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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DOA 14-2024

CHAPTER 603

DEPARTMENT OF AGRICULTURE

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Establishes specific requirements for livestock exhibitions for the mitigation of highly pathogenic avian influenza

EFFECTIVE DATE: 06/24/2024 THROUGH 12/20/2024

AGENCY APPROVED DATE: 06/24/2024

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NEED FOR THE RULE(S):

Oregon (and the United States) has been experiencing outbreaks of Highly Pathogenic Avian Influenza (HPAI) in poultry since early 2022. During the past two summers, the ODA has recommended restrictions to poultry and waterfowl exhibitions to mitigate the risk of HPAI. In late March 2024, the United States Department of Agriculture announced that HPAI virus had been detected in dairy cattle in Texas and Kansas. Since that time, HPAI has been detected in 121 dairy herds in 12 total states. While HPAI has not been detected yet in Oregon dairy herds, 26 dairy herds have been infected in Idaho.

These emergency rules establish specific mitigation steps to prevent the introduction of HPAI into exhibitions by susceptible species (dairy cattle, swine, waterfowl, and other poultry), as well as prevent the transmission of HPAI at exhibitions.

JUSTIFICATION OF TEMPORARY FILING:

HPAI has continued to spread among dairy herds across the US, and from infected dairy herds to poultry flocks, with 58 new dairy herd outbreaks within the last 30 days alone (17 of those in Idaho). While no cases have been detected in dairy cattle within Oregon yet, most newly infected herds have been linked to the movement and commingling of lactating cattle, or shared equipment. Fairs and exhibitions that take place primarily over the summer in Oregon pose a significant threat to the introduction and subsequent spread of HPAI among livestock, as well as a potential public health risk if HPAI infected animals were present as an exhibition open to the public as HPAI is a potentially zoonotic disease, with four (4) confirmed human cases linked to exposure to infected livestock since 2022. These emergency rules are intended to mitigate the risk of HPAI introduction during the 2024 summer fair season while the outbreak is still expanding nationwide.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ODA Animal Health Statute– Oregon Legislative website

ADOPT: 603-011-5008

RULE SUMMARY: Establishes specific requirements for livestock exhibitions for the mitigation of highly pathogenic avian influenza

CHANGES TO RULE:

603-011-5008

Mitigation of Highly Pathogenic Avian Influenza at Livestock Exhibitions

In addition to the requirements of OAR 603-011-1100 through OAR 603-011-5007, the following shall apply to the exhibition of influenza susceptible animals in order to mitigate the risk of transmission of highly pathogenic avian influenza.

(1) The definitions in OAR 603-011-1000 and the following definitions apply to this rule:

(a) "Designated contact" means the primary point of contact for an exhibition. The designated contact is also responsible for ensuring compliance with relevant requirements.

(b) "Exhibition" means an event where livestock owned by two or more persons are brought to one location in Oregon for judging or for display.

(c) "Influenza susceptible animal" means species of livestock that are known to be susceptible to infection with zoonotic influenza viruses through respiratory spread, or as asymptomatic carriers. Includes waterfowl and other poultry, dairy cattle, and swine.

(d) "Premises of origin" means the physical location where an animal resided prior to arrival at the exhibition.

(e) "Veterinarian of record" means a veterinarian designated by the exhibition to provide veterinary services and exercise general veterinary oversight on behalf of the exhibition.

(f) "Waterfowl" means ducks, geese, and swans raised in captivity.

(2) All exhibitions where influenza susceptible animals will be present must register with the Department at least 20 days prior to the start of the exhibition on a form provided by the Department.

(3) The following records are required to be collected at the time of entry into the exhibition and maintained by the designated contact for a minimum of 90 days after the completion of the exhibition. Records must be provided to the Department upon request.

(a) A record of each influenza susceptible animal to include:

(A) Official identification (if present)

(B) Other individual animal identification present (herd tag, registration number, etc.)

