

Equivalency Testing and Virtual Reality Interim Approved Changes

Note: This document updated August 14, 2023, contains sections of the electronic Code of Federal Regulations to reflect the interim changes that were voted on and approved by the General Conference Committee members at the June 29, 2023, General Conference Committee meeting in Columbus, OH. All interim changes are subject to final and full approval at the August 27-30, 2024, Biennial Conference.

Proposal 1: Equivalency Testing

General Provisions for All Participants

Delegates: 145 Combined

§ 145.4 General provisions for all participants

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(d) Except as provided by this paragraph or (f) of this part, participants in the Plan may not buy or receive products for any purpose from nonparticipants unless they are part of an equivalent program, as determined by the Official State Agency. Participants in the Plan may buy or receive products from flocks that are neither participants nor part of an equivalent program, for use in breeding flocks or for experimental purposes, under the following conditions only: (1) With the permission of the Official State Agency and the concurrence of the Service; and (2) By segregation of all birds before introduction into the breeding flock. Upon reaching sexual maturity, the segregated birds must be tested and found negative for pullorum-typhoid and any other disease for which the flock into which the birds are being introduced holds a disease classification. The Official State Agency may require a second test at its discretion.

(f) For products from non-participant flocks located outside of the USA, due to local legislation, their adopted health programs may not follow those of the Plan, but may be considered equivalent if they demonstrate freedom of infection from Plan diseases. Such product may be brought into a participant hatchery without the conditions indicated under paragraph (d) of this section, only after demonstration of freedom from Plan disease infection through the following:

(1) they comply with the import requirements set by APHIS-VS as attested by an international veterinary health certificate, and

(2) they are approved for importation upon inspection by designated APHIS-VS inspector at port of entry, and

(3) if the NPIP hatchery participates in Plan disease classifications not covered by the international health certificate of the exporting country, additional testing or testing history of the flock(s) of origin may be required to demonstrate freedom from infection for each applicable classification. In addition, for non-NPIP laboratories, evidence of at least two of the following conditions are met will be required:

(i) The laboratory has official certification to conduct the testing methodology from the country of origin;

(ii) It possesses an international certification of practice standardization similar to ISO (International Organization for Standardization);

(iii) It follows international laboratory protocols for the Plan diseases of interest, as set by NPIP and/or the WOAAH (World Organization for Animal Health).

Reason:

The current language that addresses equivalencies for non-participant flocks assumes origin within the US territory. Furthermore, non-participant flocks located outside of the USA are subject to their own national health programs and health schedules to address regional epidemiological conditions of disease statuses, which may not reflect those within the Plan, yet may be able to demonstrate freedom of infection for Plan diseases. While Poultry primary breeders in the US routinely import poultry breeding stock from business units around the world to ensure continuous supply of chicks and genetic diversity, segregation of imported product from non-participant flocks may not be feasible for practical purposes due to volumes and/or frequency of importations; however, the health status of source flocks might be demonstrated as equivalent through different health programs, foreign government certification that satisfies APHIS's import requirements for entry into the USA, and/or testing prior to importation of product into the USA.

Modification of this general and other specific provisions within Part 145 will ensure a clear path for the incorporation of safe product from non-participant flocks into the commercial pipeline of the corresponding Subparts.

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Proposal 2: Equivalency Testing Reference to Proposal 1 (f)

Specific Provisions for Participating Flocks

Delegates: 145 Combined

§ 145.5 Specific provisions for participating flocks.

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(g) Poultry equipment, and poultry houses and the land in the immediate vicinity thereof, shall be kept in sanitary condition in accordance with part 147 of this subchapter. The participating flock, its eggs, and all equipment used in connection with the flock shall be separated from nonparticipating flocks, in a manner acceptable to the Official State Agency, unless eggs imported from another country come from flocks demonstrated by certification and testing to be free of Plan diseases or considered equivalent by the OSA as per 145.4 (f) of this Subpart.

(h) All flocks shall consist of healthy, normal individuals characteristic of the breed, variety, cross, or other combination which they are stated to represent.

(i) A flock shall be deemed to be a participating flock at any time only if it has qualified for the U.S. Pullorum Typhoid Clean classification, as prescribed in Subparts B, C, D, E, F, G, H, or I of this part.

