

900 Poultry and Animal Health

901 Poultry Disease Prevention Regulations

1.0 Authority.

This regulation is written under the authority of 3 Del.C., Ch. 63 and Ch. 71, and §§ 6301 and 7101.

2.0 Purpose.

- 2.1 The commercial poultry industry in the State of Delaware is of vital economic importance to the state's agricultural community. The threat of serious poultry diseases, such as avian influenza or exotic New Castle Disease, necessitates the promulgation of new regulations aimed at safeguarding poultry flocks in Delaware from the introduction of these or other diseases.
- 2.2 The following proposed regulations will apply to the specific categories of poultry as noted.

3.0 Definitions.

The following words and terms when used in these regulations mean:

“Commercial Poultry” means poultry wholly owned by a corporate enterprise that controls the entire growing cycle of the birds, from the breeder flock to the processing plant.

“Completely Clean” means free of all organic material.

“DDA” means the Delaware Department of Agriculture.

“Integrated Poultry Company” means a corporate enterprise that controls the entire growing cycle of its own birds from the breeder flock to the processing plant.

“Non-commercial Poultry” means all other species and classes of poultry other than those defined as commercial poultry. Examples include but are not limited to: hobby or pet poultry exhibition poultry, poultry for the owner's own consumption, poultry for trade or resale, etc.

“Persons” means individuals, incorporations, businesses and cooperatives.

“Physical Plant” means the permanent structure of a building or place including walls, floors, ceilings, crates, coops, other enclosures that may become contaminated with infectious material.

“Poultry Dealer” means a person or corporation that consistently purchases three or more lots of poultry during a week and resells such poultry within one month of purchase.

“Poultry Producer” means any person who owns or operates a poultry producing premise for shares in the profits and risks of loss from such premise, and who grows, raises, feeds or produces said agricultural commodity in Delaware.

“Poultry Producing Premises” means any location in Delaware where live poultry is kept.

4.0 Registration.

- 4.1 In order to be able to quickly notify all poultry producers in the state of a potential or existing disease threat, the (DDA) will require the registration of all premises in Delaware where live poultry is kept. This will allow information regarding disease scenarios to be sent in a timely manner to all poultry producers.
- 4.2 The registration form, available from DDA, shall include at a minimum the following information:
 - 4.2.1 Name,
 - 4.2.2 Address,
 - 4.2.3 Telephone number of owner/producer,
 - 4.2.4 Type and number of the poultry being raised,
 - 4.2.5 The geo-reference coordinates (latitude/longitude state plane coordinates NAD 83) of the chicken house(s) ;(if not available, DDA will provide), and
 - 4.2.6 The general purpose for which they are kept (hobby, show, own consumption, eventual sale, etc.).
- 4.3 This registration is also in anticipation of the forthcoming national animal premises identification system. Forms will be provided by the Department of Agriculture and when completed, must be returned to that agency. Other timely information may also be sent to registrants.

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5.0 Sale Or Transfer Of Poultry Leaving The State.

Owners of commercial or privately owned poultry leaving the State of Delaware and whose cargo changes ownership outside the State of Delaware must abide by the following provisions:

- 5.1 Complete and accurate records must be maintained including the name, address and telephone number of the purchaser, the number, species and weight of the poultry to be sold and the date of the sale. These records, invoices or receipts must be retained for at least one year.
 - 5.1.1 All vehicles, crates, coops and footwear must be in a completely clean condition before being used to load poultry from a Delaware farm. Department personnel will have the authority to inspect all vehicles and equipment prior to use. Unsatisfactory inspections will result in an immediate refusal to allow loading of the poultry.
 - 5.1.2 After the poultry has been unloaded at an out of state location, and prior to its return into the State of Delaware, it will be necessary to completely clean the entire vehicle, including the inside floorboard and pedals by using (commercial) truck washing personnel and equipment.
 - 5.1.3 In addition, all coops, crates, and footwear must be individually washed and completely cleaned and disinfected by commercial equipment before being loaded onto a vehicle and returning to the State of Delaware. A receipt from a company, approved by the DDA to perform this service, must be obtained by the transporter and kept in the vehicle for inspection by Department personnel. DDA personnel will have the authority to inspect all vehicles and equipment as deemed necessary. These receipts must be kept for a period of at least one year.
 - 5.1.4 Poultry transported out of the state for the purpose of sale or change of ownership and brought back into Delaware is prohibited and will result in the quarantine of the entire flock. The foregoing quarantine will be in effect until sufficient diagnostic testing has been completed to ensure that no serious diseases have been introduced. The conclusion by the DDA that the returned poultry has introduced a serious poultry disease may result the destruction of the entire flock.
 - 5.1.5 It shall be the responsibility of the owner (individual or corporation) of the birds to obtain all pertinent information from the state of destination regarding any health diagnostic testing or inspection requirements that must be fulfilled prior to the birds leaving the Delaware farm. Furthermore, it will be the owner's responsibility to make the necessary arrangements with the approved diagnostic laboratory, accredited veterinarian or other persons needed to provide the official documentation necessary to satisfy these requirements.

