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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 603  
DEPARTMENT OF AGRICULTURE

**FILED**

11/20/2024 9:38 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Adoption of federal order and import requirements related to Highly Pathogenic Avian Influenza in cattle.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/31/2024 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

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Filed By:  
Sunny Summers  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 12/17/2024

TIME: 10:00 AM - 11:00 AM

OFFICER: Sunny Summers

Meeting URL: [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_OTkzYmZhN2YtNjA0Yi00ZWM3LTI mMTItMGNhNzhmZWZiMjkW%40thread.v2/0?context=%7b%22Tid%22%3a%22aa3f6932-fa7c-47b4-a0ce-a598cad161cf%22%2c%22Oid%22%3a%22b088d4af-1b3c-428d-963c-f0663f0ab8e4%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_OTkzYmZhN2YtNjA0Yi00ZWM3LTI mMTItMGNhNzhmZWZiMjkW%40thread.v2/0?context=%7b%22Tid%22%3a%22aa3f6932-fa7c-47b4-a0ce-a598cad161cf%22%2c%22Oid%22%3a%22b088d4af-1b3c-428d-963c-f0663f0ab8e4%22%7d)

Meeting ID: 260 545 698 949  
Passcode: es3in2gf  
Dial-in by phone: +1 503-446-4951,,542963282#

NEED FOR THE RULE(S)

The United States Department of Agriculture (USDA) has confirmed at least 492 cases of H5N1 Highly Pathogenic Avian Influenza virus in dairy cattle in at least 15 states since March 2024. ODA originally enacted emergency temporary rules to issue import restrictions to dairy cattle from affected states in April 2024. Since that time, the USDA has issued a federal order requiring pre-movement testing for all lactating dairy cattle moving interstate. This rule will adopt the federal order, while also permanently adopting the state-specific requirements included in the now-expired emergency temporary rule.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Federal Order Requiring Testing for and Reporting of Highly Pathogenic Avian Influenza (HPAI) in Livestock – available online from USDA

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

These rules are not anticipated to impact racial equity in this state.

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**FISCAL AND ECONOMIC IMPACT:**

Failure to adopt rules could result in the introduction of HPAI into the State of Oregon, potentially leading to significant costs to control the disease and economic losses to impacted dairy farms and the dairy industry as a whole.

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**COST OF COMPLIANCE:**

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s):

Oregon Dairy Producers, Oregon Department of Agriculture

(2) Effect on small businesses: (a) estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

- a) Approximately 140 dairy farms currently exist in Oregon
  - b) The cost of compliance is expected to be negligible- all required testing is paid for by USDA, and testing is required by a federal order regardless of the adoption of this rule into state law.
  - c) None
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**DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):**

This rule was initially developed in April 2024 with input from the Oregon Dairy Farmer's Association providing input on behalf of Oregon dairy farmers.

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**WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?**

This rule is adopting a federal order issued by the USDA, as well as adopting temporary rules that have been in place since April 2024.

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**ADOPT: 603-011-1222**

**RULE SUMMARY:** Adoption of federal order related to HPAI control in dairy cattle, as well as permanent adoption of specific import requirements for dairy cattle originating in a state where HPAI has been diagnosed in dairy herds within 30 days prior to importation.

**CHANGES TO RULE:**

**603-011-1222**

**Import Requirements - Highly Pathogenic Avian Influenza**

**In addition to the requirements of OAR 603-011-1100 and any other import requirements, the following shall apply to the importation of livestock susceptible to influenza:¶**

**(1) As used in this rule this rule:¶**

**(a) "Exposed cattle" means any cattle that have been on the same premises as infected cattle or a suspected case**

within the previous 30 days.

(b) "Federal Order" means the Federal Order Requiring Testing for and Reporting of Highly Pathogenic Avian Influenza (HPAI) in Livestock, issued by the USDA APHIS on April 24, 2024.

(c) "Infected cattle" means any cattle testing positive for HPAI.

(d) "Suspected case" means any cattle exhibiting clinical signs of HPAI.

(2) All dairy cattle imported into Oregon must comply with the requirements for interstate movement specified in the Federal Order, in addition to the specific requirements below:

(a) No exposed cattle, infected cattle, or suspected case may be imported into Oregon.

(b) Dairy cattle that are not exposed cattle, infected cattle, or a suspected case, but that originate from a state with a suspected case or infected cattle within the previous 30 days, must be accompanied by:

(A) A Certificate of Veterinary Inspection that was completed no more than 7 days prior to importation into Oregon; and

(B) A valid import permit issued by the Department pursuant to OAR 603-011-1100(5).  
Statutory/Other Authority: ORS 561.190, 596.341

Statutes/Other Implemented: ORS 561.190, 596.341, ORS 596.020, 596.351, 596.355