

FEDERAL SERVICE
FOR VETERINARY AND
PHYTOSANITARY SURVEILLANCE
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To:
Assistant Administrator
Office of International Affairs
USDA Food Safety and Inspection Service (FSIS)
Mr. Ronald K. Jones

Moscow, August 10, 2012
Ref. # FS-EN-7/10400

Dear Mr. Jones,

The Federal Veterinary and Phytosanitary Surveillance Service would like to extend its regards to the USDA Food Safety and Inspection Service (FSIS) and inform you of the following.

A vessel "PEARL OF PARA" with breeding cattle arrived in seaport Novorossiysk on August 5, 2012 accompanied with the U.S. veterinary certificates of June 25, 2012 ## OK12-6938, KS12-00428, OK12-6937, OK12-6936, OK12-639, OK12-6940. The number of cattle was 3,877 heads in accordance with veterinary and trade accompanying documents.

During inspection, the VPSS Office for Krasnodar Kray and Republic of Adygea revealed that, in fact, 3697 heads of cattle were only delivered; 178 heads of cattle died during the transportation. All carcasses had been dropped off the board.

Adequate ventilation was not provided on the desks where the animals were kept. It resulted in high humidity and high levels of ammonia in the air. The temperature on the desks exceeded 33.5 Centigrade.

The removal of liquid manure was not provided, as a result, skins of animals were wet and impregnated with manure. 2-3% of cattle were found exhausted; about 30% of cattle were found with low fatness; pulmonary foam was revealed in the feeding racks and on the floor of the cages.

195 of the cattle were too exhausted and could not be transported, so it was decided to not offload them from the vessel.

In fact, only 3504 heads of cattle out of 3877 shipped ones were delivered to the addresses of the customers.

According to the report of Mr. Shandor Shinorov, state veterinary inspector, the death of the cattle resulted from the following circumstances:

- Exhaustion of animals per malnutrition;
- Asphyxia because of bad technological construction of boxes;
- Traumatism of limbs due to technological reasons, severe pain, exhaustion, bacterial infection of wounds, sepsis;
- Abortion of the weak animals;
- Insufficient air exchange which did not cover the needs of a high number of animals, which were kept on the vessel in high density.

All of the above mentioned are a gross violation of the OIE Terrestrial Animal Health Code, Chapter 7.2 "Transport of animals by sea."

In this connection, we ask you to look into the matter concerning the delivery of live animals from the U.S. to the territory of the Customs Union, with the violations indicated above. We ask you to take measures to prevent such cases in future and avoid the shipment of cattle on this vessel to the addresses of the customers of the Customs Union.

Please inform us about the results of the inspection and undertaken measures to avoid such cases in future.

We will send to you the information about the die-off of the animals during quarantine and results of laboratory tests.

Please accept Mr. Jones, my highest consideration to you.

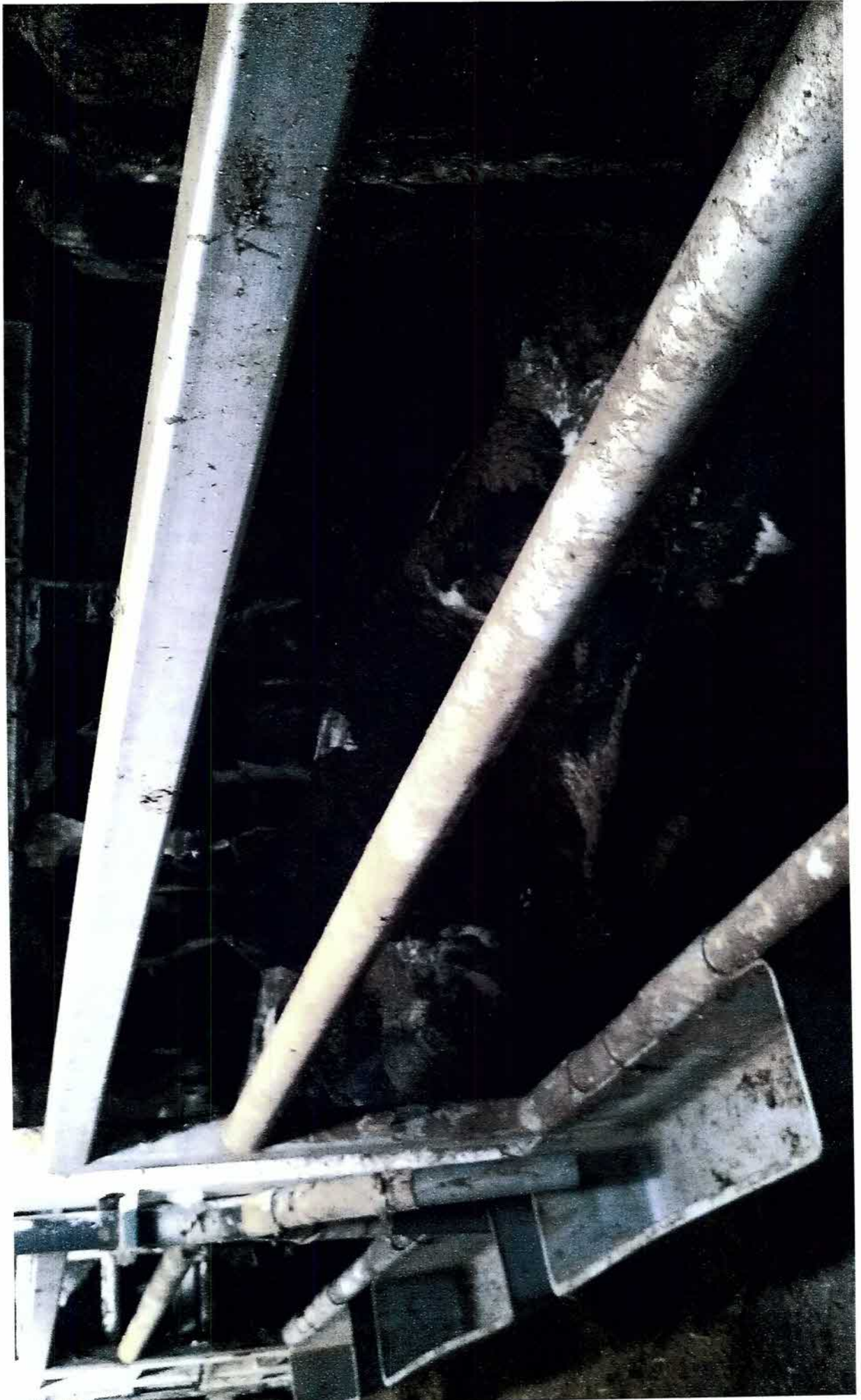
Attachment: photo materials on 7 pages.

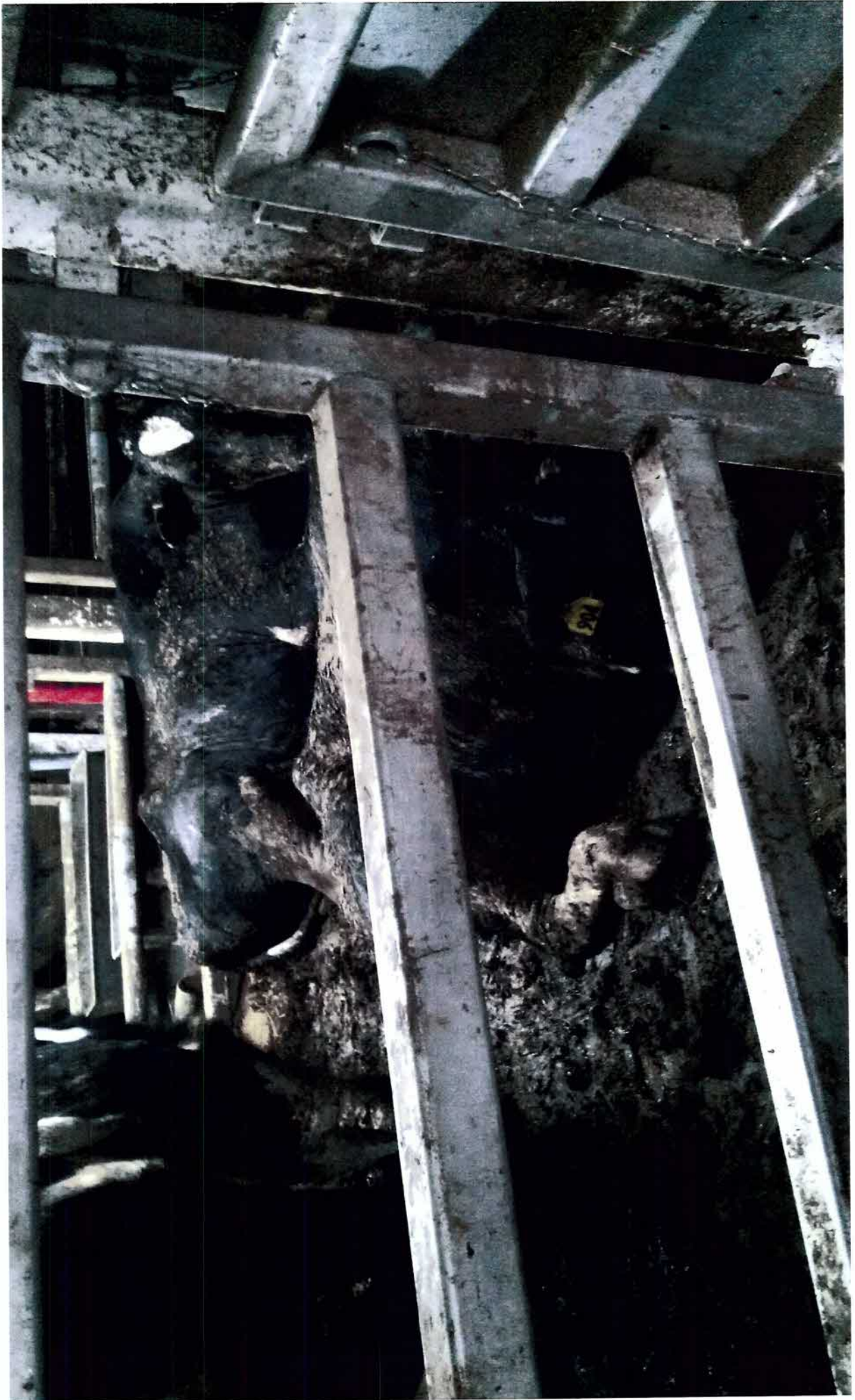
Deputy Head

E. A. Nepoklonov



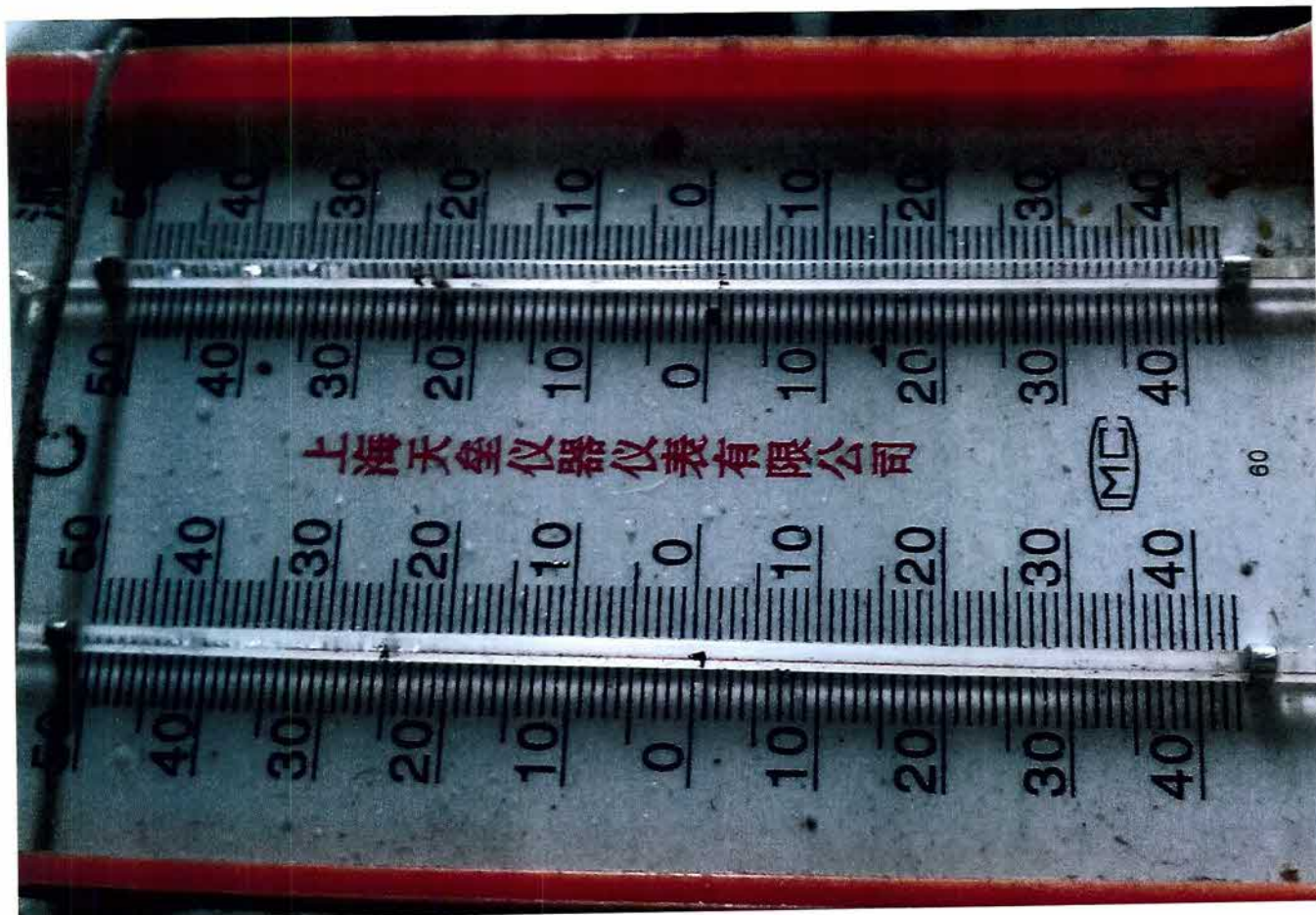












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Moscow, August 17, 2012
Ref. # FS-NV-7/10756

Animal and Plant Health
Inspection Service (APHIS),
US Embassy in Vienna, Austria,
Senior Attache
Dr. A. Arroyave

Dear Dr. Arroyave,

The Federal Veterinary and Phytosanitary Surveillance Service (VPSS) would like to extend its regards to the US Animal and Plant Health Inspection Service (APHIS) and in follow-up to the letter of August 10, 2012 # FS-EN-7/10400 about gross violence revealed during the shipments of breeding cattle from the U.S. to the consignee of the Customs Union on the vessel "PEARL OF PARA".

Due to the continuing deaths of these animals during quarantine period, we believe it is necessary to conduct a meeting between representatives of VPSS and the Animal and Plant Health Inspection Service (APHIS), USDA about the violations committed during the shipments of the aforementioned animals in order to avoid such cases in future.

We consider it is reasonable to conduct the meeting in the building of the Ministry of Agriculture, at the address: Orlikov per. 1/11, in the period of September 17 – 21, 2012.

