

***NEW YORK STATE
COMPREHENSIVE EMERGENCY MANAGEMENT
PLAN***

Animal Protection Functional Annex



**Disaster Preparedness
Commission**

**APPENDIX 1: EMERGING INFECTIOUS DISEASES IN NON-HUMAN
POPULATIONS**

**PREPARED BY THE NEW YORK STATE
DISASTER PREPAREDNESS COMMISSION**

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List of Plan Revisions

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State Comprehensive Emergency Management Plan
Animal Protection Functional Annex
Appendix for Emerging Infectious Diseases in Non-Human Populations

A. Introduction

The agriculture industry in New York is a major contributor to the economy of New York State, the nation, and to the world. An outbreak of a disease that impacts the agricultural community could result in the disruption of social, public health, animal health, animal welfare, and economic systems of unprecedented national scale, if it were not readily and effectively controlled.

Effective eradication may require extraordinary resources and cooperation of all local, State and federal agencies, in order to minimize the impact on the agriculture industry and commerce.

This Appendix outlines New York State's strategy for responding to emerging infectious diseases in non-human populations (EIDNHP).

B. Purpose

The Animal Protection Functional Annex to the State Comprehensive Emergency Management Plan (CEMP) provides general guidance for the coordination of resources to provide protection to human and animal populations from animal disease outbreaks, natural disasters and other emergencies.

The purpose of this Appendix to the Animal Protection Functional Annex is to ensure that the State Comprehensive Emergency Management Plan is adequate to respond to an actual or threatened outbreak of disease in non-human populations. This Appendix identifies the arrangements to protect lives and the agricultural community by providing an efficient, coordinated response to such emergencies.

C. Scope

This Appendix applies to diseases that may impact non-human populations, specifically the agricultural community, or portions thereof, where local and State capabilities may be exceeded, necessitating the use of federal agencies and resources. In addition, this Appendix recognizes the potential for an animal-borne disease to impact public health. Further, this Appendix applies to all State agencies and authorities that may be directed to respond to such an event, and builds upon the process and structure of the Animal Protection Functional Annex and the State Comprehensive Emergency Management Plan by addressing unique policies, situations, operating concepts, and responsibilities.

D. Situation

People, animals, or materials that bring pathogens into contact with a susceptible host can spread disease. An outbreak may occur if the pathogen is not quickly and effectively controlled, or when further prevention measures are not addressed.

A disease impacting the agricultural community may result in grave social, economic, public health, animal health, and animal welfare consequences. The impact would directly affect farmers, and could affect the consumer. Such diseases may require extraordinary measures to effectively respond to, and could result in quarantine and/or euthanasia of animals.

E. Assumptions

1. If a disease that impacts agriculture is recognized anywhere in the United States, the entire agricultural community in the country may be at risk.
2. There is a potential for the farming community, as well as local and State officials, to receive a threat of a disease as an act of terrorism.
3. Positive detection of such a disease elsewhere will prompt New York State to employ additional preparedness measures to prevent or mitigate the possibility of occurrence in the State.
4. The disclosure of an exotic or emerging disease in New York may have a significant impact on international trade in animals and animal products.
5. Numerous local, State, and federal agencies will play a role in eradicating the disease.
6. Response efforts could encompass culling of livestock and potentially infected animals.
7. Response efforts could also encompass culling of non-domesticated populations, such as wildlife.
8. Comprehensive control may also include the discarding of any organic matter that has, in any form, been located at the site of positive detection.
9. Eradication will require proper sanitary and disposal procedures for carcasses.
10. Vector control may involve the reduction or elimination of vertebrate or invertebrate populations involved in the dissemination of the agent.
11. Suspected infected locations and transport vehicles may need to be cleaned and disinfected.

12. Preparations may be made to establish quarantine zones around the location of suspect or confirmed cases and may require special operational procedures both within the designated area and statewide. Extent of the quarantine zone will depend on epidemiological parameters defining zones of risk.
13. Outbreaks of foreign disease agents will involve an immediate federal response.
14. It is likely that response procedures will extend across State lines, and may require a coordinated national and international response.

F. Concept of Operations

1. Initial notification of an emerging disease or its potential may come from the local farm communities themselves, the local Cooperative Extension, or from a veterinary professional.
2. The initial notification will be relayed to the State Department of Agriculture and Markets through existing lines of communication. Depending on the nature of the suspected disease, the State Department of Agriculture and Markets may relay this information to the State Office of Emergency Management (SOEM).
3. Upon receipt, the State Office of Emergency Management (SOEM) may initiate a Multi-Agency Coordination (MAC) Group (virtual) to consider the demographics and implications of the potential event. Consideration will be given to activate a multi-agency situation unit to explore the anticipated response issues and consequences specific to the disease.
4. Specimens obtained by a veterinary professional shall be sent to the appropriate laboratory for analysis.
5. Certain circumstances may require the assistance of other Disaster Preparedness Commission (DPC) Agencies in expediting the transport and testing of samples at the appropriate laboratory. The MAC will serve as the coordinative body to facilitate the transport of samples as needed. In addition, SOEM Regional Staff may be deployed to the location where the specimen is being taken from to facilitate communications and coordination with veterinary professionals and the appropriate state/local agencies.
6. When a positive test is confirmed, laboratory officials and/or veterinary professionals shall immediately notify the New York State Department of Agriculture and Markets (AG&MKTS), and the United States Department of Agriculture (USDA).
7. The New York State Department of Agriculture and Markets will notify the State Office of Emergency Management (SOEM), which in turn will notify the MAC and other appropriate Disaster Preparedness Commission (DPC) agencies, the county emergency manager, and others as deemed necessary.

