

DEPARTMENT OF AGRICULTURE

Animal Industry Division

LIVE BIRD MARKET RULE

8 CCR 1201-20

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

Part 1: Introduction

Previous outbreaks of avian influenza (AI) have been associated with considerable economic losses for producers and increased costs to consumers and state and federal government. Losses incurred are the result of increased mortality, decreased production value, depopulation of infected flocks, disposal of carcasses, cleaning and disinfection of infected premises, disease surveillance and testing, institution of quarantine measures and loss of domestic and international trade.

Historically, low pathogenicity avian influenza (LPAI) viruses have repeatedly been isolated from the live bird marketing (LBM) system in the United States. Although LPAI virus infections cause little or no clinical illness in poultry, decreased production, increased mortality and spread of the disease are of significant concern. In addition, LPAI H5 and H7 subtypes have been shown to possess the potential to mutate into high pathogenicity avian influenza (HPAI) subtypes. Avian influenza virus outbreaks, if they occurred today, could cause serious harm to the Colorado commercial poultry industry.

The Colorado Department of Agriculture (CDA) is responsible for protecting the health of the state's poultry flocks and supporting an environment conducive to trade. Our global trading partners are increasingly wary of importing products from countries with LPAI. Such trade concerns, along with the risk of disease transmission posed by the virus circulating in the LBM system, have increased the need to prevent and control avian influenza outbreaks in the LBM system.

In order to protect Colorado poultry from avian influenza and prevent interruptions in trade, State and industry officials must cooperate to actively prevent and control LPAI. In addition, some cases of human infections of HPAI have occurred in other countries in recent years. Therefore, human health would also benefit from a program that prevents the development of HPAI infections through the control of LPAI infections.

Premises and individual flock identification will be important to the success of this rule; therefore, the National Animal Identification System (NAIS) will be an aid in the administration of this rule.

The following goals of this rule apply to all participants in the LBM system, including the suppliers, dealers, haulers, auction markets, wholesalers, and live bird markets. The Colorado Live Bird Market System Program (LBMSP) recognizes three basic components of the LBM system: production units, distribution units, and LBMs.

The three primary goals of the Live Bird Market System Program are to:

1. Diagnose, control, and prevent avian influenza.
2. Help participants to improve biosecurity, sanitation, and disease control in their operations.
3. Minimize the effects of AI outbreaks on the Colorado commercial poultry industry.

Part 2: Definitions and Abbreviations

- A. “Accredited Veterinarian” means a veterinarian approved by the Administrator of United States Department of Agricultural (USDA), Animal and Plant Health Inspection Service (APHIS), in accordance with applicable federal regulations, to perform functions required by State–Federal-industry cooperative programs.
- B. “Agar gel immunodiffusion (AGID) test” means the official serological test for AI in which precipitates are formed by a combination of nonspecific AI antigens and antibodies that diffuse through a gel. A positive reaction indicates exposure to AI virus, but does not indicate a specific subtype. Samples positive by AGID must be further tested and subtyped using the hemagglutination inhibition test. A final decision on the status of an AGID-positive flock should be based on further sampling and testing for the presence of virus through RRT-PCR or virus isolation.
- C. “AI” means avian influenza.
- D. “Animal health official” means an employee of or person under the direct supervision of the Colorado Department of Agriculture (CDA), Colorado State University (CSU) or USDA who has authority to carry out Live Bird Market System Program activities.
- E. “APHIS” means the Animal and Plant Health Inspection Service.
- F. “Approved laboratory” means a State, Federal, university, or private laboratory that has been approved by USDA, APHIS, Veterinary Services (VS), to perform any or all official Live Bird Market System Program tests for AI diagnosis.
- G. “Area Veterinarian in Charge (AVIC)” means the veterinary official of APHIS, VS, assigned by the Administrator to supervise and perform the official animal health programs of APHIS in the State or States concerned.
- H. “Auction market” means a business where producers, dealers, wholesalers, and retailers meet to purchase, trade, or sell live birds.
- I. “Avian Influenza Approved Flock or Premises” means a flock or premises that complies with avian influenza individual bird testing or flock monitoring, as outlined in this rule.
- J. “CDA” means the Colorado Department of Agriculture.
- K. “Certified poultry technician (CPT)” means an individual who has been specially trained in poultry health monitoring and specimen collection by the State, and who is included on an official list of technicians certified by the State to perform inspections and specimen collections.
- L. “Cleaning and disinfection (C&D)” means one of the steps in response to an AI-positive premises that will eliminate AI from the premises. This requires thorough removal of organic material and debris, followed by treatment with the proper concentration of an agent effective in inactivation of AI virus.
- M. “Commingled flock” means poultry from multiple sources that has been assembled for one or more shipments.
- N. “Commission” means the Colorado Agricultural Commission.
- O. “Commissioner” means the Commissioner of the Colorado Department of Agriculture, or the commissioner’s designee.

