

PART 53 REQUIREMENTS GOVERNING IMPORTATION OF CATTLE

**STATUTORY AUTHORITY:
AGRICULTURE AND MARKETS LAW
SECTIONS 18, 72, 74**

CIRCULAR 945

DIVISION OF ANIMAL INDUSTRY
REVISED August 2014

PART 53
Requirements Governing Importation of Cattle
(Statutory Authority: Agriculture and Markets Law §§ 18(1), 72, 74, 76)

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53.1 Definitions.

For the purposes of this Part, the following terms shall have the following meanings:

(a) *Accredited veterinarian* means a veterinarian duly approved by the Administrator of the Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture and accredited to perform functions of Federal and cooperative State-Federal programs on food and fiber animal species; all other livestock species; and zoo animals that can transmit exotic animal diseases to livestock (category II animals).

(b) *Interstate certificate of veterinary inspection (ICVI)* means an official document issued by a Federal, State, Tribal, or accredited veterinarian certifying the inspection of animals in preparation for interstate movement.

(1) The ICVI must show the species of animals covered by the ICVI; the number of animals covered by the ICVI; the purpose for which the animals are to be moved; the address at which the animals were loaded for interstate movement; the address to which the animals are destined; and the names of the consignor and the consignee and their addresses if different from the address at which the animals were loaded or the address to which the animals are destined. Additionally the ICVI must list the official eartag number of each animal. An ICVI may not be issued for any animal that is not officially identified with an official eartag.

(2) As an alternative to typing or writing individual animal identification on an ICVI, if agreed to by the department, another document may be used to provide this information, but only under the following conditions:

(i) the document must be a State form or APHIS form that requires individual identification of animals or a printout of official identification numbers generated by computer or other means;

(ii) a legible copy of the document must be stapled to the original and each copy of the ICVI.

(3) Each copy of the document must identify each animal to be moved with the ICVI, but any information pertaining to other animals, and any unused space on the document for recording animal identification, must be crossed out in ink.

(4) The following information must be written in ink in the identification column on the original and each copy of the ICVI and must be circled or boxed, also in ink, so that no additional information can be added:

(i) the name of the document; and

(ii) either the unique serial number on the document or, if the document is not imprinted with a serial number, both the name of the person who prepared the document and the date the document was signed.

(5) The ICVI shall be valid for 30 days following the date of inspection of the animal identified on the document.

(c) *Brucellosis class A state* means a state or area in the United States or Canada classified as such by the U.S.D.A.

(d) *Brucellosis class B state* means a state or area in the United States or Canada classified as such by the U.S.D.A.

(e) *Brucellosis class C state* means a state or area in the United States or Canada classified as such by the U.S.D.A.

(f) *Brucellosis class free state* means a state or area in the United States or Canada classified as such by the U.S.D.A.

(g) *Cattle* means a quadruped ruminant of any age of the family *Bovidae*, including the domesticated species designated as *B. taurus*, the humped species *B. indicus*, the American bison and the musk ox.

(h) *Commissioner* means Commissioner of Agriculture and Markets of the State of New York.

(i) *Consignee* means any person who accepts on consignment, purchases, imports, or first accepts delivery of cattle imported or moved into the State.

(j) *Department* means Department of Agriculture and Markets of the State of New York.

(k) *Immediate slaughter* means slaughter within six days (144 hours) after the time of entry into this State.

(l) *Official eartag* means an identification tag approved by APHIS that bears an official identification number for individual animals. Beginning March 11, 2015, all official eartags applied to animals must bear an official eartag shield. The design, size, shape, color, and other characteristics of the official eartag will depend on the needs of the users, subject to the approval of the administrator. The official eartag must be tamper-resistant and have a high retention rate in the animal.

(m) *Owner-shipper statement* means a statement signed by the owner or shipper of the livestock being moved stating the location from which the animals are moved interstate; the destination of the animals; the number of animals covered by the statement; the species of animal covered; the name and address of the owner at the time of the movement; the name and address of the shipper; and the identification of each animal, as required by the regulations.

(n) *Person* means any individual, corporation, partnership or other entity.

(o) *Preapproved feeding location* means an establishment where cattle are assembled to be fed for slaughter and which has been approved for that purpose by the department, on the basis that:

(1) the establishment has adequate facilities to segregate cattle being fed for slaughter from other cattle, as required under section 53.4(d) of this Part; and

(2) the establishment has adequate means by which to maintain records, as required under section 53.4(e) of this Part.

(p) *Recognized slaughtering establishment* means any abattoir at which meat inspection service is provided by the U.S.D.A.

(q) *Shipping copy* means the copy of an interstate certificate of veterinary inspection which accompanies imported cattle at the time of entry into this State.

