

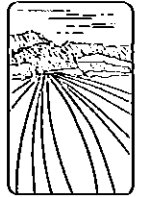


Oregon

John A. Kitzhaber, MD, Governor

Department of Agriculture

635 Capitol St NE
Salem, OR 97301-2532



BEFORE THE OREGON DEPARTMENT OF AGRICULTURE

In the Matter of: Detection of Highly)
Pathogenic Avian Influenza (HPAI))
H5N2 in Deschutes County, Oregon)

EMERGENCY QUARANTINE ORDER

AUTHORITY FOR THIS ORDER

The Director of the Oregon Department of Agriculture (ODA or Department) may summarily quarantine any legally described area of this state and declare an emergency quarantine if the director believes that any animals or fowl within any area or section of the State of Oregon are diseased or infested with a disease. ORS 561.510; ORS 596.402. The quarantine may prohibit the movement of diseased or infested animals or fowls or articles that might contain the disease or that might otherwise spread the disease into the state from one area or section of the state to another area or section within or outside the state. *Id.* The director may prohibit or restrict any movement of livestock, vehicles, persons or things into or out of such areas as the Department deems necessary for the eradication or control of a disease in the area, or for the prevention of the spread of such disease into other areas of this state. *Id.*

Pursuant to its authority the Department is establishing an emergency quarantine in Deschutes County, Oregon prohibiting the transport or movement of poultry or poultry products into or out of the described quarantine area except pursuant to a Permit for Movement obtained from the United States Department of Agriculture Animal and Plant Health Inspection Service. ORS 561.545.

When exercising the powers conferred by ORS 596.388 to 596.412, the Department shall give appropriate weight and consideration to the following:

- (1) The previous existence of the disease in this state.
- (2) The action taken by the United States Government in respect to the eradication and control of such disease.
- (3) The economic consequences to the citizens of this state which might result from the spread of the disease.
- (4) The extent to which the disease is endemic or epidemic through neighboring states, the United States and this state.
- (5) The extent to which livestock other than those which are infected or carriers of the disease may be adversely affected by it.

(6) Any other factors which may reasonably be found to affect the welfare of the livestock industry specifically or the people of the State of Oregon generally if such disease is not eradicated or controlled

ORS 596.412.

Violation of the regulations applicable to this quarantine may result in any lawful remedy including civil penalty or cease and desist orders as may be issued by the circuit court in Deschutes County. ORS 596.416; ORS 561.990; ORS 561.995. A copy of the regulations applicable to the quarantine are filed with the Deschutes County clerk and may be obtained from the Oregon Department of Agriculture.

DEFINITIONS

For the purposes of this Order unless the context requires otherwise.

- (1) "Director" means the director of the Oregon Department of Agriculture.
- (2) "Highly Pathogenic Avian Influenza (HPAI)" means highly pathogenic avian influenza caused by the H5N2 virus.
- (3) "Oregon State Veterinarian" means the State Veterinarian appointed by the Director of the Oregon Department of Agriculture as the chief livestock sanitary official of the state.
- (4) "Poultry" includes, but is not limited to, chickens, turkeys, waterfowl, pheasants, quail, partridges, grouse, guineas, and peafowl of all ages and their hatching eggs. Other avian species includes all birds not defined as poultry whether to be held in captivity or released from captivity.
- (5) "Poultry Products" includes any poultry commodity or material that can spread HPAI including meat (fresh or frozen), blood or meal, feathers, litter/manure and eggs.
- (6) USDA means the United States Department of Agriculture and includes the USDA Animal and Plant Health Inspection Service (APHIS).

FINDINGS

1. USDA APHIS considers HPAI a "high consequence" foreign animal disease. It is a disease of national concern that poses a significant threat to poultry agriculture in the United States and is considered to have the highest risk and consequences if detections are not controlled. HPAI has only recently been detected in Oregon but did not exist previously.
2. High consequence foreign animal diseases are reportable to the World Organization for Animal Health (OIE). The World Trade Organization (WTO) recognizes the OIE as a reference organization. Countries with outbreaks of high consequence foreign animal diseases may incur trading restrictions (embargos) from their trading partners resulting in severe economic consequences due to loss of international export trade.

