

## Record of Categorical Exclusion Determination

### Amendment of 9 CFR Part 94 to Remove France and Denmark 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 February 25, 2006, France reported to the World Organization for Animal Health (OIE) an outbreak of HPAI H5N1 in domestic poultry. On May 18, 2006, Denmark reported to the OIE an outbreak of HPAI H5N1 in a backyard poultry flock. To prevent the introduction of HPAI H5N1 to the United States, APHIS added Denmark and France 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.

Since the outbreaks, both Denmark and France have taken appropriate actions to prevent further spread of the disease. Since the reported outbreaks in 2006, no further HPAI H5N1 spread has occurred in either country. 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 both France and Denmark. APHIS also has maintained contact with veterinary authorities from both countries who kept APHIS advised of animal disease conditions in their countries. Ongoing surveillance programs for wild birds and domestic poultry in France have found the reoccurrence of HPAI H5N1 in wild birds but not in domestic poultry of France since the outbreak in domestic poultry. Ongoing surveillance programs for wild birds and domestic poultry in Denmark have not indicated the reoccurrence or reintroduction of HPAI H5N1 in Denmark. Based on review and evaluation of the information received from both countries, APHIS finds that HPAI H5N1 was successfully eradicated from both France and Denmark. APHIS considers that the likelihood of introducing HPAI H5N1 into the United States through the resumption of 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 either France or Denmark to be low. Therefore, APHIS proposes to remove France and Denmark from the list of HPAI H5N1-affected countries in 9 CFR 94. Doing so will lift certain restrictions on the export of the aforementioned commodities from France and Denmark to the United States.

**Number and Title of Categorical Exclusion Applied:** The proposed action to recognize Denmark and France as regions that are 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." Because HPAI H5N1 has been eradicated from France and Denmark, it will not be necessary to maintain restrictions related to prevention of HPAI H5N1 from the import of certain commodities (mentioned above) from France and Denmark.

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 proposed amendment 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 France and Denmark will have no effect on federally listed endangered or threatened species or designated 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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National Center for Import and Export  
Veterinary Services

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Date