

Title 2. Agriculture

Chapter III. Arkansas Board of Animal Health, Department of Agriculture

Subchapter B. Disease Control

Part 151. Poultry Disease and Flock Condemnation Rule

Subpart 1. Generally

2 CAR § 151-101. Definitions.

As used in this rule:

(1) "Affected area" means an area determined by the Arkansas Department of Agriculture of approximately twenty-five (25) miles surrounding a flock with a confirmed case of highly pathogenic avian influenza (HPAI);

(2) "Bird" or "birds" means any of a class (Aves) of warm-blooded vertebrates distinguished by having the body more or less completely covered with feathers and the forelimbs modified as wings;

(3) "Bird dealer" means any person engaged in the business of dealing in, purchasing, breeding, or offering for sale (whether at wholesale or retail) any exotic or pet birds;

(4) "Domestic poultry" means poultry propagated and maintained under the control of a person that have been selectively bred for meat, eggs, or exhibition purposes;

(5) "Domestic waterfowl" means ducks and geese that have been selectively bred for meat, eggs, or exhibition purposes;

(6) "Exhibit" means gathering or commingling for purposes of show, public display, or competition;

(7) "Exotic bird" means a bird not native or indigenous to the United States which is also not domestic poultry;

(8) "Exotic disease" means any foreign animal disease listed by the:

- (A) United States Department of Agriculture;
- (B) Animal and Plant Health Inspection Service; or
- (C) World Organization for Animal Health (WOAH);

(9) "Hatchery" means hatchery equipment on one (1) premises operated or controlled by any person for the production of baby poultry;

(10) "Inspector" means a person who is a designated and trained employee of the Department of Agriculture;

(11) "Person" means any:

(A) Individual;

(B) Firm;

(C) Partnership;

(D) Corporation;

(E) Estate;

(F) Trust;

(G) Fiduciary; or

(H) Other group or combination acting as a unit;

(12) "Pet bird" means a bird kept or intended for sale as a companion bird, not including domestic poultry;

(13) "Poultry" means chickens, turkeys, guinea fowl, pigeons, ostrich, emus, pheasants, or other birds raised commercially or domestically for meat, eggs, and feathers;

(14) "Poultry industry" means entities involved in the production of poultry and waterfowl, of any species, for the purpose of trade in meat and/or eggs;

(15) "Premises" means land and buildings together considered as a property where animals are kept;

(16) "Swap meets or flea markets" means those places either so named or a place where there is a gathering of people to exchange goods and/or services whether it be for barter, sale, or loan; and

(17) "Untreatable disease" means a disease that does not respond to accepted medical chemotherapy or one (1) whose treatment is uneconomical.

Authority. Arkansas Code § 2-33-107.

2 CAR § 151-102. Condemning a diseased poultry flock — Reportable diseases.

(a) **Scope.** As used in this section, “reportable disease” means:

(1) Exotic diseases as listed by the Animal and Plant Health Inspection Service or WOAH;

(2) Ornithosis;

(3) *Mycoplasma gallisepticum* (MG);

(4) *Mycoplasma synoviae* (MS);

(5) *Mycoplasma meleagridis* in turkeys;

(6) Infectious laryngotracheitis (ILT);

(7) *Salmonella pullorum*;

(8) *Salmonella* Typhimurium;

(9) Pullorum-Typhoid (PT);

(10) Velogenic Newcastle disease; and

(11) Avian influenza (AI) (for additional requirements regarding AI, see 2 CAR § 151-104).

(b) **Mandatory reporting.** Any person having knowledge that a poultry flock is infected with a reportable disease must immediately report such information to the State Veterinarian.

(c) **Quarantine order.** The State Veterinarian, after consultation with the Director of the Arkansas Livestock and Poultry Division, may quarantine any bird he or she suspects to be infected with a reportable disease.

(d) **Confirmation and identification of the disease.**

(1) The State Veterinarian may direct that employees of the Department of Agriculture conduct further tests of the suspect flock to identify and/or confirm the existence of a reportable disease.