In addition, we ask you to provide us with protocols of attestation of the vessels which perform the transportation of animals by sea from the U.S. to the consignees of the Customs Union. In case a vessel arrives with violations of the conditions of transporting animals, which are in violation of attestations, such a transport will be returned back to the supplier without offloading of the animals onboard.

At the same time we ask you to consider a possibility of visiting your specialists at one of the farms-receivers of the animals in order to estimate the subsequent using the cattle in the breeding purposes.

Please accept, Dr. Arroyave, assurances of my highest consideration for you.

Head of service
E. A. Nepoklonov

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Moscow, September 6, 2012
Ref. # FS-EN-7/11677

Dr. John Clifford
Deputy Administrator
Animal and Plant Health
Inspection Service (APHIS)

Dear Mr. Clifford,

The Federal Veterinary and Phytosanitary Surveillance Service (VPSS) extends its regards to the USDA Animal and Plant Health Inspection Service (APHIS) and informs you of the following.

As of September 5, 2012, the U.S. side has provided no information in response to VPSS requests No. FS-EN-7/10400 of August 10, 2012, No. FS-EN-7/10756 of August 17, 2012, and No. FS-AS-7/11529 of September 3, 2012.

At the same time, the situation with import of cattle from the U.S. is getting more complicated.

Thus, during transportation of animals from Novorossiysk to the recipient farms, 59 out of 3,314 animals, which arrived on August 5, 2012, on board of the «PEARL OF PARA» ship, fell.

During quarantine at the recipient farms another 160 animals fell and further 108 animals had to be slaughtered. Forced slaughter is planned for additional 665 animals due to extreme exhaustion.

Therefore, Russian consignees have in fact received over 1,000 heads of breeding cattle fewer.

To make the picture of what has happened with the transportation of breeding animals from the U.S. complete, we request that you provide the most complete information about the death of 178 heads of breeding cattle, on board the «PEARL OF PARA», during their transportation to the Russian Federation, indicating when, where, and under what circumstances the death of animals occurred, who diagnosed the die-off and how it was diagnosed, as well as information on the autopsy and laboratory tests.

In addition, we request to inform us about the location and condition of the 195 heads of animals, which could not be unloaded from the ship, and were returned on the same ship to the U.S.

Also, VPSS received numerous petitions from Russian consignees about other violations detected during transportation of breeding cattle from the United States, which were in ships unsuitable for livestock, as well as in converted containers, which led to animal deaths, injuries, and loss of productivity of imported livestock resulting in significant financial losses for Russian consignees.

All of the above indicates a violation by the U.S. side of the OIE Terrestrial Animal Code of 2011, Chapter 7.2, "Water transportation of animals," and the relevant WTO rules and regulations.

We believe that the current situation calls for urgent consultations, and VPSS has already informed you about it in the letter No. FS-EN-7/10756 of August 17, 2012.

At this meeting, it is necessary to agree on the following:

- a list of measures aimed at strengthening control over the transport of animals by sea;
- certification of ships for the transport of live animals to Russia by a joint commission of APHIS and VPSS inspectors;
- how U.S. federal veterinarians will implement control during delivery of breeding animals in the ports of the Russian Federation.

Unfortunately, we are forced to inform you that among the measures aimed at resolving this situation VPSS is considering the necessity of imposing temporary restrictions on imports of U.S. breeding cattle by sea.

Please accept, Dr. Clifford, assurances of my highest consideration for you.

Deputy Head
E.A. Nepoklonov

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Moscow, September 7, 2012
Ref. # FS-EN-7/11811

Deputy Administrator
Animal and Plant Health Inspection Service (APHIS)
Dr. John Clifford

Dear Mr. Clifford,

The Federal Veterinary and Phytosanitary Surveillance Service (VPSS) extends its regards to the USDA Animal and Plant Health Inspection Service (APHIS) and informs you of the following.

In connection with incoming calls from Russian importers, as well as to avoid disruption of shipments of livestock that were quarantined in the U.S., economic losses, and failure to meet contractual obligations, Rosselkhoznadzor will ensure acceptance of cattle sent to OOO <<Zarechnoye>> under the contract with Sexing Technologies, subject to compliance with the requirements for the transportation of animals.

Rosselkhoznadzor believes an early resolution of the situation is critical for both the American and the Russian side, and therefore, finds it necessary to have consultations as soon as possible in order to resolve the issue.

Please accept, Mr. Clifford, assurances of my highest consideration.

Deputy Head,

E.A. Nepoklonov



Brussels, September 7, 2012

United States
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Agriculture

Marketing and
Regulatory
Programs

Animal and Plant
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Service

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Dr E. Nepoklonov
Deputy Head
Federal Service for Veterinary and Phytosanitary Surveillance
Ministry of Agriculture
Orlikov per., 1/11
107139 Moscow, Russian Federation

Dear Dr. Nepoklonov:

USDA, APHIS would like to report our findings in regard to USDA inspection and loading of the ocean vessel *Pearl of Para*.

The shipping vessel, *Pearl of Para*, was built by a Dutch company in 1994 and has been owned and managed by a Croatian shipping firm. It appears that the vessel was refitted for livestock shipping in 2011 with an 8,000 head capacity and 7 decks. The ship is currently owned by Livestock Shipping Company (a part of Eurofrance International Livestock Trading) and is sailing under the flag of the Marshall Islands with "Majuro" listed as the port of registry.

11 June 2012: In advance of the ship's arrival at the US port of Galveston, the USDA inspector received vessel blueprints, and ventilation reports, and discussed USDA requirements for animal stocking density with the company representative.

12 June 2012: The USDA inspector, in conjunction with the engineering department for the Port of Galveston, reviewed the engineering report of the ventilation system and concluded that the ventilation system met and exceeded the requirements of USDA regulations (Title 9, Code of Federal Regulations, please see attached copy) for air exchange on each deck.

July 2012: The vessel was delayed for presentation for USDA inspection due to mechanical problems with the water purification system. The system was repaired at the Port of Galveston, and tested during two sea trials.

10 July 2012: The Captain of the ship advised USDA of the ship arrival at the port of Galveston and advised the inspector that the vessel had never transported livestock before. USDA completes a pre-loading inspection and reports that the *Pearl of Para* has met all requirements in the CFR for loading and transporting livestock from Port of Galveston to her destination.

- Ventilation exceeded CFR requirements (Each underdeck compartment on which animals are being transported aboard an ocean vessel shall be equipped

with a system of mechanical ventilation that will furnish a complete change of air in each compartment every 2 minutes when deck height* is less than 8 feet and every 2½ minutes when the deck height* exceeds 8 feet. Spare motors and fans shall be available on board, for replacement or repair of the ventilation system during the voyage. A spare motor and fan of an approved type in working order shall be aboard the vessel for each type of motor or fan used. Net pen space in any compartment shall not exceed 80 percent of the deck area).

* Deck height is the height from the ceiling to the floor.

- The air was distributed by large 16 inch (40cm) pipes.
- During visit on board the ventilation system worked properly
- The ship had on board spare parts and fans motors if needed for repairs of the ventilation system.
- Several experienced animal caretakers were on board.
- Two veterinarians employed by the exporter were on board.

11 July 2012: Due to concerns about the reverse osmosis water purification system, the USDA inspector requested an inspection by a surveyor from Bureau Veritas. This inspection concluded: “Tested installation RO (Reverse Osmosis) System without failure. Tested high pressure cleaning system without failure. Tested fodder system (Livestock feeding system) without failure.”

14 July 2012: USDA conducts a final inspection of the vessel, and confirms that the vessel conforms to standards and is eligible to carry 3877 heads of cattle (3675 head of Holstein heifers, 195 head of Angus heifers and 7 Angus bulls). USDA also confirmed the loading of 83,200 pounds (39 metric tons) of bedding, 1,598,704 pounds (727 metric tons) of pelleted feed, and 232,000 pounds (105 metric tons) of hay, sufficient for three weeks voyage.

14 July 2012: 3,932 cattle were presented for inspection at the Port of Galveston. 55 animals were rejected during the port inspection due to warts and abscess, and 3877 were clear to load as soon as the USDA required 5-hour rest was completed. It took twice as long as normal to get the cattle loaded, because it was the first time this ship had been loaded, and USDA personnel were present during the entire loading process. In addition two veterinarians from the exporting company were observing the loading as well. The animals were distributed on 7 decks and the ship was loaded to its half capacity.

The animals were loaded on a rainy, overcast day; the temperature was below average without direct sun. Temperature that day was a high of 87 degrees Fahrenheit (about 30 degrees Celsius).

The vessel departed Port of Galveston on July 15, 2012.

In conclusion, according to our findings, the vessel *Pearl of Para* conformed to USDA standards as described in 9 Code of Federal Regulations part 91 Subpart D—Inspection of Vessels and Accommodations (included with this letter). At the time of inspection all systems functioned properly. As an abundance of caution, USDA also ordered an independent inspection by Bureau Veritas that confirmed vessel systems were operating correctly. During the voyage from Galveston to Novorossiysk, the animals were in custody of the Captain of the ship, and under the veterinary supervision of the two veterinarians on board.

The information above is all we have on the events of *Pearl of Para* inspection at the Port of Galveston before its voyage to Novorossiysk. We have started an investigation with the shipping company to determine what occurred after the vessel left the United States to determine what went wrong prior to arrival. We will provide additional communication after this investigation is complete. This vessel will not be reapproved for transport of additional livestock by USDA until we have been assured that additional measures have been taken to prevent future problems.

Please be assured that USDA considers it the highest priority to ensure the livestock being exported from our country are fit for travel and that the shipping vessel is appropriately equipped to transport the animals to any country, including Russian Federation. Please let us know if you need any additional assistance from us.

Sincerely,

Karen Sliter DVM

Karen Sliter,
Regional Manager, Europe, Africa, Middle East and Central Asia
USDA-Animal and Plant Health Inspection Service
US Mission to the European Union
Brussels, Belgium

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Moscow, September 25, 2012

Ref. # FS-EN-7/12674

Ms. Karen Sliter

Regional Manager, Europe, Africa, Middle East and Central Asia

USDA-Animal and Plant Health Inspection Service

US Mission to the European Union

Brussels, Belgium

Dear Ms. Sliter,

The Federal Veterinary and Phytosanitary Surveillance Service would like to extend its regards to the USDA Animal and Plant Health Inspection Service (APHIS), and thank you for your letter of September 07, 2012 and for quotations from the Code of Federal Regulations regarding inspections of vessels for animal transportation and informs you of the following.

In order to control the transportation of breeding animals by sea transport from the U.S. to the Russian Federation we ask you to provide us with regulations on the actions of official APHIS veterinarians during the attestation of sea vessels before deliver the breeding animals from the U.S., and also the following.

- The calculation of feeds, water and bedding for a breeding heifer or a breeding bull per day, on average, for transportation by sea vessels;
- Methods and equipment used for evaluating the air exchange rate for ventilation in the vessel modules where the animals are transported;
- Procedure of inspection of vessels for compliance with requirements on cleaning of modules and removing manure and urine during the travel;
- Number of veterinarians (requirements for the qualification level) and cattle-care technicians on the vessel in relation to the duration of transportation and the number of transported animals.

Please accept Ms. Sliter, my highest consideration to you.

Deputy Head

E. A. Nepoklonov

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Moscow, October, 19, 2012
Ref. # FS-NV-7/14112

Deputy Administrator
Animal and Plant Health Inspection Service (APHIS)
US Department of Agriculture
Dr. John Clifford

Dear Mr. Clifford,

The Federal Veterinary and Phytosanitary Surveillance Service (VPSS) extends its regards to the USDA Animal and Plant Health Inspection Service (APHIS) and informs you of the following.

In connection with incoming calls from Russian importers, as well as to avoid disruption of shipments of livestock that were quarantined in the U.S., economic losses, and failure to meet contractual obligations, Rosselkhoz nadzor will ensure acceptance of cattle sent to OOO Konniy Zavod Cheshmenskiy, and OOO Zeleniy Lug under the contract with Sexing Technologies, subject to compliance with the requirements for the transportation of animals.

During the October 6, 2012, delivery of 557 head of U.S. cattle to OOO Zarechnoye (Voronezh oblast), shipped by Clipper Merlin vessel in reconstructed sea containers, serious violations were detected regarding livestock feeding and manure removal from containers during the transportation.

With regard to this we kindly ask you to oblige the shippers to strictly comply with the provisions of OIE Code 2011 (chapter 7.2 Sea Transport of Animals) and prevent such violations in the future.

Please accept, Mr. Clifford, assurances of my highest consideration.

Deputy Head
N.A. Vlasov

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To:
Regional Manager, Europe, Africa, Middle East and Central Asia
USDA-Animal and Plant Health Inspection Service
US Mission to the European Union
Brussels, Belgium
Ms. Karen Sliter

Moscow, October 25, 2012
Ref. No. FS-EN-7/14297

Dear Ms. Sliter,

The Federal Veterinary and Phytosanitary Surveillance Service (VPSS) extends its regards to the Animal and Plant Health Inspection Service (APHIS), expresses its appreciation to you for providing excerpts from the US legislation on the issue of shipping animals by sea and forwards for your clearance a draft Procedure for Assessment of Conditions for Shipping Animals from the US by Sea during Border Veterinary Control at the Seaports of the Russian Federation (Annex No.1).

Please provide us with an APHIS e-mail address for forwarding information on each ship received in Russia from the US with breeding animals onboard and on whether the conditions for their shipment were met.

However, in the stated excerpts from the US legislation we have not found the necessary requirements that are directly relevant for ensuring the safe shipment of animals by sea.

VPSS have not yet received any information in response to our following letters: No. FS-EN-7/10400 of August 10, 2012, No. FS-EN-7/10756 of August 17, 2012, No. FS-EN-7/11677 of September 6, 2012, and FS-EN-7/12674 of September 25, 2012.

In this connection, we are forwarding to you a list of requirements (Annex No. 2), which, in the opinion of VPSS, are necessary for enhancing the safety of shipments of animals, and please let us know whether they are regulated by the US legislation.

Please also respond to the questions according to Annex No. 3.

Given the urgency and importance of our work on ensuring an acceptable level of safety during shipments of live animals from the US to Russia by sea, we request that you pay particular attention to the requested materials and the need to provide them promptly to VPSS.

During the negotiations between VPSS with the US Veterinary Services held in Moscow on September 28, 2012, the US side stressed the positive changes related to the

shipment of animals in containers, which, in its opinion, is a forward-looking innovation in the practice of sea shipments of cattle.

Unfortunately, we note that the US side is not fully informed on the stated issue.

Thus, during the October 6, 2012, inspection in the port of Novorossiysk of a shipment of cattle in the amount of 557 heads, received from the US on the Clipper Marine vessel in 35 converted sea containers and accompanied by the veterinary certificates No. OH126495, No. OH126497, and No. OH126510 of September 5, 2012 (copies are attached), the shipment conditions raised a lot of issues.

Serious problems were detected with the en route cleaning of containers from manure. Since the containers were not equipped with a manure removal system, by the end of the voyage the animals found themselves in the manure of 40-50 cm high, which is the basis for development of various diseases (of limbs, gynecologic, of udder, etc.) It is especially concerning that the animals are being brought for breeding purposes and they are all pregnant.

The issues of veterinary control over the organization of feeding of animals shipped in containers are also unclear. According to the shipper's information, the feed was loaded based on the full allowance for a 19-day voyage of animals (the space available in the container for storage of feed is limited), while in reality it lasted for 32 days. Therefore it ensues that either the animals were half-starved throughout the shipment or did not receive any feed at the last stage of the voyage.

