

NOTICES

DEPARTMENT OF AGRICULTURE

Interstate and International Quarantine Order; Restriction of Movement and Pre-Movement Influenza Testing of Dairy Cattle

[54 Pa.B. 7570]

[Saturday, November 23, 2024]

Recitals:

The following recitals set forth and describe the dangerous transmissible disease for which this Quarantine Order is instituted, specifies the species of domestic animals affected by and subject to this Quarantine Order and provides the authority under which this Quarantine Order is established.

- A. Influenza A viruses have the potential to mutate and transfer into different host species.
- B. The Highly Pathogenic Avian Influenza (HPAI) Eurasian lineage goose/Guangdong H5 clade 2.3.4.4 virus has been confirmed in wild birds and in poultry flocks across the United States in 2024.
- C. HPAI has caused substantial loss in the past to the Pennsylvania poultry industry and has caused widespread losses to the poultry industry in states in which poultry have been infected.
- D. The Domestic Animal Law (DAL) (3 Pa.C.S. § 2301 et seq.) provides the Pennsylvania Department of Agriculture (Department) with the authority to establish Quarantines (3 Pa.C.S. § 2329).
- E. Section 2329 (related to quarantine) of the DAL (3 Pa.C.S. § 2329) establishes three different types of quarantine orders—Interstate and International (3 Pa.C.S. § 2329(c)), General (3 Pa.C.S. § 2329(d)) and Special (3 Pa.C.S. § 2329(e))—the Department may impose.
- F. Section 2321(a) (relating to specific dangerous transmissible diseases) (3 Pa.C.S. § 2321(a)) establishes specific transmissible diseases as dangerous transmissible diseases within the meaning of the DAL.
- G. Section 2321(d) (relating to designation of additional dangerous transmissible disease through temporary order) provides, "Upon the determination that a transmissible disease not listed in subsection (a) and not designated a dangerous transmissible disease through regulation under subsection (b) presents a danger to public health, to domestic animal health, to the safety or quality of the food supply or to the economic wellbeing of the domestic animal industries, the department shall issue a temporary order proclaiming that transmissible disease to be a dangerous transmissible disease within the meaning of this chapter. . ." (3 Pa.C.S. § 2321(d)).
- H. Certain influenza A viruses, including H5 and H7 viruses, can cause severe disease in poultry and other avian species and have also been identified as causes of clinical disease in other animals, including dairy cattle and juvenile goats. In March 2024, an H5 influenza A virus was identified as a cause of a multistate outbreak of disease in dairy cattle. Clinical signs in dairy cattle include a decrease in feed consumption with a simultaneous decrease in rumination and rumen motility; respiratory signs including clear nasal discharge; and subsequent acute drop in milk production.

Additional clinical signs may include abnormal tacky or loose feces, lethargy, dehydration, and fever. Severely affected cattle may have thicker, concentrated, colostrum-like milk or produce no milk at all. The ability of the HPAI influenza A virus to be transmitted between poultry and cattle poses a threat to the poultry and cattle industries in Pennsylvania, the safety or quality of the food supply, and the economic wellbeing of the domestic animal industries. In addition, H5 and H7 influenza A viruses in ruminants pose a risk to public health due to their zoonotic potential.

I. The Department amended a previous Temporary Order Designating Dangerous Transmissible Diseases published in the *Pennsylvania Bulletin* on December 2, 2023 (53 Pa.B. 7373) to include "Influenza A Viruses in Ruminants" as a dangerous transmissible disease. The amended Temporary Order was published in the April 20, 2024, edition of the *Pennsylvania Bulletin* (54 Pa.B. 2098) and such designation was effective immediately upon publication of that edition.

J. The Department also has broad authority under the DAL to prohibit the importation of domestic animals, conveyances, containers, goods, products, or materials in an effort to keep dangerous transmissible diseases from entering Pennsylvania.

