

such cleaning and disinfection shall be shared according to the agreement reached under § 53.2 with the State in which the work is done.

§ 53.8 Presentation of claims.

Claims for (a) compensation for the value of animals, (b) cost of burial, burning or other disposition of animals, (c) the value of material destroyed, and (d) the expenses of destruction, shall each be presented, through the inspector in charge, to Veterinary Services on separate vouchers in form approved by the Deputy Administrator, Veterinary Services.

§ 53.9 Mortgage against animals or materials.

When animals or materials have been destroyed pursuant to the requirements contained in this part, any claim for indemnity shall be presented on forms furnished by Veterinary Services on which the owner of the animals or materials shall certify that the animals or materials covered thereby, are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, forms furnished by Veterinary Services shall be signed by the owner and by each person holding a mortgage on the animals or materials, consenting to the payment of any indemnity allowed to the person specified thereon.

§ 53.10 Claims not allowed.

(a) The Department will not allow claims arising under the terms of this part if the payee has not complied with all quarantine requirements.

(b) Expenses for the care and feeding of animals held for destruction will not be paid by the Department, unless the payment of such expense is specifically authorized or approved by the Deputy Administrator, Veterinary Services.

(c) The Department will not allow claims arising out of the destruction of animals or materials unless they shall have been appraised as prescribed in this part and the owners thereof shall have executed a written agreement to the appraisals.

(d) The Department will not allow claims arising out of the destruction of animals or materials which have been

moved or handled by the owner thereof or its officer, employee, or agent, acting within the scope of his or its office, employment or agency, in violation of a law or regulation administered by the Secretary for the prevention of the introduction into or the dissemination within the United States of any communicable disease of livestock or poultry for which the animal or material was destroyed, or in violation of a law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of such disease.

[28 FR 5935, June 13, 1963, as amended at 45 FR 86411, Dec. 31, 1980]

PART 54—ANIMALS DESTROYED BECAUSE OF SCRAPIE

Sec.

- 54.1 Definitions.
- 54.2 Cooperation with States.
- 54.3 Appraisal of animals.
- 54.4 Time limit for slaughter.
- 54.5 Care and feeding of animals under quarantine; disposal of animals after slaughter.
- 54.6 Mortgage against animals.
- 54.7 Destruction and disposition of animals.
- 54.8 Payments to owners for animals destroyed.
- 54.9 Claims not allowed.

AUTHORITY: Sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 114, 111, 114a, unless otherwise noted.

SOURCE: 28 FR 5936, June 13, 1963, unless otherwise noted.

EDITORIAL NOTE: For nomenclature changes, see 36 FR 24928, Dec. 24, 1971.

§ 54.1 Definitions.

For the purpose of this part, the following words, names, and terms shall be construed, respectively, to mean:

Affected animal. An animal for which a diagnosis of scrapie has been made by a Veterinary Services representative or State representative.

Animal. A sheep or goat.

Bloodline animal. The dam of an affected animal and the dam's first generation progeny, the maternal granddam of an affected animal, the first generation progeny of an affected

animal, and all succeeding generations of female progeny from female progeny of an affected female animal.

Department. The U.S. Department of Agriculture.

Deputy Administrator. The Deputy Administrator for Veterinary Services or any other Veterinary Services official to whom authority has been delegated or may hereafter be delegated to act in his stead.

Destroyed. Killed by slaughter or by such other means as may be authorized by the Deputy Administrator in an exceptional situation.

Mortgage. Any mortgage, lien, or other security or beneficial interest held by any person other than the one claiming indemnity.

Owner. A person, partnership, company, or corporation who has legal or rightful title to animals whether or not they are subject to a mortgage.

State. Any State or Territory or possession of the United States, the District of Columbia, or Puerto Rico.

State representative. A person employed in livestock sanitary work of a State or a political subdivision thereof, and who is authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the U.S. Department of Agriculture.

Veterinary Services. The Veterinary Services unit of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture.

Veterinary Services representative. A person employed by Veterinary Services in animal health activities who is authorized by the Deputy Administrator to perform the function involved.

(Sec. 3, 23 Stat. 32, as amended; sec. 2, 32 Stat. 792, as amended; sec. 11, 58 Stat. 734, as amended (21 U.S.C. 111, 114, 114a, 134a-134h); 37 FR 28464, 28477, 38 FR 19141)

[43 FR 41184, Sept. 15, 1978, as amended at 48 FR 16236, Apr. 15, 1983; 48 FR 38206, Aug. 23, 1983]

§ 54.2 Cooperation with States.