8. The State Office of Emergency Management will coordinate response activities in support of the State Department of Agriculture and Markets, and will be cognizant of response operations at the local level.
9. The State Office of Emergency Management will coordinate with the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA), the United States Department of Agriculture (USDA), and other federal agencies as needed, and may utilize local/regional Emergency Operation Centers (EOC's) to facilitate response activities.
10. The Governor could exercise his authority in declaring a State Disaster Emergency. Upon the declaration of a State Disaster Emergency, the Governor may direct any and all agencies of State government to provide assistance under the coordination of the Disaster Preparedness Commission.

G. Risk Reduction

1. Awareness

To some extent, risk reduction measures are taken on an on-going, routine basis. However, national and worldwide events have resulted in the establishment of additional preparedness measures.

- A. Producers are implementing on-farm biosecurity measures, and in many cases, are restricting access to their premises and animal populations.
- B. The New York State Department of Agriculture and Markets is conducting a public information campaign to advise the public and the agricultural community of protective actions that can be taken to limit the possibility of spreading a disease both here and abroad. Additional DPC agencies may be called on to support this activity.
- C. Domestic Animal Health Permits for livestock dealers and Interstate Certificates of Veterinary Inspection ensure that most livestock movements can be rapidly traced.
- D. Premises and animal identification systems assist in monitoring livestock movements and the definition of at-risk populations.

2. Surveillance

- A. The New York State Department of Agriculture and Markets has a program to encourage farmers to adopt a biosecurity plan to limit the possibility of introducing a disease to their farm.

- B. The New York State Department of Agriculture and Markets and the United States Department of Agriculture have programs to routinely inspect animals assembled at live poultry markets, other livestock markets, county fairs and the New York State Fair.

3. Planning

- A. A State-level tabletop exercise was conducted in March, 2001 with representatives from a cadre of State and federal agencies. Discussion from the exercise provided direct input into the production of this Appendix.
- B. This Appendix has undergone a revision in November of 2004, and builds upon the newly-defined policies stated in the Animal Protection Annex to the State CEMP.
- C. This Appendix will be routinely updated and supplemented as federal, state, and local plans and procedures evolve. Plan changes may be based upon experiences and lessons-learned from exercises, or from real-world events. Ongoing planning efforts will focus on ensuring that the necessary and appropriate contacts with local, state, and federal officials have integrated their planned response.
- D. The Department of Agriculture and Markets will assist managers of fairgrounds, livestock markets, and other animal assembly points in developing biosecurity plans to prevent the introduction and spread of diseases in their facilities.

H. Activation

The State EOC maintains a readiness posture, while conducting normal day-to-day operations, and conducts surveillance and monitoring of any potential emergency.

Activation of the State Emergency Operations Center (SEOC) will be as follows:

Level 2: This level is initiated when an outbreak is suspected in New York State. It begins when notification of an adverse animal health event is detected through the New York State Department of Agriculture and Markets and/or the United States Department of Agriculture surveillance efforts.

For Level 2 activation, the State Office of Emergency Management (SOEM) will request the following agencies to send a representative to the State EOC:

1. The following Members of the Animal Protection Branch:

Department of Health (DOH)
Agriculture and Markets (AgMkts)
Military and Naval Affairs (DMNA)
USDA

Division of State Police (DSP)
Office of Counter Terrorism (OCT)
Dept. of Environmental Conservation (DEC)
USDA/Animal & Plant Health Inspection Service

At this level, the following actions may be taken:

- A. The restriction zones and compartments are legally defined.
- B. Movement into, from and within the zones in the control area may be restricted.
- C. Infected livestock are evaluated, destroyed, and disposed of by Task Force members.
- D. Infected places and animal transports are cleaned and disinfected.
- E. Information on health-related matters, movement controls and eradication is provided to the public, industry, and local government.
- F. The origin of the disease is traced and potential spread monitored and controlled.

I. Response Agency Roles / Responsibilities

This section reviews existing agency roles, responsibilities and capabilities.

1. Local Government

Local emergency management officials will be actively involved in the response, and should be utilized. Each county, and many local governments, has a comprehensive emergency management plan (CEMP) which provides the framework for the jurisdiction's response to emergencies and disasters. Further, some counties have developed a hazard-specific annex to their CEMP that addresses planning and response issues for Emerging Infectious Diseases in Non-Human Populations. County and local governments may utilize their resources, including County Emergency Boards, and provide an additional line of communication with local farmers, and the local Cooperative Extension.

