



MEMORANDUM

DATE: May 10, 2022

TO: Keith L. Rogers, Chief of Staff, Kentucky Department of Agriculture

FROM: Dr. Katie Flynn, State Veterinarian

SUBJECT: Summary of Depopulation Activities Taken in Response to Confirmation of Highly Pathogenic Avian Influenza in a Poultry Flock in Fulton County

* * * *

The purpose of this Memorandum is to summarize the poultry flock depopulation activities of the Office of the State Veterinarian (OSV) and other agencies in response to the detection of Highly Pathogenic Avian Influenza (HPAI) in a commercial broiler flock in Fulton County in February 2022.

FRIDAY, FEBRUARY 11

At 4:50 p.m., I received a telephone call from Dr. Steve McCarter, a veterinarian employed with Tyson Foods, Inc. who attends to a commercial broiler flock in Fulton County. The flock was housed in twelve houses within a single complex that is owned and managed by two growers (the "Fulton County premises"). Dr. McCarter informed me of increased mortality and a significant decrease in water consumption in the 46-day-old broilers who were located in one of the 12 houses. Some birds in the rear of that house were showing signs of respiratory disease.

Dr. McCarter told me that a Tyson representative was collecting oropharyngeal samples from the birds showing symptoms so that they could be sent for testing at Murray State University's Breathitt Veterinary Center (BVC) in Hopkinsville.

At 11:58 p.m., I received a text message from Dr. Debbie Reed, BVC's Laboratory Director, informing me of presumptive-positive results for HPAI in the samples that came from the Fulton County premises.





SATURDAY, FEBRUARY 12

I spoke with Dr. Dallas Meek, USDA's Veterinary Services' Area Veterinarian in Charge for Kentucky, about the presumptive-positive results from BVC. Dr. Meek told me that a USDA APHIS representative would be driving the same samples from BVC to the National Veterinary Services Laboratory (NVSL) in Ames, Iowa for confirmation testing. He said that NVSL's test results would be known that evening. We also discussed the potential need to depopulate the birds at the Fulton County premises should NVSL confirm the presence of the disease.

I reviewed USDA APHIS's existing policies relating to HPAI depopulation activities. I reviewed these documents because when depopulation activities become necessary for HPAI, OSV relies upon USDA APHIS's policies. I reviewed these three documents with the expectation that they could guide the depopulation activities that could become necessary in the coming days:

- o HPAI Response - Goals and Policy (January 2022)
- o HPAI Response - Ventilation Shutdown Plus (+) Policy (January 2022)
- o HPAI Response - Initial Contact Epidemiological (Epi) Report form (June 2016)

I designated OSV's Amanda Brasher to serve as site manager of the Fulton County premises to ensure that (1) proper biosecurity protocols would be adhered to and (2) only authorized personnel would be permitted to enter onto the premises.

I also spoke with Dr. McCarter and Shayne Joyner, Tyson's broiler manager. I told them what Dr. Meek had told me about USDA APHIS delivering the presumptive-positive sample from BVC to NVSL for confirmation testing. Dr. McCarter said he wished to begin depopulation activities immediately, without waiting to receive confirmation of the presence of HPAI from NVSL.

Following my conversation with Dr. McCarter and Mr. Joyner, I contacted Dr. Adis Dijab, USDA Veterinary Services' Acting Associate Deputy Administrator, to convey to him Dr. McCarter's request for USDA's permission to begin depopulation activities immediately. In an email that I received at 11:50 a.m., Dr. Dijab advised not to begin depopulation activities until NVSL first confirmed the presence of HPAI. A copy of Dr. Dijab's email is attached as Exhibit A.

At 12:48 p.m., I received an email from Dr. Koren Custer, District Director for USDA Veterinary Services, stating that USDA would make indemnity payments "for all 12 houses if



HPAI is confirmed by NVSO and company depops 1 house before confirmation.” A copy of this email is attached as Exhibit B.

At 12:55 p.m., I forwarded Dr. Dijab’s email to Dr. McCarter and another veterinarian employed with Tyson, Dr. Scott Gustin. A copy of my email is attached as Exhibit C.

Following his receipt of my email, Dr. McCarter told me that Tyson would not begin its depopulation activities until after NVSL confirmed the presence of HPAI. While Tyson awaited the NVSL test results, its representatives evaluated the various methods available for depopulating the birds on the premises.

Acting on my behalf as State Veterinarian, OSV’s Amanda Brasher issued Quarantine Orders to the two growers who owned and operated the Fulton County premises. Copies are attached as Exhibit D and Exhibit E.

At 5:45 p.m., Dr. Custer sent me an email providing the link to USDA Veterinary Services’ VSD+ Policy. A copy of this email I attached as Exhibit F.

At 5:47 p.m., in anticipation of NVSL’s confirmation of HPAI’s presence, Dr. McCarter sent an email to Dr. Meek requesting USDA’s approval (for indemnity purposes) to use the “VSD + Heat” method of depopulation for the birds at Fulton County premises. Dr. McCarter’s email set forth this justification for the request:

Due to emergency situation with HPAI of Asian origin and risk to the poultry industry in the US, we are requesting to use VSD + heat for depopulation of the index case in KY. First, this is a constrained circumstance, because it is a large farm (240,000 birds) with 12 houses. We could not possibly foam the birds in the next 72 hours. Second, we are concerned about our Tyson employees. We do not want them exposed to this virus due to zoonotic potential. Finally, we are concerned about the spread of this disease to other flocks. The longer the virus circulates in our birds, the more “chicken adapted” it becomes. This makes it a threat to the entire US Poultry Industry. If we bring people from all over the [United States] and equipment, we could spread this deadly disease.

Thank you for consideration of our request. We appreciate your assistance in this emergency situation.



Dr. Meek then forwarded Dr. McCarter's request to Dr. Custer. A copy of this email chain is attached as Exhibit G.

At 6:30 p.m., Dasheba Williams, reimbursement specialist for USDA APHIS, sent to me for my review and signature an *Indemnity and Compensation Decision* form which she had received from a Tyson representative. A copy of this email is attached as Exhibit H.

At 8:25 p.m., Dr. Custer responded to Dr. Meek with this message in response to Tyson's proposed depopulation method:

Veterinary Services will not be approving Dr. McCarter's request for utilization of VSD+ as the depopulation method for this flock.

As we discussed, the National Veterinary Stockpile is in the process of standing up mobilization of foaming equipment and contract crews to operate this equipment. An arrival ETA for these assets, assuming NVSL confirmation, will be provided as soon as it is available.

A copy of this email is attached as Exhibit I.

At 9:51 p.m., in response to the Dr. Custer's email advising him that USDA APHIS would not approve indemnity for depopulation-related activities if the VSD + Heat method were to be used, Dr. McCarter sent an email stating as follows:

Thanks for your help with my request. We will use our internal team to foam the sick house tomorrow. We will ask for help from the National Veterinary Stockpile for the remaining 11 houses (as provided by Dr. Koren below). Will you provide us an approximate time frame for depopulation? We appreciate you working with us in this emergency situation.

A copy of this email is attached as Exhibit J.

At 9:54 p.m., Dr. Custer responded to Dr. McCarter's email with an email stating that:

We don't have an ETA available, but will certainly provide one as soon as it's available.

A copy of this email is attached as Exhibit K.



At 10:20 p.m., I received an email from Mia Torchetti, NVSL's Director of Diagnostic Virology, confirming the presence of HPAI. A copy of this email is attached as Exhibit L.

After receiving confirmation of the presence of HPAI, I signed the *Indemnity and Compensation Decision Information* form that Ms. Williams had forwarded to me at 6:30 p.m. At the time when I signed the form, my understanding was that foaming would be the method of depopulation because Dr. Custer had told me that foaming equipment and personnel were on their way to Fulton County.

At 10:49 p.m., I sent an email with the *Indemnity and Compensation Decision Information* form, signed by me, to Dr. Meek. A copy of this email is attached as Exhibit M.

