

EMERGENCY REGULATION

of the

Department of Agriculture

Concerning

**Importation and Exhibition of Poultry and Hatching Eggs, and
Standards for Poultry Dealers, Poultry Haulers and Live Bird Markets**

Emergency regulations adopted after July 1, 2013, become effective upon electronic submission to the Secretary of the State, or less than twenty days thereafter if specified within the regulation.

Posted to the Connecticut eRegulations System on January 13, 2016

Effective Date

January 13, 2016

Approved by the Attorney General on

Attorney General approval not required for Emergency Regulations.

NEITHER APPROVED NOR DISAPPROVED BY THE
LEGISLATIVE REGULATION REVIEW COMMITTEE
WITHIN TEN DAYS AFTER SUBMISSION, THEREFORE
DEEMED APPROVED PER CGS 4-168(g)(2)

January 6, 2016

Electronic copy with agency head certification statement
electronically submitted to and received by the Office of
the Secretary of the State on

January 13, 2016

Emergency Regulations are not published in the
Connecticut Law Journal

IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES
This form should be used only for regulations first noticed *on and after* March 23, 2015.

Electronic Copy Certification Statement

(Submitted in accordance with the provisions of section 4-172 of the Connecticut General Statutes)

Regulation of the
Department of Agriculture
Concerning
**Importation and Exhibition of Poultry and Hatching Eggs, and Standards for Poultry
Dealers, Poultry Hailers and Live Bird Markets**

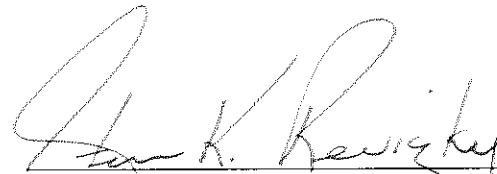
Approved by the Legislative Regulation Review Committee: **January 6, 2016**

eRegulations System Tracking Number: **ER2015-165**

I hereby certify that the electronic copy of the above-referenced regulation submitted herewith to the Secretary of the State is a true and accurate copy of the regulation approved in accordance with sections 4-169 and 4-170 of the *Connecticut General Statutes*.

And I further certify that in accordance with the approval of Legislative Regulation Review Committee, all required technical corrections, page substitutions and deletions, if any, have been incorporated into said regulation.

In testimony whereof, I have hereunto
set my hand on **January 12, 2016**.



Steven K. Reviczky
Commissioner
Department of Agriculture

**State of Connecticut
Regulation of
Department of Agriculture
Concerning
Importation and Exhibition of Poultry and Hatching Eggs, and Standards for Poultry
Dealers, Poultry Haulers and Live Bird Markets**

The Regulations of Connecticut State Agencies are amended by adding sections 22-324-12 through 22-324-16, and 22-326s-1 through 22-326s-6 as follows:

Importation and Exhibition of Poultry and Hatching Eggs

(NEW) Sec. 22-324-12. Definitions

As used in sections 22-324-13 through 22-324-16, inclusive, of the Regulations of Connecticut State Agencies::

(1) “Avian influenza (AI)” means an infection or disease of poultry caused by viruses in the family Orthomyxoviridae, genus Influenzavirus A.

(2) “Breeding flock” means a flock maintained for the purpose of producing hatching eggs or chicks.

(3) “Clean and disinfect” means the thorough removal of organic material and debris, followed by treatment with an approved disinfectant following the label directions.

(4) “Clean and sanitary” means free of visible accumulation of manure, feathers, or other organic materials, as determined by a state animal health official or USDA APHIS, VS.

(5) “Established flock” means a group of poultry of the same species held together on one premises for at least 21 consecutive days; or at the discretion of the animal health official, any group of poultry of the same species on one premises that has been held together and segregated from other poultry on the premises for at least 21 consecutive days. To qualify as an established flock, the group must have been together without any AI untested additions or exposure to AI untested poultry for a minimum of 21 days before testing for AI. Additionally, there can be no additions of other poultry or exposures to other poultry between the sample collection date and the date that the poultry leave the farm.

(6) “Flock” means all poultry on one premises kept for raising, breeding, egg or meat production, or for showing.