2. State Agencies

A. Disaster Preparedness Commission (DPC)

The Disaster Preparedness Commission (DPC) is comprised of 30 State agency officials, the American Red Cross and local representatives. Following a declaration of a State Disaster Emergency, the DPC coordinates State assistance including:

- utilizing, lending, or giving to political subdivisions, with or without compensation therefore, equipment, supplies, facilities, services of State personnel, and other resources, other than the extension of credit;
- distributing medicine, medical supplies, food and other consumable supplies through any public or private agency authorized to distribute the same;

- performing on public or private lands temporary emergency work essential for the protection of public health and safety, clearing debris and wreckage, making emergency repairs to and temporary replacements of public facilities of political subdivisions damaged or destroyed as a result of such disaster; and
- making such other use of State agency facilities, equipment, supplies and personnel as may be necessary to assist in coping with the resulting disaster or emergency.

B. State Office of Emergency Management (SOEM)

The State Office of Emergency Management activates and operates the State Emergency Operations Center in Albany, provides liaisons to affected jurisdictions, prepares situation reports for the Governor and receives and acts on requests for assistance from county emergency managers. The State Office of Emergency Management coordinates State response activities with local governments, coordinates with the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) and the Federal Response Plan, and assists in the coordination of disaster-related public information.

C. Department of Agriculture and Markets (AG&MKTS)

The Department of Agriculture and Markets may assist in:

- a. Quarantining, eradicating, and promulgating emergency regulations.
- b. Distribution of scientific, procedural and diagnostic information to veterinarians practicing in New York State.
- c. Providing diagnostic and laboratory support.
- d. Providing information on local agricultural conditions, producers and resources.
- e. Defining the size and boundaries of restricted zones or compartments to limit the dissemination of the disease.
- f. Coordinating efforts of local veterinarians as well as any veterinary medical assistance teams.

D. Department of Health (DOH)

The Department of Health may assist:

- a. Providing advice regarding public health aspects of eradication operations.
- b. Providing public health technical assistance to DEC in approving disposal sites within local jurisdictions.
- c. Providing advice regarding health effects of the outbreak to the public.
- d. Ensuring that special medications, if required, are available to the local medical facilities.

E. Department of Labor (DOL)

The Department of Labor may assist in:

- a. Monitoring eradication operations, to ensure that the health and safety of workers is being protected.
- b. Providing information on safe practices for handling toxic substances.
- c. Ensuring that the public is advised regarding potential health effects of the outbreak.

F. Department of Environmental Conservation (DEC)

The Department of Environmental Conservation may assist in:

- a. Providing technical advice on disposal impact on ground water and air, vector control, and locations of cleaning and disinfecting stations.
- b. Providing emergency access to appropriate landfills and other disposal sites to avoid dissemination of the agent and expansion of the outbreak.
- c. Providing technical advice to disposal teams regarding regulations on environmental impact.
- d. Providing the resources to assist in the diagnosis of animal disease.
- e. Conducting surveillance within susceptible wild animal populations as required.
- f. Reducing infected or potentially exposed wildlife populations as required.
- g. As requested, assisting with communications and public information by utilizing the DEC Website, publications, video, and radio public service announcements (PSA's).
- h. Establishing prohibitions on game, bird, and fish products in controlled areas.
- i. Assisting in providing temporary accommodation and emergency feeding for field operation teams.
- j. Conducting security patrols of forestry areas.
- k. Identify/approve regulated disposal and treatment activities.

G. Division of State Police (DSP)

The Division of State Police may assist in:

- a. Providing security, law enforcement, and traffic control as required.
- b. Supporting response operations and controlling access and movement.
- c. Supporting eradication activities under the supervision of the New York State Department of Agriculture and Markets.
- d. Assisting local police services, if required.
- e. Support rapid and secure transport of specimens.

H. Division of Military and Naval Affairs (DMNA)

The Division of Military and Naval Affairs may assist in:

- a. Providing traffic control, and controlling access and movement.
- b. Supporting response operations with specialized, heavy equipment.

- c. Supporting eradication activities under the supervision of the New York State Department of Agriculture and Markets.
- d. Providing equipment to haul cargo or personnel.
- e. Providing air transportation support.

I. Department of Transportation (DOT)

The Department of Transportation may assist in:

- a. Providing guidance for re-routing of traffic in and around the affected area.
- b. Traffic control issues and/or needs.
- c. The transport of soil, carcasses, or debris.
- d. In the event of a State declaration of disaster emergency, DOT may be able to identify potential sources of outside assistance, i.e., contractors, equipment sources, etc.

J. Office of Parks, Recreation, and Historic Preservation (OPRHP)

The Office of Parks, Recreation, and Historic Preservation may assist in:

- a. Providing assistance with vector control, and may assist in identifying locations of cleaning and disinfecting stations.
- b. Conducting surveillance on susceptible wild animal species as required.
- c. Providing limited support in reducing infected wildlife populations.
- d. Assisting in providing temporary accommodations for field operation teams.

K. Thruway Authority (TA)

The Thruway Authority may assist in:

- a. Providing guidance for re-routing of traffic in and around the affected area.
- b. Traffic control issues and/or needs.

L. Office of Mental Health (OMH)

The New York State Office of Mental Health, as a member of the NYSDPC, has been charged by the State Office of Emergency Management to ensure that there is an appropriate response to the emerging psychological and mental health needs of all those involved or impacted with a disaster or emergency within New York State. Early inclusion in the planning for such occurrences is strongly recommended.

M. Tribal Relations

A representative from Tribal Relations may assist in the coordination of response activities in areas that may potentially impact Tribal lands.

