

56.7 Payments to owners for swine destroyed.

56.8 Claims not allowed.

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SOURCE: 28 FR 9915, Sept. 12, 1963, unless otherwise noted.

### § 56.1 Definitions.

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

(a) *The Department* means the United States Department of Agriculture.

(b) *Veterinary Services* means the Veterinary Services unit of the Animal and Plant Health Inspection Service, United States Department of Agriculture.

(c) *Destroyed* means condemned under State or Federal authority and destroyed by slaughter or by death otherwise.

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

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

(f) *State* means each and every one of the States of the United States, the District of Columbia, Puerto Rico and the Territories and possessions of the United States.

(g) *Purebred swine*. Any breeding swine upon which a certificate of pure breeding has been issued by a purebred swine association.

(h) *Inbred or hybrid swine*. Any breeding swine which are the progeny of two or more breeds of foundation stock for which records of ancestry are available and which are maintained for breeding purposes as a part of a formal breeding program to produce inbred or hybrid swine, and for which records of ancestry exist through which such swine can be identified as progeny of said foundation stock.

(i) *Breeding swine*. Grade female swine which are maintained for breeding pur-

poses as a part of a formal breeding program.

[28 FR 9915, Sept. 12, 1963, as amended at 33 FR 10005, July 12, 1968; 34 FR 14881, Sept. 27, 1969; 35 FR 16314, Oct. 17, 1970; 40 FR 30099, July 17, 1975]

### § 56.2 Cooperation with States.

Upon determination by the Deputy Administrator, Veterinary Services of the existence of hog cholera, and upon agreement of the authorities of the State to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of hog cholera, he is authorized to cooperate with the proper State authorities in the eradication of such disease.

### § 56.3 Appraisal of swine.

Swine affected with or exposed to hog cholera which are to be destroyed and indemnities paid therefor under this part shall be appraised at their actual value for meat, feeding or breeding purposes at the place and time of appraisal, except that in the case of grade animals only females shall be eligible for appraisal based on breeding value and that no such appraisal shall exceed three times the animals' meat or feeding value. Appraisal shall be made by a Veterinary Services or State representative or jointly. The record of appraisal shall be signed by the appraiser, or appraisers, and by the owner certifying his acceptance of the appraisal. Swine may be appraised in groups providing they are the same type and providing that where appraisal is by the head each animal in the group is the same value per head or where appraisal is by the pound each animal in the group is the same value per pound. Swine presented for appraisal as purebred swine shall be accompanied by their certificate of pure breeding; swine presented for appraisal as inbred or hybrid swine shall be accompanied by their certificate of registration. Certificates of pure breeding for purebred swine or certificates of registration for inbred or hybrid swine shall be presented at the time of appraisal or such swine will be appraised as grades: *Provided, however*, That in the absence of such certificate of pure breeding; or certificate

of registration for inbred or hybrid swine the Deputy Administrator, Veterinary Services may grant a reasonable time for the presentation of the certificate of pure breeding or registration to the appraiser.

[33 FR 10005, July 12, 1968]

**§ 56.4 Care and feeding of swine under quarantine; disposal after slaughter.**

The Department may pay up to 100 percent of expenses for the purchase, destruction, and disposition of animals and materials required to be destroyed because of being contaminated by or exposed to hog cholera. The amount of the claim which may be paid for destruction, burial, incineration, rendering, or otherwise disposing of swine infected with or exposed to hog cholera shall be determined by a Veterinary Services or State representative or jointly. The record of such claim shall be signed by a Veterinary Services or State representative or jointly and by the owner certifying his acceptance of the amount claimed. The Department will not pay expenses for the care and feeding of swine held for destruction except as specifically approved by the Deputy Administrator, and in the case of approval, such expenses for care and feeding of such swine shall be deducted from the appraised value of the swine and indemnity payments may be made to the limit specified in § 56.7.

[38 FR 16842, June 27, 1973, as amended at 40 FR 30099, July 17, 1975]

**§ 56.5 Mortgages against swine.**

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

**§ 56.6 Destruction of swine.**

(a) Swine affected with or exposed to hog cholera which are to be destroyed and indemnities paid therefor under this part shall be destroyed promptly after appraisal and disposed of through a method of salvage approved by the Deputy Administrator, Veterinary Services or by burial or burning.

(b) The destruction of swine and the burial, burning, or other disposal of carcasses of swine pursuant to the regulations in this part shall be supervised by a Department or State employee who shall prepare and transmit to the Deputy Administrator, Veterinary Services a report identifying the swine and showing the disposition thereof.

**§ 56.7 Payment to owners for swine destroyed.**

(a) Owners of swine destroyed in accordance with this part in any State may be paid an indemnity not to exceed 100 percent of the appraised value of the swine destroyed. An indemnity may be paid not to exceed \$360 per head for purebred, inbred, or hybrid swine and for breeding swine, or \$180 per head for all other swine.

(b) If the Department has paid the expenses of care and feeding of swine held for destruction in accordance with § 56.4, such expenses shall be deducted from the appraised value of the swine, and the difference between the appraised value and such expenses shall be used as the net appraised value for computing indemnity claims.

(21 U.S.C. 114g, 115, 117, 121, 123, 124, 126, 134a-h)

[28 FR 9915, Sept. 12, 1963, as amended at 40 FR 30099, July 17, 1975; 41 FR 8944, Mar. 2, 1976]

**§ 56.8 Claims not allowed.**

(a) The Department will not allow claims arising out of the destruction of swine unless they have been previously appraised in compliance with this part.

(b) The Department will not allow claims if the claimant has failed to comply with any of the Department regulations or quarantine regulations of the cooperating State pertaining to hog cholera, and the cleaning and disinfection of his premises or conveyances as deemed necessary by Deputy