



Emergency Rule Justification

The Colorado Commissioner of Agriculture finds that immediate adoption of these rules is imperatively necessary to comply with USDA-APHIS's April 24, 2024, "Federal Order Requiring Testing for and Reporting of Highly Pathogenic Avian Influenza (HPAI) in Livestock" and for preservation of public health, safety or welfare and that compliance with the rulemaking requirements of section 24-4-103, C.R.S., would be contrary to the public's interest.

Specifically, the Commissioner finds that HPAI is caused by an Influenza A virus that can infect poultry and wild birds, especially waterfowl, and dairy cattle. HPAI is a contagious and economically devastating disease that causes severe illness or death in poultry – such as chickens, turkeys, and ducks – and loss of production and illness in dairy cattle. Since the initial detection of HPAI in dairy cattle in March 2024, the virus has spread from dairies to other dairies and poultry operations. As of August 14, 2024, Colorado has had 64 dairies affected with HPAI which represents approximately 75% of Colorado's licensed dairy cow facilities. In July 2024, this outbreak led to spillover to three commercial poultry facilities resulting in the death and depopulation of 3.3 million domestic chickens in Colorado, which represents more than 65% of Colorado's table egg laying hen population. Therefore, it is necessary to establish this emergency rule requiring testing of dairy cattle to protect these industries.

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These rules are promulgated pursuant to the Commissioner's authorities as set forth at §§ 35-50-105(3)(c), (h), (m), (o), and (p), C.R.S., and § 24-4-103(6)(a), C.R.S.

