

§ 78.41

State or area, or removal of validated brucellosis-free status, the State animal health official of the State involved will be notified of such reclassification or removal, and will be given an opportunity to present objections and arguments to the Administrator prior to the reclassification or removal taking place.

[51 FR 32580, Sept. 12, 1986, as amended at 53 FR 2222, Jan. 27, 1988; 56 FR 54533, Oct. 22, 1991; 56 FR 55803, Oct. 30, 1991]

§ 78.41 State/area classification.

(a) *Class Free.* Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virgin Islands, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

(b) *Class A.* Florida, Missouri, Oklahoma, and Texas.

(c) *Class B.* None.

[51 FR 32580, Sept. 12, 1986]

EDITORIAL NOTE: For *Federal Register* citations affecting § 78.41, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 78.42 Quarantined areas.

None.

§ 78.43 Validated States. brucellosis-free States.

Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virgin Islands, Virginia,

9 CFR Ch. I (1-1-01 Edition)

Washington, West Virginia, Wisconsin, Wyoming.

[53 FR 4382, Feb. 16, 1988; 53 FR 21979, June 13, 1988, as amended at 53 FR 24930, July 1, 1988; 53 FR 44180, Nov. 2, 1988; 55 FR 420, Jan. 5, 1990; 55 FR 7883, Mar. 6, 1990; 55 FR 41995, Oct. 17, 1990; 55 FR 42354, Oct. 19, 1990; 56 FR 2127, Jan. 22, 1991; 56 FR 46109, Sept. 10, 1991; 58 FR 11365, Feb. 25, 1993; 58 FR 28343, May 13, 1993; 58 FR 68506, Dec. 28, 1993; 60 FR 67321, Dec. 29, 1995; 63 FR 34267, June 24, 1998; 63 FR 44777, Aug. 21, 1998; 63 FR 53782, Oct. 7, 1998]

PART 79—SCRAPIE IN SHEEP AND GOATS

Sec.

79.1 Definitions.

79.2 General restrictions.

79.3 Designation of scrapie-positive animals, source flocks, and infected flocks; notice to owners; publication.

79.4 Waiver of requirements for scrapie control pilot projects.

AUTHORITY: 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, and 134f; 7 CFR 2.22, 2.80, and 371.2(d).

SOURCE: 57 FR 33631, July 30, 1992, unless otherwise noted.

§ 79.1 Definitions.

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with part 161 of this chapter 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, United States Department of Agriculture, or any employee of the United States Department of Agriculture authorized to act in his or her stead.

Animal. A sheep or goat.

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

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

Breed associations and registries. Organizations which maintain the permanent records of ancestry or pedigrees of animals (including the animal's sire

and dam), individual identification of animals, and ownership of animals.

Exposed animal. Any animal which has been in the same flock at the same time within the previous 60 months as a scrapie-positive animal, excluding limited contacts. Limited contacts are contacts between animals that occur off the premises of the flock, and do not occur during or immediately after parturition for any of the animals involved. Limited contacts do not include commingling (when animals concurrently share the same pen or same section in a transportation unit where there is uninhibited physical contact).

Flock. All animals maintained on any single premises; and all animals under common ownership or supervision on two or more premises which are geographically separated, but among which there is an interchange or movement of animals.

Flock plan. A written flock management agreement designed by the owner of a flock, an accredited veterinarian, and a Veterinary Services representative or State representative in which each participant agrees to undertake actions specified in the flock plan to control the spread of scrapie from, and eradicate scrapie in, an infected flock, source flock, or trace flock. The flock plan shall require an epidemiologic investigation to identify high-risk animals that must be removed from the flock, and shall include other requirements found necessary by the APHIS representative or State representative to control scrapie in the flock. These other requirements may include, but are not limited to, cleaning and disinfection of flock premises, education of the owner of the flock and personnel working with the flock in techniques to recognize clinical signs of scrapie and control the spread of scrapie, and maintaining records of animals in the flock.

High-risk animal. An animal which is:

- (1) The progeny of a scrapie-positive dam;
- (2) Born in the same flock during the same lambing season as progeny of a scrapie-positive dam, unless the progeny of the scrapie-positive dam are from separate contemporary lambing groups (groups that are managed as separate units and are not commingled

during lambing and for 60 days following the date the last lamb was born, and that do not use the same lambing facility unless the lambing facility is cleaned and disinfected between lambings by removing all organic matter and spraying the lambing facility with a 2 percent sodium hydroxide solution or 0.5 percent sodium hypochlorite solution); or

- (3) Born during the same lambing season as a scrapie-positive ewe or ram in a source flock or trace flock.

