

§ 75.4

the billing marked in accordance with § 73.6.

NOTE: Cattle from nonquarantined areas which are not affected with scabies or which just prior to movement were not affected with or exposed to scabies may be moved interstate without restrictions under this part. Accordingly, cattle from nonquarantined areas which had been treated with ivermectin more than 14 days before movement interstate may be moved interstate without restriction under this part unless following treatment they become affected with scabies or just prior to movement become affected with or exposed to scabies.

(b) Cattle may be moved interstate from a quarantined area after being treated with ivermectin under the supervision of an APHIS inspector or State inspector in accordance with the directions on the label of the drug if the following conditions are met:

(1) Such cattle are moved interstate within 21 days following treatment with ivermectin; and

(2) Such cattle are kept physically separated for 14 days following treatment from all cattle not part of the group treated together with ivermectin (regardless of whether the cattle are moved interstate before the end of the 14 day period); and, if such cattle are moved within the 15- to 21-day period following treatment, they remain kept physically separated from all cattle not a part of the group treated together with ivermectin until after they are moved interstate; and

(3) Such cattle are accompanied at the time of interstate movement by a certificate issued and signed by an APHIS inspector or State inspector identifying the group of cattle treated with ivermectin and stating the date on which the cattle were treated with ivermectin; and

(4) If such cattle are moved interstate before the end of the 14 day period following treatment, at the time of interstate movement the means of conveyance carrying them is placarded

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and the billing marked in accordance with § 73.6.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791, 792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132, 76 Stat. 663; 7 U.S.C. 450 and 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b and 134f; 7 CFR 2.17, 2.51, 371.2(d))

[49 FR 10530, Mar. 20, 1984 and 49 FR 33120, Aug. 21, 1984; 56 FR 52463, Oct. 21, 1991]

PART 74—[RESERVED]

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, PONIES, MULES, AND ZEBRAS

DOURINE IN HORSES AND ASSES

Sec.

75.1-75.3 [Reserved]

EQUINE INFECTIOUS ANEMIA (SWAMP FEVER)

75.4 Interstate movement of equine infectious anemia reactors and approval of laboratories, diagnostic facilities, research facilities, and stockyards.

CONTAGIOUS EQUINE METRITIS (CEM)

75.5-75.10 [Reserved]

AUTHORITY: 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, and 134-134h; 7 CFR 2.22, 2.80, and 371.2(d).

SOURCE: 28 FR 5950, June 13, 1963, unless otherwise noted.

DOURINE IN HORSES AND ASSES

§§ 75.1-75.3 [Reserved]

EQUINE INFECTIOUS ANEMIA (SWAMP FEVER)

§ 75.4 Interstate movement of equine infectious anemia reactors and approval of laboratories, diagnostic facilities, research facilities, and stockyards.

(a) *Definitions.* For the purpose of this section, the following terms have the meanings set forth in this paragraph.

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

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

Approved stockyard. A stockyard, live-stock market, or other premises, under state or federal veterinary supervision where horses or other equines are assembled for sale purposes, and which has been approved by the Administrator under this part.

Certificate. An official document issued by a State representative, APHIS representative, or an accredited veterinarian at the point of origin of the interstate movement on which are listed: (1) The description, including age, breed, color, sex, and distinctive markings when present (such as brands, tattoos, scars or blemishes), of each reactor to be moved; (2) the number of reactors covered by the document; (3) the purpose for which the reactors are to be moved; (4) the points of origin and destination; (5) consignor; and (6) the consignee; and which states that each reactor identified on the certificate meets the requirements of § 75.4(b).

Interstate. From any State into or through any other State.

Official seal. A serially numbered metal or plastic strip, or a serially numbered button, 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 and which cannot be reused if opened. It is applied by an APHIS representative or State representative.

Official test. Any test for the laboratory diagnosis of equine infectious anemia that utilizes a diagnostic product

that is: (1) Produced under license from the Secretary of Agriculture, and found to be efficacious for that diagnosis, under the Virus-Serum-Toxin Act of March 4, 1913, and subsequent amendments (21 U.S.C. 151 *et seq.*); and (2) conducted in a laboratory approved by the Administrator.

Officially identified. The permanent identification of a reactor using the National Uniform Tag code number assigned by the United States Department of Agriculture to the State in which the reactor was tested, followed by the letter "A",¹ which markings shall be permanently applied to the reactor by an APHIS representative, State representative or accredited veterinarian who shall use for the purpose a hot iron or chemical brand, freezemarking or a lip tattoo. If hot iron or chemical branding or freezemarking is used, the markings shall be not less than two inches high and shall be applied to the left shoulder or left side of the neck of the reactor. If a lip tattoo is used, each character of the tattoo shall be not less than one inch high and three-fourths of an inch wide and shall be applied to the inside surface of the upper lip of the reactor.

