

## § 77.6

moved interstate if they are moved directly to slaughter to an 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 which has inspection by a State inspector at the time of slaughter.

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### § 77.6 Other movements.

The Administrator may, with the concurrence of the livestock sanitary officials of the State of destination, upon request in specific cases, permit the movement of cattle or bison not otherwise provided for in this part which have not been classified as reactor cattle or bison and are not otherwise known to be affected with tuberculosis, under such conditions as he may prescribe in each specific case to prevent the spread of tuberculosis. The Administrator shall promptly notify the appropriate livestock sanitary officials of the State of destination of any such action.

[43 FR 34431, Aug. 4, 1978. Redesignated at 52 FR 39615, Oct. 23, 1987, and amended at 52 FR 39616, Oct. 23, 1987; 54 FR 31165, July 27, 1989]

## PART 78—BRUCELLOSIS

Sec.

### Subpart A—General Provisions

- 78.1 Definitions.
- 78.2 Handling of certificates, permits, and "S" brand permits for interstate movement of animals.
- 78.3 Handling in transit of cattle and bison moved interstate.
- 78.4 [Reserved]

### Subpart B—Restrictions on Interstate Movement of Cattle Because of Brucellosis

- 78.5 General restrictions.
- 78.6 Steers and spayed heifers.
- 78.7 Brucellosis reactor cattle.
- 78.8 Brucellosis exposed cattle.
- 78.9 Cattle from herds not known to be affected.

## 9 CFR Ch. I (1–1–97 Edition)

- 78.10 Official vaccination of cattle moving into and out of Class B and Class C States or areas.
- 78.11 Cattle moved to a specifically approved stockyard not in accordance with this part.
- 78.12 Cattle from quarantined areas.
- 78.13 Other movements.
- 78.14 Rodeo bulls.
- 78.15–78.19 [Reserved]

### Subpart C—Restrictions on Interstate Movement of Bison Because of Brucellosis

- 78.20 General restrictions.
- 78.21 Bison steers and spayed heifers.
- 78.22 Brucellosis reactor bison.
- 78.23 Brucellosis exposed bison.
- 78.24 Bison from herds not known to be affected.
- 78.25 Other movements.
- 78.26–78.29 [Reserved]

### Subpart D—Restrictions on Movement of Swine Because of Brucellosis

- 78.30 General restrictions.
- 78.31 Brucellosis reactor swine.
- 78.32 Brucellosis exposed swine.
- 78.33 Sows and boars.
- 78.34 Other movements.
- 78.35–78.39 [Reserved]

### Subpart E—Designation of Brucellosis Areas, and Specifically Approved Stockyards

- 78.40 Designation of States/areas.
- 78.41 State/area classification.
- 78.42 Quarantined areas.
- 78.43 Validated brucellosis-free States.
- 78.44 Specifically approved stockyards.

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### Subpart A—General Provisions

#### § 78.1 Definitions.

The following terms are defined in this section:

Accredited veterinarian  
Administrator  
Animals  
Animal and Plant Health Inspection Service  
APHIS representative  
Approved brucella vaccine  
Approved individual herd plan  
Approved intermediate handling facility  
Area  
"B" branded  
Boar

Brucellosis  
 Brucellosis exposed  
 Brucellosis negative  
 Brucellosis reactor  
 Brucellosis ring test  
 Brucellosis suspect  
 Certificate  
 Certified brucellosis-free herd  
 Class A State or area  
 Class B State or area  
 Class C State or area  
 Class Free State or area  
 Complete herd test (CHT)  
 Confirmatory test  
 Dairy cattle  
 Designated epidemiologist  
 Directly  
 Epidemiologist  
 Epidemiology  
 Farm of origin  
 Feral swine  
 Finished fed cattle  
 Herd  
 Herd blood test  
 Herd known to be affected  
 Herd not known to be affected  
 Herd of origin of swine  
 Interstate  
 Market cattle identification test cattle  
 Market swine test (MST) reactor  
 Market swine test swine  
 Monitored-negative feral swine population  
 Moved  
 Moved (movement) in interstate commerce  
 Official adult vaccinate  
 Official brand inspection certificate  
 Official brand recording agency  
 Official calfhooed vaccinate  
 Official eartag  
 Official seal  
 Official swine tattoo  
 Official test  
 Official vaccinate  
 Official vaccination eartag  
 Originate  
 Parturient  
 Permit  
 Permit for entry  
 Person  
 Postparturient  
 Purebred registry association  
 Qualified herd  
 Quarantined area  
 Quarantined feedlot  
 Quarantined pasture  
 Recognized slaughtering establishment  
 "S" branded  
 "S" brand permit  
 Sow  
 Specifically approved stockyard  
 State  
 State animal health official  
 State representative  
 Successfully closed case  
 Swine brucellosis  
 Test-eligible cattle and bison  
 United States Department of Agriculture  
 backtag

Validated brucellosis-free herd  
 Validated brucellosis-free State  
 Veterinarian in Charge  
 Whole herd vaccination

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

*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.

*Animals.* Cattle, bison, and swine.

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

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

*Approved brucella vaccine.* A *Brucella* product approved by and produced under license of the United States Department of Agriculture for injection into cattle or bison to enhance their resistance to brucellosis.

*Approved individual herd plan.* A herd management and testing plan designed by the herd owner, the owner's veterinarian if so requested, and a State representative or APHIS representative to determine the disease status of animals in the herd and to control and eradicate brucellosis within the herd. The plan must be jointly approved by the State animal health official and the Veterinarian in Charge.

*Approved intermediate handling facility.* Premises approved by the Administrator and the State animal health official for receiving and handling cattle and bison for release only to recognized slaughtering establishments and quarantined feedlots. Cattle and bison may be held at an approved intermediate handling facility for a maximum of 7 days and may not change ownership during this time. No cattle or bison, except cattle or bison moved directly

from a farm of origin, shall be permitted to enter an approved intermediate handling facility unless they are accompanied by a permit or "S" brand permit. Cattle or bison transported in vehicles closed with official seals are prohibited from entering the approved intermediate handling facility. No cattle or bison shall be permitted to leave an approved intermediate handling facility unless they are accompanied by a permit or "S" brand permit which lists a recognized slaughtering establishment or a quarantined feedlot as the point of destination. To qualify for and retain approval, the following conditions must be met: (a) The facility must be separate and apart from other livestock handling facilities for breeding cattle and breeding bison; (b) Serviceable equipment for cleaning and disinfection shall be furnished and maintained with adequate disinfectant on hand; (c) The facility must be cleaned and disinfected in accordance with § 71.4(a) of this chapter; (d) Any document relating to cattle or bison which are or have been in the facility shall be maintained by the facility for a period of 1 year; (e) State representatives and APHIS representatives shall be granted, at reasonable hours, access to all documents required to be maintained by the facility and authority to reproduce the documents; and (f) Each entrance and exit to the facility must prominently display a sign bearing the following words: "All cattle and bison entering this facility must go directly to slaughter or a quarantined feedlot". The Administrator may withdraw or deny approval of any intermediate handling facility in accordance with § 78.44(b).

**Area.** That portion of any State which has a separate brucellosis classification under this part.

**"B" branded.** Branding with a hot iron the letter "B" high on the left hip near the tailhead and at least 5 by 5 centimeters (2 by 2 inches) in size.

**Boar.** An uncastrated male swine 6 months of age or over which is or has been capable of being used for breeding purposes.

**Brucellosis.** The contagious, infectious, and communicable disease caused by bacteria of the genus *Brucella*. It is also known as Bangs dis-

ease, undulant fever, and contagious abortion.

**Brucellosis exposed.** Except for brucellosis reactors, animals that are part of a herd known to be affected, or are in a quarantined feedlot or a quarantined pasture, or are brucellosis suspects, or that have been in contact with a brucellosis reactor for a period of 24 hours or more, or for a period of less than 24 hours if the brucellosis reactor has aborted, calved, or farrowed within the past 30 days or has a vaginal or uterine discharge.

**Brucellosis negative.** An animal subjected to one or more official tests resulting in a brucellosis negative classification or reclassified as brucellosis negative by a designated epidemiologist as provided for in the definition of official test.

**Brucellosis reactor.** An animal subjected to an official test resulting in a brucellosis reactor classification or subjected to a bacteriological examination for field strain *Brucella abortus* and found positive or reclassified as a brucellosis reactor by a designated epidemiologist as provided for in the definition of official test.

**Brucellosis ring test.** The brucellosis ring test is conducted on composite milk or cream samples from dairy herds and is interpreted as either negative or suspicious (positive). Herds which are negative to the brucellosis ring test and which are not quarantined as brucellosis affected are classified as brucellosis negative for public health ordinances and surveillance purposes. Herds classified as suspicious require a herd blood test to determine animal and herd status.

**Brucellosis suspect.** An animal subjected to an official test resulting in a brucellosis suspect classification or reclassified as a brucellosis suspect by a designated epidemiologist as provided for in the definition of official test.

**Certificate.** An official document issued by an APHIS representative, state representative, or accredited veterinarian at the point of origin of an interstate movement of animals.

(a) The certificate must show the official eartag number, individual animal register breed association registration tattoo, individual animal registered breed association registration brand,

individual animal registered breed association registration number, or similar individual identification of each animal to be moved; the number of animals covered by the certificate; the purpose for which the animals are to be moved; the points of origin and destination; the consignor; and the consignee. Ownership brands may be used in place of individual animal identification on certificates for cattle moved interstate when no official test for brucellosis is required under this part, provided the ownership brands are registered with the official brand recording agency. Except as provided in paragraphs (b) and (c) of this definition, all of the information required by this paragraph must be typed or written on the certificate.

(b) As an alternative to typing or writing individual animal identification on a certificate, another document may be used to provide this information, but only under the following conditions:

(1) The document must be a state form or APHIS form that requires individual identification of animals;

(2) A legible copy of the document must be stapled to the original and each copy of the certificate;

(3) Each copy of the document must identify each animal to be moved with the certificate, but any information pertaining to other animals, and any unused space on the document for recording animal identification, must be crossed out in ink; and

(4) The following information must be written in ink in the identification column on the original and each copy of the certificate and must be circled or boxed, also in ink, so that no additional information can be added:

(i) The name of the document; and

(ii) Either the serial number on the document or, if the document is not imprinted with a serial number, both the name of the person who prepared the document and the date the document was signed.

(c) As an alternative to typing or writing ownership brands on a certificate, an official brand inspection certificate may be used to provide this information, but only under the following conditions:

(1) A legible copy of the official brand inspection certificate must be stapled to the original and each copy of the certificate;

(2) Each copy of the official brand inspection certificate must show the ownership brand of each animal to be moved with the certificate, but any other ownership brands, and any unused space for recording ownership brands, must be crossed out in ink;

(3) The following information must be written in ink in the identification column on the original and each copy of the certificate and must be circled or boxed, also in ink, so that no additional information can be added:

(i) The name of the attached document; and

(ii) Either the serial number on the official brand inspection certificate or, if the official brand inspection certificate is not imprinted with a serial number, both the name of the person who prepared the official brand inspection certificate and the date it was signed.

*Certified brucellosis-free herd.* A herd of cattle or bison which has qualified for and whose owner has been issued a certified brucellosis-free herd certificate signed by the appropriate State animal health official and the Veterinarian in Charge.

(a) *Certification.* Either of the following two methods may be used to qualify a herd:

(1) In the case of dairy cattle, by conducting a minimum of four consecutive negative brucellosis ring tests at not less than 90-day intervals, followed by a negative herd blood test within 90 days after the last negative brucellosis ring test; or

(2) By conducting at least two consecutive negative herd blood tests not less than 10 months nor more than 14 months apart.

(b) *Maintaining certification.* Certified brucellosis-free herd status will remain in effect for 1 year beginning with the date of issuance of the certified brucellosis-free herd certificate. A negative herd blood test must be conducted within 10 to 12 months of the last certification date for continuous status. Lapsed certification may be reinstated if a herd blood test is conducted within 14 months of the last certification date.

A new recertification test date may be established if requested by the owner and if the herd is negative to a herd blood test on that date, provided that date is within 1 year of the previous certification date. A herd which loses certified brucellosis-free herd status because a brucellosis reactor is found in the herd may be recertified only by repeating the certification process, except that certified brucellosis-free herd status may be reinstated without repeating the certification process if epidemiological studies and bacteriological cultures conducted by an APHIS representative or State representative show that the herd was not affected with field strain *Brucella abortus*.

*Class A State or area.* A State or area which meets standards for classification as a Class A State or area and is certified as such on initial classification or on reclassification by the State animal health official, the Veterinarian in Charge, and the Administrator. Any reclassification will be made in accordance with § 78.40 of this part. The following are the standards to attain and maintain Class A status.

(a) *Surveillance.* (1) *Brucellosis ring test.* The brucellosis ring test shall be conducted in the State or area at least four times per year at approximately 90-day intervals. All herds producing milk for sale shall be included in at least three of the four brucellosis ring tests per year.

(2) *Market Cattle Identification (MCI) program.* (i) *Coverage.* All recognized slaughtering establishments in the State or area must participate in the MCI program. Blood samples shall be collected from at least 95 percent of all cows and bulls 2 years of age or over at each recognized slaughtering establishment and subjected to an official test;

(ii) *Brucellosis reactors.*

(A) *Tracebacks.* At least 90 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin.

(B) *Successfully closed cases.* The State or area must successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the 12-consecutive-month period immediately prior to the most recent anniversary of the date the State or area

was classified Class A. To successfully close an MCI reactor case, State representatives or APHIS representatives must conduct an epidemiologic investigation at the farm of origin within 15 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. Herd blood tests must be conducted or the herd must be confined to the premises under quarantine within 30 days after notification that brucellosis reactors were found on the MCI test, unless a designated epidemiologist determines that:

(1) The brucellosis reactor is located in a herd in a different State than the State where the MCI blood sample was collected. In such cases a State representative or APHIS representative must give written notice of the MCI test results to the State animal health official in the State where the brucellosis reactor is located; or

(2) Evidence indicates that the brucellosis reactor is from a herd that no longer presents a risk of spreading brucellosis, or is from a herd that is unlikely to be infected with brucellosis. Such evidence could include, but is not limited to, situations where:

(i) The brucellosis reactor is traced back to a herd that has been sold for slaughter in entirety;

(ii) The brucellosis reactor is traced back to a herd that is certified brucellosis free and is 100-percent vaccinated; or

(iii) The brucellosis reactor showed a low titer in the MCI test and is traced back to a dairy herd that is 100 percent vaccinated and has tested negative to the most recent brucellosis ring test required by this section for herds producing milk for sale.

(3) *Epidemiologic surveillance*—(i) *Adjacent herds.* All adjacent herds or other herds having contact with cattle in a herd known to be affected shall have an approved individual herd plan in effect within 15 days of notification of brucellosis in the herd known to be affected; (ii) *Epidemiologically traced herds.* All herds from which cattle are moved into a herd known to be affected and all herds which have received cattle from a herd known to be affected shall have an approved individual herd plan in effect within 15 days of locating the

source herd or recipient herd. (iii) Each State shall ensure that such approved individual herd plans are effectively complied with, as determined by the Administrator.

(b) *Herd infection rate*—(1) *Percentage of herds affected.* States or areas must not exceed a cattle herd infection rate, based on the number of herds found to have brucellosis reactors within the State or area during any 12 consecutive months due to field strain *Brucella abortus*, of 0.25 percent or 2.5 herds per 1,000, except in States with 10,000 or fewer herds. A special review by the Administrator will be made to determine if such small herd population States would qualify for Class A status. Locations of herds, sources of brucellosis, and brucellosis control measures taken by the State will be considered.

