WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION

Form #7

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2009 JUN 23 PM 2:46

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Effective Date

NOTICE OF AN EMERGENCY RULE

AGENCY: West Virginia Department of Agriculture TITLE NUMBER: 61

CITE AUTHORITY: West Virginia Code 19-9-2

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES X NO ____

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 61-1

TITLE OF RULE BEING AMENDED: Animal Disease Control

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ____

TITLE OF RULE BEING PROPOSED: ____

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

West Virginia regulations are not consistent with Federal regulations which increases the probability of the spread of infectious disease.

Steve Hannah
Authorized Signature

Use additional sheets if necessary

EMERGENCY RULE QUESTIONNAIRE

DATE: June 23, 2009

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM:(*Agency Name, Address & Phone No.*) West Virginia Department of Agriculture
1900 Kanawha Boulevard East
Charleston, WV 25305

EMERGENCY RULE TITLE: Animal Disease Control

1. Date of filing June 23, 2009

2. Statutory authority for promulgating emergency rule:

Chapter 19, Article 9

3. Date of filing of proposed legislative rule: June 23, 2009

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule?
This emergency rule amends current rule.

5. Has the same or similar emergency rule previously been filed and expired?

No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.

~~Federal Coggin's testing requirement must be met. Federal law requires testing every~~ twelve months.
A small non commercial slaughter house began operation in Phillipi, WV on October 28, 2008. The slaughter house is receiving birds from out of state for immediate processing. There are currently no rules that regulate requirements for birds imported from out of state into West Virginia for slaughter. The emergency import rules for slaughter are necessary immediately to protect the commercial poultry industry in West

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

Title 6 Series 1, added as 7.19c

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

~~The current regulations only cover importation of birds for production purposes,~~ exhibition ad sales. The current rules do not address importation of birds for direct slaughter. This emergency rule is necessary to safeguard the commercial poultry industry and the public from poultry disease, specifically Avian Influenza. the Equine Infectious Anemia rules are not consistent with federal regulations.

State of West Virginia
DEPARTMENT OF AGRICULTURE
Gus R. Douglass, Commissioner

Janet L. Fisher
Deputy Commissioner

Steve Hannah
Deputy Commissioner

SUMMARY OF PROPOSED RULE

ANIMAL DISEASE CONTROL
TITLE 61 – SERIES 1

§61-1-7 Animal Importation

7.14 **Equines**
Proposed changes insure that any equine sold in West Virginia through a public market will have been tested for Equine Infectious Anemia within 12 months prior to importation into this state. This will protect the integrity of the seller and the safety of the buyer. The time period from 24 months to 12 months will be consistent with Federal rule as described in the United States Department of Agriculture's Equine Infectious Anemia: Uniform Methods and Rules.

7.19 **Birds Other Than Ratites**

7.19.e Import rules for slaughter are necessary to protect the commercial poultry industry in West Virginia. The current rules do not address importation of birds for direct slaughter. We now have a slaughter house receiving birds from out of state for immediate processing. This will protect the commercial poultry industry and public of West Virginia from poultry diseases, specifically Avian Influenza and assure United States Department of Agriculture's National Poultry Improvement Plan guidelines are met.

§61-1-8 Rules for Livestock Sales

8.8 Proposed additions insure West Virginia rules for Equine changing ownership will be consistent with federal rules as stated in the United States Department of Agriculture's Equine Infectious Anemia: Uniform Methods and Rules.

§61-1-9 **Requirement for West Virginia Fairs, Festivals and Purebred Consignment Sales**

9.4 **Equine**

9.4.e. Proposed changes assure any equine exhibited within West Virginia will be consistent with federal rules.

§61-1-15 **Laboratory Services and User Fees**

15.2 a Replaces text omitted in a previous version. Does not change testing or fees.

State of West Virginia
DEPARTMENT OF AGRICULTURE
Gus R. Douglass, Commissioner

Janet L. Fisher
Deputy Commissioner

Steve Hannah
Deputy Commissioner

MEMORANDUM

TO: West Virginia Secretary of State

FROM: Dr. Gary Kinder, State Veterinarian
Director, Animal Health Division

DATE: **June 23, 2009**

RE: **Statement of Facts and Circumstances**

All of the proposed changes will protect the integrity of the seller and the safety of the buyer. Emergency import rules for slaughter are necessary immediately to protect consumers and the commercial poultry industry in West Virginia. The current rules do not address importation of birds for direct slaughter. We now have a slaughter house receiving birds from out of state for immediate processing. This will protect the commercial poultry industry and public of West Virginia from poultry diseases, specifically Avian Influenza. This rule will help assure West Virginia poultry is a safe food source and decrease the potential for the spread of a zoonotic disease.

Proposed changes will ensure that any equine sold in WV through a public market will have been tested for Equine Infectious Anemia. This will protect the integrity of the seller and the safety of the buyer and assure consistency with the United States Department of Agriculture's Equine Infectious Anemia: Uniform Methods and Rules. There have been concerns voiced by interested parties in the horse industry regarding the disparity between state and federal regulations.

Please direct any questions or comments to Dr. Gary O. Kinder by phone at 304-558-2214, by email at gkinder@ag.state.wv.us or by mail to West Virginia Department of Agriculture Animal Health Division 1900 Kanawha Boulevard East, Charleston, WV 25305.

GOK:eae

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Animal Disease Control

Type of Rule: [X] Legislative [ ] Interpretive [ ] Procedural

Agency: West Virginia Department of Agriculture

Address: 1900 Kanawha Blvd. E.
Charleston, WV 25305

Phone Number: 304-558-2214 Email: gkinder@ag.state.wv.us

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

No changes will occur to cost or revenues of state government.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: _____

Rule Title: Animal Disease Control

3. **Explanation of above estimates (including long-range effect):**
Please include any increase or decrease in fees in your estimated total revenues.

No new fees are associated with rule changes.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule **would not** have a fiscal impact, and/or any special issues **not** captured elsewhere on this form.

Date: 6-23-09

Signature of Agency Head or Authorized Representative

Steve Hennes

FILED

2009 JUN 23 PM 2:46

OFFICE WEST VIRGINIA
SECRETARY OF STATE

TITLE 61

LEGISLATIVE RULE
DEPARTMENT OF AGRICULTURE

SERIES 1
ANIMAL DISEASE CONTROL

§61-1-1. General.

1.1. Scope. -- This legislative rule establishes general operating rules and procedures in the Animal Health Division which are established to prevent, suppress, control and eradicate communicable diseases of livestock and poultry.

1.2. Authority. -- W. Va. Code 19-9-2.

1.3. Filing Date. -- ~~May 7, 2009~~. June 23, 2009

1.4. Effective Date. -- ~~July 1, 2009.~~

§61-1-2. Incorporation by Reference.

2.1. The Code of Federal Regulations (9 CFR, Part 79) Scrapie in Sheep and Goats, identification of sheep and goats in interstate commerce and qualifying the State of West Virginia as a Consistent State by definition of United States Department of Agriculture/Veterinary Services are incorporated by reference.

2.2. Requirement of Identification of Swine. The Code of Federal Regulations (9 CFR, Part 71.19), identification of swine in interstate commerce, are incorporated by reference.

§61-1-3. Definitions.

3.1. Accredited Veterinarian means any veterinarian accredited by APHIS and approved by the Animal Health Official of the state where the veterinarian is doing business.

3.2. Animal means a bird, fish, reptile, or mammal other than man.

3.3. APHIS means the Animal and Plant Health Inspection Service or its successor agency of the United States Department of Agriculture.

3.4. Approved E.I.A. and/or Pseudorabies Laboratory means any United States Department of Agriculture laboratory approved for conducting an official E.I.A. (Coggins') test and/or an official pseudorabies test.

3.5 Approved Livestock Market means a livestock market with an Accredited Veterinarian or Animal Health Official on site to monitor the health of livestock offered for sale to the general public. The market shall not require a CVI for arriving interstate livestock.

3.6. Biologicals mean products intended for diagnostic or therapeutic purposes in animals other than man.

3.7 Boar means any male swine used for or intended to be used for breeding purposes.

3.8. Brucellosis or Bang's Disease means an infectious disease in bovine animals caused by any member of the Genus Brucella. Any animal is considered infected with brucellosis if it has a positive reaction to any APHIS approved test for brucellosis, or if any member of the Genus Brucella has been found in the body or its secretions or discharges, or if it has been treated with a live culture of Brucella.

3.9. Calves mean bovine animals which have not reached the usual age of maturity for the particular breed.

3.10. Camelids means llama, alpaca or camel of any age.

3.11. Cattle means bison or bovine animals of any age.

3.12. Certificate of Veterinary Inspection (CVI) means an official form issued by an accredited veterinarian in the state of origin and approved by the Animal Health Official of the state of origin listing all animals (with an accurate description or other identification) covered by the certificate that have been examined by the person issuing the form, stating the nature of the examination and the findings of the health of the animals covered by the certificate. In addition, the CVI shall contain the names and address of the consignor and the consignee of the animals, the vaccinations that the animals may have received and the dates that the vaccinations occurred. The CVI is void thirty (30) days after issuance.

3.13. Certified Brucellosis Free Herd means a herd which is certified as free from brucellosis by the Commissioner and APHIS.

3.14. Cervidae means a deer or elk of any age.

3.15. Commissioner means the Commissioner of the West Virginia Department of Agriculture or his or her agent. Employees of the Veterinary Services of APHIS have the authority to act as agents of the commissioner.

3.16. Communicable disease means all the diseases listed in W. Va. Code 19-9-1(e) and the diseases avian influenza, Exotic Newcastle Disease, Scrapie and any disease defined by USDA/APHIS.

3.17. Equine means an animal that is a member of the Equine genus including horses, ponies, mules, asses, donkeys, and zebras.

3.18. E.I.A. Reactor means an equine one year of age or older who has had two consecutive positive tests for E.I.A. performed in an approved E.I.A. laboratory and one additional positive test performed in a United States Department of Agriculture. The animal may not show clinical signs of the disease.

3.19. Exposed E.I.A. Animal means any equine that is or has been stabled or commingling within 200 yards of any other equine that has had a positive E.I.A. (Coggins') test and may include an animal which has had the same handler as the equine that has had the positive E.I.A. (Coggins') test.

3.20. Farm means one contiguous parcel of land operated as a unit. Parcels of land owned by a farmer, but separated by other farms are considered separate farms.

3.21. Feeder pig means any immature swine used for or intended to be used exclusively for feeding for slaughter.

3.22. Fur-Bearing animal means a mink, weasel, muskrat, beaver, opossum, skunk, civet cat (commonly called polecat), otter, red fox, gray fox, wildcat, bobcat, bay lynx, raccoon or fisher.

3.23. Histopathology service means the preparation and staining tissue for microscopic viewing for the detection of abnormalities which may be indicative of a disease or condition.

3.24. Honor Flock means a flock of breeding sheep that has been inspected on the farm by WVDA Animal Health personnel or an accredited veterinarian and found to be free of communicable diseases, specifically sore mouth and foot rot. This certificate is good for one year from the date of inspection.

3.25. Indemnity means money paid by the commissioner to the owner of an animal found to be a reactor for a communicable disease which cannot be cured or controlled by isolation and adequate or proper veterinary treatment. The amount of the indemnity will be the difference between the sale price of the animal and the value of the animal in the certificate of appraisal.

3.26. Laboratory services means those

procedures done in the laboratory.

3.27. National Poultry Improvement Plan means a cooperative federal-state-industry mechanism for controlling certain poultry diseases as set forth in the National Poultry Improvement Plan and Auxiliary Provisions set forth in Title (44)*9* of the Code of Federal Regulations Parts 145 through 147 published January 1,2008.

3.28. Non-reactor means an animal showing a negative reaction noted by a specific titer to a test.

3.29. Official Pseudorabies Serologic Test means an official pseudorabies test conducted on swine serum to detect the presence or absence of pseudorabies antibodies.

3.30. Official Pseudorabies Test means any test for the diagnosis of pseudorabies approved by the United States Department of Agriculture and conducted in an approved laboratory.

3.31. Person means any individual, partnership, association, fiduciary, firm, company, corporation or any organized group of persons whether incorporated or not. The term extends to the agents, servants, officers and employees of the person.

3.32. Poultry Sale means a sale of various poultry breeds by lot or individual at a location where comingling of poultry takes place.

3.33. Pseudorabies or Aujesky's disease (mad itch) means an infectious and contagious disease of swine and certain other warm-blooded animals.

3.34. Quarantine Pen means a partitioned-off space within the livestock sale facility where animals can be placed at the discretion of the State Veterinarian or his or her designee and have no direct contact with any other non-diseased or affected animals.

3.35. Ratite means any group of flightless birds having a flat breastbone without the keel-like prominence characteristic of most flying birds. This includes, but is not limited to the emu, ostrich, and rhea.

3.36. Reactor means any animal that responds to a test for a particular disease showing a positive titer above that which is considered a negative or suspect reaction for a particular disease.

3.37. Restricted vaccines means vaccines containing live, modified-live or infectious agents for any disease known to be a public health hazard, or that is for diseases not yet known to occur in this State or are capable of causing harm to man or animals when misused.

3.38. Sow means any female swine used for or intended to be used for breeding purposes.

3.39. Stocker Cattle means sexually intact cattle not consigned to slaughter.

3.40 Suspect means an animal that shows a titer to a particular test that makes it uncertain whether the animal has been exposed or has the particular disease.

3.41 Test means an examination made to determine the presence or absence of antibodies to a disease or an incriminating reaction to an antigen or other activities to determine whether or not an animal has a particular disease.

3.42 Tuberculosis means an infectious disease caused by Mycobacterium bovis, commonly known as the tubercle bacillus.

3.43 User fees means those fees collected from users of the laboratory's services.

3.44 Vaccine means any biological that is a preparation of live, modified-live or killed infectious agents or a preparation of tissue that is administered to produce or artificially increase immunity to a particular disease.

3.45 Vaccination means the inoculation of an animal with a vaccine.

3.46 Veterinarian means any veterinarian employed by a state or federal agency, any veterinarian in this state that is recognized by the West Virginia Veterinary Medical Association,

any licensed veterinarian, or any livestock technician employed by the commissioner.

3.47 Wild Animal means any mammal native to the State of West Virginia, occurring either in a natural state or in captivity. The term does not include mice and rats.

3.48 Wild Bird means any bird native to the state, or migrating through this state and includes any imported foreign game bird, such as a pheasant, partridge, quail, grouse or waterfowl regardless of whether the birds are held in captivity or not. The term does not include a chicken, duck, goose, guinea fowl, peafowl, turkeys, common canary, exotic finches, ring doves or psittacidae.

3.49 Wildlife means any wild bird, wild animal, game animal, fur-bearing animal, fish (including minnows), amphibians, aquatic turtles or any aquatic animal used as fish bait, whether dead or alive.

§61-1-4. Biologicals.

4.1. The Commissioner shall publish a list of the restricted vaccines on January 1 of each year. This list shall be provided to any person upon request.

4.2. No person may manufacture, offer for sale, or sell any biological in this state without a valid permit for the sale of biologicals issued by the commissioner.

§61-1-5. Quarantines.

5.1. The commissioner may place a special or a general quarantine on any animal or animals as provided by W. Va. Code 19-9-13,14 and 15 and by this rule, when any animal is found to be infected with any contagious or infectious disease, when he or she suspects that any animal is infected with any contagious or infectious disease, or when the animal has been imported into this state in violation of the provisions of W. Va. Code 19-9-1 et seq. or this rule.

5.2. The commissioner may extend the special or general quarantine to the premises where the animal is or has been located when the premises is suspected of being capable of transmitting the disease to other animals or humans, or the animal needs to be segregated from other animals so as not to transmit the disease to other animals or humans.

5.3. The commissioner may extend the special or general quarantine to the meat or milk products of any animal found to be, or suspected of having, any contagious or infectious disease and to any equipment used in the collection, transportation, processing or manufacturing of the meat or milk products of the animal.

5.4. No person may move any animal or article under quarantine from the area specified in the quarantine while the quarantine is in effect, except when the commissioner gives written permission for this movement to take place.

5.5. The commissioner will release quarantine when the animal, product or location under quarantine is found to be free of disease or not capable of causing the transmission of disease to other animals or man.

5.6. The commissioner shall allow those animals that were released from quarantine when found to be free of disease to enter commerce free from any restraint caused by the quarantine.

§61-1-6. Tuberculosis or Brucellosis in Cattle.

6.1. No person other than an accredited veterinarian, a qualified official of the United States Department of Agriculture or agents of the commissioner may perform any activity for the control or eradication of brucellosis or tuberculosis.

6.2. Each laboratory performing tests for brucellosis or tuberculosis shall report, in writing, to the commissioner, the results on all tests for brucellosis and tuberculosis as soon as the test results are received. Each report shall contain a description of the animal including the animal's tattoo or ear tag number and any other marks of identification, the sex, the age the breed, the complete test results, the name and address of the owner of the animal, the place

where the animal was located when tested, and the name and address of the person testing the animal.

6.3. The test results for brucellosis will be evaluated with other factors such as the age of the animal, the vaccination status, if any, and the herd conditions when the commissioner is determining if an animal is a reactor. An animal tested at a public market may be considered a reactor when both the buffered plate antigen at a 1/25 dilution of serum and the standard card test results are positive.

6.4. The commissioner may quarantine any female animal who has not had a calf when found to be a progeny of a cow that is a reactor to brucellosis until the animal has had a calf and a subsequent negative test for brucellosis.

6.5. The commissioner shall quarantine any nursing bull calf found in this state that is a progeny of a cow that is a reactor to brucellosis until that animal has been castrated or the commissioner gives a special permit for the movement of that animal.

6.6. The commissioner shall mark any animal found to be infected with tuberculosis or brucellosis by placing an ear tag supplied by APHIS in the left ear of the animal and branding the animal high on the left hip near the tail head with the capital letter "B" for brucellosis or the capital letter "T" for tuberculosis in letters not less than 2 inches high and 1 2 inches wide. The commissioner may accept the use of hot brands for this purpose.

6.7. Any person owning any animal infected with or exposed to tuberculosis or brucellosis that is under quarantine may apply to the commissioner for a permit to move the animal to slaughter. The application shall include the complete description of the animal, the place where the owner wishes to have the animal slaughtered and any other information that the commissioner may require to determine if he or she should grant a permit.

6.7.a. If the commissioner grants a permit to move to slaughter and issues a VS FORM 1-27 for this purpose, the permit shall specify all conditions for movement under which the permit is approved, including the requirement that the slaughter take place under the supervision of an authorized Federal or State meat plant veterinarian. The commissioner shall require the authorized Federal or State meat plant veterinarian supervising the slaughter to provide him or her immediately with a post-mortem report on the animal in the case where the animal was found to be a reactor to tuberculosis.

6.8. The commissioner shall pay an indemnity to the owner of any bison or bovine animal that has been found to be infected with either brucellosis or tuberculosis or to be a reactor to these diseases under the following conditions:

6.8.a. Funds for the payment of indemnities are available to the commissioner;

6.8.b. The animal was located in this state when it was when found to be infected or when found to be a reactor;

6.8.c. The animal was tested for brucellosis using an APHIS approved test by veterinarians employed by APHIS or by the commissioner or for tuberculosis using an APHIS approved test by an accredited veterinarian;

6.8.d. The animal had been vaccinated for brucellosis within the age limits prescribed by the commissioner, as specified in section 9 of this rule, and the animal was at least 20 months of age, if it was a dairy type breed, or at least 24 months of age, if it was a beef type breed when found to be infected or when found to be a reactor;

6.8.e. The animal was not vaccinated for brucellosis as an adult nor maintained in a herd where vaccination for brucellosis of any animal in the herd has occurred at an age other than that specified in section 9 of this rule;

6.8.f. The animal has been quarantined, branded, issued a certificate of appraisal by the commissioner and slaughtered under the supervision of a Federal or State meat plant

veterinarian;

6.8.g. The owner of the animal has allowed a quarantine to be placed on all the animals remaining under his or her ownership, signed an agreement with the commissioner listing all cattle owned by him or her and agreed to testing for brucellosis or tuberculosis on all cattle listed in the agreement. The owner has further agreed to destroy any animal found to be infected within 15 days of the date that the commissioner issues a certificate of appraisal for any animal found to be infected;

6.8.h. The owner of the animal has agreed to comply with W. Va. Code 19-9-28 through 19-37 and with the provisions of this rule;

6.8.i. The owner of the animal has agreed to make any further additions to the herd in compliance with the provisions of W. Va. Code 19-9-1 et seq. and with section 6 of this rule;

6.8.j. The owner of the animal has cleaned and disinfected all premises where the animal was located while it was infected;

6.8.k. The owner has not been negligent nor carelessly exposed any animals under his or her care to brucellosis or tuberculosis, and the owner has not purchased any animal that he or she knew or had reason to believe that had a communicable disease;

6.8.l. The owner of the animal is not any governmental agency or a political sub-division of this state;

6.8.m. The owner of the animal or his or her agent has not been previously found to have engaged in any fraudulent attempt to obtain an indemnity for any animal; and

6.8.n. The owner of the animal has sold the animal at the highest possible price.

6.9. The commissioner will issue a certificate of appraisal based on the purebred value of the animal only when the purebred registration certificate is submitted to the commissioner prior to making the appraisal. If the animal is less than three years of age, the commissioner may amend the appraisal within 30 days after the original certificate was issued when the breed association submits the registration certificate for the animal. All other certificates of appraisal shall appraise the cattle at a value of a non-purebred, or grade, animal.

6.10. The commissioner shall require that any herd that has been released from a brucellosis quarantine after the reactor animals in the herd have been removed, be retested for brucellosis at 9 and at 12 months after the quarantine is lifted.

§61-1-7. Animal Importation.

7.1. A person may not import any animal into this state in violation of the provisions of W. Va. Code 19-9-1 et seq. or this rule. Any animal that is imported into this state in violation of W. Va. Code 19-9-1 et seq. or this rule is subject to quarantine at the expense of the owner of the animal. Animals imported into this state for the sole purpose of exhibition at a fair or festival or for sale at a purebred consignment sale are subject to the provisions of section 8 of this rule in addition to those of this section.

7.2. Except for the provisions of this section, no person may import any animal into this state that is infected with a communicable disease, that has recently been exposed to a communicable disease, or that is from an area under a state or federal quarantine.

7.3. A person may not import any animal into this state for breeding purposes or that is to be included in a dairy herd without a valid CVI.

7.4. The commissioner may require that an animal that is imported into this state for sale at a public market or for exhibition at a fair or festival in this state have a valid CVI issued by an accredited veterinarian when the protection of the public and/or animal health of this state warrants this requirement.

7.5. The animal health official of the state of origin of the animal to be imported into this state should forward the CVI to the commissioner, in

care of the Animal Health Division, prior to the importation of the animal.

7.5.a. The commissioner will not accept an CVI unless the name of the consignor and the consignee of the animal, an accurate description or identity of the animal, the general health status and any other information that is required by the provisions of this rule are listed on the certificate.

7.6. The commissioner may decline to accept the CVI of any animal, and thus prevent the importation of the animal, under the provisions of W. Va. Code 19-9-25.

7.7. The commissioner may require that an animal have a special permit issued by him or her prior to importation into this state as specified by this section.

7.7.a. When the commissioner requires that the animal to be imported have a special permit, the owner or cosigner of the animal shall apply to the commissioner for the permit. The application shall state the name of the owner, the description of the animal, the place of origin and the destination of the animal. The application may cover the importation of more than one animal if the origin and the destination are the same.

7.7.b. No person may import an animal that requires a special permit for entry without a valid special permit and may not import an animal in any manner that is contrary to the provisions of the permit issued.

7.7.c. The commissioner will not issue a special permit for any animal that is not consigned to a legal resident of this state.

7.7.d. The commissioner will issue a special permit for a period not to exceed fifteen days after the date of issue.

7.8. The commissioner may allow any animal that does not have, or that has not been exposed to a communicable disease, to be imported into this state for immediate slaughter without an CVI. The commissioner will allow an animal to be imported into this state for immediate slaughter when that animal has a communicable disease or has been exposed to a communicable disease only under the provisions of this section.

7.9. Nursing animals may be imported into this state on the dam's test or status, except where otherwise specified.

7.10. Any person in possession of any animal that is imported into this state shall maintain the CVI on the waybill that shall accompany the animal at all times.

7.11. All owners and operators of common carriers, railway cars, trucks and any other conveyance may not move livestock into this state or through this state unless the common carrier, railway car, truck or other conveyance:

7.11.a. is maintained in a sanitary condition, or

7.11.b. has been thoroughly cleaned and sanitized after use for the transportation of any animal that has been exposed to or that has any communicable disease. In the case where any animal that has been exposed to or has tuberculosis, the owner or operator of that conveyance shall maintain proof with the waybill that the cleaning and sanitizing of the conveyance has occurred under official supervision.

7.12. Cattle

7.12.a. No person may import into this state any bison or bovine animal that is affected with or has been exposed to scabies.

7.12.b. The commissioner may require bison or bovine animals that are not capable of reproducing to have had a tuberculosis test prior to entry.

7.12.c. The commissioner shall allow any bison or bovine animal infected with brucellosis or tuberculosis to enter this state only for slaughter and only when a VS FORM 1-27 has been issued for that animal.

7.12.d. No person may import any bison or bovine animal into this state that has

been infected with or has been exposed to brucellosis or tuberculosis without a valid special permit issued by the commissioner.

7.12.d.A. The special permit that the commissioner issues for an animal exposed to brucellosis or tuberculosis shall require that the animal be quarantined for not less than ninety days after importation and shall be retested after that time at the owner's expense to determine that the animal is not infected with, or a reactor to, brucellosis or tuberculosis.

7.12.e. No person may import any bovine into this state that is from a herd that has been under quarantine for tuberculosis during the 12 months previous to the importation unless that animal has had a negative tuberculosis test no more than 2 months prior to importation into this state.

7.12.f. The commissioner may allow any bison or bovine animal imported for breeding purposes or for use in a dairy herd to be imported into this state with an CVI and,

7.12.f.A. may enter without a tuberculosis test on the animal when that animal comes from a herd that has been completely tested for tuberculosis and found to contain no reactors within 12 months prior to the importation, or when the animal comes from a herd that is accredited as Tuberculosis Free by APHIS, or from a state designated as being tuberculosis free by APHIS, or

7.12.f.B. with a negative tuberculosis test no more than 2 months prior to importation into this state.

7.12.g. The commissioner may require that any female animal that has not had a calf, but that has been vaccinated for brucellosis and comes from a herd of unknown brucellosis status, may not be imported into this state until a special permit has been issued. The special permit shall require that the animal be quarantined until after the animal's first parturition and a subsequent negative test result for the presence of brucellosis.

7.12.h. The commissioner may allow any bovine to be imported for immediate slaughter, or to a public stockyard without a CVI or a special permit. However, the Commissioner shall require any bovine that has been vaccinated for brucellosis at an age older than 240 days be issued a VS FORM 1-27 prior to the importation of the animal for the purpose of immediate slaughter.

7.12.i. No person may import for feeding purposes any bison or bovine animal that has been infected with tuberculosis or brucellosis.

7.12.i.A. The commissioner shall require that any bison or bovine animal that has been infected with tuberculosis or brucellosis be imported into this state only with a valid VS FORM 1-27 issued by APHIS and only for movement directly to slaughter.

7.12.j. The commissioner may prohibit any person from importing any bovine into this state for breeding or milking purposes from any state that is designated a "Free",or "Class A" state as designated by the United States Department of Agriculture unless the following conditions are met:

7.12.j.A. The animal is

7.12.j.A.(a) verifiable progeny of a herd that is a United States Department of Agriculture Certified Brucellosis Free Herd. The latest complete herd test date and results shall be noted on the CVI; or

7.12.j.A.(b) from a "Free" state and has been tested and found to be free of brucellosis within 1 month of importation into this state. Officially vaccinated dairy type animals less than 20 months of age and officially vaccinated beef type animals less than 24 months of age are exempt from the test required; or

7.12.j.A.(c) testing may be waived if originating from a brucellosis-free state, or

7.12.j.A.(d) from a "Class A" state and shall be

7.12.j.A.(d)(A) from a herd that has had a complete herd test for brucellosis not more than 12 months and not less than 3 months prior to the importation; or

7.12.j.A.(d)(B) from a herd that has had a negative milk ring test not more than 6 months and not less than 180 days prior to entry; and

7.12.j.A.(d)(C) each individual animal shall have had a negative brucellosis test no more than 30 days prior to entry, except for official vaccinates of dairy breeds that are less than 20 months of age, or for official vaccinates of beef breeds that are less than 24 months of age where the brucellosis test is not required.

7.12.k. No person may import into this state any bovine under 18 months of age that is capable of reproducing for feeding purposes without an CVI, some form of permanent identification, and without allowing the commissioner to place the animal under quarantine until it is slaughtered or moved out of this state. The commissioner shall require any animal that is capable of reproducing that is over 18 months of age that is imported into this state, to meet all the requirements of cattle imported for breeding cattle.

7.13. Goats

7.13.a. No person may import any goat into this state that has been infected with or has been exposed to brucellosis or tuberculosis without a valid special permit issued by the commissioner.

7.13.b. The commissioner may prohibit any person from importing any goat into this state for breeding or milking purposes unless that animal has a valid CVI showing that the animal has had a negative tuberculosis test within 2 months prior to entry into this state or that the animal has been maintained in a herd that is a United States Department of Agriculture Accredited Tuberculosis Free Herd.

7.13.c. The commissioner may prohibit any person from importing any goat into this state for breeding or milking purposes without a valid CVI showing that the animal has had a negative brucellosis test within 1 month prior to entry into this state or that the animal has been maintained in a herd that is a United States Department of Agriculture Certified Brucellosis Free Herd.

7.14. Equines

7.14.a. No person may import any equine, for any purpose, except for sale at an approved public market, without a valid CVI. All ~~imported~~ equines going through an approved public market must show the results of a negative approved APHIS test for E.I.A. The commissioner shall accept the test result from another state if the test was conducted within 12 ~~24~~ months prior to importation into this state.

7.15. Sheep and lambs

7.15.a. No person may import any sheep or lambs into this state for any purpose other than immediate slaughter without a valid CVI showing the that flock of origin was fully examined not more than 30 days prior to entry into this state and found to be free of scabies, contagious ecthyma (sore mouth), foot rot, or any other contagious or communicable disease.

7.15.b. The commissioner shall prohibit the importation of any sheep or lambs into this state that have a condition that can be treated with full immersion in a pesticidal solution, unless that animal has been treated within 10 days prior to entry into this state.

7.16. Swine

7.16.a. No person may import into this state any swine that has been vaccinated for pseudorabies.

7.16.b. No person may import into this state any swine that does not have a valid CVI that identifies the animal and states that the animal is free of any infectious or contagious disease. A health certificate and individual identification may, at the discretion of the

Commissioner, be the minimum requirements if the swine are consigned to slaughter.

7.16.c. No person may import into this state any swine that are to be used for breeding purposes without an CVI showing that the animal has been;

7.16.c.A. tested negative to an official brucellosis test within 1 month prior to importation if the animal is not from a herd that has a certification from the United States Department of Agriculture as a validated brucellosis free herd and the CVI shows the date of the last brucellosis test on that herd; and

7.16.c.B. tested negative to an official pseudorabies serologic test or other official pseudorabies test within 1 month prior to importation, if the animal is not from a herd that has a certification as a qualified pseudorabies negative herd. The date of the last pseudorabies test shall be listed on the health certificate.

7.17. Wildlife

7.17.a. The commissioner will not allow the importation of any wildlife into this state without a valid CVI and without evidence that the animal has been issued a valid "Wildlife Importation Permit" by the Division of Natural Resources, unless that animal is not required to obtain that permit by the Department of Natural Resources.

7.17.b. Cervidae and Elk

7.17.b.A. No person may import any animal of the Cervidae genus, except for animals that are consigned directly to slaughter, without a valid CVI issued by an accredited veterinarian and a special permit from the commissioner. The CVI shall indicate that the animal,

7.17.b.A.(a) is from a herd that has had no tuberculosis reactors found during a complete herd test for tuberculosis on all animals 6 months of age and older within the 12 months prior to the importation; and,

7.17.b.A.(b) is an animal that has had a negative tuberculosis test within 2 months prior to the importation of the animal; and

7.17.b.A.(c) has had a negative brucellosis test within 1 month prior to the importation of the animal.

7.17.b.B. For purposes of this section, the complete herd test for tuberculosis shall use the single cervical test as prescribed by the United States Department of Agriculture on December 31, 1990.

7.17.b.C. No person may import any animal of the Cervidae genus consigned directly to slaughter without an CVI and may only import an animal that has been exposed to tuberculosis or brucellosis with a VS FORM 1-27 issued by APHIS accompanying the animal.

7.17.c. No person may import any animal into West Virginia that is to be placed in a zoo, or is of a species likely to be found in a zoo, without a valid CVI issued by an accredited veterinarian. The CVI shall state that the animal has been examined within 1 month prior to entry and found to be free of any communicable disease not known to have been exposed to any communicable disease.

7.18. Dogs and Cats

7.18.a. No person may import any dog or cat into this state that is over 2 months of age without a valid CVI stating that the animal over 6 months of age has had a rabies vaccination within the 12 months prior (unless the animal is between 6 and 18 months of age) to the importation. Dogs and cats must be vaccinated for rabies by 6 months of age.

7.19. Birds Other than ratites

7.19.a. No person shall import any bird that is from a flock that is known to be infected with pullorum/typhoid or that is from an area under quarantine for Avian Influenza or Viscerotropic Velogenic Newcastle Disease.

7.19.b. The commissioner requires that any bird that is imported into this state be

accompanied by

7.19.b.A. a statement completed and signed by the owner of the bird upon entry into this state that the bird has been free from disease for the 30 days prior to the importation of the bird and did not originate from a flock known to be infected with pullorum/typhoid; and

7.19.b.B. a United States Department of Agriculture Form 9-2 from the tester stating that the birds have been tested for pullorum typhoid within 3 months prior to the date of the importation; or

7.19.b.C. a United States Department of Agriculture Form 9-3 from the tester indicating that the bird has originated from a flock that is not infected with pullorum/typhoid; and

7.19.b.D. a United States Department of Agriculture Form 9-3 stating that a minimum of 20 birds per flock or the entire flock of 20 birds or less has a negative test for Avian Influenza within 10 days prior to import and this applies to breeder flocks/egg production; or be a participant in the National Poultry Improvement Avian Influenza Program. The test shall be a NPIP approved procedure.

7.19.c. All other birds shall be tested for pullorum typhoid/Avian Influenza and shown to be free of disease by a tester within ten days prior to the time of importation or exhibition.

7.19.d. Imported animals not meeting the requirements of this subsection shall be placed under quarantine at the discretion of the Commissioner, until completion of required testing.

7.19.e Birds imported into West Virginia for immediate / direct slaughter that are classified as non-commercial according to NPIP: a minimum of 20 birds per flock or the entire flock of 20 birds or less has a negative test for Avian Influenza within 10 days prior to import for slaughter, poultry imported into West Virginia for slaughter must originate from flocks participating in the National Poultry Improvement Plan (NPIP) or be tested negative to Pullorum-typhoid within 90 days of entry for slaughter.

7.20. Ratites

7.20.a. No person may import any ratite that is from a flock or farm known to be infected with any communicable disease.

7.20.b. The Commissioner requires that any ratite imported into this state be accompanied by,

7.20.b.A. an approved health certificate issued by an accredited veterinarian;

7.20.b.B. a negative AGID test for avian influenza in a federal approved laboratory within 10 days prior to shipment with test date and results listed on the health certificate;

7.20.b.C. permanent identification listed on the health certificate; and

7.20.b.D. a permit issued by the West Virginia Department of Agriculture, with the permit number listed on the interstate health certificate.

7.21. Camelids

7.21.a. No person may import any camelid that is from a farm known to be infected with any communicable disease.

7.21.b. The Commissioner requires that any camelid imported into this state be accompanied by an approved health certificate issued by an accredited veterinarian.

§61-1-8. Rules for Livestock Sales.

8.1. The commissioner may test all bovine animals that are over 18 months of age and sexually intact, for the presence of brucellosis except for,

8.1.a. any male animal that is considered to be too dangerous to test; and

8.1.b. any official vaccinate that is

under 20 months of age for animals of dairy-type breeds and under 24 months of age for animals of beef-type breeds.

8.2. The commissioner shall require that any animal considered to be too dangerous to test for brucellosis be consigned directly to slaughter.

8.3. The commissioner may require that any animal, including female nursing calves of a reactor, found to be a reactor for brucellosis at a public sale be issued a VS FORM 1-27 and be permanently identified as a brucellosis reactor by the commissioner's agent at the sale and be consigned directly to a slaughterhouse from the public sale. However, male nursing calves may be returned to the owner after castration.

8.4. The Commissioner shall allow animals at a public sale that are found to be commingled with positive brucellosis-tested animals, as well as the animals that are positive to the buffered plate antigen at 1/25 dilution of serum and the standard card test, to be:

8.4.a. returned to the owner in this State. The animal(s) and the herd of origin will be placed under quarantine and the animals shall not be returned to commerce until the herd is tested clean; or

8.4.b. returned to the owner in a state other than West Virginia after agreement of the commissioner, the United States Department of Agriculture and the animal health official of the state of origin.

8.5. The commissioner shall require that any animal found to be diseased, down, drugged or dying be placed in the quarantine pen and disposed of at the discretion of the State Veterinarian or his or her designee.

8.6. Any sheep or goat involved in ~~an~~ intrastate or interstate transfer of ownership shall have identification consistent with the Official USDA Scrapie Identification Program:

Identification Program.

8.7. Any swine involved in intrastate transfer of ownership shall have identification consistent with 9 CFR 71.19.

Equine

8.8 All equine going through an approved public market must show the results of a negative approved APHIS test for E.I.A. The commissioner shall accept the test result if the test was conducted within 12 months.

§61-1-9. Requirements for West Virginia Fairs, Festivals and Purebred Consignment Sales.

9.1. General

9.1.a. No person shall import any animal into the state of West Virginia for showing at a fair, festival, show or sale without a valid CVI that has been received by the commissioner at least 5 days prior to the importation of the animal.

9.1.b. The commissioner shall permit a nursing animal to be moved based on the test status of the dam.

9.2. Cattle

9.2.a. No person may import an animal into this state for the purpose of exhibition without a valid CVI.

9.2.b. No person may import an animal into this state for the purpose of exhibition without a special permit when the commissioner requires that a special permit be issued due to a disease outbreak in the state of origin.

9.2.c. The commissioner recommends that no bovine or bison animal that is affected with warts, pinkeye, or ringworm be exhibited in this state.

9.2.d. Tuberculosis

9.2.d.A. The commissioner may prohibit any person from showing any bovine or bison originating within this state unless the animal:

9.2.d.A.(a) is from a United States Department of Agriculture Accredited Tuberculosis Free Herd;

9.2.d.A.(b) is from a herd that has had a complete negative tuberculosis herd test within the 12 months prior to the show;

9.2.d.A.(c) will not be sold at the show and is less than 24 months of age;

9.2.d.A.(d) has had a negative tuberculosis test within the calendar year of the exhibition but prior to the date of exhibition; or

9.2.d.A.(e) will be shown in a slaughter class.

9.2.d.B. The commissioner may prohibit any person from showing any bovine or bison originating from without this state unless the animal meets all the requirements of paragraph 9.2.d.A. of this rule except that,

9.2.d.B.(a) the animal has had a negative tuberculosis test within 3 months prior to the date of exhibition, when a test is required; and,

9.2.d.B.(b) animals shown in slaughter classes must have an individual test and meet the requirements of subdivisions 7.12.e. and 7.12.f. of this rule, except that the negative tuberculosis test must be within 3 months prior to importation into this state.

9.2.d.C. No person may offer any bovine or bison for sale at a purebred consignment sale or exhibit at shows, fairs, and festivals unless that animal meets the requirements set forth in subdivisions 7.12.e., 7.12.f. and 7.12.f.A. of this rule.

9.2.e. Brucellosis

9.2.e.A. No person may exhibit any animal, except steers, at a fair, festival or show that originates from a herd that is under quarantine for brucellosis.

9.2.e.B. No person may exhibit an animal at a fair, festival or show that requires an CVI when that certificate does not show the animal to be a verifiable progeny of a particular herd.

9.2.e.C. The commissioner may prohibit any person from exhibiting an animal at a fair, festival or show unless that animal originates from a herd:

9.2.e.C.(a) that is a United States Department of Agriculture Certified Brucellosis Free Herd;

9.2.e.C.(b) that is from a United States Department of Agriculture Certified Brucellosis Free State.

9.2.e.C.(c) that has had a complete negative brucellosis test within the 12 months prior to the exhibition of that animal;

9.2.e.C.(d) in West Virginia and has had a negative brucellosis test within the calendar year of the exhibition but prior to the exhibition. No individual test is required for official vaccinates that are less than 20 months of age for dairy type breeds, or 24 months of age for beef type breeds; or

9.2.e.C.(e) from a state other than West Virginia and has had a negative brucellosis test within 1 month prior to the exhibition except for official vaccinates that are less than 20 months of age for dairy type breeds, or 24 months of age for beef type breeds, in which case no individual test is required.

9.2.e.D. No person may offer any bovine or bison for sale at a purebred consignment sale or exhibit at a show, fair or festival unless that animal meets the requirements of subdivision 7.12.j. of this rule.

9.3. Goat

9.3.a. No person may import any goat for the purpose of showing at an exhibition without a valid CVI and the Official USDA Scrapie Identification.

9.3.b. No person may import an animal into this state for the purpose of exhibition

without a special permit when the commissioner requires that a special permit be issued due to a disease outbreak in the state of origin.

9.3.c. No person may import any goat showing signs of caseous lymphadenitis.

9.3.d. The commissioner may require that any goat being imported into this state follow the same rules for tuberculosis and brucellosis as set forth in subdivision 9.2.d. and 9.2.e. of this rule for cattle.

9.3.e. The commissioner recommends that no goat be exhibited in this state that is affected with warts, pinkeye, or ringworm.

9.4. Equine

9.4.a. No person may exhibit any equine from any band that is under quarantine for any communicable disease.

9.4.b. No person may exhibit any equine showing signs of any infectious or communicable disease.

9.4.c. The officials of the exhibition are responsible to see that all equines shown meet the requirements of this subsection.

9.4.d. No person may exhibit any equine originating from outside this state without a valid CVI that shows the test results for an E.I.A. test.

9.4.e. No person may exhibit any equine originating from this State or another state without a negative approved APHIS E.I.A. test within 12 ~~24~~ months prior to the exhibition. All tests shall be performed according to USDA standards.

9.4.e.A. For purposes of this section the negative E.I.A. test must have been performed in an approved United States Department of Agriculture laboratory.

9.4.f. Equine Interstate Event Permit

9.4.f.A. This document is a signed Memorandum of Agreement between West Virginia and certain other states, whose numbers may vary, that allows the unencumbered interstate movement of equines between those states that are a signatory to said document. The permit shall contain, at a minimum, the following information;

9.4.f.A.(a) Name of the Commissioner of Agriculture and the State Veterinarian and the appropriate phone number; title of permit; permit number; owner's name, address and phone number; West Virginia interstate health certificate number and date; date permit was issued and expires; equine's name, breed, sex, color, and age; EIA negative test date, lab name that performed the test, and accession number; three (3) digital color photos showing front and each side view of equine or other means of permanent identification, as may be required by the Commissioner.

9.4.f.A.(b) Permits will expire six (6) months from the date it is written.

9.4.f.A.(c) Enforcement: Permit holders are subject to the laws of West Virginia as well as the laws of those other states who are a signatory to this Memorandum of Agreement.

9.4.f.A.(d) Permit holders are required to keep the permit and a log of all events attended by the equine that is described on the permit, in their possession during all equine activities, shows or sales.

9.4.f.A.(e) Certain states that are signatories to this agreement may have certain exceptions that are not the same in all states.

9.5. Sheep and Lambs

9.5.a. No person may exhibit any sheep or lamb that is capable of breeding that does not have a valid CVI or that does not have a certificate that the animal originates from an Honor Flock as designated by the commissioner.

9.5.b. The commissioner shall inspect all sheep or lambs in the market class for the presence of any infectious disease when the

animal is exhibited. The commissioner may refuse to allow an animal to be shown based on the results of the examination.

9.6. Swine

9.6.a. Certificates of veterinary inspection are required for all swine entering the State. The Commissioner may require any out-of-state swine entering and exhibiting in West Virginia to be from an APHIS declared Pseudorabies-free state, a Pseudorabies monitored herd or have been tested negative for Pseudorabies within 30 days prior to entry when applicable. The qualified Pseudorabies negative number and test dates must appear on the health certificate. Swine from West Virginia may move freely within the State without Pseudorabies testing.

9.6.b. The commissioner may prohibit any person from exhibiting any swine originating within this state that is capable of breeding, that has not had an examination by a veterinarian within 5 days prior to the exhibition, and has been found to be free from any symptoms of infectious disease.

9.6.b.A. For purposes of this section, the commissioner shall accept a serum neutralization test or other pseudorabies test approved by APHIS.

9.6.c. The commissioner may require a statement from the animal health official of the state of origin that the animal did not originate from an area where pseudorabies is known to be present.

9.7. Birds

9.7.a. The provisions of subsection 7.19 of this rule apply to the exhibition of both resident and imported birds in this state.

9.7.b. The management of the exhibit shall maintain records of the documents required by this section including the names and addresses of all exhibitors and the number of birds exhibited by those persons for a period of 2 years after the show and shall provide the records to the commissioner upon request.

9.7.c. The management of the exhibit shall deny entry to all birds of a particular owner when any one of the birds of that owner tests positive for any disease determined by the National Poultry Improvement Plan to be detrimental to poultry health.

9.7.d. The owner of any bird found to test positive for any disease that the National Poultry Improvement Plan determines to be detrimental to poultry health shall submit the bird to the commissioner who will necropsy the bird and sample the tissues for recovery of the organism.

§61-1-10. Official Vaccinates.

10.1. Official vaccinates are calves that have been vaccinated for brucellosis between the ages of 120 days and 240 days by an accredited veterinarian who

10.1.a. marks the calf at the time of vaccination with a legible tattoo consisting of the letter "R", a "V-shield" and the last number in the current year in the right ear of any calf and securely fastens a metal ear tag in the right ear of any calf that does not already have a legible purebred registration tattoo; and

10.1.b. completes a Calfhood Vaccination Report on the animal using forms supplied by the commissioner. The completed report shall contain the name and address of the owner of the calf, the county where the animal was located when vaccinated, the date of the vaccination, the manufacturer and serial number of the vaccine, the number of the ear tag or the purebred animal tattoo, a stamp of the tattoo, the breed, a designation of purebred or grade, the sex of the animal, the date of birth, and the name and address of the person completing the report.

10.2. The accredited veterinarian shall forward the original and one copy of the Calfhood Vaccination Report to the commissioner, in care of the Animal Health Division and one copy to the owner of the calf no later than five days following the vaccination. The accredited veterinarian shall keep one copy of the report for ten years following the

vaccination.

10.3. No person shall classify any official vaccinate as a reactor or suspect for brucellosis, even though the test results may indicate a reactor or suspect, until the animal has been tested after they have reached 20 months of age for animals of the dairy breeds or 24 months of age for animals of the beef breeds.

10.4. The commissioner shall classify vaccinated calves or adults from herds containing reactors to brucellosis as reactors when they reach the age of 20 months for animals of dairy type breeds or 24 months for animals of beef type breeds, only if they have a titer of a reactor.

§61-1-11. Establishment and Maintenance of a Certified Brucellosis Free Herd.

11.1. For the purpose of this section, the term herd means one or more cattle six months of age or older that are cows or bulls. No steers or spayed heifers or official vaccinates that are less than 20 months of age for dairy animals or 24 months of age for beef animals shall be considered to be part of a herd. A herd shall be located on a farm any may consist of animals located in separate fields of a farm. The animals in a herd may have several owners.

11.2. Establishment of Herd Status

11.2.a. The owner or owners, of the herd must sign an agreement with the commissioner that they will comply with W. Va. Code 19-9-20 through 24 and with the provisions of this rule.

11.2.b. The commissioner and the United States Department of Agriculture shall certify the herd as brucellosis free after two series of tests for brucellosis between 10 and 14 months apart show that all animals in the herd are free from brucellosis.

11.2.c. The commissioner and the United States Department of Agriculture shall then issue a certificate for the Certified Brucellosis Free herd. The certificate is valid for 1 year unless revoked by the commissioner for non-compliance with the provisions of W. Va. Code 19-9-20 through 24 or with the provisions of this rule.

