

his or her control are destroyed or moved under permit directly from the premises of origin to a quarantined feedlot under paragraph (a) of this section and if he or she otherwise agrees to comply with any other provisions of this part applicable to him or her; and;

(4) The purchaser of the exposed cattle has entered into a compliance agreement¹ with APHIS whereby it is agreed that the cattle will be moved under permit directly from the premises of origin to the quarantined feedlot; whereby it is agreed that at the time such cattle are moved from the quarantined feedlot the cattle will be shipped under permit directly to a Federal or State inspected slaughtering establishment for slaughter or be disposed of by rendering, burial, or incinerating in an approved manner under supervision of an APHIS or State employee; whereby it is agreed that the exposed cattle shall not be sold prior to destruction unless the purchaser enters into a compliance agreement agreeing to the provisions contained in this paragraph.

(b) After indemnity has been paid for exposed cattle under paragraph (a) of this section, no additional indemnity shall be paid for such exposed cattle.

[51 FR 33735, Sept. 23, 1986, as amended at 52 FR 1317, Jan. 13, 1987; 56 FR 36998, Aug. 2, 1991; 59 FR 67612, Dec. 30, 1994]

PART 51—ANIMALS DESTROYED BECAUSE OF BRUCELLOSIS

Sec.

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AUTHORITY: 21 U.S.C. 111–113, 114, 114a, 114a–1, 120, 121, 125, 134b; 7 CFR 2.22, 2.80, and 371.2(d).

§ 51.1 Definitions.

For the purposes of this part, the following terms 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, 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. Cattle, bison, and breeding swine.

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

Brucellosis exposed animal. Except for a brucellosis reactor animal, any animal that: (1) Is part of or has been in contact with a herd known to be affected; or (2) has been in contact with a brucellosis reactor animal for a period of 24 hours or longer; or (3) has been in contact with a brucellosis reactor animal which has aborted, calved or farrowed within the past 30 days, or has a vaginal or uterine discharge.

Brucellosis reactor animal. Any animal classified as a brucellosis reactor as provided in the definition of official test in § 78.1 of this chapter.

Claimant. A person who files a claim for indemnity under § 51.7 for animals destroyed under this part.

Condemn. The determination made by an APHIS representative, State representative, or accredited veterinarian that animals for which indemnity is sought under this Part shall be destroyed.

Dairy cattle. A female bovine of a recognized dairy breed over 20 months of age, which has calved or is within 90 days of parturition and which is a member of a dairy herd used to produce milk for commercial use.

Destroyed. Condemned under State authority and slaughtered or otherwise dies.

Herd. Any group of animals of the same species maintained on common ground for any purpose, or two or more groups of animals (of the same species) under common ownership or supervision, geographically separated but which have an interchange or movement of animals without regard to health status.

Herd Depopulation. Removal by slaughter or other means of destruction of all cattle, bison, or swine in a herd or from a specific premises or under common ownership prior to restocking such premises with new animals, except that steers and spayed heifers or barrows and gilts maintained for feeding purposes may be retained on the premises if the Veterinarian in Charge finds such retention to be compatible with eradication efforts. The Veterinarian in Charge may also permit removal of nonpregnant heifers, without payment of indemnity, to Quarantined Feedlots in lieu of immediate slaughter.

Herd known to be affected. Any herd in which any animal has been classified as a brucellosis reactor and which has not been released from quarantine.

Inbred or hybrid swine. Any breeding swine which are the progeny of two or more breeds of registered swine and which are maintained to produce inbred or hybrid swine, and for which records of ancestry exist through which such swine can be individually identified as progeny of said registered swine.

Mortgage. Any mortgage, lien, or other security or interest that is recorded under State law or identified in the indemnity claim form filed under § 51.7 and held by any person other than the one claiming indemnity.

Official seal. A serially numbered metal strip consisting of a self-locking device on one end and a slot on the other end, which forms a loop when the ends are engaged, which cannot be reused if opened, and is applied by a representative of the Veterinarian in Charge or the State animal health official.

Owner. Any person who has a legal or rightful title to animals whether or not they are subject to a mortgage.

Permit. An official document for movement of animals under this Part issued by an APHIS representative, state representative, or accredited veterinarian listing the disease status and identification of the animal, where consigned, cleaning and disinfecting requirements, and proof of slaughter certification.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company, or other legal entity.

