Breadcrumb

1. Home
2. Print
3. Pdf
4. Node
5. Entity Print

APHIS Announces Updates to Indemnity Program for Highly Pathogenic Avian Influenza on Poultry Farms



WASHINGTON, December 30, 2024 – As part of its ongoing efforts to stop the further spread of Highly Pathogenic Avian Influenza (HPAI) and give farmers tools to help combat the disease, the U.S. Department of Agriculture’s Animal and Plant Health

Inspection Service (APHIS) is today announcing an interim final rule that updates the conditions for poultry facilities to receive indemnity and compensation after testing positive for HPAI. Based on evidence that strong biosecurity measures remain the most effective strategy to combat HPAI, APHIS will now require that farmers undergo a biosecurity audit before restocking their poultry after an HPAI detection, and before receiving future indemnity payments.

Despite the combined efforts of APHIS, state and federal veterinary officials, and industry outreach, some poultry farmers continue to face biosecurity challenges and, in some cases, experience multiple infections on their farms. Data from the 2022-2024 HPAI outbreak has shown that updated regulations can help to prevent further spread of this disease. This change follows significant outreach to industry about potential changes to regulations, information sharing about biosecurity best practices, and on-farm engagement by APHIS staff following HPAI detections.

“During the outbreak of HPAI in 2014 and 2015, U.S. poultry owners made great improvements to biosecurity to protect their flocks, which greatly reduced the presence of HPAI among the country’s poultry flock,” said Dr. Rosemary Sifford, USDA Chief Veterinary Officer. “Biosecurity is proven to be our best weapon in fighting this virus, and this update will ensure that poultry producers who received indemnity for HPAI are taking measures to stop future introductions of the disease and avoiding actions that contribute to its spread.”

Data shows that most poultry farmers have in place strong biosecurity plans and are able to prevent reinfection. Since the beginning of the current HPAI outbreak in 2022, APHIS has made indemnity payments to over 1,200 producers; of these, 67 unique commercial poultry premises have had at least two HPAI infections during the current outbreak, including 18 premises infected three or more times. Those with reinfections have received over $365 million in indemnity payments, out of nearly $1.1 billion that has been distributed in total.

Under the interim final rule, if a commercial poultry farm affected by HPAI wants to restock their poultry and be eligible for future indemnity on that restock, the premises will be required to pass a biosecurity audit by APHIS before restocking. APHIS will also require a biosecurity audit for commercial poultry premises within the “buffer zone” (minimal 7 km radius around the infected zone) prior to movement of poultry onto the premises if the owner wishes to be eligible for future indemnity for the poultry moved onto the premises. Additionally, APHIS will not pay indemnity for

flocks moved onto premises in active infected zones if the flocks become infected with HPAI within 14 days following the dissolution of the control area around an active infected premises. A producer who does not make corrections recommended in APHIS's biosecurity audit will not be eligible for indemnity payments if the premises experiences future infections within the same outbreak.

This interim final rule will be effective upon publication in the Federal Register. At that time, APHIS will accept public comments at www.regulations.gov. All comments must be submitted on or before March 3, 2025. After the comment period closes, APHIS will publish another document in the *Federal Register* including a discussion of any comments received and any amendments the agency is making to the rule.

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