meat processing establishment has furnished APHIS with a description of the process used to inactivate rinderpest or FMD virus that may be present in meat intended for export to the United States, and with blueprints of the facilities where this meat is cooked and packaged;

(ii) That an APHIS representative has inspected the establishment and found that it meets the standards set forth in paragraph (c)(2) of this section;

(iii) That the operator of the establishment has signed a cooperative service agreement with APHIS, stating: (A) That all cooked meat processed for importation into the United States will be processed in accordance with the requirements of this part; (B) that a full-time, salaried meat inspection official of the National Government of the exporting region will supervise the processing (including certification of the cold spot) and examination of the product, and certify that it has been processed in accordance with this section; and (C) that APHIS personnel or other persons authorized by the Administrator may enter the establishment, unannounced, to inspect the establishment and its records; and

(iv) That the operator of the establishment has entered into a trust fund agreement with APHIS and is current in paying all costs for an APHIS representative to inspect the establishment for initial evaluation, and periodically thereafter, including travel, salary, subsistence, administrative overhead, and other incidental expenses (including an excess baggage provision up to 150 pounds). In accordance with the terms of the trust fund agreement, before the APHIS representative's site inspection, the operator of the processing establishment must deposit with the Administrator an amount equal to the approximate cost of one inspection by an APHIS

United States Department of Agriculture, Washington, DC 20250.

[3] Conditions for the approval of any defrost facility by the Food Safety and Inspection Service, United States Department of Agriculture, may be obtained from the Import Inspection Division, International Programs, Food Safety and Inspection Service, United States Department of Agriculture, Washington, DC 20250.

representative, including travel, salary, subsistence, administrative overhead, and other incidental expenses (including an excess baggage provision up to 150 pounds). As funds from that amount are obligated, a bill for costs incurred based on official accounting records will be issued, to restore the deposit to the original level, revised as necessary to allow for inflation or other changes in estimated costs. To be current, bills must be paid within 14 days of receipt.

(2) *Establishment.* An APHIS representative will conduct an on-site evaluation, and subsequent inspections, as provided in §94.4(c)(1), to determine whether the following conditions are met:

(i) The facilities used for processing cooked meat in the meat processing establishment are separate from the facilities used for processing raw meat (precooking, boning, preparation, and curing), with only the through-the-wall cooking system through which the meat product is delivered at the end of the cooking cycle connecting them; and there is at all times a positive air flow from the cooked to the raw product side;

(ii) The cooking equipment has the capacity to cook all meat pieces in accordance with §94.4(b)(4) or (b)(5);

(iii) Workers who process cooked meat are at all times kept separate from workers who process raw meat, and have, for their exclusive use: A separate entrance, dining area, toilets, lavatories with cold and hot water, soap, disinfectants, paper towels, clothes hampers and waste baskets for disposal, and changing rooms stocked with the clean clothing and rubber boots into which all persons must change upon entering the establishment. Workers and all other persons entering the establishment must wash their hands and change into the clean clothing and boots provided in the changing rooms before entering the cooking facilities, and must leave this clothing for laundering and disinfecting before exiting from the establishment, regardless of the amount of time spent inside or away from the establishment;

(iv) Original records identifying the slaughtering facility from which the meat was obtained and the date the meat entered the meat processing establishment, and original certification (including temperature recording charts and graphs), must be kept for all cooked meat by the full-time salaried meat inspection official of the National Government of the exporting region assigned to the establishment, and must be retained for 2 years.

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[28 FR 5980, June 13, 1963, as amended at 52 FR 33801, Sept. 8, 1987; 53 FR 48520, Dec. 1, 1988; 54 FR 7393, Feb. 21, 1989; 59 FR 13186, Mar. 21, 1994; 59 FR 67134, Dec. 29, 1994; 62 FR 42900, Aug. 11, 1997; 62 FR 46180, Sept. 2, 1997; 62 FR 56022, Oct. 28, 1997]

§94.5 Regulation of certain garbage.

(a) *Garbage.* For purposes of this part, garbage means all waste material derived in whole or in part from fruits, vegetables, meats, or other plant or animal (including poultry) material, and other refuse of any character whatsoever that has been associated with any such material on board any means of conveyance, and including food scraps, table refuse, galley refuse, food wrappers or packaging materials, and other waste material from stores, food preparation areas, passengers' or crews' quarters, dining rooms, or any other areas on means of conveyance. For purposes of this subpart, garbage also means meals and other food that were available for consumption by passengers and crew on an aircraft but were not consumed.

NOTE: Not all garbage is regulated for the purposes of this part. Garbage regulated for the purposes of this part is defined as ''regulated garbage'' in paragraphs (b) and (c) of this section.

(b) *Garbage regulated because of movements outside the United States or Canada.* For purposes of this part, garbage on or removed from a means of conveyance is regulated garbage, if, when the garbage is on or removed from the means of conveyance, the means of conveyance has been in any port outside the United States and Canada within the previous 2-year period. There are, however, two exceptions to this provision. These exceptions are as follows:

(1) *Exception 1.* Garbage on or removed from a means of conveyance other than an aircraft is exempt from requirements under paragraph (b) of this section if the following conditions are met when the garbage is on or removed from the means of conveyance:

(i) The means of conveyance is accompanied by a certificate from an inspector stating the following:

(A) That the means of conveyance had first been cleared of all garbage and of the following: All meats and meat products, whatever the region of origin, except meats that are shelf-stable; all fresh and condensed milk and cream from regions designated in 9 CFR 94.1 as those in which foot-and-mouth disease exists; all fresh fruits and vegetables; and all eggs; and the items cleared from the means of conveyance as prescribed by this paragraph have been disposed of according to the procedures for disposing of regulated garbage, as specified in paragraph (f)(1) of this section.

(B) That the means of conveyance had been cleaned and disinfected in the presence of the inspector; and

(ii) Since being cleaned and disinfected, the means of conveyance has not been in a non-Canadian foreign port.

(2) *Exception 2.* Garbage on or removed from an aircraft is exempt from requirements under paragraph (b) of this section if the following two conditions are met:

(i) The aircraft had been cleared of all garbage and all stores; and the items cleared from the aircraft as prescribed by this paragraph have been disposed of according to the procedures for disposing of regulated garbage, as specified in paragraph (f)(1) of this section.

(ii) After the garbage and stores referred to in paragraph (b)(2)(i) of this section were removed, the aircraft has not been in a non-Canadian foreign port.

(c) *Garbage regulated because of certain movements to or from Hawaii, territories, or possessions.* For purposes of this part, garbage on or removed from a means of conveyance is regulated garbage, if the means of conveyance has moved during the previous one-year period, either directly or indirectly, to the continental United States from any territory or possession or from Hawaii; to any territory or possession from any other territory or possession or from Hawaii; or to Hawaii from any territory or possession. There are, however, two exceptions to this provision. These exceptions are as follows:

(1) *Exception 1.* Garbage on or removed from a means of conveyance other than an aircraft is exempt from requirements under paragraph (c) of this section if the following two conditions are met when the garbage is on or removed from the means of conveyance:

(i) The means of conveyance is accompanied by a certificate from an inspector, stating that the means of conveyance has been cleared of all garbage and all fresh fruits and vegetables; and the items cleared from the means of conveyance as prescribed by this paragraph have been disposed of according to the procedures for disposing of regulated garbage, as specified in paragraph (f)(1) of this section.

(ii) After being cleared of the garbage and stores referred to in paragraph (c)(1)(i) of this section, the means of conveyance has not moved to the continental United States from any territory or possession or from Hawaii; to any territory or possession from any other territory or possession or from Hawaii; or to Hawaii from any territory or possession.

(2) *Exception 2.* Garbage on or removed from an aircraft is exempt from requirements under paragraph (c) of this section if the following two conditions are met when the garbage is on or removed from the means of conveyance:

(i) The aircraft had been cleared of all garbage and all fresh fruits and vegetables; and the items cleared from the aircraft as prescribed by this paragraph have been disposed of according to the procedures for disposing of regulated garbage, as specified in paragraph (f)(1) of this section.

(ii) After the garbage and stores referred to in paragraph (c)(2)(i) of this section were removed, the aircraft has not moved to the continental United States from any territory or possession or from Hawaii; to any territory or possession from any other territory or

possession or from Hawaii; or to Hawaii from any territory or possession.

(d) Garbage that is commingled with regulated garbage is also regulated garbage.

(e) *Restrictions on regulated garbage.* (1) Regulated garbage shall not be on or removed from a means of conveyance, or be disposed of, unless in accordance with the provisions of this part. (2) Regulated garbage is subject to general surveillance for compliance with this section by Animal and Plant Health Inspection Service inspectors and to such disposal measures as authorized by section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd), section 10 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 164a), section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), and section 306 of the Act of July 17, 1930, as amended (19 U.S.C. 1306), to prevent the dissemination of plant pests and livestock or poultry diseases.

(f)(1) All regulated garbage must be contained in tight, leak-proof covered receptacles during storage on board a means of conveyance while in the territorial waters, or while otherwise within the territory of the United States. All such receptacles shall be contained inside the guard rail if on a watercraft. Such regulated garbage shall not be unloaded from such means of conveyance in the United States unless such regulated garbage is removed in tight, leak-proof receptacles under the direction of an Animal and Plant Health Inspection Service inspector to an approved facility for incineration, sterilization, or grinding into an approved sewage system, under supervision by such an inspector, or such regulated garbage is removed for other handling in such manner and under such supervision as may, upon request in specific cases, be approved by the Administrator as complying with the applicable laws for environmental protection and as adequate to prevent the dissemination into or within the United States of plant pests and livestock or poultry diseases. *Provided that,* a cruise ship may dispose of regulated garbage in landfills at Alaskan ports only, if and only if the cruise ship does not have prohibited or restricted meat or animal products on board at the time it enters Alaskan waters for the cruise season, and only if the cruise ship, except for incidental travel through international waters necessary to navigate safely between ports, remains in Canadian and U.S. waters off the west coast of North America, and calls only at continental U.S. and Canadian ports during the entire cruise season.

(2) Application for approval of a facility or sewage system may be made in writing by the authorized representative of any carrier or by the official having jurisdiction over the port or place of arrival of the means of conveyance, to the Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. The application shall be endorsed by the operator of the facility or sewage system. Approval will be granted if the Administrator determines that the requirements set forth in this section are met. Approval may be denied or withdrawn at any time, if the Administrator determines that such requirements are not met, after notice of the proposed denial or withdrawal of the approval and the reasons therefor, and an opportunity to demonstrate or achieve compliance with such requirements, has been afforded to the operator of the facility or sewage system and to the applicant for approval. However, approval may also be withdrawn without such prior procedure in any case in which the public health, interest or safety requires immediate action, and in such case, the operator of the facility or sewage system and the applicant for approval shall promptly thereafter be given notice of the withdrawal and the reasons therefor and an opportunity to show cause why the approval should be reinstated.

(g) APHIS will cooperate with other Federal, State, and local agencies responsible for enforcing other statutes and regulations governing disposal of regulated garbage to the end that such disposal shall be adequate to prevent the dissemination of plant pests and livestock or poultry diseases and comply with applicable laws for environmental protection. The inspectors, in maintaining surveillance over regulated garbage movements and disposal, shall coordinate their activities with

the activities of representatives of the Environmental Protection Agency and other Federal, State, and local agencies also having jurisdiction over such regulated garbage.

(h)(1) *Shelf-stable* means the condition achieved in a product, by application of heat, alone or in combination with other ingredients and/or other treatments, of being rendered free of microorganisms capable of growing in the product under nonrefrigerated conditions (over 50° F or 10° C).

(2) *Sterilization* means cooking regulated garbage at 212° F. for 30 minutes and disposal of the residue by burying in a landfill, except that the burial provisions do not apply to materials extracted from the residue after cooking and determined by the Administrator to be unsuitable for use as food or as soil additives.

(3) *Incineration* means to reduce the regulated garbage to ash by burning.

(4) *Approved sewage system* means a sewage system approved by the Administrator, Animal and Plant Health Inspection Service, upon his determination that the system is designed and operated in such a way as to preclude the discharge of sewage effluents onto land surfaces or into lagoons or other stationary waters, and otherwise is adequate to prevent the dissemination of plant pests and livestock or poultry diseases, and that it is certified by an appropriate government official as currently complying with the applicable laws for environmental protection.

(5) *Approved facility* means a facility approved by the Administrator, Animal and Plant Health Inspection Service, upon his determination that it has equipment and uses procedures that are adequate to prevent the dissemination of plant pests and livestock or poultry diseases, and that it is certified by an appropriate government official as currently complying with the applicable laws for environmental protection.

(6) *Carrier* means the principal operator of a means of conveyance.

(7) *United States* means the States, District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

(8) *Territories or possessions* means Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

(9) *Continental United States* means the 49 States located on the continent of North America and the District of Columbia.

(10) *Person* means any individual, corporation, company, association, firm, partnership, society, or joint stock company.

(i) *Compliance agreement and cancellation.*

(1)Any person engaged in the business of handling or disposing of regulated garbage must first enter into a compliance agreement with the Animal and Plant Health Inspection Service (APHIS). Compliance agreement forms (PPQ Form 519) are available without charge from local USDA/APHIS/Plant Protection and Quarantine offices, which are listed in telephone directories.

(2) A person who enters into a compliance agreement, and employees or agents of that person, shall comply with the following conditions and any supplemental conditions which shall be listed in the compliance agreement, as deemed by the Administrator to be necessary to prevent the dissemination into or within the United States of plant pests and livestock or poultry diseases:

(i) Comply with the provisions of 9 CFR 94.5;

(ii) Allow APHIS inspectors access to all records maintained by the person regarding handling or disposal of regulated garbage, and to all areas where handling or disposal of regulated garbage occurs;

(iii) Remove regulated garbage from a means of conveyance only in tight, leak-proof receptacles;

(iv) Move the receptacles of regulated garbage only to a facility approved in accordance with §94.5(f)(2); and

(v) At the approved facility, dispose of the regulated garbage only through incineration, sterilization, grinding into a sewage system approved in accordance with §94.5(f)(2), or in any other manner approved by the Administrator and described in the compliance agreement.

(3) Approval for a compliance agreement may be denied at any time if the

Administrator determines that the requirements set forth in this section are not met, after notice of, and the reasons for, the proposed denial of the approval, and an opportunity to demonstrate or achieve compliance with such requirements, has been afforded to the compliance agreement applicant.

(4) Any compliance agreement may be cancelled in writing by the Administrator whenever it is found that the person who has entered into the compliance agreement has failed to comply with this section. Any person whose compliance agreement has been cancelled may appeal the decision, in writing, within 10 days after receiving written notification of the cancellation. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully cancelled. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflicts as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator. This administrative remedy must be exhausted before a person can file suit in court challenging the cancellation of a compliance agreement.

(5) Where a compliance agreement is denied or cancelled, regulated garbage may continue to be unloaded from a means of conveyance and disposed of at an approved facility in accordance with §94.5(f)(1).

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§94.6 Carcasses, or parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds; importations from regions where Exotic Newcastle disease (END) or S. enteritidis is considered to exist.

(a) *Regions where Exotic Newcastle disease (END) is considered to exist.* (1) Exotic Newcastle disease (END) is considered to exist in all regions of the world except those listed in paragraph (a)(2) of this section.

(2) The following regions are considered to be free of Exotic Newcastle disease (END): Australia, Canada, Chile, Costa Rica, Denmark, Fiji, Finland, Iceland, New Zealand, Republic of Ireland, Sweden, and Switzerland.

(b) *Regions where S. enteritidis, phage-type 4, is considered to exist.* (1) *S. enteritidis,* phage-type 4, is considered to exist in all regions of the world except those listed in paragraph (b)(2) of this section.

(2) The following regions are considered to be free of *S. enteritidis,* phage-type 4: Canada.

(c) *Carcasses, and parts or products of carcasses, from regions where END is considered to exist.* Carcasses, and parts or products of carcasses, of poultry, game birds, or other birds may be imported only in accordance with this section if they: are of poultry, game birds, or other birds that were raised or slaughtered in any region where END is considered to exist (see paragraph (a) of this section); are imported from any region where END is considered to exist; or are moved into or through any region where END is considered to exist at any time before importation or during shipment to the United States.

(1) Carcasses of game birds may be imported if eviscerated, with heads and feet removed. Viscera, heads, and feet removed from game birds are ineligible for entry into the United States.

(2) Carcasses, or parts or products of carcasses, of poultry, game birds, and other birds may be imported for consignment to any museum, educational institution or other establishment which has provided the Administrator,

with evidence that it has the equipment, facilities, and capabilities to store, handle, process, or disinfect such articles so as to prevent the introduction or dissemination of END into the United States, and which is approved by him.[4]

(3) Carcasses, or parts or products of carcasses, of poultry, game birds, and other birds, may be imported if packed in hermetically sealed containers and if cooked by a commercial method after such packing to produce articles which are shelf stable without refrigeration.

(4) Carcasses, or parts or products of carcasses, of poultry, game birds, and other birds may be imported if thoroughly cooked, and if, upon inspection by a representative of the United States Department of Agriculture at the port of arrival, the carcasses or parts or products thereof have a thoroughly cooked appearance throughout.

(5) Carcasses or parts or products of carcasses, of poultry, game birds, and other birds that do not otherwise qualify for importation under paragraph (c) of this section may be imported only if the importer applies to, and is granted a permit by, the Administrator, Veterinary Services authorizing such importation. Permission will be given only when the Administrator determines that such importation will not constitute a risk of introduction or dissemination of END into the United States. Application for a permit may be made in accordance with paragraph (e) of this section.

(d) *Eggs (other than hatching eggs) from regions where END or S. enteritidis is considered to exist.* Eggs (other than hatching eggs[5]) from poultry, game birds, or other birds may be imported only in accordance with this section if they: Are laid by poultry, game birds, or other birds that were raised in any region where END or *S. enteritidis,* phage-type 4, is considered to exist (see paragraphs (a) and (b) of this section); are imported from any region where END or *S. enteritidis,* phage-type 4, is considered to exist; or are moved into or through any region where END or *S. enteritidis,* phage-type 4, is considered to exist at any time before importation or during shipment to the United States.

(1) *With a certificate.* The eggs may be imported if they are accompanied by a certificate signed by a salaried veterinarian of the national government of the region of origin and:

(i) The eggs are imported in cases marked with the identity of the flock of origin and sealed with the seal of the national government of the region of origin.

(ii) The certificate accompanying the eggs is presented to an authorized inspector when the eggs reach the port of arrival in the United States.

(iii) The certificate identifies the flock of origin and shows the region of origin, the port of embarkation, the port of arrival, the name and address of the exporter and importer, the total number of eggs, and cases of eggs, shipped with the certificate, and the date the certificate was signed.

(iv) The certificate states that the eggs qualify for importation in accordance with this section.

(v) No more than 90 days before the certificate was signed, a salaried veterinary officer of the national government of the region of origin inspected the flock of origin and found no evidence of communicable diseases of poultry.

(vi) The eggs were washed, to remove foreign material from the surface of the shells, and sanitized on the premises of origin with a hypochlorite solution of from 100 ppm to 200 ppm available chlorine.

(vii) The eggs were packed on the premises of origin in previously unused cases.

(viii) Before leaving the premises of origin, the cases in which the eggs were packed were sealed with a seal of the national government of the region of origin by the salaried veterinarian who signed the certificate.

(ix) And, if the eggs were laid in any region where END is considered to exist (see paragraph (a) of this section):

[4] The names and addresses of approved establishments may be obtained from, and requests for approval may be made to, the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

[5] The requirements for importing hatching eggs are contained in Part 92 of this chapter.

(A) No END occurred on the premises of origin or on adjoining premises during the 90 days before the certificate was signed.

(B) There is no evidence that the flock of origin was exposed to END during the 90 days before the certificate was signed.

(C) The eggs are from a flock of origin found free of END in one of the following ways:

(*1*) Sentinel birds[6] were present in the flock of origin for at least 60 days before the certificate was signed. There was at least 1 sentinel bird per 1,000 poultry, with at least 30 sentinel birds per house. The sentinel birds remained free of clinical and immunological evidence of END as demonstrated by negative hemagglutination inhibition tests conducted on blood samples drawn at 10-day intervals by a salaried veterinary officer of the national government of the region of origin. The tests were conducted in a laboratory located in the region of origin, and the laboratory was approved to conduct the tests by the national government of that region or;

(*2*) Once every week, beginning at least 60 days before the certificate was signed, a salaried veterinary officer of the national government of the region of origin collected carcasses of all poultry that died during that week, and the carcasses were examined for END using the embryonated egg inoculation technique. Once a month, beginning at least 60 days before the certificate was signed, a salaried veterinary officer of the national government of the region of origin collected tracheal and cloacal swabs from not less than 10 percent of the poultry in the flock, and the swabs were tested for END. All examinations and tests were conducted in a laboratory located in the region of origin, and the laboratory was approved to conduct the tests and examinations by the national government of that region. All results were negative for VVND.

(x) And, if the eggs were laid in any region where *S. enteritidis*, phage-type 4, is considered to exist (see paragraph (b) of this section):

(A) No salmonellosis caused by *S. enteritidis* occurred on the premises of origin or on adjoining premises during the 90 days before the certificate was signed.

(B) There is no evidence that the flock of origin was exposed to *S. enteritidis* during the 90 days before the certificate was signed.

(C) The eggs are from a flock of origin found free of *S. enteritidis* as follows:

(*1*) At least 60 days before the certificate was signed, a veterinary medical officer of the national government of the region of origin took a blood specimen from a representative sample of at least 300 poultry in each house, or, if any house contained fewer than 300 poultry, from all the poultry in that house. The blood specimens were tested for *S. enteritidis* with *Salmonella pullorum* or *S. enteritidis* antigen using a tube or plate test. The tests were conducted in a laboratory located in the region of origin, and the laboratory was approved to conduct the tests by the national government of that region.

(*2*) Beginning the week after the flock was tested and found negative as required in paragraph (d)(1)(x)(C)(*1*) of this section, and continuing once a week thereafter, a salaried veterinarian of the national government of the region of origin collected 25 carcasses, or 10 percent of the carcasses, whichever was greater, of all the poultry that died in each house during the previous week. The carcasses were bacteriologically examined and found negative for *S. enteritidis*. The examinations were conducted in a laboratory located in the region of origin, and the laboratory was approved to conduct the examinations by the national government of that region.

(*3*) After the blood specimens were drawn as required in paragraph (d)(1)(x)(C)(*1*) of this section, no poultry were added to the flock of origin until a blood specimen from each was tested for *S. enteritidis* with *Salmonella pullorum* or *S. enteritidis* antigen using a plate or tube test, and the specimen was found negative. The tests were conducted in a laboratory located in

[6] For information on sources of sentinel birds, contact the Animal and Plant Health Inspection Service, Veterinary Services, Operational Support, 4700 River Road Unit 33, Riverdale, Maryland 20737–1231.

the region of origin, and the laboratory was approved to conduct the tests by the national government of that region.

(2) *To an approved establishment for breaking and pasteurization.* The eggs may be imported if they are moved from the port of arrival in the United States, under seal of the United States Department of Agriculture, to an approved establishment for breaking and pasteurization. Establishments will be approved when the Administrator determines that pasteurization and sanitation procedures for handling the eggs, and for disposing of egg shells, cases, and packing materials, are adequate to prevent the introduction of END or *S. enteritidis*, phage-type 4, into the United States.

(3) *For scientific, educational, or research purposes.* The eggs may be imported if they are imported for scientific, educational, or research purposes and the Administrator has determined that the importation can be made under conditions that will prevent the introduction of END or *S. enteritidis*, phage-type 4, into the United States. The eggs must be accompanied by a permit obtained from APHIS prior to the importation in accordance with paragraph (e) of this section, and they must be moved and handled as specified on the permit to prevent the introduction of END or *S. enteritidis*, phage-type 4, into the United States.

(4) *Other.* The eggs may be imported when the Administrator determines that the eggs have been cooked or processed or will be handled in a manner that will prevent the introduction of END or *S. enteritidis*, phage-type 4, into the United States. The eggs must be accompanied by a permit obtained from APHIS prior to the importation in accordance with paragraph (e) of this section, and they must be moved and handled as specified on the permit to prevent the introduction of END or *S. enteritidis*, phage-type 4, into the United States.

(e) To apply for a permit, contact the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

(Approved by the Office of Management and Budget under control number 0579–0015)

[39 FR 39546, Nov. 8, 1974; 39 FR 41242, Nov. 26, 1974]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 94.6, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 94.7 Disposal of animals, meats, and other articles ineligible for importation.

(a) Ruminants and swine, and fresh (chilled or frozen) meats, prohibited importation under §§ 94.1, 94.8, 94.9, 94.10, 94.12, 94.14, or 94.18, which come into the United States by ocean vessel and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Administrator, may direct pursuant to section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), unless they are exported by the consignee within 48 hours, and meanwhile are retained under such isolation and other safeguards as the Administrator, may require to prevent the introduction or dissemination of livestock or poultry diseases into the United States.

(b) Ruminants and swine, and fresh (chilled or frozen) meats, prohibited importation under §§ 94.1, 94.8, 94.9, 94.10, 94.12, 94.14, or 94.18, which come into the United States aboard an airplane or railroad car and are offered for entry and refused admission into this country shall be destroyed or otherwise disposed of as the Administrator, may direct pursuant to section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), unless they are exported by the consignee within 24 hours and meanwhile are retained under such isolation and other safeguards as the Administrator, may require to prevent the introduction or dissemination of livestock or poultry diseases into the United States.

(c) Ruminants and swine, and fresh (chilled or frozen) meats, prohibited importation under §§ 94.1, 94.8, 94.9, 94.10, 94.12, 94.14, or 94.18, which come into the United States by any means other than ocean vessel, airplane, or railroad car and are offered for entry

and refused admission into this country shall be destroyed or otherwise disposed of as the Administrator, may direct pursuant to section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), unless they are exported by the consignee within 8 hours on the same means of conveyance and meanwhile are retained under such isolation and other safeguards as the Administrator, may require to prevent the introduction or dissemination of livestock or poultry diseases into the United States.

(d) Ruminants and swine, and fresh (chilled or frozen) meats, prohibited importation under §§94.1, 94.8, 94.9, 94.10, 94.12, 94.14, or 94.18 which come into the United States by any means but are not offered for entry into this country; and other animals, meats, and other articles prohibited importation under other sections of this part which come into the United States by any means, whether they are offered for entry into this country or not, shall be immediately destroyed or otherwise disposed of as the Administrator, may direct at any time in accordance with section 2 of the Act of February 2, 1903, as amended, or section 2 of the Act of July 2, 1962 (21 U.S.C. 111, 134a).

[38 FR 2752, Jan. 30, 1973, as amended at 53 FR 48520, Dec. 1, 1988; 62 FR 56022, Oct. 28, 1997]

§94.8 Pork and pork products from regions where African swine fever exists or is reasonably believed to exist.

African swine fever exists or the Administrator has reason to believe that African swine fever exists[7] in: All the countries of Africa, Brazil, Cuba, Haiti, Malta, and Portugal, and the island of Sardinia, Italy.

(a) No pork or pork products may be imported into the United States from any region listed in this section unless:

(1) Such pork or pork product has been fully cooked by a commercial method in a container hermetically sealed promptly after filling but before such cooking, so that such cooking and sealing produced a fully-sterilized product which is shelf-stable without refrigeration; or

(2) Such pork or pork product is not otherwise prohibited importation under this part and is consigned directly from the port of arrival in the United States to a meat processing establishment operating under Federal meat inspection, approved by the Administrator, for further processing of such pork or pork product by heat.