11.3. Maintenance of Herd Status

11.3.a. The commissioner and the United States Department of Agriculture shall renew a certificate for a Certified Brucellosis Free Herd for the period of one year when the herd has shown no reactors after a complete herd test.

11.3.b. The owner or owners, of the herd shall cause any animal in a certified herd that is suspected of having brucellosis to be segregated from the herd. The animal shall be retested between 30 and 60 days after the initial test. If the animal tests negative to the retest, it can be returned to the herd and the animal will not be the cause for non-renewal of the certified herd certificate. The commissioner recommends that all animals in the herd be tested at 180 days under these conditions.

11.3.b.A. If the suspect animal tests as a reactor during the subsequent test, then all animals in the herd shall be tested again for brucellosis.

11.3.c. If more than one reactor is found in a herd, the commissioner shall refuse to renew, and shall revoke the certificate and the owner of the herd must reapply for herd status.

11.3.c.A. The commissioner shall quarantine the herd until brucellosis testing has been performed to establish the status of the herd and the animals in the herd.

11.3.d. Addition of animals

11.3.d.A. The owner or owners, of the herd may add animals to the herd during the period of establishment of herd status or while the herd is certified under the following conditions:

11.3.d.A.(a) the animal is from a herd that is certified as free of brucellosis. The commissioner will not require the animal to have had a test for brucellosis prior to entry; or

11.3.d.A.(b) The animal is over 6 months of age and is from a herd that is in the process of establishing brucellosis certification. The animal must have a negative brucellosis test within 30 days of importation into the herd. The animal must be separated from other animals in the herd until they show a negative brucellosis test at 60 days after importation into the herd and segregation.

§61-1-12. Equine Infectious Anemia.

12.1. The commissioner shall immediately quarantine any equine that is found to be an E.I.A. reactor. The quarantine shall extend to all exposed E.I.A. Animals and to any place or location that the commissioner considers necessary to protect the health of the equines of this state.

12.1.a. The commissioner may consider all racehorses handled by the same trainer as exposed E.I.A. Animals.

12.1.b. The commissioner may consider all other equines that have been housed in the same shed row or stall area as exposed E.I.A. Animals.

12.1.c. If the E.I.A. reactor has a foal, the foal should be isolated from the reactor by the owner as soon as possible after birth and E.I.A. tested. Any foal that is found to be an E.I.A. reactor shall be placed under quarantine by the commissioner. If the foal is tested at 12 months of age and found to be an E.I.A. reactor at that time, then the quarantine remains in effect and the commissioner shall brand the animal.

12.2. Under terms of the quarantine the commissioner shall require the E.I.A. reactor to be isolated from all equines by stabling or pasturing at least 200 yards from all other equines.

12.3. The commissioner shall identify all E.I.A. reators with a visible freeze brand under the mane on the left side of the equine. The brand shall start with "54 A" and end with a number that the commissioner assigns to the equine.

12.4. The commissioner shall allow the E.I.A. reactor to be removed from the quarantine area only upon written permission.

12.5. The quarantine remains in effect for all exposed E.I.A. Animals after the E.I.A. reactor has been removed.

12.6. The commissioner shall not release the quarantine for exposed E.I.A. Animals until all exposed E.I.A. animals have been determined to be non-E.I.A. reactors at least 30 days after the E.I.A. reactor has been removed from the band.

12.7. The commissioner shall perform testing for Equine Infectious Anemia on any other equine that the E.I.A. reactor has been in contact with during the past 12 months, within the limits of his or her resources.

12.8. The commissioner shall not pay an indemnity for any E.I.A. reactor that must be destroyed.

§61-1-13. Pseudorabies in Swine.

13.1. No person shall perform a test for pseudorabies on any swine without placing an eartag on each animal that is not previously identified with ear notches for their purebred registry. The commissioner shall allow only an USDA approved eartags be used for identification of feeder pigs, when eartags are used. The person performing the test shall record the sex, age, breed and the identification of the animal by the eartag number shall record the purebred registry earnotches.

13.2. The commissioner may prohibit any person from selling, lending, leasing, or trading any feeder or breeder swine in this state, or importing into this state or exporting out of this state any feeder pig unless that animal

13.2.a. originates from a pseudorabies monitored herd or a qualified pseudorabies negative herd from within this state, or from a herd that meets or exceeds the requirements of these herds provided by this section; or

13.2.b. has been tested and found to be free of pseudorabies within 1 month prior to the movement of the animal or the date of the sale; or

13.2.c. originates from a Stage V-(Free) state.

13.2.d. The Commissioner may deny any swine entrance into the state that have not met the pseudorabies requirements of the West Virginia Department of Agriculture.

13.3. Pseudorabies Monitored Herds

13.3.a. The owner of a swine breeding herd may establish their status as a pseudorabies monitored herd after all the animals required by this subsection to be tested have been found to be free of pseudorabies. All boars shall be tested. All sows shall be tested in herd of 10 sows or fewer. Ten randomly selected sows shall be tested in herds containing 11 to 35 sows. Thirty percent of the sows, or 30 randomly selected sows, whichever is fewer, shall be tested in herds containing 36 or more sows.

13.3.b. The owner of a swine breeding herd may maintain their status as a pseudorabies monitored herd by testing the animals every twelve months as prescribed by subdivision 13.3.a., of this section plus all the boars, and thirty percent of the sows added to the herd since the previous herd test.

13.4. Qualified Pseudorabies Negative Herds

13.4.a. A swine breeding herd may establish their status as a qualified pseudorabies negative herd after the provisions of Title 9, Part 85.1 of the Code of Federal Regulations have been met; and

13.4.a. A. all swine over 6 months of age, plus a number of progeny equal to 20% of the breeding swine population of the herd have been found to be free of disease when tested using an official pseudorabies serologic test, the herd is not known to have been exposed to the disease within the month previous to the test, and at least ninety percent of the animals in the herd have been in the herd and on the premises for at least 2 months prior to the test or have entered the herd directly from another qualified pseudorabies negative herd. Progeny less than 6 months of age shall be randomly selected from the older swine in the herd.

13.4.b. A swine breeding herd may maintain their status as a qualified pseudorabies negative herd after

13.4.b.A. all swine over 6 months of age, and their progeny as described in Paragraph 13.4.a.A. of this rule have been found to be free of disease when tested using an official pseudorabies serologic test; and

13.4.b.B. twenty-five percent of all swine over 6 months of age and their progeny as described in Paragraph 12.4.a.A. of this rule have been found to be free of disease when tested every 80-105 days using an official pseudorabies serologic test. No animal shall be tested more often than once every 12 months; or

13.4.b.C. ten percent of all swine over 6 months of age and their progeny as described in Paragraph 12.4.a.A. of this rule have been found to be free of disease when tested every month using an official pseudorabies serologic test. No animal shall be tested more often that once every 10 months.

13.5. The commissioner shall accept a valid Swine Herd Health Certificate issued by the state veterinarian as proof that any animal is part of a Pseudorabies Negative Herd.

13.6. The commissioner shall accept an official pseudorabies test chart indicating that the animal has been tested and found free of pseudorabies within the past month and identifying the individual feeder pig tested as proof that the animal is free of pseudorabies.

13.7. The commissioner shall quarantine any swine herd when any animal is found to be a reactor to an official pseudorabies test. The quarantine may be released only after the provisions of Title 9 Part 85.1 of the Code of Federal Regulations has been met including:

13.7.a. depopulation of all animals that have found to be reactors and all exposed swine, followed by cleaning and disinfecting the location of the herd by a method that has been approved by the commissioner; or

13.7.b. removal of all swine that have been found to be reactors, cleaning and disinfecting the premises as directed by the commissioner, followed by the testing schedule as follows:

13.7.b.A. after 1 month, testing all swine, except for nursing animals and finding all animals to test negative to pseudorabies, then

13.7.b.B. after an additional 1 to 2 months, testing all swine over 6 months of age and finding all animals to test negative to pseudorabies.

§61-1-14. Rules for Hatcheries, Growers and Contractors Pertaining to Poultry Disease Control and Eradication.

14.1. General

14.1.a. For the purposes of this section a flock means a group of poultry that are characteristic of the breed, variety, cross or other combination which they are stated to represent.

14.1.b. The owners of any flock shall test all poultry on the premises, except for wild birds or unmated and segregated birds held for laying purposes, for pullorum-typhoid.

14.1.c. No person shall maintain a flock containing any birds testing positive for pullorum-typhoid without complying with the provisions of this section of this rule.

14.1.d. The commissioner intends for the provisions of this section of the rule to supplement, and not supersede, the regulations set forth in the National Poultry Improvement Plan and Auxiliary Provisions set forth in Title 44 of the Code of Federal Regulations Parts 145 through 147 (January 1, 2008).

14.1.e. Any person owning a hatchery or a flock is responsible for furnishing transportation on the premises and necessary labor needed for handling birds at no expense to the commissioner or the tester when needed by the tester to perform his duties under this section of the rule.

14.1.f. The commissioner requires that all birds found to be reactors or suspected of being a reactor to any disease be removed from the flock and destroyed within 10 days after the test was reported. The owner of the birds must certify to the commissioner that the birds were destroyed within 10 days of test results in a manner approved by the commissioner.

14.2. Testing

14.2.a. The commissioner shall accept only official test results. The commissioner shall accept tests performed by inspectors certified by the commissioner and performed according to the provisions of this section of the rule and the National Poultry Improvement Plan and Auxiliary Provisions as official tests.

14.2.b. No person may use any chicken for breeding purposes without having that bird tested and found negative for the presence of pullorum-typhoid when the bird reaches 5 months of age and prior to being used for breeding.

14.2.c. No person may use any turkey for breeding purposes without having that bird tested and found negative for the presence of pullorum-typhoid when the bird reaches 4 months of age, and prior to being used for breeding.

14.2.d. The commissioner shall not accept any test performed with any lot of pullorum-typhoid antigen that was not approved by the United States Department of Agriculture.

14.2.e. The commissioner shall not accept any test performed with pullorum-typhoid antigen on any animal that has had a previous test with any Salmonella antigen within 21 days of the pullorum-typhoid test.

14.2.f. The commissioner shall set the

fee for testing and inspection at a rate to reflect the actual costs of doing the testing and inspection for the commissioner's employees. The costs for testing and inspection for the commissioner's employees is the standard state rate for all travel and $18 per hour for the time for travel, testing and inspection. The owner of the birds tested shall pay the fee to the West Virginia Department of Agriculture within 10 days of billing by the commissioner.

14.2.g. The owner of birds may contract with independent certified testers to perform official testing and inspection. The fees charged by the independent certified tester are not bound by the fees charged by the commissioner.

14.2.h. The tester shall identify each bird that has been officially tested with an officially sealed and numbered leg or wing band.

14.3. Reporting

14.3.a. All persons owning hatcheries shall report the total number of eggs set and the total number of chicks and poults hatched on a weekly basis to the Federal-State Crop and Livestock Reporting Service, United States Department of Agriculture, Capitol Building/Guthrie Center, Charleston, West Virginia 25305.

14.3.b. The tester shall mail all official test records within seven days of the completion of the test on the flock to the commissioner, in care of the Animal Health Division, Charleston, WV. The official test records shall include the name and address of the owner of the birds, the date of test, the number of the leg or wing band attached to the bird, the test results and the total number of birds tested in the flock.

14.3.c. Any dealer in baby chicks and broiler contractors shall keep records of the number of shipments of chicks and poults into this state for a period of 5 years and shall provide them to the commissioner upon request.

14.4. Classification of a flock

14.4.a. The provisions of the National Poultry Improvement Plan and Auxiliary Provisions shall determine the classification of a flock.

14.4.b. The commissioner shall not consider the test results of any bird for the purposes of classifying the flock that was found to be a reactor using antigen and subsequently found to be not infected upon necropsy and subsequent bacterial examination.

§61-1-15. Laboratory Services and User Fees.

15.1. General

15.1.a. For the purpose of this section only a licensed veterinarian, government-employed animal health technician or a person or persons as designated by the Department as being duly qualified to submit the samples may submit samples to the laboratory.

15.1.b. The laboratory is prepared to accept only submissions for tests and services that are performed by personnel of the West Virginia Department of Agriculture. If the laboratory receives other submissions, it shall forward them to the proper destination. The user is responsible for the costs of services requested and subject to administrative costs of forwarding the sample.

15.1.c. The Commissioner of Agriculture may waive all fees and requirements under extenuating circumstances.

15.2. Schedule of User Fees

15.2.a. The fees due the Department for the specific tests are as follows:

TEST	CHARGE
PCR	$22.00
GCMS	$48.00
ELISA	$5.00
culture samples	$12.00
sensitivity	$7.00
fecal floatation	$4.00

TEST	CHARGE
avian influenza AGID	$0.50
Mycoplasma gallisepticum plate	$0.20
Mycoplasma mealeagridis plate	$0.60
Mycoplasma spp. HI	$1.30
Mycoplasma synoviae (plate)	$0.50
Necropsy 1-6 birds or 1 animal	$20.00
ovine progressive pneumonia AGID	$2.00
Salmonella pullorum-typhoid	
Screen	$0.10
Titer	$0.25
Equine infectious anemia	$8.00
Johne's disease ELISA	$5.00
Salmonella typhimurium:	
Plate	$0.33
Titer micro	$0.10
Leptospirosis spp.	$5.00

15.3. Procedure for payment

15.3.a. Following the last day of each month, the Animal Health Division shall submit an invoice to the appropriate persons or companies for the amount of charges for the previous month.

15.3.b. All payments shall be made to West Virginia Department of Agriculture, Administrative Services Division, Fiscal Management Office, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305-0173 within thirty days.

United States Department of Agriculture

Animal and Plant Health Inspection Service

APHIS -91-55-064

Equine Infectious Anemia: Uniform Methods and Rules

January 10, 2007

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Contents

Introduction

This publication—Equine Infectious Anemia: Uniform Methods and Rules (UM&R)—contains minimum standards for detecting, controlling, and preventing equine infectious anemia (EIA).

The provisions of this UM&R were approved by the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS), with the recommendations of the United States Animal Health Association, the American Horse Council, and the American Association of Equine Practitioners. This UM&R may be amended in the future.

I. Definitions and Abbreviations

Accredited veterinarian
A veterinarian approved by the Deputy Administrator of USDA, APHIS, VS in accordance with provisions of Part 161, Title 9, *Code of Federal Regulations* (CFR). An accredited veterinarian is pre-approved to perform certain functions of Federal and cooperative State–Federal programs.

Agar gel immunodiffusion (AGID) test
The primary official laboratory test for diagnosis of EIA in which precipitates are formed by interaction of EIA antigens and antibodies that diffuse through gel.

Approved laboratory
A State, Federal, or private veterinary diagnostic laboratory for EIA testing that must be approved by USDA, APHIS, VS.

Approved laboratory tests
Laboratory tests for diagnosis of EIA that are approved by and produced under license of USDA, APHIS, VS.

Certificate
An official document issued by a VS representative, State representative, or accredited veterinarian at the point of origin of a shipment of equines. It includes all of the following:

1. The description, including age, breed, color, sex, and distinctive markings when present (such as brands, tattoos, scars, or blemishes) of each restricted equine to be moved, and any artificial identification;

2. The number of restricted equines covered by the document;

3. The purpose for which the equines are to be moved;

4. The points of origin and destination;

5. The consignor; and

6. The consignee.

Change of ownership
Ownership of equines changing from one individual or entity to another either through selling, bartering, trading, or donating the equine to another individual.

Coggins test
The common name for the agar gel immunodiffusion test for diagnosis of EIA.

Enzyme-linked immunosorbent analysis (ELISA)
A number of laboratory tests using ELISA formats are approved for the diagnosis of EIA and detect antibodies against one or more antigens of EIAV.

Equine
Any animal in the Family Equidae, including horses, asses, mules, ponies, and zebras.

Equine infectious anemia (EIA)
An infectious disease of equines caused by a lentivirus, equine infectious anemia virus (EIAV). The infection is characterized by three distinct forms: acute, chronic (both associated with clinical signs of disease), and inapparent.

Equine infectious anemia laboratory test form
The official Federal Government form (VS Form 10–11), or other approved form, required when submitting blood samples to an approved laboratory for EIA testing.

Exposed animals
Animals in the Family Equidae that have been exposed to EIA through direct/indirect association with equines having tested positive on approved diagnostic tests.

Herd

1. All animals of the Family Equidae, under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, or ranch); or

2. All animals of the Family Equidae under common ownership or supervision on two or more premises that are geographically separated but in which the equines have been interchanged or had contact with equines from different premises. It will be assumed that contact between animals of the Family Equidae on the different premises has occurred unless the owner establishes otherwise and the results of the epidemiologic investigation are consistent with the lack of contact between premises; or

3. All animals of the Family Equidae on common premises, such as community pastures or grazing association units, but owned by different persons. Other groups of equines owned by the persons involved that are located on other premises are considered to be part of a herd unless epidemiologic investigation establishes that equines from an affected herd have not had the opportunity for direct or indirect contact with equines from that specific premises.

Premises of origin
A farm or other premises where the equines were born or where they have been kept for 30 days or more before the date of shipping. For the purposes of this UM&R, premises of origin has the same meaning as place of origin and farm of origin.

High-risk area
A geographic region in which EIA is known to be endemic and in which environmental conditions are conducive to the maintenance and spread of the infection.

Identification
Permanent notation of equines that are determined to be EIA reactors by application of a visible mark (e.g., hot iron, chemical brand, freezemarking, or lip tattoo), using the National Uniform Tag code number assigned by USDA to the State in which the reactor was tested, followed by the letter "A."

Official seal
A serially numbered metal or plastic strip, consisting of a self-locking device on one end and a slot on the other end that forms a loop when the ends are engaged. An official seal is tamperproof and cannot be reused if opened. It is applied to the doors of a transport vehicle by a representative of the APHIS Area Veterinarian-in-Charge or the State animal health official. A serially numbered, self-locking button that cannot be reused may be substituted for the metal or plastic strip type of seal.

Official test
Any test for the laboratory diagnosis of EIA that utilizes a diagnostic product that is: (1) produced under license from the Secretary of Agriculture, and found to be efficacious for that diagnosis, under the Virus–Serum–Toxin Act of March 4, 1913, and subsequent amendments (21 U.S.C. 151 *et seq.);* and (2) conducted in a laboratory approved by the Administrator of APHIS.

Permit
An official document (VS Form 1–27 or comparable State form) that is issued by a State or Federal representative or by an accredited veterinarian. The permit is required to accompany all EIA reactors and those EIA-exposed equines that are being moved under official seal during their movement to a specified destination.

Quarantine
The act of placing exposed or affected animals into isolation from other animals to prevent the transmission of a disease.

Quarantined area
A confined area under the direct supervision and control of a State or Federal animal health official who shall establish procedures for the accounting of all animals entering or leaving the area. All equines under EIA quarantine are considered to be exposed to EIA.

Reactor
Any equine that has been subjected to an official laboratory test whose result is positive for EIA and confirmed by the AGID or other approved reference laboratory tests if results are not concordant.

Reference laboratory
The national and international (World Organization for Animal Health [OIE]) reference laboratory for EIA serology is the National Veterinary Services Laboratories (NVSL) in Ames, Iowa. The University of Kentucky EIA Reference Laboratory is also nationally recognized as a reference laboratory for EIA research and may provide consultation. Reference laboratories must report results of all EIA tests to the appropriate State and Federal animal health officials.

State
Any State of the United States and the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Guam.

State animal health official
The chief State official responsible for disease control and eradication programs affecting livestock and poultry.

II. Recommended Procedures

A. Authority to Require Test

State laws and/or regulations shall provide authority to conduct an official laboratory test to diagnose EIA in any equine or herd at such times as may be deemed necessary by the cooperating State officials. These officials reserve the right to supervise any test conducted by an accredited veterinarian.

B. Personnel Authorized to Submit Diagnostic Samples for EIA

Diagnostic samples for EIA may be submitted only by a State or Federal animal health official or accredited veterinarian.

C. Approved Laboratories

Tests for EIA are to be conducted in USDA-approved laboratories by individuals who have been properly trained in the laboratory procedures involved. These laboratories must use USDA-approved laboratory tests, follow official protocols, and perform annual proficiency tests using the EIA test they routinely employ. Laboratories and personnel will be subject to inspection as required by NVSL. Laboratories will require accurate and detailed identification of equines, owners, and submitting veterinarians and will report all EIA test results as required by State and Federal regulations. Individual States may have additional laboratory standards of their own, in addition to those prescribed by USDA.

D. Laboratory Testing

1. Official laboratory tests—The following laboratory tests are approved by USDA for the diagnosis of EIA:

    a. Agar gel immunodiffusion (AGID).
    Also known as the Coggins test, AGID is the most widely accepted procedure for the diagnosis of EIA. The test detects antibody against the viral p26 antigen (major core protein). It is the only procedure that has been statistically correlated with the presence of EIA virus in blood. False-positive AGID test results appear to be rare and are generally caused by technician errors and corrected by repeated tests. False-negative AGID test reports are generally related to faulty interpretation of the test reaction by the technician or to low levels of antibody in the test serum. Results are recorded as either positive or negative.

    b. ELISA tests.
    A number of ELISA test formats are used in approved test kits.

Results of ELISA tests can be obtained within a few hours, compared to the 24 hours minimum required with the AGID test. Since ELISA test results can be read by spectrophotometer (giving rise to less human error in interpretation) and less antibody is required to produce the color change in ELISA tests than is needed to produce a visible line of precipitation in AGID tests, fewer false-negative results are seen with these tests than with the AGID test. However, a higher number of false-positive results are expected in ELISA tests than in AGID tests. ELISA test results are recorded as either positive or negative. Positive tests must be confirmed using the AGID test or other reference laboratory test before regulatory actions are taken.

2. Supplemental laboratory test—The Western blot test is not an official laboratory test but may be used to resolve equivocal results on official laboratory tests. Also called the immunoblot test, it may be used to reach consensus when other diagnostic tests have yielded contradictory results. The immunoblot test for EIA is approved to be conducted only at the NVSL and at the University of Kentucky.

3. Official laboratory form—All laboratory submissions must be accompanied by an EIA laboratory test form, as defined in this document. Forms without adequate descriptions of the equine and complete addresses, including zip codes, counties, and telephone numbers, will not be processed. The VS Form 10-11 "Equine Infectious Anemia Laboratory Test" provides sections for mandatory certification by an accredited veterinarian and optional certification by the horse's owner or owner's agent at the request of the veterinarian. In compliance with U.S.C. Section 1001, falsification of the form or knowingly using a falsified form is a criminal offense and may result in a fine or imprisonment.

E. Testing Requirements

Intervals between tests should be based on risk, supported by State or regional regulations reflective of this risk. Until such risk-based programs are established, uniform interstate movement standards of 12-month testing intervals are recommended.

1. Categories of equines requiring testing—The following categories of equines must be tested for EIA:

   a. Equines being entered into exhibitions or competitive events: All equines entered in exhibitions or competitive events must have been tested for EIA with a negative result within the time prescribed by local authorities and be documented on an official

EIA laboratory test form, as defined in this document. Event officials must review official test papers of all equines entered into an event to ensure that all participating equines are test-negative for EIA.

b. Equines being moved interstate: All equines being moved interstate must have been tested for EIA with a negative result within 12 months prior to movement and must be accompanied by a permit describing the equine, and signed by an accredited veterinarian.

c. Equines changing ownership: All equines sold, traded, or donated within a State must have been tested for EIA with a negative result no more than 12 months prior to change in ownership and, preferably, no more than 60 to 90 days. It is recommended that all equines originating in high-risk areas be tested for EIA. In areas of highest risk, one negative test may not be sufficient to ensure that the equine is not infected with the EIAV. In such cases, it is recommended that the new owner retest 60 days after obtaining ownership and make the sale contingent on a negative retest result. All change of ownership transactions must be accompanied by a certificate describing the equine, and signed by an accredited veterinarian.

d. Equines entering horse auctions or sales markets: All auction or sale markets, regardless of size, should be licensed by the State and are required by the State to keep records to expedite traceback capabilities. A negative EIA test is required for all equines prior to sale. If an EIA test is not possible prior to each sale, then the equines must be held in quarantine within the State until the test results are known. Markets should employ an accredited veterinarian to attend sales, interpret the validity of test papers presented, and draw blood for testing equines that have no current negative EIA test result.

2. Age of first testing—Equines of any age can be tested for EIA because equines at all ages are susceptible to infection and, if their immune systems are competent, can respond to infection by producing antibodies to EIAV. To determine if a foal is infected with EIAV, several strategies must be used, based primarily on the status of the foal's contacts. If the status of all contacts is not known, it is recommended that the foal be tested for the first time at weaning (less than six months) and again after a suitable quarantine period (more than 60 days) to protect against possible exposure to EIA from untested contacts. If its dam is test-positive, the foal will acquire passive antibody to EIA in the colostrum and may test

positive for more than six months. In these cases, the foal must be quarantined for at least 60 days and have a negative test at the end of the quarantine period before being commingled with other equines. If a foal less than six months of age is accompanying a test-negative dam, the testing requirements can be waived on practical grounds.

F. Procedures for Handling Infected Equines

1. Quarantine—When an equine has a positive result on an official test for EIA, the animal must be placed under quarantine within 24 hours after positive test results are known in order to permit confirmation testing and to prevent further exposure of other equines. The equine must remain in quarantine until final infection status and disposition are made.

   All exposed equines, either individual or within a herd, within 200 yards of the location where a reactor equine is or was maintained must also be placed under quarantine.

   The quarantine area must provide no less than 200 yards' separation from all other equines. The quarantine area, and the quarantined equines therein, must be monitored periodically by regulatory personnel to ensure that provisions of the quarantine are not being violated.

2. Repeat testing and removal of reactors—When a reactor is detected in a herd and removed, testing for EIA must be repeated until all remaining equines on the premises test negative. All subsequent reactors must be removed from the herd within 24 hours after positive test results are known. The remaining animals in the herd must be retested at 30- to 60-day intervals, or more frequently, until no new cases are found. Once the remaining equines in the herd have negative test results for a minimum of 60 days, the quarantine may be lifted.

3. Epidemiologic investigation—It is recommended that epidemiologic information be collected for all animals whose EIA test results are positive. Information should be entered on the VS Form 10–12, "Equine Infectious Anemia Supplemental Investigation." Factors to be investigated should include (a) potential source(s) of infection, (b) the equine's movement history, (c) the EIA test history for equines on that premises, (d) the history of the equine's contact with needles or surgical instruments, and (e) the location of the equine prior to testing. The form should also include a sketch of the EIA reactor's location relative to major highways and primary and secondary roads. This information will allow for computerized geographic information systems to analyze spatial and biological factors with respect to the presence and maintenance of EIAV

in areas where the disease may be localized, and provide an epidemiologic assessment of risk factors associated with new cases.

4. Quarantine release—Equines under quarantine due to exposure to a reactor equine may be released from quarantine when tests on the entire herd have been negative at least 60 days after the reactor equines have been removed. Herd testing during the quarantine period may be conducted to minimize the spread of the disease within the herd and to reduce the threat of exposure to equines adjacent to the quarantined herd.

5. Identification of reactor equines—Equines that are determined to be reactors must be permanently identified using the National Uniform Tag code number assigned by USDA to the State in which the reactor was tested, followed by the letter "A." Markings must be permanently applied to the reactor by an APHIS representative, State representative, or accredited veterinarian using a hot iron, chemical brand, freezemarking, or lip tattoo. If hot iron, chemical branding, or freezemarking is used, the markings shall be not less than two inches high and shall be applied to the left shoulder or left side of the neck of the reactor. If a lip tattoo is used, each character of the tattoo shall be not less than one inch high and three-fourths of an inch wide and shall be applied to the inside surface of the upper lip of the reactor.

   Official identification is not necessary if the reactor is moved directly to slaughter under a permit and is in a conveyance sealed with an official seal. If, however, the interstate movement to the destination slaughtering establishment cannot be completed without a stop for resting, feeding, and watering a reactor, the equine must be officially identified and may be moved interstate through no more than one approved stockyard for sale for immediate slaughter. In this case, the reactor must be accompanied by a permit during the interstate movement and moved within five days of its arrival at the approved stockyard directly to slaughter.

6. Euthanasia and disposal—Once an equine has been classified as a reactor, it must be separated and removed from the herd. This can be accomplished by euthanasia, slaughter, or quarantine at the premises of origin. If slaughter is chosen, the equine must be moved either to a federally or State-inspected slaughtering establishment per the *Code of Federal Regulations*, Part 75.4. Permits (VS Form 1–27) attesting to said slaughter must be signed and returned to the animal health authorities in the State of origin in a timely manner by the inspecting authority at the slaughtering facility.

G. Procedures for Moving Restricted Equines

1. Restricted equines—All reactor and exposed equines must be quarantined and their movement restricted by State animal health officials within 24 hours after positive test results are known.

2. Permit—Restricted equines may move interstate only if accompanied by an official permit. The permit is an official document (VS Form 1–27 or a State form that contains the same information, but not a "permit for entry") issued by an APHIS or State representative or accredited veterinarian. This document lists the owner's name and address, points of origin and destination, number of equines covered, purpose of the movement, and one of the following: the individual equine registered breed association registration tattoo, individual equine registered breed association registration number, or similar individual identification, including name, age, sex, breed, color, and markings.

3. Interstate movement—Reactors may only move interstate under permit to the following locations:

   a. Federally inspected slaughter facility
   b. Federally approved diagnostic or research facility
   c. Premises of origin

   The individual issuing the permit must consult with the State animal health official in the State of destination for approval and must determine that the reactor to be moved interstate will be maintained in isolation sufficient to prevent the transmission of EIA to other equines. The reactor will remain quarantined under State authority at the above locations until natural death, slaughter, or until disposed of by euthanasia.

4. Movement exceptions for exposed equines—Individual exposed equines may be allowed to move from a quarantined area for specific purposes if they have a negative test at the time of movement. These equines must be retested at 15-day intervals until their EIA tests are negative at least 60 days after the last exposure to EIA.

H. Control Procedures

1. EIA testing frequency—It is recommended that all equines be tested for EIA as part of a routine health program at an interval consistent with the risk of acquiring EIA in the local area and, if possible, the region. Until such risk-based programs are established, uniform interstate movement standards of 12-month testing intervals are recommended.

2. All equines offered for entry into exhibitions or competitive events must present proof to event officials of a negative EIA test as documented on an EIA laboratory test form, as defined in this document.

3. Testing and isolation of additions to herd—All introductions of equines into a herd must have a negative EIA test conducted prior to entry or must be tested while in isolation on the farm.

4. Testing of equines from high-risk areas at slaughter—All untested equines consigned to slaughter channels from areas with a high incidence of EIA or areas where the disease is endemic must have blood drawn for EIA testing at the most efficient time for obtaining identification and history on the farm of origin for each equine. This may be at sale yards, gathering points, or at the premises of licensed slaughter equine dealers.

5. Individual equine identification—Individual equine identification is critical to the control and surveillance of EIA and can be facilitated by using a uniform electronic identification standard. For those States not yet utilizing this technology, a complete and accurate written and graphic description of all markings is necessary for proper identification.

6. Vector control—Vector control practices should be followed to reduce exposure in herds. These practices shall include direct insect control, such as periodic application of repellants and insecticides to equines and facilities occupied by equines, and environmental insect control such as proper manure management and moisture management to discourage insect populations.

7. Biosecurity—Control of personnel access to equines, cleaning and disinfection of equipment between uses on multiple equines, and proper disposal of "single use" material such as needles and syringes should be encouraged.

8. Education—A successful EIA control program should include an educational program directed toward equine owners in all facets of the industry.

USDA

United States Department of Agriculture

Animal and Plant Health Inspection Service

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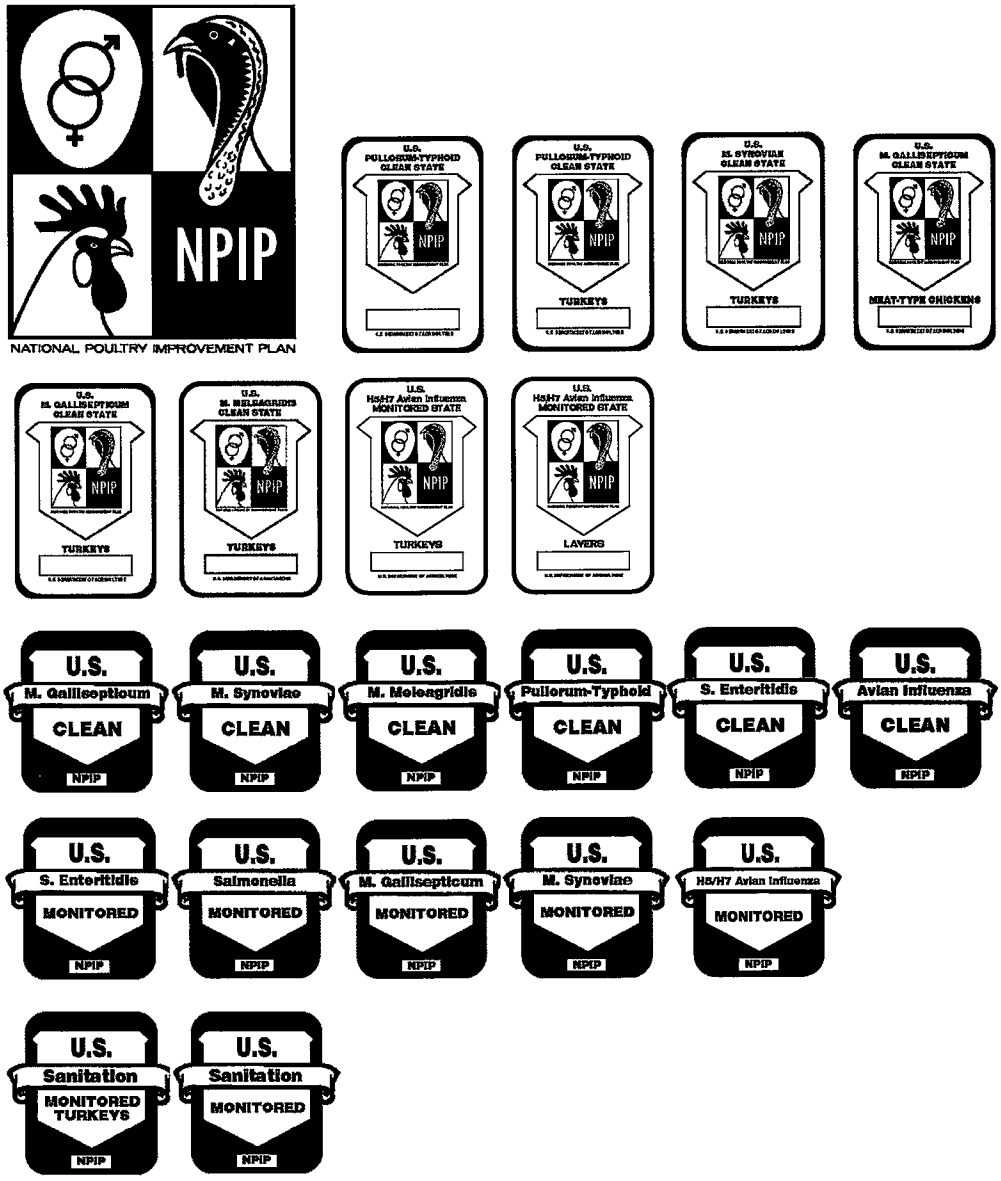
April 2007

National Poultry Improvement Plan and Auxiliary Provisions



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Part 145—National Poultry Improvement Plan for Breeding Poultry

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Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

Subpart A—General Provisions

§145.1 Definitions.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. Except where the context otherwise requires, for the purposes of this part the following terms shall be construed, respectively, to mean:

Administrator — The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Affiliated flockowner — A flockowner who is participating in the Plan through an agreement with a participating hatchery.

Animal and Plant Health Inspection Service — The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

Authorized Agent — Any person designated under § 145.11(a) to collect official samples for submission to an authorized laboratory as described in §§ 147.1(a) and 147.12 of this subchapter.

Authorized laboratory — A laboratory designated by an Official State Agency, subject to review by the Service, to perform the blood testing and bacteriological examinations provided for in this part. The Service's review will include, but will not necessarily be limited to, checking records, laboratory protocol, check-test proficiency, periodic duplicate samples, and peer review. A satisfactory review will result in the authorized laboratory being recognized by the Service as a nationally approved laboratory qualified to perform the blood testing and bacteriological examinations provided for in this part.

Authorized testing agent — Any person designated under § 145.11(a) to collect official samples for submission to an authorized laboratory as described in §§ 147.1(a) and 147.12 of this subchapter and to perform the stained antigen, rapid whole blood test for pullorum typhoid.

Baby poultry — Newly hatched poultry (chicks, poults, ducklings, goslings, keets, etc.)

Colon bacilli — For the purpose of this chapter, those organisms which are gram negative, non spore-forming bacilli, which ferment lactose with gas formation, and serve as an index of fecal contamination.

Dealer — An individual or business that deals in commerce in hatching eggs, newly-hatched poultry, and started poultry obtained from breeding flocks and hatcheries. This does not include an individual or business that deals in commerce in buying and selling poultry for slaughter only.

Department — The U.S. Department of Agriculture.

Domesticated — Propagated and maintained under the control of a person.

Equivalent or equivalent requirements — Requirements which are equal to the program, conditions, criteria, or classifications with which compared, as determined by the Official State Agency and with the concurrence of the Service.

Exposed (Exposure) Contact with birds, equipment, personnel, supplies, or any article infected with, or contaminated by, communicable poultry disease organisms.

Flock
(1) As applied to breeding. All poultry of one kind of mating (breed and variety or combination of stocks) and of one classification on one farm;
(2) As applied to disease control. All of the poultry on one farm except that, at the discretion of the Official State Agency, any group of poultry which is segregated from another group and has been so segregated for a period of at least 21 days may be considered as a separate flock.

Fluff sample Feathers, shell membrane, and other debris resulting from the hatching of poultry.

Fowl typhoid or typhoid A disease of poultry caused by *Salmonella gallinarum.*

Franchise breeder A breeder who normally sells products under a specific strain or trade name and who authorizes other hatcheries to produce and sell products under this same strain or trade name.

Franchise hatchery A hatchery which has been authorized by a franchise breeder to produce and sell products under the breeder's strain or trade name.

Hatchery Hatchery equipment on one premises operated or controlled by any person for the production of baby poultry.

Independent flock A flock that produces hatching eggs and that has no ownership affiliation with a specific hatchery.

Infected flock A flock in which an authorized laboratory has discovered one or more birds infected with a communicable poultry disease for which a program has been established under the Plan.

Midlay Approximately 2–3 months after a flock begins to lay or after a molted flock is put back into production.

Multiplier breeding flock A flock that is intended for the production of hatching eggs used for the purpose of producing progeny for commercial egg or meat production or for other non-breeding purposes.

Official State Agency The State authority recognized by the Department to cooperate in the administration of the Plan.

Official supervision
(1) As applied to Plan programs. The direction, inspection, and critical evaluation by the Official State Agency of compliance with the provisions of the Plan;
(2) As applied to non-Plan but equivalent State poultry improvement programs. The direction, inspection, and critical evaluation by an officer or agency of a State government, of compliance with a publicly announced State poultry improvement program.

Person	A natural person, firm, or corporation.
Plan	The provisions of the National Poultry Improvement Plan contained in this part.
Poultry	Domesticated fowl, including 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.
Primary breeding flock	A flock composed of one or more generations that is maintained for the purpose of establishing, continuing, or improving parent lines.
Products	Poultry breeding stock and hatching eggs, baby poultry, and started poultry.
Program	Management, sanitation, testing, and monitoring procedures which, if complied with, will qualify, and maintain qualification for, designation of a flock, products produced from the flock, or a state by an official Plan classification and illustrative design, as described in § 145.10 of this part.
Public exhibitiion	A public show of poultry.
Pullorum disease or pullorum	A disease of poultry caused by *Salmonella pullorum*.
Reactor	A bird that has a positive reaction to a test, required or recommended in Parts 145 or 147 of this chapter, for any poultry disease for which a program has been established under the Plan.
Salmonella	Any bacteria belonging to the genus Salmonella, including the arizona group.
Sanitize	To treat with a product which is registered by the Environmental Protection Agency as germicidal, fungicidal, pseudomonocidal, or tuberculocidal, in accordance with the specifications for use as shown on the label of each product. The Official State Agency, with the concurrence of the Service, shall approve each product or procedure according to its specified usage.
Serial	The total quantity of completed product which has been thoroughly mixed in a single container and identified by a serial number.
Service	The Animal and Plant Health Inspection Service, Veterinary Services, of the Department.
Sexual maturity	The average age at which a species of poultry is biologically capable of reproduction.
Started poultry	Young poultry (chicks, pullets, cockerels, capons, poults, ducklings, goslings, keets, etc.) that have been fed and watered and are less than 6 months of age.
State	Any State, the District of Columbia, or Puerto Rico.

State Inspector	Any person employed or authorized under § 145.11(b) to perform functions under this part.
Stock	A term used to identify the progeny of a specific breeding combination within a species of poultry. These breeding combinations may include pure strains, strain crosses, breed crosses, or combinations thereof.
Strain	Poultry breeding stock bearing a given name produced by a breeder through at least five generations of closed flock breeding.
Succeeding flock	A flock brought onto a premises during the 12 months following removal of an infected flock.
Suspect flock	A flock shall be considered, for the purposes of the Plan, to be a suspect flock if any evidence exists that it has been exposed to a communicable poultry disease.
Trade name or number	A name or number compatible with State and Federal laws and regulations applied to a specified stock or product thereof.

§145.2 Administration.

(a) The Department cooperates through a Memorandum of Understanding with Official State Agencies in the administration of the Plan.
(b) The administrative procedures and decisions of the Official State Agency are subject to review by the Service. The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and the Memorandum of Understanding.
(c) An Official State Agency may accept for participation an affiliated flock located in another State under a mutual understanding and agreement, in writing, between the two Official State Agencies regarding conditions of participation and supervision.
(d) The Official State Agency of any State may, except as limited by § 145.3(d), adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards compatible with the Plan.
(e) An authorized laboratory of the National Poultry Improvement Plan will follow the laboratory protocols outlined in part 147 of this chapter when determining the status of a participating flock with respect to an official Plan classification.

(Approved by the Office of Management and Budget under control number 0579-0007)

§ 145.3 Participation.

(a) Any person producing or dealing in products may participate in the Plan when he has demonstrated, to the satisfaction of the Official State Agency, that his facilities, personnel, and practices are adequate for carrying out the applicable provisions of the Plan, and has signed an agreement with the Official State Agency to comply with the general and the applicable specific provisions of the Plan and any regulations of the Official State Agency under § 145.2. Affiliated flockowners may participate without signing an agreement with the Official State Agency.
(b) Each participant shall comply with the Plan throughout the operating year of the Official State Agency, or until released by such Agency.
(c) A participant in any State shall participate with all of his poultry hatching egg supply flocks and hatchery operations within such State. He shall report to the Official State Agency on VS Form 9-2 (formerly NPIP Form 3B) or through other appropriate means each breeding flock before the birds reach 24 weeks of age or, in the case of ostriches, emus, rheas, cassowaries before the birds reach 20 months of age.
This report will include:
(1) Name and address of flockowner;
(2) Flock location and designation;

(3) Type: Primary or Multiplier;
(4) Breed, variety, strain, or trade name of stock;
(5) Source of males;
(6) Source of females;
(7) Number of birds in the flock; and
(8) Intended classification of flock.

(d) No person shall be compelled by the Official State Agency to qualify products for any of the other classifications described in § 145.10 as a condition of qualification for the U.S. Pullorum-Typhoid Clean classification.

(e) Participation in the Plan shall entitle the participant to use the Plan emblem reproduced below:

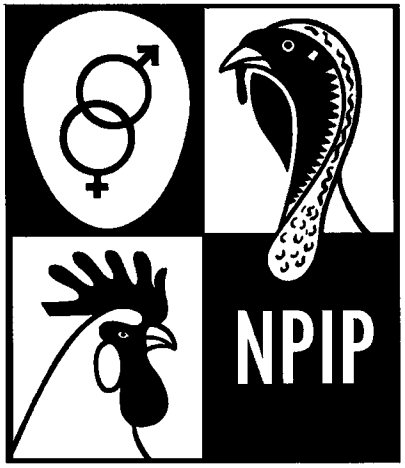

Figure 1

(Approved by the Office of Management and Budget under control number 0579-0007)

§ 145.4 General provisions for all participants.

(a) Records of purchases and sales and the identity of products handled shall be maintained in a manner satisfactory to the Official State Agency.

(b) Products, records of sales and purchase of products, and material used to advertise products shall be subject to inspection by the Official State Agency at any time.

(c) Advertising must be in accordance with the Plan, and applicable rules and regulations of the Official State Agency and the Federal Trade Commission. A participant advertising products as being of any official classification may include in his advertising reference to associated or franchised hatcheries only when such hatcheries produce the same kind of products of the same classification.

(d) Except as provided by this paragraph, participants in the Plan may not buy or receive products for any purpose from nonparticipants unless they are part of an equivalent program, as determined by the Official State Agency. Participants in the Plan may buy or receive products from flocks that are neither participants nor part of an equivalent program, for use in breeding flocks or for experimental purposes, under the following conditions only:
  (1) With the permission of the Official State Agency and the concurrence of the Service; and
  (2) By segregation of all birds before introduction into the breeding flock. Upon reaching sexual maturity, the segregated birds must be tested and found negative for pullorum-typhoid. The Official State Agency may require a second test at its discretion.

(e) Each participant shall be assigned a permanent approval number by the Service. This number, prefaced by the numerical code of the State, will be the official approval number of the participant and may be used on each certificate, invoice, shipping label, or other document used by the participant in the sale of his products. Each Official State Agency which requires an approval or permit number for out-of-State participants to ship into its State should honor this number. The approval number shall be withdrawn when the participant no longer qualifies for participation in the Plan.

(Approved by the Office of Management and Budget under control number 0579-0057)

§ 145.5 Specific provisions for participating flocks.

(a) Poultry equipment, and poultry houses and the land in the immediate vicinity thereof, shall be kept in sanitary condition as recommended in §§ 147.21 and 147.22(a) and (e) of this chapter. The participating flock, its eggs, and all equipment used in connection with the flock shall be separated from nonparticipating flocks, in a manner acceptable to the Official State Agency.

(b) All flocks shall consist of healthy, normal individuals characteristic of the breed, variety, cross, or other combination which they are stated to represent.

(c) A flock shall be deemed to be a participating flock at any time only if it has qualified for the U.S. Pullorum-Typhoid Clean classification, as prescribed in Subparts B, C, D, E, or F of this part.

(d) Each bird shall be identified with a sealed and numbered band obtained through or approved by the Official State Agency: *Provided*, That exception may be made at the discretion of the Official State Agency.

§ 145.6 Specific provisions for participating hatcheries.

(a) Hatcheries must be kept in sanitary condition, acceptable to the Official State Agency. The procedures outlined in §§ 147.22 through 147.25 of this chapter will be considered as a guide in determining compliance with this provision. The minimum requirements with respect to sanitation shall include the following:
   (1) Egg room walls, ceilings, floors, air filters, drains, and humidifiers should be cleaned and disinfected at least two times per week. Cleaning and disinfection procedures should be as outlined in § 147.24 of this chapter.
   (2) Incubator room walls, ceilings, floors, doors, fan grills, vents, and ducts should be cleaned and disinfected after each set or transfer. Incubator rooms should not be used for storage. Plenums should be cleaned at least weekly. Egg trays and buggies should be cleaned and disinfected after each transfer. Cleaning and disinfection procedures should be as outlined in § 147.24 of this chapter.
   (3) Hatcher walls, ceilings, floors, doors, fans, vents, and ducts should be cleaned and disinfected after each hatch. Hatcher rooms should be cleaned and disinfected after each hatch and should not be used for storage. Plenums should be cleaned after each hatch. Cleaning and disinfection procedures should be as outlined in § 147.24 of this chapter.
   (4) Chick/poult processing equipment and rooms should be thoroughly cleaned and disinfected after each hatch. Chick/poult boxes should be cleaned and disinfected before being reused. Vaccination equipment should be cleaned and disinfected after each use. Cleaning and disinfection procedures should be as outlined in § 147.24 of this chapter.
   (5) Hatchery residue, such as chick/poult down, eggshells, infertile eggs, and dead germs, should be disposed of promptly and in a manner satisfactory to the Official State Agency.
   (6) The entire hatchery should be kept in a neat, orderly condition and cleaned and disinfected after each hatch.
   (7) Effective insect and rodent control programs should be implemented.

(b) A hatchery that keeps started poultry must keep such poultry separated from the incubator room in a manner satisfactory to the Official State Agency.

