

exposed to the disease, shall be disinfected when necessary by such methods as the Administrator shall prescribe from time to time.

[28 FR 5935, June 13, 1963, as amended at 56 FR 51974, Oct. 17, 1991]

**§ 53.7 Disinfection of premises, conveyances, and materials.**

All premises, including barns, corrals, stockyards and pens, and all cars, vessels, aircraft, and other conveyances, and the materials thereon, shall be cleaned and disinfected under supervision of an APHIS employee whenever necessary for the control and eradication of disease. Expenses incurred in connection with such cleaning and disinfection shall be shared according to the agreement reached under § 53.2 with the State in which the work is done.

[28 FR 5935, June 13, 1963, as amended at 56 FR 51974, Oct. 17, 1991]

**§ 53.8 Presentation of claims.**

Claims for (a) compensation for the value of animals, (b) cost of burial, burning or other disposition of animals, (c) the value of material destroyed, and (d) the expenses of destruction, shall each be presented, through the inspector in charge, to APHIS on separate vouchers in form approved by the Administrator.

[28 FR 5935, June 13, 1963, as amended at 56 FR 51974, Oct. 17, 1991]

**§ 53.9 Mortgage against animals or materials.**

When animals or materials have been destroyed pursuant to the requirements contained in this part, any claim for indemnity shall be presented on forms furnished by APHIS on which the owner of the animals or materials shall certify that the animals or materials covered thereby, are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, forms furnished by APHIS shall be signed by the owner and by each person holding a mortgage on the animals or materials, consenting to the payment of any indemnity allowed to the person specified thereon.

[28 FR 5935, June 13, 1963, as amended at 56 FR 51974, Oct. 17, 1991]

**§ 53.10 Claims not allowed.**

(a) The Department will not allow claims arising under the terms of this part if the payee has not complied with all quarantine requirements.

(b) Expenses for the care and feeding of animals held for destruction will not be paid by the Department, unless the payment of such expense is specifically authorized or approved by the Administrator.

(c) The Department will not allow claims arising out of the destruction of animals or materials unless they shall have been appraised as prescribed in this part and the owners thereof shall have executed a written agreement to the appraisals.

(d) The Department will not allow claims arising out of the destruction of animals or materials which have been moved or handled by the owner thereof or its officer, employee, or agent, acting within the scope of his or its office, employment or agency, in violation of a law or regulation administered by the Secretary for the prevention of the introduction into or the dissemination within the United States of any communicable disease of livestock or poultry for which the animal or material was destroyed, or in violation of a law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of such disease.

[28 FR 5935, June 13, 1963, as amended at 45 FR 86411, Dec. 31, 1980; 56 FR 51974]

**PART 54—CONTROL OF SCRAPIE**

Sec.

54.1 Definitions.

**Subpart A [Reserved]**

**Subpart B—Voluntary Scrapie Flock Certification Program**

54.10 Administration.

54.11 Participation.

54.12 State Scrapie Certification Boards.

54.13 Cooperative agreements with States.

AUTHORITY: 21 U.S.C. 111, 114, 114a, and 134a-134h; 7 CFR 2.22, 2.80, and 371.2(d).

SOURCE: 28 FR 5936, June 13, 1963, unless otherwise noted.

EDITORIAL NOTE: For nomenclature changes, see 53 FR 2581, Jan. 29, 1988.

#### § 54.1 Definitions.

For the purpose of this part, the following words, names, and terms shall be construed, respectively, to mean:

*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 subchapter A 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 of the Animal and Plant Health Inspection Service, or any employee of the United States Department of Agriculture to whom the Administrator has delegated authority to act in his or her stead.

*Affected animal.* An animal for which a diagnosis of scrapie has been made by an APHIS representative or State representative.

*Animal.* A sheep or goat.

*Animal and Plant Health Inspection Service.* The Animal and Plant Health Inspection Service, United States Department of Agriculture.

*APHIS.* The Animal and Plant Health Inspection Service, United States Department of Agriculture.

*APHIS representative.* An individual employed by APHIS in animal health activities who is authorized by the Administrator to perform the function involved.

*Area Veterinarian in Charge.* The veterinary official of APHIS, who is assigned by the Administrator to supervise and perform the official animal health work of the APHIS in the State concerned.