6.0 Selling Or Trading Poultry In Delaware.

- 6.1 Livestock/poultry auctions or poultry swap meets taking place within the State of Delaware will be authorized to sell live poultry if they abide by certain requirements imposed by the DDA. To be authorized, the auction or other entity organized for the sale, barter or trade of live poultry must abide by the following:
 - 6.1.1 Allow DDA full access to all premises, grounds and buildings where poultry is being kept or offered for sale.
 - 6.1.2 Keep complete and accurate records of names, addresses, type and number of poultry from all consignors. The same information must be recorded for all buyers whether paying cash or making other arrangements for payment. These records must be maintained for at least one year.
 - 6.1.3 Notify the Department of any purchasers at the auction/sale that would be considered a dealer. The person who meets the conditions of being a poultry dealer will be required to purchase a livestock/poultry dealer's license and to comply with the provisions thereof.
 - 6.1.4 Allow Department personnel full access to inspect all lots of poultry offered for sale, trade or barter. If, in the opinion of Department personnel, a lot of poultry exhibits signs of sickness or extremely poor husbandry as to be deemed a possible disease threat, the entire lot will be condemned, confiscated, humanely destroyed and diagnostic tests performed to determine the possible presence of a serious infectious diseases.
- 6.2 The vehicles, crates and coops of all poultry dealers coming to auctions/sales within the State of Delaware from out of state must have been completely cleaned and disinfected before coming into this state. Department personnel may inspect all equipment and any findings of incomplete cleanliness of the vehicle, coops or crates will be cause to prevent that dealer from remaining at the auction and purchasing any poultry or livestock.

6.3 The physical plant, floors, cages and other equipment used to house or transport poultry must be completely cleaned and disinfected after each sale. This procedure must be completed at least two working days prior to the next sale so that Department personnel may inspect the facilities, if desired. If the cleaning and disinfecting procedure is deemed unsatisfactory, management will be notified and given the opportunity to remediate the situation. Failure to do so will result in the cancellation of the next scheduled poultry auction/sale.

7.0 Non-Commercial Poultry Leaving The State Of Delaware And Returning Under The Same Ownership.

- 7.1 These flocks are strictly non commercial poultry of a hobby nature. Owners of this class of poultry must comply with the following regulations:
- 7.1.1 All Delaware show bird exhibitors will be responsible for being completely familiar with the poultry health requirements of the state and the particular show which they are attending.
 - 7.1.2 All crates and coops used to transport the birds must be of such construction and material to be completely cleaned and disinfected before returning to this state. A small, plastic pump up sprayer could be used for this purpose. All four vehicle tires and floor board pedals must also be cleaned.
 - 7.1.3 Any newly obtained poultry originating from a state that has had a case of Avian Influenza or other serious infectious poultry disease within the past six months, must be tested by an official state laboratory using an officially recognized test no more ten days prior to that bird entering Delaware.
 - 7.1.4 Each poultry producer bringing birds back into Delaware for re-entry into his flock must abide by a set of biosecurity procedures aimed at minimizing the possibility of spreading a poultry disease contracted at a show to the remainder of his flock or to other flocks in the nearby area.

8.0 Commercial Poultry.

- 8.1 The following requirements will be imposed on all commercial poultry companies/growers:
- 8.1.1 Complete a poultry producer registration form (as described above) for each farm owned or operated by an individual or corporation who produces poultry for an integrated company.
 - 8.1.2 Submit a plan, signed, approved and verified by the integrated company, for the in-place in-farm disposal method of normal day to day mortality for each separate commercial poultry producing farm.
 - 8.1.3 The transport of any poultry which is owned by an integrated poultry company to a public sale or auction is strictly prohibited.
 - 8.1.4 In an attempt to minimize the establishment of new back yard poultry flocks, the commercial poultry companies will instruct catching crews to catch and load all live birds and/or killed culls from every house. If any birds are left in a house, they must be caught and humanely destroyed within 48 hours of when the flock left.

9.0 Violations And Hearing Procedures.

- 9.1 Failure to comply with these regulation may result in the assessment of a civil penalty.
- 9.2 No civil penalty shall be imposed until an administrative hearing is held before the Secretary of Agriculture or his or her designee. Administrative hearings for the provisions of this chapter shall be conducted within 30 days of the violation of this chapter. The Department shall issue a decision in writing to the person(s) charged with a violation of this chapter within 30 days of the conclusion of the administrative hearing.
- 9.3 The person(s) charged with a violation of this chapter will be notified in writing of the date and time of the aforementioned administrative hearing. The aforementioned person(s) shall have the right to appear in person, to be represented by counsel and to provide witnesses in his or her own behalf.
- 9.4 The Secretary, for the purposes of investigation of a possible violation of this chapter and for its hearings, may issue subpoenas, compel the attendance of witnesses, administer oaths, take testimony and compel the production of documents. In case any person summoned to testify or to produce any relevant or material evidence refuses to do so without reasonable cause, the Department of Agriculture may compel compliance with the subpoena by filing a motion to compel in Superior Court which shall have jurisdiction over this matter.
- 9.5 The Department shall preserve a full record of the proceedings and a transcript may be purchased by any interested person.

10.0 Appeal.

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Any party, including an individual or corporation, that feels aggrieved by decision of the Secretary or his or her designee after an administrative hearing may take appeal to the Superior Court within thirty days of the date the decision is mailed to that party by the DDA. After a full hearing, the Court shall make such decree as seems just and proper. Written notice of such appeal, together with the grounds therefore, shall be served upon the Secretary of the DDA.

11.0 Civil Penalties.

- 11.1 It shall be unlawful for any person to interfere with the DDA in its effort to enforce these regulations and will subject the violator to a civil penalty of no less than \$100 nor more than \$1,000 per proven violation.
- 11.2 It shall be unlawful for any person to violate a quarantine order issued by the DDA and will subject the violator to a civil penalty of no less than \$1,000 nor more than \$5,000 per proven violation.
- 11.3 The payment of penalties assessed under these regulations may be made on a payment schedule approved by the Secretary of the DDA.
- 11.4 A person who violates an emergency order of the Secretary of DDA or his or her designee exposes themselves to a civil penalty of no less than \$1,000 nor more than \$5,000 per proven violation.

7 DE Reg. 1691 (6/1/04)