

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

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**IN THE MATTER REGARDING THE  
PROTECTION OF BIRD HEALTH:  
DOMESTIC BIRD OWNERS.**

**AH Docket No. 22-O-001 A2**

**SUMMARY SPECIAL ORDER BANNING  
DOMESTIC BIRD MOVEMENT TO, OR  
PARTICIPATION IN, ANY SHOWS,  
EXHIBITIONS, SWAP MEETS, OR OTHER  
EVENTS IN WISCONSIN WHERE LIVE  
DOMESTIC BIRDS ARE BROUGHT  
TOGETHER AND THEN DISPERSE.**

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**INTRODUCTION**

The State of Wisconsin Department of Agriculture, Trade and Consumer Protection (Department), by the State Veterinarian, based upon its efforts to protect Wisconsin's domestic bird industry from the spread of highly pathogenic avian influenza (HPAI) virus, a deadly, communicable virus among domestic birds, makes the following findings of fact and conclusions of law and issues the following Summary Special Order to domestic bird owners, prohibiting movement of birds to shows, exhibitions, swap meets, or other events in Wisconsin where live domestic birds are brought together and then disperse.

**FINDINGS OF FACT**

(1) The Department is responsible for administering Wisconsin's animal health program under ch. 95, Wis. Stats. The program is designed to protect the health of animals in this state and to prevent, control, and eradicate communicable diseases among animals. The Department has broad authority to adopt rules interpreting statutes under its jurisdiction (see s. 93.07(1), Wis. Stats.).

(2) To protect the health of animals located in this state and of humans residing in this state, the Department may establish, maintain, enforce, and regulate quarantines and other measures relating to the importation, movement, and care of animals and their products, the disinfection of suspected localities and articles, and the disposition of animals, as the Department determines are necessary (see s. 93.07(10), Wis. Stats.).

(3) The Department may prohibit or regulate the importing of animals into this state or the movement of animals within the state if the Department has reasonable grounds to believe that regulation or prohibition is necessary to prevent the introduction or spread of a disease in this state that threatens the health of animals or of humans (see s. 95.20, Wis. Stats.).

(4) Domestic birds means any avian species held in captivity, including poultry, ratites, farm-raised gamebirds that have not been released to the wild, and pet birds (see s. 95.001(1)(ad), Wis. Stats. and s. ATCP 10.02, Wis. Admin. Code).

(5) Highly pathogenic avian influenza (HPAI) is an extremely infectious and fatal disease that, once established, can spread rapidly from flock to flock.

(6) There is no known treatment that cures the HPAI virus.

(7) While the strain of HPAI found is highly contagious among domestic birds, there are minimal risks to human health from domestic birds or domestic bird products at this time.

(8) Transmission can be minimized by limiting the movement and commingling of domestic birds and domestic bird products (including but not limited to eggs, meat, feathers, and manure) between premises, and by using proper biosecurity methods, including washing trucks and trailers between loads, washing and disinfecting boots and clothing, and establishing a line of separation between clean and dirty areas.

(9) Often, domestic birds at shows, exhibitions, swap meets, and other events are commingled with other birds. These domestic birds may be exposed to the HPAI virus, return home, and possibly expose additional domestic birds to the disease.

(10) Outbreaks of the HPAI virus have occurred recently in other states, leading to the depopulation of domestic birds. As of May 8, 2022, HPAI has been identified in 285 domestic bird flocks in 33 states.

(11) On Monday, March 14, 2022, HPAI was confirmed at a commercial poultry domestic bird flock in Jefferson County, Wisconsin. This was the first confirmed case of HPAI in Wisconsin since 2015.

(12) On March, 15, 2022, the Department issued a Summary Special Order (22-O-001) banning poultry movement to, or participation in, any shows, exhibitions, or swap meets in Jefferson County, Wisconsin.

(13) In late March and early April, 2022, HPAI was identified in other locations in Wisconsin, including both domestic bird flocks and wild bird populations.

(14) On April 7, 2022, the Department issued an amended Summary Special Order (22-O-001 A1), banning poultry movement to, or participation in, any shows, exhibitions, or swap meets in Wisconsin until May 31, 2022.

(15) HPAI continued to be identified in both domestic bird flocks and wild bird populations in Wisconsin. As of May 8, 2022, HPAI had been identified in 17 domestic bird flocks in 11 Wisconsin counties and in wild birds in 24 Wisconsin counties.

(16) While the past Special Summary Orders (22-O-001 and 22-O-001 A1) pertained only to domestic poultry, all domestic birds are susceptible to HPAI.

(17) Due to the risk of exposure to HPAI and the risk of spreading HPAI, domestic bird owners must not participate in any shows, exhibitions, swap meets, or other events where live domestic birds are brought together and then disperse.

## **CONCLUSIONS OF LAW**

(1) Under chs. 93 and 95, Wis. Stats., the Department has jurisdiction over the protection of the health of animals in this state and the authority to prevent, control, and eradicate communicable diseases among animals through quarantines and other measures. The Department is authorized to take this action to protect domestic bird health in Wisconsin.

(2) HPAI is a communicable disease that is extremely infectious and fatal, and, once established, could spread rapidly from flock to flock.

(3) Movement and commingling of live domestic birds and domestic bird products increases the chances of exposure to HPAI. Limiting the movement and commingling of live domestic birds and bird products will prevent and control the spread of the HPAI virus.

(4) Regulating and prohibiting the movement of live domestic birds to or participation in, any shows, exhibitions, swap meets, and other events, where live domestic birds are brought together and then disperse, is necessary to prevent the spread of the HPAI virus that threatens the health of domestic birds in Wisconsin.

### **ORDER**

Based upon the above stated findings of fact and conclusions of law, and, in accordance with ss. 93.07(10) and 95.20, Wis. Stats., IT IS HEREBY ORDERED that:

(1) Persons owning domestic birds are prohibited from moving live domestic birds to, or participation in, any shows, exhibitions, swap meets, and other events in Wisconsin where live domestic birds are brought together and then disperse.

(2) This order will remain in effect until 30 days after the last detection of HPAI in domestic bird flocks in Wisconsin, unless rescinded earlier by order of the State Veterinarian.

Dated this 10th day of May, 2022

STATE OF WISCONSIN  
DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION

By: **Darlene M. Konkle**  
Darlene Konkle, DVM, MS, DACVIM  
State Veterinarian

Pursuant to s. ATCP 10.89(6), Wis. Admin. Code, a person adversely affected by a quarantine order under sub. (1) may, within 30 days after the quarantine order is served, request a hearing before the department to review the quarantine. The department shall conduct an informal hearing as soon as reasonably possible, and not later than 10 days after receiving a request for hearing. If the

matter is not resolved after informal hearing, the person requesting the hearing may seek a formal hearing under ch. 227, Stats., and ch. ATCP 1. A request for hearing does not stay a quarantine order.