Recognized slaughtering establishment. Any slaughtering establishment operating under the Meat Inspection Act (21 U.S.C. 601-695) or a State meat inspection act.¹

Registered breed association. An association formed and perpetuated for the maintenance of records of purebreeding of animal species for a specific breed whose characteristics are set forth in Constitutions, By-Laws, and other rules of the association. The records maintained by such an association shall include an Official Herd Book or other recordkeeping format and Certificates of Registration or Recordation which identify an animal as a registered animal of that registered breed association. Known registered breed associations are: American Angus Association, American Beefalo Association, Inc., The American Black Maine-Anjou Association, American Blonde d'Aquitaine Association, American Brahman Breeders Association, American Brahmental Association, American Breed Association, Inc., American Chianina Association, American Dexter Cattle Association, American Galloway Breeders Association, American Gelbvieh Association, American Guernsey Cattle Club, American Hereford Association, American International Charolais Association, American (International Marchigiana Society,

¹The names and addresses of recognized slaughtering establishments may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, Cattle Diseases and Surveillance, 4700 River Road, Unit 36, Riverdale, Maryland 20737-1231.

American Jersey Cattle Club, American Maine-Anjou Association, American Milking Shorthorn Society, American Murray Grey Association, American Normande Association, American Pinzgauer Association, American Polled Hereford Association, American Red Brangus Association, American Red Poll Association, American Salers Association, American Scotch Highland Breeders Association, American Shorthorn Association, American Simmental Association, Inc., American Tarentaise Association, Ankina Breeders, Inc., Ayrshire Breeders Association, Barzona Breed Association of America, Beefmaster Breeders Universal, Belted Galloway Society, Brahmanstein Breeders Association, Brown Swiss Beef International, Inc., Brown Swiss Cattle Breeders Association of U.S.A., Char-Swiss Breeders Association, Devon Cattle Association, Inc., Dutch Belted Cattle Association of America, Inc., Foundation Beefmaster Association, Galloway Cattle Society of America, Inc., Galloway Performance International, Holstein-Friesian Association of America, International Braford Association, International Brangus Breeders Association, Inc., International Maine-Anjou Association, Marky Cattle Association, Mid America RX³ Cattle Company, National Beefmaster Association, North American Limousin Foundation, Pan American Zebu Association, Red and White Dairy Cattle Association, Red Angus Association of America, Red Poll Beef Breeders International, Red Poll Cattle Club of America, Santa Gertrudis Breeders International, Simbrah Association, South Devon Breed Society, Sussex Cattle Association of America, Texas Longhorn Breeders Association of America, and White Park Cattle Association of America.

Registered cattle. Cattle for which individual records of ancestry are recorded and maintained by a breed association whose purpose is the improvement of the bovine species, and for which individual registration certificates are issued and recorded by such breed association.

Registered swine. Any breeding swine for which a certificate of pure breeding

has been issued by a purebred swine association.

Sexually intact exposed female calf. A female bovine less than 6 months of age that is nursed by a brucellosis reactor at the time such reactor is condemned, and that has not been altered to make it incapable of reproduction.

Specifically approved stockyard. Premises approved by the Administrator, in accordance with § 78.44 of this chapter, for assembling cattle or bison for sale.²

State. Any State, 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.

State animal health official. The individual employed by a State who is responsible for livestock and poultry disease control and eradication programs in that State.

State representative. An individual employed in animal health activities by a State or a political subdivision thereof, and who is authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the United States Department of Agriculture.

Unofficial vaccinate. Any cattle or bison which have been vaccinated for brucellosis other than in accordance with the provisions for official vaccines set forth in § 78.1 of this chapter.

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 official animal health work of the Animal and Plant Health Inspection Service, in the State concerned.

(Secs. 3, 4, 5, 11, and 13, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 3, 76 Stat. 130 (21 U.S.C. 111–113, 114, 114a–1, 120, 121, 125, 134b); 7 CFR 2.17, 2.51, and 371.2(d))

[42 FR 64336, Dec. 23, 1977, as amended at 59 FR 52235, Oct. 17, 1994; 59 FR 67612, Dec. 30, 1994]

²Notices containing lists of specifically approved stockyards are published in the FEDERAL REGISTER. Lists of specifically approved stockyards also may be obtained from the State animal health official, State representatives, or APHIS representatives.

