

the reasons for the proposed withdrawal are incorrect or do not support the withdrawal of the approval of the laboratory or facility to conduct the official test or receive reactors moved interstate. The Administrator will grant or deny the appeal in writing as promptly as circumstances permit, stating the reason for his or her decision. If there is a conflict as to any material fact, a hearing will be held to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator. However, the withdrawal shall become effective pending final determination in the proceeding when the Administrator determines that such action is necessary to protect the public health, interest, or safety. Such withdrawal shall be effective upon oral or written notification, whichever is earlier, to the operator of the laboratory or facility. In the event of oral notification, written confirmation shall be given as promptly as circumstances allow. The withdrawal shall continue in effect pending the completion of the proceeding, and any judicial review thereof, unless otherwise ordered by the Administrator.

(3) Approval for a laboratory to conduct the official test will be automatically withdrawn by the Administrator when the operator of the approved laboratory notifies the National Veterinary Services Laboratories in Ames, Iowa, in writing, that the laboratory no longer conducts the official test.

(4) Approval for a diagnostic or research facility to receive reactors moved interstate will be automatically withdrawn by the Administrator when the operator of the approved diagnostic or research facility notifies the Administrator, in writing, that the diagnostic or research facility no longer receives reactors moved interstate.

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

[51 FR 12597, Apr. 14, 1986, as amended at 51 FR 30327, Aug. 26, 1986; 55 FR 13506, 13507, Apr. 11, 1990; 57 FR 2440, Jan. 22, 1992; 57 FR 57337, Dec. 4, 1992; 59 FR 67133, Dec. 29, 1994; 59 FR 67613, Dec. 30, 1994; 60 FR 14619, Mar. 20, 1995; 62 FR 27936, May 22, 1997]

CONTAGIOUS EQUINE METRITIS (CEM)

§§ 75.5–75.10 [Reserved]

PART 76 [RESERVED]

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 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, 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, Virginia, the Virgin Islands of the United States, Washington, West Virginia, Wisconsin, 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 epidemiological 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: Hawaii.

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, and Texas.

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 official 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]

§ 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

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.

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

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 interstate only if they are moved directly to slaughter at 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, and only upon compliance with the following conditions:

(1) Reactor cattle and bison must be individually identified by attaching to the left ear an approved metal eartag bearing a serial number and the inscription "U.S. Reactor", or a similar State reactor tag, and must be:

(i) Branded with the letter "T," at least 5 by 5 centimeters (2 by 2 inches) in size, high on the left hip near the tailhead; or

(ii) Permanently identified with the letters "TB" tattooed legibly in the left ear and sprayed with yellow paint on the left ear, and either accompanied directly to slaughter by an APHIS or State representative or moved directly to slaughter in vehicles closed with official seals. Such official seals must be applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

(2) The reactor cattle or bison shall be accompanied by a permit; and

(3) The reactor cattle or bison shall not be moved interstate in a means of conveyance containing any animals susceptible to tuberculosis unless all of the animals are being moved directly to slaughter; and

(4) Any person who moves reactor cattle or bison interstate under this paragraph shall plainly write or stamp upon the face of the transportation document the words "Tuberculin Reactor" and the following statement: "This conveyance shall be cleaned and disinfected in accordance with § 77.5(a)(5) of the regulations."; and

(5) Each means of conveyance in which reactor cattle or bison have been transported interstate under this paragraph shall be cleaned and disinfected by the carrier, in accordance with the provisions of §§ 71.6, 71.7, and 71.10 of this subchapter, under the supervision of an APHIS representative or State representative or an accredited veterinarian or other person designated by the Administrator. If, at the point where the cattle are unloaded, such supervision or proper cleaning and disinfecting facilities are not available, and permission is obtained from an APHIS representative or State representative, the empty means of conveyance may be moved to a location where such supervision and facilities are available for cleaning and disinfecting. Permission shall be granted if such movement does not present a risk of the dissemination of tuberculosis.

(b) *Exposed cattle and bison.* Except for the movement of exposed cattle to a quarantined feedlot in accordance with § 50.16 of this chapter, exposed cattle or exposed bison shall be moved interstate only if they are moved directly to slaughter to an establishment operating in accordance with the Federal Meat Inspection Act (21 U.S.C. 601–695) or to a state inspected slaughtering establishment which has inspection by a state inspector at the time of slaughter and only in accordance with the following conditions:

(1) Exposed cattle and bison must be individually identified by attaching to either ear an approved metal eartag bearing a serial number, and must be:

(i) Branded with the letter "S," at least 5 by 5 centimeters (2 by 2 inches)

in size, high on the left hip near the tailhead; or

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

(iii) Moved directly to slaughter in vehicles closed with official seals. Such official seals must be applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative.

(2) Such exposed cattle or bison shall be moved in accordance with the requirements pertaining to reactor cattle or bison contained in paragraphs (a)(2), (a)(3), and (a)(5) of this section.

(c) *Suspect cattle and bison.* Suspect cattle or bison which have not been retested and found negative from herds in which no reactor cattle or bison have been disclosed on an official tuberculin test, and negative cattle or bison from such herds, shall only be 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.

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

[43 FR 34431, Aug. 4, 1978, as amended at 51 FR 33736, Sept. 23, 1986; 52 FR 1317, Jan. 13, 1987. Redesignated at 52 FR 39615, Oct. 23, 1987, and amended at 52 FR 39616, Oct. 23, 1987; 54 FR 31165, July 27, 1989; 60 FR 48367, Sept. 19, 1995; 61 FR 25138, May 20, 1996]

§ 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.
- 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 Interstate 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

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

AUTHORITY: 21 U.S.C. 111–114a-1, 114g, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

SOURCE: 51 FR 32580, Sept. 12, 1986, unless otherwise noted.

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