At 11:57 p.m., Dr. Meek sent an email with the *Indemnity and Compensation Decision Information* form, signed by him, to Ms. Williams and USDA APHIS's poultry staff. A copy of this email is attached as Exhibit N.



SUNDAY, FEBRUARY 13

At 8:06 a.m., I received an email from OSV's Amanda Brasher which included copies of the Quarantine Order forms she had delivered to Shayne Joyner, Tyson's broiler manager, the previous afternoon. A copy of this email is attached as Exhibit O.

At 10:30 a.m., USDA Veterinary Services' Dr. Custer sent an email to Tyson's Dr. McCarter advising him that 20 personnel, with foaming equipment, would be arriving in Fulton County that same day, and that another five personnel would be arriving later that evening. A copy of this email is attached as Exhibit P.

At 1:54 p.m., Dr. Custer sent another email stating as follows:

Quick update – the equipment and contract operating crews are on schedule to arrive to the staging area at 4 PM.

We also have a VS employee en route, Michael Mayes with our Logistics Center, who is scheduled to arrive at the staging area at 4 PM as well. He is a 3D specialist who will be extremely helpful with the utilization of this equipment. I have cc'd him here.

A copy of this email is attached as Exhibit Q.

At 4:19 p.m., Tyson's Dr. McCarter sent an email to USDA APHIS representatives that read as follows:

All, We have been depopulating the house with mortality all day. Our work on this house is complete. We are going through decontamination and changing clothes. We will be leaving the premises shortly. If someone needs to meet you at the staging area, please call me. Do you plan to depopulate any houses tonight or will you start in the morning?

In response, USDA APHIS's Dr. Michael Mayes responded, "It'll be tomorrow." A copy of this email exchange is attached as Exhibit R.



MONDAY, FEBRUARY 14

At 9:37 a.m., I received an email from Jennifer Hall, NPIP Program Director for the Kentucky Poultry Federation, advising me of communication issues between Tyson and the two growers. A copy of this email is attached as Exhibit S.

Logistical challenges (access to water trucks, hand-washing stations, and portapotties) made it impossible for USDA's contracted foaming crew to conduct depopulation activities. Throughout the day, I participated in several conference calls with USDA representatives about these logistical challenges and their negative impact on the birds. A copy of an email I received from Dr. Custer at 2:34 p.m. pertaining to portapotties and handwashing stations is attached as Exhibit T. A copy of an email I received at 3:42 p.m. from Kevin Fairchild, Animal Health Technician with USDA Veterinary Services, pertaining to depopulation logistics is attached as Exhibit U. A copy of an email I received from Dr. Custer at 5:53 p.m. pertaining to portapotties and handwashing stations is attached as Exhibit V.

I participated in a conference call with you (Keith Rogers, KDA's Chief of Staff) and Jamie Guffey, Executive Director of the Kentucky Poultry Federation. The three of us agreed that under these specific circumstances, which made depopulation by the foaming method impossible, moving forward with depopulation by the VSD+ Heat method was the best course of action and in the interests of the growers, the birds, and Kentucky's poultry industry.

At 6:06 p.m., Tyson's Dr. McCarter sent an email to USDA Veterinary Services' Dr. Custer stating as follows:

All, I resubmit my proposal. We have an impending disaster. The birds are penned, hot and smoothening as I type. There is no foam and my chickens are suffering. As a veterinarian, I have to take action the bars are perfect for VSD as they are solid sidewall. We have heat. I will be present during The entire process.

A copy of this email is attached as Exhibit W.

At 6:12 p.m., Dr. Rosemary Sifford, USDA APHIS Veterinary Services' Deputy Administrator and Chief Veterinary Officer, sent an email to me and Dr. Custer stating as follows:

USDA APHIS has evaluated the information about the situation at the positive boiler flock in Fulton County. Given the most recent information about the challenges with



foaming and the ability of VSD+ to be used successfully in these barns, we have reached the conclusion that we will pay indemnity for the birds in this flock. The state Veterinarian and the company can approve the use of VSD+ As a method of depopulation without impacting the payment of indemnity by USDA APHIS.

A copy of this email is attached as Exhibit X.

At 6:16 p.m., I forwarded Dr. Sifford's email to Tyson's representatives. A copy of this email is attached as Exhibit Y.

At 6:31 p.m., I received an email from Dr. Custer to her USDA colleague, Chris Craig, notifying him that preparations for depopulation by the foaming method were no longer necessary because the decision had been made to depopulate by the VSD+ Heat method. A copy of this email is attached as Exhibit Z.

At 8:03 p.m., I received an email from Dr. Leslie Cmach, a veterinarian with USDA APHIS, advising me that "Depopulation will be completed by tomorrow morning." A copy of this email is attached as Exhibit AA.

At 9:37 p.m., I sent an email to you (Keith Rogers, KDA's Chief of Staff) stating that we expected depopulation to be complete by the next morning. A copy of this email is attached as Exhibit BB.

At 10:28 p.m., I received an email from Tyson's Dr. Gustin, in response to USDA's approval of indemnity for depopulation by the VSD+ Heat method, stating, "Thank you for your attention to this matter. This should greatly reduce the risk for neighboring farms." A copy of this email is attached as Exhibit CC.



TUESDAY, FEBRUARY 15

At 7:11 a.m., Dr. Meek sent an email reporting that, by 2:15 a.m. (Central time) that morning, the depopulation of the birds in the 11 remaining barns was complete. The email stated as follows:

- *VSD+ heat began at 1745 on 2/14/2022 and ended on 2/15/2022 at 0215*
- *All 5 remaining barns at Frontier and all 6 barns at Elliott were subjected to VSD + heat.*
- *Temperatures ranged from 103-110 on various thermometers throughout the barns.*
- *Dr. McCarter (Tyson Vet) suspects a few birds will survive on the very edges especially in the frontier barns.*
- *They plan to perform cervical dislocation on remaining birds beginning at 1000 on 2/15/2022.*
- *Case manager (Dr. Cmach) will be onsite to verify.*

A copy of this email is attached as Exhibit DD. My understanding is that Dr. Meek's email was describing events in local (Central) time, such that the depopulation activities began at 6:45 p.m. Eastern and ended at 3:15 a.m. Eastern.

Flynn, Katie (AGR)

From: Dijab, Adis - APHIS <adis.dijab@usda.gov>
Sent: Saturday, February 12, 2022 11:50 AM
To: Custer, Koren M - APHIS; Flynn, Katie (AGR)
Subject: RE: KY poultry issue

Katie,

Resending, It looks like my first email went to your old CDFA email address 😊

Thanks,

Adis



ADIS DIJAB, DVM
USDA APHIS Veterinary Services
Field Operations
Acting Associate Deputy Administrator
4700 River Road, Riverdale, MD 20737
☎ (O) 301-851-3319 (C) 334-657-5300
Email: adis.dijab@usda.gov

From: Dijab, Adis - APHIS
Sent: Saturday, February 12, 2022 11:48 AM
To: Flynn, Katherine@CDFA <katherine.flynn@cdfa.ca.gov>; Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Subject: KY poultry issue

Katie,

We would highly encourage you and the company to wait for the NVSL confirmatory test results. At this point we are 9 hours away from the NVSL test results.

In a case the company decides to depopulate one non-negative barn prior to the NVSL confirmation there are two options based on the virus conformation of the pathogenicity:

- If NVSL confirm the HPAI APHIS would pay for the indemnity for the whole 12 barns, including depopulated non-negative barn prior to the confirmation,
- If NVSL confirm the LPAI APHIS would pay indemnity for only remaining 11 barns, we would not provide indemnity for already depopulated non-negative barn.

Again, taking into consideration that we are only 9 hours away from the NVSL test results we would encourage everyone to wait for the NVSL test results.

Please let me know if you have any additional questions.

