

§ 76.31 Cleaning and disinfecting livestock markets and other facilities.

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

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

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

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

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

§ 76.32 Disinfectants to be used.

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

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

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

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

PART 77—TUBERCULOSIS

Sec.

77.1 Definitions.

77.2 General restrictions.

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

77.4 Movement from nonmodified accredited states.

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

77.6 Other movements.

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

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

§ 77.1 Definitions.

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

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

forth in this section except as otherwise specified.

Accredited-free state. (1)(i) To establish or maintain status as an accredited-free state, a state must have no findings of tuberculosis in any cattle or bison in the state for at least 5 years. The state also must comply with all of the provisions of the “Uniform Methods and Rules—Bovine Tuberculosis Eradication” regarding accredited-free states and must apply these provisions to bison in the same manner as to cattle. Detection of tuberculosis in any cattle or bison in the state will result in suspension of accredited-free state status. Detection of tuberculosis in two or more herds in the state within 48 months will result in revocation of accredited-free state status. Accredited-free state status must be renewed annually.

(ii) To qualify for renewal of accredited-free state status, a state must submit an annual report to APHIS certifying that the state complies with all the provisions of the “Uniform Methods and Rules—Bovine Tuberculosis Eradication” regarding accredited-free states and that the state applies these provisions to bison in the same manner as to cattle. The report must be submitted to APHIS each year between October 1 and November 30.

(2) Accredited-free states: Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, the Virgin Islands of the United States, Washington, West Virginia, and Wyoming.

Accredited-free (suspended) State. (1)(i) A State with the status of an accredited-free State is designated as accredited-free (suspended) if tuberculosis is detected in any cattle or bison in the State.

(ii) A State is qualified for redesignation of accredited-free status after the herd in which tuberculosis is detected has been quarantined, an epidemiolog-

ical investigation has confirmed that the disease has not spread from the herd, and all reactor cattle and bison have been destroyed.

(2) Accredited-free (suspended) States: Wisconsin.

Accredited herd. To establish or maintain accredited herd status, the herd owner must comply with all the provisions of the “Uniform Methods and Rules—Bovine Tuberculosis Eradication” regarding accredited herds and must apply the provisions to bison in the same manner as to cattle. All cattle and bison in a herd must be free from tuberculosis.

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.

Affected herd. A herd in which tuberculosis has been disclosed in any cattle or bison by an official tuberculin test or by postmortem examination.

Animal. All species of animals except man, birds, or reptiles.

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

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

Cattle and bison not known to be affected. All cattle and bison except those originating from tuberculosis affected herds or from herds containing tuberculosis suspect cattle or bison.

Certificate. An official document issued by an APHIS representative, a State representative, or an accredited veterinarian at the point of origin of a shipment of cattle and bison to be moved under this part, which shows the identification tag, tattoo, or registration number or similar identification of each animal to be moved, the number, breed, sex, and approximate

age of the animals covered by the document, the purpose for which the animals are to be moved, the date and place of issuance, the points of origin and destination, the consignor, and the consignee, and which states that the animal or animals identified on the certificate meet the requirements of this part.

Department. The U.S. Department of Agriculture (USDA).

Exposed cattle and bison. Cattle and bison, except reactor cattle and bison, which are part of an affected herd.

Herd. Any group of cattle or bison, or both maintained on common ground for any purpose, or two or more groups of cattle or bison, or both under common ownership or supervision, which are geographically separated, but among which there is an interchange or movement of cattle or bison without regard to health status.

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

Modified accredited state. (1)(i) To establish or maintain status as a modified accredited state, a state must comply with all of the provisions of the "Uniform Methods and Rules—Bovine Tuberculosis Eradication" regarding modified accredited states, and must apply these provisions to bison in the same manner as to cattle. Modified accredited state status must be renewed annually.

(ii) To qualify for renewal of modified accredited state status, a state must submit an annual report to APHIS certifying that the state complies with all the provisions of the "Uniform Methods and Rules—Bovine Tuberculosis Eradication" regarding modified accredited states and that the state applies these provisions to bison in the same manner as to cattle. The report must be submitted to APHIS each year between October 1 and November 30.

(2) Modified accredited states: California, New Mexico, Pennsylvania, Puerto Rico, Texas, and Virginia.

