



April 16, 2024

North Central Poultry Association  
Attn.: Mr. Kevin Stiles  
8515 Douglas Ave., Suite 9  
Urbandale, Iowa 50322

Re: Temporary Waiver Request (AI-24-01)

Dear Mr. Stiles and Ms. VanVacter:

This letter is in response to North Central Poultry Association, as Iowa's National Poultry Improvement Plan (NPIP) Official State Agency (OSA) letter of April 12, 2024, requesting the Iowa Department of Agriculture and Land Stewardship (IDALS) temporarily waive provisions of Iowa Administrative Code (IAC) sections 21-60.4(2), 64.34(7) and 64.35(4). Those provisions require:

21 IAC §§60.4(2) All poultry present at exhibitions, shows or sales must come from U.S. Pullorum-Typhoid (PT) clean or equivalent flocks, or have had a negative Pullorum-Typhoid test within 90 days prior to the event, and the test must have been performed by an authorized tester.

21 IAC §§64.34(7) Poultry and birds. All poultry exhibited must come from U.S. pullorum-typhoid clean or equivalent flocks; or have had a negative pullorum-typhoid test performed within 90 days of the exhibition by an authorized tester. An approved certificate verifying this status shall accompany the exhibit.

21 IAC §§64.35(4) Poultry and birds. Except as provided in this subrule, all poultry exhibited must come from U.S. pullorum-typhoid clean or equivalent flocks; or have had a negative pullorum-typhoid test performed within 90 days of exhibition by an authorized tester. An approved certificate verifying this status shall accompany the exhibit. However, no testing for salmonella pullorum-typhoid shall be required for "market classes" of poultry, if the poultry are consigned to a slaughter establishment directly from the exhibition...

As outlined in your letter, we understand that Pullorum-Typhoid (PT) antigen for PT testing poultry is virtually unavailable as the only U.S. supplier of PT antigen is experiencing significant shortages with product being unavailable to purchase until late summer 2024 and that existing Iowa stocks of the PT antigen have essentially been exhausted as well.

The criteria for reviewing a variance request is set out in Iowa Code section 17A.9A(2). That subsection is set out below:

Upon petition of a person, an agency may in its sole discretion issue a waiver or variance from the requirements of a rule if the agency finds, based on clear and convincing evidence, all of the following:

- a. The application of the rule would pose an undue hardship on the person for whom the waiver or variance is requested.
- b. The waiver or variance from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person.
- c. The provisions of a rule subject to a petition for a waiver or variance are not specifically mandated by statute or another provision of law.
- d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver or variance is requested.

After consultation with Dr. Jeff Kaisand, State Veterinarian, I find that:

1. Application of the rule would pose an undue hardship on you and your businesses.
2. Continuing to grant the waiver would not prejudice the substantial legal rights of any person.
3. The provisions of the administrative rule are not specifically mandated by statute.
4. Substantially equal protection of public health, safety and welfare will be afforded by several means including the required inspection of the poultry on the day of the activity by a licensed, accredited veterinarian. Additionally, Iowa has been considered a Pullorum-Typhoid clean state since 1974 and all surrounding states are considered clean.

Therefore, IDALS hereby grants a waiver of Iowa Administrative Code sections 21-60.4(2), 64.34(7) and 64.35(4) until September 1, 2024, or until such time as the product becomes available, whichever occurs first, for poultry to be present at exhibitions, shows or sales without coming from Pullorum-Typhoid clean flocks or having a Pullorum-Typhoid test.

Sincerely,



Travis Knight  
Division Director, Consumer Protection &  
Industry Services and Food Safety & Animal Health






# April 2024 pullorum waiver request. FINAL

Final Audit Report

2024-04-16

Created:	2024-04-16
By:	Haylee Pontier (haylee.pontier@iowaagriculture.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAMMmP1U92cKaT-65sA44Z-a-hNiYaKzrO

## "April 2024 pullorum waiver request. FINAL" History

-  Document created by Haylee Pontier (haylee.pontier@iowaagriculture.gov)  
2024-04-16 - 4:32:30 PM GMT
-  Document emailed to Travis Knight (travis.knight@iowaagriculture.gov) for signature  
2024-04-16 - 4:33:03 PM GMT
-  Email viewed by Travis Knight (travis.knight@iowaagriculture.gov)  
2024-04-16 - 4:41:10 PM GMT
-  Document e-signed by Travis Knight (travis.knight@iowaagriculture.gov)  
Signature Date: 2024-04-16 - 4:43:02 PM GMT - Time Source: server
-  Agreement completed.  
2024-04-16 - 4:43:02 PM GMT