K. Section 2329(a) (relating to power to establish and enforce), authorizes the Department to establish a Quarantine Order "Whenever a dangerous transmissible disease. . .exists anywhere within or outside of this Commonwealth, or whenever it is deemed advisable to test or treat any domestic animal upon the reasonable suspicion that it has contracted or been exposed to a dangerous transmissible disease. . .or whenever the testing or treatment of a domestic animal indicates that the domestic animal has been exposed to a dangerous transmissible disease. . .so as to render future accurate testing for recent exposure of that domestic animal to that dangerous transmissible disease. . .impractical or impossible, the department shall have the power to establish and enforce quarantines of any such infected, exposed, contaminated, suspected or susceptible domestic animal. In addition to the aforescribed domestic animals, a quarantine may apply to any goods, products, facilities, containers, vehicles or materials that may carry dangerous transmissible disease. . .and may be applied on or in or against any premises, area or locality as defined in this chapter." (3 Pa.C.S. § 2329(a)).

L. Section 2329(c) (relating to interstate and international quarantines) provides, "An interstate or international quarantine may be established and enforced by order of the department against any place or places outside this Commonwealth for any of the reasons set forth in subsection (a) or where dangerous transmissible diseases. . .are reported to exist. An interstate or international quarantine order may prohibit the bringing of any domestic animals, conveyances, containers, goods, products, or materials into this Commonwealth except in accordance with the requirement set forth in the quarantine order. The order may require the quarantine, testing, treatment, killing or other disposition of any domestic animal brought into this Commonwealth in violation of the order and may require the quarantine, disinfection, destruction of goods, products, conveyances, materials, or containers brought into this Commonwealth in violation of the order. The order may also require that a person importing domestic animals in violation of the order bear the expenses of post entry requirements of this chapter." (3 Pa.C.S. § 2329(c)(1)).

M. Individual states may establish an influenza A dairy herd bulk tank monitored program for dairy producers, to allow surveillance of dairy herds through weekly testing of a representative herd milk sample (bulk tank or in-line sample). Enrollment in a program approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA APHIS) or the Pennsylvania Department of Agriculture, and compliance with the program standards, provides dairy producers an alternative to testing individual dairy cattle prior to entry into Pennsylvania.

Order:

With the foregoing recitals incorporated into this Interstate and International Quarantine Order by reference, the Department hereby establishes an Interstate and International Quarantine Order

(Quarantine Order) related to importation requirements for dairy cattle. This Interstate and International Quarantine Order is established under authority of the Domestic Animal Law, at 3 Pa.C.S. § 2329(c). The terms of this Quarantine Order are as follows:

1. *Definitions*

Accredited Veterinarian (Category II). A veterinarian approved by the United States Department of Agriculture Administrator in accordance with the provisions of 9 CFR (Code of Federal Regulations) Requirements and Standards for Accredited Veterinarians and Suspension or Revocation of Such Accreditation § 161 to perform functions specified in 9 CFR for Category II animals (food and fiber animal species; horses; birds; farm-raised aquatic animals; all other livestock species; and zoo animals that can transmit exotic animal diseases to livestock).

Clinical signs of influenza A virus in dairy cattle. Clinical signs may include a decrease in feed consumption with a simultaneous decrease in rumination and rumen motility; respiratory signs including clear nasal discharge; and subsequent acute drop in milk production; abnormal tacky or loose feces; lethargy; dehydration and fever; thicker concentrated colostrum-like milk; or failure to produce milk.

Dairy cattle. Cattle belonging to breeds raised for milk production purposes, or crosses thereof, included in the Genus *Bos*.

Lactating cattle: Dairy cattle that are actively producing milk, including those in early, mid, and late phases of the production cycle.

NAHLN laboratory. A state or federal laboratory that is part of the United States Department of Agriculture (USDA) National Animal Health Laboratory Network and is approved by the USDA National Veterinary Service Laboratory (NVSL) to perform regulatory testing for avian influenza in bovine tissues or specimens.

Non-lactating cattle: Dairy cattle that are not currently producing milk. This includes heifers, male cattle, calves, and dry cows.

Shipment. Each individual group of dairy cattle that have been isolated together for testing prior to importation into Pennsylvania, as required by section 3.c.iii. of this Quarantine Order.

2. *Quarantine Area.* The Quarantine Area affected by this Quarantine Order is any State, Commonwealth, foreign nation, province, or territory outside the Commonwealth of Pennsylvania (Pennsylvania).