(c) All baby and started poultry offered for sale under Plan terminology should be normal and typical of the breed, variety, cross, or other combination represented.

(d) Eggs incubated should be sound in shell, typical for the breed, variety, strain, or cross thereof and reasonably uniform in shape. Hatching eggs should be trayed and the baby poultry boxed with a view to uniformity of size.

(e) Any nutritive material provided to baby poultry must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

(f) If a person is responsibly connected with more than one hatchery, all of such hatcheries must participate in the Plan if any of them participate. A person is deemed to be responsibly connected with a hatchery if he or she is a partner, officer, director, holder, owner of 10 percent or more of the voting stock, or an employee in a managerial or executive capacity.

§ 145.7 Specific provisions for participating dealers.

Dealers in poultry breeding stock, hatching eggs, or baby or started poultry shall comply with all provisions in this part which apply to their operations.

§ 145.8 Terminology and classification; general.

(a) The official classification terms defined in §§ 145.9 and 145.10 and the various designs illustrative of the official classifications reproduced in § 145.10 may be used only by participants and to describe products that have met all the specific requirements of such classifications.
(b) Products produced under the Plan shall lose their identity under Plan terminology when they are purchased for resale by or consigned to nonparticipants.
(c) Participating flocks, their eggs, and the baby and started poultry produced from them may be designated by their strain or trade name. When a breeder's trade name or strain designation is used, the participant shall be able by records to substantiate that the products so designated are from flocks that are composed of either birds hatched from eggs produced under the direct supervision of the breeder of such strain, or stock multiplied by persons designated and so reported by the breeder to each Official State Agency concerned.

§ 145.9 Terminology and classification; hatcheries and dealers.

Participating hatcheries and dealers shall be designated as "National Plan Hatchery" and "National Plan Dealer", respectively. All Official State Agencies shall be notified by the Service of additions, withdrawals, and changes in classification.

§ 145.10 Terminology and classification; flocks, products, and States.

Participating flocks, products produced from them, and States which have met the respective requirements specified in Part 145 Subpart B, C, D, E, or F may be designated by the following terms or illustrative designs:

(a) [Reserved]

(b) U.S. Pullorum-Typhoid Clean. (See § 145.23(b), § 145.33(b), § 145.43(b), § 145.53(b), and § 145.63(a).)

(c) U.S. M. Gallisepticum Clean. (See § 145.23(c), § 145.23(f), § 145.33(c), § 145.33(f), § 145.43(c), and § 145.53(c).)

(b)

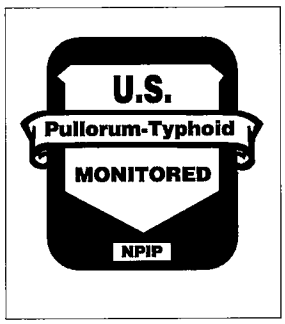

Figure 3

(c)

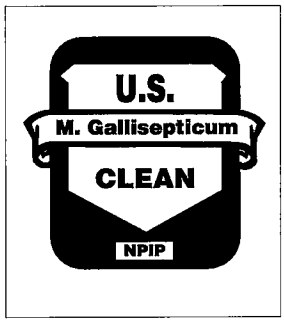

Figure 4

(d) U.S. Sanitation Monitored. (See § 145.33(d).)

(e) U.S. M. Synoviae Clean. (See § 145.23(e), § 145.23(g), § 145.33(e), § 145.33(g), § 145.43(e), and § 145.53(d)).

(f) U.S. M. Meleagridis Clean. (See § 145.43(d).)

(d)

Figure 5

(e)

Figure 6

(f)

Figure 7

(g) U.S. Pullorum-Typhoid Clean State. (See § 145.24(a), § 145.34(a), § 145.44(a), and § 145.54(a).)

(h) U.S. Pullorum-Typhoid Clean State, Turkeys. (See § 145.44(b).)

(i) U.S. M. Gallisepticum

(g)

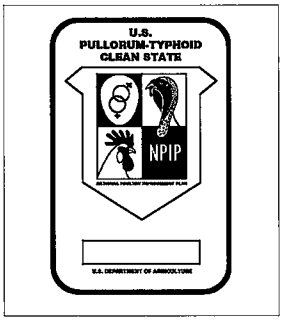

Figure 8

(h)

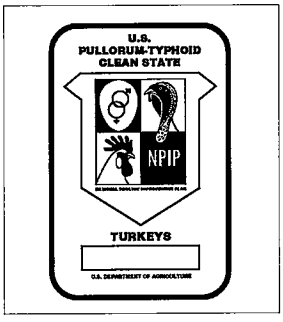

Figure 9

(i)

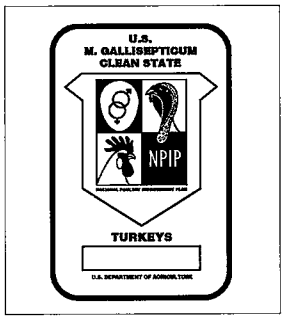

Figure 10

(j) U.S. M. Gallisepticum Clean State, Meat-Type Chickens. (See § 145.34(b).)

(k) U.S. Sanitation Monitored, Turkeys. (See § 145.43(f).)

(j)

Figure 11

(k)

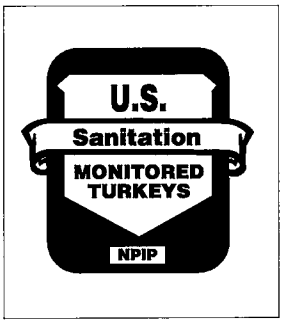

Figure 12

(m) U.S. S. Enteritidis Clean. (See § 145.23(d) and § 145.33(h).)

(n) U.S. M. Synoviae Clean State, Turkeys. (See § 145.44(d).)

(o) U.S. Salmonella Monitored. (See § 145.33(i).)

(m)

Figure 14

(n)

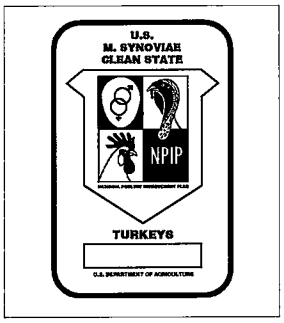

Figure 15

(o)

Figure 16

(p) U.S. M. Gallisepticum Monitored. (See § 145.33(j).)

(q) U.S. M. Synoviae Monitored. (See § 145.33(k).)

(r) U.S. Avian Influenza Clean. (See §§ 145.23(h), 145.33(l), and 145.53 (e).)

(p)

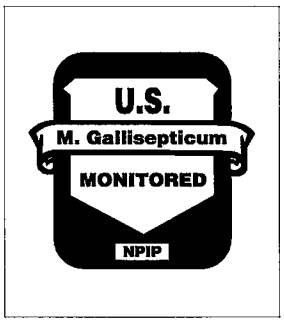

Figure 17

(q)

Figure 18

(r)

Figure 19

(s) U.S. M. Meleagridis Clean State, Turkeys. (See § 145.44(e).)

(s)

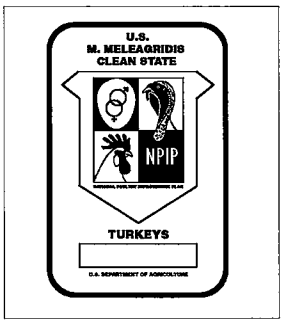

Figure 20

(t) U.S. H5/H7 Avian Influenza Clean. (See § 145.43(g).)

(t)

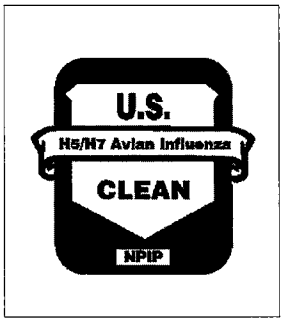

Figure 21

§ 145.11 Supervision.

(a) The Official State Agency may designate qualified persons as Authorized Agents to do the sample collecting provided for in § 145.14 and may designate qualified persons as Authorized Testing Agents to do the sample collecting and blood testing provided for in § 145.14.

(b) The Official State Agency shall employ or authorize qualified persons as State Inspectors to perform the qualification testing of participating flocks, and to perform the official inspections necessary to verify compliance with the requirements of the Plan.

(c) Authorities issued under the provisions of this section shall be subject to cancellation by the Official State Agency on the grounds of incompetence or failure to comply with the provisions of the Plan or regulations of the Official State Agency. Such actions shall not be taken until a thorough investigation has been made by the Official State Agency and the authorized person has been given notice of the proposed action and the basis therefor and an opportunity to present his views.

§ 145.12 Inspections.

(a) Each participating hatchery shall be audited at least one time annually or a sufficient number of times each year to satisfy the Official State Agency that the operations of the hatchery are in compliance with the provisions of the Plan.

(b) The records of all flocks maintained primarily for production of hatching eggs shall be examined annually by a State Inspector. Records shall include VS Form 9-2, "Flock Selecting and Testing Report"; VS Form 9-3, "Report of Sales of Hatching Eggs, Chicks, and Poults"; set and hatch records; egg receipts; and egg/chick orders or invoices. Records shall be maintained for 3 years. On-site inspections of flocks and premises will be conducted if the State Inspector determines that a breach of sanitation, blood testing, or other provisions has occurred for Plan programs for which the flocks have or are being qualified.

§ 145.13 Debarment from participation.

Participants in the Plan, who after investigation by the Official State Agency or its representative, are notified in writing of their apparent noncompliance with the Plan provisions or regulations of the Official State Agency, shall be afforded a reasonable time, as specified by the Official State Agency, within which to demonstrate or achieve compliance. If compliance is not demonstrated or achieved within the specified time, the Official State Agency may debar the participant from further participation in the Plan for such period, or indefinitely, as the Agency may deem appropriate. The debarred participant shall be afforded notice of the bases for the debarment and opportunity to present his views with respect to the debarment in accordance with

procedures adopted by the Official State Agency. The Official State Agency shall thereupon decide whether the debarment order shall continue in effect. Such decision shall be final unless the debarred participant, within 30 days after the issuance of the debarment order, requests the Administrator to determine the eligibility of the debarred participant for participation in the Plan. In such event the Administrator shall determine the matter de novo in accordance with the rules of practice in 7 CFR Part 50, which are hereby made applicable to proceedings before the Administrator under this section. The definitions in 7 CFR 50.10 and the following definitions shall apply with respect to terms used in such rules of practice:

(a) "Administrator" means the Administrator, Animal and Plant Health Inspection Service of the U.S. Department of Agriculture or any officer or employee to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

§ 145.14 Blood testing.

Poultry must be more than 4 months of age when blood tested for an official classification: *Provided*, That turkey candidates under subpart D of this part may be blood tested at more than 12 weeks of age; game bird candidates under subpart E of this part may be blood tested when more than 4 months of age or upon reaching sexual maturity, whichever comes first; and ostrich, emu, rhea, and cassowary candidates under subpart F of this part may be blood tested when more than 12 months of age. Blood samples for official tests shall be drawn by an Authorized Agent, Authorized Testing Agent, or State Inspector and tested by an authorized laboratory, except that the stained antigen, rapid whole-blood test for pullorum-typhoid may be conducted by an Authorized Testing Agent or State Inspector. For Plan programs in which a representative sample may be tested in lieu of an entire flock, except the ostrich, emu, rhea, and cassowary program in § 145.63(a), the minimum number tested shall be 30 birds per house, with at least 1 bird taken from each pen and unit in the house. The ratio of male to female birds in representative samples of birds from meat-type chicken, waterfowl, exhibition poultry, and game bird flocks must be the same as the ratio of male to female birds in the flock. In houses containing fewer than 30 birds other than ostriches, emus, rheas, and cassowaries, all birds in the house must be tested.

(a) For Pullorum-Typhoid

(1) The official blood tests for pullorum-typhoid shall be the standard tube agglutination test, the microagglutination test, the enzyme-labeled immunosorbent assay test (ELISA), or the rapid serum test for all poultry; and the stained antigen, rapid whole-blood test for all poultry except turkeys. The procedures for conducting official blood tests are set forth in §§ 147.1, 147.2, 147.3, and 147.5 of this chapter and referenced in footnote 3 of this section or in literature provided by the producer. Only antigens approved by the Department and of the polyvalent type shall be used for the rapid whole-blood and tube agglutination tests. Each serial of tube antigen shall be submitted by the antigen producer to the Department for approval upon manufacture and once a year thereafter as long as antigen from

that serial continues to be made available for use. All microtest antigens and enzyme-labeled immunosorbent assay reagents shall also be approved by the Department.[1]

(2) [Reserved]

(3) There shall be an interval of at least 21 days between any official blood test and any previous test with pullorum-typhoid antigen.

(4) [Reserved]

(5) The official blood test shall include the testing of a sample of blood from each bird in the flock: *Provided*, That under specified conditions (see applicable provisions of §§ 145.23, 145.33, 145.43, 145.53 and 145.63) the testing of a portion or sample of the birds may be used in lieu of testing each bird.

(6) Poultry from flocks undergoing qualification testing for participation in the Plan that have a positive reaction to an official blood test named in paragraph (a)(1) of this section shall be evaluated for pullorum-typhoid as follows:

(i) Serum samples that react on rapid serum test or enzyme-labeled immunosorbent assay test (ELISA), or blood from birds that react on the stained antigen, rapid whole-blood test for all birds except turkeys, shall be tested with either the standard tube agglutination test or the microagglutination test.

(ii) Reactors to the standard tube agglutination test (in dilutions of 1:50 or greater) or the microagglutination test (in dilutions of 1:40 or greater) shall be submitted to an authorized laboratory for bacteriological examination. If there are more than four reactors in a flock, a minimum of four reactors shall be submitted to the authorized laboratory; if the flock has four or fewer reactors, all of the reactors must be submitted. The approved procedure for bacteriological examination is set forth in § 147.11 of this chapter. When reactors are submitted to the authorized laboratory within 10 days of the date of reading an official blood test named in paragraph (a)(6)(i) of this section, and the bacteriological examination fails to demonstrate pullorum-typhoid infection, the Official State Agency shall presume that the flock has no pullorum-typhoid reactors.

(iii) If a flock owner does not wish to submit reactors for bacteriological examination, then the reactors shall be isolated and retested within 30 days using an official blood test named in paragraph (a)(1) of this section. If this retest is positive, additional examination of the reactors and flock will be performed in accordance with paragraph (a)(6)(ii) of this section. During this 30-day period, the flock must be maintained under a security system, specified or approved by the Official State Agency, that will prevent physical contact with other birds and assure that personnel, equipment, and supplies that could be a source of pullorum-typhoid spread are sanitized.

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[1] The criteria and procedures for Department approval of antigens and reagents may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, Center for Veterinary Biologics, 510 South 17th Street, Suite 104, Ames, IA 50010–8197.

(7) When *S. pullorum* or *S. gallinarum* organisms are isolated by an authorized laboratory from baby poultry, or from fluff samples produced by hatching eggs, the infected flock shall qualify for participation in the Plan with two consecutive negative results to an official blood test named in paragraph (a)(1) of this section. A succeeding flock must be qualified for participation in the Plan's pullorum-typhoid program with a negative result to an official blood test named in paragraph (a)(1) of this section. Testing to qualify flocks for Plan participation must include the testing of all birds in infected flocks and succeeding flocks for a 12-month period, and shall be performed or physically supervised by a State Inspector; Provided, That at the discretion of the Official State Agency, a sample of at least 500 birds, rather than all birds in the flock, may be tested by the State Inspector if it is agreed upon by the Official State Agency, the flockowner, and the Administrator. If the State Inspector determines that a primary breeding flock has been exposed to *S. pullorum* or *S. gallinarum*,[2] the Official State Agency shall require:

(i) The taking of blood samples—performed by or in the presence of a State Inspector—from all birds on premises exposed to birds, equipment, supplies, or personnel from the primary breeding flock during the period when the State Inspector determined that exposure to *S. pullorum* or *S. gallinarum* occurred.[2]

(ii) The banding of all birds of these premises—performed or physically supervised by a State Inspector—in order to identify any bird that tests positive; and

(iii) The testing of blood samples at an authorized laboratory using an official blood test named in paragraph (a)(1) of this section.

(8) All domesticated fowl, except waterfowl, on the farm of the participant shall either be properly tested to meet the same standards as the participating flock or these birds and their eggs shall be separated from the participating flock and its eggs.

(9) All tests for pullorum-typhoid in flocks participating in or candidates for participation in the Plan shall be reported to the Official State Agency within 10 days following the completion of such tests. All reactors shall be considered in determining the classification of the flock.

(10) Any drug, for which there is scientific evidence of masking the test reaction or hindering the bacteriological recovery of Salmonella organisms, shall not be fed or administered to poultry within 3 weeks prior to a test or bacteriological examination upon which a Salmonella classification is based.

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[2]In making determinations of exposure, the State Inspector shall evaluate both evidence proving that exposure occurred and circumstances indicating a high probability of contacts with: infected wild birds; contaminated feed or waste; or birds, equipment, supplies, or persons from or exposed to flocks infected with *S. pullorum* or *S. gallinarum*.

(11) When suitable evidence, as determined by the Official State Agency or the State Animal Disease Control Official, indicates that baby or started poultry produced by participating hatcheries are infected with organisms for which the parent flock received an official control classification and this evidence indicates that the infection was transmitted from the parent flock, the Official State Agency may, at its discretion, require additional testing of the flock involved. If infection is found in the parent flock, its classification shall be suspended until the flock is requalified under the requirements for the classification. Furthermore, the Official State Agency may require that the hatching eggs from such flocks be removed from the incubator and destroyed prior to hatching. When Salmonella organisms are isolated from a specimen which originated in a participating hatchery, the Official State Agency shall attempt to locate the source of the infection. The results of the investigation and the action taken to eliminate the infection shall be reported by the Official State Agency to the Service.

(b) For *M. gallisepticum* and *M. synoviae*

(1) The official blood tests for *M. gallisepticum* and *M. synoviae* shall be the serum plate agglutination test, the tube agglutination test, the hemagglutination inhibition (HI) test, the microhemagglutination inhibition test, the enzyme-labeled immunosorbent assay (ELISA) test[3] or a combination of two or more of these tests. The HI test, the microhemagglutination inhibition test, and the ELISA test shall be used to confirm the positive results of other serological tests. HI titers of 1:40 or less may be interpreted as equivocal, and final judgment may be based on further samplings and/or culture of reactors.

(2) The tests shall be conducted using *M. gallisepticum* or *M. synoviae* antigens approved by the Department or the Official State Agency and shall be performed in accordance with the recommendations of the producer of the antigen.

(3) When reactors to the test for which the flock was tested are submitted to a laboratory as prescribed by the Official State Agency, the criteria found in § 147.6 shall be used in determining the final status of the flock.

(4) Any drug, for which there is scientific evidence of masking the test reaction or hindering the bacteriological recovery of mycoplasma organisms, shall not be fed or administered to poultry within three weeks prior to a test or bacteriological examination upon which a Mycoplasma classification is based.

(c) For *M. meleagridis*

The official blood tests for *M. meleagridis* are specified in § 145.43(d)(2).

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[3]Procedures for the enzyme-labeled immunosorbent assay (ELISA) test are set forth in the following publications:
A.A. Ansari, R.F. Taylor, T.S. Chang, "Application of Enzyme-Linked Immunosorbent Assay for Detecting Antibody to *Mycoplasma gallisepticum* Infections in Poultry," *Avian Diseases,* Vol. 27, No. 1, pp. 21–35, January–March 1983; and
H.M. Opitz, J.B. Duplessis, and M.J. Cyr, "Indirect Micro-Enzyme-Linked Immunosorbent Assay for the Detection of Antibodies to Mycoplasma synoviae and M. gallisepticum," *Avian Diseases,* Vol. 27, No. 3, pp. 773–786, July–September 1983; and
H.B. Ortmayer and R. Yamamoto, "*Mycoplasma meleagridis* Antibody Detection by Enzyme-Linked Immunosorbent Assay (ELISA)," *Proceedings, 30th Western Poultry Disease Conference,* pp. 63–66, March 1981.

(d) For avian influenza

The official blood tests for avian influenza are the agar gel immunodiffusion (AGID) test and the enzyme-linked immunosorbent assay (ELISA).

(1) The AGID test must be conducted on all ELISA-positive samples. Positive tests by AGID or ELISA must be further tested by Federal Reference Laboratories. Final judgment may be based upon further sampling or culture results.
(2) The tests must be conducted using antigens or test kits approved by the Department and the Official State Agency and must be performed in accordance with the recommendations of the producer or manufacturer.

§ 145.15. Approved tests.

(a) Bacteriological Examination

The procedures for the bacteriological examination of poultry and poultry environments described in part 147 of this subchapter are approved tests for use in the NPIP. In addition, all tests that use veterinary biologics (e.g., antiserum and other products of biological origin) that are licensed or produced by the Service and used as described in part 147 of this subchapter are approved for use in the NPIP.

(b) Diagnostic Test Kits

Diagnostic test kits that are not licensed by the Service (e.g., bacteriological culturing kits) may be approved through the following procedure:

(1) The sensitivity of the kit will be estimated in at least three authorized laboratories selected by the Service by testing known positive samples, as determined by the official NPIP procedures found in part 147 of this subchapter. If certain conditions or interfering substances are known to affect the performance of the kit, appropriate samples will be included so that the magnitude and significance of the effect(s) can be evaluated.
(2) The specificity of the kit will be estimated in at least three authorized laboratories selected by the Service by testing known negative samples, as determined by the official NPIP procedures found in part 147 of this subchapter. If certain conditions or interfering substances are known to affect the performance of the kit, appropriate samples will be included so that the magnitude and significance of the effect(s) can be evaluated.
(3) The kit will be provided to the cooperating laboratories in its final form and include the instructions for use. The cooperating laboratories must perform the assay exactly as stated in the supplied instructions. Each laboratory must test a panel of at least 25 known positive clinical samples supplied by the manufacturer of the test kit. In addition, each laboratory will be asked to test 50 known negative clinical samples obtained from several sources, to provide a representative sampling of the general population. The identity of the samples must be coded so that the cooperating laboratories are blinded to identity and classification. Each sample must be provided in duplicate or triplicate, so that error and repeatability data may be generated.

(4) Cooperating laboratories will submit to the kit manufacturer all raw data regarding the assay response. Each sample tested will be reported as positive or negative and the official NPIP procedure used to classify the sample must be submitted in addition to the assay response value.
(5) The findings of the cooperating laboratories will be evaluated by the NPIP technical committee, and the technical committee will make a recommendation regarding whether to approve the test kit to the General Conference Committee. If the technical committee recommends approval, the final approval will be granted in accordance with the procedures described in §§ 147.46 and 147.47 of this subchapter.

(Approved by the Office of Management and Budget under control number 0579-0007)

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Editorial Note: For Federal Register citations affecting §145.14, see the list of CFR sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

Subpart B—Special Provisions for Multiplier Egg-Type Chicken Breeding Flocks and Products

§ 145.21 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

Chicks — Newly hatched chickens.

Egg-type chicken breeding flocks — Flocks that are composed of stock that has been developed for egg production and are maintained for the principal purpose of producing chicks for the ultimate production of eggs for human consumption.

Started chickens — Young chickens (chicks, pullets, cockerels, capons) which have been fed and watered and are less than 6 months of age.

§ 145.22 Participation.

Participating flocks of multiplier egg-type chickens, and the eggs and chicks produced from them, shall comply with the applicable general provisions of Subpart A of this part and the special provisions of this Subpart B.

(a) Started chickens shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a).

(b) Hatching eggs produced by multiplier breeding flocks shall be fumigated (see § 147.25 of this chapter) or otherwise sanitized.

(c) Any nutritive material provided to chicks must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

§ 145.23 Terminology and classification; flocks and products.

Participating flocks, and the eggs and chicks produced from them, which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 145.10:

(a) [Reserved]

(b) U.S. Pullorum-Typhoid Clean — A flock in which freedom from pullorum and typhoid has been demonstrated to the official State agency under the criteria in one of the following paragraphs (b)(1) through (5) of this section: *Provided*, That a flock qualifying by means of a blood test shall be tested within the past 12 months, except that the retesting of a participating flock which is retained for more than 12 months shall be conducted a minimum of 4 weeks after the induction of molt. (See § 145.14 relating to the official blood test where applicable.)

(1) It has been officially blood tested with no reactors.

(2) It is a multiplier breeding flock and meets the following specifications as determined by the Official State Agency and the Service:
   (i) The flock is located in a State where all persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which *S. pullorum* or *S. gallinarum* is isolated;
   (ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision; and
   (iii) The flock is located on a premises where either no poultry or a flock not classified as U.S. Pullorum-Typhoid Clean were located the previous year: *Provided*, That an Authorized Testing Agent must blood test up to 300 birds per flock, as described in § 145.14, if the Official State Agency determines that the flock has been exposed to pullorum-typhoid. In making determinations of exposure and setting the number of birds to be blood tested, the Official State Agency shall evaluate the results of any blood tests, described in § 145.14(a)(1) of this part, that were performed on an unclassified flock located on the premises during the previous year; the origins of the unclassified flock; and the probability of contacts between the flock for which qualification is being sought and (a) infected wild birds, (b) contaminated feed or waste, or (c) birds, equipment, supplies, or personnel from flocks infected with pullorum-typhoid.

(3) It is a multiplier breeding flock that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the Service that:
   (i) All hatcheries within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;
   (ii) All hatchery supply flocks within the State are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for pullorum-typhoid control under official supervision: *Provided*, That if other domesticated fowl, except waterfowl, are maintained on the same premises as the participating flock, freedom from pullorum-typhoid infection shall be demonstrated by an official blood test of each of these fowl;
   (iii) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;
   (iv) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which *S. pullorum* or *S. gallinarium* is isolated;
   (v) All reports of any disease outbreak involving a disease covered under the Plan are promptly followed by an investigation by the Official State Agency to determine the origin of the infection: *Provided*, That if the origin of the infection involves another State, or if there is exposure to poultry in another State from the infected flock, then the National Poultry Improvement Plan will conduct an investigation;

(vi) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or until subsequently blood tested, following the procedure for reacting flocks as contained in § 145.14(a)(5), and all birds fail to demonstrate pullorum or typhoid infection;

(vii) All poultry, including exhibition, exotic, and game birds, but excluding waterfowl, going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum- typhoid test within 90 days of going to public exhibition;

(viii) Discontinuation of any of the conditions or procedures described in paragraphs (b)(3)(i), (ii), (iii), (iv), (v), (vi), and (vii) of this section, or the occurrence of repeated outbreaks of pullorum or typhoid in poultry breeding flocks within or originating within the State shall be grounds for the Service to revoke its determination that such conditions and procedures have been met or complied with. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity to present its views.

(4) It is a multiplier breeding flock located in a State which has been determined by the Service to be in compliance with the provisions of (b)(3) of this section, and in which pullorum disease or fowl typhoid is not known to exist nor to have existed in hatchery supply flocks within the State during the preceding 12 months.

(c) U.S. M. Gallisepticum Clean

(1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from *M. gallisepticum* has been demonstrated under the criteria specified in paragraph (c)(1)(i) or (ii) of this section.

(i) [Reserved]

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean chicks from primary breeding flocks and from which a sample comprised of a minimum of 150 birds per flock has been tested for *M. gallisepticum* as provided in § 145.14(b) when more than 4 months of age: *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:

(A) At intervals of not more than 90 days, 75 birds from the flock shall be tested, *Provided*, that fewer than 75 birds from the flock may be tested at any one time if all pens are equally represented and a total of at least 75 birds from the flock is tested within each 90-day period; or

(B) At intervals of not more than 30 days, a sample of 25 cull chicks produced from the flock shall be subjected to laboratory procedures acceptable to the Official State Agency and approved by the Service, for the detection and recovery of M. Gallisepticum; or

(C) At intervals of not more than 30 days, egg yolk testing shall be conducted in accordance with § 147.8.

(2) A participant handling U.S. M. Gallisepticum Clean products shall keep these products separate from other products in a manner satisfactory to the Official State Agency.
(3) U.S. M. Gallisepticum Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24 (a) of this chapter.

(d) U.S. S. Enteritidis Clean

This classification is intended for egg-type breeders wishing to assure their customers that the hatching eggs and chicks produced are certified free of *Salmonella enteritidis.*

(1) A flock and the hatching eggs and chicks produced from it which have met the following requirements as determined by the Official State Agency:
  (i) The flock originated from a U.S. S. Enteritidis Clean flock, or meconium from the chick boxes and a sample of chicks that died within 7 days after hatching are examined bacteriologically for salmonella at an authorized laboratory. Cultures from positive samples shall be serotyped.
  (ii) All feed fed to the flock shall meet the following requirements:
    (A) Pelletized feed shall contain either no animal protein or only animal protein products produced under the Animal Protein Products Industry (APPI) Salmonella Education/Reduction Program*. The protein products must have a minimum moisture content of 14.5 percent and must have been heated throughout to a minimum temperature of 190 °F, or above, or to a minimum temperature of 165 °F. for at least 20 minutes, or to a minimum temperature of 184 °F. under 70 lbs. pressure during the manufacturing process.
    (B) Mash feed may contain no animal protein other than an APPI animal protein product supplement manufactured in pellet form and crumbled: *Provided*, that mash feed may contain nonpelleted APPI animal protein product supplements if the finished feed is treated with a salmonella control product approved by the Food and Drug Administration.
  (iii) Feed shall be stored and transported in such a manner as to prevent possible contamination;
  (iv) The flock is maintained in compliance with §§ 147.21, 147.24(a), and 147.26 of this chapter. Rodents and other pests should be effectively controlled;
  (v) Environmental samples shall be collected from the flock by an Authorized Agent, as described in § 147.12 of this chapter, when the flock is 2 to 4 weeks of age. The Authorized Agent shall also collect samples every 30 days after the first sample has been collected. The samples shall be examined bacteriologically for group D salmonella at an authorized laboratory. Cultures from positive samples shall be serotyped.

*Documents concerning the APPI/Salmonella Education Reduction Program may be obtained from Mr. A. R. Rhorer; National Animal Health Programs; VS, APHIS, USDA; 1498 Klondike Road, Suite 101, Conyers, GA 30094.

(vi) If a *Salmonella* vaccine is used that causes positive reactions with pullorum-typhoid antigen, one of the following options must be utilized:
(A) Administer the vaccine after the pullorum-typhoid testing is done as described in paragraph (d)(1)(vii) of this section.
(B) If an injectable bacterin or live vaccine that does not spread is used, keep a sample of 350 birds unvaccinated and banded for identification until the flock reaches at least 4 months of age. Following negative serological and bacteriological examinations as described in paragraph (d)(1)(vii) of this section, vaccinate the banded, non-vaccinated birds.

(vii) Blood samples from 300 non-vaccinated birds as described in paragraph (d)(1)(vi) of this section shall be tested with either pullorum antigen or by a federally licensed *Salmonella enteritidis* enzyme-linked immunosorbent assay (ELISA) test when the flock is more than 4 months of age. All birds with positive or inconclusive reactions, up to a maximum of 25 birds, shall be submitted to an authorized laboratory and examined for the presence of group D salmonella, as described in § 147.11 of this chapter. Cultures from positive samples shall be serotyped.

(viii) Hatching eggs are collected as quickly as possible and are handled as described in § 147.22 of this chapter and are sanitized or fumigated (see § 147.25 of this chapter).

(ix) Hatching eggs produced by the flock are incubated in a hatchery that is in compliance with the recommendations in §§ 147.23 and 147.24(b) of this chapter, and sanitized either by a procedure approved by the Official State Agency or fumigated (see § 147.25 of this chapter).

(2) A flock shall not be eligible for this classification if *Salmonella enteritidis* ser enteritidis (SE) is isolated from a specimen taken from a bird in the flock. Isolation of SE from an environmental or other specimen as described in section (d)(1)(v) of this paragraph will require bacteriological examination for SE in an authorized laboratory, as described in § 147.11(a) of this chapter, of a random sample of 60 live birds from a flock of 5,000 birds or more, or 30 live birds from a flock with fewer than 5,000 birds. If only one specimen is found positive for SE, the participant may request bacteriological examination of a second sample, equal in size to the first sample, from the flock. If no SE is recovered from any of the specimens in the second sample, the flock will be eligible for the classification.

(3) A non-vaccinated flock shall be eligible for this classification if Salmonella enteritidis (S. enteritidis ser Enteritidis) is isolated from an environmental sample collected from the flock in accordance with paragraph (d)(1)(v) of this section: *Provided*, That testing is conducted in accordance with paragraph (d)(1)(vii) of this section each 30 days and no positive samples are found.

(4) In order for a hatchery to sell products of this classification, all products handled shall meet the requirements of the classification.

(5) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures.

(e) U.S. M. Synoviae Clean

(1) A flock maintained in compliance with the provisions of § 147.26 and in which freedom from *M. synoviae* has been demonstrated under the criteria specified in paragraph (e)(1)(i) or (ii) of this section.
  (i) [Reserved]
  (ii) It is a multiplier breeding flock which originated as U.S. M. Synoviae Clean chicks from primary breeding flocks and from which a sample comprised of a minimum of 150 birds has been tested for M. synoviae as provided in § 145.14(b) when more than 4 months of age: *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:
    (A) At intervals of not more than 90 days, 75 birds from the flock shall be tested: *Provided*, That fewer than 75 birds from the flock may be tested at any one time if all pens are equally represented and a total of at least 75 birds from the flock is tested within each 90-day period; or
    (B) At intervals of not more than 30 days, egg yolk testing shall be conducted in accordance with § 147.8.

(2) A participant handling U.S. M. Synoviae Clean products shall keep these products separate from other products in a manner satisfactory to the Official State Agency.

(3) U.S. M. Synoviae Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a).

(f) U.S. M. Gallisepticum Clean Started Poultry

(1) A flock which originated from U.S. M. Gallisepticum Clean breeding flocks and was hatched in a hatchery approved by the Official State Agency for the production of U.S. M. Gallisepticum Clean chicks.

(2) All other poultry on the premises of the candidate flock must originate from U.S. M. Gallisepticum Clean sources.

(3) The flock is maintained in compliance with the provisions of § 147.26 of this chapter.

(4) The flock's freedom from *M. gallisepticum* is demonstrated by a negative blood test, as provided in § 145.14(b), of a sample of 75 birds, with a minimum of 50 birds per poultry house, between 15–20 days prior to the flock being moved to laying quarters.

(5) Started poultry shall be delivered to and from the farm premises in crates and vehicles which have been cleaned and disinfected as described in § 145.24(a) of this chapter.

(g) U.S. M. Synoviae Clean Started Poultry

(1) A flock which originated from U.S. M. Synoviae Clean breeding flocks and was hatched in a hatchery approved by the Official State Agency for production of U.S. M. Synoviae Clean chicks.

(2) All other poultry on the premises of the candidate flock must originate from U.S. M. Synoviae Clean sources.

(3) The flock is maintained in compliance with the provisions of § 147.26 of this chapter.

(4) The flocks' freedom from *M. synoviae* is demonstrated by a negative blood test, as provided in § 145.14(b), of a sample of 75 birds, with a minimum of 50 birds per poultry house, between 15–20 days prior to the flock being moved to laying quarters.
(5) Started poultry shall be delivered to and from the farm premises in crates and vehicles which have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(h) U.S. Avian Influenza Clean

This program is intended to be the basis from which the breeding-hatchery industry may conduct a program for the prevention and control of avian influenza. It is intended to determine the presence of avian influenza in breeding chickens through routine serological surveillance of each participating breeding flock. A flock and the hatching eggs and chicks produced from it will qualify for this classification when the Official State Agency determines that they have met one of the following requirements:
(1) [Reserved]
(2) It is a multiplier breeding flock in which a minimum of 30 birds have been tested negative for antibodies to avian influenza when more than 4 months of age. To retain this classification:
  (i) A sample of at least 30 birds must be tested negative at intervals of 180 days; or *Provided:* That multiplier spent fowl must be tested within 30 days prior to movement to disposal; or
  (ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds is tested within each 180-day period.

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§ 145.24 Terminology and classification; States.

(a) U.S. Pullorum-Typhoid Clean State

(1) A State will be declared a U.S. Pullorum-Typhoid Clean State when it has been determined by the Service that:
  (i) The State is in compliance with the provisions contained in § 145.23(b)(3)(i) through (vii), § 145.33(b)(3)(i) through (vii), § 145.43(b)(3)(i) through (vi), § 145.53(b)(3)(i) through (vii), § 145.73(b)(2)(i) and § 145.83(b)(2)(i).
  (ii) No pullorum disease or fowl typhoid is known to exist nor to have existed in hatchery supply flocks within the State during the preceding 12 months: *Provided*, That pullorum disease or fowl typhoid found within the preceding 24 months in waterfowl, exhibition poultry, and game bird breeding flocks will not prevent a State, which is otherwise eligible, from qualifying.

(2) Discontinuation of any of the conditions described in paragraph (a)(1)(i) of this section, or repeated outbreaks of pullorum or typhoid occur in hatchery supply flocks described in paragraph (a)(1)(ii) of this section, or if an infection spreads from the originating premises, the Service shall have grounds to revoke its determination that the State is entitled to this classification. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator.

(b) [Reserved]

Subpart C—Special Provisions for Multiplier Meat-Type Chicken Breeding Flocks and Products

§ 145.31 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

Chicks — Newly hatched chickens.

Meat-type chicken breeding flocks — Flocks that are composed of stock that has been developed for meat production and are maintained for the principal purpose of producing chicks for the ultimate production of meat.

Started chickens — Young chickens (chicks, pullets, cockerels, capons) which have been fed and watered and are less than 6 months of age.

§ 145.32 Participation.

Participating flocks of multiplier meat type chickens, and the eggs and chicks produced from them, shall comply with the applicable general provisions of Subpart A of this part and the special provisions of this Subpart C.

(a) Started chickens shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a).

(b) Hatching eggs produced by multiplier breeding flocks shall be fumigated (see § 147.25 of this chapter) or otherwise sanitized.

(c) Any nutritive material provided to chicks must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

§ 145.33 Terminology and classification; flocks and products.

Participating flocks, and the eggs and chicks produced from them, which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 145.10:

(a) [Reserved]

(b) U.S. Pullorum-Typhoid Clean — A flock in which freedom from pullorum and typhoid has been demonstrated to the official State agency under the criteria in one of paragraphs (b)(1) through (5) of this section: *Provided*, That a flock qualifying by means of a blood test shall be tested within the past 12 months, except that the retesting of a participating flock which is retained for more than 12 months shall be conducted a minimum of 4 weeks after the induction of molt. (See § 145.14 relating to the official blood test where applicable.)

(1) It has been officially blood tested with no reactors.

(2) It is a multiplier breeding flock and meets the following specifications as determined by the Official State Agency and the Service:

(i) The flock is located in a State where all persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which *S. pullorum* or *S. gallinarum* is isolated;

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision; and

(iii) The flock is located on a premises where either no poultry or a flock not classified as U.S. Pullorum-Typhoid Clean were located the previous year; *Provided*, That an Authorized Testing Agent must blood test up to 300 birds per flock, as described in § 145.14, if the Official State Agency determines that the flock has been exposed to pullorum-typhoid. In making determinations of exposure and setting the number of birds to be blood tested, the Official State Agency shall evaluate the results of any blood tests, described in § 145.14(a)(1) of this part, that were performed on an unclassified flock located on the premises during the previous year; the origins of the unclassified flock; and the probability of contacts between the flock for which qualification is being sought and (a) infected wild birds, (b) contaminated feed or waste, or (c) birds, equipment, supplies, or personnel from flocks infected with pullorum-typhoid.

(3) It is a multiplier breeding flock that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the Service that:

(i) All hatcheries within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;

(ii) All hatchery supply flocks within the State, are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for pullorum-typhoid control under official supervision: *Provided*, That if other domesticated fowl, except waterfowl, are maintained on the same premises as the participating flock, freedom from pullorum-typhoid infection shall be demonstrated by an official blood test of each of these fowl;

(iii) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(iv) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which *S. pullorum* or *S. gallinarum* is isolated;

(v) All reports of any disease outbreak involving a disease covered under the Plan are promptly followed by an investigation by the Official State Agency to determine the origin of the infection: *Provided,* That if the origin of the infection involves another State, or if there is exposure to poultry in another State from the infected flock, then the National Poultry Improvement Plan will conduct an investigation;

(vi) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or until subsequently blood tested following the procedure for reacting flocks as contained in § 145.14(a)(5), and all birds fail to demonstrate pullorum or typhoid infection;

(vii) All poultry, including exhibition, exotic, and game birds, but excluding waterfowl, going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition;

(viii) Discontinuation of any of the conditions or procedures described in paragraphs (b)(3)(i), (ii), (iii), (iv), (v), (vi), and (vii) of this section, or the occurrence of repeated outbreaks of pullorum or typhoid in poultry breeding flocks within or originating within the State shall be grounds for the Service to revoke its determination that such conditions and procedures have been met or complied with. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity to present its views.

(4) It is a multiplier breeding flock located in a State which has been determined by the Service to be in compliance with the provisions of paragraph (b)(3) of this section, and in which pullorum disease or fowl typhoid is not known to exist nor to have existed in hatchery supply flocks within the State during the preceding 12 months.

(c) U.S. M. Gallisepticum Clean

(1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from *M. gallisepticum* has been demonstrated under the criteria specified in paragraph (c)(1)(i) or (ii) of this section.

(i) [Reserved]

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean chicks from primary breeding flocks and from which a sample comprised of a minimum of 150 birds per flock has been tested for *M. gallisepticum* as provided in §145.14(b) when more than 4 months of age: *Provided,* That to retain this classification, the flock shall be subjected to one of the following procedures:

(A) At intervals of not more than 90 days, 75 birds from the flock shall be tested, *Provided,* that fewer than 75 birds from the flock may be tested at any one time if all pens are equally represented and a total of at least 75 birds from the flock is tested within each 90-day period; or

(B) At intervals of not more than 30 days, a sample of 25 cull chicks produced from the flock shall be subjected to laboratory procedures acceptable to the Official State Agency and approved by the Service, for the detection and recovery of *M. gallisepticum;* or

(C) At intervals of not more than 30 days, egg yolk testing shall be conducted in accordance with § 147.8 of this chapter.

(2) A participant handling U.S. M. Gallisepticum Clean products must keep these products separate from other products through the use of separate hatchers and incubators, separate hatch days, and proper hatchery sanitation and biosecurity (see §§ 147.22, 147.23, and 147.24) in a manner satisfactory to the Official State Agency.

(3) U.S. M. Gallisepticum Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(4) Before male breeding birds may be added to a participating multiplier breeding flock, a sample of at least 30 birds to be added, with a minimum of 10 birds per pen, shall be tested for *M. gallisepticum* as provided in § 145.14(b) or by a polymerase chain reaction (PCR)-based procedure approved by the Department. If few than 30 male breeding birds are being added, all the birds shall be tested as described above. The male birds shall be tested no more than 14 days prior to their intended introduction into the flock. If the serologic testing of the birds yields hemagglutination inhibition titers of 1:40 or higher as provided in § 145.14 (b), or if the PCR testing is positive for *M. gallisepticum,* the male birds may not be added to the flock and must be either retested or destroyed.

(d) U.S. Sanitation Monitored

This program is intended to be the basis from which the breeding-hatching industry may conduct a program for the prevention and control of Salmonellosis. It is intended to reduce the incidence of Salmonella organisms in hatching eggs and chicks through an effective and practical sanitation program at the breeder farm and in the hatchery. This will afford other segments of the poultry industry an opportunity to reduce the incidence of Salmonella in their products.

(1) A flock and the hatching eggs and chicks produced from it which have met the following requirements as determined by the Official State Agency:

(i) The flock shall originate from a source where sanitation and management practices, as outlined in § 145.33(d)(1) of this paragraph, are conducted;

(ii) The flock is maintained in compliance with §§ 147.21, 147.24 (a), and 147.26 of this chapter;

(iii) If pelletized feed contains animal protein, the protein products shall be purchased from participants in the Animal Protein Products Industry (APPI) Salmonella Education/Reduction Program or the Fishmeal Inspection Program of the National Marine Fisheries Service. The protein products must have a minimum moisture content of 14.5 percent and must have been heated throughout to a minimum temperature of 190 °F. or above, or to a minimum temperature of 165 °F. for at least 20 minutes, or to a minimum temperature of 184 °F. under 70 lbs. pressure during the manufacturing process;

(iv) If mash feed contains animal protein, the protein products shall be purchased from participants in the Animal Protein Products Industry (APPI) Salmonella Education/Reduction Program or the Fishmeal Inspection Program of the National Marine Fisheries Service.

(v) Feed shall be stored and transported in such a manner as to prevent possible contamination;

(vi) Chicks shall be hatched in a hatchery meeting the requirements of §§ 147.23 and 147.24(b) and sanitized or fumigated (see § 147.25 of this chapter);

(vii) An Authorized Agent shall take environmental samples, as described in § 147.12 of this chapter, from each flock at 4 months of age and every 90 days thereafter. An authorized laboratory for *Salmonella* shall examine the environmental samples bacteriologically;

(viii) Owners of flocks found infected with a paratyphoid *Salmonella* may vaccinate these flocks with an autogenous bacterin with a potentiating agent.[4]

(2) The Official State Agency may use the procedures described in § 147.14 of this chapter to monitor the effectiveness of the sanitation practices.

(3) In order for a hatchery to sell products of this classification, all products handled shall meet the requirements of the classification.

(4) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures.

(e) U.S. M. Synoviae Clean

(1) A flock maintained in compliance with the provisions of § 147.26 and in which freedom from *M. synoviae* has been demonstrated under the criteria specified in paragraph (e)(1)(i) or (ii) of this section.

(i) [Reserved]

(ii) It is a multiplier breeding flock which originated as U.S. M. Synoviae Clean chicks from primary breeding flocks and from which a sample comprised of a minimum of 150 birds has been tested for *M. synoviae* as provided in § 145.14(b) when more than 4 months of age: *Provided,* That to retain this classification, the flock shall be subjected to one of the following procedures:

(A) At intervals of not more than 90 days, 75 birds from the flock shall be tested: *Provided,* That fewer than 75 birds from the flock may be tested at any one time if all pens are equally represented and a total of at least 75 birds from the flock is tested within each 90-day period; or

(B) At intervals of not more than 30 days, egg yolk testing shall be conducted in accordance with § 147.8.

(2) A participant handling U.S. M. Synoviae Clean products shall keep these products separate from other products in a manner satisfactory to the Official State Agency.

(3) U.S. M. Synoviae Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(4) Before male breeding birds may be added to a participating multiplier breeding flock, a sample of at least 30 birds to be added, with a minimum of 10 birds per pen, shall be tested for *M. synoviae* as provided in § 145.14(b) or by a polymerase chain reaction (PCR)-based procedure approved by the Department. If fewer than 30 male breeding birds are being added, all the birds shall be tested as described above. The male birds shall be tested no more than 14 days prior to their intended introduction into the flock. If the serologic testing of the birds yields hemagglutination inhibition titers of 1:40 or higher as provided in § 145.14 (b), or if the PCR testing is positive for *M. synoviae*, the male birds may not be added to the flock and must be either retested or destroyed.

[4]Preparation and use of this type of vaccine may be regulated by State statutes.

(f) U.S. M. Gallisepticum Clean Started Poultry

(1) A flock which originated from U.S. M. Gallisepticum Clean breeding flocks and was hatched in a hatchery approved by the Official State Agency for the production of U.S. M. Gallisepticum Clean chicks.

(2) All other poultry on the premises of the candidate flock must originate from U.S. M. Gallisepticum Clean sources.

(3) The flock is maintained in compliance with the provisions of § 147.26 of this chapter.

(4) The flock's freedom from *M. gallisepticum* is demonstrated by a negative blood test, as provided in § 145.14(b), of a sample of 75 birds, with a minimum of 50 birds per poultry house, between 15–20 days prior to the flock being moved to laying quarters.

(5) Started poultry shall be delivered to and from the farm premises in crates and vehicles which have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(g) U.S. M. Synoviae Clean Started Poultry

(1) A flock which originated from U.S. M. Synoviae Clean breeding flocks and was hatched in a hatchery approved by the Official State Agency for the production of U.S. M. Synoviae Clean chicks.

(2) All other poultry on the premises of the candidate flock must originate from U.S. M. Synoviae Clean sources.

(3) The flock is maintained in compliance with the provisions of § 147.26 of this chapter.

(4) The flock's freedom from *M. synoviae* is demonstrated by a negative blood test, as provided in § 145.14(b), of a sample of 75 birds, with a minimum of 50 birds per poultry house, between 15–20 days prior to the flock being moved to laying quarters.