- P. "Distribution system" means a businesses (such as wholesalers, dealers, haulers, and auction markets) engaged in the transportation and/or sale of poultry to LBMs. These are the links between production flocks and LBMs.
- Q. "Distributor" means any of the businesses or an individual working in any of the businesses within the distribution system serving the LBMs.
- R. "Enzyme-linked immunosorbent assay (ELISA)" means a type-specific serological screening test to determine exposure to AI virus.
- S. "Established flock" means poultry of the same species held together on one premises for at least 21 days or, at the discretion of the State animal health official, any group of poultry on one premises that has been segregated from another group for at least 21 consecutive days.
- T. "H5, H7 LPAI" means low pathogenicity H5 and H7 subtypes of AI virus.
- U. "Hauler/trucker" means a business or individual that transports poultry from producer premises to another supplier premises, to another distributor, or to an LBM.
- V. "High pathogenicity avian influenza (HPAI) virus" means any influenza virus that kills at least 75 percent of 4- to 6-week-old susceptible chickens within 10 days following intravenous inoculation of 0.2 ml of a 1:10 dilution of infectious allantoic fluid; or any H5 or H7 influenza virus that has an amino acid sequence at the hemagglutination cleavage site compatible with HPAI; or any influenza virus that grows in cell culture in the absence of trypsin. This is consistent with the World Organization for Animal Health (OIE) definition and the definition included in federal regulations .
- W. "Infected premises" means a premises that houses a flock(s) that has been confirmed to be positive for AI virus, subtype H5 or H7, by an approved laboratory using an official test.
- X. "Live bird market (LBM)" means any facility that gathers live poultry to be slaughtered and sold onsite. Other end-stage poultry markets in a participating State that are not "slaughter-only" markets will require development and approval of special biosecurity safeguards and inspections to assure that they meet LBMS Standards and are successful in the prevention and control of LPAI.
- Y. "Live Bird Market System Program (LBMS)" means the program operated through CDA, CSU Veterinary Diagnostic Laboratory and USDA to control and reduce outbreaks of avian influenza virus in all components of the live bird markets system.
- Z. "Live bird marketing system (LBM system)" means the LBM system that includes LBMs and their production and distribution systems.
- AA. "Live haul" means a process and the personnel and equipment used in that process, in which live poultry are transported to a different location.
- BB. "Lot" means a grouping of birds within a flock from a NAIS registered premises, arriving to a market at one specific time point.
- CC. "Low pathogenic avian influenza (LPAI) virus" means any AI virus that does not meet the criteria for high pathogenicity.
- DD. "National Animal Identification System (NAIS)" is a program that will be used as the basis for bird identification under the LBMS.