(3) Such pork or pork product meets the conditions of paragraphs (a)(3)(i) through (a)(3)(vi) of this section;

(i) It was derived from pork or pork products:

(A) Which originated from swine raised and slaughtered in a region not listed in this section;

(B) Which were shipped from the region of origin to a processing establishment[8] in a region listed in this section

[7] The Administrator bases the reason to believe African swine fever exists in a region the following factors: (1) When a region allows the importation of host animals, pork or pork products, or vectors of African swine fever from a region in which African swine fever exists under conditions which the Administrator has determined are less stringent than those prescribed by this chapter for importing host animals, pork or pork products, or vectors of African swine fever into the United States from a region in which African swine fever exists; or (2) When a region allows the importation or use of African swine fever virus or cultures under conditions which the Administrator has determined are less stringent than those prescribed by this chapter for the importation or use of African swine fever virus or cultures into or within the United States; or (3) When a region has a contiguous border with, or is subject to commercial exchange or natural spread of African swine fever host animals, host materials, or vectors with, another region with known outbreaks of African swine fever; or (4) A region's lack of a disease detection, control or reporting system capable of detecting or controlling African swine fever and reporting it to the United States in time to allow the United States to take appropriate action to prevent the introduction of African swine fever into the United States; or, (5) Any other fact or circumstance found to exist which constitutes a risk of introduction of African swine fever into the United States.

[8] As a condition of entry into the United States, pork or pork products must also meet all of the requirements of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and regulations thereunder (9 CFR part 301 *et seq.*), including requirements that the pork

Continued

in a closed container sealed with serially numbered seals applied by an official of the national government of the region of origin;

(C) Which were accompanied from the region of origin to such processing establishment by a certificate signed by an official of the national government of the region of origin specifying the region of origin, the processing establishment to which the pork was consigned, and the numbers of the seals applied; and

(D) Which were taken out of the container at such processing establishment only after an official of the national government of the region where such processing establishment is located determined that the seals were intact and free of any evidence of tampering, and had so stated on the certificate referred to in paragraph (a)(3)(i)(C) of this section;

(ii) All bones were completely removed;

(iii) It was heated by other than a flash-heating method at the processing establishment referred to in paragraph (a)(3)(i)(B) of this section, to an internal temperature of at least 69 ° C. (156 ° F.) throughout (this must have occurred after the bones had been removed);

(iv) The processing establishment referred to in paragraph (a)(3)(i)(B) of this section:

(A) Does not receive or process any live swine, uses only pork or pork products which originate in regions not listed in this section, and processes port or pork products only in accordance with paragraphs (a)(3)(i) through (a)(3)(vi) of this section;

(B) Is operated by persons who have entered into a valid written compliance agreement with APHIS whereby such persons have agreed to maintain on file at the establishment for at least two years copies of the certificates referred to in paragraph (a)(3)(i)(C) of this section, to allow APHIS personnel to make unannounced inspections as necessary to monitor compliance with the provisions of this section, and have agreed to otherwise comply with the provisions of this section;

(C) Is operated by persons who have entered into a trust fund agreement executed by such persons and APHIS; pursuant to the trust fund agreement the establishment is current in paying the cost for APHIS personnel to inspect the establishment (it is anticipated that such inspections will occur once per year), including travel, salary, subsistence, administrative overhead, and other incidental expenses (including excess baggage provisions up to 150 pounds); and in addition the establishment has on deposit with the Animal and Plant Health Inspection Service an unobligated amount equal to the cost for APHIS personnel to conduct one inspection;

(v) It was processed at only one processing establishment in a region listed in this section; and

(vi) It is accompanied by a certificate issued by an official of the national government of the region in which the processing establishment is located who is authorized to issue the foreign meat inspection certificate required by § 327.4 of this title, stating that all of the requirements of this section have been met. Upon arrival of the pork or pork products in the United States, the certificate must be presented to an authorized inspector at the port of arrival.

(b) Pork or pork products consigned from the port of arrival to an approved establishment under the provisions of paragraph (a)(2) of this section shall be moved from the port of arrival to the approved establishment under Customs seals or seals of the Administrator, and shall be otherwise handled as the Administrator, may direct in order to guard against the introduction and dissemination of the contagion of African swine fever. Seals applied under this section shall not be broken except by persons authorized to do so by the Administrator.

(c) Pork or pork products imported into the United States from a region listed in this section which do not meet the requirements specified in this section shall be seized, quarantined, and disposed of as the Administrator, may direct in order to guard against the introduction and dissemination of the contagion of the disease.

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or pork products be prepared only in approved establishments.

(d) Any compliance agreement may be cancelled orally or in writing by the inspector who is supervising its enforcement whenever the inspector finds that such person has failed to comply with the provisions of this section or any conditions imposed pursuant to such provisions. If the cancellation is oral, the decision and the reasons therefore shall be confirmed in writing, as promptly as circumstances allow. Any person whose compliance agreement has been cancelled may appeal the decision, in writing, within ten (10) days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully cancelled. The Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict. Rules of Practice concerning such a hearing will be adopted by the Administrator.

(Approved by the Office of Management and Budget under control number 0579–0015)

[28 FR 5980, June 13, 1963]

EDITORIAL NOTE: For Federal Register citations affecting §94.8, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§94.9 Pork and pork products from regions where hog cholera exists.

(a) Hog cholera is known to exist in all regions of the world except Australia, Canada, Denmark, Fiji, Finland, Great Britain (England, Scotland, Wales, and Isle of Man), Iceland, New Zealand, Northern Ireland, Norway, the Republic of Ireland, Sweden, and Trust Territory of the Pacific Islands.[9]

(b) No pork or pork product may be imported into the United States from any region where hog cholera is known to exist unless it complies with the following requirements:

(1) Such pork or pork product has been treated in accordance with one of the following procedures:

(i) Such pork and pork product has been fully cooked by a commercial method in a container hermetically sealed promptly after filling but before such cooking, so that such cooking and sealing produced a fully sterilized product which is shelf-stable without refrigeration;

(ii) Such pork or pork product is in compliance with the following requirements:

(A) All bones have been completely removed in the region of origin, and

(B) Such article has received heat treatment producing an internal temperature of 156° F.; or

(iii) Such pork or pork product is in compliance with the following requirements:

(A) All bones have been completely removed in the region of origin, and

(B) The meat has been held in an unfrozen, fresh condition for at least 3 days immediately following the slaughter of the animals from which it was derived, and

(C) The meat has been thoroughly cured and fully dried for a period of not less than 90 days so that the product is shelf stable without refrigeration: *Provided,* That the period of curing and drying shall be 45 days if the pork or pork product is accompanied to the processing establishment by a certificate of an official of the national government of a hog cholera free region which specifies that:

(*1*) The pork involved originated in that region and the pork or pork product was consigned to a processing establishment in ———— (a region not listed in paragraph (a) of this section as free of hog cholera), in a closed container sealed by the national veterinary authorities of the hog cholera free region by seals of a serially numbered type; and

(*2*) The numbers of the seals used were entered on the meat inspection certificate of the hog cholera free region which accompanied the shipment from such free region: *And, provided further,* That the certificate required by paragraph (b)(3) of this section also states that: The container seals specified in paragraph (b)(1)(iii)(C)(*1*) of this

[9] See also other provisions of this part and parts 92, 95, and 96 of this chapter, and 327 of this title for other prohibitions and restrictions upon importation of swine and swine products.

section were found intact and free of any evidence of tampering on arrival at the processing establishment by a national veterinary inspector; and the processing establishment from which the pork or pork product is shipped to the United States does not receive or process any live swine, and uses only pork or pork product which originates in regions listed in paragraph (a) of this section as free of hog cholera and processes all such pork or pork products in accordance with paragraph (b)(1)(i), (ii), or (iii) of this section.

(2) Articles under paragraph (b)(1)(ii) or (iii) of this section were prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act and § 327.2 of this title; and,

(3) In addition to the foreign meat inspection certificate required by § 327.4 of this title, pork and pork products prepared under paragraph (b)(1)(ii) or (iii) of this section shall be accompanied by a certificate that states that the provisions of paragraph (b)(1)(ii) or (iii) of this section have been met. This certificate shall be issued by an official of the national government of the region of origin who is authorized to issue the foreign meat inspection certificate required by § 327.4 of this title.[10] Upon arrival of the pork or pork products in the United States, the certificate must be presented to an authorized inspector at the port of arrival.

(4) Small amounts of pork or pork product, subject to the restrictions in this section, may in specific cases be imported for purposes of examination, testing, or analysis if the importer applies for and receives written approval for such importation from the Administrator. Approval will be granted only when the Administrator determines that the articles have been processed by heat in a manner so that such importation will not endanger the livestock of the United States.

(c) Thoroughly cured and fully dried pork and pork products from regions where both hog cholera and swine vesicular disease are known or considered to exist need not comply with paragraph (b)(1)(iii) of this section if they are in compliance with the provisions of § 94.12(b)(1)((iii) of this part.

(Approved by the Office of Management and Budget under control number 0579–0015)

[37 FR 21149, Oct. 6, 1972]

EDITORIAL NOTE: For Federal Register citations affecting § 94.9, see the List of CFR Section Affected in the Finding Aids section of this volume.

§ 94.10 Swine from regions where hog cholera exists.

(a) Hog cholera is known to exist in all regions of the world except Australia, Canada, Denmark, Fiji, Finland, Great Britain (England, Scotland, Wales, and Isle of Man), Iceland, New Zealand, Northern Ireland, Norway, the Republic of Ireland, Sweden, and Trust Territory of the Pacific Islands. No swine which are moved from or transit any region in which hog cholera is known to exist may be imported into the United States except wild swine imported into the United States in accordance with paragraph (b) of this section.

(b) Wild swine may be allowed importation into the United States by the Administrator upon request in specific cases under § 93.504(c) or § 93.501 of this chapter.

[54 FR 7394, Feb. 21, 1989, as amended at 54 FR 13053, Mar. 30, 1989; 55 FR 31558, Aug. 2, 1990; 58 FR 11367, Feb. 25, 1993; 61 FR 40293, Aug. 2, 1996; 62 FR 8868, Feb. 27, 1997; 62 FR 28620, May 27, 1997; 62 FR 43925, Aug. 18, 1997; 62 FR 56022, Oct. 28, 1997]

§ 94.11 Restrictions on importation of meat and other animal products from specified regions.

(a) Austria, The Bahamas, Belgium, Channel Islands, Chile, Czech Republic, Denmark, Finland, France, Germany, Great Britain (England, Scotland, Wales, and Isle of Man), Hungary, Italy, Japan, The Netherlands, Northern Ireland, Norway, Papua New Guinea, Poland, Republic of Ireland, Republic of Korea, Spain, Sweden, Switzerland, and Uruguay, which are declared in § 94.1 to be free of rinderpest and foot-and-mouth disease, supplement

[10] The certification required may be placed on the foreign meat inspection certificate prescribed by § 327.4 of this title or may be contained in a separate document.

their national meat supply by the importation of fresh (chilled or frozen) meat of ruminants or swine from regions that are designated in § 94.1(a) to be infected with rinderpest or foot-and-mouth disease; or have a common land border with regions designated as infected with rinderpest or foot-and-mouth disease; or import ruminants or swine from regions designated as infected with rinderpest or foot-and-mouth disease under conditions less restrictive than would be acceptable for importation into the United States. Thus, even though this Department has declared such regions to be free of rinderpest and foot-and-mouth disease, the meat and other animal products produced in such free regions may be commingled with the fresh (chilled or frozen) meat of animals from an infected region, resulting in an undue risk of introducing rinderpest or foot-and-mouth disease into the United States. Therefore, meat of ruminants or swine, and other animal products, and ship stores, airplane meals, and baggage containing such meat or animal products originating in the free regions listed in this section shall not be imported into the United States unless the following requirements in addition to other applicable requirements of chapter III of this title are met. However, meat and meat products which meet the requirements of § 94.4 do not have to comply with the requirements of this section. As used in this section the term ''other animal product'' means all parts of the carcass of any ruminant or swine, other than meat and articles regulated under part 95 or 96 of this chapter.

(b) All meat or other animal product from such regions, whether in personal-use amounts or commercial lots (except that which has been fully cooked by a commercial method in a container hermetically sealed promptly after filling but before such cooking and sealing produced a fully sterilized product which is shelf-stable without refrigeration) shall have been prepared only in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and the regulations in § 327.2, chapter III of this title, issued thereunder, and shall be accompanied by a Department-approved meat inspection certificate prescribed in § 327.4 in chapter III of this title, or similar certificate approved by the Administrator, as adequate to effectuate the purposes of this section, regardless of the purpose or amount of product in the shipment.

(c) *Additional certification.* Meat of ruminants or swine or other animal products from regions designated in paragraph (a) of this section must be accompanied by additional certification by a full-time salaried veterinary official of the agency in the national government that is responsible for the health of the animals within that region. Upon arrival of the meat of ruminants or swine or other animal product in the United States, the certification must be presented to an authorized inspector at the port of arrival. The certification must give the name and official establishment number of the establishment where the animals were slaughtered, and shall state that:

(1) The slaughtering establishment is not permitted to receive animals that originated in, or have ever been in, or that have been aboard a means of conveyance at the time such means of conveyance called at or landed at a port in, a region listed in § 94.1(a) as a region infected with rinderpest or foot-and-mouth disease;

(2) The slaughtering establishment is not permitted to receive meat or other animal products derived from ruminants or swine which originated in such a rinderpest or foot-and-mouth disease infected region, or meat or other animal products from a rinderpest and foot-and-mouth disease free region transported through a rinderpest or foot-and-mouth disease infected region except in containers sealed with serially numbered seals of the National Government of the noninfected region of origin;

(3) The meat or other animal product covered by the certificate was derived from animals born and raised in a region listed in § 94.1(a)(2) as free of rinderpest and foot-and-mouth disease and the meat or other animal product has never been in any region in which rinderpest or foot-and-mouth disease existed;

(4) The meat or other animal product has been processed, stored, and transported to the means of conveyance that will bring the article to the United States in a manner to preclude its being commingled or otherwise in contact with meat or other animal products that do not comply with the conditions contained in this certificate.

(Approved by the Office of Management and Budget under control number 0579–0015)

[38 FR 2752, Jan. 30, 1973]

EDITORIAL NOTE: For Federal Register citations affecting §94.11, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 94.12 Pork and pork products from regions where swine vesicular disease exists.

(a) Swine vesicular disease is considered to exist in all regions of the world except Australia, Austria, The Bahamas, Bulgaria, Canada, Central American regions, Chile, Denmark, Dominican Republic, Fiji, Finland, Germany, Great Britain (England, Scotland, Wales, and the Isle of Man), Greenland, Haiti, Hungary, Iceland, Luxembourg, Mexico, The Netherlands, New Zealand, Northern Ireland, Norway, Panama, Republic of Ireland, Romania, Spain, Sweden, Switzerland, Trust Territories of the Pacific Islands, and Yugoslavia.

(b) No pork or pork product may be imported into the United States from any region where swine vesicular disease is known to exist unless it complies with the following requirements and it is not otherwise prohibited importation into the United States under this part:

(1) Such pork or pork product has been treated in accordance with one of the following procedures:

(i) Such pork or pork product has been fully cooked by a commercial method in a container hermetically sealed promptly after filling, but before such cooking, so that such cooking and sealing produced a fully sterilized product which is shelf-stable without refrigeration; or

(ii) Such pork or pork product is in compliance with the following requirements:

(A) All bones have been completely removed in the region of origin, and

(B) Such article has received heat treatment in a commercially accepted manner used for perishable canned pork products that produces an internal temperature of 156° F.; or

(iii) Such pork or pork product if cured and dried is in compliance with the following requirements:

(A) All bones have been completely removed in the region of origin, and

(B) Such pork or pork products shall be consigned directly from the port of entry in the United States to a meat processing establishment operating under Federal meat inspection and approved by the Administrator,[11] for heating to an internal temperature of 166 °F. During movement from the port of entry to the meat processing establishment, the pork or pork products must be moved under Department seals or seals of the the U.S. Customs Service, and shall be otherwise handled as the Administrator may direct in order to guard against the introduction and dissemination of swine vesicular disease. Seals applied under this section may not be broken except by persons authorized by the Administrator to do so; or

(iv) Such pork or pork product, if it originated in a swine vesicular disease free region, has been cured and dried and is in compliance with the following requirements:

(A) All bones have been completely removed, either in the region of origin or in the region where the pork or pork products are processed; and

(B)(*1*) Such pork or pork product is accompanied from the swine vesicular disease free region of origin to the

[11] The names and addresses of approved establishments may be obtained from, and request for approval of any establishment may be made to, the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231. Establishments will be approved only if the Administrator determines that the imported articles will be so handled at the establishment as to prevent the introduction and dissemination of livestock or poultry diseases into the United States. Approval of any establishment may be refused or withdrawn only after the operator thereof has been given notice of the proposed action and has had an opportunity to present his views thereon.

processing establishment in the swine vesicular disease infected region by a certificate signed by an official of the National Government of the swine vesicular disease free region of origin specifying that the pork or pork product involved originated in that region and the pork or pork product was consigned to a processing establishment in ——— (a region not listed in paragraph (a) of this section as free of swine vesicular disease), in a closed container sealed by the national veterinary authorities of the swine vesicular disease free region of origin by seals of a serially numbered type. The numbers of these seals shall be entered on this certificate; and

(*2*) The certificate required by paragraph (b)(3) of this section shall also state that:

(*i*) The container seals specified in paragraph (b)(1)(iv)(B)(*1*) of this section were found intact and free of any evidence of tampering on arrival at the processing establishment in the swine vesicular disease infected region by a national veterinary inspector of that region,

(*ii*) The processing establishment from which the pork or pork product was shipped to the United States does not receive or process any live swine, and uses only pork or pork products which originate in regions listed in paragraph (a) of this section as free of swine vesicular disease; and

(*iii*) That such establishment processes all such pork or pork products in accordance with paragraph (b)(1)(i), (ii), (iii) or (iv) of this section.

(2) Articles under paragraph (b)(1)(ii), (iii) or (iv) of this section were prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act and the regulations in § 327.2 in chapter III of this title; and

(3) In addition to the foreign meat inspection certificate required in § 327.4 of this title, pork or pork products prepared under paragraph (b)(1)(ii), (iii) or (iv) of this section shall be accompanied by certification that paragraph (b)(1)(ii), (b)(1)(iii)(A), or (b)(1)(iv)(B)(2) of this section has been met. The certification shall be issued by an official of the national government of the region of origin who is authorized to issue the foreign meat inspection certificate required by § 327.4 of this title.[12] Upon arrival of the pork or pork products in the United States, the certificate must be presented to an authorized inspector at the port of arrival.

(4) Small amounts of pork or pork product subject to the restrictions of this section, may in specific cases be imported for purposes of examination, testing, or analysis, if the importer applies for and receives written approval for such importation from the Administrator, authorizing such importation. Approval will be granted only when the Administrator determines that the articles have been processed by heat in a manner so that such importation will not endanger the livestock of the United States.

(Approved by the Office of Management and Budget under control number 0579–0015)

[38 FR 20610, Aug. 2, 1973]

EDITORIAL NOTE: For Federal Register citations affecting § 94.12, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 94.13 Restrictions on importation of pork or pork products from specified regions.

Austria, The Bahamas, Bulgaria, Chile, Denmark, Germany, Great Britain (England, Scotland, Wales, and the Isle of Man), Hungary, Luxembourg, The Netherlands, Northern Ireland, Republic of Ireland, Spain, Switzerland, and Yugoslavia, which are declared to be free of swine vesicular disease in § 94.12(a), are regions that either supplement their national pork supply by the importation of fresh (chilled or frozen) pork from regions where swine vesicular disease is considered to exist; have a common border with such regions; or have certain trade practices that are less restrictive than are acceptable to the United States. Thus, the pork or pork products produced in such regions may be commingled with fresh (chilled or frozen) meat of animals from a region where swine vesicular disease is considered to exist resulting in an undue risk of swine vesicular

[12] See footnote 2 in § 94.9 of this part.

disease introduction into the United States. Therefore, pork or pork products and shipstores, airplane meals, and baggage containing such pork, other than those articles regulated under part 95 or part 96 of this chapter, produced in such regions shall not be brought into the United States unless the following requirements are met in addition to other applicable requirements of part 327 of this title:

(a) All such pork or pork products, except those treated in accordance with § 94.12(b)(1)(i) of this part, shall have been prepared only in inspected establishments that are eligible to have their products imported into the United States under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and under § 327.2 of this title and shall be accompanied by the foreign meat inspection certificate required by § 327.4 of this title. Upon arrival of the pork or pork products in the United States, the foreign meat inspection certificate must be presented to an authorized inspector at the port of arrival.

(b) Unless such pork or pork products are treated according to one of the procedures described in § 94.12(b) of this part, the pork or pork products must be accompanied by an additional certificate issued by a full-time salaried veterinary official of the agency in the national government responsible for the health of the animals within that region. Upon arrival of the pork or pork products in the United States, the certificate must be presented to an authorized inspector at the port of arrival. The certificate shall state the name and official establishment number of the establishment where the swine involved were slaughtered and the pork was processed. The certificate shall also state that:

(1) The slaughtering establishment is not permitted to receive animals that originated in, or have ever been in a region listed in § 94.12(a) as a region in which swine vesicular disease is considered to exist;

(2) The slaughtering establishment is not permitted to receive pork derived from swine which originated in such a region or pork from swine from a swine vesicular disease free region which has been transported through a region where swine vesicular disease is considered to exist except pork which was transported in containers sealed with serially numbered seals of the National Government of a region of origin listed in § 94.12 as a region considered free of the disease.

(3) The pork has been processed, stored, and transported to the means of conveyance that will bring the article to the United States in a manner that precludes its being commingled or otherwise coming in contact with pork or pork products that have not been handled in accordance with the requirements of this section.

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[38 FR 20611, Aug. 2, 1973]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 94.13, see the List of Sections Affected in the Finding Aids section of this volume.

§ 94.14 Swine from regions where swine vesicular disease exists; importations prohibited.

(a) Swine vesicular disease is known to exist in all regions of the world except those listed in § 94.12(a) of this part. No swine which are moved from or transit any region in which swine vesicular disease is known to exist may be imported into the United States except wild swine imported in accordance with paragraph (b) of this section.

(b) Wild swine may be allowed importation into the United States by the Administrator upon request in specific cases under § 93.501 or § 93.504(c) of this chapter.

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[54 FR 7395, Feb. 21, 1989, as amended at 55 FR 31558, Aug. 2, 1990; 59 FR 67134, Dec. 29, 1994; 62 FR 56023, Oct. 28, 1997]

§ 94.15 Animal products and materials; movement and handling.

(a) Any animal product or material which would be eligible for entry into the United States, as specified in the regulations in this part, may transit through the United States for immediate export if the following conditions are met:

(1) Notification of the transiting of such animal product or material must

be made by the importer to the Plant Protection and Quarantine Officer at the United States port of arrival prior to such transiting, and

(2) The animal product or material transited shall be contained in a sealed, leakproof carrier or container which shall remain sealed while aboard the transporting carrier or other means of conveyance, or if the container or carrier in which such animal product or material is transported is offloaded in the United States for reshipment, it shall remain sealed at all times.

(b) Pork and pork products from Chihuahua, Baja California, Sonora, or Yucatan Mexico, that are not eligible for entry into the United States in accordance with the regulations in this part may transit the United States for immediate export if the following conditions are met:

(1) The person desiring to move the pork and pork products through the United States obtains a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors (VS Form 16–6). (An application for the permit may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.)

(2) The pork and pork products are sealed in Chihuahua, Baja California, Sonora, or Yucatan Mexico, in a leakproof container with serially-numbered seals approved by APHIS, and the container remains sealed during the entire time that it is in transit across the United States, from the point of arrival to its exportation.

(3) The person moving the pork and pork products through the United States notifies, in writing, the Plant Protection and Quarantine Officer at the United States port of arrival prior to such transiting. The notification must include the following information regarding the pork and pork products:

(i) Permit number;

(ii) Times and dates of arrival in the United States;

(iii) Time schedule and route to be followed through the United States; and

(iv) Serial numbers of the seals on the containers.

(4) The pork and pork products transit the United States under Customs bond and are exported from the United States within the time limit specified on the permit. Any pork or pork products that have not been exported within the time limit specified on the permit or that have not been transited in accordance with the permit or applicable requirements of this part will be destroyed or otherwise disposed of as the Administrator may direct pursuant to section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111).

(c) Meat and other products of ruminants or swine from regions listed in §94.11(a) and pork and pork products from regions listed in §94.13 that do not meet the requirements of §94.11(b) or §94.13(a) may transit through the United States for immediate export, provided the provisions of paragraph (a) of this section are met, and provided all other applicable provisions of this part are met.

(d) Any meat or other animal products not otherwise eligible for entry into the United States, as provided in this part and part 95 of this chapter, may transit the United States for immediate export if the following conditions are met:

(1) Notification of the transiting of such meat or other animal product is made by the importer to the Plant Protection and Quarantine officer at the United States port of arrival prior to such transiting;

(2) The meat or other animal product is contained in a sealed, leakproof carrier or container, which remains sealed while aboard the transporting carrier or other means of conveyance, or, if the container or carrier in which the meat or other animal product is transported is offloaded in the United States for reshipment, it remains sealed at all times;

(3) Such transit is limited to the maritime or airport port of arrival only, with no overland movement outside the airport terminal area or dock area of the maritime port; and

(4) The meat or other animal product is not held or stored for more than 72

hours at the maritime or airport port of arrival.

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§ 94.16 Milk and milk products.

(a) The following milk products are exempt from the provisions of this part:

(1) Cheese, but not including cheese with liquid and not including cheese containing any item that is regulated by other sections of this part, unless such item is independently eligible for importation into the United States under this part;

(2) Butter; and

(3) Butteroil.

(b) Milk and milk products originating in, or shipped from, any region designated in § 94.1(a) as a region infected with rinderpest or foot-and-mouth disease may be imported into the United States if they meet the requirements of paragraphs (b)(1), (2), or (3) of this section:

(1) They are in a concentrated liquid form and have been processed by heat by a commercial method in a container hermetically sealed promptly after filling but before such heating, so as to be shelf stable without refrigeration.

(2) They are dry milk or dry milk products, including dry whole milk, nonfat dry milk, dried whey, dried buttermilk, and formulations which contain any such dry milk products, and are consigned directly to an approved establishment[13] for further processing in a manner approved by the Administrator, as adequate to prevent the introduction or dissemination of livestock diseases into the United States. However, in specific cases, upon request by the importer to the Administrator, and approval by the Administrator, they may be stored for a temporary period in an approved warehouse[13] under the supervision of an inspector of the Animal and Plant Health Inspection Service pending movement to an approved establishment. Such products shall be transported from the United States port of first arrival to an approved establishment[13] or an approved warehouse,[13] and from an approved warehouse[13] to an approved establishment[13] only under Department seals or seals of the U.S. Customs Service. Such seals shall be broken only by such an inspector or other person authorized to do so by the Administrator. Such products shall not be removed from the approved warehouse[13] or approved establishment[13] except upon special permission by the Administrator, and upon compliance with all the conditions and requirements specified by him for such movement in each specific case.

(3) Milk and milk products not exempted under paragraph (a) and not of classes included within the provisions

[13] The names and addresses of approved establishments or warehouses or information as to approved manner of processing, and request for approval of any such establishment, warehouse, or manner of processing may be made to the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231. Any establishment or warehouse will be approved for the purpose of this section only if the operator has provided the Administrator, with satisfactory evidence that the establishment or warehouse has the equipment, facilities, and capability to store, handle and process the imported dry milk or dry milk product subject to § 94.16(b)(2) in a manner which will prevent the introduction or dissemination of livestock diseases into the United States. Similarly, processing methods will be approved only if the Administrator determines they are adequate to prevent the introduction or dissemination of such diseases into the United States. Approval of any establishment or warehouse or processing method may be refused or withdrawn by the Administrator only after the operator thereof has been given notice of the proposed action and has had an opportunity to present his views thereon, and upon a determination by the Administrator that the conditions for approval are not met. Approval of an establishment or warehouse may also be withdrawn after such notice and opportunity if the Administrator determines that such imported dry milk or milk products have been stored, handled, or processed by the operator thereof other than at an approved establishment or warehouse or other than in an approved manner.

of paragraphs (b)(1) or (2) of this section may be imported if the importer first applies to and receives written permission from the Administrator, authorizing such importation. Permission will be granted only when the Administrator determines that such action will not endanger the health of the livestock of the United States. Products subject to this provision include but are not limited to condensed milk, long-life milks such as sterilized milk, casein and caseinates, lactose, and lactalbumin.