(5) Started poultry shall be delivered to and from the farm premises in crates and vehicles which have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(h) U.S. S. Enteritidis Clean [Reserved]

(i) U.S. Salmonella Monitored [Reserved]

(j) U.S. M. Gallisepticum Monitored

(1) A multiplier breeding flock in which all birds or a sample of at least 30 birds per house has been tested for *M. gallisepticum* as provided in §145.14(b) when more than 4 months of age: *Provided,* That to retain this classification, a minimum of 30 birds per house shall be tested again at 36 to 38 weeks and at 48 to 50 weeks at a minimum: *And provided further,* That each 30-bird sample should come from 2 locations within the house (15 from the front half of the house and 15 from the back half of the house). A representative sample of males and females shall be sampled. The samples shall be marked "male" or "female."

(2) A participant handling U.S. M. Gallisepticum Monitored products shall keep these products separate from other products in a manner satisfactory to the Official State Agency: *Provided,* That U.S. M. Gallisepticum Monitored chicks from multiplier breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (j)(1) of this section are set. Eggs from U.S. M. Gallisepticum Monitored multiplier breeding flocks shall not be set in hatchers or incubators in which eggs from U.S. M. Gallisepticum Clean primary breeding flocks qualified under paragraph (c)(1)(i) of this section are set.

(3) U.S. M. Gallisepticum Monitored chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(k) U.S. M. Synoviae Monitored

(1) A multiplier breeding flock in which all birds or a sample of at least 30 birds per house has been tested for *M. synoviae* as provided in § 145.14(b) when more than 4 months of age: *Provided,* That to retain this classification, a minimum of 30 birds per house shall be tested again at 36 to 38 weeks and at 48 to 50 weeks at a minimum: *And provided further,* That each 30-bird sample should come from 2 locations within the house (15 from the front half of the house and 15 from the back half of the house). A representative sample of males and females should be sampled. The samples shall be marked "male" or "female."

(2) A participant handling U.S. M. Synoviae Monitored products shall keep these products separate from other products in a manner satisfactory to the Official State Agency: *Provided,* That U.S. M. Synoviae Monitored chicks from multiplier breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (k)(1) of this section are set. Eggs from U.S. M. Synoviae Monitored multiplier breeding flocks shall not be set in hatchers or incubators in which eggs from U.S. M. Synoviae Clean primary breeding flocks qualified under paragraph (e)(1)(i) of this section are set.

(3) U.S. M. Synoviae Monitored chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(l) U.S. Avian Influenza Clean

This program is intended to be the basis from which the breeding-hatchery industry may conduct a program for the prevention and control of avian influenza. It is intended to determine the presence of avian influenza in primary breeding chickens through routine serological surveillance of each participating breeding flock. A flock and the hatching eggs and chicks produced from it will qualify for this classification when the Official State Agency determines that they have met one of the following requirements:

(1) [Reserved]

(2) It is a multiplier breeding flock in which a minimum of 30 birds have been tested negative for antibodies to avian influenza when more than 4 months of age and prior to the onset of egg production. To retain this classification:

(i) A sample of at least 30 birds must be tested negative at intervals of 180 days; *Provided:* That multiplier spent fowl must be tested within 30 days prior to movement to slaughter; or

(ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds is tested within each 180-day period.

(Approved by the Office of Management and Budget under control number 0579-0007)

§ 145.34 Terminology and classification; States.

(a) U.S. Pullorum-Typhoid Clean State

(1) A State will be declared a U.S. Pullorum-Typhoid Clean State when it has been determined by the Service that:

(i) The State is in compliance with the provisions contained in § 145.23(b)(3)(i) through (vii), § 145.33(b)(3)(i) through (vii), § 145.43(b)(3)(i) through (vi), § 145.53(b)(3)(i) through (vii), § 145.73(b)(2)(i), and § 145.83(b)(2)(i).

(ii) No pullorum disease or fowl typhoid is known to exist nor to have existed in hatchery supply flocks within the State during the preceding 12 months: *Provided*, That pullorum disease or fowl typhoid found within the preceding 24 months in waterfowl, exhibition poultry, and game bird breeding flocks will not prevent a State, which is otherwise eligible from qualifying.

(2) Discontinuation of any of the conditions described in paragraph (a)(1)(i) of this section, or repeated outbreaks of pullorum or typhoid occur in hatchery supply flocks described in paragraph (a)(1)(ii) of this section, or if an infection spreads from the originating premises, the Service shall have grounds to revoke its determination that the State is entitled to this classification. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator.

(b) U.S. M. Gallisepticum Clean State, Meat-Type Chickens

(1) A State will be declared a U.S. M. Gallisepticum Clean State, Meat-Type Chickens, when it has been determined by the Service that:

(i) No M. gallisepticum is known to exist nor to have existed in meat-type chicken breeding flocks in production within the State during the preceding 12 months;

(ii) All meat-type chicken breeding flocks in production are classified as U.S. M. Gallisepticum Clean in accordance with §§ 145.33(c) and 145.83(c) or have met equivalent requirements for *M. gallisepticum* control under official supervision;

(iii) All hatcheries within the State which handle products from meat-type chicken breeding flocks only handle products which are classified as U.S. M. Gallisepticum Clean or have met equivalent requirements for *M. gallisepticum* control under official supervision;

(iv) All shipments of products from meat-type chicken breeding flocks other than those classified as U.S. M. Gallisepticum Clean, or equivalent, into the State are prohibited;

(v) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all specimens from chickens from meat-type chicken breeding flocks that have been identified as being infected with *M. gallisepticum*;

(vi) All reports of *M. gallisepticum* infection in chickens from meat-type chicken breeding flocks are promptly followed by an investigation by the Official State Agency to determine the origin of the infection;

(vii) All chickens from meat-type chicken breeding flocks found to be infected with *M. gallisepticum* are quarantined until marketed under supervision of the Official State Agency.

(2) Discontinuation of any of the conditions described in paragraph (b)(1) of this section, or if repeated outbreaks of *M. gallisepticum* occur in meat-type chicken breeding flocks described in paragraph (b)(1)(ii) of this section, or if an infection spreads from the originating premises, the Service shall have grounds to revoke its determination that the State is entitled to this classification. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator.

Subpart D—Special Provisions for Turkey Breeding Flocks and Products

§ 145.41 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

Poults Newly hatched turkeys.

§ 145.42 Participation.

(a) Participating turkey flocks, and the eggs and poults produced from them, shall comply with the applicable general provisions of Subpart A of this part and the special provisions of this Subpart D.
(b) Hatching eggs shall be fumigated (see § 147.25 of this chapter) or otherwise sanitized.
(c) Any nutritive material provided to poults must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

§ 145.43 Terminology and classification; flocks and products.

Participating flocks, and the eggs and poults produced from them, which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 145.10:

(a) [Reserved]

(b) U.S. Pullorum-Typhoid Clean A flock in which freedom from pullorum and typhoid has been demonstrated to the Official State Agency under the criteria in one of the following paragraphs (b)(1) through (5) of this section: *Provided*, That a flock qualifying by means of a blood test shall be tested within the past 12 months, except that the retesting of a participating flock which is retained for more than 12 months shall be conducted a minimum of 4 weeks after the induction of molt. (See § 145.14 relating to the official blood test where applicable.)

(1) It has been officially blood tested with no reactors.
(2) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, and meets the following specifications as determined by the Official State Agency and the Service:
  (i) The flock is located in a State where all persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which *S. pullorum* or *S. gallinarum* is isolated;

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision; and

(iii) The flock is located on a premises where either no poultry or a flock not classified as U.S. Pullorum-Typhoid Clean were located the previous year; *Provided*, That an Authorized Testing Agent must blood test up to 300 birds per flock, as described in § 145.14, if the Official State Agency determines that the flock has been exposed to pullorum-typhoid. In making determinations of exposure and setting the number of birds to be blood tested, the Official State Agency shall evaluate the results of any blood tests, described in § 145.14(a)(1) of this part, that were performed on an unclassified flock located on the premises during the previous year; the origins of the unclassified flock; and the probability of contacts between the flock for which qualification is being sought and (a) infected wild birds, (b) contaminated feed or waste, or (c) birds, equipment, supplies, or personnel from flocks infected with pullorum-typhoid.

(3) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the Service that:

(i) All turkey hatcheries within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;

(ii) All turkey hatchery supply flocks within the State are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for pullorum- typhoid control under official supervision: *Provided*, That if other domesticated fowl, except waterfowl, are maintained on the same premises as the participating flock, freedom from pullorum-typhoid infection shall be demonstrated by an official blood test of each of these fowl;

(iii) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(iv) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which *S. pullorum* or *S. gallinarum* is isolated;

(v) All reports of any disease outbreak involving a disease covered under the Plan are promptly followed by an investigation by the Official State Agency to determine the origin of the infection: *Provided,* That if the origin of the infection involves another State, or if there is exposure to poultry in another State from the infected flock, then the National Poultry Improvement Plan will conduct an investigation;

(vi) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or until subsequently blood tested, following the procedure for reacting flocks as contained in § 145.14(a)(5), and all birds fail to demonstrate pullorum or typhoid infection;

(vii) [Reserved]

(viii) Discontinuation of any of the conditions or procedures described in paragraphs (b)(3)(i), (ii), (iii), (iv), (v), and (vi) of this section, or the occurrence of repeated outbreaks of pullorum or typhoid in turkey breeding flocks within or originating within the State shall be grounds for the Service to revoke its determination that such conditions and procedures have been met or complied with. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity to present its views.

(4) It is a multiplier breeding flock located in a State which has been determined by the Service to be in compliance with the provisions of paragraph (b)(3) of this section and in which pullorum disease or fowl typhoid is not known to exist nor to have existed in turkey hatchery supply flocks within the State during the preceding 24 months.

(5) It is a primary breeding flock located in a State determined to be in compliance with the provisions of paragraph (b)(4), of this section and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid with no reactors: *Provided*, That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by the Service may be used in lieu of blood testing.

(c) U.S. M. Gallisepticum Clean

(1) A flock maintained in accordance with the conditions and procedures described in § 147.26 of this chapter, and in which no reactors are found when a random sample of at least 10 percent of the birds in the flock, or 300 birds in flocks of more than 300 and each bird in flocks of 300 or less, is tested when more than 12 weeks of age, in accordance with the procedures described in § 145.14(b): *Provided*, That to retain this classification, a minimum of 30 samples from male flocks and 60 samples from female flocks shall be retested at 28–30 weeks of age and at 4–6 week intervals thereafter.

(2) A flock qualified as U.S. M. Gallisepticum Clean may retain the classification through its first egg-laying cycle, provided it is maintained in isolation and no evidence of *M. gallisepticum* infection is revealed. A flock which is molted following completion of an egg-laying cycle and subsequently brought back into production, shall be retested within 2 weeks prior to production, as described in paragraph (c)(1) of this section. A State inspector shall visit with the owner or manager of each flock at least once during each laying cycle to discuss and ascertain whether the applicable conditions outlined in § 147.26 of this chapter are being met. If a flock proves to be infected with *M. gallisepticum*, it shall lose this classification.

(3) In order to sell hatching eggs or poults of this classification, all hatching eggs and poults handled by the participant must be of this classification.

(d) U.S. M. Meleagridis Clean

(1) A flock in which freedom from *M. meleagridis* has been demonstrated under the following criteria:
(i) A sample of 100 birds from each flock has been tested for *M. meleagridis* when more than 12 weeks of age: *Provided*, That to retain this classification, a minimum of 30 samples from male flocks and 60 samples from female flocks shall be retested at 28–30 weeks of age and at 4–6 week intervals thereafter.

(2) The official blood tests for *M. meleagridis* shall be the serum plate agglutination test, the tube agglutination test, or the microagglutination test. The hemagglutination inhibition (HI) test, microhemagglutination inhibition test, serum plate dilution test, microagglutination test and the enzyme-labeled immunosorbent assay (ELISA)[5] test may be used as supplemental tests to determine the status of the flock, in accordance with § 147.6(b) of this chapter.

(3) The tests shall be conducted using *M. meleagridis* antigens and the protocols for testing approved by the Department or the Official State Agency.

(4) When reactors to the official test are found and can be identified, 10 tracheal swabs and/or vaginal or phallus swabs and their corresponding blood samples shall be submitted to a laboratory for serological and cultural examination. If reactors cannot be identified, at least 30 tracheal swabs and/or vaginal or phallus swabs and their corresponding blood samples shall be submitted. In a flock with a low reactor rate (less than 5 reactors), the reactors may be submitted to the laboratory within 10 days for serology, necropsy, and thorough bacteriological examination.

(5) If a mycoplasma is isolated, the organism must be serotyped. If *M. meleagridis* is isolated, the flock shall be considered infected.

(e) U.S. M. Synoviae Clean

(1) All birds, or a sample of at least 100 birds from flocks of more than 100 and each bird in flocks of 100 or less, have been tested for *M. synoviae* when more than 12 weeks of age in accordance with the procedures in § 145.14(b): *Provided*, That to retain this classification a minimum of 30 samples from male flocks and 60 samples from female flocks shall be retested at 28–30 weeks of age and at 4–6 week intervals thereafter.

(2) When reactors to the official test are found and can be identified, tracheal swabs and their corresponding blood samples from 10 (all if fewer than 10) reacting birds shall be submitted to an authorized laboratory for serological and cultural examination. If reactors cannot be identified, at least 30 tracheal swabs and their corresponding blood samples shall be submitted. In a flock with a low reactor rate (less than five reactors) the reactors may be submitted to the laboratory within 10 days for serology, necropsy, and thorough bacteriological examination. When reactors to the official test are found, the procedures outlined in § 147.6 will be used to determine the status of the flock.

(3) Flocks located on premises which, during 3 consecutive years, have contained breeding flocks qualified as U.S. M. Synoviae Clean, as described in paragraph (e)(1) above, may qualify for this classification by a negative blood test of at least 100 birds from flocks of more than 100 and each bird in flocks of 100 or less, when more than 12 weeks of age, and by testing a minimum of 30 samples from male flocks and 60 samples from female flocks at 28–30 weeks of age and at 45 weeks of age.

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[5]See footnote 3 to § 145.14(b)(1).

(f) U.S. Sanitation Monitored, Turkeys

A flock or hatchery whose owner is controlling or reducing the level of salmonella through compliance with sanitation and management practices as described in Subpart C of Part 147 of this chapter, and where the following monitoring, testing, and management practices are conducted:

((1) Hatchery debris (dead germ hatching eggs, fluff, and meconium collected by sexors), swabs collected from hatch debris in hatcher trays, a sample of all the poults that died within 10 days after hatching up to 10 poults, or a combination of 2 or all 3 of the above, from each hatch or a candidate breeding flock produced by a primary breeder, are examined bacteriologically at an authorized laboratory for *Salmonella*.

(2) The poults for the candidate breeding flock are placed in a building that has been cleaned and disinfected. An Authorized Agent must collect environmental samples from the building and submit them to an authorized laboratory for a bacteriological examination for the presence of *Salmonella,* as described in § 147.12 of this chapter.

(3) Feed for turkeys in the candidate breeding flock shall meet the following requirements:

(i) All feed manufactured in pellet form must have a maximum moisture content of 13.5 percent upon delivery to the farm. It should have been preconditioned to the minimum of one of the following parameters before pelleting:

(A) Feed is to reach a minimum temperature of 185 °F for a minimum of 6 minutes of retention in the conditioning chamber. The conditioned mash feed moisture must be a minimum of 16 percent during the conditioning process. This method utilizes time retention to allow permeation to the center core of each feed particle; or

(B) The feed is to be pressurized in order to expedite the transfer of the heat and moisture to the core of each feed particle. The feed should be conditioned to the parameters of a minimum of 16 percent moisture and 200 °F; or

(C) The feed should be submitted to pressurization to the extent that the initial feed temperature rises to 235 °F for 4 seconds; or

(D) The feed should be submitted to an equivalent thermal lethality treatment; or

(E) A Food and Drug Administration (FDA)-approved product for *Salmonella* control may be added to either unfinished or finished feed.

(ii) Mash feed should be treated with an FDA-approved *Salmonella* control product.

(iii) All feed is to be stored and transported in such a manner as to prevent possible contamination with pathogenic bacteria.

(iv) FDA-approved products for *Salmonella* control may be added to either unfinished or finished feed.

(4) Environmental samples shall be taken by an Authorized Agent, as described in § 147.12 of this chapter, from each flock at 12–20 weeks of age and examined bacteriologically at an authorized laboratory for Salmonella.

(5) Owners of flocks found infected with a paratyphoid Salmonella may vaccinate these flocks with an autogenous bacterin with a potentiating agent.[6]

(6) Environmental samples shall be taken by an Authorized Agent, as described in § 147.12 of this chapter, from each flock at 35–50 weeks of age and from each molted flock at midlay, and examined bacteriologically at an authorized laboratory for Salmonella.
(7) Hatchery debris (dead germ hatching eggs, fluff, and meconium collected by sexors), swabs collected from hatch debris in hatcher trays, a sample of all the poults that died within 10 days after hatching up to 10 poults, or a combination of 2 or all 3 of the above, shall be cultured as a means of evaluating the effectiveness of the control procedures.

(g) U.S. H5/H7 Avian Influenza Clean.

This program is intended to be the basis from which the turkey breeding industry may conduct a program for the prevention and control of the H5 and H7 subtypes of avian influenza. It is intended to determine the presence of the H5 and H7 subtypes of avian influenza in breeding turkeys through routine serological surveillance of each participating breeding flock. A flock, and the hatching eggs and poults produced from it, will qualify for this classification when the Official State Agency determines that it has met one of the following requirements:

(1) It is a primary breeding flock in which a minimum of 30 birds has been tested negative for antibodies to type A avian influenza virus by the agar gel immunodiffusion test specified in § 147.9 of this chapter. Positive samples shall be further tested by an authorized laboratory using the hemagglutination inhibition test to detect antibodies to the hemagglutinin subtypes H5 and H7 when more than 4 months of age and prior to the onset of egg production. To retain this classification:
   (i) A sample of at least 30 birds must be tested negative at intervals of 90 days; *Provided,* that primary spent fowl be tested within 30 days prior to movement to disposal; or
   (ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds are tested within each 90-day period.
(2) It is a multiplier breeding flock in which a minimum of 30 birds has been tested negative for antibodies to type A avian influenza virus by the agar gel immunodiffusion test specified in § 147.9 of this chapter. Positive samples shall be further tested by an authorized laboratory using the hemagglutination inhibition test to detect antibodies to the hemagglutinin subtypes H5 and H7 when more than 4 months of age and prior to the onset of egg production. To retain this classification:
   (i) A sample of at least 30 birds must be tested negative at intervals of 180 days; *Provided,* that multiplier spent fowl be tested within 30 days prior to movement to disposal; or
   (ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds are tested within each 180-day period.

[6]Preparation and use of this type of vaccine may be regulated by state statutes.

(3) For both primary and multiplier breeding flocks, if a killed influenza vaccine against avian influenza subtypes other than H5 and H7 is used, then the hemagglutinin and the neuraminidase subtypes of the vaccine must be reported to the Official State Agency for laboratory and reporting purposes.

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§ 145.44 Terminology and classification; States.

(a) U.S. Pullorum-Typhoid Clean State

(1) A State will be declared a U.S. Pullorum-Typhoid Clean State when it has been determined by the Service that:

(i) The State is in compliance with the provisions contained in § 145.23(b)(3)(i) through (vii), § 145.33(b)(3)(i) through (vii), § 145.43(b)(3)(i) through (vi), and § 145.53(b)(3)(i) through (vii).

(ii) No pullorum disease or fowl typhoid is known to exist nor to have existed in hatchery supply flocks within the State during the preceding 12 months: *Provided*, That pullorum disease or fowl typhoid found within the preceding 24 months in waterfowl, exhibition poultry, and game bird breeding flocks will not prevent a State, which is otherwise eligible, from qualifying.

(2) Discontinuation of any of the conditions described in paragraph (a)(1)(i) of this section, or repeated outbreaks of pullorum or typhoid occur in hatchery supply flocks described in paragraph (a)(1)(ii) of this section, or if an infection spreads from the originating premises, the Service shall have grounds to revoke its determination that the State is entitled to this classification. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator.

(b) U.S. Pullorum-Typhoid Clean State, Turkeys

(1) A State will be declared a U.S. Pullorum-Typhoid Clean State, Turkeys, when it has been determined by the Service that:

(i) The State is in compliance with the provisions contained in §145.43(b)(3)(i)through (vi).

(ii) No pullorum disease or fowl typhoid is known to exist nor to have existed in turkey hatchery supply flocks within the State during the preceding 24 months.

(2) Discontinuation of any of the conditions described in paragraph (b)(1)(i) of this section, or repeated outbreaks of pullorum or typhoid occur in hatchery supply flocks described in paragraph (b)(1)(ii) of this section, or if an infection spreads from the originating premises, Service shall have grounds to revoke its determination that the State is entitled to this classification. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator.

(c) U.S. M. Gallisepticum Clean State, Turkeys

(1) A State will be declared a U.S. M. Gallisepticum Clean State, Turkeys when it has been determined by the Service that:

(i) No *M. gallisepticum* is known to exist nor to have existed in turkey breeding flocks in production within the State during the preceding 12 months.

(ii) All turkey breeding flocks in production are classified as U.S. M. Gallisepticum Clean or have met equivalent requirements for *M. gallisepticum* control under official supervision.

(iii) All turkey hatcheries within the State handle products which are classified as U.S. M. Gallisepticum Clean or have met equivalent requirements for *M. gallisepticum* control under official supervision.

(iv) All shipments of turkey products other than those classified as U.S. M. Gallisepticum Clean, or equivalent, into the State are prohibited.

(v) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all turkey specimens that have been identified as being infected with *M. gallisepticum*.

(vi) All reports of *M. gallisepticum* infection in turkeys are promptly followed by an investigation by the Official State Agency to determine the origin of the infection.

(vii) All turkey flocks found to be infected with *M. gallisepticum* are quarantined until marketed under supervision of the Official State Agency.

(2) Discontinuation of any of the conditions described in paragraph (c)(1) of this section, or if repeated outbreaks of *M. gallisepticum* occur in turkey breeding flocks described in paragraph (c)(1)(ii) of this section, or if an infection spreads from the originating premises, the Service shall have grounds to revoke its determination that the State is entitled to this classification. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator.

(3) If a State retains this status for 2 or more years, individual breeding flocks in the State may qualify for an *M. gallisepticum* classification based on a negative test of a sample of 100 birds.

(d) U.S. M. Synoviae Clean State, Turkeys

(1) A State will be declared a U.S. M. Synoviae Clean State, Turkeys, if the Service determines that:

(i) No *Mycoplasma synoviae* is known to exist nor to have existed in turkey breeding flocks in production within the State during the preceding 12 months;

(ii) All turkey breeding flocks in production are tested and classified as U.S. M. Synoviae Clean or have met equivalent requirements for *M. synoviae* control under official supervision;

(iii) All turkey hatcheries within the State only handle products that are classified as U.S. M. Synoviae Clean or have met equivalent requirements for *M. synoviae* control under official supervision;

(iv) All shipments of products from turkey breeding flocks other than those classified as U.S. M. Synoviae Clean, or equivalent, into the State are prohibited;

(v) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all turkey specimens that have been identified as being infected with *M. synoviae;*

(vi) All reports of *M. synoviae* infection in turkeys are promptly followed by an investigation by the Official State Agency to determine the origin of the infection; and

(vii) All turkey breeding flocks found to be infected with *M. synoviae* are quarantined until marketed under supervision of the Official State Agency.

(2) The Service may revoke the State's classification as a U.S. *M. Synoviae* Clean State, Turkeys, if any of the conditions described in paragraph (d)(1) of this section are discontinued. The Service shall not revoke the State's classification as a U.S. M. Synoviae Clean State, Turkeys, until it has conducted an investigation and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator.

(e) U.S. M. Meleagridis Clean State, Turkeys

(1) A State will be declared a U.S. M. Meleagridis Clean State, Turkeys, if the Service determines that:

(i) No *Mycoplasma meleagridis* is known to exist nor to have existed in turkey breeding flocks in production within the State during the preceding 12 months;

(ii) All turkey breeding flocks in production are tested and classified as U.S. M. Meleagridis Clean or have met equivalent requirements for *M. meleagridis* control under official supervision;

(iii) All turkey hatcheries within the State only handle products that are classified as U.S. M. Meleagridis Clean or have met equivalent requirements for *M. meleagridis* control under official supervision;

(iv) All shipments of products from turkey breeding flocks other than those classified as U.S. M. Meleagridis Clean, or equivalent, into the State are prohibited;

(v) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all turkey specimens that have been identified as being infected with *M. meleagridis*;

(vi) All reports of *M. meleagridis* infection in turkeys are promptly followed by an investigation by the Official State Agency to determine the origin of the infection; and

(vii) All turkey breeding flocks found to be infected with *M. meleagridis* are quarantined until marketed under supervision of the Official State Agency.

(2) The Service may revoke the State's classification as a U.S. M. Meleagridis Clean State, Turkeys, if any of the conditions described in paragraph (d)(1) of this section are discontinued. The Service will not revoke the State's classification as a U.S. M. Meleagridis Clean State, Turkeys, until it has conducted an investigation and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator.

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Subpart E—Special Provisions for Waterfowl, Exhibition Poultry, and Game Bird Breeding Flocks and Products

§ 145.51 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

Exhibition Poultry — Domesticated fowl which are bred for the combined purposes of meat or egg production and competitive showing.

Game birds — Domesticated fowl such as pheasants, partridge, quail, grouse, and guineas, but not doves and pigeons.

Waterfowl — Domesticated fowl that normally swim, such as ducks and geese.

§ 145.52 Participation.

Participating flocks of waterfowl, exhibition poultry, and game birds, and the eggs and baby poultry produced from them shall comply with the applicable general provisions of Subpart A of this part and the special provisions of this Subpart E.

(a) Started poultry shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a).

(b) Hatching eggs produced by primary breeding flocks shall be fumigated (see § 147.25 of this chapter) or otherwise sanitized.

(c) Subject to the approval of the Service and the Official State Agencies in the importing and exporting States, participating flocks may report poultry sales to importing States by using printouts of computerized monthly shipping and receiving reports in lieu of VS Form 9-3, "Report of Sales of Hatching Eggs, Chicks, and Poults."

(d) Any nutritive material provided to baby poultry must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

§ 145.53 Terminology and classification; flocks and products.

Participating flocks, and the eggs and baby poultry produced from them, which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 145.10.

(a) [Reserved]

(b) U.S. Pullorum-Typhoid Clean — A flock in which freedom from pullorum and typhoid has been demonstrated to the Official State Agency under the criteria in one of the following paragraphs (b)(1) through (5) of this section (See § 145.14 relating to the official blood test where applicable.):

(1) It has been officially blood tested within the past 12 months with no reactors.

(2) It is a multiplier breeding flock, or a breeding flock composed of progeny of a primary breeding flock which is intended solely for the production of multiplier breeding flocks, and meets the following specifications as determined by the Official State Agency and the Service:

(i) The flock is located in a State where all persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which *S. pullorum* or *S. gallinarum* is isolated;

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision; and

(iii) The flock is located on a premises where either no poultry or a flock not classified as U.S. Pullorum-Typhoid Clean were located the previous year: *Provided*, That an Authorized Testing Agent must blood test up to 300 birds per flock, as described in § 145.14, if the Official State Agency determines that the flock has been exposed to pullorum-typhoid. In making determinations of exposure and setting the number of birds to be blood tested, the Official State Agency shall evaluate the results of any blood tests, described in § 145.14(a)(1), that were performed on an unclassified flock located on the premises during the previous year; the origins of the unclassified flock; and the probability of contacts between the flock for which qualification is being sought and (a) infected wild birds, (b) contaminated feed or waste, or (c) birds, equipment, supplies, or personnel from flocks infected with pullorum-typhoid.

(3) It is a multiplier breeding flock that originated from U.S. Pullorum-Typhoid Clean breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the Service that:

(i) All hatcheries within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;

(ii) All hatchery supply flocks within the State are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for pullorum-typhoid control under official supervision: *Provided*, That if other domesticated fowl, except waterfowl, are maintained on the same premises as the participating flock, freedom from pullorum-typhoid infection shall be demonstrated by an official blood test of each of these fowl;

(iii) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(iv) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which *S. pullorum* or *S. gallinarum* is isolated;

(v) All reports of any disease outbreak involving a disease covered under the Plan are promptly followed by an investigation by the Official State Agency to determine the origin of the infection: *Provided*, That if the origin of the infection involves another State, or if there is exposure to poultry in another State from the infected flock, then the National Poultry Improvement Plan will conduct an investigation;

(vi) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or until subsequently blood tested, following the procedure for reacting flocks as contained in § 145.14(a)(5), and all birds fail to demonstrate pullorum or typhoid infection;

(vii) All poultry, including exhibition, exotic, and game birds, but excluding waterfowl, going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition;

(viii) Discontinuation of any of the conditions or procedures described in paragraphs (b)(3)(i), (ii), (iii), (iv), (v), (vi), and (vii) of this section, or the occurrence of repeated outbreaks of pullorum or typhoid in poultry breeding flocks within or originating within the State shall be grounds for the Service to revoke its determination that such conditions and procedures have been met or complied with. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity to present its views.

(4) It is a multiplier breeding flock located in a State which has been determined by the Service to be in compliance with the provisions of paragraph (b)(3) of this section, and in which pullorum disease or fowl typhoid is not known to exist nor to have existed in hatchery supply flocks within the State during the preceding 24 months.

(5) It is a primary breeding flock located in a State determined to be in compliance with the provisions of paragraph (b)(4) of this section, and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid within the past 12 months with no reactors: *Provided*, That a bacteriological examination monitoring program or serological examination monitoring program for game birds acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing: *And provided further*, That when a flock is a waterfowl or exhibition poultry primary breeding flock located in a State which has been deemed to be a U.S. Pullorum-Typhoid Clean State for the past three years, and during which time no isolation of pullorum or typhoid has been made that can be traced to a source in that State, a bacteriological examination monitoring program or a serological examination monitoring program acceptable to the Official State Agency and approved by the Service may be used in lieu of annual blood testing.

(c) U.S. M. Gallisepticum Clean

(1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from *M. gallisepticum* has been demonstrated under the criteria specified in paragraph (c)(1)(i) or (ii) of this section.

(i) It is a flock in which all birds or a sample of at least 300 birds has been tested for *M. gallisepticum* as provided in § 145.14(b) when more than 4 months of age or upon reaching sexual maturity: *Provided*, That to retain this classification, a random sample of serum or egg yolk from at least 5 percent of the birds in the flock, but at least 30 birds, shall be tested at intervals of not more than 90 days: *And provided further*, That a sample comprised of less than 5 percent may be tested at any one time, with the approval of the Official State Agency and the concurrence of the Service, provided that a total of at least 5 percent of the birds in the flock, but at least 30 birds, is tested within each 90-day period; or

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean baby poultry from primary breeding flocks and a random sample comprised of 50 percent of the birds in the flock, with a maximum of 200 birds and a minimum of 30 birds per flock, has been tested for *M. gallisepticum* as provided in § 145.14(b) when more than 4 months of age or upon reaching sexual maturity: *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:

(A) At intervals of not more than 90 days, a random sample of serum or egg yolk from at least 2 percent of the birds in the flock, with a minimum of 30 birds per pen, shall be tested; or

(B) At intervals of not more than 30 days, a sample of 25 cull baby poultry produced from the flock shall be subjected to laboratory procedures acceptable to the Official State Agency and approved by the Service, for the detection and recovery of *M. gallisepticum*.

(2) A participant handling U.S. M. Gallisepticum Clean products shall keep these products separate from other products in a manner satisfactory to the Official State Agency: *Provided*, That U.S. M. Gallisepticum Clean baby poultry from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (c)(1)(i) of this section are set.

(3) U.S. M. Gallisepticum Clean baby poultry shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(d) U.S. M. Synoviae Clean

(1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from *Mycoplasma synoviae* has been demonstrated under the criteria specified in paragraph (d)(1)(i) or (d)(1)(ii) of this section.

(i) It is a flock in which a minimum of 300 birds has been tested for *M. synoviae* as provided in § 145.14(b) when more than 4 months of age: *Provided,* That to retain this classification, a sample of at least 150 birds shall be tested at intervals of not more than 90 days: *And provided further,* That a sample comprised of fewer than 150 birds may be tested at any one time with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum of 150 birds is tested within each 90-day period; or

(ii) It is a multiplier breeding flock that originated as U.S. M. Synoviae Clean chicks from primary breeding flocks and from which a sample comprised of a minimum of 75 birds has been tested for *M. synoviae* as provided in § 145.14(b) when more than 4 months of age: *Provided,* That to retain this classification, the flock shall be subjected to one of the following procedures:

(A) At intervals of not more than 90 days, a sample of 50 birds shall be tested: *Provided,* That a sample of fewer than 50 birds may be tested at any one time, provided that a minimum of 30 birds per flock with a minimum of 15 birds per pen, whichever is greater, is tested each time and a total of at least 50 birds is tested within each 90-day period; or

(B) At intervals of not more than 30 days, egg yolk testing shall be conducted in accordance with § 147.8 of this chapter.

(2) A participant handling U.S. M. Synoviae Clean products shall keep those products separate from other products in a manner satisfactory to the Official State Agency: *Provided,* That U.S. M. Synoviae Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under paragraph (d)(1)(i) or (d)(1)(ii) of this section are set.

(3) U.S. M. Synoviae Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(e) U.S. H5/H7 Avian Influenza Clean.

This program is intended to be the basis from which the breeding-hatchery industry may conduct a program for the prevention and control of the H5 and H7 subtypes of avian influenza. It is intended to determine the presence of the H5 and H7 subtypes of avian influenza in waterfowl, exhibition poultry, and game bird breeding flocks through routine serological surveillance of each participating breeding flock. A flock, and the hatching eggs and chicks produced from it, will qualify for this classification when the Official State Agency determines that it has met one of the following requirements:

(1) It is a primary breeding flock in which a minimum of 30 birds has been tested negative for antibodies to the H5 and H7 subtypes of avian influenza by the agar gel immunodiffusion test specified in § 147.9 of this chapter when more than 4 months of age. To retain this classification:

(i) A sample of at least 30 birds must be tested negative at intervals of 90 days; or

(ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds are tested within each 90-day period.

(2) It is a multiplier breeding flock in which a minimum of 30 birds has been tested negative for antibodies to the H5 and H7 subtypes of avian influenza by the agar gel immunodiffusion test specified in § 147.9 of this chapter when more than 4 months of age. To retain this classification:

(i) A sample of at least 30 birds must be tested negative at intervals of 180 days; or

(ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 unvaccinated sentinel birds are tested within each 180-day period.

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§ 145.54 Terminology and classification; States.

(a) U.S. Pullorum-Typhoid Clean State

(1) A State will be declared a U.S. Pullorum-Typhoid Clean State when it has been determined by the Service that:

(i) The State is in compliance with the provisions contained in § 145.23(b)(3)(i) through (vii), § 145.33(b)(3)(i) through (vii), § 145.43(b)(3)(i) through (vi), and § 145.53(b)(3)(i) through (vii);

(ii) No pullorum disease or fowl typhoid is known to exist nor to have existed in hatchery supply flocks within the State during the preceding 12 months: *Provided*, That pullorum disease or fowl typhoid found within the preceding 24 months in waterfowl, exhibition poultry, and game bird breeding flocks will not prevent a State, which is otherwise eligible, from qualifying.

(2) Discontinuation of any of the conditions described in paragraph (a)(1)(i) of this section, or repeated outbreaks of pullorum or typhoid occur in hatchery supply flocks described in paragraph (a)(1)(ii) of this section, or if an infection spreads from the originating premises, the Service shall have grounds to revoke its determination that the State is entitled to this classification. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator.

Subpart F—Special Provisions for Ostrich, Emu, Rhea, and Cassowary Breeding Flocks and Products

§ 145.61 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

Chicks Newly hatched ostriches, emus, rheas, or cassowaries.

Ostrich Birds of the species *Struthio camelus*, including all subspecies and subspecies hybrids.

§ 145.62 Participation.

Participating flocks of ostriches, emus, rheas, and cassowaries, and the eggs and chicks produced from them, shall comply with the applicable general provisions of subpart A of this part and the special provisions of this subpart.

(a) Started poultry shall lose their identity under Plan terminolgy when not maintained by Plan participants under the conditions prescribed in § 145.5 (a).

(b) Hatching eggs produced by primary breeding flocks shall be fumigated or otherwise sanitized (see § 147.22 of this chapter).

(c) Any nutritive material provided to chicks must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

§ 145.63 Terminology and classification; flocks and products.

Participating flocks, and the eggs and baby poultry produced from them, that have met the respective requirements specified in this section may be designated by the following terms and their corresponding designs illustrated in § 145.10.

(a) U.S. Pullorum-Typhoid Clean A flock in which freedom from pullorum and typhoid has been demonstrated to the Official State Agency under the criteria in paragraph (a)(1) or (a)(2) of this section. (See § 145.14(a) relating to the official blood test for pullorum-typhoid where applicable.)

(1) It has been officially blood tested within the past 12 months with no reactors.

(2) It is a breeding flock that meets one of the following criteria:

(i) (A) It is a multiplier or primary breeding flock of fewer than 300 birds in which a sample of 10 percent of the birds in a flock or at least 1 bird from each pen, whichever is more, has been officially tested for pullorum-typhoid within the past 12 months with no reactors; or

(B) It is a multiplier or primary breeding flock of 300 birds or more in which a sample of a minimum of 30 birds has been officially tested for pullorum-typhoid within the past 12 months with no reactors.

(ii) It is a flock that has already been designated U.S. Pullorum-Typhoid Clean

and uses a subsequent bacteriological examination monitoring program of hatcher debris or eggs for ostriches, emus, rheas, or cassowaries acceptable to the Official State Agency and approved by the Service in lieu of annual blood testing.

(iii) It is a multiplier breeding flock located in a State that has been deemed to be a U.S. Pullorum-Typhoid Clean State for the past 3 years, and during which time no isolation of pullorum or typhoid has been made that can be traced to a source in that State, that uses a bacteriological examination monitoring program of hatcher debris or eggs or a serological examination monitoring program acceptable to the Official State Agency and approved by the Service in lieu of annual blood testing.

(b) [Reserved]

(Approved by the Office of Management and Budget under control number 0579-0007)

Subpart G—Special Provisions for Primary Egg-Type Chicken Breeding Flocks and Products

§ 145.71 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

Chicks Newly hatched chickens.

Primary egg-type chicken breeding flocks Foundation flocks that are composed of pedigree, great-grandparent, and grandparent stock that has been developed for egg production and are maintained for the principal purpose of producing multiplier breeding chicks used to produce table egg layers.

Started chickens Young chickens (chicks, pullets, cockerels, capons) which have been fed and watered and are less than 6 months of age.

§ 145.72 Participation.

Participating flocks of primary egg-type chickens, and the eggs and chicks produced from them, shall comply with the applicable general provisions of subpart A of this part and the special provisions of this subpart G.

(a) Started chickens shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a).

(b) Hatching eggs produced by primary breeding flocks shall be fumigated (see § 147.25 of this chapter) or otherwise sanitized.

(c) Any nutritive material provided to chicks must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

§ 145.73 Terminology and classification; flocks and products.

Participating flocks, and the eggs and chicks produced from them, which have met the respective requirements specified in this section, may be designated by the following terms and the corresponding designs illustrated in § 145.10:

(a) [Reserved]

(b) U.S. Pullorum-Typhoid Clean. A flock in which freedom from pullorum and typhoid has been demonstrated to the Official State Agency under the criteria in paragraph (b)(1) or (b)(2) of this section: *Provided,* That a flock qualifying by means of a blood test shall be tested within the past 12 months, except that the retesting of a participating flock which is retained for more than 12 months shall be conducted a minimum of 4 weeks after the induction of molt. (See § 145.14 relating to the official blood test where applicable.)

(1) It has been officially blood tested with no reactors.
(2) It is a primary breeding flock that meets the following criteria:
    (i) The primary breeding flock is located in a State in which pullorum disease or fowl typhoid is not known to exist nor to have existed in hatchery supply flocks during the preceding 12 months and in which it has been determined by the Service that:
        (A) All hatcheries within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;
        (B) All hatchery supply flocks within the State, are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for pullorum-typhoid control under official supervision: *Provided,* That if other domesticated fowl, except waterfowl, are maintained on the same premises as the participating flock, freedom from pullorum-typhoid infection shall be demonstrated by an official blood test of each of these fowl;
        (C) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;
        (D) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which *S. pullorum* or *S. gallinarum* is isolated;
        (E) All reports of any disease outbreak involving a disease covered under the Plan are promptly followed by an investigation by the Official State Agency to determine the origin of the infection; Provided, That if the origin of the infection involves another State, or if there is exposure to poultry in another State from the infected flock, then officials administering the National Poultry Improvement Plan will conduct an investigation;
        (F) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or until subsequently blood tested following the procedure for reacting flocks as contained in § 145.14(a)(5), and all birds fail to demonstrate pullorum or typhoid infection;
        (G) All poultry, including exhibition, exotic, and game birds, but excluding waterfowl, going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; and
        (H) Discontinuation of any of the conditions or procedures described in paragraphs (b)(2)(i)(A) through (b)(2)(i)(G) of this section, or the occurrence of repeated outbreaks of pullorum or typhoid in poultry breeding flocks within or originating within the State shall be grounds for the Service to revoke its determination that such conditions and procedures have been met or complied with. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity to present its views; and

(ii) In the primary breeding flock, a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid with no reactors: Provided, That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by the Service may be used in lieu of blood testing.

(c) U.S. M. Gallisepticum Clean.

(1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from *M. gallisepticum* has been demonstrated under the criteria specified in paragraph (c)(1)(i) of this section.

(i) It is a flock in which all birds or a sample of at least 300 birds has been tested for *M. gallisepticum* as provided in §145.14(b) when more than 4 months of age: *Provided,* That to retain this classification, a minimum of 150 birds shall be tested at intervals of not more than 90 days: *And provided further,* That a sample comprised of fewer than 150 birds may be tested at any one time, if all pens are equally represented and a total of 150 birds is tested within each 90-day period.

(ii) [Reserved]

(2) A participant handling U.S. M. Gallisepticum Clean products shall handle only products of equivalent status.

(3) U.S. M. Gallisepticum Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in §147.24(a) of this chapter.

(d) U.S. S. Enteritidis Clean.

This classification is intended for primary egg-type breeders wishing to assure their customers that the hatching eggs and multiplier chicks produced are certified free of *Salmonella enteritidis.*

(1) A flock and the hatching eggs and chicks produced from it which have met the following requirements as determined by the Official State Agency:

(i) The flock originated from a U.S. S. Enteritidis Clean flock, or meconium from the chick boxes and a sample of chicks that died within 7 days after hatching are examined bacteriologically for salmonella at an authorized laboratory. Cultures from positive samples shall be serotyped.

(ii) All feed fed to the flock shall meet the following requirements:

(A) Pelletized feed shall contain either no animal protein or only animal protein products produced under the Animal Protein Products Industry (APPI) *Salmonella* Education/Reduction Program. The protein products must have a minimum moisture content of 14.5 percent and must have been heated throughout to a minimum temperature of 190 °F, or above, or to a minimum temperature of 165 °F for at least 20 minutes, or to a minimum temperature of 184 °F under 70 lbs. pressure during the manufacturing process.

(B) Mash feed may contain no animal protein other than an APPI animal protein product supplement manufactured in pellet form and crumbled: Provided, That mash feed may contain nonpelleted APPI animal protein product supplements if the finished feed is treated with a salmonella control product approved by the Food and Drug Administration.

(iii) Feed shall be stored and transported in such a manner as to prevent possible contamination;

(iv) The flock is maintained in compliance with §§ 147.21, 147.24(a), and 147.26 of this chapter. Rodents and other pests should be effectively controlled;

(v) Environmental samples shall be collected from the flock by an Authorized Agent, as described in § 147.12 of this chapter, when the flock is 2 to 4 weeks of age. The samples shall be examined bacteriologically for group D salmonella at an authorized laboratory. Cultures from positive samples shall be serotyped. The Authorized Agent shall also collect samples every 30 days after the first sample has been collected.

(vi) If a *Salmonella* vaccine is used that causes positive reactions with pullorum-typhoid antigen, one of the following options must be utilized:

(A) Administer the vaccine after the pullorum-typhoid testing is done as described in paragraph (d)(1)(vii) of this section.

(B) If an injectable bacterin or live vaccine that does not spread is used, keep a sample of 350 birds unvaccinated and banded for identification until the flock reaches at least 4 months of age. Following negative serological and bacteriological examinations as described in paragraph (d)(1)(vii) of this section, vaccinate the banded, non-vaccinated birds.

(vii) Blood samples from 300 non-vaccinated birds as described in paragraph (d)(1)(vi) of this section shall be tested with either pullorum antigen or by a federally licensed *Salmonella enteritidis* enzyme-linked immunosorbent assay (ELISA) test when the flock is more than 4 months of age. All birds with positive or inconclusive reactions, up to a maximum of 25 birds, shall be submitted to an authorized laboratory and examined for the presence of group D salmonella, as described in § 147.11 of this chapter. Cultures from positive samples shall be serotyped.

(viii) Hatching eggs are collected as quickly as possible and are handled as described in § 147.22 of this chapter and are sanitized or fumigated (see § 147.25 of this chapter).

(ix) Hatching eggs produced by the flock are incubated in a hatchery that is in compliance with the recommendations in §§ 147.23 and 147.24(b) of this chapter, and sanitized either by a procedure approved by the Official State Agency or fumigated (see § 147.25 of this chapter).

(2) A flock shall not be eligible for this classification if *Salmonella enteritidis* serotype *enteritidis* (SE) is isolated from a specimen taken from a bird in the flock. Isolation of SE from an environmental or other specimen, as described in paragraph (d)(1)(v) of this section, will require bacteriological examination for SE in an authorized laboratory, as described in § 147.11(a) of this chapter, of a random sample of 60 live birds from a flock of 5,000 birds or more, or 30 live birds from a flock with fewer than 5,000 birds. If only one specimen is found positive for SE, the participant may request bacteriological examination of a second sample, equal in size to the first sample, from the flock. If no SE is recovered from any of the specimens in the second sample, the flock will be eligible for the classification.

(3) A non-vaccinated flock shall be eligible for this classification if SE is isolated from an environmental sample collected from the flock in accordance with paragraph (d)(1)(v) of this section: *Provided,* That testing is conducted in accordance with paragraph (d)(1)(vii) of this section each 30 days and no positive samples are found.

(4) In order for a hatchery to sell products of this classification, all products handled shall meet the requirements of the classification.

(5) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures. The Official State Agency shall not revoke the participant's classification until the participant has been given an opportunity for a hearing in accordance with rules of practice adopted by the Official State Agency.

(e) U.S. M. Synoviae Clean.

(1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from *M. synoviae* has been demonstrated under the criteria specified in paragraph (e)(1)(i) of this section.

(i) It is a flock in which a minimum of 300 birds has been tested for *M. synoviae* as provided in §145.14(b) when more than 4 months of age: *Provided,* That to retain this classification, a sample of at least 150 birds shall be tested at intervals of not more than 90 days: *And provided further,* That a sample comprised of fewer than 150 birds may be tested at any one time if all pens are equally represented and a total of 150 birds is tested within each 90-day period.

(ii) [Reserved]

(2) A participant handling U.S. M. Synoviae Clean products shall handle only products of equivalent status.

(3) U.S. M. Synoviae Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(f) U.S. Avian Influenza Clean.

This program is intended to be the basis from which the breeding-hatchery industry may conduct a program for the prevention and control of avian influenza. It is intended to determine the presence of avian influenza in primary breeding chickens through routine serological surveillance of each participating breeding flock. A flock and the hatching eggs and chicks produced from it will qualify for this classification when the Official State Agency determines that they have met the following requirements:

(1) It is a primary breeding flock in which a minimum of 30 birds have been tested negative for antibodies to avian influenza when more than 4 months of age. To retain this classification:

(i) A sample of at least 30 birds must be tested negative at intervals of 90 days: *Provided,* That primary spent fowl must be tested within 30 days prior to movement to disposal; or

(ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds is tested within each 90-day period.

(2) [Reserved]

Subpart H—Special Provisions for Primary Meat-Type Chicken Breeding Flocks and Products

§ 145.81 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

Chicks — Newly hatched chickens.

Primary meat-type chicken breeding flocks — Foundation flocks that are composed of pedigree, great-grandparent, and grandparent stock that has been developed for meat production and are maintained for the principal purpose of producing multiplier breeding chicks used to produce commercial broilers.

Started chickens — Young chickens (chicks, pullets, cockerels, capons) which have been fed and watered and are less than 6 months of age.

