

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

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

**NOTICE AND ORDER
OF TESTING REQUIREMENTS
FOR ALL POULTRY MOVING TO
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 82 live bird markets forming part of a complex system that also includes production flocks and dealers/haulers, which are subject to extensive surveillance to detect influenza strains that are of particular concern to animal and human health (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, 2025, 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 require additional testing and inspection of the source flocks for clinical signs of HPAI;

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

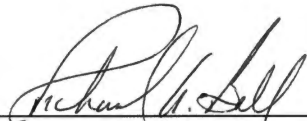
For purposes of moving poultry into a live bird market, all poultry shall only originate and move from a source flock, in which a minimum of 30 birds, or all birds for flocks less than 30 birds, aged seven days or older, have tested negative for avian influenza, as described below:

a. All gallinaceous poultry and domestic ducks shall be tested using real-time Reverse Transcription-Polymerase Chain Reaction (rRT-PCR) method. The date of sample collection shall be within 72 hours prior to the date of entry into the New York live bird marketing system, and the shipment must be accompanied by a copy of the finalized laboratory report indicating that the poultry tested negative for avian influenza.

b. Waterfowl, other than domestic ducks, shall be tested using the virus isolation method. Because negative avian influenza virus isolation results are not expected within 72 hours of sample collection, prior written notice and approval for movement of these bird shall be obtained from a Department veterinarian.

c. All avian influenza testing described herein must be conducted at a National Animal Health Laboratory Network (NAHLN) laboratory.

Dated: Albany, New York
February 19, 2025



RICHARD A. BALL, Commissioner