

## § 95.1

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- 95.28 Hay or straw and similar material from tick-infested areas.
- 95.29 Certification for certain materials.
- 95.30 Restrictions on entry of products and byproducts of poultry, game birds, or other birds from regions where highly pathogenic avian influenza (HPAI) exists.

AUTHORITY: 7 U.S.C. 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

SOURCE: 28 FR 5981, June 13, 1963, unless otherwise noted.

### § 95.1 Definitions.

Whenever in the regulations in this part the following words, names, or terms are used they shall be construed, respectively, to mean:

*Administrator* means the Administrator, Animal and Plant Health Inspection Service, or any individual authorized to act for the Administrator.

*Animal and Plant Health Inspection Service (APHIS)* means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

*Animal byproducts* means hides, skins, hair, wool, glue stock, bones, hoofs, horns, bone meal, hoof meal, horn meal, blood meal, meat meal, tankage, glands, organs, or other parts or products of ruminants and swine unsuitable for human consumption.

*Approved chlorinating equipment* means equipment approved by Veterinary Services as efficient for the disinfection of effluents against the contagions of foot-and-mouth disease and rinderpest.

*Approved establishment* means an establishment approved by Veterinary Services for the receipt and handling of restricted import animal byproducts.

*Approved sewerage system* means a drainage system equipped and operated so as to carry and dispose of sewage without endangering livestock through the contamination of streams or fields and approved by the Veterinary Services.

*Approved warehouse* means a warehouse having facilities approved by Veterinary Services for the handling and storage, apart from other merchandise, of restricted import products.

*Bird trophy.* A carcass or part of a carcass of a wild bird taken as game during a hunting expedition for the purpose of processing into taxidermy mounts for personal exhibition.

*Blood meal* means dried blood of animals.

*Bone meal* means ground animal bones and hoof meal and horn meal.

*Bovine.* *Bos taurus*, *Bos indicus*, and *Bison bison*.

*Bovine spongiform encephalopathy (BSE) minimal-risk region.* A region listed in § 94.18(a)(3) of this subchapter.

*Department* means the United States Department of Agriculture.

*Deputy Administrator* of Veterinary Services means the Deputy Administrator of Veterinary Services.

*Direct transloading.* The transfer of cargo directly from one means of conveyance to another.

*Glue stock* means fleshings, hide cuttings and parings, tendons, or other collagenous parts of animal carcasses.

*Hay and straw* means dried grasses, clovers, legumes, and similar materials or stalks or stems of various grains, such as barley, oats, rice, rye, and wheat.

*Inspector.* Any individual authorized by the Administrator of APHIS or the Commissioner of Customs and Border Protection, Department of Homeland Security, to enforce the regulations in this part.

*Meat meal or tankage* means the rendered and dried carcasses or parts of the carcasses of animals.

*Offal.* The inedible parts of a butchered animal that are removed in dressing, consisting largely of the viscera and the trimmings, which may include, but are not limited to, brains, thymus, pancreas, liver, heart, kidney.

*Positive for a transmissible spongiform encephalopathy.* A sheep or goat for

which a diagnosis of a transmissible spongiform encephalopathy has been made.

*Processed animal protein* means meat meal, bone meal, meat and bone meal, blood meal, dried plasma and other blood products, hydrolyzed proteins, hoof meal, horn meal, poultry meal, feather meal, fish meal, and any other similar products.

*Region*. Any defined geographic land area identifiable by geological, political, or surveyed boundaries. A region may consist of any of the following:

- (1) A national entity (country);
- (2) Part of a national entity (zone, county, department, municipality, parish, Province, State, etc.)
- (3) Parts of several national entities combined into an area; or
- (4) A group of national entities (countries) combined into a single area.

*Specified risk materials (SRMs)*. Those bovine parts considered to be at particular risk of containing the bovine spongiform encephalopathy (BSE) agent in infected animals, as listed in the FSIS regulations at 9 CFR 310.22(a).

*Suspect for a transmissible spongiform encephalopathy*. (1) A sheep or goat that has tested positive for a transmissible spongiform encephalopathy or for the proteinase resistant protein associated with a transmissible spongiform encephalopathy, unless the animal is designated as positive for a transmissible spongiform encephalopathy; or

(2) A sheep or goat that exhibits any of the following signs and that has been determined to be suspicious for a transmissible spongiform encephalopathy by a veterinarian: Weight loss despite retention of appetite; behavior abnormalities; pruritus (itching); wool pulling; biting at legs or side; lip smacking; motor abnormalities such as incoordination, high stepping gait of forelimbs, bunny hop movement of rear legs, or swaying of back end; increased sensitivity to noise and sudden movement; tremor, "star gazing," head pressing, recumbency, or other signs of neurological disease or chronic wasting.

*United States* means the several States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the

United States, and all other territories and possessions of the United States.

*Veterinary Services* means the Veterinary Services unit of the Animal and Plant Health Inspection Service, United States Department of Agriculture.

