



Animal Disease Traceability (ADT)

Monitoring and Compliance Overview

Title 9 of the *Code of Federal Regulations* (9 CFR), part 86 - Traceability for Livestock Moving Interstate

On January 9, 2013, the Animal and Plant Health Inspection Service (APHIS) published the regulation entitled “Traceability for Livestock Moving Interstate,” which establishes requirements for the official identification of livestock and documentation for certain interstate movements at title 9 of the *Code of Federal Regulations* (9 CFR), part 86. The traceability rule resulted from extensive collaboration with industry, States, and Tribes to arrive at a workable approach to traceability. Covered livestock include cattle and bison; horses and other equine species; poultry, sheep, and goats; swine; and captive cervids. The rule requires animals of these species, unless otherwise exempt, to be officially identified and accompanied by an Interstate Certificate of Veterinary Inspection (ICVI) or other movement documentation. The identification and documentation requirements provide basic information essential for traceability and are the main elements for monitoring compliance.

For some species, in particular swine, poultry, sheep, and goats, the U.S. Department of Agriculture (USDA) maintained existing disease program regulations that provided adequate traceability. A summary of the requirements by species is on the ADT Web site at: http://www.aphis.usda.gov/traceability/downloads/ADT_summary_species.pdf

USDA continues to prioritize informing stakeholders of the regulatory requirements of the new rule. The program must have a high-level of compliance to achieve a solid infrastructure for tracing livestock. USDA, after 1 year of working with State and Tribal animal health officials and industry to educate the public about the regulations, will start issuing penalties when a person repeatedly violates the regulation. USDA will focus monitoring and compliance activities on areas that have the greatest impact on traceability. These areas include official identification, proper completion of ICVIs when use is required, and the collection of identification at slaughter plants.

The document “ADT Monitoring and Compliance” provides general guidelines USDA will use to help ensure consistent administration of monitoring and compliance activities. Additionally, collaboration with State and Tribal animal health officials, when feasible, is highly encouraged.

The following information, obtained from the ADT Monitoring and Compliance document, explains violations and related actions.

- **Alleged Violation:** A claim of fact by APHIS, which, if proven, will constitute a violation of a Veterinary Services (VS)-administered statute or regulation.
- **Enforcement Actions:** Options available for resolving alleged violations of VS-administered statutes and regulations, including:

- “Official Warning, Violation of Federal Regulations” (APHIS Form 7060): An official warning of an alleged violation of a VS-administered statute or regulation. It also notifies the subject that APHIS may seek civil or criminal penalties for the alleged violation if the subject again violates APHIS-administered statutes and regulations. APHIS generally issues Form 7060s to resolve minor to moderate alleged violations or alleged violations that are not appropriate to pursue through the Office of the General Counsel (OGC) or the U.S. Department of Justice (DOJ).
- Stipulation: A pre-litigation monetary settlement between APHIS and the subject. The stipulation gives the subject notice of the alleged violation, allows the subject to ask for an administrative hearing, and allows the subject to waive the hearing and pay (generally within 30 days) a monetary penalty calculated in accordance with VS Civil Penalty Guidelines. APHIS generally issues stipulations in connection with moderate to serious alleged violations that are appropriate for referral to OGC or DOJ, if unpaid.
- Administrative Enforcement Action: A referral to OGC recommending that it file, on behalf of APHIS, a formal administrative complaint that alleges violations of VS-administered statutes and regulations, and requesting appropriate penalties, in accordance with the VS Civil Penalties Guidelines. A referral may also recommend that OGC refer the matter to DOJ for criminal or civil prosecution.
- Letter of Information: An official letter or notice that informs the subject of the relevant regulatory requirements and is used as a means of education in cases of minor violations. A Letter of Information is not considered an enforcement action.

The following explains the framework for determining the seriousness of violations, but are not intended to replace the judgment of the VS program official and the Chief of Animal Health and Horse Protection Enforcement Branch when determining the seriousness of the alleged violations documented in an investigation.

- **Serious Alleged Violations**

A serious alleged violation may involve one of the following issues:

- Actual or potential disease introduction or transmission, such as the unapproved interstate shipment of diseased animals (for example, movement of a known equine infectious anemia-positive equine), quarantined animals, or feral swine;
- Mishandling of biologics or biological materials (for example, select agents or marketing of unlicensed biologics);
- Criminal and fraudulent activities under VS-administered statutes and regulations, such as counterfeiting import or export documents or assaulting a Federal officer (these cases are handled by other authorities, with APHIS Investigative and Enforcement Services and OGC serving in a supporting role); and
- Inhumane treatment of animals, such as shipments of blind or lame horses going to slaughter, animals for export that are unfit for travel, or alleged violations of the Twenty-Eight Hour Law.

- **Moderate Alleged Violations**

A moderate alleged violation may involve one of the following issues:

- Individuals or legal entities with several alleged violations, prior enforcement actions, or who demonstrate willfulness or blatant disregard for the regulations;
- Repeated interstate or international movement of animals or animal products without a valid permit or health certificate;
- Repeated violations of the Commercial Transportation of Equines to Slaughter Act that do not involve the inhumane treatment of animals; and
- The animals or products in the violation have been confiscated, destroyed, or returned to the point of origin.

- **Minor Alleged Violations**

Minor alleged violations may involve one of the following issues:

- A first-time violator or subject;
- An alleged violation that does not increase risks of disease transmission or negatively affect animal health (for example, not completing forms correctly, incorrectly moving animals that are not diseased, confiscating unlawful products or animals);
- The alleged violation that does not involve commercial quantities of product (where commercial quantity is defined as an amount reasonably believed to be in excess of that needed for personal use or consumption);
- Improper movement of unprocessed noncommercial trophies and hides from an area with low disease risk; and
- A determination has been or can be made that any stipulation issued in the case would be less than \$1,000.

USDA will continue to inform stakeholders of the regulatory requirements of the new regulation. However, through the process described above, penalties will be considered when an individual repeatedly violates the regulation. Keys to advancing traceability include the proper use of official identification and ICVIs and the collection of ID at slaughter; these areas will receive enforcement priority. More information on the ADT can be found at:

www.aphis.usda.gov/traceability.