Thanks,

Adis





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USDA APHIS Veterinary Services
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Acting Associate Deputy Administrator
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Email: adis.dijab@usda.gov

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Flynn, Katie (AGR)

From: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Sent: Saturday, February 12, 2022 12:48 PM
To: Flynn, Katie (AGR); Dijab, Adis - APHIS
Subject: RE: KY poultry issue

Hi Dr. Flynn,

Just to make sure that we're all on the same page (we can never over-communicate in these things 😊) please see my quick note below:

So Adis just to verify, USDA will pay for all 12 houses if HPAI is confirmed by NVSL and company depops 1 clinical house before confirmation. Correct?

I'm sure that's what you intended, but just to be 100% sure.

Thank you!
Koren



Koren Moore Custer, DVM, MPH
Director, District 1
USDA APHIS Veterinary Services
Field Operations
p: 919-855-7708
c: 774-276-1985
koren.m.custer@usda.gov
920 Main Campus Dr., Raleigh, NC 27606

From: Flynn, Katie (AGR) <Katie.Flynn@ky.gov>
Sent: Saturday, February 12, 2022 12:42 PM
To: Dijab, Adis - APHIS <adis.dijab@usda.gov>; Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Subject: RE: KY poultry issue

OK Great

From: Dijab, Adis - APHIS <adis.dijab@usda.gov>
Sent: Saturday, February 12, 2022 12:41 PM
To: Flynn, Katie (AGR) <Katie.Flynn@ky.gov>; Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Subject: Re: KY poultry issue

Yes, that's correct.

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From: Flynn, Katie (AGR) <Katie.Flynn@ky.gov>
Sent: Saturday, February 12, 2022 12:39:19 PM
To: Dijab, Adis - APHIS <adis.dijab@usda.gov>; Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Subject: RE: KY poultry issue

So Adis just to verify, USDA will pay for all 12 houses if HPAI is confirmed by NVSL and company depops before confirmation. Correct?

From: Dijab, Adis - APHIS <adis.dijab@usda.gov>
Sent: Saturday, February 12, 2022 11:50 AM
To: Custer, Koren M - APHIS <koren.m.custer@usda.gov>; Flynn, Katie (AGR) <Katie.Flynn@ky.gov>
Subject: RE: KY poultry issue

Katie,

Resending, It looks like my first email went to your old CDFA email address 😊

Thanks,

Adis



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To: Flynn, Katherine@CDFA <katherine.flynn@cdfa.ca.gov>; Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Subject: KY poultry issue

Katie,

We would highly encourage you and the company to wait for the NVSL confirmatory test results. At this point we are 9 hours away from the NVSL test results.

In a case the company decides to depopulate one non-negative barn prior to the NVSL confirmation there are two options based on the virus conformation of the pathogenicity:

- If NVSL confirm the HPAI APHIS would pay for the indemnity for the whole 12 barns, including depopulated non-negative barn prior to the confirmation,
- If NVSL confirm the LPAI APHIS would pay indemnity for only remaining 11 barns, we would not provide indemnity for already depopulated non-negative barn.

Again, taking into consideration that we are only 9 hours away from the NVSL test results we would encourage everyone to wait for the NVSL test results.

Please let me know if you have any additional questions.

Thanks,

Adis



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Flynn, Katie (AGR)

From: Flynn, Katie (AGR)
Sent: Saturday, February 12, 2022 12:55 PM
To: scott.gustin@tyson.com; Steve.Mccarter@tyson.com
Cc: Meek, Dallas W - APHIS
Subject: FW: KY poultry issue

Good afternoon Drs. Gustin and McCarter,

Per your request to depop the one clinical non-negative barn prior to tonight's confirmation. I received the response below from USDA National Staff.

I have copied Dr. Meek on this email and the USDA will need to be in the loop as to your decision. NO action can be taken without you notifying USDA.

Thanks
Katie

Dr. Katie Flynn

State Veterinarian
Kentucky Department of Agriculture
109 Corporate Drive
Frankfort, KY 40601
502-782-5913
Katie.flynn@ky.gov

From: Dijab, Adis - APHIS
Sent: Saturday, February 12, 2022 11:48 AM
Subject: KY poultry issue

Katie,

We would highly encourage you and the company to wait for the NVSL confirmatory test results. At this point we are 9 hours away from the NVSL test results.

In a case the company decides to depopulate one non-negative barn prior to the NVSL confirmation there are two options based on the virus conformation of the pathogenicity:

- If NVSL confirm the HPAI APHIS would pay for the indemnity for the whole 12 barns, including depopulated non-negative barn prior to the confirmation,
- If NVSL confirm the LPAI APHIS would pay indemnity for only remaining 11 barns, we would not provide indemnity for already depopulated non-negative barn.



Again, taking into consideration that we are only 9 hours away from the NVSL test results we would encourage everyone to wait for the NVSL test results.

Please let me know if you have any additional questions.

Thanks,

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KENTUCKY STATE BOARD OF AGRICULTURE
ANIMAL HEALTH DIVISION
FRANKFORT KY 40601

034878

ORDER OF QUARANTINE

Owner Elliott Farms

[Signature]
Owner/Representative's Signature

Address 5530 SR 116 E. Fulton
Box, Road or Street

City

KY
State

Fulton
County

Reason for Issuance:

- Market Cattle (MI)
- Stockyard Reactor (SI)
- Adjacent Herd #1 (AI)
- Adjacent Herd #2 (AI)
- Brucellosis Ring Test (BRT)
- Initial Test following Importation (II)

- Test of herd resulting from sales from an infected herd (EI)
- Second test, where initial test was negative on farm after stockyard reactor (ST)
- Diagnostic Test (DI)
- Six month test after quarantine release or depop. (GI)
- Test of other herds owned or managed by owner of infected herd (BI)
- Violation of Chapter 257 or 302 KAR (see explanation)

Other Explanation - _____

Exposure to: Brucellosis Tuberculosis EIA Johne's Pseudorabies Other High Path AI

In compliance with the law governing the Kentucky State Board of Agriculture and prescribing the duties thereof, you are hereby ordered to keep and retain under quarantine upon the premises where they are now kept _____

6 Barns of Broiler Chickens

the following described animals: Bovine Sheep Equine Swine Other Poultry

Number of Animals: 123,000 Description and Identification: Broiler Chickens

No movement on or off premise without prior permitting

These animals are subject to a test for Aves Influenza within 7 days

You are forbidden to violate in any respect the condition of quarantine. Do not remove, cause or permit to be removed any of the quarantine animals from the enclosure above described wherein animals described above are now quarantined, not permit any other animals to enter said enclosure without written permission from the Kentucky State Board of Agriculture. This quarantine shall remain in force and effect until after proper cleaning and disinfection of the premises, and until released by order of the Kentucky State Board of Agriculture.

This the 12th day of February, 2022

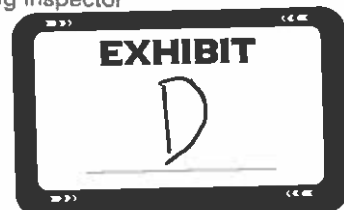
KENTUCKY STATE BOARD OF AGRICULTURE

Dr. Katie Elyman
State Veterinarian
By AB

Issued by Amanda Brash
Agriculture Inspector

IMPORTANT NOTICE ON BACK

Copy Distribution: WHITE - State Veterinarian's Office, YELLOW - Owner, PINK - Issuing Inspector



KENTUCKY STATE BOARD OF AGRICULTURE
ANIMAL HEALTH DIVISION
FRANKFORT KY 40601

034877

ORDER OF QUARANTINE

Owner Frontier Farms

[Signature]
Owner/Representative's Signature

Address 5520 SR 116E Fulton KY Fulton
Box, Road or Street City State County

Reason for Issuance:

- | | | | |
|---|--------------------------|---|-------------------------------------|
| Market Cattle (MI) | <input type="checkbox"/> | Test of herd resulting from sales from an infected herd (EI) | <input type="checkbox"/> |
| Stockyard Reactor (SI) | <input type="checkbox"/> | Second test, where initial test was negative on farm after stockyard reactor (ST) | <input type="checkbox"/> |
| Adjacent Herd #1 (AI) | <input type="checkbox"/> | Diagnostic Test (DI) | <input checked="" type="checkbox"/> |
| Adjacent Herd #2 (AI) | <input type="checkbox"/> | Six month test after quarantine release or depop. (GI) | <input type="checkbox"/> |
| Brucellosis Ring Test (BRT) | <input type="checkbox"/> | Test of other herds owned or managed by owner of infected herd (BI) | <input type="checkbox"/> |
| Initial Test following Importation (II) | <input type="checkbox"/> | Violation of Chapter 257 or 302 KAR (see explanation) | <input type="checkbox"/> |

Other Explanation - _____

Exposure to: Brucellosis Tuberculosis EIA Johne's Pseudorabies Other High Path AI

In compliance with the law governing the Kentucky State Board of Agriculture and prescribing the duties thereof, you are hereby ordered to keep and retain under quarantine upon the premises where they are now kept in Barns of Chickens

the following described animals: Bovine Sheep Equine Swine Other Poultry

Number of Animals: 123,000 Description and Identification: Broiler Chickens
No movement on or off premise without prior permitting

These animals are subject to a test for Avian Influenza within 7 days

You are forbidden to violate in any respect the condition of quarantine. Do not remove, cause or permit to be removed any of the quarantine animals from the enclosure above described wherein animals described above are now quarantined, not permit any other animals to enter said enclosure without written permission from the Kentucky State Board of Agriculture. This quarantine shall remain in force and effect until after proper cleaning and disinfection of the premises, and until released by order of the Kentucky State Board of Agriculture.

This the 12th day of February, 2022

KENTUCKY STATE BOARD OF AGRICULTURE

Dr. Katie Flynn
State Veterinarian
By AB

Issued by Amanda Brasher
Agriculture Inspector

IMPORTANT NOTICE ON BACK

Copy Distribution: WHITE - State Veterinarian's Office, YELLOW - Owner, PINK - Issuing Inspector



Flynn, Katie (AGR)

From: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Sent: Saturday, February 12, 2022 5:45 PM
To: Flynn, Katie (AGR)
Subject: VSD+ Policy

Hi Katie,

Here is the link to the VS VSD+ Policy. It is public information on our FAD PreP website, so please feel free to forward it on as necessary. I also told Dallas to feel free to provide it to the company.

https://www.aphis.usda.gov/animal_health/emergency_management/downloads/hpai/ventilationshutdownpolicy.pdf

Koren



Koren Moore Custer, DVM, MPH
Director, District 1
USDA APHIS Veterinary Services
Field Operations
p: 919-855-7708
c: 774-276-1985
koren.m.custer@usda.gov
920 Main Campus Dr., Raleigh, NC 27606

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Flynn, Katie (AGR)

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Saturday, February 12, 2022 5:59 PM
To: Custer, Koren M - APHIS
Cc: Flynn, Katie (AGR)
Subject: FW: VSD+Heat

Hi Koren,

Here is the request and justification for VSD+ depopulation method from Tyson. Dr. Flynn has it as well. Please distribute as appropriate for review and consideration.

Let us know if you need further input from KY.

Thanks,

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826

From: McCarter, Steve <steve.mccarter@tyson.com>
Sent: Saturday, February 12, 2022 5:47 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Cc: Katie.flynn@ky.gov; steve.mccarter@tyson.com; Joyner, Shane <shane.joyner@tyson.com>; scott.gustin@tyson.com
Subject: VSD+Heat

Dr. Meek,

Due to emergency situation with HPAI of Asian origin and risk to the poultry industry in the US, we are requesting to use VSD + heat for depopulation of the index case in KY. First, this is a constrained circumstance, because it is a large farm (240,000 birds) with 12 houses. We could not possibly foam the birds in the next 72 hours. Second, we are concerned about our Tyson employees. We do not want them exposed to this virus due to zoonotic potential. Finally, we are concerned about the spread of this disease to other flocks. The longer the virus circulates in our birds, the more "chicken adapted" it becomes. This makes it a threat to the entire US Poultry Industry. If we bring people from all over the us and equipment, we could spread this deadly disease.

Thank you for consideration of our request. We appreciate your assistance in this emergency situation.

Sincerely,



Steve McCarter DVM

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Flynn, Katie (AGR)

From: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
Sent: Saturday, February 12, 2022 6:30 PM
To: Meek, Dallas W - APHIS
Cc: Cmach, Leslie F - APHIS; Halstead, Steven L - APHIS; Flynn, Katie (AGR); jenniferhall@kypoultry.org
Subject: RE: Contact Information
Attachments: 00N7EBP_KY_Appendix 1_CS_20221202.pdf; 00N7EBP_KY_Appendix 2A_CS_20221202.pdf; 00N7EBP_KY_Appendix 2B_CS_20221202.pdf; 00N7279_KY_Appendix 1_CS_20221202.pdf; 00N7279_KY_Appendix 2A_CS_20221202.pdf; 00N7279_KY_Appendix 2B_CS_20221202.pdf

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Here are the signed documents from both growers and the representative from Tyson. At some point a few minor corrections or additions will be made (addition of premises IDs, a few estimates, appearance from sent copies and etc.) but this will have no effect on validity. I confirmed that with Dr. Fox.

I did inform Dr. McCarter that he could work with the state if needed to assist him with answering questions for both Appendix 1s but he replied that he could handle it. Let me know if you need for me to follow-up on anything you feel is critical.

sorry for the delay but I was engaged in another extensive conversation with the growers

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Saturday, February 12, 2022 4:54 PM
To: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
Cc: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>; Katie.flynn@ky.gov; jenniferhall@kypoultry.org
Subject: RE: Contact Information

Thanks Dasheba.
-Dallas

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826



From: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
Sent: Saturday, February 12, 2022 4:50 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Cc: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>;

[Katie.flynn@ky.gov](mailto:katie.flynn@ky.gov); jenniferhall@kypoultry.org

Subject: RE: Contact Information

Sorry, just hung up with both growers. They chose to get together for me to go over things. They are currently scanning in their Appendices 2Bs.

Dr. McCarter (Tyson Rep) returned the Appendix 2A but I had to ask him to place his initials on lines of understanding instead of check marks, waiting for him to correct and resend. I have received the Appendix 1 back on behalf of Tyson as well.

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>

Sent: Saturday, February 12, 2022 4:33 PM

To: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>

Cc: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>;

[Katie.flynn@ky.gov](mailto:katie.flynn@ky.gov); jenniferhall@kypoultry.org

Subject: RE: Contact Information

Hi Dasheba.

Would you be able to provide a brief status update on your efforts w/ Appendix 1 and other forms in preparation for further action?

Thanks,

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826

From: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>

Sent: Saturday, February 12, 2022 12:04 PM

To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>

Cc: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>;

[Katie.flynn@ky.gov](mailto:katie.flynn@ky.gov); jenniferhall@kypoultry.org

Subject: RE: Contact Information

No problem at all. I will definitely be able to work through and figure out the proper contacts.

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>

Sent: Saturday, February 12, 2022 12:02 PM

To: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>

Cc: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>;

[Katie.flynn@ky.gov](mailto:katie.flynn@ky.gov); jenniferhall@kypoultry.org

Subject: RE: Contact Information

Hi Dasheba.

Unfortunately, I don't believe that I have all the contact information you need. I am sending you the POC's that Tyson provided to us this morning. I would suggest reaching out to them and asking for this information.

- Shane Joyner – Live Production Manager: 731-796-1157
- Dr. Steve McCarter – Tyson Veterinarian: 404-915-8740

I would recommend starting with Shane to see if he can provide you with the information that you need. Let me know if you need anything additional. Jennifer Hall (copied on this email) is the NPIP coordinator in the state and can probably provide additional information if needed as well.

