

## § 82.2

## 9 CFR Ch. I (1–1–14 Edition)

### § 82.2 Criteria for determining birds or poultry to be infected with, exposed to, or free from Newcastle disease.

(a) The determination that birds or poultry are infected with Newcastle disease must be made by either a Federal veterinarian or a State veterinarian.<sup>1</sup> They will base that determination on one or more of the following factors: clinical evidence (signs, post-mortem lesions, and history of the occurrence of Newcastle disease); diagnostic tests;<sup>2</sup> or epidemiological evidence (evaluation of clinical evidence and the degree of risk posed by the potential spread of Newcastle disease based on population and exposure factors, including evaluation of whether the birds and poultry have had the opportunity to be in contact with birds or poultry infected with Newcastle disease or with excrement from birds or poultry infected with Newcastle disease, or if the birds and poultry have shared feed or water with birds or poultry infected with Newcastle disease).

(b) The determination that birds or poultry are exposed to Newcastle disease must be made by either a Federal veterinarian or a State veterinarian. They will base that determination on an evaluation of all related circumstances, including: the proximity of the birds or poultry to birds or poultry infected with Newcastle disease, to excrement from birds or poultry infected with Newcastle disease, and to other material touched by birds or poultry infected with Newcastle disease; the number of birds or poultry infected with Newcastle disease to which the birds or poultry were exposed; the species involved; the virulence of the

<sup>1</sup>The location of Federal veterinarians and State veterinarians may be obtained by writing to Emergency Programs, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road, Unit 41, Riverdale, MD 20737–1231, or by referring to the local telephone book.

<sup>2</sup>A copy of the protocols for Newcastle disease diagnostic tests may be obtained by writing to Emergency Programs, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road Unit 41, Riverdale, MD 20737–1231. The protocols are also found in “Recommended Uniform Diagnostic Procedures,” published by the Committee of the American Association of Veterinary Laboratory Diagnosticians.

Newcastle disease to which the birds or poultry were exposed; and the length of time the birds or poultry were in contact with birds or poultry infected with Newcastle disease, and to material touched by birds or poultry infected with Newcastle disease. Birds or poultry determined to be exposed to Newcastle disease will continue to be treated as exposed unless they are subsequently determined to be infected with Newcastle disease or until either a Federal veterinarian or a State veterinarian finds them to be free of Newcastle disease based on one or more of the factors listed in paragraph (a) of this section.

(Approved by the Office of Management and Budget under control number 0579–0116)

### § 82.3 Quarantined areas.

(a) Any area where birds or poultry infected with Newcastle disease are located will be designated as a quarantined area. A quarantined area is any geographical area, which may be a premises or all or part of a State, deemed by epidemiological evaluation to be sufficient to contain all birds or poultry known to be infected with or exposed to Newcastle disease. Less than an entire State will be designated as a quarantined area only if the State enforces restrictions on intrastate movements from the quarantined area that are at least as stringent as this subpart.

(b) Any area designated as a quarantined area because of Newcastle disease will remain designated as a quarantined area until all of the requirements of § 82.14 have been met.

(c) The following areas are quarantined because of Newcastle disease: There are no areas in the United States quarantined because of Newcastle disease.

[61 FR 56883, Nov. 5, 1996, as amended at 67 FR 70675, Nov. 26, 2002; 68 FR 1517, Jan. 13, 2003; 68 FR 3376, Jan. 24, 2003; 68 FR 7413, Feb. 14, 2003; 68 FR 18532, Apr. 16, 2003; 68 FR 26987, 26989, May 19, 2003; 68 FR 34781, June 11, 2003; 68 FR 45744, Aug. 4, 2003; 68 FR 54800, Sept. 19, 2003]

### § 82.4 General provisions.

(a) *Prohibitions.* The following articles may not be moved interstate from a quarantined area:

(1) Dead birds and dead poultry, including any parts of the birds or poultry, that are infected with Newcastle disease, or are from a flock of birds or poultry infected with Newcastle disease;

(2) Litter used by or manure generated by birds or poultry, or a flock of birds or poultry, infected with Newcastle disease, except as provided in § 82.7(b);

(3) Any eggs from birds or poultry, or a flock of birds or poultry, infected with Newcastle disease;

(4) Hatching eggs from flocks of birds or poultry exposed to Newcastle disease; and

(5) Live birds or live poultry from flocks infected with or exposed to Newcastle disease.

(b) *Restrictions.* The following articles may be moved interstate from a quarantined area only in accordance with this subpart:

(1) Live birds or live poultry not known to be infected with or exposed to Newcastle disease;

(2) Dressed carcasses of birds and poultry, and other dead birds and dead poultry, including any parts of the birds or poultry, that are not known to be infected with Newcastle disease;

(3) Litter used by or manure generated by birds or poultry not known to be infected with Newcastle disease;

(4) Eggs, other than hatching eggs, from birds or poultry from flocks not known to be infected with Newcastle disease;

(5) Hatching eggs from birds or poultry not known to be infected with or exposed to Newcastle disease; and

(6) Cages, coops, containers, troughs, vehicles, or other equipment used for birds, poultry, eggs, manure, or litter.

(c) *Exceptions.* This subpart does not apply to the interstate movement of birds, poultry, or other articles from a quarantined area if the interstate movement is made by the United States Department of Agriculture for purposes of research or diagnosis.

[61 FR 56883, Nov. 5, 1996, as amended at 73 FR 30297, May 27, 2008]

### § 82.5 Interstate movement of live birds and live poultry from a quarantined area.

(a) *Pet birds.* An individual may move his or her pet birds interstate from a quarantined area only if the birds are not known to be infected with or exposed to Newcastle disease and the following requirements are fulfilled:

(1) *Epidemiological and testing requirements.* For all pet birds moved interstate, epidemiological evidence must indicate that the birds are not infected with any communicable disease.

(i) *Pet birds that have been under the control and ownership of the owner for at least 90 days.* Pet birds that have been under the ownership and control of the individual to whom the permit is issued for the 90 days before interstate movement, show no clinical signs of sickness (such as diarrhea, nasal discharge, ocular discharge, ruffled feathers, or lack of appetite) during the 90 days before interstate movement, and have been maintained apart from other birds and poultry in the quarantined area during the 90 days before interstate movement may be moved to a location outside the quarantined area for subsequent examination. The individual to whom the permit is issued must maintain ownership and control of the birds and maintain them apart from other birds and poultry from the time they arrive at the place to which the individual is taking them until a Federal representative or State representative<sup>3</sup> examines the birds and determines that the birds show no clinical signs of Newcastle disease. The examination will not be less than 30 days after the interstate movement. The individual to whom the permit is issued must allow Federal representatives and State representatives to examine the birds at any time until they are declared free of Newcastle disease by either a Federal veterinarian or a State veterinarian.

(ii) *All other pet birds.* Pet birds that do not meet the criteria in paragraph

<sup>3</sup>The location of Federal representatives and State representatives may be obtained by writing to Emergency Programs, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road, Unit 41, Riverdale, MD 20737-1231.