(2) The National Veterinary Services Laboratory results will provide the confirmation necessary for the provisions of this part to be carried out.

(e) **Order for disposition.**

(1) Upon confirmation that a poultry flock is infected with a reportable disease, the State Veterinarian, after consultation with the director, will enter into an administrative agreement with the owner or owners to do one (1) of the following:

(A) Develop a flock plan under the direction of an accredited veterinarian which includes, at a minimum:

- (i) Quarantine and treat flock until disease is cleared;
- (ii) Implementation of biosecurity protocols according to United States Department of Agriculture Defend the Flock program;
- (iii) Acquisition of NPIP certification through the Department of Agriculture;
- (iv) Testing of flock in accordance with NPIP; and
- (v)(a) Maintaining records of any treatments or actions taken under the care of an accredited veterinarian.

(b) If treatment is unsuccessful or disease is chronic, all birds will remain in quarantine for the remaining life of the flock;

- (B)(i) Quarantine all birds on the affected premises for the life of the flock.
- (ii) Any new birds introduced to the premises shall also be under quarantine; or

(C) Depopulate all birds on the premises.

(2) In cases of PT, AI, or Newcastle disease, depopulation is the only option as long as indemnity is available through the United States Department of Agriculture.

(f) Method of depopulation.

(1) The poultry flock shall be disposed of as provided for in the Arkansas Livestock and Poultry Commission's Disposal of Large Animal and Poultry Carcasses, 2 CAR pt. 121.

(2) Agents or employees of the Department of Agriculture may assist, direct, or administer the destruction of the flock.

(g) Proper cleaning and disinfecting – Rotenticides and insecticides. The producer shall clean, disinfect, and use rodenticides and insecticides in compliance with United States Department of Agriculture current polices and standards.

(h) **Repopulation of house.**

(1) A depopulated house will lay vacant after cleaning and disinfecting and after the use of rodenticide and insecticides for the length of time required by the Animal and Plant Health Inspection Service or the State Veterinarian.

(2) Source of birds may be approved by the State Veterinarian.

Authority. Arkansas Code § 2-33-107.

Codification Notes. "WOAH" means World Organization for Animal Health.

"NPIP" means National Poultry Improvement Plan.

2 CAR § 151-103. Pet birds, swap meets, flea markets, exhibitions, and hatcheries.

(a) The National Poultry Improvement Plan (NPIP) will be followed where applicable in this section.

(b) **Pet birds.**

(1) **Registration.**

(A) Any person desiring to operate as a bird dealer must register with the Department of Agriculture.

(B)(i) Registration shall be on an annual basis.

(ii) All registrations shall be issued for a period of one (1) year beginning April 1, and expiring March 31 of the following year.

(C)(i) The registration must be in the name used for all business transactions involving exotic and pet birds.

(ii) Any change in the name of the registrant shall be promptly reported to the Department of Agriculture in writing.

(iii) Only one (1) registration shall be allowed per premises.

(D) A separate registration is required for each business location and proof of registration must be displayed in a conspicuous location.

(E) Any corporation, partnership, or estate must declare at the time of registration and list such officers or owners on the registration form.

(2) Records - Pet birds.

(A) Each bird dealer is required to keep records which adequately:

(i)(a) Identify each exotic or pet bird in his or her possession or sold by him or her by:

(1) Species;

(2) Description; or

(3) Leg band number.

(b) United States and non-United States birds will be identified with leg band;

(ii)(a) Verify the name, address, and telephone number of the person from whom each is acquired.

(b) If that person is a bird dealer, then the dealer's registration number shall also be recorded.

(c) If that person is not a bird dealer, then their driver's license number, social security number, or federal tax identification number shall be recorded;

(iii)(a) Verify the name, address, and telephone number of the person to whom each bird is transferred.

(b) If that person is a bird dealer, then the dealer's registration number shall also be recorded.

(c) If that person is not a bird dealer, then their driver's license number, social security number, or federal tax identification number shall be recorded; and

(iv) Identify any bird which the bird dealer knows to be or to have been sick, diseased, or to have died.

