

§ 50.12

APHIS or State representative who shall prepare and transmit to the Veterinarian in Charge a report identifying the animals and showing the disposition thereof.

(Approved by the Office of Management and Budget under control number 0579-0001)

[40 FR 27009, June 26, 1975, as amended at 48 FR FR 57471, Dec. 30, 1983; 52 FR 39614, Oct. 23, 1987; 56 FR 36998, Aug. 2, 1991; 60 FR 37809, July 24, 1995]

**§ 50.12 Claims for indemnity.**

Claims for Federal indemnity for cattle, bison, cervids, or swine destroyed because of tuberculosis shall be presented on indemnity claim forms furnished by APHIS on which the owner of the animals covered thereby shall certify that the animals are or are not, subject to any mortgage as defined in this Part. If the owner states there is a mortgage, the APHIS indemnity claim form shall be signed by the owner and by each person holding a mortgage on the animals consenting to the payment of any indemnity allowed to the person specified thereon. Payment will be made only if the APHIS indemnity claim form has been approved by a proper State official and if payment of the claim has been recommended by the appropriate Veterinarian in Charge or an official designated by him. On claims for indemnity made under the provisions of § 50.3, the Veterinarian in Charge or official designated by him shall record on the APHIS indemnity claim form the amount of Federal and State indemnity payments that appear to be due to the owner of the animals. The owner of the animals shall be furnished a copy of the APHIS indemnity claim form. The Veterinarian in Charge or official designated by him shall then forward the APHIS indemnity claim form to the appropriate official for further action on the claim. No charges for holding the cattle, bison, cervids, or swine on the farm pending slaughter or for trucking by the owner shall be so deducted or otherwise paid by the Department.

[40 FR 27009, June 26, 1975, as amended at 52 FR 39614, Oct. 23, 1987; 56 FR 36998, Aug. 2, 1991; 60 FR 37809, July 24, 1995]

9 CFR Ch. I (1-1-98 Edition)

**§ 50.13 Disinfection of premises, conveyances, and materials.**

All premises, including all structures, holding facilities, conveyances, or materials which are determined by the appropriate Veterinarian in Charge to constitute a health hazard to humans or animals because of tuberculosis shall be properly cleaned and disinfected, in accordance with procedures approved by the Department, within 15 days after the removal of tuberculosis affected or exposed livestock except that the Veterinarian in Charge, for reasons satisfactory to him, may extend the time limit for disinfection to 30 days when request for such extension is received by him prior to the expiration date of the original 15-day period allowed.

[40 FR 27009, June 26, 1975, as amended at 52 FR 39614, Oct. 23, 1987; 60 FR 37809, July 24, 1995]

**§ 50.14 Claims not allowed.**

Claims for compensation for cattle, bison, or cervids destroyed because of tuberculosis shall not be allowed if any of the following circumstances exist:

(a) If the claimant has failed to comply with any of the requirements of this part.

(b) If all cattle, bison, and cervids 2 years of age or over in the claimants herd have not been tested for tuberculosis under APHIS or State supervision: *Provided, however,* That cattle, bison, and cervids destroyed because of tuberculosis under § 50.3(b) and § 50.3(c) are exempt from this requirement, if the cattle, bison, and cervids are subjected to a post-mortem examination for tuberculosis by a Federal or State veterinarian.

(c) If there is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such animals.

(d) If at the time of test or condemnation, the cattle, bison, or cervids belonged to or were upon the premises of any person to whom they had been sold, shipped, or delivered for slaughter unless or until all of the cattle, bison, and cervids remaining on the premises or in the herd from which the tested or condemned cattle, bison, or cervids

originated are tested or otherwise examined for tuberculosis in a manner satisfactory to the Administrator or his designated representative.

(e) If the cattle, bison, or cervids were added to the herd while the herd was quarantined for tuberculosis, unless an approved herd plan was in effect for the herd at the time the claim was filed. As part of the approved herd plan, cattle, bison, or cervids added to a herd quarantined for tuberculosis must:

(1) Be from an accredited herd, as defined in § 77.1 of this chapter; or

(2)(i) Be from a herd that tested negative to an official tuberculin test (complete herd test), as defined in § 77.1 of this chapter, no more than 12 months before the cattle, bison, or cervids were added to the claimant's herd; and

(ii) Have been found negative to an official tuberculin test, as defined in § 77.1 of this chapter, during the 60 days before the cattle, bison, or cervids were added to the claimant's herd.

(f) For exposed cattle, bison, or cervids destroyed during herd depopulation, if a designated epidemiologist has determined that exotic bovidae (such as antelope) or other species of livestock in the herd have been exposed to tuberculosis by reason of association with tuberculous livestock, and those exotic bovidae or other species determined to have been exposed to tuberculosis have not been destroyed.

[40 FR 27009, June 26, 1975, as amended at 45 FR 32288, May 16, 1980; 52 FR 39614, Oct. 23, 1987; 56 FR 36998, Aug. 2, 1991; 58 FR 34699, June 29, 1993; 60 FR 37809, July 24, 1995]

**§ 50.15 Part 53 of this chapter not applicable.**

No claim for Federal indemnity for cattle or bison destroyed because of tuberculosis shall hereafter be paid under the regulations contained in part 53 of this chapter, but all such claims shall be presented and paid pursuant to and in compliance with the regulations contained in this part.

[40 FR 27009, June 26, 1975, as amended at 52 FR 39614, Oct. 23, 1987]

**§ 50.16 Certain cattle on the Island of Molokai in Hawaii.**

(a) The provisions of this part relating to indemnity for exposed cattle

shall apply with respect to exposed cattle on the island of Molokai in Hawaii, *except that*: The Administrator may authorize the payment of Federal indemnity to owners of exposed cattle under two years of age, not to exceed \$450 for any animal which has been found by APHIS to have been exposed by reason of association with tuberculous cattle, (the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal), if the exposed cattle instead of being immediately destroyed are to be moved from the premises of origin on the island of Molokai (intrastate or interstate) to a quarantined feedlot and if the following conditions are met:

(1) The exposed cattle are sold for movement to the quarantined feedlot prior to their movement from the premises of origin;

(2) The exposed cattle, prior to movement from the premises of origin, are identified by tagging with an approval metal eartag bearing a serial number attached to either ear of each animal and by branding the letter "S" (or other brand approved by the Administrator based on a determination that the brand would adequately identify the animal as destined for slaughter) on the left jaw not less than 2 nor more than 3 inches high, *Provided, however*, such branding may be done upon arrival at the quarantined feedlot if the cattle are accompanied to the feedlot by an APHIS or State representative, or shipped in vehicles closed with official seals;

(3) The owner of the exposed cattle on the island of Molokai prior to sale for movement to the quarantined feedlot has entered into a compliance agreement<sup>1</sup> with APHIS whereby it is agreed that the salvage for cattle moved to a quarantined feedlot shall be the amount received from the sale of the animals and that such owner shall be eligible for indemnity only if all cattle on the island of Molokai under

<sup>1</sup>Compliance Agreement forms are available without charge from the Animal and Plant Health Inspection Service, Veterinary Services, Cattle Diseases and Surveillance, 4700 River Road, Unit 36, Riverdale, Maryland 20737-1231, and from local offices of Veterinary Services. (Local offices are listed in telephone directories.)