Simultaneously, we request you to explain why the animals were allowed for shipment in the converted sea containers, which did not comply with the requirements of the US legislation (in accordance with the US legislation, rails for pens should be zinc coated, however, the inspection revealed that the pens were made of ordinary iron, which were covered with rust in some places.)

For its part, VPSS is ready to continue a constructive dialogue as we search for and work towards a solution acceptable to our countries regarding sea shipments of animals from the U.S. to the Russian Federation.

Please accept, Ms. Sliter, assurances of my highest consideration for you.

Attachment: on 11 pages.

Deputy Head

(Signature)

E. A. Nepoklonov

**Procedure
for Assessment of Conditions for Shipping Animals from the US by Sea during Border
Veterinary Control at the Seaports of the Russian Federation**

During the documentary control the carrier shall provide the following documents and information:

1. Bill of lading _____
2. Veterinary certificates, issued by the US side for the export of cattle from the United States to the territory of the Russian Federation _____
3. A document certifying the cleanup and disinfection of the vessel under the control of an inspector prior to the vessel's loading _____
4. An act of inspection (certification) of the vessel by an inspector at the port of loading of animals _____
5. Notarized certificate on the air exchange rate in each compartment _____
6. List of people who are experienced in handling the kind of animal to be carried _____
7. List of veterinary experts on board _____
8. Acts of animal deaths and the causes that led to death _____
9. Acts of forced slaughter of animals and the reasons that led to slaughter _____
10. Certificate on medical treatment during the voyage with an indication of inventory numbers and causes of hospitalization _____
11. Compliance of the pens and stalls with the APHIS space requirements for the transport of animals (also indicate the average weight of the animal and the total area of pens and stalls) _____
12. Availability of certificate with information on the terms of pregnancy of animals during loading or an indication of such term in the list of animals _____
13. Compliance with the space requirements taking into account the terms of pregnancy of animals (if an animal is in the third trimester of pregnancy, the space required for each animal shall be increased by 10%) _____
14. Documentary evidence of the route of the ship (if it runs through a tropical area, the space required for each animal shall be increased by 10%) _____

During the vessel inspection VPSS inspectors shall check the following:

1. Space of pens for animals in any compartment shall not exceed 80% of the deck area
2. Number of hospital pens (measuring 0.9 by 2.4 meters (3 by 8 feet) at the rate of 3 such pens for each 100 head of the carried animals)_____
3. Availability on board of spare motors and fans in working order (for each type used on the vessel) for replacement or repair of the ventilation system during the voyage_____
4. The vessel shall be equipped with ramps for loading and unloading of animals that shall be covered with skid resistant materials_____
5. Pipes used for stanchions and rails for pens shall be zinc coated _____
6. All pens for carrying animals on exposed decks shall be roofed and shall have bulwarks_____

Are the following requirements for equipment and operation of ships for carrying animals from the United States to the Russian Federation regulated by APHIS?

- The vessel shall have equipment failure alarms in the event of failure of any of the systems (ventilation, drainage, watering, feeding, lighting, changes in temperature and humidity indicators in a negative direction in pens with animals – above or below the standard indicators).
- Each deck of the ship, where the animals, feed, and water for animals are located, shall be equipped with devices for monitoring of the temperature and humidity, including those with the ability to record cartograms. The data from these devices shall be recorded in the log book for temperature and humidity records.
- Pens for animals shall be safe, and allow the animals to stand in a natural position and lie down.
- Pens for animals shall be designed so that the staff is able to get access to each animal at any time and under any weather conditions.
- Systems for urine and feces removal shall effectively remove manure and slurry, and preclude dirtying of the skin of animals on the lower deck.
- In case of failure of the main drainage system, the vessel shall have an alternative (emergency) system in place.
- Lighting inside pens shall be part of a unified lighting system and connected to the main power supply.
- In emergency situations portable lighting must be available.
- Electric lights and wiring must be in boxes in order to prevent animals from injury.
- Drinking troughs shall be installed so as to provide access to fresh water for all animals at all times.
- Prior to departure the ship shall carry on board a sufficient amount of drinking water (as well as reserve stock in case animals stay on board longer than planned) or equipment for desalination of sea water.
- The vessel shall have the ability to ensure alternative water supply for animals in the event of failure of the main pump system.
- Feeders shall be installed so as to provide access to them for all animals at all times.
- Food (hay) can be on the floor of the pens provided that its contamination is kept to a minimum.
- Prior to departure the ship shall carry on board a sufficient amount of feed to keep the animals well fed for the duration of the voyage, and also have additional reserve stock (30%) in case the animals stay on board longer than planned.
- The amount of litter shall be sufficient to keep animals in clean condition for the duration of the voyage, and also have additional reserve stock (30%) in case animals stay on board for longer than planned.
- The litter shall be replaced as it gets contaminated (frequency of replacement of litter in pens).
- The presence of manure in the pens and on the decks of a vessel where animals are located is a violation.
- Water, feed, and litter shall be stored so as to prevent their contamination, protect them from the weather and ensure that their quality is not adversely affected.
- Availability on the vessel of the main and emergency sources of electrical energy that can ensure a continuous supply of food to animals and the operation of ventilation, watering animals, drainage, and lighting systems.
- All decks, where animals are located, shall be equipped with a fire extinguishing system.

- Sick or injured animals during the voyage shall be separated from other animals and shall get first-aid and treatment as soon as possible.

- Each case of injury, illness, or forced slaughter shall be documented by the veterinarian accompanying the animals, and carefully examined upon arrival at the port of unloading.

The list of issues related to the transportation of animals by sea from the United States to Russia

Standards for feeding during the voyage: how much feed (hay, feed, etc.) per day is required for one head of cattle (calf, heifer, cow, bull)?

What period of transportation from the U.S. port to the port of Novorossiysk is taken when calculating the amount of food, water, and litter?

What amount of reserve stock of feed is taken in case the animals stay on board for longer than planned?

How frequently the decks are cleaned from manure?

What are the maximum allowable temperature and humidity indicators for transportation of cattle by sea?

What are the requirements for the content of ammonia in the air inside the structures, in which animals are shipped, and what is the equipment for its measurement?

What is litter usage rate per one head of cattle per day when loaded on the deck?

What amount of reserve stock of litter is taken in case the animals stay on board for longer than planned?

What is the minimum allowable distance from the withers to the animal to the ceiling?



Brussels, November 15, 2012

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Dear Dr. Nepoklonov:

Thank you for your letter (Ref. # FS-EN-7/12674) of September 25, 2012 requesting more information on feed and bedding calculations, air exchange measurements, procedures for vessel inspection and number of personnel required to accompany animals during ocean voyage. Below are our answers to your questions:

Reply to Question #1, Feed, Water & Bedding:

Part 9 CFR. § 91.17 states: *"For animals embarked for a voyage which will be of more than 36 hours duration, there shall be provided to the satisfaction of the inspector sufficient amounts of suitable feed and fresh water, and proper accommodations shall be provided on board for storage and distribution of the water and feed."*

Feed –Feed companies that supply feed for animals exported on ocean vessels have nutritionist on staff to calculate the type, rations and feed amount needed for animals included in each individual shipment. USDA checks calculations of feed that is done by nutritionist at feed mills. Feed then is trucked to the port of embarkation and loaded on board of the ship. USDA knows the quantity of feed to be delivered prior to each shipment. If needed, USDA personnel can recheck rations and amounts of feed required for ocean transport. A port Dock Clerk supervises loading and provides USDA with an exact amount (pounds & tons) of feed loaded on board of the vessel.

Feed calculations are done according to guidance from accepted standards such as *Nutrient Requirements of Dairy Cattle, 2001*, National Academy of Sciences, National Academy Press, Washington, DC

<http://profsite.um.ac.ir/~kalidari/software/NRC/HELP/NRC%202001.pdf>

Water-During the inspection of the vessel, USDA checks water delivery system throughout the entire vessel, deck by deck. We make sure that there is enough water pumped to fixture. Using the automatic floats the cattle has water at all times during voyage. The capacity to make fresh water varies depending on size of vessel, most vessels use the reverse osmosis system to make fresh water, USDA make sure that the ship always has a backup. In addition, vessels have water storage tanks for use while docked in the port and in case of emergencies. USDA can and do requests (like in case

of Pearl of Para) from the shipping company a notarized statement from an outside engineering company to certify the rate of water production and water storage capacity.

Bedding – USDA does not calculate or require specific amount of bedding per animal. It is the duty of the exporter to provide enough bedding for the duration of the voyage.

Reply to Question # 2 –Ventilation:

Part 9 CFR. § 91.19 Inspection of ocean vessels prior to loading.

A notarized statement from an engineering concern shall be required to certify to the rate of air exchange in each compartment. Such notarized statement shall be required upon first use of such vessel: Provided, that such notarized statement may again be required by the Administrator if substantive changes in fittings aboard the vessel have been made since the vessel was last certified.

Part 9 CFR § 91.21 Ventilation.

Each underdeck compartment on which animals are being transported aboard an ocean vessel shall be equipped with a system of mechanical ventilation that will furnish a complete change of air in each compartment every 2 minutes when deck height⁸ is less than 8 feet and every 2½ minutes when the deck height⁸ exceeds 8 feet. Spare motors and fans shall be available on board, for replacement or repair of the ventilation system during the voyage. A spare motor and fan of an approved type in working order shall be aboard the vessel for each type of motor or fan used. Net pen space in any compartment shall not exceed 80 percent of the deck area.

⁸ Deck height is the height from the ceiling to the floor.

Vessels carrying livestock from U.S. Ports are required to have a notarized statement from an engineering company certifying the rate of air exchange for each compartment. Once USDA have received ventilation we review all documents concerning the ventilation system to confirm specifications meet standards and if necessary consult with port engineers. In addition to the notarized statement, USDA will ask the Captain to turn on the ventilation system on; at that point USDA will proceed on with inspection of vessel. We inspect each deck of vessel top to bottom, checking all sides and middle for air flow, feeling how air is moving through deck. USDA will also discuss with Chief Mate backup protocols for ventilation system, which includes spare generators, fans, motors, everything needed in case of ventilation equipment failure.

Reply to Question # 3 – manure & urine & cleaning

Part 9 CFR § 91.26 Concrete flooring.

(3) Drainage. Provisions shall be made for drainage of urine and surface water from all parts of the vessel used for carriage of animals including sufficient scuppers. A walkway shall provide easy access to the scuppers.

During inspection of vessel for manure, urine and cleaning, USDA looks at the pump system, and asks how the vessels are cleaned. We also check for high pressure washers, wheelbarrows, shovels and rakes required for daily cleaning.

Reply to Question # 4 –Cattle caretakers

Part 9 CFR § 91.24 Attendants.

It shall be the responsibility of the captain of the ocean vessel to carry at least three men on board the vessel who are experienced in the handling of the kind/kinds of livestock to be carried, and a sufficient number of attendants, satisfactory to the inspector or the APHIS veterinarian at the port embarkation to insure proper care of the animals: Provided, however, That only one person experienced in the handling of the kind/kinds of livestock to be carried and a sufficient number of attendants, satisfactory to the APHIS veterinarian at the port of embarkation, to insure proper care of the animals must be carried on board the ocean vessel if less than 800 head of livestock are carried.

USDA does not have a requirement for a veterinarian to accompany animals during transportation on the ocean vessel. However, most shipments will have one or two veterinarians on board that are employed by the exporter. USDA requires at least three experienced men on board of the vessel who are skilled in handling of livestock to be carried, and a sufficient number of attendants. USDA personnel confirm with the Captain of the vessel and the Loadmaster the qualifications of the crew.

I hope that our answers provided you with information how we determine if the vessel is ready to carry animals from the United States. Please let me know if you have any additional questions.

Please accept my highest regards.

Karen Sliter DVM

Karen Sliter, DVM
Regional Manager, Europe, Africa, Middle East and Central Asia
USDA-Animal and Plant Health Inspection Service
US Mission to the European Union
Brussels, Belgium

Enclosures

FEDERAL SERVICE
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To: Ms. Karen Sliter
Regional Manager for Europe, Africa, Middle East and Central Asia
USDA-Animal and Plant Health Inspection Service
US Mission to the European Union
Brussels, Belgium

Moscow, February 13, 2013
No. FS-EN-7/1552

Dear Ms. Sliter,

The Federal Veterinary and Phytosanitary Surveillance Service (VPSS) extends its regards to the Animal and Plant Health Inspection Service (APHIS) and inform you of the following.

During state border veterinary control of the shipment of 830 heads of cattle by sea vessel "Angus Express" to the Russian Federation accompanied by veterinary certificate # PASA130008 of November 19, 2012, the following violations have been revealed:

- box stall fences were made from galvanized sheets but the supporting stakes were made from iron with signs of corrosion and with damaged paint;
- feed was kept on the open deck in a place not protected from atmospheric conditions, so was wet and infested with mold;
- cages for cattle were completely filled with feces 15-25 centimeters deep;
- drinking cups were dirty and polluted with remnants of feed and feces;
- skins of animals were completely covered with dry feces;
- alopeciae (hair loss) on withers (top of shoulders) were revealed during examination of animals; one animal had skin scarification (skin lesion) on the right thigh;
- ear tags of most animals were polluted with feces and impossible to read;
- veterinary drugs were stored in an open-to-the-public place which was not appropriate (in the electric control room);
- there were no thermometers and psychrometers on the decks; temperature measure was performed with only one transportable analyzer;
- several groups of breeding cattle addressed to the "Russian" and "Turkish" consignees were transported at the same time on the aforementioned vessel. After

the unloading of animals in Turkey, they did not clean and disinfect the decks on which the cattle destined for Turkey were transported or the ladder way which was used for disembarkation;

- separate personnel for taking care of “Russian” animals and separate tools for their care were not provided;
- outlets were stuffed with remnants of feed and feces;
- feed and bedding designed for the “Russian” and “Turkish” animals were kept together.

Such negligent attitudes towards shipped animals were also observed during other shipments of cattle from the United States to the Russian Federation. The above-mentioned information indicates that the U.S. Federal veterinary service doesn't provide monitoring of vessels designed for animal transportation, and no one explains requirements for transportation of animals or requires their obligatory implementation.

Additionally, VPSS has not yet received the information and materials about the results of the investigation into the large die-off of breeding cattle on board the vessel, “Pearl of Para,” that were shipped from the U.S. to the Russian Federation in July-August 2012.

Therefore, taking into account the current situation with regard to shipments of breeding cattle from the U.S. to the Russian Federation by sea, we ask you to undertake the necessary measures and send, to our address, answers to VPSS' inquiries # FS-EN-7/10400 of August 10, 2012, # FS-EN-7/10756 of August 17, 2012, # FS-EN-7/11677 of September 6, 2012, # FS-EN-7/12674 of September 25, 2012, and # FS-EN-7/14297 of October 25, 2012.

Please accept, Ms. Sliter, assurances of my highest consideration for you.

Attachment: Photo materials on CD disk.