§ 145.82 Participation.

Participating flocks of primary meat-type chickens, and the eggs and chicks produced from them, shall comply with the applicable general provisions of subpart A of this part and the special provisions of this subpart H.

(a) Started chickens shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a).
(b) Hatching eggs produced by primary breeding flocks shall be fumigated (see § 147.25 of this chapter) or otherwise sanitized.
(c) Any nutritive material provided to chicks must be free of the avian pathogens that are officially represented in the Plan disease classifications listed in § 145.10.

§ 145.83 Terminology and classification; flocks and products.

Participating flocks, and the eggs and chicks produced from them, which have met the respective requirements specified in this section, may be designated by the following terms and the corresponding designs illustrated in §145.10:

(a) [Reserved]

(b) U.S. Pullorum-Typhoid Clean — A flock in which freedom from pullorum and typhoid has been demonstrated to the Official State Agency under the criteria in paragraph (b)(1) or (b)(2) of this section: *Provided,* That a flock qualifying by means of a blood test shall be tested within the past 12 months, except that the retesting of a participating flock which is retained for more than 12 months shall be conducted a minimum of 4 weeks after the induction of molt. (See §145.14 relating to the official blood test where applicable.)

(1) It has been officially blood tested with no reactors.
(2) It is a primary breeding flock that meets the following criteria:
    (i) The primary breeding flock is located in a State in which pullorum disease or fowl typhoid is not known to exist nor to have existed in hatchery supply flocks within the State during the preceding 12 months and in which it has been determined by the Service that:
        (A) All hatcheries within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;
        (B) All hatchery supply flocks within the State, are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for pullorum-typhoid control under official supervision: *Provided,* That if other domesticated fowl, except waterfowl, are maintained on the same premises as the participating flock, freedom from pullorum-typhoid infection shall be demonstrated by an official blood test of each of these fowl;
        (C) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;
        (D) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which *S. pullorum* or *S. gallinarum* is isolated;
        (E) All reports of any disease outbreak involving a disease covered under the Plan are promptly followed by an investigation by the Official State Agency to determine the origin of the infection; *Provided,* That if the origin of the infection involves another State, or if there is exposure to poultry in another State from the infected flock, then officials administering the National Poultry Improvement Plan will conduct an investigation;
        (F) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or until subsequently blood tested following the procedure for reacting flocks as contained in § 145.14(a)(5) of this chapter, and all birds fail to demonstrate pullorum or typhoid infection;
        (G) All poultry, including exhibition, exotic, and game birds, but excluding waterfowl, going to public exhibition shall come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; and
        (H) Discontinuation of any of the conditions or procedures described in paragraphs (b)(2)(i)(A) through (b)(2)(i)(G) of this section, or the occurrence of repeated outbreaks of pullorum or typhoid in poultry breeding flocks within or originating within the State shall be grounds for the Service to revoke its determination that such conditions and procedures have been met or complied with. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity to present its views; and

(ii) In the primary breeding flock, a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid with no reactors: *Provided,* That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by the Service may be used in lieu of blood testing.

(c) U.S. M. Gallisepticum Clean.

(1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from *M. gallisepticum* has been demonstrated under the criteria specified in paragraph (c)(1)(i) of this section.

(i) It is a flock in which all birds or a sample of at least 300 birds has been tested for *M. gallisepticum* as provided in § 145.14(b) of this chapter when more than 4 months of age: *Provided,* That to retain this classification, a minimum of 40 birds shall be tested at intervals of not more than 28 days, and a total of at least 150 birds shall be tested within each 90-day period.

(ii) [Reserved]

(2) A participant handling U.S. M. Gallisepticum Clean products must handle only products of equivalent status.

(3) U.S. M. Gallisepticum Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in § 147.24(a) of this chapter.

(d) U.S. M. Synoviae Clean.

(1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from *M. synoviae* has been demonstrated under the criteria specified in paragraph (d)(1)(i) of this section.

(i) It is a flock in which all birds or a sample of at least 300 birds has been tested for *M. synoviae* as provided in § 145.14(b) of this chapter when more than 4 months of age: *Provided,* That to retain this classification, a sample of at least 40 birds shall be tested at intervals of not more than 28 days, and a total of at least 150 birds shall be tested within each 90-day period.

(ii) [Reserved]

(2) A participant handling U.S. M. Synoviae Clean products shall handle only products of equivalent status.

(3) U.S. M. Synoviae Clean chicks shall be boxed in clean boxes and delivered in trucks that have been cleaned and disinfected as described in §147.24(a) of this chapter.

(e) U.S. S. Enteritidis Clean.

This classification is intended for primary meat-type breeders wishing to assure their customers that the chicks produced are certified free of *Salmonella enteritidis.*

(1) A flock and the hatching eggs and chicks produced from it shall be eligible for this classification if they meet the following requirements, as determined by the Official State Agency:

(i) The flock originated from a U.S. S. Enteritidis Clean flock, or one of the following samples has been examined bacteriologically for *S. enteritidis* at an authorized laboratory and any group D *Salmonella* samples have been serotyped:

(A) A 25-gram sample of meconium from the chicks in the flock collected and cultured as described in § 147.12(a)(5) of this chapter; or

(B) A sample of chick papers collected and cultured as described in § 147.12(c) of this chapter; or

(C) A sample of 10 chicks that died within 7 days after hatching.

(ii) All feed fed to the flock meets the following requirements:

(A) Pelletized feed must have a minimum moisture content of 14.5 percent and must have been heated throughout to a minimum temperature of 190 °F, or to a minimum temperature of 165 °F for at least 20 minutes, or to a minimum temperature of 184 °F under 70 lbs. pressure during the manufacturing process;

(B) Mash feed may contain animal protein if the finished feed is treated with a salmonella control product approved by the Food and Drug Administration.

(C) All feed is stored and transported in such a manner as to prevent possible contamination.

(iii) The flock is maintained in compliance with §§ 147.21, 147.24(a), and 147.26 of this chapter.

(iv) Environmental samples are collected from the flock by or under the supervision of an Authorized Agent, as described in § 147.12 of this chapter, when the flock reaches 4 months of age and every 30 days thereafter. The environmental samples shall be examined bacteriologically for group D salmonella at an authorized laboratory, and cultures from group D positive samples shall be serotyped.

(v) Blood samples from 300 birds from the flock are officially tested with pullorum antigen when the flock is at least 4 months of age. All birds with positive or inconclusive reactions, up to a maximum of 25 birds, shall be submitted to an authorized laboratory and examined for the presence of group D salmonella in accordance with §§ 147.10 and 147.11 of this chapter. Cultures from group D positive samples shall be serotyped.

(vi) Hatching eggs produced by the flock are collected as quickly as possible and are handled as described in § 147.22 of this chapter.

(vii) Hatching eggs produced by the flock are incubated in a hatchery that is in compliance with the recommendations in §§ 147.23 and 147.24(b) of this chapter, and the hatchery must have been sanitized either by a procedure approved by the Official State Agency or by fumigation.

(2) If *Salmonella enteritidis* serotype *enteritidis* (SE) is isolated from a specimen taken from a bird in the flock, except as provided in paragraph (e)(3) of this section, the flock shall not be eligible for this classification.

(3) If SE is isolated from an environmental sample collected from the flock in accordance with paragraph (e)(1)(iv) of this section, 25 randomly selected live birds from the flock and/or 500 cloacal swabs collected in accordance with §147.12(a)(2) of this chapter must be bacteriologically examined for SE as described in § 147.11 of this chapter. If only 1 bird from the 25-bird sample is found positive for SE, the participant may request bacteriological examination of a second 25-bird sample from the flock. If no SE is recovered from any of the specimens in the second sample, the flock will be eligible for the classification and will remain eligible for this classification if the flock is tested in accordance with paragraph (e)(1)(v) of this section each 30 days and no positive samples are found.

(4) In order for a hatchery to sell products of this classification, all products handled by the hatchery must meet the requirements of this paragraph.

(5) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures. The Official State Agency shall not revoke the participant's classification until the participant has been given an opportunity for a hearing in accordance with rules of practice adopted by the Official State Agency.

(6) A pedigree, experimental, or great-grandparent flock that is removed from the U.S. S. Enteritidis Clean program may be reinstated whenever the following conditions are met:

  (i) The owner attests that corrective measures have been implemented, which may include one or more of the following:

    (A) Test and slaughter infected birds based on blood tests of every bird in the flock, with either pullorum antigen or by a federally licensed *Salmonella enteritidis* enzyme linked immunosorbent assay (ELISA) test when the flock is more than 4 months of age.

    (B) Perform other corrective actions including, but not limited to, vaccination, medication, cleaning and disinfection of houses, rodent control, and movement of uninfected birds to premises that have been determined to be environmentally negative for *S. enteritidis* as described in § 147.12(a) of this chapter.

    (C) One hundred percent of blood samples from the birds moved to the clean premises are tested negative for *Salmonella pullorum* and group D *Salmonella.* All birds with positive or inconclusive reactions, up to a maximum of 25 birds, shall be submitted to an authorized laboratory and examined for the presence of group D *Salmonella,* as described in § 147.11 of this chapter. Cultures from positive samples shall be serotyped.

    (D) Two consecutive environmental drag swabs taken at the clean premises collected as specified in § 147.12(a) of this chapter 4 weeks apart are negative for *S. enteritidis.*

    (E) Other corrective measures at the discretion of the Official State Agency.

(ii) Following reinstatement, a flock will remain eligible for this classification if the flock is tested in accordance with paragraph (e)(1)(v) of this section every 30 days and no positive samples are found and the flock meets the requirements set forth in §145.83(e).

(f) U.S. Salmonella Monitored.

This program is intended to be the basis from which the breeding-hatching industry may conduct a program for the prevention and control of salmonellosis. It is intended to reduce the incidence of *Salmonella* organisms in hatching eggs and chicks through an effective and practical sanitation program at the breeder farm and in the hatchery. This will afford other segments of the poultry industry an opportunity to reduce the incidence of *Salmonella* in their products.

(1) A flock and the hatching eggs and chicks produced from it that have met the following requirements, as determined by the Official State Agency:
   (i) The flock is maintained in compliance with §§ 147.21, 147.24(a), and 147.26 of this chapter;
   (ii) If feed contains animal protein, the protein products must have a minimum moisture content of 14.5 percent and must have been heated throughout to a minimum temperature of 190 °F or above, or to a minimum temperature of 165 °F for at least 20 minutes, or to a minimum temperature of 184 °F under 70 lbs. pressure during the manufacturing process;
   (iii) Feed shall be stored and transported in a manner to prevent possible contamination;
   (iv) Chicks shall be hatched in a hatchery meeting the requirements of §§ 147.23 and 147.24(b) of this chapter and sanitized or fumigated (see § 147.25 of this chapter).
   (v) An Authorized Agent shall take environmental samples from the hatchery every 30 days; i.e., meconium or chick papers. An authorized laboratory for *Salmonella* shall examine the samples bacteriologically;
   (vi) An Authorized Agent shall take environmental samples as described in § 147.12 of this chapter from each flock at 4 months of age and every 30 days thereafter. An authorized laboratory for *Salmonella* shall examine the environmental samples bacteriologically;
   (vii) Owners of flocks may vaccinate with a paratyphoid vaccine: *Provided,* That a sample of 350 birds, which will be banded for identification, shall remain unvaccinated until the flock reaches at least 4 months of age.
(2) The Official State Agency may use the procedures described in § 147.14 of this chapter to monitor the effectiveness of the egg sanitation practices.
(3) In order for a hatchery to sell products of this classification, all products handled shall meet the requirements of the classification.
(4) This classification may be revoked by the Official State Agency if the participant fails to follow recommended corrective measures.

(g) U.S. Avian Influenza Clean.

This program is intended to be the basis from which the breeding-hatchery industry may conduct a program for the prevention and control of avian influenza. It is intended to determine the presence of avian influenza in primary breeding chickens through routine serological surveillance of each participating breeding flock. A flock and the hatching eggs and chicks produced from it will qualify for this classification when the Official State Agency determines that they have met the following requirements:

(1) It is a primary breeding flock in which a minimum of 30 birds have been tested negative for antibodies to avian influenza when more than 4 months of age and prior to the onset of egg production. To retain this classification:
   (i) A sample of at least 30 birds must be tested negative at intervals of 90 days; *Provided,* that primary spent fowl be tested within 30 days prior to movement to slaughter; or
   (ii) A sample of fewer than 30 birds may be tested, and found to be negative, at any one time if all pens are equally represented and a total of 30 birds is tested within each 90-day period.

(2) [Reserved]

PART 146–National Poultry Improvement Plan For Commercial Poultry

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Subpart C–Special Provisions for Meat-Type Chicken Slaughter Plants

Subpart D–Special Provisions for Meat-Type Turkey Slaughter Plants

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

Subpart A–General Provisions

§ 146.1 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

Administrator — The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Affiliated flock — A meat-type flock that is owned by or has an agreement to participate in the Plan with a slaughter plant and that participates in the Plan through that slaughter plant.

Animal and Plant Health Inspection Service (APHIS) — The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

Authorized Agent — Any person designated under § 146.10(a) to perform functions under this part.

Authorized laboratory — An authorized laboratory designated by an Official State Agency, subject to review by the Service, to perform the diagnostic assays. The Service's review will include, but will not necessarily be limited to, checking records, laboratory protocol, check-test proficiency, periodic duplicate samples, and peer review. A satisfactory review will result in the authorized laboratory being recognized by the Service as a national approved laboratory qualified to perform the diagnostic assays provided for in this part.

Classification — A designation earned by participation in a Plan program.

Commercial meat-type flock — All of the meat-type chickens or meat-type turkeys on one farm. However, at the discretion of the Official State Agency, any group of poultry which is segregated from another group in a manner sufficient to prevent the transmission of H5/H7 LPAI and has been so segregated for a period of at least 21 days may be considered as a separate flock.

Commercial table-egg layer flock — All table-egg layers of one classification in one barn or house.

Commercial table-egg layer premises — A farm containing contiguous flocks of commercial table-egg layers under common ownership.

Department — The U.S. Department of Agriculture.

Domesticated — Propagated and maintained under the control of a person.

Equivalent — Requirements which are equal to the program, conditions, criteria, or classifications with which compared, as determined by the Official State Agency and with the concurrence of the Service.

H5/H7 low pathogenic avian influenza (LPAI)	An infection of poultry caused by an influenza A virus of H5 or H7 subtype that has an intravenous pathogenicity index test in 6-week-old chickens less than 1.2 or any infection with influenza A viruses of H5 or H7 subtype for which nucleotide sequencing has not demonstrated the presence of multiple basic amino acids at the cleavage site of the hemagglutinin.
H5/H7 LPAI virus infection (infected)	Poultry will be considered to be infected with H5/H7 LPAI for the purposes of this part if: (1) H5/H7 LPAI virus has been isolated and identified as such from poultry; or (2) Viral antigen or viral RNA specific to the H5 or H7 subtype of AI virus has been detected in poultry; or (3) Antibodies to the H5 or H7 subtype of the AI virus that are not a consequence of vaccination have been detected in poultry. If vaccine is used, methods should be used to distinguish vaccinated birds from birds that are both vaccinated and infected. In the case of isolated serological positive results, H5/H7 LPAI infection may be ruled out on the basis of a thorough epidemiological investigation that does not demonstrate further evidence of H5/H7 LPAI infection.
Official State Agency	The State authority recognized by the Department to cooperate in the administration of the Plan.
Person	A natural person, firm, or corporation.
Plan	The provisions of the National Poultry Improvement Plan contained in this part.
Poultry	Domesticated chickens and turkeys that are bred for the primary purpose of producing eggs or meat.
Program	Management, sanitation, testing, and monitoring procedures which, if complied with, will qualify, and maintain qualification for, designation of a flock, a slaughter plant, or a State by an official Plan classification and illustrative design, as described in § 146.9 of this part.
Service	The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.
State	Any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.
State Inspector	Any person employed or authorized under § 146.10(b) to perform functions under this part.
United States	All of the States.

§ 146.2 Administration.

(a) The Department cooperates through a Memorandum of Understanding with the Official State Agency in the administration of the Plan.

(b) The administrative procedures and decisions of the Official State Agency are subject to review by the Service. The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and the Memorandum of Understanding.

(c) (1) An Official State Agency may accept for participation a commercial table-egg layer flock or a commercial meat-type flock (including an affiliated flock) located in another participating State under a mutual understanding and agreement, in writing, between the two Official State Agencies regarding conditions of participation and supervision.

(2) An Official State Agency may accept for participation a commercial table-egg layer flock or a commercial meat-type flock (including an affiliated flock) located in a State that does not participate in the Plan under a mutual understanding and agreement, in writing, between the owner of the flock and the Official State Agency regarding conditions of participation and supervision.

(d) The Official State Agency of any State may adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards, compatible with the Plan.

(e) An authorized laboratory will follow the laboratory protocols outlined in part 147 of this chapter when determining the status of a participating flock with respect to an official Plan classification.

(f) States will be responsible for making the determination to request Federal assistance under part 56 of this chapter in the event of an outbreak of H5/H7 LPAI.

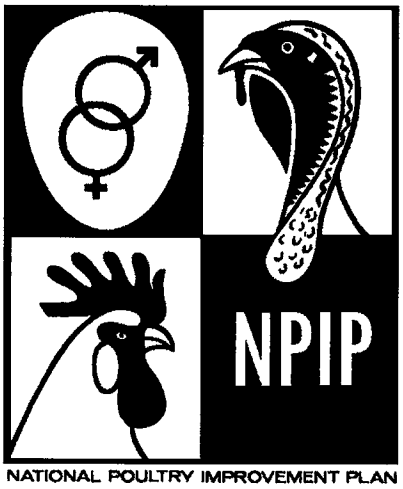
§ 146.3 Participation.

(a) Any table-egg producer and any meat-type chicken or meat-type turkey slaughter plant, including its affiliated flocks, may participate in the Plan when the producer or plant has demonstrated, to the satisfaction of the Official State Agency, that its facilities, personnel, and practices are adequate for carrying out the relevant special provisions of this part and has signed an agreement with the Official State Agency to comply with the relevant special provisions of this part.

(b) Each participant shall comply with the Plan throughout the operating year, or until released by the Official State Agency.

(c) A participating slaughter plant shall participate with all of the meat-type chicken and/or meat-type turkey flocks that are processed at the facility, including affiliated flocks. Affiliated flocks must participate through a written agreement with a participating slaughter plant that is approved by the Official State Agency.

(d) Participation in the Plan shall entitle the participant to use the Plan emblem reproduced as follows:



(e) Participation in the NPIP by commercial table-egg layers will cease after September 28, 2008, unless the majority of the commercial table-egg layer delegates vote to continue the program in accordance with subpart E of part 147 of this chapter at a National Plan Conference.

§ 146.4 General provisions for all participating flocks and slaughter plants.

(a) Records that establish the identity of products handled shall be maintained in a manner satisfactory to the Official State Agency.
(b) Material that is used to advertise products shall be subject to inspection by the Official State Agency at any time.
(c) Advertising must be in accordance with the Plan, and applicable rules and regulations of the Official State Agency and the Federal Trade Commission. A participant advertising products as being of any official classification may include in their advertising reference to associated or franchised slaughter or production facilities only when such facilities produce products of the same classification.
(d) Each participant shall be assigned a permanent approval number by the Service. This number, prefaced by the numerical code of the State, will be the official approval number of the participant and may be used on each certificate, invoice, shipping label, or other document used by the participant in the sale of the participant's products. Each Official State Agency which requires an approval number for out-of-State participants to ship into its State shall honor this number.

§ 146.5 Specific provisions for all participating flocks.

(a) Participating flocks, and all equipment used in connection with the flocks, shall be separated from non-participating flocks in a manner acceptable to the Official State Agency.
(b) Poultry equipment, and poultry houses and the land in the immediate vicinity thereof, shall be kept in sanitary condition as recommended in § 147.21(c) of this subchapter.

§ 146.6 Specific provisions for participating slaughter plants.

(a) Only meat-type chicken and meat-type turkey slaughter plants that are under continuous inspection by the Food Safety and Inspection Service of the Department or under State inspection that the Food Safety Inspection Service has recognized as equivalent to federal inspection may participate in the Plan.
(b) To participate in the Plan, meat-type chicken and meat-type turkey slaughter plants must follow the relevant special provisions in §§ 146.33(a) and 146.43(a), respectively, for sample collection and flock monitoring, unless they are exempted from the special provisions under §§ 146.32(b) or 146.42(b), respectively.

§ 146.7 Terminology and classification; general.

The official classification terms defined in §§ 146.8 and 146.9 and the various designs illustrative of the official classifications reproduced in §146.9 may be used only by participants and to describe products that have met all of the specific requirements of such classifications.

§ 146.8 Terminology and classification; slaughter plants.

Participating slaughter plants shall be designated as "U.S. H5/H7 Avian Influenza Monitored." All Official State Agencies shall be notified by the Service of additions, withdrawals, and changes in classification.

§ 146.9 Terminology and classification; flocks, products, and States.

Participating flocks (including affiliated flocks), products produced from them, and States which have met the respective requirements specified in subparts B, C, or D of this part may be designated by the following terms or illustrative designs:

(a) U.S. H5/H7 Avian Influenza Monitored. (See §§ 146.23(a), 146.33(a), and 146.43(a).)

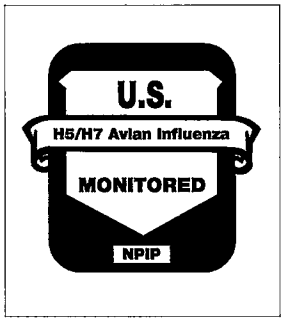


Figure 2.

(b) U.S. H5/H7 Avian Influenza Monitored State, Layers. (See § 146.24.)

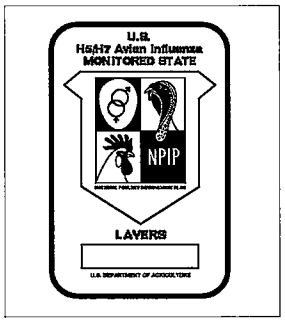


Figure 3.

(c) U.S. H5/H7 Avian Influenza Monitored State, Turkeys. (See § 146.44.)

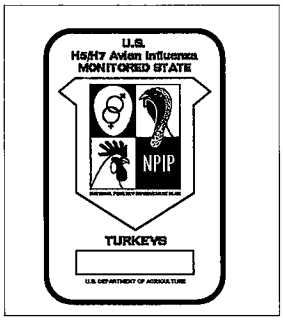


Figure 4.

§ 146.10 Supervision.

(a) The Official State Agency may designate qualified persons as Authorized Agents to do the sample collecting provided for in § 146.13 of this part.
(b) The Official State Agency shall employ or authorize qualified persons as State Inspectors to perform the selecting and testing of participating flocks and to perform the official inspections necessary to verify compliance with the requirements of the Plan.
(c) Authorities issued to Authorized Agents or State Inspectors under the provisions of this section shall be subject to cancellation by the Official State Agency on the grounds of incompetence or failure to comply with the provisions of the Plan or regulations of the Official State Agency. Such actions shall not be taken until thorough investigation has been made by the Official State Agency and the authorized person has been given notice of the proposed action and the basis thereof and an opportunity to present his or her views.

§ 146.11 Inspections.

(a) Each participating slaughter plant shall be audited at least once annually or a sufficient number of times each year to satisfy the Official State Agency that the participating slaughter plant is in compliance with the provisions of this part.
(b) On-site inspections of any participating flocks and premises will be conducted if a State Inspector determines that a breach of testing has occurred for the Plan programs for which the flocks are certified.
(c) The official H5/H7 LPAI testing records of all participating flocks and slaughter plants shall be examined annually by a State Inspector. Official H5/H7 LPAI testing records shall be maintained for 3 years.

§ 146.12 Debarment from participation.

Participants in the Plan who, after investigation by the Official State Agency or its representative, are notified in writing of their apparent noncompliance with the Plan provisions or regulations of the Official State Agency shall be afforded a reasonable time, as specified by the Official State Agency, within which to demonstrate or achieve compliance. If compliance is not demonstrated or achieved within the specified time, the Official State Agency may debar the participant from further participation in the Plan for such period, or indefinitely, as the Official State Agency may deem appropriate. The debarred participant shall be afforded notice of the bases for the debarment and opportunity to present his or her views with respect to the debarment in accordance with procedures adopted by the Official State Agency. The Official State Agency shall thereupon decide whether the debarment order shall continue in effect. Such decision shall be final unless the debarred participant, within 30 days after the issuance of the debarment order, requests the Administrator to determine

the eligibility of the debarred participant for participation in the Plan. In such an event, the Administrator shall determine the matter de novo in accordance with the rules of practice in 7 CFR part 50, which are herby made applicable to proceedings before the Administrator under this section. The definitions in 7 CFR 50.10 and the following definitions shall apply with respect to terms used in such rules of practice:

(a) Administrator The Administrator, Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, or any officer or employee to whom authority has heretofore been delegated or to who authority may hereafter be delegated to act in his or her stead.

(b) [Reserved]

§ 146.13 Testing.

(a) Samples Either egg or blood samples may be used for testing. Samples must be collected in accordance with the following requirements:

(1) *Egg samples.* Egg samples must be collected and prepared in accordance with the requirements in § 147.8 of this subchapter.

(2) *Blood samples.* Blood samples obtained in the slaughter plant should be collected after the kill cut with birds remaining on the kill line. Hold an open 1.5 mL snap cap micro-centrifuge tube under the neck of the bird directly after the kill cut and collect drips of blood until the tube is half full. Keep the blood tubes at room temperature for the clot to form, which should require a minimum of 4 hours and a maximum of 12 hours. Refrigerate the tube after the clot has formed. Put tubes in a container and label it with plant name, date, shift (A.M. or Day, P.M. or Night), and flock number. After the clot is formed, the clot should be removed by the Authorized Agent in order to ensure good-quality sera. Prepare a laboratory submission form and ship samples with submission forms to the laboratory in a polystyrene foam cooler with frozen ice packs. Submission forms and the manner of submission must be approved by the Official State Agency and the authorized laboratory to ensure that there is sufficient information to identify the samples and that the samples are received in an acceptable condition for further tests to be reliably performed. Blood samples should be shipped routinely to the laboratory. Special arrangements should be developed for samples held over the weekend to ensure that the samples can be reliably tested. Blood samples for official tests shall be drawn by an Authorized Agent or State Inspector.

(b) Avian influenza. The official tests for avian influenza are the agar gel immunodiffusion (AGID) test and the enzyme-linked immunosorbent assay (ELISA). These tests may be used on either egg yolk or blood samples. Standard test procedures for the AGID test for avian influenza are set forth in § 147.9 of this subchapter.

(1) The AGID test must be conducted on all ELISA-positive samples. Any samples that are found to be positive by AGID must be further tested and subtyped by Federal Reference Laboratories using the hemagglutination inhibition test. Final judgment may be based upon further sampling or culture results.

(2) The tests must be conducted using antigens or test kits approved by the Service. Test kits must be licensed by the Service and approved by the Official State Agency, and tests must be performed in accordance with the recommendations of the producer or manufacturer.

(3) The official determination of a flock as positive for the H5 or H7 subtypes of low pathogenic avian influenza may be made only by the National Veterinary Services Laboratories.

§ 146.14 Diagnostic surveillance program for H5/H7 low pathogenic avian influenza.

(a) Role of the Official State Agency in developing a diagnostic surveillance program for H5/H7 LPAI.

The Official State Agency must develop a diagnostic surveillance program for H5/H7 low pathogenic avian influenza for all poultry in the State. The exact provisions of the program are at the discretion of the States. The Service will use the standards in paragraph (b) of this section in assessing individual State plans for adequacy, including the specific provisions that the State developed. The standards should be used by States in developing those plans.

(b) Avian influenza is a reportable disease.

Avian influenza must be a disease reportable to the responsible State authority (State veterinarian, etc.) by all licensed veterinarians. To accomplish this, all laboratories (private, State, and university laboratories) that perform diagnostic procedures on poultry must examine all submitted cases of unexplained respiratory disease, egg production drops, and mortality for avian influenza by both an approved serological test and an approved antigen detection test. Memoranda of understanding or other means must be used to establish testing and reporting criteria (including criteria that provide for reporting H5 and H7 low pathogenic avian influenza directly to the Service) and approved testing methods. In addition, States should conduct outreach to poultry producers, especially owners of smaller flocks, regarding the importance of prompt reporting of clinical symptoms consistent with avian influenza.

Subpart B–Special Provisions for Commercial Table-Egg Layer Flocks

§ 146.21 Definitions.

Table-egg layer A domesticated chicken grown for the primary purpose of producing eggs for human consumption.

§ 146.22 Participation.

(a) Participating commercial table-egg layer flocks shall comply with the applicable general provisions of subpart A of this part and the special provisions of subpart B of this part.
(b) Commercial table-egg laying premises with fewer than 75,000 birds are exempt from the special provisions of subpart B of this part.

§ 146.23 Terminology and classification; flocks and products.

Participating flocks which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 146.9 of this part:

(a) U.S. H5/H7 Avian Influenza Monitored This program is intended to be the basis from which the table-egg layer industry may conduct a program to monitor for the H5/H7 subtypes of avian influenza. It is intended to determine the presence of the H5/H7 subtypes of avian influenza in table-egg layers through routine serological surveillance of each participating commercial table-egg layer flock. A flock will qualify for this classification when the Official State Agency determines that it has met one of the following requirements:

(1) It is a commercial table-egg layer flock in which a minimum of 11 birds or egg samples have been tested negative for antibodies to the H5/H7 subtypes of avian influenza within 30 days prior to disposal;
(2) It is a commercial table-egg layer flock in which a minimum of 11 birds or egg samples have been tested negative for antibodies to the H5/H7 subtypes of avian influenza within a 12-month period; or
(3) It is a commercial table-egg layer flock that has an ongoing active and diagnostic surveillance program for the H5/H7 subtypes of avian influenza in which the number of birds or egg samples tested is equivalent to the number required in paragraph (a)(1) or (a)(2) and that is approved by the Official State Agency and the Service.

(b) [Reserved]

§ 146.24 Terminology and classification; States.

(a) U.S. H5/H7 Avian Influenza Monitored State, Layers

(1) A State will be declared a U.S. H5/H7 Avian Influenza Monitored State, Layers when it has been determined by the Service that:

(i) All commercial table-egg layer flocks in production within the State that are not exempt from the special provisions of this subpart B under § 146.22 are classified as U.S. H5/H7 Avian Influenza Monitored under § 146.23(a) of this part;

(ii) All egg-type chicken breeding flocks in production within the State are classifid as U.S. Avian Influenza Clean under § 145.23(h) of this subchapter;

(iii) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency, within 24 hours, the source of all table-egg layer specimens that were deemed positive on an official test for avian influenza, as designated in § 146.13(a) of this chapter;

(iv) All table-egg layer specimens that were deemed positive on an official test for avian influenza, as designated in § 146.13(a) of this chapter, are sent to an authorized laboratory for subtyping; and

(v) All table-egg layer flocks within the State that are found to be infected with the H5/H7 subtypes of avian influenza are quarantined, in accordance with an initial State response and containment plan as described in part 56 of this chapter and under the supervision of the Official State Agency.

(2) If there is a discontinuation of any of the conditions described in paragraph (a)(1) of this section, or if repeated outbreaks of the H5/H7 subtypes of avian influenza occur in commercial table-egg layer flocks as described in paragraph

(a) (1)(i) of this section, or if an infection spreads from the originating premises, the Service shall have grounds to revoke its determination that the State is entitled to this classification. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator.

(b) [Reserved]

Subpart C–Special Provisions for Meat-Type Chicken Slaughter Plants

§ 146.31 Definitions.

Meat-type chicken — A domesticated chicken grown for the primary purpose of producing meat, including but not limited to broilers, roasters, fryers, and cornish.

Meat-type chicken slaughter plant — A meat-type chicken slaughter plant that is federally inspected or under State inspection that the Food Safety Inspection Service has recognized as equivalent to federal inspection.

Shift — The working period of a group of employees who are on duty at the same time.

§ 146.32 Participation.

(a) Participating meat-type chicken slaughter plants shall comply with applicable general provisions of subpart A of this part and the special provisions of this subpart C.
(b) Meat-type chicken slaughter plants that slaughter fewer than 200,000 meat-type chickens in an operating week are exempt from the special provisions of this subpart C.

§ 146.33 Terminology and classification; meat-type chicken slaughter plants.

Participating meat-type chicken slaughter plants that have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 146.9 of this part:

(a) U.S. H5/H7 Avian Influenza Monitored — This program is intended to be the basis from which the meat-type chicken industry may conduct a program to monitor for the H5/H7 subtypes of avian influenza. It is intended to determine the presence of the H5/H7 subtypes of avian influenza in meat-type chickens through routine surveillance of each participating meat-type chicken slaughter plant. A meat-type chicken slaughter plant will qualify for this classification when the Official State Agency determines that it has met one of the following requirements:

(1) It is a meat-type chicken slaughter plant where a minimum of 11 birds per shift are tested negative for antibodies to the H5/H7 subtypes of avian influenza at slaughter; Provided, that with the approval of the Official State Agency, fewer than 11 birds per shift may be tested on any given shift if the total number of birds tested during the operating month is equivalent to testing 11 birds per shift; or

(2) It is a meat-type chicken slaughter plant which accepts only meat-type chickens from flocks where a minimum of 11 birds have been tested negative for antibodies to the H5/H7 subtypes of avian influenza no more than 21 days prior to slaughter; or

(3) It is a meat-type chicken slaughter plant that has an ongoing active and diagnostic surveillance program for the H5/H7 subtypes of avian influenza in which the number of birds tested is equivalent to the number required in paragraph (a)(1) or (a)(2) and that is approved by the Official State Agency and the Service.

(b) [Reserved]

Subpart D–Special Provisions for Meat-Type Turkey Slaughter Plants

§ 146.41 Definitions.

Meat-type turkey

A domesticated turkey grown for the primary purpose of producing meat.

Meat-type turkey slaughter plant

A meat-type turkey slaughter plant that is federally inspected or under State inspection that the Food Safety and Inspection Service has recognized as equivalent to federal inspection.

§ 146.42 Participation.

(a) Participating meat-type turkey slaughter plants shall comply with applicable general provisions of subpart A of this part and the special provisions of this subpart D.
(b) Meat-type turkey slaughter plants that slaughter fewer than 2 million meat-type turkeys in a 12-month period are exempt from the special provisions of this subpart D.

§ 146.43 Terminology and classification; meat-type turkey slaughter plants.

Participating meat-type turkey slaughter plants which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 146.9 of this part:

(a) U.S. H5/H7 Avian Influenza Monitored.

This program is intended to be the basis from which the meat-type turkey industry may conduct a program to monitor for the H5/H7 subtypes of avian influenza. It is intended to determine the presence of avian influenza in meat-type turkeys through routine surveillance of each participating meat-type turkey slaughter plant. A participating meat-type turkey slaughter plant will qualify for this classification when the Official State Agency determines that it has met one of the following requirements:

(1) It is a meat-type turkey slaughter plant at which a sample of a minimum of 60 birds has tested negative each month for antibodies to type A avian influenza virus. Positive samples shall be further tested by an authorized laboratory using the hemagglutination inhibition test to detect antibodies to the hemagglutinin subtypes H5 and H7. It is recommended that samples be collected from flocks over 10 weeks of age with respiratory signs such as coughing, sneezing, snicking, sinusitis, or rales; depression; or decreases in food or water intake.

(2) It is a meat-type turkey slaughter plant that has an ongoing active and diagnostic surveillance program for the H5/H7 subtypes of avian influenza in which the number of birds tested is equivalent to the number required in paragraph (a)(1) and that is approved by the Official State Agency and the Service.

(b) [Reserved]

§ 146.44 Terminology and classification; States.

(a) U.S. H5/H7 Avian Influenza Monitored State, Turkeys.

(1) A State will be declared a U.S. H5/H7 Avian Influenza Monitored State, Turkeys when it has been determined by the Service that:

(i) All meat-type turkey slaughter plants within the State that are not exempt from the special provisions of this subpart D under § 146.42 are classified as U.S. H5/H7 Avian Influenza Monitored under § 146.43(a) of this part;

(ii) All turkey breeding flocks in production within the State are classified as U.S. H5/H7 Avian Influenza Clean under § 145.43(g) of this subchapter;

(iii) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency, within 24 hours, the source of all meat-type turkey specimens that were deemed positive on an official test for avian influenza, as designated in § 146.13(a) of this chapter;

(iv) All meat-type turkey specimens that were deemed positive on an official test for avian influenza, as designated in § 146.13(a) of this chapter, are sent to an authorized laboratory for subtyping; and

(v) All meat-type turkey flocks within the State that are found to be infected with the H5/H7 subtypes of avian influenza are quarantined, in accordance with an initial State response and containment plan as described in part 56 of this chapter, and under the supervision of the Official State Agency.

(2) If there is a discontinuation of any of the conditions described in paragraph (a)(1) of this section, or if repeated outbreaks of the H5/H7 subtypes of avian influenza occur in meat-type turkey flocks as described in paragraph (a)(1)(i) of this section, or if an infection spreads from the originating premises, the Service shall have grounds to revoke its determination that the State is entitled to this classification. Such action shall not be taken until a thorough investigation has been made by the Service and the Official State Agency has been given an opportunity for a hearing in accordance with rules of practice adopted by the Administrator.

PART 147—Auxiliary Provisions On National Poultry Improvement Plan

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Subpart E—Procedure for Changing National Poultry Improvement Plan

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

Subpart A—Blood Testing Procedures

§ 147.1 The standard tube agglutination test.[1]

(a) The blood samples should be collected and delivered as follows:

(1) The blood samples should be taken by properly qualified and authorized persons only, and in containers provided by the laboratory. The containers should be stout-walled test tubes, preferably 3/8 by 3 inches, without lip, or small well-selected medicine vials, which have been thoroughly cleaned and dried in a hot-air drying oven. If stoppers are used, they should be thoroughly cleaned and dried.

(2) Sufficient blood should be procured by making a small incision in the large median wing vein with a small sharp lancet and allowing the blood to run into the tube, or by the use of a small syringe (with 20 or 21 gauge needle) which is properly cleansed between bleedings with physiological saline solution. To facilitate the separation of the serum, the tubes should be placed in a slanted position until the blood has solidified. After the blood has completely clotted, they should be packed and shipped by mail (special delivery), rapid express, or by messenger, to the laboratory. All labeling must be clear and permanent, and may be done with a suitable pencil on etched portions of the tube, or by means of fast-gum labels.

(3) The blood samples must reach the laboratory in a fresh and unhemolyzed condition. Hemolyzed samples should be rejected. It is imperative, therefore, to cool the tubes immediately after slanting and clotting, and unless they reach the laboratory within a few hours, to pack them with ice in special containers, or use some other cooling system which will insure their preservation during transportation. In severe cold seasons, extreme precautions must be exercised to prevent freezing and consequent laking. The samples must be placed in cold (5 to 10 °C.) storage, immediately upon arrival at the laboratory.

(b) The antigen shall consist of representative strains of *S. pullorum* which are of known antigenic composition, high agglutinability, but are not sensitive to negative and nonspecific sera. The stock cultures may be maintained satisfactorily by transferring to new sloped agar at least once a month and keeping at 18 to 25 °C. (average room temperature) in a dark closet or chest, following incubation for from 24 to 36 hours at 37 °C. The antigenic composition and purity of the stock cultures should be checked consistently.

(c) A medium which has been used satisfactorily has the following composition:

Water	1,000 cc.
Difco beef extract	4 gm. (0.4 percent)
Difco Bacto-peptone	10 gm. (1.0 percent)
Difco dry-granular agar	20 gm. (2.0 percent)
Reaction—pH 6.8 to 7.2	

[1]The procedure described is a modification of the method reported in the Proceedings of the U.S. Live Stock Sanitary Association, November 30 to December 2, 1932, pp. 487 to 491.

(d) Large 1-inch test tubes, Kolle flasks, or Blake bottles should be streaked liberally over the entire agar surface with inoculum from 48-hour slant agar cultures prepared from the stock cultures of the selected strains. The antigen-growing tubes or bottles should be incubated 48 hours at 37 °C., and the surface growth washed off with sufficient phenolized (0.5 percent) saline (0.85 percent) solution to make a heavy suspension. The suspension should be filtered free of clumps through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5 to 10 °C.) in tightly stoppered bottles.

(e) Thiosulfate-Glycerin (TG) medium may be used as an alternate medium for the preparation of tube agglutination antigen. The TG medium, formerly used for the preparation of stained, whole-blood antigen, is described in more detail in the article by A. D. MacDonald, *Recent Developments in Pullorum Antigen for the Rapid, Whole-Blood Test*, Report of the Conference of the National Poultry Improvement Plan, pages 122–127, 1941. This medium provides a tube antigen of excellent specificity and greatly increases the yield of antigen from a given amount of medium. The TG medium has the following composition:

Beef infusion	1,000 cc.
Difco Bacto-peptone	20 gm. (2.0 percent)
Sodium thiosulfate	5 gm. (0.5 percent)
Ammonium chloride	5 gm. (0.5 percent)
Glycerin, U.S.P.(95 percent)	20 cc.(2.0 percent)
Difco dry-granular agar	30 gm. (3.0 percent)
Reaction—pH 6.8 to 7.2	

Large 1-inch test tubes, Kolle flasks, Blake bottles, or Erlenmeyer flasks should be seeded over the entire agar surface with inoculum from 24-hour beef infusion broth cultures prepared from the stock cultures of the selected strains. The antigen-growing tubes or bottles should be incubated 96 hours at 37 °C., and the surface growth washed off with sufficient phenolized (0.5 percent) saline (0.85 percent) solution to make a heavy suspension. The suspension should be filtered free of clumps through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. The antigen then should be centrifuged. The mass of bacteria should be removed from the centrifuge tubes or bowl and resuspended in saline (0.85 percent) solution containing 0.5 percent phenol. After the bacterial mass has been uniformly suspended in the diluent, it should be again passed through a cotton pad in a Buchner funnel without the aid of suction. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5 to 10 °C.) in tightly stoppered bottles.

(f) The diluted antigen to be used in the routine testing should be prepared from the stock antigen by dilution of the latter with physiological (0.85 percent) saline solution containing 0.25 percent of phenol to a turbidity corresponding to 0.75–1.00 on the McFarland nephelometer scale. The hydrogen-ion concentration of the diluted antigen should be corrected to pH 8.2 to 8.5 by the addition of dilute sodium hydroxide. New diluted antigen should be prepared each day and kept cold. The diluted antigen may be employed in 2 cc. quantities in 4 by 1/2-inch test tubes, or 1 cc. quantities in smaller tubes, in which the final serum-antigen mixtures are made and incubated. The distribution of the antigen in the tubes may be accomplished by the use of long burettes, or special filling devices made for the purpose.

(g) The maximum serum dilution employed must not exceed 1:50 for chickens, nor 1:25 for turkeys. The available data indicate that 1:25 dilution is the most efficient. In all official reports on the blood test, the serum dilutions shall be indicated. The sera should be introduced into the agglutination tubes in the desired amounts with well-cleaned serological pipettes or special serum-delivery devices which do not permit the mixing of different sera. The antigen and serum should be well mixed before incubation. The serum and antigen mixture must be incubated for at least 20 hours at 37 °C.

(h) The results shall be recorded as:

N, or – (negative) when the serum-antigen mixture remains uniformly turbid.
P, or + (positive) when there is a distinct clumping of the antigen, and the liquid between the agglutinated particles is clear.
S, or ? (suspicious) when the agglutination is only partial or incomplete.
M, or missing, when samples listed on the original record sheet are missing.
H, or hemolyzed, when blood samples are hemolyzed and cannot be tested.
B, or broken, when sample tubes are broken and no serum can be obtained.

(Some allowance must always be made for the difference in sensitiveness of different antigens and different set-ups, and therefore, a certain amount of independent, intelligent judgment must be exercised at all times. Also, the histories of the flocks require consideration. In flocks where individuals show a suspicious agglutination, it is desirable to examine representative birds bacteriologically to determine the presence or absence of *S. pullorum*.)

(Approved by the Office of Management and Budget under control number 0579-0007)

§ 147.2 The rapid serum test.[2]

(a) The procedure for the collection and delivery of blood samples in the rapid serum test is the same as that described in § 147.1(a).
(b) The selection and maintenance of suitable strains of *S. pullorum* and the composition of a satisfactory medium are described in § 147.1(b) and (c).
(c) Large 1-inch test tubes, Kolle flasks, or Blake bottles are streaked liberally from 48-hour slant-agar cultures prepared from stock cultures of the selected strains.
(d) The antigen-growing tubes or bottles should be incubated 48 hours at 37 °C., and the surface growth washed off with a very slight amount of 12 percent solution of sodium chloride containing 0.25 to 0.5 percent phenol, filtered through lightly packed sterile absorbent cotton placed in the apex of a sterile funnel.
(e) The washings should be adjusted (using 12 percent sodium chloride containing 0.25 to 0.5 percent phenol) so that the turbidity is 50 times greater than tube 0.75 of McFarland's nephelometer, or to a reading of 7 mm. by the Gates nephelometer.
(f) The individual strain antigens should be tested with negative sera for their insensitivity and with positive sera for high agglutinability in comparison with known satisfactory antigen. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5 to 10 °C.) in tightly stoppered bottles.
(g) The tests should be conducted on a suitable, smooth plate. The serum-antigen dilution should be made so that the dilution will not exceed 1:50 when compared to the standard tube agglutination test. When testing turkey blood samples, it is desirable to use a serum-antigen dilution equivalent to the 1:25 in the tube method. The serum should be added to the antigen and mixed thoroughly by use of the tip of the serum pipette. Most strong positive reactions will be plainly evident within 15 to 20 seconds. The final reading should be made at the end of 2 or 3 minutes. Heating the plate at approximately 37 °C. will hasten agglutination. Before reading, the plate should be rotated several times.
(h) The results shall be recorded as described in § 147.1(h).

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[2]The procedure described is a modification of the method reported by Runnels, Coon, Farley, and Thorpe, Amer. Vet. Med. Assoc. Jour. 70 (N.S. 23): 660–662 (1927).

§ 147.3 The stained-antigen, rapid, whole-blood test.[3]

(a) The description of the preparation of antigen is not herein included because the antigen is a proprietary product produced only under license from the Secretary of Agriculture.

(b) A loop for measuring the correct quantity of blood can usually be obtained from the manufacturer of the antigen. A satisfactory loop may be made from a piece of No. 20 gauge nichrome wire, 2 1/2 inches long, at the end of which is fashioned a loop three-sixteenths of an inch in diameter. Such a loop, when filled with blood so that the blood appears to bulge, delivers 0.02 cc. A medicine dropper whose tip is adjusted to deliver 0.05 cc. is used to measure the antigen. A glass plate about 15 inches square, providing space for 48 tests, has proved satisfactory for this work. The use of such a plate enables the tester to have a number of successive test mixtures under observation without holding up the work to wait for results before proceeding to the next bird.

(c) A drop of antigen should be placed on the testing plate. A loop full of blood should be taken up from the wing vein. When submerged in the blood and then carefully withdrawn, the loop becomes properly filled. On looking down edgewise at the filled loop, one observes that the blood appears to bulge. The loopful of blood then should be stirred into the drop of antigen, and the mixture spread to a diameter of about 1 inch. The loop then should be rinsed in clean water and dried by touching it to a piece of clean blotting paper, if necessary. The test plate should be rocked from side to side a few times to mix the antigen and blood thoroughly, and to facilitate agglutination. The antigen should be used according to the directions of the producer.

(d) Various degrees of reaction are observed in this as in other agglutination tests. The greater the agglutinating ability of the blood, the more rapid the clumping and the larger the clumps. A positive reaction consists of a definite clumping of the antigen surrounded by clear spaces. Such reaction is easily distinguished against a white background. A somewhat weaker reaction consists of small but still clearly visible clumps of antigen surrounded by spaces only partially clear. Between this point and a negative or homogeneous smear, there sometimes occurs a very fine granulation barely visible to the naked eye; this should be disregarded in making a diagnosis. The very fine marginal clumping which may occur just before drying up is also regarded as negative. In a nonreactor, the smear remains homogeneous.

(Allowance should be made for differences in the sensitiveness of different antigens and different set-ups, and therefore, a certain amount of independent, intelligent judgment must be exercised at all times. Also, the histories of the flocks require consideration. In flocks where individuals show a suspicious agglutination, it is desirable to examine representative birds bacteriologically to determine the presence or absence of *S. pullorum*.)

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[3] The procedure described is a modification of the method reported by Schaffer, MacDonald, Hall, and Bunyea, Jour. Amer. Vet. Med. Assoc. 79 (N. S. 32): 236–240 (1931).

