

Proposed Rule

Traceability for Livestock Moved Interstate

Summary of General Requirements by Species

August 11, 2011

The proposed rule would establish minimum national official identification and documentation requirements for the traceability of livestock moving interstate. The species covered in the proposed rule include cattle and bison, sheep and goats, swine, horses and other equines, captive cervids (e.g., deer and elk), and poultry. The covered animals moved interstate, unless otherwise exempt, would have to be officially identified and accompanied by an interstate certificate of veterinary inspection (ICVI) or other movement document. The requirements would not apply to livestock moving:

- Within Tribal land that straddles a State line if the Tribe has a separate traceability status from the States in which its lands are located.
- To a custom slaughter facility in accordance with State and USDA's Food Safety and Inspection Service regulations for preparation of meat for personal consumption.

Other exemptions are proposed for certain situations on a species-specific basis.

The following summarizes the methods and devices for officially identifying each species and when official identification or an ICVI or other movement documentation would be required.

Captive Cervids

The proposed traceability rule references existing regulations for captive cervids; thus, there would be no change in the requirements for interstate movement of these animals.

Official Identification Device and Methods

Captive cervids that are required to be officially identified for interstate movement must be identified by a device or method authorized by Title 9, *Code of Federal Regulations* (9 CFR) part 77.

Official Identification Requirements

Captive cervids moving interstate must be officially identified prior to interstate movement in accordance with 9 CFR part 77.

ICVI/Movement Requirements

Captive cervids moved interstate must be accompanied by documentation as required by 9 CFR part 77.

Cattle and Bison

Official Identification Devices and Methods

Cattle and bison that are required to be officially identified for interstate movement must be identified by:

- An official eartag; or
- Group/lot identification when a group/lot identification number (GIN) is applicable.

States or Tribes may accept another form of identification, including but not limited to brands, tattoos, and breed registry certificates, as agreed on by animal health officials in the States or Tribes involved in the movement.

Official Identification Requirements

The official identification requirements for cattle and bison will be phased in. Beginning on the effective date of the final rule, the official identification requirements would apply to:

- All sexually intact cattle and bison 18 months of age or over
- Dairy cattle of any age
- Cattle and bison of any age used for rodeo or recreational events
- Cattle and bison used for shows or exhibitions

All other cattle (beef cattle under 18 months of age) would be exempt from the official identification requirement when the rule is first published and until a notice is published in the *Federal Register* defining the effective date for requiring official identification for these cattle. Additionally, during this period, cattle and bison moved directly to a recognized slaughtering establishment or through no more than one approved livestock facility and then directly to a recognized slaughtering establishment may be identified with a USDA-approved backtag.

Additionally, the following cattle and bison would be permanently exempt from the official identification requirement:

- Animals moved as a commuter herd with a copy of the commuter herd agreement.
- Animals moved directly from a location in one State through another State to a second location in the original State.
- Animals moved interstate directly to an approved tagging site and officially identified before commingling with cattle and bison from other premises.
- Animals moved between shipping and receiving States or Tribes with another form of identification, including but not limited to brands, tattoos, and breed registry certificates, as agreed on by animal health officials in the States or Tribes involved in the movement.

ICVI/Movement Requirements

Cattle and bison moved interstate must be accompanied by an ICVI unless:

- They are moved directly to a recognized slaughtering establishment, or directly to an approved livestock facility approved to handle “for slaughter only” animals and then directly to a recognized slaughtering establishment, and they are accompanied by an owner-shipper statement.
- They are moved directly to an approved livestock facility with an owner-shipper statement and do not move interstate from the facility unless accompanied by an ICVI.

Summary of Proposed Traceability Requirements by Species

- They are moved from the farm of origin for veterinary medical examination, treatment, or diagnostic purposes and returned to the farm of origin without change in ownership.
- They are moved directly from one State through another State and back to the original State.
- They are moved as a commuter herd with a copy of the commuter herd agreement.

Additionally, cattle and bison under 18 months of age may be moved between shipping and receiving States or Tribes with documentation other than an ICVI, such as a brand inspection certificate, as agreed on by animal health officials in the shipping and receiving States or Tribes.

The official identification number of cattle or bison must be recorded on the ICVI or alternate documentation unless the cattle or bison are:

- Moved from an approved livestock facility directly to a recognized slaughtering establishment; or
- Sexually intact cattle or bison under 18 months of age or steers or spayed heifers. This exception does not apply to sexually intact dairy cattle of any age or to cattle or bison used for rodeo, exhibition, or recreational purposes.