EDITORIAL NOTE: For Federal Register citations affecting § 51.1, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 51.2 Cooperation with States.

The Administrator has been delegated the authority to cooperate with the proper State authorities in the eradication of brucellosis and to pay indemnities for the destruction of brucellosis-reactor animals or brucellosis-exposed animals.

[42 FR 64336, Dec. 23, 1977, as amended at 54 FR 32435, Aug. 8, 1989]

§ 51.3 Payment to owners for animals destroyed.

(a) *Cattle and bison.* The Administrator may authorize³ the payment of federal indemnity by the United States Department of Agriculture to any owner whose cattle or bison are destroyed as affected with brucellosis.

(1) *Brucellosis reactor cattle and bison.* The Administrator may authorize³ the payment of Federal indemnity by the United States Department of Agriculture to owners whose cattle or bison are destroyed as brucellosis reactors. Except for cattle and bison destroyed as part of whole herd depopulation in accordance with paragraph (a)(2)(i) of this section, the indemnity shall not exceed \$250 for any registered cattle or \$50 for any nonregistered cattle or bison, except that, for nonregistered dairy cattle the indemnity shall not exceed \$250, and except that in Alaska, Hawaii, Puerto Rico, and the Virgin Islands indemnity shall not exceed \$250 for any registered cattle or \$150 for any nonregistered cattle or bison, except that, for nonregistered dairy cattle the indemnity shall not exceed \$250. Prior to payment of indemnity, proof of destruction⁴ shall be furnished to the veterinarian in charge.

(2) *Herd depopulation.* (i) *Eligibility.* The Administrator may authorize payment of Federal indemnity³ by the

³The Administrator shall authorize payment of Federal indemnity by the United States Department of Agriculture at the maximum per head rates in § 51.3: (a) As long as sufficient funds appropriated by Congress appear to be available for this purpose for the remainder of the fiscal year; (b) In States or areas not under Federal quarantine; (c) In

United States Department of Agriculture to any owner whose herd of cattle or bison is destroyed because of brucellosis. The United States Department of Agriculture shall pay Federal indemnity for brucellosis exposed cattle or brucellosis exposed bison in the herd only when the Administrator determines that destruction of all cattle and bison in the herd will contribute to the brucellosis eradication program. Proof of destruction⁴ must be furnished to the Veterinarian in Charge prior to payment of Federal indemnity.

(ii) *Amount of Federal indemnity.* Payments of Federal indemnity shall be made at the rates in effect at the time the Administrator approves depopulation for the herd. In States other than Class Free States, the amount of Federal indemnity shall not exceed \$250 for any nonregistered cattle other than dairy cattle, and \$250 for any bison. For any registered cattle, nonregistered dairy cattle, or, in Class Free States, any cattle or bison from herds affected with brucellosis, the amount of Federal indemnity shall not exceed the lesser of 95 percent of appraised value, minus salvage value, or \$750. The appraisal shall be conducted by an independent appraiser assigned by the Administrator.

(3) *Exposed female calves.* The Administrator may authorize³ the payment of Federal indemnity to any owner whose *exposed female calf or calves* are destroyed because of brucellosis. The indemnity for such animals shall not exceed \$50 per head. Except for sexually

States requesting payment of Federal indemnity; and (d) In States not requesting a lower rate.

⁴The Veterinarian in Charge shall accept any of the following documents as proof of destruction: (a) A postmortem report; (b) A meat inspection certification of slaughter; (c) A written statement by a State representative, APHIS representative, or accredited veterinarian attesting to the destruction of the animal; (d) A written, sworn statement by the owner or caretaker of the animal attesting to the destruction of the animal; (e) A permit (VS Form 1-27) consigning the animal from a farm or livestock market directly to a recognized slaughtering establishment; or (f) In unique situations where the documents listed above are not available, other similarly reliable forms of proof of destruction.

intact exposed female calves destroyed as part of herd depopulation under paragraph (a)(2)(ii) of this section, the indemnity for sexually intact exposed female calves destroyed because of brucellosis shall not exceed \$50 per head. Prior to payment of indemnity, proof of destruction shall be furnished to the veterinarian in charge.

