

SUBCHAPTER G—LIVESTOCK IMPROVEMENT

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN FOR BREEDING POULTRY

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Subpart A—General Provisions

§ 145.1 Definitions.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. Except where the context otherwise requires, for the purposes of this part the following terms shall be construed, respectively, to mean:

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Affiliated flockowner. A flockowner who is participating in the Plan through an agreement with a participating hatchery.

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

Authorized agent. Any person designated under §145.11(a) to collect official samples for submission to an authorized laboratory as described in §§147.1(a) and 147.12 of this subchapter.

Authorized laboratory. An authorized laboratory is a laboratory that meets the requirements of §147.51 and is thus qualified to perform the assays described in part 147 of this subchapter.

Authorized testing agent. Any person designated under §145.11(a) to collect official samples for submission to an authorized laboratory as described in §§147.1(a) and 147.12 of this subchapter and to perform the stained antigen, rapid whole blood test for pullorum typhoid.

Baby poultry. Newly hatched poultry (chicks, poults, ducklings, goslings, keets, etc.).

Colon bacilli. For the purpose of this chapter, those organisms which are gram negative, non spore-forming bacilli, which ferment lactose with gas formation, and serve as an index of fecal contamination.

Dealer. An individual or business that deals in commerce in hatching eggs, newly-hatched poultry, and started poultry obtained from breeding flocks and hatcheries. This does not include an individual or business that deals in commerce in buying and selling poultry for slaughter only.

Department. The U.S. Department of Agriculture.

Domesticated. Propagated and maintained under the control of a person.

Equivalent or equivalent requirements. Requirements which are equal to or exceed the program, conditions, criteria, or classifications with which they are compared, as determined by the Official State Agency and with the concurrence of the Service.

Exposed (Exposure). Contact with birds, equipment, personnel, supplies, or any article infected with, or contaminated by, communicable poultry disease organisms.

Flock—(1) *As applied to breeding.* All poultry of one kind of mating (breed and variety or combination of stocks) and of one classification on one farm;

(2) *As applied to disease control.* All of the poultry on one farm except that, at the discretion of the Official State Agency, any group of poultry which is segregated from another group and has been so segregated for a period of at least 21 days may be considered as a separate flock.

Fluff sample. Feathers, shell membrane, and other debris resulting from the hatching of poultry.

Fowl typhoid or typhoid. A disease of poultry caused by *Salmonella gallinarum*.

Franchise breeder. A breeder who normally sells products under a specific strain or trade name and who authorizes other hatcheries to produce and sell products under this same strain or trade name.

Franchise hatchery. A hatchery which has been authorized by a franchise breeder to produce and sell products under the breeder's strain or trade name.

Hatchery. Hatchery equipment on one premises operated or controlled by any person for the production of baby poultry.

Independent flock. A flock that produces hatching eggs and that has no ownership affiliation with a specific hatchery.

Infected flock. A flock in which an authorized laboratory has discovered one or more birds infected with a communicable poultry disease for which a program has been established under the Plan.

Midlay. Approximately 2–3 months after a flock begins to lay or after a molted flock is put back into production.

Multiplier breeding flock. A flock that is intended for the production of hatching eggs used for the purpose of producing progeny for commercial egg or meat production or for other non-breeding purposes.

NPIP Technical Committee. A committee made up of technical experts on poultry health, biosecurity, surveillance, and diagnostics. The committee consists of representatives from the

poultry and egg industries, universities, and State and Federal governments and is appointed by the Senior Coordinator and approved by the General Conference Committee.

Official State Agency. The State authority recognized by the Department to cooperate in the administration of the Plan.

Official supervision—(1) *As applied to Plan programs.* The direction, inspection, and critical evaluation by the Official State Agency of compliance with the provisions of the Plan;

(2) *As applied to non-Plan but equivalent State poultry improvement programs.* The direction, inspection, and critical evaluation by an officer or agency of a State government, of compliance with a publicly announced State poultry improvement program.

Person. A natural person, firm, or corporation.

Plan. The provisions of the National Poultry Improvement Plan contained in this part.

Poultry. Domesticated fowl, including chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat.

Primary breeding flock. A flock composed of one or more generations that is maintained for the purpose of establishing, continuing, or improving parent lines.

Products. Poultry breeding stock and hatching eggs, baby poultry, and started poultry.

Program. Management, sanitation, testing, and monitoring procedures which, if complied with, will qualify, and maintain qualification for, designation of a flock, products produced from the flock, or a state by an official Plan classification and illustrative design, as described in §145.10 of this part.

Public exhibition. A public show of poultry.

Pullorum disease or pullorum. A disease of poultry caused by *Salmonella pullorum*.

Reactor. A bird that has a positive reaction to a test, required or recommended in parts 145 or 147 of this chapter, for any poultry disease for

which a program has been established under the Plan.