*Bloodline animal.* The dam of an affected animal and the dam's first generation progeny, the maternal granddam of an affected animal, the first generation progeny of an affected animal, and all succeeding generations of female progeny from female progeny of an affected female animal.

*Breed association and registries.* Organizations which maintain the permanent records of ancestry or pedigrees of animals (including the animal's sire

and dam), individual identification of animals, and ownership of animals.

*Department.* The U.S. Department of Agriculture.

*Destroyed.* Killed by slaughter or by such other means as may be authorized by the Administrator in an exceptional situation.

*Exposed animal.* Any animal which has been in the same flock at the same time within the previous 60 months as a scrapie-positive animal, excluding limited contacts. Limited contacts are contacts between animals that occur off the premises of the flock, and do not occur during or immediately after parturition for any of the animals involved. Limited contacts do not include commingling (when animals concurrently share the same pen or same section in a transportation unit where there is uninhibited physical contact).

*Flock.* 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.

*Flock plan.* A written flock management agreement designated by the owner of a flock, an accredited veterinarian, and an APHIS representative or State representative in which each participant agrees to undertake actions specified in the flock plan to control the spread of scrapie from, and eradicate scrapie in, an infected flock, source flock, or trace flock. The flock plan shall require an epidemiologic investigation to identify high-risk animals that must be removed from the flock, and shall include other requirements found necessary by the APHIS representative or State representative to control scrapie in the flock. These other requirements may include, but are not limited to, cleaning and disinfection of flock premises, education of the owner of the flock and personnel working with the flock in techniques to recognize clinical signs of scrapie and control the spread of scrapie, and maintaining records of animals in the flock.

*High-risk animal.* An animal which is:

- (1) The progeny of a scrapie-positive dam;

(2) Born in the same flock during the same lambing season as progeny of a scrapie-positive dam, unless the progeny of the scrapie-positive dam are from separate contemporary lambing groups (groups that are managed as separate units and are not commingled during lambing and for 60 days following the date of the last lamb is born in a lambing season, and that do not use the same lambing facility unless the lambing facility is cleaned and disinfected between lambings by removing all organic matter and spraying the lambing facility with a 2 percent sodium hydroxide solution or 0.5 percent sodium hypochlorite solution); or

(3) Born in a source or trace flock during the same lambing season as a scrapie-positive ewe or ram in the same flock.

**Infected flock.** Any flock in which an APHIS representative or a State representative has determined an animal to be a scrapie-positive animal after March 31, 1989. A flock will no longer be an infected flock after it has completed the requirements of a flock plan.

**Mortgage.** Any mortgage, lien, or other security or beneficial interest held by any person other than the one claiming indemnity.

**Owner.** A person, partnership, company, or corporation who has legal or rightful title to animals whether or not they are subject to a mortgage.

**Scrapie-positive animal.** An animal for which a diagnosis of scrapie has been made by the National Veterinary Services Laboratories, United States Department of Agriculture, or another laboratory authorized by the Administrator to conduct scrapie tests in accordance with this part, through histological examinations of central nervous system samples from the animal for microscopic lesions in the form of neuronal vacuoles or spongy degeneration, or by the use of protease-resistant protein analysis or other confirmatory techniques used in conjunction with histological examinations.

**Source flock.** A flock in which an APHIS representative or a State representative has determined that at least two animals were born that were diagnosed as scrapie-positive animals at an age of 54 months or less. In order for the flock to be a source flock, the

second scrapie-positive diagnosis must have been made within 60 months of the first scrapie-positive diagnosis and after March 31, 1989. A flock will no longer be a source flock after it has completed the requirements of a flock plan.

**State.** Any State or Territory or possession of the United States, the District of Columbia, or Puerto Rico.

**State representative.** An individual employed in animal health activities by a State or a political subdivision of a State, and who is authorized by the State or political subdivision to perform the function involved.

**Trace flock.** A flock in which an APHIS representative or a State representative has determined that one animal was born that was diagnosed as a scrapie-positive animal at an age of 54 months or less. In order for the flock to be a trace flock, the scrapie-positive diagnosis must have been made after March 31, 1989. A flock will no longer be a trace flock after it has completed the requirements of a flock plan.