(4) *Cattle or bison from a brucellosis-affected herd.* The Administrator may authorize³ the payment of Federal indemnity by the United States Department of Agriculture to any owner who has brucellosis exposed cattle or bison destroyed that were previously sold or traded from any herd that has subsequent to the sale or trade been found to be affected with brucellosis. Epidemiological information such as test results, herd history, and related evidence would be used to establish a probable date when the herd was first infected with brucellosis. Animals sold after that date would be considered to be exposed; those sold before that date would not. In all States except Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States, the amount of Federal indemnity shall not exceed \$250 for any registered cattle, \$250 for any nonregistered dairy cattle, \$150 for any nonregistered cattle other than dairy cattle, and \$150 for any bison. In States other than Class Free States, the amount of Federal indemnity shall not exceed \$250 for any nonregistered cattle other than dairy cattle, and \$250 for any bison. For any registered cattle, nonregistered dairy cattle, or, in Class Free States, any cattle or bison from herds affected with brucellosis, the amount of Federal indemnity shall not exceed the lesser of 95 percent of appraised value, minus salvage value, or \$750. The appraisal shall be conducted by an independent appraiser assigned by the Administrator. Prior to payment of indemnity, proof of destruction⁴ shall be furnished to the veterinarian in charge.

(b) *Swine.* (1) *Brucellosis reactor swine.* The Administrator may authorize³ the payment of Federal indemnity by the United States Department of Agri-

culture to an owner whose breeding swine are destroyed as brucellosis reactors. The indemnity shall not exceed \$25 per head for registered, inbred, or hybrid swine, or \$10 per head for all other breeding swine. Prior to payment of indemnity, proof of destruction⁴ shall be furnished to the Veterinarian in Charge.

(2) *Herd depopulation.* The Administrator may authorize³ the payment of Federal indemnity by the United States Department of Agriculture to an owner whose herd of breeding swine or whose whole herd is destroyed because of brucellosis. The indemnity shall not exceed \$150 per head for registered, inbred, or hybrid breeding swine, and \$65 per head for all other breeding swine, except that in the case of whole herd depopulation, indemnity payments shall be paid on all swine in the herd at fair market value, as determined by the Administrator, based on an appraisal conducted by an independent appraiser assigned by the Administrator. In cases where indemnity is paid for whole herd depopulation, indemnity payments, plus any salvage, must not exceed the appraised value of each animal. Indemnity payment shall be made only for brucellosis exposed swine or for swine from a herd known to be affected and only when the Administrator determines that the destruction of all swine in the herd will contribute to the Brucellosis Eradication Program. Prior to payment of indemnity, proof of destruction⁴ shall be furnished to the Veterinarian in Charge.

(3) *Exposed swine.* The Administrator may authorize³ the payment of Federal indemnity by the United States Department of Agriculture to an owner whose breeding swine are destroyed because of brucellosis. The indemnity shall not exceed \$150 per head for registered, inbred, or hybrid swine, or \$65 per head for all other breeding swine. Indemnity payment shall be made only for such brucellosis exposed swine and only when the Administrator determines that the destruction of such swine will contribute to the Brucellosis

Eradication Program. Prior to payment of indemnity, proof of destruction⁴ shall be furnished to the Veterinarian in Charge.

(Approved by the Office of Management and Budget under control number 0579-0047)

[42 FR 64336, Dec. 23, 1977, as amended at 45 FR 43679, June 27, 1980; 46 FR 13673, Feb. 23, 1981; 46 FR 57027, Nov. 20, 1981; 47 FR 53323, Nov. 26, 1982; 48 FR 57472, Dec. 30, 1983; 50 FR 11993, Mar. 27, 1985; 51 FR 11300, Apr. 2, 1986; 54 FR 32435, Aug. 8, 1989; 56 FR 18505, 18506, Apr. 23, 1991; 57 FR 49376, Nov. 2, 1992; 57 FR 60086, Dec. 18, 1992; 59 FR 12533, Mar. 17, 1994, 59 FR 21635, Apr. 26, 1994; 59 FR 52235, Oct. 17, 1994]

§ 51.4 Record of tests.

The claimant shall be responsible for providing information to an APHIS representative, State representative, or accredited veterinarian so that a complete test record may be made by such person on an APHIS approved form for each herd known to be affected, including the reactor tag number of each brucellosis reactor animal and the registration name and number of each brucellosis reactor registered animal. A copy of the applicable test record shall be given to the owner of any such herd, and one copy of each such record shall be furnished to the appropriate State veterinarian's office by such person who completes the test record.

