



Technical Notes: Clarification to Inquiries Received on April 24 Federal Order

May 7, 2024

On April 24, USDA announced a [Federal Order \(FO\)](#) as part of its ongoing efforts to protect the U.S. livestock industry from the threat posed by highly pathogenic avian influenza (HPAI or H5N1) in dairy cattle. The Federal Order (FO) requires mandatory testing prior to the interstate movement of lactating dairy cattle and mandatory reporting of positive influenza A test results in livestock. USDA is taking these actions to address any risks to animal health, public health, and the safety of our food supply.

H5N1 is a contagious viral disease of domestic poultry and wild birds. HPAI is deadly to domestic poultry and can wipe out entire flocks within a matter of days. HPAI is a threat to the poultry industry, animal health, trade, and the economy. While HPAI causes less severe illness in cattle than in poultry, the disease remains of concern for all livestock and also for humans who come into contact with infected animals.

The novel movement of H5N1 between wild birds and dairy cows requires further investigation and this FO is critical to increasing the information available for USDA. Requiring positive test reporting will help USDA better understand this disease and testing before interstate movement will limit its spread.

Questions on Definitions

"Herd" is defined as: any group of one or more animals maintained on common ground. Does this include cattle in a sale barn pen? How long do they have to be "maintained" to be a herd?

For the purposes of the FO, "herd" refers to herd of origin.

How does USDA define "lactating dairy cow"? Does FDA use the same definition?

Lactating: The requirements outlined within this guidance apply to the movement of dairy cows currently in one of the lactation phases (i.e., early, mid, and late) of their production cycle.

Dairy: The requirements outlined within this guidance apply to the movement of lactating cattle breeds raised for the primary purpose of milk production. The FDA definitions are [here](#).

Questions on Authority and Enforcement

For states with existing movement orders, does the FO govern interstate movement, while the state order governs intrastate movement?

Interstate movements of lactating dairy cattle must follow the Federal requirements outlined in the guidance. Additionally, intrastate cattle movement is governed by state-specific guidance.

The FO implementing guidance allows for direct to slaughter non-clinical, lactating cattle to move across State lines to arrive at the slaughter facility. Does the FO apply or does the individual State requirement apply where the slaughter facility is located?

Both the federal order and state-specific guidance for moving cattle must be followed.

Clarification on General Movement and Documentation

Prior to interstate movement, lactating dairy cattle are required to receive a negative test for Influenza A virus at an [approved National Animal Health Laboratory Network \(NAHLN\)](#) laboratory using an NAHLN approved assay.

The interstate movement of all lactating dairy cattle must be accompanied by a Certificate of Veterinary Inspection (CVI) per 9 CFR Part 86, Animal Disease Traceability. The destination/receiving state(s) will continue to use CVIs as a basis to track the interstate movement of lactating dairy cattle.

- All cattle on the CVI must have individual official identification.
- The individual official identification must be recorded on the CVI.
- The CVI must include a statement that the cattle are both free from, and have not been exposed to, a known contagious and infectious disease

Are there any exemptions for cattle moving interstate within a closed system, such as when cattle are not commingled with other herds?

No, per the FO all lactating dairy cattle must have both a negative test for Influenza A virus at an approved National Animal Health Laboratory Network (NAHLN) laboratory using an NAHLN approved assay prior to interstate movement and a CVI, even those within a closed system.

How long is a CVI valid?

This is up to the State; however, the negative test result is valid for 7 days after sample collection. Animals need to move within that 7-day window unless they meet a specific exemption regardless of the length of validity of the CVI.

What documents may be used to move non-clinical lactating dairy cows interstate from unaffected herds?

Under the FO, non-clinical lactating dairy cattle moving interstate must move on a CVI.

Would lactating dairy cows moving interstate after being purchased need to be tested and have a CVI?

Yes, the animals would need a CVI and a negative test since the movement would be interstate and is not a direct to slaughter movement.

Animals moving interstate to an exhibition, show, or sale may pass the 7-day testing window; is it possible to skip additional testing to return to the first farm?

Animals moving interstate to an exhibition, show, or sale must have a negative test result from samples collected within 7 days of movement. These animals may travel to their home herd using the same negative test result provided the exhibition, show, or sale does not exceed 10 days of length.

Clarification on Cattle Moving to/through Livestock Markets

How should markets handle lactating dairy cows arriving from non-dairy sources (i.e., a third party may have previously bought them from a dairy)?

If lactating dairy cows were moved interstate to the market, they should arrive with a CVI and a negative test result. If they arrived intrastate, the FO would not apply and state regulations would have to be met.

Do commingled lactating dairy cattle from a market traveling interstate only have to test 30 animals prior to movement?

