

Virginia Administrative Code

Chapter 195

PREVENTION AND CONTROL OF AVIAN INFLUENZA IN THE LIVE-BIRD MARKETING SYSTEM

Statutory Authority

§ 3.2-6023 of the Code of Virginia.

Derived from Virginia Register Volume 22, Issue 25, eff. August 21, 2006

Part I

Preamble; Purpose; Definitions

2VAC5-195-10. Preamble.

The Board of Agriculture and Consumer Services will receive, consider, and respond to petitions by any interested person at any time regarding the content of this regulation.

2VAC5-195-20. Purpose.

This regulation establishes the requirements for prevention and control of LPAI in any component of a live-bird marketing system operating in the Commonwealth of Virginia.

2VAC5-195-30. Definitions.

The following words and terms, when used in this regulation, shall have the following meanings unless the context clearly indicates otherwise:

"Accredited veterinarian" means a veterinarian approved by the USDA, in accordance with the provisions of 9 CFR 160.1 (2002).

"AI" means "avian influenza," a disease of viral etiology, specifically an influenza A virus, that ranges from a mild or even asymptomatic infection to an acute, fatal disease of chickens, turkeys, guinea fowls, and other avian species, especially migratory waterfowl.

"APHIS" means the "Animal and Plant Health Inspection Service," an agency of the USDA.

"Approved laboratory" means a state, federal, university or private laboratory that has been approved by USDA, APHIS, VS to perform any or all official program tests for AI diagnosis.

"Auction market" means a business where producers, dealers, wholesalers and retailers meet to purchase, trade or sell live birds.

"Biosecurity" means the measures taken to prevent disease agents from being introduced and spreading to animal populations or their proximity.

"Bird" means "poultry" for the purposes of this regulation.

"C&D" means "cleaning and disinfection."

"Distribution unit" means a person or business such as a wholesaler, dealer, hauler, and auction market engaged in the transportation or sale of poultry within the live-bird marketing system.

"Hauler" means a business or individual that transports poultry from producer premises to another supplier premises, to another distributor, or to a LBM.

"HPAI" means "high pathogenicity avian influenza," which is any influenza virus that meets the World Organization for Animal Health (OIE) definition and the definition included in 9 CFR 53.1.

"LBM" means "live-bird market," which is any facility that receives live poultry to be resold or slaughtered and sold on-site, not including any producer or

grower that prior to the sale of his own birds slaughters or processes them on-site or at an approved slaughter facility or any producer or grower that sells live birds grown exclusively on his premises and is not a "production unit" or "distribution unit" as defined herein.

"Licensing" means the requirement for issuance of a license to conduct business in the live-bird marketing system in Virginia. This consists of the licensing of facilities by the state and providing oversight as required in this regulation.

"Live-bird marketing system" means LBMs and the production and distribution units that supply LBMs with birds.

"LPAI" means "low pathogenicity avian influenza," which is any AI virus that does not meet the criteria for HPAI.

"LPAI Program" means low pathogenicity avian influenza H5 and H7 program, the state-federal-industry cooperative program for the prevention and control of H5 and H7 LPAI. Participating states shall have regulations to enforce program standards and requirements.

"NVSL" means the USDA, APHIS, "National Veterinary Services Laboratories" in Ames, IA. It is the national diagnostic reference laboratory.

"Poultry" means any species of domestic fowl (including chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds) raised for food production or other purposes.

"Poultry waste" means dead birds, feathers, offal, and poultry litter.

"Premises identification number" means a unique identification number that may be assigned by the State Veterinarian to a LBM, distributor, or production flock.

"Production unit" means a production facility or farm that is the origin of or participates in the production of poultry offered for sale in a LBM.

"State Veterinarian" means a qualified veterinarian employed by the Commissioner of Virginia Agriculture and Consumer Services and so designated.

"USDA" means the "United States Department of Agriculture."

"VS" means "Veterinary Services," an office under the USDA, APHIS.

Part II

Live-Bird Markets

2VAC5-195-40. LBM licensing and training requirements.

The provisions of this section shall become effective November 19, 2006.

Every LBM in Virginia shall apply to the State Veterinarian for a license to operate. The LBM shall comply with the requirements of this regulation. A premises identification number shall be assigned. The premises identification number shall be recorded on the license to operate.

Requirements for issuance of a license to a LBM are the applicant's agreement to comply with the requirements of this regulation and Virginia's Avian Influenza Proclamation, development and implementation of a written biosecurity plan approved by the State Veterinarian, consent to an initial, random and at least quarterly inspection of the LBM and consent for the State Veterinarian to review all records relating to the LBM.

Failure of the LBM to satisfactorily comply with any of the licensing requirements shall result in the denial of a license to operate. The State Veterinarian may seize and (i) destroy, or (ii) dispose of by any means necessary

or appropriate, in the State Veterinarian's judgment, any poultry found in an unlicensed LBM operating in Virginia.