(d) Each bird shall be identified with a sealed and numbered band obtained through or approved by the Official State Agency: Provided, that exception may be made at the discretion of the Official State Agency.

Reason:

The current language that addresses equivalencies for non-participant flocks assumes origin within the US territory. Furthermore, non-participant flocks located outside of the USA are subject to their own national health programs and health schedules to address regional epidemiological conditions of disease statuses, which may not reflect those within the Plan and the USA yet may be able to demonstrate freedom of infection for Plan diseases. While Poultry primary breeders in the US routinely import poultry breeding stock from business units around the world to ensure continuous supply of chicks and genetic diversity, segregation of imported product from non-participant flocks may not be feasible for practical purposes due to volumes and/or frequency of importations; however, the health status of source flocks might be demonstrated as equivalent through local health programs, foreign government certification that satisfies APHIS's import requirements for entry into the USA, and/or testing prior to importation of product into the USA.

Modification of this specific provision within Part 145 will ensure less confusion and clearer path for the incorporation of safe product from non-participant flocks located abroad into the commercial pipeline of the corresponding Subparts.

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Proposal 3: Methods Utilized for Inspections

Inspections

Delegates: 145 Combined

§ 145.12 Inspections.

(a) Each participating hatchery shall be audited at least one time annually or a sufficient number of times each year to satisfy the Official State Agency that the operations of the hatchery are in compliance with the provisions of the Plan. **Audits may be performed via in-person, remote connection or a hybrid of the two approaches as the OSA determines appropriate.**

(b) The records of all flocks maintained primarily for production of hatching eggs shall be made available to and examined annually by a State Inspector. Records shall include VS Form 9-2, "Flock Selecting and Testing Report"; VS Form 9-3, "Report of Sales of Hatching Eggs, Chicks, and Poults"; set and hatch records; egg receipts; and egg/chick orders or invoices. Records shall be maintained for 3 years. On-site inspections of flocks and premises will be conducted if the State Inspector determines that a breach of sanitation, blood testing, or other provisions has occurred for Plan programs for which the flocks have or are being qualified. **The on-site inspection may be performed via enhanced reality technology that allows direct, real-time observation of the facility and operations conducted at the premises, to the satisfaction of the OSA.**

Reason:

The current language does not specify the modality of the audits being performed. This addition clarifies this methodology to allow for in-person, remote connection, and hybrid technologies to be utilized in the hatchery audits. The additions allow for modern technology to assist in auditing as well as maintain the highest levels of biosecurity.

Modification of this specific provision within Part 145 will ensure less confusion and clearer path for the auditing of hatcheries, especially during an outbreak of Highly Pathogenic Avian Influenza.

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Proposal 4: Supervision of Inspections

Supervision

Delegates: 145 Combined

§ 145.11 Supervision.

(a) The Official State Agency may designate qualified persons as Authorized Agents to do the sample collecting provided for in [§ 145.14](#) and may designate qualified persons as Authorized Testing Agents to do the sample collecting and blood testing provided for in [§ 145.14](#).

(b) The Official State Agency shall employ or authorize qualified persons as State Inspectors to perform the qualification testing of participating flocks, and to perform the official inspections necessary to verify compliance with the requirements of the Plan. **The OSA shall determine whether the inspection is performed in-person, via remote connectivity or in a hybrid approach.**

(c) Authorities issued under the provisions of this section shall be subject to cancellation by the official State agency on the grounds of incompetence or failure to comply with the provisions of the Plan or regulations of the official State agency. Such actions shall not be taken until a thorough investigation has been made by the official State agency and the authorized person has been given notice of the proposed action and the basis therefor and an opportunity to present his views.

Reason:

The current language does not allow the OSA flexibility to determine how an inspection is performed. This addition will allow the OSA to determine if an inspection can be performed in-person, via remote connectivity, or in a hybrid approach. This will allow for modern technology to assist in keeping flocks free of disease as well as maintain the highest levels of biosecurity.

Modification of this specific provision within Part 145 will ensure less confusion and clearer path for the inspection of flocks, especially during an outbreak of Highly Pathogenic Avian Influenza.

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