Upon the determination by the Deputy Administrator, Veterinary Services of the existence of scrapie, he shall solicit the cooperation of the proper State or Territory authorities in the eradication of such disease.

§ 54.3 Appraisal of animals.

(a) Subject to the provisions of paragraph (b) of this section, affected animals and bloodline animals for which indemnity is to be paid under this part shall be appraised at their fair market value by an appraiser selected and employed by Veterinary Services in each of the Veterinary Services regions; except that, if the owner and State representative approve, such animals may be appraised by a Veterinary Services representative alone, or may be appraised jointly by a Veterinary Services representative and a State representative; *Provided*, That if the owner deems the appraisal of the Veterinary Services representative or of the joint Veterinary Services representative and State representative to be inadequate, the appraisal shall be made by an appraiser selected and employed by Veterinary Services in each of the Veterinary Services regions. Should the appraisal made by the appraiser employed by Veterinary Services be deemed inadequate by the owner, the owner may select and employ his own appraiser who shall appraise the animals and consult with the Veterinary Services appraiser and attempt to agree on the appraisal value. If the two appraisers do not agree on the appraisal value of the animals, the two appraisers shall select a third appraiser who will be employed by Veterinary Services. The three appraisers shall attempt to agree upon an appraisal value for the animals. Any appraisal agreed upon by these three appraisers will be final.

(b) Veterinary Services may decline to accept any appraisal that appears to it to be unreasonable or out of proportion to the value of similar animals of a like quality. Appraisals shall not exceed any limit set by the laws of the State or other agency which is cooperating with Veterinary Services in the payment of indemnity because of scrapie.

(Sec. 3, 23 Stat. 32, as amended; sec. 2, 32 Stat. 792, as amended; sec. 11, 58 Stat. 734, as amended (21 U.S.C. 111, 114, 114a, 134a-134h); 37 FR 28464, 28477, 38 FR 19141)

[28 FR 5936, June 13, 1963 as amended at 43 FR 41184, Sept. 15, 1978; 48 FR 16236, Apr. 15, 1983; 48 FR 38206, Aug. 23, 1983]

§ 54.4 Time limit for slaughter.

Animals slaughtered under this part shall be slaughtered within 15 days after the date of appraisal unless such time is specifically extended by the Deputy Administrator, Veterinary Services.

§ 54.5 Care and feeding of animals under quarantine; disposal of animals after slaughter.

Expenses for the care and feeding of animals held for destruction and the expense of destruction, burial, incineration, etc., and/or transportation and other expenses incidental to their slaughter will not be paid by the Department.

§ 54.6 Mortgage against animals.

When animals have been destroyed pursuant to the requirements contained in this part, any claim for indemnity shall be presented on forms furnished by Veterinary Services on which the owner of the animals shall certify that the animals covered thereby, are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, forms furnished by Veterinary Services shall be signed by the owner and by each person holding a mortgage on the animals, consenting to the payment of any indemnity allowed to the person specified thereon.

§ 54.7 Destruction and disposition of animals.

(a) Indemnity for affected animals and bloodline animals destroyed under this part shall be paid only after Veterinary Services obtains the written agreement of the owner to accept from the United States compensation which shall be equal to two-thirds of the appraised value of each animal, not to exceed \$300 per head.

(b) Affected animals and bloodline animals shall be destroyed on the premises where held, pastured, or penned at the time of appraisal; except that such animals may be moved for destruction to a location other than the premises where appraised when movement to such location is approved in advance by the State representative and Veterinary Services representative involved, and

such animals are not to be processed for human food. The carcasses of the animals destroyed shall be disposed of by burial or incineration.

(c) The destruction and disposition of animals destroyed in accordance with this part shall be supervised by a Veterinary Services or State representative who shall prepare and transmit to the Deputy Administrator, Veterinary Services, a report identifying the animals and showing the disposition thereof.

(Sec. 3, 23 Stat. 32, as amended; sec. 2, 32 Stat. 792, as amended; sec. 11, 58 Stat. 734, as amended (21 U.S.C. 111, 114, 114a, 134a-134h); 37 FR 28464, 28477, 38 FR 19141)

[40 FR 40506, Sept. 3, 1975; 40 FR 42739, Sept. 16, 1975, as amended at 43 FR 41184, Sept. 15, 1978; 48 FR 16236, Apr. 15, 1983; 48 FR 38206, Aug. 23, 1983]

§ 54.8 Payments to owners for animals destroyed.

