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POULTRY DISEASE AND FLOCK CONDEMNATION RULE

I. DEFINITIONS. As used in this rule:

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

"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.

"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.

"Person" means any individual, firm, partnership, corporation, estate, trust, fiduciary, or other group or combination acting as a unit.

"Exotic disease" means any foreign animal disease listed by the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) or the World Organization for Animal Health (WOAH).

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

"Pet Bird" means a bird kept or intended for sale as a companion bird, not including domestic poultry.

"Premise" means land and buildings together considered as a property where animals are kept.

"Exotic Bird" means a bird not native or indigenous to the United States which is also not domestic poultry.

"Domestic Poultry" means poultry propagated and maintained under the control of a Person that have been selectively bred for meat, eggs, or exhibition purposes.

"Hatchery" means hatchery equipment on one premise operated or controlled by any person for the production of baby poultry.

"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.

"Inspector" means a person who is a designated and trained employee of the Arkansas Department of Agriculture.

"Domestic Waterfowl" means ducks and geese that have been selectively bred for meat, eggs, or exhibition purposes.

"Exhibit" means gathering or commingling for purposes of show, public display, or competition.

“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.

“Poultry” means chickens, turkeys, guinea fowl, pigeons, ostrich, emus, pheasants, or other birds raised commercially or domestically for meat, eggs, and feathers.

II. CONDEMNING A DISEASED POULTRY FLOCK

A. Reportable diseases.

1. Scope. As used in this section, “reportable disease” means:

Exotic diseases as listed by APHIS or WOAHA;

Ornithosis;

Mycoplasma Gallisepticum (MG);

Mycoplasma Synoviae (MS);

Mycoplasma Meleagridis in turkeys (MM);

Infectious Laryngotracheitis (ILT);

Salmonella Pullorum;

Salmonella Typhimurium;

Pullorum Typhoid (PT);

Velogenic Newcastle Disease; and

Avian Influenza (AI) (for additional requirements regarding AI, see section IV).

2. 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.

3. Quarantine order.

The State Veterinarian, after consultation with the Arkansas Department of Agriculture Livestock and Poultry Division Director, may quarantine any bird he suspects to be infected with a reportable disease.

4. Confirmation and identification of the disease.

The State Veterinarian may direct that employees of the department conduct further tests of the suspect flock to identify and/or confirm the existence of a reportable disease. The National Veterinary Services Laboratory results will provide the confirmation necessary for the provisions of this rule to be carried out.

5. Order for disposition.

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

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

(A) Quarantine and treat flock until disease is cleared;

(B) Implementation of biosecurity protocols according to USDA Defend the Flock program;

(C) Acquisition of NPIP certification through the department;

(D) Testing of flock in accordance with NPIP; and

(E) Maintaining records of any treatments or actions taken under the care of an accredited veterinarian.

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

(2) Quarantine all birds on the affected premises for the life of the flock; any new birds introduced to the premises shall also be under quarantine; or

(3) Depopulate all birds on the premises.

(b) In cases of PT, AI, or Newcastle Disease, depopulation is the only option as long as indemnity is available through USDA.

6. Method of depopulation.

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 rule. Agents or employees of the department may assist, direct, or administer the destruction of the flock.

7. Proper cleaning and disinfecting – Rodenticides and insecticides.

The producer shall clean, disinfect, and use rodenticides and insecticides in compliance with USDA current polices and standards.

8. Repopulation of house.

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 APHIS or the State Veterinarian. Source of birds may be approved by the State Veterinarian.

III. PET BIRDS, SWAP MEETS, FLEA MARKETS, EXHIBITIONS, AND HATCHERIES

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

A. Pet birds.

1. Registration.

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

(b) Registration shall be on an annual basis. All registrations shall be issued for a period of one (1) year beginning April 1, and expiring March 31 of the following year.

(c) The registration must be in the name used for all business transactions involving exotic and pet birds. Any change in the name of the registrant shall be promptly reported to the department in writing. Only one registration shall be allowed per premise.

