

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

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

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

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

PART 51—ANIMALS DESTROYED BECAUSE OF BRUCELLOSIS

Sec.

- 51.1 Definitions.
- 51.2 Cooperation with States.
- 51.3 Payment to owners for animals destroyed.
- 51.4 Record of tests.
- 51.5 Identification of animals to be destroyed because of brucellosis.
- 51.6 Destruction of animals; time limit for destruction of animals.
- 51.7 Claims for indemnity.
- 51.8 Disinfection of premises, conveyances, and materials.
- 51.9 Claims not allowed.
- 51.10 Part 53 of this chapter not applicable.

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

§ 51.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean:

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with the provisions of part 161 of this title to perform functions specified in parts 1, 2, 3, and 11 of subchapter A, and subchapters B, C, and D of this chapter, and to perform functions required by cooperative state-federal disease control and eradication programs.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

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

Animals. Cattle, bison, and breeding swine.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

has been issued by a purebred swine association.

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

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

State. Any State, the District of Columbia, Puerto Rico, the Virgin Islands of the United States, Guam, the Northern Mariana Islands, or any other territory or possession of the United States.

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

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

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

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

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

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

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

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

§ 51.2 Cooperation with States.

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

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

§ 51.3 Payment to owners for animals destroyed.

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

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

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

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

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

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

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

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

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