Deputy Head
E. A. Nepoklonov



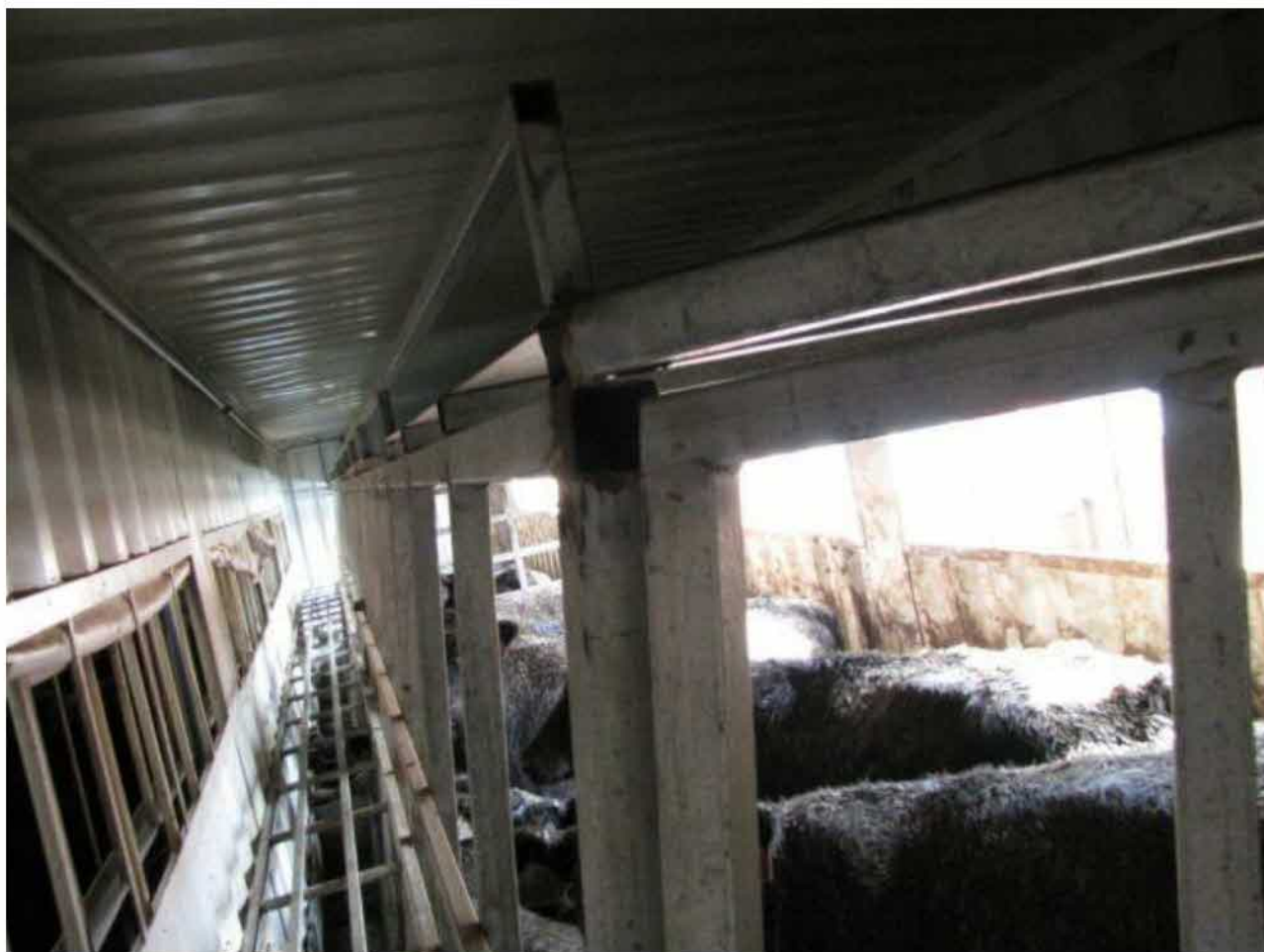


































Brussels, April 22, 2013

United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and Plant
Health Inspection
Service

International
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US Mission to the
European Union

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Dr E. Nepoklonov
Deputy Head
Federal Service for Veterinary and
Phytosanitary Surveillance
Ministry of Agriculture
Orlikov per., 1/11
107139 Moscow, Russian Federation

Dear Dr. Nepoklonov:

The United States Department of Agriculture (USDA) Animal and Plant Health Inspection Services extends its regards to the Federal Veterinary and Phytosanitary Surveillance service (VPSS) of the Russian Federation. This letter is in response to the following correspondence from VPSS: No. FS-EN-7/10400 of August 10, 2012, No. FS-EN-7/10756 of August 17, 2012, No. FS-EN-7/11677 of September 6, 2012, No. FS-EN-7/12674 of September 25, 2012 and No. FS-EN-7/14297 of October 25, 2012. APHIS is pleased to have an opportunity for constructive dialog with VPSS regarding sea shipments of animals from the U.S. to the Russian Federation.

In response to correspondence from VPSS dated August 10, 2012 and August 17, 2012, concerning delivery of cattle from the US via the Pearl of Para, USDA APHIS investigated events surrounding this shipment. We provided VPSS with an initial report dated September 7, 2012 and provided more information during discussions with VPSS in Moscow on September 28, 2012. These two reports account for all USDA APHIS activities up until the cattle were loaded on to the Pearl of Para.

USDA APHIS requested information from the shipping company responsible for the Pearl of Para, but we never received a response. USDA APHIS has no authority over a vessel or its contents once the animals are loaded and the ship has departed from the United States (U.S.). USDA APHIS has no means to compel the shipping company to provide us with any information on any events that happened during the voyage of the Pearl of Para. Therefore, until we receive a full account of events on board the Pearl of Para we regard that vessel as not eligible to ship animals from U.S. ports. We now consider our investigation, regarding the Pearl of Para, to be complete and VPSS has received all information available to USDA APHIS.

USDA APHIS has reviewed our regulations and has begun working on making changes with regard to Federal oversight of cattle export. This initiative includes transporting cattle via ocean vessels.

We understand from our meeting with VPSS and from correspondence dated September 6, 2012, September 25, 2012, October 25, 2012 and February 13, 2012 that VPSS has additional concerns about shipments of breeding cattle from the U.S. to the

Russian Federation by sea. Answers to the questions posed in your letter of September 25, 2012 were addressed by us in return correspondence dated November 15, 2012.

We further understand that VPSS would like to continue communication to address conditions regarding shipments of cattle by sea. USDA APHIS welcomes the opportunity to be engaged with VPSS on these matters. Currently, we are reviewing the annexes provided by VPSS in correspondence dated October 25, 2012 and February 13, 2013. We will respond in greater detail after a thorough analysis of the presented documents is completed.

USDA APHIS thanks VPSS for continued communication and cooperation. We appreciate the opportunity to be able to work together and enhance trade between our countries.

Please accept my best regards.

A handwritten signature in black ink, appearing to read "Karen Sliter DVM".

Karen Sliter,
Regional Manager, Europe, Africa, Middle East and Central Asia
USDA-Animal and Plant Health Inspection Service
US Mission to the European Union
Brussels, Belgium



Animal and Plant Health
Inspection Service
(APHIS)

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July 3, 2013

Dr E. Nepoklonov
Deputy Head
Federal Service for Veterinary and
Phytosanitary Surveillance
Ministry of Agriculture
Orlikov per., 1/11
107139 Moscow, Russian Federation

Dear Dr. Nepoklonov:

The United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) extends its regards to the Federal Veterinary and Phytosanitary Surveillance service (VPSS) of the Russian Federation. This letter is in response to the following correspondence from VPSS: FS-EN-7/14297 of October 25, 2012 and FS-EN-7/1552 of February 13, 2013.

We understand that VPSS would like to continue communication with USDA to address conditions regarding shipments of cattle by sea and we are responding accordingly. VPSS has forwarded, to USDA APHIS, a draft "Procedure for Assessment of Conditions for Shipping Animals from the US by Sea during Border Veterinary Control at the Seaports of the Russian Federation (Annex No.1)." USDA APHIS has studied the draft Procedure and has requested and received additional information, on this subject, from the US livestock export industry. Our detailed response is in the attached document.

VPSS has also posed questions and raised issues about the operation of ships and the transportation of animals by sea in Annex Nos. 2 and 3 (attached to correspondence from VPSS dated October 25, 2012). USDA APHIS has responded to those questions in the attached documents. Also, attached for your reference, is a copy of Title 9 US Code of Federal Regulations (CFR) Chapter 1, Subchapter D, Part 91.

VPSS has also asked for an e-mail address for forwarding information on each ship regarding the conditions of the shipment. For continuity, we recommend that you contact USDA APHIS through the Office of Agricultural Affairs at the US Embassy in Moscow via AgMoscow@fas.usda.gov.

In the correspondence referenced above, VPSS pointed out difficulties with shipments from the Angus Express and the Clipper Marine. USDA APHIS has contacted the US exporters involved and reports the following to VPSS. The voyage of the Angus Express (departing the US in November 2012) was longer than anticipated due to additional stops at two Turkish ports to off-load cattle (as authorized by VPSS). The US exporter was advised of the concerns of the Russian Federation and has taken steps to address those concerns. The US exporter noted

that additional testing was done so that all of the animals on the Angus Express were assured to be of the same health status. The voyage of the Clipper Marine (with an October 6, 2012 delivery of cattle to Russia) ran into adverse weather conditions that sprayed seawater into some of the containers near the edge of the deck resulting in excessively moist bedding. The exporter has rectified the situation by changing the design of the windows and adding sludge pumps. This concludes our investigations and report on these two voyages.

USDA APHIS thanks VPSS for continued communication and cooperation. We appreciate the opportunity to be able to work cooperatively to enhance trade between our countries.

Please accept my best regards.

Sincerely,

A handwritten signature in dark ink, appearing to read "Karen Sliter DVM". The signature is written in a cursive, flowing style.

Dr. Karen Sliter
Regional Manager for Europe, Africa
the Middle East and Central Asia
US Mission to the European Union
USDA APHIS International Services
Brussels, Belgium

Enclosures: Annexes No 1, 2, 3, and CFR-2013-Title 9-Vol 1-Part 91.

**Procedure
for Assessment of Conditions for Shipping Animals from the US by Sea
during Border Veterinary Control at the Seaports of the Russian Federation**

Part 1: During the documentary control the carrier shall provide the following documents and information:

1. Bill of lading _____

A Bill of Lading is a document of title used by the consignor and the consignee. Would VPSS please explain the need to include the title document in the Assessment of Conditions? We would like to better understand this request.

2. Veterinary certificates, issued by the US side for the export of cattle from the United States to the territory of the Russian Federation _____

A veterinary health certificate accompanies the shipment. USDA has no objection to the Russian Federation requesting this information from the exporter.

~~3. A document certifying the cleanup and disinfection of the vessel under the control of an inspector prior to the vessel's loading~~ _____

Livestock vessels are being cleaned and disinfected prior to arrival in the US. USDA inspects the vessel and will not allow loading unless the vessel is clean and disinfected. Therefore, we propose to delete this requirement from this assessment.

~~4. An act of inspection (certification) of the vessel by an inspector at the port of loading of animals~~ _____

Livestock vessels must be inspected by USDA before loading to confirm compliance with US regulations. USDA will not allow the vessel to be loaded if it doesn't pass the inspection. Therefore, we propose to delete this requirement from this assessment.

~~5. Notarized certificate on the air exchange rate in each compartment~~ _____

Livestock vessels must be inspected/approved/certified by USDA and the vessel must comply with ventilation requirements specified in our regulations. Therefore, we propose to delete this requirement from this assessment.

6. List of people who are experienced in handling the kind of animal to be carried _____

USDA has no objection to the Russian Federation requesting this information from the exporter.

7. List of veterinary experts on board _____

USDA has no requirement for veterinarian(s) to accompany the shipment. However, at the discretion of the exporter, a veterinarian may accompany the shipment. USDA has no objection to the Russian Federation requesting this information from the exporter.

8. Number of mortalities on board of the vessel, (including the number of animals euthanized) and causes of death (if known). ~~Acts of List of animal deaths and the causes that led to death~~ _____

We propose to combine # 8 and 9 into one statement as suggested above. USDA has no objection to the Russian Federation requesting this information from the exporter.

~~9. Acts of forced slaughter of animals and the reasons that led to slaughter~~

~~108. Number of animals hospitalized during the trip, and a reasons for hospitalization. Certificate on medical treatment during the voyage with an indication of inventory numbers and causes of hospitalization~~

USDA has no objection to the Russian Federation requesting this information from the exporter.

~~119. Compliance of the pens and stalls with the APHIS space requirements for the transport of animals (also indicate the average weight of the animal and the total area of pens and stalls)~~
Livestock vessels must be inspected by USDA before animals are loaded to confirm compliance with US regulations, including space requirements. At the same time, USDA reviews the loading plan. USDA has no objection to the Russian Federation requesting the loading plan from the exporter.

~~12. Availability of certificate with Information on the terms of pregnancy of animals during loading or an indication of such term in the list of animals~~

~~130. Information on the terms of pregnancy of animals during loading and compliance with the space requirements taking into account the terms of pregnancy of animals (and if animals is are in the third trimester of pregnancy, the space required for each animal shall be increased by 10%)~~

USDA reviews the state of pregnancy in animals for export and confirms that the space requirements conform to USDA regulations: The regulations require increased space for animals in the third trimester of the pregnancy.

~~11. Documentary evidence of the planed Ship route plan of the ship (if it runs through a tropical area, the space required for each animal shall be increased by 10%)~~

On a typical voyage from the US to Russia, livestock vessels do not cross a trans-equatorial/tropical area. USDA reviews the route plan, and confirms that the space requirements conform to USDA regulations: The regulations require increased space for animals traveling through trans-equatorial areas. USDA has no objection to the Russian Federation requesting a route plan from the exporter.

Part 2: During the vessel inspection VPSS inspectors shall check the following:

1. Space of pens for animals in any compartment shall not exceed 80% of the deck area

Pens are not to be in excess of 80% of the total deck area.

2. Number of hospital pens (measuring 0.9 by 2.4 meters (3 by 8 feet) at the rate of 3 such pens for each 100 head of the carried animals)_____

This conforms with USDA regulations (CFR part 91) which refer to hospital pens to be provided at a rate equal to 1 per cent of the vessel's total area that is available for livestock.

3. Availability on board of spare motors and fans in working order (for each type used on the vessel) for replacement or repair of the ventilation system during the voyage_____

This conforms with USDA regulations (CFR part 91).

4. The vessel shall be equipped with ramps for loading and unloading of animals that shall be covered with skid resistant materials_____

USDA requires the loading/unloading ramps to have foot battens in place to prevent animals from slipping.

5. Pipes used for stanchions and rails for pens shall be zinc coated _____

This conforms with USDA regulations (CFR part 91).

6. All pens for carrying animals on exposed decks shall be roofed and shall have bulwarks

This conforms with USDA regulations (CFR part 91).

Are the following requirements for equipment and operation of ships for carrying animals from the United States (US) to the Russian Federation regulated by APHIS?

1. The vessel shall have equipment failure alarms in the event of failure of any of the systems (ventilation, drainage, watering, feeding, lighting, changes in temperature and humidity indicators in a negative direction in pens with animals – above or below the standard indicators).

No, USDA APHIS does not regulate equipment failure alarms for operating systems on ocean vessels carrying animals from the US.

2. Each deck of the ship, where the animals, feed, and water for animals are located, shall be equipped with devices for monitoring of the temperature and humidity, including those with the ability to record cartograms. The data from these devices shall be recorded in the log book for temperature and humidity records. No, USDA APHIS does not regulate or require devices for monitoring temperature and humidity on ocean vessels carrying animals from the US. APHIS does not have standards for temperature and humidity. The temperature and humidity on board the vessel will depend on the temperature and humidity of the ambient air. Temperature and humidity on board the vessel are monitored daily by the stockman or veterinarian. Effective ventilation and appropriate space requirements ensure that the animals receive fresh air on board of the vessel. Both are regulated by USDA APHIS and are covered in the US Code of Federal Regulations (CFR), Title 9, Chapter 1, Subchapter D, Parts 91.17(a); 91.21 and 91.25.