- EE. “National Veterinary Services Laboratories (NVSL)” means the USDA, APHIS, National Veterinary Services Laboratories, which is the national diagnostic reference laboratory for AI.
- FF. “Positive flock” means a flock that has been confirmed to be positive for AI virus, subtype H5 or H7, by an approved test from an approved laboratory. Specimens positive by the AGID test must be further tested by the hemagglutination-inhibition (HI) test and neuraminidase-inhibition (NI) test at the NVSL or an NVSL-approved laboratory. Final judgment on a seropositive flock will be based upon epidemiological data and additional serological and virus (RRT-PCR and virus isolation) testing. The official designation of a flock as infected with H5 or H7 will be made only by the State Veterinarian, following confirmation by the NVSL.
- GG. “Positive sample” means a diagnostic specimen that is: (1) positive for AI virus, subtype H5 or H7, by RRT-PCR, by gene sequencing, or by virus isolation; and/or (2) positive for specific antibodies to AI virus, subtype H5 or H7, but not as a consequence of vaccination. Specimens positive for subtypes H5 and H7 must be confirmed by the NVSL or an NVSL-approved laboratory.
- HH. “Poultry” means any species of domestic fowl (including chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl, and game birds) raised for food production or other purposes.
- II. “Poultry dealers” means individuals in businesses or the businesses themselves concerned with trading birds in the LBM system, acquiring birds from multiple flocks and geographic areas for resale, and/or movement of live poultry between the production system and LBMs.
- JJ. “Poultry waste” includes dead birds, feathers, offal, and poultry litter.
- KK. “Premises identification number” means a unique number obtained from NAIS and assigned by the State animal health official to an LBM, distributor, or production flock. The premises identification number consists of seven characters.
- LL. “Production or supplier flock” means the production facility or farm that is the origin of poultry offered for sale in an LBM.
- MM. “Qualified bird” means an AI-negative bird from a production unit with a unique premises identification number assigned by the State of origin. This bird will maintain its qualified status when only licensed/registered distributors are used between the production unit and the LBM. To maintain its qualified status, it also must not have been commingled with untested birds.
- NN. “Real-time reverse-transcriptase polymerase chain reaction (RRT-PCR)” means an official test to detect the RNA of H5 or H7 subtypes of AI virus.
- OO. “Registration” means the requirement to conduct business in the LBM system. This consists of registration of facilities by the State, allowing for oversight of such facilities as recommended in these standards.
- PP. “Test certificate” means a certificate issued by a State agency based on negative AI test results from an approved laboratory. The certificate bears the unique premises number, test results, and other pertinent information.
- QQ. “USDA” means the United States Department of Agriculture
- RR. “Veterinary Services (VS)” means the division of APHIS charged with animal health activities within the United States.
- SS. “Wholesaler” means a business with a permanent facility that buys birds from producers, distributors, or auction markets, and then trades or resells them.

Part 3: Standards for Live Bird Markets

A. Live Bird Markets (LBMs)

1. Registration and education

- a. A LBM must be registered by the CDA and must comply with the requirements of the LBMSPP. A unique premises identification number will be assigned by the CDA through the National Animal Identification System (NAIS). Information required for an LBM to become registered are as follows:
 - (1) Business name, address, and telephone number;
 - (2) Owner's name, address, and telephone number;
 - (3) Hours of operation;
 - (4) Global Positioning System location;
 - (5) Market capacity (number of birds held at the marketing location);
 - (6) Other LBM facilities under the same ownership, including dealerships, bird transportation businesses, and commercial poultry operations; and
 - (7) A list of all avian species marketed.
- b. As a LBMSPP participant, the LBM must allow access to LBMSPP inspectors and personnel the facility and the birds in the facility during normal business hours for inspection and sample collection and for examination of market records.
- c. LBM owners or managers are responsible for having knowledge of all rules and regulations of the LBMSPP and are required to provide the training necessary to accomplish the execution of this rule.
- d. All personnel that work in the market must be trained in biosecurity procedures as arranged by the owner/manager. Certificates of training will be maintained in personnel files.

2. Bird testing and recordkeeping

- a. Markets shall be responsible for verifying premises and flock identification and obtaining documentation of test-negative status of the flock at the time of receipt of the birds. If records are not available, the birds shall not enter the market.
- b. All birds entering the market will originate only from AI approved flocks and premises.
- c. Records for avian species shall include the date of entry, the premises-of-origin NAIS identification number with lot identifier, the number and species of birds in the lot, the distributor registration number and the date of sale.
- d. All records shall be maintained for a minimum of 12 months from date of entry of the bird(s)/flock into the market.