(B)(i) Periodic reports may be required of any or all of the required record.

(ii) All required records shall be made available for inspection by Department of Agriculture employees during business operating hours.

(iii) Additional records may be required if deemed necessary by the Department of Agriculture.

(C) All records required to be kept by the act or this part shall be kept for at least one (1) year from the time of receipt or sale of exotic and pet birds.

(D) Failure to keep required records or to make such records available to Department of Agriculture employees shall be grounds for:

- (i) Quarantining;
- (ii) Administrative penalty; or
- (iii) Both.

(E) Birds unaccounted for by records will result in quarantine of all birds on premises until proper records are presented or birds are tested as indicated for diseases of concern.

(3) Quarantine, seizure, and destruction of pet birds.

(A) The Department of Agriculture or its designees may issue quarantine and may seize and destroy any birds which, in the opinion of the Department of Agriculture, present a hazard of carrying exotic or untreatable diseases, or any disease posing hazard to birds.

(B) Birds quarantined by the Department of Agriculture will be maintained at the bird dealer's or the owner's expense.

(C) The quarantine includes but is not limited to all birds on the premises.

(4) Interstate shipment of pet birds.

(A) Each shipment of exotic and pet birds shipped into Arkansas requires a prior permit number obtained from the Department of Agriculture website.

(B) All pet or exotic birds entering Arkansas for exhibition purposes must meet the requirements for interstate shipment.

(C) All exotic bird show or sale coordinators must give fourteen (14) days' notice of an event to the Department of Agriculture.

(5) Illegal importation of pet birds.

(A) Any pet bird imported into Arkansas coming directly or indirectly from outside the United States shall be designated as illegal unless the bird was brought into

the United States in conformity with the quarantine regulations of the United States Department of Agriculture and requirements of the State of Arkansas.

(B) The State Veterinarian, in consultation with the Director of the Arkansas Livestock and Poultry Division, may quarantine, seize, and destroy any birds imported illegally into this state and any birds exposed to an illegal bird.

(c) Swap meets, flea markets, and exhibition of birds.

(1) Birds showing any signs of illness will be quarantined back to the farm, place of origin, or as directed by the Department of Agriculture.

(2) All birds will be tested for pullorum-typhoid (PT) and *Mycoplasma gallisepticum* (MG) and *Mycoplasma synoviae* (MS) unless papers accompany them showing that they came from clean stock or have been tested within ninety (90) days of the movement to the event area and must be accompanied by NPIP form Veterinary Services 9-3 (VS 9-3).

(3) The event coordinator will be responsible for providing a certified NPIP blood tester for the event and upon request by a representative of the Department of Agriculture, provide records of all entries, to include but not limited to:

- (A) Name;
- (B) Address;
- (C) Contact information; and
- (D) Where they are located at the event.

(4) Reactor birds are subject to NPIP national guidelines that include:

(A) Birds will be sent to the Arkansas State Diagnostic Laboratory in Little Rock;

(B) Birds will be autopsied with appropriate organs or tissues, or both, being cultured; and

(C) At the time birds become positive, farm or place of origin becomes quarantined.

(5) Quarantine may be released when:

- (A) Negative test results are provided;
- (B) The culture proves the birds are negative; or

(C) When depopulation occurs with appropriate cleaning and disinfecting before restocking, as prescribed by the State Veterinarian.

(6) Table eggs, if present, when offered for sale, must meet United States Department of Agriculture and Arkansas Egg Law standards before selling.

(7) Exhibition of birds, including fairs, swap meets, etc., will meet the above requirements.

(d) Exhibition of Arkansas poultry.

(1) An official representing the person sponsoring the exhibition shall notify the State Veterinarian no later than thirty (30) days prior to the exhibition, giving the names, place, inclusive dates and times of the event.

(2) The requirements for exhibition are as follows:

(A) PT, MG, and MS status.

(i) All poultry except domestic waterfowl present at exhibition in the state shall have originated from United States Pullorum-Typhoid Clean or equivalent flocks or have had a negative PT test within ninety (90) days of the movement to the exhibition.

