

CHAPTER 8. APPRAISAL AND INDEMNITY FOR DISEASED ANIMALS

Subchap.		Sec.
A.	GENERAL PROVISIONS	8.1
B.	PROCEDURES FOR APPRAISEMENT	8.11
C.	PROVISIONS FOR PAYMENT OF INDEMNITY	8.21

Source

The provisions of this Chapter 8 adopted June 12, 1975, effective June 13, 1975, 5 Pa.B. 1539, unless otherwise noted.

Cross References

This chapter cited in 7 Pa. Code § 3.151 (relating to general provisions); 7 Pa. Code § 7.13 (relating to appraisal and slaughter); 7 Pa. Code § 7.15 (relating to reactors sold for salvage and indemnity); 7 Pa. Code § 7.22 (relating to reactors on retest); 7 Pa. Code § 9.23 (relating to appraisal and slaughter); 7 Pa. Code § 9.25 (relating to reactors sold for salvage and indemnity); and 7 Pa. Code § 15.63 (relating to indemnity).

Subchapter A. GENERAL PROVISIONS

Sec.
8.1. Definitions.

§ 8.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless this context clearly indicates otherwise.

APHIS-USDA—Animal and Plant Health Inspection Services, United States Department of Agriculture.

Appraised Value—The current replacement value at the time of appraisal. This is determined by current market values, age of animal, physical condition, breeding value, milk production value or other factors which might influence the value.

Appraisement—The act of estimating the value of goods or animals condemned to prevent the spread of disease. Animals or domestic animals means a bovine, equine, ovine, capine, porcine, canine, feline and includes birds or fowl.

Bureau—The Bureau of Animal Industry of the Department.

Condemned—A domestic animal that has been adjudged by an authorized officer or agent of the Department or APHIS-USDA to be diseased and ordered to be destroyed to prevent the spread of disease.

Department—The Department of Agriculture of the Commonwealth.

Director—The Director of the Bureau who is the chief livestock sanitary official of the Commonwealth.

Indemnity—Amount of compensation paid by the Commonwealth to an owner for an animal condemned to prevent the spread of disease. This amount is determined by act of October 10, 1974 (P.L. 680, No. 227) (3 P.S. §§ 398—399.2).

Salvage—The net proceeds an owner of an animal, at the time of appraisal and slaughter, realizes from the sale of the carcass, hide and offal to a butcher who actually slaughters the animal.

Source

The provisions of this § 8.1 adopted June 13, 1975, effective June 14, 1975, 5 Pa.B. 1539.

Subchapter B. PROCEDURES FOR APPRAISEMENT

- Sec.
8.11. Person conducting appraisal.
8.12. Actions required for appraisal.
8.13. Owner disagreement of appraisal.

§ 8.11. Person conducting appraisal.

An authorized agent of the Commonwealth or APHIS-USDA shall conduct the appraisal of the condemned animals.

Source

The provisions of this § 8.11 adopted June 13, 1975, effective June 14, 1975, 5 Pa.B. 1539.

§ 8.12. Actions required for appraisal.

- (a) Owner's correct name and address, along with the identity of the animals to be appraised, shall be accurately stated on forms to be completed.
- (b) Only animals positively identified from approved laboratory tests or veterinarians test report as being diseased or exposed animals will be appraised.
- (c) Once satisfactory identification can be made the condemned animals shall be branded and a quarantine tag applied when required, and the herd or flock shall be placed under quarantine.
- (d) Diseased animals shall be isolated to protect negative animals from further exposure.
- (e) The animal owner shall secure bids to market his animals in a manner which yields the highest possible financial return for salvage.
- (f) A condemned animal may not leave the owner's premise until a written permit from the Bureau is received by the owner.

(g) An animal that is dead or in a dying condition may not be appraised and an indemnity may not be payable for the animal.

(h) If a condemned animal cannot be moved to slaughter after appraisal, or if it dies on the farm or enroute or if it becomes necessary to destroy a condemned animal after appraisal, then the carcass shall be disposed of under the direct supervision of a State or Federal veterinarian in order for indemnity to be obtained.

Source

The provisions of this § 8.12 adopted June 13, 1975, effective June 14, 1975, 5 Pa.B. 1539.

§ 8.13. Owner disagreement of appraisal.

(a) Whenever the officer or agent of the Department and the owner of a condemned animal are unable or unwilling to agree on a fair market valuation for the animal, three appraisers shall be appointed; one by the officer or agent, one by the owner and one by the two so appointed. If the owner refuses or fails to appoint his appraiser an alderman, magistrate or district justice shall be requested to appoint an appraiser for the owner. This alderman, magistrate or district justice shall be entitled to a fee for his service.

(b) The three appraisers shall be entitled to a fair payment for their service. One half of the entire cost of the appraisal shall be paid by the owner and the other half by the Commonwealth.

Source

The provisions of this § 8.13 adopted June 13, 1975, effective June 14, 1975, 5 Pa.B. 1539.

Subchapter C. PROVISIONS FOR PAYMENT OF INDEMNITY

- Sec.
- 8.21. Laboratory confirmation or a veterinarian's positive test report.
- 8.22. Age requirements.
- 8.23. Registration requirements.
- 8.24. Reactors disclosed on partial herd or flock test.
- 8.25. Herd additions to quarantined herds.
- 8.26. Animals purchased without health certificates.
- 8.27. Death of animal after appraisal.
- 8.28. Time required to remove condemned animals after appraisal.
- 8.29. Sanitation of infected premises.
- 8.30. Poultry provision.

§ 8.21. Laboratory confirmation or a veterinarian's positive test report.

