

## SUBCHAPTER F—USER FEES

### PART 130—USER FEES

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3701, 3716, 3717, 3719, and 3720A; 7 CFR 2.22, 2.80, and 371.4.

SOURCE: 57 FR 771, Jan. 9, 1992, unless otherwise noted.

#### § 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, and Miami, Florida.<sup>1</sup>

*APHIS representative.* An individual, including, but not limited to, an animal health technician or veterinarian, authorized by the Administrator to perform the services for which the user fees in this part are charged.

*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.

*Biosecurity level three laboratory.* A laboratory or production facility that works with foreign or domestic animal disease agents, organisms, or vectors that spread by aerosol route and that have serious or lethal effects, therefore requiring special biocontainment measures.

*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

<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.

agents or antibodies by causing an identifiable reaction.

*Domestic animal.* Any animal imported into the United States for any 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 that, as required by the importing country, is endorsed by an APHIS representative and states that animals, animal products, organisms, vectors, or birds to be exported from the United States were found to be healthy and free from evidence of communicable 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.

*Import compliance assistance.* Import compliance assistance includes services provided to an importer whose shipment arrives at a port of entry without the necessary paperwork or with incomplete paperwork and who requires assistance to meet the requirements for entry into the United States. Fees for import compliance assistance are charged in addition to the flat rate user fees.

*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.

*Nonstandard care and handling.* Nonstandard care and handling includes hand-feeding, more than one feeding per day, frequent observation, and any handling or observation that requires personnel to attend to the birds or poultry outside of normal business hours.<sup>2</sup>

*Nonstandard housing.* Nonstandard housing is individual housing not normally available at an APHIS 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.

*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 hatching eggs and ratites, that are imported or exported 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.

*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.

<sup>2</sup>Normal business hours at the APHIS Animal Import Centers are: 7 a.m. to 3:30 p.m., Miami, FL; and 8 a.m. to 4:30 p.m., Newburgh, NY.

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*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>3</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.

*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.

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**§ 130.2 User fees for individual animals and certain birds quarantined in the APHIS-owned or -operated quarantine facilities, including APHIS Animal Import Centers.**

(a) *Standard requirements.* User fees for any service rendered by an APHIS representative for each animal or bird receiving standard housing, care, feed, and handling while quarantined in an APHIS owned or operated animal import center or quarantine facility are listed in the following table. Each user fee listed in the table is assessed per animal or bird quarantined by APHIS. The person for whom the service is provided and the person requesting the service are jointly and severally liable for payment of these user fees in accordance with §§ 130.50 and 130.51.

Animal or bird	Daily user fee				
	Apr. 29, 2009–Sept. 30, 2009	Oct. 1, 2009–Sept. 30, 2010	Oct. 1, 2010–Sept. 30, 2011	Oct. 1, 2011–Sept. 30, 2012	Beginning Oct. 1, 2012
Birds (excluding ratites and pet birds imported in accordance with part 93 of this subchapter):					
0–250 grams .....	\$2.50	\$2.75	\$2.75	\$2.75	\$3.00
251–1,000 grams .....	8.25	8.50	8.75	9.00	9.25
Over 1,000 grams .....	18.00	19.00	19.00	20.00	21.00
Domestic or zoo animals (except equines, birds, and poultry):					
Bison, bulls, camels, cattle, or zoo animals .....	144.00	149.00	153.00	158.00	162.00
All others, including, but not limited to, alpacas, llamas, goats, sheep, and swine .....	38.00	39.00	40.00	42.00	43.00
Equines (including zoo equines, but excluding miniature horses):					
1st through 3rd day (fee per day) .....	382.00	393.00	405.00	417.00	429.00
4th through 7th day (fee per day) .....	276.00	284.00	292.00	301.00	310.00
8th and subsequent days (fee per day) .....	235.00	242.00	249.00	256.00	264.00
Miniature horses .....	86.00	89.00	91.00	94.00	97.00
Poultry (including zoo poultry):					
Doves, pigeons, quail .....	5.00	5.25	5.50	5.50	5.75
Chickens, ducks, grouse, guinea fowl, partridge, pea fowl, pheasants .....	9.00	9.25	9.50	9.75	10.00

<sup>3</sup>Regulations concerning approval of zoos and requirements for importing wild animals are found in part 93 of this chapter.