

CONTAGIOUS EQUINE METRITIS (CEM)

§§ 75.5–75.10 [Reserved]

## PART 76 [RESERVED]

## PART 77—TUBERCULOSIS

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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.

### Subpart A—Cattle and Bison

#### § 77.1 Definitions.

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

forth in this section except as otherwise specified.

*Accredited-free State or zone.* A State or zone that has zero percent prevalence of affected cattle and bison herds, that has had no findings of tuberculosis in any cattle or bison in the State or zone for the previous 5 years, and that complies with the provisions of the “Uniform Methods and Rules—Bovine Tuberculosis Eradication,” except that the requirement of freedom from tuberculosis is 2 years from the depopulation of the last infected herd in States or zones that were previously accredited-free and in which all herds affected with tuberculosis were depopulated.

*Accredited-free (suspended) State or zone.* A State or zone 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 or zone.

*Accredited herd.* To establish or maintain accredited herd status, the herd owner must comply with all of the provisions of the “Uniform Methods and Rules—Bovine Tuberculosis Eradication” regarding accredited herds. 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 subchapter to perform functions specified in subchapters B, C, and D of this chapter.

*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.

*Approved feedlot.* A confined area approved jointly by the State animal health official and the Administrator

for feeding cattle and bison for slaughter, with no provisions for pasturing or grazing.

*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).

*Designated tuberculosis epidemiologist.* A State or Federal epidemiologist designated by the Administrator to make decisions concerning the use and interpretation of diagnostic tests for tuberculosis and the management of tuberculosis affected herds.

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

*Herd.* Any group of livestock maintained on common ground for any purpose, or two or more groups of livestock under common ownership or supervision, geographically separated but that have an interchange or movement of livestock without regard to health status, as determined by the Administrator.

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

*Livestock.* Cattle, bison, cervids, swine, dairy goats, and other hoofed animals (such as llamas, alpacas, and antelope) raised or maintained in captivity for the production of meat and other products, for sport, or for exhibition.

*Modified accredited State or zone.* A State or zone that complies with the

provisions of the “Uniform Methods and Rules—Bovine Tuberculosis Eradication” and in which tuberculosis has been prevalent in less than 0.01 percent of the total number of herds of cattle and bison in the State or zone for the most recent 2 years, except that the Administrator, upon his or her review, may allow a State or zone with fewer than 30,000 herds to have up to 3 affected herds for each of the most recent 2 years, depending on the veterinary infrastructure, livestock demographics, and tuberculosis control and eradication measures in the State or zone.

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

*Negative cattle and bison.* Cattle and bison that 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.

*Nonmodified accredited State or zone.* A State or zone that has not received accredited-free State or zone status or modified accredited State or zone status.

*Official eartag.* An eartag approved by the Administrator as providing unique identification for each individual animal by conforming to the alpha-numeric National Uniform Eartagging System.

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

*Official tuberculin test.* Any test for tuberculosis conducted on cattle or bison in accordance with the “Uniform Methods and Rules—Bovine Tuberculosis Eradication.”

*Officially identified.* Identified by means of official eartag, individual tattoo, or individual hot brand.

*Permit.* An official document issued for movement of cattle or bison under this subpart 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 subpart.

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

*Reactor cattle and bison.* Cattle and bison that are classified as reactors for tuberculosis in accordance with the "Uniform Methods and Rules—Bovine Tuberculosis Eradication".

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

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

*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 and bison that are classified as suspects for tuberculosis in accordance with the "Uniform Methods and Rules—Bovine Tuberculosis Eradication".

*Transportation document.* Any document accompanying the interstate movement of cattle or bison, 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 approved by APHIS on January 22, 1999. The Uniform Methods and Rules—Bovine Tuberculosis Eradication, January 22, 1999, edition was 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.<sup>1</sup>

*Zero percent prevalence.* No finding of tuberculosis in any cattle or bison herd in a State or zone.

*Zone.* A defined geographic land area identifiable by geological, political, manmade, or surveyed boundaries, with mechanisms of disease spread, epidemiological characteristics, and the ability to control the movement of animals across the boundaries of the zone taken into account.

(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 Bovine tuberculosis status of States and zones.

The Administrator shall designate each State in accordance with this subpart according to its tuberculosis status. A defined zone comprised of a portion of an entire State will be given a particular status designation upon request of the State only if the Administrator determines that:

(a) The State meets the requirements of this subpart for establishment of disease status zones;

(b) The State has adopted and is enforcing regulations that impose restrictions on the intrastate movement of cattle and bison that are substantially the same as those in place under this subpart for the interstate movement of cattle and bison, and has adopted and is enforcing regulations that impose restrictions on the intrastate movement of captive cervids that are substantially the same as those in place under subpart B of this part for the interstate movement of captive cervids; and

(c) The designation of part of a State as a zone will otherwise be adequate to

<sup>1</sup> Copies may be obtained from the National Animal Health Programs, Veterinary Services, APHIS, 4700 River Road Unit 43, Riverdale, Maryland 20737-1231. You may inspect a copy at the APHIS reading room, room 1141, USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC, or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.