3. Market sanitation and biosecurity

- a. A biosecurity protocol shall be developed by the LBM and approved by the LBMSPP. Employees shall be required to follow biosecurity protocols. Biosecurity protocols shall include, but not be limited to, the following minimum requirements:
 - i. Transfer of the birds from shipping crates/cages into the market shall take place in a designated transfer area/room at the periphery of the facility. This transfer area shall be cleaned and disinfected in between deliveries.
 - ii. Distributors or persons delivering live birds to the market shall deliver birds into the designated transfer area/room but shall not enter into the retail area of the market
 - iii. All market personnel entering the designated transfer area/room shall walk through a disinfectant foot bath/pad using an approved disinfectant.
 - iv. Crates/cages and other transport supplies shall not enter the retail market area.
 - v. Market crates and cages shall be constructed of plastic or metal. Wood crates and cages shall not be used to house birds in the market.
 - vi. Protocols shall provide detailed information on market cleaning and disinfection procedures.
 - vii. All sanitation and biosecurity protocols shall be in written form and be made available to all live bird market employees and upon request to LBMSPP personnel.
- b. LBM environments and crates shall be kept in clean and sanitary conditions at all times, as defined by the biosecurity protocol.
- c. Once delivered to a LBM, birds shall be killed and processed before leaving the facility.
- d. LBMs are required to undergo regular, periodic closures with depopulation and complete sanitation, cleaning and disinfection (C&D), and downtime. The closures should occur at least quarterly with a minimum of 24 hours of downtime. Closures shall be scheduled with the LBMSPP at least two weeks prior to the event. The market must be inspected and approved by LBMSPP personnel before being allowed to reopen.
- e. Poultry waste shall be placed in plastic bags, sealed, and disposed of daily according to the LBM protocol.
- f. Birds from production units shall not be sold directly to LBMs unless the LBM owner or manager is also registered as a distributor, with the necessary LBMSPP approval for protocols and equipment to ensure effective C&D of conveyances and equipment.

4. Market surveillance

- a. LBMs and birds housed within the market may be tested for avian influenza virus by the LBMSPP at any time, but they shall be tested as determined by the LBMSPP personnel or at least quarterly.

- b. Specimens collected for testing may include swab samples collected from live birds or the environment within the LBM; swabs collected on arrival from birds, conveyances, and crates; blood samples from birds; and swabs or tissues from sick and dead birds detected in the LBM.
- c. LBMs shall notify LBMSPP personnel of any increases in illness or mortality within 48 hours.

5. Market positives

- a. LBMs that test positive on RRT-PCR or virus isolation at an approved laboratory will undergo mandatory market closure by the LBMSPP. Markets will be required to depopulate and perform C&D, but may first be allowed up to 5 calendar days to sell down its bird inventory, if such action is deemed appropriate by the State Veterinarian. No additional birds will be allowed to enter the LBM following the notification of positive status and throughout the sell-down period.
- b. Before the LBM can reopen for business, it must pass inspection by LBMSPP personnel. Environmental samples may be taken for testing at this time, but the LBM may be allowed to reopen while it awaits environmental test results. If results are positive, the LBM will again be required to close (with up to 5 days to permit sell-down, if appropriate) and will again perform C&D procedures within the next 24 hours, followed by inspection and retesting.
- c. When birds are found to be positive in the LBM or upon delivery into the market, an investigation will be initiated. This may require use of market records in order to conduct appropriate tracebacks to determine where the positives are occurring in the system.