(2) *Epidemiologic investigation.* Within 15 days after notification by the cooperative State-Federal laboratory that brucellosis reactors have been found in any herd, State representatives or APHIS representatives shall investigate that herd to identify possible sources of brucellosis. All possible sources of brucellosis identified shall be contacted within an additional 15 days to determine appropriate action.

(3) All herds known to be affected shall have approved individual herd plans in effect within 15 days after notification by a State representative or APHIS representative of a brucellosis reactor in the herd. Each State shall ensure that such approved individual herd plans are effectively complied with, as determined by the Administrator.

*Class B State or area.* A State or area which meets standards for classification as a Class B State or area and is certified as such on initial classification or on reclassification by the State animal health official, the Veterinarian in Charge, and the Administrator. Any reclassification will be made in accordance with § 78.40 of this part. The following are the standards to attain and maintain Class B status.

(a) *Surveillance*—(1) *Brucellosis ring test.* The brucellosis ring test shall be conducted in the State or area at least four times per year at approximately 90-day intervals. All herds producing milk for sale shall be included in at

least three of the four brucellosis ring tests per year.

(2) *Market Cattle Identification (MCI) program.* (i) *Coverage.* All recognized slaughtering establishments in the State or area must participate in the MCI program. Blood samples shall be collected from at least 95 percent of all cows and bulls 2 years of age or over at each recognized slaughtering establishment and subjected to an official test;

(ii) *Brucellosis reactors.*

(A) *Tracebacks.* At least 80 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin.

(B) *Successfully closed cases.* The State or area must successfully close at least 90 percent of the MCI reactor cases traced to the farm of origin during the 12-consecutive-month period immediately prior to the most recent anniversary of the date the State or area was classified Class B. To successfully close an MCI reactor case, State representatives or APHIS representatives must conduct an epidemiologic investigation at the farm of origin within 30 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. Herd blood tests must be conducted or the herd must be confined to the premises under quarantine within 30 days after notification that brucellosis reactors were found on the MCI test, unless a designated epidemiologist determines that:

(1) The brucellosis reactor is located in a herd in a different State than the State where the MCI blood sample was collected. In such cases a State representative or APHIS representative must give written notice of the MCI test results to the State animal health official in the State where the brucellosis reactor is located; or

(2) Evidence indicates that the brucellosis reactor is from a herd that no longer presents a risk of spreading brucellosis, or is from a herd that is unlikely to be infected with brucellosis. Such evidence could include, but is not limited to, situations where:

(i) The brucellosis reactor is traced back to a herd that has been sold for slaughter in entirety;

(ii) The brucellosis reactor is traced back to a herd that is certified brucellosis free and is 100-percent vaccinated; or

(iii) The brucellosis reactor showed a low titer in the MCI test and is traced back to a dairy herd that is 100 percent vaccinated and has tested negative to the most recent brucellosis ring test required by this section for herds producing milk for sale.

(3) *Epidemiologic surveillance.* (i) *Adjacent herds.* All adjacent herds or other herds having contact with cattle in a herd known to be affected shall have an approved individual herd plan in effect within 45 days of notification of brucellosis in the herd known to be affected; (ii) *Epidemiologically traced herds.* All herds from which cattle are moved into a herd known to be affected and all herds which have received cattle from a herd known to be affected shall have an approved individual herd plan in effect within 45 days of locating the source herd or recipient herd. (iii) Each State shall ensure that such approved individual herd plans are effectively complied with, as determined by the Administrator.

(b) *Herd infection rate.* (1) *Percentage of herds affected.* States or areas must not exceed a cattle herd infection rate, based on the number of herds found to have brucellosis reactors within the State or area during any 12 consecutive months due to field strain *Brucella abortus*, of 1.5 percent or 15 herds per 1,000, except in States with 1,000 or fewer herds. A special review by the Administrator will be made to determine if such small herd population States would qualify for Class B status. Locations of herds, sources of brucellosis, and brucellosis control measures taken by the State will be considered.

(2) *Epidemiologic investigation.* Within 45 days after notification by the cooperative State-Federal laboratory that brucellosis reactors have been found in any herd, State representatives or APHIS representatives shall investigate that herd to identify possible sources of brucellosis. All possible sources of brucellosis identified shall be contacted within an additional 30 days to determine appropriate action.

(3) All herds known to be affected shall have approved individual herd

plans in effect within 45 days after notification by a State representative or APHIS representative of a brucellosis reactor in the herd. Each State shall ensure that such approved individual herd plans are effectively complied with, as determined by the Administrator.

*Class C State or area.* A State or area which meets standards for classification as a Class C State or area and is certified as such on initial classification or on reclassification by the State animal health official, the Veterinarian in Charge, and the Administrator. Any reclassification will be made in accordance with § 78.40 of this part. The following are the standards to attain and maintain Class C status.

(a) *Surveillance—(1) Brucellosis ring test.* The brucellosis ring test shall be conducted in the State or area at least four times per year at approximately 90-day intervals. All herds producing milk for sale shall be included in at least three of the four brucellosis ring tests per year.

(2) *Market Cattle Identification (MCI) program.* (i) *Coverage.* All recognized slaughtering establishments in the State or area must participate in the MCI program. Blood samples shall be collected from at least 95 percent of all cows and bulls 2 years of age or over at each recognized slaughtering establishment and subjected to an official test;

(ii) *Brucellosis reactors.*

(A) *Tracebacks.* At least 80 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin.

(B) *Successfully closed cases.* The State or area must successfully close at least 90 percent of the MCI reactor cases traced to the farm of origin during the 12-consecutive-month period immediately prior to the most recent anniversary of the date the State or area was classified Class C. To successfully close an MCI reactor case, State representatives or APHIS representatives must conduct an epidemiologic investigation at the farm of origin within 30 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. Herd blood tests must be conducted or the herd must be confined to the premises under quarantine within

30 days after notification that brucellosis reactors were found on the MCI test, unless a designated epidemiologist determines that:

(1) The brucellosis reactor is located in a herd in a different State than the State where the MCI blood sample was collected. In such cases a State representative or APHIS representative must give written notice of the MCI test results to the State animal health official in the State where the brucellosis reactor is located; or

(2) Evidence indicates that the brucellosis reactor is from a herd that no longer presents a risk of spreading brucellosis, or is from a herd that is unlikely to be infected with brucellosis. Such evidence could include, but is not limited to, situations where:

(i) The brucellosis reactor is traced back to a herd that has been sold for slaughter in entirety;

(ii) The brucellosis reactor is traced back to a herd that is certified brucellosis free and is 100-percent vaccinated; or

(iii) The brucellosis reactor showed a low titer in the MCI test and is traced back to a dairy herd that is 100 percent vaccinated and has tested negative to the most recent brucellosis ring test required by this section for herds producing milk for sale.

(3) *Epidemiologic surveillance.* (i) *Adjacent herds.* All adjacent herds or other herds having contact with cattle in a herd known to be affected shall have an approved individual herd plan in effect within 45 days of notification of brucellosis in the herd known to be affected; (ii) *Epidemiologically traced herds.* All herds from which cattle are moved into a herd known to be affected and all herds which have received cattle from a herd known to be affected shall have an approved individual herd plan in effect within 45 days of locating the source herd or recipient herd. (iii) Each State shall ensure that such approved individual herd plans are effectively complied with, as determined by the Administrator.

(b) *Herd infection rate.* (1) *Percentage of herds affected.* States or areas exceed a cattle herd infection rate, based on the number of herds found to have brucellosis reactors within the State or area during any 12 consecutive months

due to field strain *Brucella abortus*, of 1.5 percent or 15 herds per 1,000, except in States with 1,000 or fewer herds. A special review by the Administrator will be made to determine if such small herd population States should be classified as a Class C State. Locations of herds, sources of brucellosis, and brucellosis control measures taken by the State will be considered.

(2) *Epidemiologic investigation.* Within 45 days after notification by the cooperative State-Federal laboratory that brucellosis reactors have been found in any herd, State representatives or APHIS representatives shall investigate that herd to identify possible sources of brucellosis. All possible sources of brucellosis identified shall be contacted within an additional 30 days to determine appropriate action.

(3) All herds known to be affected shall have approved individual herd plans in effect within 45 days after notification by a State representative or APHIS representative of a brucellosis reactor in the herd. Each State shall ensure that such approved individual herd plans are effectively complied with, as determined by the Administrator.

(c) Compliance with minimum procedural standards.

(1) A State must implement and maintain minimum procedural standards.

(2) A State or area must make continued progress over a 2-year period in reducing the prevalence of brucellosis as determined by epidemiologic evaluation or it will be placed under Federal quarantine.

*Class Free State or area.* A State or area which meets standards for classification as a Class Free State or area and is certified as such on initial classification or on reclassification by the State animal health official, the Veterinarian in Charge, and the Administrator. Any reclassification will be made in accordance with § 78.40 of this part. All cattle herds in the State or area in which brucellosis has been known to exist must be released from any State or Federal brucellosis quarantine prior to classification. In addition, if any herds of other species of domestic livestock have been found to be affected with brucellosis, they must be

subjected to an official test and found negative, slaughtered, or quarantined so that no known foci of brucellosis in any species of domestic livestock are left uncontrolled. The following are the standards to attain and maintain Class Free status.

(a) *Surveillance.* (1) *Brucellosis ring test.* The State or area shall conduct as many brucellosis ring tests per year as are necessary to ensure that all herds producing milk for sale are tested at least twice per year at approximately 6-month intervals.

(2) *Market Cattle Identification (MCI) program.* (i) *Coverage.* All recognized slaughtering establishments in the State or area must participate in the MCI program. Blood samples shall be collected from at least 95 percent of all cows and bulls 2 years of age or over at each recognized slaughtering establishment and subjected to an official test;

(ii) *Brucellosis reactors.*

(A) *Tracebacks.* At least 90 percent of all brucellosis reactors found in the course of MCI testing must be traced to the farm of origin.

(B) *Successfully closed cases.* The State or area must successfully close at least 95 percent of the MCI reactor cases traced to the farm of origin during the 12-consecutive-month period immediately prior to the most recent anniversary of the date the State or area was classified Class Free. To successfully close an MCI reactor case, State representatives or APHIS representatives must conduct an epidemiologic investigation at the farm of origin within 15 days after notification by the cooperative State-Federal laboratory that brucellosis reactors were found on the MCI test. Herd blood tests must be conducted or the herd must be confined to the premises under quarantine within 30 days after notification that brucellosis reactors were found on the MCI test, unless a designated epidemiologist determines that:

(1) The brucellosis reactor is located in a herd in a different State than the State where the MCI blood sample was collected. In such cases a State representative or APHIS representative must give written notice of the MCI test results to the State animal health official in the State where the brucellosis reactor is located; or

(2) Evidence indicates that the brucellosis reactor is from a herd that no longer presents a risk of spreading brucellosis, or is from a herd that is unlikely to be infected with brucellosis. Such evidence could include, but is not limited to, situations where:

(i) The brucellosis reactor is traced back to a herd that has been sold for slaughter in entirety;

(ii) The brucellosis reactor is traced back to a herd that is certified brucellosis free and is 100-percent vaccinated; or

(iii) The brucellosis reactor showed a low titer in the MCI test and is traced back to a dairy herd that is 100 percent vaccinated and has tested negative to the most recent brucellosis ring test required by this section for herds producing milk for sale.

(3) *Epidemiologic surveillance.* (i) *Adjacent herds.* All adjacent herds or other herds having contact with cattle in a herd known to be affected shall be placed under quarantine and have an approved individual herd plan in effect within 15 days after notification of brucellosis in the herd known to be affected; (ii) *Epidemiologically traced herds.* All herds from which cattle are moved into a herd known to be affected and all herds which have received cattle from a herd known to be affected shall be placed under quarantine and have an approved individual herd plan in effect within 15 days of locating the source herd or recipient herd. (iii) Each State shall ensure that such approved individual herd plans are effectively complied with, as determined by the Administrator.

(b) *Herd infection rate.* (1) *Percentage of herds affected.* All cattle herds in the State or area must remain free of field strain *Brucella abortus* for 12 consecutive months. States or areas must have a cattle herd infection rate, based on the number of herds found to have brucellosis reactors within the State or area during any 12 consecutive months due to field strain *Brucella abortus* of 0.0 percent or 0 herds per 1,000.

(2) *Epidemiologic investigation.* Within 15 days after notification by the cooperative State-Federal laboratory that brucellosis reactors have been found in any herd, State representatives or

APHIS representatives shall investigate that herd to identify possible sources of brucellosis. All possible sources of brucellosis identified shall be contacted within an additional 15 days to determine appropriate action.

(3) All herds known to be affected shall have approved individual herd plans in effect within 15 days after notification by a State representative or APHIS representative of a brucellosis reactor in the herd. Each State shall ensure that such approved individual herd plans are effectively complied with, as determined by the Administrator.

*Complete herd test (CHT).* An official swine brucellosis test of all swine on a premises that are 6 months of age or older and maintained for breeding purposes.

*Confirmatory test.* A follow-up test to verify any official test results. Confirmatory tests include the standard tube test, the Rivanol test, the complement fixation test (CF), the particle concentration fluorescence immunoassay (PCFIA), the semen plasma test, and the standard plate test.

*Dairy cattle.* A bovine animal of a recognized dairy breed.

*Designated epidemiologist.* An epidemiologist selected by the State animal health official and the Veterinarian in Charge to perform the functions required. The regional epidemiologist and the APHIS brucellosis staff must concur in the selection and appointment of the designated epidemiologist.

*Directly.* Without unloading en route if moved in a means of conveyance, or without stopping if moved in any other manner.

*Epidemiologist.* A veterinarian who has received a master's degree in epidemiology or completed a course of study in epidemiology sponsored by the Animal and Plant Health Inspection Service, United States Department of Agriculture.

*Epidemiology.* A branch of medical science that deals with the incidence, distribution, and control of disease in the animal population.

*Farm of origin.* (a) Premises where cattle or bison are born and remain prior to movement from the premises but which are not used to assemble cattle or bison from any other premises

for 4 months before such movement; or (b) premises where cattle or bison remain for not less than 4 months immediately before movement from the premises but which are not used to assemble cattle or bison from any other premises for 4 months before such movement.

*Feral swine.* Free-roaming swine. Formerly free-roaming swine could qualify for reclassification as domestic swine upon testing negative to an official swine brucellosis test after a period of at least 60 days' confinement in isolation from other feral swine.

*Finished fed cattle.* Cattle fattened on a ration of feed concentrates to reach a slaughter condition equivalent to that which would be attained on full feed with a high concentrate grain ration for 90 days.

*Herd.* (a) All animals under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm or ranch); or (b) All animals under common ownership or supervision on two or more premises which are geographically separated but on which animals from the different premises have been interchanged or had contact with each other.

*Herd blood test.* (a) Cattle and bison. A blood test for brucellosis conducted in a herd on all cattle or bison which are (1) 6 months of age or over and not official vaccinates, except steers and spayed heifers; (2) Official calfhood vaccinates of any age which are parturient or postparturient; (3) Official calfhood vaccinates of beef breeds or bison with the first pair of permanent incisors fully erupted (2 years of age or over); and (4) Official calfhood vaccinates of dairy breeds with partial eruption of the first pair of permanent incisors (20 months of age or over).

(b) [Reserved]

*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.

*Herd not known to be affected.* Any herd in which no animal has been classified as a brucellosis reactor or any herd in which one or more animals have been classified as brucellosis reactors but which has been released from quarantine.

*Herd of origin of swine.* Any herd in which swine are farrowed and remain until movement or any herd in which swine remain for 30 days immediately prior to movement.