(Approved by the Office of Management and Budget under control number 0579-0047)

[42 FR 64336, Dec. 23, 1977, as amended at 48 FR 57472, Dec. 30, 1983; 54 FR 32435, Aug. 8, 1989; 56 FR 18506, Apr. 23, 1991]

§ 51.5 Identification of animals to be destroyed because of brucellosis.

(a) The claimant shall be responsible for insuring that any animal for which indemnity is claimed shall be identified in accordance with the provisions of this section within 15 days after having been classified as a reactor or for any other animal subject to this part within 15 days after having been condemned. The veterinarian in charge may extend the time limit to 30 days when a request for such extension is received by him prior to the expiration date of the original 15 day period allowed, and when he determines that the extension will not adversely affect the brucellosis eradication program;

and except further, that the Administrator shall upon request in specific cases, extend the time limit beyond the 30-day period when unusual or unforeseen circumstances occur which prevent or hinder the identification of the animals within the 30-day period, such as, but not limited to, floods, storms, or other Acts of God which are beyond the control of the owner, or when identification is delayed due to requirements of another Federal Agency.

(b) Except as provided in paragraph (b)(4) of this section, cattle and bison to be destroyed because of brucellosis shall be individually identified prior to moving interstate by attaching to the left ear a metal tag bearing a serial number and the inscription "U.S. Reactor," or a similar State reactor tag, and must be:

(1) "B" branded (as defined in § 78.1); or

(2) Accompanied directly to slaughter by an APHIS or State representative; or

(3) Moved in vehicles closed with official seals applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative. The official seal numbers must be recorded on the accompanying permit.

(4) Reactor and exposed cattle and bison in herds scheduled for herd depopulation may be moved interstate without eartagging or branding if they are identified by USDA approved backtags and either accompanied directly to slaughter by an APHIS or State representative or moved directly to slaughter in vehicles closed with official seals. Such official seals must be applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

(c) Swine shall be individually identified by tagging with a metal tag bearing a serial number and inscription "U.S. Reactor" or a similar State reactor tag or other identification approved by the Administrator, upon request in

specific cases, attached to the left ear of each animal.

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[42 FR 64336, Dec. 23, 1977, as amended at 47 FR 53324, Nov. 26, 1982; 48 FR 57472, Dec. 30, 1983; 50 FR 11993, Mar. 27, 1985; 54 FR 32435, Aug. 8, 1989; 56 FR 18506, Apr. 23, 1991; 60 FR 48367, Sept. 19, 1995]

§ 51.6 Destruction of animals; time limit for destruction of animals.

(a) *Cattle*. The claimant shall be responsible for insuring that cattle subject to this part shall be sold under permit to a recognized slaughtering establishment or to a specifically approved stockyard for sale to a recognized slaughtering establishment.

(b) *Bison*. The claimant shall be responsible for insuring that bison subject to this part shall be sold under permit to a State or Federal slaughtering establishment approved by the Administrator for this purpose or to a stockyard approved by the Administrator for sale to such a slaughtering establishment, *Provided, However, That the Administrator may approve such other bison slaughtering establishments as may be deemed necessary to accomplish destruction of bison subject to this part.*

(c) *Swine*. The claimant shall be responsible for insuring that swine subject to this part shall be sold under permit to a slaughtering establishment where State or Federal Meat inspection is available, or to a market approved by the State Animal Health Official, or to a market approved by the Administrator, for sale to such slaughtering establishment;⁵ except that in the case of indemnity for whole herd depopulation, as provided for in § 51.3, swine shall be destroyed, if possible, on the premises where the animals are held or penned at the time the indemnity is approved, or may be moved for destruction to another location when movement to the location is approved in advance by an APHIS representative. In cases where the swine are destroyed other than at a slaughtering establishment, the carcasses of the swine shall

⁵Markets are approved by the Administrator in accordance with § 76.18 of this chapter.

be disposed of by burial, incineration, or other disposal means authorized by applicable State law. The destruction and disposition of animals destroyed in accordance with this section other than at a slaughtering establishment shall be performed in the presence of an APHIS representative.

