

**STATE OF NEW YORK  
DEPARTMENT OF AGRICULTURE AND MARKETS**

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IN THE MATTER OF ISSUANCE OF AN ORDER TO ADDRESS THE DETECTION AND THE RISK OF THE SPREAD OF HIGHLY PATHENOGENIC AVIAN INFLUENZA IN LIVE POULTRY MARKETS IN THE COUNTIES OF KINGS, QUEENS, NEW YORK, RICHMOND, BRONX, NASSAU, SUFFOLK AND WESTCHESTER

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**NOTICE AND ORDER  
OF DEPOPULATION OF  
POULTRY IN LIVE BIRD  
MARKETS WHERE HIGHLY  
PATHENOGENIC AVIAN  
INFLUENZA IS OR HAS BEEN  
DETECTED; THE REQUIRED  
SELL DOWN OF POULTRY  
LOCATED IN FACILITIES  
WHERE NO DETECTIONS HAVE  
OCCURRED; AND THE  
DECONTAMINATION OF ALL  
LIVE BIRD MARKETS**

**WHEREAS**, highly pathogenic avian influenza virus A (known as H5N1 or hereinafter "HPAI") is a specific subtype of influenza virus that can infect wild birds, poultry, cows, other mammals and humans; and

**WHEREAS**, HPAI is a contagious viral disease that is known to be deadly to domestic poultry and has been transmitted within and between farms and live bird markets; and

**WHEREAS**, there are approximately 80 live bird markets in the counties of Manhattan, Kings, Queens, Bronx, Richmond, Nassau, Suffolk, and Westchester, forming part of a complex system of production flocks and dealers/haulers, which are subject to extensive surveillance to detect influenza strains that are particularly dangerous to animals and humans (H5N1 and H7 subtypes); and

**WHEREAS**, on January 31, 2025, surveillance testing of the live bird markets detected HPAI in a market in Queens and on February 3, 2025, additional HPAI detections were found in a market in the Bronx, and on February 4, additional HPAI detections were found in the Bronx, Brooklyn, and Queens; and

**WHEREAS**, the Department of Agriculture and Markets (the "Department") has received reports from market owners and distributors in the greater New York metropolitan area of large die-offs of birds in live markets, which reports are being investigated; and

**WHEREAS**, HPAI has resulted in the deaths of nearly 150 million birds in the United States since the start of this outbreak in February 2022 and is a serious threat to the New York State poultry industry; and

**WHEREAS**, avian influenza is typically spread by an uninfected bird coming into contact with an infected bird or that bird's bodily fluids and/or secretions, and

**WHEREAS**, live bird markets display poultry to retail customers in close proximity with each other, and in a way that permits contact with each other and with each other's bodily fluids and secretions; and

**WHEREAS**, employees of live bird markets can work in more than one market, customers may shop in multiple bird markets, and distributors make deliveries to multiple markets, potentially further spreading HPAI; and

**WHEREAS**, HPAI has spread to livestock and other mammals, including cats and humans; and

**WHEREAS**, the CDC states the risk to people is low (there have been nearly 70 human infections with HPAI); and

**WHEREAS**, while the reported HPAI infections in humans have been mild so far, except for one fatality, there is a concern that the current HPAI virus could mix and recombine with a human flu virus and result in a more virulent virus that could be transmitted from person-to-person; and

**WHEREAS**, the best strategy for protection of animal health and public health in this state and beyond is to put an immediate stop to spread of this virus; and

**WHEREAS**, for a complete break in HPAI virus transmission, it is necessary and essential to conduct a temporary shutdown of the live bird markets as follows: (1) all markets with birds showing clinical signs of HPAI shall be investigated and their birds tested for HPAI; (2) where there is a confirmed positive detection of HPAI, all birds at the location shall be depopulated and disposed of in a sanitary manner and the premises thoroughly cleaned and disinfected in all areas where birds have been harbored, followed by at least a 5-day fallow period; (3) where there has been no HPAI infection, bird markets shall have three days within which to sell or otherwise dispose of all poultry and the premises thoroughly cleaned and disinfected in all areas where the birds have been harbored, followed by at least a 5-day fallow period; and (4) all bird markets shall remain closed until the bird market passes a cleaning and disinfection inspection by a Department Animal Health Inspector.

**NOW, THEREFORE, BASED UPON THE FOREGOING, I, RICHARD A. BALL, COMMISSIONER OF AGRICULTURE AND MARKETS OF THE STATE OF NEW YORK**, hereby find that to prevent the further spread of highly pathogenic avian influenza to New York State's poultry population in the City of New York and the Counties of Nassau, Suffolk, and Westchester, it is necessary take the following emergency action to ensure that the spread of this highly contagious disease does not spread to other live bird markets in the affective areas and beyond, and, therefore,

**ORDER**, that pursuant to subdivisions (1) and (2) of Agriculture and Markets Law section 72, that:

1. No poultry shall be delivered to live bird markets or distributors covered by this Order from February 7, 2025 through February 14, 2025.
2. Any live bird market or poultry distributor that harbors birds exhibiting clinical signs of HPAI shall immediately report such observations to the Department of Agriculture and Markets using the form attached as Exhibit A, for the purposes of a mandatory investigation and testing by the Department.
3. Live bird markets that harbor birds that test positive for HPAI shall be depopulated; undergo cleaning and disinfection and, following the cleaning and disinfection, shall remain empty of birds for five (5) days, at a minimum.
4. Live bird markets that harbor birds that test positive for HPAI shall remain closed until the market passes cleaning and disinfection inspection (“C&D Inspection”) by a Department Animal Health Inspector.
5. All live bird markets in the counties of New York, Kings, Queens, Bronx, Richmond, Westchester, Suffolk, and Nassau counties that are not harboring birds with clinical signs of HPAI shall have no more than three (3) days to sell down all inventory and then shall close for an additional five (5) days following cleaning and disinfection procedures. The sell down period shall begin on February 7, 2025, and be completed on February 9, 2025. Following cleaning and disinfection, the fallow period shall begin on February 10, 2025, and extend through February 14, 2025, at a minimum.
6. Live bird markets that were not harboring birds with clinical signs of HPAI shall remain closed until the market passes C&D inspection by a Department Animal Health Inspector.
7. Cleaning and disinfection, as required by this Order, shall consist of:
  - a. the removal of all organic debris from all equipment, caging, flooring, etc.; and
  - b. all surfaces shall be cleaned with soap or detergent and rinsed with water and shall be saturated with disinfectant in accordance with the manufacturer’s label. A disinfectant labeled effective against avian influenza shall be used.

Dated: Albany, New York

February 6, 2025



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**RICHARD A. BALL**, Commissioner