

§ 50.1

- 50.14 Claims not allowed.
50.15 Part 53 of this chapter not applicable.
50.16 Certain cattle on the Island of Molokai in Hawaii.

AUTHORITY: 21 U.S.C. 111-113, 114, 114a, 114a-1, 120, 121, 125, and 134b; 7 CFR 2.22, 2.80, and 371.2(d).

SOURCE: 40 FR 27009, June 26, 1975, unless otherwise noted.

§ 50.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean:

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.

Animal and Plant Health Inspection Service: The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS).

APHIS representative: A veterinarian or other person employed by APHIS in animal health activities, who is authorized to perform the function involved.

Approved herd plan. A herd management and testing plan based on the disease history and movement patterns of an individual herd, designed by the herd owner and a State representative or APHIS representative to determine the disease status of livestock in the herd and to eradicate tuberculosis within the herd. The plan must be jointly approved by the State animal health official and the Veterinarian in Charge.

Captive cervid. All species of deer, elk, moose, and all other members of the family Cervidae raised or maintained in captivity for the production of meat and other agricultural products, for sport, or for exhibition. A captive cervid that escapes will continue to be considered a captive cervid as long as it bears an official eartag or other identification approved by the Admin-

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istrator as unique and traceable with which to trace the animal back to its herd of origin.

Department: The United States Department of Agriculture.

Designated epidemiologist. An epidemiologist appointed by a cooperating State animal health official and the Veterinarian in Charge to perform functions specified by the "Uniform Methods and Rules—Bovine Tuberculosis Eradication."

Destroyed: Condemned under State authority and destroyed by slaughter or by death otherwise.

Herd. Any group of livestock maintained on common ground for any purpose, or two or more groups of livestock under common ownership or supervision, geographically separated but that have an interchange or movement of livestock without regard to health status, as determined by the Administrator.

Herd depopulation. Removal by slaughter or other means of destruction of all cattle, bison, and captive cervids in a herd prior to restocking with new cattle, bison, or captive cervids.

Livestock. Cattle, bison, captive cervids, swine, dairy goats, and other hoofed animals (such as llamas, alpacas, and antelope) raised or maintained in captivity for the production of meat and other products, for sport, or for exhibition.

Mortgage: Any mortgage, lien or other security or interest that is recorded under State law or identified in the indemnity claim form filed under § 50.12 and held by any person other than the one claiming indemnity.

Owner: Any person who has a legal or rightful title to livestock whether or not they are subject to a mortgage.

Permit: A permit for movement of cattle, bison, captive cervids, or swine direct to slaughter listing the disease status and identification of the animal, where consigned, cleaning and disinfecting requirements, and proof of slaughter certification; *Provided, however,* a permit for movement to a quarantined feedlot pursuant to § 50.16 is the same except that the permit is for movement to a quarantined feedlot instead of to slaughter and the proof of

slaughter certification is not applicable.

Person: Any individual, corporation, company, association, firm, partnership, society, or joint stock company, or any organized group of any of the foregoing.

Quarantined feedlot: A confined area under the direct supervision and control of a State livestock official who shall establish procedures for the accounting of all livestock entering or leaving the area. The quarantined feedlot shall be maintained for finish feeding of livestock in drylot with no provision for pasturing and grazing. All livestock leaving such feedlot must only move directly to slaughter in accordance with established procedures for handling quarantined livestock.

Reactor cattle, bison, and captive cervids. Cattle and bison are classified as reactors for tuberculosis in accordance with the "Uniform Methods and Rules—Bovine Tuberculosis Eradication," based on a positive response to an official tuberculin test. Captive cervids are classified as reactors for tuberculosis in the same manner as cattle and bison.

Registered cattle, bison, or captive cervids. Cattle, bison, or captive cervids for which individual records of ancestry are maintained, and for which individual registration certificates are issued and recorded by a recognized breed association whose purpose is the improvement of the breed.

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

Tuberculosis: The contagious, infectious, and communicable disease caused by *Mycobacterium bovis*.

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

[40 FR 27009, June 26, 1975, as amended at 45 FR 32287, May 16, 1980; 51 FR 33735, Sept. 23, 1986; 52 FR 1317, Jan. 13, 1987; 52 FR 39614, Oct. 23, 1987; 56 FR 36998, Aug. 2, 1991; 58 FR 34698, June 29, 1993; 60 FR 37808, July 24, 1995; 63 FR 34263, June 24, 1998; 63 FR 72122, Dec. 31, 1998]

§ 50.2 Cooperation with States.

The Administrator cooperates with the proper State authorities in the

eradication of tuberculosis and pays Federal indemnities for the destruction of cattle, bison, captive cervids, or swine affected with or exposed to tuberculosis.

[40 FR 27009, June 26, 1975, as amended at 52 FR 39614, Oct. 23, 1987; 56 FR 36998, Aug. 2, 1991; 60 FR 37809, July 24, 1995; 63 FR 34264, June 24, 1998]

§ 50.3 Payment to owners for animals destroyed.

(a) *Affected cattle, bison, and captive cervids.* The Department may pay owners an indemnity for cattle, bison, and captive cervids affected with tuberculosis not to exceed \$750 for each animal, but any joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

(b) *Herd depopulation—cattle, bison, and captive cervids.* The Administrator may authorize the payment of Federal indemnity to owners of cattle, bison, and captive cervids destroyed because of tuberculosis, not to exceed \$450 for any animal which is a part of a known affected herd, when it has been determined by the Administrator that the destruction of all the exposed cattle, bison, and captive cervids in the herd will contribute to the Tuberculosis Eradication Program; but, the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

(c) *Exposed cattle, bison, and captive cervids.* The Administrator may authorize the payment of Federal indemnity to owners of cattle, bison, and captive cervids destroyed because of tuberculosis not to exceed \$450 for any animal which has been classified as exposed to tuberculosis in accordance with § 50.4(b) when it has been determined by the Administrator that the destruction of the exposed cattle, bison, or captive cervids will contribute to the Tuberculosis Eradication Program; but, the joint State-Federal indemnity payments, plus salvage, must not exceed the appraised value of each animal.

(d) *Suspect cattle, bison, and captive cervids.* The Administrator may authorize the payment of Federal indemnity to owners of cattle, bison, and captive