B. Poultry Distributors

1. Registration and education

- a. Poultry distributors (consisting of dealers, haulers, the live haul process, auction markets, and wholesalers) must be registered in each state in which they conduct business. This includes the states from which birds are acquired, as well as the states that have LBMs to which the birds are sold or delivered. The distributor's business premises will be given one unique identification number through NAIS in the state in which it is located. This identification number will be used when the distributor registers in other states. Information required for a distributor's license includes:
 - (1) Business name, address, and telephone number;
 - (2) Owner's name, address, and telephone number;
 - (3) Hours of operation;
 - (4) Global Positioning System location of premises or residence;
 - (5) Bird capacity;
 - (6) Other businesses under the same ownership in the LBM system, including other dealerships, bird transportation businesses, and commercial poultry operations; and

(7) A list of all avian and nonavian species distributed.

- b. To register to transport birds within the LBM system, distributors must agree to allow LBMSPP personnel and/or Federal animal health officials to have access to records upon request and to permit official inspections and testing of premises and equipment as required.
- c. Registration will not be issued until there has been an inspection and approval of the facility, its record system, and the C&D equipment that will be used.
- d. All personnel that work for the company must be trained in biosecurity by State or Federal personnel or by a trained company representative. Certification of employee training must be maintained in the personnel files. This training protocol is to be developed and funded by USDA with input from State Veterinarians in participating States.

2. Bird testing and recordkeeping

- a. Distributors may only accept properly identified and properly documented qualified birds from test-negative flocks.
- b. Distributors must provide documentation and certification of negative test results with each delivery of birds.
- c. Distributors must comply with recordkeeping requirements. They must maintain records for 12 months of bird pickups and deliveries that include: copies of test certification, dates of pickup and delivery, locations, species, numbers of birds, and farm premises identification numbers that include lot identification. In addition, distributors must keep records of C&D of premises and/or conveyances. A copy of the records form may be obtained from the office of the AVIC or State Veterinarian.
- d. Any indication noted by a distributor that paperwork has been altered or that it misrepresents the sources or test status of birds coming into the LBM must be reported to a Federal or State animal health official.

3. Distributor sanitation and biosecurity

- a. Distributor vehicles, bird-holding devices, and any premises where birds may be held must be clean and sanitary at all times.
- b. Documented biosecurity protocols, developed by the distributor and approved by the State, must be in place.
- c. Distributors must use state-approved all-season crate and conveyance washing equipment and present C&D documentation when obtaining birds from producers and from other distributors. Once emptied of birds, conveyances and coops must undergo C&D between all deliveries.
- d. Before the distributor returns to a farm after visiting an LBM, all cages, vehicles, and other equipment must undergo C&D.
- e. Distributors may not transport live birds or other live animals from LBMs.

4. Distributor surveillance

- a. Distributors will be subjected to random inspections by State or Federal officials of the State in which they are located. These random inspections will be done at least quarterly to ensure that conveyances, crates, and facilities are clean and sanitary and that records are being kept according to LBMSP requirements.
- b. Distributors will be tested at least quarterly for LPAI virus. Testing may include facility environment, conveyances, crates, and birds, if present.
- c. Specimens of choice and the types of tests to be run for each are covered in Part 3.A.4.b. of this document.

5. AI-positive distributions units

- a. Distributors' facilities that test positive by RRT-PCR or virus isolation at an approved laboratory will undergo depopulation of any birds on the premises, followed by C&D.
- b. Environmental samples may be taken for testing if indicated.
- c. Any specimen testing positive at an approved laboratory will be submitted to the NVSL for virus isolation and further characterization of the virus. However, premises will be depopulated on the basis of the original positive RRT-PCR or virus isolation results and will not await the results of testing at the NVSL.
- d. A distributor that fails biosecurity inspections and/or is positive on quarterly testing will have to undergo monthly inspections and testing until there have been 3 consecutive months of negative testing, at which time quarterly testing will resume.
- e. When birds are found to be positive within the distribution system, an investigation will be initiated. This may require use of distributor records in order to complete traceouts to determine where the positives occurred in the LBM system. State and Federal animal health officials and, if necessary, compliance personnel will work together with LBM personnel in the investigation.

