

HPAI Response

Permitting Live Poultry into an Infected Zone: Claims for USDA Indemnity Not Considered

April 4, 2022

Please note: These procedures may be revised as the situation develops.

BACKGROUND INFORMATION

During the highly pathogenic avian influenza (HPAI) outbreak in 2015, location of a farm in an existing Control Area was highly associated with becoming an infected farm in a case-control study of poultry farms in Iowa and Nebraska (Garber et al., 2016). Being in an existing Control Area was the most influential variable associated with farm status (infected vs. not known to be infected). Additional HPAI-related guidance can be found at www.aphis.usda.gov/fadprep.

GENERAL GUIDANCE

Because proximity to an Infected Premises is identified as a highly significant risk factor for farms to become infected with HPAI during an outbreak, USDA discourages movement of live birds into an Infected Zone and chooses not to subsidize this risk. USDA will not accept claims for indemnity for premises on which birds are placed in an Infected Zone. Movements of birds into a Buffer Zone will be eligible for indemnity provided that an on-site biosecurity audit is performed as a condition of the movement permit. State Animal Health Officials may choose to approve permits for these movements and producers may choose to accept this risk for continuity of a business purposes. The authority under which APHIS conditions claims for indemnity for HPAI is found in [9 CFR 53.2](#), [9 CFR 53.10](#), and [7 USC Ch. 109 §8306](#).

The following should be considered regarding planned movements of live birds into an existing Control Area:

- USDA highly discourages increasing the population of susceptible poultry in an active HPAI Control Area.
- The State Animal Health authority may determine whether they will allow a placement of live poultry into a Control Area, but this movement must be done via a permit. The details of the permitted movement must be shared with USDA prior to the movement of birds.
- A premises within the Infected Zone receiving poultry will not be eligible for USDA indemnity in the event poultry on the premises become infected with HPAI (diagnosed as a presumptive and/or confirmed positive case); this language will be added to the permit and conveyed to the owner as a condition of the permit and movement.
- Once the Control Area is released, any premises containing poultry moved into the Infected Zone under permit as mentioned above will not be eligible for indemnity and compensation until 14 days after the Control Area is released (one incubation period); this language will be added to the permit and conveyed to the owner as a condition of the permit and movement.
- A premises within the Buffer Zone may receive birds and be eligible for indemnity provided that:
 - The farm is not an Infected, Contact, or Suspect Premises, as determined by an epidemiologic questionnaire.
 - Results of an on-site biosecurity audit performed prior to bird movement were satisfactory. This biosecurity audit is a condition of the movement permit.
 - Auditors will be state/federal veterinarians or animal health technicians (or equivalents) with poultry training. Virtual audits (via FaceTime or other video applications) can be utilized for all inspections. Audits will use a pass/fail grading system. Inspected premises will be provided the audit checklist in advance. If inspected premises fail, they will have to take action to mitigate the issue and then request a follow up audit.

- Each house on the premises has been tested for AI by PCR at least twice with negative results in the week preceding bird movement, with the last samples taken within 24 hours of the move.

Figure 1: Overview of Control Areas and Zones during an HPAI Response

This figure is also available in the [HPAI Response: Ready Reference Guide – Overview of Zones](#) document.