(a) Owners of affected animals and bloodline animals destroyed in accordance with this part shall be paid an indemnity by the United States equal to two-thirds of the appraised value of each animal so destroyed, not to exceed \$300 per head.

(b) Veterinary Services may indemnify owners up to the limitations specified in this part whether or not the State participates in indemnity payment.

(c) Animals presented for appraisal as purebred shall be accompanied by their certificate of registry at the time of appraisal, or they shall be appraised as grades; except that, in the absence of such proof of purebreeding, the Deputy Administrator shall grant a reasonable time for the owner to obtain and present his certificate of registration to the Veterinary Services representative.

(Sec. 3, 23 Stat. 32, as amended; sec. 2, 32 Stat. 792, as amended; sec. 11, 58 Stat. 734, as amended (21 U.S.C. 111, 114, 114a, 134a-134h); 37 FR 28464, 28477, 38 FR 19141)

[43 FR 41185, Sept. 15, 1978, as amended at 48 FR 16236, Apr. 15, 1983; 48 FR 38206, Aug. 23, 1983]

§ 54.9 Claims not allowed.

(a) The Department will not allow claims arising out of the destruction of

animals unless they have been previously appraised, and the owners thereof shall have executed agreements, in compliance with this part.

(b) The Department will not allow claims if the claimant has failed to comply with any of the Department regulations pertaining to scrapie including the necessary cleaning and disinfection of his premises and conveyances.

PART 55—[RESERVED]

PART 56—SWINE DESTROYED BECAUSE OF HOG CHOLERA

- Sec.
- 56.1 Definitions.
- 56.2 Cooperation with States.
- 56.3 Appraisal of swine.
- 56.4 Care and feeding of swine under quarantine; disposal after slaughter.
- 56.5 Mortgages against swine.
- 56.6 Destruction of swine.
- 56.7 Payments to owners for swine destroyed.
- 56.8 Claims not allowed.

AUTHORITY: Secs. 3-5, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 11, 58 Stat. 734, as amended; 21 U.S.C. 111-114a, 120, 125.

SOURCE: 28 FR 9915, Sept. 12, 1963, unless otherwise noted.

EDITORIAL NOTE: For nomenclature changes, see 36 FR 24928, Dec. 24, 1971.

§ 56.1 Definitions.

For the purpose of this part, the following words, names, and terms shall be construed, respectively, to mean:

- (a) "The Department" means the United States Department of Agriculture.
- (b) "Veterinary Services" means the Veterinary Services unit of the Animal and Plant Health Inspection Service, United States Department of Agriculture.
- (c) "Destroyed" means condemned under State or Federal authority and destroyed by slaughter or by death otherwise.
- (d) "Hog Cholera" means the contagious, infectious, and communicable disease of swine commonly known as hog cholera.
- (e) "Mortgage" means any mortgage, lien, or other security or beneficial in-

terest held by any person other than the one claiming indemnity.

(f) "State" means each and every one of the States of the United States, the District of Columbia, Puerto Rico and the Territories and possessions of the United States.

(g) *Purebred swine.* Any breeding swine upon which a certificate of pure breeding has been issued by a purebred swine association.

(h) *Inbred or hybrid swine.* Any breeding swine which are the progeny of two or more breeds of foundation stock for which records of ancestry are available and which are maintained for breeding purposes as a part of a formal breeding program to produce inbred or hybrid swine, and for which records of ancestry exist through which such swine can be identified as progeny of said foundation stock.

(i) *Breeding swine.* Grade female swine which are maintained for breeding purposes as a part of a formal breeding program.

[28 FR 9915, Sept. 12, 1963, as amended at 33 FR 10005, July 12, 1968; 34 FR 14881, Sept. 27, 1969; 35 FR 16314, Oct. 17, 1970; 40 FR 30099, July 17, 1975]

§ 56.2 Cooperation with States.

Upon determination by the Deputy Administrator, Veterinary Services of the existence of hog cholera, and upon agreement of the authorities of the State to enforce quarantine restrictions and orders and directives properly issued in the control and eradication of hog cholera, he is authorized to cooperate with the proper State authorities in the eradication of such disease.

§ 56.3 Appraisal of swine.

Swine affected with or exposed to hog cholera which are to be destroyed and indemnities paid therefor under this part shall be appraised at their actual value for meat, feeding or breeding purposes at the place and time of appraisal, except that in the case of grade animals only females shall be eligible for appraisal based on breeding value and that no such appraisal shall exceed three times the animals' meat or feeding value. Appraisal shall be made by a Veterinary