

State of California

MEMORANDUM

To: All Fair CEOs
All Fair Board Presidents
4-H/Cooperative Extension
FFA
Grange

Date: January 14, 2003
Ref: F2003-01
Place: Sacramento
Telephone: 916/263-2955



From: **Department of Food and Agriculture-** Liz Houser, Director
Fairs and Expositions
1010 Hurley Way, Suite 200
Sacramento, CA 95825

Subject: Exotic Newcastle Disease Policy Recommendation

On January 8, 2003, Governor Gray Davis declared a state of emergency in the fight against Exotic Newcastle Disease (END) in California. In addition, the U.S. Department of Agriculture announced expanded quarantine boundaries for END for all avian species as a result of the spread of the disease into commercial poultry flocks in southern California. The expanded quarantine boundaries encompass the following counties with END-positive flocks: Los Angeles, Riverside, San Bernardino, and San Diego. In addition, the following non-infected counties were quarantined to allow for an adequate buffer zone around END infected sites: Santa Barbara, Ventura, Imperial, and Orange.

Due to severity of this virus and the serious threat to the poultry industry in California, the Division of Fairs and Expositions (F&E) **strongly recommends** that California Fairs Boards adopt a local policy to **suspend all poultry shows for the 2003 fair season**. Fairs should also examine the displays/exhibits of all avian species to determine if they are in the best interest of the fair to proceed. F&E strongly encourages fairs to work with commercial exhibitors and shows where the commercial vendor could present a "bird less" exhibit or show with a component that will educate the public regarding Exotic Newcastle Disease. F&E continues to work closely with the END Taskforce and CDFA Animal Health Branch on the current status and progress of END in southern California.

All fairs should be proactive with the youth organizations to educate exhibitors and leaders of END and the potential risks to the poultry industry in California. Fair management may create alternative competitions for youth poultry exhibitors or exhibitors may be transferred to new projects. Fairs who proceed with their poultry shows will be required to follow the END Guidelines and may be subject to last minute cancellation and/or facility quarantine.

F&E realizes these changes will present some challenges to our Fairs, and our fair-related businesses, but are confident that we will work together as an industry to meet these challenges.

For more information regarding the USDA quarantine, please call 916/857-6170 or for general information call the END hotline 800/491-1899. Information websites: www.cdfa.ca.gov (California Department of Food and Agriculture) or www.aphis.usda.gov (United States Department of Agriculture). If you need further assistance or if you have any type of avian event (poultry, caged bird, 4H/FFA field day, pigeon show, etc.) scheduled at your fairgrounds, please contact Tomme Jo Dale of my staff at 916/263-2948 or 916/296-9530, tjdale@cdfa.ca.gov.

The following documents are included with this letter for your reference:

Office of the Governor Press Release dated January 8, 2003, on State of Emergency

CDFA News Release dated January 8, 2003 on USDA Quarantine

USDA Federal Quarantine regulation from the Federal Register dated January 13, 2003



OFFICE OF THE GOVERNOR

PR03: 006
FOR IMMEDIATE RELEASE
01/08/2003

GOVERNOR DAVIS DECLARES STATE OF EMERGENCY IN EXOTIC NEWCASTLE DISEASE 01/08/2003

Action Targets Outbreak in Southern California

SACRAMENTO

Governor Gray Davis today declared a state of emergency in the fight against an outbreak of Exotic Newcastle Disease among poultry in Southern California.

"Exotic Newcastle Disease is a devastating bird illness that has the potential to wipe out the poultry industry," Gov. Davis said. "I am instructing my Agriculture Secretary and Emergency Services Director to work together to stop the spread of the disease and to eradicate it as quickly as possible."

Commercial flocks and backyard birds have been diagnosed with Exotic Newcastle Disease. Quarantines are in place in San Diego, Los Angeles, Riverside, San Bernardino, Ventura and Orange counties.

Commercial poultry producers within quarantine zones must comply with a mandatory reporting system that identifies increased mortality, decreased egg production or any clinical symptoms suggestive of Exotic Newcastle Disease.

Poultry and poultry products may not be moved from quarantined counties. Eggs can be moved after they are washed, sanitized and packed in new materials.

The disease does not pose a risk to human health. Poultry and egg products are safe to consume.

The emergency declaration will enable state agencies to pool resources and work cooperatively with the California Department of Food and Agriculture in addressing the response to the incident. Emergency declarations are the customary means for the state to streamline such responses.