(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:

(1) Identify each exotic or pet bird in his possession or sold by him by species, description, or by leg band number. U. S. and non-U. S. birds will be identified with leg band.

(2) Verify the name, address, and telephone number of the person from whom each is acquired. If that person is a bird dealer, then the dealer's registration number shall also be recorded. 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.

(3) Verify the name, address, and telephone number of the person to whom each bird is transferred. If that person is a bird dealer, then the dealer's registration number shall also be recorded. 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.

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

(b) Periodic reports may be required of any or all of the required record. All required records shall be made available for inspection by department employees during business operating hours. Additional records may be required if deemed necessary by the department.

(c) All records required to be kept by the Act or these **rules** shall be kept for at least one 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 employees shall be grounds for quarantining or administrative penalty, or both.

(e) Birds unaccounted for by records will result in quarantine of all birds on premise 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 or its designees may issue quarantine and may seize and destroy any birds which, in the opinion of the department, present a hazard of carrying exotic or untreatable diseases, or any disease posing hazard to birds.

(b) Birds quarantined by the department 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 premise.

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 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.

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 USDA and requirements of the State of Arkansas.

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

B. 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.

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 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, 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.
- (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 USDA and Arkansas Egg Law standards before selling.

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

C. Exhibition of Arkansas poultry.

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. The requirements for exhibition are as follows:

(a) PT, MG, and MS status.

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

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

(b) Recordkeeping.

(1) 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.

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

D. Hatchery inspections - Includes all commercial hatcheries, game birds, and poultry.

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

2. Hatcheries are required to register with the department 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 PT positive hatchery will be quarantined immediately. Complete cleaning and disinfecting will be done as prescribed by the State Veterinarian along with industry input.

E. Requirements for entry of poultry into Arkansas.

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

(a) 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.

(b) Any eggs or chicks produced under the supervision of the NPIP will be deemed to have met with the requirements of this rule; 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.

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

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

IV. AVIAN INFLUENZA

THE PROVISIONS OF THIS SECTION MAY BE IMPLEMENTED IN THE EVENT OF AN OUTBREAK OF AVIAN INFLUENZA WHICH IN THE DETERMINATION OF THE ARKANSAS DEPARTMENT OF AGRICULTURE THREATENS PRODUCTION OR SALES OF POULTRY AND POULTRY PRODUCTS.

A. It is prohibited to:

1. Exhibit poultry and domestic waterfowl within the affected area;

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

- Poultry with premovement avian influenza testing by polymerase chain reaction (PCR) or antigen capture within five days of event are exempt from paragraph 2;

3. 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.

- Chicks and ducklings three weeks of age or less originating from a NPIP certified flock are exempt from paragraph 3.

B. 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.

C. Other conditions or requirements imposed by appropriate federal agencies may also apply.

D. 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 the signatory's knowledge, avian influenza H5 or H7 has not been diagnosed within a 10-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; and

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.

E. 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 10-kilometer radius of the location where this flock originated and they did not originate from within an avian influenza quarantined area.”*

F. 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. 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 paragraph I., below).

G. 1. 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. Any reusable materials used in the shipping of eggs into this state must be either new or free of visual debris and contaminants. 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.

H. 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 USDA.

I. 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 USDA are followed and the threat of avian influenza in that area is minimal.

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

K. All avian influenza vaccination of any bird is prohibited, unless authorized by the State Veterinarian after consultation with the Poultry industry.

L. Any ratites entering the state will be accompanied by a certificate of veterinary inspection with 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."*

Arkansas Livestock & Poultry Commission
Effective November 1, 2000
Jack Gibson, Executive Director

FINAL RULE

Act 87 of 1963 and Act 150 of 1985

ARKANSAS REGULATIONS TO PREVENT THE INTRODUCTION OF AVIAN INFLUENZA

The State Veterinarian, after consultation with the Poultry Federation and consent of the Commission, shall declare the following emergency regulations to be implemented when an outbreak of avian influenza threatens production or sales of poultry and poultry products.