C. Production Units

1. Registration and education

- a. Production units shall obtain a unique premises identification numbers to be used for all business pertaining to the LBMs. Premises identification numbers are assigned through NAIS. Information required for the records include:
 - (1) Business name, address, and telephone number;
 - (2) Owner's name, address, and telephone number;
 - (3) Global Positioning System location;
 - (4) Premises capacity; and
 - (5) Other bird and animal production or sales facilities, as well as dealerships and bird transportation operation, under the same ownership.
 - (6) A list of all avian and non-avian species produced.

- b. To participate in the LBMSPP, production units shall allow LBMSPP personnel to have access to all records and equipment for inspections when requested. Testing may be conducted as indicated by the LBMSPP.

2. Bird testing and recordkeeping

- a. All birds provided to a distributor or directly to the LBM shall originate from an avian influenza monitored and approved premises and shall bear or be accompanied by identification to a premises of origin. The categories of production units and the testing requirements for each category are as follows:
 - (1) AI-monitored flock: is tested monthly for AI for at least 3 months using AGID on serum or egg yolk samples from gallinaceous birds, RRT-PCR on tracheal swabs from gallinaceous birds, or virus isolation on cloacal swabs from waterfowl and other birds. At least 30 birds per flock are tested monthly by an approved laboratory.
 - (2) Established flock: has been maintained together for at least 21 days prior to sample collection with no additions to the flock. For an established flock to qualify for the first shipment into the LBM system or to requalify after any breaks in the monthly sample-testing regimen, 30 birds must be tested by AGID or other approved procedure within 10 days prior to movement.
 - (3) Commingled flock: is a group of poultry from multiple sources that has been assembled for one or more shipments. When untested birds are added to the flock, previous test reports are void and the flock must requalify as an established flock by waiting 21 days before resampling, and then following the protocol as for a nonmonitored flock.
 - (4) Nonmonitored flock: has not been on a program of monthly testing for at least 3 months. To qualify for sale in the LBM system, 30 birds in a nonmonitored flock must have been tested within 10 days of movement.
- b. Samples for testing may be collected by LBMSPP personnel.
- c. Flock test records, as well as records of bird transfers, shall be maintained for 12 months. Birds loaded for transportation to a distributor shall be identified by premises of origin and shall contain an appropriate date or lot number that will distinguish this shipment from others. This information shall be recorded on the test certificate that will be provided to the distributor or LBM.
- d. Birds from production units shall not be sold directly to LBMs unless the flock owner or manager is also registered as a distributor, with the necessary LBMSPP approval for protocols and equipment to ensure effective C&D of conveyances and equipment.
- e. Premises with birds that test positive at an approved laboratory will be held according to CDA authority while results are being confirmed.
- f. Seropositive flocks must be quarantined and tested using a virus-detection procedure. Birds such as quail, guineas, and other gallinaceous species will be tested by RRT-PCR or by virus isolation using tracheal swabs. Waterfowl will be tested by virus isolation of cloacal swabs.

- g. Premises that have results confirmed as positive for H5 or H7 LPAI virus shall be required to depopulate and undergo C&D. The premises shall then be inspected and tested by virus isolation. A negative environmental test result is required before restocking.
- h. Premises that have results confirmed as positive for non-H5/H7 LPAI shall be managed under the discretion of the State Veterinarian.

3. Sanitation and biosecurity

- a. Production unit facilities, conveyances, bird holding devices, and other equipment shall be clean and sanitary at all times.
- b. Biosecurity protocols shall be developed by the producer and be in place in all production units on the premises.
- c. Certification of employee training shall be maintained in the company personnel files.
- d. Producers shall have approved equipment available for C&D of premises, conveyances, and crates. They shall maintain records of C&D.

4. Producer surveillance

- a. Premises may be subjected to random inspections by LBMSPP personnel to ensure that premises, conveyances, and coops are clean and sanitary. Random samples may be collected for virus identification from birds or environment at the time of inspection.
- b. Records will be reviewed during site inspections.

