

## SUBCHAPTER F—USER FEES

### PART 130—USER FEES

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### § 130.1 Definitions.

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

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

*Animal.* All animals except birds, but including poultry.

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

*Animal Import Center.* Quarantine facilities operated by APHIS in Newburgh, New York; Miami, Florida; and Honolulu, Hawaii.<sup>1</sup> The Harry S Truman Animal Import Center (HSTAIC) on Fleming Key, Florida, is not an “animal import center” within this definition.

*APHIS animal health technician.* An animal health technician employed by APHIS, who is authorized to perform services required by title 9, Code of Federal Regulations, chapter I.

*APHIS veterinarian.* A veterinarian employed by APHIS, who is authorized to perform the services required by title 9, Code of Federal Regulations, chapter I.

*Approved establishment.* An establishment approved by the Animal and Plant Health Inspection Service for the receipt and handling of restricted import animal products or byproducts under 9 CFR chapter I, subchapter D.

*Bird.* Any member of the class aves, other than poultry.

*Breeding animal.* Any animal imported into the United States for breeding purposes.

*Diagnostic reagent.* Substances used in diagnostic tests to detect disease agents or antibodies by causing an identifiable reaction.

*Domestic animal.* Any animal imported into the United States for any

<sup>1</sup>The addresses of Animal Import Centers may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road, Unit 38, Riverdale, Maryland 20737-1231.

purpose other than exhibition in a zoo, park or other place maintained for the exhibition of live animals for recreational or educational purposes.

*Equine.* Any horse, ass, mule, or zebra.

*Export health certificate.* An official document endorsed by an APHIS veterinarian which, as required by the importing country, states that animals or birds to be exported from the United States are free of certain diseases and pests.

*Feeder animal.* Any animal imported into the United States under 9 CFR part 93 for feeding.

*Game cock.* Any chicken bred, trained, or imported for cock fighting.

*Germ plasm.* Semen, embryos, or ova.

*Grade animal.* Any unregistered animal.

*In-bond animal.* Any animal imported into the United States under a United States Customs Service bond, as described in 19 CFR part 113.

*Load.* Those animals, birds, or animal germ plasm, presented for importation into the United States in a single shipment, that originate from one address, are destined for one address, and require one entry permit or authorization.

*Miniature horse.* Any horse which at maturity measures 34 inches high or less from the ground to the base of the last hair of the mane at the withers.

*National Veterinary Services Laboratories (NVSL).* The National Veterinary Services Laboratories of the Animal and Plant Health Inspection Service, located in Ames, Iowa.

*National Veterinary Services Laboratories, Foreign Animal Disease Diagnostic Laboratory (FADDL).* The National Veterinary Services Laboratories, Foreign Animal Disease Diagnostic Laboratory, located in Greenport, New York.

*Person.* An individual, corporation, partnership, trust, association, or any other public or private entity, or any officer, employee, or agent thereof.

*Pet birds.* Birds, except ratites, which are imported for the personal pleasure of their individual owners and are not intended for resale.

*Poultry.* Chickens, doves, ducks, geese, grouse, guinea fowl, partridges, pea fowl, pheasants, pigeons, quail, swans, and turkeys.

*Privately operated permanent import-quarantine facility.* Any permanent facility approved under 9 CFR part 93 to quarantine animals or birds, except facilities operated by APHIS.

*Reference assistance testing.* Tests conducted by APHIS at the request of a veterinarian, state animal health official, or university, to either establish or confirm a diagnosis.

*Registered animal.* Any animal recorded in the book of record of an animal registry association which issues certificates concerning the pedigree of animals.

*Slaughter animal.* Any animal moving directly to slaughter.

*Standard feed.* Seed, or dry feeds such as dog food or monkey biscuits, whether soaked in water or not.

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

*Test.* A single analysis performed on a single specimen from an animal, animal product, commercial product, or animal feed.

*United States.* The several States of the United States, the District of Columbia, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

*Zoo animal.* Any animal, including poultry, intended for exhibition in a zoo, park or other place maintained for the exhibition of live animals for recreational or educational purposes.<sup>2</sup>

*Zoo bird.* Any bird intended for exhibition in a zoo, park or other place maintained for the exhibition of live animals or birds for recreational or educational purposes.<sup>3</sup>

*Zoo equine.* Any equine intended for exhibition in a zoo, park or other place maintained for the exhibition of live animals for recreational or educational purposes.<sup>4</sup>

<sup>2</sup>Regulations concerning approval of zoos and requirements for importing wild animals are found in part 93 of this chapter.

