the United States, we may, in addition to any other authorities under this part:

(i) Issue an order causing an animal to be placed in quarantine,
(ii) Issue an order causing an animal to be re-exported,
(iii) Issue an order causing an animal to be destroyed, or
(iv) Take any other action necessary to prevent the spread of the monkeypox virus.

(2) Any order causing an animal to be quarantined, re-exported, or destroyed will be in writing.

(c) How do I appeal an order? If you received a written order to quarantine or re-export an animal or to cause an animal to be destroyed, you may appeal that order. Your appeal must be in writing and submitted to the CDC official whose office issued the order, and you must submit the appeal within 2 business days after you receive the order. Your appeal must state the reasons for the appeal and show that there is a genuine and substantial issue of fact in dispute. We will issue a written response to the appeal, which shall constitute final agency action.

(68 FR 62369, Nov. 4, 2003)

PART 72 [RESERVED]

PART 73—SELECT AGENTS AND TOXINS

§ 73.1 Definitions.

For purposes of this part:

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

Animal and Plant Health Inspection Service (APHIS) means the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

Attorney General means the Attorney General of the United States or any person authorized to act for the Attorney General.

Biological agent means any microorganism (including, but not limited to, bacteria, viruses, fungi, rickettsiae, or protozoa), or infectious substance, or any naturally occurring, bioengineered, or synthesized component of any such microorganism or infectious substance, capable of causing death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism; deterioration of food, water, equipment, supplies, or material of any kind; or deleterious alteration of the environment.

CDC means Centers for Disease Control and Prevention of the Department of Health and Human Services.

Diagnosis means the analysis of specimens for the purpose of identifying or confirming the presence or characteristics of a select agent or toxin provided that such analysis is directly related to protecting the public health or safety, animal health or animal products, or plant health or plant products.

Entity means any government agency (Federal, State, or local), academic institution, corporation, company, partnership, society, association, firm, sole proprietorship, or other legal entity.

HHS means the Department of Health and Human Services.

HHS Secretary means the Secretary of the Department of Health and Human Services or his or her designee, unless otherwise specified.

§ 73.19 Notification of theft, loss, or release.

§ 73.20 Administrative review.

§ 73.21 Civil money penalties.


SOURCE: 70 FR 13316, Mar. 18, 2005, unless otherwise noted.
### § 73.2 Purpose and scope.

This part implements the provisions of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 setting forth the requirements for possession, use, and transfer of select agents and toxins. The biological agents and toxins listed in this part have the potential to pose a severe threat to public health and safety, to animal health, or to animal products. Overlap select agents and toxins are subject to regulation by both CDC and APHIS.

### § 73.3 HHS select agents and toxins.

(a) Except for exclusions under paragraphs (d) and (e) of this section, the HHS Secretary has determined that the biological agents and toxins listed in this section have the potential to pose a severe threat to public health and safety.

(b) HHS select agents and toxins:

- Abrin
- Botulinum neurotoxins
- Botulinum neurotoxin producing species of Clostridium
- Cercopithecine herpesvirus 1 (Herpes B virus)
- Clostridium perfringens epsilon toxin
- Coccidioides posadasii/Coccidioides immitis
- Conotoxins
- Coxella burnetii
- Crimean-Congo haemorrhagic fever virus
- Diacetoxyscirpenol
- Eastern Equine Encephalitis virus
- Ebola viruses
- Francisella tularensis
- Lassa fever virus
- Marburg virus
- Monkeypox virus
- Reconstructed replication competent forms of the 1918 pandemic influenza virus containing any portion of the coding regions of all eight gene segments (Reconstructed 1918 Influenza virus)
- Ricin
- Rickettsia prowazekii
- Rickettsia rickettsii
- Saxitoxin
- Shiga-like ribosome inactivating proteins
- Shigatoxin
- South American Haemorrhagic Fever viruses (Junin, Machupo, Sabia, Flexal, Guanarito)
- Staphylococcal enterotoxins
- T-2 toxin
- Tetrodotoxin