3. Federal Agencies

A. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)

The Federal Emergency Management Agency (FEMA) may implement the National Response Framework (NRF), which provides a mechanism for organizing, coordinating, and mobilizing federal resources to augment State and local resources.

Under the NRF, FEMA may employ Emergency Support Function 11 (Agriculture and Natural Resources) for coordinating Agriculture and Natural Resources response and recovery activities. The lead agency for ESF #11 is the U.S. Department of Agriculture, with other agencies as support agencies based on their resources to support a functional area.

B. Department of Homeland Security (DHS)/United States Department of Agriculture (USDA)

The United States Department of Agriculture may:

- a. Direct all eradication activities including quarantine, evaluation, slaughter, disposal, cleaning and disinfecting, epidemiology, trace-back, vector control and transportation permit systems.
- b. Collect, collate, analyze and disseminate technical and logistical information.
- c. Define training requirements for casual employees or support agencies involved in eradication operations.
- d. Issue the declaration of the disease and define the infected area and control zones.
- e. Prepare information for dissemination to the public, media, producers, processors and transportation industry.
- f. Allocate funding for compensation to the owner of destroyed animals.
- g. Restrict payment of compensation in cases of violation.
- h. Consult with State and local authorities regarding eradication operations.
- i. Post restrictions on interstate commerce.

J. Response Organization

This Appendix endorses the development of one response organizational structure that will include all responding agencies. State agencies will be organized under the framework of the National Incident Management System (NIMS) Incident Command System as required by Executive Order 26.1 of 1996 and Homeland Security Presidential Directive (HSPD)-5. In addition, a Multi-Agency Coordination (MAC) Group may be established to define response policy, and will be the oversight for the incident priorities, goals and objectives of the State response.

Based on incident demographics, the state may utilize and deploy the State's Incident Management Team (IMT) to the area of impact. The IMT will serve to support on-scene

and EOC interagency coordination between responding disciplines, local governments, the MAC, the State Veterinarian and the Principal Federal Official (PFO).

1. Command

a. State Commissioner of Agriculture and Markets

The State Department of Agriculture and Markets shall be the Lead State agency for emerging infectious diseases in non-human populations. As such, the State Veterinarian or his or her designee will act as the Incident Commander.

b. State Coordinating Officer

The State Coordinating Officer will be the director of the State Office of Emergency Management, and will have overall responsibility for coordination of State resources and federal assistance in support of the State and local response to the incident.

c. Joint Information Center/Public Information

The Joint Information Center (JIC) will serve as the sole source of official information regarding all incident activities (federal, State, local). The JIC will provide a forum for the coordinated release of all information. The State Department of Agriculture and Markets will serve as the lead spokesperson. Joint Information Center operations will be coordinated as stated in the Public Information Annex to the State Comprehensive Emergency Management Plan (CEMP).

d. Safety

A Safety Officer will be appointed to assess hazardous and unsafe conditions relative to eradication procedures and develop measures for assuring personnel safety. The Safety Officer will coordinate with the State Department of Agriculture and Markets/State Department of Health personnel to assess exposure risks to State response personnel.

e. Liaison

A Liaison Officer may be appointed to serve as a point of contact for agency representatives assisting with quarantine, eradication, and decontamination of facilities and equipment.

f. Legal

A Legal Officer, supported by appropriate State agency legal staff, will advise the Commissioner of Agriculture and Market, and the State Coordinating Officer (SCO) relative to legal questions and issues involving response operations.

2. Operations

State Response Operations will be directed from the State Emergency Operations Center in Albany. State Operations may be organized using geographical divisions, and utilize SOEM Regional Offices as coordinating locations. The State EOC will support field operations through the Incident Command System, as appropriate.

3. Planning

The Planning Section will be appropriately staffed to collect, evaluate, and disseminate information regarding the incident. The Planning Section will:

- a. Prepare the Incident Action Plan.
- b. As requested, assemble and disassemble strike teams/task forces.
- c. Identify and track resources, and identify any specialized equipment.
- d. Determine the status of eradication efforts, and the effectiveness of the operation.
- e. Identify all incident related sites, including eradication sites, cleaning and disinfecting stations, and isolation zones.
- f. Prepare the situation report for the Governor's Office.
- g. Utilize technical specialists, including weather, to determine the impact on response operations.
- h. Coordinate with State and federal agencies in developing Geographic Information System (GIS) data to support the incident response.

4. Demobilization Unit

A Demobilization Unit will be developed within the Planning Section to coordinate the release of incident resources to their home base or next assignment. Demobilization will be based on incident priorities, objectives, and the tactical needs of the incident. The Demobilization Unit is responsible for the preparation of the demobilization plan, and assisting sections/units in ensuring that an orderly, safe, and cost effective movement of personnel and equipment is accomplished. The Demobilization Unit will coordinate activities with the Command Staff and Section Coordinators. The approved and implemented demobilization plan will be distributed to on-site and State EOC staff.

5. Logistics

- a. State agency communications resources will be deployed to support response efforts.
- b. State assets will support, as required, transportation operations.
- c. Critical Incident Stress Management (CISM) and mental health support for incident personnel, including State agency personnel, will be provided. The State Office of Mental Health will assist in the coordination of CISM resources if local capabilities are exceeded. Follow-up physical and mental health issues will be addressed as necessary.
- d. Coordinate facilities, equipment, and supplies in support of the operation.

