§ 71.18 Individual identification of certain cattle 2 years of age or over for movement in interstate commerce.

(a) No cattle 2 years of age or over, except steers and spayed heifers and cattle of any age which are being moved interstate during the course of normal ranching operations without change of ownership to another premises owned, leased, or rented by the same individual as provided in §§ 78.9(a)(3)(ii), 78.9(b)(3)(iv), and 78.9(c)(3)(iv) of this chapter, shall be moved in interstate commerce other than in accordance with the requirements of this section. Any movement in interstate commerce of any cattle shall also comply with the other applicable provisions in this part and other parts of this subchapter.

(1) When permitted under such other provisions, cattle subject to this section:

(i) May be moved in interstate commerce from any point to any destination, if such cattle, when moved in interstate commerce, are identified by a Department-approved backtag1 affixed a few inches from the midline and just behind the shoulder of the animal, or by such other means approved by the Administrator, upon request in specific cases, and if except as provided in paragraph (a)(5) of this section such cattle when moved interstate are accompanied by a statement signed by the owner or shipper of the cattle, or other document2 stating: (A) The point from which the animals are moved interstate; (B) the destination of the animals; (C) the number of animals covered by the statement, or other document; (D) the name and address of the owner at the time of the movement; (E) the name and address of the previous owner if ownership changed within four months prior to the movement of the cattle; (F) the name and address of the shipper; and (G) the identifying numbers of the backtags or other approved identification applied: Provided, That identification numbers are not required to be recorded on such statement or document for cattle moved from a stockyard posted under the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.),3 directly to a recognized slaughtering establishment as defined in § 78.1 of this chapter; or

(ii) May be moved in interstate commerce only from a farm, ranch, or feedlot to a recognized slaughtering establishment as defined in § 78.1 of this chapter; or to a stockyard posted under the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), for sale and shipment to such a slaughtering establishment, if such cattle are identified upon arrival at such slaughtering establishment or stockyard by the application of Department-approved backtags or by other approved identification as prescribed in paragraph (a)(1)(i) of this section and, except as provided in paragraph (a)(5) of this section when moved interstate, are accompanied by a statement signed by the owner or shipper of the cattle, or other document2 stating: (A) The point from which the animals are moved interstate; (B) the destination of the animals; (C) the number of animals covered by the statement or other document; and (D) the name and address of the owner at the time of movement; (E) the name and address of

1Department-approved backtags are available at recognized slaughtering establishments and specifically approved stockyards and from State representatives and APHIS representatives. A list of recognized slaughtering establishments and specifically approved stockyards may be obtained as indicated in § 78.1 of this chapter. The terms "State representative" and "APHIS representative" are defined in § 78.1 of this chapter.

2Other document means a shipping permit, an official health certificate, an official brand inspection certificate, a bill of lading, a waybill, or an invoice on which is listed the required information.

3Posted stockyards are designated by posting notice at such stockyards and by publication in the FEDERAL REGISTER. Information concerning posted stockyards may also be obtained from the Washington office or the area offices of the Packers and Stockyards Administration.
the previous owner if ownership changed within four months prior to the movement of the cattle; and (F) the name and address of the shipper: Provided, That the application of backtags is not required if such cattle are moved in interstate commerce to a recognized slaughtering establishment as defined in §78.1 of this chapter and if, when moved in interstate commerce, such cattle are identified by a brand registered with an official brand inspection agency and are accompanied by an official brand inspection certificate: And provided, further, That the application of backtags is not required when such cattle are moved in interstate commerce to a recognized slaughtering establishment as defined in §78.1 of this chapter, which maintains records of ownership of cattle by slaughter lot number; 4 or

(iii) May be moved in interstate commerce for any purpose other than slaughter if such cattle, when moved in interstate commerce, are identified by Animal and Plant Health Inspection Service-approved eartags in lieu of backtags, and, except as provided in paragraph (a)(5) of this section, are accompanied when moved interstate by an owner’s statement or other document 2 stating: (A) The point from which the animals are moved interstate, (B) the destination of the animals, (C) the number of animals covered by the statement or other document, (D) the identifying numbers of the eartags, and (E) the name and address of the owner at the time of movement; (F) the name and address of the previous owner if ownership changed within four months prior to the movement of the cattle; and (G) the name and address of the shipper: Provided, that identification by eartag is not required if such animals are registered purebred animals which are moved in interstate commerce for any purpose other than slaughter and are identified in a manner acceptable to the appropriate breed association for registration purposes; or are identified by a brand registered with an official brand inspection agency and are accompanied by an official brand inspection certificate as prescribed in paragraph (a)(1)(ii) of this section.