(C) Exhibitor contact information (name, address, phone number, email address)

(D) Negative test results for Highly Pathogenic Avian Influenza (if required) within 7 days prior to entry into Oregon, and

(E) The physical address of the premises of origin.

(b) For any influenza susceptible animal coming from a Premises of Origin outside the State of Oregon, a Certificate of Veterinary Inspection, showing:

(A) The physical address of the premises of Origin.

(B) The physical address of the exhibition.

(C) The individual official identification of each animal present at the exhibition.

(D) Negative test results for Highly Pathogenic Avian Influenza (if required) within 7 days prior to entry into Oregon.

(4) The following general animal health requirements apply to any exhibition where influenza susceptible animals are present:

(a) Each exhibition where influenza susceptible animals are present shall ensure that at least one designated veterinarian is involved in the planning of the exhibition, and available to provide veterinary care if needed, during each day in which animals are present at the exhibition.

(b) No animals of any species showing signs or symptoms of potential infectious, contagious, or communicable disease shall be allowed entry to any exhibition.

(c) Each exhibition where influenza susceptible animals are present shall provide a designated isolation area, ensuring:

(A) A written protocol is maintained and communicated to all exhibitors for the immediate isolation of influenza susceptible animals showing signs or symptoms of potential infectious, contagious, or communicable disease.

(B) Isolation areas shall be located away from all other animals, and may not share confined air space, panels/fence lines, feeding, or watering space with other animals not in the isolation area.

(C) Access to the isolation area shall be limited to the owner(s) of isolated animals, or their designated caretaker, designated show staff, and the veterinarian of record or other veterinarian(s) directly involved in the care of isolated animals.

(d) Any influenza susceptible animals showing signs or symptoms of potential infectious, contagious, or

communicable disease shall be immediately removed to the designated isolation area until examined by the veterinarian of record.

(e) Influenza susceptible animals must be housed separately from other species of influenza susceptible animals, and may not share confined air space, panels/fence lines, feeding, or watering space with other species of influenza susceptible species.

(f) Lactating dairy cattle may not be milked in areas that are directly accessible to the general public. If animals are milked in a stall or other animal area accessible to the public, a barrier must be placed to keep the public at least 10 feet away from the cow being milked.

(g) Waterfowl may not be provided open containers of water except to drink from. Any open container of water provided to waterfowl must be sized sufficiently small to prevent animals from entering the water.

(h) The following animals must test negative for H5N1 influenza by PCR test, using the sample types designated below within 10 days prior to entry into the exhibition.

(A) Waterfowl - Cloacal swab; up to 5 animals from the same pen or group may be pooled by the sample collector into a single sample.

(B) Lactating dairy cattle - Milk sample; pooling milk from all four quarters; Up to 5 animals from the same pen or group may be pooled by the laboratory into a single test.

(5) Exhibitions which are open to the general public, or which allow attendance by individuals that are not exhibiting animals or their immediate family members shall at a minimum:

(a) Provide an accessible hand-washing station or alternative hand sanitizing method approved by the local health officer near each area where influenza susceptible animals are housed;

(b) Post a prominent sign in a simple and easy to understand format for visitors to see before they enter areas where influenza susceptible animals are housed which warns that:

(A) Animals can carry germs that can make people sick, even animals that appear healthy;

(B) Eating, drinking, or putting things in a person's mouth in animal areas could cause illness;

(C) Older adults, pregnant women, immunocompromised people, and young children are more likely to become ill from contact with animals;

(D) Young children and individuals with intellectual disabilities should be supervised in animal exhibit areas; and

(E) Strollers, baby bottles, pacifiers, and children's toys are not recommended in animal exhibit areas.

(c) Post a prominent sign at each exit from areas where influenza susceptible animals are housed reminding visitors to wash their hands

Statutory/Other Authority: ORS 596.020

Statutes/Other Implemented: ORS 596.020