**Uniform methods and rules—voluntary scrapie flock certification.** Uniform methods and rules for reducing the incidence and controlling the spread of scrapie through flock certification.<sup>1</sup>

[43 FR 41184, Sept. 15, 1978, as amended at 48 FR 16236, Apr. 15, 1983; 48 FR 38206, Aug. 23, 1983; 53 FR 2581, Jan. 29, 1988; 57 FR 33630, July 30, 1992; 59 FR 21920, Apr. 28, 1994; 59 FR 48993, Sept. 26, 1994; 59 FR 67612, Dec. 30, 1994]

## Subpart A [Reserved]

## Subpart B—Voluntary Scrapie Flock Certification Program

SOURCE: 57 FR 33631, July 30, 1992, unless otherwise noted.

<sup>1</sup> Individual copies of the UM&R may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, Sheep, Goat, Equine, and Poultry Diseases, 4700 River Road Unit 43, Riverdale, Maryland 20737-1231 or from the American Sheep Industry Association, Producer Services, 6911 S. Yosemite Street, Englewood, CO 80112-1414, telephone (303) 771-3500.

**§ 54.10 Administration.**

(a) The Voluntary Scrapie Flock Certification Program is a cooperative effort between APHIS; members of the sheep and goat industry including owners of flocks, slaughterers and renderers, and breed associations and registeries; accredited veterinarians; and State governments. APHIS coordinates with State Scrapie Certification Boards and State animal health agencies to encourage flock owners to reduce the incidence of scrapie by voluntarily complying with the “Uniform Methods and Rules—Voluntary Scrapie Flock Certification.”

**§ 54.11 Participation.**

Any owner of a flock may apply to enter the Voluntary Scrapie Flock Certification Program by sending a written request applying for enrollment to a State Scrapie Certification Board, or to the Administrator. A notice containing a current list of flocks participating in the Voluntary Scrapie Flock Certification Program, and the certification status of each flock, will be published in the FEDERAL REGISTER from time to time. This list may also be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, Sheep, Goat, Equine, and Poultry Diseases, 4700 River Road Unit 43, Riverdale, Maryland 20737-1231.

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[57 FR 33631, July 30, 1992, as amended at 59 FR 67612, Dec. 30, 1994]

**§ 54.12 State Scrapie Certification Boards.**

An Area Veterinarian in Charge, after consulting with a State representative and industry representatives, may appoint a State Scrapie Certification Board for the purpose of coordinating activities for the Voluntary Scrapie Flock Certification Program, including making decisions to admit flocks to the Voluntary Scrapie Flock Certification Program and to change flock status in accordance with the “Uniform Methods and Rules—Voluntary Scrapie Flock Certification.” No more than one State Scrapie Certification Board may be formed in each State. Each State Scrapie Certification

Board shall include as members the Area Veterinarian in Charge, one or more State representatives, one or more accredited veterinarians, and one or more owners of flocks, and at the discretion of the Area Veterinarian in Charge may include other members.

**§ 54.13 Cooperative agreements with States.**

APHIS may execute a cooperative agreement with the animal health agency of any State to cooperatively carry out administration of the Voluntary Scrapie Flock Certification Program within that State. These cooperative agreements will describe the respective roles of APHIS and State personnel in implementing the “Uniform Methods and Rules—Voluntary Scrapie Flock Certification Program,” and may: specify the financial, material, and personnel resources to be committed to the Voluntary Scrapie Flock Certification Program by APHIS and the State; assign specific Voluntary Scrapie Flock Certification Program activities to APHIS or State personnel; establish schedules for APHIS representatives or State representatives to visit participating flocks; establish procedures for maintaining and sharing Voluntary Scrapie Flock Certification Program records specified in the “Uniform Methods and Rules—Voluntary Scrapie Flock Certification Program,” and specify other responsibilities of State representatives and Veterinary Services representatives in support of the Voluntary Scrapie Flock Certification Program.

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**PART 55—[RESERVED]****PART 56—SWINE DESTROYED BECAUSE OF HOG CHOLERA****Sec.**

- 56.1 Definitions.
- 56.2 Cooperation with States.
- 56.3 Appraisal of swine.
- 56.4 Care and feeding of swine under quarantine; disposal after slaughter.
- 56.5 Mortgages against swine.
- 56.6 Destruction of swine.