(r) *Slaughter cattle* means cattle brought into this State for the purpose of immediate slaughter or other cattle which have been declared to be slaughter cattle pursuant to this Part.

(s) *Specifically approved stockyard* means an establishment where cattle are handled under permit or license issued by the department and which has been jointly approved by the department and the U.S.D.A. to handle out-of-state cattle.

(t) *State* means State of New York.

(u) *Steer* means a castrated male cattle of any age.

(v) *U.S.D.A.* means the United States Department of Agriculture.

(w) *U.S.D.A. approved test* means any test approved by the U.S.D.A.

53.2 General requirements.

(a) No person shall import or move cattle into the State or within the State except in compliance with this Part.

(b) Documentation.

(1) No person shall import or move cattle into this State unless the shipping copy of the interstate certificate of veterinary inspection or an owner-shipper statement as required by this Part is in his or her possession at the time of entry and a copy of any required interstate certificate of veterinary inspection has been sent to the Department of Agriculture of the state or country of origin or by the U.S.D.A to be forwarded to the department.

(2) No consignee shall accept a shipment of cattle unless they are accompanied by the shipping copy of the interstate certificate of veterinary inspection or owner shipper statement as required by this Part. The consignee shall retain the documents for at least five years and make them available for examination upon the request of any representative of the department or the U.S.D.A.

(c) Persons importing or moving cattle into the State shall transport them from the point of entry to the destination named in the interstate certificate of veterinary inspection or owner-shipper statement by the most direct practical route and shall not unload them at any other premises, unless otherwise directed by an authorized representative of the commissioner.

(d) No person shall import or move cattle into the State that are known to be infected with or exposed to communicable diseases except with the prior approval of the commissioner or an authorized representative.

(e) Any person having imported cattle in his or her possession shall submit, confine, restrain and make them available for such tests and examinations as the commissioner may deem necessary.

(f) Cattle which do not qualify for entry into the State pursuant to the provisions of this Part shall, at the discretion of the commissioner, be returned to the state or country of origin, declared slaughter cattle or be placed under quarantine in isolation at the expense of the consignee. The consignee must, at his or her own expense, test quarantined cattle within 120 days of the commissioner's order to determine if they are eligible for entry into the State for any purpose other than immediate slaughter or feeding for slaughter. Test results must be forwarded to the commissioner immediately. Based on the results, the commissioner may modify the quarantine order.

53.3 Importation of cattle to a specifically approved stockyard or a recognized slaughtering establishment.

Notwithstanding any other provision of this Part, cattle may be imported into the State and moved directly to a specifically approved stockyard, as defined in section 53.1(r) of this Part, or to a recognized slaughtering establishment, as defined in section 53.1(o) of this Part, without an interstate certificate of veterinary inspection under the following conditions:

(a) The cattle shall be accompanied by an owner-shipper statement.

(b) At any time after entry of the cattle into the State, an authorized representative of the commissioner may direct the person transporting the cattle to a designated location for the following purposes: unloading, restraint, inspection, identification, tagging, testing or quarantine.

(c) The cattle shall be moved directly to the specifically approved stockyard or recognized slaughtering establishment named as the destination or consignee on the owner-shipper statement. Cattle which are not subsequently qualified under subdivision (e) of this section shall be sold only to a recognized slaughtering

establishment and after the sale moved by the most direct route to the slaughtering establishment.

(d) Cattle moved to a recognized slaughtering establishment shall be slaughtered within six days (144 hours) after entry into this State.

(e) Cattle moved to a specifically approved stockyard may be moved without restriction following, as provided herein, segregation, examination by an accredited veterinarian and the preparation of an interstate certificate of veterinary inspection; provided that the following conditions are met:

(1) the stockyard has been approved by the commissioner to receive cattle pursuant to this section and has agreed to comply with all the requirements of this section including, but not limited to, the maintenance of a segregation facility with appropriate handling and restraint equipment; the reading of eartags; and the conducting of physical examinations of cattle by an accredited veterinarian;

(2) the cattle must originate in a state or zone which:

(i) borders New York State;

(ii) has been recognized by the USDA as brucellosis certified free for at least five years;

(iii) has been recognized by the USDA as tuberculosis accredited free for at least five years; and

(iv) has not been recognized by the commissioner as having any other disease of cattle which does not naturally occur in New York;

(3) the federally assigned premises identification numbers of all premises of origin of the cattle shall be included on the owner-shipper statement, with the premises of origin being the farm or ranch in the bordering state or zone where the animals originated and not a livestock market or dealer;

(4) the cattle shall enter the State with individual, uniquely numbered eartags approved for identification by the USDA and the eartag numbers shall be included on the owner-shipper statement;

(5) prior to the required veterinary inspection and the preparation of an interstate certificate of veterinary inspection, cattle that enter under this section shall always be segregated at least 30 feet from cattle that originated in New York State and from cattle that entered the State with an interstate certificate of veterinary inspection;

(6) prior to the release from segregation pens, an accredited veterinarian shall physically examine all animals in the pen and shall prepare an interstate certificate of veterinary inspection for those animals not going to immediate slaughter. If any animal shows signs of infectious, contagious or communicable disease that animal, and all animals exposed to that animal shall be quarantined and directed to an approved slaughtering establishment for immediate slaughter, or at the discretion of the

commissioner, may be returned to the place of origin or be quarantined in isolation from all other animals at the owner's expense until the commissioner determines that the animals are not a threat to New York livestock.

