§ 93.101 General prohibitions; exceptions.

(a) No product or bird subject to the provisions of this part shall be brought into the United States except in accordance with the regulations in this part and part 94 of this subchapter; nor shall any such product or bird be handled or moved after physical entry into the United States before final release from quarantine or any other form of governmental detention except in compliance with such regulations; Provided, That the Administrator may upon request in specific cases permit products or birds to be brought into or through the United States before final release from quarantine or any other form of governmental detention except in compliance with such regulations; Provided, That the Administrator may upon request in specific cases permit products or birds to be brought into or through the United States before final release from quarantine or any other form of governmental detention except in compliance with such regulations;

(b)(1) Birds from Canada may be imported in accordance with this section or, except for ratites in accordance with the provisions applicable to importation of poultry from Canada as specified in §§93.205, 93.214, and 93.216 of this part.

1Importations of certain animals from various regions are absolutely prohibited under part 94 because of specified diseases.
(2) Ratites and hatching eggs of ratites may be imported into the United States only in accordance with the provisions in this part that apply to commercial and zoological birds, and, where specified, with the provisions that apply to ratites or hatching eggs of ratites.

(3) Except for ratites imported as zoological birds, and ratites and ratite hatching eggs imported from Canada in accordance with §93.107, ratites and hatching eggs of ratites may not be imported into the United States unless the following conditions are met:

(i) The ratites or hatching eggs are produced by a pen-raised flock, and, in the case of ratites, maintained in a pen-raised flock;

(ii) Each ratite produced in the flock is identified with an identification number by means of a microchip implanted at 1-day of age in the pipping muscle of ostriches and in the upper neck of other ratites, each ratite added from outside the flock is identified in like manner upon arrival in the flock, except that the microchip need not be implanted in the pipping muscle or the upper neck, and each ratite already in the flock as of March 8, 1994 is identified in like manner, prior to the next visit to the flock premises by an APHIS representative under §93.103(a)(2)(iv), except that the microchip need not be implanted in the pipping muscle or the upper neck;

(iii) On the date it is produced, each hatching egg produced in the flock is marked in indelible ink with the date of the production, and with identification, assigned by the national government of the region of export, of the premises and region from which the ratites or hatching eggs are intended for exportation;

(iv) The owner or manager of the premises from which the ratites or hatching eggs are intended for importation into the United States maintains on a daily basis a register listing the following:

(A) Number of live ratites hatched in the flock or added to the flock, and number of live ratites removed from the flock, and the microchip number for each of these ratites;

(B) Number of eggs produced in the flock and date of production, and number of eggs removed from the flock and date of production; and

(C) Number of eggs in incubator/hatcher and date of production;

(v) The owner or manager of the premises submits a copy of the registers to the National Veterinary Service of the region of export on a quarterly basis. The region of export in turn submits a copy of the registers to the Administrator upon his or her request;

(vi) The region from which the ratites or hatching eggs are exported to the United States maintains a registry of premises that wish to export ratites or hatching eggs of ratites to the United States, that lists each ratite according to the microchip number required under paragraph (b)(3)(iv) of this section, and also maintains a count of hatching eggs of ratites produced on or added to the premises;

(vii) Before a premises is added to the registry, either a veterinary officer of the national government of the region of export, or an employee of that government responsible for the protection of fish and wildlife, visits the premises and determines that all ratites and hatching eggs of ratites are identified as required under paragraphs (b)(3)(ii) and (b)(3)(iii) of this section.