Salmonella. Any bacteria belonging to the genus *Salmonella*, including the arizona group.

Sanitize. To treat with a product which is registered by the Environmental Protection Agency as germicidal, fungicidal, pseudomonocidal, or tuberculocidal, in accordance with the specifications for use as shown on the label of each product. The Official State Agency, with the concurrence of the Service, shall approve each product or procedure according to its specified usage.

Senior Coordinator. An employee of the Service whose duties may include, but will not necessarily be limited to:

(1) Serving as executive secretary of the General Conference Committee;

(2) Serving as chairperson of the Plan Conference described in §147.47;

(3) Planning, organizing, and conducting the Plan Conference;

(4) Reviewing NPIP authorized laboratories as described in §147.51;

(5) Coordinating the State administration of the NPIP through periodic reviews of the administrative procedures of the Official State Agencies, according to the applicable provisions of the Plan and the Memorandum of Understanding;

(6) Coordinating rulemaking to incorporate the proposed changes of the provisions approved at the Plan conference into the regulations in parts 145, 146, and 147 of this subchapter;

(7) Directing the production of official NPIP publications;

(8) Proposing an annual budget for plan activities and the General Conference Committee; and

(9) Providing overall administration of the NPIP.

Service. The Animal and Plant Health Inspection Service, Veterinary Services, of the Department.

Serial. The total quantity of completed product which has been thoroughly mixed in a single container and identified by a serial number.

Sexual maturity. The average age at which a species of poultry is biologically capable of reproduction.

Started poultry. Young poultry (chicks, pullets, cockerels, capons, poults, ducklings, goslings, keets, etc.)

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that have been fed and watered and are less than 6 months of age.

State. Any State, the District of Columbia, or Puerto Rico.

State Inspector. Any person employed or authorized under §145.11(b) to perform functions under this part.

Stock. A term used to identify the progeny of a specific breeding combination within a species of poultry. These breeding combinations may include pure strains, strain crosses, breed crosses, or combinations thereof.

Strain. Poultry breeding stock bearing a given name produced by a breeder through at least five generations of closed flock breeding.

Succeeding flock. A flock brought onto a premises during the 12 months following removal of an infected flock.

Suspect flock. A flock shall be considered, for the purposes of the Plan, to be a suspect flock if any evidence exists that it has been exposed to a communicable poultry disease.

Trade name or number. A name or number compatible with State and Federal laws and regulations applied to a specified stock or product thereof.

[36 FR 23112, Dec. 3, 1971. Redesignated at 44 FR 61586, Oct. 26, 1979]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §145.1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 145.2 Administration.

(a) The Department cooperates through a Memorandum of Understanding with Official State Agencies in the administration of the Plan. In the Memorandum of Understanding, the Official State Agency must designate a contact representative to serve as a liaison between the Service and the Official State Agency.

(b) The administrative procedures and decisions of the Official State Agency are subject to review by the Service. The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and the Memorandum of Understanding.

(c) An Official State Agency may accept for participation an affiliated flock located in another State under a

mutual understanding and agreement, in writing, between the two Official State Agencies regarding conditions of participation and supervision.

(d) The Official State Agency of any State may, except as limited by §145.3(d), adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards compatible with the Plan.

(e) An authorized laboratory of the National Poultry Improvement Plan will follow the laboratory protocols outlined in part 147 of this chapter when determining the status of a participating flock with respect to an official Plan classification.

(Approved by the Office of Management and Budget under control number 0579-0007)

[36 FR 23112, Dec. 3, 1971. Redesignated at 44 FR 61586, Oct. 26, 1979, and amended at 48 FR 57473, Dec. 30, 1983; 67 FR 8468, Feb. 25, 2002; 74 FR 14714, Apr. 1, 2009]

§ 145.3 Participation.

(a) Any person producing or dealing in products may participate in the Plan when he has demonstrated, to the satisfaction of the Official State Agency, that his facilities, personnel, and practices are adequate for carrying out the applicable provisions of the Plan, and has signed an agreement with the Official State Agency to comply with the general and the applicable specific provisions of the Plan and any regulations of the Official State Agency under §145.2. Affiliated flockowners may participate without signing an agreement with the Official State Agency.

(b) Each participant shall comply with the Plan throughout the operating year of the Official State Agency, or until released by such Agency.

(c) A participant in any State shall participate with all of his poultry hatching egg supply flocks and hatchery operations within such State. He shall report to the Official State Agency on VS Form 9-2 (formerly NPIP Form 3B) or through other appropriate means each breeding flock before the birds reach 24 weeks of age or, in the case of ostriches, emus, rheas, cassowaries, before the birds reach 20 months of age. This report will include:

(1) Name and address of flockowner;