Summary of Phase-in Plan for Official Identification of Cattle and Bison	
Initial Phase	Final Phase
<p>Unless exempt as provided below, require official identification for:</p> <ul style="list-style-type: none"> • All sexually intact cattle and bison 18 months of age or over • Dairy cattle of any age • Cattle and bison of any age used for rodeo or recreational events • Cattle and bison of any age used for shows or exhibitions 	<p>Unless exempt as provided below, require official identification for:</p> <ul style="list-style-type: none"> • All cattle
<p>Temporary Exemptions to Official Identification</p> <ul style="list-style-type: none"> • Beef cattle under 18 months (feeder cattle) • Cattle and bison moved directly to slaughter (including through one approved livestock facility; for example, auction/market) with a USDA-approved backtag. 	
<p>Exemptions to Official Identification</p> <p>Cattle and bison moving interstate would be exempt from the official identification requirement when moved:</p> <ul style="list-style-type: none"> – Between any two States or Tribes with another form of identification, including but not limited to brands, tattoos, or breed registry certificates as agreed upon by animal health officials in those two States or Tribes. – As a commuter herd with a copy of the commuter herd agreement. – Directly from a location in one State through another State to a second location in the original State. – Directly to an approved tagging site if they are officially identified before commingling with cattle and bison from other premises. 	

Horses and Other Equines

Official Identification Device and Methods

Horses and other equines that are required to be officially identified for interstate movement must be identified by:

- A description sufficient to identify the individual equine, as determined by a State or Tribal animal health official in the State or Tribe of destination or APHIS representative, including, but not limited to:
 - Name
 - Age
 - Breed
 - Color
 - Gender
 - Distinctive markings
 - Unique and permanent forms of identification when present (e.g., brands, tattoos, scars, cowlicks, or blemishes)
- Electronic identification that complies with ISO 11784/11785
- Digital photographs sufficient to identify the individual equine, as determined by a State or Tribal animal health official in the State or Tribe of destination or APHIS representative
- For equines being commercially transported to slaughter, a device or method authorized by 9 CFR part 88.

Official Identification Requirements

Horses and other equines moving interstate must be officially identified prior to interstate movement or identified as agreed on by the States or Tribes involved in the movement or, if being commercially transported to slaughter, in accordance with 9 CFR part 88.

ICVI/Movement Requirements

Horses and other equines moved interstate must be accompanied by an ICVI or other interstate movement document, as agreed to by the States or Tribes involved in the movement.

Additionally, equines moving commercially to slaughter must be accompanied by documentation in accordance with 9 CFR part 88. Equine infectious anemia reactors moving interstate must be accompanied by documentation as required by 9 CFR part 75.

Poultry

Official Identification Device and Methods

Poultry that are required to be officially identified for interstate movement must be identified by:

- Sealed and numbered leg bands in accordance with the National Poultry Improvement Plan (NPIP) regulations (9 CFR parts 145 through 147); or
- Group/lot identification when a GIN may be used.

Official Identification Requirements

Poultry moving interstate must be officially identified prior to interstate movement or as agreed to by the States or Tribes involved in the movement.

ICVI/Movement Requirements

Poultry moved interstate must be accompanied by an ICVI unless:

- They are from a flock participating in the NPIP and are accompanied by the documentation required for participation in that program.
- They are moved directly to a recognized slaughtering establishment.
- They are moved from the farm of origin for veterinary medical examination, treatment, or diagnostic purposes and either returned to the farm of origin without change in ownership or euthanized and disposed of at the veterinary facility.
- They are moved directly from one State through another State and back to the original State.
- They are moved between any two States or Tribes with a VS Form 9-3 or documentation other than an ICVI, as agreed on by animal health officials in those two States or Tribes.
- They are moved under permit in accordance with 9 CFR part 82.

Sheep and Goats

The proposed traceability rule references existing regulations for sheep and goats; thus, there would be no change in the requirements for interstate movement of these animals.

Official Identification Device and Methods

Sheep and goats that are required to be officially identified for interstate movement must be identified by a device or method authorized by 9 CFR part 79.

Official Identification Requirements

Sheep and goats moved interstate must be officially identified prior to the interstate movement unless they are exempt from official identification requirements under 9 CFR part 79 or are officially identified after the interstate movement, as provided in 9 CFR part 79.

ICVI/Movement Requirements

Sheep and goats moved interstate must be accompanied by documentation as required by 9 CFR part 79.

Swine

The proposed traceability rule references existing regulations for swine; thus, there would be no change in the requirements for interstate movement of these animals.

Official Identification Device and Methods

Swine that are required to be officially identified for interstate movement must be identified by a device or method authorized by 9 CFR 71.19.

Official Identification Requirement

Swine moving interstate must be officially identified in accordance with 9 CFR 71.19.

ICVI/Movement Requirements

Swine moved interstate must be accompanied by documentation in accordance with 9 CFR 71.19.