6. Finance

- a. Coordinate the authorization of emergency purchases.
- b. Establish contracts and agreements with supply vendors.
- c. Coordinate with compensation/claims unit for processing claims.
- d. Coordinate with the U.S. Department of Agriculture to determine compensation to owners of destroyed animals.

K. Recovery

The response to an outbreak of a disease that impacts the agricultural community may be short-lived, or could extend for some period of time. Emergency response activities may include control measures that have been rapidly employed, and may result in a slow demobilization of response agencies and activities.

A variety of forces may influence the direction of the recovery process. The State of New York will endeavor to assist local governments, businesses, and citizens in recovering from the impacts of any emergency, including an Infectious Disease that impacts Non-Human Populations. Agriculture & Markets and other agencies will demonstrate, through surveillance and monitoring systems that the disease outbreak has resolved. Where possible, hazard mitigation measures will be incorporated into recovery activities in order to reduce the impact of reoccurrence, or eliminate it entirely.

1. Social and Economic Effects

The economic effects of an outbreak of a disease, even on a small scale, may be enormous to individuals, the farming industry as a whole, and to subsidiary and support industries. Employment may be affected over a wide range of industries, from the farming and subsidiary industries, to rural townships and governments. The impact on local and State economy may have a cascading effect. The potential exists for all businesses that rely upon the agriculture industry to be severely impacted, including local businesses, distributors, processors, and any reliant business, market, or industry. All exports of susceptible animals and their products would cease for an undetermined period of time. The export of grain and other foodstuffs would also be affected by an occurrence of some diseases, such as Foot and Mouth Disease (FMD). The prices of animal products may be erratic, depending on the extent of an outbreak, and the supply and demand. The producers most affected will be those that have no alternative industry activities other than livestock. Further, consumer confidence may fall if consumers feel that the safety of their food has been jeopardized.

a. Funding and Compensation

Some diseases, such as Foot and Mouth Disease (FMD) are included in the list of diseases for which compensation for losses may be available. Where an epidemic is spreading, the rapid approval of funds may be required to support operations and compensation.

In addition to disaster relief funding and programs that are outlined in the State Comprehensive Emergency Management Plan, there are provisions under State and federal law for compensation to response agencies and farmers. Appraisal teams composed of federal and State officials and industry representatives will assemble and coordinate with the USDA/APHIS Appraisal and Marketing Officers. Provisions for compensation are as follows:

1. New York State Agriculture and Markets Law (AML) section 88(5) authorizes the payment of indemnity of up to \$200 per animal to owners of animals killed pursuant to Article 5 of that law.
2. The United States Code and regulations promulgated pursuant thereto authorize payment of federal indemnity as set forth in 21 U.S.C. § 114, 114a, 134a, and 9CFR53.

Federal statutes allow for fair market value compensation for animals and carcasses, as well as products and articles that were destroyed in an effort to effectively control or eradicate a disease. In addition, federal law also allows for compensation of milk and milk products, feedstuffs, board fences, feed racks, and contaminated buildings.

In 2002, federal officials revisited the provisions in 9CFR53 and have identified amendments to the regulations pertaining to the control and eradication of FMD and other serious diseases, including for both cooperative programs and extraordinary emergencies. The changes also include specific indemnity provisions related to FMD. The proposed changes are prompted, in part, by a review of the regulations in light of the series of outbreaks of FMD disease in the United Kingdom and elsewhere around the world. Federal officials contend that these changes are necessary to ensure the success of a control and eradication program in the event of an occurrence of foot-and mouth disease in the United States.

The State will track the indemnity and operational costs incurred for this incident as it would for any other disaster. The State can request federal reimbursement once the Secretary's Declaration of Emergency is declared or a Presidential emergency is declared. Once the Secretary's Declaration of Emergency is signed, all indemnities paid for animals or animal products are paid for by the USDA. This Declaration of Emergency could be effective before the commencement of the State's activities. USDA will pay all operational costs incurred after the Declaration of Emergency is signed. If no emergency is declared, the USDA may enter into cooperative agreements to pay 50 percent (and in the case of some diseases, 100 percent) of the expenses of purchase, destruction, and disposition of animals and materials required to be destroyed because of being contaminated by or exposure to disease (9CFR53.2).

At this time, there is no mechanism to pay recovery costs for lost business opportunity to producers or affiliated industries, such as downtime after depopulation or inability to move animals to markets, but these situations are being explored. However, liability could be incurred by governments in situations involving the "taking" of valuable private property for a public purpose.

b. Zone Designation

Zone designation is a measure that may help reduce the adverse economic effects as a result of an endemic disease. If a disease is only established in part of a State, it may be possible to establish infected and disease-free zones in order to retain some economic benefit.

Disease-free zones may be identified as a 'free zone', which must be effectively sealed off from disease-affected zones by extremely tight movement and quarantine controls. In the long term, it may be possible to eradicate a disease from an impacted zone.

While zone designation could lessen the impact on the economy, it would still impose ongoing movement restrictions on livestock industries. State and local boundaries may provide the most acceptable limits to establish zones because the case can be argued that these are distinct geographical boundaries.