(4) Small amounts of milk and milk products subject to the restrictions of this part may in specific cases be imported for purposes of examination, testing, or analysis, if the importer applies to and receives written approval for such importation from the Administrator. Approval will be granted only when the Administrator determines that such action will not endanger the health of the livestock of the United States.

(c) Milk and milk products originating in and shipped from regions listed in § 94.1(a)(2) as free of rinderpest and foot-and-mouth disease but which have entered a port or otherwise transited any region designated in § 94.1(a)(1) as a region infected with rinderpest or foot-and-mouth disease shall not be imported into the United States unless:

(1) The product was transported under serially numbered official seals applied at the point of origin of the shipment by an authorized representative of the region of such origin; except that, if any seal applied at the point of origin was broken by any foreign official to inspect the shipment, an authorized representative of that region applied a new serially numbered official seal to the hold, compartment, or container in which the milk or milk products were transported; and if any member of a ship's crew broke a seal, the serial number of the seal, the location of the seal, and the reason for breaking the seal were recorded in the ship's log.

(2) The numbers of such seals are listed on, or are on a list attached to, the bill of lading or similar document accompanying the shipment.

(3) Upon arrival of the carrier at the United States port, an inspector of the Animal and Plant Health Inspection Service determines that the seals are intact and that their numbers are in agreement with the numbers appearing on the accompanying document; *Provided,* That, if the representative finds that any seal has been broken or has a different number than is recorded on the accompanying document, then the milk or milk products may remain eligible for entry into the United States only if APHIS personnel are available to inspect the hold, compartment, or container, the cartons or other containers of milk or milk products, and all accompanying documentation; and the importer furnishes additional documentation (either copies of pages from the ship's log signed by the officer-in-charge, or certification from a foreign government that the original seal was removed and the new seal applied by officials of the government) that demonstrates to the satisfaction of the Administrator that the milk or milk products were not contaminated or exposed to contamination during movement from the region of origin to the United States.

(d) Except for milk and milk products imported from Canada, and except as provided in this paragraph, milk or milk products imported from a region listed in § 94.1(a)(2) as free of rinderpest and foot-and-mouth disease must be accompanied by a certificate endorsed by a full-time, salaried veterinarian employed by the region of export. The certificate must state that the milk was produced and processed in a region listed in § 94.1(a)(2), or that the milk product was processed in a region listed in § 94.1(a)(2) from milk produced in a region listed in § 94.1(a)(2). The certificate must name the region in which the milk was produced and the region in which the milk or milk product was processed. Further, the certificate must state that, except for movement under seal as described in § 94.16(c), the milk or milk product has never been in any region in which rinderpest or foot-and-mouth disease exists. Milk or milk products from a region listed in § 94.1(a)(2) that were processed in whole or in part from milk or milk products from a region not listed in § 94.1(a)(2)

may be imported into the United States in accordance with § 94.16(b)(3).

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§ 94.17 Dry-cured pork products from regions where foot-and-mouth disease, rinderpest, African swine fever, hog cholera, or swine vesicular disease exists.

Notwithstanding any other provisions in this part, dry-cured ham, pork shoulder, or pork loin, whether whole or sliced and packaged, shall not be prohibited from being imported into the United States if it meets the following conditions:

(a) Except for Italian-type hams, Serrano hams, Iberian hams, Iberian pork shoulders, and Iberian pork loins that have been processed in accordance with paragraph (i) of this section, the dry-cured ham, pork shoulder, or pork loin came from a swine that was never out of the region in which the dry-cured ham, pork shoulder, or pork loin was processed;

(b) The ham, pork shoulder, or pork loin came from a region determined by the Administrator, to have and to enforce laws requiring the immediate reporting to the national veterinary services in that region any premises found to have any animal infected with foot-and-mouth disease, rinderpest, African Swine fever, hog cholera, or swine vesicular disease;

(c) The ham, pork shoulder, or pork loin came from a swine that was not on any premises where foot-and-mouth disease, rinderpest, African swine fever, hog cholera, or swine vesicular disease exists or had existed within 60 days prior to slaughter;

(d) The whole ham, pork shoulder, or pork loin was accompanied from the slaughtering facility to the processing establishment by a numbered certificate issued by a person authorized by the government of the region of origin stating that the provisions of paragraphs (a) and (c) of this section have been met;

(e) The ham, pork shoulder, or pork loin was processed whole as set forth in paragraph (i) of this section in only one processing establishment;[14]

(f) The ham, pork shoulder, or pork loin was processed whole in a processing establishment that prior to the processing of any hams, pork shoulders, or pork loins in accordance with this section, was inspected by a veterinarian of APHIS and determined by the Administrator, to be capable of meeting the provisions of this section for processing hams, pork shoulders, or pork loins for importation into the United States;

(g) The ham, pork shoulder, or pork loin was processed whole in a processing establishment for which the operator of the establishment has signed an agreement with APHIS prior to receipt of the hams, pork shoulders, or pork loins for processing, stating that all hams, pork shoulders, or pork loins processed for importation into the United States will be processed only in accordance with the provisions of this part;

(h) Workers who handle fresh pork in the processing establishment where the dry-cured ham, pork shoulder, or pork loin was processed whole are required to shower and put on a full set of clean clothes, or to wait 24 hours after handling fresh pork, before handling hams, pork shoulders, or pork loins that have progressed in the aging/curing process as follows:

(1) In the case of Italian-type hams processed in accordance with paragraph (i)(1) of this section, those that have progressed beyond the final wash stage;

(2) In the case of Serrano hams or Iberian hams or pork shoulders processed in accordance with paragraphs (i)(2), (i)(3), or (i)(4) of this section, those that have progressed beyond salting; and

[14] As a condition of entry into the United States, pork and pork products must also meet all of the requirements of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) and regulations thereunder (9 CFR, chapter III), including requirements that the pork or pork products be prepared only in approved establishments.

(3) In the case of Iberian pork loins processed in accordance with paragraph (i)(5) of this section, those that have progressed beyond being placed in a casing.

(i) The dry-cured ham, pork shoulder, or pork loin was processed whole in accordance with this paragraph. Except for pork fat treated to at least 76 °C (168.8 °F), which may have been placed over the meat during curing, the dry-cured pork product must have had no contact with any other meat or animal product during processing.

(1) *Italian-type hams.* The ham was processed for a period of not less than 400 days in accordance with the following conditions: after slaughter the ham was held at a temperature of 0°–3°C. (32°–34.7°F.) for a minimum of 72 hours during which time the ''aitch'' bone and the foot was removed and the blood vessels at the end of the femur were massaged to remove any remaining blood; thereafter the ham was covered with an amount of salt equal to 4–6 percent of the weight of the ham, with a sufficient amount of water added to ensure that the salt had adhered to the ham; thereafter the ham was placed for 5–7 days on racks in a chamber maintained at a temperature of 0°–4°C. (32°–39.2°F.) and at a relative humidity of 70–85 percent; thereafter the ham was covered with an amount of salt equal to 4–6 percent of the weight of the ham, with a sufficient amount of water added to ensure that the salt had adhered to the ham; thereafter the ham was placed for 21 days in a chamber maintained at a temperature of 0°–4°C. (32°–39.2°F.) and at a relative humidity of 70–85 percent; thereafter the salt was brushed off the ham; thereafter the ham was placed in a chamber maintained at a temperature of 1°–6°C. (33.8°–42.8°F.) and at a relative humidity of 65–80 percent for between 52 and 72 days; thereafter the ham was brushed and rinsed with water; thereafter the ham was placed in a chamber for 5–7 days at a temperature of 15°–23°C. (59°–73.4°F.) and a relative humidity of 55–85 percent; thereafter the ham was placed for curing in a chamber maintained for a minimum of 314 days at a temperature of 15°–20°C. (59°–68°F.) and at a relative humidity of 65–80 percent at the beginning and increased by 5 percent every 2½ months until a relative humidity of 85 percent was reached.

(2) *Serrano hams.* Serrano hams were processed as follows (190-day minimum curing process):

(i) If the ham is received frozen, it was thawed in a chamber with relative humidity between 70 and 80 percent, with room temperature maintained at 12 °C to 13 °C (53.6 °F to 55.4 °F) for the first 24 hours, then at 13 °C to 14 °C (55.4 °F to 57.2 °F) until the internal temperature of the ham reached 3 °C to 4 °C (37.4 °F to 39.2 °F), at which point the blood vessels at the end of the femur were massaged to remove any remaining blood.

(ii) The ham was covered in salt and placed in a chamber maintained at a temperature from 0 °C to 4 °C (32 °F to 39.2 °F), with relative humidity between 75 and 95 percent, for a period no less than 0.65 days per kg and no more than 2 days per kg of the weight of the ham.

(iii) The ham was rinsed with water and/or brushed to remove any remaining surface salt.

(iv) The ham was placed in a chamber maintained at a temperature of 0 °C to 6 °C (32 °F to 42.8 °F), with a relative humidity of 70 to 95 percent, for no less than 40 and no more than 60 days;

(v) The ham was placed for curing in a chamber with a relative humidity of 60 to 80 percent and a temperature gradually raised in 3 phases, as follows:

(A) A temperature of 6 °C to 16 °C (42.8 °F to 60.8 °F), maintained for a minimum of 45 days;

(B) A temperature of 16 °C to 24 °C (60.8 °F to 75.2 °F), maintained for a minimum of 35 days;

(C) A temperature of 24 °C to 34 °C (75.2 °F to 93.2 °F), maintained for a minimum of 30 days;

(vi) Finally, with the relative humidity unchanged at 60 to 80 percent, the temperature was lowered to 12 °C to 20 °C (53.6 °F to 68 °F) and maintained at that level for a minimum of 35 days, until at least 190 days after the start of the curing process; *Except that:* In a region where swine vesicular disease exists, the ham must be maintained at that level an additional 370 days, until at least 560 days after the start of the curing process.

(3) *Iberian hams.* Iberian hams were processed as follows (365-day minimum curing process):

(i) If the ham is received frozen, it was thawed in a chamber with relative humidity between 70 and 80 percent, with room temperature maintained at 5.5 °C to 6.5 °C (41.9 °F to 43.7 °F) for the first 24 hours, then at 9.5 °C to 10.5 °C (49.1 °F to 50.9 °F) until the internal temperature of the ham reached 3 °C to 4 °C (37.4 °F to 39.2 °F), at which point the blood vessels at the end of the femur were massaged to remove any remaining blood.

(ii) The ham was covered in salt and placed in a chamber maintained at a temperature from 0 °C to 4 °C (32 °F to 39.2 °F), with relative humidity between 75 and 95 percent, and kept in the chamber for a period no less than 0.65 days per kg and no more than 2 days per kg of the weight of the ham;

(iii) The ham was rinsed with water and/or brushed to remove any remaining surface salt.

(iv) The ham was placed in a chamber maintained at a temperature of 0 °C to 6 °C (32 °F to 42.8 °F), with relative humidity of 70 to 95 percent, for no less than 40 and no more than 60 days.

(v) The ham was placed for curing in a chamber with a temperature of 6 °C to 16 °C (42.8 °F to 60.8 °F) and relative humidity of 60 to 80 percent for a minimum of 90 days.

(vi) The temperature was raised to 16 °C to 26 °C (60.8 °F to 78.8 °F) and the relative humidity reduced to 55 to 85 percent, for a minimum of 90 days.

(vii) Finally, with the relative humidity raised to 60 to 90 percent, the temperature was lowered to 12 °C to 22 °C (53.6 °F to 71.6 °F) and maintained at that level for a minimum of 115 days, until at least 365 days after the start of the curing process; *Except that:* In a region where swine vesicular disease exists, the ham must be maintained at that level an additional 195 days, until at least 560 days after the start of the curing process.

(4) *Iberian pork shoulders.* Iberian pork shoulders were processed as follows (240-day minimum curing process):

(i) If the pork shoulder is received frozen, it was thawed at a room temperature of 12 °C to 13 °C (53.6 °F to 55.4 °F), with the relative humidity between 75 and 85 percent, for approximately 24 hours, until the internal temperature reached 3 °C to 4 °C (37.4 °F to 39.2 °F), at which point the blood vessels in the scapular region were massaged to remove any remaining blood.

(ii) The pork shoulder was covered in salt and placed in a chamber maintained at a temperature of 0 °C to 4 °C (32 °F to 39.2 °F) with the relative humidity between 75 and 95 percent, for a period of no less than 0.65 days per kg and no more than 2 days per kg of the weight of the pork shoulder.

(iii) The pork shoulder was rinsed with water and/or brushed to remove any remaining surface salt.

(iv) The pork shoulder was placed in a chamber maintained at a temperature of 0 °C to 6 °C (32 °F to 42.8 °F) and a relative humidity of 70 to 95 percent for not less than 40 days and not more than 60 days.

(v) The pork shoulder was placed for curing in a chamber at a temperature of 6 °C to 16 °C (42.8 °F to 60.8 °F) and a relative humidity of 60 to 80 percent for a minimum of 90 days.

(vi) The temperature was raised to 16 °C to 26 °C (60.8 °F to 78.8 °F) and the relative humidity was changed to 55 to 85 percent, and those levels were maintained for a minimum of 90 days.

(vii) Finally, the temperature was reduced to 12 °C to 22 °C (53.6 °F to 71.6 °F) and the relative humidity was raised to 60 to 90 percent for a minimum of 45 days, until at least 240 days after the start of the curing process.

(5) *Iberian pork loins.* Iberian pork loins were processed as follows (130-day minimum curing process):

(i) If the pork loin is received frozen, it was thawed at a room temperature maintained at 11 °C to 12 °C (51.8 °F to 53.6 °F), with the relative humidity between 70 and 80 per cent for the first 24 hours, then between 75 and 85 percent, until the loin's internal temperature reached 3 °C to 4 °C (37.4 °F to 39.2 °F), at which point the external fat, aponeurosis, and tendons were cleaned from the loin.

(ii) The pork loin was covered in a pickle preparation (25–30 grams of salt for each kilogram of pork loin) and placed in a chamber where it was maintained at a relative humidity of 75 to 95

percent and a temperature of 3 °C to 4 °C (37.4 °F to 39.2 °F) for 72 hours.

(iii) The pork loin was removed from the pickle preparation (25–30 grams of salt for each kilogram of pork loin), externally cleaned (brushed or rinsed), placed in an artificial casing, and fastened shut with a metal clip.

(iv) The pork loin was placed for curing in a chamber with a relative humidity of 60 to 90 percent and a temperature gradually raised in 3 phases, as follows:

(A) A temperature of 2 °C to 6 °C (35.6 °F to 42.8 °F), maintained for a minimum of 20 days;

(B) A temperature of 6 °C to 15 °C (42.8 °F to 59.0 °F), maintained for a minimum of 20 days;

(C) A temperature of 15 °C to 25 °C (59.0 °F to 77.0 °F), maintained for a minimum of 40 days;

(v) Finally, with the relative humidity unchanged at 60 to 80 percent and the temperature lowered to 0 °C to 5 °C (32.0 °F to 41.0 °F), the pork loin was vacuum-packed and maintained under those conditions for a minimum of 15 days, until at least 130 days after the start of the curing process.

(j)(1) The whole ham, if it is Italian-type ham processed in accordance with paragraph (i)(1) of this section, bears a hot iron brand or an ink seal (with the identifying number of the slaughtering establishment) which was placed thereon at the slaughtering establishment under the direct supervision of a person authorized to supervise such activity by the veterinary services of the national government of the region of origin, bears a button seal (approved by the Administrator, as being tamper-proof) on the hock that states the month and year the ham entered the processing establishment and a hot iron brand (with the identifying number of the processing establishment and the date salting began) which were placed thereon at the processing establishment immediately prior to salting, under the supervision of a person authorized to supervise such activity by the veterinary services of the national government of the region of origin;

(2) The whole dry-cured ham, if it is processed in accordance with paragraphs (i)(2) or (i)(3) of this section, or the whole dry-cured pork shoulder, if it is processed in accordance with paragraph (i)(4) of this section, bears an ink seal (with the identifying number of the slaughtering establishment) which was placed thereon at the slaughtering establishment under the direct supervision of a person authorized to supervise such activity by the veterinary services of the national government of the region of origin, and an ink seal (with the identifying number of the processing establishment and the date the salting began) which was placed thereon at the processing establishment, immediately prior to salting, under the supervision of a person authorized to supervise such activity by the veterinary services of the national government of the region of origin; or

(3) The whole dry-cured pork loin, if it is processed in accordance with paragraph (i)(5) of this section, is packaged with material that bears a seal of the government of the region of origin which was placed thereon at the slaughtering establishment under the direct supervision of a person authorized to supervise such activity by the veterinary services of the national government of the region of origin, and bears a tamper-proof plastic tag, securely attached to the pork loin itself, that states the identifying number of the slaughtering establishment and the date the pork loin was placed in the pickle preparation under the supervision of a person authorized to supervise such activity by the veterinary service of the national government of the region of origin.

(k) The whole dry-cured ham, pork shoulder, or pork loin came from an establishment where a person authorized by the veterinary services of the national government of the region of origin to conduct activities under this paragraph, maintained original records (which shall be kept for a minimum of two years) identifying the dry-cured ham, pork shoulder, or pork loin by the date it entered the processing establishment, by the slaughtering facility from which it came, and by the number of the certificate which accompanied the dry-cured ham, pork shoulder, or pork loin from the slaughtering facility to the processing establishment, and where such original records are maintained under lock and key by such

person, with access to such original records restricted to officials of the government of the region of origin, officials of the United States Government, and such person maintaining the records;

(l) The whole dry-cured ham, pork shoulder, or pork loin came from a processing establishment which allows the unannounced entry into the establishment of APHIS personnel, or other persons authorized by the Administrator, for the purpose of inspecting the establishment and records of the establishment;

(m) The dry-cured ham, pork shoulder, or pork loin was processed in accordance with one of the following criteria: (1) The ham, if it is an Italian-type ham processed in accordance with paragraph (i)(1) of this section, was processed in a region which has been determined by the Administrator, to be free of rinderpest, and which has through its veterinary services submitted to the Administrator, a written statement stating that it conducts a program to authorize persons to supervise activities specified under this section;

(2) The Serrano ham, processed in accordance with paragraph (i)(2) of this section, and came from any breed of large, white swine, including but not limited to Landrace, Pietrain, Duroc, Jersey, Hampshire, and Yorkshire breeds, and crosses of such breeds;

(3) The Iberian ham, processed in accordance with paragraph (i)(3) of this section, and came from a swine of the Iberico breed of pigs;

(4) The Iberian pork shoulder, processed in accordance with paragraph (i)(4) of this section, and came from a swine of the Iberico breed of pigs;

(5) The Iberian pork loin, if processed in accordance with paragraph (i)(5) of this section, and came from a swine of the Iberico breed of pigs.

(n) The whole dry-cured ham, pork shoulder, or pork loin came from a processing establishment that has entered into a cooperative service agreement executed by the operator of the establishment or a representative of the establishment and APHIS, and that pursuant to the cooperative service agreement is current in paying all costs for a veterinarian of APHIS to inspect the establishment (it is anticipated that such inspections will occur up to four times per year), including travel, salary, subsistence, administrative overhead, and other incidental expenses (including an excess baggage provision up to 150 pounds). In accordance with the terms of the cooperative service agreement, the operator of the processing establishment shall deposit with the Administrator, an amount equal to the approximate costs for a veterinarian to inspect the establishment one time, including travel, salary, subsistence, administrative overhead and other incidental expenses (including an excess baggage provision up to 150 pounds), and as funds from that amount are obligated, bills for costs incurred based on official accounting records will be issued to restore the deposit to its original level. Amounts to restore the deposit to its original level shall be paid within 14 days of receipt of such bills.

(o) The dry-cured ham, pork shoulder, or pork loin is accompanied at the time of importation into the United States by a certificate issued by a person authorized to issue such certificates by the veterinary services of the national government of the region of origin, stating:

(1) That all the provisions of this section have been complied with, including paragraphs (i) and (m) of this section;

(2) The paragraph of this section under which the dry-cured ham, pork shoulder, or pork loin was processed; and stating further that, if the product covered by the certificate:

(i) Is an Italian-type ham processed under paragraph (i)(1) of this section, it was processed for a minimum of 400 days;

(ii) Is a Serrano ham processed under paragraph (i)(2) of this section, it was:

(A) Processed for a minimum of 190 days in a region free of swine vesicular disease, in a facility authorized by the veterinary services of the national government of that region to process only meat from regions free of swine vesicular disease; or,

(B) Processed for a minimum of 560 days in any region, in a facility that may also process meat from regions where swine vesicular disease exists;

(iii) Is an Iberian ham processed under paragraph (i)(3) of this section, it was:

(A) Processed for a minimum of 365 days in a region free of swine vesicular disease, in a facility authorized by the veterinary services of the national government of that region to process only meat from regions free of swine vesicular disease; or,

(B) Processed for a minimum of 560 days in any region, in a facility that may also process meat from regions where swine vesicular disease exists;

(iv) Is a dry-cured pork shoulder, it was processed in accordance with paragraph (i)(4) of this section for a minimum of 240 days; or

(v) Is a dry-cured pork loin, it was processed in accordance with paragraph (i)(5) of this section for a minimum of 130 days.

(p) Whole hams, pork shoulders, and pork loins that have been dry-cured in accordance with paragraph (i) of this section may be transported to a facility in the same region for slicing and packaging in accordance with this paragraph.

(1) *The slicing/packaging facility*. (i) The slicing/packaging facility[2] must be inspected, prior to slicing and packaging any hams, pork shoulders, or pork loins in accordance with this paragraph, by an APHIS representative and determined by the Administrator to be capable of meeting the provisions of this paragraph.

(ii) The slicing/packaging facility must be either in a separate, physically detached building, or in a separate room in the facility where the whole ham, pork shoulder, or pork loin was dry-cured in accordance with paragraph (i) of this section. If the slicing/packaging facility is in a separate room, the room must have no direct access to areas in the facility where pork is cured and dried and it must be capable of being closed off from the rest of the facility so unauthorized individuals cannot enter.

(iii) The slicing/packaging facility, including all equipment used to handle pork and pork products, such as containers, work surfaces, slicing machines, and packaging equipment, must be cleaned and disinfected after sliced and packaged pork products that are not eligible for export to the United States leave the facility, and before whole dry-cured hams, pork shoulders, or pork intended for importation into the United States enter the facility for slicing and packaging. Cleaning and disinfecting must be adequate to ensure that disease agents of concern are killed or inactivated and that pork products intended for importation into the United States are not contaminated.

(iv) The slicing/packaging facility must maintain under lock and key for a minimum of 2 years, original records on each lot of whole dry-cured hams, pork shoulders, and pork loins entering the facility for slicing and packaging under this section, including:

(A) The approval number of the facility where the whole ham, shoulder, or loin was dry-cured in accordance with paragraph (i) of this section;

(B) The date the whole ham, shoulder, or loin started dry-curing;

(C) The date the whole ham, shoulder, or loin completed dry-curing;

(D) The date the whole ham, shoulder, or loin was sliced and packaged; and

(E) A copy of all certifications required under paragraph (p) of this section.

(v) Access to records required to be maintained under paragraph (p) of this section must be restricted to officials of the national government of the region of origin, representatives of the United States Government, and persons maintaining the records.

(vi) The operator of the slicing/packaging facility must have signed a cooperative service agreement with APHIS prior to receipt of the whole dry-cured hams, pork shoulders, or pork loins for slicing and packaging, stating that all hams, pork shoulders, or pork loins sliced and packaged at the facility for importation into the United States will be sliced and packaged only in accordance with this section.

(vii) The operator of the slicing/packaging facility must be current, in accordance with the terms of the cooperative service agreement signed with APHIS, in paying all costs for an APHIS representative to inspect the

[2] See footnote 14 in § 94.17(e).

establishment, including travel, salary, subsistence, administrative overhead, and other incidental expenses.

(viii) The slicing/packaging facility must allow the unannounced entry into the establishment of APHIS representatives, or other persons authorized by the Administrator, for the purpose of inspecting the establishment and records of the establishment.

(ix) Workers at the slicing/packaging facility who handle pork or pork products in the facility must shower and put on a full set of clean clothes, or wait 24 hours after handling pork or pork products that are not eligible for importation into the United States, before handling dry-cured hams, pork shoulders, or pork loins in the slicing/packaging facility that are intended for importation into the United States.

(x) Pork products intended for importation into the United States may not be in the slicing/packaging facility at the same time as pork products not intended for exportation to the United States.

(2) *Slicing and packaging and labeling procedures.* (i) A full-time salaried veterinarian employed by the national government of the region of origin must inspect each lot of whole dry-cured hams, pork shoulders, and pork loins at the slicing/packaging facility, before slicing is begun, and must certify in English that it is eligible for importation into the United States in accordance with this section; and

(ii) Either a full-time salaried veterinarian employed by the national government of the region of origin, or, if the national government of the region of origin recognizes a local consortium as responsible for product quality, a representative of that local consortium, must certify in English that he or she personally supervised the entire process of slicing and packaging each lot of dry-cured hams, pork shoulders, and pork loins at the slicing/packaging facility; that each lot of dry-cured hams, pork shoulders, and pork loins was sliced and packaged in accordance with the requirements of this paragraph; and that the sliced and packaged pork ham, shoulder, or loin is the same dry-cured ham, pork shoulder, or pork loin certified under paragraph (p)(2)(i).

(iii) The sliced and packaged dry-cured pork ham, pork shoulder, or pork loin must be labeled with the date that processing of the meat under paragraph (i) of this section began, and with the date the meat was sliced and packaged.

(Approved by the Office of Management and Budget under control number 0579–0015)

[52 FR 11625, Apr. 10, 1987, as amended at 53 FR 48520, Dec. 1, 1988; 54 FR 7395, Feb. 21, 1989, 59 FR 55024, Nov. 3, 1994; 59 FR 67134, Dec. 29, 1994; 62 FR 46181, Sept. 2, 1997; 62 FR 56023, Oct. 28, 1997; 62 FR 61004, Nov. 14, 1997]

§ 94.18 Ruminant meat and edible products from ruminants that have been in regions where bovine spongiform encephalopathy exists.

(a) Bovine spongiform encephalopathy exists in the following regions: Belgium, France, Great Britain, Luxembourg, The Netherlands, Northern Ireland, the Republic of Ireland, Oman, Portugal, and Switzerland.

(b) Except as provided in paragraph (d) of this section, the importation of fresh (frozen and chilled) meat, and edible products other than meat (excluding gelatin, milk, and milk products), from ruminants that have been in any region listed in paragraph (a) of this section is prohibited unless the articles are accompanied by an accurate certificate of a veterinarian employed by the national government of the region in which the ruminants were slaughtered stating that the following conditions have been met:

(1) If fresh (frozen and chilled) meat derived from animals in the family *Cervidae*, the meat was derived either from wild animals, or from farm-raised animals that have never been fed ruminant protein;

(2) For articles other than those identified in paragraph (b)(1) of this section:

(i) All bones and visually identifiable lymphatic tissue and nerve tissue have been removed from the meat or edible product other than meat;

(ii) The meat or edible product other than meat is from ruminants that have not been in any region listed in paragraph (a) of this section during a period of time when the region permitted the use of ruminant protein in ruminant feed; and

(iii) The ruminants were examined prior to slaughter by a veterinarian employed by the national government of the region in which the ruminants were slaughtered, and found not to display any signs indicative of a neurological disorder.