(f) The recognized slaughtering establishment or specifically approved stockyard shall maintain records that include the name and address of the consignor, identification numbers and the destination of all cattle handled under this section. These records shall be kept for a period of five years and be made available for examination upon the request of a representative of the department or of the USDA.

53.4 Importation of cattle to be fed for slaughter.

Cattle imported to be fed for slaughter shall comply with the following requirements:

(a) The cattle must be accompanied by the shipping copy of an interstate certificate of veterinary inspection.

(b) The location where the cattle are to be fed must be approved by the department prior to the arrival of any imported cattle.

(c) The cattle shall be moved directly to the preapproved feeding location or specifically approved stockyard named as the destination on the certificate of veterinary inspection. Cattle delivered to a stockyard may only be moved to a preapproved feeding location or to a recognized slaughtering establishment.

(d) Cattle imported under this section and any cattle which have been exposed to them shall be segregated from cattle used for breeding or dairy.

(e) The person designated by the department shall keep records for a minimum of five years which individually identify the imported cattle, any cattle exposed to them, their source and disposition. The records shall be made available for examination upon the request of a representative of the department or the U.S.D.A.

(f) Cattle imported under this section may leave the preapproved feeding location only to be moved directly to another approved location, specifically approved stockyard or recognized slaughtering establishment. Cattle moved to approved stockyards or slaughtering establishments shall be considered slaughter cattle.

(g) Sexually intact cattle which originate in other than Brucellosis class free states may not be imported under this section.

53.5 Importation of cattle for any purpose other than immediate slaughter or feeding for slaughter.

Cattle imported for purposes other than immediate slaughter or feeding for slaughter shall comply with the following requirements:

(a) Calves less than 14 days of age or 200 pounds moved directly from states with an agreement with this State may enter the State provided that:

- (1) the calves are identified prior to movement with an official eartag; and
 - (2) the calves are moved with an owner-shipper statement; and
 - (3) the consignee retains the owner-shipper statements for five years and make them available for examination upon the request of any representative of the department or the U.S.D.A.
- (b) All other cattle shall be accompanied by the shipping copy of the interstate certificate of veterinary inspection.

(c) Brucellosis test.

(1) Cattle originating in states that have been brucellosis class free for the past 60 months and which have not during the previous 12 months been in a state which has not been class free for at least 60 months may be imported into New York without a brucellosis test.

(2) Cattle originating in states that have been brucellosis class free for less than 60 months and which have not during the previous 12 months been in a state which is not class free, may be imported into New York as follows:

(i) Cattle less than 18 months of age may be imported without testing.

(ii) Cattle 18 months of age or older must be classified negative by a U.S.D.A. approved brucellosis test conducted within 30 days prior to importation.

(3) Cattle originating in brucellosis class A states or cattle originating in brucellosis class free states which have been in class A states during the previous 12 months may be imported into New York if official vaccinates over 14 months of age and all other cattle over eight months of age are classified negative by a U.S.D.A. approved brucellosis test conducted within 30 days prior to importation and:

(i) they originate from a certified brucellosis-free herd and been classified negative during the last herd test or are natural additions to the herd; or

(ii) they are quarantined and isolated from other cattle at the destination identified in the interstate certificate of veterinary inspection until classified negative by a U.S.D.A approved brucellosis test conducted at the consignee's expense between 45 and 120 days after importation.

(4) Cattle originating in brucellosis class B or C states or cattle originating in brucellosis class free or brucellosis class A states which have been in class B or C states during the previous 12 months may be imported into New York if:

(i) official vaccinates over 14 months of age and all other cattle over eight months of age are classified negative by a U.S.D.A. approved brucellosis test conducted within 30 days prior to importation; and

(ii) they originate from a certified brucellosis-free herd and have been classified negative during the last herd test or are natural additions to the herd; and

(iii) they are quarantined and isolated from other cattle at the destination identified in the interstate certificate of veterinary inspection until classified negative by a U.S.D.A. approved brucellosis test conducted at the consignee's expense between 45 and 120 days after importation.

(5) Oxen, steers and spayed heifers are exempt from brucellosis testing.