

# New Conditions for Indemnification When Poultry Flocks Are Infected by HPAI

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*This is an update to our February 25, 2022 alert titled ["Preparing for another outbreak: HPAI"](#).*

On December 31, 2024, the United States Department of Agriculture ("USDA") Animal and Plant Health Inspection Service ("APHIS") published an [interim rule](#) in the Federal Register that updates the requirements for poultry facilities to receive indemnity and compensation after a positive test of Highly Pathogenic Avian Influenza ("HPAI"). **This interim rule is effective as of December 31, 2024**; however, APHIS will be considering all comments made and received regarding the interim rule until March 3, 2025.

An outbreak of HPAI can have significant consequences for the poultry industry. In 2016, as a response to the 2014 HPAI outbreak, APHIS published a final rule requiring biosecurity plan audits at least once every two (2) years for required facilities and set forth conditions for payment of HPAI indemnity claims. Since 2022, APHIS has spent approximately \$227 million dollars on indemnity payments to premises that have been infected multiple times by HPAI.

According to APHIS, "the [new] rule will serve to reduce the risk that a producer becomes inclined to disregard biosecurity because they believe that APHIS will continue to cover the costs associated with damages related to an HPAI outbreak through indemnity payments regardless of their biosecurity status."

Under the new rule, a biosecurity audit is required in the following instances, *prior to flock movement*, in order to remain eligible for future indemnity payments in the event of an HPAI outbreak:

In addition, all previously infected premises must pass a virtual biosecurity audit every six (6) months until the state in which the premises is located declares freedom from HPAI.

Poultry operations should continue to closely monitor their flocks for an outbreak, seek industry and government assistance at the first sign of infection, and monitor their zone status and its implications of flock movement.

Barley Snyder is assisting Pennsylvania's poultry industry through this critical time, and continuing to follow the developments closely as HPAI spreads in the U.S. If you need assistance with the implications that HPAI has on your business, please reach out to [EmmaRose Strohl](#), [Charmaine E. Nyman](#), or any member of [Barley Snyder's Food & Agribusiness Industry Group](#) for assistance.

## WRITTEN BY :

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