Yes, at least 30 animals from assembled groups/lots of 30 or more animals moving interstate together must be tested and accompanied by movement documentation, unless moving directly to slaughter for which testing is not required.

Clarification on Cattle Moving to Slaughter

- Non-clinical lactating dairy cattle moving interstate direct to slaughter are not required to have a pre-movement test but must move on a Certificate of Veterinary Inspection or other documentation of movement approved by the sending and receiving State Animal Health Officials and provided to the sending and receiving State Animal Health Officials.

- Clinical lactating dairy cattle are ineligible for interstate movement or movement to slaughter

What “other documentation of movement” besides a CVI could be approved by State Animal Health Officials (SAHOs) to allow non-clinical lactating dairy cattle to move to slaughter without pre-movement testing?

The SAHOs have developed and reached consensus on using an Owner/Shipper Statement for the interstate movement of lactating dairy cattle to slaughter in lieu of a CVI.

What documentation of movement should be used for lactating dairy cows moved interstate from an affected herd directly to a recognized slaughter establishment?

Once a herd has positive animals, all lactating animals must be held for 30 days. Any necessary movements during this time, including movements to slaughter, need to be specifically approved by APHIS and the SAHO. APHIS and the SAHO may approve non-clinical lactating dairy cows from an affected herd to move interstate directly to a recognized slaughter establishment; the movement would include documentation of movement approved by the sending and receiving SAHOs.

What flexibility will exist for moving cull dairy cows direct to slaughter or through no more than one federally approved livestock facility (auction market) and then to slaughter?

Non-clinical lactating dairy cattle moving interstate direct to slaughter are not required to have a pre-movement test but must move on a CVI or other documentation of movement approved by the sending and receiving SAHOs and provided to the sending and receiving SAHOs. However, other interstate movements, including to a federally approved livestock facility (auction market) require a

negative result from a pre-movement test in addition to the required movement documentation. See [APHIS Requirements and clarification](#) issued 4/26 and 4/27, respectively.

Can haulers go farm to farm to collect cows to put together loads for slaughter if the entire load is going direct to slaughter?

Yes, the assembling of a load going direct to slaughter would be allowed provided the animals have appropriate movement documentation; however, USDA recommends the utmost level of biosecurity be followed if this is being done.

Would lactating dairy cows moving interstate direct to slaughter after purchase by a slaughter buyer need to be tested, or just required to have a CVI?

Non-clinical lactating dairy cattle moving interstate direct to slaughter are not required to have a pre-movement test but must move on a CVI or other documentation of movement approved by the sending and receiving SAHOs and provided to the sending and receiving SAHOs. Provided the movement is direct to slaughter, testing is not required for animals leaving a market or a buying station. Further, intrastate movements would not be subject to the FO, but state requirements should be followed.

For movements to slaughter from out of country, do they need to follow the same requirements as those for interstate movement?

The FO does not apply to animals imported from Canada or Mexico (or any other country).

Can non-clinical lactating dairy cows moving interstate direct to slaughter on a CVI be identified with backtags instead of an official ID?

Yes, because this is the only movement where official ID is not required to be recorded on the movement documentation.

Can backtags be used as official ID listed on the documentation of movement for the interstate movement of lactating dairy cows moving directly to slaughter?

USDA approved backtags are not considered official ID under any circumstances in the Animal Disease Traceability (ADT) rule ([9 CFR Part 86](#)) and cannot be used as the official ID listed on CVIs for the interstate movement of sexually intact dairy cattle of any age.

When can backtags be used for the interstate movement of lactating dairy cows directly to slaughter?

USDA approved backtags may be used in lieu of individual official ID for lactating dairy cows without existing individual official ID when moving interstate directly to slaughter and accompanied by an approved documentation of movement.

Can non-clinical lactating dairy cows moving interstate from an approved livestock facility directly to slaughter on a CVI be identified with backtags instead of official ID?

Yes, because this is the only movement where official ID is not required to be recorded on the movement documentation.

Clarification on HPAI Test Positive Animals/Herds

- Lactating dairy cattle from herds which have tested positive for Influenza A are not eligible for interstate movement for thirty (30) days from the most recent collection of any sample that tests positive from any individual animal in the herd. After the 30-day period, animals must be tested again for movement.
- If there are specific circumstances for isolating test-positive cattle and moving to another premises across state lines, this would need to be discussed and agreed upon with the respective State Animal Health Officials and APHIS.

When a lactating dairy cattle herd tests positive for Influenza A, will all other surrounding farms also need to be tested?

At this time, only the lactating dairy cattle from herds which have tested positive for Influenza A are not eligible for movement; surrounding farms are not required to be tested.

