

herd with a lower herd status, the receiving herd reverts to the program status of the sending herd. If a herd participating in the CWD Herd Certification Program acquires animals from a nonparticipating herd, the receiving herd reverts to First Year status with a new enrollment date of the date of acquisition of the animal.

(Approved by the Office of Management and Budget under control number 0579-0237.)

#### § 55.25 Animal identification.

Each animal required to be identified by this subpart must have at least two forms of animal identification attached to the animal. The means of animal identification must be approved for this use by APHIS, and must be an electronic implant, flank tattoo, ear tattoo, tamper-resistant ear tag, or other device approved by APHIS. One of the animal identifications must be official animal identification as defined in this part, with a nationally unique animal identification number that is linked to that animal in the CWD National Database. The second animal identification must be unique for the individual animal within the herd and also must be linked to that animal and herd in the CWD National Database.

(Approved by the Office of Management and Budget under control number 0579-0237)

## PART 56—CONTROL OF H5/H7 LOW PATHOGENIC AVIAN INFLUENZA

Sec.

- 56.1 Definitions.
- 56.2 Cooperation with States.
- 56.3 Payment of indemnity.
- 56.4 Determination of indemnity amounts.
- 56.5 Destruction and disposal of poultry and cleaning and disinfection of premises, conveyances, and materials.
- 56.6 Presentation of claims for indemnity.
- 56.7 Mortgage against poultry or eggs.
- 56.8 Conditions for payment.
- 56.9 Claims not allowed.
- 56.10 Initial State response and containment plan.

AUTHORITY: 7 U.S.C. 8301-8317; 7 CFR 2.22, 2.80, and 371.4.

SOURCE: 71 FR 56323, Sept. 26, 2006, unless otherwise noted.

### § 56.1 Definitions.

*Administrator.* The Administrator, Animal and Plant Health Inspection Service, or any other employee of the Animal and Plant Health Inspection Service delegated to act in the Administrator's stead.

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

*Breeding flock.* A flock that is composed of stock that has been developed for commercial egg or meat production and is maintained for the principal purpose of producing chicks for the ultimate production of eggs or meat for human consumption.

*Classification.* A designation earned by participation in a Plan program.

*Commercial meat-type flock.* All of the meat-type chickens or meat-type turkeys on one farm. However, at the discretion of the Official State Agency, any group of poultry which is segregated from another group in a manner sufficient to prevent the transmission of H5/H7 LPAI and has been so segregated for a period of at least 21 days may be considered as a separate flock.

*Commercial table-egg layer flock.* All table-egg layers of one classification in one barn or house.

*Commercial table-egg layer premises.* A farm containing contiguous flocks of commercial table-egg layers under common ownership.

*Cooperating State Agency.* Any State authority recognized by the Department to cooperate in the administration of the provisions of this part 56. This may include the State animal health authority or the Official State Agency.

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

*Domesticated.* Propagated and maintained under the control of a person.

*Flock plan.* A written flock management agreement developed by APHIS and the Official State Agency with input from the flock owner and other affected parties. A flock plan sets out the steps to be taken to eradicate H5/H7 LPAI from a positive flock, or to prevent introduction of H5/H7 LPAI into another flock. A flock plan shall include, but is not necessarily limited

to, poultry and poultry product movement and geographically appropriate infected and control/monitoring zones. Control measures in the flock plan should include detailed plans for safe handling of conveyances, containers, and other associated materials that could serve as fomites; disposal of flocks; cleaning and disinfection; downtime; and repopulation.

*H5/H7 low pathogenic avian influenza (LPAI).* An infection of poultry caused by an influenza A virus of H5 or H7 subtype that has an intravenous pathogenicity index test in 6-week-old chickens less than 1.2 or any infection with influenza A viruses of H5 or H7 subtype for which nucleotide sequencing has not demonstrated the presence of multiple basic amino acids at the cleavage site of the hemagglutinin.

*H5/H7 LPAI exposed.* At risk of developing H5/H7 LPAI because of association with birds or poultry infected with H5/H7 LPAI, excrement from birds or poultry infected with H5/H7 LPAI, or other material touched by birds or poultry infected with H5/H7 LPAI, or because there is reason to believe that association has occurred with H5/H7 LPAI or vectors of H5/H7 LPAI, as determined by the Cooperating State Agency and confirmed by APHIS.

*H5/H7 LPAI virus infection (infected).* Poultry will be considered to be infected with H5/H7 LPAI for the purposes of this part if:

- (1) H5/H7 LPAI virus has been isolated and identified as such from poultry; or
- (2) Viral antigen or viral RNA specific to the H5 or H7 subtype of AI virus has been detected in poultry; or
- (3) Antibodies to the H5 or H7 subtype of the AI virus that are not a consequence of vaccination have been detected in poultry. If vaccine is used, methods should be used to distinguish vaccinated birds from birds that are both vaccinated and infected. In the case of isolated serological positive results, H5/H7 LPAI infection may be ruled out on the basis of a thorough epidemiological investigation that does not demonstrate further evidence of H5/H7 LPAI infection.

*Meat-type chicken.* A domesticated chicken grown for the primary purpose of producing meat including but not

limited to broilers, roasters, fryers, and cornish.

*Meat-type turkey.* A domesticated turkey grown for the primary purpose of producing meat.

*Mortgage.* Any mortgage, lien, or other security or beneficial interest held by any person other than the one claiming indemnity for the destruction of poultry or eggs due to H5/H7 LPAI.

*Official appraiser (APHIS official appraiser, State official appraiser).* A person authorized by APHIS to appraise poultry for the purposes of this part. A State official appraiser is selected by a State and authorized by APHIS.

*Official State Agency.* The State authority recognized by the Department to cooperate in the administration of the Plan.

*Plan.* The provisions of the National Poultry Improvement Plan contained in parts 145, 146, and 147 of this chapter.

*Poultry.* Domesticated fowl, including chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat.

*Secretary.* The Secretary of the United States Department of Agriculture, or any officer or employee of the Department delegated to act in the Secretary's stead.

*State.* Any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

*Table-egg layer.* A domesticated chicken grown for the primary purpose of producing eggs for human consumption.

*United States.* All of the States.

#### §56.2 Cooperation with States.

(a) The Administrator has been delegated the authority to cooperate with Cooperating State Agencies in the eradication of H5/H7 LPAI. This cooperation may include, but is not necessarily limited to, the following activities:

- (1) Payment to Cooperating State Agencies for surveillance and monitoring associated with poultry that