(ii)(a) Poultry must also have been tested negative for MG and MS within ninety (90) days of exhibition.

(b) This information will be documented on an NPIP form VS 9-3 (form 15), NPIP form 3B, or similar certificate which will accompany the poultry during the exhibition; and

(B) Recordkeeping.

(i) The sponsor of the exhibition shall compile a list of all poultry present at the exhibition which shall contain the name and address of each owner, the number, species, breed, variety, type, sex, and PT status of all poultry present.

(ii) A copy of this list shall be retained by the sponsor of the exhibition for at least twelve (12) months.

(e) Hatchery inspections – Includes all commercial hatcheries, game birds, and poultry.

(1) Hatchery inspections are required at least one (1) time per year and hatcheries with prior violations will be identified and retested as needed.

(2) Hatcheries are required to register with the Department of Agriculture annually.

(3) All hatcheries selling hatching eggs either interstate or intrastate or anyone selling chicks must be NPIP-approved.

(4) Inspection will be made by a trained inspector.

(5)(A) A PT positive hatchery will be quarantined immediately.

(B) Complete cleaning and disinfecting will be done as prescribed by the State Veterinarian along with industry input.

(f) Requirements for entry of poultry into Arkansas.

(1) No poultry infected with or exposed to any infectious or contagious disease can be imported into the state for any purpose.

(2) All eggs for hatching purposes and all chicks imported into the state must be accompanied by an official health certificate or NPIP form VS 9-3 (form 15) indicating that the flock from which the eggs or chicks originated have been tested for PT, MG, and MS and were free of reactors to these diseases.

(3) Any eggs or chicks produced under the supervision of the NPIP will be deemed to have met with the requirements of this regulation; provided all of the requirements of NPIP are complied with and applicable NPIP forms accompany the shipment or are furnished in a manner set forth in the NPIP.

(4) **Slaughter.** Healthy poultry may be shipped into the state without an official health certificate when shipped direct to an approved slaughtering establishment.

(5) Diseased birds can be shipped into the state for slaughter upon approval by the State Veterinarian.

Authority. Arkansas Code § 2-33-107.

2 CAR § 151-104. Avian influenza.

(a) The provisions of the section may be implemented in the event of an outbreak of avian influenza which in the determination of the Department of Agriculture threatens production or sales of poultry and poultry products.

(b) It is prohibited to:

(1) Exhibit poultry and domestic waterfowl within the affected area;

(2)(A) Move poultry or domestic waterfowl from or within an affected area.

(B) Poultry with premovement avian influenza testing by polymerase chain reaction (PCR) or antigen capture within five (5) days of event are exempt from subdivision (b)(2)(A) of this section;

(3)(A) Sell, barter, trade, auction, or give away, poultry or domestic waterfowl at fairs, swap meets, auctions, flea markets, and similar events and locations within an affected area.

(B) Chicks and ducklings three (3) weeks of age or less originating from a NPIP certified flock are exempt from subdivision (b)(3)(A) of this section.

(c) All free range and backyard poultry within an affected area, whether intended for commercial or noncommercial use, must be confined under cover or inside structures to prevent contamination from infected migratory birds.

(d) Other conditions or requirements imposed by appropriate federal agencies may also apply.

(e) All live poultry, hatching eggs, domestic waterfowl, waterfowl being transported into Arkansas, psittacines, or passerines, or other avian species birds entering Arkansas must:

(1) Be accompanied by:

(A) An official certificate of veterinary inspection signed by a licensed, accredited veterinarian stating that the poultry, waterfowl, psittacines, passerines, other avian species, or hens or parent stock producing the eggs have been examined and found to be free of any signs of avian influenza H5 or H7, and to the signatory's knowledge, avian influenza H5 or H7 has not been diagnosed within a ten-kilometer radius of the location where this flock originated and they did not originate from within an avian influenza quarantined area; or

(B) An official certificate of veterinary inspection signed by a licensed, accredited veterinarian certifying that a negative agar gel precipitin test or other authorized serological test for avian influenza was administered no longer than two (2) weeks prior to the time of the shipment;

(2) Have a negative pullorum test within the last ninety (90) days or be from an NPIP certified flock; and

(3) Have an entry permit number.

