

farm of origin without change in ownership.

(4) They are moved directly from one State through another State and back to the original State.

(5) They are moved as a commuter herd with a copy of the commuter herd agreement or other document as agreed to by the States or Tribes involved in the movement.

(6) Additionally, cattle and bison may be moved between shipping and receiving States or Tribes with documentation other than an ICVI, e.g., a brand inspection certificate, as agreed upon by animal health officials in the shipping and receiving States or Tribes.

(7) The official identification number of cattle or bison must be recorded on the ICVI or alternate documentation unless:

(i) The cattle or bison are moved from an approved livestock facility directly to a recognized slaughtering establishment; or

(ii) The cattle and bison are sexually intact cattle or bison under 18 months of age or steers or spayed heifers; *Except that:* This exception does not apply to sexually intact dairy cattle of any age or to cattle or bison used for rodeo, exhibition, or recreational purposes.

(d) *Sheep and goats.* Sheep and goats moved interstate must be accompanied by documentation as required by part 79 of this chapter.

(e) *Swine.* Swine moved interstate must be accompanied by documentation in accordance with § 71.19 of this chapter or, if applicable, with part 85.

(f) *Horses and other equines.* Horses and other equines moved interstate must be accompanied by an ICVI unless:

(1) They are used as the mode of transportation (horseback, horse and buggy) for travel to another location and then return direct to the original location.

(2) They are moved from the farm or stable for veterinary medical examination or treatment and returned to the same location without change in ownership.

(3) They are moved directly from a location in one State through another State to a second location in the original State.

(4) Additionally, equines may be moved between shipping and receiving States or Tribes with documentation other than an ICVI, e.g., an equine infectious anemia test chart, as agreed to by the shipping and receiving States or Tribes involved in the movement.

(5) Equines moving commercially to slaughter must be accompanied by documentation in accordance with part 88 of this chapter. Equine infectious anemia reactors moving interstate must be accompanied by documentation as required by part 75 of this chapter.

(g) *Poultry.* Poultry moved interstate must be accompanied by an ICVI unless:

(1) They are from a flock participating in the National Poultry Improvement Plan (NPIP) and are accompanied by the documentation required under the NPIP regulations (parts 145 through 147 of this chapter) for participation in that program; or

(2) They are moved directly to a recognized slaughtering or rendering establishment; or

(3) They are moved from the farm of origin for veterinary medical examination, treatment, or diagnostic purposes and either returned to the farm of origin without change in ownership or euthanized and disposed of at the veterinary facility; or

(4) They are moved directly from one State through another State and back to the original State; or

(5) They are moved between shipping and receiving States or Tribes with a VS Form 9-3 or documentation other than an ICVI, as agreed upon by animal health officials in the shipping and receiving States or Tribes.

(6) They are moved under permit in accordance with part 82 of this chapter.

(h) *Captive cervids.* Captive cervids moved interstate must be accompanied by documentation as required by part 77 of this chapter.

#### §§ 86.6–86.7 [Reserved]

#### § 86.8 Preemption.

State, Tribal, and local laws and regulations may not specify an official identification device or method that would have to be used if multiple devices or methods may be used under this part for a particular species, nor

may the State or Tribe of destination impose requirements that would otherwise cause the State or Tribe from which the shipments originate to have to develop a particular kind of traceability system or change its existing system in order to meet the requirements of the State or Tribe of destination.

## PART 88—COMMERCIAL TRANSPORTATION OF EQUINES FOR SLAUGHTER

Sec.

- 88.1 Definitions.
- 88.2 General information.
- 88.3 Standards for conveyances.
- 88.4 Requirements for transport.
- 88.5 Requirements at a slaughtering facility.
- 88.6 Violations and penalties.

AUTHORITY: 7 U.S.C. 1901, 7 CFR 2.22, 2.80, 371.4.

SOURCE: 66 FR 63615, Dec. 7, 2001, unless otherwise noted.

### § 88.1 Definitions.

The following definitions apply to this part:

*APHIS.* The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

*Assembly point.* Any facility, including auction markets, ranches, feedlots, and stockyards, in which equines are gathered in commerce.

*Commercial transportation.* Movement for profit via conveyance on any highway or public road.

*Conveyance.* Trucks, tractors, trailers, or semitrailers, or any combination of these, propelled or drawn by mechanical power.

*Equine.* Any member of the *Equidae* family, which includes horses, asses, mules, ponies, and zebras.

*Equine for slaughter.* Any member of the *Equidae* family being transferred to a slaughter facility, including an assembly point, feedlot, or stockyard.

*Euthanasia.* The humane destruction of an animal by the use of an anesthetic agent or other means that causes painless loss of consciousness and subsequent death.

*Feedlot.* Any facility which consolidates livestock for preconditioning,

feeding, fattening, or holding before being sent to slaughter.

*Owner/shipper.* Any individual, partnership, corporation, or cooperative association that engages in the commercial transportation of more than 20 equines per year to slaughtering facilities, except any individual or other entity who transports equines to slaughtering facilities incidental to his or her principal activity of production agriculture (production of food or fiber).

*Owner-shipper certificate.* VS Form 10–13,<sup>1</sup> which requires the information specified by § 88.4(a)(3) of this part.

*Secretary.* The Secretary of Agriculture.

*Slaughtering facility.* A commercial establishment that slaughters equines for any purpose.

*Stallion.* Any uncastrated male equine that is 1 year of age or older.

*Stockyard.* Any place, establishment, or facility commonly known as stockyards, conducted, operated, or managed for profit or nonprofit as a public market for livestock producers, feeders, market agencies, and buyers, consisting of pens, or other enclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce.

*USDA.* The U.S. Department of Agriculture.

*USDA backtag.* A backtag issued by APHIS that conforms to the eight-character alpha-numeric National Backtagging System and that provides unique identification for each animal.

*USDA representative.* Any employee of the USDA who is authorized by the Deputy Administrator for Veterinary Services of APHIS, USDA, to enforce this part.

[66 FR 63615, Dec. 7, 2001, as amended at 76 FR 55216, Sept. 7, 2011]

### § 88.2 General information.

(a) State governments may enact and enforce regulations that are consistent with or that are more stringent than the regulations in this part.

<sup>1</sup> Forms may be obtained from the National Animal Health Programs Staff, Veterinary Services, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231.