3. Pens for animals shall be safe, and allow the animals to stand in a natural position and lie down. Yes, USDA APHIS does regulate the space requirements for animals on ocean vessels (9 CFR 91.25). Guidelines are provided in the CFR, but the final determination of space needed is made by the APHIS inspector/veterinarian at the port of embarkation depending upon the number of cattle, their weight, the nature of the vessel, etc.

4. Pens for animals shall be designed so that the staff is able to get access to each animal at any time and under any weather conditions. Yes: This is covered under 9 CFR 91.17(b).

5. Systems for urine and feces removal shall effectively remove manure and slurry, and preclude dirtying of the skin of animals on the lower deck. Yes, as referenced in 9 CFR, 91.26 (b) (3). The Captain of the vessel is responsible for cleaning manure from the decks as needed. However, in specially designated areas (including many areas of the Mediterranean and Black sea) removal and discharge of cargo residues/wastes (including manure) is prohibited and the Captain may allow only limited cleaning or no cleaning at all. Additionally, adverse weather conditions may preclude cleaning the decks.

6. In case of failure of the main drainage system, the vessel shall have an alternative (emergency) system in place. There are no USDA APHIS requirements on this subject.

7. Lighting inside pens shall be part of a unified lighting system and connected to the main power supply. There are no USDA APHIS requirements for lighting on ocean vessels. The US Coast Guard may have requirements.

8. In emergency situations portable lighting must be available. See response to question 7 above.

9. Electric lights and wiring must be in boxes in order to prevent animals from injury. This requirement would be covered in 9 CFR 91.17 (b) which requires fittings that reasonably assure arrival of a viable animal in the country of destination.

10. Drinking troughs shall be installed so as to provide access to fresh water for all animals at all times. Yes: This is covered in 9 CFR 91.27.

11. Prior to departure the ship shall carry on board a sufficient amount of drinking water (as well as reserve stock in case animals stay on board longer than planned) or equipment for desalination of sea water. Yes: This is covered in 9 CFR 91.17.

12. The vessel shall have the ability to ensure alternative water supply for animals in the event of failure of the main pump system. Yes: This is covered in 9 CFR 91.17.

13. Feeders shall be installed so as to provide access to them for all animals at all times. USDA APHIS requires that all animals have access to food, but not necessarily all animals at the same time. There are several ways that feed can be provided (9 CFR 91.27).

14. Food (hay) can be on the floor of the pens provided that its contamination is kept to a minimum. Yes.

15. Prior to departure the ship shall carry on board a sufficient amount of feed to keep the animals well fed for the duration of the voyage, and also have additional reserve stock (30%) in case the animals stay on board longer than planned. There must be provided, to the satisfaction of the USDA APHIS inspector, sufficient amounts of suitable feed and fresh water. This would include additional rations for unexpected delays in the voyage.

16. The amount of litter shall be sufficient to keep animals in clean condition for the duration of the voyage, and also have additional reserve stock (30%) in case animals stay on board for longer than planned. There are no requirements for bedding specified in the CFR. However, USDA inspectors ensure that sufficient amounts of bedding are loaded before the ship departs. This would include additional amounts for unexpected delays in the voyage.

17. The litter shall be replaced as it gets contaminated (frequency of replacement of litter in pens). Yes, USDA APHIS expects arrangements to be made to reasonably assure arrival of a viable animal in the country of destination.

18. The presence of manure in the pens and on the decks of a vessel where animals are located is a violation. Neither USDA APHIS nor the World Organization for Animal Health (OIE) has such a requirement.

19. Water, feed, and litter shall be stored so as to prevent their contamination, protect them from the weather and ensure that their quality is not adversely affected. Yes, as provided by 9 CFR 91.17.

20. Availability on the vessel of the main and emergency sources of electrical energy that can ensure a continuous supply of food to animals and the operation of ventilation, watering animals, drainage, and lighting systems. Yes, USDA APHIS has specific requirements for ventilation (9 CFR 91.21) and other accommodations to ensure operation of these systems.

21. All decks, where animals are located, shall be equipped with a fire extinguishing system. The presence of fire extinguishing systems is not regulated by USDA APHIS. This, however, may be a requirement of the US Coast Guard.

22. Sick or injured animals during the voyage shall be separated from other animals and shall get first-aid and treatment as soon as possible. Yes, this is specified by USDA APHIS in 9 CFR 91.25.

23. Each case of injury, illness, or forced slaughter shall be documented by the veterinarian accompanying the animals, and carefully examined upon arrival at the port of unloading. USDA APHIS requires the captain of the ocean vessel to carry at least three men on board the vessel who are experienced in the handling of livestock to insure proper care of the animals. Specific documentation of injury, illness or forced slaughter is not regulated by USDA APHIS.

The list of issues related to the transportation of animals by sea from the U.S. to Russia

1. Standards for feeding during the voyage: how much feed (hay, feed, etc.) per day is required for one head of cattle (calf, heifer, cow, bull)?

Feed requirements depend on the type and weight of cattle transported and the length of the voyage. Therefore the feed allowance per day and per head of cattle ranges from about 2 to 2.5% of the live body weight. The difference between calves, heifers, cows and bulls is accounted for by adjusting the quality and quantity of feed. These decisions are based on recommendations from animal nutritionists and guidance from standards developed by the National Academy of Sciences.

2. What period of transportation from the U.S. port to the port of Novorossiysk is taken when calculating the amount of food, water, and litter?

The duration of the voyage from the US to Russia depends on the actual speed of the vessel, the weather and the route. When livestock vessels sail to Novorossiysk, there can be delays during the transit of the Dardanelles and the Bosphorus passages. US cattle exporters report taking the Captain's estimate for the length of the voyage and then adding two to three days. Depending on the US port of departure, this can range from 18 to 29 days.

3. What amount of reserve stock of feed is taken in case the animals stay on board for longer than planned?

Usually, two to three extra days of feed is loaded on the ship as reserve stock. U.S. exporters report that they usually have to discard extra feed at the end of the voyage. In an emergency, additional feed can be delivered to the ship or the feed ratios can be lowered.

4. How frequently the decks are cleaned from manure?

USDA APHIS does not have guidelines or standards on the frequency of cleaning manure from decks. The Captain of the vessel is responsible for cleaning manure from the decks, as needed. However, in specially designated areas (including many areas of the Mediterranean and the Black Sea) removal of cargo residues/wastes is prohibited and the Captain may allow only limited cleaning or no cleaning at all. Additionally, adverse weather conditions may preclude cleaning the decks.

5. What are the maximum allowable temperature and humidity indicators for transportation of cattle by sea?

USDA APHIS does not have standards for temperature and humidity on vessels transporting animals by sea. The temperature and humidity on board the vessel will depend on the temperature and humidity of the ambient air. Temperature and humidity on board the vessel are monitored, daily, by the stockman or veterinarian. Effective ventilation and appropriate space requirements ensure that the animals receive fresh air on board the vessel. Both are regulated by USDA APHIS and are covered in the US Code of Federal Regulations (CFR), Title 9, Chapter 1, Subchapter D, Parts 91.17(a), 91.21 and 91.25.

6. What are the requirements for the content of ammonia in the air inside the structures, in which animals are shipped, and what is the equipment for its measurement?

USDA APHIS does not have standards for the content of ammonia in the air nor the equipment used for its measurement. Effective ventilation and appropriate space requirements ensure that the animals receive fresh air on board the vessel. Ventilation and stocking density are regulated by USDA APHIS (9 CFR 91.17(a), 91.21 and 91.25).

7. What is litter usage rate per one head of cattle per day when loaded on the deck?

The US export industry typically loads 20 metric tons for a shipment of 1800 head of cattle (10-12 kilos per head) to Russia and this rate allows for a reserve. Other exporters of US cattle load 6 to 7 metric tons per 1000 square meters of cattle pen space for all voyages over 10 days. The number of metric tons per head of cattle would be dependent upon the weight of the cattle (as the weight of the cattle determines the amount of space needed and therefore the amount of bedding needed). These practices allow for two to five days of reserves.

8. What amount of reserve stock of litter is taken in case the animals stay on board for longer than planned? See comments under question 7.

9. What is the minimum allowable distance from the withers to the animal to the ceiling?

USDA APHIS regulations (9 CFR 91.25 (f)(1)) mandates space for cattle on ocean vessels as having 6 feet 3 inches (1.9 meters) from roof or beams overhead to flooring underfoot although a height of not less than 6 feet (1.8 meters) may be permitted at the discretion of the inspector when floors are raised over pipes and similar obstructions.

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

SOURCE: 42 FR 28990, June 7, 1977, unless otherwise noted.

Subpart A—General Provisions

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- 91.41 Cleaning and disinfecting of aircraft.

AUTHORITY: 7 U.S.C. 8301-8317; 19 U.S.C. 1644a(c); 21 U.S.C. 136, 136a, and 618; 46 U.S.C. 3901 and 3902; 7 CFR 2.22, 2.80, and 371.4.

Subpart A—General Provisions

§ 91.1 Definitions.

Whenever in the regulations in this part the following terms are used, they shall be construed as follows:

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with the provisions of part 161 of this title to perform functions specified in parts 1, 2, 3, and 11 of subchapter A, and subchapters B, C, and D of this chapter, and to perform functions required by cooperative State-Federal disease control and eradication programs.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service).

Animals. Horses, cattle (including American bison), captive cervids, sheep, swine, and goats.

APHIS representative. An individual employed by APHIS who is authorized to perform the function involved.

Department. The United States Department of Agriculture.

Horses. Horses, mules, and asses.

Inspector. An inspector of the Animal and Plant Health Inspection Service.

Miniature swine. Swine bred and raised as pets or for laboratory testing purposes that do not weigh more than 100 pounds at maturity.

Official brucellosis vaccine. An official adult vaccine or an official calfhood vaccine as defined in § 78.1 of this chapter.

Origin health certificate. An official document issued by an APHIS representative or an accredited veterinarian at the point of origin of a shipment of animals to be moved under

this part, which shows the identification tag, tattoo, or registration number or similar identification of each animal to be moved, the number, breed, sex, and approximate age of the animals covered by the document, the date and place of issuance, the points of origin and destination, the consignor, and the consignee, and which states that the animal or animals identified on the certificate meet the export health requirements.

Premises of origin. The farm or other premises where the animals intended for export are being raised or assembled, or both, immediately before movement for export.

Roofing paper. Any saturated roofing paper of a grade known to the trade as 30-pound roofing paper.

State of origin. The State in which the premises of origin is located.

Veterinary Services. The Veterinary Services, Animal and Plant Health Inspection Service of the Department.

[42 FR 28990, June 7, 1977, as amended at 53 FR 51746, Dec. 23, 1988; 57 FR 23047, June 1, 1992; 57 FR 39353, Aug. 31, 1992; 63 FR 72129, Dec. 31, 1998; 72 FR 40065, July 23, 2007]

§91.2 Animals to be handled in compliance with regulations.

No animals covered by the regulations in this part shall be exported to a foreign country except in compliance with the provisions in this part.

§91.3 General export requirements.

(a) All animals intended for exportation to a foreign country, except by land to Mexico or Canada, must be accompanied from the State of origin of the export movement to the port of embarkation by an origin health certificate. All animals intended for exportation by land to Mexico or Canada must be accompanied from the State of origin of the export movement to the border of the United States by an origin health certificate. The origin health certificate must certify that the animals were inspected within the 30 days prior to the date of export, except as follows: When the Administrator allows sampling or testing to be done more than 30 days prior to the date of export, in accordance with paragraph (c) of this section, then the animals also may be inspected within that same

time period, and the origin health certificate will remain valid for that time period. The origin health certificate must certify that the animals were found upon inspection to be healthy and free from evidence of communicable disease and exposure to communicable disease. The origin health certificate must be endorsed by an authorized APHIS veterinarian in the State of origin and must include any test results added by the authorized APHIS veterinarian pursuant to §161.4(k) of this chapter (any added test results must be initialed by the authorized veterinarian). The origin health certificate must individually identify the animals in the shipment as to species, breed, sex, and age and, if applicable, must also show registration name and number, tattoo markings, or other natural or acquired markings. The origin health certificate must include all test results, certifications, or other statements required by the country of destination.

(b) *Inspection.* All animals in each export shipment, except animals intended for export by land to Mexico or Canada, shall have been inspected, tested, or treated in the manner prescribed in this part prior to the movement of the export shipment to the export inspection facility. All animals in each export shipment intended for export by land to Mexico or Canada shall have been inspected, tested, or treated in the manner prescribed in this part prior to the movement of the animals from the State of origin. The Administrator may, upon request of the appropriate animal health official of the country of destination, waive the tuberculosis and brucellosis tests referred to in §§91.5(a) and (b), 91.6(a)(1) and (2), and 91.9(a) of this part when he finds such tests are not necessary to prevent the exportation of diseased animals from the United States.

(c) *Testing.* All samples for tests required by §§91.5 through 91.13 for exportation of animals under this section shall be taken by an inspector or an accredited veterinarian in the State of origin of the export movement. The samples must be taken and tests must be made within the 30 days prior to the date of export, except that the Administrator may allow such sampling or

testing to be conducted more than 30 days prior to the date of export if required or allowed by the receiving country, and the tuberculin test may be conducted within the 90 days prior to the date of export. The test for brucellosis shall be conducted in a cooperating State-Federal laboratory¹ in accordance with the Recommended Brucellosis Eradication Uniform Methods and Rules.

(d) *Movement in cleaned and disinfected carriers or containers.* The origin health certificate accompanying animals shall be accompanied by a statement from the issuing accredited veterinarian or inspector that the means of conveyance or container has been cleaned and disinfected since last used for animals with a disinfectant approved under §71.10 of this chapter, prior to loading, or that the carrier or container has not previously been used in transporting animals.

(e) *Clean and disinfected facilities for unloading animals.* Animals intended for exportation to Mexico or Canada or enroute to a port of embarkation shall be unloaded only into a facility which shall have been cleaned and disinfected with a disinfectant approved under §71.10 of this chapter, under the supervision of an inspector or an accredited veterinarian prior to such unloading. A statement certifying to such action shall be attached to the origin health certificate by the supervising inspector or accredited veterinarian.

(Approved by the Office of Management and Budget under control number 0579-0020)

[42 FR 28990, June 7, 1977, as amended at 44 FR 28298, May 15, 1979. Redesignated and amended at 45 FR 86412, Dec. 31, 1980; 48 FR 57472, Dec. 30, 1983; 57 FR 23047, 23048, June 1, 1992; 59 FR 48994, Sept. 26, 1994; 59 FR 67613, Dec. 30, 1994; 60 FR 4536, Jan. 24, 1995; 60 FR 9611, Feb. 21, 1995; 60 FR 13898, Mar. 15, 1995; 67 FR 11560, Mar. 15, 2002; 75 FR 57658, Sept. 22, 2010].

¹A list of cooperating State-Federal laboratories may be obtained from the Administrator, Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road, Unit 38, Riverdale, Maryland 20737-1231.

§91.4 Other movements and conditions.