When the State Veterinarian determines that a licensed LBM no longer meets the requirements of this regulation, such license shall be suspended until such time that deficiencies have been corrected to the satisfaction of the State Veterinarian.

The LBM shall allow the State Veterinarian access to the LBM and the birds in the LBM for inspection and testing and for examination of the LBM records.

LBM managers shall attend training that is provided or approved by the State Veterinarian. Such training shall include disease recognition and biosecurity requirements. A certificate of training shall be provided by the trainer and maintained by the LBM in the LBM personnel files.

All personnel that work in the LBM shall be trained in biosecurity procedures as arranged by the owner/manager. A certificate of training shall be maintained by the LBM in the LBM personnel files.

No LBM shall transport birds directly from a production unit, a wholesaler, or an auction market in Virginia unless the LBM is also licensed as a distribution unit in Virginia.

2VAC5-195-50. LBM bird testing and recordkeeping.

The LBM shall verify bird identification and AI test-negative status of birds at the time of their receipt. If such documentation is not available, the birds shall not enter the LBM. Records for birds shall include the date of entry, the premises-of-origin identification number with a lot identifier, the number and species of birds in the lot, the distributor license number, the date of sale, and a copy of the negative test results for the birds. The record requirements shall include all

premises that birds have visited from the flock of origin to the LBM, including production and distribution units where commingling may have occurred.

The LBM shall maintain records for 12 months from the birds' date of entry into the LBM. A copy of the form to be used may be obtained from the State Veterinarian.

2VAC5-195-60. LBM sanitation and biosecurity requirements.

A written biosecurity protocol approved by the State Veterinarian shall be developed and practiced by the LBM.

The LBM shall keep the LBM environment and crates in a clean and sanitary condition as defined by the biosecurity protocol. LBM managers shall ensure that employees follow the approved biosecurity protocol.

The LBM shall slaughter and process the birds before the birds leave the LBM, unless otherwise provided in the biosecurity protocol.

LBM shall undergo quarterly closures with bird removal and C&D with a minimum of 24 hours of downtime. The LBM shall be inspected and approved by the State Veterinarian prior to reopening.

Poultry waste shall be placed in leak-proof bags or other approved containers, sealed, and disposed of daily through procedures acceptable to the local jurisdiction where the LBM is located.

2VAC5-195-70. LBM surveillance.

Birds in the LBM may be tested for AI at any time, but they shall be tested at least quarterly. Appropriate samples will be collected for AI testing at an approved laboratory.

Specimens tested may include those collected from live birds; the environment within the LBM; swabs collected on arrival from birds, conveyances, and crates; and swabs or tissues from sick and dead birds detected in the LBM. The number and source of the specimens shall be determined by the State Veterinarian.

2VAC5-195-80. Handling of LBM positive laboratory results.

When birds in a LBM test positive for AI, the LBM shall close. Such LBMs shall depopulate and perform C&D. The State Veterinarian shall approve depopulation and disposal methods. The State Veterinarian may at his discretion approve a plan to allow the LBM up to five calendar days from the time of notification of positive test results from an approved laboratory to sell down its poultry inventory. Additional birds shall not enter the LBM after notification of positive status for AI or during the sell-down period.

Prior to reopening, the LBM shall be inspected by the State Veterinarian. Environmental samples shall be taken for testing at this time, but the LBM may be allowed to reopen while it awaits environmental test results. If results are positive for AI, the LBM shall again close (with up to five days to permit sell down, if appropriate) and shall again perform C&D procedures within 24 hours of the depopulation, followed by inspection and retesting.

Samples that initially test positive for AI at an approved laboratory shall be submitted to the NVSL for confirmation.

Any LBM that has a positive AI test shall undergo monthly testing.

After three consecutive negative tests, the LBM may be allowed to return to a schedule of quarterly testing and quarterly closures.

When AI-positive birds are in the LBM or delivered to the LBM, an investigation shall be initiated by the State Veterinarian. LBM records shall be presented to the State Veterinarian for epidemiologic investigation.

Part III

Distribution Units

2VAC5-195-90. Distribution unit licensing and training requirements.

The provisions of this section shall become effective November 19, 2006.

All distribution units shall apply to the State Veterinarian for a license to receive, purchase, or transport poultry from a production unit or another distribution unit in Virginia. A premises identification number shall be assigned. The premises identification number shall be recorded on the license to operate.

To receive a license to distribute birds within the live-bird marketing system in Virginia, distribution units shall allow the State Veterinarian access to records upon request and permit inspections and AI testing of birds, premises, and equipment.

