

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(3) Approval for a laboratory to conduct the official test will be automatically withdrawn by the Administrator when the operator of the approved laboratory notifies the National Veterinary Services Laboratories in Ames, Iowa, in writing, that the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).

- 76.2 Notice relating to existence of the contagion or vectors of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines.
- 76.3 General restrictions.
- 76.4 Interstate movement of hog cholera virus prohibited, except as provided.
- 76.5 Interstate movement of swine affected with or exposed to hog cholera.
- 76.6 Interstate movement of certain swine not affected with or exposed to hog cholera.
- 76.7 Interstate movement of vaccinated swine.
- 76.8 Interstate movement of swine from a quarantined area.
- 76.9 Interstate movement of swine products from a quarantined area.
- 76.10 Movement of swine and swine products from a quarantined area to a nonquarantined area of the same State.
- 76.11 Interstate movement of swine and swine products through quarantined areas.
- 76.12 Schedules of restrictions and conditions.
- 76.13 Interstate movement of specially processed swine products.
- 76.14 Special processing of swine products.
- 76.15 Special requirements for interstate movement of swine fed raw garbage and products from swine fed raw garbage.
- 76.16 Authorization of other movements.
- 76.17 Serum prophylaxis treatment of swine.
- 76.18 Approval of livestock markets.
- 76.19-76.29 [Reserved]
- 76.30 Cleaning and disinfecting of means of conveyance.
- 76.31 Cleaning and disinfecting livestock markets and other facilities.
- 76.32 Disinfectants to be used.

AUTHORITY: 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; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f.

SOURCE: 37 FR 3600, Feb. 17, 1972, unless otherwise noted.

GENERAL PROVISIONS

§ 76.1 Definitions.

For purposes of this part, the following terms shall have the meanings set forth in this section.

(a) *Administrator*. The Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other official of such Service to whom authority has here-

tofore been delegated or may hereafter be delegated to act in his stead.

(b) *Deputy Administrator*. The Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, or any other Veterinary Services official to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(c) *Veterinary Services*. Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture.

(d) *Hog cholera*. The contagious, infectious and communicable disease of swine commonly known as hog cholera.

(e) *Exposed swine*. Any swine that have been in contact with animals known to be or suspected of being affected with hog cholera; any swine which have been inoculated with modified live virus vaccine after January 1, 1970; any swine which have been inoculated with any other virulent hog cholera virus at any time; any swine which have been inoculated with killed or inactivated hog cholera virus vaccine other than as provided in paragraph (w) of this section; or any swine which have been in contact with such vaccines.

(f) *Virulent hog cholera virus*. The living agent capable of causing hog cholera found:

(1) In the clear serum, plasma, defibrinated blood, whole blood or other tissue derived from pigs affected with hog cholera; or

(2) In any material used as a medium for perpetuating such living agent; or

(3) In living hog cholera virus vaccine commonly known as modified live virus vaccine.

(g) *Modified live virus vaccine*. A living hog cholera virus vaccine produced from a modified or attenuated strain of hog cholera virus and prepared under license from the Secretary of Agriculture, issued pursuant to Subchapter E of this chapter.

(h) *Killed or inactivated hog cholera virus vaccine*. A vaccine produced from killed or inactivated hog cholera virus and prepared under license from the Secretary of Agriculture, issued pursuant to subchapter E of this chapter.

(i) *Garbage*. Waste consisting in whole or in part of animal waste, including any waste animal carcasses or the offal

from such carcasses, or parts thereof, but excluding waste from ordinary household operations which is fed directly to swine on the same premises where such household is located.

(j) *Raw garbage.* Garbage that has not been heated throughout to boiling or equivalent temperature (usually 212 °F. at sea level) for 30 minutes, or heated according to a method approved in specific cases by the Deputy Administrator² as adequate to prevent the spread of hog cholera.

(k) *Food waste.* Edible waste (for animal use) derived from garbage that has been heated throughout to boiling or equivalent temperature (usually 212 °F. at sea level) for 30 minutes, or heated according to a method approved in specific cases by the Deputy Administrator² as adequate to prevent the spread of hog cholera.

(l) *State.* Any State, Puerto Rico, the United States Virgin Islands, or the District of Columbia.

(m) *Interstate.* From any State into or through any other State.

(n) *Quarantined area.* A State, or portion of a State, quarantined under § 76.2(e) because of hog cholera or other contagious, infectious, or communicable disease of swine.

(o) *Nonquarantined area.* Any State, or portion of a State, not quarantined under this part.

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

(q) *Moved.* Shipped, transported, or otherwise moved, or delivered or received for movement, by any person, by land, water, or air.