I did have a brief conversation with Patty Fox to fill her in on the situation.

Thanks,
Dallas

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826

From: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
Sent: Saturday, February 12, 2022 11:44 AM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Subject: Contact Information

List of needed information

1. POC for Integrator
2. Information for each Grower
3. Information for Barn owners if different from growers

I created a waiver form in 2020 that releases the USDA from any liability in the event of damage on the premises by non-USDA employees, hence the request for barn owners if different. It was reviewed by our legal counsel in 2020 and approved for use.

I forget to mention that via of phone Dr. Meeks.



Dasheba R. Williams
Animal Identification Coordinator
APHIS, Veterinary Services
Field Operations (FiOps), District 1
Cell: 919-614-2152
Area Office: 919-855-7700
Dasheba.R.Williams@usda.gov
920 Main Campus Dr., Ste. 200
Raleigh, NC 27606

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Appendix 1: Indemnity and Compensation Decision Determination

1. Please list all of the current test results available for this premises. For PCR, please list the Ct values:

Presumptive H5 Positive CT 20
Premises ID CONTEBP

2. Are there multiple ages of birds on the farm? (Y) (N)
List the bird groups and ages and indicate if they would likely have time to clear the virus prior to humane issues occurring:

One age

3. List the number of commercial premises in the following zones surrounding the infected premises:

a. Within 1km (neighboring) 2

b. Within 3km (Infected Zone) 2

c. Within 10 km (Buffer Zone) 0

4. What are the estimated number of additional at-risk premises not included in the numbers above (this would include premises closely related by the network, business processes, or those identified by trace-in/trace-out):

None known at this time



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5. Where do these birds usually go for processing?

a. In State or out of State (provide State if out of State)

TN

b. Approximate distance to plant (in miles) 6 miles

c. Can a route to the plant be planned that avoids other poultry premises?

d. Any reason why the birds, once PCR negative, could NOT go to this plant? Please explain.

NO High risk to other birds due
to common caretaker

6. List any significant trade impacts of control marketing/slaughtering this flock:

NO customer will take the meat

7. List any other reasons why control marketing/depopulation via slaughter may not be a viable option for this flock (this may include other LPAI or HPAI circulating at the time):

NO customer will take the product



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8. Please Indicate the State and/or Industry recommendation for the management for this flock: Controlled marketing, depopulation via slaughter, onsite depopulation, or a combination based on flock characteristics. Please indicate your reasoning for this recommendation.

Immediate depopulation

9. Please indicate the approximate indemnity and or compensation being requested for this flock (for owner and/or grower):

- a. Indemnity \$ 345,870
 b. Depopulation and disposal \$ _____
 c. Virus elimination \$ _____

(A Field Reimbursement Specialist or Avian Indemnity Team member can assist with estimates)

Signature(s) and title(s) of official making the above recommendation. (State and Industry can submit separate forms or a joint form.)

Signature [Handwritten Signature]
 Title DVM (Texas Veterinarian)

Signature
 Title



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USDA APHIS VS Determination:

_____ Approve controlled marketing plan as recommended above.

_____ Approve onsite depopulation as recommended above.

_____ USDA/APHIS VS is NOT in agreement with the recommendation above.

Reason for difference in agreement:

_____ More Information is needed.

A decision will be made within 48 hours once the information requested below is provided. (Enter information needed here.)

Indemnity approved at _____

Depopulation approved at _____

Disposal, materials destroyed and VE approved at _____



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Signature of USDA APHIS VS ICG Official:

Printed name and title of signatory: _____



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APPENDIX 2A- DRAFT FOR POULTRY OWNER

Appraisal and Indemnity Request for LPAI-Affected Premises

Other information requested in the mini memo can be added to this or may stand alone.

Premises ID where birds are located: 00N7EBP
LPAI presumptive positive date: 02/11/20
Address where birds are located: [REDACTED]
Poultry Owner Name, Address, Phone and E-mail Address: <i>Referred to in this document as the "Owner or Poultry Owner"</i> TYSON FOODS 2200 W. Dow Tyson Parkway Springdale, AR 72762

The State Official or Tribal Official and APHIS Official have determined that poultry on this premises are affected by LPAI. Poultry on this premises will be depopulated by State and/or APHIS and/or industry personnel. Indemnity for destroyed poultry and eggs affected by LPAI will be based on their fair market value, as determined by the current USDA APHIS indemnity calculators and subject to the Indemnity percentage approved on the Appendix D form.

In cases where the destroyed poultry and/or eggs were produced by a Contract Grower, the appraised value of the poultry and eggs will be split between the Poultry Owner and Contract Grower based on the following formula:

1. Divide the value of the contract the Owner entered into with the Grower for the growing and care of the poultry or eggs (in dollars) by the duration of the contract (i.e., number of days in the contract duration) as it was signed prior to the outbreak.
2. Multiply this value by the number of days between the date the Grower started to provide services for the destroyed poultry or eggs and the date the poultry or eggs


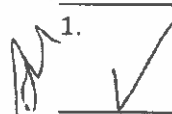
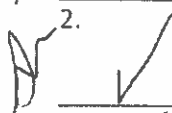
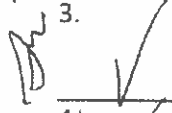
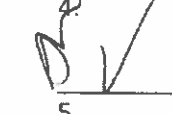


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- were destroyed. This is the maximum amount of federal indemnity the Control Grower is eligible to receive, if federal indemnity is approved for the destroyed poultry or eggs.
3. If the Grower has received any payment from the Owner under his/her contract prior to the date when the poultry or eggs are destroyed, then the federal indemnity the Contract Grower is eligible to receive will be reduced by this amount.
 4. If federal indemnity is approved for the destroyed birds and/or eggs, the Poultry Owner will receive the difference between the total indemnity shown on the VS 1-23 Appraisal and Indemnity Claim Form and the total indemnity paid to the Contract Grower.
 5. In the event that determination of indemnity to a party with which the Poultry Owner of destroyed poultry or eggs has entered into a contract for the growing or care of the poultry using the method described in 1 to 4 of this section is determined to be impractical or inappropriate, APHIS may use any other method for split payments that the Administrator deems appropriate.
 6. I understand that I have the right to dispute the proposed split federal indemnity payment by notifying the APHIS Administrator in writing; the APHIS Administrator has the final authority for determining federal indemnity payments.

Poultry Owner—Initial 1–5 and sign below:

1.  ✓ At the time of the outbreak, there was, to the best of my knowledge, a biosecurity plan that was followed to prevent the introduction of LPAI.
2.  ✓ I understand that the poultry on the premises will be depopulated in the most humane manner possible.
3.  ✓ I will provide barn and mortality records that verify the current inventory of poultry and eggs on the premises, which includes the number, age, and molt status (if applicable) of the birds and the total number of eggs that must be destroyed.
4.  ✓ I agree to accept the fair market value of the birds, as determined by the APHIS calculator, according to the inventory on the premises at the time this document is signed and subject to the Indemnity percentage approved on the Appendix D form.
5.  ✓ I agree to provide APHIS with a copy of the current contract executed between the parties as well as any supporting documentation deemed necessary by APHIS to determine appropriate division of the indemnity payment. This includes any checks or statements indicating partial payments or advances already paid in association with the destroyed birds or eggs.



Poultry Owner A&I Request Form



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APPENDIX 2B- DRAFT FOR CONTRACT GROWER

Appraisal and Indemnity Request for LPAI-Affected Premises

Other information requested in the mini memo can be added to this or may stand alone.

Premises ID where birds are located:
LPAI presumptive positive date: 2-12-22
Address where birds are located: [REDACTED]
Contract Grower Name, Address, Phone and E-mail Address: <i>Referred to in this document as the "Grower or Contract Grower"</i> [REDACTED]

The State Official or Tribal Official and APHIS Official have determined that poultry on this premises are affected by LPAI. Poultry on this premises will be depopulated by State and/or APHIS and/or industry personnel. Indemnity for destroyed poultry and eggs affected by LPAI will be based on their fair market value, as determined by the current USDA APHIS indemnity calculators and subject to the Indemnity percentage approved on the Appendix D form.