The Administrator may, upon request in specific cases, permit the exportation of livestock not otherwise provided for in this part under such conditions as he may prescribe in each specific case to prevent the spread of livestock diseases and to insure the humane treatment of the animals while in transit.

[43 FR 27171, June 23, 1978. Redesignated at 45 FR 86412, Dec. 31, 1980, and amended at 57 FR 23047, June 1, 1992]

Subpart B—Diagnostic Tests, Treatments

SOURCE: 45 FR 86412, Dec. 31, 1980, unless otherwise noted.

§91.5 Cattle.

In order to be eligible for export, cattle shall be tested with results as specified in this section, and the origin health certificate shall specify the type of tests conducted, the dates of the tests, and the results of the tests.

(a) *Tuberculosis.* All cattle over 1 month of age shall be negative to a caudal intradermal tuberculin test using 0.1 ml. of tuberculin with a reading obtained 72 hours (plus or minus six hours) after injection as prescribed in Veterinary Services Memorandum 552.15 "Instructions and Procedures for Conducting Tuberculin Tests in Cattle," section VIII A.²

(1) *Provided that*, such tests are not required for any of the following:

(i) Cattle exported directly to slaughter in a country that the Administrator has determined has an acceptable tuberculosis surveillance system at slaughter plants and that agrees to share any findings of tuberculosis in U.S. origin cattle with APHIS;

(ii) Cattle exported directly to slaughter from a State designated as an Accredited-Free State in §77.7 of this chapter;

²Copies of this publication may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road, Riverdale, Maryland 20737-1231.

(iii) Cattle exported to a country that does not require cattle from the United States to be tested for tuberculosis as described in this part; or

(iv) Cattle exported from a State designated as an Accredited-free State in §77.7 of this chapter to a country that does not require cattle from Accredited-free States to be tested for tuberculosis as described in this part.

(2) The Administrator has determined that the following countries have an acceptable tuberculosis surveillance system at slaughter plants: Canada and Mexico.

(b) *Brucellosis*. All cattle over 6 months of age shall be negative to a test for brucellosis conducted as prescribed in "Standard Agglutination Test Procedures for the Diagnosis of Brucellosis"² or "Supplemental Test Procedures for the Diagnosis of Brucellosis."²

(1) *Provided that*, such tests are not required for any of the following:

(i) Official vaccinates of dairy breeds under 20 months of age;

(ii) Official vaccinates of beef breeds under 24 months of age;

(iii) Steers and spayed heifers;

(iv) Cattle exported directly to slaughter in a country that the Administrator has determined has an acceptable brucellosis surveillance system at slaughter plants and that agrees to share any findings of brucellosis in U.S. origin cattle with APHIS;

(v) Cattle exported directly to slaughter from a State designated as a Class Free State in 9 CFR 78.41;

(vi) Cattle exported to a country that does not require cattle from the United States to be tested for brucellosis as described in this part; or

(vii) Cattle exported from a State designated as a Class Free State in §78.41 of this chapter to a country that does not require cattle from Class Free States to be tested for brucellosis as described in this part.

(2) The Administrator has determined that the following country has an acceptable brucellosis surveillance system at slaughter plants: Canada.

(c) *Treatment for ectoparasites*. All cattle, except those found free of ectoparasites or those intended for exportation for slaughter purposes to any foreign country, shall be treated for

ectoparasites within 30 days preceding the date of export. Such treatment shall be made using a pesticide registered by the Environmental Protection Agency for use in treating animals infested with the ectoparasite involved in accordance with the label requirements. Treatment shall be personally supervised and certified on the origin health certificate by an accredited veterinarian who shall be ready to apply an antidote if adverse side effects occur following treatment.

(Approved by the Office of Management and Budget under control number 0579-0020)

[45 FR 86412, Dec. 31, 1980, as amended at 48 FR 57472, Dec. 30, 1983; 55 FR 12634, Apr. 5, 1990; 56 FR 366, Jan. 4, 1991; 57 FR 23047, June 1, 1992; 59 FR 67614, Dec. 30, 1994; 60 FR 4536, Jan. 24, 1995; 60 FR 13898, Mar. 15, 1995; 61 FR 6918, Feb. 23, 1996; 62 FR 3446, Jan. 23, 1997; 72 FR 40066, July 23, 2007]

§91.6 Goats.

(a) In order to be eligible for export, goats shall be tested with results as specified in this section, and the origin health certificate for such animals shall specify the type of test conducted, the date of the tests, and the results of the tests.

(1) *Tuberculosis*. All goats over 1 month of age shall be negative to a caudal intradermal tuberculin test using 0.1 ml. of tuberculin with a reading obtained 72 hours (plus or minus 6 hours) after injection as prescribed in Veterinary Services Memorandum 552.15.

(2) *Brucellosis*. Dairy and breeding goats shall be negative to a plate or tube agglutination test for brucellosis as prescribed in "Standard Agglutination Test Procedures for the Diagnosis of Brucellosis."²

(3) No goat shall be exported if it is a scrapie-positive animal or an exposed animal, as defined in 9 CFR parts 54 and 79, or if it has ever been in an infected flock, source flock, or trace flock, as defined in 9 CFR parts 54 and 79; or if it is the progeny, parent, or sibling of any scrapie-positive animal.

(4) *Exemptions*. (i) Goats exported for immediate slaughter need not comply with the requirements of paragraphs

² See footnote 2 to §91.5.

(a)(1), (a)(2), (a)(3), and (a)(5) of this section.

(ii) Tuberculosis testing is not required for goats over 1 month of age exported to a country that does not require goats from the United States to be tested for tuberculosis as described in paragraph (a)(1) of this section.

(iii) Brucellosis testing is not required for dairy and breeding goats exported to a country that does not require goats from the United States to be tested for brucellosis as described in paragraph (a)(2) of this section.

(5) All goats intended for export shall be identified by ear tags or tattoos approved by the Administrator, except that goats for export to Canada or Mexico for immediate slaughter may be identified by flock brands.

(Approved by the Office of Management and Budget under control number 0579-0020)

[45 FR 86412, Dec. 31, 1980, as amended at 48 FR 57472, Dec. 30, 1983; 57 FR 23048, June 1, 1992; 59 FR 48994, Sept. 26, 1994; 60 FR 4536, Jan. 24, 1995; 76 FR 29992, May 24, 2011]

§91.7 Captive cervids.

To be eligible for export, a captive cervid must be accompanied by an origin health certificate stating that the captive cervid has tested negative to an official single cervical tuberculin test for tuberculosis, as described in part 77, subpart B, of this chapter, within 90 days prior to export. The origin health certificate must specify the date the test was conducted and the test results.

[63 FR 72129, Dec. 31, 1998]

§91.8 Sheep.

(a) No sheep shall be exported if it is a scrapie-positive animal or an exposed animal, as defined in 9 CFR parts 54 and 79, or if it has ever been in an infected flock, source flock, or trace flock, as defined in 9 CFR parts 54 and 79; or if it is the progeny, parent, or sibling of any scrapie-positive animal.

(1) Sheep exported for immediate slaughter need not comply with the requirements of paragraph (a)(2) of this section.

(2) All sheep intended for export shall be identified by ear tags or tattoos ap-

proved by the Administrator,³ except that sheep for export to Canada or Mexico for immediate slaughter may be identified by flock brands.

(Approved by the Office of Management and Budget under control number 0579-0020)

[45 FR 86412, Dec. 31, 1980, as amended at 57 FR 23047, 23048, June 1, 1992; 59 FR 48994, Sept. 26, 1994; 59 FR 67133, Dec. 29, 1994; 59 FR 67614, Dec. 30, 1994; 61 FR 6918, Feb. 23, 1996]

§91.9 Swine.

(a) No swine shall be exported if they were fed garbage at any time. The swine shall be accompanied by a certification from the owner stating that they were not fed garbage, and that any additions to the herd made within the 30 days immediately preceding the export shipment have been maintained isolated from the swine to be exported.

(b) Except as provided in paragraph (c) of this section, all breeding swine shall be tested for and show negative test results to brucellosis by a test prescribed in "Standard Agglutination Test Procedures for the Diagnosis of Brucellosis" or "Supplemental Test Procedures for the Diagnosis of Brucellosis." The test results shall be classified negative in accordance with the provisions prescribed in the Recommended Brucellosis Eradication Uniform Methods and Rules, chapter 2, part II, G, 1, 2, and 3.

(c) Breeding swine exported to a country that does not require breeding swine from the United States to be tested for brucellosis need not comply with the requirements of paragraph (b) of this section.

[76 FR 29992, May 24, 2011]

Subpart C—Ports of Embarkation, Facilities, Health Certification

§91.14 Ports of embarkation and export inspection facilities.

(a) All ports that have export inspection facilities which the Administrator

³Information concerning ear tags or tattoos approved by the Administrator may be obtained, upon request, from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231.

has determined satisfy the requirements of paragraph (c) of this section are hereby designated as ports of embarkation. A list of designated ports of embarkation can be viewed on the Internet at <http://www.aphis.usda.gov/regulations/vs/regs/animals/> or obtained from a Veterinary Services area office. Information on area offices is available at http://www.aphis.usda.gov/animal_health/area_offices/. All animals, except animals being exported by land to Mexico or Canada, shall be exported through said ports or through ports designated in special cases under paragraph (b) of this section.

(b) In special cases, other ports may be designated as ports of embarkation by the Administrator, with the concurrence of the Commissioner of the Bureau of Customs and Border Protection, when the exporter can show to the satisfaction of the Administrator that the animals to be exported would suffer undue hardship if they are required to be moved to a port listed as a designated port of embarkation in accordance with paragraph (a) of this section. Ports shall be designated in special cases as ports of embarkation only if the inspection facilities are approved as meeting the requirements of paragraph (c) of this section.

(c) *Standards for export inspection facilities.* Inspection facilities located at ports of embarkation designated under paragraph (a) of this section, and inspection facilities designated in special cases under paragraph (b) of this section, shall meet the following requirements:

(1) *Materials.* Floors of pens, alleys, and chutes shall be made of impervious materials and finished so as to be skid-resistant. Impervious floors are those constructed of a material that resists the absorption of fluids. Such materials include concrete, asphalt, brick, metal, or other synthetic material that may be cleaned and disinfected. Fences, gates, and other parts of the facility shall be constructed of wood, metal, or other material that will securely restrain the animals in a safe and humane manner. The facility shall have a roof adequate to protect the animals from inclement weather over at least three-fourths of the pens and

alleys and over all of the inspection area.

(2) *Size.* The facility shall be large enough to accommodate all the animals in a single export shipment at one time. A minimum space twice the rate required per animal in §91.25(b) shall be provided for each animal. Facilities that inspect horses must have ceilings at least 12 feet high in any areas where horses are inspected.

(3) *Inspection implements.* The facility shall have a separate area available for inspection and identification of the animals. Pens and animal restraining devices shall be provided in this area which are sufficient for the inspection and identification of each animal. Pens or yards shall be provided for appropriate segregation, treatment, or both, of animals of questionable health status apart from animals qualified for exportation under this part.

(4) *Cleaning and disinfection.* The facility and equipment shall be cleaned and disinfected with a disinfectant permitted under §71.10 of this chapter under the supervision of a Federal inspector prior to entry of each export shipment into the export inspection facility. Personnel tending the animals shall, if they come in contact with animals outside of the facility, be required to change or sanitize their outer clothing and footwear. All facilities must have running water available to wash and disinfect the facilities. On and after March 23, 1995, facilities to be approved must have a drainage system; and, on and after March 23, 1997, every facility approved before March 23, 1995, must have a drainage system. The drainage system must control surface drainage into or from the facility in a manner that prevents any significant risk of livestock diseases being spread into or from the facility.

(5) *Feed and water.* An ample supply of running, potable water shall be made available to the animals intended for export, and in cold weather such water shall be kept free of ice. Feed and feeding facilities appropriate for the animals intended for export shall be provided.

(6) *Access; approval of arrangements.* Access to all parts of the facility shall be allowed to an inspector at all times, day or night, and the arrangement for

handling the animals shall be subject to the approval of the inspector. Approval shall be granted by the inspector if he finds that such arrangements will not permit the dissemination of communicable diseases of livestock to the animals in the export shipment.

(7) *Testing and treatment.* Testing and treatment of animals in export inspection facilities shall be performed by an accredited veterinarian under the supervision of an APHIS veterinarian. Tests related to APHIS animal disease programs shall be performed in accordance with the Recommended Brucellosis Eradication Uniform Methods and Rules.

(8) *Location.* The arrangement and location of the facilities shall provide for the isolation of all animals in the facility from contact with any other animals. Isolation of separate export shipments in the facility shall be at the discretion of the inspector.

(9) *Disposal of animal wastes.* The application for approval of an export inspection facility shall be accompanied by a certification from the authorities having jurisdiction over environmental affairs in the locality of the facility stating that the facility complies with the applicable State and local regulations or ordinances and the requirements, if any, of the United States Environmental Protection Agency, regarding disposal of animal wastes.

(10) *Lighting.* The facility shall be equipped with artificial lighting to provide not less than 70 foot candle power in the inspection area and not less than 40 foot candle power in the remainder of the facility.

(11) *Office and rest room.* A suitable office and adequate rest room facilities shall be provided at the export inspection facility site for use of the inspectors. The facility must have a working telephone.

(12) *Walkways.* Facilities where horses are inspected must have walkways in front of horse stalls wide enough to allow APHIS personnel to safely remove horses from the stalls for inspection, if necessary.

(d) *Approval and denial or revocation of approval.* Approval of each export inspection facility for designation under paragraph (a) of this section, and in special cases under paragraph (b) of

this section, shall be obtained from the Administrator. Approval of an export inspection facility under paragraph (a) or (b) of this section will be denied or revoked for failure to meet the standards in paragraph (c) of this section. Designated ports of embarkation and export facilities shall be reevaluated annually, by means of an APHIS site inspection, for continued compliance with the standards contained in paragraph (c) of this section. If the port or facility fails to pass the annual inspection, its designation will be revoked, and it will be removed from the list of designated ports and facilities. A written notice of any proposed denial or revocation shall be given to the operator of the facility, and he or she will be given an opportunity to present his or her views thereon. Such notice shall list in detail the deficiencies concerned. After remedying the deficiencies, an operator may request another inspection. Approval of a port of embarkation in connection with the designation of an export inspection facility in special cases shall be limited to the special case for which the designation was made.

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[42 FR 28990, June 7, 1977]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §91.14, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§91.15 Inspection of animals for export.

(a) All animals offered for exportation to any foreign country, except by land to Mexico or Canada, shall be inspected within 24 hours of embarkation by an APHIS veterinarian at an export inspection facility at a port listed as a designated port of embarkation in accordance with §91.14(a), or at a port or inspection facility designated by the Administrator in a special case under §91.14(b).

(b) Such animals shall be held for a period of not less than 5 hours at the port of embarkation or export inspection facility during which time the animals shall be given a careful visual health inspection. Sorting, grouping, identification, or other handling of the

animals by the exporter may be before or after this period of time. If individual clinical inspection of an animal is deemed necessary by an APHIS veterinarian for the purpose of determining its health status, such inspection may be made during this period of time or thereafter.

(c) *Feed and water.* All animals shall be allowed a period of at least 5 hours for rest at the export inspection facility, with adequate feed and water available, before movement to an ocean vessel or aircraft for loading for export. (This may be the same period required by paragraph (b) for health inspection.) However, feed and water will not be required if the animals were transported to the export inspection facility in a carrier in which adequate feed and water were provided and if sufficient evidence is presented to an APHIS veterinarian that the animals, if under 30 days of age, will arrive in the country of destination within 24 hours after they were last fed and watered, in the United States, or in the case of other animals within 36 hours after they were last fed and watered in the United States.