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

*Market cattle identification test cattle.* Cows and bulls 2 years of age or over which have been moved to recognized slaughtering establishments, and test-eligible cattle which are subjected to an official test for the purposes of movement at farms, ranches, auction markets, stockyards, quarantined feedlots, or other assembly points. Such cattle shall be identified by an official eartag and/or United States Department of Agriculture backtag prior to or at the first market, stockyard, quarantined feedlot, or slaughtering establishment they reach.

*Market swine test (MST) reactor.* Market swine test swine with a positive reaction to a swine brucellosis confirmatory test or other official test, if no confirmatory test is performed.

*Market swine test swine.* Sows and boars which have been moved to slaughtering establishments and sows and boars which are subjected to an official test for the purposes of movement at farms, ranches, auction markets, stockyards, or other assembly points.

*Monitored-negative feral swine population.* Feral swine indicating no evidence of infection (indicators would include positive blood tests or clinical signs, such as abortion) and originating from a specified, geographically isolated area (a forest area, hunting preserve, or swamp, for example) may be classified by the designated epidemiologist as a monitored-negative feral swine population.

*Moved.* Shipped, transported, delivered, or received for movement, or otherwise aided, induced, or caused to be moved.

*Moved (movement) in interstate commerce.* Moved from the point of origin of the interstate movement to the animals' final destination, such as a slaughtering establishment or a farm for breeding or raising, and including any temporary stops for any purpose along the way, such as at a stockyard

or dealer premises for feed, water, rest, or sale.

*Official adult vaccinate.* (a) Female cattle or female bison older than the specified ages defined for official calthood vaccinate and vaccinated by an APHIS representative, State representative, or accredited veterinarian with a reduced dose approved brucella vaccine, diluted so as to contain at least 300 million and not more than 1 billion live cells per 2 mL dose of *Brucella abortus* Strain 19 vaccine or at the dosage indicated on the label instructions for other approved brucella vaccines, as part of a whole herd vaccination plan authorized jointly by the State animal health official and the Veterinarian in Charge; and

(b)(1) Permanently identified by a "V" hot brand high on the hip near the tailhead at least 5 by 5 centimeters (2 by 2 inches) in size, or by an official AV (adult vaccination) tattoo in the right ear preceded by the quarter of the year and followed by the last digit of the year; and (2) Identified with an official eartag or individual animal registered breed association registration brand or individual animal registered breed association tattoo.

*Official brand inspection certificate.* A document issued by an official brand inspection agency in any State which requires such documents for movement of cattle.

*Official brand recording agency.* The duly constituted body authorized by a State or governmental subdivision thereof to administer laws, regulations, ordinances or rules pertaining to the brand identification of cattle.

*Official calthood vaccinate.* (a) Female cattle or female bison vaccinated while from 4 through 12 months of age by an APHIS representative, State representative, or accredited veterinarian with a reduced dose approved brucella vaccine containing at least 2.7 billion and not more than 10 billion live cells per 2 mL dose of *Brucella abortus* Strain 19 vaccine or at the dosage indicated on the label instructions for other approved brucella vaccines; and

(b) Permanently identified by a tattoo and by an official vaccination eartag in the right ear. However, if already identified with an official eartag prior to vaccination, an additional tag

is not required. The tattoo must include the U.S. Registered Shield and "V," preceded by the quarter of the year and followed by the last digit of the year of vaccination. Individual animal registered breed association registration brands or individual animal registered breed association registration tattoos may be substituted for official eartags.

*Official eartag.* An APHIS approved identification eartag conforming to the nine-character alpha-numeric National Uniform Eartagging System which provides unique identification for each animal.

*Official seal.* A serially numbered, metal or plastic 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 and which cannot be reused if opened, or a serially numbered, self-locking button which can be used for this purpose.

*Official swine tattoo.* A tattoo, conforming to the six-character alpha-numeric National Tattoo System, that provides a unique identification for each herd or lot of swine.

*Official test.*

(a) *Classification of cattle and bison.* (1) *Standard card test.* (i) A test to determine the brucellosis disease status of test-eligible cattle and bison when conducted according to instructions approved by APHIS and the State in which the test is to be conducted and when conducted under the following circumstances:

(A) When conditions and time are such that no other test is available; or

(B) When the owner or the owner's agent requests it because of time or situation constraints; or

(C) In specifically approved stockyards when the State animal health official either:

(1) Designates the standard card test as the official test for determining the brucellosis disease status of cattle and bison in all specifically approved stockyards in the State. In these States, no other official test except the Buffered Acidified Plate Antigen test shall be used in specifically approved stockyards; or

(2) Designates the standard card test as the official test for determining the brucellosis disease status of non-vac-

inated cattle or bison (the CITE® test may be designated as a supplemental test for non-vaccinated cattle or bison that test positive to the standard card test); and designates the standard card test as the official test for determining the brucellosis disease status of official vaccinates and the CITE® test, the standard plate test, or the Rivanol test as supplemental tests for official vaccinates that test positive to the standard card test. If supplemental tests are conducted, cattle or bison that are positive to the standard card test shall be classified as brucellosis suspects if all of the supplemental tests conducted disclose a negative or suspect reaction, and shall be classified as brucellosis reactors if any one of the supplemental tests conducted has a positive reaction; or

(D) To test market cattle identification (MCI) program test samples. Cattle and bison which test positive to the BAPA test or RST under the MCI program must be retested using the standard card test or the standard plate or tube agglutination test.

(ii) Results of the standard card test also may be used to supplement the results of other official tests conducted in the cooperative State-Federal laboratory to give the designated epidemiologist additional information when classifying cattle and bison.

(iii) *Standard card test results are interpreted as either negative or positive.* A moderate to marked clumping agglutination reaction is a positive result. Test-eligible cattle and bison positive to the standard card test are classified as brucellosis reactors. Test-eligible cattle and bison negative to the standard card test are classified as brucellosis negative.

(2) *Standard tube test (STT) or standard plate test (SPT).* A test to determine the brucellosis disease status of test-eligible cattle and bison when conducted according to instructions approved by APHIS and the State in which the test is to be conducted. Cattle and bison are classified according to the following agglutination reactions:

§ 78.1

9 CFR Ch. I (1–1–97 Edition)

SPT OR STT CLASSIFICATION—OFFICIAL VACCINATES VACCINATED WITH A *Brucella Abortus* STRAIN 19 APPROVED BRUCELLA VACCINE

Titer		Classification	
1:50	1:100	1:200	
—	—	—	Negative. Do. Suspect. Do. Do. Reactor.
	—	—	
+	—	—	
+		—	
+	+	—	
+	+		
+	+	+	

— No agglutination.  
| Incomplete agglutination.  
+ Complete agglutination.

OFFICIAL VACCINATES VACCINATED WITH AN APPROVED BRUCELLA VACCINE OTHER THAN A *Brucella Abortus* STRAIN 19 APPROVED BRUCELLA VACCINE

Titer			Classification
1:50	1:100	1:200	
—	—	—	Negative. Suspect. Do. Do. Reactor. Do. Do.
	—	—	
+	—	—	
+		—	
+	+	—	
+	+		
+	+	+	

— No agglutination.  
| Incomplete agglutination.  
+ Complete agglutination.

ALL CATTLE AND BISON WHICH ARE NOT OFFICIAL VACCINATES

Titer		Classification	
1:50	1:100	1:200	
—	—	—	Negative. Suspect. Do. Do. Reactor. Do. Do.
	—	—	
+	—	—	
+		—	
+	+	—	
+	+		
+	+	+	

— No agglutination.  
| Incomplete agglutination.  
+ Complete agglutination.

(3) *Manual complement-fixation (CF) test.* A test to determine the brucellosis disease status of test-eligible cattle and bison when conducted according to instructions approved by APHIS and the State in which the test is to be conducted. Cattle and bison are classified according to the following reactions:

- (i) Cattle and bison which are not of official vaccinates:
  - (A) Fifty percent fixation (2 plus) in a dilution of 1:20 or higher—brucellosis reactor;

(B) Fifty percent fixation (2 plus) in a dilution of 1:10 but less than 50 percent fixation (2 plus) in a dilution of 1:20—brucellosis suspect;

(C) Less than 50 percent fixation (2 plus) in a dilution of 1:10—brucellosis negative;

(ii) Official vaccinates vaccinated with a *Brucella abortus* Strain 19 approved brucella vaccine:

(A) Twenty-five percent fixation (1 plus) in a dilution of 1:40 or higher—brucellosis reactor;

(B) Fifty percent fixation (2 plus) in a dilution of 1:10 but less than 25 percent fixation (1 plus) in a dilution of 1:40—brucellosis suspect;

(C) Less than 50 percent fixation (2 plus) in a dilution of 1:10—brucellosis negative.

(iii) Official vaccinates vaccinated with an approved brucella vaccine other than a *Brucella abortus* Strain 19 approved brucella vaccine:

(A) Fifty percent fixation (2 plus) in a dilution of 1:20 or higher—brucellosis reactor;

(B) Fifty percent fixation (2 plus) in a dilution of 1:10 but less than 50 percent fixation (2 plus) in a dilution of 1:20—brucellosis suspect;

(C) Less than 50 percent fixation (2 plus) in a dilution of 1:10—brucellosis negative.

(4) *Technicon automated complement-fixation test.* A test to determine the brucellosis disease status of test-eligible cattle and bison when conducted according to instructions approved by APHIS and the State in which the test is to be conducted. Cattle and bison are classified according to the following reactions:

(i) Cattle and bison which are not of official vaccinates:

(A) Fixation in a dilution of 1:10 or higher—brucellosis reactor;

(B) Fixation in a dilution of 1:5 but no fixation in a dilution of 1:10—brucellosis suspect;

(C) No fixation in a dilution of 1:5 or lower—brucellosis negative;

(ii) Official vaccinates vaccinated with a *Brucella abortus* Strain 19 approved brucella vaccine:

(A) Fixation in a dilution of 1:20 or higher—brucellosis reactor;

(B) Fixation in a dilution of 1:10 but no fixation in a dilution of 1:20—brucellosis suspect;

(C) Fixation in a dilution of 1:5 or less but no fixation in a dilution of 1:10—brucellosis negative.

(iii) Official vaccinates vaccinated with an approved brucella vaccine other than a *Brucella abortus* Strain 19 approved brucella vaccine:

(A) Fixation in a dilution of 1:10 or higher—brucellosis reactor;

(B) Fixation in a dilution of 1:5 but no fixation in a dilution of 1:10—brucellosis suspect;

(C) No fixation in a dilution of 1:5 or lower—brucellosis negative.

(5) *Rivanol test*. A test to determine the brucellosis disease status of test-eligible cattle and bison when conducted according to instructions approved by APHIS and the State in which the test is to be conducted. Cattle and bison are classified according to the following agglutination reactions:

(i) Cattle and bison which are not official vaccinates:

(A) Complete agglutination at a titer of 1:25 or higher—brucellosis reactor;

(B) Less than complete agglutination at a titer of 1:25—brucellosis negative;

(ii) Official adult vaccinates more than 5 months after vaccination with a *Brucella abortus* Strain 19 approved brucella vaccine and official calfhood vaccinates vaccinated with a *Brucella abortus* Strain 19 approved brucella vaccine:

(A) Incomplete agglutination at a titer of 1:100 or higher—brucellosis reactor;

(B) Complete agglutination at a titer of 1:25 or higher when the manual or technicon automated complement-fixation test is not conducted—brucellosis reactor;

(C) Complete agglutination at a titer of 1:50 or less when the manual complement-fixation test or the technicon automated complement-fixation test is conducted and results in a classification of brucellosis suspect or brucellosis negative—brucellosis suspect;

(D) Less than complete agglutination at a titer of 1:25—brucellosis negative;

(iii) Official adult vaccinates less than 5 months after vaccination with a *Brucella abortus* Strain 19 approved brucella vaccine: Less than complete

agglutination at the 1:50 titer—brucellosis negative.

(iv) Official vaccinates vaccinated with an approved brucella vaccine other than a *Brucella abortus* Strain 19 approved brucella vaccine:

(A) Complete agglutination at a titer of 1:25 or higher—brucellosis reactor;

(B) Less than complete agglutination at a titer of 1:25—brucellosis negative.

(6) *Semen plasma test*. A test to determine the brucellosis disease status of bulls used for artificial insemination when conducted in conjunction with an official serological test and according to instructions approved by APHIS and the State in which the test is to be conducted. The classification of such bulls shall be based on the maximum agglutination titer of either the official serological test or the semen plasma test.

(7) *Buffered acidified plate antigen (BAPA) test*. A test to determine the brucellosis disease status of test-eligible cattle and bison at recognized slaughtering establishments and specifically approved stockyards when conducted according to instructions approved by APHIS and the State in which the test is to be conducted. BAPA test results are interpreted as either negative or positive. Cattle and bison negative to the BAPA test are classified as brucellosis negative. Cattle and bison positive to the BAPA test shall be subjected to other official tests to determine their brucellosis classification.

(8) *Rapid screening test (RST)*. A test to determine the brucellosis disease status of test-eligible cattle and bison in cooperative State-Federal laboratories when conducted according to instructions approved by APHIS and the State in which the test is to be conducted. RST results are interpreted as either negative or positive. Cattle and bison negative to the RST are classified as brucellosis negative. Cattle and bison positive to the RST shall be subjected to other official tests to determine their brucellosis classification.

(9) *Concentration immunoassay technology (CITE®) test*. An enzyme immunoassay that may be used as a diagnostic supplement to the standard card test by designated epidemiologists determining the brucellosis disease

status of cattle and bison. The test must be done in accordance with the CITE® *Brucella abortus* Antibody Test Kit instructions, licensed by the United States Department of Agriculture and approved as of December 31, 1987, and incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from AgriTech Systems, Inc., 100 Fore Street, Portland, ME 04101. Copies may be inspected at the Animal and Plant Health Inspection Service, Veterinary Services, Operational Support, 4700 River Road Unit 33, Riverdale, Maryland 20737-1231, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(10) *Particle concentration fluorescence immunoassay (PCFIA) test.* An automated serologic test to determine the brucellosis disease status of test-eligible cattle and bison when conducted according to instructions approved by APHIS. Cattle and bison are classified according to the following ratio between the test sample and a known negative sample (S/N ratio):

S/N ratio	Classification
Greater than .60 .....	Negative.
Greater than .30 but less than or equal to .60.	Suspect.
.30 or less .....	Positive.

(11) *D-Tec® Brucella A test.* An automated serologic test to determine the brucellosis disease status of test-eligible cattle and bison when conducted according to instructions approved by APHIS. The degree of reactivity is measured by the ratio of the average optical density of the sample to that of the Negative Control (S/N) and is expressed as Percent Inhibition  $(1-S/N) \times 100$ . The brucellosis disease status of the animals is classified according to the following established criteria:

Percent inhibition	Classification
Less than or equal to 40 percent .....	Negative.
Greater than 40 percent and less than or equal to 70 percent.	Suspect.
Greater than 70 percent .....	Reactor.

(12) The evaluation of test results for all cattle and bison shall be the responsibility of a designated epidemiologist

in each State. The designated epidemiologist shall consider the animal and herd history and other epidemiologic factors when determining the brucellosis classification of cattle and bison. Deviations from the brucellosis classification criteria as provided in this definition of official test are acceptable when made by the designated epidemiologist.

(i) The designated epidemiologist may consider the results of CITE® tests when evaluating the results of standard card tests of cattle and bison.

(b) *Classification of swine*—(1) *Standard card test.* A test to determine the brucellosis disease status of swine. Standard card test results are interpreted as either negative or positive. A moderate to marked clumping agglutination reaction is a positive result. Swine negative to the standard card test are classified as brucellosis negative. Swine positive to the standard card test in a herd not known to be affected but negative to any other official test or bacteriological culture for *brucella* are classified as brucellosis suspects. Other swine positive to the standard card test are classified as brucellosis reactors.