A distribution unit license shall not be issued in Virginia until the State Veterinarian has performed an inspection of the unit, its record system, conveyances, crates, and the C&D equipment that will be used. If a distribution unit is located outside of Virginia, the State Veterinarian, at his discretion, may approve an inspection of the unit, its record system, conveyances, crates, and the C&D equipment that will be used, performed by a state or federal veterinary official from the state where the distribution unit is physically located. Distribution units located outside of Virginia and licensed by Virginia shall immediately notify the State Veterinarian of all inspections of the unit, its record system,

conveyances, crates, and C&D equipment performed by a state or federal veterinary official in the state where the distribution is physically located.

Requirements for issuance of a license to a distribution unit are the applicant's agreement to comply with the requirements of this regulation and Virginia's Avian Influenza Proclamation, development and implementation of a written biosecurity plan approved by the State Veterinarian, consent to an initial, random and at least quarterly inspection of the distribution unit and consent for the State Veterinarian to review all records relating to the distribution unit.

Failure of the distribution unit to satisfactorily comply with any of the licensing requirements shall result in the denial of a license to operate.

When the State Veterinarian determines that a licensed distribution unit no longer meets the requirements of this regulation, such license shall be suspended until such time that deficiencies have been corrected to the satisfaction of the State Veterinarian.

All personnel that work for a distribution unit in Virginia shall be trained in biosecurity procedures provided or approved by the State Veterinarian. A certification of employee training shall be maintained in the distribution unit's personnel files.

2VAC5-195-100. Distribution unit bird testing and recordkeeping.

Distribution units shall verify bird identification and AI test-negative status of birds. Distribution units shall provide documentation and certification of a negative test for AI with each delivery of birds to a LBM.

Distribution units shall maintain records of bird pickups and deliveries for 12 months after distribution to the LBM. These records shall include copies of negative AI test results, dates of pickup and delivery, location of origin, species,

numbers of birds, and farm premises location that includes lot identification. In addition, distribution units shall keep records of C&D of premises and conveyances for 12 months after distribution of the birds to the LBM. A copy of the records form may be obtained from the State Veterinarian.

2VAC5-195-110. Distribution unit sanitation and biosecurity requirements.

Distribution unit vehicles, bird-holding devices, and any premises where birds may be held shall be kept clean and sanitary.

A written biosecurity protocol approved by the State Veterinarian shall be developed and practiced by the distribution unit.

Distribution units shall use state-approved all-season crates and conveyance washing equipment and present C&D documentation when obtaining birds from production units and other distribution units. The distribution unit shall perform C&D on all crates, conveyance vehicles, and other equipment after visiting a LBM and before returning to a farm. The distribution unit shall maintain documentation of the most recent C&D in the unit's conveyance vehicle. The distribution unit shall maintain C&D documentation of all facilities, conveyance vehicles, and other equipment for the most recent 12 months as part of its record system.

Distribution units shall not transport live birds from LBMs.

2VAC5-195-120. Distribution unit surveillance.

Distribution units receiving, purchasing, or transporting poultry from a production unit or another distribution unit in Virginia shall be subjected to random inspections by the State Veterinarian. Inspections shall be accomplished

at least quarterly to ensure that conveyances, crates, and facilities are clean and sanitary and that records are kept in accordance with the requirements of this regulation. Distribution units physically located outside of Virginia shall present conveyances, crates, and C&D equipment used as part of the live-bird marketing system in Virginia for random inspections to be accomplished at least quarterly by the State Veterinarian.

Distribution units receiving, purchasing, or transporting poultry from a production unit or another distribution unit in Virginia may be tested for AI at any time, but they shall be tested at least quarterly. Specimens of choice and the types of tests to be run for each are at the discretion of the State Veterinarian. Distribution units shall notify the State Veterinarian of any AI test results obtained from a private entity. If a distribution unit is located outside of Virginia, the State Veterinarian, at his discretion, may approve testing for AI performed by a state or federal veterinary official from the state where the distribution unit is physically located. Distribution units located outside of Virginia and licensed by Virginia shall immediately notify the State Veterinarian of all AI test results of the unit, conveyances, crates, and C&D equipment performed by a state or federal veterinary official in the state where the distribution is physically located or by a private entity.

2VAC5-195-130. Handling of distribution unit positive laboratory results.

Distribution units that receive, purchase, or transport poultry from a production unit or another distribution unit in Virginia with birds that test positive for AI at an approved laboratory shall close and undergo depopulation of any birds on any premises and C&D of the distribution unit in Virginia. The State Veterinarian shall approve depopulation and disposal methods.

Environmental samples may be taken for AI testing if indicated. Any environmental sample testing positive for AI at an approved laboratory will be submitted to the NVSL for confirmation.