[28 FR 5981, June 13, 1963, as amended at 56 FR 19796, Apr. 30, 1991; 56 FR 63869, Dec. 6, 1991; 62 FR 56024, Oct. 28, 1997; 66 FR 42600, Aug. 14, 2001; 70 FR 551, Jan. 4, 2005; 70 FR 71218, Nov. 28, 2005; 74 FR 66226, Dec. 15, 2009]

EFFECTIVE DATE NOTE: At 78 FR 73001, Dec. 4, 2013, §95.1 was amended by removing the definition of *specified risk materials (SRMs)*, by revising the definition of *offal*, and by adding definitions of *exporting region*, *specified risk materials (SRMs) from regions of controlled risk for BSE*, *specified risk materials (SRMs) from regions of undetermined risk for BSE*, and *tallow derivative* in alphabetical order, effective Mar. 4, 2014. For the convenience of the user, the added and revised text is set forth as follows:

§ 95.1 Definitions.

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*Exporting region*. A region from which shipments are sent to the United States.

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*Offal*. The inedible parts of a butchered animal.

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*Specified risk materials (SRMs) from regions of controlled risk for BSE*. Those bovine parts considered to be at particular risk of containing the BSE agent in infected animals, as listed in the FSIS regulations at 9 CFR 310.22(a).

*Specified risk materials (SRMs) from regions of undetermined risk for BSE*. Those bovine parts considered to be at particular risk of containing the BSE agent in infected animals, as listed in the FSIS regulations at 9 CFR 310.22(a), except that the following bovine parts from regions of undetermined risk for BSE are considered SRMs if they are derived from bovines over 12 months of age: Brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and the dorsal root ganglia.

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*Tallow derivative*. Any chemical obtained through initial hydrolysis, saponification, or

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transesterification of tallow; chemical conversion of material obtained by hydrolysis, saponification, or transesterification may be applied to obtain the desired product.

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§ 95.2 Region of origin.

No products or materials specified in the regulations in this part shall be imported unless there be shown upon the commercial invoice, or in some other manner satisfactory to the Deputy Administrator, Veterinary Services, the name of the region of origin of such product or material: *Provided*, That the region of origin shall be construed to mean (a) in the case of an animal by-product, the region in which such product was taken from an animal or animals, and (b) in the case of other materials, the region in which such materials were produced.

[28 FR 5981, June 13, 1963, as amended at 62 FR 56024, Oct. 28, 1997]

§ 95.3 Byproducts from diseased animals prohibited.

The importation of any animal by-product taken or removed from an animal affected with anthrax, foot-and-mouth disease, or rinderpest is prohibited.

§ 95.4 Restrictions on the importation of processed animal protein, offal, tankage, fat, glands, certain tallow other than tallow derivatives, and blood and blood products due to bovine spongiform encephalopathy.

(a) Except as provided in paragraphs (c) through (i) of this section, the importation of the following is prohibited:

(1) Any of the materials listed in paragraphs (a)(1)(i) through (a)(1)(iv) of this section that have been derived from animals that have been in any region listed in § 94.18(a) of this chapter:

(i) Processed animal protein, tankage, offal, and tallow other than tallow derivatives, unless, in the opinion of the Administrator, the tallow cannot be used in feed, regardless of the animal species from which the material was derived;

(ii) Glands, unprocessed fat tissue, and blood and blood products derived from ruminants;

(iii) Processed fats and oils, and derivatives of processed animal protein, tankage, and offal, regardless of the animal species from which the material was derived; and

(iv) Derivatives of glands and blood and blood products derived from ruminants.

(2) Any of the materials listed in paragraphs (a)(2)(i) through (a)(2)(iv) of this section that have been stored, rendered, or otherwise processed in a region listed in § 94.18(a) of this chapter, or that have otherwise been associated with a facility in a region listed in § 94.18(a) of this chapter or with any material listed in paragraph (a)(1) through (a)(3) of this section:

(i) Processed animal protein, tankage, offal, and tallow other than tallow derivatives, unless, in the opinion of the Administrator, the tallow cannot be used in feed, regardless of the animal species from which the material was derived;

(ii) Glands and unprocessed fat tissue derived from ruminants;

(iii) Processed fats and oils, and derivatives of processed animal protein, tankage, and offal, regardless of the animal species from which the material was derived; and

(iv) Derivatives of glands from ruminants.

(3) Products containing any of the items prohibited importation under paragraphs (a)(1) and (a)(2) of this section.

(b) Except as provided in paragraphs (d), (e), and (i) of this section, the importation of serum from ruminants that have been in any region listed in § 94.18(a) of this chapter is prohibited, except that serum from ruminants may be imported for scientific, educational, or research purposes if the Administrator determines that the importation can be made under conditions that will prevent the introduction of bovine spongiform encephalopathy into the United States. Serum from ruminants imported in accordance with this paragraph must be accompanied by a permit issued by APHIS in accordance with § 104.4 of this chapter, and must be moved and handled as specified on the permit.

(c) Materials that are otherwise prohibited importation into the United