Operator. The individual responsible for the day-to-day operations of the specifically approved stockyard.

Permit. An official document (VS Form 1-27 or a State form which contains the same information, but not a "permit for entry") issued by an APHIS representative, State representative, or accredited veterinarian which lists the owner's name and address, points of origin and destination, number of animals covered, purpose of the movement, and one of the following: The individual animal registered breed association registration tattoo, individual animal registered breed association registration number, or similar individual identification, including name, age, sex, breed, color, and markings.

¹Information as to the National Uniform Tag code number system can 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.

Reactor. Any horse, ass, mule, pony or zebra which is subjected to an official test and found positive.

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.

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

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

(b) *Interstate movement.* No reactor may be moved interstate unless the reactor is officially identified, is accompanied by a certificate, and meets the conditions of either paragraph (b)(1), (b)(2), (b)(3), or (b)(4) of this section: *Provided,* That official identification is not necessary if the reactor is moved directly to slaughter under a permit and in a conveyance sealed with an official seal:

(1) The reactor is moved interstate for immediate slaughter, either to a Federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or to a State-inspected slaughtering establishment that has inspection by a State representative at time of slaughter; or

(2) The reactor is moved interstate to a diagnostic or research facility after the individual issuing the certificate has consulted with the State animal health official in the State of destination and has determined that the reactor to be moved interstate will be maintained in isolation sufficient to prevent the transmission of equine infectious anemia to other horses, asses, ponies, mules, or zebras, and will remain quarantined under State authority at the diagnostic or research facil-

ity until natural death, slaughter, or until disposed of by euthanasia; or

(3) The reactor is moved interstate to its home farm after the individual issuing the certificate has consulted with the State animal health official in the State of destination and has determined that the reactor to be moved interstate will be maintained in isolation sufficient to prevent the transmission of equine infectious anemia to other horses, asses, ponies, mules, or zebras, and will remain quarantined under State authority on the reactor's home farm until natural death, slaughter, or until disposed of by euthanasia; and

(4) The reactor is moved interstate through no more than one approved stockyard for sale for immediate slaughter, and is moved within five days of its arrival at the approved stockyard directly to:

(i) Slaughter at a federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), or,

(ii) Slaughter at a state-inspected slaughtering establishment that has inspection by a state representative at the time of slaughter, or,

(iii) The home farm of the reactor in accordance with paragraph (b)(3) of this section.

(c) *Approval of Laboratories, Diagnostic or Research Facilities, and Stockyards.* (1) The Administrator will approve laboratories to conduct the official test 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 official test who have received training prescribed by the National Veterinary Services Laboratories; (ii) uses United States Department of Agriculture licensed antigen; (iii) follows standard test protocol prescribed by the National Veterinary Services Laboratories; (iv) meets check test proficiency requirements prescribed by the National Veterinary Services Laboratories; and (v) reports all official test results to the State animal health

official and the Veterinarian in Charge.²

(2) The Administrator will approve diagnostic or research facilities to which reactors may be moved interstate under paragraph (b)(2) of this section, after a determination by the Administrator that the facility has facilities and employs procedures which are adequate to prevent the transmission of equine infectious anemia from reactors to other equine animals.³

(3) The Administrator will approve stockyards to handle reactors moved interstate under paragraph (b)(4) of this section when the operator of the stockyard executes the following agreement:

AGREEMENT FOR SPECIFICALLY APPROVED STOCKYARD FOR HANDLING KNOWN EQUINE INFECTIOUS ANEMIA REACTOR HORSES AND OTHER EQUINES PURSUANT TO TITLE 9 OF THE CODE OF FEDERAL REGULATIONS

[Name of Stockyard] _____
[Address and Stockyard] _____

I, (name of operator), operator of (name of stockyard), hereby agree to maintain and operate this stockyard at (premises location) in accordance with each of the provisions set forth herein.

Cooperation

(1) An accredited veterinarian, state representative, or APHIS representative shall be on the stockyard premises on sale days to perform duties in accordance with state and federal regulations.

(2) The state animal health official and the veterinarian in charge shall be furnished with a current schedule of sale days which apply to the stockyard and any revision to

²Training requirements, standard test protocols, and check test proficiency requirements prescribed by the National Veterinary Services Laboratories, and the names and addresses of approved laboratories can 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.

³Facilities and procedures which are adequate to prevent the transmission of equine infectious anemia, and the names and addresses of approved diagnostic or research facilities, can 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.

the schedule of sale days prior to implementation of such revision.

(3) State representatives and APHIS representatives shall be granted, during normal business hours, access to stockyard premises and facilities to determine compliance with the requirements of title 9, Code of Federal Regulations and the Standards of this agreement.