§ 147.4 [Reserved]

§ 147.5 The microagglutination test for pullorum-typhoid.

Routinely, the microagglutination test is applied as a single-dilution test and only a single 18–24 hour reading is made.

(a) The procedure for the collection and delivery of blood samples in the microagglutination test is the same as that described in § 147.1(a). A method that has proven advantageous is to transfer the serum samples from the blood clot to a microplate as described in "Applied Microbiology," volume 24, No. 4, October 1972, pages 671–672. The dilutions are then performed according to paragraphs (d) or (e) of this section.

(b) Stained microtest antigen for pullorum-typhoid is supplied as concentrated stock suspension and must be approved by the Department.[4] Directions for diluting will be provided with the antigen. The stock as well as the diluted antigen prepared each day should be kept sealed in the dark at 5 to 10 °C. when not in use.

(c) Available data indicate that a 1:40 dilution for the microagglutination test is most efficient for the detection of pullorum-typhoid agglutinins in both chickens and turkeys. In all official reports on the blood test, the serum dilutions shall be indicated.

(d) The recommended procedure for the 1:40 dilution in the microagglutination test is as follows:

(1) Add 100 microliters (0.10 cc.) of 0.85 percent physiological saline to each well of the microplate.

(2) Using a microdiluter or a multimicrodiluter handle fitted with twelve 10 microliter microdiluters, transfer 5 microliters (0.005 cc.) of the serum sample from the collected specimen to the corresponding well of the microplate. This is accomplished by touching the surface of the serum sample with the microdiluter and then transferring and mixing with the diluent in the microplate well. The microdiluter is removed, blotted, touched to the surface of the distilled water wash, and again blotted. Other acceptable methods of serum delivery are described in "Applied Microbiology," volume 21, No. 3, March 1971, pages 394–399.

(3) Dilute the microtest antigens with 0.50 percent phenolized saline and add 100 microliters (0.1 cc.) to each microplate well.

(4) Seal each plate with a plastic sealer or place unsealed in a tight incubation box as described in "Applied Microbiology," volume 23, No. 5, May 1972, pages 931–937. Incubate at 37 °C. for 18–24 hours.

(5) Read the test results as described in paragraph (f) of this section.

(e) The recommended procedure for a microagglutination test titration is as follows:

(1) Add 50 microliters (0.05cc.) of 0.85 percent physiological saline to each well of the microplate.

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[4]Information as to criteria and procedures for approval of concentrated stock suspension of stained microtest antigens may be obtained from the National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1498 Klondike Road, Suite 101, Conyers, GA 30094.

(2) To the wells representative of the lowest dilution in the titration, add an additional 50 microliters (0.05 cc.) of 0.85 percent physiological saline making a total of 100 microliters in these wells.
(3) Transfer each serum sample as described in § 147.5(d)(2) of this section to the first well containing 100 microliters (0.10cc.) in the titration, which represents the lowest dilution.
(4) Make twofold serial dilutions of each serum by transferring 50 microliters (0.05cc.) of diluted serum from one well to the next using twelve 50 microliter microdiluters fitted in a multimicrodiluter handle. When transfers have been made to all of the wells of the desired series, the 50 microliters remaining in the microdiluters are removed by blotting, touching the microdiluters to the surface of the distilled water wash, and blotting again.
(5) Dilute the desired microtest antigen with 0.50 percent phenolized saline and add 50 microliters (0.05 cc.) to each microplate well.
(6) Seal each plate with a plastic sealer or place the unsealed microplates in a tight incubation box and incubate at 37 °C. for 18–24 hours.
(7) Read the test results as described in paragraph (f) of this section.

(f) Read the test results with the aid of a reading mirror. Results are interpreted as follows:
(1) N, or – (negative) when the microplate well has a large, distinct button of stained cells; or
(2) P, or + (positive) when the microplate well reveals no antigen button; or
(3) S, or ? (suspicious) when the microplate well has a small button. Suspicious reactions may tend to be more positive than negative [±] or vice versa [ ] and can be so noted if desired.

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§ 147.6 Procedure for determining the status of flocks reacting to tests for *Mycoplasma gallisepticum*, *Mycoplasma synoviae*, and *Mycoplasma meleagridis*.

The macroagglutination tests for Mycoplasma antibodies, as described in "Standard Methods for Testing Avian Sera for the Presence of Mycoplasma Gallisepticum Antibodies" published by the Agricultural Research Service, USDA, March 1966, and the microagglutination tests, as reported in the Proceedings, Sixteenth Annual Meeting of the American Association of Veterinary Laboratory Diagnosticians, 1973, shall be the official tests. Procedures for isolation and identification of Mycoplasma may be found in Isolation and Identification of Avian Pathogens, published by the American Association of Avian Pathologists and §§ 147.15 and 147.16 of this part.

(a) The status of a flock for Mycoplasma shall be determined according to the following criteria:
(1) If the tube agglutination or the serum plate test is negative, the flock qualifies.

(2) If the tube agglutination or the serum plate test is positive, the hemaglutination inhibition (HI) test and/or the Serum Plate Dilution (SPD) test shall be conducted. *Provided,* that for egg-type and meat-type chicken and waterfowl, exhibition poultry, and game bird flocks, if more than 50 percent of the samples are positive for either *Mycoplasma gallisepticum, M. synoviae,* or both, the HI and/or the SPD test shall be conducted on 10 percent of the positive samples or 25 positive samples, whichever is greater. The results of the HI and/or SPD tests must be followed by the action prescribed in paragraphs (a)(3), (a)(4), and (a)(5) of this section.

(3) If the tube agglutination or serum plate tests are positive and HI and/or the SPD tests are negative, the flock shall be retested in accordance with paragraph (a)(6) of this section.

(4) If HI titers of 1:40 or SPD titers of 1:5 are found, the flock shall be considered suspicious and shall be retested in accordance with paragraph (a)(6) of this section.

(5) If HI titers of 1:80, positive enzyme-labeled immunosorbent assay (ELISA) titers, or SPD titers of 1:10 or higher are found, the Official State Agency shall presume the flock to be infected. If the indicated titers are found, tracheal swabs from 30 randomly selected birds shall be taken promptly and cultured individually or a PCR-based procedure conducted on these specimens for Mycoplasma, and additional tests conducted in accordance with paragraph (a)(6) of this section before final determination of the flock status is made.

(6) Fourteen days after the previous bleeding date, all birds or a random sample comprised of 75 birds shall be tested by the serum plate or tube agglutination test. Tested birds shall be identified by numbered bands.

(7) If the tube agglutination test or serum plate test is negative for the Mycoplasma for which the flock was tested, the flock qualifies.

(8) If the tube agglutination or serum plate test is positive on the retest, the HI and/or SPD test shall be conducted on the reacting samples.

(9) On the retest, if the tube agglutination or serum plate tests are positive at the same or higher rate and the HI or SPD tests are negative, the flock shall be considered suspicious and shall be retested in accordance with paragraph (a)(6) of this section.

(10) On the retest if HI titers of 1:80 and/or SPD titers of 1:10 or higher are found, the flock shall be considered infected: *Provided,* That, at the discretion of the Official State Agency, additional tests may be conducted in accordance with paragraph (a)(6) of this section before final determination of the flock status is made.

(11) If HI titers of 1:80 and/or SPD titers of 1:10 or higher are found on the second retest, the flock shall be considered infected for the Mycoplasma for which it was tested.

(12) If the tube agglutination or serum plate tests are found on the second retest to be positive at the same or higher rate and the HI and/or SPD tests are negative, the flock should be considered infected: *Provided,* That if the status of the flock is considered to be equivocal, the Official State Agency may examine reactors by the in vivo bio-assay, PCR-based procedures, and/or culture procedures before final determination of the flock status is made.

(13) If the in vivo bio-assay, PCR-based procedures, and culture procedures are negative, the Official State Agency may qualify the flock for the classification for which it was tested.

(14) If the in vivo bio-assay, PCR-based procedures, or culture procedures are positive, the flock will be considered infected. However, the following considerations may apply:

(i) In PCR-positive flocks for which there are other negative mycoplasma test results, the flock's mycoplasma status should be confirmed through either seroconversion or culture isolation of the organism, or through both methods, before final determination of the flock's status is made.

(ii) In flocks for which only the bio-assay is positive, additional in vivo bio-assay, PCR-based procedures, or cultural examinations may be conducted by the Official State Agency before final determination of the flock's status is made.

(15) If the in vivo bio-assay, PCR-based procedures, or cultures are positive on retest, the flock shall be considered infected for the Mycoplasma for which it was tested.

(b) [Reserved]

§ 147.7 Standard Test Procedures for Mycoplasma.[5]

The serum plate agglutination test, tube agglutination test, and the enzyme-linked immunosorbent assay (ELISA) should be considered basic screening tests for Mycoplasma antibodies. The test selected will depend on preference, laboratory facilities, and availability of antigen. These three tests, though quite accurate, determine flock status rather than individual bird status, since occasional reactions are nonspecific. Under normal circumstances, the rate of such nonspecific reactions is low. Nonspecific reactions may occasionally be high, particularly after the use of erysipelas bacterin in turkeys and where Mycoplasma antibodies are present for closely related Mycoplasma other than for the species being tested. The hemagglutination inhibition (HI) test is too cumbersome for routine screening use. Positive reactions are extremely accurate however, and are useful in evaluating serum samples that react with the ELISA, plate, and/or tube antigens. The test should be conducted with 4 HA units. Titers of 1:80 or greater for both chicken and turkey sera are considered positive, while a 1:40 or 1:20 titer would be strongly suspicious and additional tests should be required.

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[5]For additional information on Mycoplasma test procedures, refer to the following references: Proc. 77th Annual Meeting, U.S. Animal Health Association, 1973; Isolation and Identification of Avian Pathogens, 3rd Edition; Methods for Examining Poultry Biologics and for Identifying and Quantifying Avian Pathogens, 1991.

(a) Serum plate agglutination test

(1) The serum plate agglutination test for Mycoplasma is conducted by contacting and mixing 0.02 ml of test serum with 0.03 ml of serum plate antigen on a glass at room temperature. The standard procedure is:

(i) Allow antigen and test serums to warm up to room temperature before use.

(ii) Dispense test serums in 0.02 ml amounts with a pipette or standardized loop (rinsed between samples) to 1 inch squares on a ruled glass plate. Limit the number of samples (no more than 25) to be set up at one time according to the speed of the operator. Serum should not dry out before being mixed with antigen.

(iii) Dispense 0.03 ml of antigen beside the test serum on each square. Hold antigen dispensing bottle vertically.

(iv) Mix the serum and antigen, using a multimixing device if large numbers are to be run at one time.

(v) Rotate the plate for 5 seconds. At the end of the first minute, rotate the plate again for 5 seconds and read 55 seconds later.

(2) A positive reaction is characterized by the formation of definite clumps, usually starting at the periphery of the mixture. Most samples that are highly positive will react well within the 2-minute test period. Reactions thereafter should be considered negative, although partial agglutination at 3 and 5 minutes may warrant further retesting. High-quality antigen contacted with negative serum will usually dry up on the plate without visible clumping. Whenever samples are run, the antigen should be tested against known positive and negative control serums. Standard reference antigens and negative and positive titered sera are available from the National Veterinary Services Laboratories (NVSL), P.O. Box 884, Ames, Iowa 50010.

(3) Since it is difficult to measure uniform amounts of serum with a calibrated loop, this technique should not be used in conducting an official test.

(b) Serum plate dilution test

(1) The serum plate dilution (SPD) test may be used to evaluate possible nonspecific reactions, gain additional information to evaluate positive plate tests occurring in an unexpected manner, and/or to evaluate the level of Mycoplasma antibodies present in the serum sample. If sufficient serum is available, the following method would provide the dilutions required to conduct the test.

(i) Rack three tubes and put 0.8 ml of phosphate-buffered saline (PBS) in tube 1 and 0.5 ml of PBS in tubes 2 and 3.

(ii) Pipette 0.2 ml of the test serum into tube 1 and discard the pipette.

(iii) With a pipette, mix the serum and PBS in tube 1 and withdraw 0.5 ml and add to tube 2.

(iv) Repeat the process in step (iii), mixing the contents of tube 2 and transferring 0.5 ml to tube 3.

(v) Conduct the test, as described for the serum plate test in paragraph (a), on the undiluted sample and on samples in tubes 1, 2, and 3 after proper mixing of each dilution.

(vi) To assist in the evaluation of the test, conduct concurrent SPD tests using both positive 1:80 and positive 1:160 HI sera for the Mycoplasma being tested. The antigen should be pretested for reactivity with standard serum at the 1:5 and 1:10 dilution.

(vii) Interpretation of the SPD test results should be based on the criteria in § 147.6(a) of this part.

(c) Tube agglutination test

(1) The Mycoplasma tube agglutination test is conducted by mixing 0.08 ml of test serum with 1.0 ml of diluted (1:20) antigen in a tube and allowing the mixture to react for 18–24 hours at 37 °C. The diluent will be the standard phosphate-buffered saline with phenol. This solution is made up as follows:

Sodium hydroxide (C.P.)	0.15 g
Sodium chloride (C.P.)	8.50 g
Potassium dihydrogen phosphate (KH_2PO_4)(C.P.)	0.68 g
Phenol (Crystal) (C.P.)	2.50 g
Distilled water to make 1,000 ml	

The pH of the buffered phenolized saline will be 7.1–7.2 if all reagents are accurately measured. The stock tube antigen is diluted 1:20 with buffered phenolized saline. The procedures for the tube test are as follows:

(i) Rack 12 × 75 mm clean tubes and identify the tubes according to the sample to be tested.

(ii) Add 0.08 ml of the individual test serum to each tube. This will create approximately a 1:12.5 screening dilution of test serum when 1.0 ml of diluted antigen is added. The use of a pipetting device will insure proper mixing of serum and antigen.

(iii) To interpret positive reactions to the 1:12.5 dilution, two additional dilutions may be made by adding 0.04 ml of serum for 1:25 dilution and 0.02 ml of serum for 1:50 dilution, with the addition of 1.0 ml of diluted antigen as indicated in paragraph (c)(1)(ii) of this section.

(iv) Shake racks and incubate test systems for 18–24 hours at 37 °C.

(2) Tests are read against a dark background under indirect fluorescent light. Regarded as a positive reaction is a clearing of the supernatant fluid, with visible sediment in the bottom of the tube. Incomplete reactions are suspect. Positive and negative control serums should be incorporated into each day's run of tests. Reactions at 1:25 or greater are considered positive. They should be confirmed by the HI test. Incubation for periods greater than 24 hours may be helpful in evaluating suspicious reactions and need for possible retesting or other diagnostic tests.

(d) Hemagglutination Inhibition (HI) test

The Mycoplasma HI test is conducted by the constant-antigen, decreasing-serum method. This method requires using a 4-hemagglutination (HA) unit of diluted antigen.

Differences in the number of HA units used will change the titers of positive sera markedly. Standard HA antigens for *Mycoplasma gallisepticum*, *M. synoviae*, and *M. meleagridis* are available from NVSL. The antigen has been titrated and diluted to approximately 1:640. The HA titration of each sample should be checked as described in paragraph (d)(2) on initial use or after long storage. To maintain HA activity, the undiluted HA antigen should be stored at –60 to –70 °C. The test procedures are illustrated in Tables 2 and 3 of this paragraph.

(1) Preparation of materials

(i) Prepare phosphate-buffered saline (PBS) as follows:

Sodium hydroxide (C.P.)	0.15 g
Sodium chloride (C.P.)	8.5 g
Potassium dihydrogen phosphate (KH2PO4) (C.P.)	0.68 g
Distilled water to make 1,000 ml	

The pH of the PBS will be 7.1–7.2 if all reagents are accurately measured.

(ii) Collect the turkey or chicken red blood cells (RBC's) in Alsever's solution which has been prepared as follows:

Sodium citrate	8.0 g
Sodium chloride	4.2 g
Dextrose	20.5 g
Distilled to make 1,000 ml	

The sodium citrate and sodium chloride are dissolved in 800 ml distilled water and sterilized at 15 lbs. pressure for 15 minutes. Dissolve the dextrose in 200 ml distilled water, sterilize by Seitz or other type of filtration and then add aseptically to the sterile sodium citrate and sodium chloride solution.

(iii) From a turkey(s) or chicken(s) known to be free of the Mycoplasma being tested, withdraw sufficient blood with a syringe containing Alsever's solution to give a ratio of 1 part blood to 5 parts Alsever's solution (e.g., 8 ml blood in 40 ml of Alsever's solution). Centrifuge the blood suspension at 1,000 rpm for 10 minutes and remove the Alsever's solution or supernatant with a pipette.

(iv) Wash the RBC's two times in 10 or more parts of Alsever's solution, centrifuging after each washing. Centrifugation is at 1,000 rpm for 10 minutes. The supernatant fluid is removed and the RBC deposit resuspended to give a 25 percent suspension of packed RBC's in Alsever's solution. (In testing either chicken or turkey sera, the homologous RBC system must be used; i.e., use chicken cells when testing chicken serum and turkey cells when testing turkey serum.) If this suspension is kept refrigerated, it should keep for 7 or 8 days after the blood has been collected.

(v) For the test, 1 ml of the 25 percent RBC's is added to 99 ml of buffered saline to make a 0.25 percent RBC suspension.

(2) Hemagglutination (HA) antigen titration

The HA stock antigen is stored at –70 °C in PBS buffer containing 25 percent glycerin (vol/vol) in a concentrated suspension (i.e., 320–640 HA units/ml) in screwtype vials. Under such conditions, potency will be retained for years. There will be a rapid loss of titer if improperly stored. The titer of HA antigen is determined as illustrated in Table 1 and described in subparagraphs (d)(2)(i) through (x) of this paragraph.

Table 1 Titration of Hemagglutination (HA) Antigen

	Tube No.						
Reagents (ml)	1	2	3....	8	9	10	11[a]
PBS	0.5	0.5	0.5...	0.5	0.5	0.5	0.5
Antigen	0.2						
Transfer	0.5→	0.5→	0.5...→	0.5→	0.5→	0.5 ⊣↓[c]	
0.25% RBC	0.5	0.5	0.5...	0.5	0.5	0.5	0.5
Ant. dilution	1:5	1:10	1:20...	1:640	1:1,280	1:2,560	
Results[b]	+	+	+...	+	–	–	

[a]Tube 11, PBS/RBC control.
[b]+ = HA; –= no HA (sample titer 1:640).
[c]Discard 0.5 ml.

(i) Rack a series of 11 chemically clean 12 × 75 mm test tubes. Label the tubes 1–11 left to right.
(ii) Put 0.8 ml of PBS in tube 1 and 0.5 ml of PBS in each of tubes 2–11.
(iii) Add 0.2 ml of antigen to tube 1. This will make a 1:5 dilution of antigen. Discard pipette.
(iv) Mix contents of tube 1 thoroughly with a clean pipette, and transfer 0.5 ml to tube 2. This will make a 1:10 dilution of antigen in tube 2. Discard pipette.
(v) Continue making serial twofold dilutions of antigen, changing pipettes after each transfer, through tube 10. This will result in a series of twofold dilutions ranging from 1:5 to 1:2560. Discard 0.5 ml of antigen dilution from tube 10.
(vi) Add 0.5 ml of 0.25 percent RBC's to tubes 1–11. Tube 11 will serve as PBS/RBC control.
(vii) Shake the rack and incubate at room temperature until the cells in the PBS/RBC control tube have settled into a compact button at the bottom of the tube.
(viii) If turkey sera is also to be tested for HI titer, repeat steps outlined in (d)(2)(i) through (vii) of this paragraph, using 0.25 percent turkey RBC's.

(ix) The end point of the titration is the highest dilution of antigen that produces complete agglutination of the RBC's, as evidenced by the formation of a thin sheet of cells covering the concave bottom of the tube. For example, if complete agglutination is produced through tube 8 (a dilution of 1:640 of antigen), the antigen would be said to titer 640, the reciprocal of the dilution.

(x) Specificity of HA antigen should be determined by conducting HI tests with specific chicken sera of variable HI titers. Specific turkey sera of varying HI titers should be used if turkey sera is also to be tested.

Table 2 Hemagglutination Inhibition (HI) Test

	Tube No.						
Reagents (ml)	1[a]	2	3....	8	9	10	11[b]
PBS	0.8	0	0		0	0	0.5
8-unit antigen	0	0.5	0		0	0	0
4-unit antigen	0	0	0.5	0.5	0.5	0.5	0
Test serum	0.2	0	0	0	0	0	0
Transfer	0.5→	0.5→	0.5...→	0.5→	0.5→	0.5 ⇂[c]	
0.25% RBC	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Serum dilution	1:5	1:10	1:20...	1:640	1:1280	1:2560	

[a]Tube 1, serum control.
[b]Tube 11, PBS/RBC control.
[c]Discard 0.5 ml.

Table 3 Antigen Control

	Tube No.				
Reagents (ml)	1	2	3	4	5
4-unit antigen	1.0	0	0	0	0
PBS	0	0.5	0.5	0.5	0.5
Transfer	0.5→	0.5→	0.5→	0.5→	0.5[b] ⇂
0.25% RBC	0.5	0.5	0.5	0.5	0.5
Unit Antigen/tube	4	2	1	1/2	1/4
Results[a]	+	+	+	–	–

[a]+ = HA; – = no HA.
[b]Discard 0.5 ml.

(3) Reagents for mycoplasma HI test

(i) Eight-unit antigen (Dilution factor for stock antigen is established by dividing titer by 8; i.e., 640 antigen is diluted 1:80 in PBS to make 8-unit antigen.)
(ii) Four-unit antigen (made by diluting surplus 8-unit antigen 1:2 with PBS).
(iii) PBS at pH 7.0.
(iv) Unknown test serums.
(v) Positive control serum of known titer (should be from the same species as the unknown).
(vi) Negative control serum (should be from the same species as the unknown).
(vii) Solution of 0.25 percent washed RBC's.

(4) Test outline

(i) Rack 10 chemically clean 12 × 75 mm tubes for each serum, including controls, to be tested. Identify each row of tubes, and label tubes in each row 1–10, left to right. In row 1, add tube 11 for a PBS/RBC control.
(ii) Put 0.8 ml of PBS in tube 1 of each test row; put 0.5 ml of 8-unit antigen in tube 2 of each test row; put 0.5 ml of 4-unit antigen in each of tubes 3–10 in each test row; and put 0.5 ml of PBS in tube 11.
(iii) Add 0.2 ml of test serum to tube 1. This tube will be the serum control in the test system.
(iv) Mix and make 0.5 ml transfers from tube 1 through tube 10. This will result in serial twofold dilutions of serum starting with 1:5 and ending with 1:2560. Discard 0.5 ml from tube 10.
(v) Rack five tubes in which to set up an antigen control.
(vi) In tube 1, put 1.0 ml of 4-unit antigen; put 0.5 ml of PBS in tubes 2–5.
(vii) Make 0.5 ml serial transfers from tube 1 through tube 5, changing pipettes after each transfer. Discard 0.5 ml from tube 5. This will result in a series of tubes respectively containing 4, 2, 1, 1/2, and 1/4 units of antigen.
(viii) After 20–30 minutes at room temperature to permit antibody-antigen reaction, add 0.5 ml of 0.25 percent washed RBC's to each tube. Shake racks and incubate as for HA titration.
(ix) In this test system, positive serum should inhibit the HA activity of the antigen, while negative serum should have no effect. Inhibition will be evidenced by the formation of a free-flowing button of cells in the bottom of the tube. The titer of the serum can be calculated as the reciprocal of the highest dilution of serum that produces complete HI. Controls should read as follows:
  (A) Serum control (tube 1). Cells should settle out.
  (B) PBS/RBC control (tube 11). Cells should settle out.
  (C) Antigen control. HA in tubes 1–3. Cells should settle out in tubes 4–5.
  (D) Positive and negative serum control. Positive control should inhibit to its known titer; negative control should have no inhibitory effect.
(x) With this test system and 4 units of antigen, HI titers of 80 or above are considered positive and titers of 40 are strongly suspicious. However, titers of 10 or 20 are usually negative. Sample test results are illustrated in Table 4 in this paragraph.

(xi) If serological results from agglutination tests complemented by the HI test are inconclusive, cultural examination, bio-assay, or retesting of samples after an interval of at least 21 days may be indicated.

Table 4 Sample Results of HI Tests

	[Tube and Serum Dilution]									
	1	2	3	4	5	6	7	8	9	10
	1:5	1:10	1:20	1:40	1:80	1:160	1:320	1:640	1:1280	1:2560
Serum A (HI neg.)	–	+	+	+	+	+	+	+	+	+
Serum B (HI 1:40)	–	–	–	–	+	+	+	+	+	+
Serum C (HI 1:60)	–	–	–	–	–	–	+	+	+	+
Serum D (HI 1:20)	–	–	–	+	+	+	+	+	+	+

+, HA.
–, no HA or HI.

(e) Procedure for Mycoplasma hemagglutination inhibition tests using microtiter technique

(1) **Procedure No. 1.** The microtiter Mycoplasma HI test was developed from the tube HI test described in § 147.7(d). Refer to these procedures for preparation of materials not listed below.

(i) Materials needed

(A) Microtiter equipment (minimal); i.e., microplates, microdiluters, micropipettes, go–no-go diluter delivery tester, (0.05 ml).

(B) Phosphate-buffered saline (PBS).

(C) Reagents from NVSL; i.e., HA antigen and negative and positive titered sera for the Mycoplasma to be tested.

(D) Homologous red blood cells (RBC's) suspension 0.5 percent (2 ml of 25 percent RBC's to 98 ml of PBS) obtained from birds free of the Mycoplasma to be tested. (See paragraph (d)(1)(ii) through (v) of this section for preparation of RBC's.)

(ii) Microtiter hemagglutination (HA) antigen titration

(A) Mark off two rows of 10 wells each for antigen titer (HA is done in duplicate).

(B) Mark last well in each row for cell controls.

(C) Prepare in small test tube (12 × 75 mm) a starting dilution of antigen by combining 0.1 ml antigen with 0.9 ml PBS. This is a 1:10 dilution.

(D) Add 0.05 ml PBS to all wells, including cell controls.

(E) Add 0.05 ml antigen (1:10 dilution) with diluters to the first well in both rows, mix thoroughly, transfer diluter to second well of each row and mix, continuing through the 10th well of each row. With mixture in diluter from last well, check diluter on go–no-go card, then place diluter in distilled water. If diluter checks out, antigen dilution will be 1:20, 1:40, 1:80, 1:160, 1:320, 1:640, 1:1280, 1:2560, 1:5120.

(F) Add 0.05 ml of 0.5 percent RBC suspension to all wells using a 0.05 ml dropper.

(G) Seal plate (if plate is to be held over 2 hours); shake and allow to stand at room temperature until cells in cell control gather in compact button. The titer is the highest dilution in which agglutination is complete. The dilution contains 1 HA unit in 0.05 ml.

(H) Prepare a dilution of antigen which contains 8 HA units in 0.05 ml. Example: if the antigen titer is 1:640, then that dilution contains 1 HA unit per 0.05 ml. Then 640÷8 = 80, or a dilution of 1:80 containing 8 HA units. Or 640÷4 = 160, a dilution of 1:160 containing 4 HA units per 0.05 ml.

(iii) Microtiter HI test

(A) Prepare two dilutions of antigen, one containing 8 HA units per 0.05 ml and one containing 4 HA units per 0.05 ml. The 4-unit antigen can be prepared from the 8-unit antigen by mixing with equal parts of PBS.

(B) Mark off one row of 8 wells for each test.

(C) Prepare a 1:5 dilution of each serum to be tested in a small test tube (12×75 mm): 0.1 ml serum plus 0.4 ml PBS or 0.05 ml serum plus 0.20 ml PBS.

(D) Add 0.05 ml PBS with the 0.05 ml dropper to the first well in each row.

(E) Add 0.05 ml of 8-unit antigen to well 2 in each row.

(F) Add 0.05 ml of 4-unit antigen to wells 3 through 8 for each row.

(G) For each serum to be tested, load 0.05 ml diluter with 1:5 dilution as prepared in paragraph (C) above and place in first well of row.

(H) Mix well and transfer loaded diluter to well 2. Continue serial twofold dilutions through well number 8.

(I) Well 1 (serum dilution of 1:10) is serum control. Well 2 = 1:20 dilution; well 3 = 1:40 dilution; well 4 = 1:80 dilution; well 5 = 1:160 dilution; well 6 = 1:320 dilution; well 7 = 1:640 dilution; and well 8 = 1:1280 dilution.

(J) Antigen control.

(1) Mark off 6 wells for antigen controls.

(2) Add 0.05 ml PBS to wells 2, 3, 4, 5, and 6.

(3) Add 0.05 ml 8-unit antigen to wells 1 and 2.

(4) With empty diluter, mix contents of well 2. Continue serial twofold dilutions through well 6.

(5) Well 1 contains 8 units; well 2 contains 4 units; well 3 contains 2 units; well 4 contains 1 unit; well 5 contains 1/2 unit; and well 6 contains 1/4 unit.

(6) Mark off two wells for cell controls and add 0.05 ml PBS to each.

(7) After 20–30 minutes at average room temperature (20–23 °C) to permit antibody-antigen reaction, add 0.05 ml of a 0.5 percent suspension of RBC's to all wells.

(8) Seal all wells (if wells are to be held over 2 hours). Shake the plate thoroughly.

(9) Incubate at room temperature for 30–45 minutes.

(K) Interpretation: The HI titer is the highest serum dilution exhibiting complete inhibition of hemmagglutination as indicated by flowing of cells when the plate is tilted. Serum having a titer of 1:80 or greater is considered positive. A titer of 1:40 or 1:20 is suspicious.

(2) **Procedure No. 2.** Purpose: To test for antibodies to avian mycoplasma by hemagglutination (HI). The test uses the constant antigen, titered-sera method for measuring antibodies to *M. gallisepticum, M. synoviae, or M. meleagridis.*

(i) Materials needed.

(A) *M. gallisepticum, M. synoviae,* and/or *M. meleagridis* HI antigens.

(B) Positive and negative control sera.

(C) Phosphate buffered saline (PBS).

(D) Microtiter plates, 96-well, U-button.

(E) 12-channel pipettor (Titerek).

(F) 50µL pipettor (Pipetman P200).

(G) Pipette tips.

(H) 0.5 percent homologous red blood cells (RBC's) in PBS (use RBC's from the same species being tested).

(I) Plate-sealing tape.

(J) Mirrored plate reader.

(ii) Microtiter hemagglutination antigen (HA) titration.

(A) Perform standard hemagglutination test (HA) on mycoplasma antigen to determine titer of antigen.

(1) Dispense 50 µL of PBS into each well of 3 rows of a 96-well microtiter plate.

(2) Dispense 50 µL of stock antigen into the wells of 2 rows.

(3) Perform serial two-fold dilutions (50 µL) using a 12-channel pipettor. The dilution series will be from 1:2 to 1:4096.

(4) Add 50 µL of 0.5 percent homologous RBC's to each well of all 3 rows. The row with no antigen serves as an RBC control.

(B) Incubate at room temperature (approximately 30 minutes) until the control RBC'c give tight buttons. The HA titer is read as the last well to give a complete lawn (hemagglutination).

(C) Dilute stock antigen to 4 HA units for the HI test. The dilution required to give 4 HA units is calculated by dividing the stock antigen HA titer by 8. (Example: 1:320 HA units ÷ 8 = 40, dilute stock antigen 1:40.)

(iii) Hemagglutination inhibition assay.

(A) Label one column (A to H) of a 96-well, U-bottom microtiter plate for each sample, each positive and negative control sera, antigen backtitration, and RBC control.

(B) Add 40 µL of PBS to the top row of wells (row A) of the plate.

(C) Add 25 µL of PBS to all remaining wells of the plate.

(D) Add 10 µL of each test sera to well A of each column (making a 1:5 sera dilution).

(E) Serially dilute 25 µL from well A through H using a 12-channel pipettor. Discard the final 25 µL. Row A = 1:5...row H = 1:640.

(F) With an Oxford doser, add 25 µL of 4 HA units antigen to wells B through H. Well A serves as sera control.

(G) Prepare an antigen backtitration by adding 25 µL of PBS to each well of one column. Add 25 µL of diluted antigen to well A and serially dilute 25 µL from wells A to D. This prepares 1:2, 1:4, 1:8, and 1:16 dilutions.

(It is recommended that the antigen control backtitration be performed before the diluted antigen is used in the assay. Dilution problems could be detected and corrected before the inappropriately diluted antigen is used in the assay.)

(H) Leave a column of wells blank for an RBC control.

(I) Agitate gently and incubate for 30 minutes at room temperature.

(J) Add 50 µL of 0.5 percent RBC's to all wells. Note: Do not agitate after RBC's have been added (agitation may result in false positive reactions by causing the RBC's to fall, resulting in "false" buttons).

(K) Cover the plate with sealing tape. Incubate at room temperature for 30 minutes or until control RBC's give a tight button.

(L) Read the reaction on a mirrored plate reader.

(iv) Results.

(A) The titer is reported as the reciprocal of the last dilution to give a tight button of RBC's. The final dilution scheme includes the antigen in the dilution calculation and is as follows: B=1:20, C=1:40, D-1:80, E=1:160, F=1:320, G=1:640, H=1:1,280.

(B) For the assay to be valid:

(1) The positive control sera must give a result within one dilution of the previously determined titer.

(2) The negative control sera must be negative.

(3) The backtitration of the antigen must be 1:4 or 1:8.

(4) The RBC control must give tight, non-hemolyzed buttons.

(5) Sera controls (well A of each test sera) must not have non-specific agglutination or hemolysis. If negative, report as "negative with non-specific agglutination or non-specific hemolysis" or "unable to evaluate due to non-specific agglutination or hemolysis" or treat the serum to remove the non-specific agglutination and repeat the test. (See paragraph (e)(2)(v) of this section.)

(v) Treatment to remove non-specific agglutination.

(A) Purpose. Treatment of serum to remove non-specific agglutination that is interfering with HI assays.

(B) Specimen. Serum.

(C) Materials. Homologous RBC's (chicken or turkey), 50 percent solution PBS, centrifuge, incubator, 4 °C (refrigerator).

(D) Procedure.

(1) Prepare a 1:5 dilution of test serum by adding 50 µL of serum to 200 µL of PBS.

(2) Prepare a 50 percent solution of RBC's by adding equal volumes of packed RBC's to PBS. Mix well.

(3) Add 25 µL of 50 percent RBC solution to the serum dilutions.

(4) Vortex gently to mix.

(5) Incubate at 4 °C for 1 hour.

(6) Centrifuge to pellet the RBC's.

(7) Use the supernatant to perform the HI assay. Modify the dilution scheme in the assay to consider the initial 1:5 dilution prepared in the treatment. For the 1:5 dilution scheme, do not add PBS to row A. Add 50 µL of the 1:5 treated supernatant to row A. Serially dilute 25 µL from rows A through H. This prepares a serum dilution of 1:10 through 1:60 in rows B through H.

§ 147.8 Procedures for preparing egg yolk samples for diagnostic tests.

The following testing provisions may be used for retaining the classification U.S. M. Gallisepticum Clean under § 145.23(c)(1)(ii)(C) and § 145.33(c)(1)(ii)(C); and for retaining the classification U.S. M. Synoviae Clean under § 145.23(e)(1)(ii)(B) and § 145.33(e)(1)(ii)(B); and for retaining the classification U.S. H5/H7 Avian Influenza Monitored under § 146.23(a), § 146.33(a) and § 146.44(a) of this chapter.

(a) Under the supervision of an Authorized Agent or State Inspector, the eggs which are used in egg yolk testing must be selected from the premises where the breeding flock is located, must include a representative sample of 30 eggs collected from a single day's production from the flock, must be identified as to flock of origin and pen, and must be delivered to an authorized laboratory for preparation for diagnostic testing.

(b) The authorized laboratory must identify each egg as to the breeding flock and pen from which it originated, and maintain this identity through each of the following:

(1) Crack the egg on the round end with a blunt instrument.

(2) Place the contents of the egg in an open dish (or a receptacle to expose the yolk) and prick the yolk with a needle.

(3) Using a 1 ml syringe without a needle, aspirate 0.5 ml of egg yolk from the opening in the yolk.

(4) Dispense the yolk material in a tube. Aspirate and dispense 0.5 ml of PBS (phosphate-buffered saline) into the same tube, and place in a rack.

(5) After all the eggs are sampled, place the rack of tubes on a vortex shaker for 30 seconds.

(6) Centrifuge the samples at 2500 RPM (1000×g) for 30 minutes.

(7) (i) For egg yolk samples being tested to retain the U.S. M. Gallisepticum Clean and U.S. M. Synoviae Clean classifications, test the resultant supernatant for *M. gallisepticum* and *M. synoviae* by using test procedures specified for detecting IgG antibodies set forth for testing serum in § 147.7 (for these tests the resultant supernatant would be substituted for serum); except that a single 1:20 dilution hemagglutination inhibition (HI) test may be used as a screening test in accordance with the procedures set forth in § 147.7.

(ii) For egg yolk samples being tested to retain the U.S. H5/H7 Avian Influenza Monitored classification, test the resultant supernatant in accordance with requirements in § 146.13(b).

Note: For evaluating the test results of any egg yolk test, it should be remembered that a 1:2 dilution of the yolk in saline was made of the original specimen.

§ 147.9 Standard test procedures for avian influenza.

(a) The agar gel immunodiffusion (AGID) test should be considered the basic screening test for antibodies to Type A influenza viruses. The AGID test is used to detect circulating antibodies to Type A influenza group-specific antigens, namely the ribonucleoprotein (RNP) and matrix (M) proteins. Therefore, this test will detect antibodies to all influenza A viruses, regardless of subtype. The AGID test can also be used as a group-specific test to identify isolates as Type A influenza viruses. The method used is similar to that described by Beard[6]. The basis for the AGID test is the concurrent migration of antigen and antibodies toward each other through an agar gel matrix. When the antigen and specific antibodies come in contact, they combine to form a precipitate that is trapped in the gel matrix and produces a visible line. The precipitin line forms where the concentration of antigen and antibodies is optimum. Differences in the relative concentration of the antigen or antibodies will shift the location of the line towards the well with the lowest concentration or result in the absence of a precipitin line. Electrolyte concentration, pH, temperature, and other variables also affect precipitate formation.

(1) *Materials needed.*

(i) Refrigerator (4 °C).

(ii) Freezer (-20 °C).

(iii) Incubator or airtight container for room temperature (approximately 25 °C) incubations.

(iv) Autoclave.

(v) Hot plate/stirrer and magnetic stir bar (optional).

(vi) Vacuum pump.

(vii) Microscope illuminator or other appropriate light source for viewing results.

(viii) Immunodiffusion template cutter, seven-well pattern (a center well surrounded by six evenly spaced wells). Wells are 5.3 mm in diameter and 2.4 mm apart.

(ix) Top loading balance (capable of measuring 0.1 gm differences).

(x) Pipetting device capable of delivering 50µl portions.

(xi) Common laboratory supplies and glassware—Erlenmeyer flasks, graduated cylinders, pipettes, 100 x 15 mm or 60 x 15 mm petri dishes, flexible vacuum tubing, side-arm flask (500 mL or larger), and a 12- or 14-gauge blunt-ended cannula.

(2) *Reagents needed.*

(i) Phosphate buffered saline (PBS), 0.01M, pH 7.2 (NVSL media #30054 or equivalent).

(ii) Agarose (Type II Medium grade, Sigma Chemical Co. Cat.# A-6877 or equivalent).

(iii) Avian influenza AGID antigen and positive control antiserum approved by the Department and the Official State Agency.

(iv) Strong positive, weak positive, and negative control antisera approved by the Department and the Official State Agency (negative control antisera optional).

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[6]Beard, C.W. Demonstration of type-specific influenza antibody in mammalian and avian sera immunodiffusion. Bull. Wld. Hlth. Org. 42:779–785. 1970.

(3) *Preparing the avian influenza AGID agar.*

(i) Weigh 9 gm of agarose and 80 gm of NaCl and add to 1 liter of PBS (0.01 M, pH 7.2) in a 2 liter Erlenmeyer flask.

(ii) To mix the agar, either:

(A) Autoclave the mixture for 10 minutes and mix the contents by swirling after removing from the autoclave to ensure a homogeneous mixture of ingredients; or

(B) Dissolve the mixture by bringing to a boil on a hot plate using a magnetic stir bar to mix the contents in the flask while heating. After boiling, allow the agar to cool at room temperature (approximately 25 °C) for 10 to 15 minutes
before dispensing into petri plates.

(iii) Agar can be dispensed into small quantities (daily working volumes) and stored in airtight containers at 4 °C for several weeks, and melted and dispensed into plates as needed. Note: Do not use agar if microbial contamination or precipitate is observed.

(4) *Performing the AGID.*

(i) *Detection of serum antibodies.*

(A) Dispense 15 to 17 mL of melted agar into a 100 x 15 mm petri plate or 5 to 6 mL agar into a 60 x 15 mm petri plate using a 25 mL pipette. The agar thickness should be approximately 2.8 mm.

(B) Allow plates to cool in a relatively dust-free environment with the lids off to permit the escape of water vapor. The lids should be left off for at least 15 minutes, but not longer than 30 minutes, as electrolyte concentration of the agar may change due to evaporation and adversely affect formation of precipitin lines. Note: Plates should be used within 24 hours after they are poured.

(C) Record the sample identification, reagent lot numbers, test date, and identification of personnel performing and reading the test.

(D) Using the template, cut the agar after it has hardened. Up to seven template patterns can be cut in a 100 x 15 mm plate and two patterns can be cut in a 60 x 15 mm plate.

(E) Remove the agar plugs by aspiration with a 12- to 14-gauge cannula connected to a side arm flask with a piece of silicone or rubber tubing that is connected to a vacuum pump with tubing. Adjust the vacuum so that the agar surrounding the wells is not disturbed when removing the plugs.

(F) To prepare the wells, either:

(1) Place 50 µl of avian influenza AGID antigen in the center well using a micropipette with an attached pipette tip. Place 50 µl AI AGID positive control antiserum in each of two opposite wells, and add 50 µl per well of test sera in the four remaining wells. This arrangement provides a positive control line on one side of the test serum, thus providing for the development of lines of identity (see figure 1); or

(2) Place 50 µl AI AGID positive control antiserum in each of three alternate peripheral wells, and add 50 µl per well of test sera in the three remaining wells. This arrangement provides a positive control line on each side of the test serum, thus providing for the development of lines of identity on both sides of each test serum (see figure 2). Note: A pattern can be included with positive, weak positive, and negative reference serum in the test sera wells to aid in the interpretation of results (see figure 3).

(G) Cover each plate after filling all wells and allow the plates to incubate for 24 hours at room temperature (approximately 25 °C) in a closed chamber to prevent evaporation. Humidity should be provided by placing a damp paper towel in the incubation chamber. Note: Temperature changes during migration may lead to artifacts.

(ii) *Interpretation of test results.*

(A) Remove the lid and examine reactions from above by placing the plate(s) over a black background, and illuminate the plate with a light source directed at an angle from below. A microscope illuminator works well and allows for varying intensities of light and positions.

(B) The type of reaction will vary with the concentration of antibody in the sample being tested. The positive control serum line is the basis for reading the test. If the line is not distinct, the test is not valid and must be repeated. The following types of reactions are observed (see figure 3):

(1) *Negative reaction.* The control lines continue into the test sample well without bending or with a slight bend away from the antigen well and toward the positive control serum well.

(2) *Positive reaction.* The control lines join with, and form a continuous line (line of identity) with, the line between the test serum and antigen. The location of the line will depend on the concentration of antibodies in the test serum. Weakly positive samples may not produce a complete line between the antigen and test serum but may only cause the tip or end of the control line to bend inward toward the test well.

(3) *Non-specific lines.* These lines occasionally are observed between the antigen and test serum well. The control lines will pass through the non-specific line and continue on into the test serum well. The non-specific line does not form a continuous line with positive control lines.

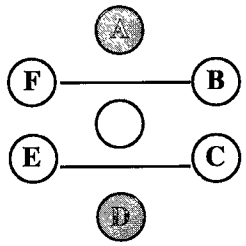

Figure 1. —*Immunodiffusion test that uses AI AGID antigen in the center well; AI-positive control serum in wells A and D; and AI-negative test serum in wells B, C, E, and F.*

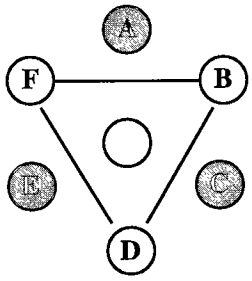

Figure 2. —Immunodiffusion test that has AI AGID antigen in the center well; AI-positive control serum in wells A, C, and E; and AI-negative test serum in wells B, D, and F.

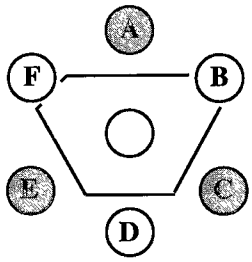

Figure 3.—*Immunodiffusion test that has AI AGID antigen in the center well; AI-positive control serum in wells A, C, and E; AI-negative test serum in well B; AI-positive test serum in well D; and weak positive test serum in well F.*

(b) The enzyme-linked immunosorbent assay (ELISA) may be used as a screening test for avian influenza. Use only federally licensed ELISA kits and follow the manufacturer's instructions. All ELISA-positive serum samples must be confirmed with the AGID test conducted in accordance with paragraph (a) of this section.

Subpart B—Bacteriological Examination Procedure

§ 147.10 Laboratory procedure recommended for the bacteriological examination of egg-type breeding flocks with *Salmonella enteritidis* positive environments.

Birds selected for bacteriological examination from egg-type breeding flocks positive for *Salmonella enteritidis* after environmental monitoring should be examined as described in § 147.11(a) of this subpart, with the following exceptions and modifications allowed due to the high number of birds required for examination:

(a) Except when visibly pathological tissues are present, direct culture, §147.11(a)(1) of this subpart, may be omitted; and

(b) Enrichment culture of organ (non-intestinal) tissues using a non-selective broth, § 147.11(a)(2) of this subpart, may be omitted.

§ 147.11 Laboratory procedure recommended for the bacteriological examination of salmonella.

(a) For egg- and meat-type chickens, turkeys, waterfowl, exhibition poultry, and game birds

All reactors to the pullorum-typhoid tests, up to 25 birds, and birds from *Salmonella enteritidis* (SE) positive environments should be cultured in accordance with both the direct enrichment (paragraph (a)(1)) and selective enrichment (paragraph (a)(2)) procedures described in this section: *Provided,* That in turkeys, if there are more than 4 reactors to the pullorum-typhoid tests in the flock, a minimum of 4 reactors as provided for in § 145.14(a)(6)(ii) of this subchapter shall be submitted to the authorized laboratory for bacteriological examination. Careful aseptic technique should be used when collecting all tissue samples.

(1) Direct culture (refer to illustration 1). Grossly normal or diseased liver, heart, pericardial sac, spleen, lung, kidney, peritoneum, gallbladder, oviduct, misshapen ova or testes, inflamed or unabsorbed yolk sac, and other visibly pathological tissues where purulent, necrotic, or proliferative lesions are seen (including cysts, abscesses, hypopyon, and inflamed serosal surfaces) should be sampled for direct culture using either flamed wire loops or sterile swabs. Since some strains may not dependably survive and grow in certain selective media, inoculate non-selective plates (such as blood or nutrient agar) and selective plates (such as MacConkey [MAC] and brilliant green novobiocin [BGN] for pullorum-typhoid and MAC, BGN, and xylose-lysine-tergitol 4 [XLT 4] for SE). After inoculating the plates, pool the swabs from the various organs into a tube of non-selective broth (such as nutrient or brain-heart infusion). Refer to illustration 1 for recommended bacteriological recovery and identification procedures[7]. Proceed immediately with collection of organs and tissues for selective enrichment culture.

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[7] Biochemical identification charts may be obtained from "A Laboratory Manual for the Isolation and Identification of Avian Pathogens," chapter 2, Salmonellosis. Fourth edition, 1998, American Association of Avian Pathologists, Inc., Kennett Square, PA 19348.

(2) Selective enrichment culture (refer to illustration 1). Collect and culture organ samples separately from intestinal samples, with intestinal tissues collected last to prevent cross contamination. Samples from the following organs or sites should be collected for culture in selective enrichment broth:
   (i) Heart (apex, pericardial sac, and contents if present);
   (ii) Liver (portions exhibiting lesions or, in grossly normal organs, the drained gallbladder and adjacent liver tissues);
   (iii) Ovary-Testes (entire inactive ovary or testes, but if ovary is active, include any atypical ova);
   (iv) Oviduct (if active, include any debris and dehydrated ova);
   (v) Kidneys and spleen; and
   (vi) Other visibly pathological sites where purulent, necrotic, or proliferative lesions are seen.