1. All live poultry, hatching eggs, domesticated waterfowl, waterfowl being transported into Arkansas, and psittacines or passerines, or other avian species entering Arkansas will do so accompanied by an official certificate of veterinary inspection signed by a licensed, accredited veterinarian stating that: *“The poultry, waterfowl, psittacines, passerines, other avian species, or hens producing the eggs have been examined and found to be free of any signs of avian influenza H5 or H7, and to the best of my knowledge, avian influenza H5 or H7 has not been diagnosed within a five (5)-mile radius of the location where this flock originated and they did not originate from within an avian influenza quarantined area.”* (In case of doubt, the certifying veterinarian shall require a negative agar gel precipitin test or other authorized serological test for avian influenza to be administered no longer than two (2) weeks prior to the time of the shipment.) In addition, all birds must have a negative pullorum test within the last ninety (90) days or be from an NPIP certified flock. Psittacines, passerines, and other avian species are also required to have an entry permit number. 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 states: *“These birds originate from breeder flocks located in an area where avian influenza H5 or H7 has not been diagnosed within a 5-mile radius of the location where this flock originated and they did not originate from*

within an avian influenza quarantined area". 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 of Arkansas by Arkansas-based poultry operations using equipment and vehicles controlled solely by those operations. All such vehicles must be issued a decal prior to the initiation of a haul into the state. 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 item 3). Spent fowl not intended for slaughter (leghorn hens for molting and return to egg production) must have an official certificate of veterinary inspection stating that: *"The poultry have been examined and found to be free of any signs of avian influenza H5 or H7, and to the best of my knowledge, avian influenza H5 or H7 has not been diagnosed within a five (5)-mile radius of the location where the flock originated and they did not originate from within an avian influenza quarantined area. Furthermore, this is to certify that the above mentioned flock was diagnosed as avian influenza negative on the basis of a negative avian influenza agar gel precipitin test or other authorized serological test administered no longer than two weeks prior to shipment."* The minimum number of blood samples submitted will be thirty (30) regardless of the flock size unless the number is less than thirty (30), then 100% testing will be required.

2. All table eggs, including graded eggs (cartoned and loose pack), nest-run, etc., along with all eggs to be processed by breakage will be accompanied by a certificate of origin attesting to where all the eggs originated from and a statement that they did not originate in an area where there is any known avian influenza H5 or H7 infection. Company management must sign this form. Any reusable materials used in the shipping of eggs into this state must be either new or free of visual debris and contaminates, especially feces and egg contents. In the event contaminated materials are found the entire lot will be disposed of immediately at the expense of the shipper. 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 regulations as outlined above. This regulation to be monitored by state egg inspectors. 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.

3. All Vehicles used to transport birds, eggs, or inedible materials that enter the state of Arkansas will be certified by a licensed or state/federal veterinarian, a designated appointee of state/federal veterinarian, a plant manager, or a hatchery manager to be cleaned and disinfected in such a way that avian influenza virus will be inactivated. 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. Live poultry and transportation equipment owned and controlled by poultry operations in Arkansas may be exempted from these restrictions upon issuance of a decal by the Arkansas Livestock and Poultry Commission.
4. All personnel who come from any foreign country or area known or suspected of having avian influenza must be quarantined by the company from live poultry or other avian species for a period of three (3) days following their arrival in Arkansas. All clothing, footwear, and headgear brought from any foreign country or area that has or is suspected of having avian influenza or any avian influenza area will be washed and sanitized in such a way that avian influenza virus will be inactivated. Individual companies shall enforce this provision.
5. The sale, barter, or giving away of all live poultry or domesticated waterfowl in any farmer's market, flea market, roadside stand, feed store, etc. will be allowed if they are accompanied by documents showing they have been tested negative for pullorum

within ninety (90) days or are from an NPIP certified flock. These birds will be subject to being sampled for avian influenza by state or federal personnel.

