

RESOLUTION NUMBER: 15 APPROVED

SOURCE: COMMITTEE ON CATTLE AND BISON

**SUBJECT MATTER: Revise the Federal Highly Pathogenic Avian Influenza in
Livestock Testing Order to Recognize State Stage 4
“Unaffected” Status**

RESOLUTION:

The United States Animal Health Association urges the United States Department of Agriculture, Animal and Plant Health Inspection Service to revise the April 29, 2024, Federal Order to allow the interstate movement of lactating dairy cattle without requiring H5N1 influenza pre-movement testing of individual cows from Stage 4 “Unaffected” states or from Voluntary Monitored Unaffected Herds, thereby reducing unnecessary regulatory burden, facilitating interstate commerce, and decreasing strain on National Animal Health Laboratory Network sites.

BACKGROUND INFORMATION:

On April 24, 2024, the United States Department of Agriculture’s (USDA), Animal and Plant Health Inspection Service (APHIS) issued the *Federal Order Requiring Testing for and Reporting of Highly Pathogenic Avian Influenza (HPAI) in Livestock*, effective April 29, 2024. This order established pre-movement testing requirements for lactating dairy cattle at a time when little was known about how H5N1 influenza affected dairy herds or the national prevalence of the disease.

Subsequently, USDA-APHIS issued another order—the *Federal Order Requiring Additional Testing for and Reporting of Highly Pathogenic Avian Influenza (HPAI) in Livestock and Milk*—effective December 6, 2024. This order established the National Milk Testing Strategy, providing a roadmap to achieve H5N1 influenza-free status in the nation’s dairy herds.

As of October 2025, 33 states have achieved Stage 4 “Unaffected” status through state-level surveillance programs developed in collaboration with USDA-APHIS. Maintaining Stage 4 status requires ongoing representative sampling of bulk milk from over 75% of a

state's dairies. Despite demonstrating the absence of H5N1 influenza, producers in "Unaffected" states are still required to test up to 30 individual cows per load before moving lactating dairy cattle across state lines, as mandated by the April 29, 2024, Federal Order.

To date, no "Unaffected" state has reverted to "Affected" status (Stage 3) due to interstate movement testing of cattle from another "Unaffected" state. These testing requirements impose unnecessary regulatory burdens on producers and increase costs and workloads for National Animal Health Laboratory Network sites. The demonstrated absence of H5N1 influenza—verified through robust state-level surveillance or USDA-APHIS-monitored silo testing—should eliminate the need for pre-movement testing of individual cows from "Unaffected" states.

INTERIM RESPONSE:

The United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS) recognizes the concerns of the United States Animal Health Association (USAHA) and appreciates the opportunity to respond.

APHIS will update guidance for the April 29, 2024 Federal Order to allow interstate movement of lactating dairy cattle without H5N1 testing when they originate from States with Unaffected Status under the National Milk Testing Strategy (NMTS). States must continue monthly silo or on farm bulk tank milk (BTM) surveillance to maintain this allowance. Quarterly surveillance is not permitted, as it can delay HPAI detection and result in Provisionally Unaffected Status. States in Provisionally Unaffected or Affected Status must continue testing 30 cows per load before interstate movement.

The updated guidance reduces labor and cost associated with individual animal testing. Silo surveillance is low resource and effective for early detection, especially when all states participate. On farm BTM surveillance is optional; States using it may reduce workload by sampling 50 percent of herds monthly. APHIS hopes this flexibility encourages Florida and North Dakota to join the NMTS and supports Oregon and North Carolina in attaining Unaffected Status.

The NMTS provides national, comprehensive HPAI surveillance across dairy herds and the milk supply. Developed with state, veterinary, public health, and trade input, the NMTS supports both disease elimination and international trade. Changes could affect trading partners that rely on NMTS for eligibility decisions.

Long term, APHIS intends for all states to use silo surveillance due to its efficiency and reliable sensitivity. Once all states achieve Unaffected Status, silo sampling will continue for six months of negative polymerase chain reaction (PCR) testing and antibody results. Continued detections linked to wild birds may prompt reassessment of monthly versus migratory period surveillance. APHIS VS Strategy and Policy's Ruminant Health Center (RHC) and the Center for Epidemiology & Animal Health (CEAH) remain available to work with states on surveillance, detections, and testing protocols.