

§ 82.35

9 CFR Ch. I (1–1–03 Edition)

to be equivalent to the NPIP, in accordance with §145.23(d) of this chapter. Flocks which meet this requirement are designated Certified *Salmonella enteritidis* serotype *enteritidis* Tested Free Flocks.

[56 FR 3738, Jan. 30, 1991, as amended at 61 FR 11517, Mar. 21, 1996]

§ 82.35 Issuance of permits.

Permits required by this part may be obtained by the owner of poultry or other items, or the agent of the owner, by applying in writing to a Federal representative.⁵ The application shall specify the following: The name and mailing address of the owner of the poultry or other items to be moved, or the name and address of the agent of the owner; the name and mailing address of the person who will receive the poultry or other items; the street addresses of both the origin and destination of the shipment; the number and types of poultry and other items to be moved; and the reason for their movement. An application for a permit to move eggs for export in accordance with §82.33(a) of this subpart must also include a written statement signed by the exporter stating that the proposed exportation meets the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*).

§ 82.36 Denial and withdrawal of permits.

(a) *Denial.* If a Federal representative denies a request for a permit, he or she will send the applicant a written notice of the denial, explaining why the permit was denied.

(b) *Withdrawal.* If a Federal representative determines that the holder of a permit is violating either the regulations or a condition specified in the permit, he or she may withdraw the permit by notifying the holder of the permit of its withdrawal, orally or in writing. If the notice was oral, a written notice of the withdrawal, explaining why the permit was withdrawn, will follow.

(c) *Appeals.* Denial or withdrawal of a permit may be appealed in writing to the Administrator within 10 days after receipt of the written notice of denial

or withdrawal. The appeal must tell the Administrator what material facts are in dispute. A hearing will be held with respect to any disputed material facts, in accordance with rules of practice which shall be adopted by the Administrator for the proceeding; however, the withdrawal or denial shall continue in effect pending the completion of the proceeding, and any judicial review thereof, unless otherwise ordered by the Administrator.

§ 82.37 Cleaning, washing, and disinfection of depopulated infected poultry houses.

If any infected poultry house is depopulated⁶, the poultry house shall be cleaned, washed, and disinfected as follows between the time the poultry house is depopulated and the time the new birds arrive at the premises. All manure and litter must be removed from the house to an isolated area where there is no opportunity for dissemination of disease organisms; all surfaces in the house (except dirt floors) must be scrubbed with hot, soapy water and rinsed; and all surfaces in the house must be sprayed in accordance with the label directions with a disinfectant which is registered by the U.S. Environmental Protection Agency as germicidal, and which is effective against *Salmonella enteritidis* serotype *enteritidis*.⁷ The owner or person in control of the infected poultry house must request a Federal or State representative to inspect the poultry house after it is disinfected but before it is restocked with new chickens, and cleaning, washing, and disinfection shall not be considered completed until

⁶Upon request of the flock owner, APHIS will conduct environmental testing for *Salmonellae* of depopulated poultry houses between the time they are disinfected and the time they are restocked.

⁷A list of some disinfectant solutions registered by the U.S. Environmental Protection Agency as germicidal that are effective against *Salmonella enteritidis* serotype *enteritidis* may be obtained by writing to the Animal and Plant Health Inspection Service, Veterinary Services, Center for Planning, Certification, and Monitoring, 4700 River Road Unit 46, Riverdale, Maryland 20737–1231.

⁵See Footnote 4 to §82.33 of this part.

the Federal or State representative determines the procedures have been properly performed.

[56 FR 3738, Jan. 30, 1991, as amended at 59 FR 67613, Dec. 30, 1994; 66 FR 21062, Apr. 27, 2001]

§ 82.38 Monitoring other poultry houses on premises containing infected poultry houses; monitoring poultry houses released from infected poultry house status.

(a) This paragraph applies to any poultry house that is in test poultry house status at any time when any other poultry house on the same premises is in infected poultry house status. If any such test poultry house is released from test poultry house status in accordance with § 82.32(b)(2) of this subpart, the poultry in the former test poultry house will be tested a third time with the blood and internal organ tests required by § 82.32 (c) and (d) of this subpart, within 45 to 60 days following the date the house was released from test house status. If this blood and internal organ monitoring test has positive results, the poultry house will be determined to be an infected poultry house in accordance with § 82.32 (c) and (d) of this subpart.

(b) All other poultry houses on a premises containing an infected poultry house, except any test poultry house, shall undergo monitoring tests as follows from the date the flock owner is notified of the determination of an infected house until 120 days after the date infected house status is removed from all poultry houses on the premises. A Federal representative or State representative shall collect manure and egg transport machinery samples from each house in accordance with § 82.32(b) of this subpart, at intervals of not less than 45 days and not more than 60 days. If the samples from any house test positive in accordance with § 82.32(d) of this subpart, that house shall be determined to be a test poultry house in accordance with § 82.32(b) of this subpart.

(c) The poultry in any infected poultry house that is released from infected poultry house status in accordance with § 82.32(e) of this subpart must be tested a third time with the blood and internal organ test required by

§ 82.32(c) of this subpart, within 45 to 60 days following the date the house was released from infected poultry house status. If this blood and internal organ monitoring test has positive results, the poultry house will be determined to be an infected poultry house in accordance with § 82.32(c) of this subpart.

PART 85—PSEUDORABIES

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AUTHORITY: 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.4.

SOURCE: 44 FR 10309, Feb. 16, 1979, unless otherwise noted.

§ 85.1 Definitions.

For purposes of this part, the following terms mean:

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