(7) “Highly Pathogenic Avian Influenza (HPAI)” shall have the same meaning as in section 22-324-1 of the Regulations of Connecticut State Agencies.

(8) “Monitored flock” means an established flock under the supervision of a State Animal Health Official, subjected to such AI control measures, including but not limited to ongoing AI tests, as are required by an established AI monitoring program approved by the State Animal Health Official of the state or country of origin.

(9) “NPIP” means the National Poultry Improvement Plan contained in Title 9 of the Code of Federal Regulations, Subchapter G, Parts 145-147, inclusive, and the National Poultry Improvement Plan Program Standards, as may be amended from time to time.

(10) “Official health certificate” or “certificate of veterinary inspection” means an official form

completed and issued by a licensed accredited veterinarian of the state of origin or by a veterinarian employed by either the state of origin or the U.S. Department of Agriculture (USDA), and which includes:

(A) The complete name and address of the consignor and the consignee, including final destination if different from consignee's address;

(B) An accurate description and identification of the animal(s) or lot of animals listed;

(C) The date and results of any required test(s) conducted;

(D) A complete description (including dates of administration) of any vaccinations and/or treatment; and

(E) Purpose the animal is to be imported for (i.e., breeding, sale, raising etc.).

(11) "Official identification" means a device or means approved by the State Veterinarian or the animal health authority of the state or country of origin, that uniquely identifies individual poultry or a lot of poultry.

(12) "Poultry" shall have the same meaning as defined in the Regulations of Connecticut State Agencies section 22-324-1, and includes the hatching eggs of any of the species listed.

(13) "State Animal Health Official" means an official of a state or country legally responsible for poultry disease control and eradication programs.

(14) "Tested flock" means an established flock in which a random sample of 30 birds or if from a flock of less than thirty (30) poultry, that all the poultry were tested negative for AI within 10 days prior to the date of movement, using an official test approved by the State Veterinarian and USDA APHIS, VS conducted in a laboratory approved by the State Veterinarian and USDA APHIS, VS to conduct such testing.

(15) "USDA" means the United States Department of Agriculture.

(16) "USDA APHIS, VS" means the United States Department of Agriculture Animal and Plant Health Inspection Service, Veterinary Services.

(NEW) Sec. 22-324-13. Importation of poultry and hatching eggs

(a) No poultry or hatching eggs shall be imported into this state from any flock, hatchery or geographical area that has been placed under quarantine by any State Animal Health Official or the USDA due to the detection of AI, or, is subject to any order concerning the control of AI issued by a State Animal Health Official or the USDA. Exceptions may be granted by the State Veterinarian, provided the request is made in writing, no less than ten days prior to importation and the movement is approved by USDA APHIS, VS.

(b) On and after the effective date of this section, all poultry importation permits issued pursuant to section 22-325 of the Connecticut General Statutes shall expire fourteen (14) days from the date of issuance.

(c) This section shall not apply to poultry or hatching eggs being transported through this state to another state without stopping, or to poultry imported into this state and transferred directly to an establishment operating under a USDA grant of inspection for immediate slaughter, provided that poultry imported for immediate slaughter are not commingled with other birds or transferred live to another person, firm, company or corporation.

(NEW) Sec. 22-324-14. Importation of poultry more than seven days of age

(a) In addition to compliance with section 22-325 of the Connecticut General Statutes, and, all other relevant statutory and regulatory requirements, imported poultry over seven (7) days of age shall be accompanied by one (1) of the following:

(1) An official health certificate or certificate of veterinary inspection which states that the

imported poultry identified on the official health certificate or certificate of veterinary inspection are certified by a state or country of origin animal health official, as being from an AI monitored flock;

(2) An official health certificate or certificate of veterinary inspection which states that each poultry identified on the official health certificate or certificate of veterinary inspection has tested negative for the presence of AI using a test approved by USDA APHIS, VS and the State Veterinarian, within ten (10) days of being moved;

(3) An official health certificate or certificate of veterinary inspection which states that the imported poultry identified on the official health certificate or certificate of veterinary inspection are from an AI tested flock; or

(4) A NPIP form VS 9-3 or equivalent form that states that the imported poultry identified on the VS 9-3 form or equivalent form are from a flock that has a current National Poultry Improvement Plan classification of "U.S. Avian Influenza Clean" or better under that program.