6. All poultry identified or suspect of having avian influenza virus infection in the state of Arkansas will be quarantined immediately and the Arkansas State Veterinarian's office notified for final disposition.
7. Poultry exhibitions will be allowed using existing exhibition regulations, except, out of state birds will be required to have a certificate of veterinary inspection as outlined in Item 1.
8. All avian influenza vaccination of any avian species is prohibited, unless authorized by the State Veterinarian, because it is impossible to distinguish an infected from a vaccinated bird using routine serological procedures.
9. If allied industry personnel must visit a poultry farm, hatchery, feed mill, or other type of poultry operation they are advised to conduct strict bio-security measures that will assure that avian influenza virus will not be inadvertently transmitted by their presence. Individual companies shall enforce this provision.
10. 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 five (5)-mile 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."*

Issued in Little Rock, Arkansas on August 17, 2000.

Jack Gibson, Executive Director
Ark. Livestock & Poultry Comm.

PROPOSED REPEAL

Arkansas Livestock & Poultry Commission
Effective September 1, 1987
Taylor H. Woods, D.V.M. Director

Act 413 of 1987 and Act 150 of 1985

REGULATION PRESCRIBING THE PROCEDURES FOR CONDEMNING A DISEASED POULTRY FLOCK

This regulation is promulgated by the Arkansas Livestock and Poultry Commission pursuant to authority granted in Act 413 of 1987 and ' 1 of Act 150 of 1985 (compiled at Ark. Stat. Ann. ' 78-475 [1985 Cum Pocket Supp.]).

The Commission hereby delegates to the state veterinarian its authority to determine that any flock of chickens, turkeys, ducks, geese or other poultry is diseased and that such flock should be destroyed and properly disposed of to prevent the spread of disease; to negotiate and buy such flock; and, to condemn the diseased flock and dispose of it.

Part I - Exotic Diseases and Ornithosis

Scope: Part I of this regulation concerns exotic diseases as defined by the federal government - APHIS plus ornithosis which is a public health hazard.

Mandatory Reporting: Any person, partnership, corporation or diagnostic laboratory having knowledge that a poultry flock is infected with an exotic disease shall immediately report such information to the state veterinarian at telephone number 501-225-5138.

Order of Quarantining: If the laboratory diagnostician suspects an exotic disease or ornithosis, he shall ask the state veterinarian to quarantine the flock.

Confirmation and identification of the disease: The state veterinarian may direct that employees of the Livestock and Poultry Commission conduct further tests of the suspect flock to identify and/or confirm the existence of exotic disease. NVSL's (National Veterinary Services Lab) results will provide the confirmation necessary for this regulation to be carried out.

Order for Destruction: Once there has been confirmation that a poultry flock is infected with an exotic disease or ornithosis, the state veterinarian will enter an administrative order directing the destruction of the flock.

Method of Destruction: The poultry flock shall be disposed of by employees or agents of the Commission using approved methods designed to prevent further spread of the disease.

Proper Cleaning and Disinfecting - Rodenticides and Insecticides: The producer shall clean and disinfect premises with the proper cleaners and disinfectants and use rodenticides and insecticides approved by USDA-APHIS for that disease.

Repopulation of house: House will lay vacant after cleaning and disinfecting and after the use of rodenticide and insecticides for the length of time required by USDA-APHIS. Source of birds will be approved by USDA and/or the state veterinarian.

Offer of Compensation: The state veterinarian will negotiate with the owner of the affected flock. The state veterinarian, after consultation with the Arkansas Poultry Federation, may make an offer of compensation to the flock owner.