5. LPAI-positive facilities

- a. Any specimens positive for virus shall be submitted to the NVSL for virus isolation and characterization. The premises will be held until results are obtained from the NVSL.
- b. Premises confirmed positive for H5 or H7 shall remain under quarantine and be inventoried. Records will be examined, and all traceouts will be conducted. The premises will be depopulated and will undergo C&D.
- c. RRT-PCR or VI positives at LBMs and distribution facilities shall result in tracebacks to a supplier of origin by CDA or Federal personnel.

Part 4: LBM Rule Enforcement

- A. The Commissioner or the commissioner's designee shall enforce the provisions of this rule.
- B. Whenever the Commission has reasonable cause to believe a violation of this rule has occurred and immediate enforcement is deemed necessary, the Commission may issue a cease and desist order, which may require any person to cease violating any provision of this rule. Such cease and desist order shall set forth the provisions alleged to have been violated, the facts alleged to have constituted the violation, and the requirement that all actions cease forthwith. At any time after service of the order to cease and desist, the person may request, at such person's discretion, a prompt hearing to determine whether or not such violation has occurred. Such hearing shall be

conducted pursuant to the provisions of article 4 of title 24, C.R.S., and shall be determined promptly.

- C. In the event that any person fails to comply with a cease and desist order within twenty-four hours, the Commission may bring a suit for a temporary restraining order and for injunctive relief to prevent any further or continued violation of this rule.

Part 5: LBM Disciplinary actions - Denial of Registration

- A. The Commission, pursuant to the provisions of article 4 of title 24, C.R.S., may issue letters of admonition or deny, suspend, refuse to renew, restrict, or revoke any registration authorized under this rule if the applicant or licensee:
 - 1. Has refused or failed to comply with any provision of rule or any lawful order of the Commissioner;
 - 2. Has refused to provide the Commissioner with reasonable, complete, and accurate information regarding the care of animals when requested by the Commissioner; or
 - 3. Has falsified any information requested by the Commissioner.

Part 6: LBM Civil penalties

- A. Any person who violates any provision of this rule is subject to a civil penalty, as determined by the Commission. The maximum penalty shall not exceed one hundred dollars per violation.
- B. No civil penalty may be imposed unless the person charged is given notice and opportunity for a hearing pursuant to article 4 of title 24, C.R.S.
- C. If the Commissioner is unable to collect such civil penalty or if any person fails to pay all or a set portion of the civil penalty as determined by the Commissioner, the Commissioner may:
 - 1. Bring suit to recover the amount of the civil penalty plus costs and attorney fees by action in any court of competent jurisdiction; or
 - 2. Refuse to renew any registration authorized under this rule that was issued to a person who has not paid the civil penalty.
- D. Before imposing any civil penalty, the Commissioner may consider the effect of such penalty on the operation registered in LBM program.

Part 7: Statements of Basis, Specific Statutory Authority and Purpose

- A. Adopted: August 30, 2006 – Effective October 30, 2006

The statutory basis for this rule is § 35-50-101 et.seq., C.R.S. 2005 and specifically, § 35-50-105 (3)(h), C.R.S., 2005., powers and duties of the Commissioner.

The basis of this rule lies in the importance of maintaining the health of the poultry industry in Colorado, specifically, protecting the industry from the economic consequences of an outbreak of avian influenza (AI). Avian influenza can take two forms, a milder version referred to as “low pathogenic avian influenza” (LPAI). LPAI typically causes little or no clinical illness in poultry but results in decreased production and increased mortality. Additionally, LPAI H5 and H7 subtypes have been shown to possess the potential to mutate into the more ravaging version, referred to as “high pathogenic avian influenza” (HPAI). Historically, live bird markets have been proven to harbor LPAI.

The purpose of this rule is to identify necessary sanitary standards for live bird markets and to establish a surveillance and testing protocol that the live bird market system, including suppliers, dealers, haulers, auction markets, wholesalers, and live bird markets, must follow. The three primary goals of this rule include: (1) diagnose, control and prevent avian influenza; (2) help participants improve biosecurity, sanitation and disease control in their operations; and (3) minimize the effects of AI outbreaks on the Colorado commercial poultry industry.

Editor's Notes

History