

**Proposal 22**

**§ 146.51-146.53**

**Interim approval granted 7-12-2014**

**Delegates: 146E**

**§ 146.51 Definitions**

*Commercial upland game birds.* Upland game bird pheasants, quail or partridges grown under confinement for the primary purposes of producing eggs and/or meat for human consumption.

*Commercial waterfowl.* Domesticated ducks or geese grown under confinement for the primary purposes of producing eggs and/or meat for human consumption.

**146.52 Participation**

(a) Participating commercial upland game bird slaughter plants, commercial waterfowl slaughter plants, raised-for-release upland game bird premises, raised-for-release waterfowl premises and commercial upland game birds and commercial waterfowl producing eggs for human consumption shall comply with the applicable general provisions of Subpart A of this part and the special provisions of this subpart E.

(b) Commercial waterfowl and commercial upland game bird slaughter plants that slaughter fewer than 50,000 birds annually are exempt from the special provisions of this subpart E.

(c) Raised-for-release upland game bird premises and raised-for-release waterfowl premises that raise fewer than 25,000 birds annually are exempt from the special provisions of this subpart E.

(d) Commercial upland game birds and commercial waterfowl producing eggs for human consumption with birds fewer than 25,000 are exempt from special provisions of this subpart E.

**§ 146.53 Terminology and classification; slaughter plants and premises.**

Participating flocks which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in §146.9 of this part:

**(a) U.S H5/H7 Avian Influenza Monitored.** This program is intended to be the basis from which the commercial waterfowl and commercial upland game bird industry may conduct a program to monitor for the H5/H7 subtypes of avian influenza. It is intended to determine the presence of the H5/H7 subtypes of avian influenza in commercial waterfowl and commercial upland game birds through routine surveillance of each participating slaughter plant or in the case of egg-producing flocks the regular surveillance of these flocks. A slaughter plant will qualify for this classification when the Official State Agency determines that it has met one of the following requirements:

(1) It is a commercial upland game bird slaughter plant or commercial waterfowl slaughter plant where a minimum of 11 birds per shift are tested negative for the H5/H7 subtypes of avian influenza, as provided in §146.13(b), at slaughter;

(2) It is a commercial upland game bird slaughter plant or commercial waterfowl slaughter plant that only accepts commercial upland game birds or commercial waterfowl from flocks where a minimum of 11 birds per flock have been tested negative for the H5/H7

subtypes of avian influenza, as provided in §146.13(b), no more than 21 days prior to slaughter; or

(3) It is a commercial upland game bird slaughter plant or commercial waterfowl slaughter plant that has an ongoing active and passive surveillance program for H5/H7 subtypes of avian influenza that is approved by the Official State Agency and the Service.

(4) It is a commercial upland game bird or waterfowl flock that produces eggs for human consumption where a minimum of 11 birds per flock have been tested negative to the H5/H7 subtypes of avian influenza as provided in 146.13 (b) within 30 days of disposal or within a 12 month period.

(5) It is a commercial upland game bird or waterfowl flock that has an on-going active and passive surveillance program for H5/H7 subtypes of avian influenza that is approved by the Official State Agency and the Service.

**(b) U.S. H5/H7 Avian Influenza Monitored.** This program is intended to be the basis from which the raised-for-release upland game bird and raised-for-release waterfowl industries may conduct a program to monitor for the H5/H7 subtypes of avian influenza. It is intended to determine the presence of the H5/H7 subtypes of avian influenza through routine surveillance of each participating premises. A premises will qualify for the classification when the Official State Agency determines that a representative sample of 30 birds from the participating premises has been tested with negative results for the H5/H7 subtypes of avian influenza, as provided in §146.13(b), every 90 days.

**Reason:** Commercial upland game birds and waterfowl are sometimes grown for eggs for human consumption, notably in specialty markets (baluts), restaurants and increasingly in health food outlets (fresh duck eggs). A significant number of these flocks are large in size. Creation of a mechanism for NPIP participation and encouraging regular AI surveillance is good for the poultry industry as a whole.

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