3. HPAI is not endemic in domestic poultry in Oregon or in the United States. In the event of an HPAI outbreak, the Department and APHIS use the cooperative foreign animal disease (FAD) management infrastructure to conduct an emergency response in accordance with the National Animal Health Emergency Management System's guidelines for highly contagious diseases.

4. In February 2015, HPAI strain H5N2 was confirmed in a backyard domestic poultry flock in Deschutes County, Oregon. The containment and eradication of HPAI is necessary to protect poultry and other avian species within the State of Oregon.

CONCLUSIONS

1. A quarantine area is hereby established in Deschutes County, Oregon for the Disease Control Zone depicted on Attachment A. The Disease Control zone is more specifically described as follows:

A 10 kilometer zone around the infected HPAI H5N2 premises, within the State of Oregon and more specifically depicted on the map attached as Attachment A.

2. A summary quarantine of poultry and/or poultry products restricting the movement of poultry or poultry products into or out of the described quarantine zone in Deschutes County is necessary to prevent the spread of HPAI in Oregon.

ORDER

An emergency quarantine is hereby established in the described area in Deschutes County, Oregon. In addition, the Director may exercise any lawful authority to direct any person to take any action authorized by law to prevent the spread of HPAI in Oregon.

This quarantine shall remain in place until disease control procedures are completed and for such period of time as the department deems necessary for the eradication or control of HPAI in Deschutes County or for the prevention of the spread of such disease into other areas of this state. ORS 596.402.

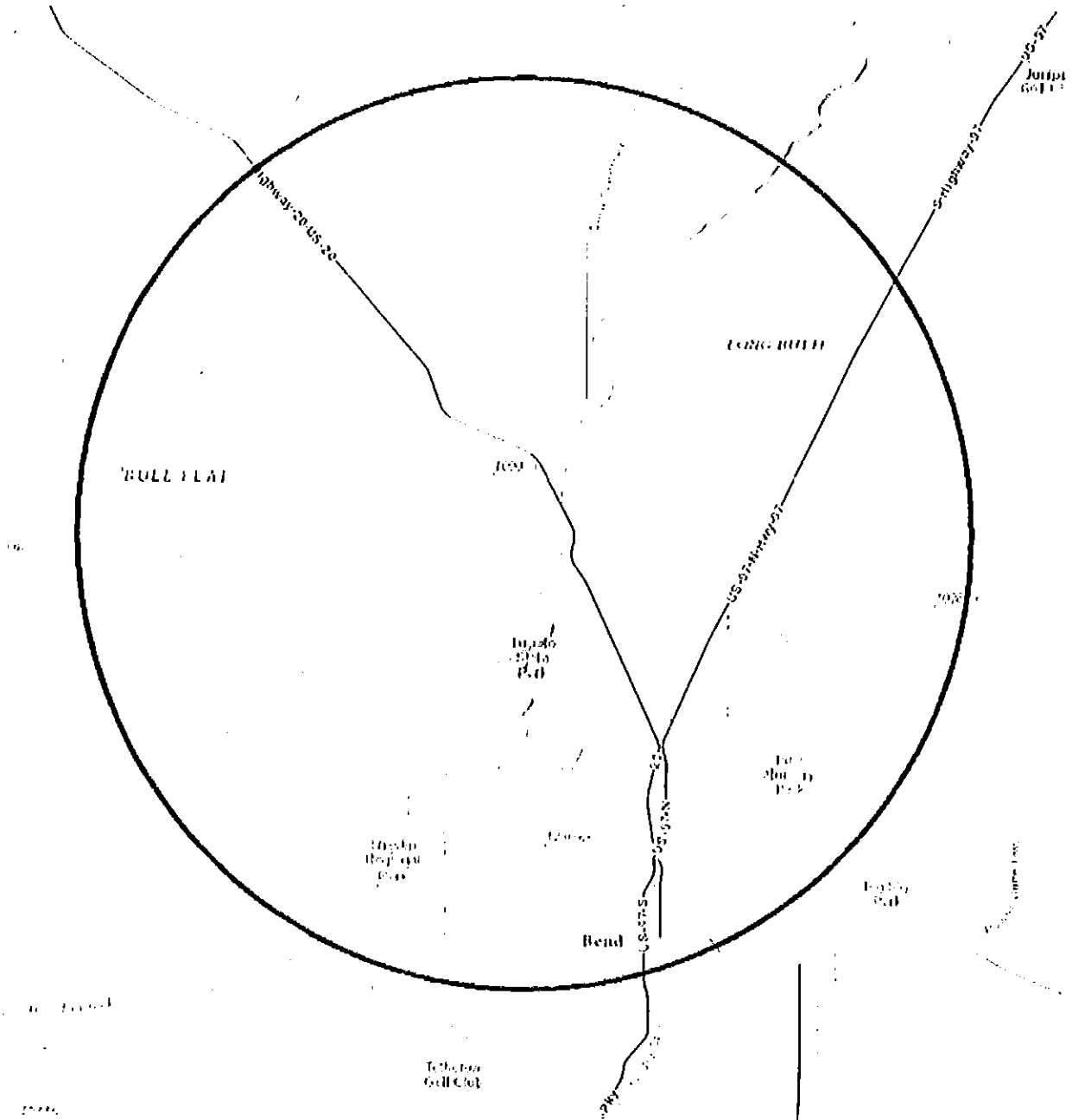
DATED this 19th day of February 2015.