3. *Prohibitions and requirements.*

a. *Importation Standards.* All dairy cattle entering Pennsylvania shall meet all requirements established in the Domestic Animal Law (3 Pa.C.S. §§ 2301—2390), the Department's regulations at Title 7 of the *Pennsylvania Code* and in this Quarantine Order, (accessible through the following website address: www.pacodeandbulletin.gov).

b. *Movement restrictions.*

i. Dairy cattle from a premises where influenza A virus has been confirmed in dairy cattle, or from within 3 km of HPAI-infected domestic birds, or where dairy cattle on the premises are showing clinical signs of influenza A virus, may not be imported into or unloaded in Pennsylvania until the premises has been declared free of disease by the respective State Animal Health Official.

ii. Lactating dairy cattle from any State, Commonwealth, foreign nation, province or territory may not be imported into, or unloaded in Pennsylvania unless they meet the testing requirements in

section c. of this document, except as provided in subsection xiii.

iii. Non-lactating dairy cattle from a State, Commonwealth, foreign nation, province or territory where influenza A virus has been confirmed in dairy cattle may not be imported into, or unloaded in Pennsylvania, unless they meet the testing requirements in section c., until the state has been declared free of disease by the respective State Animal Health Official.

c. Testing Requirements for Dairy Cattle.

i. A representative sample of 30 lactating dairy cattle in each shipment must be tested for Influenza A virus within seven (7) days prior to movement. Alternatively, these dairy cattle shall be part of a herd enrolled in an influenza A dairy herd bulk tank monitored program approved by USDA APHIS or the Pennsylvania Department of Agriculture in the state of origin, with a test negative status.

ii. If a shipment contains 30 or fewer lactating dairy cattle, all animals in that shipment must be individually tested within seven (7) days prior to movement. Alternatively, these dairy cattle shall be part of a herd enrolled in an influenza A dairy herd bulk tank monitored program approved by USDA APHIS or the Pennsylvania Department of Agriculture in the state of origin, with a test negative status.

iii. The dairy cattle in each shipment must have been assembled as a group for a period of at least 30 days prior to testing in accordance with subsections i and ii above. New animals may not have been added to the herd or group within the 30-day period preceding testing.

iv. Where the requirements established in subsection iii. above have not been or cannot be complied with, all animals in the shipment, no matter the size of the shipment, must be individually tested within seven (7) days prior to movement. The alternative standards, established in subsections i. and ii. regarding an approved state of origin influenza A dairy herd bulk tank monitored program shall not apply.

v. Milk specimens and nasal swabs, as required in subsection vi., vii., and viii. of this section must be collected and submitted by or under the supervision of an Accredited Veterinarian (Category II).

vi. Nasal swabs must be collected for testing in accordance with the provisions of this section from each non-lactating dairy cow on a shipment. Nasal swabs shall be collected in a manner that is in accordance with NVSL guidance provided to the testing laboratory.

vii. Where an individual milk specimen is required to be collected for testing from each lactating dairy cow prior to shipment, in accordance with the provisions of this section, each milk specimen must be collected in a manner that is in accordance with NVSL guidance to the testing laboratory.

viii. Bulk tank or in-line milk samples shall be collected and tested as required for compliance with the approved state of origin monitored influenza A dairy herd bulk tank monitored program.

ix. Each specimen or sample collected under subsections vi. and vii. must be tested for influenza A Virus using polymerase chain reaction (PCR) or other testing and protocols approved by NVSL.

x. Testing of all specimens or samples collected under subsections vi. and vii. must be performed at a NAHLN laboratory. The individual specimens may not be pooled by the Accredited Veterinarian (Category II) or any person other than the NAHLN laboratory testing the samples.

xi. The person owning or leasing the premises on which the animals are being held for testing prior to shipment into Pennsylvania shall:

- A. Assure each animal has official identification.
- B. Provide the Accredited Veterinarian (Category II) overseeing the collection of the specimens or samples with a manifest setting forth the official identification of each animal.
- C. The manifest shall set forth the number of animals grouped together for each shipment into Pennsylvania, and the official identification of each animal.
- D. The manifest shall accompany each shipment of animals to their final destination in Pennsylvania.
- E. The original manifest, or an accurate copy thereof, shall be provided to the owner or lessor of the destination of the dairy cattle in Pennsylvania.

xii. The Accredited Veterinarian (Category II) collecting or supervising the collection of the diagnostic specimens must have a veterinarian-client-patient relationship with the farm.

xiii. *Exemptions:* The following exemptions from testing required by this Quarantine Order apply:

A. Dairy cattle less than 18 months of age are not required to be tested for Influenza A virus prior to shipment into Pennsylvania.