2. Risk Reduction in Recovery

a. Surveillance

Surveillance after an outbreak should be carefully coordinated to optimize the available resources. Many factors, such as potential spread by wind or wildlife, could warrant increased surveillance in some areas. The intervals between inspections and surveys may depend on the observed incubation period, the resources available, and the level of exposure risk. In addition, efforts must be made to educate producers about the clinical signs of a disease and to report such information to veterinary officials.

b. Vaccination

In some cases, vaccination may be an effective risk reduction measure. Consideration should be given to strategic vaccination around outbreaks (ring vaccination) to help contain a disease, or a general vaccination over a wide area (blanket vaccination) where other disease control methods may be infeasible. However, vaccination is not always practical. With some diseases, such as Foot and Mouth Disease (FMD), vaccination is not a preferred option due to the nature of the pathogen, and its potential to disrupt the economy.

c. Public Awareness

A media campaign may be conducted to reemphasize the importance of farmers inspecting susceptible animals regularly and of reporting suspicious lesions and unusual deaths promptly. Further, information and education materials may be disseminated to sportsmen's groups to reinforce the goals of the media campaign. The importance of movement controls and what this means to individuals needs to be strongly emphasized. In addition, coordinated media releases should address issues regarding the safety of food, and attempt to reassure the general public that the food is safe to consume.

L. Legal Authorities

1. New York State

Legal authority for eradicating disease, such as emerging infectious diseases in non-human populations, is compiled in New York Agriculture and Markets Law (AML) § 16(1), and Article 5, and the New York State Environmental Conservation Law § 11-0325.

2. Federal Government

Legal authority for the United States Dept. of Agriculture for response procedures identified in this annex may be found in 21 U.S.C. § 134a.

M. Attachments:

Attachment 1: Applicable Authorities.

Attachment 2: Guidelines for Personal Protective Equipment

Attachment 1

Applicable Authorities

Authority and Duties of the Commissioner of Agriculture and Markets Relative to the Control, Suppression and Eradication of Infectious or Communicable Animal Diseases, Including Foot And Mouth Disease

To carry out laws and regulations regarding agriculture, farm and dairy products [AML section 16(1)].

To cooperate with the USDA in any joint/cooperative state/federal program to control, suppress or eradicate communicable disease in domestic animals [AML section 17(b)].

To have access to all places of business used in production, manufacture, storage, sale or transportation of any article/product under Department's jurisdiction (and if access is denied, to apply to the Court for an inspection warrant [AML sections 16(1) and 20].

To issue orders to compel compliance with the Agriculture and Markets Law, other laws within the Department's jurisdiction and Department rules and regulations [AML section 36].

To apply to the Court for an injunction to restrain a defendant from violating any provision of the Agriculture and Markets Law, other laws within the Department's jurisdiction and Department rules and regulations [AML section 38].

To assess penalties and bring an action for recovery thereof for any violation of the Agriculture and Markets Law, Department rules and regulations and orders issued by the Commissioner [AML sections 39 and 40].

To investigate the best methods for controlling, suppressing or eradicating infectious or communicable disease in domestic animals and for preventing entry of such disease in the state [AML section 72(1)].

To publish or post warnings regarding diseases; to publish or post orders requiring people to take precautions against spreading diseases [AML section 72(2)].

To require, by regulation, the immunization of animals if he finds that an emergency situation exists [AML section 72(3)].

To require an owner to present/restrain his animals for tests, examinations and immunizations [AML section 72(4)].

To enforce prohibitions against the feeding of garbage, offal or carcasses to cattle, swine and poultry, and to assist in the eradication of animal diseases, including foot and mouth disease [AML section 72-a].

To order all or any animals coming into the State to be detained for inspection and examination, and to condemn, have slaughtered or hold in strict quarantine any animals found affected with any infectious or communicable disease [AML section 74(6)].

To adopt rules requiring a permit for importation of domestic or feral animals into the State [AML section 74(9)].

To adopt/enforce rules regulating physical requirements, sanitation, cleaning and disinfection of stables, buildings and vehicles [AML section 75].

To order the quarantine of any animal affected with a communicable disease, exposed to such disease or believed to be suffering from such disease; to order any premises or farm where such disease or condition exists or shall have recently existed to be put in quarantine so that no domestic animal shall be removed from or brought to the quarantined premises during the time of the quarantine; to prescribe such regulations affecting animals, persons or property as he may

deem necessary or expedient to prevent the dissemination of the disease or condition from the premises so quarantined [AML section 76(1)].

To order the quarantine of owner's premises if owner refuses to present any animal for tests, examinations and immunizations under a disease control program [AML section 76(3)].

To order destruction of an animal which has been examined by a veterinarian and judged to be infected with a specified infectious or communicable disease, or its destruction is found necessary to prevent or suppress, or to aid in preventing or suppressing such disease [AML section 77].

To order physical examination of bovine animals and to require slaughter or other disposition of such animals found to be infected with any communicable disease or its condition renders it undesirable for the production of milk or is a menace to the health of other animals or of persons [AML section 78].

To adopt such rules as he may deem proper for the tagging, branding or marking of any animal or animals affected or believed to be affected with any communicable disease, or exposed thereto [AML section 80].