(r) *Approved livestock market.* A stockyard, livestock market, buying station, concentration point or any other premises, under State or Federal veterinary supervision where swine are assembled for sale or sale purposes, and which has been approved by the Deputy Administrator under § 76.18.

(s) *Nonapproved livestock market.* A stockyard, livestock market, buying station, concentration point or any

other premises, other than an approved livestock market, where swine are assembled for sale or sale purposes.

(t) *Recognized slaughtering establishment.* A slaughtering establishment where State or Federal meat inspection is available.

(u) *Swine product.* Any carcass, part or offal of swine, or product thereof.

(v) *Special processing.* Subjecting a swine product to heat treatment in accordance with the requirements contained in § 76.14.

(w) *Official vaccinates.* Swine which are permanently identified as official vaccinates; were reported at the time of vaccination to the appropriate State or Federal agency; have never received official serum prophylaxis; and were vaccinated against hog cholera prior to July 1, 1969, with a modified live virus hog cholera vaccine approved under this part prior to July 1, 1969, administered in accordance with the recommendations on the vaccine label, or were vaccinated prior to January 1, 1970, with a killed or inactivated hog cholera virus vaccine administered in accordance with the recommendations on the vaccine label.

(x) *Official serum prophylaxis.* The inoculation of swine with anti-hog-cholera serum or hog cholera antibody concentrate, as prescribed in § 76.17, under the supervision of a Federal or State veterinary official, with permanent identification of such swine as having been so inoculated.

(y) *Farm of origin.* A farm where the swine to be shipped interstate were born and which has not been used within the 6 months prior to such shipment to assemble, buy, or sell swine brought in from other sources.

(z) *Slaughter market.* An approved livestock market in a quarantined area, the approval of which has been suspended as provided in § 76.18(c), or an approved livestock market not located within a quarantined area at which swine for sale and shipment for slaughter are handled only on days when no swine are handled for sale and shipment for feeding or breeding purposes, and which is cleaned and disinfected in accordance with the requirements of this part before any

²Requests for approval of other methods may be made to the Veterinarian in Charge, Animal Health Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, for the State in question.

swine for feeding or breeding purposes are handled thereat.³

(aa)-(bb) [Reserved]

(cc) *Veterinary Services inspector.* A veterinarian or livestock inspector employed by Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, in animal health activities, who is authorized to perform the function involved.

(dd) *State inspector.* A veterinarian or livestock inspector regularly employed in animal health activities by a State or a political subdivision thereof, authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the United States Department of Agriculture.

(ee) *Accredited veterinarian.* An accredited veterinarian as defined in part 160 of this chapter.

(ff) *State animal health official.* The State animal health official responsible for livestock and poultry disease control and eradication programs.

(gg) *Veterinarian in charge.* The veterinary official of Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, who is assigned by the Deputy Administrator to supervise and perform the official animal health work of the Animal and Plant Health Inspection Service in the State concerned.

(hh) *Vectors.* Any swine which have been in contact with animals known to be or suspected of being affected with hog cholera and which are or have been introduced into, marketed, or maintained in any State for purposes other than immediate slaughter and therefore may disseminate hog cholera.

[37 FR 3600, Feb. 17, 1972, as amended at 37 FR 26391, Dec. 12, 1972; 39 FR 44404, Dec. 24, 1974; 40 FR 53546, Nov. 19, 1975]

³Information concerning slaughter markets can be obtained from the Veterinarian in Charge, Animal Health Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, for the State in question.

§ 76.2 Notice relating to existence of the contagion or vectors of hog cholera and other swine diseases; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines.

(a) Notice is hereby given that the contagion or vectors of hog cholera exist in each area specified in paragraph (e) of this section and that the contagion of hog cholera and other communicable diseases of swine may exist in each State.

(b) Notice is hereby given that the Administrator has determined that the prohibition of the interstate movement of any hog cholera virus, except as specified in § 76.4, is necessary in order to effectuate the eradication of hog cholera.

(c) Notice is hereby given that there is reason to believe raw garbage is one of the primary media through which the contagion of hog cholera, swine erysipelas, trichinosis, tuberculosis, and other contagious, infectious, or communicable diseases of swine is disseminated. Further, there is reason to believe that if certain foreign diseases, such as foot-and-mouth disease and African swine fever, gain entrance into the United States, the contagion of such diseases may be spread through the medium of raw garbage. Therefore, the regulations in this part with respect to raw garbage are deemed necessary in order to more effectually prevent, suppress, and extirpate such diseases, to prevent the interstate spread thereof, and to guard against the dissemination of diseases from foreign countries.