Laboratory confirmation or a veterinarian's positive test report is required for diseases before an animal may be condemned and become eligible for indemnity.

Source

The provisions of this § 8.21 adopted June 13, 1975, effective June 14, 1975, 5 Pa.B. 1539; amended September 12, 1975, effective September 13, 1975, 5 Pa.B. 2360.

§ 8.22. Age requirements.

(a) There is no age limitation for the payment of indemnity for animals condemned to prevent the spread of disease except for brucellosis.

(b) Nonvaccinated brucellosis reactors shall be 6 months of age or older at the time of test, except calves from positive dams.

(c) Vaccinated brucellosis reactors shall be 18 months of age or older at the time of test.

(d) An animal may not be eligible for indemnity, if it was vaccinated for brucellosis outside of the prescribed age limit at the time of vaccination.

Source

The provisions of this § 8.22 adopted June 13, 1975, effective June 14, 1975, 5 Pa.B. 1539; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 246. Immediately preceding text appears at serial page (27096).

Cross References

This section cited in 7 Pa. Code § 8.25 (relating to herd additions to quarantined herds).

§ 8.23. Registration requirements.

(a) Indemnity claims for purebred registered animals condemned shall be supported by certificates of registration from a recognized breed registry association. Transfers shall be properly recorded.

(b) When registry certificates are in the process of transfer the animals shall be appraised on a purebred and grade basis, the trial drawings made and submitted with the appraisal papers.

(c) Registry and transfer paper not presented at the time of appraisal shall be submitted to the Bureau office within 30 days after appraisal.

(d) Animals that do not meet the registration requirements shall be appraised on a grade basis and indemnity paid accordingly.

Source

The provisions of this § 8.23 adopted June 13, 1975, effective June 14, 1975, 5 Pa.B. 1539.

§ 8.24. Reactors disclosed on partial herd or flock test.

Reactors disclosed on a partial herd or flock test for tuberculosis, brucellosis or pullorum may not be eligible for indemnity until the entire herd or flock has been tested.

Source

The provisions of this § 8.24 adopted June 13, 1975, effective June 14, 1975, 5 Pa.B. 1539.

§ 8.25. Herd additions to quarantined herds.

Additions to herds or flocks, after disease confirmation and quarantine, that become diseased or have been exposed to a known infected herd or flock, if it has been determined by the Director that destruction of the animals in the herd or flock will contribute to the disease eradication program, shall be destroyed without indemnity, unless it can be established that the additions were raised on the premise but not included in the test because of the age requirements in § 8.22 (relating to age requirements).

Source

The provisions of this § 8.25 adopted June 13, 1975, effective June 14, 1975, 5 Pa.B. 1539.

Cross References

This section cited in 7 Pa. Code § 9.32 (relating to reactors on retests).

§ 8.26. Animals purchased without health certificates.

Animals purchased without approved health certificates required under this title that become diseased and must be condemned are not eligible for indemnity.

Authority

The provisions of this § 8.26 amended under the Domestic Animal Law, 3 Pa.C.S. §§ 2321(a)(12) and (38), 2327, 2329 and 2382.

Source

The provisions of this § 8.26 adopted June 13, 1975, effective June 14, 1975, 5 Pa.B. 1539; amended April 11, 1997, effective April 12, 1997, 27 Pa.B. 1791. Immediately preceding text appears at serial page (155465).

§ 8.27. Death of animal after appraisal.

An indemnity will not be paid for a condemned animal that died after appraisal if the carcass was not disposed of under State or Federal supervision.

Source

The provisions of this § 8.27 adopted June 13, 1975, effective June 14, 1975, 5 Pa.B. 1539.

§ 8.28. Time required to remove condemned animals after appraisal.

Animals condemned because of disease shall be disposed of according to the State and Federal regulations within 15 days after appraisal to be eligible for indemnity. Special permission in writing shall be obtained from the Bureau by the owner for an extension of time.

Source

The provisions of this § 8.28 adopted June 13, 1975, effective June 14, 1975, 5 Pa.B. 1539.

§ 8.29. Sanitation of infected premises.

The infected premises shall be thoroughly cleaned by the owner and disinfected under the supervision of the Bureau. This cleaning and disinfecting shall be done within 15 days following removal of the condemned animals to be eligible for indemnity.

Source

The provisions of this § 8.29 adopted June 13, 1975, effective June 14, 1975, 5 Pa.B. 1539.

§ 8.30. Poultry provision.

(a) Indemnification shall be in accordance with the act of June 22, 1931 (P. L. 682, No. 249) (3 P. S. §§ 398—400a).

(b) Indemnity shall be available for official pullorum blood test reactors submitted in accordance with Department regulations to Bureau laboratories for necropsy and bacteriological examination, or for poultry flocks specifically adjudged and ordered condemned by the Director only as absolutely necessary to promote the eradication of pullorum disease or fowl typhoid.

(c) Poultry may not be added to flocks already quarantined for pullorum disease or fowl typhoid without permission from the Director. Violation of this subsection may result in condemnation of the additions without indemnification.

Source

The provisions of this § 8.30 adopted May 14, 1976, effective May 15, 1976, 6 Pa.B. 1097; amended November 18, 1977, effective November 19, 1977, 7 Pa.B. 3361; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 246. Immediately preceding text appears at serial page (32356).

Notes of Decisions

Appellant, whose flock was quarantined as infected with pollorum, was not entitled to compensation in that the Director of the Bureau of Animal Industry did not condemn appellant's flock. *Case v. Department of Agriculture*, 574 A.2d 1179 (Pa. Cmwlth. 1990).

[Next page is 9-1.]