To employ appraisers of condemned animals [AML section 82].

To prescribe rules for the destruction of animals affected with infectious or communicable disease, and for the proper disposal of their hides and carcasses and all objects which might carry infection or contagion; to cause the expeditious slaughter and disposal of affected animals when, in his judgment, such slaughter and disposal is necessary for the speedy and economical suppression or prevention of any such disease; to seize and destroy a carcass or any portion thereof affected with any communicable disease [AML section 85].

To order a post-mortem examination of the carcass of every animal condemned and killed under the provisions of Article 5, such examination to be conducted by a veterinarian designated by him [AML section 86].

To determine all claims which may be presented to him for indemnity to owners of animals killed under the provisions of Article 5 [AML section 87].

To order slaughter of animals or destruction of property to control, suppress or eradicate foot and mouth disease; to compensate the owner no more than \$200 per bovine animal [AML section 88(5)].

To require persons who, as a business, deal in, handle and transport domestic animals, to hold a permit before engaging in such activities [AML section 90-a].

To institute such action at law or in equity as may appear necessary to enforce compliance with any law, rule and order regarding animal health permits and infectious or communicable disease affecting domestic animals [AML section 90-h].

To enforce the prohibition against any person purchasing, dealing in, or selling cattle, swine or horses at wholesale or auction, unless such person holds a domestic animal health permit granted by him [AML section 90-c].

To enforce the prohibition of the sale or distribution of dry milk powder originating from any area outside the continental United States which has not been designated by him as being free from certain diseases, including foot-and-mouth disease [AML section 258-cc(2)].

New York State Environmental Conservation Law 11-0325

§ 11-0325. Control of dangerous diseases.

1. Whenever it is jointly determined by the Department of Environmental Conservation and the Department of Health or the Department of Agriculture and Markets, and certification is made to the Commissioner of Environmental Conservation by the Commissioner of Health or the Commissioner of Agriculture and Markets, that a disease, which endangers the health and welfare of fish or wildlife populations, or of domestic livestock or of the human population, exists in any area of the state, or is in imminent danger of being introduced into the state, the department shall adopt any measures or regulations with respect to the taking, transportation, sale, offering for sale or possession of native fish or feral animals it may deem necessary in the public interest to prevent the introduction or spread of such disease. The department may undertake such fish or wildlife control measures it may deem necessary to eliminate, reduce or confine the disease.

2. Whenever it is determined by the Department of Environmental Conservation that an epizootic disease which endangers the health and welfare of native fish or feral animal populations only, exists in any area of the state, or is in imminent danger of developing or being introduced into the state, the department may adopt any measures or regulations with respect to the taking, transportation, sale, offering for sale or possession of native fish or feral animals deemed necessary in the public interest to prevent the development, spread or introduction of such disease.

Sec. 134a. Seizure, quarantine, and disposal of livestock or poultry to guard against introduction or dissemination of communicable disease

- (a) Authority of Secretary
The Secretary, whenever he deems it necessary in order to guard against the introduction or dissemination of a communicable disease of livestock or poultry, may seize, quarantine, and dispose of, in a reasonable manner taking into consideration the nature of the disease and the necessity of such action to protect the livestock or poultry of the United States:
 - (1) any animals which he finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by him for the prevention of the introduction or dissemination of any communicable disease of livestock or poultry;
 - (2) any animals which he finds are moving into the United States, or interstate, and are affected with or have been exposed to any communicable disease dangerous to livestock or poultry; and (3) any animals which he finds have moved into the United States, or interstate, and at the time of such movement were so affected or exposed.
- (b) Determination of extraordinary emergency due to dangerous communicable disease; seizure, quarantine, and disposal of animals; action authorized only if adequate measures not taken by State or other jurisdiction; notice to State or other jurisdiction
Whereas the existence of any dangerous, communicable disease of livestock or poultry, such as foot-and-mouth disease, rinderpest, or European fowl pest, on any premises in the United States would constitute a threat to livestock and poultry of the Nation and would seriously burden interstate and foreign commerce, whenever the Secretary determines that an extraordinary emergency exists because of the outbreak of such a disease anywhere in the United States, and that such outbreak threatens the livestock or poultry of the United States, he may seize, quarantine, and dispose of, in such manner as he deems necessary or appropriate, any animals in the United States which he finds are or have been affected with or exposed to any such disease and the carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating any such disease: Provided, That action shall be taken under this subsection only if the Secretary finds that adequate measures are not being taken by the State or other jurisdiction. The Secretary shall notify the appropriate official of the State or other jurisdiction before any action is taken in any such State or other jurisdiction pursuant to this subsection.
- (c) Notice to owner to quarantine or to dispose of animal, carcass, product, or article; action on failure to comply; costs
The Secretary in writing may order the owner of any animal, carcass, product, or article referred to in subsection (a) or (b) of this section, or the agent of such owner, to maintain in quarantine, and to dispose of such animal, carcass, product, or article in such manner as the Secretary may direct pursuant to authority vested in him by such subsections. If such owner or agent fails to do so after receipt of such notice, the Secretary may take action as authorized by said

subsections (a) and (b) and recover from such owner or agent the reasonable costs of any care, handling, and disposal incurred by the Secretary in connection therewith. Such costs shall not constitute a lien against the animals, carcasses, products, or articles involved. Costs collected under this section shall be credited to the current appropriation for carrying out animal disease control activities of the Department.

