

Newly Hatched and Immature Poultry Compliance Agreement No-

[Pursuant to Food and Agricultural Code Section 9562]

PARTIES

1. California Department of Food and Agriculture (hereinafter "the Department")
Contact: Dr. Richard E. Breitmeyer
State Veterinarian and Director
Animal Health and Food Safety Services
1220 N Street, Suite A-114
Sacramento, CA 95814

Questions should be directed to:

South Coast Incident Command Post (Los Angeles, San Luis Obispo, Kern, Santa Barbara, Ventura, Orange, and San Diego counties):

Telephone: 800-491-1899

Inland Desert Incident Command Post (Riverside, San Bernardino and Imperial counties): Telephone: 909-430-0850

Central California Incident Command Post (All counties north of previously listed counties): Telephone: 209-558-5637

2. Name of Store Owner: (hereinafter "Owner")

Contact: Name: _____

Address: _____

Telephone: _____

Facsimile: _____

BACKGROUND

1. On October 1, 2002, an outbreak of Exotic Newcastle Disease (hereinafter "END") was confirmed in Southern California. END is a highly contagious and often fatal viral disease that affects most species of birds.
2. The last major outbreak of END within the commercial poultry industry occurred in Southern California in 1971. It threatened the entire American poultry and egg supply. Over thirteen hundred (1,300) flocks were infected and nearly twelve million (12,000,000) birds were destroyed. Eradication efforts cost fifty-six million dollars (\$56,000,000). The operations of poultry producers were severely disrupted, and the price of poultry and poultry products for consumers increased. Eradicating END can only be accomplished through rapidly identifying and destroying all affected and exposed flocks of poultry. After depopulation, extensive cleanup and disinfection of the premises must be performed to prevent reinfection.

3. Food and Agricultural Code section 9562 provides the Department with the authority to order the movement, segregation, isolation, or destruction of animals or food products during a quarantine. On March 17, 2003, the Department published a regional quarantine notice (hereinafter "the Notice") prohibiting the exhibition of poultry in California. Poultry species included in the State quarantine are chickens, turkeys, ducks, geese, partridges, pheasants, quail, guinea fowl, peafowl, doves, pigeons, grouse, swans and ratites.

4. Food and Agricultural Code section 9574 provides that any person who negligently or intentionally violates a quarantine shall be civilly liable in an amount not to exceed twenty-five thousand dollars (\$25,000). Food and Agricultural Code section 9701 provides that a first quarantine violation may be cited as an infraction, with second and subsequent violations constituting misdemeanor offenses.

5. Store Owner operates a store located at:
Name of store: _____
Address: _____

Phone: _____
Facsimile: _____

TERMS AND CONDITIONS (FEED STORES)

As Owner, I certify that I understand and will comply with the following conditions until the State quarantine banning the exhibition of poultry has been released:

- a. Owner shall not sell any poultry other than those newly hatched or immature. Immature means pre-adult as determined to be at risk by END Task Force veterinarian.

- b. Owner will prevent physical contact between the public and live birds, equipment or the live bird holding/housing facilities.

- c. Owner will not allow returns after the sale.

- d. Owner shall provide access to its facilities and records to the Department or END Task Force personnel.

- e. Owner shall provide new or clean and sanitized containers with each sale of chicks.

- f. Owner shall maintain records for six months of sales; including customer name, address and telephone number.

- g. Owner shall provide an END fact sheet with each sale.

- h. Owner shall maintain a list for six months of chick suppliers; including name, address, telephone number, date of receipt, number of birds received, invoice number and type of birds.
- i. Owner will notify the END Task Force of any excessive losses of birds, or any birds with clinical signs consistent with END including diarrhea, red swollen heads, respiratory difficulty, droopiness or neurological signs.
- j. If requested by the END Task Force, Owner will hold dead birds and other appropriate diagnostic samples for collection and submission to the California Animal Health and Food Safety Laboratory located in San Bernardino at 105 West Central Avenue, San Bernardino, CA 92408; Tel: 909-383-4287; Fax: 909-884-5980. This may be necessary if the store is in close proximity to disease or if the store is epidemiologically linked to END.
- k. The Owner is expected to develop and implement a biosecurity program consistent with preventing the introduction of END, and to educate employees about biosecurity measures. At a minimum, the biosecurity program must include: properly cleaned and disinfected holding areas, proper disposal of manure and bedding and other associated materials, clean water dispensers, feeders and all associated equipment, and physical separation of newly hatched and immature poultry from the public.
- l. If the Department suspects that END may be present on the premises, the Department will serve a quarantine notice to the Owner for the immediate isolation of all poultry, poultry products, and any associated equipment, materials and property. All movement will be prohibited until the Department determines if END is confirmed. Accordingly, the specific requirements of any quarantine notice supersede the provisions of this agreement, and, if necessary, may terminate the agreement entirely. If END is not diagnosed, the quarantine will be lifted. Costs associated with caring for the birds while under the quarantine are not the responsibility of the Department.
- m. If END is diagnosed, the Department will serve a quarantine notice for the destruction of infected and exposed poultry and poultry products in a manner consistent with quarantine statutes and regulations. Issuance of such a notice effectively terminates this agreement. The Department shall compensate the Owner for the destruction of poultry and poultry products based upon their appraised value. In addition, the Department will clean and disinfect cages, materials and equipment associated with the birds, with the possibility that some, or all, materials and equipment may have to be destroyed to avoid the possibility of reinfection. The Owner may only reopen the facility upon the lifting of the quarantine notice, and the execution of a new compliance agreement with the Department.

- n. If END is diagnosed within one kilometer, the premises will be quarantined and sales of all poultry will be prohibited.
- o. Owner acknowledges that he/she has been personally served with the Premises Quarantine notice # _____, the Regional Quarantine notice dated March 17, 2003, a copy of Food and Agricultural Code section 9562, and accepts the State Veterinarian's authority to act thereunder without consultation with Owner. Such authority includes, but is not limited to, decisions related to the need to quarantine poultry, poultry products and any associated equipment, materials and property for isolation, depopulation and destruction. Such authority additionally includes the right of Department personnel to enter and inspect Owner's facility as provided by law and this agreement.
- p. Owner also acknowledges the following: (a) that the Department, through the State Veterinarian or otherwise, may immediately terminate this agreement at any time upon discovery of a violation by Owner; and (b) that continued operation through the terms and conditions of this agreement is subject to the ongoing approval of the United States Department of Agriculture. Additionally, Owner acknowledges that the Department, through the State Veterinarian or otherwise, may amend this compliance agreement at any time, and that Owner may not continue to operate without accepting these amendments and complying with them.

DATE: _____

Owner

DATE: _____

Richard E. Breitmeyer, DVM, MPVM
State Veterinarian and Director
California Department of Food and Agriculture
Animal Health and Food Safety Services
Exotic Newcastle Disease Task Force