(c) *Gelatin.* The importation of gelatin derived from ruminants that have been in any region listed in paragraph (a) of this section is prohibited unless the following conditions have been met:

(1) The gelatin must be imported for use in human food, human pharmaceutical products, photography, or some other use that will not result in the gelatin coming in contact with ruminants in the United States.

(2) The person importing the gelatin must obtain a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors by filing a permit application on VS form 16–3.[15]

(3) The permit application must state the intended use of the gelatin and the name and address of the consignee in the United States.

(d) *Transit shipment of articles.* Fresh (chilled or frozen) meat, and edible products other than meat, that are prohibited importation into the United States in accordance with this section may transit the United States for immediate export if the following conditions are met:

(1) The person moving the articles must obtain a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors by filing a permit application on VS form 16–3.[16]

(2) The articles must be sealed in leakproof containers bearing serial numbers during transit. Each container must remain sealed during the entire time that it is in the United States.

(3) The person moving the articles shall notify, in writing, the Plant Protection and Quarantine Officer at both the place in the United States where the articles will arrive and the port of export prior to such transit. The notification must include the:

(i) United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors permit number;

(ii) Times and dates of arrival in the United States;

(iii) Times and dates of exportation from the United States;

(iv) Mode of transportation; and

(v) Serial numbers of the sealed containers.

(4) The articles must transit the United States in Customs bond.

(Approved by the Office of Management and Budget under control number 0579-0015)

[56 FR 63868, Dec. 6, 1991, as amended at 58 FR 65104, Dec. 13, 1993; 59 FR 24638, May 12, 1994; 59 FR 67616, Dec. 30, 1994; 62 FR 18264, Apr. 15, 1997; 62 FR 46181, Sept. 2, 1997; 62 FR 56023, Oct. 28, 1997; 62 FR 61434, Nov. 18, 1997; 62 FR 66000, Dec. 17, 1997]

§94.19 Gelatin derived from horses or swine, or from ruminants that have not been in any region where bovine spongiform encephalopathy exists.

Gelatin derived from horses or swine, or from ruminants that have not been in any region listed in §94.18(a) of this part, must be accompanied at the time of importation into the United States by an official certificate issued by a veterinarian employed by the national government of the region of origin. The official certificate must state the species of animal from which the gelatin is derived and, if the gelatin is derived from ruminants, certify that the gelatin is not derived from ruminants that have been in any region listed in §94.18(a).

(Approved by the Office of Management and Budget under control number 0579–0015)

[58 FR 50251, Sept. 27, 1993, as amended at 59 FR 67134, Dec. 29, 1994; 62 FR 56023, Oct. 28, 1997]

[15] VS form 16–3 may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

[16] VS form 16–3 may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

§ 94.20 Importation of pork from Sonora, Mexico.

Notwithstanding any other provisions of this part, fresh (chilled or frozen) pork from the State of Sonora, Mexico, may be imported into the United States under the following conditions:

(a) The pork is meat from swine that have been born, raised and slaughtered in Sonora;

(b) The pork has not been in contact with pork from regions other than those listed in § 94.9(a) as regions where hog cholera is not known to exist; and

(c) An authorized official of Mexico certifies on the foreign meat inspection certificate required by § 327.4 of this title that the above conditions have been met.

[62 FR 25443, May 9, 1997, as amended at 62 FR 56023, Oct. 28, 1997]

§ 94.21 Restrictions on importation of beef from Argentina.

Notwithstanding any other provisions of this part, fresh (chilled or frozen) beef from Argentina may be exported to the United States under the following conditions:

(a) The meat is beef that originated in Argentina;

(b) The meat came from bovines that were moved directly from the premises of origin to the slaughterhouse without any contact with other animals;

(c) The meat has not been in contact with meat from regions other than those listed in § 94.1(a)(2);

(d) The meat came from bovines that originated from premises where foot-and-mouth disease and rinderpest have not been present during the lifetime of any bovines slaughtered for export of meat;

(e) Foot-and-mouth disease has not been diagnosed in Argentina within the previous 12 months;

(f) The meat came from bovines that originated from premises on which ruminants or swine have not been vaccinated with modified or attenuated live viruses for foot-and-mouth disease at any time during the lifetime of the bovines slaughtered for export of meat;

(g) The meat came from bovines that have not been vaccinated for rinderpest at any time during the lifetime of any of the bovines slaughtered for export of meat;

(h) The meat came from bovine carcasses that have been allowed to maturate at 40 to 50 °F (4 to 10 °C) for a minimum of 36 hours after slaughter and have reached a pH of 5.8 or less in the loin muscle at the end of the maturation period. Any carcass in which the pH does not reach 5.8 or less may be allowed to maturate an additional 24 hours and be retested, and, if the carcass still does not reach a pH of 5.8 or less after 60 hours, the meat from the carcass may not be exported to the United States;

(i) All bone, blood clots, and lymphoid tissue have been removed from the meat; and

(j) An authorized official of Argentina certifies on the foreign meat inspection certificate that the above conditions have been met.

[62 FR 34394, June 26, 1997, as amended at 62 FR 56024, Oct. 28, 1997]

PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

Sec.

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95.16 Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; importations permitted subject to restrictions.
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95.18 Glands, organs, ox gall, and like materials; importations permitted subject to restrictions.
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95.24 Methods for disinfection of hides, skins, and other materials.
95.25 Transportation of restricted import products; placarding cars and marking billing; unloading enroute.
95.26 Railroad cars, trucks, boats, aircraft and other means of conveyance, equipment or containers, yards, and premises; cleaning and disinfection.
95.27 Regulations applicable to products from Territorial possessions.
95.28 Hay or straw and similar material from tick-infested areas.

AUTHORITY: 21 U.S.C. 111, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

SOURCE: 28 FR 5981, June 13, 1963, unless otherwise noted.

§95.1 Definitions.

Whenever in the regulations in this part the following words, names, or terms are used they shall be construed, respectively, to mean:

Administrator means the Administrator, Animal and Plant Health Inspection Service, or any individual authorized to act for the Administrator.

Animal and Plant Health Inspection Service means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Animal byproducts means hides, skins, hair, wool, glue stock, bones, hoofs, horns, bone meal, hoof meal, horn meal, blood meal, meat meal, tankage, glands, organs, or other parts or products of ruminants and swine unsuitable for human consumption.

Approved chlorinating equipment means equipment approved by Veterinary Services as efficient for the disinfection of effluents against the contagions of foot-and-mouth disease and rinderpest.

Approved establishment means an establishment approved by Veterinary Services for the receipt and handling of restricted import animal byproducts.

Approved sewerage system means a drainage system equipped and operated so as to carry and dispose of sewage without endangering livestock through the contamination of streams or fields and approved by the Veterinary Services.

Approved warehouse means a warehouse having facilities approved by Veterinary Services for the handling and storage, apart from other merchandise, of restricted import products.

Blood meal means dried blood of animals.

Bone meal means ground animal bones and hoof meal and horn meal.

Department means the United States Department of Agriculture.

Deputy Administrator of Veterinary Services means the Deputy Administrator of Veterinary Services.

Glue stock means fleshings, hide cuttings and parings, tendons, or other collagenous parts of animal carcasses.

Hay and straw means dried grasses, clovers, legumes, and similar materials or stalks or stems of various grains, such as barley, oats, rice, rye, and wheat.

Inspector means an inspector of Veterinary Services.

Meat meal or tankage means the rendered and dried carcasses or parts of the carcasses of animals.

Region. Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

(1) A national entity (country);

(2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.)

(3) Parts of several national entities combined into an area; or

(4) A group of national entities (countries) combined into a single area.

United States means the several States, the District of Columbia, Guam, the Northern Mariana Islands,

Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

Veterinary Services means the Veterinary Services unit of the Animal and Plant Health Inspection Service, United States Department of Agriculture.

[28 FR 5981, June 13, 1963, as amended at 56 FR 19796, Apr. 30, 1991; 56 FR 63869, Dec. 6, 1991; 62 FR 56024, Oct. 28, 1997]

§ 95.2 Region of origin.

No products or materials specified in the regulations in this part shall be imported unless there be shown upon the commercial invoice, or in some other manner satisfactory to the Deputy Administrator, Veterinary Services, the name of the region of origin of such product or material: *Provided,* That the region of origin shall be construed to mean (a) in the case of an animal byproduct, the region in which such product was taken from an animal or animals, and (b) in the case of other materials, the region in which such materials were produced.

[28 FR 5981, June 13, 1963, as amended at 62 FR 56024, Oct. 28, 1997]

§ 95.3 Byproducts from diseased animals prohibited.

The importation of any animal byproduct taken or removed from an animal affected with anthrax, foot-and-mouth disease, or rinderpest is prohibited.

§ 95.4 Bone meal, blood meal, meat meal, offal, fat, glands, and serum from ruminants that have been in regions in which bovine spongiform encephalopathy exists.

(a) Except as provided in paragraphs (c) and (d) of this section, the importation of bone meal, blood meal, meat meal or tankage, offal, fat, and glands from ruminants that have been in any region listed in § 94.18 of this chapter, is prohibited.

(b) Except as provided in paragraphs (c) and (d) of this section, the importation of serum from ruminants that have been in any region listed in § 94.18 of this chapter is prohibited, except that serum from ruminants may be imported for scientific, educational, or research purposes if the Administrator determines that the importation can be made under conditions that will prevent the introduction of bovine spongiform encephalopathy into the United States. Serum from ruminants imported in accordance with this paragraph must be accompanied by a permit issued by the Animal and Plant Health Inspection Service in accordance with § 104.4 of this chapter, and must be moved and handled as specified on the permit.

(c) *Articles for cosmetics.* The importation of collagen, collagen products, amniotic liquids or extracts, placental liquids or extracts, serum albumin, and serocolostrum, derived from ruminants that have been in any region listed in § 94.18 of this chapter is prohibited unless the following conditions have been met:

(1) The article must be imported for use as an ingredient in cosmetics.

(2) The person importing the article must obtain a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors by filing a permit application on VS form 16–3.[1]

(3) The permit application must state the intended use of the article and the name and address of the consignee in the United States.

(d) *Transit shipment of articles.* Articles that are prohibited importation into the United States in accordance with this section may transit the United States for immediate export if the following conditions are met:

(1) The person moving the articles must obtain a United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors by filing a permit application on VS form 16–3.[2]

(2) The articles must be sealed in leakproof containers bearing serial numbers during transit. Each container must remain sealed during the

[1] VS form 16–3 may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

[2] VS form 16–3 may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

entire time that it is in the United States.

(3) The person moving the articles shall notify, in writing, the Plant Protection and Quarantine Officer at both the place in the United States where the articles will arrive and the port of export prior to such transit. The notification must include the:

(i) United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors permit number;

(ii) Times and dates of arrival in the United States;

(iii) Times and dates of exportation from the United States;

(iv) Mode of transportation; and

(v) Serial numbers of the sealed containers.

(4) The articles must transit the United States in Customs bond.

(Approved by the Office of Management and Budget under control number 0579–0015)

[56 FR 63869, Dec. 6, 1991, as amended at 62 FR 56024, Oct. 28, 1997]

§95.5 Untanned hides and skins; requirements for unrestricted entry.

Untanned hides and/or skins of cattle, buffalo, sheep, goats, other ruminants, and swine which do not meet the conditions of requirements specified in any one of paragraphs (a) to (e) of this section shall not be imported except subject to handling and treatment in accordance with §95.6 after arrival at the port of entry:

(a) Hides or skins originating in and shipped directly from a region not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without further restriction.

(b) Hides or skins may be imported without other restriction if found upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to be hard dried hides or skins.

(c) Abattoir hides or skins taken from animals slaughtered under national government inspection in a region[1] and in an abattoir in which is maintained an inspection service determined by the Secretary of Agriculture to be adequate to assure that they have been removed from animals found at time of slaughter to be free from anthrax, foot-and-mouth disease, and rinderpest, and to assure further the identity of such materials until loaded upon the transporting vessel, may be imported without other restriction if accompanied by a certificate bearing the seal of the proper department of such national government and signed by an official veterinary inspector of such region showing that the therein described hides or skins were taken from animals slaughtered in such specified abattoir and found free from anthrax, foot-and-mouth disease, and rinderpest.

(d) Hides or skins may be imported without other restriction if shown upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to have been pickled in a solution of salt containing mineral acid and packed in barrels, casks, or tight cases while still wet with such solution.

(e) Hides or skins may be imported without other restriction if shown upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to have been treated with lime in such manner and for such period as to have become dehaired and to have reached the stage of preparation for immediate manufacture into products ordinarily made from rawhide.

(Approved by the Office of Management and Budget under control number 0579–0015)

[28 FR 5981, June 13, 1963, as amended at 48 FR 57472, Dec. 30, 1983; 62 FR 56024, Oct. 28, 1997]

§95.6 Untanned hides and skins; importations permitted subject to restrictions.

Hides or skins offered for importation which do not meet the conditions or requirements of §95.5 shall be handled and treated in the following manner after arrival at the port of entry:

[1] Names of regions of this character will be furnished upon request to the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

(a) They shall be consigned from the coast or border port of arrival to an approved establishment and shall be subject to disinfection by such method or methods as the Deputy Administrator, Veterinary Services may prescribe unless the said establishment discharges drainage into an approved sewerage system or has an approved chlorinating equipment adequate for the proper disinfection of effluents: *Provided, however,* That upon permission of the Deputy Administrator, Veterinary Services such hides or skins may be stored for a temporary period in approved warehouses under bond, and under the supervision of an inspector: *And provided further,* That I. T. or inbound shipments of hides or skins may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port in the United States for consumption entry subject to the other provisions of this section.

(b) They shall be moved from the coast or border port of arrival or, in case of I. T. or in-bound shipments, from the interior port to the approved establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Deputy Administrator, Veterinary Services so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to the inspector in charge at the port of entry.

(c) They shall be handled at the approved establishment under the direction of an inspector in a manner approved by the Deputy Administrator, Veterinary Services to guard against the dissemination of foot-and-mouth disease and rinderpest. They shall not be removed therefrom except upon special permission of the Deputy Administrator, Veterinary Services and upon compliance with all the conditions and requirements of this section relative to the movement of the said hides and skins from the port of arrival to the said establishment.

(Approved by the Office of Management and Budget under control number 0579–0015)

[28 FR 5981, June 13, 1963, as amended by 59 FR 67134, Dec. 29, 1994]

§ 95.7 Wool, hair, and bristles; requirements for unrestricted entry.

Wool, hair, or bristles derived from ruminants and/or swine which do not meet the conditions or requirements specified in any one of paragraphs (a) to (d) of this section shall not be imported except subject to handling and treatment in accordance with § 95.8 after their arrival at the port of entry: *Provided, however,* That no bloodstained wool, hair, or bristles shall be imported under any condition:

(a) Such wool, hair, or bristles may be imported without other restriction if originating in and shipped directly from a region not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

(b) Wool or hair clipped from live animals or pulled wool or hair may be imported without other restriction if the said wool or hair is reasonably free from animal manure in the form of dung locks or otherwise.

(c) Wool, hair, or bristles taken from sheep, goats, cattle, or swine, when such animals have been slaughtered under national government inspection in a region[1] and in an abattoir in which is maintained an inspection service determined by the Secretary of Agriculture to be adequate to assure that such materials have been removed from animals found at time of slaughter to be free from anthrax, foot-and-mouth disease, and rinderpest, and to assure further the identity of such materials until loaded upon the transporting vessel, may be imported without other restriction if accompanied by a certificate bearing the seal of the proper department of said national government and signed by an official veterinary inspector of such region showing that the therein described wool, hair,

[1] See footnote 1 to § 95.5.

or bristles were taken from animals slaughtered in such specified abattoir and found free from anthrax, foot-and-mouth disease, and rinderpest.

(d) Wool, hair, or bristles which have been scoured, thoroughly washed, or dyed may be imported without other restriction.

(Approved by the Office of Management and Budget under control number 0579–0015)

[28 FR 5981, June 13, 1963, as amended at 48 FR 57472, Dec. 30, 1983; 62 FR 56024, Oct. 28, 1997]

§95.8 Wool, hair, and bristles; importations permitted subject to restrictions.

Wool, hair, or bristles offered for importation which do not meet the conditions or requirements of §95.7 shall be handled and treated in the following manner after arrival at the port of entry:

(a) Such wool, hair, or bristles shall be consigned from the coast or border port of arrival to an approved establishment: *Provided, however,* That upon permission by the Deputy Administrator, Veterinary Services such wool, hair, or bristles may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector: *And provided further,* That I. T. on in-bond shipments of wool, hair, or bristles may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port for consumption entry, subject to the other provisions of this section.

(b) Such wool, hair, or bristles shall be moved from the coast or border port of arrival or, in the case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Deputy Administrator, Veterinary Services so to do, or without sealing as aforesaid and with other freight when packed in tight cases acceptable to an inspector.

(c) Such wool, hair, or bristles shall be handled at the establishment under the direction of an inspector in a manner approved by the Deputy Administrator, Veterinary Services to guard against the dissemination of foot-and-mouth disease and rinderpest. Such products shall not be removed therefrom except upon special permission of the Deputy Administrator, Veterinary Services and upon compliance with all the conditions and requirements of this section relative to the movement of the said wool, hair, or bristles from the port of arrival to the said establishment.

(Approved by the Office of Management and Budget under control number 0579–0015)

[28 FR 5981, June 13, 1963, as amended by 59 FR 67134, Dec. 29, 1994]

§95.9 Glue stock; requirements for unrestricted entry.

Glue stock which does not meet the conditions or requirements specified in any one of paragraphs (a) to (c) of this section shall not be imported except subject to handling and treatment in accordance with §95.10 after arrival at the port of entry:

(a) Glue stock originating in and shipped directly from a region not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest may be imported without other restriction.

(b) Glue stock may be imported without other restriction if found upon inspection by an inspector, or by certificate of the shipper or importer satisfactory to said inspector, to have been properly treated by acidulation or by soaking in milk of lime or a lime paste; or to have been dried so as to render each piece of the hardness of a sun-dried hide.

(c) Glue stock taken from cattle, sheep, goats, or swine slaughtered under national government inspection in a region[1] and in an abattoir in which is maintained an inspection service determined by the Secretary of Agriculture to be adequate to assure that such materials have been removed from animals found at time of slaughter to be free from anthrax, foot-and-mouth disease, and rinderpest, and to

[1] See footnote 1 to §95.5.

assure further the identity of such materials until loaded upon the transporting vessel, may be imported without other restriction if accompanied by a certificate bearing the seal of the proper department of said national government and signed by an official veterinary inspector of such region showing that the therein described glue stock was taken from animals slaughtered in such specified abattoir and found free from anthrax foot-and-mouth disease, and rinderpest.

(Approved by the Office of Management and Budget under control number 0579–0015)

[28 FR 5981, June 13, 1963, as amended at 48 FR 57472, Dec. 30, 1983; 62 FR 56024, Oct. 28, 1997]

§ 95.10 Glue stock; importations permitted subject to restrictions.

Glue stock offered for importation which does not meet the conditions or requirements of § 95.9 shall be handled and treated in the following manner after arrival at the port of entry:

(a) It shall be consigned from the coast or border port of arrival to an approved establishment and shall be subject to disinfection by such method or methods as the Deputy Administrator, Veterinary Services may prescribe unless the said establishment discharges drainage into an approved sewerage system or has an approved chlorinating equipment adequate for the proper disinfection of effluents: *Provided, however,* That upon permission by the Deputy Administrator, Veterinary Services glue stock may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector: *And provided further,* That I. T. or in-bond shipments of glue stock may go forward under customs seals from a coast or border port of arrival with the approval of an inspector at said port to another port for consumption entry, subject, after arrival at the latter port, to the other provisions of this section.

(b) It shall be moved from the coast or border port of arrival or, in case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Deputy Administrator, Veterinary Services so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to an inspector at port of entry.

(c) It shall be handled at the establishment under the direction of an inspector in a manner approved by the Deputy Administrator, Veterinary Services to guard against the dissemination of foot-and-mouth disease and rinderpest. It shall not be removed therefrom except upon special permission of the Deputy Administrator, Veterinary Services and upon compliance with all the conditions and requirements of this section relative to the movement of the said glue stock from the port of arrival to the said establishment.

(Approved by the Office of Management and Budget under control number 0579–0015)

[28 FR 5981, June 13, 1963, as amended by 59 FR 67134, Dec. 29, 1994]

§ 95.11 Bones, horns, and hoofs for trophies or museums; disinfected hoofs.

(a) Clean, dry bones, horns, and hoofs, that are free from undried pieces of hide, flesh, and sinew and are offered for entry as trophies or for consignment to museums may be imported without other restrictions.

(b) Clean, dry hoofs disinfected in the region of origin may be imported without other restrictions if the following conditions are met:

(1) The hoofs have been disinfected using one of the following methods:

(i) Dry heat at 180°F (82.2°C) for 30 minutes;

(ii) Soaking in boiling water for 20 minutes;

(iii) Soaking in a 0.1 percent chlorine bleach solution for 2 hours;

(iv) Soaking in a 5 percent acetic acid solution for 2 hours; or

(v) Soaking in a 5 percent hydrogen peroxide solution for 2 hours.

(2) The hoofs are accompanied by a certificate issued by the national government of the region of origin and signed by an official veterinary inspector of that region stating that the

hoofs have been disinfected and describing the manner in which the disinfection was accomplished.

[28 FR 5981, June 13, 1963, as amended at 59 FR 9400, Feb. 28, 1994; 62 FR 56024, Oct. 28, 1997]

§95.12 Bones, horns, and hoofs; importations permitted subject to restrictions.

Bones, horns, and hoofs offered for importation which do not meet the conditions or requirements of §95.11 shall be handled and treated in the following manner after arrival at the port of entry:

(a) They shall be consigned from the coast or border port of arrival to an approved establishment having facilities for their disinfection or their conversion into products customarily made from bones, horns, or hoofs: *Provided, however,* That I. T. or in-bond shipments of bones, horns, or hoofs may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port for consumption entry subject to the other provisions of this section.

(b) They shall be moved from the coast or border port of arrival or, in case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Deputy Administrator, Veterinary Services so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to an inspector at the port of entry.

(c) They shall be handled at the establishment under the direction of an inspector in a manner to guard against the dissemination of anthrax, foot-and-mouth disease, and rinderpest, and the bags, burlap, or other containers thereof, before leaving the establishment, shall be disinfected by heat or otherwise, as directed by the Deputy Administrator, Veterinary Services or burned at the establishment. They shall not be removed therefrom except upon special permission of the Deputy Administrator, Veterinary Services and upon compliance with all the conditions and requirements of this section relative to the movement of the said bones, horns, and hoofs.

(Approved by the Office of Management and Budget under control number 0579–0015)

[28 FR 5981, June 13, 1963, as amended by 59 FR 67134, Dec. 29, 1994]

§95.13 Bone meal for use as fertilizer or as feed for domestic animals; requirements for entry.

Steamed or degelatinized or special steamed bone meal, which, in the normal process of manufacture, has been prepared by heating bone under a minimum of 20 pounds steam pressure for at least one hour at a temperature of not less than 250° Fahrenheit (121° Centigrade), may be imported without further restrictions for use as fertilizer or as feed for domestic animals if such products are free from pieces of bone, hide, flesh, and sinew and contain no more than traces of hair and wool. Bone meal for use as fertilizer or as feed for domestic animals which does not meet these requirements will not be eligible for entry.

§95.14 Blood meal, tankage, meat meal, and similar products, for use as fertilizer or animal feed; requirements for entry.

Dried blood or blood meal, lungs or other organs, tankage, meat meal, wool waste, wool manure, and similar products, for use as fertilizer or as feed for domestic animals, shall not be imported except subject to handling and treatment in accordance with paragraphs (a), (b), and (c) of §95.16, unless:

(a) Such products originated in and were shipped directly from a region not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest; or

(b) The inspector at the port of entry finds that such products have been fully processed by tanking under live steam or by dry rendering.

[28 FR 5981, June 13, 1963, as amended at 62 FR 56024, Oct. 28, 1997]

§ 95.15 Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; requirements for unrestricted entry.

Blood meal, blood albumin, bone meal, intestines, or other animal materials intended for use in the industrial arts shall not be imported except subject to handling and treatment in accordance with § 95.16, unless such products originated in and were shipped directly from a region not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

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[28 FR 5981, June 13, 1963, as amended by 59 FR 67134, Dec. 29, 1994; 62 FR 56024, Oct. 28, 1997]

§ 95.16 Blood meal, blood albumin, intestines, and other animal byproducts for industrial use; importations permitted subject to restrictions.

Blood meal, blood albumin, bone meal, intestines, or other animal materials intended for use in the industrial arts, which do not meet the conditions or requirements of § 95.15 shall be handled and treated in the following manner after arrival at the port of entry.

(a) They shall be consigned from the coast or border port of arrival to an approved establishment: *Provided, however,* That upon permission by the Deputy Administrator, Veterinary Services they may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector: *And provided further,* That I. T. or in-bond shipments of such products may go forward under customs seals from a coast or border port of arrival, with the approval of an inspector at said port, to another port of consumption entry, subject after arrival at the latter port to the other provisions of this section.

(b) They shall be moved from the coast or border port of arrival or, in the case of I. T. or in-bond shipments, from the interior port to the establishment in cars or trucks or in vessel compartments with no other materials contained therein, sealed with seals of the Department, which shall not be broken except by Veterinary Services inspectors or other persons authorized by the Deputy Administrator, Veterinary Services so to do, or without sealing as aforesaid and with other freight when packed in tight cases or casks acceptable to an inspector at the port of entry.

(c) They shall be handled at the establishment under the direction of an inspector in a manner to guard against the dissemination of foot-and-mouth disease and rinderpest. They shall not be removed therefrom except upon special permission of the Deputy Administrator, Veterinary Services and upon compliance with all the conditions and requirements of this section relative to the movement of the said products from the port of arrival to the said establishment.

(Approved by the Office of Management and Budget under control number 0579–0015)

[28 FR 5981, June 13, 1963, as amended by 59 FR 67134, Dec. 29, 1994]

§ 95.17 Glands, organs, ox gall, and like materials; requirements for unrestricted entry.

Glands, organs, ox gall or bile, bone marrow, and various like materials derived from domestic ruminants or swine, intended for use in the manufacture of pharmaceutical products shall not be imported except subject to handling and treatment in accordance with § 95.18, unless such glands, organs, or materials originated in and were shipped directly from a region not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

[28 FR 5981, June 13, 1963, as amended at 62 FR 56024, Oct. 28, 1997]

§ 95.18 Glands, organs, ox gall, and like materials; importations permitted subject to restrictions.

Glands, organs, ox gall or bile, bone marrow, and various like materials derived from domestic ruminants or swine, which do not meet the requirements of § 95.17 may be imported for pharmaceutical purposes if in tight containers and consigned to an approved establishment: *Provided, however,* That upon special permission of the Deputy Administrator, Veterinary

Services they may be stored for a temporary period in approved warehouses under bond and under the supervision of an inspector. They shall be handled and processed at the said establishment in a manner approved by the Deputy Administrator, Veterinary Services and the containers shall be destroyed or disinfected as prescribed by him. They shall not be removed therefrom except upon special permission of the Deputy Administrator, Veterinary Services and upon compliance with all the conditions and requirements of this section relative to the movement of the said glands, organs, ox gall, and like materials from the port of arrival to the said establishment.

(Approved by the Office of Management and Budget under control number 0579–0015)

[28 FR 5981, June 13, 1963, as amended at 59 FR 67134, Dec. 29, 1994]

§95.19 Animal stomachs.

Stomachs or portions of the stomachs of ruminants or swine, other than those imported for food purposes under the meat-inspection regulations of the Department, shall not be imported without permission from the Deputy Administrator, Veterinary Services. Importations permitted shall be subject to such restrictions as the Deputy Administrator, Veterinary Services may deem necessary in each instance.

(Approved by the Office of Management and Budget under control number 0579–0015)

[28 FR 5981, June 13, 1963, as amended by 59 FR 67134, Dec. 29, 1994]

§95.20 Animal manure.

