

(iv) You certify on Form 3-177, Declaration for Importation or Exportation of Fish or Wildlife, that your shipment meets all the criteria in this section.

(2) You do not have to pay base inspection fees, premium inspection fees, or overtime fees if you are importing or exporting wildlife that is exempt from import/export license requirements as defined in §14.92(a) or you are importing or exporting wildlife as a government agency as defined in §14.92(b)(1)(ii).

(3) You do not have to pay base inspection fees, premium inspection fees, or overtime fees if you are importing or exporting wildlife that meets the criteria for “domesticated animals” as defined in §14.4.

### Subpart J—Standards for the Humane and Healthful Transport of Wild Mammals and Birds to the United States

SOURCE: 57 FR 27108, June 17, 1992, unless otherwise noted.

#### § 14.101 Purposes.

The purpose of this subpart is to prescribe requirements necessary to ensure that live wild mammals and birds shipped to the United States arrive alive, healthy, and uninjured, and that transportation of such animals occurs under humane and healthful conditions. These regulations implement section 9(d) of the Lacey Act Amendments of 1981.

#### § 14.102 Definitions.

In addition to the definitions contained in part 10 of subchapter B of this chapter, in this subpart—

*Ambient air temperature* means the temperature of the air surrounding a primary enclosure containing a wild mammal or bird.

*Auxiliary ventilation* means cooling or air circulation provided by such means as vents, fans, blowers, or air conditioning.

*Carrier* means any person operating an airline, railroad, motor carrier, shipping line, or other enterprise engaged in the business of transporting any wild mammal or bird for any pur-

pose including exhibition and for any person, including itself.

*Communicable disease* means any contagious, infectious, or transmissible disease of wild mammals or birds.

*Conveyance* means any vehicle, vessel, or aircraft employed to transport an animal between its origin and destination.

*Do not tip* means do not excessively rock or otherwise move from a vertical to a slanting position, knock over, or upset.

*Handle* means feed, manipulate, crate, shift, transfer, immobilize, restrain, treat, or otherwise control the movement or activities of any wild mammal or bird.

*Holding area*  means a designated area at or within a terminal facility that has been specially prepared to provide shelter and other requirements of wild mammals or birds being transported to the United States and in which such mammals or birds are maintained prior to, during, or following such shipment.

*Kept clean* means maintained free from dirt, trash, refuse, excreta, remains from other cargo, and impurities of any type.

*Marine mammal* means an individual of a species of the orders Cetacea, Pinnipedia, or Sirenia, or a polar bear (*Ursus maritimus*) or sea otter (*Enhydra lutris*).

*Noncompatible* means not capable of existing together in harmony.

*Nonhuman primate* means any nonhuman member of the order Primates.

*Normal rigors of transportation* means the stress that a wild animal can be expected to experience as a result of exposure to unaccustomed surroundings, unfamiliar confinement, caging, unfamiliar sounds, motion, and other conditions commonly encountered during transport.

*Primary enclosure* means any structure used to restrict a mammal or bird to a limited amount of space, such as a cage, room, pen, run, stall, pool, or hutch.

*Professionally accepted standards* means a level of practice established as acceptable by a body of qualified persons of the veterinary medical profession.

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*Psychological trauma* means an episode of exposure to stressful conditions resulting in significant behavioral abnormality including, but not limited to, manifestations of unaccustomed aggressiveness, self-mutilation, or refusal of food or water.

*Raptor* means a live migratory bird of the order Falconiformes or the order Strigiformes.

*Sanitize* means to make physically clean and, as far as possible, free of toxic or infectious agents injurious to the health of wild mammals or birds.

*Scheduled departure time* means the time listed on a timetable of departures and arrivals or, in the absence of a timetable, the time of departure agreed to by a carrier and shipper.

*Shipper* means any person, other than a carrier, involved in the transport of wild animals to the United States regardless of the purpose of such transport; e.g., exporter, importer, or agent.

*Terrestrial mammals* means mammals other than marine mammals.

*Transport* means to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, carriage, or shipment, by air, land, or sea.

*Transporting device* means any vehicle or device used to transport an animal between a conveyance and a terminal facility, in and around a terminal facility of a carrier, or within a conveyance.

*Unweaned* means a bird or mammal incapable of feeding itself independently.

*Wild* means the same as fish or wildlife, as defined in §10.12 of this chapter.

### § 14.103 Prohibitions.

Unless the requirements of this subpart are fully satisfied and all other legal requirements are met, it is unlawful for any person to transport to the United States, cause to be transported to the United States, or allow to be transported to the United States any live wild mammal or bird. It shall be unlawful for any person to import, to transport, or to cause or permit to be transported to the United States any wild mammal or bird under inhumane or unhealthful conditions or in violation of this subpart J.

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### § 14.104 Translations.

Any certificate or document required by this subpart to accompany a mammal or bird transported to the United States and written in a foreign language must be accompanied by an accurate English translation.

### § 14.105 Consignment to carrier.

(a) No carrier shall accept any live wild mammal or bird for transport to the United States that has not been examined within 10 days prior to commencement of transport to the United States by a veterinarian certified as qualified by the national government of the initial country from which the mammal or bird is being exported. If the national government of such country does not certify veterinarians, then the veterinarian must be certified or licensed by a local government authority designated by the national government as authorized to certify veterinarians.

(b)(1) A certificate of veterinary medical inspection, signed by the examining veterinarian, stating that the animal has been examined, is healthy, appears to be free of any communicable disease, and is able to withstand the normal rigors of transport must accompany the mammal or bird; the certificate should include the veterinarian's license number, certification number, or equivalent. A mammal in the last third of its pregnancy, if this is detectable using professionally accepted standards, shall not be accepted for transport to the United States except for medical treatment and unless the examining veterinarian certifies in writing that the animal has been examined, the state of pregnancy has been evaluated, and that, despite the medical condition requiring treatment, the animal is physically able to withstand the normal rigors of transportation to the United States.

(2) A nursing mother with young, an unweaned mammal unaccompanied by its mother, or an unweaned bird shall be transported only if the primary purpose is for needed medical treatment and upon certification in writing by the examining veterinarian that the treatment is necessary and the animal is able to withstand the normal rigors