(2) *Standard tube test.* A test to determine the brucellosis disease status of swine.

(i) If all of the following apply: (A) The swine are part of a herd not known to be affected; (B) No swine tested, individually or as part of a group, has a complete agglutination reaction at a dilution of 1:100 or higher; and (C) the swine are tested as part of a herd blood test or are part of a validated brucellosis-free herd, then the swine are classified according to the following agglutination reactions:

Titer		Classification	
1:25	1:50	1:100	
l .....	l- .....	- .....	Negative.
+ .....	- .....	- .....	Do.
+ .....	l .....	- .....	Do.
+ .....	+ .....	- .....	Do.
+ .....	+ .....	l .....	Do.

— No agglutination.  
l Incomplete agglutination.  
+ Complete agglutination.

(ii) If any of the following apply: (A) The swine are part of a herd known to be affected; (B) Any swine tested, individually or as part of a group, has a

complete agglutination reaction at a dilution of 1:100 or higher or; (C) The swine are not part of a validated brucellosis-free herd and are not being tested as part of a herd blood test, then the swine are classified according to the following agglutination reactions:

Titer		Classification	
1:25	1:50	1:100	
l .....	— .....	— .....	Negative.
+ .....	— .....	— .....	Reactor.
+ .....	l .....	— .....	Do.
+ .....	+ .....	— .....	Do.
+ .....	+ .....	l .....	Do.
+ .....	+ .....	+ .....	Do.

— No agglutination.  
 l Incomplete agglutination.  
 + Complete agglutination.

(3) *Particle concentration fluorescence immunoassay (PCFIA)*. An automated serologic test to determine the brucellosis disease status of test-eligible swine when conducted according to instructions approved by the Animal and Plant Health Inspection Service. Swine are classified according to the following ratios between the test sample and a known negative sample (S/N ratio):

S/N Ratio	Classification
0.71 or greater .....	Negative.
0.51 to 0.70 .....	Suspect.
0.50 or less .....	Reactor.

*Official vaccinate*. An official calfhood vaccinate or an official adult vaccinate. The accredited veterinarian, State representative or APHIS representative who performs the vaccination must forward a completed official vaccination certificate for each animal vaccinated to the State animal health official of the State in which the animal was vaccinated.

*Official vaccination eartag*. An APHIS approved identification eartag conforming to the alpha-numeric National Uniform Eartagging System which provides unique identification for each animal. The eartag shall have a “V” followed by 2 letters and 4 numbers. States which require more official vaccination eartags than the number of combinations available in the “V” series of tags shall use a “T” or “S” followed by 2 letters and 4 numbers. Duplicate reissue of official vaccination eartags shall not be made more often than once each 15 years.

*Originate*. (a) Animals will have the status of the herd from which they are moved if:

(1) They were born and maintained in the herd since birth; or

(2) They have been in the herd for at least 120 days.

(b) Animals will have the status of the State or area from which they are moved if:

(1) They were born and maintained in the State or area since birth; or

(2) They were previously moved from a State or area of equal or higher class to the State or area; or

(3) They were previously moved from a State or area of lower class to the State or area where they are now located and have been in the new State or area for at least 120 days.

(c) Cattle penned in a specifically approved stockyard with cattle from a lower class State or area, in violation of the requirements set forth in § 78.44, shall have the status of the State or area of lower class for any subsequent movement.

*Parturient*. Visibly prepared to give birth or within 2 weeks of giving birth (springers).

*Permit*. An official document (VS Form 1-27 or a State form which contains the same information but not a “permit for entry” or “S” brand permit”) 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, any reactor tag number, and one of the following: The official eartag number, individual animal registered breed association registration tattoo, individual animal registered breed association registration brand, United States Department of Agriculture backtag (when applied serially, only the beginning and the ending numbers need be recorded), individual animal registered breed association registration number, or similar individual identification. (A new permit is required for each change in destination. However, permits accompanying cattle or bison to an approved intermediate handling facility may list either the approved intermediate handling facility, a quarantined feedlot or

a recognized slaughtering establishment as the point of destination. If the permit lists a quarantined feedlot or a recognized slaughtering establishment as the point of destination, then the permit must list the approved intermediate handling facility as a temporary stopping point, and no additional permit is required for the subsequent movement of the cattle or bison to the quarantined feedlot or to the recognized slaughtering establishment.)

*Permit for entry.* A premovement authorization for entry of cattle into a State from the State animal health official of the State of destination. It may be oral or written.

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

*Postparturient.* Having given birth.

*Purebred registry association.* A swine breed association formed and perpetuated for the maintenance of records of purebreeding of swine species for a specific breed whose characteristics are set forth in Constitutions, By-Laws, and other rules of the association.

*Qualified herd.* (a) *Qualification.* (1) Any herd of cattle or bison which is in a quarantined area, not known to be affected, and negative to two consecutive herd blood tests. The first of these two herd blood tests shall be conducted not more than 240 days nor less than 120 days prior to the date of classification as a qualified herd. The second herd blood test may not be conducted less than 90 days nor more than 150 days after the first test. Additionally, the second herd blood test must be within 120 days of the date of classification as a qualified herd; or (2) Any certified brucellosis-free herd in a quarantined area which is negative to a herd blood test 120 days before or after designation of the area as a quarantined area.

(b) *Requalification.* In order to remain a qualified herd, a herd must be negative to successive requalifying herd blood tests. Each requalifying test shall be conducted not more than 120 days from the date of the preceding herd blood test. All cattle or bison added to a qualified herd must be included in two successive herd blood

tests of the qualified herd to qualify as cattle or bison from the qualified herd.

*Quarantined area.* An area that does not meet the criteria for classification as Class Free, Class A, Class B, or Class C.

*Quarantined feedlot.*<sup>1</sup> A confined area under State quarantine approved jointly by the State animal health official and the Veterinarian in Charge. Approval will be granted only after a State representative or APHIS representative inspects the confined area and determines that all cattle and bison are secure and isolated from contact with all other cattle and bison, that there are facilities for identifying cattle and bison, and that there is no possibility of brucellosis being mechanically transmitted from the confined area. The quarantined feedlot shall be maintained for feeding cattle and bison for slaughter, with no provisions for pasturing or grazing. All cattle and bison in a quarantined feedlot, except steers and spayed heifers, shall be treated as brucellosis exposed.

(a) All cattle and bison, except steers and spayed heifers, leaving the quarantined feedlot must (1) Be accompanied by a permit and move directly to a recognized slaughtering establishment; or (2) Be "S" branded and accompanied by an "S" brand permit and move directly to an approved intermediate handling facility and then directly to another quarantined feedlot or a recognized slaughtering establishment; or (3) Be accompanied by a permit issued by the State animal health official and move directly to another quarantined feedlot; or (4) After being "S" branded at the quarantined feedlot, be accompanied by an "S" brand permit and move directly to a specifically approved stockyard approved to receive brucellosis exposed cattle and bison and then directly to a recognized slaughtering establishment or another quarantined feedlot; or (5) After being "S" branded at the quarantined feedlot, be accompanied by an "S" brand permit and move directly to a specifically approved stockyard approved to

<sup>1</sup>A list of quarantined feedlots in any State may be obtained from the State animal health official, a State representative, or an APHIS representative.

receive brucellosis exposed cattle and bison and then directly to an approved intermediate handling facility and then directly to another quarantined feedlot or a recognized slaughtering establishment. However, finished fed cattle moving directly to a recognized slaughtering establishment are exempt from the permit/"S" brand permit requirement.

(b) The State animal health official and the Veterinarian in Charge shall establish procedures for accounting for all cattle and bison entering or leaving quarantined feedlots.

*Quarantined pasture.* A confined grazing area under State quarantine approved by the State animal health official, Veterinarian in Charge and the Administrator. A justification of the need for the quarantined pasture must be prepared by the State animal health official and/or Veterinarian in Charge and submitted to the Administrator. An intensified brucellosis eradication effort which produces large numbers of brucellosis exposed cattle or bison or official adult vaccinates needing the grazing period to reach slaughter condition would be an acceptable justification. Approval will be granted only after a State representative or APHIS representative inspects the confined grazing area and determines that all cattle and bison are secure and isolated from contact with all other cattle and bison, that there are facilities for identifying the cattle and bison, and that there is no possibility of brucellosis being mechanically transmitted from the confined grazing area. The quarantined pasture shall be for utilizing available forage for growth or to improve flesh condition of cattle or bison. No cattle or bison may be moved interstate into these quarantined pastures, which shall be restricted for use by cattle or bison originating within the State. All cattle or bison shall be of the same sex, except that neutered cattle and bison may share the quarantined pasture. All cattle and bison, except steers and spayed heifers, must be "S" branded upon entering the quarantined pasture. All cattle and bison, except steers and spayed heifers, leaving the quarantined pasture must move directly to a recognized slaughtering establishment or quarantined feedlot,

or directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment, or directly to an approved intermediate handling facility and then directly to a quarantined feedlot and then directly to a recognized slaughtering establishment. The movement shall be in accordance with established procedures for handling brucellosis exposed cattle and bison, including issuance of "S" brand permits prior to movement. The State animal health official and Veterinarian in Charge shall establish procedures for accounting for all cattle and bison entering and leaving the quarantined pasture. All brucellosis exposed cattle and bison must vacate the premises on or before the expiration of approval, which may not last longer than 10 months.

*Recognized slaughtering establishment.<sup>2</sup>* Any slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*) or a State meat inspection act.

*Rodeo bulls.* Male cattle kept solely for performance at rodeos.

*"S" branded.* Branding with a hot iron the letter "S" high on the left hip near the tailhead and at least 5 by 5 centimeters (2 by 2 inches) in size.

*"S" brand permit.* A document prepared at the point of origin which lists the points of origin and destination, the number of animals covered, the purpose of movement, and one of the following: The official eartag number, individual animal registered breed association registration tattoo, individual animal registered breed association registration brand, individual animal registered breed association registration number, United States Department of Agriculture backtag (when applied serially, only the beginning and the ending numbers need be recorded), or similar individual identification. If the document is prepared at a quarantined feedlot, it shall be prepared by an accredited veterinarian, a State representative, or an individual designated for that purpose by the State animal health official. If the document

<sup>2</sup>A list of recognized slaughtering establishments in any State may be obtained from an APHIS representative, the State animal health official, or a State representative.

is prepared at any other point of origin, it shall be prepared by an accredited veterinarian, State representative, or APHIS representative. (A new “S” brand permit is required for each change in destination. However, “S” brand permits accompanying cattle or bison to approved intermediate handling facilities may list either the approved intermediate handling facility, a quarantined feedlot, or a recognized slaughtering establishment as the point of destination. If the “S” brand permit lists a quarantined feedlot or a recognized slaughtering establishment as the point of destination, the “S” brand permit must list the approved intermediate handling facility as a temporary stopping point, and no additional “S” brand permit is required for the subsequent movement of the cattle or bison from the approved intermediate handling facility to the quarantined feedlot or to the recognized slaughtering establishment. Subsequent movements from the quarantined feedlot shall be subject to requirements set forth in the definition of “quarantined feedlot” in this section.)

*Sow.* A female swine which is parturient or postparturient.

*Specifically approved stockyard.*<sup>3</sup> Premises where cattle or bison are assembled for sale or sale purposes and which meet the standards set forth in § 78.44 and are approved by the Administrator.

*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 State official responsible for livestock and poultry disease control and eradication programs.

*State representative.* An individual employed in animal health work by a State or a political subdivision thereof and authorized by such State or political subdivision to perform the function involved under a memorandum of un-

derstanding with the United States Department of Agriculture.

*Successfully closed case.* Follow up of an MCI reactor traceback with an epidemiologic investigation which results in brucellosis testing or quarantine of the herd of origin, or a determination by a designated brucellosis epidemiologist that justification exists for not testing or quarantining the herd of origin.

*Swine brucellosis.* The communicable disease of swine caused by *Brucella suis* (*B. suis*) biovar 1 or 3.

*Test-eligible cattle and bison.* For purposes of interstate movement, test-eligible cattle and bison are:

(a) Cattle and bison which are not official vaccinates and which have lost their first pair of temporary incisors (18 months of age or over), except steers and spayed heifers;

(b) Official calfhod vaccinates 18 months of age or over which are parturient or postparturient;

(c) Official calfhod vaccinates of beef breeds or bison with the first pair of permanent incisors fully erupted (2 years of age or over); and

(d) Official calfhod vaccinates of dairy breeds with partial eruption of the first pair of permanent incisors (20 months of age or over).

*United States Department of Agriculture backtag.* A backtag issued by APHIS that conforms to the eight-character alpha-numeric National Backtagging System, and that provides unique identification for each animal.

*Validated brucellosis-free herd.* (a) A swine herd not known to be infected with swine brucellosis, located in a validated brucellosis-free State; or

(b) a swine herd in a State that has not been validated as brucellosis-free, provided the herd meets the conditions for validation, as follows:

(1) *Validation.* A swine herd may be validated as brucellosis-free if it has been found brucellosis negative after either a complete-herd test (CHT) or an incremental CHT. The incremental CHT may be conducted by testing all breeding swine 6 months of age or older with negative results within 365 days, either in four 25-percent increments, with those tests being conducted on the 90th, 180th, 270th, and 360th days of

<sup>3</sup>Notices 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.

the testing cycle, or in 10-percent increments every 25-35 days until 100 percent of those swine have been tested. In cases where unforeseen circumstances warrant such action, the Administrator may approve an extension of up to 15 days of the date on which a test under the 25-percent incremental herd test is to be conducted, thus allowing a test to be conducted no later than the 105th, 195th, 285th, or 375th day of the testing cycle. No swine may be tested twice during the testing cycle to comply with either the 25 percent requirement or the 10 percent requirement. No further testing is required once 100 percent of the breeding swine have been tested. After all breeding swine have tested brucellosis negative, a herd may be validated as brucellosis-free. Unless the Administrator has approved an alternative testing schedule, which might extend the testing cycle, a herd retains validated brucellosis-free status for a maximum of 365 days.

(2) *Maintaining validation.* Validation may be continuously maintained if a complete herd test (CHT) is performed once every 365 days, with negative results, or an incremental CHT is performed. The incremental CHT may be conducted by testing all breeding swine 6 months of age or older, with negative results, within 365 days in either four 25-percent increments, with those tests being conducted on the 90th, 180th, 270th, and 360th days of the testing cycle, or in 10-percent increments every 25-35 days until 100 percent of those swine have been tested. In cases where unforeseen circumstances warrant such action, the Administrator may approve an alternative testing schedule under which the 25 percent or 10 percent incremental CHT would be completed, with negative results, within 420 days, during which time the herd's validated brucellosis-free status would be continued. No swine may be tested twice during the testing cycle to comply with these requirements. No further testing is required once 100 percent of the breeding swine have been tested.

*Validated brucellosis-free State.* A State may apply for validated-free status when:

(a) Any herd found to have swine brucellosis during the 2-year qualification

period preceding the application has been depopulated. More than one finding of a swine brucellosis-infected herd during the qualification period disqualifies the State from validation as brucellosis-free; and

(b) During the 2-year qualification period, the State has completed surveillance, annually, as follows:

(1) *Complete herd testing.* Subjecting all swine in the State that are 6 months of age or older and maintained for breeding purposes to an official swine brucellosis test; or

(2) *Market swine testing.* Subjecting 20 percent of the State's swine 6 months of age or older and maintained for breeding purposes to an official swine brucellosis test, and demonstrating successful traceback of at least 80 percent of market swine test (MST) reactors to the herd of origin. Blood samples may be collected from MST swine if the swine can be identified to their herd of origin, in accordance with §71.19(b) of this subchapter. All MST reactor herds are subject to a CHT within 30 days of the MST laboratory report date, as determined by a designated epidemiologist; or

(3) *Statistical analysis.* Demonstrating, by a statistical analysis of all official swine brucellosis test results (including herd validation, MST, change-of-ownership, diagnostic) during the 2-year qualification period, a surveillance level equivalent or superior to CHT and MST testing programs discussed in this paragraph.