(3) From each bird, aseptically collect 10 to 15 grams of each organ or site listed in paragraph (a)(2) of this section. Mince, grind, or blend and place in a sterile plastic bag. All the organs or sites listed in paragraph (a)(2) of this section from the same bird may be pooled into one bag. Do not pool samples from more than one bird. Add sufficient tetrathionate enrichment broth to give a 1:10 (sample to enrichment) ratio. Follow the procedure outlined in illustration 1 for the isolation and identification of *Salmonella*.

(4) From each bird, aseptically collect 10 to 15 grams of each of the following parts of the digestive tract: Crop wall, duodenum, jejunum (including remnant of yolk sac), both ceca, cecal tonsils, and rectum-cloaca. Mince, grind, or blend tissues and pool them into a sterile plastic bag. Do not pool tissues from different birds into the same sample. Add sufficient tetrathionate enrichment broth to give a 1:10 (sample to enrichment) ratio. Follow the procedure outlined in illustration 1 for the isolation and identification of *Salmonella*.

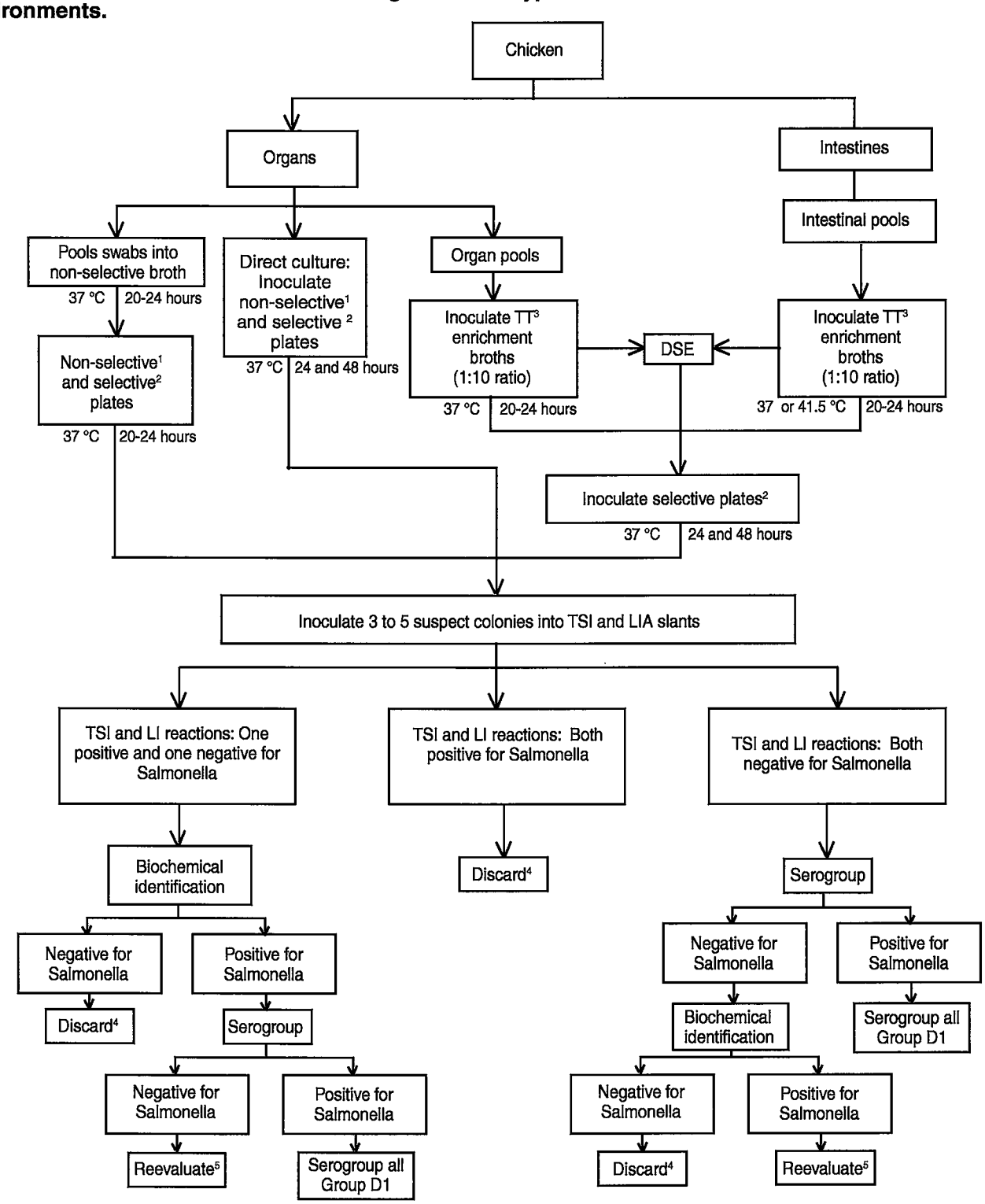
(5) After selective enrichment, inoculate selective plates (such as MAC and BGN for pullorum-typhoid and MAC, BGN, and XLT 4) for SE. Inoculate three to five *Salmonella*-suspect colonies from plates into triple sugar iron (TSI) and lysine iron agar (LIA) slants. Screen colonies by serological (i.e., serogroup) and biochemical procedures (e.g., the Analytical Profile Index for Enterobacteriaceae [API]) as shown in illustration 1. As a supplement to screening three to five *Salmonella*-suspect colonies on TSI and LIA slants, a group D colony lift assay may be utilized to signal the presence of hard-to-detect group D *Salmonella* colonies on agar plates.

(6) If the initial selective enrichment is negative for *Salmonella*, a delayed secondary enrichment (DSE) procedure is used. Leave the tetrathionate-enriched sample at room temperature for 5 to 7 days. Transfer 1 mL of the culture into 10 mL of fresh tetrathionate enrichment broth, incubate at 37 °C for 20 to 24 hours, and plate as before.

(7) Serogroup all isolates identified as salmonellae and serotype all serogroup D1 isolates. Phage-type all SE isolates.

(b) [Reserved]

ILLUSTRATION 1—Procedure for culturing Pullorum-Typhoid reactors and birds from SE-Positive environments.



1. Non-selective plates such as blood or nutrient agar.
2. Selective plates such as MacConkey, Brillant Green Novobioccin (BGN) forpullorum-typhoid reactors and MacConkey, BGN, and xylose-lysine tergitol 4 (XLT 4) for SE.
3. Tetrathionate enrichment broth.
4. Reevaluate if epidemiologic, necropsy, or other information indicates the presences of an unusual strain of Salmonella.
5. If biochemical identification and serogroup procedures are inconclusive, restreak original colony onto non-selective plating media to check for purity. Repeat biochemical and serology tests.

§ 147.12 Procedures for collection, isolation, and identification of Salmonella from environmental samples, cloacal swabs, chick box papers, and meconium samples.

Information concerning the pen arrangement and number of birds per pen should be obtained from the owner so that the required number of samples per pen and per flock can be determined. A means of identifying each sample by pen of origin should be provided. The vehicle transporting the personnel taking the samples should be left as far as practical from the poultry pens. Sanitary precautions, including personal cleanliness, should be observed during the sampling procedure. The hands should be carefully washed with a sanitizing soap prior to the sampling. Outer clothing, including gloves, should be changed between visits to different premises so that clean clothing is worn upon entering each premises.

The used and clean apparel should be kept separate. Boots or footwear should be cleaned and disinfected between visits to different premises. Disposable caps should be provided and discarded after use on each premises. After collection, the samples should be protected from drying, light, and excessive temperatures and delivered to the laboratory within one day. If delivery is delayed, samples should be refrigerated.

(a) For egg- and meat-type chickens, turkeys, waterfowl, exhibition poultry, and game birds

All samples and swabs described in this paragraph should be cultured in accordance with illustration 2 of § 147.11, including delayed secondary enrichment. All salmonellae recovered shall be serogrouped or serotyped.

(1) *Environmental samples.* Fecal material, litter, dust, or floor litter surface or nest box drag swab samples to be submitted for bacteriological examination shall be collected in accordance with the procedures described in paragraphs (a)(1), (a)(2), or (a)(3) of this section:

(i) *Procedure for sampling in broth.* Authorized laboratories will provide capped tubes 1 to 2 cm in diameter and 15 to 20 cm in length that are two-thirds full of a recently made, refrigerated, sterile enrichment broth for each sample. Sufficient tubes shall be taken to the premises to provide at least one tube per pen or one tube per 500 birds, whichever is greater. At least one sterile, cotton-tipped applicator will be needed for each tube. The dry applicator is first placed in or drawn through fresh manure (under roost, near water troughs, fecal droppings, or diarrhetic droppings). After each streaking, place the cotton-tipped applicator in the tube of broth and swirl the applicator to remove the collected material. Withdraw the applicator from the tube and use it to take additional specimens by streaking on or through areas where defecation, trampling of feces, or settling of dust is common; e.g., on or near waterers, feeders, nests, or rafters, etc. When the volume of material collected equals approximately 10 percent of the volume of the broth (usually 10-12 streakings), place the applicator in the tube and break the stick in half, leaving the lower or cotton-tipped half in the broth and retaining the upper half for future disposal. Replace the cap on the inoculated tube and continue the sampling procedure in other areas of the pen.

(ii) *Procedure for sampling in dry containers.* Place a sample of fecal material, litter, or dust in a sterile, sealable container. The sample shall consist of several specimens of material taken from a representative location in the pen or house. Collect at least 10 g (approximately a heaping tablespoonful) of material for each sample. Collect the specimens in each sample with a sterile tongue depressor or similar uncontaminated instrument. The samples shall vary in type and consistency. Half of the samples shall be comprised of material representing defecated matter from a large portion of the flock; i.e., trampled, caked material near waterers and feeders. The minimum number of samples to be taken shall be determined by the following: Five samples from pens or houses of up to 500 birds; Ten samples from pens or houses of 500 to 2,500 birds; Fifteen samples from pens or houses with more than 2,500 birds. The samples may be pooled to not fewer than five samples at the laboratory as long as the volume of material collected equals approximately 10 percent of the volume of the broth.

(2) *Cloacal swabs.* Cloacal swabs for bacteriological examination shall be taken from each bird in the flock or from a minimum of 500 birds in accordance with the procedure described in paragraph (a)(2)(i) of this section.

(i) *Procedure for taking cloacal swabs.* The authorized laboratory will provide sterile capped tubes or other suitable containers and cotton-tipped applicators for use in taking the cloacal swabs. Insert the cotton-tipped applicator into the cloaca and rectum in such a manner as to ensure the collection of fecal material. Place the swab and adhering fecal material in the tube and break the stick in half, keeping the upper half of the stick for future disposal. The cloacal swabs may be combined in the sterile tubes in multiples of five or in combinations specified by the authorized laboratory.

(ii) [Reserved].

(3) *Drag-swabs.* Utilization of drag swabs (DS) involves the exposure of gauze pads (or commercially available sponges designed for this purpose), a key component of a DS sampler, to the surface of random, flock-representative floor litter and nest box areas. The sampler pads shall be sterile and slightly moist to promote adherence of particulate material, and impregnated with double-strength skim milk[8] to protect salmonella viability during sample collection, batching, storage, and shipment. Floor litter surface DS sample results tend to reflect the salmonella carrier/shedder status of a flock. Nonetheless, other environmental samples as described in paragraphs (a)(1)(i), (a)(1)(ii), or (a)(3)(iv) of this section shall also be periodically collected.

(i) *Drag-swab sampler assembly.* Drag-swab (DS) samplers may be assembled using two 3- by 3-inch sterile gauze pads; size 20 wrapping twine; and paper clips, staples, or similar fasteners. Fold each gauze pad in half and attach one pad to a 2-foot-long (60 cm) piece of twine and the other to a 1-foot-long (30 cm) piece of twine. To attach a pad to the twine with a paper clip, bend the end wires of the paper clip slightly and push them through the fabric of

[8] Obtain procedure for preparing double strength skim milk from USDA–APHIS "Recommended Sample Collection Methods for Environmental Samples" available from the National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1498 Klondike Road, Suite 101, Conyers, GA 30094.

the folded pad, thus securing the clips to the folded pad, then securely tie the twine to the free rounded end of the paper clip. To attach a pad to the twine with a staple, staple the twine to the pad near the center of the fold, applying the staple at a right angle to the twine and parallel to the fold. (A pre-tied knot in the free end of the twine will prevent the twine from slipping under the staple during use.) Once the pads and the twine have been attached, securely connect the free ends of both lengths of twine to a small loop tied at the end of a 5-foot-long piece of twine. The resulting assembly resembles the letter Y, with a long vertical stem and two diagonal branches of different lengths with a gauze pad securely attached to the end of each branch. Wrap the twine around each two-pad DS sampler to produce a small bundle. Autoclave the assembled DS sampler bundle and transfer it with sterile forceps or other aseptic method to a resealable sterile bag. Aseptically add 15 mL of double-strength skim milk to the bag and massage the milk into the gauze pads. Seal the bags and store at –20 °C.

(ii) *Procedures and applications for DS samplers.* DS samplers shall be completely thawed prior to use. Complete pad/twine/fastener assemblies shall be used to sample floor litter surfaces; nest box surfaces may be sampled using 3- by 3-inch sterile gauze pads impregnated with double-strength skim milk in the manner described in paragraph (a)(3)(i) of this section. In either instance, the Plan participant collecting the samples shall wear a fresh pair of disposable sterile gloves for each flock or house sampled. Each sampler bag shall be marked with the type of sample (floor litter or nest box surface) and the identity of the house or flock from which the sample was taken.

(iii) *Floor litter sampling technique.* For flocks with fewer than 500 breeders, at least one DS set (two DS pads) shall be dragged across the floor litter surface for a minimum of 15 minutes. For flocks with 500 or more breeders, a minimum of two DS sets (four DS pads) shall be dragged across the floor litter surface for a minimum of 15 minutes per DS set. Upon completion of dragging, lower each DS pad by its attached twine into a separate, resealable sterile bag. Alternatively, each DS set of two pads may be may be lowered by its attached twine into the storage/transport bag from which the DS set was originally taken. Remove the twine from the pad or DS set by grasping the pad or DS set through the sides of the bag with one hand while pulling on the twine with the other hand until the connection is broken. Seal the bags and promptly refrigerate them to between 2 and 4 °C. Do not freeze. Discard the twine in an appropriate disposal bag.

(iv) *Nest box or egg belt sampling technique.* Collect nest-box or egg belt samples by using two 3- by 3-inch sterile gauze pads premoistened with double-strength skim milk and wiping the pads over assorted locations in about 10 percent of the total nesting area or the egg belt. Upon completion, place each pad in a separate, resealable sterile bag. Seal the bags and promptly refrigerate them to between 2 and 4 °C. Do not freeze.

(v) *Culturing of litter surface and nest box samples.* When refrigerated to between 2 and 4 °C, pads impregnated with double-strength skim milk may be stored or batched for 5 to 7 days prior to culturing. Pads shipped singly or paired in a

single bag shall not be pooled for culturing but shall be separately inoculated into 60 mL of selective enrichment broth.

(4) *Chick box papers.* Samples from chick box papers may be bacteriologically examined for the presence of *Salmonella.* The Plan participant may collect the samples in accordance with paragraph (a)(4)(i) of this section or submit chick box papers directly to a laboratory in accordance with paragraph (a)(4)(ii) of this section. It is important that the paper be removed from the chick box before the box is placed in the brooding house.

(i) Instructions for collecting samples from chick box papers:

(A) Collect 1 chick box paper for each 10 boxes of chicks placed in a house and lay the papers on a clean surface.

(B) Clean your hands and put on latex gloves. Do not apply disinfectant to the gloves. Change gloves after collecting samples from 10 chick box papers or any time a glove is torn.

(C) Saturate a sterile 3-by-3 inch gauze pad with double-strength skim milk (see footnote 12 to this section) and rub the pad across the surface of five chick box papers. Rub the pad over at least 75 percent of each paper and use sufficient pressure to rub any dry meconium off the paper. Pouring a small amount of double-strength skim milk (1 to 2 tablespoons) on each paper will make it easier to collect samples.

(D) After collecting samples from 10 chick box papers, place the two gauze pads used to collect the samples (i.e., one pad per 5 chick box papers) into an 18 oz. Whirl-Pak bag and add 1 to 2 tablespoons of double-strength skim milk.

(E) Promptly refrigerate the Whirl-Pak bags containing the samples and transport them, on ice or otherwise refrigerated, to a laboratory within 48 hours of collection. The samples may be frozen for longer storage if the Plan participant is unable to transport them to a laboratory within 48 hours.

(ii) The Plan participant may send chick box papers directly to a laboratory, where samples may be collected as described in paragraph (a)(4)(i) of this section. To send chick box papers directly to a laboratory:

(A) Collect 1 chick box paper for each 10 boxes of chicks placed in a house and place the chick papers immediately into large plastic bags and seal the bags.

(B) Place the plastic bags containing the chick box papers in a clean box and transport them within 48 hours to a laboratory. The plastic bags do not require refrigeration.

(iii) The laboratory must follow the procedure set forth in paragraph (a)(5) of this section for testing chick meconium for *Salmonella.*

(5) Chick meconium testing procedure for *Salmonella.*

(i) Record the date, source, and flock destination on the "Meconium Worksheet."

(ii) Shake each plastic bag of meconium until a uniform consistency is achieved.

(iii) Transfer a 25 gm sample of meconium to a sterile container. Add 225 mL of a preenrichment broth to each sample (this is a 1:10 dilution), mix gently, and incubate at 37 °C for 18-24 hours.

(iv) Enrich the sample with selective enrichment broth for 24 hours at 42 °C.
(v) Streak the enriched sample onto brilliant green novobiocin (BGN) agar and xylose lysine-tergitol 4 (XLT4) agar.
(vi) Incubate both plates at 37 °C for 24 hours and process suspect *Salmonella* colonies according to paragraph (b) of this section.

(b) Isolation and identification of Salmonella

Either of the two enrichment procedures or the rapid detection method in this paragraph may be used.

(1) Tetrathionate enrichment with delayed secondary enrichment (DSE):
(i) Add tetrathionate enrichment broth to the sample to give a 1:10 (sample to enrichment) ratio. Incubate the sample at 37 or 41.5 °C for 20 to 24 hours as shown in illustration 2.
(ii) After selective enrichment, inoculate selective plates (such as BGN and XLT4). Incubate the plates at 37 °C for 20 to 24 hours. Inoculate three to five *Salmonella*-suspect colonies from the plates into triple sugar iron (TSI) and lysine iron agar (LIA) slants. Incubate the slants at 37 °C for 20 to 24 hours. Screen colonies by serological (i.e., serogroup) and biochemical (e.g., API) procedures as shown in illustration 2. As a supplement to screening three to five *Salmonella*-suspect colonies on TSI and LIA slants, a group D colony lift assay may be utilized to signal the presence of hard-to-detect group D *Salmonella* colonies on agar plates.
(iii) If the initial selective enrichment is negative for *Salmonella,* use a DSE procedure. Leave the original tetrathionate-enriched sample at room temperature for 5 to 7 days. Transfer 1 mL of the culture into 10mL of fresh tetrathionate enrichment broth, incubate at 37 °C for 20 to 24 hours, and plate as in paragraph (b)(1)(ii) of this section.
(iv) Serogroup all isolates identified as *Salmonella* and serotype all serogroup D isolates. Phage-type all *Salmonella enteritidis* isolates.
(2) Pre-enrichment followed by selective enrichment. (See illustration 2.)
(3) Approved rapid detection method. After selective enrichment, using a PCR-based assay approved by the NPIP under § 145.15, a rapid ruthenium-labeled *Salmonella* sandwich immunoassay may be used to determine the presence of *Salmonella.* Positive samples from the immunoassay are then inoculated to selective plates (such as BGN and XLT4). Incubate the plates at 37 °C for 20 to 24 hours. Inoculate three to five Salmonella-suspect colonies fromthe plates into triple sugar iron (TSI) and lysine iron agar (LIA) slants. Incubate theslants at 37 °C for 20 to 24 hours. Screen colonies by serological (i.e., serogroup)and biochemical (e.g., API) procedures as shown in illustration 2. As a supplementto screening three to five Salmonella-suspect colonies on TSI and LIA slants, agroup D colony lift assay may be utilized to signal the presence of hard-to-detect group D Salmonella colonies on agar plates.

(c) For turkeys

(1) *Environmental Samples.* Fecal material, litter, or dust to be submitted for bacteriological examination should be collected in accordance with the procedures described in paragraphs (c)(1)(i) or (c)(1)(ii) of this section:

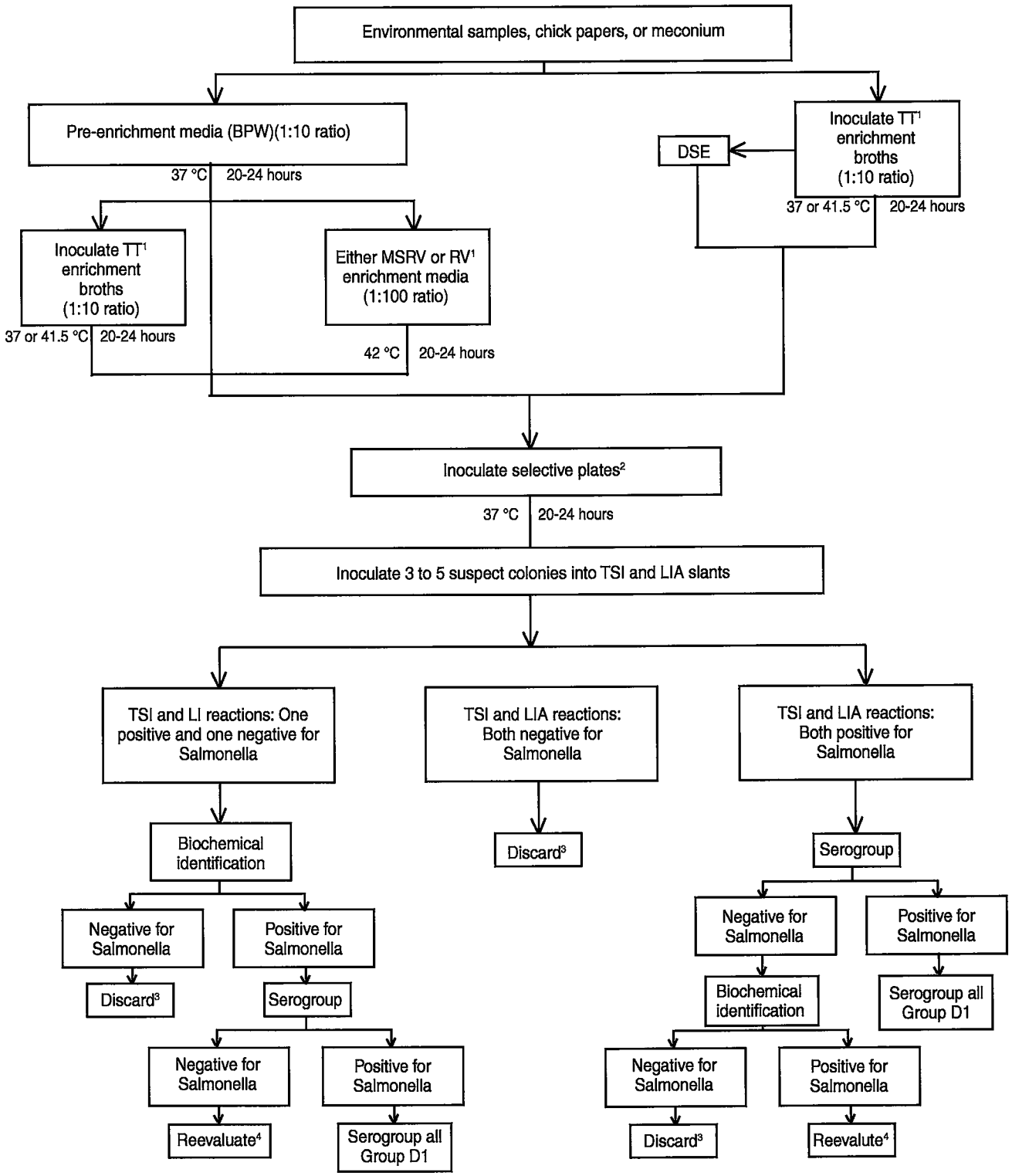
(i) *Procedure for sampling in broth.* Authorized laboratories will provide capped tubes 1–2 cm in diameter and 15–20 cm in length which are two-thirds full of a recently made, refrigerated, sterile enrichment broth (Selenite Brilliant Green Sulfapyridine or Tetrathionate Brilliant Green) for each sample. Sufficient tubes should be taken to the premises to provide at least one tube per pen or one tube per 500 birds, whichever is greater. At least one sterile, cotton-tipped applicator will be needed for each tube. The dry applicator is first placed or drawn through fresh manure (under roost, near water troughs, cecal droppings, or diarrhetic droppings). After this and each subsequent streaking, the cotton-tipped applicator is placed in the tube of broth and swirled to remove the collected material. The applicator is then withdrawn and is used for taking additional specimens by streaking on or through areas where defecation, trampling of feces, or settling of dust are common; i.e., on or near waterers, feeders, nests, or rafters, etc. When the volume of material collected equals approximately 10 percent of the volume of the broth (usually 10–12 streakings), the applicator is placed in the tube and the stick is broken in half. The lower or cotton-tipped half is left in the broth, and the upper half is retained for future disposal. The cap is then replaced on the inoculated tube, and the sampling procedure is continued in other areas of the pen.

(ii) *Procedure for sampling in dry containers.* A sample of fecal material, litter, or dust is placed in a sterile, sealable container. The sample shall consist of several specimens of material taken from a representative location in the pen or house. At least 10 g (approximately a heaping tablespoonful) of material shall be collected for each sample. The specimens in each sample shall be collected with a sterile tongue depressor or similar uncontaminated instrument. The samples should vary in type and consistency. Half of the samples should be comprised of material representing defecated matter from a large portion of the flock; i.e., trampled, caked material near waterers and feeders. The minimum number of samples to be taken shall be determined by the following:

Five samples from pens or houses of up to 500 birds;
Ten samples from pens or houses of 500 to 2,500 birds;
Fifteen samples from pens or houses with more than 2,500 birds.

The composite samples above may be pooled to not less than five samples at the laboratory as long as the volume of material collected equals approximately 10 percent of the volume of the broth.

ILLUSTRATION 2—Culture procedures for environmental samples, chick papers, or meconium.



1. Tetrathionate enrichment broth, e.g., Rappaprt-Vassilades (RV) or modified semisolid RV (MSRV)
2. Selective plates such Brilliant Green Novobiocin (BGN) or xylose-lysine tergitol 4 (XLT 4).
3. Reevaluate if epidemiologic, necropsy, or other information indicates the presences of an unusual strain of Salmonella.
4. If biochemical identification and serogroup procedures are inconclusive, restreak original colony onto non-selective plating media to check for purity. Repeat biochemical and serology tests.

(2) *Cloacal swabs.* Cloacal swabs for bacteriological examination are taken from each bird in the flock or from a minimum of 500 birds in accordance with the procedure described in paragraph (c)(2)(i) of this section.

(i) *Procedure for taking cloacal swabs.* The authorized laboratory will provide sterile capped tubes or other suitable containers and cotton-tipped applicators for use in taking the cloacal swabs. The cotton-tipped applicator is inserted into the cloaca and rectum in such a manner as to insure the collection of fecal material. The swab and adhering fecal material are then placed in the tube and the stick is broken in half, with the upper half retained for future disposal. The cloacal swabs may be combined in the sterile tubes in multiples of five or in combinations specified by the authorized laboratory.

(ii) [Reserved]

(3) *Drag-swabs.* Drag-swabs for bacteriological examination should involve the exposure of at least six unpooled pads per house to promote representative sampling and some element of quantification.

(i) *Drag-swab assembly.* Assemble drag-swab sampling sets from folded-once 3-by-3-inch sterile gauze pads secured with paper clips. Bend end wires of each paper clip slightly to catch into the swab fabric, thus securing the clips to the folded pads. Use two pads, assembled as described to make each drag-swab sampling set. Securely connect one pad through the free rounded end of the paper clip to a 2-ft (0.6 m) length of size 20 fibrous wrapping twine. Similarly connect the other pad to a 1-ft (0.3 m) length of twine. Then securely connect the free ends of both lengths of twine to a small loop tied at the end of a similar 5-ft length of twine. The resulting assembly resembles the letter Y with a 5-ft long vertical stem and two diagonal branches (one 1 ft long and the other 2 ft long), with a folded swab securely attached at the end of each branch. After assembly, place each two-pad drag-swab sampling set into a sterile bag.

(ii) *Procedure for taking drag-swab.*

(A) Floor litter: The Plan participants should collect two samples as follows: Drag four 3-by-3-inch sterile gauze pads premoistened with double strength skim milk[9] over the floor litter surface for 15 min minimally. Place the gauze pads used to collect the samples in 18-oz whirl-pack bags, two pads per bag with each bag containing 5 ml of double strength skim milk. This will maintain the moistness of the sample during transport. Mark the bags with the type of sample and the house identification.

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[9] Obtain procedure for preparing double strength skim milk from USDA–APHIS "Recommended Sample Collection Methods for Environmental Samples," available from the National Poultry Improvement Plan, Veterinary Services, APHIS, USDA, 1498 Klondike Road, Suite 101, Conyers, GA 30094.

(B) Nest-boxes. The Plan participant should collect one nest-box sample by using two 3-by-3-inch sterile gauze pads premoistened with double strength skim milk. Wipe the two gauze pads used to collect the sample over assorted locations of about 10 percent of the total nesting area. Place the gauze pads used to collect the sample in an 18-oz whirl-pack bag containing 5 ml of double strength skim milk. Mark the bag with the type of sample and the house identification.

(Approved by the Office of Management and Budget under control number 0579-0007)

§ 147.13 Procedure for bacteriological culturing of eggshells for colon bacilli organisms.

Proper precautions to avoid environmental contamination of the samples during the collection and laboratory process, and proper handling of the samples following collection are essential. Each State Inspector involved in eggshell culture activities must receive instruction in the necessary sanitation procedures, sampling procedures, and sample handling by the authorized laboratory involved. The Official State Agency will maintain a record showing that the required instruction was given to each State Inspector.

(a) Sample selection

Forty (40) eggs in the top flats of each of three randomly selected cases of sanitized eggs from each flock will be utilized for each sampling.

(b) Swab procedure

A 2.5 centimeter diameter circular area of the large end of each of the eggs will be rubbed with a sterile swab previously moistened with sterile lactose broth, or other suitable liquid media provided by the authorized laboratory. One swab will be used for five eggs, and four swabs will be pooled to each sterile, capped tube provided by the authorized laboratory.

(1) From the tube containing four swabs and lactose broth or other suitable media, 1 ml will be transferred to 10 ml lactose in a fermentation tube.

(2) Incubate at 37 °C for 48 hours. The presence of acid, and gas in the amount of 10 percent or more after 24 and 48 hours of incubation, provides a presumptive conclusion of the presence of colon bacilli organisms.

(Approved by the Office of Management and Budget under control number 0579-0007)

§ 147.14 Procedures to determine status and effectiveness of sanitation monitored program.

The following monitoring procedures[10] may be applied at the discretion of the Official State Agency:

(a) Monitor effectiveness of sanitation program

(1) Culture the surface of cased eggs periodically for fecal contaminating organisms as described in § 147.13.

(2) Culture a sample of dead-in-shell eggs periodically from each breeding flock for coliforms. The culture media will be designed to include detection of Salmonella species. Such eggs should also be cultured for the dependable recovery of *Salmonella*. Culturing for the dependable recovery of *Salmonellae* should include the use of:

(i) Preenrichment broths supplemented with 35 mg ferrous sulfate per 1,000 ml preenrichment to block iron-binding, *Salmonella*-inhibiting effects of egg conalbumin; and

(ii) Tetrathionate selective enrichment broths, competitor-controlling plating media (XLT4, BGN, etc.), delayed secondary enrichment procedures, and colony lift assays detailed in paragraph (a)(5) and illustration 2 of § 147.12.

§ 147.15 Laboratory procedure recommended for the bacteriological examination of mycoplasma reactors.[11]

(a) Turbinates, trachea, air sacs, sinuses, nasal passages, respiratory exudates, synovial fluid, eggs (including yolk, yolk sacs, membranes and allantoic fluid), should be directly sampled with sterile swabs.

Aseptic techniques are very important as some organisms may not be suppressed by the antimicrobial agents used in this procedure. Tissue suspensions from large volumes are sometimes desirable from the sites listed above and occasionally from the oviduct and cloaca. Tissues should be ground or blended completely in 10 times their volume of Mycoplasma Broth Medium (MBM). (See paragraph (f) of this section.) Specimens submitted to referral laboratories in order of preference for recovery of the Mycoplasma organisms are: (1) live birds, (2) refrigerated fresh tissues, (3) tissue specimens packed with dry ice.

(b) Inoculate 5–10 ml of MBM with a swab, wire loop or 0.1 ml of the tissue suspension.

When evidence of growth is observed (lowered pH or turbidity of broth) transfer each broth culture as needed to maintain the original isolates. Incubate tubes at 37 °C for at least 21 days before discarding as negative. When growth is first observed or if no growth occurs by the 4th or 5th day of incubation, inoculate broth culture onto a plate of Mycoplasma Agar Medium (MAM). (See paragraph (g) of this section.) Several cultures may be inoculated on one plate by using a wire loop or a cotton swab.

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[10]"Laboratory Procedures for monitoring operations pproposed here are described in the following two publicatons: isolation and identification of Avian Pathogens, American Association of Avian Pathoologists, University of Pennsylvania, New Bolton Center, Kenneth Square, Pennsylvania 1934-1962, 1980, and Culture Methods for the Detection of Animal Salmonellosis and Arizonosis, Iowa State Univeristy Press, Ames, Iowa 50010, 1976.

[11]Yoder, H.W., Jr., "Mycoplasmosis." In: Isolation and Identification of Avian Pathogens. (Stephen B. Hitchner, Chairman, Charles H. Domermuth, H. Graham Purchase, James E. Williams.) 1980, pp.40–42, Creative Printing Company, Inc., Endwell, NY 13760.

Incubate plates 3–5 days at 37 °C in a high humidity chamber. If preferred, 5 percent CO^2 may be added or a candle jar may be used. Tiny circular and translucent colonies with elevated centers are very suggestive of mycoplasma. Indirect lighting and a low power or dissecting microscope are recommended for observation of the colonies as they are rarely more than 0.2–0.3 mm in diameter.

(c) Isolates must be serotyped.

(1) Isolates may be shipped in MBM with ice packs if shipment will be in transit less than 2–3 days. Longer shipments require freezing of the MBM with dry ice, or shipping MAM slants at room temperature. Isolates must have indications of growth before shipment is made.
(2) Isolates may be stored in MBM at –20 °C for 2–3 weeks, or they may be stored at –68 °C for several years.

(d) Alternate method of culture: An overlay enrichment culture for fastidious and sensitive mycoplasma, especially for *M. meleagridis* should be included.

(1) Pour 2–3 ml of MAM into a test tube and tilt the tube until a slant (approximately 45 °) is obtained. Other containers are acceptable.
(2) Overlay the slant with sufficient MBM, so that the media (including inoculum) covers the agar slope.
(3) Inoculate the culture as indicated in paragraph (b) of this section.
(4) Incubate and examine the overlay as indicated in paragraph (b) of this section.

(e) Preparation of media components:[12]

(1) Deionized distilled water suitable for cell culture fluids should be used.
(2) All glassware should be carefully washed with a nonresidue detergent such as Alcojet and rinsed three times in tap water and twice in deionized distilled water.[13]
(3) Thallium acetate in a 10 percent solution is added to an approximate final concentration of 1:4000; however, highly contaminated specimens may require a final concentration of 1:2000.[14] Thallium acetate is added to deionized distilled water first, except as noted in paragraph (e)(4) of this section, to prevent the precipitation of proteins.
(4) Mycoplasma Broth Base, dextrose, phenol red, and cysteine hydrochloride are added to deionized distilled water first if autoclave sterilization is used.[15] Thallium acetate and then the remaining components are added aseptically after cooling the autoclaved media to 45 °C or less.
(5) Use sterile deionized distilled water to reconstitute penicillin.
(6) Sterile serum should be inactivated by heating at 56 °C for 30 minutes. Swine serum may be used for *M. gallisepticum, M. synoviae, M. gallinarum,* and *M. meleagridis* isolation; however, horse serum is usually recommended for *M. meleagridis* isolation.

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[12]Trade names are used in these procedures solely for the purpose of providing specific information. Mention of a trade name does not constitute a guarantee or warranty of the product by the U.S. Department of Agriculture or an endorsement over other products not mentioned.
[13]Alcojet is available from: Alconox, Inc., New York, NY 10003.
[14]Thallium acetate may be obtained from Fischer Scientific Company.
[15]Mycoplasma Broth Base may be obtained from: (a) Product # M 33600, Gibco Diagnostics, 2801 Industrial Drive, Madison, WI 53711. (b) Product #3900-3212, Scott Laboratories, Inc., 8 Westchester Plaza, Elmsford, NY 10523.

(7) Phenol red should be prepared as a 1 percent solution.
(8) NAD (beta nicotinamide adenine dinucleotide or coenzyme I) should be prepared as a 1 percent solution.[16]
(9) Cysteine hydrochloride, prepared as a 1 percent solution, is used to reduce the NAD for *M. synoviae* growth.
(10) A purified agar product such as Nobel (Special agar) is used in the MAM.[17]
(11) Adjust the pH with NaOH.
(12) Sterilization may be accomplished by two methods:
(i) Filtration sterilization through a 0.20 micron filter is the recommended method. Aseptic techniques must be utilized.
(ii) Autoclave sterilization at 120 °C, 15 pounds pressure (103 kPa), for 15 minutes may be used, if preferred, when following the procedure described in paragraph (e)(4) of this section.
(13) Phenol red, dextrose, and NAD may be omitted when culturing for *M. meleagridis* and *M. gallinarum.*
(14) When culturing for *M. meleagridis* from contaminated samples include 100 units/ml of Polymyxin B in MBM.

(f) Mycoplasma Broth Medium (Frey) is prepared as follows:

To 850–880 ml of deionized distilled water;
Add:

Thallium acetate (ml)	2.5 (1:4000)
Potentially contaminated samples (ml)	5.0 (1:2000)
Mycoplasma Broth Base (g)	22.5
Aqueous penicillin (units)	500,000
Sterile serum (ml)	120 to 150.0
Phenol red plus (ml)	2.5
NAD (ml)	12.5
Cysteine hydrochloride (ml)	12.5
Dextrose (g)	1.0–1.5

Adjust pH to 7.8
Filter sterilize

(1) Broth may be stored at 4 °C for at least 2 weeks or at –40 °C for longer periods.

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[16]NAD Grade III may be obtained from: Sigma Chemical Company, P.O. Box 14508, St. Louis, MO 63178.
[17]Noble Agar may be obtained from: Difco Laboratories, Box 1058-A, Detroit, MI 48201.

(g) Mycoplasma Agar Medium (Frey) is prepared as follows:

To 850–880 ml of deionized distilled water;
Add:

Mycoplasma Broth Base (g)	22.5
Adjust pH to 7.8	
Purified agar (g)	12.0
Autoclave and cool in 45 °C water bath	
Thallium acetate (ml)	2.0 (1:4000)
Sterile serum at 45 °C (ml)	150.0
Aqueous penicillin (units)	400,000
NAD (ml)	12.5
Cysteine hydrochloride (ml)	12.5

(1) Rotate flask gently and pour about 15 ml of media into each petri dish.
(2) Stack petri dishes only 2–3 high in a 37 °C incubator up to 2 hours to remove excess moisture.
(3) Wrap inverted plates in sealed bundles and store at 4 °C for not more than 15 days.

(h) New component or media batches should be monitored to compensate for changes in formulation due to alterations of purity, concentration, preparation, etc.

A known series of titrations from a single culture should be made on both new and old media. The media should be compared on the basis of growth, colony size, and numbers of colonies which develop.[18]

§ 147.16 Procedure for the evaluation of mycoplasma reactors by in vivo bio-assay (enrichment).

This procedure has been shown to be sensitive enough to detect less than 100 Mycoplasma organisms under proper conditions.[19] Proper conditions are defined in this section.

(a) Obtain chickens or turkeys (test birds) which are at least 3 weeks of age and are free of M. gallisepticum, M. synoviae, and M. meleagridis and transport them in a manner to prevent their being contaminated by any infectious avian disease.
  (1) Maintain test birds in an area that has been effectively cleaned and disinfected.
  (2) The area should be isolated from other birds or animals.
  (3) Personnel caring for the test birds should take the necessary precautions (see § 147.26(b)) to prevent the mechanical transfer of infectious avian diseases from other sources.

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[18]"Laboratory Procedures and Medium For The Isolation Of Mycoplasma From Clinical Materials." Laboratory Diagnosis of Mycoplasma in Food Animals, Proceedings of Nineteenth Annual Meeting, The American Association of Veterinary Laboratory Diagnosticians, 1976, pp. 106–115, AAVLD, 6101 Mineral Point Road, Madison, WI 53705.

[19]Research results are described in the following two publications: (a) Bigland, C. H. and A. J. DaMassa, "A Bio-Assay for Mycoplasma gallisepticum." In: United States Livestock Sanitary Association Proceedings, 67th, 1963, pp. 541–549. (b) McMartin, D. A., "Mycoplasma gallisepticum in the Respiratory Tract of the Fowl." In: The Veterinary Record, September 23, 1967, pp. 317–320.

(b) Test birds to be used for inoculation with contaminated tissues should be serologically negative by the serum plate agglutination test.
  (1) Inoculated test birds should be isolated from non-inoculated control birds for the length of any experiment.

(c) Aseptically obtain tracheal, turbinate, and sinus mucosa, lung and sinus exudates, cervical, thoracic, and abdominal airsac tissues (including lesions), and portions of oviduct and synovial fluid from at least four suspect, donor birds. In a sterile device, blend the tissues completely in four times their volume of Mycoplasma Broth Medium (Frey), (see § 147.15(f)). Suspensions may be made from tissue pools. Inoculate test birds within 30 minutes of preparation of suspensions.
  (1) Inoculate at least four test birds for each suspension pool via the abdominal air sac and infraorbital sinus, with up to 1/2 ml of inoculum per site.
  (2) Test birds should be bled every 7 days for 35 days to identify sero-converters.
  (3) At 35 days, test birds should be sacrificed and bacteriologic isolation and identification of mycoplasma attempted (see § 147.15). Note especially the sites of inoculation for typical gross or microscopic mycoplasma lesions.

(d) Donor birds are considered infected when:
  (1) Test birds have serum plate antibodies for the mycoplasma for which the donor birds were tested, regardless of HI test results, and control birds stay serologically negative; or
  (2) Mycoplasma organisms are isolated from the test birds and serotyped positive for the mycoplasma for which the donor birds were tested, and control birds stay serologically and culturally negative.

(e) Laboratory findings may be verified by direct cultures of material from sick birds or by inoculating seronegative birds from the suspect flock and comparing serological findings with those from the test birds.

§ 147.17 Laboratory procedure recommended for the bacteriological examination of cull chicks and poults for salmonella.

The laboratory procedure described in this section is recommended for the bacteriological examination of cull chicks from egg-type and meat-type chicken flocks and waterfowl, exhibition poultry, and game bird flocks and poults from turkey flocks for salmonella.

(a) For cull chicks, from 25 randomly selected 1- to 5-day-old chicks that have not been placed in a brooding house, prepare 5 organ pools, 5 yolk pools, and 5 intestinal tissue pools as follows. For poults, from a sample of 10 poults that died within 10 days after hatching, prepare organ pools, yolk pools, and intestinal pools as follows:
  (1) Organ pool: From each of five chicks or two poults, composite and mince 1- to 2-gram samples of heart, lung, liver, and spleen tissues. Include the proximal wall of the bursa of Fabricius for chicks only.
  (2) Yolk pool: From each of five chicks or two poults, composite and mince 1- to 2-gram samples of the unabsorbed yolk sac or, if the yolk sac is essentially absent, the entire yolk stalk remnant.

(3) Intestinal pool: From each of five chicks or two poults, composite and mince approximately 0.5 cm^2 sections of the crop wall and 5-mm-long sections of the duodenum, cecum, and ileocecal junction.

(b) Transfer each pool to tetrathionate selective enrichment broth (Hajna or Mueller-Kauffmann) at a ratio of 1 part tissue pool to 10 parts broth.

(c) For cull chicks, repeat the steps in paragraphs (a) and (b) of this section for each 5-chick group until all 25 chicks have been examined, producing a total of 15 pools (5 organ, 5 yolk, and 5 intestinal). For poults, repeat the steps in paragraphs (a) and (b) of this section for each two-poult group until all the poults in the sample have been examined.

(d) Culture the tetrathionate pools as outlined for selective enrichment in illustration 2 of § 147.12. Incubate the organ and yolk pools for 24 hours at 37 °C and the intestinal pools at 41.5 °C. Plate as described in illustration 2 of § 147.12 and examine after both 24 and 48 hours of incubation. Confirm suspect colonies as described. Further culture all salmonella-negative tetrathionate broths by delayed secondary enrichment procedures described for environmental, organ, and intestinal samples in illustration 2 of § 147.12. A colony lift assay may also be utilized as a supplement to TSI and LI agar picks of suspect colonies.

Subpart C—Sanitation Procedures

§ 147.21 Flock sanitation.

To aid in the maintenance of healthy flocks, the following procedures should be practiced:

(a) Baby poultry should be started in a clean brooder house and maintained in constant isolation from older birds and other animals. Personnel that are in contact with older birds and other animals should take precautions, including disinfection of footwear and change of outer clothing, to prevent the introduction of infection through droppings that may adhere to the shoes, clothing, or hands (see § 147.24(a)).

(b) Range used for growing young stock should not have been used for poultry the preceding year. Where broods of different ages must be kept on the same farm, there should be complete depopulation of brooder houses and other premises following infection of such premises by any contagious disease.

(c) Poultry houses should be screened and proofed against free-flying birds. An active rodent eradication campaign is an essential part of the general sanitation program. The area adjacent to the poultry house should be kept free from accumulated manure, rubbish, and unnecessary equipment. Dogs, cats, sheep, cattle, horses, and swine should never have access to poultry operations. Visitors should not be admitted to poultry areas, and authorized personnel should take the necessary precautions to prevent the introduction of disease.

(d) Poultry houses and equipment should be thoroughly cleaned and disinfected prior to use for a new lot of birds (see § 147.24(a)). Feed and water containers should be situated where they cannot be contaminated by droppings and should be frequently cleaned and disinfected. Dropping boards or pits should be constructed so birds do not have access to the droppings.

(e) Replacement breeders shall be housed at the proper density consistent with the type of building and locality and which will allow the litter to be maintained in a dry condition. Frequent stirring of the litter may be necessary to reduce excess moisture and prevent surface accumulation of droppings. Slat or wire floors should be constructed so as to permit free passage of droppings and to prevent the birds from coming in contact with the droppings. Nesting areas should be kept clean and, where appropriate, filled with clean nesting material.

(f) When an outbreak of disease occurs in a flock, dead or sick birds should be taken, by private carrier, to a diagnostic laboratory for complete examination. All Salmonella cultures isolated should be typed serologically, and complete records maintained by the laboratory as to types recovered from each flock within an area. Records on isolations and serological types should be made available to Official State Agencies or other animal disease control regulatory agencies in the respective States for followup of foci of infection. Such information is necessary for the development of an effective Salmonella control program.

(g) Introduction of started or mature birds should be avoided to reduce the possible hazard of introducing infectious diseases. If birds are to be introduced, the health status of both the flock and introduced birds should be evaluated.

(h) In rearing broiler or replacement stock, a sound and adequate immunization program should be adopted. Since different geographic areas may require certain specific recommendations, the program recommended by the State experiment station or other State agencies should be followed.
(i) Feed, pelleted by heat process, should be fed to all age groups. Proper feed pelleting procedures can destroy many disease producing organisms contaminating feedstuffs.

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§ 147.22 Hatching egg sanitation.

