

of the United States, and any other territory or possession of the United States.

State representative. An individual employed in animal health work and authorized by a State or political subdivision of a State to perform the tasks required by this subpart.

Study flock. A flock determined in accordance with § 82.32(a) of this part to be a study flock, based on:

(1) A determination by a Federal representative or State representative through epidemiologic investigation that the flock is the probable source of disease in an outbreak of disease in poultry or humans caused by *Salmonella enteritidis* serotype *enteritidis*, or

(2) A determination by a Federal representative or State representative that the flock has received progeny from a primary breeding flock or multiplier breeding flock that has had a positive organ sample in accordance with § 145.23(d) of this chapter, after the date of the last negative environmental sample for the primary breeding flock or multiplier breeding flock in accordance with § 145.23(d) of this chapter.

Test flock. A flock that does not contain separate poultry houses as defined by this section, and in which any manure and egg transport machinery samples have tested positive for *Salmonella enteritidis* serotype *enteritidis* in accordance with § 82.32(b) or (b)(2)(ii) of this subpart.

Test poultry house. A poultry house determined in accordance with § 82.32(b) or (b)(2)(iii) of this subpart to have tested positive for *Salmonella enteritidis* serotype *enteritidis* by isolation of the bacterium from one or more manure or egg transport machinery samples, and designated for blood and internal organ testing in accordance with § 82.32(c) of this subpart.

[56 FR 3738, Jan. 30, 1991, as amended at 57 FR 778, Jan. 9, 1992; 59 FR 67613, Dec. 30, 1994; 61 FR 11517, Mar. 21, 1996; 66 FR 21062, Apr. 27, 2001]

§ 82.31 Applicability.

The regulations in this subpart apply only to primary and multiplier breeding flocks used for the purpose of producing progeny for commercial egg production, and to egg production

flocks used for the purpose of producing table eggs for sale or other distribution in interstate commerce or for export.

§ 82.32 Identification of study flocks, test poultry houses, test flocks, infected poultry houses, and infected flocks.

Only a Federal representative or State representative² may make a determination in accordance with this subpart that an egg production flock is a study flock, a test flock, or an infected flock, or that a poultry house is a test poultry house or an infected poultry house. The Federal representative or State representative shall also determine which subunits of a flock meet the definition of a separate poultry house in § 82.30 of this subpart. Immediately after a study flock, test flock, infected flock, test poultry house, or infected poultry house is identified, a Federal representative or a State representative shall notify in writing the person in control of the flock that his or her flock has been determined to be a study flock, test flock, or infected flock, or that specified poultry houses in the flock have been determined to be test poultry houses or infected poultry houses. At any time after such notification, the person in control of such flock, test poultry house, or infected poultry house, upon request of a Federal representative or a State representative, shall make available for review and copying all records maintained in accordance with 7 CFR 59.200³ and all

²The location of Federal or State representatives can be obtained by writing to the Animal and Plant Health Inspection Service, Veterinary Services, Center for Planning, Certification, and Monitoring, 4700 River Road Unit 46, Riverdale, Maryland 20737-1231.

³In accordance with 7 CFR 59.200, persons engaged in the business of transporting, shipping, receiving, holding, or handling eggs or egg products in commerce shall maintain records for two years showing the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall, upon the request of an authorized representative of the Secretary, permit him, at reasonable times, to have access to and to copy all such records.

other records of the shipment of poultry and poultry products to and from the flock.

(a) *Study flocks.* An egg production flock shall be determined to be a study flock under the circumstances described in paragraphs (a)(1) or (a)(2) of this section:

(1) The Administrator determines that the flock has been implicated as the probable source of disease in an outbreak of disease in humans or poultry caused by *Salmonella enteritidis* serotype *enteritidis*. The Administrator shall make such a determination after he or she determines that:

(i) Epidemiologic reports from Federal or State health agencies identify the cause of the outbreak as *Salmonella enteritidis* serotype *enteritidis*;

(ii) Eggs were the probable source of the *Salmonella enteritidis* serotype *enteritidis* organisms that caused the outbreak; and

(iii) Shipping records or other evidence reveal that the probable source of the eggs was the flock determined to be a study flock.

(2) A Federal representative or a State representative determines that the flock has received progeny from an egg-type chicken breeding flock that has had *Salmonella enteritidis* serotype *enteritidis* recovered from the internal organs of one or more chickens through testing in accordance with § 145.23(d) of this chapter, at any time since the last negative environmental sample tested for that egg-type chicken breeding house in accordance with § 145.23(d) of this chapter.