(viii) The region from which the ratites or hatching eggs of ratites are exported to the United States requires each premises from which ratites or hatching eggs of ratites are exported to the United States to receive approval from the National Veterinary Service of that region before ratites are added to the premises from outside the premises, and also prohibits the addition of ratites to a flock during production seasons;

(ix) The region from which ratites or hatching eggs of ratites are exported to the United States establishes a maximum number of hatching eggs of ratites that may be produced on each premises over a set production season. The ceiling for each premises is calculated jointly by a full-time salaried
veterinary officer of the national government of the region of export and the APHIS representative who conducts the site visit required under §93.103(a)(2)(iv), and is adjusted jointly by an APHIS representative and a full-time salaried veterinary officer of the national government of the region of export according to changes in the number of laying hens in the flock;

(x) The region of export conducts random inspections of each premises intending to export ratites or hatching eggs of ratites to the United States, at least twice during each production season, to ensure that all ratites and hatching eggs of ratites on the premises are identified as required under paragraphs (b)(3)(ii) and (b)(3)(iii) of this section. These inspections must be conducted by either a veterinary officer of the national government of the region of export or an employee of that government responsible for the protection of fish and wildlife. If any ratites or hatching eggs are not identified as required, the region of export must not issue the export certificate required under §93.104(a). The region of export must record, on the copy of the report required to be sent to the Administrator under paragraph (b)(3)(v) of this section, whether all ratites and hatching eggs are identified as required;

(xi) The region of export requires each premises on which ratites or hatching eggs of ratites intended for export to the United States are kept to submit to the National Veterinary Service of that region a copy of the certificate required under §93.104(a); The person intending to import ratites into the United States provides the APHIS veterinary inspector at the intended port of entry with a reader capable of reading the microchip implanted in each of the ratites.

(4) Ratites and hatching eggs of ratites may not be imported into the United States in any container that holds hay, straw, grasses, wood chips, sawdust, or other materials likely to harbor ectoparasites. Ratites and hatching eggs of ratites that are imported into the United States in containers holding such materials will be refused entry.

(0)(1) Pet birds offered for entry from Canada and which are not known to be affected with or exposed to any communicable disease of poultry, which are caged (prior to release from the port of entry) and which are personal pets, may be imported by the owner thereof at any port of entry designated in §§93.103 or 93.203: Provided, That, such birds are found upon port of entry veterinary inspection under §93.105 to be free of poultry diseases and at the time of entry the owner signs and furnishes to the Administrator, a statement stating that the bird or birds have been in his, or her possession for a minimum of 90 days preceding the date of importation and that during such time such birds have not been in contact with poultry or other birds (for example, association with other avian species at exhibitions or in aviarries.)

(2)(i) Except for pet birds that have been in any region where highly pathogenic avian influenza exists, which are subject to the provisions of paragraph (c)(3) of this section, pet birds of United States origin that have not been outside the country for more than 60 days may be offered for entry under the provisions of paragraph (c)(1) of this section if:

(A) The pet birds are accompanied by an import permit issued by APHIS: Provided, that an import permit will not be required for pet birds returning from Canada or Mexico through a land border port; and

(B) The birds are also accompanied by a United States veterinary health certificate issued prior to the departure of the birds from the United States and the certificate shows the number from the leg band, tattoo, or microchip affixed to the birds prior to departure; and

(C) During port of entry veterinary inspection it is determined that the number from the leg band, tattoo, or microchip on the bird is the same as the one listed on the health certificate.

(ii) Except for pet birds that have been in any region where highly pathogenic avian influenza exists, which are subject to the provisions of paragraph (c)(3) of this section, pet birds of United States origin that have been outside the country for more than 60 days may be imported by their owner if:
(A) The pet birds are accompanied by an import permit issued by APHIS: Provided, that an import permit will not be required for pet birds returning from Canada or Mexico through a land border port; and

(B) The pet birds are found upon port of entry veterinary inspection to be free of poultry diseases; and

(C) The pet birds are accompanied by a United States veterinary health certificate issued prior to the departure of the birds from the United States and the certificate shows the number from the leg band, tattoo, or microchip affixed to the birds prior to departure; and

(D) During port of entry veterinary inspection it is determined that the number from the leg band, tattoo, or microchip on the bird is the same as the one listed on the health certificate; and

(E) The owner importing the pet birds signs and furnishes to the Administrator the following:

(1) A notarized declaration under oath or affirmation (or a statement signed by the owner and witnessed by a Department inspector) stating that the bird or birds have not been in contact with poultry or other birds while out of the region (for example, association with other avian species at exhibitions or at aviaries); and

(2) An agreement on VS Form 17–8, obtainable from a Federal inspector at the port of entry, stating:

(i) That the birds will be maintained in confinement in his or her personal possession separate and apart from all poultry and other birds for a minimum of 30 days following importation at the address where the birds are to be held and made available for health inspection and testing by Department inspectors upon request until released at the end of such period by such an inspector; and

(ii) That appropriate Federal officials in the State of destination will be immediately notified if any signs of disease are noted in any of the birds or any bird dies during that period. The owner importing such birds must comply with the provisions of the aforementioned agreement before the birds may be released from confinement. Except for pet birds that have been in any region where highly pathogenic avian influenza exists, lots of pet birds of United States origin which do not otherwise meet the requirements of paragraphs (c)(1) or (2) of this section may be offered for entry under the provisions of paragraph (c)(4) of this section.

(3) Any pet birds of United States origin that have been in any region identified in accordance with §94.6a(2) of this subchapter as a region where highly pathogenic avian influenza exists, regardless of the length of time such birds have been outside of the United States, may only be imported through the port of Los Angeles, CA, Miami, FL, or New York, NY, and only under the following conditions:

(i) The birds meet the requirements of paragraphs (c)(2)(ii)(A) through (D) of this section; and

(ii) The birds are quarantined for a minimum of 30 days, and for such longer period as may be required by the Administrator in any specific case, at a USDA quarantine facility in accordance with §93.106.

(4) Pet birds which are not known to be affected with or exposed to communicable diseases of poultry may be offered for entry at one of the ports of entry designated in §93.102(a) under the following conditions:

(i) The pet birds shall be accompanied by a veterinary health certificate issued by a national government veterinary officer of the region of export stating that he or she personally inspected the birds listed on the health certificate and found them to be free of evidence of Newcastle disease, chlamydiosis, and other communicable diseases of poultry, and that the birds were being exported in compliance with the laws and regulations of the region of export, or if exported from Mexico, shall be accompanied either by such a certificate or by a certificate issued by a veterinarian accredited by the National Government of Mexico and endorsed by a full-time salaried veterinary officer of the National Government of Mexico, thereby representing that the veterinarian issuing the certificate was authorized to do so. Certificates in a foreign language must be translated into English at the expense of the importer.
§ 93.101

(ii) An advanced reservation fee as required by §93.103(a)(3) and a request for space which has been confirmed in writing, at a USDA-operated quarantine facility shall be made with the port veterinarian at the port where the birds are to be held for a minimum 30-day isolation in a biologically secure unit separate and apart from all other avian species, except, that birds arriving without an advanced reservation may be handled if an isolation unit is available, provided the reservation fee as required in §93.103(a)(3) is paid. Pet birds offered for entry at a port of entry that has not been designated in §93.102(a), or pet birds arriving without an advanced reservation at a port of entry designated in §93.102(a) but at which isolation units are not available, shall be refused entry at such port. However, such pet birds may be transported at the owner’s expense to another port of entry designated in §93.102(a) if available quarantine space exists, if the reservation fee is paid and the birds are shipped to such other port under conditions deemed sufficient by the Administrator to prevent the spread of communicable diseases of poultry: Provided, That pet birds arriving with or without an advance reservation at the port of Hidalgo, Texas, will be transported at Department expense to the quarantine facility at Mission, Texas, if available quarantine space exists at that facility, until quarantine facilities are available at Hidalgo, Texas; and pet birds arriving with or without an approved reservation entered at the port of New York, New York, will be transported at Department expense to the quarantine facility at Newburgh, New York, if available quarantine space exists at the facility, until quarantine facilities are available at New York, New York. Following the isolation period, if such birds are found to be free from communicable diseases of poultry, the birds shall be returned at Department expense to the respective ports of Hidalgo, Texas, or New York, New York, as appropriate, for Agriculture release for entry through U.S. Customs.

