

EDITORIAL NOTE: For Federal Register citations affecting § 51.1, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 51.2 Cooperation with States.

The Administrator has been delegated the authority to cooperate with the proper State authorities in the eradication of brucellosis and to pay indemnities for the destruction of brucellosis-reactor animals or brucellosis-exposed animals.

[42 FR 64336, Dec. 23, 1977, as amended at 54 FR 32435, Aug. 8, 1989]

§ 51.3 Payment to owners for animals destroyed.

(a) *Cattle and bison.* The Administrator may authorize³ the payment of federal indemnity by the United States Department of Agriculture to any owner whose cattle or bison are destroyed as affected with brucellosis.

(1) *Brucellosis reactor cattle and bison.* The Administrator may authorize³ the payment of Federal indemnity by the United States Department of Agriculture to owners whose cattle or bison are destroyed as brucellosis reactors. Except for cattle and bison destroyed as part of whole herd depopulation in accordance with paragraph (a)(2)(i) of this section, the indemnity shall not exceed \$250 for any registered cattle or \$50 for any nonregistered cattle or bison, except that, for nonregistered dairy cattle the indemnity shall not exceed \$250, and except that in Alaska, Hawaii, Puerto Rico, and the Virgin Islands indemnity shall not exceed \$250 for any registered cattle or \$150 for any nonregistered cattle or bison, except that, for nonregistered dairy cattle the indemnity shall not exceed \$250. Prior to payment of indemnity, proof of destruction⁴ shall be furnished to the veterinarian in charge.

(2) *Herd depopulation.* (i) *Eligibility.* The Administrator may authorize payment of Federal indemnity³ by the

³The Administrator shall authorize payment of Federal indemnity by the United States Department of Agriculture at the maximum per head rates in § 51.3: (a) As long as sufficient funds appropriated by Congress appear to be available for this purpose for the remainder of the fiscal year; (b) In States or areas not under Federal quarantine; (c) In

United States Department of Agriculture to any owner whose herd of cattle or bison is destroyed because of brucellosis. The United States Department of Agriculture shall pay Federal indemnity for brucellosis exposed cattle or brucellosis exposed bison in the herd only when the Administrator determines that destruction of all cattle and bison in the herd will contribute to the brucellosis eradication program. Proof of destruction⁴ must be furnished to the Veterinarian in Charge prior to payment of Federal indemnity.

(ii) *Amount of Federal indemnity.* Payments of Federal indemnity shall be made at the rates in effect at the time the Administrator approves depopulation for the herd. In States other than Class Free States, the amount of Federal indemnity shall not exceed \$250 for any nonregistered cattle other than dairy cattle, and \$250 for any bison. For any registered cattle, nonregistered dairy cattle, or, in Class Free States, any cattle or bison from herds affected with brucellosis, the amount of Federal indemnity shall not exceed the lesser of 95 percent of appraised value, minus salvage value, or \$750. The appraisal shall be conducted by an independent appraiser assigned by the Administrator.

(3) *Exposed female calves.* The Administrator may authorize³ the payment of Federal indemnity to any owner whose *exposed female calf or calves* are destroyed because of brucellosis. The indemnity for such animals shall not exceed \$50 per head. Except for sexually

States requesting payment of Federal indemnity; and (d) In States not requesting a lower rate.

⁴The Veterinarian in Charge shall accept any of the following documents as proof of destruction: (a) A postmortem report; (b) A meat inspection certification of slaughter; (c) A written statement by a State representative, APHIS representative, or accredited veterinarian attesting to the destruction of the animal; (d) A written, sworn statement by the owner or caretaker of the animal attesting to the destruction of the animal; (e) A permit (VS Form 1-27) consigning the animal from a farm or livestock market directly to a recognized slaughtering establishment; or (f) In unique situations where the documents listed above are not available, other similarly reliable forms of proof of destruction.

intact exposed female calves destroyed as part of herd depopulation under paragraph (a)(2)(ii) of this section, the indemnity for sexually intact exposed female calves destroyed because of brucellosis shall not exceed \$50 per head. Prior to payment of indemnity, proof of destruction shall be furnished to the veterinarian in charge.

(4) *Cattle or bison from a brucellosis-affected herd.* The Administrator may authorize³ the payment of Federal indemnity by the United States Department of Agriculture to any owner who has brucellosis exposed cattle or bison destroyed that were previously sold or traded from any herd that has subsequent to the sale or trade been found to be affected with brucellosis. Epidemiological information such as test results, herd history, and related evidence would be used to establish a probable date when the herd was first infected with brucellosis. Animals sold after that date would be considered to be exposed; those sold before that date would not. In all States except Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States, the amount of Federal indemnity shall not exceed \$250 for any registered cattle, \$250 for any nonregistered dairy cattle, \$150 for any nonregistered cattle other than dairy cattle, and \$150 for any bison. In States other than Class Free States, the amount of Federal indemnity shall not exceed \$250 for any nonregistered cattle other than dairy cattle, and \$250 for any bison. For any registered cattle, nonregistered dairy cattle, or, in Class Free States, any cattle or bison from herds affected with brucellosis, the amount of Federal indemnity shall not exceed the lesser of 95 percent of appraised value, minus salvage value, or \$750. The appraisal shall be conducted by an independent appraiser assigned by the Administrator. Prior to payment of indemnity, proof of destruction⁴ shall be furnished to the veterinarian in charge.

