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April 11, 2016

Docket No. APHIS-2015-0061
Regulatory Analysis and Development,
PPD, APHIS, Station 3A-03.8
4700 River Road, Unit 118
Riverdale, MD
20737-1238

Re: Docket No. APHIS-2015-0061: Conditions for Payment of Highly Pathogenic Avian Influenza Indemnity Claims; 81 Fed. Reg. 26 (February 9, 2016)

Dear Sir or Madam,

The National Chicken Council (NCC) appreciates the opportunity to provide comment on the Animal and Plant Health Inspection Service's (APHIS) interim rule entitled *Conditions for Payment of Highly Pathogenic Avian Influenza Indemnity Claims*. NCC represents the vertically integrated companies that produce and process more than 95 percent of the chicken marketed in the United States. NCC's members will be directly affected by the amendments to the regulations in 9 CFR 53 to specify conditions of payment of indemnity claims for highly pathogenic avian influenza (HPAI). The broiler chicken industry has collaborated closely with the Agency and affiliated poultry production organizations in all efforts to identify, isolate, and eradicate HPAI within the United States since the disease outbreak that ran from December 2014 into Spring 2015. We appreciate the Agency's desire for feedback on the collection of information as part of this interim rule, as well as the rule's implementation.

We believe that the amendments made in this interim rule are fair and applicable to the poultry production sectors, and we support their implementation. These amendments reflect significant discussion, planning, and teamwork involving Federal and State agencies and poultry associations and companies, and we appreciate APHIS's collaborative approach. The resulting interim rule provides for rapid response to a suspected HPAI incident, efficient depopulation and disposal of affected flocks, and fair reimbursement for depopulation and disinfection to owners and contractors.

The interim rule requires that both the owners of poultry and contract growers have in place and follow a biosecurity plan in order to receive indemnity payments. We feel that such a requirement is appropriate and further incentivizes strong participation in biosecurity activities, thus promoting nation-wide poultry health. NCC recommends that oversight of biosecurity plans be conducted by the poultry industries. An example of industry-led oversight could be the adherence of poultry owners and contractors to voluntary National Poultry Improvement Plan (NPIP) standards of biosecurity, with education and monitoring provided by state or regional

poultry associations. Such a mechanism would lessen unnecessary burdens on Federal and State resources, while allowing for verification by parties intimately familiar with, and invested in, poultry biosecurity.

We additionally recommend that the small-scale facilities identified in the interim rule (those raising fewer than 100,000 broilers, 30,000 turkeys, or 75,000 egg-laying birds) not be exempt from the requirement to submit a biosecurity statement. During the 2014 and 2015 HPAI event, such facilities were not spared from infection, despite their smaller scale, and weak biosecurity at any size of facility creates the potential for a HPAI outbreak. NCC suggests instead that such facilities participate in monitoring and education programs provided by state or regional poultry associations and develop a biosecurity plan based on voluntary NPIP biosecurity standards. This would allow for such small-scale facilities both to better prepare for HPAI infection and response, and to contribute to the local surveillance and protection of poultry health.

A final recommendation for consideration is the indemnification of farms that are indirectly impacted during a highly pathogenic avian influenza disease incident. Such farms would include those which were never diagnosed with HPAI, but were located in a quarantine or control zone during a HPAI event and would be prevented from restocking their premises to prevent disease spread. While we agree with the Agency's restocking policy requiring approval from USDA and the state, an extended "down time" between flocks equates to a direct loss of income for each of these farms. An indemnity for an extended "down time" between flocks and the subsequent loss of production would assist these farms that continue to incur expenses regardless of whether they are rearing birds or not.

The amendments provided in this interim rule are fair and protective of the nation's poultry population. Such measures will allow the United States to continue providing safe and wholesome poultry products to consumers. We appreciate the opportunity to comment on the interim rule, and we hope that the above suggestions will serve useful to the development of this rule.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ashley B. Peterson". The signature is fluid and cursive, with the first name "Ashley" being more prominent than the last name "Peterson".

Ashley B. Peterson, Ph.D.
Senior Vice President, Scientific and Regulatory Affairs
National Chicken Council