

Animal and Plant Health Inspection Service, USDA

§ 82.1

(ii) Either the serial number on the document or, if the document is not imprinted with a serial number, both the name of the person who issued the document and the date the document was issued.

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§ 81.5 Movement of deer, elk, or moose through a State to another State.

Farmed or captive deer, elk, or moose may be moved through a State or locality whose laws or regulations on the movement of those animals are more restrictive than this part to another State under the following conditions:

(a) The farmed or captive deer, elk, or moose must be eligible to move interstate under § 81.3.

(b) The farmed or captive deer, elk, or moose must meet the entry requirements of the destination State listed on the certificate or permit accompanying the animal.

(c) Except in emergencies, the farmed or captive deer, elk, or moose must not be unloaded until their arrival at their destination.

§ 81.6 Federal preemption of State and local laws and regulations with respect to CWD.

State and local laws and regulations on farmed or captive deer, elk, or moose with respect to CWD that are more restrictive than the regulations in this part are not preempted by this part, except as described in § 81.5.

PART 82—NEWCASTLE DISEASE AND CHLAMYDIOSIS

Subpart A—Newcastle Disease

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AUTHORITY: 7 U.S.C. 8301-8317; 7 CFR 2.22, 2.80, and 371.4.

SOURCE: 61 FR 56883, Nov. 5, 1996, unless otherwise noted.

Subpart A—Newcastle Disease

EDITORIAL NOTE: Nomenclature changes to subpart A of part 82 appear at 78 FR 19083, Mar. 29, 2013.

§ 82.1 Definitions.

As used in connection with this subpart, 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 individual authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

Bird. Any member of the class *aves* other than poultry.

Commercial birds. Birds that are moved or kept for resale, breeding, public display, or any other purpose, except pet birds.

Dressed carcasses. Carcasses of birds or poultry that have been eviscerated, with heads and feet removed, or parts or products of such carcasses.

Exposed. At risk of developing Newcastle disease because of association with birds or poultry infected with Newcastle disease, excrement from birds or poultry infected with Newcastle disease, or other material touched by birds or poultry infected with Newcastle disease, or because there is reason to believe that association has occurred with Newcastle disease or vectors of Newcastle disease, as determined by either a Federal veterinarian or a State veterinarian.

Federal representative. An individual employed and authorized by the Federal government to perform the tasks required by this subpart.

Federal veterinarian. A veterinarian employed and authorized by the Federal government to perform the tasks required by this subpart.

Hatching eggs. Eggs in which birds or poultry are allowed to develop.

Infected. Affected by the virus or bacterium that causes the specified disease.

Interstate. From one State into or through any other State.

Known to be exposed. Determined by either a Federal veterinarian or a State veterinarian to be at risk of developing Newcastle disease because of association with birds or poultry infected with Newcastle disease, excrement from birds or poultry infected with Newcastle disease, or other material touched by birds or poultry infected with Newcastle disease, or because there is reason to believe that association has occurred with Newcastle disease or vectors of Newcastle disease, as determined by either a Federal veterinarian or a State veterinarian.

Known to be infected. Determined by either a Federal veterinarian or a State veterinarian to be affected by the virus or bacterium that causes the specified disease.

Litter. Material that is used to collect and absorb bodily wastes from birds or poultry.

Moved. Shipped, transported or otherwise moved, or delivered or received for movement, by any person.

Newcastle disease. Newcastle disease is an acute, rapidly spreading, and usually fatal viral infection of poultry caused by an avian paramyxovirus serotype 1 that meets one of the following criteria for virulence: The virus has an intracerebral pathogenicity index (ICPI) in day-old chicks (*Gallus gallus*) of 0.7 or greater; or multiple basic amino acids have been demonstrated in the virus (either directly or by deduction) at the C-terminus of the F2 protein and phenylalanine at residue 117, which is the N-terminus of the F1 protein. The term “multiple basic amino acids” refers to at least three arginine or lysine residues between residues 113 and 116. In this definition, amino acid residues are numbered from the N-terminus of the amino acid sequence deduced from the nucleotide sequence of the F0 gene; 113–116 corresponds to residues –4 to –1 from the cleavage site. Failure to demonstrate the characteristic pattern of amino acid residues as described above may require characterization of the isolated virus by an ICPI test. A failure to detect a cleavage site that is consistent with virulent strains does not confirm the absence of a virulent virus.

Official seal. A serially numbered metal or plastic strip, consisting of a self-locking device on one end and a slot on the other end, that forms a loop when the ends are engaged and that cannot be reused if opened, or a serially numbered, self-locking button that can be used for this purpose.

Person. Any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

Pet birds. Birds, except ratites, that are kept 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.

Ratites. Cassowaries, emus, kiwis, ostriches, and rheas.

Recognized slaughtering establishment. Any slaughtering facility operating under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), the Poultry Products Inspection Act (21 U.S.C. 451 *et*

seq.), or State meat or poultry inspection acts.

Render. Reduce, convert, or melt down by heating to a temperature of at least 230 °F so that oil is removed.

State. Each of the States of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

State animal health official. The State official responsible for livestock- and poultry-disease control and eradication programs.

State representative. An individual employed in animal health work and authorized by a State or political subdivision of a State to perform the tasks required by this subpart.

State veterinarian. A veterinarian employed and authorized by a State or political subdivision of a State to perform the tasks required by this subpart.

Veterinarian in charge. A Federal veterinarian employed by the Animal and Plant Health Inspection Service and authorized by the Administrator to supervise and manage the animal health work of the Animal and Plant Health Inspection Service in a specified area of the United States.

[61 FR 56883, Nov. 5, 1996, as amended at 73 FR 30297, May 27, 2008; 74 FR 18287, Apr. 22, 2009; 78 FR 19083, Mar. 29, 2013]

§ 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.¹ 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;² or epidemiological evi-

¹The 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.

²A copy of the protocols for Newcastle disease diagnostic tests may be obtained by

dence (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 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.

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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.