

## § 85.11

be infected with or exposed to pseudorabies, were negative to an official pseudorabies serologic test within 30 days prior to the collection of the semen or embryos or were members of a qualified pseudorabies negative herd, and had not been exposed to pseudorabies within 30 days prior to the collection of the semen or embryos.

(Approved by the Office of Management and Budget under control number 0579-0032)

[44 FR 10309, Feb. 16, 1979, as amended at 50 FR 47353, Nov. 15, 1985. Redesignated at 55 FR 19253, May 9, 1990; 59 FR 67133, Dec. 29, 1994]

### § 85.11 Permits and certificates.

(a) Each permit, certificate or owner-shipper statement required under this part to accompany swine interstate shall be delivered with the swine to the consignee by the person delivering the swine.

(b) A copy of each permit or certificate required under this part to accompany swine interstate shall be mailed or delivered to the State animal health official of the State of destination by the person issuing the document within 3 days of the interstate movement of the swine covered by said document.

(Approved by the Office of Management and Budget under control number 0579-0069)

[44 FR 10309, Feb. 16, 1979, as amended at 48 FR 57472, Dec. 30, 1983. Redesignated at 55 FR 19253, May 9, 1990]

### § 85.12 Cleaning and disinfecting means of conveyance.

All means of conveyance used in connection with the interstate movement of pseudorabies infected or exposed livestock shall be cleaned and disinfected in accordance with § 71.7 of this chapter using one of the disinfectants registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135 *et seq.*) with herpes virucidal claims. These disinfectants shall be used in accordance with directions on their labels accepted in connection with their registration.

[44 FR 10309, Feb. 16, 1979, as amended at 62 FR 27937, May 22, 1997]

## 9 CFR Ch. I (1-1-06 Edition)

### § 85.13 Cleaning and disinfecting livestock markets and other facilities.

Livestock markets and other facilities used in connection with the interstate movement of pseudorabies infected or exposed livestock shall be cleaned and disinfected in compliance with § 71.7 of this chapter using one of the disinfectants registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135 *et seq.*) with herpes virucidal claims. These disinfectants shall be used in accordance with directions on their labels accepted in connection with their registration.

[44 FR 10309, Feb. 16, 1979, as amended at 62 FR 27937, May 22, 1997]

## PART 88—COMMERCIAL TRANSPORTATION OF EQUINES FOR SLAUGHTER

Sec.

- 88.1 Definitions.
- 88.2 General information.
- 88.3 Standards for conveyances.
- 88.4 Requirements for transport.
- 88.5 Requirements at a slaughtering facility.
- 88.6 Violations and penalties.

AUTHORITY: 7 U.S.C. 1901, 7 CFR 2.22, 2.80, 371.4.

SOURCE: 66 FR 63615, Dec. 7, 2001, unless otherwise noted.

### § 88.1 Definitions.

The following definitions apply to this part:

*APHIS.* The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

*Commercial transportation.* Movement for profit via conveyance on any highway or public road.

*Conveyance.* Trucks, tractors, trailers, or semitrailers, or any combination of these, propelled or drawn by mechanical power.

*Equine.* Any member of the *Equidae* family, which includes horses, asses, mules, ponies, and zebras.

*Euthanasia.* The humane destruction of an animal by the use of an anesthetic agent or other means that causes painless loss of consciousness and subsequent death.

*Owner/shipper.* Any individual, partnership, corporation, or cooperative association that engages in the commercial transportation of more than 20 equines per year to slaughtering facilities, except any individual or other entity who transports equines to slaughtering facilities incidental to his or her principal activity of production agriculture (production of food or fiber).

*Owner-shipper certificate.* VS Form 10-13,<sup>1</sup> which requires the information specified by § 88.4(a)(3) of this part.

*Secretary.* The Secretary of Agriculture.

*Slaughtering facility.* A commercial establishment that slaughters equines for any purpose.

*Stallion.* Any uncastrated male equine that is 1 year of age or older.

*USDA.* The U.S. Department of Agriculture.

*USDA backtag.* A backtag issued by APHIS that conforms to the eight-character alpha-numeric National Backtagging System and that provides unique identification for each animal.

*USDA representative.* Any employee of the USDA who is authorized by the Deputy Administrator for Veterinary Services of APHIS, USDA, to enforce this part.

#### § 88.2 General information.

(a) State governments may enact and enforce regulations that are consistent with or that are more stringent than the regulations in this part.

(b) To determine whether an individual or other entity found to transport equines to a slaughtering facility is subject to the regulations in this part, a USDA representative may request from any individual or other entity who transported the equines information regarding the business of that individual or other entity. When such information is requested, the individual or other entity who transported the equines must provide the information within 30 days and in a format as may be specified by the USDA representative.

<sup>1</sup>Forms may be obtained from the National Animal Health Programs Staff, Veterinary Services, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231.

#### § 88.3 Standards for conveyances.

(a) The animal cargo space of conveyances used for the commercial transportation of equines to slaughtering facilities must:

(1) Be designed, constructed, and maintained in a manner that at all times protects the health and well-being of the equines being transported (e.g., provides adequate ventilation, contains no sharp protrusions, etc.);

(2) Include means of completely segregating each stallion and each aggressive equine on the conveyance so that no stallion or aggressive equine can come into contact with any of the other equines on the conveyance;

(3) Have sufficient interior height to allow each equine on the conveyance to stand with its head extended to the fullest normal postural height; and

(4) Be equipped with doors and ramps of sufficient size and location to provide for safe loading and unloading.

(b) Equines in commercial transportation to slaughtering facilities must not be transported in any conveyance that has the animal cargo space divided into two or more stacked levels, except that conveyances lacking the capability to convert from two or more stacked levels to one level may be used until December 7, 2006. Conveyances with collapsible floors (also known as "floating decks") must be configured to transport equines on one level only.

#### § 88.4 Requirements for transport.

(a) Prior to the commercial transportation of equines to a slaughtering facility, the owner/shipper must:

(1) For a period of not less than 6 consecutive hours immediately prior to the equines being loaded on the conveyance, provide each equine appropriate food (*i.e.*, hay, grass, or other food that would allow an equine in transit to maintain well-being), potable water, and the opportunity to rest;

(2) Apply a USDA backtag<sup>2</sup> to each equine in the shipment;

<sup>2</sup>USDA backtags are available at recognized slaughtering establishments and specifically approved stockyards and from State representatives and APHIS representatives. A list of recognized slaughtering establishments and specifically approved stockyards

*Continued*