§ 74.1 General prohibition.

The interstate movement of leopard tortoise (Geochelone pardalis), African spurred tortoise (Geochelone sulcata), and Bell's hingeback tortoise (Kinixys belliana) is prohibited except when tortoises are accompanied by either a health certificate or a certificate of veterinary inspection. The health certificate or certificate of veterinary inspection must be signed by an accredited veterinarian within 30 days prior to the interstate movement and must state that the tortoises have been examined by that veterinarian and found free of ticks.

[66 FR 37128, July 17, 2001]

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, PONIES, MULES, AND ZEBRAS

EQUINE INFECTIOUS ANEMIA (SWAMP FEVER)

§ 75.4 Interstate movement of equine infectious anemia reactors and approval of laboratories, diagnostic facilities, and research facilities.

(a) Definitions. For the purpose of this section, the following terms have the meanings set forth in this paragraph.

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with the provisions of part 161 of this title to perform functions specified in parts 1, 2, 3, and 11 of subchapter A, and subchapters B, C and D of this chapter, and to perform functions required by cooperative State-Federal disease control and eradication programs.

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


Animals. Cattle, sheep, goats, other ruminants, swine, horses, asses, mules, zebras, dogs, and poultry.

APHIS representative. An individual employed by APHIS who is authorized to perform the functions involved.

Approved stockyard. A stockyard, livestock market, or other premises, under state or federal veterinary supervision where horses or other equines are assembled for sale purposes, and which has been approved by the Administrator under §71.20 of this chapter.

Certificate. An official document issued by a State representative, APHIS representative, or an accredited veterinarian at the point of origin of the interstate movement on which are listed: (1) The description, including age, breed, color, sex, and distinctive markings when present (such as brands, tattoos, scars or blemishes), of each reactor to be moved; (2) the number of reactors covered by the document; (3) the purpose for which the reactors are to be moved; (4) the points of origin and destination; (5) consignor; and (6) the consignee; and which states that each reactor identified on the certificate meets the requirements of §75.4(b).

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

Official seal. A serially numbered metal or plastic strip, or a serially numbered button, consisting of a self-locking device on one end and a slot on the other end, which forms a loop when the ends are engaged and which cannot be reused if opened. It is applied by an APHIS representative or State representative.

Official test. Any test for the laboratory diagnosis of equine infectious anemia that utilizes a diagnostic product that is: (1) Produced under license from
§ 75.4  

the Secretary of Agriculture, and found to be efficacious for that diagnosis, under the Virus-Serum-Toxin Act of March 4, 1913, and subsequent amendments (21 U.S.C. 151 et seq.); and (2) conducted in a laboratory approved by the Administrator.  

Officially identified. The permanent identification of a reactor using the National Uniform Tag code number assigned by the United States Department of Agriculture to the State in which the reactor was tested, followed by the letter “A”, which markings shall be permanently applied to the reactor by an APHIS representative, State representative or accredited veterinarian who shall use for the purpose a hot iron or chemical brand, freezeemarking or a lip tattoo. If hot iron or chemical branding or freezeemarking is used, the markings shall be not less than two inches high and shall be applied to the left shoulder or left side of the neck of the reactor. If a lip tattoo is used, each character of the tattoo shall be not less than one inch high and three-fourths of an inch wide and shall be applied to the inside surface of the upper lip of the reactor.  

Operator. The individual responsible for the day-to-day operations of the specifically approved stockyard.  

Permit. An official document (VS Form 1–27 or a State form which contains the same information, but not a “permit for entry”) issued by an APHIS representative, State representative, or accredited veterinarian which lists the owner's name and address, points of origin and destination, number of animals covered, purpose of the movement, and one of the following: The individual animal registered breed association registration tattoo, individual animal registered breed association registration number, or similar individual identification, including name, age, sex, breed, color, and markings.  

Reactor. Any horse, ass, mule, pony or zebra which is subjected to an official test and found positive.  

Officially identified. The permanent identification of a reactor using the National Uniform Tag code number assigned by the United States Department of Agriculture to the State in which the reactor was tested, followed by the letter “A”, which markings shall be permanently applied to the reactor by an APHIS representative, State representative or accredited veterinarian who shall use for the purpose a hot iron or chemical brand, freezeemarking or a lip tattoo. If hot iron or chemical branding or freezeemarking is used, the markings shall be not less than two inches high and shall be applied to the left shoulder or left side of the neck of the reactor. If a lip tattoo is used, each character of the tattoo shall be not less than one inch high and three-fourths of an inch wide and shall be applied to the inside surface of the upper lip of the reactor.  