A distribution unit receiving, purchasing, or transporting poultry from a production unit or another distribution unit in Virginia that fails a biosecurity inspection or is positive on quarterly AI testing shall undergo monthly inspections and AI testing until there have been three consecutive months of negative AI testing and satisfactory results from a biosecurity inspection, at which time quarterly testing may resume.

When AI-positive birds are found within the distribution unit receiving, purchasing, or transporting poultry from a production unit or another distribution unit in Virginia, the State Veterinarian shall initiate an investigation. All distribution unit records shall be presented to the State Veterinarian for epidemiologic investigation.

Part IV

Production Units

2VAC5-195-140. Production unit licensing and training requirements.

The provisions of this section shall become effective November 19, 2006.

Production units shall apply to the State Veterinarian for a license to operate in Virginia. A premises identification number shall be assigned. The premises identification number shall be recorded on the license to operate.

Production units shall allow the State Veterinarian access to records upon request. Testing for AI shall be conducted by the State Veterinarian.

Requirements for issuance of a license to a production unit are the applicant's agreement to comply with the requirements of this regulation and Virginia's Avian Influenza Proclamation, development and implementation of a written biosecurity plan approved by the State Veterinarian, consent to an initial, random and at least quarterly inspection of the production unit and consent for the State Veterinarian to review all records relating to the production unit.

Failure of the production unit to satisfactorily comply with any of the licensing requirements shall result in the denial of a license to operate in Virginia.

When the State Veterinarian determines that a licensed production unit no longer meets the requirements of this regulation, such license shall be suspended until such time that deficiencies have been corrected to the satisfaction of the State Veterinarian.

Production unit personnel shall attend training provided or approved by the State Veterinarian. Such training shall include disease recognition and biosecurity requirements. A certificate of training shall be provided by the trainer and maintained with the production unit's personnel records.

2VAC5-195-150. Production unit bird testing and recordkeeping.

Production unit birds shall originate from a negative AI flock and shall bear or be accompanied by identification to a premises of origin. The categories of production units and the testing requirements for each category are as specified in the "USDA Uniform Standards for a State-Federal-Industry Cooperative Program, October 20, 2004."

Samples for AI testing may be collected by state or federal animal health technicians, veterinary medical officers, accredited veterinarians, or others so designated by the State Veterinarian.

The production unit shall maintain AI flock test records as well as records of bird purchases and transfers for 12 months from the date the bird left the production unit. A copy of the form to be used may be obtained from the State Veterinarian.

Production unit birds loaded for transportation shall be identified by premises of origin and shall contain a lot number that will distinguish the shipment from others. The production unit shall record this information on the test certificate that will be provided to the distribution unit.

A production unit shall not sell its birds directly to LBMs unless the production unit is also licensed as a distribution unit in Virginia. A production unit licensed as a distribution unit in Virginia shall locate the C&D equipment at a site approved by the State Veterinarian.

Production unit premises with birds that test positive for AI shall be quarantined while results are being confirmed. Positive AI flocks shall be tested using a virus-detection procedure.

Production unit premises that are confirmed positive for AI shall be depopulated and shall undergo C&D. The State Veterinarian shall approve depopulation and disposal methods. Such depopulation and disposal shall be accomplished by production unit personnel. The premises shall then be inspected and retested. The production unit shall have a negative AI environmental test before restocking. If approved by the State Veterinarian, controlled slaughter may be directed as a method of depopulation.

2VAC5-195-160. Production unit sanitation and biosecurity requirements.

A production unit shall keep its unit, conveyances, bird-holding devices, and other equipment clean and sanitary.

A written biosecurity protocol approved by the State Veterinarian shall be developed and practiced by the production unit.

Production units shall have state-approved equipment available for C&D of premises, conveyances, and crates. Production units shall maintain records of downtime and C&D for 12 months after distribution of the birds in the live-bird marketing system.

Production units shall notify the State Veterinarian of dates and times of scheduled pickups by distribution units at least 48 hours prior to the scheduled pickups.

2VAC5-195-170. Production unit surveillance.

Production unit premises shall be subject to random inspections by the State Veterinarian to ensure that premises, conveyances, and coops are clean and sanitary. Random samples for AI testing may be collected from birds or the environment at the time of inspection. The production unit shall provide records for review during production unit inspections.

2VAC5-195-180. Handling of production unit positive laboratory results.

Production unit bird samples positive for AI shall be submitted to the NVSL for confirmation. The premises shall be quarantined until results are obtained from the NVSL.

Production unit premises with AI-positive birds confirmed by the NVSL shall remain under quarantine. All records shall be presented to the State Veterinarian for epidemiologic investigation. The birds shall be depopulated and the premises

shall undergo C&D by employees of the production unit, under the supervision of the State Veterinarian.

The State Veterinarian may require depopulation and disposal any time multiple positive AI screening tests are reported, without waiting for NVSL confirmation.