Hearing on the Issue of Compensation: If the state veterinarian and the poultry producer cannot arrive at an agreed settlement price, the Arkansas Livestock and Poultry Commission, in public meeting, will hold a hearing on the issue of compensation. The purpose of this hearing shall be to assure the flock owner fair compensation for the birds destroyed. The Commission will hear testimony of the flock owner and any witnesses he desires to present as well as testimony of employees of the Commission and other interested parties. Based upon the sworn testimony, the Commission will make a determination of the amount to be awarded as compensation.

Appeal: The award of compensation is an adjudicatory decision of the Arkansas Livestock and Poultry Commission and is appealable to circuit court under Arkansas Administrative Procedures Act.

Part II - Other Pathogenic Diseases

Scope: Part II of this regulation concerns pathogenic diseases which include but are not limited to:

Mycoplasma Gallisepticum (MG);
Mycoplasma Synoviae (MS);
Mycoplasma Meleagridis in turkeys (MM);
Infectious Laryngotracheitis (ILT);
Salmonella Pullorum;
Salmonella Typhimurium.

Reporting: Any person, firm, or corporation having suspicion that a flock of poultry is infected with a pathogenic disease other than those in Part I of this regulation may report such fact to the state veterinarian at phone number 501-225-5138.

Confirmation and Identification of the Disease: The state veterinarian may direct that employees of the Livestock and Poultry Commission conduct further tests of the suspect flock to identify and/or confirm the existence of other pathogenic diseases. The state veterinarian, after consultation with the Arkansas Poultry Federation, shall determine whether the animal health problem is of sufficient magnitude to warrant the initiation of negotiations to depopulate the flock. Negotiations will be handled by employees of the Livestock and Poultry Commission, in consultation with the Arkansas Poultry Federation.

Order for Destruction: If the state veterinarian, after consultation with the Arkansas Poultry Federation, determines that the other pathogenic diseases cause a grave danger to the poultry industry of the township in which the flock is located, he will enter an order directing the disposal of the flock by approved methods.

Method of Destruction: The poultry flock shall be disposed of by employees or agents of the Commission using approved methods designed to prevent further spread of the disease.

Offer of Compensation: The state veterinarian will negotiate with the owner of the affected flock. The state veterinarian, after consultation with the Arkansas Poultry Federation, may make an offer of compensation to the flock owner.

Hearing on Compensation: If the parties are unable to settle the issue of compensation by mutual agreement, a hearing will be conducted as is provided for in paragraph 1.10 above.

Part III - Repopulation Where Flock is Condemned or Bought Out

If a flock of birds is condemned or bought out pursuant to the authority of Act 413 of 1987, flock owner must clean and disinfect and use rodenticide and insecticides as recommended by USDA-APHIS and/or the state veterinarian. Facility shall be left vacant for a minimum of 30 days, or shorter time if approved by the state veterinarian. Furthermore, it is hereby required that the birds purchased to repopulate must have valid health papers showing them to be free from the disease.

PROPOSED REPEAL

Arkansas Livestock & Poultry Commission
Effective December 1, 1988
Taylor H. Woods, D.V.M., Director

Act 87 of 1963 and Act 150 of 1985

**REGULATIONS FOR POULTRY DISEASE IDENTIFICATION,
MONITORING & ERADICATION**

DEFINITIONS

1. "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 customarily as pets.
2. "Commission" means the Arkansas Livestock and Poultry Commission.
3. "Person" means any individual, firm, partnership, corporation, estate, trust, fiduciary, or other group or combination acting as a unit.
4. "Exotic disease" means a disease defined by the secretary of agriculture.
5. "Untreatable disease" means a disease that does not respond to accepted medical chemotherapy or one whose treatment is uneconomical.
6. "Pet Bird" means a bird kept or intended for sale as a companion bird.
7. "Premise" means the land and all buildings thereon.
8. "Exotic Bird" means not native or indigenous to the United States.