(b) *Test poultry houses and test flocks.* A separate poultry house in a study flock shall be determined to be a test poultry house if manure and egg transport machinery samples from the house are collected and tested in accordance with this paragraph and one or more of the samples from the house tests positive for *Salmonella enteritidis* serotype *enteritidis*. The entire flock shall be determined to be a test flock if the flock does not contain separate poultry houses as defined in § 82.30 of this chapter, and if manure and egg transport machinery samples from any poultry house in the flock test positive for *Salmonella enteritidis* serotype *enteritidis* in accordance with this paragraph. A

study flock shall be determined to be a test flock if the person in control of the flock has refused to schedule collection of samples in accordance with paragraph (b)(1) of this section within 48 hours of the time the person in control of the flock was notified in writing by a Federal representative or a State representative that his flock was determined to be a study flock, or if the actions of the person in control of the flock prevent completion of collection of samples in accordance with paragraph (b)(1) of this section within 15 days of the time the person in control of the flock was notified by a Federal representative or a State representative that his flock was determined to be a study flock. If a Federal representative determines on the basis of epidemiologic investigation that any flock is the probable source of disease in three or more outbreaks of disease in humans caused by *Salmonella enteritidis* serotype *enteritidis*, that flock shall be determined to be a test flock; however, such test flocks shall have environmental samples collected and tested in accordance with paragraphs (b)(1) and (d) of this section, and any separate poultry houses that test negative in accordance with paragraph (d) of this section shall be released from test poultry house status.

(1) *Sample collection.* A Federal representative or a State representative shall initiate testing of each study flock by collecting the following samples for testing:

(i) *Manure samples.* The Federal representative or State representative shall collect two simultaneous manure samples from each row of cages, or from the floor area if there are no cages, using a sterile 4-inch by 4-inch gauze sponge for each sample. The manure sample shall be collected by fastening the gauze sponges to the scraper frame and running the scraper the full length of the row of cages, if a manure scraper is used on the row; otherwise, collect the manure sample by dragging the swab along the manure pile beneath the cages, or once along the full length of the floor if there are no cages. The gauze sponges used to collect manure samples shall be placed in an 18-ounce whirl-pak plastic bag containing double strength skim milk, and

the bag shall be marked with the location of the row or floor area from which the sample is taken.

(ii) *Egg transport machinery samples.* The Federal representative or State representative shall collect one egg transport machinery sample from each row of cages by wiping the egg transport belt and egg escalator, using a sterile 4-inch by 4-inch gauze sponge for each sample. The gauze sponge used to collect egg transport machinery samples for each row shall be placed in an 18-ounce whirl-pak plastic bag containing double strength skim milk, and the bag shall be marked with the location of the row from which the sample is taken.

(2) *Release from test poultry house or test flock status; post-release sampling and testing.* (i) A Federal or State representative shall determine that a separate poultry house is no longer a test poultry house, or that a flock is no longer a test flock, and shall notify in writing the person in control of the house or flock of that determination, after the Federal or State representative determines that, after the house or flock has been determined to be in test status:

(A) the house or flock has been depopulated, and cleaned, washed, and disinfected in accordance with § 82.37 of this subpart; or,

(B) blood and internal organ samples from the chickens in the house or flock have been collected and tested in accordance with paragraphs (c) and (d) of this section with no recovery of *Salmonella enteritidis* serotype *enteritidis*.

(ii) For 18 months following the repopulation of a flock or house released from test status, due to depopulation, cleaning, washing, and disinfection pursuant to paragraph (b)(2)(i)(A) of this section, or for 18 months following release of a flock or house from test status, due to testing negative for *Salmonella enteritidis* serotype *enteritidis* pursuant to paragraph (b)(2)(i)(B) of this section, the Administrator may make such periodic collection and testing of samples from the flock or house as he or she determines to be necessary to ensure that the house or flock is free of *Salmonella enteritidis* serotype *enteritidis*; *provided:* that such sample collection and testing will not be per-