(iii) During the isolation period, the birds shall be subjected to such tests and procedures as required by the Administrator to determine whether the birds are free from communicable diseases of poultry.

(iv) Following the isolation period, if the birds are found to be free of communicable disease of poultry, the port veterinarian shall issue an agriculture release for entry through U.S. Customs. If the birds are found during port of entry inspection or during quarantine to be infected with or exposed to a communicable disease of poultry, such birds shall be refused entry and handled in accordance with §93.106(a) of this part.

(v) The owner of the birds is responsible for all costs which result from these procedures and shall reimburse APHIS for governmental expenses in accordance with §93.210 (b) and (c) of this part.

(d) The provisions in this subpart relating to birds shall not apply to healthy birds, except ratites, not known to be infected with or exposed, within the 90 days preceding the date of export from the region of origin, to communicable diseases of poultry, if an import permit has been obtained under §93.103 of this chapter and all conditions therein are observed; and if such birds are handled as follows:

(1)(i) They are maintained under continuous confinement in transit through the United States aboard an aircraft, ocean vessel, or other means of conveyance; or

(ii) Except for birds in transit through Anchorage, Alaska, under §93.103(c) of this part, which are not allowed to be unloaded, they are unloaded, in the course of such transit, into a bird holding facility which is provided by the carrier or its agent and has been approved in advance by the

3The names and addresses of the port veterinarians, as well as a fee schedule for quarantine charges, are available from the Animal and Plant Health Inspection Service, Veterinary Services, Operational Support, 4700 River Road Unit 33, Riverdale, Maryland 20737–1231.

4Such permit may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, Operational Support, 4700 River Road Unit 33, Riverdale, Maryland 20737–1231. Requests for approval of such facilities should also be made to the Deputy Administrator.

5See footnote 4 in subpart A.
Animal and Plant Health Inspection Service, USDA § 93.101

Administrator in accordance with paragraph (d)(3) of this section as adequate to prevent the spread within the United States of any livestock or poultry disease, and they are maintained there under continuous confinement until loaded aboard a means of conveyance for transportation from the United States and are maintained under continuous confinement aboard such means of conveyance until it leaves the United States; the import permit will specify any additional conditions necessary to assure that the transit of the poultry or birds through the United States can be made without endangering the livestock or poultry of the United States, and that Department inspectors may inspect the poultry or birds on board such means of conveyance or in such holding facility to ascertain whether the requirements of this paragraph are met, and dispose of them in accordance with the Animal Health Protection Act (7 U.S.C. 8301 et seq.) if such conditions are not met; and

(2) The carrier or its agent executes and furnishes to the collector of Customs at the first port of arrival a declaration stating that the poultry or birds will be retained aboard such means of conveyance or in an approved holding facility during transhipment as required by this paragraph.

(3) Provisions for the approval of facilities required in this paragraph are:

(i) They must be sufficiently isolated to prevent direct or indirect contact with all other animals and birds while in the United States.

(ii) They must be so constructed that they provide adequate protection against environmental conditions and can be adequately cleaned, washed and disinfected.

(iii) They must provide for disposal of animal and bird carcasses, manure, bedding, waste and any related shipping materials in a manner that will prevent dissemination of disease.

(iv) They must have provisions for adequate sources of feed and water and for attendants for the care and feeding of birds in the facility.

(v) They must comply with additional requirements as may be imposed by the Administrator if deemed applicable for a particular shipment.

(vi) They must also comply with all applicable local, State and Federal requirements for environmental quality and with the provisions of the Animal Welfare Regulations in chapter I of this title, as applicable.

(e) Commercial birds, zoological birds, research birds, or pet birds may be imported into the United States if they meet the requirements of §§93.102(a), 93.103, 93.104, 93.105(a), and 93.106(a) which specifically apply to such birds and the requirements of all other sections in this part that are applicable to poultry generally.