Emergency Declaration

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GOVERNOR GRAY DAVIS · SACRAMENTO, CALIFORNIA 95814 · (916) 445-2841



News Release

Find out more about California agriculture! www.cdfa.ca.gov
Email: cdfapublicaffairs@cdfa.ca.gov

For Immediate Release

January 8, 2003

Release# CDFA03-002

Contact: Larry Cooper,
CDFA
Larry Hawkins,
USDA

916/654-0426,
916/857-6243

**QUARANTINE BOUNDARIES FOR EXOTIC NEWCASTLE DISEASE EXPANDED FOR
SOUTHERN CALIFORNIA**

LOS ALAMITOS, Jan. 8, 2003—The U.S. Department of Agriculture announced today that it has expanded quarantine boundaries for exotic Newcastle disease (END) in specific areas of southern California.

USDA and the California Department of Agriculture (CDFA) have been working jointly with the poultry industry and residents to prevent the spread of the disease. The expanded quarantine creates a buffer zone around END infected sites and provides additional security against spread of the disease. To do this, additional quarantines are immediately being imposed on non-infected counties adjacent to those counties infected with disease through the declaration of extraordinary emergency issued by the USDA today.

The expanded quarantine boundaries encompass those counties with END-positive flocks; Los Angeles, Riverside, San Bernardino and San Diego. Additional counties include Santa Barbara, Ventura, Imperial, and Orange. This action also quarantines portions of infected counties that were not previously under quarantine.

Commercial poultry producers within the quarantine zone must comply with a mandatory reporting system that identifies increased mortality, decreased egg production, or any clinical symptoms suggestive of END. Commercial poultry producers are also being asked to increase biosecurity measures at facilities in these quarantined areas. Poultry and poultry products cannot be moved from the quarantined counties. However, eggs can be moved after they are washed, sanitized and packed in new materials.

END does not pose a risk to human health. Poultry and egg products are safe for consumers. END was first confirmed in backyard poultry in southern California in October 2002 and in commercial poultry in December 2002. As of January 4, 2003, USDA and CDFA have confirmed three commercial establishments with END. A taskforce of over 600 federal and state employees are working to prevent the further spread of the disease through a series of actions including identifying flocks, imposing quarantines, euthanizing and disposing of birds when appropriate, and cleaning and disinfecting infected sites, as well as providing educational resources to the poultry industry and community residents.

For more information regarding END in certain counties of southern California, visit www.aphis.usda.gov or www.cdfa.ca.gov.

Rules and Regulations

Federal Register

Vol. 68, No. 8

Monday, January 13, 2003

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206-AJ61

Prevailing Rate Systems; Definition of Santa Clara, CA, Nonappropriated Fund Wage Area

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing a final rule that abolishes the Alameda-Contra Costa, CA, nonappropriated fund (NAF) Federal Wage System wage area and establishes a new Santa Clara, CA, NAF wage area. This change was necessary because the closure of the Army and Air Force Exchange Service Distribution Center in Oakland left the Alameda-Contra Costa wage area without a host activity to conduct a local wage survey. Full-scale surveys for the Santa Clara wage area will be conducted in September of each even-numbered fiscal year.

DATES: Effective Date: This regulation is effective on February 12, 2003.

FOR FURTHER INFORMATION CONTACT: Chenty I. Carpenter, (202) 606-2838; FAX: (202) 606-0824; or e-mail cicarpem@opm.gov.

SUPPLEMENTARY INFORMATION: On July 17, 2002, the Office of Personnel Management (OPM) published an interim rule (67 FR 46839) that abolished the Alameda-Contra Costa, CA, nonappropriated fund (NAF) Federal Wage System (FWS) wage area and established a new Santa Clara, CA, NAF wage area. The interim rule had a 30-day public comment period, during which OPM received no comments. The change was necessary because the closure of the Army and Air Force Exchange Service Distribution Center in

Oakland left the Alameda-Contra Costa wage area without a host activity to conduct a local wage survey. The new Santa Clara NAF wage area will now consist of Santa Clara County as the survey area. The area of application for the Santa Clara, CA, wage area will include Alameda, Contra Costa, and San Mateo Counties. A full-scale survey for the Santa Clara wage area was conducted in September 2002.

Under 5 U.S.C. 5343(a), NAF FWS wage area boundaries may not extend beyond the immediate locality where NAF employees work. OPM may establish an NAF wage area under 5 CFR 532.219 when a minimum of 26 NAF wage employees are employed in a survey area and sufficient private employment exists within the survey area to provide adequate data for establishing an NAF wage schedule. Santa Clara County meets the regulatory criteria to be a separate NAF wage area, and the Department of Defense recommended that Santa Clara County be redefined as the sole survey county for the new FWS NAF wage area, and that Alameda, Contra Costa, and San Mateo Counties be defined as areas of application counties.