formed if the flock or house is participating in a voluntary program approved by the Administrator to control *Salmonella enteritidis* serotype *enteritidis*. If one or more manure or egg transport machinery samples collected and tested in accordance with the provisions of paragraphs (b)(1) and (d) of this section test positive for *Salmonella enteritidis* serotype *enteritidis*, the flock or house from which the sample was taken shall be determined to be a test flock or test poultry house. If one or more internal organ samples collected and tested in accordance with the provisions of paragraphs (c)(2) and (d) of this section test positive for *Salmonella enteritidis* serotype *enteritidis*, the flock or house from which the sample was taken shall be determined to be an infected flock or infected poultry house. If the person in control of the flock or poultry house has refused to schedule sample collection within 48 hours of the time a Federal or State representative requests such sample collection, or has refused to allow completion of sample collection according to the schedule set by the Federal or State representative, the flock or poultry house shall be determined to be in test status.

(c) *Infected poultry houses and infected flocks.* A test poultry house shall be determined to be an infected poultry house if the house is tested in accordance with this paragraph and *Salmonella enteritidis* serotype *enteritidis* is recovered from the internal organs of one or more chickens in the house. A test flock shall be determined to be an infected flock if the flock is tested in accordance with this paragraph and *Salmonella enteritidis* serotype *enteritidis* is recovered from the internal organs of one or more chickens in the flock. If *Salmonella enteritidis* serotype *enteritidis* is not recovered from the internal organ samples, a second set of blood and internal organ samples from poultry in that house or flock shall be collected and tested in accordance with this paragraph beginning not less than 15 days after the date the first internal organ samples are collected.

(1) *Blood samples.* The Federal representative or State representative shall collect blood samples from 300

chickens in each poultry house, randomly selected from the cage banks that provided manure, or egg transport machinery samples that tested positive in accordance with paragraph (b)(1) of this section, and shall also collect blood samples from any chickens that show clinical signs of infection with *Salmonella enteritidis*. Blood samples shall be tested in accordance with the procedures for the stained-antigen, rapid, whole-blood test described in §147.3 of this chapter. The Federal or State representative shall band each chicken tested with a band bearing a unique number identifying the chicken with the blood test results.

(2) *Internal organ samples.* The Federal representative or State representative shall collect a total of 60 chickens from each test poultry house, or each house of a test flock, and send the chickens to an authorized laboratory for testing of internal organs. The Federal representative or State representative shall include in this sample all chickens that reacted to the blood test in paragraph (c)(1) of this section. If *Salmonella enteritidis* serotype *enteritidis* is recovered from any manure, or egg transport machinery samples tested in accordance with paragraph (b)(1)(i) of this section, the Federal representative or State representative shall collect additional chickens from the rows that supplied the manure, or egg transport machinery samples from which *Salmonella enteritidis* serotype *enteritidis* was recovered, to bring the total number of chickens from each house submitted for internal organ testing to 60.

(d) *Test methods for samples.* Blood samples shall be tested either at the flock premises or at an authorized laboratory, and all other samples shall be sent for testing to an authorized laboratory. Blood samples shall be tested using a stained-antigen, rapid, whole blood test, in accordance with §147.3 of this chapter. Manure, egg transport machinery, and internal organ samples shall be sent for testing to an authorized laboratory, where they shall be cultured for identification of *Salmonella enteritidis* serotype *enteritidis* as follows:

(1) *Manure and egg transport machinery samples.* Place each sample in approximately 10 times its volume of Hajna tetrathionate or Mueller-

Kauffman tetrathionate selective enrichment broth, and incubate at 41°C for 24 hours. Use each enriched sample to inoculate an agar plate of Brilliant green agar supplemented with novobiocin or XLT4 agar, and incubate the plates at 37°C for 24 hours. Inoculate at least 5 *Salmonella*-suspect colonies from each sample to slants of triple-sugar iron (TSI) agar and lysine-iron (LI) agar, and incubate at 37°C for 24 hours. Cultures showing typical reactions on TSI or LI or both shall be screened with Group D antiserum. Send all Group D isolates to the National Veterinary Services Laboratories for further characterization.

(2) *Internal organ samples.* Place each sample in approximately 10 times its volume of Hajna tetrathionate or Mueller-Kauffman tetrathionate selective enrichment broth, and incubate at 37°C for 24 hours. Use each sample to inoculate an agar plate of Brilliant green agar supplemented with novobiocin or XLT4 agar, and a supplemental plate of MacConkey agar if so desired, and incubate the plates at 37°C for 24 hours. Inoculate at least 5 *Salmonella*-suspect colonies from each sample to slants of TSI agar and LI agar, and incubate at 37°C for 24 hours. Cultures showing typical reactions on TSI or LI or both shall be screened with Group D antiserum. Send all Group D isolates to the National Veterinary Services Laboratories for further characterization.