(c) To maintain validation, a State must annually survey at least 5 percent of its breeding swine, and demonstrate traceback to herd of origin of at least 80 percent of all MST reactors. A State must demonstrate its continuing ability to meet the criteria set forth in paragraph (c) of this definition within 36-40 months of receiving validated brucellosis-free State status to retain that status.

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

*Whole herd vaccination.* The vaccination of all female cattle and female bison 4 months of age or over in a herd when authorized by the State animal health official and the Veterinarian in Charge, and conducted in accordance with the definitions of official adult vaccinate and official calfhood vaccinate.

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

[51 FR 32580, Sept. 12, 1986]

EDITORIAL NOTE: For Federal Register citations affecting § 78.1, see the List of CFR Sections Affected in the Finding Aids section of this volume.

**§ 78.2 Handling of certificates, permits, and “S” brand permits for interstate movement of animals.**

(a) Any certificate, permit, or “S” brand permit required by this part for the interstate movement of animals shall be delivered to the person moving the animals by the shipper or shipper’s agent at the time the animals are delivered for movement and shall accompany the animals to their destination and be delivered to the consignee or the person receiving the animals.

(b) The APHIS representative, State representative, or accredited veterinarian issuing a certificate or permit required for the interstate movement of animals under this part, except for permits for entry and “S” brand permits, shall forward a copy thereof as follows:

(1) A copy of each certificate shall be forwarded to the State animal health official of the State of destination, or to the State animal health official of the State of origin for forwarding to the State of destination; or

(2) A copy of each permit shall be forwarded to the State animal health official of the State of destination.

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[51 FR 32580, Sept. 12, 1986, as amended at 56 FR 54533, Oct. 22, 1991; 56 FR 58639, Nov. 21, 1991]

**§ 78.3 Handling in transit of cattle and bison moved interstate.**

Cattle and bison moving interstate, except cattle and bison moved directly to a recognized slaughtering establishment, approved intermediate handling

facility, or quarantined feedlot, shall be moved only in a means of conveyance which has been cleaned in accordance with §§ 71.5, 71.7, 71.10, and 71.11 of this chapter and, if unloaded in the course of such movement, shall be handled only in pens cleaned in accordance with the provisions of §§ 71.4, 71.7, 71.10, and 71.11 of this chapter.

**§ 78.4 [Reserved]**

**Subpart B—Restrictions on Interstate Movement of Cattle Because of Brucellosis**

**§ 78.5 General restrictions.**

Cattle may not be moved interstate except in compliance with this subpart.

**§ 78.6 Steers and spayed heifers.**

Steers and spayed heifers may be moved interstate without restriction under this subpart.

**§ 78.7 Brucellosis reactor cattle.**

(a) *Destination.* Brucellosis reactor cattle may be moved interstate only for immediate slaughter as follows:

(1) Directly to a recognized slaughtering establishment;

(2) Directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment; or

(3) From a farm of origin directly to a specifically approved stockyard approved to receive brucellosis reactors and then

(i) Directly to a recognized slaughtering establishment; or

(ii) Directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment.

(b) *Identification.* Brucellosis reactor cattle must 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 metal tag bearing a serial number designated by the State animal health official for identifying brucellosis reactors, 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.

(c) *Permit.* Brucellosis reactor cattle moving interstate shall be accompanied to destination by a permit.

(d) *Marking of records.* Each person moving brucellosis reactor cattle interstate shall, in the course of interstate movement, plainly write or stamp the words "Brucellosis Reactor" upon the face of any document that person prepares in connection with such movement.

(e) *Segregation en route.* Brucellosis reactor cattle shall not be moved interstate in any means of conveyance containing animals which are not brucellosis reactors unless all the animals are for immediate slaughter or unless the brucellosis reactor cattle are kept separate from the other animals by a partition securely affixed to the sides of the means of conveyance.

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[51 FR 32580, Sept. 12, 1986, as amended at 59 FR 67133, Dec. 29, 1994; 60 FR 48367, Sept. 19, 1995]

#### § 78.8 Brucellosis exposed cattle.

Brucellosis exposed cattle may be moved interstate only as follows:

(a) *Movement to recognized slaughtering establishments.* (1) Finished fed cattle from a quarantined feedlot may be moved interstate

(i) Directly to a recognized slaughtering establishment without further restriction under this part; or

(ii) Directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if accompanied by a permit or "S" brand permit.

(2) Brucellosis exposed cattle may be moved interstate directly to a recognized slaughtering establishment if such cattle are:

(i) Individually identified by an official eartag or a United States Department of Agriculture backtag;

(ii) Accompanied by a permit or "S" brand permit; and

(iii)(A) "S" branded before leaving the premises from which they are to be moved interstate; or

(B) "B" branded when a claim for indemnity is made under part 51 of this chapter; or

(C) Official adult vaccinates; or

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

(E) 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 or "S" brand permit.

(3) Brucellosis exposed cattle may be moved interstate directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if such cattle are:

(i) Individually identified by an official eartag or a United States Department of Agriculture backtag;

(ii) Accompanied by a permit or "S" brand permit; and

(iii)(A) "S" branded before leaving the premises from which they are to be moved interstate; or

(B) "B" branded when a claim for indemnity is made under part 51 of this chapter; or

(C) Official adult vaccinates; or

(D) 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 or "S" brand permit.

(4) Brucellosis exposed cattle moving to slaughter from a farm of origin may be moved directly to a specifically approved stockyard approved to receive brucellosis exposed cattle and then directly to a recognized slaughtering establishment if such cattle are:

(i) Individually identified by an official eartag or United States Department of Agriculture backtag;

(ii) Accompanied by a permit or "S" brand permit; and

(iii)(A) “S” branded before leaving the premises from which they are to be moved interstate; or

(B) “B” branded when a claim for indemnity is made under part 51 of this chapter; or

(C) Official adult vaccinates; or

(D) 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 or “S” brand permit.

(5) Brucellosis exposed cattle moving to slaughter from a farm of origin may be moved directly to a specifically approved stockyard approved to receive brucellosis exposed cattle and then directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if such cattle are:

(i) Individually identified by an official eartag or United States Department of Agriculture backtag;

(ii) Accompanied by a permit or “S” brand permit; and

(iii)(A) “S” branded before leaving the premises from which they are to be moved interstate; or

(B) “B” branded when a claim for indemnity is made under part 51 of this chapter; or

(C) Official adult vaccinates; or

(D) 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 or “S” brand permit.

(b) *Movement to quarantined feedlots.* Brucellosis exposed cattle for which no claim for indemnity is being made by the owner under part 51 of this chapter may be moved interstate directly to a quarantined feedlot, or from a farm of origin directly to a specifically approved stockyard approved to receive brucellosis exposed cattle and then directly to a quarantined feedlot, or from a farm of origin directly to an approved intermediate handling facility and then directly to a quarantined feedlot,

or from a farm of origin directly to a specifically approved stockyard approved to receive brucellosis exposed cattle and then directly to an approved intermediate handling facility and then directly to a quarantined feedlot, if the cattle are:

(1) Individually identified by an official eartag or a United States Department of Agriculture backtag;

(2) Accompanied by a permit or “S” brand permit; and

(3)(i) “S” branded before leaving the premises from which they are to be moved interstate; or

(ii) Official adult vaccinates; or

(iii) 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 or “S” brand permit.

(c) *Movement other than in accordance with paragraphs (a) and (b) of this section.* Brucellosis exposed cattle for which no claim for indemnity is being made by the owner under part 51 of this chapter also may be moved interstate in accordance with §78.10 and as follows:

(1) Such brucellosis exposed cattle from herds known to be affected other than female cattle which originate in Class B States or areas or Class C States or areas may be moved interstate if the cattle are:

(i) Under 6 months of age and weaned from brucellosis reactors or brucellosis exposed cows not less than 30 days immediately preceding interstate movement; or

(ii) Under 6 months of age and nursing brucellosis exposed cows in a herd subjected to a herd blood test within 10 days prior to interstate movement; or

(iii) Official vaccinates under 1 year of age from a herd following an approved individual herd plan.

(2) Cattle moved interstate from a farm of origin directly to a specifically approved stockyard in accordance with §78.9(b)(3)(iii), 78.9(c)(3)(iii), or 78.9(d)(3) of this part and subsequently determined to be brucellosis exposed may be moved interstate directly back to the

farm of origin under the following conditions:

(i) Prior to interstate movement, State representatives of the State in which the cattle are located and the State of destination advise APHIS that such movement would not be contrary to the laws and regulations of their respective States;

(ii) Prior to interstate movement, the State representative of the State of destination agrees to quarantine the cattle on arrival and to require that all test-eligible cattle on the farm of origin be subjected to an official test; and

(iii) The cattle are accompanied to the farm of origin by a permit.

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**§ 78.9 Cattle from herds not known to be affected.**

Male cattle which are not test eligible and are from herds not known to be affected may be moved interstate without further restriction. Female cattle which are not test eligible and are from herds not known to be affected may be moved interstate only in accordance with § 78.10 of this part and this section. Test-eligible cattle which are not brucellosis exposed and are from herds not known to be affected may be moved interstate only in accordance with § 78.10 and as follows:

(a) *Class Free States/areas.* Test-eligible cattle which originate in Class Free States or areas, are not brucellosis exposed, and are from a herd not known to be affected may be moved interstate from Class Free States or areas only as specified below:

(1) *Movement to recognized slaughtering establishments.*

(i) Such cattle may be moved interstate directly to a recognized slaughtering establishment or directly to a specifically approved stockyard and then directly to a recognized slaughtering establishment without restriction under this subpart.

(ii) Such cattle may be moved interstate from a farm of origin directly to an approved intermediate handling facility and then directly to a recognized

slaughtering establishment if accompanied by a permit.

(iii) Such cattle may be moved interstate from other than a farm of origin directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if such cattle are accompanied by a permit.

(2) *Movement to quarantined feedlots.* Such cattle may be moved interstate without restriction under this subpart directly to a quarantined feedlot, or directly to a specifically approved stockyard and then directly to a quarantined feedlot, or directly to a specifically approved stockyard and then directly to an approved intermediate handling facility and then directly to a quarantined feedlot, or directly to an approved intermediate handling facility and then directly to a quarantined feedlot.

(3) *Movement other than in accordance with paragraphs (a)(1) and (2) of this section.* Such cattle may be moved interstate other than in accordance with paragraphs (a)(1) and (2) of this section only if:

(i) Such cattle are moved interstate from a farm of origin directly to a specifically approved stockyard; or

(ii) Such cattle are moved interstate from a farm of origin or returned interstate to a farm of origin in the course of normal ranching operations, without change of ownership, directly to or from another premises owned, leased, or rented by the same individual; or

(iii) Such cattle are moved interstate accompanied by a certificate which states, in addition to the items specified in § 78.1, that the cattle originated in a Class Free State or area.

(b) *Class A States/areas.* Test-eligible cattle which originate in Class A States or areas, are not brucellosis exposed, and are from a herd not known to be affected may be moved interstate from Class A States or areas only as specified below:

(1) *Movement to recognized slaughtering establishments.* (i) Such cattle may be moved interstate from a farm of origin or nonquarantined feedlot directly to a recognized slaughtering establishment or directly to a specifically approved

stockyard and then directly to a recognized slaughtering establishment without restriction under this subpart.

(ii) Such cattle may be moved interstate from a farm of origin directly to an approved intermediate handling facility without restriction under this subpart.

(iii) Such cattle from other than a farm of origin or nonquarantined feedlot may be moved interstate directly to a recognized slaughtering establishment or directly to a specifically approved stockyard and then directly to a recognized slaughtering establishment if identity to the Class A State or area is maintained by means of identification tag numbers appearing on sale records showing the consignor or by penning cattle from the farm or State or area apart from other animals.

(iv) Such cattle from other than a farm of origin may be moved interstate accompanied by a permit.

(A) Directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment; or

(B) Directly to a specifically approved stockyard and then directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment.

(2) *Movement to quarantined feedlots.*

(i) Such cattle may be moved interstate from a farm of origin directly to a quarantined feedlot, or directly to a specifically approved stockyard and then directly to a quarantined feedlot, or directly to a specifically approved stockyard and then directly to an approved intermediate handling facility and then directly to a quarantined feedlot, or directly to an approved intermediate handling facility and then directly to a quarantined feedlot, if the identity of the farm of origin of the cattle is maintained by means of identification tag numbers appearing on sale records showing the consignor or by penning cattle from the farm of origin apart from other animals.

(ii) Such cattle from other than a farm of origin may be moved interstate directly to a quarantined feedlot or directly to a specifically approved stockyard and then directly to a quarantined feedlot if identity to the Class A State or area is maintained by

means of identification tag numbers appearing on sale records showing the consignor or by penning cattle from one farm or State or area apart from other animals.

(3) *Movement other than in accordance with paragraphs (b)(1) and (2) of this section.* Such cattle may be moved interstate other than in accordance with paragraphs (b)(1) and (2) of this section only if:

(i) Such cattle originate in a certified brucellosis-free herd and are accompanied interstate by a certificate which states, in addition to the items specified in §78.1, that the cattle originated in a certified brucellosis-free herd; or

(ii) Such cattle are negative to an official test within 30 days prior to such interstate movement and are accompanied interstate by a certificate which states, in addition to the items specified in §78.1, the test dates and results of the official tests; or

(iii) Such cattle are moved interstate from a farm of origin directly to a specifically approved stockyard and are subjected to an official test upon arrival at the specifically approved stockyard prior to losing their identity with the farm of origin; or

(iv) Such cattle are moved interstate from a farm of origin or returned interstate to a farm of origin in the course of normal ranching operations, without change of ownership, directly to or from another premises owned, leased, or rented by the same individual.

(c) *Class B States/areas.* Test-eligible cattle which originate in Class B States or areas, are not brucellosis exposed, and are from a herd not known to be affected may be moved interstate from Class B States or areas only under the conditions specified below:

(1) *Movement to recognized slaughtering establishments.* (i) Such cattle may be moved interstate from a farm of origin or a nonquarantined feedlot directly to a recognized slaughtering establishment without restriction under this subpart.

(ii) Such cattle may be moved interstate from a farm of origin directly to an approved intermediate handling facility without restriction under this subpart.

(iii) Such cattle may be moved interstate from a nonquarantined feedlot directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if they are accompanied by a permit or "S" brand permit.

(iv) Such cattle may be moved interstate from a farm of origin or a nonquarantined feedlot directly to a specifically approved stockyard and then to a recognized slaughtering establishment if:

(A) They are negative to an official test conducted at the specifically approved stockyard and are accompanied to slaughter by a certificate or "S" brand permit which states, in addition to the items specified in §78.1, the test dates and results of the official tests; or

(B) They originate from a certified brucellosis-free herd and identity to the certified brucellosis-free herd is maintained; or

(C) They are "S" branded at the specifically approved stockyard, accompanied by an "S" brand permit, and moved directly to a recognized slaughtering establishment; or

(D) They are moved from the specifically approved stockyard accompanied by an "S" brand permit and in vehicles closed with official seals applied and removed by an APHIS representative, a State representative, an accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

The official seal numbers must be recorded on the accompanying "S" brand permit.