(NEW) Sec. 22-324-15. Importation of hatching eggs and poultry seven days of age or less

(a) Poultry seven (7) days of age or less and hatching eggs shall originate from a breeding flock that meets the requirements of section 22-324-14 of the Regulations of Connecticut State Agencies. Such poultry or hatching eggs shall be accompanied by a VS form 9-3 or equivalent, official health certificate or certificate of veterinary inspection.

(NEW) Sec. 22-324-16. Exhibition of poultry and hatching eggs

(a) All poultry exhibited at fairs, shows or other exhibitions shall have official identification.

(b) All poultry exhibited at fairs, shows or other exhibitions shall originate from healthy flocks and show no signs of avian disease.

(c) All poultry exhibited at fairs, shows or other exhibitions shall meet the following requirements:

(1) Blood test negative for pullorum-typhoid within twelve (12) months of the exhibition using tests, methods and procedures approved by USDA APHIS, VS and the State Veterinarian, or originate from a flock which participates in the NPIP and has a classification of "U.S. Pullorum-Typhoid Clean" or better under that program; and

(2) Test negative for AI within twelve (12) months of the exhibition using tests, methods and procedures approved by USDA APHIS, VS and the State Veterinarian, or originate from a flock which participates in the NPIP and has a classification of "U.S. Avian Influenza Clean" or better under that program, or originate from an AI monitored flock.

(d) All hatching eggs exhibited at fairs, shows, or other exhibitions shall originate from a breeding flock with a current NPIP classifications of "U.S. Pullorum-Typhoid Clean" or better, and "U.S. Avian Influenza Clean" or better, or, originate from an established flock which has been tested and found negative for Pullorum-Typhoid and AI using tests, methods and procedures approved by USDA APHIS, VS and the State Veterinarian.

(e) Poultry vaccinated with any live virus vaccine within thirty (30) days of any fair, show or exhibition shall be prohibited from display at such fair, show or exhibition.

(f) Any imported poultry or hatching eggs sold, offered for sale or transferred to another person, firm or corporation at a fair, show or exhibition shall comply with sections 22-324-14 and 22-324-15 of the Regulations of Connecticut State Agencies.

(g) All equipment, cages and crates used to hold, transport or display poultry at a fair, show or exhibition shall be cleaned and disinfected prior to the entry of poultry or hatching eggs and shall be kept in good repair, and clean and free of litter and manure during the exhibition.

(h) All exhibitors shall isolate all poultry returning from any fair, show or exhibition in this state or outside of this state for twenty-one (21) days to observe them for signs of avian disease. Exhibitors

shall be notified in writing of this requirement by the person in charge of the fair, show or exhibition.

Standards for Poultry Dealers, Poultry Haulers and Live Bird Markets

(NEW) Sec. 22-326s-1. Definitions

As used in this sections 22-326s-2 through 22-326s-6, inclusive, of the Regulations of Connecticut State Agencies:

- (1) “Approved laboratory” means any laboratory approved by the State Veterinarian and the USDA to perform official testing for avian disease.
- (2) “Avian influenza (AI)” shall have the same meaning as that contained in section 22-324-12 of the Regulations of Connecticut State Agencies.
- (3) “Breeding flock” shall have the same meaning as that contained in section 22-324-12 of the Regulations of Connecticut State Agencies.
- (4) “Clean and disinfect” shall have the same meaning as that contained in section 22-324-12 of the Regulations of Connecticut State Agencies.
- (5) “Clean and sanitary” shall have the same meaning as that contained in section 22-324-12 of the Regulations of Connecticut State Agencies.
- (6) “Dealer” shall have the same meaning as that contained in section 22-326s of the Connecticut General Statutes.
- (7) “Established flock” shall have the same meaning as that contained in section 22-324-12 of the Regulations of Connecticut State Agencies.
- (8) “Flock” shall have the same meaning as that contained in section 22-324-12 of the Regulations of Connecticut State Agencies.
- (9) “Hauler” shall have the same meaning as that contained in section 22-326s of the Connecticut General Statutes.
- (10) “Live bird market” shall have the same meaning as that contained in section 22-326s of the Connecticut General Statutes.
- (11) “Live Bird Marketing System (LBMS)” includes live bird markets and their production and distribution systems.
- (12) “Monitored flock” shall have the same meaning as that contained in section 22-324-12 of the Regulations of Connecticut State Agencies.
- (13) “NPIP” shall have the same meaning as that contained in section 22-324-12 of the Regulations of Connecticut State Agencies.
- (14) “Official health certificate” or “certificate of veterinary inspection” shall have the same meaning as that contained in section 22-324-12 of the Regulations of Connecticut State Agencies.
- (15) “Poultry” shall have the same meaning as that contained in section 22-326s of the Connecticut General Statutes.
- (16) “Premises identification number” means a unique identification number that is assigned to a location where poultry are raised, held, kept or congregated.
- (17) “Source flock” means the flock, where the poultry were hatched and resided until being moved directly to a poultry market or the flock where the poultry resided for at least twenty-one (21) days prior to being moved, provided that no poultry from any untested or unmonitored flock have been added within twenty-one (21) days of such movement.
- (18) “Tested flock” shall have the same meaning as that contained in section 22-324-12 of the Regulations of Connecticut State Agencies.
- (19) “USDA” means the United States Department of Agriculture.
- (20) “USDA APHIS, VS” means the United States Department of Agriculture Animal and Plant

Health Inspection Service, Veterinary Services.

(NEW) Sec. 22-326s-2. General provisions

(a) Premises, buildings, vehicles, crates, cages and equipment in contact with poultry, poultry manure or poultry litter shall be kept clean and sanitary. Harborages for rodents and vermin shall be minimized. Buildings, equipment and grounds shall be kept in good repair.

(b) Multiple use crates and cages shall be constructed of non-pervious, easily cleanable materials. Multiple use crates and cages and single service crates and cages shall supply adequate ventilation.

(c) No license shall be issued pursuant to section 22-326s of the Connecticut General Statutes without an approved bio-security plan. The bio-security plan shall be the plan by which the licensee describes their procedures and methods used to minimize the risk of introduction and transmission of poultry disease. The bio-security plan shall be implemented and followed by the licensee and a copy kept at each location where poultry are held. The bio-security plan shall minimally include the following information:

(1) A complete description of the business, the sources of poultry and the location(s) where poultry are kept, including any poultry disease testing required for poultry received, poultry being sold and the buildings, grounds and equipment associated with the business;

(2) A description of cleaning and disinfection methods and procedures, including mortality and waste disposal methods and procedures; and

(3) A listing and description of the names and types of cleaners and disinfectants used for cleaning and disinfection and the frequency of cleaning and disinfection.

(d) The Commissioner, the Commissioner's designated agent or State Veterinarian may test poultry, equipment, premises, and vehicles for the presence of avian disease. The specimens, samples and the types of tests to be conducted shall be determined by the State Veterinarian.

(e) The Commissioner, the Commissioner's designated agent or State Veterinarian may perform compliance inspections of all buildings, grounds, premises, vehicles and equipment used by a poultry dealer, poultry hauler or live bird market. Such inspection may include, but not be limited to, compliance with and effective implementation of the written bio-security plan required pursuant to subsection (c) of this section.

(NEW) Sec. 22-326s-3. Poultry hauler standards and records

(a) No poultry hauler shall remove any poultry or other animal from a live bird market.

(b) Vehicles and appurtenances used to transport poultry shall be washed and disinfected between uses. No truck, vehicle or crate wash facility shall be located on the premises of a live bird market, poultry dealer or farm where poultry are kept.

(c) Each poultry hauler shall maintain records that document the movement and change of ownership of poultry. The records shall include a copy of each invoice of sale or purchase of poultry.

(d) A log book shall be kept with each vehicle transporting poultry and shall be available for inspection by the Commissioner, the Commissioner's designated agent, or any live bird market or poultry dealer receiving poultry. The log shall record the date and location of cleaning and disinfection of vehicles, crates and other equipment used to move poultry, the identification of the vehicle washed and disinfected, and the name of the person responsible for the cleaning and disinfection. When a commercial cleaning and disinfection service is used, copies of a wash tag or receipt from the commercial cleaning and disinfection service shall be retained.