(d) Notice is hereby given that in order to effectually suppress and extirpate hog cholera and other contagious, infectious, and communicable diseases of swine, to prevent the spread and dissemination of the contagion thereof and to protect the livestock of the United States, the regulations in this part are promulgated to govern the interstate movement of swine and swine products.

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(e) Notice of quarantine: Notice is hereby given that because of the existence of the contagion of hog cholera and the nature and extent of such contagion or the existence of vectors, the following areas are quarantined:

[Reserved]

[37 FR 3600, Feb. 17, 1972]

EDITORIAL NOTE: The quarantined areas in paragraph (e) of § 76.2 are not carried in the Code of Federal Regulations. For Federal Register citations affecting § 76.2, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 76.3 General restrictions.

Swine or swine products referred to in this part shall not be moved interstate except in accordance with the regulations in this part.

§ 76.4 Interstate movement of hog cholera virus prohibited, except as provided.

Virulent hog cholera virus shall not be moved interstate, except that: In specific cases and under such conditions as he may impose to prevent the interstate spread of hog cholera and to effectuate the hog cholera eradication program, the Deputy Administrator may authorize the interstate movement of stated quantities of virulent hog cholera virus for research, diagnostic, biologics production, or export purposes if he determines that such movement will not endanger swine or impair the hog cholera eradication program. When so moved for purposes other than export, such virus shall be accompanied by a permit from the appropriate official of the State of destination and shall in all cases, including export, be accompanied by a certificate issued by the Deputy Administrator specifying any conditions imposed regarding the specific shipment.

§ 76.5 Interstate movement of swine affected with or exposed to hog cholera.

(a) Swine affected with hog cholera may not be moved interstate for any purpose.

(b) Exposed swine (as defined in § 76.1(e)) may be moved interstate from any point in any State to a recognized slaughtering establishment for immediate slaughter and special processing

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in accordance with Schedule A of § 76.12.

§ 76.6 Interstate movement of certain swine not affected with or exposed to hog cholera.

(a) Swine not known to be affected with or exposed to hog cholera may be moved interstate from any point in any nonquarantined area to a recognized slaughtering establishment for immediate slaughter, or to an approved livestock market for sale for immediate slaughter without further restriction under this part.

(b) Swine not known to be affected with or exposed to hog cholera may be moved interstate from any nonquarantined area for feeding or breeding purposes as provided in this paragraph (b):

(1) From any approved livestock market to any point other than a nonapproved livestock market in accordance with Schedule B of § 76.12.

(2) From a farm of origin to any point other than a nonapproved livestock market in accordance with Schedule C of § 76.12.

(3) From any premises other than a farm of origin or an approved or nonapproved livestock market to any point other than a nonapproved livestock market in accordance with Schedule D of § 76.12.

(c) Swine not known to be affected with or exposed to hog cholera may be moved interstate from any nonquarantined area for exhibition purposes as provided in paragraph (b) of this section.

[37 FR 3600, Feb. 17, 1972, as amended at 40 FR 53546, Nov. 19, 1975]

§ 76.7 Interstate movement of vaccinated swine.

(a) Official vaccinates may be moved interstate in accordance with the same restrictions and conditions which apply to nonvaccinated swine under the provisions of this part.

(b) Notwithstanding any other provisions of this part, swine treated with approved modified live virus vaccine after July 1, 1969, but prior to January 1, 1970, or treated with other virulent hog cholera virus prior to April 1, 1966, may be moved interstate only from a nonquarantined area and if they are

not known to be affected with or otherwise exposed to hog cholera and are consigned to a recognized slaughtering establishment for immediate slaughter.

§ 76.8 Interstate movement of swine from a quarantined area.

Swine may be moved interstate from a quarantined area in accordance with the provisions of this section.

(a) Exposed swine (as defined in § 76.1(e)) may be moved interstate as provided in § 76.5(b).

(b) Swine not known to be affected with or exposed to hog cholera may be moved interstate from a quarantined area as provided in this paragraph only for immediate slaughter or for sale and shipment for immediate slaughter. Such swine may be so moved interstate:

(1) From any point other than an approved or nonapproved livestock market to a recognized slaughtering establishment or to a slaughter market (as defined in § 76.1(z)) in accordance with Schedule E of § 76.12.

(2) From a slaughter market (as defined in § 76.1(z)) to a recognized slaughtering establishment in accordance with Schedule E of § 76.12.