KATY COBA, Director
Oregon Department of Agriculture

ATTACHMENT A

Avian Influenza Quarantine Zone in Deschutes County, Oregon.



OAR 603-011-0900

Highly Pathogenic Avian Influenza (HPAI) H5N2, Emergency Quarantine and Movement Restrictions

In February 2015, HPAI strain H5N2 was confirmed in a backyard domestic poultry flock in Deschutes County, Oregon. HPAI is a high consequence foreign animal disease (FAD) of national concern. If introduced in Oregon, HPAI would result in serious prejudice to the public health, safety or welfare of the state of Oregon and may pose a severe threat to the animal health of the United States, and in some cases, the human health and the economy. HPAI poses a significant threat to poultry agriculture in the state of Oregon and in the United States and is considered to have the highest risk consequences if detections are not controlled. An Emergency Quarantine Order has been issued by the director and is filed with the county clerk in Deschutes County. These rules implement the emergency quarantine and apply to all poultry and poultry products going into and out of the quarantine area in Deschutes County, Oregon.

OAR 603-011-0910

Definitions

For the purposes of this section unless the context requires otherwise.

- (1) "Director" means the director of the Oregon Department of Agriculture.
- (2) "Highly Pathogenic Avian Influenza (HPAI)" means highly pathogenic avian influenza caused by the H5N2 virus.
- (3) "Oregon State Veterinarian" means the State Veterinarian appointed by the Director of the Oregon Department of Agriculture as the chief livestock sanitary official of the state.
- (4) "Poultry" includes, but is not limited to, chickens, turkeys, waterfowl, pheasants, quail, partridges, grouse, guineas, and peafowl of all ages and their hatching eggs. Other avian species includes all birds not defined as poultry whether to be held in captivity or released from captivity.
- (5) "Poultry Products" includes any poultry commodity or material that can spread HPAI including meat (fresh or frozen), blood or meal, feathers, litter/manure and eggs.
- (5) USDA means the United States Department of Agriculture and includes the USDA Animal and Plant Health Inspection Service (APHIS).

OAR 603-011-0920

Emergency Quarantine Restricting Movement

(1) Area under restriction: A 10 kilometer zone around the infected HPAI H5N2 premises, located in Deschutes County within the State of Oregon and more specifically depicted on the map attached as Attachment A.

