

# NOTICES

## DEPARTMENT OF AGRICULTURE

### **General Quarantine Order; Virus Control for Highly Pathogenic Avian Influenza Poultry, Poultry Litter, Conveyances, Feed, Refuse, Containers and Material Standards**

#### *Recitals.*

A. Under the authority established in the Domestic Animal Law (3 Pa.C.S.A. §§ 2301—2389) and specifically the authority to establish quarantines and general quarantines as set forth at section 2329 of the Domestic Animal Law (3 Pa.C.S.A. §§ 2329(a) and 2329(d)), the Pennsylvania Department of Agriculture (Department) hereby establishes a General Quarantine Order related to Standards, Requirements and Operating Procedures to be followed within the area encompassed by this General Quarantine Order.

B. The Domestic Animal Law allows, at 3 Pa.C.S.A. § 2329(d), for a General Quarantine Order to be established and enforced for any area or locality within this Commonwealth where a dangerous transmissible disease has been reported or exists, or whenever it is deemed advisable to test or treat any domestic animal upon the reasonable suspicion that it has contracted or been exposed to a dangerous transmissible disease or whenever the testing or treatment of a domestic animal indicates that the domestic animal has been exposed to a dangerous transmissible disease. In addition, a General Quarantine Order may apply to goods, products, facilities, containers, vehicles or materials that may carry a dangerous transmissible disease or be contaminated with a hazardous substance.

C. Avian influenza is an infectious disease of poultry.

D. Avian influenza is designated a "dangerous transmissible disease" of animals under the provisions of the Domestic Animal Law (3 Pa.C.S.A. §§ 2301—2389), at 3 Pa.C.S.A. § 2321(a)(6).

E. The Department has broad authority under the Domestic Animal Law to regulate the keeping and handling of domestic animals, conveyances, containers, goods, products and materials, in interstate and intrastate commerce, in order to exclude, contain or eliminate dangerous transmissible diseases, including prohibiting the shipment or movement of such products.

F. Highly Pathogenic Avian influenza H5N1 (HPAI) has been found in Pennsylvania and a Control Zone extending 10 kilometers from the index premises has been established and is made part of this General Quarantine Order.

G. The Control Zone created by this General Quarantine Order may be extended or moved or a new Control Zone created in the future as set forth in this General Quarantine Order.

H. Avian Influenza has caused significant loss in the past to the Pennsylvania poultry industry and the current pathogenic forms of the disease have caused wide-spread loss to the poultry industry in states in which it has been detected and confirmed.

I. Highly Pathogenic Avian Influenza is of particular concern to the entire Pennsylvania poultry industry as it may cause wide-spread loss of poultry, severely limit the market for Pennsylvania product and cause severe economic damage to the poultry industry in Pennsylvania.

J. Avian Influenza, including the current pathogenic strains of HPAI, may be transferred and spread through the movement of poultry, poultry products, poultry litter, and the movement of unwashed or un-sanitized vehicles, conveyances, containers, goods, products and materials onto and off of premises containing poultry that may have been infected with or exposed to HPAI.

K. This General Quarantine Order is established to address all highly pathogenic avian influenza strains.

*Order.*

In consideration of the previous recitals, and with those recitals incorporated into this Order by reference, the Department hereby establishes a General Quarantine under authority of the Domestic Animal Law, at 3 Pa.C.S.A. § 2329(d), and section 1702 of The Administrative Code of 1929 (71 P. S. § 442). The following are the conditions and requirements of this Interstate and General Quarantine Order:

1. *Quarantine Area.* The area covered by this General Quarantine Order is the 10 kilometer area constituting the “Control Zone” surrounding the index premise(s), as set forth and outlined on the map located on the Department’s website at [padls.agriculture.pa.gov](http://padls.agriculture.pa.gov) or direct link at <https://padeptag.maps.arcgis.com/apps/webappviewer/index.html?id=a9066a3d68a443a08043766cb84bf4ae>.

2. *Index Premises.* Any premises on which HPAI has been confirmed to exist after testing at any of the three laboratories that make up the Pennsylvania Department of Agriculture Laboratory System (PADLS).

