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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 98-007-1]

Animal Welfare; Veterinary Care for Elephants

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Policy statement.

SUMMARY: Regulations promulgated under the Animal Welfare Act require animal dealers and exhibitors to establish and use appropriate methods to prevent, control, diagnose, and treat diseases in animals covered by the Act. This document gives notice that, for elephant dealers and exhibitors, appropriate methods must include periodic testing of their elephants for tuberculosis and, if necessary, treating them for tuberculosis and/or quarantining them. In addition, to protect the health of elephants that have not been exposed to the disease, all attendants, handlers, and trainees who have direct contact with elephants must be tested for tuberculosis on at least an annual basis. We are taking this action because several cases of tuberculosis, a potentially fatal disease affecting humans and many species of animals, have been diagnosed in the United States among elephants, which are regulated under the Animal Welfare Act.

FOR FURTHER INFORMATION CONTACT: Dr. Bettye K. Walters, Staff Veterinarian, Animal Care, APHIS, USDA, 4700 River Road Unit 84, Riverdale, MD 20737-1234, (301) 734-7833.

SUPPLEMENTARY INFORMATION: The Animal Welfare Act (AWA) (7 U.S.C. 2131 *et seq.*) authorizes the Secretary of Agriculture to promulgate standards and other requirements governing the humane handling, housing, care, treatment, and transportation of certain

animals by dealers, exhibitors, and other regulated entities. The Secretary of Agriculture has delegated the responsibility for enforcing the AWA to the Administrator of the Animal and Plant Health Inspection Service (APHIS). Regulations established under the AWA are contained in 9 CFR parts 1, 2, and 3. The APHIS Animal Care program ensures compliance with the AWA regulations by conducting inspections of premises with regulated animals.

Subpart D of 9 CFR part 2 consists of § 2.40, "Attending veterinarian and adequate veterinary care (dealers and exhibitors)." Paragraph (b) of § 2.40 requires each dealer and exhibitor to establish and maintain programs of adequate veterinary care, and paragraph (b)(2) requires, specifically, "the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries * * *" of regulated animals.

We have determined that, to comply with § 2.40, dealers and exhibitors of elephants must take specific actions to prevent, control, diagnose, and treat tuberculosis, a contagious disease affecting many species of animals, including elephants, and humans. If left untreated or if treated improperly, tuberculosis can cause death. Recently, several elephants owned by AWA-licensed exhibitors have tested culture positive for tuberculosis, and a few elephants have died from this disease. Elephants with tuberculosis can transmit the disease to other elephants, other animals, and, potentially, to humans.

In response to concerns about the incidence of tuberculosis among several species of animals, the Tuberculosis Committee of the U.S. Animal Health Association recently formed the National Tuberculosis Working Group for Zoo and Wildlife Species. This working group, with broad participation from several organizations, including the American Association of Zoo Veterinarians and the American Zoo and Aquarium Association, developed guidelines, completed in November 1997, for the control of tuberculosis in elephants. The guidelines specify criteria for the testing, surveillance, and treatment of elephants for tuberculosis and establish travel restrictions and quarantines for elephants that fall into certain categories. Because the possibility exists that humans could

transmit the disease to elephants, the guidelines also require that all persons such as attendants, handlers, and trainees that have direct contact with elephants be tested for tuberculosis on at least an annual basis.

We are giving notice that dealers and exhibitors of elephants must either follow the guidelines developed by the National Tuberculosis Working Group for Zoo and Wildlife Species or provide a comparable testing and monitoring protocol that meets our goals of ensuring the welfare of elephants and minimizing the potential spread of tuberculosis. Dealers and exhibitors who wish to use a protocol other than the recommended guidelines must have the protocol reviewed and approved by APHIS prior to implementation. To request a copy of the guidelines or to request review of an alternate protocol, contact one of our Animal Care regional offices:

Eastern Regional Office, Annapolis, MD,
(410) 571-8692;

Central Regional Office, Ft. Worth, TX,
(817) 885-6923;

Western Regional Office, Sacramento,
CA, (916) 857-6205.

In addition, a copy of the guidelines is available for review in the APHIS reading room at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to gain access to the reading room are requested to call ahead on (202) 690-2817 to facilitate entry. The guidelines are also available on the Internet at www.aphis.usda.gov/ac.

Notice of this policy change was given in January 1998 to all AWA-licensed dealers and exhibitors of elephants. This policy change is in effect, and dealers and exhibitors are expected to be in compliance. Dealers and exhibitors must maintain documentation that elephants are being cared for in accordance with the recommended guidelines or an APHIS-approved protocol, and APHIS inspectors will review such documentation during routine inspections. The information collection requirements associated with programs of adequate veterinary care have been approved by the Office of Management and Budget under control number 0579-0036.