(c) *Quarantine of swine or detention of swine products moving interstate in violation of regulations.* The Deputy Administrator may order the quarantine of swine or the detention of swine products found to be moving interstate in violation of regulations contained in this part. Release from quarantine or other disposition of such quarantined swine or release of swine products detained to prevent the spread of disease will be subject to the requirement of special processing in accordance with § 76.14 or any other conditions which may be specified by the Deputy Administrator as necessary to prevent the spread of hog cholera or other communicable diseases of livestock. Except for supervision, no expense incurred in quarantining or otherwise disposing of quarantined swine or in detaining or disposing of detained swine products will be borne by the Department of Agriculture.

[37 FR 3600, Feb. 17, 1972, as amended at 40 FR 53546, Nov. 19, 1975]

§ 76.9 Interstate movement of swine products from a quarantined area.

Swine products not derived from swine affected with or exposed to hog cholera may be moved interstate from a quarantined area if they were produced in a federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.).

§ 76.10 Movement of swine and swine products from a quarantined area to a nonquarantined area of the same State.

Swine and swine products moved from the quarantined area of a State to a nonquarantined area of the same State may be moved interstate only as specified in §§ 76.8 and 76.9.

§ 76.11 Interstate movement of swine and swine products through quarantined areas.

Swine and swine products may be moved interstate from nonquarantined areas through quarantined areas without compliance with §§ 76.8 and 76.9 if (a) such movement is continuous and direct and such swine and swine products are not unloaded in the quarantined areas; or (b) if all facilities used in connection with the unloading have been approved for such purpose by a Veterinary Services inspector as having been cleaned and disinfected before such use, as prescribed in §§ 76.30 through 76.32, under the supervision of a person authorized for the purpose by the inspector.

§ 76.12 Schedules of restrictions and conditions.⁴

SCHEDULE A

Schedule A applies to the interstate movement of swine for immediate slaughter and special processing as provided in §§ 76.5(b) and 76.15 and requires that:

1. The swine must be moved to a recognized slaughtering establishment for immediate slaughter and special processing.

2. The recognized slaughtering establishment must be designated by the Deputy Administrator to slaughter specific shipments of exposed swine.

⁴In each instance the regulations of the State of destination should be consulted.

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3. The means of conveyance must be sealed during transit with Department seals or accompanied by a representative of Veterinary Services or a person specifically authorized for the purpose by the Deputy Administrator.

4. The seals must not be removed or broken except by a meat inspector employed by the Consumer and Marketing Service of the U.S. Department of Agriculture or other persons specifically authorized for this purpose by the Deputy Administrator.

5. The swine must be accompanied by a certificate of a Veterinary Services inspector showing that the establishment to which the animals are consigned has been specifically approved by the Deputy Administrator, that the inspector has inspected all swine on the premises of origin within 48 hours of shipment interstate, and that the swine are apparently free of hog cholera and other contagious, infectious, or communicable diseases.

SCHEDULE B

Schedule B applies to the interstate movement of feeder and breeder swine as provided in § 76.6(b)(1) and requires that:

1. The interstate movement must be continuous.

2. The interstate movement must be in the same means of conveyance in its entirety.

3. The swine must be inspected by a Veterinary Services or State inspector or an accredited veterinarian at the point of origin of the interstate shipment immediately prior to such shipment, and found to be apparently free of hog cholera and other contagious, infectious, or communicable diseases.

4. The swine must be accompanied by an inspection certificate issued by the Veterinary Services or State inspector or accredited Veterinarian showing:

(a) Place and date of issuance.

(b) Consignee and consignor.

(c) That the swine have been inspected by the Veterinary Services or State inspector or accredited veterinarian, and are apparently free of hog cholera and other contagious, infectious, or communicable diseases.

5. A copy of the inspection certificate must be forwarded to the appropriate Animal Health official of the State of destination.

6. Swine moved from an approved livestock market must be transported in a means of conveyance which has been cleaned and disinfected as provided in §§ 76.30 and 76.32; *Provided, however*, That if the means of conveyance is not regularly used to transport livestock, disinfection is not required.

SCHEDULE C

Schedule C applies to the interstate movement of feeder and breeder swine as provided in § 76.6(b)(2) and requires that:

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1. The interstate movement must be continuous.

2. The interstate movement must be in the same means of conveyance in its entirety.

SCHEDULE D

Schedule D applies to the interstate movement of feeder and breeder swine as provided in § 76.6(b)(3) and requires that:

1. The interstate movement must be continuous.

2. The interstate movement must be in the same means of conveyance in its entirety.

3. The swine must be inspected by a Veterinary Services or State inspector or accredited Veterinarian at the point of origin of the interstate shipment immediately prior to such shipment and found to be apparently free of hog cholera and other contagious, infectious, or communicable diseases.