(e) All records required to be retained pursuant to this subsection shall be maintained for at least twelve (12) months at the poultry hauler's principal place of business and shall be available for inspection by the Commissioner, the Commissioner's designated agent or the State Veterinarian.

(NEW) Sec. 22-326s-4. Live bird market standards and records

(a) No poultry introduced into a live bird market shall be sold or transferred live to any person, firm or corporation.

(b) All poultry introduced into a live bird market shall be accompanied by an invoice which states that the poultry, or lot of poultry, identified on the invoice originate from a monitored flock or tested flock.

(c) Every three (3) months each live bird market shall empty their establishment of all animals and poultry, and clean and disinfect the premises, including all crates, cages and poultry contact surfaces, and shall not reintroduce any animal or poultry for a twenty-four (24) hour period after cleaning and disinfection is completed. The department shall be notified of cleaning and disinfection no less than two weeks prior to cleaning and disinfection. Prior to restocking the Commissioner, the Commissioner's designated agent or the State Veterinarian may inspect the live bird market and take environmental samples from poultry contact areas to be analyzed for the presence of avian disease.

(d) Live bird markets shall be subject to periodic inspection by the Commissioner, the Commissioner's designated agent or the State Veterinarian. Crates used to transport poultry to live bird markets shall be cleaned and disinfected with a mechanical crate washer between uses. Equipment, procedures, cleaning agents and disinfectants used to clean and disinfect crates shall be inspected and approved by the Commissioner or the Commissioner's designated agent prior to their first use. No mechanical crate washer shall be located on the premises of a live bird market, poultry dealer or poultry farm. Cleaned and disinfected crates shall not be exposed to contamination.

(e) Each live bird market shall maintain records that clearly document the chain of custody and disposition of all poultry entering the establishment and offered for sale. Records shall include the invoices as required by subsection (b) of this section, for all poultry offered for sale.

(f) Records required to be kept pursuant to this subsection shall be maintained for a minimum of twelve (12) months at the poultry dealer's principal place of business and shall be available for inspection by the Commissioner, the Commissioner's designated agent or the State Veterinarian, including printing and copying upon request.

(NEW) Sec. 22-326s-5. Poultry dealer standards and records

(a) All imported poultry introduced into a poultry dealer establishment shall comply with section 22-324-13 through 22-324-15, inclusive, of the Regulations of Connecticut State Agencies.

(b) All poultry originating from a premises within this state, introduced into a poultry dealer establishment shall be accompanied by one (1) of the following:

(1) An official health certificate, certificate of veterinary inspection or invoice which shall state that the poultry, or lot of poultry, identified on the official health certificate or certificate of veterinary inspection or invoice originate from an AI monitored or AI tested flock; or

(2) An official health certificate or certificate of veterinary inspection which states that each poultry identified on the official health certificate or certificate of veterinary inspection has tested negative for the presence of AI using a test approved by USDA APHIS, VS and the State Veterinarian, within ten (10) days of being moved; or

(3) A NPIP form VS 9-3 or equivalent form that states that the imported poultry identified on the VS 9-3 form or equivalent form originate from a flock that has a current National Poultry Improvement Plan classification of "U.S. Avian Influenza Clean" or better.

(c) Any poultry dealer who maintains a poultry breeding flock or operates a hatchery in this state shall comply with the NPIP.

(d) Each poultry dealer shall maintain records that document the change of ownership and movement of poultry. The record shall contain all transactions, consignments, purchases and sales of

poultry or hatching eggs and include, at a minimum, the following information:

- (1) The date of each transaction;
 - (2) The name and address of the person, firm or corporation supplying poultry that is sold or transferred;
 - (3) The name and address of each person, firm or corporation to whom poultry is sold or transferred; and
 - (4) Copies of the USDA APHIS VS form 9-3, certificate of veterinary inspection, official health certificate or invoice indicating the AI test date that accompanied the poultry.
- (e) Records required to be kept pursuant to this section shall be maintained for at least twelve (12) months at the poultry dealer's principal place of business and shall be available for inspection by the Commissioner, the Commissioner's designated agent or the State Veterinarian, including printing or copying upon request. Poultry dealers located outside of this state shall provide the Commissioner, the Commissioner's designated agent or the State Veterinarian with copies of records required to be kept pursuant to the section, in a format acceptable to the Commissioner, the Commissioner's designated agent or the State Veterinarian, no less than ten (10) days from the date of such request.