(v) Such cattle may be moved interstate from a farm of origin or a nonquarantined feedlot directly to a specifically approved stockyard and then to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if:

(A) They are negative to an official test conducted at the specifically approved stockyard and are accompanied by an "S" brand permit which states, in addition to the items specified in §78.1, the test dates and results of the official tests; or

(B) They originate from a certified brucellosis-free herd, identity to the certified brucellosis-free herd is main-

tained, and they are accompanied by an "S" brand permit; or

(C) They are "S" branded at the specifically approved stockyard, accompanied by an "S" brand permit, and moved directly to an approved intermediate handling facility; or

(D) They are accompanied by an "S" brand permit and 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 "S" brand permit.

(vi) Such cattle from other than a farm of origin or a nonquarantined feedlot may be moved interstate to a recognized slaughtering establishment only if:

(A) They are negative to an official test within 30 days prior to such interstate movement and are accompanied by a certificate or "S" brand permit which states, in addition to the items specified in §78.1, the test dates and results of the official tests; or

(B) They originate from a certified brucellosis-free herd and identity to the certified brucellosis-free herd is maintained; or

(C) They are "S" branded, accompanied by an "S" brand permit, and moved directly to a recognized slaughtering establishment; or

(D) They are accompanied by an "S" brand permit and moved in vehicles closed with official seals applied and removed by an APHIS representative, a State representative, an accredited veterinarian, or by an individual authorized for this purpose by an APHIS representative.

The official seal numbers must be recorded on the accompanying "S" brand permit.

(vii) Such cattle from other than a farm of origin or a nonquarantined feedlot may be moved interstate to an approved intermediate handling facility and then directly to a recognized slaughtering establishment only if:

(A) They are negative to an official test within 30 days prior to such interstate movement and are accompanied by a permit or "S" brand permit which

states, in addition to the items specified in §78.1, the test dates and results of the official tests; or

(B) They originate from a certified brucellosis-free herd, identity to the certified brucellosis-free herd is maintained, and they are accompanied by an “S” brand permit; or

(C) They are “S” branded, accompanied by an “S” brand permit, and moved directly to an approved intermediate handling facility; or

(D) They are accompanied by an “S” brand permit and 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 “S” brand permit.

(2) *Movement to quarantined feedlots.*

(i) Such cattle may be moved interstate from a farm of origin directly to:

(A) A quarantined feedlot if such cattle are “S” branded upon arrival at the quarantined feedlot; or

(B) A specifically approved stockyard and then directly to a quarantined feedlot or directly to an approved intermediate handling facility and then directly to a quarantined feedlot, if the cattle are “S” branded upon arrival at the specifically approved stockyard and are accompanied to the quarantined feedlot by an “S” brand permit; or

(C) An approved intermediate handling facility and then directly to a quarantined feedlot, if the cattle are “S” branded upon arrival at the approved intermediate handling facility and are accompanied to the quarantined feedlot by an “S” brand permit; or

(D) A quarantined feedlot, a specifically approved stockyard and then directly to a quarantined feedlot, or an approved intermediate handling facility and then directly to a quarantined feedlot if the cattle are accompanied by an “S” brand permit and 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 “S” brand permit.

(ii) Such cattle from other than a farm of origin may be moved interstate to a quarantined feedlot if:

(A) They are negative to an official test within 30 days prior to such movement and are accompanied by a certificate which states, in addition to the items specified in §78.1, the test dates and results of the official tests; or

(B) They are “S” branded, accompanied by an “S” brand permit, and moved directly to a quarantined feedlot; or

(C) They are accompanied by an “S” brand permit and 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 “S” brand permit.

(3) *Movement other than in accordance with paragraphs (c)(1) and (2) of this section.* Such cattle may be moved interstate other than in accordance with paragraphs (c)(1) and (2) of this section only if:

(i) Such cattle originate in a certified brucellosis-free herd and are accompanied interstate by a certificate which states, in addition to the items specified in §78.1, that the cattle originated in a certified brucellosis-free herd; or

(ii) Such cattle are negative to an official test within 30 days prior to interstate movement, have been issued a permit for entry, and are accompanied interstate by a certificate which states, in addition to the items specified in §78.1, the test dates and results of the official tests; or

(iii) Such cattle are moved interstate from a farm of origin directly to a specifically approved stockyard and are subjected to an official test upon arrival at the specifically approved stockyard prior to losing their identity with the farm of origin; or

(iv) Such cattle are moved interstate from a farm of origin or returned interstate to a farm of origin in the course of normal ranching operations, without change of ownership, directly to or from another premises owned, leased or rented by the same individual, and (A)

The cattle being moved originate from a herd in which (1) All the cattle were negative to a herd blood test within 1 year prior to the interstate movement; (2) Any cattle added to the herd after such herd blood test were negative to an official test within 30 days prior to the date the cattle were added to the herd; (3) None of the cattle in the herd have come in contact with any other cattle; and (B) The cattle are accompanied interstate by a document which states the dates and results of the herd blood test and the name of the laboratory in which the official tests were conducted.

(v) The State animal health officials of the State of origin and State of destination may waive the requirements of paragraph (c)(3)(iv) of this section in writing.

(d) *Class C States/areas.* All female cattle and test-eligible male cattle which originate in Class C States or areas, are not brucellosis exposed, and are from a herd not known to be affected may be moved interstate from Class C States or areas only under the conditions specified below:

(1) *Movement to recognized slaughtering establishments.* (i) Such cattle may be moved interstate from a farm of origin or a nonquarantined feedlot directly to a recognized slaughtering establishment without restriction under this subpart.

(ii) Such cattle may be moved interstate from a farm of origin directly to an approved intermediate handling facility without restriction under this subpart.

(iii) Such cattle may be moved interstate from a nonquarantined feedlot directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if they are accompanied by a permit or "S" brand permit.

(iv) Such cattle may be moved interstate from a farm of origin or a nonquarantined feedlot directly to a specifically approved stockyard and then to a recognized slaughtering establishment if:

(A) They are negative to an official test conducted at the specifically approved stockyard and are accompanied by a certificate or "S" brand permit which states, in addition to the items

specified in §78.1, the test dates and results of the official tests; or

(B) They originate from a certified brucellosis-free herd and identity to the certified brucellosis-free herd is maintained; or

(C) They are "S" branded at the specifically approved stockyard, accompanied by an "S" brand permit, and moved directly to a recognized slaughtering establishment; or

(D) They are moved from the specifically approved stockyard accompanied by an "S" brand permit and in vehicles closed with official seals applied and removed by an APHIS representative, a State representative, an accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

The official seal numbers must be recorded on the accompanying "S" brand permit.

(v) Such cattle may be moved interstate from a farm of origin or a nonquarantined feedlot directly to a specifically approved stockyard and then to an approved intermediate handling facility and then directly to a recognized slaughtering establishment if:

(A) They are negative to an official test conducted at the specifically approved stockyard and are accompanied by an "S" brand permit which states, in addition to the items specified in §78.1, the test dates and results of the official tests; or

(B) They originate from a certified brucellosis-free herd, identity to the certified brucellosis-free herd is maintained, and they are accompanied by an "S" brand permit; or

(C) They are "S" branded at the specifically approved stockyard, accompanied by an "S" brand permit, and moved directly to an approved intermediate handling facility; or

(D) They are accompanied by an "S" brand permit and 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 "S" brand permit.

(vi) Such cattle from other than a farm of origin or a nonquarantined

feedlot may be moved interstate to a recognized slaughtering establishment only if:

(A) They are negative to an official test within 30 days prior to such interstate movement and are accompanied by a certificate or "S" brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or

(B) They originate from a certified brucellosis-free herd and identity to the certified brucellosis-free herd is maintained; or

(C) They are "S" branded, accompanied by an "S" brand permit, and moved directly to a recognized slaughtering establishment; or

(D) They are accompanied by an "S" brand permit and moved in vehicles closed with official seals applied and removed by an APHIS representative, a State representative, an accredited veterinarian, or by an individual authorized for this purpose by the APHIS representative.

The official seal numbers must be recorded on the accompanying "S" brand permit.

(vii) Such cattle from other than a farm of origin or a nonquarantined feedlot may be moved interstate to an approved intermediate handling facility and then directly to a recognized slaughtering establishment only if:

(A) They are negative to an official test within 30 days prior to such interstate movement and are accompanied by a permit or "S" brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or

(B) They originate from a certified brucellosis-free herd, identity to the certified brucellosis-free herd is maintained, and they are accompanied by an "S" brand permit; or

(C) They are "S" branded, accompanied by an "S" brand permit, and moved directly to an approved intermediate handling facility; or

(D) They are accompanied by an "S" brand permit and 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 "S" brand permit.

(2) *Movement to quarantined feedlots.*

(i) Such cattle may be moved interstate from a farm of origin directly to:

(A) A quarantined feedlot if such cattle are "S" branded upon arrival at the quarantined feedlot; or

(B) A specifically approved stockyard and then directly to a quarantined feedlot, or directly to an approved intermediate handling facility and then directly to a quarantined feedlot, if the cattle are "S" branded upon arrival at the specifically approved stockyard and are accompanied to the quarantined feedlot by an "S" brand permit; or

(C) An approved intermediate handling facility and then directly to a quarantined feedlot, if the cattle are "S" branded upon arrival at the approved intermediate handling facility and are accompanied to the quarantined feedlot by an "S" brand permit; or

(D) A quarantined feedlot, a specifically approved stockyard and then directly to a quarantined feedlot, or an approved intermediate handling facility and then directly to a quarantined feedlot if the cattle are accompanied by an "S" brand permit and 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 "S" brand permit.

(ii) Such cattle from other than a farm of origin may be moved interstate to a quarantined feedlot if:

(A) They are negative to an official test within 30 days prior to such movement and are accompanied by a certificate which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or

(B) They are "S" branded, accompanied by an "S" brand permit, and moved directly to a quarantined feedlot; or

(C) They are accompanied by an "S" brand permit and 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 "S" brand permit.

(3) *Movement other than in accordance with paragraphs (d)(1) or (2) of this section.* Such cattle may be moved interstate other than in accordance with paragraphs (d)(1) or (2) of this section only if such cattle originate in a certified brucellosis-free herd and are accompanied interstate by a certificate which states, in addition to the items specified in §78.1 of this part, that the cattle originated in a certified brucellosis-free herd.

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

[51 FR 32580, Sept. 12, 1986, as amended at 54 FR 1925, Jan. 18, 1989; 56 FR 54533, 54534, Oct. 22, 1991; 56 FR 58638, Nov. 21, 1991; 59 FR 67133, Dec. 29, 1994; 60 FR 48368, Sept. 19, 1995]

**§78.10 Official vaccination of cattle moving into and out of Class B and Class C states or areas.**

(a) Female dairy cattle born after January 1, 1984, which are 4 months of age or over must be official vaccinates to move interstate into or out of a Class B State or area<sup>4</sup> unless they are moved interstate directly to a recognized slaughtering establishment or quarantined feedlot, or directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment, or directly to an approved intermediate handling facility and then directly to a quarantined feedlot and then directly to a recognized slaughtering establishment, or directly to an approved intermediate handling facility and then directly to a quarantined feedlot and then directly to a recognized slaughtering establishment. Female cattle eligible for official calfhood vaccination and required by this paragraph to be officially vaccinated may be moved interstate from a farm of origin directly to a specifi-

<sup>4</sup>Female cattle imported into the United States may be exempted from the vaccination requirements of this paragraph with the concurrence of the State animal health official of the State of destination. This concurrence is required prior to the importation of the cattle into the United States.

cally approved stockyard and be officially vaccinated upon arrival at the specifically approved stockyard.

(b) Female cattle born after January 1, 1984, which are 4 months of age or over must be official vaccinates to move into a Class C State or area<sup>4</sup> unless they are moved interstate directly to a recognized slaughtering establishment, or directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment, or directly to an approved intermediate handling facility and then directly to a quarantined feedlot and then directly to a recognized slaughtering establishment. Female cattle eligible for official calfhood vaccination and required by this paragraph to be officially vaccinated may be moved interstate from a farm of origin directly to a specifically approved stockyard and be officially vaccinated upon arrival at the specifically approved stockyard.

(c) Female cattle born after January 1, 1984, which are 4 months of age or over must be official vaccinates to move interstate out of a Class C State or area<sup>4</sup> under §78.9(d)(3) of this part. Female cattle from a certified brucellosis-free herd that are eligible for official calfhood vaccination and required by this paragraph to be officially vaccinated may be moved interstate from a farm of origin directly to a specifically approved stockyard and be officially vaccinated upon arrival at the specifically approved stockyard.

[51 FR 32580, Sept. 12, 1986, as amended at 54 FR 1926, Jan. 18, 1989; 56 FR 58638, Nov. 21, 1991]

**§78.11 Cattle moved to a specifically approved stockyard not in accordance with this part.**

Cattle, except brucellosis reactors and brucellosis exposed cattle, which are moved interstate to a specifically approved stockyard but fail to comply with the requirements of this part for release from the specifically approved stockyard may be moved from the specifically approved stockyard only as follows:

(a) With the concurrence of the State animal health officials of the State of

origin and State of destination, directly back to the farm of origin accompanied by a permit; or

(b) Directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment or directly to an approved intermediate handling facility and then directly to a quarantined feedlot and then directly to a recognized slaughtering establishment if such cattle are “S” branded and accompanied by an “S” brand permit; or

(c) Directly to a recognized slaughtering establishment if such cattle are

(1) “S” branded and accompanied by an “S” brand permit; or

(2) Accompanied by an “S” brand permit and moved in vehicles closed with official seals applied and removed by an APHIS representative, State representative, an accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

The official seal numbers must be recorded on the “S” brand permit; or

(d) Directly to a quarantined feedlot if such cattle are “S” branded and accompanied by an “S” brand permit.

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[51 FR 32580, Sept. 12, 1986, as amended at 56 FR 54534, Oct. 22, 1991; 56 FR 58638, 58639, Nov. 21, 1991]

#### § 78.12 Cattle from quarantined areas.

Notwithstanding any provisions in the regulations to the contrary, cattle may be moved interstate from a quarantined area only in accordance with § 78.10 and this section.

(a) *Steers and spayed heifers.* Steers and spayed heifers may be moved interstate without restriction under this section.

(b) *Brucellosis reactor cattle.* Brucellosis reactor cattle may be moved interstate in accordance with § 78.7.

(c) *Brucellosis exposed cattle.* Brucellosis exposed cattle may be moved interstate in accordance with § 78.8(a) or (b).

(d) *Movement from qualified herds.* Cattle from qualified herds in any quarantined area may be moved interstate only as follows:

(1) *Movement to recognized slaughtering establishments.*

(i) Cattle from qualified herds in a quarantined area may be moved interstate from a farm of origin directly to a recognized slaughtering establishment or directly to a specifically approved stockyard and then directly to a recognized slaughtering establishment if they are negative to an official test within 30 days prior to such interstate movement and are accompanied by a certificate or “S” brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or

(ii) Cattle from qualified herds in a quarantined area may be moved interstate from a farm of origin directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment or directly to an approved intermediate handling facility and then directly to a quarantined feedlot and then directly to a recognized slaughtering establishment if they are negative to an official test within 30 days prior to such interstate movement and are accompanied by an “S” brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or

(iii) Cattle from qualified herds in a quarantined area may be moved interstate from a farm of origin directly to a specifically approved stockyard and then directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment or directly to an approved intermediate handling facility and then directly to a quarantined feedlot and then directly to a recognized slaughtering establishment if they are negative to an official test within 30 days prior to such interstate movement and are accompanied by a permit or “S” brand permit which states, in addition to the items specified in § 78.1, the test dates and results of the official tests; or

(iv) Cattle from qualified herds in a quarantined area may be moved interstate in accordance with § 78.8(a).