3. *Zones.* The following three zones, which may overlap, will be established around each Index Premises:

a. *Infected Zone.* The Infected Zone shall extend out 3 kilometers in every direction from each Index Premises.

b. *Control Zone.* The Control Zone shall extend out 10 kilometers in every direction from each Index Premises.

c. *Surveillance Zone.* The Surveillance Zone shall extend out 20 kilometers in every direction from each Index Premises.

4. *Applicability.* The terms of this Order are applicable to the Quarantine Area and all poultry, poultry goods and products, poultry litter, conveyances, vehicles, containers and materials entering onto or leaving a premises within the Quarantine Area on which poultry, conveyances or vehicles, containers or materials or live or unprocessed goods or products of poultry or other domestic animals are present.

5. *Poultry.* For purposes of this Order, poultry shall include, chickens, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, pea fowl, ducks, geese, swans and all other waterfowl and any other species of bird, including gallinaceous birds and ratites, of any age, that may contract or harbor Avian Influenza virus.

6. *Conveyance or Vehicle.* For purposes of this Order and in accordance with the Domestic Animal Law, shall include an automobile, truck, trailer, wagon or other vehicle used in the transportation of live or dead poultry, poultry waste, poultry containers or materials, live or unprocessed goods or products of poultry or other domestic animals or poultry products or by-products upon the highways of this Commonwealth. The same standards established for poultry conveyances and vehicles shall apply to all other animals on the same premises as poultry.

7. *Containers or Materials.* For purposes of this Order shall include, footwear, or other clothing, including biosecurity clothing, any vessel, cage, crate, coop, trailer, wagon, equipment manure application device or other instrument or object utilized to hold, transport, contain, limit, restrict, restrain, confine or control poultry or apply poultry waste, poultry manure or live or unprocessed goods, poultry feed or products of poultry or any combination thereof and material used for litter or bedding for poultry, as well as all equipment utilized to house, hold or contain poultry. The same standards established for poultry containers and materials shall apply to all other animals on the same premises as poultry.

8. *Live or Unprocessed Goods or Products of Poultry or Other Domestic Animals.* For purposes of this Order shall include, feed and feed products, eggs, unprocessed dead poultry, including accumulated mortalities from a flock and poultry litter, offal and waste, as well as, and products produced by poultry or utilizing poultry. This shall include unprocessed goods and products from or for other animals existing on the same premises as the poultry, including cattle, swine, equine, cervid, goats, sheep and other domestic animals and the waste, offal and goods and products, including milk and other agricultural products, produced thereby and the feed and feed products for such animals or feed and feed products produced on the farm for export off of the farm.

9. *Permit Required.* No poultry shall move into, within, from or out of the Quarantine Area or off or onto a premises within the Quarantine Area without a Permit issued by the Pennsylvania Department of Agriculture and no conveyance, vehicle, container, materials or live or unprocessed goods or products of poultry or other domestic animals shall move into, within, from or out of the quarantine area or off or onto a premises within the Quarantine Area on which any poultry is present without a Permit issued by the Pennsylvania Department of Agriculture. A prerequisite for the issuance of any Permit is a biosecurity plan approved by the Pennsylvania Department of Agriculture. Permit forms, standards and requirements are established on the Department's website at [padls.agriculture.pa.gov](http://padls.agriculture.pa.gov) or at direct link [padls.agriculture.pa.gov/InnerPages/HPAI.html](http://padls.agriculture.pa.gov/InnerPages/HPAI.html),

and are incorporated into this Order by reference, as if fully set forth herein. Any person without access to the internet or the Department's website may call the Department at (717) 772-2852 and request a copy of the Permit requirements. Restricted movements include:

- a. Transport poultry, poultry waste, poultry manure, containers or materials or live or unprocessed goods or products of poultry or other domestic animals or any combination of those into, within, from or out of the Quarantine Area, and
- b. Deliver or distribute poultry, poultry waste, poultry manure, containers or materials or live or unprocessed goods or products of poultry or other domestic animals or any combination of those into, within, from or out of the Quarantine Area, and
- c. Pickup poultry, poultry waste, poultry manure, containers or materials or live or unprocessed goods or products of poultry or other domestic animals or any combination of those into, within, from or out of the Quarantine Area, and
- d. Transport, deliver, pickup or distribute poultry, poultry waste, poultry manure, containers or materials or live or unprocessed goods or products of poultry or other domestic animals or any combination of those into, within, from or out of the Quarantine Area, and
- e. With regard to poultry waste and poultry manure or the waste or manure of any other domestic animal on the same premises as poultry this Order shall apply to any vehicle, conveyance or container utilized in the movement or application thereof.
- f. Feed or feed products or materials shipped onto a premises containing poultry within the Quarantine Area.