Manure of horses, cattle, sheep, other ruminants, and swine shall not be imported except upon permission from the Deputy Administrator, Veterinary Services. Importations permitted shall be subject to such restrictions as he may deem necessary in each instance: *Provided, however,* That manure produced by animals while in transit to the United States shall be subject only to the requirements of the Department regulations governing the importation of domestic livestock and other animals.

(Approved by the Office of Management and Budget under control number 0579–0015)

[28 FR 5981, June 13, 1963, as amended by 59 FR 67134, Dec. 29, 1994]

§95.21 Hay and straw; requirements for unrestricted entry.

Except as provided in §95.28, hay or straw shall not be imported except subject to handling and treatment in accordance with §95.22 after arrival at the port of entry, unless such hay or straw originated in and was shipped directly from a region not declared by the Secretary of Agriculture to be infected with foot-and-mouth disease or rinderpest.

[28 FR 5981, June 13, 1963, as amended at 62 FR 56024, Oct. 28, 1997]

§95.22 Hay and straw; importations permitted subject to restrictions.

Except as provided in §95.28, hay or straw which does not meet the conditions or requirements of §95.21 shall be handled and treated in the following manner upon arrival at the port of entry:

(a) Hay or straw packing materials shall be burned or disinfected at the expense of the importer or consignee in the manner and at the time directed by the Deputy Administrator, Veterinary Services.

(b) Hay or straw for use as feeding material, bedding, or similar purposes shall be stored and held in quarantine for a period of not less than 90 days in an approved warehouse at the port of entry and shall be otherwise handled as directed by the Deputy Administrator, Veterinary Services.

§95.23 Previously used meat covers; importations permitted subject to restrictions.

Cloth or burlap which has been used to cover fresh or frozen meats originating in any region designated in §94.1 of this subchapter as a region in which rinderpest or foot-and-mouth disease exists, shall not be imported except under the following conditions:

(a) The cloth or burlap shall be consigned from the coast or border port of

arrival to an establishment specifically approved for the purpose by the Deputy Administrator, Veterinary Services.

(b) The cloth or burlap shall be immediately moved from the coast or border port of arrival, or in case of I. T. or in-bond shipments from the interior port, to the establishment, in railroad cars or trucks, or in vessel compartments, with no other material contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Deputy Administrator, Veterinary Services: *Provided, however,* That upon permission of the Deputy Administrator, Veterinary Services, such cloth or burlap may be stored for a temporary period in approved warehouses at the port of arrival under bond and under the supervision of an inspector.

(c) The material shall be disinfected and otherwise handled at the establishment under the direction of an inspector in a manner approved by the Deputy Administrator, Veterinary Services to guard against the dissemination of foot-and-mouth disease and rinderpest, and the material shall not be removed therefrom, except upon special permission of the Deputy Administrator, Veterinary Services, until all of the conditions and requirements of this section have been complied with.

(Approved by the Office of Management and Budget under control number 0579–0015)

[28 FR 5981, June 13, 1963, as amended by 59 FR 67134, Dec. 29, 1994; 62 FR 56024, Oct. 28, 1997]

§ 95.24 Methods for disinfection of hides, skins, and other materials.

Hides, skins, and other materials required by the regulations in this part to be disinfected shall be subjected to disinfection by methods found satisfactory and approved from time to time by the Deputy Administrator, Veterinary Services.

§ 95.25 Transportation of restricted import products; placarding cars and marking billing; unloading enroute.

(a) Transportation companies or other operators of cars, trucks or other vehicles carrying import products or materials moving under restriction, other than those in tight cases or casks, shall affix to and maintain on both sides of all such vehicles durable placards not less than 5½ by 6 inches in size, on which shall be printed with permanent black ink and in boldface letters not less than 1½ inches in height the words ''Restricted import product.'' These placards shall also bear the words ''Clean and disinfect this car or truck.'' Each of the waybills, conductors' manifests, memoranda, and bills of lading pertaining to such shipments shall have the words ''Restricted import product, clean and disinfect car or truck,'' plainly written or stamped upon its face. If for any reason the placards required by this section have not been affixed to each car, or the billing has not been marked by the initial or the connecting carrier, or the placards have been removed, destroyed, or rendered illegible, the placards shall be immediately affixed or replaced and the billing marked by the initial or connecting carrier, the intention being that the billing accompanying the shipment shall be marked and each car, truck or other vehicle placarded as specified in this section from the time such shipment leaves the port of entry until it is unloaded at final destination and the cars, trucks or other vehicles are cleaned and disinfected as required by § 95.26.

(b) If it is necessary to unload enroute any of the materials or products transported in a placarded car, truck or other vehicle as provided in this section, the car, truck or other vehicle from which the transfer is made and any part of the premises in or upon which the product or material may have been placed in the course of unloading or reloading shall be cleaned and disinfected by the carrier, in accordance with the provisions of § 95.26, and the said carrier shall immediately report the matter, by telegraph, to the Deputy Administrator, Veterinary Services, Washington, DC 20251. Such report shall include the following information: Nature of emergency; place where product or material was unloaded; original points of shipment and destination; number and materials of the original car or truck; and number and initials of the car, truck or other

vehicle into which the product or material is reloaded in case the original car or truck is not used.

(Approved by the Office of Management and Budget under control number 0579–0015)

[28 FR 5981, June 13, 1963, as amended at 48 FR 57472, Dec. 30, 1983]

§95.26 Railroad cars, trucks, boats, aircraft and other means of conveyance, equipment or containers, yards, and premises; cleaning and disinfection.

Railroad cars, trucks, boats, aircraft and other means of conveyance, equipment or containers, yards, and premises which have been used in the transportation, handling, or storing of restricted import products or materials, other than those contained in leak proof cases or casks, shall be cleaned and disinfected with a disinfectant approved for use in this part under the supervision of the division at the time and in the manner provided in this section. Except as provided in paragraph (a) of this section, such railroad cars, trucks, boats, aircraft and other means of conveyance, equipment or containers, shall not be moved in interstate or foreign commerce until they have been so treated.

(a) *Cars to be cleaned and disinfected by final carrier at destination.* Cars required by this part to be cleaned and disinfected shall be so treated by the final carrier at destination as soon as possible after unloading and before the same are moved from such final destination for any purpose: *Provided, however,* That when the products or materials are destined to points at which an inspector or other duly authorized representative of Veterinary Services is not maintained or where proper facilities cannot be provided, the transportation company shall seal, bill, and forward the cars in which the products or materials were transported to a point to be agreed upon between the transportation company and Veterinary Services, and the transportation company shall there clean and disinfect the said cars under the supervision of Veterinary Services.

(b) *Methods of cleaning and disinfecting.* (1) Railroad cars, trucks, aircraft and means of conveyance other than boats, equipment or containers, required by this part to be cleaned and disinfected shall be treated in the following manner: Collect all litter and other refuse therefrom and destroy by burning or other approved method, clean the exterior and interior of the cars or trucks, and the areas of the aircraft or other means of conveyance, equipment or containers that may have been contaminated, and saturate the entire surface with a permitted disinfectant approved for use in this part.

(2) Boats required by this part to be cleaned and disinfected shall be treated in the following manner: Collect all litter and other refuse from the decks, compartments, and all other parts of the boat used for the transportation of the products or materials covered by this part, and from the portable chutes or other appliances, fixtures or areas used in loading and unloading same, and destroy the litter and other refuse by burning or by other approved methods, and saturate the entire surface of the said decks, compartments, and other parts of the boat with a permitted disinfectant approved for use in this part.

(3) Buildings, sheds, and premises required by this part to be disinfected shall be treated in the following manner: Collect all litter and other refuse therefrom and destroy the same by burning or other approved methods, and saturate the entire surface of the fencing, chutes, floors, walls, and other parts with a permitted disinfectant approved for use in this part.

(c) *Permitted disinfectants.* The disinfectants permitted for use in disinfecting railroad cars, trucks, boats, aircraft and other means of conveyance, equipment or containers, yards, and premises against infection of foot-and-mouth disease and rinderpest are freshly prepared solutions of:

(1) Sodium carbonate (4 percent) in the proportion of 1 pound to 3 gallons of water.

(2) Sodium carbonate (4 percent) plus sodium silicate (0.1 percent) in the proportion of 1 pound of sodium carbonate plus sodium silicate to 3 gallons of water.

(3) Sodium hydroxide (Lye) prepared in a fresh solution in the proportion of

not less than 1 pound avoirdupois of sodium hydroxide of not less than 95 percent purity to 6 gallons of water, or one 13½-ounce can to 5 gallons of water.[2]

(d) *Permitted disinfectants against ticks.* The disinfectants permitted for use against tick infestation are liquefied phenol (U. S. P. strength 87 percent phenol) in the proportion of at least 6 fluid ounces to one gallon of water; or chlorinated lime (U. S. P. strength 30 percent available chlorine) in the proportion of one pound to three gallons of water; or any one of the cresylic disinfectants permitted by the Animal and Plant Health Inspection Service in the proportion of at least four fluid ounces to one gallon of water; or through application of boiling water if the treatment is against rinder-pest or foot-and-mouth disease and tick infestation; or other disinfectants or treatments approved by the Deputy Administrator, Veterinary Services.

[28 FR 5981, June 13, 1963, as amended at 32 FR 19157, Dec. 20, 1967]

§ 95.27 Regulations applicable to products from Territorial possessions.

The regulations in this part shall be applicable to all the products and materials specified in this part which are offered for entry into the United States from any place under the jurisdiction of the United States to which the animal-quarantine laws of this country do not apply.

§ 95.28 Hay or straw and similar material from tick-infested areas.

Hay or straw, grass, or similar material from tick-infested pastures, ranges, or premises may disseminate the contagion of splenetic, Southern or Texas fever when imported for animal feed or bedding; therefore, such hay or straw, grass, or similar materials shall not be imported unless such material is first disinfected with a disinfectant specified in § 95.26(d).

[2] Due to the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves, boots, raincoat and goggles should be observed. An acid solution such as vinegar shall be kept readily available in case any of the sodium hydroxide solution should come in contact with the body.

PART 96—RESTRICTION OF IMPORTATIONS OF FOREIGN ANIMAL CASINGS OFFERED FOR ENTRY INTO THE UNITED STATES

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AUTHORITY: 21 U.S.C. 111, 136, 136a; 7 CFR 2.22, 2.80, and 371.2(d).

SOURCE: 28 FR 5986, June 13, 1963, unless otherwise noted.

§ 96.1 Definitions.

Administrator. The Administrator, Animal and Plant Health Inspector Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service).

Animal casings. Intestines, stomachs, esophagi, and urinary bladders from cattle, sheep, swine, or goats that are used to encase processed meats in foods such as sausage.

APHIS representative. An individual employed by APHIS who is authorized to perform the function involved.

Department. The United States Department of Agriculture.

Import (imported, importation) into the United States. To bring into the territorial limits of the United States.

Region. Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

(1) A national entity (country);

(2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.)

(3) Parts of several national entities combined into an area; or

(4) A group of national entities (countries) combined into a single area.

United States. All of the States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, American Samoa, and the territories and possessions of the United States.

(Approved by the Office of Management and Budget under control number 0579–0015)

[57 FR 28082, June 24, 1992, as amended at 57 FR 29785, July 7, 1992; 59 FR 67134, Dec. 29, 1994; 62 FR 56024, Oct. 28, 1997]

§96.2 Casings from regions where African swine fever or bovine spongiform encephalopathy exists.

(a) The importation of swine casings that originated in or were processed in a region where African swine fever exists, as listed in §94.8 of this subchapter, is prohibited, with the following exception: Swine casings that originated in a region free of African swine fever may be processed in a region where African swine fever exists, if processed in an establishment that meets the criteria set forth in §94.8(a)(3)(iv) of this subchapter.

(b) The importation of bovine casings, except stomachs, that originated in or were processed in any region where bovine spongiform encephalopathy exists, as listed in §94.18(a) of this subchapter, is prohibited.

[58 FR 47031, Sept. 7, 1993, as amended at 59 FR 27970, May 31, 1994; 62 FR 46181, Sept. 2, 1997; 62 FR 56024, Oct. 28, 1997]

§96.3 Certificate for animal casings.

(a) No animal casings shall be imported into the United States from any foreign region unless they are accompanied by a certificate signed by either (1) a veterinarian salaried by the national government of the region in which the animals were slaughtered and the casings were collected, and who is authorized by the national government to conduct casings inspections and issue certificates, and who has inspected the casings before issuing the certificate and determined that the casings meet the criteria described in the Foreign Official Certificate for Animal Casings; or (2) a non-government veterinarian authorized to issue the certificate by the national government of the region in which the animals were slaughtered and the casings were collected, who has inspected the casings before issuing the certificate and determined that the casings meet the criteria described in the Foreign Official Certificate for Animal Casings. A certificate issued by a non-government veterinarian is valid only if the certificate is endorsed by a veterinarian salaried by the national government of the region in which the animals were slaughtered and the casings were collected.

(b) All signatures on the certificate shall be original.

(c) The certificate shall bear the insignia of the national government of the region in which the animals were slaughtered and the casings were collected, and shall be in the following form:

FOREIGN OFFICIAL CERTIFICATE FOR ANIMAL CASINGS

Place (City) _____ (Region) _____ (Date) _____

I hereby certify that the animal casings herein described were derived from healthy animals (cattle, sheep, swine, or goats), which received, ante mortem and post mortem veterinary inspections at the time of slaughter, are clean and sound, and were prepared and handled only in a sanitary manner and were not subjected to contagion prior to exportation.

Kind of casings _____

Number of packages _____

Weight _____

Identification marks on the packages _____

Consignor _____

(Address)

Consignee _____

(Destination)

Shipping marks _____

Signature: _____

Official issuing the certificate. (Non-government veterinarian authorized to issue the certificate by the national government of the region in which the animals were slaughtered and the casings were collected.)

Official title: _____

Signature: _____

Official issuing the certificate. (Veterinarian salaried by the national government of the region in which the animals were slaughtered and the casings were collected.)

Official title: _____

(Approved by the Office of Management and Budget under control number 0579–0015)

[28 FR 5986, June 13, 1963, as amended at 48 FR 57472, Dec. 30, 1983. Redesignated and amended at 57 FR 28082, June 24, 1992. Redesignated at 58 FR 47031, Sept. 7, 1993, as amended at 62 FR 56024, Oct. 28, 1997]

§ 96.4 Uncertified animal casings; disposition.

Animal casings which are unaccompanied by the required certificate, those shipped in sheepskins or other skins as containers, and those found upon inspection to be unclean or unsound when offered for importation into the United States shall be kept in customs custody until exported or destroyed, or until disinfected and denaturated as prescribed by the Administrator, Animal and Plant Health Inspection Service (APHIS) in §§ 96.5 through 96.16.

[28 FR 5986, June 13, 1963. Redesignated and amended at 57 FR 28082, 28083, June 24, 1992; 57 FR 29785, July 7, 1992. Redesignated and amended at 58 FR 47031, Sept. 7, 1993]

§ 96.5 Instructions regarding handling certified animal casings.

(a) Animal casings are not classed as meat product, therefore the certificate required for foreign meat product is not acceptable for animal casings offered for importation.

(b) Casings offered for importation into the United States shall remain in customs custody at the port until released by an APHIS inspector for admission into the United States or otherwise disposed of as required by this part.

(c) The provision that under certain conditions casings which have been offered for importation shall be exported, shall be construed to mean the removal of the casings from the United States or its possessions.

(1) The provision that under certain conditions casings be destroyed shall be construed to mean the treatment or handling of the casings in a manner to take away completely the usefulness of them as by tanking or incineration.

(2) The provision that under certain conditions casings shall be disinfected and denatured shall be construed to mean such treatment and handling as will be prescribed by the Administrator, Animal and Plant Health Inspection Service (APHIS) to free them from pathogenic substances or organisms, or to render such substances and organisms inert; and that the nature of the casings be changed to make them unfit for eating without destroying other useful properties. For instance, each casing may be split throughout its length and after disinfection, as above indicated, be released for industrial use.

(d) Dried intestines offered for importation into the United States for use as gut strings or similar purpose are not regarded as animal casings within the meaning of this part. Such dried intestines are classed with tendons, sinews, and similar articles and are subject to the provisions of part 95.

[28 FR 5986, June 13, 1963. Redesignated and amended at 57 FR 28082, 28083, June 24, 1992; 57 FR 29785, July 7, 1992. Redesignated at 58 FR 47031, Sept. 7, 1993]

§ 96.6 Certified foreign animal casings arriving at seaboard or border port.

(a) Properly certified foreign animal casings arriving in the United States at a seaboard or border port where an APHIS inspector is stationed shall be released for entry by the inspector at the seaboard or border port.

(b) Properly certified foreign animal casings arriving in the United States at a seaboard or border port where no APHIS inspector is stationed, which are destined to a point in the United States where an APHIS inspector is stationed, shall be shipped in United States Customs custody to destination for release.

(c) Properly certified foreign animal casing arriving in the United States at a seaboard or border port where no APHIS inspector is stationed, which

are destined to a point in the United States where no APHIS inspector is stationed, shall be transported in United States Customs custody to the nearest point where an APHIS inspector is stationed for release at that point.

(d) Properly certified foreign animal casings forming a part of a foreign meat consignment routed through a border port to an interior point in the United States shall be transported to destination as though the entire consignment consisted of meat. In such cases the APHIS inspector who inspects the meat at destination shall supervise the release of the casings.

[28 FR 5986, June 13, 1963, as amended at 57 FR 29785, July 7, 1992. Redesignated at 58 FR 47031, Sept. 7, 1993]

§96.7 Dried bladders, weasands, and casings.

Dried animal bladders, dried weasands, and all other dried animal casings offered for importation into the United States as food containers unaccompanied by foreign certification which have been retained in the dry state continuously for not less than 90 days from the date of shipment shown on the consular invoice, may be released for entry as food containers without disinfection.

[28 FR 5986, June 13, 1963. Redesignated at 58 FR 47031, Sept. 7, 1993]

§96.8 Uncertified casings; disinfection at seaboard port.

Uncertified foreign animal casings arriving at a seaboard port may be imported into the United States for use as food containers after they have been disinfected under the direct supervision of an APHIS inspector at the seaboard port.

[28 FR 5986, June 13, 1963, as amended at 57 FR 29785, July 7, 1992. Redesignated at 58 FR 47031, Sept. 7, 1993]

§96.9 Casings admitted on disinfection; sealing; transfer and disinfection.

Foreign animal casings offered for importation into the United States which are admitted upon disinfection shall be handled as follows:

(a) The containers of such casings shall be sealed on the steamship pier or other place of first arrival. Four seals shall be affixed to both ends of each tierce, barrel, and similar container in the space where the ends of the container enter the staves, by means of red sealing wax imprinted with the No. 3 Veterinary Services brass brand from which ''INSP'D . P'S'D'' and the establishment number have been removed.

(b) Uncertified animal casings sealed as above indicated shall be transferred from the steamship pier or other place of first arrival to the premises of the importer or other designated place, where they shall be disinfected by the importer under the supervision of an APHIS inspector before they are offered for sale. The object of this ruling is to place full responsibility for disinfection of casings on the original importer and to prevent the sale of casings subject to disinfection by the purchaser.

[28 FR 5986, June 13, 1963, as amended at 57 FR 29785, July 7, 1992. Redesignated at 58 FR 47031, Sept. 7, 1993]

§96.10 Uncertified casings; transportation for disinfection; original shipping containers; disposition of salt.

(a) Foreign animal casings imported into the United States without certification may be forwarded in customs custody to a USDA-approved facility for disinfection under APHIS supervision and release by the United States Customs authorities, provided that, before being transported over land in the United States, each and every container of such casings shall be disinfected by the application of a solution of sodium hydroxide prepared as follows:

(1) Sodium hydroxide (Lye) prepared in a fresh solution in the proportion of not less than 1 pound avoirdupois of sodium hydroxide of not less than 95 percent purity to 6 gallons of water, or one 13½-ounce can to 5 gallons of water.[1]

[1] Due to the extreme caustic nature of sodium hydroxide solution, and of sodium carbonate solution to a lesser degree, precautionary measures such as the wearing of rubber gloves, boots, raincoat and goggles should be observed. An acid solution such as vinegar shall be kept readily available in

Continued

(2) This solution shall be thoroughly applied to all exterior surfaces of the containers and be allowed to remain for at least thirty minutes to accomplish disinfection. The containers should then be washed with water to remove the caustic soda which otherwise might cause injury to the handlers of the packages.

(b) When uncertified foreign casings are removed from the original shipping containers these containers shall be destroyed by burning or promptly and thoroughly disinfected both inside and out with the solution and in the manner above prescribed. If these containers are to be re-used it is important that they be thoroughly washed both inside and out with water after disinfection has been completed, and in order to insure against the injurious effect of caustic soda remaining in the wood it is advisable to allow the containers to stand for not less than six hours filled with water.

(c) The salt removed from all original shipping containers of uncertified foreign animal casings shall be immediately dissolved in water and heated to boiling, or disposed of as provided in paragraph (c)(1) or (2) of this section as follows:

(1) Dissolve the salt in the proportion of 90 pounds of salt to 100 gallons of water. Add 2¾ gallons of C. P. hydrochloric acid containing not less than 35 percent actual HCl; mix thoroughly and allow the solution to stand for at least thirty minutes. The finished solution must contain not less than 1 percent actual hydrochloric acid. (This solution may be utilized in the disinfection of casings as prescribed in § 96.13.)

(2) Dissolve the salt in the proportion of 90 pounds of salt to 100 gallons of water. Add 20 pounds of 95 percent to 98 percent sodium hydroxide (commercial ''76 percent caustic soda'') and stir until solution is complete; and allow it to stand for at least 30 minutes. (This solution may be utilized in the disinfection of casing containers as prescribed in paragraphs (a)(2) and (b) of this section.

(3) It is best to employ flaked caustic soda and not the variety which is very finely powdered. The fine powder is irritating and injurious to workers if it becomes suspended in the air. Containers of caustic soda should be kept tightly closed as the product deteriorates from contact with the air.

[28 FR 5986, June 13, 1963, as amended at 32 FR 19158, Dec. 20, 1967; 57 FR 29785, July 7, 1992. Redesignated and amended at 58 FR 47031, Sept. 7, 1993; 62 FR 56024, Oct. 28, 1997]

§ 96.11 Disinfecting plant and equipment for uncertified casings.

Uncertified foreign animal casings shall be disinfected only at a plant whose sanitation and disinfecting equipment have been approved by an APHIS inspector.

[28 FR 5986, June 13, 1963, as amended at 57 FR 29785, July 7, 1992. Redesignated at 58 FR 47031, Sept. 7, 1993]

§ 96.12 Uncertified casings not disinfected in 30 days; disposition.

Foreign animal casings offered for importation without certification shall be disinfected as prescribed in § 96.13 within a period of 30 days after arrival in the United States, subject to the ability of Division inspectors to cover their respective districts. Otherwise such casings shall be exported or destroyed.

[28 FR 5986, June 13, 1963. Redesignated and amended at 58 FR 47031, Sept. 7, 1993]

§ 96.13 Uncertified casings; disinfection with hydrochloric acid.

Foreign animal casings offered for importation into the United States without certification may be disinfected, as prescribed in this section, under the supervision of an APHIS inspector for use as food containers, as an alternative for foreign certification.

(a) Disinfect the casings in a solution made as follows: Dissolve 90 pounds common salt in 100 gallons water and mix. Add 2¾ gallons (10.35 liters) C. P. hydrochloric acid containing not less than 35 percent actual HCl and mix throughly. The finished solution must contain not less than 1 percent actual hydrochloric acid.

(b) Containers of the disinfectant solution may be either of wood or of metal, but the interior surfaces must be protected by means of an acid resistant coating.

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case any of the sodium hydroxide solution should come in contact with the body.

(c) Not more than 175 pounds casings shall be treated with each 100 gallons of the solution. After the treatment of 175 pounds of casings, or at the end of the day if less than 175 pounds of casings are disinfected in any one day, the solution shall be discarded unless means are provided for accurately determining the loss of strength. In event means for accurately determining loss of strength are provided it will be permissible to restore the strength of the solution with fresh acid and use it repeatedly.

(d) Shake as much of the adherent salt as possible from the casings and weigh them. Bundles must be separated but individual hanks need not be untied. Place the casings in the disinfecting solution a few hanks at a time with vigorous agitation to insure the fullest possible contact of the solution with them. Then keep the casings completely submerged in the solution for not less than three-fourths of an hour.

(e) Remove the casings from the solution, rinse them with water, and place them in a solution containing 8½ pounds of sodium bicarbonate in each 100 gallons of water. 100 gallons of this solution is sufficient for 175 pounds of casings. Keep the casings in this solution for 30 minutes, moving them about frequently and vigorously so as to insure complete contact of the solution with the casings. After this neutralization, remove the casings from the sodium bicarbonate solution and wash them to remove the excess of bicarbonate.

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[28 FR 5986, June 13, 1963, as amended at 57 FR 29785, July 7, 1992. Redesignated at 58 FR 47031, Sept. 7, 1993, as amended at 59 FR 67134, Dec. 29, 1994]

§ 96.14 Uncertified casings; disinfection with saturated brine solution.

Foreign animal casings offered for importation into the United States upon disinfection, may either be disinfected with hydrochloric acid as at present or if preferred may be submerged in a saturated brine solution at a temperature not less than 127° F. for at least 15 minutes. The time held as well as the temperature of such brine solution must be recorded on a one-hour dial of a recording thermometer and filed in the local APHIS office for official inspection at any time. In order that this required temperature may be more readily maintained, such casings must first be submerged in a brine solution at approximately 127° F. for about five minutes immediately before the 15-minute recorded submersion period begins. This may be done either in the testing vat or a preliminary vat. By following this procedure the temperature will not vary unduly and thus cause unsatisfactory results. After removing the casings from the testing vat, it will be found advantageous to submerge them in another vat containing cold brine solution or cold water in order to remove the extra heat from the casings as promptly as possible, but of course this is optional with the importer. In order to obtain the most satisfactory results, the hanks, rings, and similar units must be separated as much as possible without untying, but ''dolls'' will not be permitted to be disinfected by this heating method. In order to keep the temperature of the brine in the testing vat of a uniform degree, it is necessary to agitate the solution occasionally by moving the casings. The tip of the recording thermometer should be located at a point which would be approximately at the bottom of the volume of casings being disinfected.

[28 FR 5986, June 13, 1963, as amended at 57 FR 29785, July 7, 1992. Redesignated at 58 FR 47031, Sept. 7, 1993]

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Sec.

97.1 Overtime work at laboratories, border ports, ocean ports, and airports.
92.2 Administrative instructions prescribing commuted traveltime.

AUTHORITY: 7 U.S.C. 2260; 49 U.S.C. 1741; 7 CFR 2.22, 2.80, and 371.2(d).

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.[1]

(a) Any person, firm, or corporation having ownership, custody, or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and subchapter G of this chapter, and who requires the services of an employee of the Animal and Plant Health Inspection Service on a Sunday or holiday, or at any other time outside the regular tour of duty of the employee, shall sufficiently in advance of the period of Sunday or holiday or overtime service request the Animal and Plant Health Inspection Service inspector in charge to furnish the service and shall pay the Government at a rate of $47.96 per work-hour per employee on a Sunday and at the rate of $37.84 per work-hour per employee for holiday or any other period; except as provided in paragraphs (a)(1), (a)(2), and (a)(3) of this section:

(1) For any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States of a private aircraft or private vessel, the total amount payable shall not exceed $25 for all inspection services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture;

(2) Owners and operators of aircraft will be provided service without reimbursement during regularly established hours of service on a Sunday or holiday; and

(3) The overtime rate to be charged owners or operators of aircraft at airports of entry or other places of inspection as a consequence of the operation of the aircraft, for work performed outside of the regularly established hours of service on a Sunday will be $39.36 and for work performed outside of the regularly established hours of service for a holiday or any other period will be $30.64 per hour (these charges exclude administrative overhead costs).

