

ORDER OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION,

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

ACTION: Amendment of February 4, 2004, order to embargo birds and bird products imported from Niger

SUMMARY: On February 4, 2004, the Centers for Disease Control and Prevention (CDC) within the U.S. Department of Health and Human Services issued an order to ban immediately the import of all birds (Class: *Aves*) from specified Southeast Asian countries, subject to limited exemptions for returning pet birds of U.S. origin and certain processed bird-derived products. HHS/CDC took this step because birds from these countries potentially can infect humans with avian influenza (influenza A/ [H5N1]). The February 4, 2004, order complemented a similar action taken at the same time by the Animal and Plant Health Inspection Service (APHIS) within the U.S. Department of Agriculture (USDA).

On March 10, 2004, HHS/CDC lifted the embargo of birds and bird products from the Hong Kong Special Administrative Region (HKSAR) because of the documented public-health and animal health measures taken by Hong Kong officials to prevent spread of the outbreak within the HKSAR, and the absence of highly pathogenic avian influenza H5N1 cases in Hong Kong's domestic and wild bird populations. USDA/APHIS took a similar action. On September 28, 2004, HHS/CDC extended the embargo on birds and bird products to include Malaysia because of the documented cases of highly pathogenic avian influenza A H5N1 in poultry in Malaysia. On July 20, 2005, USDA/APHIS adopted as a

final rule the interim rule that became effective on February 4, 2004, which amended its regulations to prohibit or restrict the importation of birds, poultry, and unprocessed birds and poultry products from regions that have reported the presence of highly pathogenic avian influenza H5N1 in poultry. (See *70 Federal Register* 41608 [July 20, 2005].) As the United Nations Food and Agriculture Organization and the World Organization for Animal Health (OIE) have confirmed additional cases of highly pathogenic avian influenza (H5N1), USDA/APHIS has added additional countries to its ban. On December 29, 2005, HHS/CDC added the Republic of Kazakhstan, Romania, the Russian Federation, the Republic of Turkey, and Ukraine to its current embargo because of documented cases of highly pathogenic avian influenza H5N1 in poultry in those countries. On February 8, 2006, HHS/CDC added Nigeria to its embargo because of the documentation of highly pathogenic avian influenza H5N1 in poultry. On February 22, 2006, HHS/CDC added India to its embargo because of documentation of highly pathogenic avian influenza H5N1 in poultry. On February 27, 2006, HHS/CDC added Egypt to its embargo because of the documentation of highly pathogenic avian influenza H5N1 in poultry.

Currently, HHS/CDC and USDA/APHIS bans cover birds and bird products from Cambodia, Egypt, India, Indonesia, Japan, Kazakhstan, Laos, Malaysia, Nigeria, the People's Republic of China, Romania, Russia, South Korea, Thailand, Turkey, Ukraine, and Vietnam.

On February 28, 2006, OIE reported confirmation of highly pathogenic avian influenza H5N1 in poultry in Niger. USDA added Niger to their ban on March 1, 2006. At this time, HHS/CDC is adding Niger to its current embargo. This action is effective on March 2, 2006, and will remain in effect until further notice.

SUPPLEMENTAL INFORMATION

Background

On February 28, OIE reported laboratory confirmation of highly pathogenic avian influenza H5N1 in poultry in Magaria District, Zinder Region, Niger. The affected district in Niger borders a region of Nigeria where highly pathogenic avian influenza due to virus subtype H5N1 has been previously confirmed.

Introduction of birds infected with highly pathogenic avian influenza H5N1 into the United States could lead to outbreaks of disease among birds and among the human population, a significant public health threat. Banning the importation of all avian species from affected countries is an effective means of limiting this threat. HHS/CDC is therefore taking this action to reduce the chance of introduction or spread of influenza A H5N1 into the United States.

Immediate Action

Therefore, pursuant to 42 CFR 71.32(b), HHS/CDC is amending the February 4, 2004, order to add Niger to the list of countries subject to the order's embargo of birds and products derived from birds. All other portions of the February 4, 2004, order, as further amended on March 10, 2004, September 28, 2004, December 29, 2005, February 8, 2006, February 22, 2006, and February 27, 2006 shall remain in effect until further notice.



Handwritten signature of Julie Louise Gerberding in black ink. The signature is written in a cursive style and includes the name 'Julie Louise Gerberding'.

Julie Louise Gerberding, M.D., M.P.H.

Director, Centers for Disease Control and Prevention

U.S. Department of Health and Human Services