Moved. Shipped, transported, or otherwise moved, or delivered or received for movement.

Negative cattle and bison. Cattle are classified negative for tuberculosis in accordance with the "Uniform Methods and Rules—Bovine Tuberculosis Eradication," based on the results of an offi-

cial tuberculin test. Bison are classified negative for tuberculosis in the same manner as cattle.

Nonmodified accredited state. (1) A state that has not received accredited-free state status or modified accredited state status. (2) Nonmodified accredited states: [No states]

Official seal. A seal issued by a State or APHIS representative.

Official tuberculin test. Any test for tuberculosis conducted on cattle in accordance with the "Uniform Methods and Rules—Bovine Tuberculosis Eradication." The official tuberculin test for bison is the same as for cattle.

Permit. An official document issued for movement of animals under this part by an APHIS representative, State representative, or an accredited veterinarian at the point of origin of a shipment of cattle or bison to be moved directly to slaughter, which shows the tuberculosis status of each animal (reactor, suspect, or exposed), the ear tag number of each animal and the name of the owner of such animal, the establishment to which the animals are to be moved, the purpose for which the animals are to be moved and that they are eligible for such movement under the applicable provisions of §§ 77.5 and 77.6 of this part.

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

Reactor cattle and bison. Cattle are classified as reactors for tuberculosis in accordance with the "Uniform Methods and Rules—Bovine Tuberculosis Eradication," based on a positive response to an official tuberculin test. Bison are classified as reactors for tuberculosis in the same manner as cattle.

State. Any State, territory, the District of Columbia, or Puerto Rico.

State representative. A veterinarian or other person employed in livestock sanitary work of a State or political subdivision thereof and who is authorized by such State or political subdivision thereof to perform the function involved under a memorandum of understanding with the Department.

Suspect cattle and bison. Cattle are classified as suspects for tuberculosis

in accordance with the “Uniform Methods and Rules—Bovine Tuberculosis Eradication,” based on a positive response to an official tuberculin test. Bison are classified as suspects for tuberculosis in the same manner as cattle.

Transportation document. Any document accompanying the interstate movement, such as an owner’s statement, manifest, switch order, or vehicle record, on which is stated: (1) The point from which the animals are moved interstate; (2) the destination of the animals; (3) the number of animals covered by the document; and (4) the name and address of the owner or shipper.

Tuberculosis. The contagious, infectious, and communicable disease caused by *Mycobacterium bovis*.

Uniform Methods and Rules—Bovine Tuberculosis Eradication. Uniform methods and rules for eradicating bovine tuberculosis in the United States, adopted by the United States Animal Health Association on October 24, 1984, and approved by APHIS on March 13, 1985. The *Uniform Methods and Rules—Bovine Tuberculosis Eradication* were approved for incorporation by reference into the Code of Federal Regulations by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.¹

(Approved by the Office of Management and Budget under control number 0579-0084)

[40 FR 27009, June 26, 1975]

EDITORIAL NOTE: For Federal Register citations affecting § 77.1, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 77.2 General restrictions.

Cattle and bison may not be moved interstate except in compliance with this part.

[52 FR 39615, Oct. 23, 1987]

¹Copies 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.

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

Cattle or bison not known to be affected with or exposed to tuberculosis, originating in an accredited-free State, an accredited-free (suspended) State, or a modified accredited State, may be moved interstate without restriction.³

[59 FR 9072, Feb. 25, 1994]

§ 77.4 Movement from nonmodified accredited states.

Cattle or bison not known to be affected with or exposed to tuberculosis, originating in a nonmodified accredited state, shall only be moved interstate if:

(a) Such cattle or bison are accompanied by a certificate stating that such cattle or bison have been classified negative to an official tuberculin test, which was conducted within 30 days prior to the date of movement. All cattle or bison not individually identified by a registration name and number shall be individually identified by an APHIS approved metal eartag or tattoo; or

(b) Such cattle or bison are from an accredited herd and they are accompanied by a certificate showing the cattle to be from such a herd; or

(c) Such cattle or bison are moved interstate 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.

[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]

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

(a) *Reactor cattle and bison.* Cattle or bison which have been classified as reactor cattle or bison may be moved

³The regulations of the State of destination should be consulted before shipments are made from accredited-free, accredited-free (suspended) and modified accredited States.