(b) A minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of Sunday or holiday or unscheduled overtime work to which the 2-hour minimum charge applies may include a commuted traveltime period (CTT) the amount of which shall be prescribed in administrative instructions to be issued by the Administrator, Animal and Plant Health Inspection Service for the areas in which the Sunday or holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such Sunday, holiday or overtime duty. With respect to places of duty within the metropolitan area of the employee's headquarters, such CTT period shall not exceed 3 hours. It shall be administratively determined from time to time which days constitute holidays. The circumstances under which such CTT periods shall be charged and the percentage applicable in each circumstance are as reflected in the following table:

	Actual time[1] charge—no minimum	2-hour guarantee charge	Commuted[2] traveltime (CTT) charge
Charges for Inspection Within Metropolitan Area of Employee's Headquarters			
Work beginning before daily tour begins:			
8 to 59 minutes.	Yes	No	None.
60 to 119 minutes.	.....	Yes	½ CTT.
120 minutes or more.	.....	Yes	Full CTT.

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR §§ 93.102, 93.203, 93.303, 93.403, 93.503, 93.703, and 93.805 and for designated ports of entry for certain purebred animals see 9 CFR §§ 151.1 through 151.3.

	Actual time[1] charge—no minimum	2-hour guarantee charge	Commuted[2] traveltime (CTT) charge
Work beginning after daily tour ends:			
Direct continuation.	Yes	No	None.
Break-in-service of:			
2–29 minutes	.....	Yes	None.
30–60 minutes	.....	Yes	½ CTT.
61 minutes or more.	.....	Yes	Full CTT.

Charges for Inspection Services Performed Outside Metropolitan Area of Employee's Headquarters

Work beginning before daily tour begins:			
8 to 59 minutes.	Yes	No	½ CTT.
60 minutes or more.	.....	Yes	Full CTT.
Work beginning after daily tour ends:			
Direct continuations.	Yes	No	½ CTT.
2–59 minutes	No	Yes	½ CTT.
60 minutes or more.	No	Yes	Full CTT.

Charges for Call Out Inspection Service on Holiday or Nonworkday

Work beginning at any time.	No	Yes	Full CTT.

[1] Actual time charged when work is contiguous with the daily tour will be in quarter hour multiples, with service time of 8 minutes or more rounded up to the next quarter hour and any time of less than 8 minutes will be disregarded.

[2] The full CTT allowance will be the amount of commuted traveltime prescribed for the place at which the inspections are performed. See part 97.2. One-half CTT is ½ of the full CTT period.

(c) As used in this section—

(1) The term *private aircraft* means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term *private vessel* means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(d)(1) Any principal, or any person, firm, partnership, corporation, or other legal entity acting as an agent or broker by requesting Sunday, holiday, or overtime services of an Animal and Plant Health Inspection Service inspector on behalf of any other person, firm, partnership, corporation, or other legal entity (principal), and who has not previously requested such service from an Animal and Plant Health Inspection Service inspector, must pay the inspector before service is provided.

(2) Since the payment must be collected before service can be provided, the Animal and Plant Health Inspection Service inspector will estimate the amount to be paid. Any difference between the inspector's estimate and the actual amount owed to the Animal and Plant Health Inspection Service will be resolved as soon as reasonably possible following the delivery of service, with the Animal and Plant Health Inspection Service either returning the difference to the agent, broker, or principal, or billing the agent, broker, or principal for the difference.

(3) The prepayment must be in some guaranteed form, such as money order, certified check, or cash. Prepayment in guaranteed form will continue until the Animal and Plant Health Inspection Service determines that the agent, broker, or principal has established an acceptable credit history.

(4) For security reasons, cash payments will be accepted only from 7 a.m. to 5 p.m., and only at a location designated by the Animal and Plant Health Inspection Service inspector.

(e)(1) Any principal, or any person, firm, partnership, corporation, or other legal entity requesting Sunday, holiday, or overtime services of an Animal and Plant Health Inspection Service inspector, and who has a debt to the Animal and Plant Health Inspection Service more than 60 days delinquent, must pay the inspector before service is provided.

(2) Since the payment must be collected before service can be provided, the Animal and Plant Health Inspection Service inspector will estimate the amount to be paid. Any difference between the inspector's estimate and the actual amount owed to the Animal and Plant Health Inspection Service will be resolved as soon as reasonably possible following the delivery of service, with the Animal and Plant Health Inspection Service either returning the difference to the agent, broker, or principal, or billing the agent, broker, or principal for the difference.

(3) The prepayment must be in some guaranteed form, such as money order, certified check, or cash. Prepayment in guaranteed form will continue until the debtor pays the delinquent debt.

(4) For security reasons, cash payments will be accepted only from 7 a.m. to 5 p.m., and only at a location designated by the Animal and Plant Health Inspection Service inspector.

(f) Reimbursable Sunday, holiday, or overtime services will be denied to any principal, or any person, firm, partnership, corporation, or other legal entity who has a debt to the Animal and Plant Health Inspection Service more than 90 days delinquent. Services will be denied until the delinquent debt is paid.

[38 FR 28814, Oct. 17, 1973, as amended at 42 FR 1455, Jan. 7, 1977; 49 FR 1176, Jan. 10, 1984; 49 FR 12191, Mar. 29, 1984; 50 FR 723, Jan. 7, 1985; 52 FR 16823, May 6, 1987; 53 FR 52992, Dec. 30, 1988; 54 FR 13516, Apr. 4, 1989; 55 FR 3198, Jan. 31, 1990; 55 FR 41059, Oct. 9, 1990; 56 FR 1082, Jan. 11, 1991; 58 FR 32434, June 10, 1993; 62 FR 56025, Oct. 28, 1997]

§ 97.2 Administrative instructions prescribing commuted traveltime.

Each period of overtime and holiday duty as prescribed in § 97.1 shall in addition include a commuted traveltime period for the respective ports, stations, and areas in which employees are located. The prescribed computed traveltime periods are as follows:

COMMUTED TRAVELTIME ALLOWANCES

[In hours]

Location covered	Served from	Metropolitan Area	
		Within	Outside
Alaska:			
Anchorage		1	
Do	Palmer		3
Arizona:			
Douglas		1	
Do	Nogales		6
Do	Phoenix		6
Do	Sierra Vista		3
Naco	Douglas		2
Do	Nogales		4
Do	Phoenix		6
Do	Sierra Vista		2
Nogales		1	
Do	Douglas		6
Do	Phoenix		6
Do	Sierra Vista		3
San Luis	Phoenix		6
Do	Yuma		2
Sasabe	Douglas		6
Do	Nogales		4
Do	Phoenix		6

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from	Metropolitan Area	
		Within	Outside
Do	Sierra Vista		6
Do	Tuscon		3
California:			
Calexico	San Ysidro		6
Edwards Air Force Base.	Los Angeles		4
Los Angeles and Los Angeles International Airport.	San Bernardino		5
Do	Los Angeles	2	
Los Angeles Harbor, San Pedro, including Long Beach, Wilmington, and Terminal Island.	Los Angeles		2
March Field	do		5
Mexicali	Calexico		1
Newport Beach	do		4
Ontario	do		3
Ramona	San Ysidro		2
Sacramento		1	
Do	San Francisco		5
San Diego		1	
Do	San Ysidro		2
San Francisco including, Alameda, Richmond, Pittsburg, and other ports in San Francisco and San Pablo Bay areas.		2	
San Louis Obispo.	San Pedro		6
San Ysidro		1	
Stockton	San Francisco		4
Colorado:			
Stapleton International Airport, Denver.	Arvada	1	
Do	Aurora		2
Connecticut:			
Bradley International Airport.	Westerly, RI		5
Do	Willington		1
Bradley International Airport, Windsor Locks.	Ashford		1
Do	Hartford	2	
Do	N. Stonington, CT		4
Do	Waterbury, CT		3
Delaware:			
Wilmington	Dover		3
Florida:			
Jacksonville		2	
Miami		2	
Port Everglades	Miami		2
St. Petersburg	Tampa		2
Do	Miami		6
Tampa		2	

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from	Metropolitan Area	
		Within	Outside
Do	Miami		6
Georgia:			
Atlanta International Airport.	Acworth		3
Do	Carrollton		3
Do	Covington		3
Do	Forsyth		3
Port of Brunswick.	Savannah		4
Port of Savannah.	do	2	
Port of St. Mary's.	do		6
Hawaii:			
Kawaihae	Waimea		1
Hilo	do		3
Honolulu, including Aiea, Barber's Point Naval Air Station, Honolulu International Airport, West Loch, Middle Loch, East Loch, Pearl City and Waipahu.		2	
Idaho:			
Boise	Caldwell or Middleton.		2
Eastport	Bonners Ferry		2
Do	Spokane, WA		6
Illinois:			
Bloomington	Avon		4
Do	Galesburg		4
Do	Springfield		3
Chicago		3	
Do	Kirkland		4
Do	Lynn Center		6
Peoria	Avon		2
Do	Galesburg		3
Do	Springfield		3
Springfield		2	
Do	Avon		3
Do	Galesburg		4
Windsor	Avon		4
Do	Springfield		2
Indiana:			
Indianapolis		1	
Do	Anderson		2
Do	West Lafayette		3
Iowa:			
Ames		1	
Kentucky:			
Standiford Field	Frankfort		3
Do	Louisville	1	
Louisiana:			
Acadian Regional Airport, New Iberia.	Abbeville		2
Any point below Chalmette and on the East Bank, Belle Chasse, LA, and points to and including Port Sulphur on the west bank.	Baton Rouge		4
Any point on the Mississippi River above the St. Charles-Jefferson Parish boundary to and including Gramercy.	do		2
Morgan City	do		5
New Orleans including Orleans Parish and all points on the east bank of the Mississippi River from the St. Charles-Jefferson Parish boundary to and including Chalmette, LA, and all points on the west bank from the St. Charles-Jefferson Parish boundary to but excluding Belle Chasse, LA.	do		4
Undesignated ports.	do		3
Maine:			
Bangor	Augusta		3
Do	Newport		1
Houlton		1	
Jackman	Augusta		6
Do	Bangor		5
Do	Newport		5
Port of Portland	Augusta		3
Do	Bangor		6
Do	Concord, NH		4
Maryland:			
Baltimore:		3	
Largo	Bowie	2	
Do	Owings Mills	3	
Do	Easton		4
Laurel	Bowie	2	
Do	Owings Mills	3	
Do	Easton		4
Massachusetts:			
Boston		3	
Do	Grafton		4
Do	Loudon, NH		5
Do	N. Attleboro		4

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from	Metropolitan Area	
		Within	Outside
Do	Westerly, RI		4
Michigan:			
Detroit		3	
Do	Beaverton		6
Do	Chelsea		3
Do	Clara		6
Do	Kalamazoo		5
Do	Lansing		4
Do	Port Huran		4
Port Huron		1	
Do	Beaverton		6
Do	Chelsea		6
Do	Clara		6
Do	Detroit		3
Do	Lansing		5
Do	Kalamazoo		6
Minnesota:			
Minneapolis/St. Paul International Airport.		2	
Do	Rochester		3
Do	Princeton		3
Noyes	Pembina		1
Missouri:			
Kansas City International Airport.	Jefferson		6
St. Louis Airport	Beaufort		3
St. Louis Zoological Park.	.....do		3
Montana:			
Bozeman		1	
Bozeman Laboratory.	Bozeman	1	
Great Falls Airport.	Great Falls	1	
Do	Helena		5
Helena		1	
Port of Opheim	Plentywood		5
Do	Opheim		1
Port of Raymond.	Plentywood	1	
Do	Raymond		1
Port of Sweetgrass.	Great Falls		5
Do	Shelby		2
Do	Sunburst/Sweetgrass.	1	
Sweetgrass		1	
Nebraska:			
Lincoln Airport		1	
New Jersey:			
Newark International Airport.	Hightstown	2	
Do	Mount Holly	3	
Do	Princeton	2	
Port of Salem	Hightstown	3½	
Do	Mount Holly	3	
Do	Princeton	4	
New Mexico:			
Columbus		1	
Do	Las Cruces		4
Port of Columbus.	Deming		2
New York:			
Alexandria Bay		1	
Buffalo		2	
Do	Akron		2
Champlain		1	
Do	Highgate, VT	2	
Do	Milton, VT		3
Do	Calais, VT		5
Malone	Champlain		3
Newburgh		1	
Do	New York, NY		4
New York		3	
Niagara Falls	Akron		2
Odgensburg		1	
Port of Albany		1	
Rochester	Buffalo		4
Rooseveltown	Odgensburg		2
Rouses Point	Champlain		1
Stewart Airport, Newburgh.	Albany		4
North Carolina:			
Iredell	Franklin		6
Do	Lumberton		6
Do	Raleigh		6
North Dakota:			
Dunseith	Minot		4
Do	Pembina		6
Minot		1	
Peace Gardens	Bottineau		1
Pembina		1	
Do	Fargo		6
Do	Valley City		6
Portal		1	
Do	Bismarck		6
Do	Dickinson		6
Do	Minot		4
Ohio:			
Vandalia Dayton International Airport.	Greenville		2
Do	Pickerington		3
Wilmington	Greenville		4
Do	Pickerington		3
Oregon:			
Hermiston	Troutdale		6
Portland	Salem		3
Do	Sunny Valley		6
Do	Tigard	2	
Do	Troutdale	2	
Pennsylvania:			
Harrisburg	Camp Hill	1	
Do	Morgantown		3
Do	Northumberland		2
Do	Shippensburg		3
Philadelphia		3	
Puerto Rico:			
Aquadilla	Aquadilla		2
Salinas	San Juan		4
San Juan		2	
Tennessee:			
Fort Campbell, Clarkesville.	Nashville		2
Memphis		2	
Memphis	Gadsden		4
Memphis	Jackson		4
Nashville		2	
Texas:			
Brownsville		1	
Do	Laredo or San Antonio.		6

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from	Metropolitan Area	
		Within	Outside
Brownsville and Brownsville International Airport.	Harlingen and San Benito.		1
Do	McAllen or Edinburg.		3
Do	Weslaco		2
Dallas–Ft. Worth International Airport.	Ft. Worth or Dallas.		2
Del Rio		1	
Do	Eagle Pass		3
Do	Edinburg, McAllen or Mission.		6
Do	Laredo or San Antonio.		5
Eagle Pass		1	
Do	Del Rio		3
Do	Edinburgh, McAllen or Mission.		6
Do	Laredo or San Antonio.		5
El Paso		1	
Do	Hatchita or Deming, NM.		6
Do	Las Cruces, NM		3
Forney	Corsicana		3
Do	Ft. Worth		3
Do	Tyler		3
Harlingen	Edinburg, McAllen or Mission.		2
Do	Weslaco		1
Hidalgo	Brownsville		3
Do	Edinburg, Mission and McAllen.		1
Do	Harlingen		2
Do	Lyford		2
Do	Rio Grande City		2
Houston (including Houston Intercontinental Airport).		2	
Laredo		1	
Do	Brownsville or San Antonio.		6
Do	Eagle Pass		5
Do	McAllen, Edinburg or Mission.		6
Presidio		1	
Do	El Paso		6
Utah:			
Salt Lake City	Murray and Ogden.	2	
Vermont:			
Burlington International Airport.	Burlington	1	
Do	Milton		1
Do	Calais		3
Derby Line	Milton		4
Do	Calais		4
Highgate		1	
Do	Milton		2
Do	Calais		4
Highgate Springs.	do		1

COMMUTED TRAVELTIME ALLOWANCES—Continued

[In hours]

Location covered	Served from	Metropolitan Area	
		Within	Outside
Virginia:			
Dulles International Airport.	Annapolis, MD	3	
Do	Richmond		5
Do	Warrenton		3
Port of Richmond.		2	
Washington:			
Blaine		1	
Do	Seattle		6
Lynden	Blaine		2
Do	Seattle		6
Moses Lake	Oroville, WA		6
Do	Spokane		5
Do	Wenatchee		3
Do	Yakima		4
Oroville		1	
Sea-Tac Airport	Olympia		3
Seattle		2	
Sumas	Blaine		2
Do	Seattle		6
Tacoma	do		3
Yelm	Olympia		2
Do	Seattle		3
Wisconsin:			
Barron	Ripon		6
Madison		1	
Monroe	Madison		3

[39 FR 41356, Nov. 27, 1974]

EDITORIAL NOTE: For Federal Register citations affecting §97.2, see the List of CFR Sections Affected in the Finding Aids section of this volume.

PART 98—IMPORTATION OF CERTAIN ANIMAL EMBRYOS AND ANIMAL SEMEN

Sec.
98.1 Prohibition.

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Canada

98.36 Import permit, declaration, and health certificate for animal semen.
98.37 Semen from sheep in regions other than Australia, Canada, and New Zealand.

AUTHORITY: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 103–105, 111, 134a, 134b, 134c, 134d, 134f, 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

§ 98.1 Prohibition.

An embryo shall not be imported or entered into the United States unless in accordance with the provisions of this part.

[50 FR 43563, Oct. 25, 1985. Redesignated at 56 FR 58808, Oct. 30, 1991]

Subpart A—Ruminant and Swine Embryos from Regions Free of Rinderpest and Foot-and-Mouth Disease; and Embryos of Horses and Asses

§ 98.2 Definitions.

The following terms, when used in this subpart, shall be construed as defined. Those terms used in the singular form in this subpart shall be construed as the plural form and vice versa, as the case may demand.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal. Any cattle, sheep, goats, other ruminants, swine, horses, or asses.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS).

Approved artificial insemination center. A facility approved or licensed by the national government of the region in which the facility is located to collect and process semen under the general supervision of such government.

Approved embryo transfer unit. A facility approved or licensed by the national government of the region in which the facility is located for the artificial insemination of donor dams or for conception as a result of artificial breeding by a donor sire and for collecting and processing embryos for export under the general supervision of such government.

Department. The United States Department of Agriculture.

Embryo. The initial stage of an animal's development after collection from the natural mother, while it is capable of being transferred to a recipient dam, but not including an embryo that has been transferred to a recipient dam.

Enter (entered, entry) into the United States. To introduce into the commerce of the United States after release from governmental detention at the port of entry.

Flock. A herd.

Herd. All animals maintained on any single premises; and all animals under common ownership or supervision on two or more premises which are geographically separated, but among which there is an interchange or movement of animals.

Import (imported, importation) into the United States. To bring into the territorial limits of the United States.

Inspector. An employee of APHIS who is authorized to perform the function involved.

Person. Any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other legal entity.

Region. Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

(1) A national entity (country);

(2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.)

(3) Parts of several national entities combined into an area; or

(4) A group of national entities (countries) combined into a single area.

United States. All of the several States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States and all other territories and possessions of the United States.

[50 FR 43563, Oct. 25, 1985. Redesignated and amended at 56 FR 55808, Oct. 30, 1991; 57 FR 29194, July 1, 1992; 61 FR 17241, Apr. 19, 1996; 62 FR 56025, Oct. 28, 1997]

§98.3 General conditions.

Except as provided in subpart B of this part, an animal embryo shall not be imported into the United States unless it is from a region listed in §94.1(a)(2) of this chapter as being free of rinderpest and foot-and-mouth disease, and:

(a) The embryo is exported to the United States from the region in which it was conceived;

(b) The embryo was conceived as a result of artificial insemination with semen collected from a donor sire at an approved artificial insemination center, or the embryo as conceived as a result of natural breeding by a donor sire at an approved embryo transfer unit;

(c) If artificially inseminated, the donor dam conceived the embryo after being inseminated in an approved embryo transfer unit with semen collected at an approved artificial insemination center;

(d) At the time of collection of the semen used to conceive the embryo or at the time of natural breeding, the donor sire met all requirements the donor sire would have to meet under part 93 of this chapter for a health certificate required as a condition of importation into the United States;

(e) At the time of collection of the embryo from the donor dam, the donor dam met all requirements the donor dam would have to meet under part 92 of this chapter for a health certificate required as a condition of importation into the United States;

(f) There is no basis for denying an import permit for the donor sire or donor dam under §93.304(a)(2) for horses, §93.404(a)(2) or (3) for ruminants, and §93.504(a)(2) or (3) for swine of this chapter;

(g) The embryo is collected and maintained under conditions determined by the Administrator to be adequate to protect against contamination of the embryo with infectious animal disease organisms; and

(h) The embryo was determined, based on microscopic examination, to have an intact zona pellucida at the time the embryo was placed into its immediate container (straw or ampule) for shipping.

(i) The embryo is contained in a shipping container which at the time of offer for entry is sealed with an official seal which was affixed to the shipping container by a full-time salaried veterinarian of the national animal health service of the region of origin or by a veterinarian authorized to do so by the national animal health service of the region of origin.

[50 FR 43563, Oct. 25, 1985, as amended at 55 FR 31558, Aug. 2, 1990; 56 FR 55809, Oct. 30, 1991; 57 FR 29194, July 1, 1992; 62 FR 56025, Oct. 28, 1997]

§98.4 Import permit.

(a) Except as provided in subpart B of this part, an animal embryo shall not be imported into the United States unless accompanied by an import permit issued by APHIS and unless imported into the United States within 14 days after the proposed date of arrival stated in the import permit.

(b) An application for an import permit must be submitted to the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231. An application form for an import permit may be obtained from this staff.

(c) The completed application shall include the following information:

(1) The name and address of the person intending to export an embryo from the region of origin,

(2) The name and address of the person intending to import an embryo,

(3) The species, breed, and number of embryos to be imported,

(4) The purpose of the importation,

(5) The region in which the embryo is conceived,

(6) The port of embarkation,

(7) The mode of transportation,

(8) The route of travel,

(9) The port of entry in the United States,

(10) The proposed date of arrival in the United States,

(11) The name and address of the person to whom the embryo will be delivered in the United States, and

(12) The measures to be taken to ensure that the embryo is collected and maintained under conditions adequate to protect against contamination of the embryo with infectious animal disease organisms.

(d) After receipt and review of the application by APHIS, an import permit indicating the applicable conditions under this subpart for importation into the United States shall be issued for the importation of embryos described in the application if such embryos appear to be eligible to be imported. Even though an import permit has been issued for the importation of an embryo, the embryo may be imported only if all applicable requirements of this subpart are met.

[50 FR 43563, Oct. 25, 1985, as amended at 56 FR 55809, Oct. 30, 1991; 57 FR 29194, July 1, 1992; 59 FR 67616, Dec. 30, 1994; 62 FR 56025, Oct. 28, 1997]

§ 98.5 Health certificate.

(a) Except as provided in subpart B of this part, an animal embryo shall not be imported into the United States unless it is accompanied by a certificate issued by a full-time salaried veterinary officer of the national government of the region of origin, or issued by a veterinarian designated or accredited by the national government of the region of origin and endorsed by a full-time salaried veterinary officer of the national government of the region of origin, representing that the veterinarian issuing the certificate was authorized to do so. The certificate shall state:

(1) The dates, places, types, and results of all examinations and tests performed on the donor sire and donor dam as a condition for importation of the embryo, and the names and addresses of persons or laboratories conducting the examinations or tests, and a statement that any other requirements established by § 98.3 have been complied with,

(2) The name and address of the consignor and consignee,

(3) The name and address of the approved artificial insemination center where the semen for the embryo was collected, if applicable,

(4) The name and address of the approved embryo transfer unit where the donor dam was inseminated or bred and the embryo was collected, and

(5) The measures taken to ensure that the embryo was collected and maintained under conditions adequate to protect against contamination of the embryo with infectious animal disease organisms.

(b) The certificate accompanying sheep or goat embryos intended for importation from any part of the world shall, in addition to the statements required by paragraph (a) of this section, state that:

(1) The embryos' sire and dam have not been in any flock or herd nor had contact with sheep or goats which have been in any flock or herd where scrapie has been diagnosed or suspected during the 5 years prior to the date of collection of the embryos;

(2) The embryos' sire and dam showed no evidence of scrapie at the time the embryos were collected;

(3) Scrapie has not been suspected nor confirmed in any progeny of the embryos' donor dam; and

(4) The parents of the embryos' sire and dam are not, nor were not, affected with scrapie.

(Approved by the Office of Management and Budget under control number 0579–0040.)

[50 FR 43563, Oct. 25, 1985, as amended at 56 FR 55809, Oct. 30, 1991; 61 FR 15183, Apr. 5, 1996; 61 FR 17241, Apr. 19, 1996; 62 FR 56025, Oct. 28, 1997]

§98.6 Ports of entry.

An embryo shall not be imported into the United States unless at a port of entry listed in §93.303 for horses, §93.403 for ruminants, or §93.503 for swine of this chapter.

[50 FR 43563, Oct. 25, 1985, as amended at 55 FR 31558, Aug. 2, 1990; 62 FR 56025, Oct. 28, 1997]

§98.7 Declaration upon arrival.

Upon arrival of an embryo at a port of entry, the importer or the importer's agent shall notify APHIS of the arrival by giving an inspector a document stating:

(a) The port of entry,

(b) The date of arrival,

(c) Import permit number,

(d) Carrier, and identification of the means of conveyance,

(e) The name and address of the importer,

(f) The name and address of the broker,

(g) The region of origin of the embryo,

(h) The number, species, and purpose of importation of the embryo, and

(i) The name and address of the person to whom the embryo will be delivered.

[50 FR 43563, Oct. 25, 1985, as amended at 57 FR 29194, July 1, 1992; 62 FR 56025, Oct. 28, 1997]

§98.8 Inspection.

Any embryo offered for entry into the United States in accordance with this subpart and documents accompanying the embryo shall be subject to inspection by an inspector at the time the embryo is offered for entry in order to determine whether the embryo is eligible for entry. The import permit and the health certificate shall be given to the inspector.

[50 FR 43563, Oct. 25, 1985, as amended at 56 FR 55809, Oct. 30, 1991]

§98.9 Embryos refused entry.

Any embryo refused entry into the United States for noncompliance with the requirements of this subpart shall be removed from the United States within a time period specified by the Administrator or abandoned by the importer for destruction, and pending such action shall be subject to such safeguards as the inspector determines necessary to prevent the possible introduction into the United States of infectious animal diseases. If such embryo is not removed from the United States within such time period, or abandoned for destruction, it may be seized, destroyed, or otherwise disposed of as the inspector determines necessary to prevent the possible introduction into the United States of infectious animal diseases.

[50 FR 43563, Oct. 25, 1985, as amended at 56 FR 55809, Oct. 30, 1991; 57 FR 29194, July 1, 1992]

§98.10 Other importations.

Notwithstanding other provisions in this part, the Administrator may in specific cases allow the importation and entry into the United States of embryos other than as provided for in this part under such conditions as the Administrator may prescribe to prevent the introduction into the United States of infectious animal diseases.

[50 FR 43563, Oct. 25, 1985, as amended at 57 FR 29194, July 1, 1992]

§98.10a Embryos from sheep in regions other than Australia, Canada, and New Zealand.

(a) Except for embryos from sheep in Australia, Canada, or New Zealand, embryos from sheep may only be imported into the United States if they comply with all applicable provisions of this subpart and one of the following conditions:

(1) The embryos are transferred to females in a flock in the United States that participates in the Voluntary Scrapie Flock Certification Program (see 9 CFR part 54, subpart B) and qualifies as a ''Certified'' flock; or

(2) The embryos are transferred to females in a flock in the United States that participates in the Voluntary Scrapie Flock Certification Program (see 9 CFR part 54, subpart B) and the flock owner has agreed, in writing, to maintain the flock, and all first generation progeny resulting from embryos imported in accordance with this section, in compliance with all requirements of the Voluntary Scrapie Flock Certification Program until the flock, including all first generation progeny

resulting from embryos imported in accordance with this section, qualifies as a ''Certified'' flock.

(b) Sheep embryos may be imported under paragraph (a) of this section only if the importer provides the Voluntary Scrapie Flock Certification Program identification number of the receiving flock as part of the application for an import permit.