(f) Day-old baby chicks or poults and hatching eggs will also be allowed to enter Arkansas with an NPIP Form VS 9-3 in lieu of a certificate of veterinary inspection if item #10 of the NPIP form contains the following statement:

“These birds originate from breeder flocks located in an area where avian influenza H5 or H7 has not been diagnosed within a ten-kilometer radius of the location where this flock originated and they did not originate from within an avian influenza quarantined area.”

(g)(1) Poultry being brought into Arkansas for slaughter are exempt from the above requirement if they are owned by the company and being transported into the state by Arkansas-based poultry operations using equipment and vehicles controlled solely by those operations.

(2) If these vehicles are not controlled solely by the Arkansas company, the poultry will be exempt from a certificate of veterinary inspection if documentation shows they are owned by the company, but the vehicle must have been cleaned and disinfected (see subsection (j) of this section).

(h)(1)(A) All table eggs, including graded eggs (cartoned and loose pack), nest-run, etc., along with all eggs to be processed by breakage must be accompanied by a certificate of origin signed by company management attesting to the origin of the eggs and a statement that they did not originate in an area where there is any known avian influenza H5 or H7 infection.

(B) Any reusable materials used in the shipping of eggs into this state must be either new or free of visual debris and contaminants.

(C) In the event contaminated materials are found the entire lot will be disposed of immediately at the expense of the shipper.

(2) **Non-exempt.** Eggs direct from grading stations or eggs direct from producer grading stations, entering Arkansas on trucks owned by them or contracted by them, making direct deliveries to retail outlets, distributors, other egg producers or grading stations, breaking plants, etc., must follow the rules as outlined above.

(3) **Exempt.** Egg distributors entering Arkansas are exempt from the certificate of origin and the certificate of cleaning and disinfecting provided they make direct sales to retail outlets such as stores, restaurants, etc. and eggs must be in new packaging materials and cannot originate in an area where there is any known avian influenza infection H5 or H7.

(i)(1) All vehicles used to transport birds, eggs, or inedible materials that enter the state must be cleaned and disinfected in such a way that avian influenza virus will be inactivated.

(2) Vehicles are to be washed to remove all organic debris using a detergent and water rinse with final application of a disinfectant that is approved for use in the activation of avian influenza virus.

(3) Live poultry and transportation equipment owned and controlled by poultry operations in Arkansas may be exempted from these restrictions.

(4) Any person coming from an area known or suspected of having avian influenza must practice proper biosecurity procedures as prescribed by the company or United States Department of Agriculture.

(j) The sale, barter, exhibition, or giving away of all live poultry or domestic waterfowl in any farmer's market, flea market, roadside stand, feed store, fair, show, etc. outside the affected area may be allowed if proper biosecurity procedures as prescribed by the company or United States Department of Agriculture are followed and the threat of avian influenza in that area is minimal.

(k) All poultry identified or suspected of having avian influenza virus infection in the state will be quarantined immediately and the State Veterinarian notified for final disposition.

(l) All avian influenza vaccination of any bird is prohibited, unless authorized by the State Veterinarian after consultation with the poultry industry.

(m) Any ratites entering the state will be accompanied by a certificate of veterinary inspection with an entry permit number stating that:

“The ratite(s) have been examined and found to be free of any signs of avian influenza, and to the best of my knowledge, avian influenza H5 or H7 has not been diagnosed within a 10-kilometer radius of the location where the ratites originated and they did not originate from within an avian influenza quarantined area. Furthermore, these ratites were diagnosed as being avian influenza negative on the basis of a negative avian influenza agar gel precipitin test administered no longer than two weeks prior to shipment.”

Authority. Arkansas Code § 2-33-107.

Codification Notes. "NPIP" means National Poultry Improvement Plan.