

Federal Order Requiring Additional Testing for and Reporting of Highly Pathogenic Avian Influenza (HPAI) in Livestock and Milk

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The United States Department of Agriculture's (USDA), Animal and Plant Health Inspection Service (APHIS) is requiring additional measures to prevent further spread of highly pathogenic avian influenza (HPAI). HPAI is a contagious viral disease of domestic poultry and wild birds that are deadly to domestic poultry and can wipe out entire flocks within a matter of days. HPAI is a threat to the poultry industry, animal health, human health, trade, and the economy worldwide. In the United States, HPAI infection in dairy cattle has been identified as a cause of decreased milk production and other signs of illness impacting dairy cattle welfare and productivity.

This Federal Order is issued in accordance with the regulatory authority provided by the Animal Health Protection Act (AHPA), as amended, 7 U.S.C. § 8301 et seq. Section 8308 authorizes the Secretary of Agriculture to carry out operations and measures to detect, control, or eradicate any pest or disease of livestock. Section 8315 authorizes the Secretary of Agriculture to issue orders as the Secretary determines necessary to carry out the Animal Health Protection Act. Data collected over the past 7 months indicates that virus can be transmitted on equipment, people, or other items that move from farm to farm, including between dairies and poultry facilities. Expanded disease surveillance provides more data to detect disease, understand virus prevalence, and inform focused response efforts as part of a broader strategy for containing and ultimately eliminating the virus. (7 U.S.C. §§ 8301, 8305, 8308, 8310, 8315).

Should this Order be deemed a substantive rule, APHIS has determined that good cause exists to implement these additional requirements without notice and comment, as evidence has shown that raw, unpasteurized milk is a vehicle for the spread of the HPAI H5N1 virus, as described in more detail below. Further delay would allow ongoing disease spread, multiplying the potential harm to livestock, poultry, the associated industries, and, potentially, human health.

On February 8, 2022, the U.S. Department of Agriculture (USDA) confirmed HPAI H5N1 virus in a commercial poultry flock in the United States. Since February 2022, USDA has worked with states and poultry producers to promptly identify and respond to over 1,200 HPAI detections on poultry farms and mitigate the virus' impact on U.S. poultry production and trade. Since late March 2024, the USDA, Food and Drug Administration, Centers for Disease Control and Prevention, state veterinary and public health officials and the National Animal Health Laboratory Network (NAHLN) laboratories have been investigating and responding to the emergence of the HPAI virus in dairy cows.

On April 24, 2024, USDA issued a "[Federal Order Requiring Testing for and Reporting of Highly Pathogenic Avian Influenza \(HPAI\) in Livestock](#)". Effective Monday, April 29, 2024, that Federal Order required mandatory testing for interstate movement of dairy cattle, epidemiological information for cattle that test positive, and mandatory reporting of positive test results for influenza A in any livestock species.

Current HPAI testing conducted under the April 24, 2024 Federal Order has identified

unpasteurized milk as a vehicle for carrying the disease across state lines, and subject to measures to detect disease in accordance with the AHPA. Specifically, laboratory testing has confirmed high quantities of the HPAI H5N1 virus in raw (unpasteurized) milk, creating opportunities for transmission within herds when animals have contact with unpasteurized milk. While many factors contribute to transmission between premises, small amounts of unpasteurized milk from affected animals can harbor high levels of virus and can be easily spread among dairy farms and between dairy and poultry farms through the movements of people, vehicles, trucks, and other animals including non-migratory birds. Poultry are much more susceptible to small amounts of virus that results in infection, which increases the potential for ongoing disease spread. Additionally, while studies have confirmed pasteurized milk and dairy products are safe, raw, unpasteurized milk consumption remains a risk for multiple diseases including HPAI.

In order to continue to monitor and understand the extent of this virus and reduce the risk of further spread of the HPAI virus, resulting in greater threats to poultry and livestock, this Federal Order requires testing of raw (unpasteurized) milk to detect and provide data for the control and eradication of HPAI. Samples will be collected at facilities that ship, receive, or transfer bulk raw (unpasteurized) cow's milk intended for pasteurization.

This new Federal Order does not override or supersede the [April 24th Federal Order](#) which still requires the mandatory testing of all dairy cattle moving interstate, as well as the reporting of any positive results.

Mandatory Testing of Milk

- Upon request from APHIS, any person responsible for a dairy farm, bulk milk transporter, bulk milk transfer station, or dairy processing facility that sends or holds raw (unpasteurized) milk intended for pasteurization must allow APHIS or its cooperators to obtain raw milk in a quantity sufficient to test for HPAI virus.

Mandatory Reporting

- Laboratories and state veterinarians must report positive influenza A nucleic acid detection results (e.g., polymerase chain reaction (PCR) test or genetic sequencing) in diagnostic samples obtained from livestock, including raw (unpasteurized) milk, to USDA APHIS.
- Owners of herds from which milk tests positive for HPAI will be required to provide basic epidemiological information, including information about animal movements in and out of the herd.

For more information regarding this Federal Order go to [HPAI Detections in Livestock Page](#).