10. *Testing.* No poultry shall move into, within, from or out of the Quarantine Area or off or onto a premises within the Quarantine Area unless they have been properly tested in accordance with the testing standards and requirements established on the Department's website at [padls.agriculture.pa.gov](http://padls.agriculture.pa.gov) or at direct link [padls.agriculture.pa.gov/InnerPages/HPAI.html](http://padls.agriculture.pa.gov/InnerPages/HPAI.html), which are incorporated into this Order by reference, as if fully set forth herein, and found to be negative for Highly Pathogenic Avian Influenza H5/H7. Any person without access to the internet or the Department's website may call the Department at (717) 772-2852 and request a copy of the Testing requirements.

11. *Standards for Conveyances, Vehicles, Containers and Materials.* In addition to the Permit requirement established in Paragraph 9. (relating to permit required) any conveyance, vehicle, container or material shall meet the standards established in the Department's "Interstate and General Quarantine Order; Virus Control for Highly Pathogenic Avian Influenza Vehicle, Container and Material Standards" [45 Pa.B. 4930, Saturday, August 22, 2015].

12. *Prohibition on All Poultry Shows and Exhibitions.* There shall be no poultry shows or exhibitions within the Quarantine Area.

13. Pursuant to the authority at section 2328 of the Domestic Animal Law (3 Pa.C.S.A. § 2328) the Department, "In the performance of its duties required by this

chapter . . . may at any time enter any premises or stop and detain any vehicle or conveyance. If entry shall be refused or delayed by any person, the department's employee or agent may...declare before a court of competent jurisdiction that the employee or agent has reason to believe that domestic animals or articles . . .on such premises carry a dangerous transmissible disease, [or] have been exposed to a dangerous transmissible disease . . . and shall further declare that permission to enter and to investigate has been refused or delayed to the department. Upon review of such declaration, the court of jurisdiction may issue a search warrant for such premises...It shall be unlawful for any person to refuse or delay admission to any premises to any officer, agent or employee of the department provided with a search warrant issued pursuant to this section. The department shall take appropriate biosecurity and safety measures to ensure that it does not allow dangerous transmissible disease . . . to spread as the result of its entry upon any premises or conveyance."

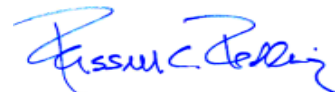
14. As established at section 2329(f) of the Domestic Animal Law (3 Pa.C.S.A. § 2329(f)(1),(2)(7) and (8)), It shall be unlawful for any person to sell, offer for sale, lease, lend, exchange, give away, transfer, remove or allow to be removed any animals or animal products, goods, materials, containers, conveyances or other articles that are the subject of a general or special quarantine order under this section without first obtaining the written permission of the department to do so. It shall be unlawful for any person to allow a domestic animal that is the subject of a general or special quarantine order under this section to stray beyond the quarantined premises, area or locality. It shall be unlawful for any person to impede, hinder or interfere with the department entering upon premises or elsewhere in the performance of duties imposed by this subchapter. It shall be unlawful for any person to violate any provision of a quarantine order issued under this section.

15. Any person violating any provision of this Order shall be subject to such penalties, including criminal and civil penalties and other civil remedies such as injunctive relief, as are allowed under the authority of the Domestic Animal Law.

16. This Order shall not be construed as limiting the Department's authority to establish additional quarantine or testing requirements on imported poultry and/or poultry products.

17. This Order shall be effective upon actual service or constructive notice, such as, publication in a newspaper of common circulation in the areas affected or publication in the *Pennsylvania Bulletin*.

RUSSELL C. REDDING,



Secretary