Hatching eggs should be collected from the nests at frequent intervals and, to aid in the prevention of contamination with disease-causing organisms, the following practices should be observed:
(a) Cleaned and disinfected containers, such as egg flats should be used in collecting the nest eggs for hatching. Egg handlers should thoroughly wash their hands with soap and water prior to and after egg collection. Clean outer garments should be worn.
(b) Dirty eggs should not be used for hatching purposes and should be collected in a separate container from the nest eggs. Slightly soiled eggs may be gently dry cleaned by hand.
(c) Hatching eggs should be stored in a designated egg room under conditions that will minimize egg sweating. The egg room walls, ceiling, floor, door, heater, and humidifier should be cleaned and disinfected after every egg pickup. Cleaning and disinfection procedures should be as outlined in § 147.24.
(d) The egg processing area should be cleaned and disinfected daily.
(e) Effective rodent and insect control programs should be implemented.
(f) The egg processing building or area should be designed, located, and constructed of such materials as to assure that proper egg sanitation procedures can be carried out, and that the building itself can be easily, effectively, and routinely sanitized.
(g) All vehicles used for transporting eggs or chicks/poults should be cleaned and disinfected after use. Cleaning and disinfection procedures should be as outlined in § 147.24.

§ 147.23 Hatchery sanitation.

An effective program for the prevention and control of Salmonella and other infections should include the following measures:

(a) An effective hatchery sanitation program should be designed and implemented.

(b) The hatchery building should be arranged so that separate rooms are provided for each of the four operations: Egg receiving, incubation and hatching, chick/poult processing, and egg tray and hatching basket washing. Traffic and airflow patterns in the hatchery should be from clean areas to dirty areas (i.e., from egg room to chick/poult processing rooms) and should avoid tracking from dirty areas back into clean areas.

(c) The hatchery rooms, and tables, racks, and other equipment in them should be thoroughly cleaned and disinfected frequently. All hatchery wastes and offal should be burned or otherwise properly disposed of, and the containers used to remove such materials should be cleaned and sanitized after each use.

(d) The hatching compartments of incubators, including the hatching trays, should be thoroughly cleaned and disinfected after each hatch.

(e) Only clean eggs should be used for hatching purposes.

(f) Only new or cleaned and disinfected egg cases should be used for transportation of hatching eggs. Soiled egg case fillers should be destroyed.

(g) Day-old chicks, poults, or other newly hatched poultry should be distributed in clean, new boxes and new chick papers. All crates and vehicles used for transporting birds should be cleaned and disinfected after each use.

§ 147.24 Cleaning and disinfecting.

The following procedures are recommended:

(a) In the poultry houses:

(1) Remove all live "escaped" and dead birds from the building. Blow dust from equipment and other exposed surfaces. Empty the residual feed from the feed system and feed pans and remove it from the building. Disassemble feeding equipment and dump and scrape as needed to remove any and all feed cake and residue. Clean up spilled feed around the tank and clean out the tank. Rinse down and wash out the inside of the feed tank to decontaminate the surfaces and allow to dry.

(2) Remove all litter and droppings to an isolated area where there is no opportunity for dissemination of any infectious disease organisms that may be present. Housing where poultry infected with a mycoplasmal disease were kept should remain closed for 7 days before removal of the litter.

(3) Wash down the entire inside surfaces of the building and all the installed equipment such as curtains, ventilation ducts and openings, fans, fan housings and shutters, feeding equipment, watering equipment, etc. Use high pressure and high volume water spray (for example 200 pounds per square inch and 10 gallons per minute or more) to soak into and remove the dirt to decontaminate the building. Scrub the walls, floors, and equipment with a hot soapy water solution. Rinse to remove soap.

(4) Spray with a disinfectant which is registered by the Environmental Protection Agency as germicidal, fungicidal, pseudomonocidal, and tuberculocidal, in accordance with the specifications for use, as shown on the label of such disinfectant.

(b) In the hatchers and hatchery rooms:

(1) Use cleaning agents and sanitizers that are registered by the U.S. Environmental Protection Agency as germicidal, fungicidal, pseudomonocidal, and tuberculocidal. Use manufacturer's recommended dilution. Remove loose organic debris by sweeping, scraping, vacuuming, brushing, or scrubbing, or by hosing surface with high pressure water (for example 200 pounds per square inch and 10 gallons per minute or more). Remove trays and all controls and fans for separate cleaning. Use hot water (minimum water temperature of 140 °F) for cleaning hatching trays and chick separator equipment. Thoroughly wet the ceiling, walls, and floors with a stream of water, then scrub with a hard bristle brush. Use a cleaner/sanitizer that can penetrate protein and fatty deposits. Allow the chemical to cling to treated surfaces at least 10 minutes before rinsing off. Manually scrub any remaining deposits of organic material until they are removed. Rinse until there is no longer any deposit on the walls, particularly near the fan opening, and apply disinfectant. Use a clean and sanitized squeegee to remove excess water, working down from ceilings to walls to floors and being careful not to recontaminate cleaned areas.

(2) Replace the cleaned fans and controls. Replace the trays, preferably still wet from cleaning, and bring the incubator to normal operating temperature.

(3) The hatcher should be fumigated (see § 147.25) or otherwise disinfected prior to the transfer of the eggs.

(4) If the same machine is used for incubating and hatching, the entire machine should be cleaned after each hatch. A vacuum cleaner should be used to remove dust and down from the egg trays; then the entire machine should be vacuumed, mopped, and fumigated (see § 147.25) or otherwise sanitized.

(c) The egg and chick/ poult delivery truck drivers and helpers should use the following good biosecurity practices while picking up eggs or delivering chicks/poults:

(1) Spray truck tires thoroughly with disinfectant before leaving the main road and entering the farm driveway.

(2) Put on sturdy, disposable plastic boots or clean rubber boots before getting out of the truck cab. Put on a clean smock or coveralls and a hairnet before entering the poultry house.

(3) After loading eggs or unloading chicks/poults, remove the dirty smock/coveralls and place into plastic garbage bag before loading in the truck. Be sure to keep clean coveralls separate from dirty ones.

(4) Reenter the cab of the truck and remove boots before placing feet onto floorboards. Remove hairnet and leave with disposable boots on farm.

(5) Sanitize hands using appropriate hand sanitizer.

(6) Return to the hatchery or go to the next farm and repeat the process.

§ 147.25 Fumigation.

Fumigation may be used for sanitizing eggs and hatchery equipment or rooms as a part of a sanitation program. APHIS disclaims any liability in the use of formaldehyde for failure on the part of the user to adhere to the Occupational Safety and Health Administration (OSHA) standards for formaldehyde fumigation, published in the Dec. 4, 1987, *Federal Register* (52 FR 46168, Docket Nos. H-225, 225A, and 225B).

§ 147.26 Procedures for establishing isolation and maintaining sanitation and good management practices for the control of Salmonella and Mycoplasma infections.

(a) The following procedures are required for participation under the U.S. Sanitation Monitored, U.S. M. Gallisepticum Clean, U.S. M. Synoviae Clean, U.S. S. Enteritidis Monitored, and U.S. S. Enteritidis Clean classifications:

(1) Allow no visitors except under controlled conditions to minimize the introduction of Salmonella and Mycoplasma. Such conditions must be approved by the Official State Agency and the Service;
(2) Maintain breeder flocks on farms free from market birds and other domesticated fowl. Follow proper isolation procedures as approved by the Official State Agency;
(3) Dispose of all dead birds by locally approved methods.

(b) Recommended procedures:

(1) Avoid the introduction of Salmonella, Mycoplasma gallisepticum, or Mycoplasma synoviae infected poultry;
(2) Prevent indirect transmission from outside sources through contaminated equipment, footwear, clothing, vehicles, or other mechanical means;
(3) Provide adequate isolation of breeder flocks to avoid airborne transmission from infected flocks;
(4) Minimize contact of breeder flocks with free-flying birds;
(5) Establish a rodent control program to keep the rodent population and other pests under control;
(6) Tailor vaccination programs to needs of farm and area;
(7) Clean and disinfect equipment after each use;
(8) Provide clean footwear and provide an adequate security program;
(9) Clean and disinfect houses before introducing a new flock;
(10) Use clean, dry litter free of mold;
(11) Keep accurate records of death losses;
(12) Seek services of veterinary diagnostician if unaccountable mortality or signs of disease occur;
(13) Adopt and maintain a clean-egg program; and
(14) Use only crates and vehicles that have been cleaned and disinfected in accordance with the provisions of § 147.24(a) to haul live poultry to and from the premises.

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§ 147.27 Procedures recommended to prevent the spread of disease by artificial insemination of turkeys.

(a) The vehicle transporting the insemination crew should be left as far as practical from the turkey pens.

(b) The personnel of the insemination crew should observe personal cleanliness, including the following sanitary procedures:

(1) Outer clothing should be changed between visits to different premises so that clean clothing is worn upon entering each premises. The used apparel should be kept separate until laundered. This also applies to gloves worn while handling turkeys;

(2) Boots or footwear should be cleaned and disinfected between visits to different premises;

(3) Disposable caps should be provided and discarded after use on each premises.

(c) The use of individual straw or similar technique is highly recommended. Insemination equipment which is to be reused should be cleaned and disinfected before reusing. Equipment used for the convenience of the workers should not be moved from premises to premises.

(d) No obviously diseased flock should be inseminated. If evidence of active disease is noted after insemination is begun, operations should be stopped and the hatchery notified.

(e) Care should be taken during the collection of semen to prevent fecal contamination. If fecal material is present, it should be removed before the semen is collected. Likewise, care should be taken not to introduce fecal material into the oviduct of the hen.

§ 147.30 Laboratory procedure recommended for the polymerase chain reaction (PCR) test for *Mycoplasma gallisepticum* and *M. synoviae.*

(a) DNA isolation. Isolate DNA from 1 mL of eluate from tracheal swabs in PBS or 1 mL of broth culture by a non-phenolic procedure. Centrifuge samples at 14,000 x g for 5 to 10 minutes. Decant supernatant and wash the pellet with 1 mL of PBS. Centrifuge as above and re-suspend the pellet in 25-50 µl of 0.1 percent DEP (Diethyl Pyrocarbonate; Sigma) water. Boil at 120 °C for 10 minutes followed by 10 minutes incubation at 4 °C. Centrifuge as above and transfer the supernatant DNA to a nuclease-free tube. Estimate the DNA concentration and purity by spectrophotometric reading at 260 nm and 280 nm.

(b) Primer selection.

(1) *M. gallisepticum.* The primer for *M. gallisepticum* should consist of the following sequences:

MG–F 5' GAG CTA ATC TGT AAA GTT GGT C
MG–R 5' GCT TCC TTG CGG TTA GCA AC

(2) *M. synoviae.* The primer for *M. synoviae* should consist of the following sequences:

MS–F 5' GAG AAG CAA AAT AGT GAT ATC A
MS–R 5' CAG TCG TCT CCG AAG TTA ACA A

(c) Polymerase chain reaction

(1) Treat each sample (100 to 2000 ng/5 µl) with one of the following 45 µl PCR cocktails:

(i) 5 µl 10x PCR buffer, 1 µl dNTP (10 mM), 1 µl of Reverse primer (50 µM), 1 µl of Forward primer (50µM), 4 µl $MgCl_2$ (25 mM), 1 µl taq-polymerase (5 U), 32 µl DEP water.

(ii) 18 µl water, 25µl PCR mix (Promega), 1 µl Reverse primer (50 µM), 1 µl Forward primer (50 µM).

(2) Perform DNA amplification in a Perkin-Elmer 9600 thermocycler or in a Hybaid PCR Express thermocycler.[20] The optimized PCR program is as follows:

Temperature (°C)	Duration	Cycles
94	30 seconds	30–40
55	30 seconds	30–40
72	1 minute	30–40
72	5 minutes	1 (final extension)

(d) Electrophoresis Mix PCR products (5 to 10 µl) with 2 µl loading buffer (Sigma) and electrophorese on a 2 percent agarose gel containing 0.5 µg/mL ethidium bromide in TAE buffer (40 mM tris; 2 mM EDTA; pH 8.0 with glacial acetic acid) for 30 minutes at 80 V. *M. gallisepticum* (185 bp) and *M. synoviae* (214 bp) amplicons can be visualized under an ultraviolet transilluminator along with the PCR marker (50 to 2000 bp; Sigma).

[20]Trade names are used in these procedures solely for the purpose of providing specific information. Mention of a trade name does not constitute a guarantee or warranty of the product by the U.S. Department of Agriculture or an endorsement over other products not mentioned.

Subpart E—Procedure for Changing National Poultry Improvement Plan

§ 147.41 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

Department — The U.S. Department of Agriculture.

Egg-type chickens — Chickens bred for the primary purpose of producing eggs for human consumption.

Exhibition poultry — Domesticated fowl which are bred for the combined purposes of meat or egg production and competitive showing.

Game birds — Domesticated fowl, such as pheasants, partridge, quail, grouse, and guineas, but not doves and pigeons.

Meat-type chickens — Chickens bred for the primary purpose of producing meat.

Plan Conference — A meeting convened for the purpose of recommending changes in the provisions of the Plan.

Plan or NPIP — The National Poultry Improvement Plan.

Service — The Animal and Plant Health Inspection Service, Veterinary Services, of the Department.

State — Any State, the District of Columbia, or Puerto Rico.

Waterfowl — Domesticated fowl that normally swim, such as ducks and geese.

§ 147.42 General.

Changes in this subchapter shall be made in accordance with the procedure described in this subpart: *Provided*, That the Department reserves the right to make changes in this subchapter without observance of such procedure when such action is deemed necessary in the public interest.

§ 147.43 General Conference Committee.

(a) The General Conference Committee Chairperson and the Vice Chairperson shall be elected by the members of the General Conference Committee.

A representative of the Animal and Plant Health Inspection Service will serve as Executive Secretary and will provide the necessary staff support for the General Conference Committee. The General Conference Committee shall consist of one member-at-large who is a participant in the National Poultry Improvement Plan and one member to be elected, as provided in paragraph (b) of this section, from each of the following regions:

(1) North Atlantic: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.
(2) East North Central: Ohio, Indiana, Illinois, Michigan, and Wisconsin.
(3) West North Central: Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas.
(4) South Atlantic: Delaware, District of Columbia, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and Puerto Rico.
(5) South Central: Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas.
(6) Western: Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, Alaska, and Hawaii.

(b) The regional committee members and their alternates will be elected by the official delegates of their respective regions, and the member-at-large will be elected by all official delegates.

There must be at least two nominees for each position, the voting will be by secret ballot, and the results will be recorded. At least one nominee from each region must be from an underrepresented group (minorities, women, or persons with disabilities). The process for soliciting nominations for regional committee members will include, but not be limited to: Advertisements in at least two industry journals, such as the newsletters of the American Association of Avian Pathologists, the National Chicken Council, the United Egg Producers, and the National Turkey Federation; a *Federal Register* announcement; and special inquiries for nominations from universities or colleges with minority/disability enrollments and faculty members in poultry science or veterinary science.

(c) Three regional members shall be elected at each Plan Conference. All members shall serve for a period of 4 years, subject to the continuation of the Committee by the Secretary of Agriculture, and may not succeed themselves:

Provided, That an alternate member who assumed a Committee member vacancy following mid-term would be eligible for re-election to a full term. When there is a vacancy for the member-at-large position, the General Conference Committee shall make an interim appointment and the appointee shall serve until the next Plan Conference at which time an election will be held. If a vacancy occurs due to both a regional member and alternate being unable to serve, the vacant position will be filled by an election at the earliest regularly scheduled national or regional Plan Conference, where members of the affected region have assembled.

(d) The duties and functions of the General Conference Committee shall be as follows:

(1) Advise and make recommendations to the Department on the relative importance of maintaining, at all times, adequate departmental funding for the NPIP to enable the Senior Coordinator and staff to fully administer the provisions of the Plan.
(2) Advise and make yearly recommendations to the Department with respect to the NPIP budget well in advance of the start of the budgetary process.

(3) Assist the Department in planning, organizing, and conducting the biennial National Poultry Improvement Plan Conference.
(4) Recommend whether new proposals (i.e., proposals that have not been submitted as provided in § 147.44) should be considered by the delegates to the Plan Conference.
(5) During the interim between Plan Conferences, represent the cooperating States in:
  (i) Advising the Department with respect to administrative procedures and interpretations of the Plan provisions as contained in 9 CFR.
  (ii) Assisting the Department in evaluating comments received from interested persons concerning proposed amendments to the Plan provisions.
  (iii) Recommending to the Secretary of Agriculture any changes in the provisions of the Plan as may be necessitated by unforeseen conditions when postponement until the next Plan Conference would seriously impair the operation of the program. Such recommendations shall remain in effect only until confirmed or rejected by the next Plan Conference, or until rescinded by the committee.
(6) Serve as a forum for the study of problems relating to poultry health and as the need arises, to make specific recommendations to the Secretary of Agriculture concerning ways in which the Department may assist the industry in solving these problems.
(7) Serve as a direct liaison between the NPIP and the United States Animal Health Association.
(8) Advise and make recommendations to the Department regarding NPIP involvement or representation at poultry industry functions and activities as deemed necessary or advisable for the purposes of the NPIP.

§ 147.44 Submitting, compiling, and distributing proposed changes.

(a) Changes in this subchapter may be proposed by any participant, Official State Agency, the Department, or other interested person or industry organization.
(b) Except as provided in § 147.43(d)(2), proposed changes shall be submitted in writing so as to reach the Service not later than 150 days prior to the opening date of the Plan Conference, and participants in the Plan shall submit their proposed changes through their Official State Agency.
(c) The name of the proponent shall be indicated on each proposed change when submitted. Each proposal should be accompanied by a brief supporting statement.
(d) The Service will notify all persons on the NPIP mailing lists concerning the dates and general procedure of the conference. Hatchery and dealer participants will be reminded of their privilege to submit proposed changes and to request copies of all the published proposed changes.

(e) The proposed changes, together with the names of the proponents and supporting statements, will be compiled by the Service and issued in processed form. When two or more similar changes are submitted, the Service will endeavor to unify them into one proposal acceptable to each proponent. Copies will be distributed to officials of the Official State Agencies cooperating in the NPIP. Additional copies will be made available for meeting individual requests.

§ 147.45 Official delegates.

Each cooperating State shall be entitled to one official delegate for each of the programs prescribed in Subparts B, C, D, E, and F of Part 145 of this chapter and for each of the programs prescribed in subparts B, C, and D of part 146 of this chapter in which it has one or more participants at the time of the Conference. The official delegates shall be elected by a representative group of participating industry members and be certified by the Official State Agency. It is recommended but not required that the official delegates be Plan participants. Each official delegate shall endeavor to obtain, prior to the Conference, the recommendations of industry members of his State with respect to each proposed change.

§ 147.46 Committee consideration of proposed changes.

(a) The following committees shall be established to give preliminary consideration to the proposed changes falling in their respective fields:
  (1) Egg-type breeding chickens.
  (2) Meat-type breeding chickens.
  (3) Breeding turkeys.
  (4) Breeding waterfowl, exhibition poultry, and game birds.
  (5) Breeding ostrices, emus, rheas, and cassowaries.
  (6) Egg-type commercial chickens.
  (7) Meat-type commercial chickens.
  (8) Meat-type commercial turkeys.

(b) Each official delegate shall be appointed a voting member in one of the committees specified in paragraph (a) of this section.

(c) Since several of the proposals may be interrelated, the committees shall consider them as they may relate to others, and feel free to discuss related proposals with other committees.

(d) The committees shall make recommendations to the conference as a whole concerning each proposal. The committee report shall show any proposed change in wording and the record of the vote on each proposal, and suggest an effective date for each proposal recommended for adoption. The individual committee reports shall be submitted to the chairman of the conference, who will combine them into one report showing, in numerical sequence, the committee recommendations on each proposal.

(e) The committee meetings shall be open to any interested person. Advocates for or against any proposal should feel free to appear before the appropriate committee and present their views.

§ 147.47 Conference consideration of proposed changes.

(a) The chairperson of the conference shall be a representative of the Department.
(b) At the time designated for voting on proposed changes by the official delegates, the chairperson of the General Conference Committee and the four committee chairpersons shall sit at the speaker's table and assist the chairperson of the conference.
(c) Each committee chairperson shall present the proposals which his/her committee approves or recommends for adoption as follows: "Mr. Chairman. The committee for Egg-type chickens recommends the adoption of Proposal No. _____, for the following reasons (stating the reasons): I move the adoption of Proposal No. ___." A second will then be called for. If the recommendation is seconded, discussion and a formal vote will follow.
(d) Each committee chairman shall present the proposals which his committee does not approve as follows: "Mr. Chairperson. The Committee for Egg-type chickens does not approve Proposal No. ___." The chairperson will then ask if any official delegate wishes to move for the adoption of the proposal. If moved and seconded, the proposal is subject to discussion and voted. If there is no motion for approval, or if moved but not seconded, there can be no discussion or vote.
(e) Discussion on any motion must be withheld until the motion has been properly seconded, except that the delegate making the motion is privileged, if he/she desires, to give reasons for his/her motion at the time of making it. To gain the floor for a motion or for discussion on a motion, the official delegate in the case of a motion, or anyone in case of discussion on a motion, shall rise, address the chair, give his/her name and State, and be recognized by the chair before proceeding further. While it is proper to accept motions only from official delegates and to limit voting only to such delegates, it is, however, equally proper to accept discussion from anyone interested. To conserve time, discussion should be pointed and limited to the pertinent features of the motion.
(f) Proposals that have not been submitted in accordance with § 147.44 will be considered by the Conference only with the unanimous consent of the General Conference Committee. Any such proposals must be referred to the appropriate committee for consideration before being presented for action by the Conference.
(g) Voting will be by States, and each official delegate, as determined by § 147.45, will be allowed one vote on each proposal pertaining to the program prescribed by the subpart which he/she represents.
(h) A roll call of States for a recorded vote will be used when requested by a delegate or at the discretion of the chairperson.
(i) All motions on proposed changes shall be for adoption.

(j) Proposed changes shall be adopted by a majority vote of the official delegates present and voting.
(k) The Conference shall be open to any interested person.

§ 147.48 Approval of conference recommendations by the department.

Proposals adopted by the official delegates will be recommended to the Department for incorporation into the provisions of the NPIP. The Department reserves the right to approve or disapprove the recommendations of the Conference as an integral part of its sponsorship of the National Poultry Improvement Plan.

Part 56–Control of H5/H7 Low Pathogenic Avian Influenza

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Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

Part 56–control of H5/H7 Low Pathogenic Avian Influenza

§ 56.1 Definitions.

Administrator — The Administrator, Animal and Plant Health Inspection Service, or any other employee of the Animal and Plant Health Inspection Service delegated to act in the Administrator's stead.

Animal and Plant Health Inspection Service (APHIS) — The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

Breeding flock — A flock that is composed of stock that has been developed for commercial egg or meat production and is maintained for the principal purpose of producing chicks for the ultimate production of eggs or meat for human consumption.

Classification — A designation earned by participation in a Plan program.

Commercial meat-type flock — All of the meat-type chickens or meat-type turkeys on one farm. However, at the discretion of the Official State Agency, any group of poultry which is segregated from another group in a manner sufficient to prevent the transmission of H5/H7 LPAI and has been so segregated for a period of at least 21 days may be considered as a separate flock.

Commercial table-egg layer flock — All table-egg layers of one classification in one barn or house.

Commercial table-egg layer premises — A farm containing contiguous flocks of commercial table-egg layers under common ownership.

Cooperating State Agency — Any State authority recognized by the Department to cooperate in the administration of the provisions of this part 56. This may include the State animal health authority or the Official State Agency.

Department — The U.S. Department of Agriculture.

Domesticated — Propagated and maintained under the control of a person.

Flock plan — A written flock management agreement developed by APHIS and the Official State Agency with input from the flock owner and other affected parties. A flock plan sets out the steps to be taken to eradicate H5/H7 LPAI from a positive flock, or to prevent introduction of H5/H7 LPAI into another flock. A flock plan shall include, but is not necessarily limited to, poultry and poultry product movement and geographically appropriate infected and control/monitoring zones. Control measures in the flock plan should include detailed plans for safe handling of conveyances, containers, and other associated materials that could serve as fomites; disposal of flocks; cleaning and disinfection; downtime; and repopulation.

H5/H7 low pathogenic avian influenza (LPAI)

An infection of poultry caused by an influenza A virus of H5 or H7 subtype that has an intravenous pathogenicity index test in 6-week-old chickens less than 1.2 or any infection with influenza A viruses of H5 or H7 subtype for which nucleotide sequencing has not demonstrated the presence of multiple basic amino acids at the cleavage site of the hemagglutinin.

H5/H7 LPAI exposed

At risk of developing H5/H7 LPAI because of association with birds or poultry infected with H5/H7 LPAI, excrement from birds or poultry infected with H5/H7 LPAI, or other material touched by birds or poultry infected with H5/H7 LPAI, or because there is reason to believe that association has occurred with H5/H7 LPAI or vectors of H5/H7 LPAI, as determined by the Cooperating State Agency and confirmed by APHIS.

H5/H7 LPAI virus infection (infected)

Poultry will be considered to be infected with H5/H7 LPAI for the purposes of this part if:

(1) H5/H7 LPAI virus has been isolated and identified as such from poultry; or

(2) Viral antigen or viral RNA specific to the H5 or H7 subtype of AI virus has been detected in poultry; or

(3) Antibodies to the H5 or H7 subtype of the AI virus that are not a consequence of vaccination have been detected in poultry. If vaccine is used, methods should be used to distinguish vaccinated birds from birds that are both vaccinated and infected. In the case of isolated serological positive results, H5/H7 LPAI infection may be ruled out on the basis of a thorough epidemiological investigation that does not demonstrate further evidence of H5/H7 LPAI infection.

Meat-type chicken

A domesticated chicken grown for the primary purpose of producing meat including but not limited to broilers, roasters, fryers, and cornish.

Meat-type turkey

A domesticated turkey grown for the primary purpose of producing meat.

Mortgage

Any mortgage, lien, or other security or beneficial interest held by any person other than the one claiming indemnity for the destruction of poultry or eggs due to H5/H7 LPAI.

Official appraiser (APHIS official appraiser, State official appraiser)

A person authorized by APHIS to appraise poultry for the purposes of this part. A State official appraiser is selected by a State and authorized by APHIS.

Official State Agency

The State authority recognized by the Department to cooperate in the administration of the Plan.

Plan

The provisions of the National Poultry Improvement Plan contained in parts 145, 146, and 147 of this chapter.

Poultry

Domesticated fowl, including 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.

Secretary The Secretary of the United States Department of Agriculture, or any officer or employee of the Department delegated to act in the Secretary's stead.

State Any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

Table-egg layer A domesticated chicken grown for the primary purpose of producing eggs for human consumption.

United States All of the States.

§ 56.2 Cooperation with States.

(a) The Administrator has been delegated the authority to cooperate with Cooperating State Agencies in the eradication of H5/H7 LPAI. This cooperation may include, but is not necessarily limited to, the following activities:
  (1) Payment to Cooperating State Agencies for surveillance and monitoring associated with poultry that have been infected with or exposed to H5/H7 LPAI;
  (2) Transfer of vaccine for H5/H7 LPAI to Cooperating State Agencies if provided for in the initial State response and containment plan developed by the Official State Agency and approved by APHIS under § 56.10; and
  (3) Payment for vaccine administration by Cooperating State Agencies, if provided for in the initial State response and containment plan developed by the Official State Agency and approved by APHIS under § 56.10

(b) (1) Any payment made to a State or an Official State Agency for the activities listed in paragraphs (a)(1) and (a)(3) of this section must be made through a cooperative agreement between the Cooperating State Agency and APHIS. The payment for which the Cooperating State Agency is eligible will be determined in the cooperative agreement.
    (i) For any Cooperating State Agency that participates in the National Poultry Improvement Plan diagnostic surveillance program for H5/H7 LPAI, as described in § 146.14 of this chapter, and has an initial State response and containment plan for H5/H7 LPAI that is approved by APHIS, as described in § 56.10 of this part, the cooperative agreement will provide that the Cooperating State Agency is eligible for payment of 100 percent of the costs of surveillance and monitoring and 100 percent of the costs of vaccine administration, as determined in the cooperative agreement.
    (ii) For any Cooperating State Agency that does not meet the criteria in paragraph (b)(1)(i) of this section, the cooperative agreement will provide that the Cooperating State Agency is eligible for payment of 25 percent of the costs of surveillance and monitoring and 25 percent of the costs of vaccine administration, as determined in the cooperative agreement.

(2) Transfer of vaccine under paragraph (a)(2) of this section must be accomplished through a cooperative agreement between the Cooperating State Agency and APHIS.

(c) States will be responsible for making the determination to request Federal assistance under this part in the event of an outbreak of H5/H7 LPAI.

§ 56.3 Payment of indemnity.

(a) Activities eligible for indemnity

The Administrator may pay indemnity for the activities listed in paragraphs (a)(1) through (a)(3) of this section, as provided in paragraph (b) of this section:

(1) Destruction and disposal of poultry that were infected with or exposed to H5/H7 LPAI;

(2) Destruction of any eggs destroyed during testing of poultry for H5/H7 LPAI during an outbreak of H5/H7 LPAI; and

(3) Cleaning and disinfection of premises, conveyances, and materials that came into contact with poultry that were infected with or exposed to H5/H7 LPAI; or, in the case of materials, if the cost of cleaning and disinfection would exceed the value of the materials or cleaning and disinfection would be impracticable for any reason, the destruction and disposal of the materials.

(b) Percentage of costs eligible for indemnity

Except for poultry that are described by the categories in paragraphs (b)(1) through (b)(7) of this section, the Administrator is authorized to pay 100 percent of the costs, as determined in accordance with § 56.4, of the activities described in paragraphs (a)(1) through (a)(3) of this section, regardless of whether the infected or exposed poultry participate in the Plan. For infected or exposed poultry that are described by the categories in paragraphs (b)(1) through (b)(7) of this section, the Administrator is authorized to pay 25 percent of the costs of the activities described in paragraphs (a)(1) through (a)(3) of this section:

(1) The poultry are egg-type breeding chickens from a flock that participates in any Plan program in part 145 of this chapter but that does not participate in the U.S. Avian Influenza Clean program of the Plan in § 145.23(h) of this chapter; or

(2) The poultry are meat-type breeding chickens from a flock that participates in any Plan program in part 145 of this chapter but that does not participate in the U.S. Avian Influenza Clean program of the Plan in § 145.33(l) of this chapter; or

(3) The poultry are breeding turkeys from a flock that participates in any Plan program in part 145 of this chapter but that does not participate in the U.S. H5/H7 Avian Influenza Clean program of the Plan in § 145.43(g) of this chapter; or

(4) The poultry are commercial table-egg layers from a premises that has 75,000 or more birds and that does not participate in the U.S. H5/H7 Avian Influenza Monitored program of the Plan in § 146.23(a) of this chapter; or

(5) The poultry are commercial meat-type chickens that are associated with a slaughter plant that slaughters 200,000 or more meat-type chickens per operating week and that does not participate in the U.S. H5/H7 Avian Influenza Monitored program of the Plan in § 146.33(a) of this chapter; or

(6) The poultry are commercial meat-type turkeys that are associated with a slaughter plant that slaughters 2 million or more meat-type turkeys in a 12-month period and that does not participate in the U.S. H5/H7 Avian Influenza Monitored program of the Plan in § 146.43(a) of this chapter; or

(7) The poultry are associated with a flock or slaughter plant that participates in the Plan, but they are located in a State that does not participate in the National Poultry Improvement Plan diagnostic surveillance program for H5/H7 LPAI, as described in § 146.14 of this chapter, or that does not have an initial State response and containment plan for H5/H7 LPAI that is approved by APHIS, unless such poultry participate in the Plan with another State that does participate in the National Poultry Improvement Plan diagnostic surveillance program for H5/H7 LPAI, as described in § 146.14 of this chapter, and has an initial State response and containment plan for H5/H7 LPAI that is approved by APHIS.

(c) Other sources of payment

If the recipient of indemnity for any of the activities listed in paragraphs (a)(1) through (a)(3) of this section also receives payment for any of those activities from a State or from other sources, the indemnity provided under this part will be reduced by the total amount of payment received from the State or other sources.

§ 56.4 Determination of indemnity amounts.

(a) Destruction and disposal of poultry

(1) Indemnity for the destruction of poultry infected with or exposed to H5/H7 LPAI will be based on the fair market value of the poultry, as determined by an appraisal. Poultry infected with or exposed to H5/H7 LPAI that are removed by APHIS or a Cooperating State Agency from a flock will be appraised by an APHIS official appraiser and a State official appraiser jointly, or, if APHIS and State authorities agree, by either an APHIS official appraiser or a State official appraiser alone. For laying hens, the appraised value should include the hen's projected future egg production. Appraisals of poultry must be reported on forms furnished by APHIS and signed by the appraisers and must be signed by the owners of the poultry to indicate agreement with the appraisal amount. Appraisals of poultry must be signed by the owners of the poultry prior to the destruction of the poultry, unless the owners, APHIS, and the Cooperating State Agency agree that the poultry may be destroyed immediately. Reports of appraisals must show the number of birds and the value per head.

(2) Indemnity for disposal of poultry infected with or exposed to H5/H7 LPAI will be based on receipts or other documentation maintained by the claimant verifying expenditures for disposal activities authorized by this part. Any disposal of poultry infected with or exposed to H5/H7 LPAI for which compensation is requested must be performed under a compliance agreement between the claimant, the

Cooperating State Agency, and APHIS. APHIS will review claims for compensation for disposal to ensure that all expenditures relate directly to activities described in § 56.5 and in the initial State response and containment plan described in § 56.10. If disposal is performed by the Cooperating State Agency, APHIS will indemnify the Cooperating State Agency for disposal under a cooperative agreement.

(3) The destruction and disposal of the indemnified poultry must be conducted in accordance with the initial State response and containment plan for H5/H7 LPAI, as described in § 56.10.

(b) Destruction of eggs

Indemnity for eggs destroyed during an outbreak for testing for H5/H7 LPAI will be based on the fair market value of the eggs, as determined by an appraisal. Eggs destroyed for testing for H5/H7 LPAI will be appraised by an APHIS official appraiser and a State official appraiser jointly, or, if APHIS and State authorities agree, by either an APHIS official appraiser or a State official appraiser alone. Appraisals of eggs must be reported on forms furnished by APHIS and signed by the appraisers and must be signed by the owners of the eggs to indicate agreement with the appraisal amount. Appraisals of eggs must be signed by the owners of the eggs prior to the destruction of the poultry, unless the owners, APHIS, and the Cooperating State Agency agree that the eggs may be destroyed immediately. Reports of appraisals must show the number of eggs and the value per egg.

(c) Cleaning and disinfection

(1) Indemnity for cleaning and disinfection of premises, conveyances, and materials that came into contact with poultry that are infected with or exposed to H5/H7 LPAI will be based on receipts or other documentation maintained by the claimant verifying expenditures for cleaning and disinfection activities authorized by this part. Any cleaning and disinfection of premises, conveyances, and materials for which indemnity is requested must be performed under a compliance agreement between the claimant, the Cooperating State Agency, and APHIS. APHIS will review claims for indemnity for cleaning and disinfection to ensure that all expenditures relate directly to activities described in § 56.5 and in the initial State response and containment plan described in § 56.10.

(2) In the case of materials, if the cost of cleaning and disinfection would exceed the value of the materials or cleaning and disinfection would be impracticable for any reason, indemnity for the destruction of the materials will be based on the fair market value of those materials, as determined by an appraisal. Materials will be appraised by an APHIS official appraiser and a State official appraiser jointly, or, if APHIS and State authorities agree, by either an APHIS official appraiser or a State official appraiser alone. Indemnity for disposal of the materials will be based on receipts or other documentation maintained by the claimant verifying expenditures for disposal activities authorized by this part. Any disposal of materials for which indemnity is requested must be performed under a compliance agreement between the claimant, the Cooperating State Agency, and APHIS. APHIS will review claims for compensation for disposal to ensure that all expenditures relate directly to activities described in § 56.5 and in the initial State response and containment plan described in § 56.10.

§ 56.5 Destruction and disposal of poultry and cleaning and disinfection of premises, conveyances, and materials.

(a) Destruction of poultry

Poultry that are infected with or exposed to H5/H7 LPAI may be required to be destroyed at the discretion of the Cooperating State Agency and APHIS and in accordance with the initial State response and containment plan described in § 56.10. The Cooperating State Agency and APHIS will select a method to use for the destruction of such poultry based on the following factors:

(1) The species, size, and number of the poultry to be destroyed;
(2) The environment in which the poultry are maintained;
(3) The risk to human health or safety of the method used;
(4) Whether the method requires specialized equipment or training;
(5) The risk that the method poses of spreading the H5/H7 LPAI virus;
(6) Any hazard the method could pose to the environment;
(7) The degree of bird control and restraint required to administer the destruction method; and
(8) The speed with which destruction must be conducted.

(b) Disposal of poultry

Carcasses of poultry that have died from H5/H7 LPAI infection or poultry that have been humanely slaughtered to fulfill depopulation requirements must be disposed of promptly and efficiently in accordance with the initial State response and containment plan described in § 56.10 to prevent the spread of H5/H7 LPAI infection. Disposal methods will be selected by the Cooperating State Agency and APHIS and may include one or more of the following: Burial, incineration, composting, or rendering. Regardless of the method used, strict biosecurity procedures must be implemented and enforced for all personnel and vehicular movement into and out of the area in accordance with the initial State response and containment plan to prevent dissemination of the H5/H7 LPAI virus.

(c) Controlled marketing

(1) At the discretion of the Cooperating State Agency and APHIS, poultry that has been infected with or exposed to H5/H7 LPAI may be allowed to move for controlled marketing in accordance with the initial State response and containment plan described in § 56.10 and in accordance with the following requirements:
    (i) Poultry infected with or exposed to H5/H7 LPAI must not be transported to a market for controlled marketing until 21 days after the acute phase of the infection has concluded, as determined by the Cooperating State Agency in accordance with the initial State response and containment plan described in § 56.10; and
    (ii) Within 7 days prior to slaughter, each flock to be moved for controlled marketing must be tested for H5/H7 LPAI using a test approved by the Cooperating State Agency and found to be free of the virus.
(2) Poultry moved for controlled marketing will not be eligible for indemnity under § 56.3.

(d) Cleaning and disinfection of premises, conveyances, and materials

Premises, conveyances, and materials that came into contact with poultry infected with or exposed to H5/H7 LPAI must be cleaned and disinfected; *Provided,* that materials for which the cost of cleaning and disinfection would exceed the value of the materials or for which cleaning and disinfection would be impracticable for any reason may be destroyed and disposed. Cleaning and disinfection must be performed in accordance with the initial State response and containment plan described in § 56.10, which must be approved by APHIS. This paragraph (d) provides guidelines for the development of a cleaning and disinfection plan for a premises and for the materials and conveyances on that premises.

(1) Preparation for cleaning and disinfection. Following the depopulation or controlled marketing of all poultry infected with or exposed to H5/H7 LPAI on a premises, the following procedures should be completed prior to cleaning and disinfection:

(i) Secure and remove all feathers that might blow around outside the house in which the infected or exposed poultry were held by raking them together and burning the pile;

(ii) Apply insecticides and rodenticides immediately after the removal of the birds, before the house cools;

(iii) Close the house in which the poultry were held, maintaining just enough ventilation to remove moisture. Leave the house undisturbed for a minimum of 21 days and for as long as possible thereafter, in order to allow as much H5/H7 LPAI virus as possible to die a natural death.

(iv) Heat the house to 100 °F for the 72 hours prior to cleaning and disinfection.

(2) Cleaning and disinfection. All premises, conveyances, and materials that came into contact with poultry that were infected with or exposed to H5/H7 LPAI must be cleaned and disinfected. Cleaning and disinfection must be performed on all buildings that came into contact with poultry that were infected with or exposed to H5/H7 LPAI within a premises, including pumphouses and service areas. To accomplish cleaning and disinfection, the following procedures should be completed:

(i) Disposal of manure, debris, and feed. Clean up all manure, debris, and feed. Compost manure, debris, and feed in the house if possible. If this is not possible, set up a system for hauling manure, debris, and feed to an approved site for burial, piling, or composting. Do not clean out the house or move or spread litter until any H5/H7 LPAI virus that may have contaminated the manure and litter is dead, as determined by the Cooperating State Agency and in accordance with the initial State response and containment plan described in § 56.10. If composting is used as a disposal method, manure and litter should be composted in accordance with State and local regulations. If litter is piled, the litter pile must be covered and allowed to sit undisturbed for an amount of time approved by the Cooperating State Agency and APHIS and in accordance the initial State response and containment plan described in § 56.10. Drying and heat *in situ* over time are effective and may be used in place of composting if weather conditions or conditions in the building are favorable. After use, equipment used to clean out manure, debris, and feed must be washed, disinfected, and inspected at the site to which the manure

and litter was transported. In the case of inclement weather, the equipment may be washed, disinfected, and inspected at off-site wash stations at the discretion of the Cooperating State Agency and APHIS.

(ii) *Cleaning of premises and materials.* Cleaning and washing should be thorough to ensure that all materials or substances contaminated with H5/H7 LPAI virus, especially manure, dried blood, and other organic materials, are removed from all surfaces. Spray all contaminated surfaces above the floor with soap and water to knock dust down to the floor, using no more water than necessary. Wash equipment and houses with soap and water. Disassemble equipment as required to clean all contaminated surfaces. Special attention should be given to automatic feeders and other closed areas to ensure adequate cleaning. Inspect houses and equipment to ensure that cleaning has removed all contaminated materials or substances and let houses and equipment dry completely before applying disinfectant.

(iii) *Disinfection of premises and materials.* When cleaning has been completed and all surfaces are dry, all interior surfaces of the structure should be saturated with a disinfectant authorized in § 71.10(a) of this chapter. A power spray unit should be used to spray the disinfectant on all surfaces, making sure that the disinfectant gets into cracks and crevices. Special attention should be given to automatic feeders and other closed areas to ensure adequate disinfection.

(iv) *Cleaning and disinfection of conveyances.* Clean and disinfect all trucks and vehicles used in transporting affected poultry or materials before soil dries in place. Both exterior, including the undercarriage, and interior surfaces, including truck cabs, must be cleaned. The interior of the truck cabs should be washed with clean water and sponged with a disinfectant authorized in § 71.10(a) of this chapter. Manure and litter removed from these vehicles should be handled in a manner similar to that described in paragraph (d)(2)(i) of this section.

(3) *Activities after cleaning and disinfection.* Premises should be checked for virus before repopulation in accordance with the initial State response and containment plan described in § 56.10. The premises may not be restocked with poultry until after the date specified in the initial State response and containment plan described in § 56.10.

(4) *Destruction and disposal of materials.* In the case of materials for which the cost of cleaning and disinfection would exceed the value of the materials or for which cleaning and disinfection would be impracticable for any reason, the destruction and disposal of the materials must be conducted in accordance with the initial State response and containment plan described in § 56.10.

§ 56.6 Presentation of claims for indemnity.

Claims for the following must be documented on a form furnished by APHIS and presented to an APHIS employee or the State representative authorized to accept the claims:

(a) Compensation for the value of poultry to be destroyed due to infection with or exposure to H5/H7 LPAI;
(b) Compensation for the value of eggs to be destroyed during testing for H5/H7 LPAI; and
(c) Compensation for the cost of cleaning and disinfection of premises, conveyances, and materials that came into contact with poultry infected with or exposed to H5/H7 LPAI, or, in the case of materials, if the cost of cleaning and disinfection would exceed the value of the materials or cleaning and disinfection would be impracticable for any reason, the cost of destruction and disposal for the materials.

§ 56.7 Mortgage against poultry or eggs.

When poultry or eggs have been destroyed under this part, any claim for indemnity must be presented on forms furnished by APHIS. The owner of the poultry or eggs must certify on the forms that the poultry or eggs covered are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, the owner and each person holding a mortgage on the poultry or eggs must sign the APHIS-furnished form, consenting to the payment of indemnity to the person specified on the form.

§ 56.8 Conditions for payment.

(a) When poultry or eggs have been destroyed pursuant to this part, the Administrator may pay claims to any party with which the owner of the poultry or eggs has entered into a contract for the growing or care of the poultry or eggs. The indemnity the Administrator may pay to such a party or parties shall be determined as follows:
    (1) Divide the value of the contract the owner of the poultry or eggs entered into with another party for the growing and care of the poultry or eggs in dollars by the duration of the contract as it was signed prior to the H5/H7 LPAI outbreak in days;
    (2) Multiply this figure by the time in days between the date the other party began to provide services relating to the destroyed poultry or eggs under the contract and the date the birds were destroyed due to H5/H7 LPAI.

(b) (1) If indemnity for the destroyed poultry or eggs is being provided for 100 percent of eligible costs under § 56.3(b), the Administrator may pay contractors eligible for compensation under this section 100 percent of the indemnity determined in paragraph (a) of this section.

(2) If indemnity for the destroyed poultry or eggs is being provided for 25 percent of eligible costs under § 56.3(b), the Administrator may pay contractors eligible for compensation under this section 25 percent of the indemnity determined in paragraph (a) of this section.

(c) If indemnity is paid to a contractor under this section, the owner of the poultry or eggs will be eligible to receive the difference between the indemnity paid to the growers and the total amount of indemnity that may be paid for the poultry or eggs.

(d) In the event that determination of indemnity to a party with which the owner of destroyed poultry or eggs has entered into a contract for the growing or care of the poultry or eggs using the method described in paragraph (a) of this section is determined to be impractical or inappropriate, APHIS may use any other method that the Administrator deems appropriate to make that determination.

§ 56.9 Claims not allowed.

(a) The Department will not allow claims arising out of the destruction of poultry unless the poultry have been appraised as prescribed in this part and the owners have signed the appraisal form indicating agreement with the appraisal amount as required by § 56.4(a)(1).

(b) The Department will not allow claims arising out of the destruction of poultry unless the owners have signed a written agreement with APHIS in which they agree that if they maintain poultry in the future on the premises used for poultry for which indemnity is paid, they will maintain the poultry in accordance with a plan set forth by the Cooperating State Agency and will not introduce poultry onto the premises until after the date specified by the Cooperating State Agency. Persons who do not maintain their poultry and premises in accordance with this written agreement will not be eligible to receive indemnity under this part.

(c) The Department will not allow claims arising out of the destruction of poultry unless the poultry have been moved or handled by the owner in accordance with an agreement for the control and eradication of H5/H7 LPAI and in accordance with part 56, for any progeny of any poultry unless the poultry have been moved or handled by the owner in accordance with an agreement for the control and eradication of H5/H7 LPAI and in accordance with part 56, or for any poultry that become or have become infected with or exposed to H5/H7 LPAI because of actions not in accordance with an agreement for the control and eradication of H5/H7 LPAI or a violation of this part.

§ 56.10 Initial State response and containment plan.

(a) In order for poultry owners within a State to be eligible for indemnity for 100 percent of eligible costs under § 56.3(b), the State in which the poultry participate in the Plan must have in place an initial State response and containment plan that has been approved by APHIS. The initial State response and containment plan must be developed by the Official State Agency and administered by the Cooperating State Agency of the relevant State. This plan must include:

(1) Provisions for a standing emergency disease management committee, regular meetings, and exercises, including coordination with any tribal governments that may be affected;

(2) A minimum biosecurity plan followed by all poultry producers;

(3) Provisions for adequate diagnostic resources;

(4) Detailed, specific procedures for initial handling and investigation of suspected cases of H5/H7 LPAI;

(5) Detailed, specific procedures for reporting test results to APHIS. These procedures must be developed after appropriate consultation with poultry producers in the State and must provide for the reporting only of confirmed cases of H5/H7 LPAI in accordance with § 146.13 of this chapter;

(6) Detailed, strict quarantine measures for presumptive and confirmed index cases;

(7) Provisions for developing flock plans for infected and exposed flocks;

(8) Detailed plans for disposal of infected flocks, including preexisting agreements with regulatory agencies and detailed plans for carcass disposal, disposal sites, and resources for conducting disposal, and detailed plans for disposal of materials that come into contact with poultry infected with or exposed to H5/H7 LPAI;

(9) Detailed plans for cleaning and disinfection of premises, repopulation, and monitoring after repopulation;

(10) Provisions for appropriate control/monitoring zones, contact surveys, and movement restrictions;

(11) Provisions for monitoring activities in control zones;

(12) If vaccination is considered as an option, a written plan for use in place with proper controls and provisions for APHIS approval of any use of vaccine;

(13) Plans for H5/H7 LPAI-negative flocks that provide for quarantine, testing, and controlled marketing; and

(14) Public awareness and education programs regarding avian influenza.

(b) If a State is designated a U.S. Avian Influenza Monitored State, Layers under § 146.24(a) of this chapter or a U.S. Avian Influenza Monitored State, Turkeys under § 146.44(a) of this chapter, it will lose that status during any outbreak of H5/H7 LPAI and for 90 days after the destruction and disposal of all infected or exposed birds and cleaning and disinfection of all affected premises are completed.

United States
Department of Agriculture

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