4. The swine must be accompanied by an inspection certificate issued by the Veterinary Services or State inspector or accredited veterinarian showing:

(a) Place and date of issuance.

(b) Consignee and consignor.

(c) That the swine have been inspected by the Veterinary Services or State inspector or accredited veterinarian and are apparently free from hog cholera and other contagious, infectious, or communicable diseases.

5. A copy of the inspection certificate must be forwarded to the appropriate Animal Health official of the State of destination.

SCHEDULE E

Schedule E applies to the movement of swine from a quarantined area for slaughter purposes as provided in § 76.8(b) and requires that:

1. A permit for the movement must be obtained from the appropriate Animal Health official of the State of destination.

2. (a) The swine must be identified by an individual ear tag to the premises of origin or by a red mark at least 4" x 1/2" above the shoulder on the back of each animal, or (b) the means of conveyance in which the swine are moved interstate must be sealed with Department seals.

3. If the means of conveyance is sealed, the seals must not be removed or broken except by a meat inspector employed by the Consumer and Marketing Service of the U.S. Department of Agriculture or by other persons authorized for this purpose by the Deputy Administrator.

4. All swine on the premises of origin, including the swine to be moved interstate, must be inspected on the premises of origin by a Veterinary Services or State inspector or an accredited veterinarian within 24 hours prior to the time the interstate movement is to begin and all swine on the premises must be found to be apparently free of hog cholera

and other contagious, infectious and communicable diseases, and known exposure thereto.

5. The swine must be moved for immediate slaughter directly to a federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), or to a State inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter; or to a slaughter market (as defined in §76.1(z) for sale and shipment for immediate slaughter; they must be moved without contact at any point with feeding or breeding swine; they shall not be unloaded en route; and they shall not be diverted.

6. The swine must be accompanied by an inspection certificate issued by a Veterinary Services or State inspector or an accredited veterinarian showing:

(a) That all swine on the premises of origin, including those covered by the certificate, were inspected by him as prescribed in paragraph 4 of this Schedule E and found to be apparently free from hog cholera and other contagious diseases and from known exposure thereto.

(b) Consignee and consignor.

(c) Number of swine covered by the certificate.

(d) The individual eartag identification numbers of the swine or the existence of the red color mark on each animal covered by the certificate as prescribed in paragraph 2 of this Schedule E.

(e) That the swine covered by the certificate must be moved directly to the federally or State inspected slaughtering establishment or slaughter market specified on the certificate.

(f) That the swine must be moved without contact at any point with feeding or breeding swine and shall not be unloaded or diverted enroute.

7. A copy of the inspection certificate must be forwarded to the appropriate Animal Health official of the State of destination.

8. The means of conveyance used to transport the swine interstate must be placarded by affixing conspicuously thereto a durable placard not less than 5 x 8 inches in size on which are printed in block bold faced letters not less than 1½ inches in height, the words "Swine For Slaughter Only."

9. The means of conveyance must be cleaned and disinfected in accordance with §§76.30 and 76.32 under supervision by a Veterinary Services or State inspector immediately following unloading, except that the Deputy Administrator may, in specific cases, approve other points for such cleaning and disinfection when he finds that such proce-

dures will not hamper the hog cholera eradication program.

[37 FR 3600, Feb. 17, 1972, as amended at 40 FR 53547, Nov. 19, 1975]

§76.13 Interstate movement of specially processed swine products.

Except as provided in §§76.9, 76.10, 76.11, and 76.15, swine products which have been specially processed may be moved interstate without restriction under this part.

§76.14 Special processing of swine products.

All swine products required under the regulations of this part to be specially processed shall be heated to an internal temperature of at least 156° F. for 30 minutes or to an internal temperature of 177° F. for 3 minutes.

§76.15 Special requirements for interstate movement of swine fed raw garbage and products from swine fed raw garbage.

(a) *Movement of swine.* Swine which have been fed any raw garbage may be moved interstate under this part only in accordance with Schedule A of §76.12 to a slaughtering establishment specifically approved for the purpose by the Deputy Administrator in each case, for immediate slaughter and special processing at such establishment in a manner approved by the Deputy Administrator as adequate to prevent the spread of communicable livestock diseases.

(b) *Movement of swine products.* (1) Swine products produced at an establishment operating under the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), which handles products of swine fed raw garbage but specially processes all such products separate and apart from other swine products, keeps the products properly identified and otherwise handles the products in a manner approved by the Deputy Administrator as adequate to prevent the spread of communicable livestock diseases, may be moved interstate without further restriction under this section, but in accordance with the other provisions of this part.