(2) Items under restriction: Poultry, poultry products, poultry waste, originating from backyard flocks, commercial flocks or any poultry production facility. Included in this restriction are vehicles that make deliveries of live birds, feed, or equipment to poultry operations of any sort in quarantined areas and then travel into the state of Oregon.

(3) Prohibitions:

(a) Except as provided in subsection (4) below, live or dead poultry, poultry products, poultry waste originating from backyard flocks, commercial flocks or any other poultry production facility may not be transported or otherwise moved into or out of the quarantine area. Vehicles, equipment or materials of any type that could transmit HPAI may not be transported or otherwise moved into Oregon from the area under quarantine.

(b) Except as provided in subsection (4) below, no equipment used for the processing of eggs or for the housing, feeding, watering, handling, or otherwise caring for poultry may be transported or otherwise moved into Oregon from the quarantine area.

(c) No commercial vehicle originating from the quarantine area which has transported feed, eggs, or equipment or other materials that could transmit HPAI may leave the area of quarantine unless proof of the cleaning and disinfection of the vehicle and trailer performed immediately prior to traveling to Oregon is provided to the State Veterinarian. This proof must be in writing and must demonstrate that the cleaning and disinfection was performed according to National Animal Health Emergency Management System (NAHEMS) Guidelines: Cleaning and Disinfection, June 2011.

(4) Permit for Movement: No poultry or poultry products originating from backyard flocks, commercial flocks or any other poultry production facility may be transported or otherwise moved into or out of the quarantine area without a permit obtained as provided in this subsection.

(a) A VS Form 1-27 Permit for Movement must be obtained from the Permitting Unit of the USDA, APHIS incident management unit.

(b) A VS Form 1-27 Permit must certify that live poultry show no clinical signs of illness.

(c) A VS Form 1-27 Permit must certify that the premises of origin of live poultry have been sampled in accordance with the Foreign Animal Disease Preparedness and Response Plan; APAI Response Plan, September 2011 with negative results for HPAI.

(d) In addition to a Permit for Movement as specified in this subsection, any person seeking to transport poultry or poultry products from the area of quarantine must certify that at least twenty-one days must have passed since potential exposure of birds to HPAI. If poultry or poultry products are being shipped from the area of quarantine to a terminal destination (slaughter), fourteen days must have elapsed since potential exposure of birds to HPAI.

OAR 603-011-0930

Quarantine Powers

(1) In addition to any other lawful authorities, the director may individually quarantine poultry or poultry products as necessary to protect the public health, welfare or safety.

(a) The director shall give any person(s) that are subject to quarantine written notice of quarantine by delivering the notice to the person in charge of the property.

(2) Poultry that meets either of the following requirements may be destroyed:

(a) The State Veterinarian, or a veterinarian designated by the state, determines that the poultry is showing signs of HPAI and that there is a probable exposure pathway, and the veterinarian has consulted with the USDA and the State Veterinarian and they concur with the determination, then the poultry must be destroyed.

(b) If the poultry is showing signs of the disease, but there is not a probable exposure pathway, then the poultry must be destroyed if there is a positive test result for the disease. Poultry may be retested for HPAI before the poultry is destroyed upon the discretion of the State Veterinarian.

(3) Poultry must be put to death by humane methods and the carcass(es) disposed of as the State Veterinarian directs. In addition, any infected or exposed poultry products must be destroyed and disposed of as the State Veterinarian directs.

OAR 603-011-0940

Violations

(1) It shall be unlawful for any person, firm or corporation to violate either in whole or in part any provision of these rules. In addition to any lawful remedy or penalty, violation of these rules may result in issuance of a civil penalty.

(2) In addition to any other lawful remedy, the court may enter an order compelling an owner or person in charge of the poultry or poultry products to cease and desist resisting the actions of the director even before the owner or person in charge is given an opportunity to appear, if the court is given sufficient information to prove that allowing the owner or person in charge the chance to appear would jeopardize disease eradication and control efforts. However the owner or person in charge may bring suit after the emergency is over.

ATTACHMENT A

Avian Influenza Quarantine Zone in Deschutes County, Oregon.

