

# Congress of the United States

Washington, DC 20515

May 2, 2024

Dr. Michael Watson  
Administrator  
USDA APHIS  
1400 Independence Ave, SW  
Washington, D.C. 20250

Dear Dr. Watson:

As Members of Congress representing poultry producing states across the country, we write to stress the urgent need for USDA's Animal and Plant Health Inspection Service (APHIS) to prioritize petitioning the World Organization for Animal Health (WOAH) to revise its definition of "poultry" so as to ensure continued commercial poultry exports in the event of a detection of highly pathogenic avian influenza (HPAI) in a non-commercial backyard flock or a hunting preserve.

The current WOAH definition fails to appropriately distinguish commercial poultry involved in international trade from backyard or wild birds posing minuscule trade transmission risk.<sup>1</sup> Over a year ago, the United States Animal Health Association (USAHA) proposed a reasonable definition change that would rightly recognize neighbors gifting backyard poultry eggs to others as non-commercial. It would also exclude birds that are raised to be released at hunting preserves from being considered poultry for international trade purposes.<sup>2</sup>

The current outdated definition is costing America's poultry producers hundreds of millions of dollars in lost exports through unwarranted trade disruptions enabled by WOAH's inadequate definition. There are countless examples across numerous states of isolated cases of HPAI detections in backyard or wild birds prompting unnecessary trade bans, even though they pose a miniscule threat of infecting commercial flocks. This past year alone, multiple states across the U.S. suffered nearly \$900 million in disrupted overseas chicken, turkey, and egg sales.<sup>3</sup>

Despite the absence of genuine threats to their domestic poultry, China currently maintains bans on 14 U.S. states with zero active outbreaks.<sup>4</sup> Examples of severe trade impacts include Georgia's poultry industry, which is facing an estimated annual loss of \$300 million due to an isolated outbreak in a small duck flock that would never have entered commerce nor have been destined for export.

More examples include North Carolina losing approximately \$113 million due to trade bans, Indiana processors' daily revenue loss is in the hundreds of thousands, California producers losing up to \$80 million per year due to poultry product bans, and Arkansas' overseas revenues falling by over \$44 million year-over-year.<sup>5</sup>

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<sup>1</sup> WORLD ORG. FOR ANIMAL HEALTH [WOAH], The OIE's Standard Setting Work at 87-88 (Sept. 2019), [https://www.woah.org/fileadmin/Home/eng/Internationa\\_Standard\\_Setting/docs/pdf/A\\_TAHSC\\_Sep\\_2019\\_Part\\_C.pdf](https://www.woah.org/fileadmin/Home/eng/Internationa_Standard_Setting/docs/pdf/A_TAHSC_Sep_2019_Part_C.pdf); See also Avian Influenza, WOAH (2023), <https://www.woah.org/en/disease/avian-influenza/>.

<sup>2</sup> UNITED STATES ANIMAL HEALTH ASS'N [USAHA], 2022 USAHA Resolution No. 8 (Oct. 2022), [https://www.usaha.org/upload/Resolution/2022/2022\\_Resolution\\_8\\_Request\\_WOAH\\_.pdf](https://www.usaha.org/upload/Resolution/2022/2022_Resolution_8_Request_WOAH_.pdf).

<sup>3</sup> Tom Polansek, *Bans on US Poultry Shipments Persist Even as Bird Flu Cases Subside*, REUTERS (July 27, 2023), <https://www.reuters.com/world/us/bans-us-poultry-shipments-persist-even-bird-flu-cases-subside-2023-07-27/>.

<sup>4</sup> *Id.*

<sup>5</sup> POULTRY WORLD, *Spotlight on Economic and Public Health Impacts of Bird Flu* (Jan. 3, 2023), <https://www.poultryworld.net/health-nutrition/health/spotlight-on-the-economic-and-public-health-impacts-of-avian-flu/>; See also

Yet, there has been little progress in changing this definition, even as U.S. producers face mounting losses from unwarranted bans over isolated HPAI detections.

We have seen that establishing a distinction between commercial and other poultry flocks can work. Other major poultry exporters like Brazil and Canada have notably received exemptions from import partners to allow trade from unaffected regions, or otherwise claim to be unaffected by these WOAHA rules.<sup>6</sup> Meanwhile, with other exporters securing flexibility, American poultry unfairly shoulders nationwide trade restrictions from an outdated WOAHA definition that does not adequately exclude low-risk sources.

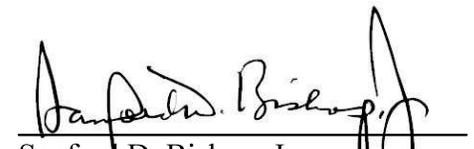
Because WOAHA is not taking prompt action on this important matter, APHIS, as our country's representative to the international body, must elevate this issue as an urgent priority for the sake of our farmers' livelihoods and in order to maintain the value of American agriculture.<sup>7</sup> USAHA's proposed definition change rightly distinguishes backyard and wild poultry populations from the commercial flocks genuinely supplying international trade.

We firmly support this pragmatic change. After over a year of inaction from WOAHA, we strongly encourage you to advance this reasonable proposal to limit subsequent trade disruptions. America's agricultural competitiveness depends on having fair, up-to-date global animal health rules, which would provide our producers with a level playing field. Please inform our offices of your progress by June 15, 2024.

Sincerely,

  
 Andrew S. Clyde  
 Member of Congress

  
 Joni K. Ernst  
 United States Senator

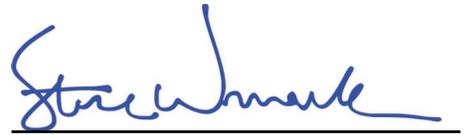
  
 Sanford D. Bishop, Jr.  
 Member of Congress

  
 Christopher A. Coons  
 United States Senator

Samantha Padilla, *Highly Pathogenic Avian Influenza (HPAI) and Trade*, U.S. DEPT OF AGRIC. (FEB. 24, 2023), <https://www.usda.gov/sites/default/files/documents/2023aof-Padilla.pdf>.