(2) Swine products produced at an establishment operating under the Federal Meat Inspection Act, as amended

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(21 U.S.C. 601 *et seq.*), which handles any products of swine fed any raw garbage and does not handle all such products as specified in paragraph (b)(1) of this section, may be moved interstate only if accompanied by a certificate signed by a meat inspector of the Consumer and Marketing Service, U.S. Department of Agriculture (i) identifying the products to be moved interstate and stating that, insofar as he has been able to determine, the particular products were derived from swine which had not been fed any raw garbage, or (ii) identifying the products to be moved interstate and stating that the particular products have been handled as specified in paragraph (b)(1) of this section.

§ 76.16 Authorization of other movements.

The Deputy Administrator, in specific cases, may authorize the interstate movement of swine or swine products not otherwise authorized under this part, under such conditions as he may prescribe to prevent the spread of hog cholera or other contagious, infectious, or communicable diseases, and when so moved, the swine or swine products must be accompanied by a permit from the appropriate Animal Health official of the State of destination and a permit from Veterinary Services specifying any conditions imposed regarding such movement.

§ 76.17 Serum prophylaxis treatment of swine.

Although there is no requirement under this part that swine be treated with anti-hog-cholera serum or hog cholera antibody concentrate prior to interstate movement, if swine do receive serum prophylaxis prior to interstate movement they shall be inoculated with anti-hog-cholera serum or hog cholera antibody concentrate prepared under license from the Secretary of Agriculture issued pursuant to subchapter E of this chapter; they shall meet all other applicable provisions of this part; and the permitted dosage of anti-hog-cholera serum or hog cholera antibody concentrate shall be as follows:

Weight of swine (pounds)	Minimum dose of serum (cubic centimeters)	Minimum dose of antibody concentrate (cubic centimeters)
Under 20.		
20		10
20 to 40	30	15
40+ to 90	35	18
90+ to 120	45	23
120+ to 150	55	28
150+ to 180	65	33
Over 180	75	38

NOTE: Except for swine under 30 pounds in weight, the dosage of serum should not exceed 1 cc. per pound body weight, or one-half cc. per pound body weight if antibody concentrate is used.

§ 76.18 Approval of livestock markets.

(a) Notices containing lists of livestock markets approved for the purposes of the regulations in this part will be published in the FEDERAL REGISTER. Information with respect to those livestock markets may also be obtained from Veterinary Services.

(b) The Deputy Administrator is authorized to approve any livestock market for the purposes of the regulations in this part when he determines that the operator of such livestock market has executed an appropriate agreement as set forth in paragraph (b)(1) or (2) of this section and that the livestock market meets the standards specified in such agreement. Request for such approval may be made to the Veterinarian in Charge, Animal Health Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, for the State in which the livestock market is located, and the executed agreement shall be filed with said Veterinarian in Charge. The Deputy Administrator is authorized to promulgate notices listing approved livestock markets in accordance with paragraph (a) of this section. The Deputy Administrator may withdraw approval and remove any livestock market from such list when he determines that such livestock market no longer complies with the requirements of the agreement applicable to its operations, or that the operator has terminated such agreement.⁵

(1)

⁵The standards contained in these agreements are minimal and agreements within individual States may be adjusted to conform to more restrictive State laws or regulations.

Animal and Plant Health Inspection Service, USDA

§ 76.18

AGREEMENT FOR APPROVAL TO HANDLE INTERSTATE SHIPMENTS OF ANY CLASS OF SWINE

To: Veterinary Services Animal and Plant Health Inspection Service, U.S. Department of Agriculture.

The undersigned operator of the livestock market known as _____ (Name) located at _____ (Address), hereby requests approval to handle interstate shipments of feeder or breeder and/or slaughter swine in accordance with the regulations in 9 CFR 76. Said operator agrees to:

1. Provide Veterinary Services with a schedule of sale days and cooperate with Veterinary Services in obtaining compliance by livestock shippers with applicable State and Federal regulations.
2. Provide well-constructed and well-lighted imperviously surfaced pens, alleys, and sales rings for holding, inspecting and otherwise handling swine, and keep all swine handling facilities clean and in good repair.
3. Require all swine received at the livestock market to be given an inspection by a Veterinary Services or State inspector or an accredited veterinarian, and refuse to sell any swine that show signs of any infectious, contagious, or communicable disease upon such inspection except as authorized by a Veterinary Services or State inspector or an accredited veterinarian.
4. Separate from the other swine all swine found upon inspection to be, or suspected of being, affected with any contagious, infectious, or communicable disease and immediately notify a Veterinary Services or State inspector, or an accredited veterinarian, of the presence of such swine at the livestock market.
5. Permit no feeder or breeder swine to remain in the livestock market for more than 72 hours and permit no slaughter swine to remain in the livestock market for more than 120 hours.
6. Issue no release for removal of feeder or breeder swine from the livestock market until the swine are identified in accordance with applicable requirements of Federal or State regulations and have been inspected by a Veterinary Services or State inspector, or an accredited veterinarian, and certified in accordance with applicable Federal or State regulations.
7. Issue no release for removal of slaughter swine from the livestock market unless consigned for immediate slaughter and identify the consignee on the release document.
8. Clean and disinfect pens, alleys, sales rings, docks, scales, and other facilities when required under §§71.4 or 76.31, with a disinfectant specified in §76.32.
9. Provide facilities and services for cleaning and disinfecting means of conveyance as prescribed in §§76.30 and 76.32.

10. Permit no swine to be inoculated at the livestock market with any hog cholera vaccine or any virulent hog cholera virus.

11. Maintain, for one year after the transaction involved, a record of the origin and destination of all swine, and also of the identification of all swine required to be identified in accordance with Paragraph 6 of this agreement, handled through the livestock market and afford Veterinary Services and State inspectors access to such records at all reasonable times.

(Name of operator of livestock market) _____
(Address) _____
(Signature and Title) _____
(Date) _____

The Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, has approved this application effective _____ (Date).

(Veterinarian in Charge) _____
(Address) _____
(Date) _____

(2) See the following example:

AGREEMENT FOR APPROVAL TO HANDLE INTERSTATE SHIPMENTS OF SLAUGHTER SWINE

To: Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture:

The undersigned operator of the livestock market known as _____ (Name), located at _____ (Address), hereby requests approval to handle interstate shipments of slaughter swine only, in accordance with the regulations in 9 CFR, part 76. Said operator agrees to:

1. Provide Veterinary Services with a schedule of sale days and cooperate with Veterinary Services in obtaining compliance by livestock shippers with applicable State and Federal regulations.
2. Separate from other swine all swine suspected of being affected with any contagious, infectious, or communicable disease and immediately notify a Veterinary Services or State inspector, or an accredited veterinarian, of the presence of such swine at the livestock market.
3. Issue no releases for removal of any swine from the livestock market unless consigned for immediate slaughter and identify the consignee on the release document.
4. Permit no swine to be inoculated at the livestock market with any modified live virus hog cholera vaccine or any other virulent hog cholera virus.
5. Maintain, for one year after the transaction involved, a record of the origin and destination of all swine handled through the livestock market and afford Veterinary Services and State inspectors access to such records at all reasonable times.

§ 76.30

(Name of operator of livestock market) _____
(Address) _____
(Signature and title) _____
(Date) _____

The Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, has approved this application effective _____ (Date).

(Veterinarian in charge) _____
(Address) _____
(Date) _____

(c) *Approval of livestock markets in a quarantined area.* The approved status of all livestock markets approved for the purposes of the regulations in this part under this section which are located in an area placed under quarantine because of hog cholera, shall be suspended (only for purposes of this part) when such area is placed under quarantine and shall be restored when such area is released from quarantine only upon compliance with all provisions of this section: *Provided*, That such livestock markets which qualify under § 76.1(z) may operate as slaughter markets for the purpose of receiving interstate shipments of slaughter swine and releasing in accordance with § 76.8, directly to a slaughter swine for interstate shipment, federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act, as amended (21 U.S.C. 601 *et seq.*), or to a State inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter.

(Approved by the Office of Management and Budget under control number 0579-0016)
[37 FR 3600, Feb. 17, 1972, as amended at 40 FR 53547, Nov. 19, 1975; 48 FR 57472, Dec. 30, 1983]

§§ 76.19—76.29 [Reserved]

§ 76.30 Cleaning and disinfecting of means of conveyance.

(a) All means of conveyance and their associated equipment used for receiving, shipping, loading, unloading, and delivering swine and for feeding, watering, and resting swine, in connection with the interstate movement of swine, shall be kept clean.

(b) Any means of conveyance and its associated equipment which has been used to move swine interstate which are affected with any contagious, infec-

tious, or communicable disease, shall be cleaned and disinfected under the supervision of a Veterinary Services or State inspector or an accredited veterinarian as follows: Remove all litter, feed, and manure from all portions of each means of conveyance, including all ledges and framework inside and outside, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; clean the interior and the exterior of such vehicle or other means of conveyance and its associated equipment; and saturate the entire interior surface, including all doors, endgates, portable chutes, and similar equipment with a disinfectant prescribed in § 76.32.