9. "Domestic Poultry" means poultry propagated and maintained under the control of a person.
10. "Backyard flock" means poultry that is not used commercially.
11. "Hatchery" means hatchery equipment on one premise operated or controlled by any person for the production of baby poultry.
12. "NPIP" means the National Poultry Improvement Plan.
13. "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.
14. "Fighting birds" means any poultry used for recreational sport or gaming purposes.
15. "Game birds" means all birds and/or poultry used for hobby or recreational purposes or intended for use as food, excluding those mentioned above.
16. "Inspector" means a person who is a designated and trained employee of the Arkansas Livestock and Poultry Commission.
17. "Compliance team" means those people who are known as the compliance staff and trained by the Arkansas Livestock and Poultry Commission.

THE NPIP WILL BE FOLLOWED WHERE APPLICABLE IN ALL OF THE FOLLOWING SECTIONS:

Section 1. Pet Bird Dealer Licensing

Licenses

1. Any person desiring to operate as a bird dealer must first apply for and obtain a license.

License application forms may be obtained from the Arkansas Livestock and Poultry Commission.

2. All licenses shall be issued for a period of one (1) year beginning April 1, and expiring March 31 of the following year. The annual cost of a wholesaler's license is \$25.00. The annual cost of a retailer's license is \$10.00. A wholesaler may also retail under the wholesaler's license.
3. The license shall be issued in the name used for all business transactions involving exotic and pet birds. Any change in the name of the licensee shall be promptly reported to the Commission in writing. Only one license shall be issued to a premise.
4. A separate license is required for each business location and must be displayed in a conspicuous location.
5. Any corporation, partnership, or estate must declare at the time of license application and list such officers or owners on the application.
6. Whenever a license is revoked the operator will be allowed to dispense of birds on hand only by a special permit from the Arkansas Livestock and Poultry Commission. The Commission will have the authority to enter the premise and inventory birds as long as birds remain on the premise.

Records - Pet Birds

1. Each bird dealer is required to keep records which adequately:
 - (a) Identify each exotic or pet bird in his possession or sold by him by species, description, or by leg band number. U. S. and non U. S. birds will be identified with leg band.
 - (b) Verify the name, address, and telephone number of the person from whom each is acquired. If that person is a licensed bird dealer, then the dealer's license number shall also be recorded. If that person is not a licensed bird dealer, then their driver's

license number, social security number, or federal tax identification number shall be recorded.

(c) Verify the name, address, and telephone number of the person to whom each bird is transferred. If that person is a licensed bird dealer, then the dealer's license number shall also be recorded. If that person is not a licensed bird dealer, then their driver's license number, social security number, or federal tax identification number shall be recorded.

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

2. Periodic reports may be required of any or all of the required record. All required records shall be made available for inspection by Commission employees during business operating hours. Additional records may be required if deemed necessary by the Commission.
3. All records required to be kept by the Act or these regulations shall be kept for at least one year from the time of receipt or sale of exotic and pet birds.
4. Failure to keep required records or to make such records available to Commission employees shall be grounds for quarantining and/or revocation of license.
5. Birds unaccounted for by records will result in quarantine of all birds on premise until proper records are presented or birds are swabbed for VVND twice at 15-day intervals and declared negative. Swabbing is to be done at owner's expense under the supervision of a state or federal employee.

Quarantine, Seizure, and Destruction of Pet Birds

1. The Commission or its designees may issue quarantine and may seize and destroy any birds which, in the opinion of the Commission, present a hazard of carrying exotic or untreatable diseases, or any disease posing hazard to the industry.
2. Birds quarantined by the Commission will be maintained at the bird dealer's or the owner's expense.
3. Any indemnity may be paid to the owner of a destroyed bird if federal or state funds are available for that purpose. Indemnity may be paid under such terms and conditions attached to indemnity funds.
4. The quarantine shall include, but is not limited to all birds on the premise.

Interstate Shipment of Pet Birds

1. Each shipment of exotic and pet birds shipped into Arkansas requires a prior permit number obtained from the state veterinarian's office.
2. All pet or exotic birds entering Arkansas for exhibition purposes must meet the requirements for interstate shipment.
3. All exotic bird shows and/or sales should obtain a special permit in writing from the state veterinarian's office.