(e) *Release from infected poultry house status or infected flock status; post-release sampling and testing.* (1) A Federal or State representative shall determine that a house or flock is no longer an infected poultry house or an infected flock, and shall notify in writing the person in control of the house or flock of that determination, if the Federal or State representative determines that, after the house or flock has been determined to be infected:

(i) The house or flock has been depopulated, and cleaned, washed, and disinfected in accordance with §82.37 of this subpart; or,

(ii) Internal organ samples from the chickens in the house or flock have been collected and tested in accordance

with paragraphs (c) and (d) of this section, with no recovery of *Salmonella enteritidis* serotype *enteritidis*.

(2) For 18 months following the repopulation of a flock or house released from infected status, due to depopulation, cleaning, washing, and disinfection pursuant to paragraph (e)(1)(i) of this section, or for 18 months following release of a flock or house from infected status, due to testing negative for *Salmonella enteritidis* serotype *enteritidis* pursuant to paragraph (e)(1)(ii) of this section, the Administrator may make such periodic collection and testing of samples from the flock or house as he or she determines to be necessary to ensure that the house or flock is free of *Salmonella enteritidis* serotype *enteritidis*; provided: that such sample collection and testing will not be performed if the flock or house is participating in a voluntary program approved by the Administrator to control *Salmonella enteritidis* serotype *enteritidis*. If one or more manure or egg transport machinery samples collected and tested in accordance with the provisions of paragraphs (b)(1) and (d) of this section test positive for *Salmonella enteritidis* serotype *enteritidis*, the flock or house from which the sample was taken shall be determined to be a test flock or test poultry house. If one or more internal organ samples collected and tested in accordance with the provisions of paragraphs (c)(2) and (d) of this section test positive for *Salmonella enteritidis* serotype *enteritidis*, the flock or house from which the sample was taken shall be determined to be an infected flock or infected poultry house. If the person in control of the flock or poultry house has refused to schedule sample collection within 48 hours of the time a Federal or State representative requests such sample collection, or has refused to allow completion of sample collection according to the schedule set by the Federal or State representative, the flock or poultry house shall be determined to be in test status.

[56 FR 3788, Jan. 30, 1991; 56 FR 11062, Mar. 15, 1991, as amended at 57 FR 779, Jan. 9, 1992; 59 FR 67613, Dec. 30, 1994; 66 FR 21062, Apr. 27, 2001]

§ 82.33 Interstate movement or export of articles from test poultry houses, test flocks, infected poultry houses, and infected flocks.

Eggs, live chickens, cages, coops, containers, troughs, and other equipment, and manure may be moved interstate from a test poultry house, test flock, infected poultry house, or infected flock only in accordance with this section.

(a) Eggs that are crushed and denatured or otherwise denatured to deter their use as human food in accordance with 7 CFR part 59 may be moved interstate from a test poultry house, test flock, infected poultry house, or infected flock without further restriction under this subpart; *except that*, if the restricted eggs are destined for use as a protein or mineral supplement in animal feed, the eggs may be moved interstate only for pasteurization. Other eggs may be moved interstate from a test poultry house, test flock, infected poultry house, or infected flock only for pasteurization at an egg products plant inspected by the Agricultural Marketing Service in accordance with 7 CFR part 59, or for hard cooking at an egg products plant operating under the Agricultural Marketing Service Voluntary Egg Products Inspection Service in accordance with 7 CFR part 55, or directly to a port for export from the United States. Such eggs may only be moved if:

(1) A permit has been obtained for the interstate movement or export in accordance with § 82.35 of this subpart, and

(2) The eggs are moved in a completely enclosed compartment of a vehicle that has had a seal applied to it by a Federal or State representative⁴ immediately prior to movement.

Such eggs may not be unloaded during transit. For eggs moved to an egg products plant, a Federal or State representative shall break the vehicle's seal at the plant. If the Federal or

⁴The location of Federal or State representatives can be obtained by writing to the Animal and Plant Health Inspection Service, Veterinary Services, Center for Planning, Certification, and Monitoring, 4700 River Road Unit 46, Riverdale, Maryland 20737-1231.