

STATE OF MARYLAND

MARYLAND DEPARTMENT OF AGRICULTURE

ORDER OF:

* **ORDER# AH 01-2022**

THE SECRETARY OF AGRICULTURE
Article, §§ 3-101 *et seq.*,
TO PREVENT THE SPREAD OF
ANIMAL DISEASES IN THIS STATE

* **AUTHORITY: Agriculture**

* **Annotated Code of Maryland**

* **EFFECTIVE DATE: 1/26/2022**

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ORDER OF THE SECRETARY
GOVERNING THE MOVEMENT OF POULTRY AND HATCHING
EGGS INTO MARYLAND, AND IMPLEMENTING MINIMUM
BIOSECURITY REQUIREMENTS

WHEREAS, Maryland poultry growers and owners could now experience significant economic losses from Avian Influenza, a contagious and infectious disease,

WHEREAS, in the past, Avian Influenza outbreak eradication efforts and indemnity payments have been costly to the federal government and to the State of Maryland,

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

WHEREAS, there has been an outbreak of Avian Influenza in certain other states and within Maryland, which has resulted in the destruction of flocks in those states,

WHEREAS, to protect the health of poultry in this State, the Secretary of Agriculture has determined that it is necessary to take prompt action pertaining to the importation of hatching eggs and other poultry into this State, and

WHEREAS, the Secretary has determined that there is a need to extend the requirements of Order #02-2021, due to the continuing threat of an Avian Influenza outbreak by protecting against new emerging strains of Avian Influenza entering this State.

NOW THEREFORE, pursuant to Agriculture Article, §§ 3-101 *et seq.*, Annotated Code of Maryland, the Secretary of the Maryland Department of Agriculture (“MDA”), on

this day 26th of January, 2022, having found cause to extend Order #02-2021 (that was issued on March 17, 2021) for an additional six months, hereby **ORDERS:**

A. Terms Defined. For the purposes of this Order, the following terms have the meanings indicated:

(1) “Authorized laboratory” means a National Poultry Improvement Plan (“NPIP”) authorized laboratory that meets the requirements of the 9 Code of Federal Regulations (CFR) part 147.52, and is thus qualified to perform assays in accordance with the 9 CFR part 147, and NPIP Program Standards. Authorized laboratories performing the Avian Influenza polymerase chain reaction (RRT-PCR) must also meet standards stipulated in 9 CFR part 145.14 (d)(2)(i).

(2) “Avian influenza” means an infection or disease of poultry caused by viruses in the family Orthomyxoviridae, genus Influenza virus A.

(3) “Certificate of Veterinary Inspection” (“CVI”) means an official health certificate made on an official form issued and approved by the Chief Animal Health official of the state of origin or the U.S. Department of Agriculture (“USDA”). CVIs shall be prepared by accredited veterinarians that are approved by the recognized Animal Health official of the state of origin.

(4) “Control Zone” means any area or region designated by a state or federal animal health official that restricts movement of animals for purposes of disease control.

(5) “Department” means the Maryland Department of Agriculture or MDA.

(6) “Department Approval” means a written statement, which generally will be accompanied with a control number that the Department issues to the poultry importer, indicating the State Veterinarian’s approval to move poultry into Maryland from another state (such approval may have quarantine, inspection or testing requirements once the poultry is allowed into the State as a condition of approval).

(7) “Flock” means all of the poultry on one farm except that, at the discretion of the State Veterinarian, it may include any group of poultry which is segregated from another group and has been so segregated for a period of at least 21 days.

(8) “Grower” means any person who raises, sells or distributes poultry, hatching eggs, or whose eggs are distributed, offered for sale, or sold for human consumption.

(9) “NPIP” means the National Poultry Improvement Plan, a cooperative industry, state, and federal program to improve poultry and poultry products.

(10) “Official State Agency” (“OSA”) means the State authority recognized by the USDA to cooperate in the administration of the NPIP in their respective states.

(11) “Official Test” means an NPIP official test for Avian Influenza as stipulated in 9 CFR part 145.14d, part 147, and the NPIP Program Standards, and as approved by the State Veterinarian.

(12) “Plan” means the provisions of the National Poultry Improvement Plan contained in the 9 CFR parts 145 – 147, and the NPIP Program Standards.

(13) “Poultry” means any domesticated fowl, including, but not limited to chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds (except doves and pigeons), which are bred for the primary purpose of producing eggs or meat.

(14) “Uniform Standards” means the USDA–APHIS Prevention and Control of H5 and H7 Avian Influenza in the Live Bird Marketing System Uniform Standards for a State-Federal-Industry Cooperative Program.

(15) “Veterinary Services (“VS”) Form 9-3” means an official document issued by the Official State Agency that is the Report of Sales of Hatching Eggs, Chicks, and Poults that certifies the official Plan classification of the flock for interstate movement.