(b) *Swine.* (1) *Brucellosis reactor swine.* The Administrator may authorize³ the payment of Federal indemnity by the United States Department of Agriculture to an owner whose breeding

swine are destroyed as brucellosis reactors. The indemnity shall not exceed \$25 per head for registered, inbred, or hybrid swine, or \$10 per head for all other breeding swine. Prior to payment of indemnity, proof of destruction⁴ shall be furnished to the Veterinarian in Charge.

(2) *Herd depopulation.* The Administrator may authorize³ the payment of Federal indemnity by the United States Department of Agriculture to an owner whose herd of breeding swine or whose whole herd is destroyed because of brucellosis. The indemnity shall not exceed \$150 per head for registered, inbred, or hybrid breeding swine, and \$65 per head for all other breeding swine, except that in the case of whole herd depopulation, indemnity payments shall be paid on all swine in the herd at fair market value, as determined by the Administrator, based on an appraisal conducted by an independent appraiser assigned by the Administrator. In cases where indemnity is paid for whole herd depopulation, indemnity payments, plus any salvage, must not exceed the appraised value of each animal. Indemnity payment shall be made only for brucellosis exposed swine or for swine from a herd known to be affected and only when the Administrator determines that the destruction of all swine in the herd will contribute to the Brucellosis Eradication Program. Prior to payment of indemnity, proof of destruction⁴ shall be furnished to the Veterinarian in Charge.

(3) *Exposed swine.* The Administrator may authorize³ the payment of Federal indemnity by the United States Department of Agriculture to an owner whose breeding swine are destroyed because of brucellosis. The indemnity shall not exceed \$150 per head for registered, inbred, or hybrid swine, or \$65 per head for all other breeding swine. Indemnity payment shall be made only for such brucellosis exposed swine and only when the Administrator determines that the destruction of such swine will contribute to the Brucellosis

Eradication Program. Prior to payment of indemnity, proof of destruction⁴ shall be furnished to the Veterinarian in Charge.

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[42 FR 64336, Dec. 23, 1977, as amended at 45 FR 43679, June 27, 1980; 46 FR 13673, Feb. 23, 1981; 46 FR 57027, Nov. 20, 1981; 47 FR 53323, Nov. 26, 1982; 48 FR 57472, Dec. 30, 1983; 50 FR 11993, Mar. 27, 1985; 51 FR 11300, Apr. 2, 1986; 54 FR 32435, Aug. 8, 1989; 56 FR 18505, 18506, Apr. 23, 1991; 57 FR 49376, Nov. 2, 1992; 57 FR 60086, Dec. 18, 1992; 59 FR 12533, Mar. 17, 1994, 59 FR 21635, Apr. 26, 1994; 59 FR 52235, Oct. 17, 1994]

§ 51.4 Record of tests.

The claimant shall be responsible for providing information to an APHIS representative, State representative, or accredited veterinarian so that a complete test record may be made by such person on an APHIS approved form for each herd known to be affected, including the reactor tag number of each brucellosis reactor animal and the registration name and number of each brucellosis reactor registered animal. A copy of the applicable test record shall be given to the owner of any such herd, and one copy of each such record shall be furnished to the appropriate State veterinarian's office by such person who completes the test record.

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[42 FR 64336, Dec. 23, 1977, as amended at 48 FR 57472, Dec. 30, 1983; 54 FR 32435, Aug. 8, 1989; 56 FR 18506, Apr. 23, 1991]

§ 51.5 Identification of animals to be destroyed because of brucellosis.

(a) The claimant shall be responsible for insuring that any animal for which indemnity is claimed shall be identified in accordance with the provisions of this section within 15 days after having been classified as a reactor or for any other animal subject to this part within 15 days after having been condemned. The veterinarian in charge may extend the time limit to 30 days when a request for such extension is received by him prior to the expiration date of the original 15 day period allowed, and when he determines that the extension will not adversely affect

the brucellosis eradication program; and except further, that the Administrator shall upon request in specific cases, extend the time limit beyond the 30-day period when unusual or unforeseen circumstances occur which prevent or hinder the identification of the animals within the 30-day period, such as, but not limited to, floods, storms, or other Acts of God which are beyond the control of the owner, or when identification is delayed due to requirements of another Federal Agency.

(b) Except as provided in paragraph (b)(4) of this section, cattle and bison to be destroyed because of brucellosis shall be individually identified prior to moving interstate by attaching to the left ear a metal tag bearing a serial number and the inscription "U.S. Reactor," or a similar State reactor tag, and must be:

(1) "B" branded (as defined in § 78.1); or

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

(3) Moved in vehicles closed with official seals applied and removed by an APHIS representative, State representative, accredited veterinarian, or an individual authorized for this purpose by an APHIS representative. The official seal numbers must be recorded on the accompanying permit.

(4) Reactor and exposed cattle and bison in herds scheduled for herd depopulation may be moved interstate without eartagging or branding if they are identified by USDA approved backtags 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.

(c) Swine shall be individually identified by tagging with a metal tag bearing a serial number and inscription "U.S. Reactor" or a similar State reactor tag or other identification approved by the Administrator, upon request in