OPM regulations at 5 CFR 532.219 require a minimum of 1,800 private enterprise employees in establishments within the scope of a NAF survey in order to establish a separate wage area within the survey specifications. Because Alameda, Contra Costa, and San Mateo Counties will have continuing NAF employment and do not meet the regulatory criteria in 5 CFR 532.219 to be separate survey areas, they must be considered areas of application to Santa Clara County. The Department of Defense conducted a full scale survey in Santa Clara County in September 2002. The Federal Prevailing Rate Advisory Committee, the national labor-management committee that advises OPM on FWS pay matters, recommended these changes by consensus.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information,

Government employees, Reporting and recordkeeping requirements, Wages.

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule (67 FR 46839) amending 5 CFR part 532 published on July 17, 2002, is adopted as final with no changes.

U.S. Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 03-400 Filed 1-10-03; 8:45 am]

BILLING CODE 6325-39-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 82

[Docket No. 02-117-2]

Exotic Newcastle Disease; Additions to Quarantined Area and Applicability of Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the exotic Newcastle disease regulations by quarantining Imperial, Orange, San Diego, Santa Barbara, and Ventura Counties, CA, and the previously non-quarantined portions of Riverside and San Bernardino Counties, CA, and prohibiting or restricting the movement of birds, poultry, products, and materials that could spread exotic Newcastle disease from the quarantined area. We are also amending the regulations to provide that the prohibitions and restrictions that apply to the interstate movement of birds, poultry, products, and materials that could spread exotic Newcastle disease will also apply to the intrastate movement of those articles in situations where the Secretary of Agriculture has issued a declaration of extraordinary emergency. These actions are necessary on an emergency basis to prevent the spread of exotic Newcastle disease from the quarantined area.

DATES: This interim rule was effective January 7, 2003. We will consider all comments that we receive on or before March 14, 2003.

ADDRESSES: You may submit comments by postal mail/commercial delivery or

by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 02-117-2, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 02-117-2. If you use e-mail, address your comment to regulations@aphis.usda.gov. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and "Docket No. 02-117-2" on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: Dr. Aida Boghossian, Senior Staff Veterinarian, Emergency Programs Staff, VS, APHIS, 4700 River Road Unit 41, Riverdale, MD 20737-1231; (301) 734-8073.

SUPPLEMENTARY INFORMATION

Background

Exotic Newcastle disease (END) is a contagious and fatal viral disease affecting the respiratory, nervous, and digestive systems of birds and poultry. END is so virulent that many birds and poultry die without showing any clinical signs. A death rate of almost 100 percent can occur in unvaccinated poultry flocks. END can infect and cause death even in vaccinated poultry.

The regulations in "Subpart A—Exotic Newcastle Disease (END)" (9 CFR 82.1 through 82.15, referred to below as the regulations) were established to prevent the spread of END in the United States in the event of an outbreak. In § 82.3, paragraph (a) provides that any area where birds or poultry infected with END are located will be designated as a quarantined area, and that a quarantined area is any geographical area, which may be a premises or all or part of a State, deemed by epidemiological evaluation to be

sufficient to contain all birds or poultry known to be infected with or exposed to END. Less than an entire State will be designated as a quarantined area only if the State enforces restrictions on intrastate movements from the quarantined area that are at least as stringent as the regulations. The regulations prohibit or restrict the interstate movement of birds, poultry, products, and materials that could spread END from quarantined areas. Areas quarantined because of END are listed in § 82.3, paragraph (c).

On October 1, 2002, END was confirmed in the State of California. The disease has been confirmed in backyard poultry, which are raised on private premises for hobby, exhibition, and personal consumption, and in commercial poultry.

In an interim rule effective on November 21, 2002, and published in the **Federal Register** on November 26, 2002 (67 FR 70674-70675, Docket No. 02-117-1), we amended the regulations in § 82.3(c) by quarantining Los Angeles County and portions of Riverside and San Bernardino Counties and restricting the interstate movement of birds, poultry, products, and materials that could spread END from the quarantined area.

In this interim rule, we are quarantining additional counties in California, either because END has been confirmed in those counties or because of the geographical proximity of those counties to areas in which END has been confirmed. Specifically, we are amending § 82.3(c) of the regulations by adding Imperial, Orange, San Diego, Santa Barbara, and Ventura Counties and the previously non-quarantined portions of Riverside and San Bernardino Counties to the quarantined area for END and by prohibiting or restricting the movement of birds, poultry, products, and materials that could spread END from the quarantined area.