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

State animal health official. The individual employed by a State who is responsible for livestock and poultry disease control and eradication programs.  

State representative. An individual employed in animal health activities of a State or a State’s political subdivision, who is authorized by that State to perform the function involved under a cooperative agreement with the United States Department of Agriculture.  

Veterinarian in Charge. The veterinary official of APHIS who is assigned by the Administrator to supervise and perform the animal health activities of APHIS in the State concerned.  

(b) Interstate movement. No reactor may be moved interstate unless the reactor is officially identified, is accompanied by a certificate, and meets the conditions of either paragraph (b)(1), (b)(2), (b)(3), or (b)(4) of this section: Provided, That official identification is not necessary if the reactor is moved directly to slaughter under a permit and in a conveyance sealed with an official seal:  

(1) The reactor is moved interstate for immediate slaughter, either to a Federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or to a State-inspected slaughtering establishment that has inspection by a State representative at time of slaughter; or  

(2) The reactor is moved interstate to a diagnostic or research facility after the individual issuing the certificate has consulted with the State animal health official in the State of destination and has determined that the reactor to be moved interstate will be maintained in isolation sufficient to prevent the transmission of equine infectious anemia to other horses, asses, ponies, mules, or zebras, and will remain quarantined under State authority at the diagnostic or research facility until natural death, slaughter, or until disposed of by euthanasia; or  

(3) The reactor is moved interstate to its home farm after the individual
issuing the certificate has consulted with the State animal health official in the State of destination and has determined that the reactor to be moved interstate will be maintained in isolation sufficient to prevent the transmission of equine infectious anemia to other horses, asses, ponies, mules, or zebras, and will remain quarantined under State authority on the reactor’s home farm until natural death, slaughter, or until disposed of by euthanasia; and

(4) The reactor is moved interstate through no more than one approved stockyard for sale for immediate slaughter, and is moved within five days of its arrival at the approved stockyard directly to:

(i) Slaughter at a federally inspected slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), or,

(ii) Slaughter at a state-inspected slaughtering establishment that has inspection by a state representative at the time of slaughter, or,

(iii) The home farm of the reactor in accordance with paragraph (b)(3) of this section.

(c) Approval of Laboratories, and Diagnostic or Research Facilities. (1) The Administrator will approve laboratories to conduct the official test only after consulting with the State animal health official in the State in which the laboratory is located and after determining that the laboratory:

(i) Has technical personnel assigned to conduct the official test who have received training prescribed by the National Veterinary Services Laboratories;

(ii) Uses United States Department of Agriculture licensed antigen;

(iii) Follows standard test protocol prescribed by the National Veterinary Services Laboratories;

(iv) Meets check test proficiency requirements prescribed by the National Veterinary Services Laboratories; and

(v) Reports all official test results to the State animal health official and the Veterinarian in Charge.2

(2) The Administrator will approve diagnostic or research facilities to which reactors may be moved interstate under paragraph (b)(2) of this section, after a determination by the Administrator that the facility has facilities and employs procedures which are adequate to prevent the transmission of equine infectious anemia from reactors to other equine animals.3

(d) Denial and withdrawal of approval of laboratories and diagnostic or research facilities. The Administrator may deny or withdraw approval of any laboratory to conduct the official test, or of any diagnostic or research facility to receive reactors moved interstate, upon a determination that the laboratory or diagnostic or research facility does not meet the criteria for approval under paragraph (c) of this section.

(1) In the case of a denial, the operator of the laboratory or facility will be informed of the reasons for denial and may appeal the decision in writing to the Administrator within 10 days after receiving notification of the denial. The appeal must include all of the facts and reasons upon which the person relies to show that the laboratory or facility was wrongfully denied approval to conduct the official test or receive reactors moved interstate. The Administrator will grant or deny the appeal in writing as promptly as circumstances permit, stating the reason for his or her decision. If there is a conflict as to any material fact, a hearing will be held to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator.

(2) In the case of withdrawal, before such action is taken, the operator of the laboratory or facility will be informed of the reasons for the proposed withdrawal.

