

**VIRGINIA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES  
DIVISION OF ANIMAL & FOOD INDUSTRY SERVICES  
STATE VETERINARIAN'S OFFICE  
P. O. BOX 1163  
RICHMOND, VA 23218**

**AVIAN INFLUENZA (H5 and H7) PROCLAMATION**

WHEREAS, Virginia poultry growers and owners have experienced significant economic losses from Avian Influenza,

WHEREAS, Avian Influenza outbreak eradication efforts and indemnity payments have been costly to the federal government and the Commonwealth of Virginia, and

WHEREAS, another serious outbreak of Avian Influenza could threaten the future of the Virginia poultry industry.

THEREFORE, BE IT RESOLVED THAT, pursuant to Sections 3.1-724, 3.1-726, 3.1-730, 3.1-734, 3.1-740, 3.1-741.4, 3.1-741.5 and 3.1-741.6 of the Code of Virginia; Sections 40 and 90 of 2 VAC 5-140, Rules and Regulations Pertaining to the Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals and other Animals or Birds into Virginia; and 2 VAC 5-195, Prevention and Control of Avian Influenza in the Live-Bird Marketing System, the following requirements are implemented:

A. Requirements governing hatching eggs and certain day-old birds

No person may bring or ship into Virginia any hatching egg, day-old chicken, day-old game bird, or day-old turkey unless:

1. (In the case of the hatching egg) the hatching egg originates from a breeder flock that participates in and meets the requirements of the "U.S. Avian Influenza Clean" program of the National Poultry Improvement Plan and (in the case of the day-old chicken, day-old game bird, or day-old turkey) the hatchery from which the day-old chicken, day-old game bird, or day-old turkey originates only handles hatching eggs that originate from breeding flocks that participate in and meet the requirements of the "U.S. Avian Influenza Clean" program of the National Poultry Improvement Plan; and
2. The person holds a permit for such shipment from the Virginia Department of Agriculture and Consumer Services (Permits may be obtained by calling 540/209-9120); and

3. A statement certifying that the breeder flock shipping hatching eggs and all breeder flocks supplying eggs to the hatchery shipping day-old chickens, day-old game birds, or day-old turkeys participate in and meet the requirements of the “U.S. Avian Influenza Clean” program of the National Poultry Improvement Plan, and the permit number shall be entered in block #10 of VS Form 9-3.

B. Requirements governing all other poultry.<sup>1</sup>

Except as provided by paragraph A (“Requirements governing hatching eggs and certain day-old birds”), no person may bring or ship into Virginia any poultry, unless:

1. The poultry is first tested and found negative for avian influenza (H5 and H7), or comes from a flock that has first been tested (20 birds per house minimum, or 20 birds minimum as long as all houses and pens on the premises are represented) and found negative for avian influenza (H5 and H7) within 14 days of the poultry entering Virginia;
2. The person holds a permit for such shipment from the Virginia Department of Agriculture and Consumer Services (telephone 540/209-9120); and
3. The results of the test for avian influenza and the permit number are recorded on a health certificate signed by an accredited veterinarian in the state of origin or on a report issued by a laboratory approved by any state or federal animal health authority.

In testing for Avian Influenza, only the AGID, ELISA, Directigen, PCR, virus isolation or other test methods approved by the state veterinarian in a laboratory approved by a state or federal animal health authority will be permitted.

C. Live Bird Market System

Live Bird Marketing System suppliers, distributors, and markets doing business in Virginia must be registered with the Virginia Department of Agriculture and Consumer Services and must be in compliance with 2 VAC 5-195.

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<sup>1</sup> “Poultry” is defined to mean any domesticated fowl, including but not limited to chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds.

D. Exceptions to Proclamation

1. Nothing in this proclamation shall apply to:
  - a. Any poultry or hatching egg passing directly through Virginia to another state without being removed from its primary container, or
  - b. Any pigeons, doves, finches, psittacines, birds of prey, song birds and coraciiformes.
2. Import permits are not required for out-of-state poultry for immediate slaughter and going directly to a USDA or VDACS approved and inspected slaughter facility.
3. Grow out turkeys for immediate slaughter and going directly to a USDA or VDACS approved and inspected slaughter facility from an out-of-state farm that is part of a Virginia based complex<sup>2</sup> must test 10 birds per house minimum and all tests be found negative for avian influenza (H5 and H7) within 14 days before the turkeys enter Virginia. Owners shipping broilers ≤70 days of age for immediate slaughter and going directly to a USDA or VDACS approved and inspected slaughter facility must test 11 birds per premises and all tests be found negative for avian influenza (H5 and H7) within 14 days of entering Virginia.

E. Effective date of proclamation

This proclamation shall take effect May 29, 2008 and supersedes Avian Influenza (H5 and H7) Proclamation, effective June 1, 2005.

Richard L. Wilkes, DVM  
/s/  
State Veterinarian  
Virginia Department of Agriculture & Consumer Services

May 29, 2008

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<sup>2</sup> “An out-of-state farm that is part of a Virginia based complex” is defined as one of a group of farms providing grow out turkeys to a Virginia processing facility and serviced by the same hatchery and feed mill.