(2) The owner’s or shipper’s statement or other document 2 or registered purebred identification required by this section for cattle moved under paragraph (a)(1)(i) or (ii) of this section shall be delivered to the management of the stockyard or slaughtering establishment at the time of delivery of the cattle; 5 and documents accompanying animals moved under paragraph (a)(1)(iii) of this section for breeding or dairy purposes shall be delivered to the consignee. All such documents shall be made available for inspection upon request by a State or Federal representative or an accredited veterinarian, as defined in §78.1, at any time within the year from the date of such delivery.

(3) Each person who ships, transports, or otherwise causes the cattle to be moved in interstate commerce is responsible for the identification of the cattle as required by this section.

(4) No person shall remove or tamper with or cause the removal of or tampering with a backtag, eartag, brand, or other identification device required to be on cattle pursuant to this section while such cattle are being moved in interstate commerce, except at the time of slaughter, or as may be authorized by the Administrator, upon request in specific cases and under such conditions as the Administrator, may impose to ensure continuing identification.

(5) Cattle that would otherwise be required to be accompanied by an owner-shipper statement or other document 2 as a condition of movement in interstate commerce under paragraph (a)(1) of this section, shall not be required to

4 It is the responsibility of the person who causes the interstate movement to determine whether the establishment maintains such records. As evidence that the establishment does maintain such records such person should obtain a statement to that effect from the management of the establishment and retain it for a period of five years from the date of shipment.

5 The backtag or other identification numbers should be included on the receiving document of the stockyard or establishment for all such cattle identified by backtags or other identification after arrival at such stockyard or establishment.
be accompanied by such an owner-ship-
per statement or other document. If the
following conditions are met: if the
cattle are moved to a recognized slaughtering establishment as defined in §78.1 of this chapter or to a stock-
yard specifically approved under §71.20;

3. The cattle are moved from a farm or
other premises where the cattle to be
moved interstate have been kept for
not less than four months prior to the
date of movement; and if such farm or
other premises has not had on the
premises any cattle or bison from any
other premises within four months
prior to the date of movement.

6. Other document means a shipping permit,
an official health certificate, an official
brand inspection certificate, a bill of lading,
a waybill, or an invoice on which is listed
the required information.

(b) In lieu of the backtags, eartags,
and brands referred to in this section,
any other official identification device
or method that is approved by the Ad-
ministrator may also be used.

§ 71.19 Identification of swine in inter-
state commerce.

(a)(1) Except as provided in para-
graphs (c) and (g) of this section, no
swine may be sold, transported, re-
ceived for transportation, or offered for
sale or transportation, in interstate
commerce, unless each swine is identi-
fied at whichever of the following
comes first:

(i) The point of first commingling of
the swine in interstate commerce with
swine from any other source;

(ii) Upon unloading of the swine in
interstate commerce at any livestock
market;

(iii) Upon transfer of ownership of
the swine in interstate commerce;
or

(iv) Upon arrival of the swine in
interstate commerce at their final des-
tination.

(2) The identification shall be by
means of identification approved by
the Administrator and listed in para-
graph (b) of this section. All swine
shall remain so identified while they
are in interstate commerce.

(3) Each person who buys or sells, for
his or her own account or as the agent
of the buyer or seller, transports, re-
ceives for transportation, offers for
sale or transportation, or otherwise
handles swine in interstate commerce,
is responsible for the identification of
the swine as provided by this section.

(b) Means of swine identification ap-
proved by the Administrator are:

(1) Official eartags, when used on any
swine;

(2) United States Department of Ag-
riculture backtags, when used on swine
moving to slaughter;

(3) Official swine tattoos, when used
on swine moving to slaughter, when
the use of the official swine tattoo has
been requested by a user or the State
animal health official, and the Admin-
istrator authorizes its use in writing
based on a determination that the tat-
too will be retained and visible on the
carcass of the swine after slaughter, so
as to provide identification of the
swine;

(4) Tattoos of at least 4-characters
when used on swine moving to slaugh-
ter, except sows and boars as provided
in §78.33 of this chapter;

(5) Ear notching when used on any
swine, if the ear notching has been re-
corded in the book of record of a pure-
bred registry association;

(6) Tattoos on the ear or inner flank
of any swine, if the tattoos have been
recorded in the book of record of a
swine registry association;

(7) For slaughter swine and feeder
swine, an eartag or tattoo bearing the
premises identification number as-
signed by the State animal health offi-
cial to the premises on which the swine
originated; and

(8) Any other official identification
device or method that is approved by
the Administrator.

(c) Swine that are kept as a group are
not required to be individually identi-
fied when in interstate commerce if:

(1) They were born on the same prem-
ises;

(2) They were raised on the same
premises where they were born;

(3) They are moved in a group di-
rectly to a slaughtering establishment
from the place where they were raised;