Appendix A - Summary for Referenced Regulations

Complete information on these and other existing regulations may be found at:

<http://www.gpoaccess.gov/cfr/index.html>

9 CFR Part 71 - General Provisions

§ 71.19 Identification of Swine in Interstate Commerce

Swine that are required to be officially identified for interstate movement must be identified by one of the following methods:

- Official eartags for any swine;
- USDA backtags, for swine moving to slaughter;
- Official swine tattoos, for swine moving to slaughter, when the use of the official swine tattoo has been requested by a user or the State animal health official, and the Administrator authorizes its use in writing based on a determination that the tattoo will be retained and visible on the carcass of the swine after slaughter;
- Tattoos of at least four characters for swine moving to slaughter, except sows and boars as provided in 9 CFR 78.33;
- Ear notching for any swine, if the ear notching has been recorded in the book of record of a purebred registry association;
- Tattoos on the ear or inner flank of any swine, if the tattoos have been recorded in the book of record of a swine registry association;
- For slaughter swine and feeder swine, an eartag or tattoo bearing the premises identification number assigned by the State animal health official to the premises on which the swine originated; and
- Any other official identification device or method that is approved by the Administrator.

9 CFR Part 75 - Communicable Diseases in Horses, Asses, Ponies, Mules and Zebras

§ 75.4 Interstate movement of equine infectious anemia reactors and approval of laboratories, diagnostic facilities, and research facilities.

(a) *Officially identified.* The permanent identification of a reactor using the National Uniform Tag code number assigned by the United States Department of Agriculture to the State in which the reactor was tested, followed by the letter “A”, which markings shall be permanently applied to the reactor by an APHIS representative, State representative, or accredited veterinarian who shall use for the purpose a hot iron or chemical brand, freezemarking, or a lip tattoo. If hot iron or chemical branding or freezemarking is used, the markings shall be not less than 2 inches high and shall be applied to the left shoulder or left side of the neck of the reactor. If a lip tattoo is

used, each character of the tattoo shall be not less than 1 inch high and three-fourths of an inch wide and shall be applied to the inside surface of the upper lip of the reactor.

(b) *Interstate movement.* No reactor may be moved interstate unless the reactor is officially identified, is accompanied by a certificate, and meets the conditions of either paragraph (b)(1), (b)(2), (b)(3), or (b)(4) of this section: *Provided*, That official identification is not necessary if the reactor is moved directly to slaughter under a permit and in a conveyance sealed with an official seal.

9 CFR Part 79 Scrapie in Sheep and Goats

§ 79.2 Identification of sheep and goats in interstate commerce

The sheep or goats must be identified by one of the following means of identification, and must remain so identified until they reach their final destination:

- Electronic implants for animals required to be identified by the Scrapie Flock Certification Program (SFCP), when used in a flock participating in the SFCP and when accompanied by a certificate or owner statement that includes the electronic implant numbers and the name of the chip manufacturer;
- Official eartags, including tags approved for use in the SFCP or APHIS-approved premises identification number eartags when combined with a unique animal identification number;
- USDA backtags or official premises identification backtags that include a unique animal identification number, when used on sheep or goats moving directly to slaughter and when applied within 3 inches of the poll on the dorsal surface of the head or neck;
- Legible official registry tattoos that have been recorded in the book of record of a sheep or goat registry association when the animal is accompanied by either a registration certificate or a certificate of veterinary inspection. These tattoos may also be used as premises identification if they contain a unique premises prefix that has been linked in the National Scrapie Database with the assigned premises identification number of the flock of origin;
- Premises identification eartags or tattoos, if the premises identification method includes a unique animal number or is combined with a flock eartag that has a unique animal number and the animal is accompanied by an owner statement;
- Premises identification when premises identification is allowed by 9 CFR 79.3 (general movement restrictions) and the animal is accompanied by an owner statement; or
- Any other official identification method or device approved by the Administrator.

9 CFR part 88 Commercial Transportation of Equines for Slaughter

§ 88.4 Requirements for transport

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

- 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;
- Apply a USDA backtag to each equine in the shipment;
- Complete and sign an owner-shipper certificate for each equine being transported. The owner-shipper certificate for each equine must accompany the equine throughout transit to the slaughtering facility and must include the following information, which must be typed or legibly completed in ink:
 - The owner or shipper's name, address, and telephone number;
 - The receiver's (destination) name, address, and telephone number;
 - The name of the auction or market, if applicable;
 - A description of the conveyance, including the license plate number;
 - A description of the equine's physical characteristics, including such information as sex, breed, coloring, distinguishing markings, permanent brands, tattoos, and electronic devices that could be used to identify the equine;
 - The number of the USDA backtag applied to the equine;
 - A statement of fitness to travel at the time of loading, which will indicate that the equine is able to bear weight on all four limbs, able to walk unassisted, not blind in both eyes, older than 6 months of age, and not likely to give birth during the trip;
 - A description of any preexisting injuries or other unusual condition of the equine, such as a wound or blindness in one eye, that may cause the equine to have special handling needs;
 - The date, time, and place the equine was loaded on the conveyance; and
 - A statement that the equine was provided access to food, water, and rest prior to transport.