(f) Performing or theatrical birds returning to the United States. (1) Performing or theatrical birds of United States origin that are returning to the United States from Canada or Mexico may be imported if:

(i) The birds are found upon port of entry veterinary inspection to be free of avian diseases; and

(ii) The birds are accompanied by a United States veterinary health certificate issued prior to the departure of the birds from the United States and the certificate shows the number from the leg band, tattoo, or microchip affixed to the birds prior to departure; and

(iii) During port of entry veterinary inspection it is determined that the number from the leg band, tattoo, or microchip on the birds is the same as the one listed on the health certificate.

(2) Except for performing or theatrical birds that have been in any region where highly pathogenic avian influenza exists, which are subject to the provisions of paragraph (f)(3) of this section, performing or theatrical poultry of United States origin that have been outside the United States in a region other than Canada or Mexico may be imported if:

(i) The birds meet the requirements of paragraphs (f)(1)(i) through (iii) of this section; and

(ii) The birds are accompanied by an import permit issued by APHIS; and

(iii) The owner importing the birds signs and furnishes to the Administrator the following:

(A) A notarized declaration under oath or affirmation (or a statement signed by the owner and witnessed by a Department inspector) stating that the
§ 93.101  Birds that would require handfeeding will be refused entry.

Such tests are conducted according to the Protocol for Newcastle disease which is available upon request from the Administrator.

Birds that require handfeeding will be refused entry.

9 CFR Ch. I (1–1–14 Edition)

(g) Any smuggled bird shall:

1. Be refused entry into the United States and be removed from the United States, or
2. Be quarantined in a USDA-operated quarantine facility pending negative results to two consecutive tests for Newcastle disease administered not less than 30 days apart, with the first test administered within seven days after the bird enters the facility. Tissue samples from any smuggled bird which has died prior to release from quarantine shall be submitted for Newcastle disease isolation. Smuggled birds shall also be subject to such other tests and procedures to determine whether the birds are free from communicable diseases of poultry other than Newcastle disease when the port veterinarian determine that the bird in question has shown physical symptoms of being affected with or exposed to communicable diseases of poultry. A lot of smuggled birds placed into the quarantine facility shall be handled on an “all-in, all-out” basis: Provided, That birds of endangered and threatened species, as determined by the Department of the Interior (16 U.S.C. 1533, as amended) shall be separated for quarantine and testing as separate lots. If Newcastle disease or any other communicable disease of poultry is diagnosed in any smuggled bird at any point or if it is determined that any smuggled bird has been exposed to Newcastle disease or any other such communicable disease, such birds shall not be released from quarantine and shall be disposed of in accordance with procedures established by the Administrator to prevent the entry of communicable diseases of livestock or poultry into the United States. However, if endangered or threatened species are determined to be exposed such birds shall be held in permanent quarantine in accordance with such conditions as the Deputy Administrator may prescribe to protect poultry of the United States. At the time any smuggled bird enters the quarantine facility, it shall be

424
§ 93.103 Import permits for birds; and reservation fees for space at quarantine facilities maintained by APHIS.

(a) Application for permit; reservation required. Before any permit application is submitted, all construction at the quarantine facility must be completed.

(1) For pet birds, commercial birds, research birds, zoological birds, and performing or theatrical birds, intended for importation into the United States, except as otherwise provided in §§93.101(b) and (c) 93.103(c), and 93.107(b), the importer shall first apply for and obtain an import permit. The importer (permit applicant) shall submit a completed VS form 17–126 for ratites or hatching eggs of ratites; or, for other birds, a completed VS form 17–20; or shall submit a document that states that it is an application for a permit to import ratites, hatching eggs of ratites, or birds other than ratites or hatching eggs of ratites. The application must include the following information:

*VS import permit application forms are available from local offices of Veterinary