B. Dairy cattle that are moved into the Commonwealth for the purpose of immediate slaughter at a licensed meat establishment are not required to be tested for influenza A virus, provided that they are slaughtered within 72 hours of arriving and are not commingled with other dairy cattle that are not destined for immediate slaughter. These cattle may enter the Commonwealth on an owner shipper statement that lists official identification or backtag number for each animal in the shipment. Owner shipper statements must meet the definition of 9 CFR § 86.1.

C. Dairy cattle subject to a commuter agreement in which the Pennsylvania Department of Agriculture has determined sufficient biosecurity and other risk mitigations exist to allow predefined movements of cattle to occur in a safe manner. The exemption must be part of or an addendum to a formalized commuter agreement signed by the cattle owner and the state animal health officials of both states.

d. *Test results and movement.*

i. Where a non-negative test result is obtained on any animal within a group of dairy cattle that has been grouped for shipment as required by subsection c.iii., no animal in that group may be imported into or unloaded in Pennsylvania.

ii. Testing evidencing a negative or not-detected test result for each animal required to be tested in accordance with section c. must accompany each shipment. Where dairy cattle are shipped under an approved state of origin influenza A dairy herd bulk tank monitored program, the negative or not-detected results for those dairy cattle must accompany each shipment. A copy of the test results is acceptable. The test results must include the name of the NAHLN laboratory where testing was performed, and the accession number.

iii. The test results shall provide the official identification of each animal tested, or where dairy cattle are shipped under an approved state of origin influenza A dairy herd bulk tank monitored program, an attestation showing the official identification of each animal shipped, the date the bulk tank or in-line milk samples were collected and tested and that the individual animals on the shipment all came from the herd on which the bulk tank or in-line testing was completed.

iv. A copy of the test results for each shipment, and the manifest required by subsection c.xi. shall be retained at the final Pennsylvania destination for a minimum of three (3) months from date of arrival.

4. *Remedies for Dairy Cattle Imported in violation of this Quarantine Order.* Any dairy cattle imported into or unloaded in Pennsylvania that are in violation of any provision of this Quarantine Order shall subject the owner, importer, dealer, and hauler of such animals to any or any combination of the following: (1) individual quarantine, testing, treatment or euthanizing of the animal(s), (2) return of each animal to its place of origin, (3) disinfection or destruction of any goods, products, conveyances, materials or containers exposed to such animals, and (4) all other penalties as allowed under the DAL and the Department's regulations. All expenses associated with such requirements shall be borne by the person violating this Quarantine Order.

5. *Violations and Penalties.* Any person violating the requirements of this Quarantine Order may be subject to imposition of such quarantine, testing, treatment, euthanization, and other disposition of domestic animals, and disinfection or destruction of goods, products, conveyance, materials or containers, expense and post-entry requirements as set forth in this Quarantine Order and at section 2329(c), violation provisions set forth at section 2329(f), criminal and civil penalties established at section 2383, interference violations established at section 2385 and civil remedies set forth at section 2386 of the Domestic Animal Law (3 Pa.C.S. §§ 2329(c), 2329(f), 2383, 2385 and 2386).

6. *No Restriction on Further Action by the Department.* This Quarantine Order shall not be construed as limiting the Department's authority to establish additional quarantine or testing requirements on imported cattle or to limit the Department's authority under the Domestic Animal Law or any other statutes or regulations administered by the Department.

7. *Contact information.* Questions regarding this Quarantine Order may be directed to the Commonwealth of Pennsylvania, Department of Agriculture, Bureau of Animal Health, 2301 North Cameron Street, Harrisburg, PA 17110 or by telephone at 717-772-2852, or email at RA-ahds@pa.gov.

8. *Effective Date.* This Quarantine Order replaces the Interstate and International Quarantine Order; Restriction of Movement and Pre-Movement Influenza Testing of Dairy Cattle (54 Pa.B. 2819) (Saturday, May 25, 2024) and in its entirety shall become effective immediately upon signature of the Secretary of the Pennsylvania Department of Agriculture and shall remain in effect unless rescinded or modified by a subsequent Order.

RUSSELL REDDING,
Secretary

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