On January 6, 2003 the Secretary of Agriculture signed a declaration of extraordinary emergency with respect to the END situation in California. As provided under sec. 10407 of the Animal Health Protection Act (7 U.S.C. 8306), that declaration of extraordinary emergency authorizes the Secretary to (1) hold, seize, treat, apply other remedial actions to, destroy (including preventative slaughter), or otherwise dispose of, any animal, article, facility, or means of conveyance if the Secretary determines the action is necessary to prevent the dissemination of END and (2) prohibit or restrict the movement or use within the State of California, or any portion of the State of California, of any

animal or article, means of conveyance, or facility if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of END.

As noted previously, the regulations in §§ 82.1 through 82.15 prohibit or restrict the interstate movement from quarantined areas of birds, poultry, products, and materials that could spread END. In light of the Secretary's declaration of extraordinary emergency and its accompanying authority to prohibit or restrict, if necessary to prevent the spread of END, the movement or use within the State of California of any animal or article, means of conveyance, or facility, we are amending the regulations to provide that the provisions of the regulations regarding interstate movement will also apply to intrastate movement. This provision, which we are adding as a new § 82.16, specifies that the applicability of the regulations to intrastate movement holds only in situations where the Secretary has issued a declaration of extraordinary emergency and only until such time as the Secretary terminates that declaration.

Emergency Action

This rulemaking is necessary on an emergency basis to prevent END from spreading to other States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register**.

We will consider comments that we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

This rule amends the regulations by quarantining Imperial, Orange, San Diego, Santa Barbara, and Ventura Counties, CA, and the previously non-quarantined portions of Riverside and San Bernardino Counties, CA, and by prohibiting or restricting the movement of birds, poultry, products, and

materials that could spread END from the quarantined area. This rule also amends the regulations to provide that the prohibitions and restrictions that apply to the interstate movement of birds, poultry, products, and materials that could spread END will also apply to the intrastate movement of those articles in situations where the Secretary of Agriculture has issued a declaration of extraordinary emergency. These actions are necessary on an emergency basis to prevent the spread of END from the quarantined area.

This emergency situation makes timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. We are currently assessing the potential economic effects of this action on small entities. Based on that assessment, we will either certify that the rule will not have a significant economic impact on a substantial number of small entities or publish a final regulatory flexibility analysis.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 82

Animal diseases, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 9 CFR part 82 is amended as follows:

PART 82—EXOTIC NEWCASTLE DISEASE (END) AND CHLAMYDIOSIS; POULTRY DISEASE CAUSED BY SALMONELLA ENTERITIDIS SEROTYPE ENTERITIDIS

1. The authority citation for part 82 is revised to read as follows:

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

2. In § 82.3, paragraph (c) is revised to read as follows:

§ 82.3 Quarantined areas.

* * * * *
(c) The following areas are quarantined because of END:

California

Imperial County. The entire county.

Los Angeles County. The entire county.

Orange County. The entire county.

Riverside County. The entire county.

San Bernardino County. The entire county.

San Diego County. The entire county.

Santa Barbara County. The entire county.

Ventura County. The entire county.

3. In "Subpart A—Exotic Newcastle Disease (END)," a new § 82.16 is added to read as follows:

§ 82.16 Extraordinary emergencies; applicability of regulations.

When, in accordance with sec. 10407 of the Animal Health Protection Act (7 U.S.C. 8306), the Secretary of Agriculture determines that an extraordinary emergency exists because of END, the regulations in this subpart regarding interstate movement shall be applicable to intrastate movement within any State or portion of a State subject to the Secretary's declaration of extraordinary emergency until such time as the Secretary terminates that declaration.

Done in Washington, DC, this 7th day of January, 2003.

Bobby R. Acord,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 03–573 Filed 1–10–03; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–250–AD; Amendment 39–13013; AD 2003–01–02]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD),

applicable to certain Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) series airplanes, that requires replacement of the existing smoke detectors in the cargo compartment with new, improved smoke detectors. This amendment is prompted by mandatory continuing airworthiness information from a civil airworthiness authority. The actions specified by this AD are intended to prevent false smoke warnings from the smoke detectors in the cargo compartment. A false smoke warning prompts the flightcrew to discharge fire extinguisher bottles, leaving those bottles depleted in the event of an actual fire. Repeated false smoke warnings create uncertainty as to whether an emergency landing and emergency evacuation of passengers and flightcrew is warranted.

DATES: Effective February 18, 2003.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of February 18, 2003.

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Dan Parrillo, Aerospace Engineer, ANE–172, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; telephone (516) 256–7505; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Bombardier Model CL–600–2B19 series airplanes was published as a second supplemental notice of proposed rulemaking (NPRM) in the *Federal Register* on August 16, 2002 (67 FR 53525). That action proposed to require replacement of the existing smoke detectors in the cargo compartment with new, improved smoke detectors. That action also proposed to include spare part information.