(c) The Deputy Administrator may, in specific cases, require the thorough cleaning and disinfecting, under the supervision of a Veterinary Services or State inspector or an accredited veterinarian in the manner provided in paragraph (b) of this section, of any means of conveyance which has been used to move interstate any swine which have been fed any raw garbage, or any swine products derived from such swine, or swine exposed to hog cholera or other contagious, infectious or communicable livestock disease, or which the Deputy Administrator has reason to believe may have been otherwise infected with or exposed to such a disease, when he determines that such cleaning and disinfecting is necessary to guard against the spread of any such disease.

(d) The carrier shall be responsible for cleaning and disinfecting all means of conveyance and associated equipment as required by this section and such cleaning and disinfecting shall be done without expense to the Department of Agriculture.

(e) Such cleaning and disinfecting shall be done before the means of conveyance is moved from the place where the swine or swine products are unloaded, unless the Deputy Administrator, in specific cases, authorizes its movement to another location and cleaning and disinfecting is carried out at such location in accordance with this section.

§ 76.31 Cleaning and disinfecting livestock markets and other facilities.

(a) All livestock markets and other facilities, including facilities for receiving, shipping, loading, unloading, and delivering swine and for feeding, watering, and resting swine, used in connection with the interstate movement of swine shall be kept clean.

(b) All livestock markets and other facilities, or any portion thereof, which have been used in connection with the interstate movement of swine which are affected with any contagious, infectious, or communicable disease, shall be cleaned and disinfected under the supervision of a Veterinary Services or State inspector or an accredited veterinarian as follows: Empty all troughs and other feeding and watering appliances; remove all litter, feed, and manure from the floors, posts, or other parts, and handle such litter, feed, and manure in such manner as not to expose livestock to any disease contained therein; and saturate the entire surface of the fencing, troughs, chutes, floors, walls, and all other parts with a disinfectant as prescribed in § 76.32.

(c) The Deputy Administrator, in specific cases, may require the thorough cleaning and disinfecting, under the supervision of a Veterinary Services or State inspector or an accredited veterinarian, in the manner provided in paragraph (b) of this section, of any livestock market and other facility, or any portion thereof, which has been used in connection with the interstate movement of any swine which have been fed any raw garbage or swine products derived from such swine, or swine exposed to hog cholera or other contagious, infectious, or communicable disease, or which the Deputy Administrator has reason to believe may have been otherwise infected with or exposed to such a disease, when he determines that such cleaning and disinfecting is necessary to guard against the spread of any such disease.

(d) The owner of such livestock markets and other facilities shall be responsible for cleaning and disinfecting as required under this section, and the cleaning and disinfecting shall be done without expense to the Department of Agriculture.

(e) All livestock markets or other facilities, or any portion thereof, required to be cleaned and disinfected under this section shall not be used for handling swine until after the cleaning and disinfecting has been done.

§ 76.32 Disinfectants to be used.

Disinfection required under the regulations in this part shall be performed with one of the following:

(a) A permitted brand of sodium orthophenylphenate used in a proportion of at least 1 pound to 12 gallons of water, as prescribed in § 71.12 of this chapter.

(b) A permitted cresylic disinfectant in the proportion of at least 4 fluid ounces to 1 gallon of water, as prescribed under §§ 71.10(b) and 71.11 of this chapter.

(c) A permitted general disinfectant (which meets the specifications of § 71.10(a)(5) of this chapter) and which has been shown to be virucidal against the virus of hog cholera, as determined by the Deputy Administrator,⁶ may be used at the dilution and otherwise in accordance with directions for use as shown on the label of such disinfectant.

PART 77—TUBERCULOSIS

Sec.

77.1 Definitions.

77.2 General restrictions.

77.3 Movement from accredited-free States, accredited-free (suspended) States, and modified accredited States.

77.4 Movement from nonmodified accredited states.

77.5 Interstate movement of cattle and bison that are exposed, reactors, or suspects, or from herds containing suspects.

77.6 Other movements.

AUTHORITY: 21 U.S.C. 111, 114, 114a, 115-117, 120, 121, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

SOURCE: 43 FR 34431, Aug. 4, 1978, unless otherwise noted.

§ 77.1 Definitions.

As used in this part, the following terms shall have the meanings set

⁶Information as to the names of such disinfectants may be obtained from the Veterinarian in Charge or a Veterinary Services inspector.