

§ 71.18

car with live poultry or other animals from the original point of shipment in any State or Territory or the District of Columbia to or through any other State, Territory, or the District of Columbia.

[28 FR 5937, June 13, 1963, as amended at 34 FR 15642, Oct. 9, 1969]

§ 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

brand inspection certificate, a bill of lading, a waybill, or an invoice on which is listed the required information.

³ Posted 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.

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

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 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 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 document² 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 on 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 document² as a condition of movement in interstate commerce under paragraph (a)(1) of this section, shall not be required to

⁴It 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.

⁵The 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.

§71.19

9 CFR Ch. I (1–1–11 Edition)

be accompanied by such an owner-ship-per statement or other document⁶ 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; if 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.

(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 Administrator may also be used.

[38 FR 22768, Aug. 24, 1973, as amended at 47 FR 55656, Dec. 13, 1982; 50 FR 45987, Nov. 6, 1985; 51 FR 32599, Sept. 12, 1986; 52 FR 2987, Jan. 30, 1987; 55 FR 11156, Mar. 27, 1990; 62 FR 27934, May 22, 1997; 68 FR 62226, Nov. 3, 2003; 69 FR 64649, Nov. 8, 2004]

§71.19 Identification of swine in interstate commerce.

(a)(1) Except as provided in paragraphs (c) and (g) of this section, no swine may be sold, transported, received for transportation, or offered for sale or transportation, in interstate commerce, unless each swine is identified 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 destination.

(2) The identification shall be by means of identification approved by the Administrator and listed in paragraph (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, receives 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 approved by the Administrator are:

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

(2) United States Department of Agriculture 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 Administrator authorizes its use in writing based on a determination that the tattoo 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 slaughter, 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 recorded in the book of record of a purebred 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 assigned by the State animal health official 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 identified when in interstate commerce if:

(1) They were born on the same premises;

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

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

⁶Other 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.