(c) Sheep embryos may be imported under paragraph (a)(1) of this section only if they are the progeny of a dam and sire that are part of flocks in the region of origin that participate in a program determined by the Administrator to be equivalent to the Voluntary Scrapie Flock Certification Program, and the flocks have been determined by the Administrator to be at a level equivalent to ''Certified'' in the Voluntary Scrapie Flock Certification Program.

(d) Sheep embryos may be imported under paragraph (a)(2) of this section only if they are transferred to animals in a Certifiable Class C flock participating in the Voluntary Scrapie Flock Certification Program; *except,* that if the embryos are the progeny of a dam and sire whose flock in the region of origin participates in a program determined by the Administrator to be equivalent to the Voluntary Scrapie Flock Certification Program, then the embryos may be placed in a flock in the United States which would be classified at a level equivalent to or lower (i.e., at a greater risk) than the certification level, as determined by the Administrator, of either the flock of the dam or the flock of the sire, whichever one presents the greater risk.

(e) The flock to which the sheep embryos are transferred pursuant to paragraph (a)(2) of this section must be monitored for scrapie disease until the flock, and all first generation progeny resulting from the embryos imported in accordance with this section, qualifies as a ''Certified'' flock.

(f) Except for sheep embryos being placed in Certifiable Class C flocks, the certificate accompanying sheep embryos imported under paragraph (a) of this section must contain the following statement: ''The embryos identified on this certificate are the progeny of a dam and sire that have been monitored by a salaried veterinary officer of [*name of region of origin*], for [*number of months*], in the same source flock which had been determined by the Administrator, APHIS, prior to the exportation of these embryos to the United States, to be equivalent to [*certification level (of dam or sire) presenting greater risk*] of the Voluntary Scrapie Flock Certification Program authorized under 9 CFR part 54, subpart B.''

(1) The Administrator will determine, based upon information supplied by the importer, whether the flock of the embryos' dam and sire participates in a program in the region of origin that is equivalent to the Voluntary Scrapie Flock Certification Program, and if so, at what level the source flock would be classified.

(2) In order for the Administrator to make a determination, the importer must supply the following information with the application for an import permit, no less than 1 month prior to the anticipated date of importation:

(i) The name, title, and address of a knowledgeable official in the veterinary services of the region of origin;

(ii) The details of scrapie control programs in the region of origin, including information on disease surveillance and border control activities and the length of time such activities have been in effect;

(iii) Any available information concerning additions, within the 5 years immediately preceding collection of the embryos, to the flock of the embryos' sire and dam;

(iv) Any available data concerning disease incidence, within the 5 years immediately preceding collection of the embryos, in the flock of the embryos' sire and dam, including, but not limited to, the results of diagnostic tests, especially histopathology tests, conducted on any animals in the flock;

(v) Information concerning the health, within the 5 years immediately preceding collection of the embryos, of other ruminants, flocks, and herds with which the embryos' sire and dam and the flock of the embryos' sire and dam might have had physical contact, and a description of the type and frequency of the physical contact; and

(vi) Any other information requested by the Administrator in specific cases as needed to make a determination.

(g) All first generation progeny resulting from embryos imported under this section are subject to the requirements of 9 CFR part 54 and all other applicable regulations.

(Approved by the Office of Management and Budget under control numbers 0579–0040 and 0579–0101)

[61 FR 17241, Apr. 19, 1996, as amended at 62 FR 56025, Oct. 28, 1997]

Subpart B—Ruminant and Swine Embryos From Regions Where Rinderpest or Foot-and-Mouth Disease Exists

SOURCE: 56 FR 55809, Oct. 30, 1991, unless otherwise noted.

§98.11 Definitions.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Collection of embryos. Embryos removed from a single donor dam in one operation.

Embryo. The initial stages of development of an animal, after collection from the natural mother and while it is capable of being transferred to a recipient dam, but not after it has been transferred to a recipient dam.

Embryo collection unit. Area or areas where the donor dam will be bred to produce embryos for importation into the United States, and where the embryos will be collected, processed, and stored pending shipment to the United States.

Foreign Animal Disease Diagnostic Laboratory. The Foreign Animal Disease Diagnostic Laboratory of the Animal and Plant Health Inspection Service.

Herd of origin. The herd in which the donor dam is kept during the 60 days before the donor dam is required to be housed in an embryo collection unit, in accordance with §98.17(a) of this subpart.

Import. To bring into the territorial limits of the United States.

Inspector. An employee of the Animal and Plant Health Inspection Service who is authorized to perform the function involved.

Official veterinarian. A full-time salaried veterinarian of the national government of the country of origin or a veterinarian employed by the Animal and Plant Health Inspection Service (APHIS), and designated by APHIS to supervise or conduct procedures required by this subpart, and to certify that requirements of this subpart have been met.

Person. Any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

Region. Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

(1) A national entity (country);

(2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.);

(3) Parts of several national entities combined into an area; or

(4) A group of national entities (countries) combined into a single area.

Region of origin. The region in which the embryo is conceived and collected and from which the embryo is imported into the United States.

Ruminant. All animals which chew the cud, including cattle, buffaloes, camelids, cervids (deer, elk, moose, and antelope), sheep, goats, and giraffes.

Swine. The domestic hog and all varieties of wild hogs.

United States. All of the States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

[56 FR 55809, Oct. 30, 1991, as amended at 61 FR 15183, Apr. 5, 1996; 62 FR 56025, Oct. 28, 1997]

§98.12 General prohibitions.

(a) Ruminant and swine embryos may not be imported from regions where rinderpest or foot-and-mouth disease exists except in accordance with this subpart.

(b) Ruminant and swine embryos may not be imported into the United States from any region other than the

region in which they were conceived and collected.

[56 FR 55809, Oct. 30, 1991, as amended at 61 FR 15183, Apr. 5, 1996; 62 FR 56025, Oct. 28, 1997]

§ 98.13 Import permit.

(a) Ruminant and swine embryos and all test samples required by this subpart may be imported into the United States from regions where foot-and-mouth disease or rinderpest exists only if accompanied by import permits issued by the Animal and Plant Health Inspection Service (APHIS).

(b) An application for the import permits must be submitted to the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231. Application forms also may be obtained at this same address. The application for a permit to import embryos will also serve as the application for a permit to import test samples for those embryos; separate applications are not required. The application must include the following information:

(1) The name and address of the exporter;

(2) The name and address of the importer;

(3) The name and address of the place where the donor dam will be bred and where the embryo(s) will be collected;

(4) The species, breed, and number of embryos to be imported;

(5) The purpose of the importation;

(6) The port of embarkation;

(7) The mode of transportation;

(8) The route of travel;

(9) The port of entry in the United States;

(10) The proposed date of arrival in the United States; and

(11) The name and address of the person to whom the embryos will be delivered in the United States.

(Approved by the Office of Management and Budget under control number 0579–0040)

[56 FR 55809, Oct. 30, 1991, as amended at 59 FR 67616, Dec. 30, 1994; 61 FR 15183, Apr. 5, 1996; 62 FR 56025, Oct. 28, 1997]

§ 98.14 Health certificate.

(a) Ruminant and swine embryos shall not be imported into the United States unless they are accompanied by a certificate issued by a full-time salaried veterinary officer of the national government of the region of origin, or issued by a veterinarian designated or accredited by the national government of the region of origin and endorsed by a full-time salaried veterinary officer of the national government of the region of origin, representing that the veterinarian issuing the certificate was authorized to do so.

(b) The health certificate must state:

(1) The name and address of the place where the embryos were collected;

(2) The name and address of the vetrinarian who collected the embryos;

(3) The date of embryo collection;

(4) The identification and breed of the donor dam and donor sire;

(5) The number of ampules or straws covered by the health certificate and the identification number or code on each ampule or straw;

(6) The dates, types, and results of all examinations and tests performed on the donor dam and donor sire as a condition for importing the embryos;

(7) The dates and results of all tests performed on unfertilized eggs, nontransferrable embryos, and embryo collection and wash fluids;

(8) The names and addresses of the consignor and consignee;

(9) That the embryos are being imported into the United States in accordance with subpart B of 9 CFR part 98.

(c) If any of the information required by paragraph (b) of this section is provided in code, deciphering information must be attached to the health certificate.

(d) The health certificate accompanying sheep or goat embryos intended for importation from any part of the world shall, in addition to the statements required by paragraph (b) of this section, state that:

(1) The embryos' sire and dam have not been in any flock or herd nor had contact with sheep or goats which have been in any flock or herd where scrapie has been diagnosed or suspected during the 5 years prior to the date of collection of the embryos;

(2) The embryos' sire and dam showed no evidence of scrapie at the time the embryos were collected;

(3) Scrapie has not been suspected nor confirmed in any progeny of the embryos' donor dam; and

(4) The parents of the embryos' sire and dam are not, nor were not, affected with scrapie.

(e) There must be a separate health certificate for each collection of embryos.

(Approved by the Office of Management and Budget under control number 0579–0040)

[56 FR 55809, Oct. 30, 1991, as amended at 61 FR 15183, Apr. 5, 1996; 61 FR 17242, Apr. 19, 1996; 62 FR 56025, Oct. 28, 1997]

§98.15 Health requirements.

Ruminant and swine embryos may be imported from a region where rinderpest or foot-and-mouth disease exists only if all of the following conditions are met:

(a) The donor dam is determined to be free of communicable diseases based on tests, and examinations, and other requirements, as follows:

(1) During the year before embryo collection, no case of the following diseases occurred in the embryo collection unit or in any herd in which the donor dam was present:

(i) Ruminant: Bovine spongiform encephalopathy, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, or vesicular stomatitis; or

(ii) Swine: African swine fever, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, or vesicular stomatitis.

(2) During the year before embryo collection, no case of the following diseases occurred within 5 kilometers of the embryo collection unit or in any herd in which the donor dam was present:

(i) Ruminant: Bovine spongiform encephalopathy, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, or vesicular stomatitis; or

(ii) Swine: African swine fever, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, or vesicular stomatitis.

(3) During the 60 days before embryo collection, the donor dam did not receive a vaccination for either rinderpest or foot-and-mouth disease.

(4) During the 60 days before the donor dam was required to be in the embryo collection unit, in accordance with §98.17(a) of this subpart, the donor dam remained in the same herd, and no ruminants or swine were added to that herd.

(5)(i) On the day of embryo collection, and again not less than 30 days nor more than 120 days afterward, one sample of at least 10 ml of serum was collected from the donor dam, frozen, and sent to the Foreign Animal Disease Diagnostic Laboratory for testing.

(ii) The donor dam was determined to be free of foot-and-mouth disease based upon tests of the pair of serum samples. In addition, if any of the following diseases exist in the region of origin, the donor dam was determined to be free of these diseases based upon additional tests of the serum samples:

(A) Ruminant: Contagious bovine pleuropneumonia, Rift Valley fever, rinderpest, or vesicular stomatitis; or

(B) Swine: African swine fever, hog cholera, pseudorabies, rinderpest, swine vesicular disease, or vesicular stomatitis.

(iii) If the donor dam was in any herd during the year before embryo collection that was not certified free of brucellosis by the national government of the region of origin, the donor dam was determined to be free of brucellosis based on tests of the serum samples.

(iv) The only official test results will be those provided by the Foreign Animal Disease Diagnostic Laboratory.

(6) If the donor dam was in any herd during the year before embryo collection that was not certified free of tuberculosis by the national government of the region of origin, the donor dam was determined to be free of tuberculosis by an official veterinarian based on an intradermal tuberculin test. The test must have been administered to the donor dam by an official veterinarian not less than 30 days nor more than 120 days after embryo collection, and not less than 60 days after any previously administered intradermal test for tuberculosis.

(7)(i) Not less than 30 days nor more than 120 days after embryo collection, the donor dam was examined by an official veterinarian and found free of

clinical evidence of the following diseases:

(A) Ruminant: Bovine spongiform encephalopathy, brucellosis, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, tuberculosis, and vesicular stomatitis; or

(B) Swine: African swine fever, brucellosis, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, tuberculosis, and vesicular stomatitis.

(ii) All signs of any other communicable disease must be listed on the health certificate that accompanies the embryos to the United States.

(8)(i) Between the time the embryos were collected and all examinations and tests required by this subpart were completed, no animals in the embryo collection unit with the donor dam, or in the donor dam's herd of origin, exhibited any clinical evidence of:

(A) Ruminant: Bovine spongiform encephalopathy, brucellosis, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, tuberculosis, and vesicular stomatitis; or

(B) Swine: African swine fever, brucellosis, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, tuberculosis, and vesicular stomatitis.

(ii) All signs of any other communicable disease must be listed on the health certificate that accompanies the embryos to the United States.

(b) The donor dam or donor sire is determined to be free of communicable diseases based on other testing or certifications if required by the Administrator. The Administrator may require additional testing or certifications if he or she determines that they are necessary to determine either the donor dam's or the donor sire's freedom from communicable diseases. Circumstances that may result in additional testing or certifications include, but are not limited to:

(1) The existence of communicable diseases of livestock, other than those diseases specifically listed, in the region of origin;

(2) A high prevalence or an increase in the incidence of a communicable disease in the region of origin;

(3) The use of natural breeding, rather than artificial insemination to conceive the embryos;

(4) The use of fresh, rather than frozen semen, for artificial insemination; and

(5) The use of semen collected at a site other than an artificial insemination center approved by the national government of the region of origin.

(c) Embryos produced by any donor dam or sire that dies before being examined and tested as required under this subpart will not be eligible for importation into the United States.

[56 FR 55809, Oct. 30, 1991, as amended at 61 FR 15183, Apr. 5, 1996; 62 FR 56025, Oct. 28, 1997]

§ 98.16 The embryo collection unit.

Ruminant and swine embryos may be imported into the United States from a region where rinderpest or foot-and-mouth disease exists only if they were conceived, collected, processed, and stored prior to importation at an embryo collection unit. The embryo collection unit may be located on the premises where the donor dam's herd of origin is kept, or at any other location, provided that the embryo collection unit has been inspected and approved by an APHIS veterinarian and that the following requirements are met:

(a) *Animal holding and breeding area(s).* The embryo collection unit must have an area or areas for holding the donor dams and for breeding them (either natural breeding or artificial insemination).

(b) *Embryo collection area.* The embryo collection must have a room or outdoor area for collection of embryos that contains a device or devices for restraining embryo donors during embryo collection. If a room, the floor, walls, and ceiling must be impervious to moisture and constructed of materials that can withstand repeated cleaning and disinfection. If an outdoor area, the area must have a floor that is impervious to moisture and is constructed of materials that can withstand repeated cleaning and disinfection. If the outdoor area also has walls or a roof, the walls or roof also must be

impervious to moisture and be constructed of materials that can withstand repeated cleaning and disinfection.

(c) *Embryo processing area.* The embryo collection unit must have an enclosed room, which may be mobile, that is used *only* for processing embryos. The walls, floor, and ceiling of the room must be impervious to moisture and constructed of materials that can withstand repeated cleaning and disinfection. The room must contain a work surface for handling the embryos, such as a table or countertop that is impervious to moisture. The room also must contain a microscope with a minimum of 50x magnification, and equipment for freezing the embryos.

(d) *Embryo storage area.* The embryo collection unit must have one lockable area that is used only for storing frozen embryos intended for importation into the United States.

(e) *Area for cleaning and disinfecting or sterilizing equipment.* The embryo collection unit must have an enclosed room used for cleaning and disinfecting or sterilizing equipment used for artificial insemination or for collection, processing, or storage of embryos. The walls, floor, and ceiling of the room must be impervious to moisture and constructed of materials that can withstand repeated cleaning and disinfection.

[56 FR 55809, Oct. 30, 1991, as amended at 61 FR 15184, Apr. 5, 1996; 62 FR 56025, Oct. 28, 1997]

§98.17 Procedures.

(a) *Housing of the donor dam.* (1) Beginning at least 24 hours before a donor dam is bred to produce embryos for importation to the United States, the donor dam must be housed at an embryo collection unit.

(2) The donor dam must remain at the embryo collection unit until the embryos for importation into the United States have been collected.

(3) After collection of embryos, the donor dam must either remain at the embryo collection unit or be returned to the herd of origin and remain there until all examinations and tests required by this subpart have been completed.

(4) During the time the donor dam is in the embryo collection unit, in accordance with paragraphs (a)(1) through (a)(3) of this section, no animals may be in the embryo collection unit with the donor dam unless:

(i) They meet the requirements of §98.15 of this subpart that are applicable to the donor dam at that time;

(ii) They are part of the donor dam's herd of origin; or

(iii) They are serving as donor sires for the production of embryos to be imported into the United States.

(b) *Oversight and supervision.* (1) All procedures associated with the production of embryos for importation into the United States, including artificial insemination, natural breeding, and cleaning and disinfection, must be performed under the oversight of an APHIS veterinarian. Collecting test samples, and collecting, processing, and storing embryos, must be supervised in person by an APHIS veterinarian.

(2) Officials from the Animal and Plant Health Inspection Service must be given access to all areas of the embryo collection unit and the donor dam's herd of origin during the time the donor dam is housed there, in accordance with paragraphs (a)(1) through (a)(3) of this section.

(c) *Personnel.* All personnel must put on clean outer garments, including disinfected boots, and must scrub their hands with soap and water each time they enter the embryo collection unit and before entering any room or area listed in §98.16 of this subpart.

(d) *Cleaning, disinfection, and sterilization.* (1) All equipment that comes in contact with embryos or with media used for their collection or processing must be sterile. Equipment used for embryos from one donor dam, or with associated media, may not be used for embryos or associated media from any other donor dam until it has been resterilized.

(2) All equipment that comes in contact with a donor dam's secretions or excretions must be sterile and may not be used with any other donor dam until it has been resterilized.

(3) Containers used for storing embryos or for shipping embryos to the United States must be examined and

found free of any organic matter and then disinfected before the ampules or straws are placed inside.

(4) The floor, ceiling, and walls of any room or outdoor area used for embryo collection, and the restraining device(s) used for this procedure, must be cleaned with soap and water and disinfected before the room or area is used to collect embryos intended for importation to the United States, and at least daily while in use for this purpose.

(5) The room and work surface used for processing embryos must be kept free of insects, rodents, trash, manure, and other animal matter and must be cleaned with soap and water and disinfected before the room is used for embryos intended for importation to the United States, and the work surface must be cleaned and disinfected at least daily while in use for this purpose.

(6) The area of the embryo collection unit used to store embryos intended for importation to the United States must be kept free of insects, rodents, trash, manure, and other animal matter and must be cleaned with soap and water and disinfected before being used to store the embryos.

(7) The room used for cleaning and disinfecting or sterilizing equipment used for artificial insemination or for collection, processing, or storage of embryos must be kept free of insects, rodents, trash, manure, and other animal matter and must be cleaned with soap and water and disinfected before being used to prepare equipment for donors of embryos intended for importation into the United States, and at least daily while in use for this purpose.

(e) *Media; cryogenic agent.* (1) All media containing products of animal origin and used for embryo collection and processing must be from sources in the United States or Canada.

(2) The liquid nitrogen used to freeze embryos may not have been used previously for any other products of animal origin.

(f) *Collection and processing of embryos.* (1) If embryos are collected in an outdoor area, they must be collected by using a closed collection system so that the embryos are not exposed to open air until they are inside the embryo processing room.

(2) Embryos from donors that do not meet the requirements of § 98.15 of this subpart that are applicable at the time of embryo collection may not be in the processing room at the same time as embryos intended for importation into the United States.

(3) Each embryo must be washed at least 10 times. Each wash must be accomplished by transferring the embryo into an aliquot of fresh medium that is 100 times the volume of the embryo plus any fluid transferred from the previous wash. No more than 10 embryos from the same flush may be washed together. A sterile micropipette must be used for each transfer, and the embryos must be well agitated throughout the entire volume of the wash before the next transfer. Embryos from different donors may not be washed together.

(4) After the last wash, each embryo must be microscopically examined over its entire surface at not less than 50× magnification. An embryo may not be imported into the United States unless its zona pellucida is found to be intact and free from any adherent material.

(5) After washing and examination of the zona pellucida, embryos must be individually packaged in sterile ampules or straws and frozen in liquid nitrogen. The donor dam's and sire's identifications and breed, the date of embryo collection, the name and address of the place where the embryos were collected, and an identification number for the straw or ampule must be recorded with indelible markings on each ampule or straw. If any of this information is provided in code, deciphering information must be attached to the health certificate for the embryos.

(6) The Administrator may require additional measures to be taken in processing embryos after collection (for example, adding trypsin to the washes) if he or she determines that such measures are necessary to ensure the embryos freedom from infectious agents that may cause communicable diseases. Circumstances that may result in such additional measures being required include, but are not limited to:

(i) The existence of communicable diseases of livestock, other than those diseases specifically listed, in the region of origin; and

(ii) A high prevalence or an increase in the incidence of a communicable disease in the region of origin.

(g) *Preparation of test samples; tests.* (1) All nontransferrable embryos and unfertilized eggs from each collection of embryos intended for importation into the United States must be pooled, frozen in liquid nitrogen, and sent to the Foreign Animal Disease Diagnostic Laboratory for testing under the personal supervision of an APHIS veterinarian. The collection and last two wash fluids from the collection of embryos must be frozen and sent to the Foreign Animal Disease Diagnostic Laboratory for testing under the personal supervision of an APHIS veterinarian. Samples from different collections may not be mixed.

(2) All samples collected in accordance with paragraph (g)(1) of this section must be tested and found negative for viral contamination. The wash fluids also must be found negative for bacterial contamination. The only official results for these tests will be those provided by the Foreign Animal Disease Diagnostic Laboratory.

(h) *Storage of embryos.* (1) Frozen embryos to be imported into the United States must be stored in a locked area or must remain in the custody of an official veterinarian until they are sealed in accordance with paragraph (h)(2) of this section and released for shipment to the United States in accordance with §98.18(a) of this subpart; except that, the embryos may be moved to a U.S. Department of Agriculture-operated animal import center in either New York, Hawaii, or Florida, under seal and in the custody of that individual, and remain in quarantine there until all tests and examinations required by this subpart have been completed and all test results have been provided by the Foreign Animal Disease Diagnostic Laboratory.

(2) Containers in which embryos will be imported into the United States must be sealed by an official veterinarian with the official seal of the region of origin or, if the official veterinarian is an employee of the Animal and Plant Health Inspection Service, with an official seal of the United States Department of Agriculture. The seal number must be recorded on the health certificate that accompanies the embryos to the United States.

(Approved by the Office of Management and Budget under control number 0579–0040)

[56 FR 55809, Oct. 30, 1991, as amended at 61 FR 15184, Apr. 5, 1996; 62 FR 56026, Oct. 28, 1997]

§98.18 Shipment of embryos to the United States.

(a) *Release from the embryo collection unit.* Except as provided in §98.17(h)(1) of this subpart, embryos may not be moved from the embryo collection unit until all tests and examinations required by this subpart have been completed and the Import-Export Animals Staff, Veterinary Services, APHIS, has received written notification of all test results from the Foreign Animal Disease Diagnostic Laboratory.

(b) *Route.* The sealed shipping containers must be routed directly to the U.S. port of entry designated on the import permit.

(c) *Ports of entry.* The embryos may be imported into the United States only through a port of entry listed in §93.203(a) of this chapter.

(d) *Date of arrival in the United States.* Embryos that arrive at the port of entry more than 14 days after the proposed date of arrival stated in the import permit will not be eligible for importation into the United States.

[56 FR 55809, Oct. 30, 1991, as amended at 62 FR 56026, Oct. 28, 1997]

§98.19 Arrival and inspection at the port of entry.

(a) Upon arrival at the port of entry, the importer or the importer's agent must present an inspector at the port with the original health certificate and the original import permit for the embryos.

(b) The shipping container and all straws or ampules containing embryos must be made available to an inspector at the port of entry for inspection, and may not be removed from the port of entry until an inspector determines that the embryos are eligible for entry

in accordance with this subpart and releases them.

§ 98.20 Embryos refused entry.

If any embryos are determined to be ineligible for importation into the United States upon arrival at the port of entry, the importer must remove the embryos from the United States within 30 days, or the embryos will be destroyed.

§ 98.21 Embryos from sheep in regions other than Australia, Canada, and New Zealand.

Except for embryos from sheep in Australia, Canada, or New Zealand, embryos from sheep may only be imported into the United States if they comply with all applicable provisions of this subpart and with § 98.10a.

(Approved by the Office of Management and Budget under control numbers 0579–0040 and 0579–0101)

[61 FR 17242, Apr. 19, 1996]

Subpart C—Certain Animal Semen

SOURCE: 55 FR 31558, Aug. 2, 1990, unless otherwise noted.

§ 98.30 Definitions.

Whenever in this subpart of the following terms are used, unless the context otherwise requires, they shall be construed, respectively, to mean:

Administrator. The Administrator of the Animal and Plant Health Inspection Service or any other employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, to whom authority has been or may be delegated to act in the Administrator's stead.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service.)

Animals. Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, and poultry.

Cattle. Animals of the bovine species.

Communicable disease. Any contagious, infectious, or communicable disease of domestic livestock, poultry or other animals.

Department. The United States Department of Agriculture (USDA).

Flock. A herd.

Herd. All animals maintained on any single premises; and all animals under common ownership or supervision on two or more premises which are geographically separated, but among which there is an interchange or movement of animals.

Horses. Horses, asses, mules, and zebras.

Inspector. An employee of the Animal and Plant Health Inspection Service authorized to perform duties required under this subpart.

Port veterinarian. A veterinarian employed by the Animal and Plant Health Inspection Service to perform duties required under this part at a port of entry.

Poultry. Chickens, doves, ducks, geese, grouse, guinea fowl, partridges, pea fowl, pheasants, pigeons, quail, swans, and turkeys (including eggs for hatching).

Region. Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

(1) A national entity (country);

(2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.)

(3) Parts of several national entities combined into an area; or

(4) A group of national entities (countries) combined into a single area.

Ruminants. All animals which chew the cud, such as cattle, buffaloes, sheep, goats, deer, antelopes, camels, llamas and giraffes.

Swine. The domestic hog and all varieties of wild hogs.

United States. All of the States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other Territories and Possessions of the United States.

[55 FR 31558, Aug. 2, 1990. Redesignated at 56 FR 55809, Oct. 30, 1991; 61 FR 17242, Apr. 19, 1996; 62 FR 56026, Oct. 28, 1997]

§ 98.31 General prohibitions; exceptions.

(a) No product subject to the provisions of this subpart shall be brought

into the United States except in accordance with the regulations in this subpart and part 94 of this subchapter; nor shall any such product be handled or moved after physical entry into the United States before final release from quarantine or any other form of governmental detention except in compliance with such regulations; *Provided*, That, except as prohibited by section 306 of the Act of June 17, 1930, as amended (19 U.S.C. 1306), the Administrator may upon request in specific cases permit products to be brought into or through the United States under such conditions as he or she may prescribe, when he or she determines in the specific case that such action will not endanger the livestock or poultry of the United States.

(b) Animal semen may not be imported into the United States from any region other than the region in which it was collected.

[55 FR 31558, Aug. 2, 1990. Redesignated at 56 FR 55809, Oct. 30, 1991, and amended at 58 FR 37643, July 13, 1993; 59 FR 26596, May 23, 1994; 62 FR 56026, Oct. 28, 1997]

§98.32 Inspection of certain aircraft and other means of conveyance and shipping containers thereon; unloading, cleaning, and disinfection requirements.

(a) *Inspection:* All aircraft and other means of conveyance (including shipping containers thereon) moving into the United States from any foreign region are subject to inspection without a warrant by properly identified and designated inspectors to determine whether they are carrying any animal, carcass, product or article regulated or subject to disposal under any law or regulation administered by the Secretary of Agriculture for prevention of the introduction or dissemination of any communicable animal disease (21 U.S.C. 134d).