[42 FR 28990, June 7, 1977, as amended at 44 FR 28299, May 15, 1979. Redesignated at 45 FR 86413, Dec. 31, 1980, and amended at 57 FR 23048, June 1, 1992; 60 FR 4536, Jan. 24, 1995; 60 FR 9611, Feb. 21, 1995; 76 FR 18348, Apr. 4, 2011]

§91.16 Certification of animals for export.

If, upon inspection by an APHIS veterinarian at the export inspection facility, the animals offered for export are found to be sound, healthy, and free from evidence of communicable disease or exposure thereto, an export certificate, VS Form 17-37, shall be issued by said APHIS veterinarian and shall contain a statement to that effect.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980, as amended at 57 FR 23047, 23048, June 1, 1992]

Subpart D—Inspection of Vessels and Accommodations

§91.17 Accommodations for humane treatment of animals on ocean vessels.

(a) The owner or operator of an ocean vessel carrying animals from the United States to a foreign country shall provide, for such animals, feed and water, space, ventilation, fittings, and other facilities aboard the carrier as set forth in this part. For animals embarked for a voyage which will be of more than 36 hours duration, there shall be provided to the satisfaction of the inspector sufficient amounts of suitable feed and fresh water, and proper accommodations shall be provided on board for storage and distribution of the water and feed. The feed shall not be exposed to the weather at sea. However, such feed and water shall not be required if it is determined by the APHIS veterinarian that the animals, if under 30 days of age will arrive in the country of destination within 24 hours after they were last fed and watered in the United States, or, in the case of other animals, within 36 hours after they were last fed and watered in the United States.

(b) Owners masters, or operators of such vessels shall not accept for transportation any animal that in the judgment of the APHIS veterinarian is in an unfit condition to withstand the rigors of such transportation. Further, no animal intended for export shall be placed aboard any ocean vessel, unless in the opinion of the inspector the loading arrangements, fittings, ventilation systems, and the arrangements provided by the vessel for their use reasonably assure arrival of a viable animal in the country of destination. Halters, ropes, or other suitable equipment provided for the handling and tying of horses shall be found to be satisfactory by the APHIS veterinarian to assure humane treatment of the animals.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980, as amended at 57 FR 23047, June 1, 1992]

§91.18 Cleaning and disinfection of transport carriers for export.

All fittings, utensils and equipment, unless new, to be used in the loading, stowing, or other handling of animals aboard surface vessels under the provisions of this part, shall first be cleaned and disinfected under the supervision of an inspector before being used for, or in connection with, the transportation of animals from any United States port. Such disinfection of halters, ropes, and similar equipment used in handling and tying of animals shall be by immersion in an approved disinfectant. When the surface vessel has last been used to carry livestock to or from a foot-and-mouth disease infected country, the approved disinfectant shall be a freshly prepared solution of:

(a) Sodium carbonate (4 percent) in the proportion of 1 pound to 3 gallons of water.

(b) 4 percent sodium carbonate plus 0.1 percent sodium silicate.

(c) Sodium hydroxide (Lye) prepared in a fresh solution in the proportion of not less than 1 pound avoirdupois of sodium hydroxide of not less than 95 percent purity to 6 gallons of water, or one 13½-ounce can to 5 gallons of water.⁷

For carriers returning from other foreign countries, the approved disinfectant shall be a disinfectant permitted for use under §71.10, part 71 of this chapter.

[42 FR 28990, June 7, 1977. Redesignated and amended at 45 FR 86413, Dec. 31, 1980; 53 FR 51746, Dec. 23, 1988]

§91.19 Inspection of ocean vessels prior to loading.

It shall be the responsibility of the owners or the masters of an ocean vessel intended for use in exporting livestock to present the vessel to an inspector at a United States port of embarkation or at the discretion of the Administrator, upon request of the ex-

⁷Due to the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves, boots, raincoat, and goggles should be observed. An acid solution such as vinegar shall be kept readily available in case any of the sodium hydroxide solution should come in contact with the body.

porter, transporting company, or their agent, at a foreign port, for an inspection to determine if the fittings aboard the vessel are in compliance with the provisions of this part. A notarized statement from an engineering concern shall be required to certify to the rate of air exchange in each compartment. Such notarized statement shall be required upon first use of such vessel: *Provided*, That such notarized statement may again be required by the Administrator if substantive changes in fittings aboard the vessel have been made since the vessel was last certified.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980, and amended at 57 FR 23047, 23048, June 1, 1992]

§91.20 General construction.

A variety of construction materials such as wood, metal plate, or pipe may be used for stalls, crates, or pens aboard ocean vessels. Pipe fittings have the advantage of smooth surfaces, easy maintenance, long range economy and spaces between pipe rails to allow for feeding, watering, cleaning and better ventilation. Material used for stalls, crates, or pens shall be properly formed, closely fitted, and rigidly secured in place. Special care shall be taken to design and finish all edges, welds, and hardware that are accessible to animals. A combination of wood and steel pipe or other steel profile construction may be accepted if the construction complies with the regulations in this part. Where the sides of pens are adjacent to the ship's sides which have steel casing, frames, stays or similar fittings, the carrier shall cover these profiles with wooden battens of at least 2 inch thick lumber or plywood of similar strength to prevent animals from injury.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980]

§91.21 Ventilation.

Each underdeck compartment on which animals are being transported aboard an ocean vessel shall be equipped with a system of mechanical ventilation that will furnish a complete change of air in each compartment every 2 minutes when deck

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height^a is less than 8 feet and every 2½ minutes when the deck height^a exceeds 8 feet. Spare motors and fans shall be available on board, for replacement or repair of the ventilation system during the voyage. A spare motor and fan of an approved type in working order shall be aboard the vessel for each type of motor or fan used. Net pen space in any compartment shall not exceed 80 percent of the deck area.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec 31, 1980]

§91.22 Protection from heat of boilers and engines.

No animals shall be stowed along the alleyways leading to the engine or boiler rooms unless the sides of said engine or boiler rooms are covered by a tongue and groove tight sheathing producing a 3-inch-wide air space except that on ships powered with internal combustion engines this sheathing may not be required at the discretion of the inspector.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980]

§91.23 Loading ramps and doors.

(a) Ramps connecting one deck of a ship to another shall have a clear width of 3 feet and a clear height of not less than 6 feet 6 inches. The incline of the ramps shall not exceed 1:2 (26½°) between the ramps and the horizontal plane. The ramps shall be fitted with footlocks of approximately 2"x2" lumber and spaced no more than one foot apart. The ramps shall have side fencing not less than 5 feet in height. Side doors in ship's shell plating through which livestock are to be loaded shall have a height of not less than 6 feet for cattle and 6 feet 6 inches for horses.

(b) Alleyways running fore and aft on the ocean vessel that are used for feeding, watering, and loading animals, including horses in box stalls, shall have a minimum width of 3 feet. However, for a distance not to exceed 8 feet at the end of alleyways in the bow and the stern of ship, and where obstructions of less than 3 feet in length occur, the width may be reduced to a minimum of

^a Deck height is the height from the ceiling to the floor.

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24 inches. A sufficient number of athwartship alleyways at least 24 inches in width shall be provided to afford ready access to scuppers and to ends of alleyways running fore and aft. However, on exposed decks where scuppers and the end of fore and aft alleyways are readily accessible athwartship alleyways are not required and if the alleyways are to be used for feeding or watering livestock, but not for loading or unloading of livestock, such alleyways shall have a minimum width of 28 inches.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980]

§91.24 Attendants.

It shall be the responsibility of the captain of the ocean vessel to carry at least three men on board the vessel who are experienced in the handling of the kind/kinds of livestock to be carried, and a sufficient number of attendants, satisfactory to the inspector or the APHIS veterinarian at the port embarkation to insure proper care of the animals: *Provided, however*, That only one person experienced in the handling of the kind/kinds of livestock to be carried and a sufficient number of attendants, satisfactory to the APHIS veterinarian at the port of embarkation, to insure proper care of the animals must be carried on board the ocean vessel if less than 800 head of livestock are carried.

[42 FR 28990, June 7, 1977, as amended at 43 FR 27171, June 23, 1978. Redesignated at 45 FR 86413, Dec. 31, 1980, and amended at 57 FR 23047, June 1, 1992]

§91.25 Space requirements for animals on ocean vessels.

(a) *General requirements.* A general space requirement for any individual animal in stalls or crates on ocean vessels shall be six inches more in height, depth, and width than the measurements of the animal concerned. The number of animals in each stall, pen or other container, the cubic inches of air available for each animal, and the ventilation capability of the transporting carrier are other criteria used to determine final space requirements for each animal. Guidelines of space requirements for storage of animals in pens are listed in paragraphs (b) and (c) of

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this section. Final determination of space needed and manner of loading of animals for export shipment will be made by the inspector or the APHIS veterinarian at the port of embarkation, based upon the size and type of animals presented, weather, destination, route, and means of transportation employed for the export shipment.

(b) Space guidelines:

Animal weight, pounds	Space in square feet allowed per animal—
100	4.0
150	5.0
200	6.0
250	6.9
300	7.9
350	8.9
400	9.9
450	10.9
500	11.8
550	12.5
600	13.2
650	13.9
700	14.6
750	15.3
800	15.9
850	16.6
900	17.3
950	17.8
1,000	18.4
1,050	18.9
1,100	19.4
1,150	19.9
1,200	20.4
1,250	21.0
1,300	21.5
1,350	22.0

	Space in square feet allowed per animal—
1,400	22.7
1,450	23.3
1,500	24.0
1,550	24.6
1,600	25.3
1,650	25.9
1,700	26.6
1,750	27.2
1,800	27.8

(c) *Space guidelines for containers.* Containers used aboard containerized ocean vessels measure 8 feet in width outside but vary from 7 feet 3 inches to 7 feet 9 inches in width inside and from 17 feet to 40 feet in length. For such containers the space requirements and minimum pen widths shown in the following charts shall be used whenever the length of the animal exceeds the width of the container. For ready measurement of dairy cattle only, the distance from the withers to the pin bone multiplied by 1.65 gives the approximate total length. Length of other cattle and large animals will require measurement of their total length. Other animals larger than those shown in the following charts shall be stowed subject to the approval of the inspector or the APHIS veterinarian at the port of embarkation. Maximum inside length of container pens shall be 12 feet 9 inches.

Weight	Square feet per head	3 head		4 head	
		Square feet	Width	Square feet	Width
CONTAINERS 7'9" IN WIDTH					
800	18.5			74.0	9'7"
850	19.5			78.0	10'1"
900	20.4	61.2	7'11"	81.6	10'6"
950	21.4	64.2	8'4"	85.6	11'1"
1,000	22.4	67.5	8'9"	90.6	11'7"
1,050	23.4	70.2	9'1"	93.6	12'1"
1,100	24.5	73.5	9'6"	98.0	12'8"
1,150	25.5	76.2	9'10"		
1,200	26.5	79.5	10'3"		
1,250	27.4	82.2	10'6"		
1,300	28.4	85.2	11'0"		
1,350	29.6	88.8	11'6"		
1,400	30.8	92.4	12'0"		
1,450	31.9	95.7	12'4"		
1,500	32.9	98.7	12'9"		
CONTAINERS 7'3" IN WIDTH					
700	16.3			65.2	9'9"
750	17.5	52.2	7'3"	70.0	9'8"
800	18.9	56.7	7'9"	75.6	10'5"
850	20.1	60.3	8'3"	80.4	11'1"
900	21.3	63.9	8'9"	85.2	11'9"

Weight	Square feet per head	3 head		4 head	
		Square feet	Width	Square feet	Width
950	22.3	66.9	9'2"	89.2	12'4"
1,000	23.7	71.1	9'8"		
1,050	24.8	74.1	10'1"		
1,100	26.0	78.6	10'9"		
1,150	27.1	81.3	11'3"		
1,200	28.4	85.5	11'10"		
1,250	29.6	88.8	12'3"		
1,300	30.9	92.7	12'9"		

(d) *Special requirements.* If an animal to be loaded on an ocean vessel is in the third trimester of pregnancy or the route of the carrier will be into or through a tropical area,⁹ the space required for each animal shall be increased by 10 percent. If the animal to be exported is in the third trimester of pregnancy and the route of the vessel will be into or through such area, the space required for such animal shall be increased by 20 percent. (See also paragraph (g). In addition, hospital pens measuring not less than 3 feet by 8 feet for each animal shall be provided at the rate of 3 such pens for each 100 head loaded, except as provided for horses in paragraph (e) of this section.

(e) *Size of stalls or pens for horses on ocean vessels.* Space for horses in pens on ocean vessels shall not be less than 6 feet 6 inches from roof or beams overhead to floor underfoot. Space containing up to 120 square feet may be used for stowage of horses and shall be at least 8 feet but not more than 9 feet in width (thwartship) except that upon approval of the inspector or the APHIS veterinarian at the port of embarkation, pens 7 feet wide may be allowed for medium-sized horses. Single stalls shall be not less than 2½ feet wide. Mares in foal shall be shipped only in separate stalls which shall be not less than 8 feet long by 3 feet wide and for mares due to foal en route and for stallions, stalls shall not be less than 8 feet long by 5 feet wide and shall be readily accessible to ship personnel. Extra stalls suitably located shall be provided in each compartment or on decks where horses are carried so that adequate hospital space can be made available for any horses that become sick or

disabled aboard ship. The number of such stalls shall be as follows: One for the first 4 to 10 horses shipped, another for any number in excess of 10 up to and including 25, and still another for each additional 25 horses or fraction thereof.

(f)(1) Except as provided in paragraph (c) of this section, space in pens on ocean vessels for cattle weighing 1000 pounds or more shall be no less than 8 feet in width and 6 feet 3 inches from roof or beams overhead to flooring underfoot, except that when floors are raised over pipes and similar obstructions, a height of not less than 6 feet may be permitted at the discretion of the inspector. Pens for cattle weighing less than 1,100 pounds may not exceed 226 square feet. Pens for cattle weighing 1,100 pounds or more may not exceed 610 square feet. When any such pen includes stanchions, sounding tubes, ventilators, and other obstructions, 20 percent more space for each animal shall be required.

(2) Single stalls in ocean vessels for cattle weighing 1000 pounds or more shall be not less than 8 feet in length by 3 feet in width.

(3) Calves and yearlings may be stowed in pens or stalls at the discretion of the inspector or the APHIS veterinarian at the port of embarkation.

(g) *Space for sheep, goats, and swine on ocean vessels.* Space for sheep, goats, and swine on ocean vessels shall not be less than 3 feet in height and the length and width of pens shall not exceed 15×8 feet. An increase of 50 percent square footage shall be required for animals in the third trimester of pregnancy, notwithstanding other provisions in paragraph (d).

⁹The area situated between the Tropic of Cancer and the Tropic of Capricorn.

[42 FR 28990, June 7, 1977. Redesignated and amended at 45 FR 86413, Dec. 31, 1980; 53 FR 40407, Oct. 17, 1988; 57 FR 23047, June 1, 1992]

§91.26 Concrete flooring.

