

Record of Categorical Exclusion Determination

Amendment of 9 CFR Part 94 to Remove Poland from the List of HPAI H5N1-affected Countries/Regions

Brief History and Description of Action: The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) has responsibility for taking actions to prevent the introduction of, eradicate, and/or control animal diseases, including Highly Pathogenic Avian Influenza subtype H5N1 (HPAI H5N1), in the United States. On March 5, 2006, Poland's General Veterinary Inspectorate confirmed a case of highly pathogenic avian influenza (HPAI) subtype H5N1 in two dead swans that were found in the city of Torun. From March 5 to May 7, 2006 a total of 32 swans tested positive to HPAI H5N1 in Poland. Between December 1 to December 22, 2007, Poland reported a total of 10 HPAI H5N1 outbreaks in domestic poultry to the World Organization for Animal Health (OIE). To prevent the introduction of HPAI H5N1 to the United States, APHIS added Poland to the list of countries/regions affected with HPAI H5N1 to facilitate the implementation of import alerts to stop entry of birds, poultry, and poultry products from these regions.

Poland has not reported the presence of HPAI H5N1 in either domestic poultry or wild birds in Poland since December 23, 2007, and on March 31, 2008, declared to the OIE to be free of HPAI H5N1. Extensive surveillance in wild birds and domestic poultry for HPAI H5N1 in Poland since eradication of the outbreaks indicates that it has not been reintroduced. Since the outbreaks, Poland has taken appropriate actions to prevent further spread of the disease. APHIS received documentation, consistent with OIE Terrestrial Animal Health Code recommendations for reinstatement of trade with a region that has experienced an HPAI H5N1 outbreak, from Poland. APHIS also has maintained contact with veterinary authorities from Poland who kept APHIS advised of animal disease conditions in that country. Also, APHIS visited Poland as part of an evaluation of the exotic Newcastle disease (END) status in April 2008.

Based on review and evaluation of the information received from Poland, APHIS concludes that Poland was able to effectively control and successfully eradicate HPAI H5N1 from the domestic poultry population in Poland. APHIS concludes after its evaluation that the likelihood of introducing HPAI H5N1 into the United States through resumption of the import of live birds, poultry carcasses, parts or products of poultry carcasses, and eggs of poultry, game birds or other birds from Poland to be low. Therefore, APHIS proposes to remove Poland from the list of HPAI H5N1-affected countries in 9 CFR part 94. Doing so will lift restrictions related to HPAI H5N1 on the export of the aforementioned commodities from Poland to the United States.

Number and Title of Categorical Exclusion Applied: The proposed action to recognize Poland as a region that is no longer affected by HPAI H5N1 most closely fits within the class of actions that have been categorically excluded under APHIS' National Environmental Policy Act (NEPA) Implementing Procedures, 7 Code of Federal Regulations 372.5(c), because "... the means through which adverse environmental impacts may be avoided or minimized have actually been built right into the action themselves." Poland has met critical factors that are consistent with the OIE Terrestrial Animal Health Code recommendation for reinstatement of trade with a region that has experienced an HPAI H5N1 outbreak; therefore, APHIS considers it unnecessary to maintain

restrictions related to prevention of HPAI H5N1 from the import of certain commodities (mentioned above) from Poland.

This action is excluded from further NEPA review because it will not result in significant adverse impacts on the human environment, including human health or the health of U.S. animals. As well, there are no extraordinary circumstances that might affect the significance of any potential impacts, and there are no cumulative impacts with other related actions that might result in significant adverse impacts.

Regulatory Requirements: No significant change in program operations will occur as a result of this proposed action. The proposal to remove the restrictions for the importation of live birds, poultry carcasses, parts or products of poultry carcasses, and eggs (other than hatching eggs) of poultry, game birds or other birds from Poland will have no effect on federally listed endangered or threatened species or critical habitat. The proposed action has not been found to be inconsistent with any Federal, State, or local laws, other environmental review requirements, or administrative determinations.

Determination: Based upon my review of the information conveyed to me and in my possession concerning the proposed action, I have determined that the proposed action fits within the class of actions defined as categorically excluded under APHIS' NEPA implementing procedures and that the regulatory requirements mentioned above are met.

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Date