(2) *Movement to quarantined feedlots.*

(i) Cattle from qualified herds in a quarantined area may be moved interstate from a farm of origin directly to a quarantined feedlot, or directly to a specifically approved stockyard and then directly to a quarantined feedlot,

or directly to an approved intermediate handling facility and then directly to a quarantined feedlot if the cattle are negative to an official test within 30 days prior to such interstate movement and are accompanied by a certificate which states, in addition to the items specified in § 78.1 of this part, the test dates and results of the official tests; or

(ii) Cattle from qualified herds in a quarantined area may be moved in accordance with § 78.8(b).

(3) *Movement other than in accordance with paragraph (d)(1) or (2) of this section.* Cattle from qualified herds in a quarantined area may be moved interstate other than in accordance with paragraph (d)(1) or (2) of this section, either directly from a farm of origin or from a farm of origin through no more than one specifically approved stockyard if

(i) The cattle, except official vaccinates less than 1 year of age and cattle less than 6 months of age, are negative to an official test within 30 days prior to such interstate movement; and

(ii) The cattle are accompanied interstate by a certificate which states, in addition to the items specified in § 78.1, the test dates and results of the official tests when such tests are required.

(e) *Movement from herds which are not qualified.* Cattle from herds known to be affected or from herds which are not qualified in any quarantined area may be moved interstate only in accordance with § 78.8(a) or (b).<sup>5</sup>

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

[51 FR 32580, Sept. 12, 1986, as amended at 56 FR 58638, Nov. 21, 1991; 59 FR 67133, Dec. 29, 1994]

#### § 78.13 Other movements.

The Administrator may, upon request in specific cases, permit the interstate movement of cattle not otherwise provided for in this subpart, under such conditions as the Administrator may prescribe in each case to prevent the spread of brucellosis. The

<sup>5</sup>A herd which is not qualified in a quarantined area may become a qualified herd upon compliance with the provisions set forth in § 78.1 in the definition of "qualified herd."

Administrator shall promptly notify the State animal health officials of the States involved of any such action.

[51 FR 32580, Sept. 12, 1986, as amended at 56 FR 54534, Oct. 22, 1991]

#### § 78.14 Rodeo bulls.

(a) A rodeo bull that is test-eligible and that is from a herd not known to be affected may be moved interstate if:

(1) The bull is classified as brucellosis negative based upon an official test conducted less than 365 days before the date of interstate movement;

(2) The bull is identified with an official eartag;

(3) There is no change of ownership since the date of the last official test;

(4) A certificate accompanies each interstate movement of the bull; and

(5) A permit for entry is issued for each interstate movement of the bull.

(b) A bull that would qualify as a rodeo bull, but that is used for breeding purposes during the 365 days following the date of being tested, may be moved interstate only if the bull meets the requirements for cattle in this subpart.

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

[56 FR 58639, Nov. 21, 1991]

#### §§ 78.15—78.19 [Reserved]

### Subpart C—Restrictions on Interstate Movement of Bison Because of Brucellosis

#### § 78.20 General restrictions.

Bison may not be moved interstate except in compliance with this subpart.

#### § 78.21 Bison steers and spayed heifers.

Bison steers and spayed heifers may be moved interstate without restriction under this subpart.

#### § 78.22 Brucellosis reactor bison.

(a) *Destination.* Brucellosis reactor bison may be moved interstate only for immediate slaughter as follows:

(1) Directly to a recognized slaughtering establishment;

(2) Directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment; or

(3) From a farm of origin directly to a specifically approved stockyard approved to receive brucellosis reactors and then

(i) Directly to a recognized slaughtering establishment; or

(ii) Directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment.

(b) *Identification.* Brucellosis reactor bison must 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 metal tag bearing a serial number designated by the State animal health official for identifying brucellosis reactors, 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.

(c) *Permit.* Brucellosis reactor bison moving interstate shall be accompanied to destination by a permit.

(d) *Marking of records.* Each person moving brucellosis reactor bison interstate shall, in the course of interstate movement, plainly write or stamp the words “Brucellosis Reactor” upon the face of any document that person prepares in connection with such movement.

(e) *Segregation en route.* Brucellosis reactor bison shall not be moved interstate in any means of conveyance containing animals which are not brucellosis reactors unless all of the animals are for immediate slaughter or unless the brucellosis reactor bison are kept separate from the other animals by a partition securely affixed to the sides of the means of conveyance.

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

[51 FR 32580, Sept. 12, 1986, as amended at 59 FR 67133, Dec. 29, 1994; 60 FR 48368, Sept. 19, 1995]

### § 78.23 Brucellosis exposed bison.

Brucellosis exposed bison may be moved interstate only as follows:

(a) *Movement to recognized slaughtering establishments.* Brucellosis exposed bison may be moved interstate for slaughter accompanied by a permit or “S” brand permit and as follows:

(1) Directly to a recognized slaughtering establishment or directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment; or

(2) From a farm of origin directly to a specifically approved stockyard approved to receive brucellosis exposed bison and then

(i) Directly to a recognized slaughtering establishment; or

(ii) Directly to an approved intermediate handling facility and then directly to a recognized slaughtering establishment.

(b) *Movement to quarantined feedlots.* Brucellosis exposed bison may be moved directly to a quarantined feedlot or, from a farm of origin, directly to a specifically approved stockyard approved to receive brucellosis exposed bison and then directly to a quarantined feedlot. Such bison shall be accompanied by a permit or “S” brand permit.

(c) *Movement other than in accordance with paragraphs (a) or (b) of this section.* Brucellosis exposed bison which are from herds known to be affected, but which are not part of a herd being depopulated under Part 51 of this chapter, may move without restriction if the bison:

(1) Are under 6 months of age and were weaned from brucellosis reactor or brucellosis exposed bison not less than 30 days immediately preceding interstate movement; or

(2) Are under 6 months of age and nursing brucellosis exposed bison in a herd subjected to a herd blood test within 10 days prior to interstate movement; or

(3) Are official vaccinates under 1 year of age from a herd following an approved individual herd plan.

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

[51 FR 32580, Sept. 12, 1986, as amended at 59 FR 67133, Dec. 29, 1994]

**§ 78.24 Bison from herds not known to be affected.**

Bison from herds not known to be affected may be moved interstate only as follows:

(a) *Movement to recognized slaughtering establishments.* Bison from herds not known to be affected may be moved directly to a recognized slaughtering establishment without restriction under this subpart.

(b) *Movement to quarantined feedlots.* Bison from herds not known to be affected may be moved directly to a quarantined feedlot without restriction under this subpart.

(c) *Movement from public zoo to public zoo.* Bison from herds not known to be affected may be moved from a zoo owned by a governmental agency to another such zoo if handled in accordance with § 78.3.

(d) *Movement other than in accordance with paragraphs (a), (b), or (c) of this section.* Bison from herds not known to be affected may be moved interstate other than in accordance with paragraphs (a), (b), or (c) of this section only as follows:

(1) Such bison under 6 months of age may be moved interstate when accompanied by a certificate.

(2) Such bison which are official vaccinates under 2 years of age and are not parturient or postparturient may be moved interstate when accompanied by a certificate.

(3) Such bison may be moved interstate if they are negative to an official test within 30 days prior to such movement and are accompanied by a certificate which states, in addition to the items specified in § 78.1, the dates and results of the official tests.

(4) Such bison may be moved interstate if they originate in a certified brucellosis-free herd and are accompanied by a certificate which states, in addition to the items specified in § 78.1, that the bison originated in a certified brucellosis-free herd.

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

[51 FR 32580, Sept. 12, 1986, as amended at 56 FR 58639, Nov. 21, 1991]

**§ 78.25 Other movements.**

The Administrator may, upon request in specific cases, permit the

interstate movement of bison not otherwise provided for in this subpart, under such conditions as the Administrator may prescribe in each case to prevent the spread of brucellosis. The Administrator shall promptly notify the State animal health officials of the States involved of any such action.

[51 FR 32580, Sept. 12, 1986, as amended at 56 FR 54534, Oct. 22, 1991]

**§§ 78.26–78.29 [Reserved]****Subpart D—Restrictions on Interstate Movement of Swine Because of Brucellosis****§ 78.30 General restrictions.**

(a) Brucellosis reactor swine, brucellosis exposed swine, feral swine, sows, and boars may not be moved interstate or in interstate commerce except in compliance with this subpart.

(b) Each person who causes the movement of swine in interstate commerce is responsible for the identification of the swine as required by this subpart. No such person shall remove or tamper with or cause the removal of or tampering with an identification tattoo or approved swine identification tag required in this subpart except at the time of slaughter, or as may be authorized by the Administrator upon request in specific cases and under such conditions as the Administrator may impose to ensure continuing identification.

(c)(1) Feral swine may be moved interstate directly to slaughter if they do not come into physical contact with any domestic swine or other livestock.

(2) Feral swine from monitored-negative populations may be moved interstate other than directly to slaughter if accompanied by a permit issued by the APHIS representative or the State animal health official in the State of origin.

(3) Feral swine found negative to an official test within the 30 days prior to the interstate movement may be moved interstate other than directly to slaughter if accompanied by a permit issued by the APHIS representative or

§ 78.31

the State animal health official in the State of origin.

[51 FR 32580, Sept. 12, 1986, as amended at 56 FR 54534, Oct. 22, 1991; 59 FR 18952, Apr. 21, 1994]

**§ 78.31 Brucellosis reactor swine.**

(a) *Destination.* Brucellosis reactor swine may be moved interstate only for immediate slaughter as follows:

(1) Directly to a recognized slaughtering establishment; or

(2) Directly to a stockyard posted under the Packers and Stockyards Act, as amended (7 U.S.C. 181 *et seq.*), or directly to a market agency or dealer registered under the Packers and Stockyards Act, for sale to a recognized slaughtering establishment in accordance with the following requirements:

(b) *Identification.* Brucellosis reactor swine shall be individually identified by attaching to the left ear a metal tag bearing a serial number and the inscription, "U.S. Reactor," or a metal tag bearing a serial number designated by the State animal health official for identifying brucellosis reactors.

(c) *Permit.* Brucellosis reactor swine shall be accompanied to destination by a permit.

(d) *Marking of records.* Each person moving brucellosis reactor swine interstate shall, in the course of interstate movement, plainly write or stamp the words "Brucellosis Reactor" upon the face of any document that person prepares in connection with such movement.

(e) *Segregation en route.* Brucellosis reactor swine shall not be moved interstate in any means of conveyance containing animals which are not brucellosis reactors unless all of the animals in the shipment are for immediate slaughter, or unless the brucellosis reactor swine are kept separate from other animals by a partition securely affixed to the sides of the means of conveyance.

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[51 FR 32580, Sept. 12, 1986, as amended at 59 FR 67133, Dec. 29, 1994]

9 CFR Ch. I (1-1-97 Edition)

**§ 78.32 Brucellosis exposed swine.**

(a) Brucellosis exposed swine may be moved interstate only if accompanied by a permit and only for immediate slaughter as follows:

(1) Directly to a recognized slaughtering establishment; or

(2) Directly to a stockyard posted under the Packers and Stockyards Act, as amended (7 U.S.C. 181 *et seq.*), or directly to a market agency or dealer registered under the Packers and Stockyards Act, for sale to a recognized slaughtering establishment.

(b) Brucellosis exposed swine from a herd known to be affected with brucellosis may be moved interstate from the herd known to be affected only if such swine are individually identified by attaching to the left ear a metal tag bearing a serial number and the inscription, "U.S. Reactor," or a metal tag bearing a serial number designated by the State animal health official for identifying brucellosis reactors.

(Approved by the Office of Management and Budget under control number 0589-0051)

[59 FR 12533, Mar. 17, 1994, as amended at 59 FR 67133, Dec. 29, 1994]

**§ 78.33 Sows and boars.**

(a) Sows and boars may be moved in interstate commerce for slaughter or for sale for slaughter if they are:

(1) Individually identified by an official eartag or a United States Department of Agriculture backtag applied before movement in interstate commerce and before they are mixed with swine from any other source; or

(2) Individually identified by an official eartag or a United States Department of Agriculture backtag applied upon arrival after movement in interstate commerce and before they are mixed with swine from any other source, when moved directly from their herd of origin to:

(i) A recognized slaughtering establishment; or

(ii) A stockyard, market agency, or dealer operating under the Packers and Stockyards Act, as amended (7 U.S.C. 181 *et seq.*); or

(3) Individually identified by an official swine tattoo when the use of the official swine tattoo has been requested by a user or the State animal health

official, and the Administrator authorizes its use in writing based on a determination that the tattoo will be retained and visible on the carcass of the swine after slaughter, so as to provide identification of the swine.

(b) Sows and boars may be moved in interstate commerce for breeding only if the sows and boars are:

(1) Individually identified by an official eartag, or by ear notching or an ear tattoo that has been recorded in the book of record of a purebred registry association. This identification must be accomplished before movement in interstate commerce and before the sows and boars are mixed with swine from any other source; and

(2)(i) From a validated brucellosis-free herd or a validated brucellosis-free state and accompanied by a certificate which states, in addition to the items specified in §78.1, that the swine originated in either a validated brucellosis-free herd or a validated brucellosis-free state; or

(ii) Negative to an official test within 30 days prior to interstate movement and accompanied by a certificate which states, in addition to the items specified in §78.1, the dates and results of the official tests.

(c) Sows and boars may be moved in interstate commerce for purposes other than slaughter or breeding without restriction under this subpart, if they are identified as required by §71.19 of this chapter.

(d) Serial numbers of United States Department of Agriculture backtags and official swine tattoos will be assigned to each person who applies to the State animal health official or the Area Veterinarian in Charge for the State in which that person maintains his or her place of business. Serial numbers of official eartags will be assigned to each accredited veterinarian or State or Federal representative who requests official eartags from the State animal health official or the Area Veterinarian in Charge, whoever is responsible for issuing official eartags in that State. Persons assigned serial numbers of United States Department of Agriculture backtags, official swine tattoos, and official eartags:

(1) Record the following information on a document:

(i) All serial numbers applied to the swine;

(ii) Any other serial numbers and approved identification appearing on the swine that are needed to identify the swine to its owner and location;

(iii) The street address, including the city and State, or the township, county, and State of the premises where the approved means of identification were applied; and

(iv) The telephone number, if available, of the person who owns or possesses the swine.

(2) Maintain these records at the place of business for 2 years; and

(3) Make these records available for inspection and copying during ordinary business hours (8 a.m. to 5:30 p.m., Monday through Friday) upon request by any authorized employee of the United States Department of Agriculture, upon that employee's request and presentation of his or her official credentials.

(e)(1) Each person who buys or sells, for his or her own account or as the agent of the buyer or seller, transports, receives for transportation, offers for sale or transportation, or otherwise handles swine in interstate commerce, must keep records relating to the transfer of ownership, shipment, or handling of the swine, such as yarding receipts, sale tickets, invoices, and waybills, upon which are recorded:

(i) All serial numbers and other approved means of identification appearing on the swine that are necessary to identify it to the person from whom it was purchased or otherwise obtained; and

(ii) The street address, including the city and State, or the township, county, and State, and the telephone number, if available, of the person from whom the swine were purchased or otherwise obtained.

(2) Each person required to keep records under this paragraph must maintain these documents at his/her or its place of business for at least 2 years after the person has sold or otherwise disposed of the swine to another person and for such further period as the Administrator may require by written notice to the person, for purposes of any investigation or action involving the swine identified in the records. The

person shall make the records available for inspection and copying during ordinary business hours (8 a.m. to 5:30 p.m., Monday through Friday) by any authorized employee of the United States Department of Agriculture, upon that employee's request and presentation of his or her official credentials.