2Training requirements, standard test protocols, and check test proficiency requirements prescribed by the National Veterinary Services Laboratories, and the names and addresses of approved laboratories can be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Animal Health Programs, 4700 River Road Unit 43, Riverdale, Maryland 20737–1231.

3Facilities and procedures which are adequate to prevent the transmission of equine infectious anemia, and the names and addresses of approved diagnostic or research facilities, can be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Animal Health Programs, 4700 River Road Unit 43, Riverdale, Maryland 20737–1231.
withdrawal. The operator of the labora-
tory or facility may appeal the pro-
posed withdrawal in writing to the Ad-
ministrator within 10 days after being
informed of the reasons for the pro-
posed withdrawal. The appeal must in-
clude all of the facts and reasons upon
which the person relies to show that
the reasons for the proposed with-
drawal are incorrect or do not support
the withdrawal of the approval of the
laboratory or facility to conduct the
official test or receive reactors moved
interstate. The Administrator will
grant or deny the appeal in writing as
promptly as circumstances permit,
stating the reason for his or her deci-
sion. If there is a conflict as to any ma-
terial fact, a hearing will be held to re-
solve the conflict. Rules of practice
concerning the hearing will be adopted
by the Administrator. However, the
withdrawal shall become effective
pending final determination in the pro-
ceeding when the Administrator deter-
mines that such action is necessary to
protect the public health, interest, or
safety. Such withdrawal shall be effec-
tive upon oral or written notification,
whichever is earlier, to the operator of
the laboratory or facility. In the event
of oral notification, written confirma-
tion shall be given as promptly as cir-
cumstances allow. The withdrawal
shall continue in effect pending the
completion of the proceeding, and any
judicial review thereof, unless other-
wise ordered by the Administrator.
(3) Approval for a laboratory to con-
duct the official test will be automati-
cally withdrawn by the Administrator
when the operator of the approved lab-

eratory notifies the National Veteri-
nary Services Laboratories in Ames,
Iowa, in writing, that the laboratory
no longer conducts the official test.
(4) Approval for a diagnostic or re-
search facility to receive reactors moved
interstate will be automatically with-
drawn by the Administrator when
the operator of the approved diagnostic
or research facility notifies the Admin-
istrator, in writing, that the diagnostic
or research facility no longer receives
reactors moved interstate.

(Approved by the Office of Management and
Budget under control number 0579-0051)

[51 FR 12597, Apr. 14, 1986, as amended at 51
FR 30327, Aug. 26, 1986; 55 FR 13506, 13507,
Apr. 11, 1990; 57 FR 2440, Jan. 22, 1992; 57 FR
59 FR 67613, Dec. 30, 1994; 60 FR 14619, Mar. 20,
1995; 62 FR 27936, May 22, 1997; 66 FR 21062,
Apr. 27, 2001]

CONTAGIOUS EQUINE METRITIS (CEM)

§§ 75.5–75.10 [Reserved]

PART 76 [RESERVED]

PART 77—TUBERCULOSIS

Subpart A—General Provisions

Sec.
77.1 Material incorporated by reference.
77.2 Definitions.
77.3 Tuberculosis classifications of States
and zones.
77.4 Application for and retention of zones.

Subpart B—Cattle and Bison

77.5 Definitions.
77.6 Applicability of this subpart.
77.7 Accredited-free States or zones.
77.8 Interstate movement from accredited-
free States and zones.
77.9 Modified accredited advanced States or
zones.
77.10 Interstate movement from modified
accredited advanced States and zones.
77.11 Modified accredited States or zones.
77.12 Interstate movement from modified
accredited States and zones.
77.13 Accreditation preparatory States or
zones.
77.14 Interstate movement from accredita-
tion preparatory States and zones.
77.15 Nonaccredited States or zones.
77.16 Interstate movement from nonaccred-
ited States and zones.
77.17 Interstate movement of cattle and
bison that are exposed, reactors, or sus-
pects, or from herds containing suspects.
77.18 Other movements.
77.19 Cleaning and disinfection of premises,
conveyances, and materials.

Subpart C—Captive Cervids

77.20 Definitions.
77.21 Applicability of this subpart.
77.22 Accredited-free States or zones.
77.23 Interstate movement from accredita-
tion preparatory States and zones.