(b) *Unloading requirements:* Whenever in the course of any such inspection at any port in the United States the inspector has reason to believe that the means of conveyance or container is contaminated with material of animal (including poultry) origin, such as, but not limited to, meat, organs, glands, extracts, secretions, fat, bones, blood, lymph, urine, or manure, so as to present a danger of the spread of any communicable animal disease, the inspector may require the unloading of the means of conveyance and the emptying of the container if he or she deems it necessary to enable him or her to determine whether the means of conveyance or container is in fact so contaminated. The principal operator of the means of conveyance and his or her agent in charge of the means of conveyance shall comply with any such requirement under the immediate supervision of, and in the time and manner prescribed by, the inspector.

(c) *Cleaning and disinfection:* Whenever, upon inspection under this section, an inspector determines that a means of conveyance or shipping container is contaminated with material of animal origin so as to present a danger of the spread of any communicable animal disease, he or she shall notify the principal operator of the means of conveyance or his or her agent in charge, of such determination and the requirements under this section. The person so notified shall cause the cleaning and disinfection of such means of conveyance and container under the immediate supervision of, and in the time and manner prescribed by, the inspector.

(d) For purposes of this section, the term ''shipping container'' means any container of a type specially adapted for use in transporting any article on the means of conveyance involved.

[55 FR 31558, Aug. 2, 1990. Redesignated at 56 FR 55809, Oct. 30, 1991; 62 FR 56026, Oct. 28, 1997]

§98.33 Ports designated for the importation of certain animal semen.

(a) *Air and ocean ports.* The following air and ocean ports are designated as having inspection facilities for the entry of animal semen: Los Angeles, California; Miami, Florida; Honolulu, Hawaii; and Newburgh, New York.

(b) *Canadian border ports.* The following land border ports are designated as having inspection facilities for the entry of animal semen from Canada: Eastport, Idaho; Houlton and Jackman, Maine; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Baudette, Minnesota; Opheim, Raymond, and Sweetgrass, Montana; Alexandria Bay,

Buffalo, and Champlain, New York; Dunseith, Pembina, and Portal, North Dakota; Derby Line and Highgate Springs, Vermont; Blaine, Lynden, Oroville, and Sumas, Washington.

(c) *Mexican border ports.* The following land border ports are designated as having inspection facilities for the entry of animal semen from Mexico: Douglas, Naco, Nogales, San Luis, and Sasabe, Arizona; Calexico and San Ysidro, California; Antelope Wells, Columbus, and Santa Teresa, New Mexico; Brownsville, Del Rio, Eagle Pass, El Paso, Hidalgo, Laredo, and Presidio, Texas.

(d) *Limited ports.* The following limited ports are designated as having inspection facilities for the entry of animal semen: Anchorage and Fairbanks, Alaska; San Diego, California; Jacksonville, St. Petersburg-Clearwater, and Tampa, Florida; Atlanta, Georgia; Chicago, Illinois; New Orleans, Louisiana; Portland, Maine; Baltimore, Maryland; Boston, Massachusetts; International Falls and Minneapolis, Minnesota; Great Falls, Montana; Portland, Oregon; San Juan, Puerto Rico; Galveston and Houston, Texas; Seattle, Spokane, and Tacoma, Washington.

(e) *Designation of other ports.* The Secretary of the Treasury has approved the designation as quarantine stations of the ports specified in this section. In special cases other ports may be designated as quarantine stations under this section by the Administrator, with the concurrence of the Secretary of the Treasury.

[55 FR 31558, Aug. 2, 1990. Redesignated at 56 FR 55809, Oct. 30, 1991, and amended at 58 FR 37643, July 13, 1993; 60 FR 16045, Mar. 29, 1995; 60 FR 25120, May 11, 1995]

§ 98.34 Import permits for poultry semen and animal semen.

(a) *Application for permit; reservation required.* (1) For poultry semen and animal semen, intended for importation from any part of the world, except as otherwise provided for in § 98.36, the importer shall first apply for and obtain from APHIS an import permit. The application shall specify the name and address of the importer; the species, breed, quantity of animal semen to be imported; the purpose of the importation; individual animal identification (except poultry) which includes a description of the animal, name, age, markings, if any, registration number, if any, and tattoo or eartag; the region of origin; the name and address of the exporter; the port of embarkation in the foreign region; the mode of transportation, route of travel, and the port of entry in the United States; the proposed date of arrival of the animal semen to be imported; and the name of the person to whom the animal semen will be delivered and the location of the place in the United States to which delivery will be made from the port of entry. Additional information may be required in the form of certificates concerning specific diseases to which the animals are susceptible, as well as vaccinations or other precautionary treatments to which the animals or animal semen have been subjected. Notice of any such requirements will be given to the applicant in each case.

(2) An application for permit to import will be denied for semen from ruminants or swine from any region where it has been declared, under section 306 of the Act of June 17, 1930, that foot-and-mouth disease or rinderpest has been determined to exist, except as provided in paragraph (c) of this section.

(3) An application for permit to import poultry semen or animal semen may also be denied because of: Communicable disease conditions in the area or region of origin, or in a region through which the shipment has been or will be transported; deficiencies in the regulatory programs for the control or eradication of animal diseases and the unavailability of veterinary services in the above mentioned regions; the importer's failure to provide satisfactory evidence concerning the origin, history, and health status of the animals or animal semen; the lack of satisfactory information necessary to determine that the importation will not be likely to transmit any communicable disease to livestock or poultry of the United States; or any other circumstances which the Administrator believes require such denial to prevent the dissemination of any communicable disease of livestock or poultry into the United States.

(b) *Permit.* When a permit is issued, the original and two copies will be sent to the importer. It shall be the responsibility of the importer to forward the original permit and one copy to the shipper in the region of origin, and it shall also be the responsibility of the importer to insure that the shipper presents the copy of the permit to the carrier and makes proper arrangements for the original permit to accompany the shipment to the specified U.S. port of entry for presentation to the collector of customs. Animal semen intended for importation into the United States for which a permit has been issued, will be received at the specified port of entry within the time prescribed in the permit which shall not exceed 14 days from the first day that the permit is effective for all permits. Poultry semen and animal semen for which a permit is required by these regulations will not be eligible for entry if a permit has not been issued; if unaccompanied by such a permit; if shipment is from any port other than the one designated in the permit; if arrival in the United States is at any port other than the one designated in the permit; if the animal semen offered for entry differs from that described in the permit; or if the animal semen is not handled as outlined in the application for the permit and as specified in the permit issued.

(c) *Animal semen from regions where rinderpest or foot-and-mouth disease exists.* Importation of semen of ruminants or swine, originating in any region designated in paragraph (a) of § 94.1 of this subchapter as a region where rinderpest or foot-and-mouth disease is determined to exist, is prohibited, except that semen from ruminants or swine originating in such a region may be offered for entry into the United States at the port of New York and later released from such port provided the following conditions have been fulfilled:

(1) The importer has applied for and obtained an import permit for the semen in accordance with the provisions of this section and related requirements concerning application therefor, which permit is in effect at the time of importation, and has deposited with the Department prior to the issuance of the permit sufficient funds so as to be available for defraying estimated expenses to be incurred in connection with the proposed semen importation and following the issuance of the permit has deposited such other amounts as may be required from time to time to defray unanticipated costs or increased expenses. Such an import permit may be denied for the reasons specified in paragraph (a)(3) of this section. Furthermore, an import permit will be revoked unless the following conditions have been complied with:

(i) The donor animal shall have been inspected on the farm of origin or on another premises (the inspection may be on another premises only if a veterinarian of the Department has traced the donor animal back to its farm of origin) by a veterinarian of the United States Department of Agriculture who, in cooperation with the veterinary service of the region of origin of the donor animal, shall have determined, insofar as possible, that the donor animal was never infected with rinderpest or foot-and-mouth disease; that the donor animal was never on a farm or other premise where rinderpest or foot-and-mouth disease then existed; that the donor animal has not been on a premise that had an animal that was susceptible to the virus of rinderpest or foot-and-mouth disease and that was exposed to either disease during the 12 months immediately prior to the date of inspection of the donor animal; that the donor animal, if a ruminant, has never been vaccinated against rinderpest; that the donor animal, if a swine, has never been vaccinated against rinderpest or foot-and-mouth disease; and that the donor animal was free from evidence of other communicable disease;

(ii) The donor animal shall have been permanently identified in a manner satisfactory to a veterinarian of this Department; a blood sample and an oesophageal-pharyngeal tissue sample (O-P sample) from such a donor ruminant and a blood sample from such a donor swine for tests as specified in paragraph (c)(1)(iv) of this section or other tests shall have been collected by a veterinarian of the United States Department of Agriculture and transported by air to the New York Port

Veterinarian for delivery to the Foreign Animal Disease Diagnostic Laboratory, Greenport, New York, in containers approved by a veterinarian of this Department, sealed in the region of origin by a veterinarian of this Department; and pending the results of the tests, the donor animal shall have been kept in isolation on the farm of origin or other acceptable location under the supervision of a veterinarian of this Department, and during such isolation period no animal susceptible to rinderpest or foot-and-mouth disease shall have been permitted to enter such farm or location and no other source of exposure to rinderpest or foot-and-mouth disease shall have been present;

(iii) The blood samples from the donor animal shall have been negative to the tests specified in paragraph (c)(1)(iv) of this section made at the Foreign Animal Disease Diagnostic Laboratory, Greenport, New York, and to any other test for rinderpest, foot-and-mouth disease or other communicable disease prescribed by the Administrator.

(iv) In the case of a ruminant, each blood sample collected pursuant to paragraph (c)(1)(ii) or (vi) of this section shall have been tested for foot-and-mouth disease using the virus infection associated (VIA) test and each O–P sample collected pursuant to paragraph (c)(1)(ii) or (iv) of this section shall have been tested for foot-and-mouth disease using the virus isolation test. In the case of a swine, each blood sample collected pursuant to paragraph (c)(1)(ii) or (vi) of this section shall have been tested for foot-and-mouth disease using the virus infection associated (VIA) test and the virus neutralization test.''[1]

(v) Following isolation, preliminary veterinary inspection, and testing while the donor animal was on the farm of origin or other acceptable location, the donor animal shall have been transported, under such conditions as the Department veterinarian prescribed to prevent exposure of the animal to the virus of rinderpest or foot-and-mouth disease, to an isolation facility properly equipped for the necessary care and maintenance of the donor animal and for the proper collection and handling of semen, approved by a veterinarian of this Department and under the direct supervision of such veterinarian;

(vi) The semen of the donor animal shall have been collected at the approved isolation facility under the direct supervision of a veterinarian of this Department (any number of collections may be made); such veterinarian shall take a 0.5 ml sample of semen from each semen collection; and all handling procedures, such as examination, dilution, refrigeration, and preparation of the semen for shipment, shall have been under the direct supervision of a veterinarian of this Department. In the case of a ruminant, a blood sample and an O–P sample shall have been taken from the donor animal by a veterinarian of the Department within 7 days after the final semen collection, and between 21 to 28 days after the taking of these samples another blood sample shall have been taken from the donor animal by a veterinarian of the Department. In the case of a swine, a blood sample shall have been taken from the donor animal by a veterinarian of the Department within 7 days after the final semen collection, and between 21 to 28 days after the taking of the sample, another blood sample shall have been taken from the donor animal by a veterinarian of the Department.

(2) The semen collected at the approved isolation facility shall have been at all times, except during air transportation to New York, in the custody of a veterinarian of this Department.

(3) The semen for which an import permit has been issued shall have been transported by air to the port of New York in liquid nitrogen containers approved by a veterinarian of this Department; sealed in the region of origin by a veterinarian of this Department; and accompanied by a statement by such veterinarian showing the identification of the donor animal and the dates the semen was collected, along

[1] The test procedures for the virus infection associated (VIA) test, the virus isolation test, and the virus neutralization test are available from the Chief, Foreign Animal Disease Diagnostic Laboratory, National Veterinary Services Laboratories, P.O. Box 848, Greenport, NY 11944.

with a certificate regarding the health status of the donor animal as of the date of shipment of the semen to the port of New York. All semen received at the port of New York shall be held under quarantine in liquid nitrogen storage at such port in the custody of APHIS until released or otherwise disposed of as provided in this section.

(4) The donor animal shall have been retained at the approved isolation facility in the region where the semen was collected until all of the applicable samples referred to in paragraph (c)(1)(vi) of this section have been collected by a veterinarian of the Department for tests as specified in paragraph (c)(1)(iv) of this section at the Foreign Animal Disease Diagnostic Laboratory, Greenport, New York, and any other tests as required by the Administrator.

(5) The semen sample from each collection shall have consisted of unprocessed semen without any added substances, and shall have been tested at the Foreign Animal Disease Diagnostic Laboratory, Greenport, New York. Such tests shall have been performed by injecting the semen samples into test animals which are susceptible to rinderpest or foot-and-mouth disease. The semen collected at the approved isolation facility, other than the semen samples, may be held in the region of origin or at the port of New York, at the option of the importer, until all of the testing required to be conducted under this section is completed.

(6) If it is determined that the requirements set forth in this paragraph have been complied with and there are no indications that the donor animal or the semen from the donor animal harbors the virus of rinderpest or foot-and-mouth disease or any other communicable disease and if the donor animal, blood samples from the donor animal, O–P samples (if applicable) from the donor animal, and semen samples from the donor animal are negative to all other tests required, the semen shall be released for shipment to the consignee listed by the importer; otherwise the semen shall be destroyed or disposed of as the Administrator, may direct.

(7) *Porcine semen from the People's Republic of China.* In addition to the other requirements of this part, porcine semen may be imported into the United States from the People's Republic of China (PRC) only after the official veterinary organization (OVO) of the PRC has certified that the PRC is free of African swine fever, rinderpest, and Teschen's disease, and after the following conditions have been fulfilled:

(i) The donor boars must pass a 60-day isolation/collection period in a facility jointly approved by the OVO of the PRC and the USDA as adequate to prevent exposure of the donor boars to infectious diseases. Any other swine at the isolation facility, such as teaser animals, must also meet the requirements of this paragraph. No animals may be added to the group after the start of the 60-day isolation/collection period. The Department will permit collection of semen to be initiated at the beginning of the isolation/collection period. The facility shall be cleaned and disinfected with a 4 percent sodium carbonate solution used in accordance with applicable label instructions in the presence of OVO quarantine personnel prior to the start of the isolation. During the isolation/collection period, personnel handling the animals shall not have contact with other domestic farm livestock (this term does not include pets such as dogs and cats). Raw animal food wastes (garbage) shall not be fed to the donor boars while in isolation. At the start of the isolation/collection period, and again after 14 days of isolation, all animals offered for collection of semen must be given an intramuscular injection of dihydrostreptomycin at a rate of 25 mg/kg dosage as a precautionary treatment for leptospirosis. Feed and bedding used during the isolation/collection period shall not originate from areas infected with epizootic diseases and must meet veterinary hygienic requirements established by the OVO of the PRC concerning freedom of the feed and bedding from contamination that could transmit diseases. During the isolation/collection period the swine at the collection center shall not have direct contact with, or exposure to, any other animals not included in the group at the isolation facility. Exposure consists of contact with yards, pens, or other facilities or vehicles that

have been in contact with animals and have not been cleaned and disinfected.

(ii) Donor boars shall be selected from premises which are solely swine breeding operations. These premises must be located at the center of an area with a 16 km radius that was free of foot-and-mouth disease (FMD), swine vesicular disease (SVD), and hog cholera for three years prior to semen collection. Donor boars shall not have been vaccinated against these diseases. There shall have been no cases of these diseases on these premises for five years prior to the collection of semen. There shall have been no animal introduced into these premises from farms affected with these diseases for three years prior to the collection of semen. There shall have been no evidence of brucellosis, tuberculosis, or pseudorabies on these premises or on premises adjacent to these premises for one year prior to the collection of semen.

(iii) During the 60-day isolation/collection period, the boars offered for collection of semen shall be subjected to the following tests,[2] in lieu of the tests required by paragraphs (c)(1)(iv) and (vi) of this section. If test samples from any donor boars are lost, damaged, or destroyed prior to testing, or if test results are inconclusive, the donor boars involved shall be subjected to retesting:

(A) Foot-and-mouth disease:

(*1*) Microtiter virus neutralization (VN) test for types, A, O, C, and Asia. (The PRC will test for types A and O, and the United States will test for types C and Asia at the USDA Foreign Animal Disease Diagnostic Laboratory (FADDL)).

(*2*) Agar gel immunodiffusion (AGID) test using virus infection associated antigen (VIAA) in serum. (Animals having responses to the AGID test or reacting to the VN test at 1:10 dilution or greater shall be eliminated as semen donors, and all other swine in contact with them shall be retested within 30 days. If the whole group does not have the above responses and there is no clinical evidence of FMD, the group shall be eligible for collection of semen with respect to FMD. Otherwise, none of the group shall qualify as donors of semen for export.)

(B) Brucellosis: Standard tube test (STT) at less than 30 IU/ml, and card test (antigen and protocol to be supplied by USDA).

(C) Swine vesicular disease: Virus neutralization test at 1:40 dilution (serums to be tested at FADDL).

(D) Hog cholera: Fluorescent antibody neutralization (FAN) test at 1:16 dilution.

(E) Japanese B encephalitis: Hemagglutination inhibition (HI) test, negative according to PRC standards.

(F) Pseudorabies: Virus neutralization at 1:4 dilution.

(G) Tuberculosis: Intradermal test using bovine PPD tuberculin (Positive animals will be necropsied. If there are lesions of TB in the test positive pigs, the whole group will be ineligible as semen donors. If no lesions are found, the rest of the pigs will be eligible as semen donors with respect to tuberculosis.

All samples of the above tests, except as noted for FMD, SVD, and TB, will be submitted to laboratories designated by the OVO of the PRC. At least 21 days after the final collection of semen for exportation, the donor animals will be retested for the diseases listed above, with the exception of tuberculosis and Japanese encephalitis. In addition, aliquots of each ejaculate of semen collected shall be submitted to FADDL for pathogen isolation tests for FMD, brucellosis, swine vesicular disease, hog cholera, Japanese encephalitis, and pseudorabies.

(iv) The semen will not be eligible for release in the United States until all tests in paragraph (c)(7)(iii) of this section have been completed with negative results.

(v) Each semen straw or ampule for export must be identified with the name or identification number of the donor boar and with the date of collection. A USDA veterinarian shall certify that he or she has supervised the collection and processing of the semen and its storage until the time it is shipped to the United States. Each shipment will be accompanied by a

[2] Technical information on laboratory methods and procedures for these tests may be obtained from the Administrator, c/o Director, National Veterinary Services Laboratories, P.O. Box 844, Ames, IA 50010.

USDA veterinarian unless the semen is shipped directly to the port of New York, with no stops en route. Shipment to the United States will be in accordance with the terms of a USDA import permit. Semen imported in accordance with this section shall be released by USDA to the importer only after all requirements of this section have been met.

[55 FR 31558, Aug. 2, 1990. Redesignated at 56 FR 55809, Oct. 30, 1991, and amended at 58 FR 37644, July 13, 1993; 59 FR 26596, May 23, 1994; 62 FR 56026, Oct. 28, 1997]

§98.35 Declaration, health certificate, and other documents for animal semen.

(a) The certificates, declarations, and affidavits required by the regulations in this subpart shall be presented by the importer or his or her agent to the collector of customs at the port of entry, upon arrival of animal semen at such port, for the use of the veterinary inspector at the port of entry.

(b) For all animal semen offered for importation, the importer or his or her agent shall first present two copies of a declaration which shall list the port of entry, the name and address of the importer, the name and address of the broker, the origin of the animal semen, the number, breed, species, and purpose of the importation, the name of the person to whom the animal semen will be delivered, and the location of the place to which such delivery will be made.

(c) All animal semen intended for importation into the United States shall be accompanied by a health certificate issued by a full-time salaried veterinary officer of the national government of the region of origin, or issued by a veterinarian designated or accredited by the national government of the region of origin and endorsed by a full-time salaried veterinary officer of the national government of the region of origin, representing that the veterinarian issuing the certificate was authorized to do so.

(d) The health certificate must state:

(1) The name and address of the place where the semen was collected;

(2) The name and address of the veterinarian who supervised the collection of the semen;

(3) The date of semen collection;

(4) The identification and breed of the donor animal;

(5) The number of ampules or straws covered by the health certificate and the identification number or code on each ampule or straw;

(6) The dates, types, and results of all examinations and tests performed on the donor animal as a condition for importing the semen;

(7) The names and addresses of the consignor and consignee; and

(8) That the semen is being imported into the United States in accordance with subpart C of 9 CFR part 98.

(e) The certificate accompanying sheep or goat semen intended for importation from any part of the world shall, in addition to the statements required by paragraph (d) of this section, state that:

(1) The semen donor has not been in any flock or herd nor had contact with sheep or goats which have been in any flock or herd where scrapie has been diagnosed or suspected during the 5 years prior to the date of collection of the semen;

(2) The semen donor showed no evidence of scrapie at the time the semen was collected; and

(3) The parents of the semen donor are not, nor were not, affected with scrapie.

(Approved by the Office of Management and Budget under control number 0579–0040)

[55 FR 31558, Aug. 2, 1990. Redesignated at 56 FR 55809, Oct. 30, 1991, as amended at 58 FR 37644, July 13, 1993; 61 FR 15184, Apr. 5, 1996; 61 FR 17242, Apr. 19, 1996; 62 FR 56026, Oct. 28, 1997]

CANADA

§98.36 Import permit, declaration, and health certificate for animal semen.

(a) For animal semen intended for importation from Canada, the importer shall first apply for and obtain from APHIS an import permit as provided in §98.34: *Provided*, that an import permit is not required for animal semen offered for entry at a land border port designated in §98.33(b) if the donor animal is not a sheep or goat and:

(1) Was born in Canada or the United States, and has been in no region other than Canada or the United States; or

(2) Has been legally imported into Canada from some other region and unconditionally released in Canada so as to be eligible to move freely within that region without restriction of any kind and has been in Canada after such release for 60 days or longer.

(b) For all animal semen offered for importation from Canada, the importer or his or her agent shall present two copies of a declaration and a copy of a health certificate as provided in § 98.35.

[58 FR 37644, July 13, 1993, as amended at 61 FR 17242, Apr. 19, 1996; 62 FR 56026, Oct. 28, 1997]

§ 98.37 Semen from sheep in regions other than Australia, Canada, and New Zealand.

(a) Except for semen from sheep in Australia, Canada, or New Zealand, semen from sheep may only be imported into the United States if it complies with all applicable provisions of this subpart and one of the following conditions:

(1) The semen is transferred to females in a flock in the United States that participates in the Voluntary Scrapie Flock Certification Program (see 9 CFR part 54, subpart B) and qualifies as a ''Certified'' flock; or

(2) The semen is transferred to females in a flock in the United States that participates in the Voluntary Scrapie Flock Certification Program (see 9 CFR part 54, subpart B), and the flock owner has agreed, in writing, to maintain the flock, and all first generation progeny resulting from semen imported in accordance with this section, in compliance with all requirements of the Voluntary Scrapie Flock Certification Program until the flock, including all first generation progeny resulting from semen imported in accordance with this section, qualifies as a ''Certified'' flock.

(b) Sheep semen may be imported under paragraph (a) of this section only if the importer provides the Voluntary Scrapie Flock Certification Program identification number of the receiving flock as part of the application for an import permit.

(c) Sheep semen may be imported under paragraph (a)(1) of this section only if it comes from a donor animal in a flock in the region of origin that participates in a program determined by the Administrator to be equivalent to the Voluntary Scrapie Flock Certification Program, and the flock has been determined by the Administrator to be at a level equivalent to ''Certified'' in the Voluntary Scrapie Flock Certification Program.

(d) Sheep semen may be imported under paragraph (a)(2) of this section only if it is transferred to animals in a Certifiable Class C flock participating in the Voluntary Scrapie Flock Certification Program; except, that if the semen comes from a donor animal whose flock in the region of origin participates in a program determined by the Administrator to be equivalent to the Voluntary Scrapie Flock Certification Program, then the semen may be used in a flock in the United States which would be classified at a level equivalent to or lower (i.e., at greater risk) than the certification level, as determined by the Administrator, of the flock of the donor animal.

(e) The flock to which the sheep semen is transferred pursuant to paragraph (a)(2) of this section must be monitored for scrapie disease until the flock, and all first generation progeny resulting from the semen imported in accordance with this section, qualifies as a ''Certified'' flock.

(f) Except for sheep semen being placed in Certifiable Class C flocks, the certificate accompanying the sheep semen imported under paragraph (a) of this section must contain the following statement: ''The semen identified on this certificate has been collected from a sire that has been monitored by a salaried veterinary officer of [*name of region of origin*], for [*number of months*], in the same source flock which had been determined by the Administrator, APHIS, prior to the exportation of the semen to the United States, to be equivalent to [*certification level*] of the Voluntary Scrapie Flock Certification Program authorized under 9 CFR part 54, subpart B.''

(1) The Administrator will determine, based upon information supplied by the importer, whether the donor animal's flock participates in a program in the region of origin that is equivalent to the Voluntary Scrapie Flock Certification Program, and if so, at what

level the source flock would be classified.

(2) In order for the Administrator to make a determination, the importer must supply the following information with the application for an import permit, no less than 1 month prior to the anticipated date of importation:

(i) The name, title, and address of a knowledgeable official in the veterinary services of the region of origin;

(ii) The details of scrapie control programs in the region of origin, including information on disease surveillance and border control activities and the length of time these activities have been in effect;

(iii) Any available information concerning additions, within the 5 years immediately preceding collection of the semen, to the flock of the semen donor;

(iv) Any available data concerning disease incidence, within the 5 years immediately preceding collection of the semen in the donor animal's flock, including, but not limited to, the results of diagnostic tests, especially histopathology tests, conducted on any animals in the flock;

(v) Information concerning the health, within the 5 years immediately preceding collection of the semen, of other ruminants, flocks, and herds with which the donor animal and the donor animal's flock might have had physical contact, and a description of the type and frequency of the physical contact; and

(vi) Any other information requested by the Administrator in specific cases as needed to make a determination.

(g) All first generation progeny resulting from semen imported under this section are subject to the requirements of 9 CFR part 54 and all other applicable regulations.

(Approved by the Office of Management and Budget under control numbers 0579–0040 and 0579–0101)

[61 FR 17242, Apr. 19, 1996, as amended at 62 FR 56026, Oct. 28, 1997]

PART 99—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER CERTAIN ACTS

Subpart A—General

Sec.
99.1 Scope and applicability of rules of practice.

Subpart B—Supplemental Rules of Practice

99.10 Stipulations.

AUTHORITY: Secs. 3, 4, 5, and 7, 23 Stat. 32, as amended; secs. 6, 26 Stat. 416, as amended; secs. 7 and 8, 26 Stat. 416; sec. 10, 26 Stat. 417; secs. 2 and 3, 32 Stat. 792, as amended; secs. 3 and 4, 76 Stat. 130; sec. 6, 76 Stat. 131, as amended; sec. 11, 76 Stat. 132; secs. 1 and 2, 84 Stat. 202; 21 U.S.C. 102–105, 111, 112, 114a, 117, 120, 122, 134b, 134c, 134e, 134f, 135, 135a; 7 CFR 2.22, 2.80, 371.2(d).

SOURCE: 48 FR 30095, June 30, 1983, unless otherwise noted. Redesignated at 52 FR 29502, Aug. 10, 1987.

Subpart A—General

§99.1 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 August 30, 1890, section 6, as amended (21 U.S.C. 104),

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

Act of May 6, 1970, section 2, as amended (21 U.S.C. 135a).

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

Subpart B—Supplemental Rules of Practice

§ 99.10 Stipulations.

(a) At any time prior to the issuance of a complaint seeking a civil penalty under any of the Acts listed in § 99.1, 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 applicable Act, or the regulations issued thereunder, by such person and affords such person an opportunity for a hearing regarding the matter as provided by such 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.

[48 FR 30095, June 30, 1983. Redesignated and amended at 52 FR 29502, Aug. 10, 1987]