<sup>6</sup> See, e.g., Ana Mano, *Brazil Confirms First Ever Avian Flu Cases in Wild Birds*, REUTERS (May 15, 2023), <https://www.reuters.com/business/healthcare-pharmaceuticals/brazil-confirms-2-wild-cases-bird-flu-no-import-ban-expected-2023-05-15/> ("Two cases were detected in wild birds and should not trigger a ban on imports of Brazilian poultry products...according to the Brazilian government."); See also CONSOLIDATED LIST OF RESTRICTIONS IMPOSED BY FOREIGN COUNTRIES AS A RESULT OF AVIAN INFLUENZA IN ALL COMMODITIES – ALL AREAS, INSPECTION.GC.CA (Jan. 3, 2024), <https://inspection.canada.ca/animal-health/terrestrial-animals/diseases/reportable/avian-influenza/latest-bird-flu-situation/restrictions-imposed-by-foreign-countries/eng/1666817801088/1666817801682> ("All poultry, edible poultry meat and poultry products [in Canada] originating outside the Primary Control Zones (PCZs) are eligible for export[.]"); See also Roslan Khasawneh, *Bird Flu Hits Brazil, World's Top Chicken Exporter for the First Time Ever*, AJOT (May 16, 2023), <https://www.ajot.com/news/bird-flu-hits-brazil-worlds-top-chicken-exporter-for-the-first-time-ever> ("For now, export flows of chicken shouldn't be disrupted because the bird flu cases were reported in migratory birds, and buyers of the nation's poultry shipments are unlikely to ban cargoes, Brazil's chicken exporter group, ABPA, said."); See also Kylie Madry, *Brazil, Mexico Eye Regional Avian Flu Plan to Keep Trade Flowing*, REUTERS, Jan. 2, 2024, <https://www.reuters.com/world/americas/brazil-mexico-eye-regional-avian-flu-plan-keep-trade-flowing-2024-01-02/>.

<sup>7</sup> U.S. DEPT OF AGRIC., ANIMAL & PLANT HEALTH INSPECTION SERV. [APHIS], Full Terrestrial Animal Health Code Report, at 4-5 (Sept. 2022), [https://www.aphis.usda.gov/animal\\_health/downloads/oie/2022/terrestrial/full-terr-comm-report-sep-2022.pdf](https://www.aphis.usda.gov/animal_health/downloads/oie/2022/terrestrial/full-terr-comm-report-sep-2022.pdf).



Steve Womack  
Member of Congress



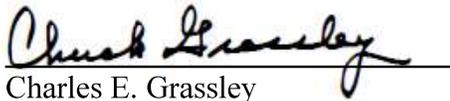
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Rick W. Allen  
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Thomas R. Carper  
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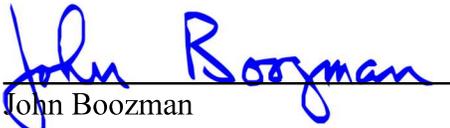
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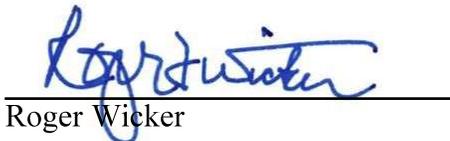
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Barry Loudermilk  
Member of Congress



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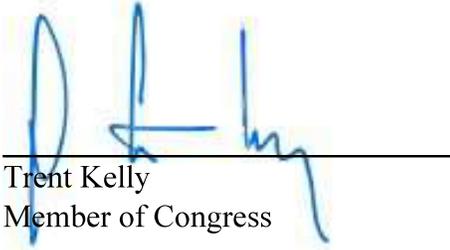
Marjorie Taylor Greene  
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Mike Collins  
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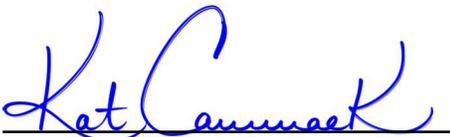
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Ben Cline  
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Donald G. Davis  
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Sheila Jackson Lee  
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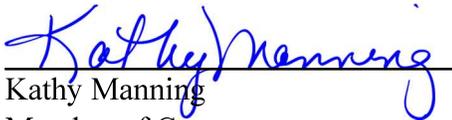
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Ronny L. Jackson  
Member of Congress

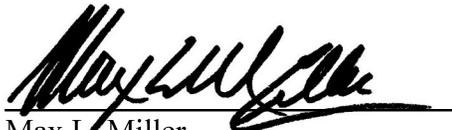


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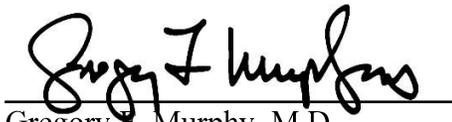
Doug LaMalfa  
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Kathy Manning  
Member of Congress

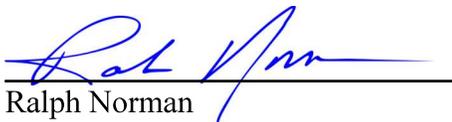
  
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Member of Congress

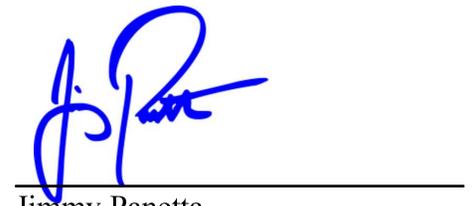
  
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