Is a positive herd quarantined for all lactating cow movements for 30-days?

Quarantine authority lies with the individual State in which the herd is located; producers should review any State quarantine restrictions; however, lactating dairy cattle from affected herds are not eligible for interstate movement for 30 days from the most recent collection of any sample that tests positive from any individual animal in the herd.

If the representative test (i.e., the 30 cows) indicates a positive animal along with negatives, do remaining animals need to be tested before movement or do all lactating dairy cows have to wait for 30 days to move?

All lactating dairy cows would need to wait to move interstate for 30 days, although movement under specific circumstances may be discussed and agreed upon with the respective SAHOs and APHIS.

Are cattle from a positive herd eligible for slaughter-bound movement?

When a herd is identified as affected/positive, APHIS and the SAHO will work with the herd owner to identify conditions and circumstances that may allow for movements of slaughter-bound cattle out of affected herds. These movements will still require (at a minimum) that the cattle be moved on a CVI or other documentation of movement approved by the sending and receiving SAHOs.

Clarification about Laboratory Testing

Samples for interstate pre-movement testing need to be submitted to an approved National Animal Health Laboratory Network (NAHLN) Laboratory for testing. NAHLN laboratories will conduct NAHLN-approved PCR testing: FluA matrix, H5 and optionally 2.3.4.4b. [Please see HPAI Livestock Testing Recommendations for details.](#)

Will USDA pay for pre-movement testing?

Yes. The FO requires all pre-movement testing to be conducted at a NAHLN laboratory; this testing will be conducted at no cost to the producer. USDA will reimburse for Influenza A testing at NAHLN

laboratories associated with this event for pre-movement and voluntary submissions. [See HPAI Livestock Testing Recommendations for details.](#)

Is there funding available to support NAHLN labs with testing capacities, such as labor, equipment, etc. to handle this load of testing?

Funding is available to support the testing costs at NAHLN laboratories; the other laboratory costs are not reimbursable at this time.

Will USDA be reimbursing for testing at private labs?

No, funding is only provided for testing at NAHLN laboratories.

What is the status of validating serological testing for HPAI in dairy cattle?

This validation is ongoing.

What validated tests are available for this testing other than PCR?

At this time, USDA is only using PCR for the official pre-movement testing; however, APHIS is working rapidly to validate other assays.

Has USDA considered a bulk milk test in lieu of individual animal testing?

We are currently working to validate bulk tank milk as a sample.

Is it possible to balance testing capacity by allowing other federal or state labs to run the tests?

We have activated the NAHLN laboratories, which will provide for samples to be forwarded to other laboratories in the network to balance capacity.

To further clarify the "all livestock" for Influenza A matrix testing and reporting, would all non-negative AI Matrix tests by non-NAHLN labs within the state be routed to NAHLN labs for repeat testing in cattle?

Yes, for cattle.

Miscellaneous Questions

Who should State Vets be contacting with questions?

Please contact USDA APHIS VS Area Veterinarians in Charge (AVICs) for questions; contact information [here](#).

Who can collect individual samples?

Samples are to be collected by an accredited veterinarian, or a state licensed veterinarian, or a sample collector approved by the appropriate state animal health official. Designated individuals on production sites can be trained to collect milk samples and nasal swab samples for diagnostic testing. All individuals coming onto the farm should follow strict biosecurity practices. Please see [APHIS Requirements and Recommendations](#).

Incubation period in poultry is 14 days, how long is incubation period in bovine?

USDA continues to gather epidemiological information, perform diagnostic testing, and conduct field and laboratory pathogenesis and transmission studies to better understand the virus in cattle, including the incubation period in cattle.

Will there be restrictions on shipping or processing milk from herds that have a non-negative test?

Not at this time. However, the FDA [recommends](#) producers discard milk from symptomatic cows.

Is there any concern over other lactating ruminants such as dairy goats and sheep being affected by Influenza A?

We do not have any reports that other lactating ruminants have been affected. We will continue to monitor and per the FO, will be notified of any positive cases.

Are there any activities working toward possible vaccination?

On May 3, 2024, APHIS's Center for Veterinary Biologics released a request for information (RFI) to gather additional information from interested manufacturers on their capability to develop, license or permit, and manufacture a safe and effective vaccine to U.S. standards for use in cattle targeting HPAI. This RFI is open until May 17 and is intended to obtain an indication of interest and capability information from those interested sources. The RFI is for preliminary market research. The RFI is not a solicitation and does not constitute a request for proposals. USDA is taking this action to better understand options for sourcing these critical products to support efforts to eliminate H5N1 in dairy cattle.