(d) *Time limit for destruction of animals*. Payment of indemnity shall be made under this part only if the animals are destroyed within 15 days after the date of identification, pursuant to § 51.5 of the regulations in this part, except that the appropriate Veterinarian in Charge may extend the time limit to 30 days when request for such extension is received from the owner prior to the expiration date of the original 15-day period allowed, or when the animals were sold for slaughter prior to the expiration date of the original 15-day period, and when the Veterinarian in Charge determines that such extension will not adversely affect the Brucellosis Eradication Program; and except further, that the Administrator shall, upon request in specific cases, extend the time limit beyond the 30-day period when unusual and unforeseen circumstances occur which prevent or hinder the destruction of the animals within the 30-day period, such as, but not limited to, floods, storms, or other Acts of God which are beyond the control of the owner, or when destruction is delayed due to requirements of another Federal Agency.

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[42 FR 64336, Dec. 23, 1977, as amended at 45 FR 43680, June 27, 1980; 45 FR 86410, Dec. 31, 1980; 46 FR 5861, Jan. 21, 1981; 47 FR 53324, Nov. 26, 1982; 48 FR 57472, Dec. 30, 1983; 50 FR 11993, Mar. 27, 1985; 51 FR 11300, Apr. 2, 1986; 51 FR 32599, Sept. 12, 1986; 54 FR 32435, Aug. 8, 1989; 56 FR 18506, Apr. 23, 1991; 59 FR 12533, Mar. 17, 1994]

§ 51.7 Claims for indemnity.

(a) Claims for indemnity for animals destroyed because of brucellosis shall be presented on indemnity claim forms furnished by APHIS on which the owner of the animals covered thereby shall certify that the animals are or are not subject to any mortgage as defined in this part. If the owner states

there is a mortgage, the APHIS indemnity claim form shall be signed by the owner and by each person holding a mortgage on the animals, consenting to the payment of any indemnity allowed to the person specified thereon. Payment will be made only if the claimant has submitted a complete indemnity claim form to, and such claim has been approved by the Veterinarian in Charge or by an APHIS representative designated by him. On claims for indemnity made under the provisions of § 51.3, the Veterinarian in Charge or an APHIS representative designated by him shall record on the APHIS indemnity claim form the amount of Federal and State indemnity payments that appear to be due to the owner of the animals. The owner of the animals shall be furnished a copy of the completed APHIS indemnity claim form. The Veterinarian in Charge or an APHIS representative designated by him shall then forward the completed APHIS indemnity claim form to the Administrator for further action on the claim. No charges for holding the animals on the farm pending slaughter or for trucking by the owner shall be so deducted or otherwise paid by the United States Department of Agriculture.

(b) Claims for indemnity for registered cattle shall be accompanied by the cattle's registration papers issued in the name of the owner. If the registration papers are unavailable or if the cattle are less than 1 year old and are not registered at the time the claim for indemnity is submitted, the Veterinarian in Charge may grant a 60-day extension or the Administrator may grant an extension longer than 60 days for the presentation of registration papers.

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[42 FR 64336, Dec. 23, 1977. Redesignated at 46 FR 13674, Feb. 23, 1981, and 47 FR 53324, Nov. 26, 1982, and amended at 47 FR 53324, Nov. 26, 1982; 48 FR 57472, Dec. 30, 1983; 50 FR 11993, Mar. 27, 1985; 54 FR 32435, Aug. 8, 1989; 56 FR 18506, Apr. 23, 1991]

§ 51.8 Disinfection of premises, conveyances, and materials.

All premises, including all structures, holding facilities, conveyances, and materials, contaminated because

of occupation or use by brucellosis reactor or exposed animals shall be properly cleaned and disinfected with a disinfectant permitted by APHIS in accordance with recommendations of the APHIS or State representative within 15 days from the date reactors were removed from the premises, except that the appropriate Veterinarian in Charge may extend the time limit for disinfection to 30 days when request for such extension is received by him prior to the expiration date of the original 15-day period allowed, and when he determines that such extension will not adversely affect the Brucellosis Eradication Program; and except further, that the Administrator may, upon request in specific cases, extend the time limit beyond the 30-day period when unusual and unforeseen circumstances occur, such as but not limited to floods, storms, or other Acts of God, which are beyond the control of the owner, preventing or hindering the disinfection of premises, conveyances, and materials. Certain premises may be exempted from such cleaning and disinfecting requirements by approval of the appropriate Veterinarian in Charge on written recommendations by the APHIS or State representative or when a written report by the APHIS or State representative determines that there are no buildings, holding facilities, conveyances, or other materials on the premises that would require such cleaning and disinfection.

