

Arkansas Livestock & Poultry Commission
Effective September 1, 1987
Taylor H. Woods, D.V.M. Director

Act 413 of 1987 and Act 150 of 1985

REGULATION PRESCRIBING THE PROCEDURES FOR CONDEMNING A DISEASED POULTRY FLOCK

This regulation is promulgated by the Arkansas Livestock and Poultry Commission pursuant to authority granted in Act 413 of 1987 and ' 1 of Act 150 of 1985 (compiled at Ark. Stat. Ann. ' 78-475 [1985 Cum Pocket Supp.]).

The Commission hereby delegates to the state veterinarian its authority to determine that any flock of chickens, turkeys, ducks, geese or other poultry is diseased and that such flock should be destroyed and properly disposed of to prevent the spread of disease; to negotiate and buy such flock; and, to condemn the diseased flock and dispose of it.

Part I - Exotic Diseases and Ornithosis

Scope: Part I of this regulation concerns exotic diseases as defined by the federal government - APHIS plus ornithosis which is a public health hazard.

Mandatory Reporting: Any person, partnership, corporation or diagnostic laboratory having knowledge that a poultry flock is infected with an exotic disease shall immediately report such information to the state veterinarian at telephone number 501-225-5138.

Order of Quarantining: If the laboratory diagnostician suspects an exotic disease or ornithosis, he shall ask the state veterinarian to quarantine the flock.

Confirmation and identification of the disease: The state veterinarian may direct that employees of the Livestock and Poultry Commission conduct further tests of the suspect flock to identify and/or confirm the existence of exotic disease. NVSL's (National Veterinary Services Lab) results will provide the confirmation necessary for this regulation to be carried out.

Order for Destruction: Once there has been confirmation that a poultry flock is infected with an exotic disease or ornithosis, the state veterinarian will enter an administrative order directing the destruction of the flock.

Method of Destruction: The poultry flock shall be disposed of by employees or agents of the Commission using approved methods designed to prevent further spread of the disease.

Proper Cleaning and Disinfecting - Rodenticides and Insecticides: The producer shall clean and disinfect premises with the proper cleaners and disinfectants and use rodenticides and insecticides approved by USDA-APHIS for that disease.

Repopulation of house: House will lay vacant after cleaning and disinfecting and after the use of rodenticide and insecticides for the length of time required by USDA-APHIS. Source of birds will be approved by USDA and/or the state veterinarian.

Offer of Compensation: The state veterinarian will negotiate with the owner of the affected flock. The state veterinarian, after consultation with the Arkansas Poultry Federation, may make an offer of compensation to the flock owner.

Hearing on the Issue of Compensation: If the state veterinarian and the poultry producer cannot arrive at an agreed settlement price, the Arkansas Livestock and Poultry Commission, in public meeting, will hold a hearing on the issue of compensation. The purpose of this hearing shall be to assure the flock owner fair compensation for the birds destroyed. The Commission will hear testimony of the flock owner and any witnesses he desires to present as well as testimony of employees of the Commission and other interested parties. Based upon the sworn testimony, the Commission will make a determination of the amount to be awarded as compensation.

Appeal: The award of compensation is an adjudicatory decision of the Arkansas Livestock and Poultry Commission and is appealable to circuit court under Arkansas Administrative Procedures Act.

Part II - Other Pathogenic Diseases

Scope: Part II of this regulation concerns pathogenic diseases which include but are not limited to:

Mycoplasma Gallisepticum (MG);
Mycoplasma Synoviae (MS);
Mycoplasma Meleagridis in turkeys (MM);
Infectious Laryngotracheitis (ILT);
Salmonella Pullorum;
Salmonella Typhimurium.

Reporting: Any person, firm, or corporation having suspicion that a flock of poultry is infected with a pathogenic disease other than those in Part I of this regulation may report such fact to the state veterinarian at phone number 501-225-5138.

Confirmation and Identification of the Disease: The state veterinarian may direct that employees of the Livestock and Poultry Commission conduct further tests of the suspect flock to identify and/or confirm the existence of other pathogenic diseases. The state veterinarian, after consultation with the Arkansas Poultry Federation, shall determine whether the animal health problem is of sufficient magnitude to warrant the initiation of negotiations to depopulate the flock. Negotiations will be handled by employees of the Livestock and Poultry Commission, in consultation with the Arkansas Poultry Federation.

Order for Destruction: If the state veterinarian, after consultation with the Arkansas Poultry Federation, determines that the other pathogenic diseases cause a grave danger to the poultry industry of the township in which the flock is located, he will enter an order directing the disposal of the flock by approved methods.

Method of Destruction: The poultry flock shall be disposed of by employees or agents of the Commission using approved methods designed to prevent further spread of the disease.

Offer of Compensation: The state veterinarian will negotiate with the owner of the affected flock. The state veterinarian, after consultation with the Arkansas Poultry Federation, may make an offer of compensation to the flock owner.

Hearing on Compensation: If the parties are unable to settle the issue of compensation by mutual agreement, a hearing will be conducted as is provided for in paragraph 1.10 above.

Part III - Repopulation Where Flock is Condemned or Bought Out

If a flock of birds is condemned or bought out pursuant to the authority of Act 413 of 1987, flock owner must clean and disinfect and use rodenticide and insecticides as recommended by USDA-APHIS and/or the state veterinarian. Facility shall be left vacant for a minimum of 30 days, or shorter time if approved by the state veterinarian. Furthermore, it is hereby required that the birds purchased to repopulate must have valid health papers showing them to be free from the disease.