Handling of Horses and Other Equines

(4) Horses and other equines shall be received, handled, and released by the stockyard only in accordance with title 9 of the Code of Federal Regulations.

(5) Any horses and other equines classified as equine infectious anemia reactors and accepted by the stockyard for sale shall be: (a) Placed in quarantined pens at least 200 yards from all non-EIA-reactor equines or other animals, unless moving out of the stockyard within 24 hours of arrival; and (b) consigned from the stockyard only to a slaughtering establishment or to the home farm of the reactor in accordance with title 9, Code of Federal Regulations, part 75.

Facilities

(6) Quarantined pens for the confinement of horses and other equines classified as equine infectious anemia reactors shall be clearly placarded "Quarantined," "Equine Infectious Anemia," or "Swamp Fever."

Fly Control Program

(7) The stockyard shall have in effect a fly control program utilizing at least one of the following; baits, fly strips, electric bug killers ("Fly Zappers," "Fly Snappers," or similar equipment), application of a pesticide effective against flies, applied according to the schedule and dosage recommended by the manufacturer for fly control.

Records

(8) Any document relating to animals which are or have been in the stockyard shall be maintained by the stockyard for a period of 1 year from the date the animal arrives at the stockyard.

(9) State representatives and APHIS representatives shall be granted, during all hours the stockyard business office is open, access to all documents required to be maintained pursuant to paragraph (8) of this agreement, and authority to reproduce such documents upon request.

I, _____, hereby acknowledge receipt of a copy of title 9, Code of Federal Regulations, part 75, and hereby acknowledge that I have been informed and understand that failure to abide by the provisions of this agreement constitutes a basis for the withdrawal of approval from this stockyard.

Request Approval

Operator of the Stockyard _____
 Recommended Approval _____
 State Animal Health Official _____
 Date _____
 Recommended Approval _____
 Veterinarian in Charge _____
 Date _____
 Approval Granted _____
 Administrator, Animal and Plant Health In-
 spection Service _____
 Date _____

(d) *Denial and withdrawal of approval of laboratories, diagnostic or research facilities, and stockyards.* The Administrator may deny or withdraw approval of any laboratory to conduct the official test, or of any diagnostic or research facility to receive reactors moved interstate, or of any stockyard to handle reactors under this part, upon a determination that the laboratory or diagnostic or research facility or stockyard does not meet the criteria for approval under paragraph (c) of this section, or, in the case of a stockyard, upon a determination that the stockyard is not maintained and operated in accordance with the standards specified in paragraph (c)(3) of this section.

(1) In the case of a denial, the operator of the laboratory or facility or stockyard will be informed of the reasons for denial and, 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.

(2) In the case of withdrawal, before such action is taken, the operator of the laboratory or facility or stockyard will be informed of the reasons for the proposed withdrawal and, 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, 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 laboratory or facility or stockyard. In the event of oral notification, written confirmation shall be given as

promptly as circumstances allow. This withdrawal shall continue in effect pending the completion of the proceeding, and any judicial review thereof, unless otherwise ordered by the Administrator.

(3) Approval for a laboratory to conduct the official test will be automatically withdrawn by the Administrator when the operator of the approved laboratory notifies the National Veterinary Services Laboratories in Ames, Iowa, in writing, that the laboratory no longer conducts the official test.

(4) Approval for a diagnostic or research facility to receive reactors moved interstate will be automatically withdrawn by the Administrator when the operator of the approved diagnostic or research facility notifies the Administrator, in writing, that the diagnostic or research facility no longer receives reactors moved interstate.

(5) Approval for a stockyard to handle reactors under this part will be automatically withdrawn by the Administrator when the operator of the approved stockyard notifies the Administrator, in writing, that the stockyard no longer handles reactors moved interstate under this part.

(Approved by the Office of Management and Budget under control number 0579-0051)

[51 FR 12597, Apr. 14, 1986, as amended at 51 FR 30327, Aug. 26, 1986; 55 FR 13506, 13507, Apr. 11, 1990; 57 FR 2440, Jan. 22, 1992; 57 FR 57337, Dec. 4, 1992; 59 FR 67133, Dec. 29, 1994; 59 FR 67613, Dec. 30, 1994; 60 FR 14619, Mar. 20, 1995]

CONTAGIOUS EQUINE METRITIS (CEM)

§§ 75.5–75.10 [Reserved]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES¹

GENERAL PROVISIONS

Sec.
 76.1 Definitions.

¹The functions prescribed in part 76 of chapter I, 9 CFR, have been transferred from the Agricultural Research Service, U.S. Department of Agriculture, to the Animal and Plant Health Inspection Service of the Department (36 FR 20707).