<sup>3</sup>See footnote 2.

<sup>4</sup>See footnote 2.

§ 130.2

9 CFR Ch. I (1–1–98 Edition)

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**§ 130.2 User fees for individual animals and certain birds quarantined in APHIS Animal Import Centers.**

(a) The person for whom the service is provided and the person requesting the service are jointly and severally liable for the following user fees, which include standard care, feed, and handling, and which must be paid for each animal or bird quarantined in an Animal Import Center<sup>5</sup>:

Animal or bird	Daily
Birds (including zoo birds, but excluding ratites and pet birds imported in accordance with part 93 of this subchapter):	
0–250 grams .....	\$1.00
251–1,000 grams .....	3.25
Over 1,000 grams, and any bird in nonstandard housing or receiving nonstandard care and handling .....	7.50
Ratites:	
Chicks (less than 3 months of age) ....	5.75
Juveniles (3 months through 10 months of age) .....	8.00
Adults (11 months of age and older) ..	16.25
Poultry (including zoo poultry):	
Doves, pigeons, quail .....	2.00
Chickens, ducks, grouse, guinea fowl, partridge, pea fowl, pheasants .....	3.50
Game cocks, geese, swans, turkeys, any poultry housed in nonstandard housing or receiving nonstandard care and handling .....	8.25
Equines (including zoo equines, but excluding miniature horses):	
1st through 3rd day .....	149.50
4th through 7th day .....	108.25
8th and later days .....	91.75
Miniature horses .....	40.25
Zoo animals (except equines, birds, and poultry) .....	32.25
Domestic animals:	
Camels, cattle, bison, buffalo .....	56.50
All others .....	15.00

(b) The importer may, at his or her option, request that birds or poultry be housed in nonstandard housing. Nonstandard housing is individual housing, any housing not normally available at the Animal Import Center, any housing constructed or purchased at the request of the importer, any housing with blinds, dense foliage, or plants, and any housing where the temperature can be adjusted.

<sup>5</sup> APHIS Animal Import Centers are located in Honolulu, HI, Miami, FL, and Newburgh, NY. The addresses of these facilities are published in part 93 of this chapter.

(c) The importer may, at his or her option, request that birds or poultry be given nonstandard care and handling. Nonstandard care and handling includes hand-feeding, more than one feeding a day, frequent observation, and any handling or observation which requires personnel to attend to the birds or poultry outside of normal business hours.<sup>6</sup>

(d) If any bird or poultry is fed a diet other than seed, including but not limited to diets of fruit, insects, nectar or fish, the importer must either provide feed or pay for it on an actual cost basis, including the cost of delivery to the Animal Import Center.

(e) Any reservation fee paid by the importer under part 93 of this chapter, will be applied to the APHIS user fees due for animals or birds quarantined in an Animal Import Center.

(Approved by the Office of Management and Budget under control number 0579–0094)

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**§ 130.3 User fees for exclusive use of space at APHIS Animal Import Centers.**

(a)(1) An importer may, at his or her option, exclusively occupy space at APHIS Animal Import Centers as specified below. The person for whom the service is provided and the person requesting the service are jointly and severally liable for the user fee which will be charged for the space as follows:

Animal import center	Space available	Monthly user fee
Miami, FL:		
South Wing ...	6,952 sq. ft. .... (645.9 sq. m.) .....	\$30,285.00
North Wing ...	6,545 sq. ft. .... (608.1 sq. m.) .....	29,377.00
Newburgh, NY:		
Space A .....	5,904 sq. ft. .... (548.5 sq. m.) .....	47,609.00
Space B .....	9,742 sq. ft. .... (905 sq. m.) .....	78,555.00

(2) Any importer who occupies space for more than 30 days must pay 1/30th

<sup>6</sup> Normal business hours at the Animal Import Centers are: 7:30 a.m. to 11:30 a.m., Honolulu, HI; 7 a.m. to 3:30 p.m., Miami, FL; and 8 a.m. to 4:30 p.m., Newburgh, NY.