

NOTICES

DEPARTMENT OF AGRICULTURE

General Quarantine Order; Cancellation of Exhibitions of Poultry and Their Hatching Eggs Due to Highly Pathogenic Avian Influenza

[52 Pa.B. 2223]

[Saturday, April 16, 2022]

Recitals

- A. Avian influenza is an infectious and contagious disease of poultry.
- B. 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).
- C. Avian Influenza can be transmitted between poultry and may be transferred and spread through the movement of poultry, eggs, and products of poultry; by people, vehicles, equipment, and other fomites, as well as by aerosol.
- D. Avian Influenza has caused substantial loss in the past to the Pennsylvania poultry industry and the virulent form of the disease has caused widespread losses to the poultry industry in states in which poultry have been infected.
- E. Avian influenza is of particular concern to the entire Pennsylvania poultry industry as Highly Pathogenic Avian Influenza (HPAI) will result in the death or destruction of infected poultry, thus causing severe economic loss, and may severely limit the market for Pennsylvania poultry products.
- F. The Highly Pathogenic (HPAI) Eurasian lineage goose/Guangdong H5 clade 2.3.4.4 virus has been confirmed in wild birds and in poultry flocks across the United States in 2022. It has been identified in all four migration flyways and has been confirmed in wild birds in multiple Pennsylvania counties.
- G. The Department, under the provisions set forth at section 2329 (related to quarantine) of the Domestic Animal Law (3 Pa.C.S.A. § 2329) has the authority to establish three different types of quarantine orders—Interstate and International (3 Pa.C.S.A. § 2329(c)), General (3 Pa.C.S.A. § 2329(d)) and Special (3 Pa.C.S.A. § 2329(e)).
- H. As set forth at section 2329(a) (relating to power to establish and enforce), the Department may establish a Quarantine Order, "Whenever a dangerous transmissible disease. . .exists anywhere within or outside of this Commonwealth, 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. . .so as to render future accurate testing for recent exposure of that domestic animal to that dangerous transmissible disease. . .impractical or impossible, the department shall have the power to

establish and enforce quarantines of any such infected, exposed, contaminated, suspected or susceptible domestic animal. In addition to the aforescribed domestic animals, a quarantine may apply to any goods, products, facilities, containers, vehicles or materials that may carry dangerous transmissible disease. . .and may be applied on or in or against any premises, area or locality as defined in this chapter." (3 Pa.C.S.A. § 2329(a)).

I. An exhibition is defined as a show or display of animals.

J. Under the authority established in the Domestic Animal Law (3 Pa.C.S.A. §§ 2301—2389) and specifically the authority to establish general quarantine orders 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 poultry and poultry products, including eggs, at exhibitions within the Commonwealth of Pennsylvania which receive funding pursuant to the Pennsylvania Agricultural Fair Act, 3 P.S. § 1501 et seq.

K. This General Quarantine Order is established to reduce the risk of infection of backyard and commercial poultry in Pennsylvania with Avian Influenza. The transportation of poultry and eggs, materials contacting poultry, containers, conveyances and goods, in addition to the congregation of poultry at exhibitions within the Commonwealth has the potential to transfer and spread Highly Pathogenic Avian Influenza.

Order

The Department hereby enters a General Quarantine Order, incorporating the foregoing recitals as if fully set forth hereunder and establishing a temporary prohibition against the display, exhibit or presence of poultry, poultry products, including eggs, poultry parts or any goods or items containing or made up of poultry products, such as feathers, or poultry parts at any exhibitions or other such venues within the Commonwealth of Pennsylvania which receive funding pursuant to the Pennsylvania Agricultural Fair Act, 3 P.S. § 1501 et seq.

This Order is entered under authority of the Domestic Animal Law (at 3 Pa.C.S.A. § 2329) and § 1702 of the Administrative Code of 1929 (71 P.S. § 442), and establishes the following quarantine restrictions with respect to poultry exhibitions within the Commonwealth of Pennsylvania which receive funding pursuant to the Pennsylvania Agricultural Fair Act, 3 P.S. § 1501 et seq.

1. *General.* For purposes of this Order, the term "poultry" includes all domesticated fowl, including chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds (pheasants, partridge, quail, grouse, and guineas); but excludes doves, pigeons, psittacine and passerine birds.

2. *Purpose.* This Order allows for a proactive and preventative approach to prevention of the spread of Highly Pathogenic Avian Influenza affecting poultry related to Pennsylvania exhibitions.

3. Notwithstanding and in abrogation of the provisions relating to avian influenza of the General Quarantine Order: Poultry Exhibition Requirements (49 Pa.B. 3093, Saturday, June 15, 2019), during the time period of this General Quarantine Order, no poultry, poultry products, including eggs, poultry parts or any goods or items containing or made up of poultry products, such as feathers, or poultry parts shall be transported to, brought onto the premises of or displayed or exhibited or present at any exhibitions or other such venues within the

Commonwealth of Pennsylvania which receive funding pursuant to the Pennsylvania Agricultural Fair Act, 3 P.S. § 1501 et seq.

4. *Quarantine Area and Term.* The area covered by this General Quarantine Order is the entire Commonwealth of Pennsylvania and shall be in effect upon publication in the *Pennsylvania Bulletin* and for a duration of not less than sixty (60) days after publication or until rescinded by the Department, whichever is longer.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 22-560. Filed for public inspection April 15, 2022, 9:00 a.m.]