In cases where the destroyed poultry and/or eggs were produced by a Contract Grower, the appraised value of the poultry and eggs will be split between the Poultry Owner and Contract Grower based on the following formula:

1. Divide the value of the contract the Owner entered into with the Grower for the growing and care of the poultry or eggs (in dollars) by the duration of the contract (i.e., number of days in the contract duration) as it was signed prior to the outbreak.
2. Multiply this value by the number of days between the date the Grower started to provide services for the destroyed poultry or eggs and the date the poultry or eggs were destroyed. This is the maximum amount of federal indemnity the Control



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- Grower is eligible to receive, if federal indemnity is approved for the destroyed poultry or eggs.
3. If the Grower has received any payment from the Owner under his/her contract prior to the date when the poultry or eggs are destroyed, then the federal indemnity the Contract Grower is eligible to receive will be reduced by this amount.
 4. If Federal indemnity is approved for the destroyed birds and/or eggs, the Poultry Owner will receive the difference between the total indemnity shown on the VS 1-23 Appraisal and Indemnity Claim Form and the total indemnity paid to the Contract Grower.
 5. In the event that determination of indemnity to a party with which the Poultry Owner of destroyed poultry or eggs has entered into a contract for the growing or care of the poultry using the method described in 1 to 4 of this section is determined to be impractical or inappropriate, APHIS may use any other method for split payments that the Administrator deems appropriate.
 6. I understand that I have the right to dispute the proposed split federal indemnity payment by notifying the APHIS Administrator in writing; the APHIS Administrator has the final authority for determining federal indemnity payments.

Contract Grower—Initial 1–5 and sign below:

1. JE At the time of the outbreak, there was, to the best of my knowledge, a biosecurity plan that was followed to prevent the introduction of LPAI.
2. JE I understand that the poultry on the premises will be depopulated in the most humane manner possible.
3. JE I will provide barn and mortality records that verify the current inventory of poultry and eggs on the premises, which includes the number, age, and molt status (if applicable) of the birds and the total number of eggs that must be destroyed.
4. JE I agree to accept the fair market value of the birds, as determined by the APHIS calculator, according to the inventory on the premises at the time this document is signed and subject to the Indemnity percentage approved on the Appendix D form.
5. JE I agree to provide APHIS with a copy of the current contract executed between the parties as well as any supporting documentation deemed necessary by APHIS to determine appropriate division of the indemnity payment. This includes any checks or statements indicating partial payments or advances already paid in association with the destroyed birds or eggs.



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Contract Grower Signature:

[Redacted Signature]

Printed Name of Contract Grower:

[Redacted Name]

Date:

2-12-22

Title:

Contract Grower



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Appendix 1: Indemnity and Compensation Decision Determination

1. Please list all of the current test results available for this premises. For PCR, please list the Ct values:

Presumptive H5 positive CT20
Premis ID OON 7279

2. Are there multiple ages of birds on the farm? (Y) (N)
List the bird groups and ages and indicate if they would likely have time to clear the virus prior to humane issues occurring:

one age

3. List the number of commercial premises in the following zones surrounding the infected premises:

a. Within 1km (neighboring) 2
b. Within 3km (Infected Zone) 3
c. Within 10 km (Buffer Zone) 3

4. What are the estimated number of additional at-risk premises not included in the numbers above (this would include premises closely related by the network, business processes, or those identified by trace-in/trace-out):

None known at this time



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5. Where do these birds usually go for processing?
- a. In State or out of State (provide State if out of State)
TN
 - b. Approximate distance to plant (in miles) 6 Miles
 - c. Can a route to the plant be planned that avoids other poultry premises?
 - d. Any reason why the birds, once PCR negative, could NOT go to this plant? Please explain.

High risk to other birds
due to common fare take

6. List any significant trade impacts of control marketing/slaughtering this flock:
- No customer will accept the meat
-
-
-

7. List any other reasons why control marketing/depopulation via slaughter may not be a viable option for this flock (this may include other LPAI or HPAI circulating at the time):
- No customer will take the meat
-
-
-



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8. Please Indicate the State and/or Industry recommendation for the management for this flock: Controlled marketing, depopulation via slaughter, onsite depopulation, or a combination based on flock characteristics. Please indicate your reasoning for this recommendation.

Immediate depopulation

9. Please indicate the approximate indemnity and or compensation being requested for this flock (for owner and/or grower):

- a. Indemnity \$ 345,070
b. Depopulation and disposal \$ _____
c. Virus elimination \$ _____

(A Field Reimbursement Specialist or Avian Indemnity Team member can assist with estimates)

Signature(s) and title(s) of official making the above recommendation. (State and Industry can submit separate forms or a joint form.)

Signature [Handwritten Signature]
Title DVM (Tyson Veterinarian)

Signature
Title



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USDA APHIS VS Determination:

_____ Approve controlled marketing plan as recommended above.

_____ Approve onsite depopulation as recommended above.

_____ USDA/APHIS VS is NOT in agreement with the recommendation above.

Reason for difference in agreement:

_____ More Information is needed.

A decision will be made within 48 hours once the information requested below is provided. (Enter information needed here.)

Indemnity approved at _____

Depopulation approved at _____

Disposal, materials destroyed and VE approved at _____



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Signature of USDA APHIS VS ICG Official:

Printed name and title of signatory: _____



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APPENDIX 2A- DRAFT FOR POULTRY OWNER

Appraisal and Indemnity Request for LPAI-Affected Premises

Other information requested in the mini memo can be added to this or may stand alone.

Premises ID where birds are located:	00N7279
LPAI presumptive positive date:	02/11/22
Address where birds are located:	[REDACTED]
Poultry Owner Name, Address, Phone and E-mail Address: <i>Referred to in this document as the "Owner or Poultry Owner"</i>	TYSON FOODS 2200 W. DON TYSON PARKWAY SPRINGDALE, AR 72762

The State Official or Tribal Official and APHIS Official have determined that poultry on this premises are affected by LPAI. Poultry on this premises will be depopulated by State and/or APHIS and/or industry personnel. Indemnity for destroyed poultry and eggs affected by LPAI will be based on their fair market value, as determined by the current USDA APHIS indemnity calculators and subject to the Indemnity percentage approved on the Appendix D form.

In cases where the destroyed poultry and/or eggs were produced by a Contract Grower, the appraised value of the poultry and eggs will be split between the Poultry Owner and Contract Grower based on the following formula:

1. Divide the value of the contract the Owner entered into with the Grower for the growing and care of the poultry or eggs (in dollars) by the duration of the contract (i.e., number of days in the contract duration) as it was signed prior to the outbreak.
2. Multiply this value by the number of days between the date the Grower started to provide services for the destroyed poultry or eggs and the date the poultry or eggs








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- were destroyed. This is the maximum amount of federal indemnity the Control Grower is eligible to receive, if federal indemnity is approved for the destroyed poultry or eggs.
3. If the Grower has received any payment from the Owner under his/her contract prior to the date when the poultry or eggs are destroyed, then the federal indemnity the Contract Grower is eligible to receive will be reduced by this amount.
 4. If federal indemnity is approved for the destroyed birds and/or eggs, the Poultry Owner will receive the difference between the total indemnity shown on the VS 1-23 Appraisal and Indemnity Claim Form and the total indemnity paid to the Contract Grower.
 5. In the event that determination of indemnity to a party with which the Poultry Owner of destroyed poultry or eggs has entered into a contract for the growing or care of the poultry using the method described in 1 to 4 of this section is determined to be impractical or inappropriate, APHIS may use any other method for split payments that the Administrator deems appropriate.
 6. I understand that I have the right to dispute the proposed split federal indemnity payment by notifying the APHIS Administrator in writing; the APHIS Administrator has the final authority for determining federal indemnity payments.