- (d) Compensation of owner; fair market value; payments from State or other source; availability of funds Except as provided in subsection (e) of this section, the Secretary shall compensate the owner of any animal, carcass, product, or article destroyed pursuant to the provisions of this section. Such compensation shall be based upon the fair market value as determined by the Secretary, of any such animal, carcass, product, or article at the time of the destruction thereof. Compensation paid any owner under this subsection shall not exceed the difference between any compensation received by such owner from a State or other source and such fair market value of the animal, carcass, product, or article. Funds in the Treasury available for carrying out animal disease control activities of the Department of Agriculture shall be used for carrying out this subsection.
- (e) Restriction on payment of compensation in cases of violation of law or regulation No such payment shall be made by the Secretary for any animal, carcass, product, or article which has been moved or handled by the owner thereof or his agent knowingly in violation of a law or regulation administered by the Secretary for the prevention of the interstate dissemination of the communicable disease, for which the animal, carcass, product, or article was destroyed or a law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of such disease, or for any animal which has moved into the United States contrary to such law or regulation administered by the Secretary for the prevention of the introduction of a communicable disease of livestock or poultry.

Attachment 2

Guidelines for Personal Protective Equipment (PPE)

Personal Protective Equipment Guidelines for a Response to a Non-Human Infectious Disease Incident

Non-human infectious disease incidents may be classified into three general categories regarding risk of disease transmission to personnel involved in the response; an incident where the identity of the disease agent is unknown, an incident where the disease agent is identified but the zoonotic potential of the agent is unknown and an incident where the disease agent is identified and it is a known zoonotic agent. For all three situations the following basic personal protective equipment (PPE) guidelines will apply.

- In all situations **Basic PPE** should be employed:
 - **Coveralls** – preferably disposables such as Tyvek that can be left on the premise.
 - **Boots** – either disposable boot covers that can be left on the premise or rubber boots or overboots (Tingley) that can be completely disinfected before leaving the premise.
 - **Gloves** – disposable surgical-type gloves.
 - **Head Covers** – surgical type hair nets or hoods.
 - **Eye Protection** – if splashing of potentially infected material is likely, safety glasses or face shields should be used.

In addition, the following guidelines apply to the categories listed above:

Disease Agent Unidentified

- **Basic PPE**
- Face mask – minimum surgical type mask, N-95 or N-100 disposable mask
- Eye Protection – safety glasses or face shield

Disease Agent Identified/ Zoonotic Potential Unknown

- **Basic PPE**
- Face mask – minimum surgical type mask, N-95 or N-100 disposable mask
- Eye Protection – safety glasses or face shield

Known Zoonotic Disease Agent Identified

- **Basic PPE**
- Other equipment (face mask, eye protection) based on known mode(s) of transmission of the agent and level of risk.
- Known agents can be divided into 3 Risk Levels: Limited, Moderate and Serious. Table 1 shows the appropriate PPE for each Risk Level and examples of diseases that would fall into each category.

In all cases responders should check with either the Office of the State Veterinarian, New York Department of Agriculture and Markets and/or the Zoonoses Program Veterinarian, New York Department of Health for specific recommendations to fit the disease, animal and situation.

The use of PPE must be balanced with safety considerations, particularly when working with large or dangerous animals, including freedom of movement, obstruction of vision and overheating during strenuous activity handling such animals.

Zoonotic Risk: LIMITED		Zoonotic Risk: MODERATE		Zoonotic Risk: SERIOUS
<ul style="list-style-type: none"> ▪ Respiratory protection (can range from none to N-95) ▪ Disposable Coveralls & boots ▪ Gloves ▪ Disinfectant 		<ul style="list-style-type: none"> ▪ Respiratory protection (N-95 to PAPR) ▪ Disposable Coveralls & boots ▪ Gloves ▪ Eye Protection ▪ Disinfectant ▪ Taped joints 		<ul style="list-style-type: none"> ▪ Respiratory protection (PAPR or SCBA) ▪ Double gloving ▪ Water-resistant disposable coveralls & boots ▪ Cut resistant gloves ▪ Taped joints ▪ Cut resistant apron ▪ Disinfectant
<p style="text-align: center;"><u>Examples</u></p> <p>African Swine Fever Foot and Mouth Disease Pseudorabies Brucellosis BSE/CWD/Scrapie Low Path Avian Influenza Heartwater Rinderpest Exotic Newcastle Disease Classical Swine Fever Q-Fever Vesicular Stomatitis Rabies Food/Waterborne Agents Leptospira Chlamydia psittaci</p>		<p style="text-align: center;"><u>Examples</u></p> <p>Anthrax High Path Avian Influenza West Nile Virus EEE Hantavirus Monkeypox Virus Tularemia Plague Glanders Tuberculosis Herpes B Unknown Zoonoses</p>		<p style="text-align: center;"><u>Examples</u></p> <p>Hendra/Nipah Virus Rift Valley Fever Viral Hemorrhagic Fevers</p>
Table 1. Zoonotic Risk Levels				