[52 FR 33799, Sept. 8, 1987, as amended at 53 FR 32030, Aug. 23, 1988; 53 FR 40386, Oct. 14, 1988; 55 FR 11157, Mar. 27, 1990; 56 FR 54533, Oct. 22, 1991]

**§ 78.34 Other movements.**

The Administrator may, upon request in specific cases, permit the movement in interstate commerce of swine not otherwise provided for in this subpart under such conditions as the Administrator may prescribe in each case to prevent the spread of brucellosis. The Administrator shall promptly notify the State animal health officials of the States involved of any such action.

[51 FR 32580, Sept. 12, 1986, as amended at 56 FR 54534, Oct. 22, 1991]

**§§ 78.35–78.39 [Reserved]**

**Subpart E—Designation of Brucellosis Areas, and Specifically Approved Stockyards**

**§ 78.40 Designation of States/areas.**

The Administrator may amend §§ 78.41 and 78.42 to reclassify States and areas as Class Free, Class A, Class B, Class C, or quarantined when the Administrator determines that the States or areas meet the appropriate definitions in § 78.1. The Administrator may approve the division of a State into two brucellosis classification areas upon finding that: (a) The State has legislative and regulatory authority for maintaining separate areas; (b) The State has committed resources to enforcing the different requirements in each area; (c) The State has an effective method for monitoring and controlling movement of cattle across the intrastate boundary; (d) The State has defined the intrastate boundary by county lines or by recognizable geographic features, such as rivers and highways; and (e) Each area of the

State meets the standards for the brucellosis classification requested. The Administrator may amend § 78.43 to reclassify States as validated brucellosis-free States or remove such status when the Administrator determines that such States meet or do not meet the standards of a validated brucellosis-free State as defined in § 78.1. In the case of any reclassification to a lower class, reclassification as a quarantined State or area, or removal of validated brucellosis-free status, the State animal health official of the State involved will be notified of such reclassification or removal, and will be given an opportunity to present objections and arguments to the Administrator prior to the reclassification or removal taking place.

[51 FR 32580, Sept. 12, 1986, as amended at 53 FR 2222, Jan. 27, 1988; 56 FR 54533, Oct. 22, 1991; 56 FR 55803, Oct. 30, 1991]

**§ 78.41 State/area classification.**

(a) *Class Free.* Alaska, Arizona, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Utah, Vermont, Virgin Islands, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

(b) *Class A.* Alabama, Arkansas, California, Florida, Georgia, Iowa, Kansas, Kentucky, Mississippi, Missouri, Oklahoma, South Dakota, Tennessee, and Texas.

(c) *Class B.* None.

[51 FR 32580, Sept. 12, 1986]

EDITORIAL NOTE: For Federal Register citations affecting § 78.41, see the List of CFR Sections Affected in the Finding Aids section of this volume.

**§ 78.42 Quarantined areas.**

None.

**§ 78.43 Validated brucellosis-free States.**

Alaska, Arizona, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa,

Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virgin Islands, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

[53 FR 4382, Feb. 16, 1988; 53 FR 21979, June 13, 1988, as amended at 53 FR 24930, July 1, 1988; 53 FR 44180, Nov. 2, 1988; 55 FR 420, Jan. 5, 1990; 55 FR 7883, Mar. 6, 1990; 55 FR 41995, Oct. 17, 1990; 55 FR 42354, Oct. 19, 1990; 56 FR 2127, Jan. 22, 1991; 56 FR 46109, Sept. 10, 1991; 58 FR 11365, Feb. 25, 1993; 58 FR 28343, May 13, 1993; 58 FR 68506, Dec. 28, 1993; 60 FR 67321, Dec. 29, 1995]

**§78.44 Specifically approved stockyards.**

(a) To qualify for approval by the Administrator as a specifically approved stockyard and to retain such designation, the operator<sup>6</sup> of the stockyard shall execute one of the agreements set forth in paragraphs (c) or (d) of this section and the stockyard shall be maintained and operated in accordance with the standards specified in the agreement.

(b)(1) The Administrator shall withdraw the approval of any specifically approved stockyard when the operator of the stockyard notifies the Administrator in writing that the agreement to operate as a specifically approved stockyard is terminated.

(2) The Administrator may withdraw the approval of any specifically approved stockyard when the Administrator determines that the stockyard is not maintained and operated in accordance with the standards specified in the agreement. Before the Administrator withdraws approval from a specifically approved stockyard based upon a failure to maintain or operate the stockyard in accordance with the standards specified in the agreement, the operator of the stockyard will be informed in writing of the reasons for the proposed withdrawal of approval and, upon request, shall be afforded an

<sup>6</sup>The operator shall be the individual legally responsible for the day-to-day operations of the specifically approved stockyard.

opportunity for a hearing with respect to the merits or validity of the action to withdraw approval if there is a dispute regarding any material fact, in accordance with rules of practice which shall be adopted for the proceeding.

(3) The Administrator shall remove a stockyard from the list of specifically approved stockyards if the approval of such stockyard is withdrawn.

(c) To obtain approval as a specifically approved stockyard to handle cattle and bison pursuant to this part, the operator of the stockyard shall execute the following agreement:

AGREEMENT—SPECIFICALLY APPROVED STOCKYARD FOR HANDLING CATTLE AND BISON PURSUANT TO TITLE 9 OF THE CODE OF FEDERAL REGULATIONS

\_\_\_\_\_  
(Name of Stockyard)

\_\_\_\_\_  
(Address of 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 the schedule of sale days prior to implementation of such revision.

(3) State representatives and APHIS representatives shall be granted access to stockyard premises and facilities at reasonable hours to determine compliance with the requirements of Title 9, Code of Federal Regulations, and the standards of this agreement.

*Handling of Cattle and Bison*

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

(5) All brucellosis reactor, brucellosis suspect, and brucellosis exposed cattle or bison arriving at the stockyard shall be placed in quarantined pens and consigned from the stockyard only in accordance with title 9, Code of Federal Regulations, part 78.

(6) Cattle and bison which have not been classified as brucellosis reactors, brucellosis suspects, or brucellosis exposed shall not be

placed in quarantined pens without prior cleaning and disinfection of such pens in accordance with paragraph 14 of this agreement.

(7) Any cattle or bison classified as brucellosis reactors at the stockyard shall be (a) Identified by branding the letter "B" at least 2x2 inches in size on the left jaw and attaching to the left ear a metal tag bearing a serial number and the inscription, "U.S. Reactor," or metal tag bearing a serial number designated by the State animal health official for identifying brucellosis reactors; (b) Placed in quarantined pens; and (c) Consigned from the stockyard only to a recognized slaughtering establishment or an approved intermediate handling facility in accordance with title 9, Code of Federal Regulations, part 78.

(8) Any cattle or bison classified as brucellosis exposed at the stockyard shall be (a) Identified in accordance with title 9, Code of Federal Regulations, part 78; (b) Placed in quarantined pens; and (c) Consigned from the stockyard only to a recognized slaughtering establishment, an approved intermediate handling facility, a quarantined feedlot, or a farm of origin in accordance with title 9, Code of Federal Regulations, part 78.

(9) Identity of cattle from Class Free States or areas and Class A States or areas shall be maintained.

(10) Identity of cattle from Class B States or areas shall be maintained, and test-eligible cattle from Class B States or areas shall not be placed in pens with any other cattle until they have fulfilled the requirements of Title 9, Code of Federal Regulations, for release from the stockyard.

(11) Identity of cattle from Class C States or areas shall be maintained, and test-eligible cattle from Class C States or areas shall not be placed in pens with any other cattle until they have fulfilled the requirements of Title 9, Code of Federal Regulations, for release from the stockyard.

(12) Identity of cattle from quarantined areas shall be maintained, and test-eligible cattle from quarantined areas shall not be placed in pens with any other cattle until they have fulfilled the requirements of title 9, Code of Federal Regulations, for release from the stockyard.

(13) Test-eligible cattle penned with test-eligible cattle from a lower class State or area, in violation of this agreement, shall have the status of the State or area of lower class for any subsequent movement.

*Facilities*

(14) Quarantined pens for the confinement of brucellosis reactor, brucellosis suspect, and brucellosis exposed cattle and bison shall be (a) Clearly labeled with paint or placarded as follows: "Quarantined," "Brucellosis," or "Bangs"; and (b) Cleaned and disinfected in accordance with title 9, Code

of Federal Regulations, §71.4, before being used to pen cattle and bison which are not brucellosis reactors, brucellosis suspects or brucellosis exposed.

(15) Quarantined pens confining brucellosis reactors or brucellosis suspects shall have impervious floor surfaces and adequate draining for the purposes of cleaning and disinfection.

(16) Well-lighted cattle chutes shall be furnished and maintained to provide for proper restraint of cattle and bison for inspection, identification, vaccination, testing, and branding. Adequate electrical outlets shall be provided at the chute area for branding purposes.

(17) Laboratory space shall be furnished and maintained for conducting brucellosis tests. All test reagents, testing equipment, and documents relating to the State-Federal cooperative brucellosis eradication program on the stockyard premises shall be secured to prevent misuse and theft. Adequate heat, cooling, electricity, water piped to a properly drained sink, and sanitation shall be provided for properly conducting brucellosis tests.

(18) Serviceable equipment for cleaning and disinfecting shall be furnished and maintained with adequate disinfectant on hand.

*Cleaning and Disinfection*

(19) The stockyard shall be cleaned and disinfected in accordance with Title 9, Code of Federal Regulations, §71.4.

*Records*

(20) 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.

(21) State representatives and APHIS representatives shall be granted, at reasonable hours, access to all documents required to be maintained pursuant to paragraph 20 of this agreement and authority to reproduce the documents upon request.

I, \_\_\_\_\_, hereby acknowledge receipt of a copy of title 9, Code of Federal Regulations, parts 71 and 78, and hereby acknowledge that I have been informed and understand that failure to abide by the provisions of this agreement and parts 71 and 78 constitutes a basis for the withdrawal of approval from this stockyard.

Request Approval

\_\_\_\_\_  
\*Operator of the Stockyard

\_\_\_\_\_  
Date

Recommend Approval

State Animal Health Official

Date

Recommend Approval

Veterinarian in Charge

Date

Approval Granted

Administrator

Animal and Plant Health Inspection Service

Date

\*The operator shall be the individual legally responsible for the day to day operations of the specifically approved stockyard.

(d) To obtain approval as a specifically approved stockyard to handle cattle and bison, except to receive known brucellosis reactor, brucellosis suspect, or brucellosis exposed cattle or bison, pursuant to this part, the operator of the stockyard shall execute the following agreement:

AGREEMENT—SPECIFICALLY APPROVED STOCKYARD FOR RECEIVING CATTLE AND BISON OTHER THAN BRUCELLOSIS REACTOR, BRUCELLOSIS SUSPECT, AND BRUCELLOSIS EXPOSED CATTLE OR BISON PURSUANT TO TITLE 9 OF THE CODE OF FEDERAL REGULATIONS

(Name of Stockyard)

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

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

Handling of Cattle and Bison

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

(5) No cattle or bison known to be brucellosis reactors, brucellosis suspects, or brucellosis exposed shall be permitted to enter the stockyard.

(6) Any cattle or bison classified as brucellosis reactors at the stockyard shall be (a) Identified by branding the letter "B" at least 2x2 inches in size on the left jaw and attaching to the left ear a metal tag bearing a serial number and the inscription, "U.S. Reactor," or metal tag bearing a serial number designated by the State animal health official for identifying brucellosis reactors; (b) Placed in quarantined pens; and (c) Consigned from the stockyard only to a recognized slaughtering establishment or an approved intermediate handling facility in accordance with title 9, Code of Federal Regulations, part 78.

(7) Any cattle or bison classified as brucellosis exposed at the stockyard shall be (a) Identified in accordance with title 9, Code of Federal Regulations; (b) Placed in quarantined pens; and (c) Consigned from the stockyard only to a recognized slaughtering establishment, an approved intermediate handling facility, a quarantined feedlot, or a farm of origin in accordance with title 9, Code of Federal Regulations, part 78.

(8) Cattle and bison which have not been classified as brucellosis reactors, brucellosis suspects, or brucellosis exposed shall not be placed in quarantined pens without prior cleaning and disinfection of such pens in accordance with paragraph 14 of this agreement.

(9) Identity of cattle from Class Free States or areas and Class A States or areas shall be maintained.

(10) Identity of cattle from Class B States or areas shall be maintained, and test-eligible cattle from Class B States or areas shall not be placed in pens with any other cattle until they have fulfilled the requirements of Title 9, Code of Federal Regulations, for release from the stockyard.

(11) Identity of cattle from Class C States or areas shall be maintained, and test-eligible cattle from Class C States or areas shall not be placed in pens with any other cattle until they have fulfilled the requirements of Title 9, Code of Federal Regulations, for release from the stockyard.

(12) Identity of cattle from qualified herds in quarantined areas shall be maintained,

§ 79.1

9 CFR Ch. I (1–197 Edition)

and test-eligible cattle from qualified herds in quarantined areas shall not be placed in pens with any other cattle until they have fulfilled the requirements of title 9, Code of Federal Regulations, for release from the stockyard.

(13) Test-eligible cattle penned with test-eligible cattle from a lower class State or area, in violation of this agreement, shall have the status of the State or area of lower class for any subsequent movement.

Facilities

(14) Quarantined pens for the confinement of brucellosis reactors, brucellosis suspects, and brucellosis exposed cattle and bison tested and classified at the stockyard shall be (a) Clearly labeled with paint or placarded as follows: "Quarantined," "Brucellosis," or "Bangs"; and (b) Cleaned and disinfected in accordance with Title 9, Code of Federal Regulations, §71.4, before being used to pen cattle and bison which are not brucellosis reactors, brucellosis suspects, or brucellosis exposed.

(15) Well-lighted cattle chutes shall be furnished and maintained to provide for proper restraint of cattle and bison for inspection, identification, vaccination, testing, and branding. Adequate electrical outlets shall be provided at chute area for branding purposes.

(16) Laboratory space shall be furnished and maintained for conducting brucellosis tests. All test reagents, testing equipment, and documents relating to the State-Federal cooperative brucellosis eradication program on the stockyard premises shall be secured to prevent misuse and theft. Adequate heat, cooling, electricity, water piped to a properly drained sink, and sanitation shall be provided for properly conducting brucellosis tests.

(17) Serviceable equipment for cleaning and disinfecting shall be furnished and maintained with adequate disinfectant on hand.

Cleaning and Disinfection

(18) The stockyard shall be cleaned and disinfected in accordance with title 9, Code of Federal Regulations, §71.4.

Records

(19) 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.

(20) State representatives and APHIS representatives shall be granted, at reasonable hours, access to all documents required to be maintained pursuant to paragraph 19 of this agreement and authority to reproduce the documents upon request.

I, \_\_\_\_\_, hereby acknowledge receipt of a copy of title 9, Code of Federal Regulations, parts 71 and 78, and hereby acknowl-

edge that I have been informed and understand that failure to abide by the provisions of this agreement and parts 71 and 78 constitutes a basis for the withdrawal of approval from this stockyard.

Request Approval

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\*Operator of the Stockyard

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Date

Recommend Approval

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State Animal Health Official

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Date

Recommend Approval

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Veterinarian in Charge

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Date

Approval Granted

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Administrator  
Animal and Plant Health Inspection Service

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Date

\*The operator shall be the individual legally responsible for the day-to-day operations of the specifically approved stockyard.

[51 FR 32580, Sept. 12, 1986, as amended at 52 FR 33800, Sept. 8, 1987; 56 FR 54533, 54534, Oct. 22, 1991]

PART 79—SCRAPIE IN SHEEP AND GOATS

Sec.

79.1 Definitions.

79.2 General restrictions.

79.3 Designation of scrapie-positive animals, source flocks, and infected flocks; notice to owners; publication.

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

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

§ 79.1 Definitions.

*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, and subchapters B, C, and D of this chapter, and to perform functions required by