Poultry Owner—Initial 1–5 and sign below:

1.  At the time of the outbreak, there was, to the best of my knowledge, a biosecurity plan that was followed to prevent the introduction of LPAI.
2.  I understand that the poultry on the premises will be depopulated in the most humane manner possible.
3.  I will provide barn and mortality records that verify the current inventory of poultry and eggs on the premises, which includes the number, age, and molt status (if applicable) of the birds and the total number of eggs that must be destroyed.
4.  I agree to accept the fair market value of the birds, as determined by the APHIS calculator, according to the inventory on the premises at the time this document is signed and subject to the Indemnity percentage approved on the Appendix D form.
5.  I agree to provide APHIS with a copy of the current contract executed between the parties as well as any supporting documentation deemed necessary by APHIS to determine appropriate division of the indemnity payment. This includes any checks or statements indicating partial payments or advances already paid in association with the destroyed birds or eggs.



Poultry Owner A&I Request Form



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Animal and Plant Health Inspection Service
Veterinary Services

VS Guidance 8603.2

APPENDIX 2B- DRAFT FOR CONTRACT GROWER

Appraisal and Indemnity Request for LPAI-Affected Premises

Other information requested in the mini memo can be added to this or may stand alone.

Premises ID where birds are located:
LPAI presumptive positive date: 2/2-22
Address where birds are located: [REDACTED]
Contract Grower Name, Address, Phone and E-mail Address: <i>Referred to in this document as the "Grower or Contract Grower"</i> [REDACTED]

The State Official or Tribal Official and APHIS Official have determined that poultry on this premises are affected by LPAI. Poultry on this premises will be depopulated by State and/or APHIS and/or industry personnel. Indemnity for destroyed poultry and eggs affected by LPAI will be based on their fair market value, as determined by the current USDA APHIS indemnity calculators and subject to the Indemnity percentage approved on the Appendix D form.

In cases where the destroyed poultry and/or eggs were produced by a Contract Grower, the appraised value of the poultry and eggs will be split between the Poultry Owner and Contract Grower based on the following formula:

1. Divide the value of the contract the Owner entered into with the Grower for the growing and care of the poultry or eggs (in dollars) by the duration of the contract (i.e., number of days in the contract duration) as it was signed prior to the outbreak.
2. Multiply this value by the number of days between the date the Grower started to provide services for the destroyed poultry or eggs and the date the poultry or eggs were destroyed. This is the maximum amount of federal indemnity the Control








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Grower is eligible to receive, if federal indemnity is approved for the destroyed poultry or eggs.

3. If the Grower has received any payment from the Owner under his/her contract prior to the date when the poultry or eggs are destroyed, then the federal indemnity the Contract Grower is eligible to receive will be reduced by this amount.
4. If Federal indemnity is approved for the destroyed birds and/or eggs, the Poultry Owner will receive the difference between the total indemnity shown on the VS 1-23 Appraisal and Indemnity Claim Form and the total indemnity paid to the Contract Grower.
5. In the event that determination of indemnity to a party with which the Poultry Owner of destroyed poultry or eggs has entered into a contract for the growing or care of the poultry using the method described in 1 to 4 of this section is determined to be impractical or inappropriate, APHIS may use any other method for split payments that the Administrator deems appropriate.
6. I understand that I have the right to dispute the proposed split federal indemnity payment by notifying the APHIS Administrator in writing; the APHIS Administrator has the final authority for determining federal indemnity payments.

Contract Grower—Initial 1–5 and sign below:

1.  At the time of the outbreak, there was, to the best of my knowledge, a biosecurity plan that was followed to prevent the introduction of LPAI.
2.  I understand that the poultry on the premises will be depopulated in the most humane manner possible.
3.  I will provide barn and mortality records that verify the current inventory of poultry and eggs on the premises, which includes the number, age, and molt status (if applicable) of the birds and the total number of eggs that must be destroyed.
4.  I agree to accept the fair market value of the birds, as determined by the APHIS calculator, according to the inventory on the premises at the time this document is signed and subject to the Indemnity percentage approved on the Appendix D form.
5.  I agree to provide APHIS with a copy of the current contract executed between the parties as well as any supporting documentation deemed necessary by APHIS to determine appropriate division of the indemnity payment. This includes any checks or statements indicating partial payments or advances already paid in association with the destroyed birds or eggs.



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Marketing and Regulatory Programs
Animal and Plant Health Inspection Service
Veterinary Services

VS Guidance 8603.2

Contract Grower Signature:

[Redacted signature]

Printed Name of Contract Grower:

2-12-22

Date:

Title:

Contract grower

Flynn, Katie (AGR)

From: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Sent: Saturday, February 12, 2022 8:25 PM
To: Meek, Dallas W - APHIS
Cc: Flynn, Katie (AGR); Sifford, Rosemary B - APHIS; Dijab, Adis - APHIS
Subject: RE: VSD+Heat

Good evening Dallas,

Veterinary Services will not be approving Dr. McCarter's request for utilization of VSD+ as the depopulation method for this flock.

As we discussed, the National Veterinary Stockpile is in the process of standing up mobilization of foaming equipment and contract crews to operate this equipment. An arrival ETA for these assets, assuming NVSL confirmation, will be provided as soon as it is available.

Thank you,
Koren



Koren Moore Custer, DVM, MPH
Director, District 1
USDA APHIS Veterinary Services
Field Operations
p: 919-855-7708
c: 774-276-1985
koren.m.custer@usda.gov
920 Main Campus Dr., Raleigh, NC 27606

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Saturday, February 12, 2022 5:59 PM
To: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Cc: Katie.flynn@ky.gov
Subject: FW: VSD+Heat

Hi Koren,

Here is the request and justification for VSD+ depopulation method from Tyson. Dr. Flynn has it as well. Please distribute as appropriate for review and consideration.

Let us know if you need further input from KY.

Thanks,

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H



Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826

From: McCarter, Steve <steve.mccarter@tyson.com>
Sent: Saturday, February 12, 2022 5:47 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Cc: Katie.flynn@ky.gov; steve.mccarter@tyson.com; Joyner, Shane <shane.joyner@tyson.com>; scott.gustin@tyson.com
Subject: VSD+Heat

Dr. Meek,

Due to emergency situation with HPAI of Asian origin and risk to the poultry industry in the US, we are requesting to use VSD + heat for depopulation of the index case in KY. First, this is a constrained circumstance, because it is a large farm (240,000 birds) with 12 houses. We could not possibly foam the birds in the next 72 hours. Second, we are concerned about our Tyson employees. We do not want them exposed to this virus due to zoonotic potential. Finally, we are concerned about the spread of this disease to other flocks. The longer the virus circulates in our birds, the more "chicken adapted" it becomes. This makes it a threat to the entire US Poultry Industry. If we bring people from all over the us and equipment, we could spread this deadly disease.

Thank you for consideration of our request. We appreciate your assistance in this emergency situation.

Sincerely,

Steve McCarter DVM

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Flynn, Katie (AGR)

From: McCarter, Steve <steve.mccarter@tyson.com>
Sent: Saturday, February 12, 2022 9:51 PM
To: Meek, Dallas W - APHIS; Joyner, Shane
Cc: Flynn, Katie (AGR); Custer, Koren M - APHIS; Gustin, Scott; Miller, Chip; McCarter, Steve; Miller, James M.
Subject: RE: VSD+Heat Request

Drs Meek and Koren,

Thanks for your help with my request. We will use our internal team to foam the sick house tomorrow. We will ask for help from the National Veterinary Stockpile for the remaining houses 11 houses (as provided by Dr Koren below). Will you provide us an approximate time frame for depopulation? We appreciate you working with us in this emergency situation.