(Approved by the Office of Management and Budget under control number 0579-0047)

[42 FR 64336, Dec. 23, 1977. Redesignated at 46 FR 13674, Feb. 23, 1981, and 47 FR 53324, Nov. 26, 1982; 48 FR 57472, Dec. 30, 1983; 50 FR 11993, Mar. 27, 1985; 54 FR 32435, Aug. 8, 1989; 56 FR 18506, Apr. 23, 1991]

§ 51.9 Claims not allowed.

Claims for compensation for animals destroyed because of brucellosis shall not be allowed if any of the following circumstances exist:

(a) If the claimant has failed to comply with any of the requirements of this part.

(b) If the existence of brucellosis in the animal was determined based on

the results of an official test, as defined in §78.1 of this chapter, and specific instructions for the administration of the official test had not previously been issued to the individual performing the test by APHIS and the State animal health official.

(c) If all cattle, bison, and swine eligible for testing in the claimant's herd have not been tested for brucellosis under APHIS or State supervision.

(d) If the animals are barrows or gilts maintained for feeding purposes, or are spayed heifers or steers unless the steers are work oxen.

(e) If the animals are classified as reactors and are unofficial vaccinates, unless there is either a record of a negative official test made not less than 30 days following the date of unofficial vaccination or unless other APHIS approved tests show the unofficial vaccinates are affected with virulent *Brucella*.

(f) If there is substantial evidence that the owner or his agent has in any way been responsible for any unlawful or improper attempt to obtain indemnity funds for such animal.

(g) If, at the time of test or condemnation, the animals belonged to or were upon the premises of any person to whom they had been sold for slaughter; shipped for slaughter, or delivered for slaughter.

(h) If any known brucellosis reactor animal remains in the herd, unless, in the opinion of the Veterinarian in Charge, a reasonable search has been made for the brucellosis reactor animal and the brucellosis reactor animal could not be found and removed.

(i) If the animals are brucellosis reactor animals which are slaughtered other than as part of a herd depopulation, and which are from a herd: (1) That was already classified as a "herd known to be affected" at the time the animals were identified as brucellosis reactor animals and (2) for which an approved action plan or approved individual herd plan (as defined in §78.1 of

this chapter) was not in effect at the time the claim was filed.

(Approved by the Office of Management and Budget under control number 0579-0047)

[42 FR 64336, Dec. 23, 1977. Redesignated at 46 FR 13674, Feb. 23, 1981, and 47 FR 53324, Nov. 26, 1982, and amended at 47 FR 53324, Nov. 26, 1982; 48 FR 57472, Dec. 30, 1983; 50 FR 11993, Mar. 27, 1985; 50 FR 47036, Nov. 14, 1985; 51 FR 11300, Apr. 2, 1986; 54 FR 32435, Aug. 8, 1989; 56 FR 18506, Apr. 23, 1991]

§51.10 Part 53 of this chapter not applicable.

No claim for indemnity for animals destroyed because of brucellosis shall hereafter be paid under the regulations contained in part 53 of this chapter, but all such claims shall be presented and paid pursuant to and in compliance with regulations contained in this part.

[42 FR 64336, Dec. 23, 1977. Redesignated at 46 FR 13674, Feb. 23, 1981, and 47 FR 53324, Nov. 26, 1982; 50 FR 11993, Mar. 27, 1985]

PART 52—[RESERVED]

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND CERTAIN OTHER COMMUNICABLE DISEASES OF LIVESTOCK OR POULTRY

Sec.

- 53.1 Definitions.
- 53.2 Determination of existence of disease; agreements with States.
- 53.3 Appraisal of animals or materials.
- 53.4 Destruction of animals.
- 53.5 Disinfection or destruction of materials.
- 53.6 Disinfection of animals.
- 53.7 Disinfection of premises, conveyances, and materials.
- 53.8 Presentation of claims.
- 53.9 Mortgage against animals or materials.
- 53.10 Claims not allowed.

AUTHORITY: 21 U.S.C. 111, 114, 114a; 7 CFR 2.22, 2.80, and 371.2(d).

CROSS REFERENCE: For non-applicability of part 53 with respect to certain claims for indemnity, see §51.10 of this chapter.