(a) Pens aboard an ocean vessel shall have a 3 inch concrete pavement, proportioned and mixed to give 2000 psi. compressive strength in 28 days. The pavement shall have a broom or rough finish. Steel angle bars may be used for footlocks if they are mounted into the flooring in such a way that, at the same time, the bars serve as gutterways. The angle bars shall not be less than 2 inches by 2 inches and $\frac{5}{16}$ inches in thickness, and spaced on 12 inch centers running fore and aft on the vessel.

(b)(1) *Horses and cattle.* Flooring shall be laid athwartship and secured by placing ends beneath the under side of foot and rump boards or under a 2"x4" strip nailed along these boards. Floors may be either of two types, flush or raised. The flush type shall be constructed of not less than 1" thick lumber laid flat on the deck. The raised type shall be constructed of not less than 2" thick lumber nailed to scantlings of at least 2"x3" dimensions laid 2 feet 6 inches apart. If desired, flooring may be laid in portable sections. Flooring will not be required on ships with wooden decks provided footlocks are secured to the decks. Cement or composite material diagonally scored one-half inch deep may be used on iron decks instead of wooden flooring if the footlocks are molded in the same and bolted to the deck.

(2) *Sheep, goats, and swine.* Flooring for sheep, goats, and swine shall be the same as prescribed in this section for horses and cattle, except that the raised flooring need not be greater than 12 inch in thickness.

(3) *Drainage.* Provisions shall be made for drainage of urine and surface water from all parts of the vessel used for carriage of animals including sufficient scuppers. A walkway shall provide easy access to the scuppers.

(c)(1) *Horses and cattle.* In pens for horses or cattle, there shall be four footlocks of 1"x4" lumber laid fore and aft with flat side down, and so placed as to provide in-between spaces of 12, 14, 26, and 14 inches, beginning at inside of the footboard. Additional footlocks shall be added at 14 inch intervals in pens having a depth of 9 feet or more. They shall be well secured

with nails of a length that will permit 1 inch clinch in 1 inch flooring and 2 inch penetration in 2 inch flooring.

(2) *Sheep, goats, and swine.* Footlocks in pens for sheep, goats, and swine shall be of not less than 1"x2" lumber, four to each pen, equally distributed and laid in the manner prescribed in paragraph (c)(1) of this section for horses and cattle.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980, and amended at 57 FR 23047, June 1, 1992]

§91.27 Troughs and hayracks.

All stalls and pens aboard an ocean vessel shall be equipped with proper troughs for feeding and watering animals as provided in this section. Racks or nets furnished for feeding hay shall be of a type acceptable to the inspector. The feeding of hay to the animals on ocean vessels may be by means of dispensing the hay from racks or nets or by placing the hay on the floor of the pens in which the animals are confined.

(a) *Horses and cattle.* Troughs may be constructed of metal or wood and may be either removable or fixed. The space between the first footlock and footboard may be utilized for feeding cattle, provided a 2"x4" piece of lumber is affixed along the top surface of said footlock so that it, together with the footboard and the battens, will form an enclosure. If wooden troughs are used for feeding, an adequate supply of buckets or other metal containers shall be provided for the proper watering of the animals.

(b) *Sheep, goats, and swine.* Pens for these animals shall have feed troughs not less than 8 inches wide and shall be equipped with proper receptacles for watering. Pens for sheep and goats shall also have ample hayracks suitable for these animals.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980]

§91.28 Stanchions and rails.

(a)(1) Pipes used for stanchions and rails for pens aboard an ocean vessel shall be made of zinc coated, galvanized, extra strong, medium carbon steel. Steel pipes or other steel profiles shall consist of not less than 4 pipes or

profiles, the upper one to have 3 inch diameter and the others a diameter of not less than $2\frac{1}{2}$ inches. Stanchions shall not be of less than $3\frac{1}{2}$ inches diameter; shall not be of less than $\frac{5}{16}$ inch thickness and shall not be placed more than 8 feet apart center to center.

(2) Threaded pipe connections shall not be used. All parts shall be cut from factory fabricated, seamless pipe.

(3) Bolt and pin holes shall not be drilled to more than $\frac{1}{32}$ inch oversize. Holes shall be properly located and centered on pipe.

(4) Pipe shall not be deformed or weakened by welding such items as reinforcing rods or hinges thereto. Welding shall be used for such attachment to be exposed in the finished work. Pins, plates, and parts other than pipe shall be made of galvanized steel. All areas where galvanizing of the steel has eroded or has been damaged shall be finished with a rust preventative.

(5) Pipe rails shall be placed in proper alignment with tops of all gates at the same height.

(b) All gates of animal pens aboard an ocean vessel shall have smooth finished surfaces and the pivot-pins shall have a minimum diameter of $\frac{3}{4}$ inch.

(c) Animals may be carried on upper decks of an ocean vessel in space abutting the outside rails or bulwarks only if such rails or bulwarks are 3 feet or more in height from the deck and are of sufficient strength to hold the necessary fittings securely or if the space available is sufficient to permit securing the required fittings to provide the necessary strength. When animals are carried on upper decks, bulkheads shall be erected at all unprotected ends of stalls.

(d)(1) *Cattle and horses.* Rail stanchions for pens aboard an ocean vessel for cattle or horses shall be constructed of not less than 4" or 6" lumber set 5 feet apart on centers secured to the ship's rail or bulwark with $\frac{5}{8}$ inch or larger bolts or collars and with heels raced to the sheer streak or waterway. Inboard stanchions of 4"x6" lumber shall be set in line with the rail stanchions and properly braced: *Provided, however,* That the method of securing and bracing of stanchions may be modified as approved by the underwriter of the cargo bureau, and the in-

spector. Information concerning the modifications shall be made available to APHIS, at its request. On open rail ships, spaces between the rails shall be blocked out to permit the affixing of outside planking. If supplementary stanchions are required for rump boards, these shall not be less than 3"x4" in size and shall be secured to beams and decks as outlined above. On upper deck fittings at ends of unprotected stalls, a stanchion not less than 3"x4" in size shall be similarly spaced and secured to beams and decks and properly braced. Stanchions on underdecks shall be constructed, spaced, and secured in the same manner as upper deck fittings.

(2) *Sheep, goats, and swine.* Stanchions for single or double tier pens for sheep, goats, and swine shall be constructed of not less 3"x4" lumber set at not greater distance than 5 feet on centers and secured as outlined in paragraph (d)(1).

(e) For all animals, two beams of 2"x6" lumber shall be bolted on each side of the stanchions using $\frac{5}{8}$ inch bolts, nuts, and washers. Beams shall extend from outside planking to at least 2 feet beyond the line of the breast boards unless the beams butt on the ship's deck fittings. Two beams of 2"x6" lumber shall be used to support the roof of single tier pens on exposed decks and the floor of double tier pens on all decks.

(f) All pens for carrying animals on exposed decks aboard an ocean vessel shall be roofed with not less than 1 inch thick, watertight lumber extending from outside planking to at least 2 feet beyond the line of breast boards: *Provided, That,* if tongue and grooved lumber is used, it must be caulked or covered so that it is watertight or if square edged lumber is used it shall be covered with a saturated roofing paper known to the trade as 30 pound roofing paper and shall be securely battened.

(g) All pens for carrying animals on exposed decks shall be provided with outside planking of not less than $1\frac{1}{2}$ inch tongue and groove lumber, laid fore and aft of ship, driven tightly together and securely nailed to backs of stanchions in a manner to cover all open spaces properly. However, during warm weather the top course planking

may be left off in order to allow a free circulation of air. On vessels with closed bulwarks, the outside planking shall extend not less than 6 inches below the upper edge of the bulwark.

(h)(1) *Horses*. All stalls and pens for horses shall be equipped with breast boards of no less than 2"x10" dressed lumber with the top edge placed 3 feet 10 inches from the floor and securely nailed to the stanchions. Where butting occurs, the joints are to be on the stanchions and shall be covered with metal plates 3 inches square or 5 inches in diameter and not less than ¼ inch in thickness. A ½ inch bolt shall then be passed through the plate, joint, and stanchion and securely fastened with a nut. All breast boards shall have 1 inch holes bored through them at proper distances for tying animals. An occasional pen shall be provided with a removable breast board in order that animals may be loaded into and removed from the stalls and pens. All stalls and pens shall be provided with foot boards of not less than 2"x10" lumber securely nailed or bolted to the stanchions. At the discretion of the inspector, small ponies, asses, small mules, mares with foal at foot, young unbroken horses or gentle horses of any size may be stowed loose in pens. In these cases, a sufficient number of finished 2"x10" lumber shall be placed between the breast and foot boards to effectively contain the animals.

(2) *Cattle*. All stalls and pens for cattle shall be provided with boards as required for horses in paragraph (a), except that the front or breast boards shall be constructed in sets of three or more boards of 2"x10" dressed lumber separated by 3 inch spacers and placed on the foot board so that the front of the pen extends 48 inches or more in height from the floor. One or more of the breast boards may be left off if feed or water troughs are to be mounted externally.

(3) *Sheep, goats, and swine*. Front boards in pens for sheep, goats, and swine shall be of not less than 1"x6" pieces of lumber approximately spaced and extending to the proper height for these species of animals. Provision shall be made for removing a section of front boards to allow entry of animals

into pens or removal therefrom and for feeding or watering.

(i)(1) *Horses and cattle*. Rump boards in pens for horses or cattle shall form a solid wall at least 4 feet high for cattle and 4 feet 6 inches high for horses and shall be of lumber not less than 1½ inches thick if tongued and grooved or 2 inches thick if square edged or of plywood of the same strength. Where the deck is clear of obstructions, rump boards may be set on the inside of the rail stanchions. When this is not possible, sections so affected may be brought forward to clear such obstructions and shall be fastened by stanchions provided for this purpose. On lower decks where the ship's construction so justifies, rump boards may be affixed to 2"x6" wooden pieces set the same as prescribed for stanchions. Rump boards may be formed by filling spaces between cargo battens. Rump boards in stalls or pens built alongside hatches need be carried down only to the coaming line.

(2) *Sheep, goats, and swine*. Pens for sheep, goats, and swine on all exposed decks shall be provided with rump boards of the specified size built to a height of 2 feet 6 inches.

(j)(1) *Horses and cattle*. Division boards in pens for horses and cattle shall be used to separate all stalls and pens and to close the sides thereof at the ends of rows. They shall be used in sets of four boards of 2"x10" dressed lumber separated by 3 inch spacers, shall extend from the rump boards to the inboard stanchions, and shall be fitted into appropriate channels or slots at both ends in a manner that will permit their ready removal.

(2) *Sheep, goats, and swine*. Division boards and those forming ends of pens for sheep, goats, and swine shall be the same as prescribed for rump boards for these animals in paragraph (i) of this section.

[45 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980, and amended at 57 FR 23047, June 1, 1992]

§91.29 Hatches.

(a) Animals may be placed on hatches on exposed decks on an ocean vessel if the pens or stalls are securely lashed down.

(b) Animals may be placed on hatches on underdecks on an ocean vessel provided the height requirements of §91.25 (e) and (f) are met and sufficient space shall be left clear on such hatches for passageway across ship.

(c) On all hatches on which animals are carried and under which hay and feed or animals are stowed, sufficient space shall be left clear for the proper removal and handling of such hay and feed and animal carcasses. Such hatches shall be watertight.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980]

§91.30 Defective fittings.

If previously used fittings aboard an ocean vessel are employed, any portion thereof found by the inspector to be worn, decayed, unsound, or otherwise defective shall be replaced.

[42 FR 28990, June 7, 1977. Redesignated at 45 FR 86413, Dec. 31, 1980]

Subpart E—Cleaning and Disinfecting of Aircraft

§91.41 Cleaning and disinfecting of aircraft.

Prior to loading of animals, the stowage area of aircraft to be used to export animals under the provisions of this part shall, under the supervision of an inspector, be cleaned and then disinfected using a freshly prepared solution of 4 percent sodium carbonate plus 0.1 percent sodium silicate. In addition, all loading ramps, fittings, and equipment to be used in loading the animals on the aircraft shall be cleaned and disinfected using an approved disinfectant listed in §71.10 of this chapter. The time at which the cleaning and disinfection is performed must be approved by the inspector, who will give approval only if he or she determines that the cleaning and disinfection will be effective up to the projected time of loading of animals. If the animals are not loaded by the projected time, the inspector shall determine whether further cleaning and disinfection are necessary. The cleaning must remove all garbage, soil, manure, plant materials, insects, paper, and other debris from the stowage area. The disinfectant solution must be applied with a device

that creates an aerosol or mist that covers 100 percent of the surfaces in the stowage area, except for any loaded cargo and deck surface under it that, in the opinion of the inspector, do not contain materials that may contain animal disease pathogens such as garbage, soil, manure, plant materials, insects, waste paper, or debris. After cleaning and disinfection is performed, the inspector shall sign and deliver to the captain of the aircraft or other responsible official of the airline involved, a document stating that the aircraft has been properly cleaned and disinfected, and stating further the date, the carrier, the flight number, and the name of the airport and the city and state in which it is located. If an aircraft is cleaned and disinfected at one airport, then flies to a subsequent airport, with or without stops en route, to load animals for export, the inspector at the subsequent airport will determine, based on examination of the cleaning and disinfection documents, whether the previous cleaning and disinfection is adequate or whether to order a new cleaning and disinfection. If the aircraft has loaded any cargo in addition to animals, the inspector at the subsequent airport will determine whether to order a new cleaning and disinfection based on both examination of the cleaning and disinfection documents and inspection of the stowage area for materials that may contain animal disease pathogens such as garbage, soil, manure, plant materials, insects, waste paper, or debris.

[53 FR 51747, Dec. 23, 1988]

PART 92—IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS: PROCEDURES FOR REQUESTING RECOGNITION OF REGIONS

Sec.

92.1 Definitions.

92.2 Application for recognition of the animal health status of a region.

92.3 Movement restrictions.

92.4 Reestablishment of a region's disease-free status.

AUTHORITY: 7 U.S.C. 1622 and 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

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Dr. John Clifford
Deputy Administrator
USDA Animal and Plant Health
Inspection Service (APHIS)

Moscow, November 15, 2013
Ref. # FS-AS-7/15771

Dear Dr. Clifford,

The Federal Veterinary and Phytosanitary Surveillance Service (VPSS) extend its regards to the Animal and Plant Health Inspection Service (APHIS) of USDA and inform you of the following.

In connection with a request received by VPSS from GUP KK "Kuban Leasing Company" on the issue of shipping cattle to Russia from the US, in order to avoid a disruption in deliveries of shipments of cattle which have already been quarantined in the US, to avoid economic losses and to fulfill contractual obligations, VPSS has no objections to the shipment of 120 cattle head to Russia from the US in specialized containers for the specified Russian company under a contract with Sexing Technology provided that the requirements for the transportation of animals are met.

At the same time, due to detections of violations in shipments of cattle from the US in 2012 and 2013 (VPSS letters No. FS-EN-7/1552 of February 2, 2013, No. FS-EN-7/14297 of October 25, 2012, No. FS-EN-7/11677 of September 6, 2012, No. FS-AS-7/11529 of September 3, 2012) as regards feeding and watering animals, cleaning containers from manure en route, we request that the shipper be required to ensure proper care and feeding of the animals during their transportation by a sea vessel.

In case the above mentioned violations are detected, VPSS reserves the right to impose restrictions on the shipment of breeding cattle to Russia from the US in containers.

Please accept, Dr. Clifford, assurances of my highest consideration for you.

Acting Head

A. I. Saurin