Infected flock. Any flock in which an APHIS representative or a State representative has determined an animal to be a scrapie-positive animal after March 31, 1989. A flock will no longer be an infected flock after it has completed the requirements of a flock plan.

Permit. An official document (VS Form 1-27) issued by an APHIS representative that indicates the following: the shipper's or consignor's name and address; the consignee's name and address; the State where the permit was issued; points of origin and destination of the animals being moved interstate; purpose of the movement; number and species of animals covered by the permit; whether the animals are from an infected flock or a source flock; transportation vehicle license number or other identification number; and seal number.

Scrapie control pilot project. A pilot project authorized by the Administrator in writing, designed to test or improve program procedures or to facilitate research, in order to control and eradicate scrapie. In addition to APHIS, participants may include State animal health agencies, flock owners, and other parties as necessary.

Scrapie-positive animal. An animal for which a diagnosis of scrapie has been made by the National Veterinary Services Laboratories, United States Department of Agriculture, or another laboratory authorized by the Administrator to conduct scrapie tests in accordance with this part, through histological examination of central nervous system samples from the animal for microscopic lesions in the form of neuronal vacuoles or spongy degeneration, or by the use of protease-resistant protein analysis or other confirmatory

techniques used in conjunction with histological examination.

Source flock. A flock in which an APHIS representative or a State representative has determined that at least two animals were born that were diagnosed as scrapie-positive animals at an age of 54 months or less. In order for the flock to be a source flock, the second scrapie-positive diagnosis must have been made within 60 months of the first scrapie-positive diagnosis and after March 31, 1989. A flock will no longer be a source flock after it has completed the requirements of a flock plan.

Source flock. A flock in which a Veterinary Services representative has determined that at least two animals, that were diagnosed as scrapie-positive animals at an age of 54 months or less, were born. In order to be a source flock, the second scrapie-positive diagnosis must be made within 60 months of the first scrapie-positive diagnosis. A flock will no longer be considered a source flock after it has completed the requirements of a flock plan.

State. Each of the 50 States, the District of Columbia, the Northern Mariana Islands, Puerto Rico, and all territories or possessions of the United States.

State representative. An individual employed in animal health activities by a State or political subdivision of a State, and who is authorized by the State or political subdivision to perform the function involved.

Trace flock. A flock in which an APHIS representative or a State representative has determined that one animal was born that was diagnosed as a scrapie-positive animal at an age of 54 months or less. In order for the flock to be a trace flock, the scrapie-positive diagnosis must have been made after March 31, 1989. A flock will no longer be a trace flock after it has completed the requirements of a flock plan.

(Approved by the Office of Management and Budget under control number 0579-0101)

[57 FR 33631, July 30, 1992, as amended at 59 FR 21921, Apr. 28, 1994; 65 FR 39536, June 27, 2000]

§79.2 General restrictions.

(a) Except as provided in paragraphs (a)(1) and (a)(2) of this section, no

scrapie-positive animal, animal from an infected flock, or animal from a source flock may be moved interstate, unless the animal has been permanently identified with an indelible mark in the form of the letter "S," at least 1" by 1", applied on the left jaw.

(1) Animals less than 1 year of age may be moved interstate to slaughter from an infected flock or a source flock if the animals are moved in a means of conveyance sealed by an APHIS representative and are accompanied by a permit.

(2) High-risk animals less than 1 year of age moving in slaughter channels and animals other than high-risk animals may be moved interstate if the animals are from infected flocks or source flocks meeting the following conditions:¹

(i) The owner of the flock or his or her agent has signed an agreement with the Administrator in which the owner of the flock or his or her agent agrees to comply with the requirements of this section until the time the flock is no longer an infected flock or source flock.

(ii) The owner of the flock or his or her agent shall immediately report to a State representative, APHIS representative, or an accredited veterinarian any animals in the flock exhibiting the following: weight loss despite retention of appetite; behavioral abnormalities; pruritus (itching); wool pulling; biting at legs or side; lip smacking; motor abnormalities such as incoordination, high stepping gait of forelimbs, bunny hop movement of rear legs, swaying of back end; increased sensitivity to noise and sudden movement; tremor, "star gazing", head pressing, recumbency, or

¹Owners of flocks participating in the Voluntary Scrapie Flock Certification Program described in 9 CFR part 54 agree to follow the "Uniform Methods and Rules—Voluntary Scrapie Flock Certification" (the UM&R), which include, among other requirements, the conditions in this section. Individual copies of the UM&R may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, Sheep, Goat, Equine, and Poultry Diseases, 4700 River Road Unit 43, Riverdale, Maryland 20737-1231; or from the American Sheep Industry Association, Producer Services, 6911 S. Yosemite Street, Englewood, CO 80112-1414, telephone (303) 771-3500.