

PART 53 REQUIREMENTS GOVERNING IMPORTATION OF CATTLE

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

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

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Section 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 Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture and accredited to perform functions of Federal and cooperative State-Federal programs.

(b) *Approved certificate of veterinary inspection* means a document which:

(1) is issued by an accredited veterinarian and approved and countersigned by the chief livestock health official of the state or country of origin. Approval and counter-signature of the certificate shall signify that said official has caused the statements thereon to be verified and shall further signify that these statements qualify the animal for movement into New York State in accordance with the provisions of this Part. The copy of such certificate which accompanies an animal at the time of entry into New York State shall be considered to be approved if the issuing veterinarian has been personally granted specific permission in writing by the chief livestock health official of the state or country of origin to provide exporters with uncountersigned shipping copies of certificates of veterinary inspection provided that the countersigned copy of such certificate required to be mailed to the department bears the following notation: "Shipping copy permit granted issuing veterinarians;"

(2) identifies each animal to be moved into this State. Individual identification shall include all eartags, and tattoos, brands and electronic identification devices carried by the animal, its species, breed, age, sex and its registration number, if any;

(3) includes the full name and address of both consignor and consignee, the destination of each animal, the date of issue, the dates and results of qualifying tests, the anticipated date of entry of the animal into New York State, and a statement that the animal has been inspected by an accredited veterinarian and is not showing signs of infectious, contagious or communicable disease (except where noted) and that the results of the tests are as indicated;

(4) is valid for the purpose of this Part up to and including the 30th day following the date of inspection of the animal; and

(5) the commissioner or an authorized representative may disapprove any uncountersigned shipping copy of any health certificate issued by any veterinarian for the purposes of this Part upon evidence that such veterinarian has issued any certificate permitting the entry into New York State of any cattle unqualified for such movement.

(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 vaccinate* means an animal which has been calfhood vaccinated in accordance with the law and regulations of the state or country of origin and in accordance with the recommended uniform methods and rules for brucellosis eradication approved by the U.S.D.A. and has been identified as such.

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

(n) *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.

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

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

(q) *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.

(r) *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.

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

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

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

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

(w) *Waybill* means a legible statement or certificate prepared by the owner or shipper and shall include:

(1) the date the waybill is prepared;

(2) the name and address of the owner or shipper;

(3) the point from which the animals are moved interstate;

(4) the name and address of the person or firm to whom consigned in New York State and the destination of each animal;

(5) the number of each species covered by the waybill;

(6) a statement that the animals are being brought into this State for immediate slaughter; and

(7) the written and complete signature of the owner or shipper. A waybill shall be void eight days after date of preparation thereof.

Section 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 approved certificate of veterinary inspection or waybill as required by this Part is in his or her possession at the time of entry and a copy of such documents has been mailed to the department by the department of agriculture of the state or country of origin or by the U.S.D.A.

(2) No consignee shall accept a shipment of cattle unless they are accompanied by the shipping copy of the approved certificate of veterinary inspection or waybill as required by this Part. The consignee shall retain the documents for at least four 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 approved certificate of veterinary inspection or waybill 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.

Section 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 a certificate of veterinary inspection under the following conditions:

(a) The cattle shall be accompanied by a waybill.

(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 waybill. 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 approved 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 entry waybill, 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 entry waybill;

(5) prior to the required veterinary inspection and the preparation of an approved 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 a 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 approved 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.

Section 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 approved 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 four 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.

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) The cattle shall be accompanied by the shipping copy of the approved certificate of veterinary inspection.

(b) *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 approved 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 approved 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.

(c) *Tuberculosis test.*

(1) Cattle originating in states designated as accredited-free by the U.S.D.A. for the past 60 months and which have not been in states which have not been accredited-free for at least 60 months may be imported into New York without a tuberculosis test.

(2) Cattle less than six months of age may enter New York without a tuberculosis test.

(3) All other cattle must be negative to a U.S.D.A. approved tuberculosis test conducted within 60 days prior to importation.

(d) *Anaplasmosis test.*

(1) Cattle six months of age or older originating in states in which the commissioner has determined that anaplasmosis is endemic must test negative to a U.S.D.A. approved anaplasmosis test within 30 days prior to importation.

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