Illegal Importation of Pet Birds

1. Any psittacine or exotic 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.
2. The Commission may quarantine, seize, and destroy any birds imported illegally into this state and any birds exposed to an illegal bird.

Enforcement Procedures of Pet Bird Violations

1. When a license, registration, or permit is suspended or revoked by the Commission, all licenses, registration or permits held by that person shall be suspended or revoked to the same degree.
2. Any violation of this regulation will be considered under Act 150 of 1985 as a Class A misdemeanor, which, upon conviction, may be punishable by a fine of up to \$1,000.00 and/or one (1) year in jail.

SECTION 2. Swap Meets, Flea Markets, and Exhibition of Birds

1. Birds showing any signs of illness will be quarantined back to the farm or place of origin.
2. All birds will be tested for pullorum-typhoid and MG and MS unless papers accompany them showing that they came from clean stock or have been tested within 90 days of the movement to the exhibition area and must be accompanied by NPIP form VS 9-3.
3. Reactor birds will come under 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 and/or tissues being cultured.
 - (c) At the time birds become positive, farm or place of origin becomes quarantined. Quarantine may be released when:
 - Negative test results are provided, or
 - the culture proves the birds are negative, or
 - when depopulation occurs with appropriate cleaning and disinfecting before restocking, as prescribed by the state veterinarian.
4. Table eggs, if present, when offered for sale, must be USDA and Arkansas Egg Law standards before selling.

5. Exhibition of birds, including fairs, swap meets, etc. will meet the above requirements.

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. The requirements for exhibition are as follows.

- (a) Pullorum-typhoid Status and MG & MS Status-

All poultry except waterfowl present at exhibition in Arkansas shall have originated from U. S. Pullorum-Typhoid Clean or equivalent flocks or have had a negative pullorum-typhoid test within ninety (90) days of the movement to the exhibition. Poultry must also have been tested negative for MG and MS within 90 days of exhibition. 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.

- (b) Recordkeeping-

The sponsor of the exhibition shall compile a list of all poultry present at the exhibition. The list shall contain the name and address of each owner, the number, species, breed, variety, type, sex, and pullorum-typhoid status of all poultry present. A copy of this list shall be retained by the sponsor of the exhibition for at least twelve (12) months.

Section 3. Hatchery Inspections

(Includes all commercial hatcheries, game birds, fighting birds & poultry.)

1. Hatchery inspections are required at least one time per year, with problem hatcheries being identified and retested as needed.
2. Registration is required.
3. Requires inspection of all hatcheries selling hatchery eggs that go inter or intrastate or anyone selling chicks and requires these hatcheries to be NPIP approved.

4. Inspection will be made by a trained inspector.
5. If positive for:
 - (a) Pullorum-typhoid, hatchery will be quarantined immediately. Complete cleaning and disinfecting will be done as prescribed by the state veterinarian along with industry input.
 - (b) If positive for Salmonella other than that above, hatchery will be re-sampled at least 30 days. If still positive, a letter will be written from the Commission notifying the company.

Section 4. Requirements for Entry of Poultry Into Arkansas

1. No poultry infected with, or exposed to any infectious or contagious disease can be imported into Arkansas for any purpose.
 - (a) All eggs for hatching purposes and all chicks imported into Arkansas must be accompanied by an official health certificate or federal form 15 (VS 9-3) indicating that the flock from which the eggs or chicks originated have been tested for pullorum-typhoid and MG and MS and were free of reactors to these diseases.
 - (b) 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.

- (c) Slaughter: Healthy poultry may be shipped into Arkansas without an official health certificate when shipped direct to an approved slaughtering establishment.
- (d) Diseased birds can be shipped into Arkansas for slaughter upon approval by the Arkansas state veterinarian.

PROPOSED REPEAL