Done in Washington, DC, this 24th day of March 1998.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98-8536 Filed 3-31-98; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the Cairo (IL), Louisiana, and North Carolina Areas and Request for Comments on the Cairo, Louisiana, and North Carolina Agencies

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: The United States Grain Standards Act, as amended (Act), provides that official agency designations will end not later than triennially and may be renewed. The designation of Cairo Grain Inspection Agency, Inc. (Cairo), will end October 31, 1998, according to the Act. The designations of the Louisiana Department of Agriculture (Louisiana), and the North Carolina Department of Agriculture (North Carolina) will end September 30, 1998, according to the Act. GIPSA is asking persons interested in providing official services in the Cairo, Louisiana, and North Carolina areas to submit an application for designation. GIPSA is also asking for comments on the services provided by Cairo, Louisiana, and North Carolina.

DATES: Applications must be postmarked or sent by telecopier (FAX) on or before April 30, 1998. Comments are due by June 30, 1998.

ADDRESSES: Applications and comments must be submitted to USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647-S, 1400 Independence Avenue, SW, Washington, DC 20250-3604. Applications and comments may be submitted by FAX on 202-690-2755. If an application is submitted by FAX, GIPSA reserves the right to request an original application. All applications and comments will be made available for public inspection at this address located at 1400 Independence Avenue, SW, during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, at 202-720-8525.

SUPPLEMENTARY INFORMATION:

This Action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866

and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this Action.

Section 7(f)(1) of the Act authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services. GIPSA designated Cairo, main office located in Cairo, Illinois, to provide official inspection services under the Act on November 1, 1995. GIPSA designated Louisiana, main office located in Pineville, Louisiana, and North Carolina, main office located in Raleigh, North Carolina, to provide official inspection services under the Act on October 1, 1995.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act. The designation of Cairo ends on October 31, 1998, according to the Act. The designations of Louisiana and North Carolina end on September 30, 1998, according to the Act.

Pursuant to Section 7(f)(2) of the Act, the following geographic area, in the States of Illinois, Kentucky, and Tennessee, is assigned to Cairo.

Randolph County (southwest of State Route 150 from the Mississippi River north to State Route 3); Jackson County (southwest of State Route 3 southeast to State Route 149; State Route 149 east to State Route 13; State Route 13 southeast to U.S. Route 51; U.S. Route 51 south to Union County); and Alexander, Johnson, Hardin, Massac, Pope, Pulaski, and Union Counties, Illinois.

Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Livingston, Lyon, Marshall, McCracken, and Trigg Counties, Kentucky.

Benton, Dickson, Henry, Houston, Humphreys, Lake, Montgomery, Obion, Stewart, and Weakley Counties, Tennessee.

Cairo's assigned geographic area does not include the following grain elevator inside Cairo's area which has been and will continue to be serviced by the following official agency: Memphis Grain and Hay Association: Continental Grain Co., Tiptonville, Lake County, Tennessee.

Pursuant to Section 7(f)(2) of the Act, the following geographic area, the entire State of Louisiana, except those export port locations within the State which are serviced by GIPSA, is assigned to Louisiana.

Pursuant to Section 7(f)(2) of the Act, the following geographic area, the entire State of North Carolina, except those export port locations within the State which are serviced by GIPSA, is assigned to North Carolina.

Interested persons, including Cairo, Louisiana, and North Carolina are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of Section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Designation in the Cairo area is for the period beginning November 1, 1998, and ending October 31, 2001. Designations in the Louisiana and North Carolina areas is for the period beginning October 1, 1998, and ending September 30, 2001. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

GIPSA is also publishing this notice to provide interested persons the opportunity to present comments on the Cairo, Louisiana, and North Carolina official agencies. Commentors are encouraged to submit pertinent data concerning the Cairo, Louisiana, and North Carolina official agencies including information concerning the timeliness, cost, quality, and scope of services provided. All comments must be submitted to the Compliance Division at the above address.

Applications, comments, and other available information will be considered in determining which applicant will be designated.

Authority: Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: March 23, 1998.

Neil E. Porter,

Director, Compliance Division.

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DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Designation for the Detroit (MI), Keokuk (IA), and Michigan (MI) Areas

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: GIPSA announces the designation of Detroit Grain Inspection Service, Inc. (Detroit), Keokuk Grain Inspection Service (Keokuk), and Michigan Grain Inspection Services, Inc. (Michigan), to provide official services