



UNITED STATES  
DEPARTMENT OF  
AGRICULTURE

ANIMAL AND PLANT HEALTH  
INSPECTION SERVICE

1400 INDEPENDENCE AVE  
WASHINGTON, DC 20250

**TO:** Cortney Higgins  
Office of Management and Budget Desk Officer

**TROUGH:** Ruth Brown  
Department Clearance Officer

**FROM:** Edward Avalos *for SC* 1/19/16  
Under Secretary

Kevin Shea *Kevin Shea 1/15/16*  
Administrator

*John Clifford*  
Deputy Administrator

**SUBJECT:** Request for Emergency Approval of a New Information Collection for  
Conditions for Payment of Highly Pathogenic Avian Influenza (HPAI) Claims

The Animal and Plant Health Inspection Service (APHIS) is submitting to the Office of Management and Budget (OMB) an information collection request for an emergency 6-month approval for data gathering regarding conditions for payment of indemnity claims for HPAI.

APHIS' main mission is the prevention, control, and eradication of animal diseases to safeguard animal health. Disease prevention is the most effective method for maintaining a healthy animal population and for enhancing the United States' ability to compete globally in animal and animal product trade. APHIS has determined that traditional information collection and rulemaking procedures could further cause public harm, is contrary to the public interest, and that there is good cause under 5 U.S.C. 553.

HPAI is an extremely infectious and often fatal viral disease affecting all types of birds and poultry. Once established, the disease can spread rapidly from flock to flock. The 2014-2015 outbreak was unprecedented in size and scope. Wild migratory waterfowl served as the mechanism of disease introduction, leading not only to further detections in wild birds, but detections in captive wild birds, backyard poultry, and commercial poultry. HPAI was reported in 21 States, in some cases spreading farm to farm. Four of these States – Iowa, Minnesota, Nebraska, and Wisconsin – have declared states of emergency.

Epidemiological investigations indicate biosecurity lapses played a role in the introduction of HPAI into some of the infected facilities. Data from epidemiological reports identified biosecurity risk factors such as sharing equipment between farms, entry of small wild birds into barns, and proximity to other affected farms. These data underscore the need for producers to implement their own, site-specific biosecurity plans. The biosecurity and indemnity information is needed as soon as possible to help APHIS speedily carry out its mission of preventing, controlling, and eradicating animal disease. States support a 24-hour timeframe for depopulation. Delays in obtaining approval of this information collection could have significant repercussions on successfully implementing the interim rule (once published) and on flock depopulation, which is necessary to slow and ultimately halt spread of the disease. APHIS

wants to reduce the significant economic harm to the poultry industry due to production losses and eroding confidence among both domestic and international stakeholders.

Therefore, APHIS' anticipated preparation includes an interim rule requiring producers to provide statements affirming that at the time of HPAI detection at their facilities they had and were following biosecurity plans aimed at keeping HPAI from entering their commercial premises. This will reduce the number of infections, help restore confidence in U.S. poultry among domestic and foreign stakeholders, and lessen the impact on the national economy. As multiple pathways for infection are possible, all likely sources of virus introduction should be mitigated, and producers should work to minimize the risk of spread between poultry operations and between individual houses on the same operation.

In addition, the interim rule creates provisions allowing APHIS to gather information to work with both the owner of the birds and the contracted grower to obtain information needed to split indemnity payments between the two parties. In the current outbreak, it was reported that this indemnity split did not occur in all cases. APHIS' effort will benefit contractors who would otherwise suffer uncompensated economic losses from participating in an eradication program.

Further HPAI detections are possible when migratory waterfowl begin flying south from Canada. The Atlantic Flyway is extremely vulnerable because of the concentration of both turkey and broiler production in the States within this flyway. Several large breeder facilities also operate in this area. Based on the impact of the 232 commercial and backyard flocks affected from December 2014 to June 2015, it is essential that USDA prepare quickly and comprehensively for a large outbreak this fall.

To date, nearly 50 million birds have been culled as a result of confirmed HPAI infection. These losses represent about 10 percent of the U.S. average layer inventory, over 7 percent of the average U.S. turkey inventory, and about 6 percent of the average pullet inventory, with a more than \$3 billion impact to the U.S. economy. Several U.S. trading partners have increased restrictions on importing poultry and poultry products from the United States, which has affected all industry sectors.

Approval to collect this information is needed immediately to protect the North American poultry population from the effects of continued spread of HPAI and to provide equitable compensation to poultry owners and growers due to the disease.

Thank you for your time and consideration.