(NEW) Sec. 22-326s-6. Avian disease control and elimination

(a) Whenever avian disease is suspected or confirmed at a live bird market, poultry dealer or poultry hauler, the Commissioner, the Commissioner's designated agent or the State Veterinarian shall investigate the origin and cause of the avian disease. Pursuant to section 22-324 of the Connecticut General Statutes, the Commissioner may order any avian disease control measures deemed necessary to control and/or eradicate the avian disease present.

(b) Whenever avian disease is suspected or confirmed at a live bird market, poultry dealer or poultry hauler the live bird market, poultry dealer or poultry hauler shall immediately make available to the Commissioner, the Commissioner's designated agent or the State Veterinarian any and all records that may be pertinent to the investigation, prevention, control and elimination of avian disease, including, but not limited to, records of sales of poultry, purchases of poultry, movement of poultry and cleaning and disinfection records.

IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES
This form is to be used for proposed emergency regulations only and must be completed in full.

AGENCY CERTIFICATION

Department of Agriculture

EMERGENCY REGULATION Concerning

**Importation and Exhibition of Poultry and Hatching Eggs, and Standards for Poultry Dealers,
Poultry Haulers and Live Bird Markets**

eRegulations System Tracking Number : ER2015-165

I hereby certify the following:

(1) The above-referenced emergency regulation is proposed

(check one and complete as applicable)

without prior notice or hearing as permitted by Section 4-168(g) of the *Connecticut General Statutes*. or

upon the following described abbreviated notice and hearing: _____.

(2) The statutory authority under which the regulation is proposed is as follows: **Section 22-324 and 22-326s of the Connecticut General Statutes.**

(3) Copies of this agency's finding of emergency and the governor's approval of said finding were posted to the eRegulations System website on **10/9/2015**.

(4) Subsequent to approval by the Legislative Regulation Review Committee, **the final emergency regulation shall be effective**

(Check one and complete as applicable)

when electronically submitted to the Secretary of the State.

OR on **1/6/2016**.

(Date must be a specific calendar date less than twenty days after submission to the Secretary of the State)

SIGNED

Alan H. Reitzky
(Head of Board, Agency or Commission
or duly authorized deputy)

Commissioner
OFFICIAL TITLE

12/17/15
DATE

The Connecticut General Assembly

Legislative Regulation Review Committee

Senator Clark Chapin
Senate Chair



Representative Brian Becker
House Chair

Official Record of Committee Action

January 6, 2016

Agency: Department of Agriculture
Description: Importation and Exhibition of Poultry and Hatching Eggs,
and Standards for Poultry Dealers, Poultry Haulers and
Live Bird Markets
LRRC Regulation Number: E2015-001
eRegulation Tracking Number: ER2015-165

The above-referenced regulation has been

Deemed Approved pursuant to CGS Section 4-170(c)

by the Legislative Regulation Review Committee in accordance
with CGS Section 4-170.

Kirstin L. Breiner
Committee Administrator



State of Connecticut
Office of the Secretary of the State

Confirmation of Electronic Submission

Re: Emergency regulation of the Department of Agriculture concerning
Importation and Exhibition of Poultry and Hatching Eggs, and Standards for
Poultry Dealers, Poultry Haulers and Live Bird Markets
eRegulations System Tracking Number ER2015-165
Legislative Regulation Review Committee Docket Number E2015-001

The above-referenced regulation was electronically submitted to the Office of the Secretary of the State in accordance with Connecticut General Statutes Section 4-172 on January 13, 2016.

Said regulation is assigned Secretary of the State File Number 6204.

The effective date of this regulation is January 13, 2016.

A handwritten signature in cursive script that reads "Denise W. Merrill".

Denise W. Merrill
Secretary of the State
January 13, 2016

By:

A handwritten signature in cursive script that reads "Kristin M. Katz".

Kristin M. Katz

Administrative Law
Information Systems Manager