(16) “Veterinary Services (“VS”) Form 9-2” means an official document issued by an NPIP authorized laboratory that is the Flock Selecting and Testing Report that documents official testing.

B. Importation requirements governing poultry and hatching eggs.

(1) A person may not import, ship, or otherwise move any poultry or hatching eggs into Maryland if that person knows or has reason to know that the poultry or, in the case of hatching eggs, the flock from which they originated, are infected with Avian Influenza.

(2) A person may not import, ship, or otherwise move poultry or hatching eggs into Maryland unless:

(a) The poultry or hatching eggs meets at least one of the following requirements:

(i) The poultry or hatching eggs originate from a flock that participates in and meets the requirements of:

(aa) The NPIP “U.S. Avian Influenza Clean”, “U.S. H5/H7 Avian Influenza Clean” or “U.S. H5/H7 Avian Influenza Monitored” program as specified in the Code of Federal Regulations, Title 9, Part 145 or 146; or

(bb) An equivalent state Avian Influenza Monitoring program; or

(ii) The poultry or hatching eggs, if destined for immediate slaughter (within 72 hours of entry), and going directly to a USDA-approved and inspected slaughter facility, originates from a flock that participates in and meets the requirements of the NPIP “U.S. H5/H7 Avian Influenza Monitored” program in the Code of Federal Regulations, Title 9, Part 146; or

(iii) The poultry or hatching eggs originate from a flock in which a minimum of 30 birds more than three (3) weeks of age have been tested and found negative for Avian Influenza (utilizing an official test performed in an NPIP authorized laboratory) within 21 days prior to entering Maryland.

(b) The person importing, shipping, or otherwise moving poultry or hatching eggs into Maryland shall:

(i) For (aa) NPIP flocks and flocks in an equivalent State Avian Influenza Monitoring program, and (bb) AI Tested Flocks, as defined by the Uniform Standards: Must include a CVI, or a VS 9-3 or equivalent with the shipment and, if applicable, a copy of the VS 9-2 or equivalent approved by the Department documenting the requisite Avian Influenza testing; or

(ii) For Non NPIP flocks: Include a CVI and a copy of the VS 9-2 or equivalent approved by the Department documenting the requisite Avian Influenza testing, and submit a copy of the CVI to the State Veterinarian within seven (7) days of movement, whose address is: Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401 (email: animalhealth.mda@maryland.gov).

C. Requirements governing poultry and hatching eggs in a Control Zone.

A person may not move poultry or hatching eggs from a Control Zone into Maryland unless:

(1) The Department has approved the movement of the poultry or hatching eggs (telephone: (410) 841-5810); and

(2) The poultry have met additional testing, biosecurity requirements, and epidemiological assessments as determined by the Department.

D. Biosecurity and Sanitation Requirements governing all growers operating a premises on which over 1,000 poultry are raised annually.

(1) Each grower shall maintain sanitary and bio-secure premises for poultry that the grower is keeping at that location. At a minimum, each grower shall:

(a) Restrict access to areas where poultry are housed or kept. The grower may accomplish this by posting a sign stating “Restricted Access” or other appropriate biosecurity signage, securing the area with a gate, or both, at the entrance to the farm or Perimeter Buffer Area (PBA).

(b) Take steps to ensure that contaminated materials on the ground are not transported into the poultry growing house or area. The grower shall provide appropriate disposable or site-dedicated Personal Protective Equipment (“PPE”) to any person entering or leaving the Line of Separation (“LOS”), the areas where birds are kept. Examples of appropriate PPE include:

- (i) Footwear and hand sanitizing stations at entrances to the LOS,
- (ii) Disposable or site-dedicated coveralls, and
- (iii) Disposable or site-dedicated footwear.

(c) Cover and properly contain feed, poultry carcasses, used litter, or other disease containing organic materials to prevent the following:

- (i) Exposure to and contamination by wild birds, rodents, insects and other animals; and
- (ii) Movement of the materials by wind.

(2) Each grower shall allow the Department to enter the premises to inspect the biosecurity and sanitation practices that the grower is implementing.

E. Limitations of Order. Nothing in this Order shall apply to:

(1) Any poultry or hatching egg passing directly through Maryland to another state without being removed from its primary container; or

(2) Birds other than poultry.

F. Duration. This Order takes effects immediately and shall be effective through January 25, 2023, unless revoked earlier by the Secretary.

G. Violations. A person who violates this Order is subject to criminal and administrative penalties as provided under Maryland law. In addition, the Secretary of Agriculture may impose a quarantine order on any poultry or hatching eggs found in this State in violation of this Order.

H. Contact Person. If a person affected by this Order has questions, the person may contact the Office of the State Veterinarian at (410) 841-5810.

A handwritten signature in black ink that reads "Joseph Bartenfelder". The signature is written in a cursive style and is positioned above a horizontal line.

Joseph Bartenfelder
Secretary of Agriculture
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, MD 21401