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Sent: Saturday, February 12, 2022 9:23 PM
To: McCarter, Steve <steve.mccarter@tyson.com>; Joyner, Shane <shane.joyner@tyson.com>
Cc: Katie.flynn@ky.gov; Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Subject: [EXTERNAL] - FW: VSD+Heat Request

Dr. McCarter,

Please see the reply below to your request for approval of VSD+ depopulation method. I would appreciate if you could let us know your alternate plans for depopulation and disposal.

National Stockpile is in the process of deploying additional foaming equipment to be used as needed.

If you have questions, you can give me a call.

Regards,

Dallas W. Meek DVM
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105 Corporate Drive, Suite H
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<adis.dijab@usda.gov>

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Cc: Flynn, Katie (AGR); scott.gustin@tyson.com; Miller, Chip; steve.mccarter@tyson.com; Miller, James M.
Subject: Re: VSD+Heat Request

Good evening Dr. McCarter,

We don't have an ETA available, yet, but will certainly provide one as soon as it's available,

Thank you,
Koren

[Get Outlook for iOS](#)

From: McCarter, Steve <steve.mccarter@tyson.com>
Sent: Saturday, February 12, 2022 9:51:20 PM
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Flynn, Katie (AGR)

From: Mia Torchetti <NVSLCASECOORDINATOR@USDA.GOV>
Sent: Saturday, February 12, 2022 10:20 PM
To: nvsl.vs.ky@aphis.usda.gov
Subject: Partial Report on 22-004416 For KY AVIC
Attachments: 22-004416_2.pdf

****CAUTION**** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.

Partial Report on 22-004416 For KY AVIC





National Veterinary Services Laboratories

PO Box 844

Ames, Iowa 50010

Phone: 515-337-7514 Fax: 515-337-7938

FEDERAL RELAY SERVICE (Voice/TTY/ASCII/Spanish) 1-800-877-8339

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PARTIAL REPORT

Laboratory Test Report

Sensitive But Unclassified/Sensitive Security Information - Disseminate on a Need-To-Know Basis Only

Owner
Frontier Farm
Fulton, KY
Animal Location
Fulton County KY, United States, Prem ID:00N7279
Submitter - 501403
Murray State University
Breathitt Veterinary Center
101 MSU Drive
PO Box 2000
Hopkinsville, KY 42240
FAX #: 270-886-4295

Accession Number: 22-004416
Date Collected: 02/11/2022
Date Received: 02/12/2022
Date Completed:
Collected By: Owner
Purpose: FAD EP
Commercial Poultry
FAD Number: 22KY0009
Referral Number:

Country Origin/Destination:
This is not a billable case.

NOTE: Condition of the sample(s) was adequate unless otherwise noted.

Sample: 1193-1 Specimen Type: Swab Animal ID: 1 Species: Chicken, Domestic Broiler/Meat-type

<u>Virus Isolation</u>	<u>RRTPCR IAV H5</u> Detected (Ct 21.2)	<u>RRT-PCR H5 2.3.4.4</u> Detected (Ct 20.8)
------------------------	--	---

Sample: 1193-2 Specimen Type: Swab Animal ID: 2 Species: Chicken, Domestic Broiler/Meat-type

<u>Virus Isolation</u>	<u>RRTPCR IAV H5</u> Detected (Ct 22.5)	<u>RRT-PCR H5 2.3.4.4</u> Detected (Ct 21.9)
------------------------	--	---

Sample: 1193-3 Specimen Type: Swab Animal ID: 3 Species: Chicken, Domestic Broiler/Meat-type

<u>Virus Isolation</u>	<u>RRTPCR IAV H5</u> Detected (Ct 24.3)	<u>RRT-PCR H5 2.3.4.4</u> Detected (Ct 23.6)
------------------------	--	---

Molecular assay results reported on 02/12/2022. Sample was tested by a developmental real-time RT PCR targeting Eurasian lineage goose/Guangdong H5 clade 2.3.4.4b. Virus isolation and sequencing are pending.

**This is a Partial report. Some tests that were requested have not been completed.
A Final report will be sent when all testing has been completed.**

UPDATE: PCR results for avian samples are reported as "detected" (instead of positive) or "not detected" (instead of negative) and include the cycle threshold (Ct) value. The lower the Ct value, the more nucleic acid was detected.

Results authorized by:

Dr. Mia Kim Torchetti, Director, Diagnostic Virology Laboratory
515-337-7551

Help Us Help You

(This new section will be updated periodically with tips for submitters.)

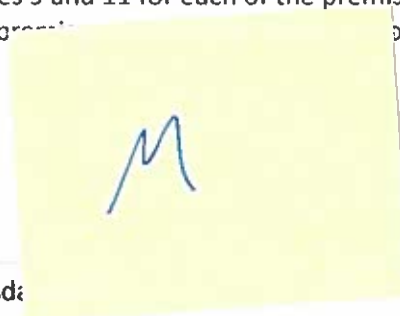
Try the new NCAH Portal for VS Form 10-4 submissions to NVSL! For more information, please click or visit:
<https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/lab-info-services/portal>

Flynn, Katie (AGR)

From: Flynn, Katie (AGR)
Sent: Saturday, February 12, 2022 10:49 PM
To: Williams, Dasheba R - APHIS; Meek, Dallas W - APHIS
Cc: Cmach, Leslie F - APHIS; Halstead, Steven L - APHIS; jenniferhall@kypoultry.org; 'Fox, Patty'; Custer, Koren M - APHIS
Subject: RE: Contact Information
Attachments: USDA.pdf; U.S. DEPARTMENT OF AGRICULTURE.pdf

Attached please find the signed Appendix 1 documents pages 9 and 11 for each of the premises. Please note you have a modified page 9 for each document to reflect the accurate premises information. Other edits were made to other pages.

Thanks
Katie



From: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
Sent: Saturday, February 12, 2022 6:30 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Cc: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>; Flynn, Katie (AGR) <Katie.Flynn@ky.gov>; jenniferhall@kypoultry.org
Subject: RE: Contact Information

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

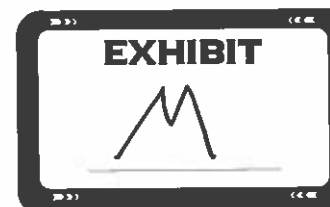
Here are the signed documents from both growers and the representative from Tyson. At some point a few minor corrections or additions will be made (addition of premises IDs, a few estimates, appearance from sent copies and etc.) but this will have no effect on validity. I confirmed that with Dr. Fox.

I did inform Dr. McCarter that he could work with the state if needed to assist him with answering questions for both Appendix 1s but he replied that he could handle it. Let me know if you need for me to follow-up on anything you feel is critical.

sorry for the delay but I was engaged in another extensive conversation with the growers

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Saturday, February 12, 2022 4:54 PM
To: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
Cc: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>; Katie.flynn@ky.gov; jenniferhall@kypoultry.org
Subject: RE: Contact Information

Thanks Dasheba.
-Dallas



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USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
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From: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
Sent: Saturday, February 12, 2022 4:50 PM
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Katie.flynn@ky.gov; jenniferhall@kypoultry.org
Subject: RE: Contact Information

Sorry, just hung up with both growers. They chose to get together for me to go over things. They are currently scanning in their Appendices 2Bs.

Dr. McCarter (Tyson Rep) returned the Appendix 2A but I had to ask him to place his initials on lines of understanding instead of check marks, waiting for him to correct and resend. I have received the Appendix 1 back on behalf of Tyson as well.

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Saturday, February 12, 2022 4:33 PM
To: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
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Katie.flynn@ky.gov; jenniferhall@kypoultry.org
Subject: RE: Contact Information

Hi Dasheba.

Would you be able to provide a brief status update on your efforts w/ Appendix 1 and other forms in preparation for further action?

Thanks,

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Katie.flynn@ky.gov; jenniferhall@kypoultry.org
Subject: RE: Contact Information

No problem at all. I will definitely be able to work through and figure out the proper contacts.

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Saturday, February 12, 2022 12:02 PM
To: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
Cc: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>;
Katie.flynn@ky.gov; jenniferhall@kypoultry.org
Subject: RE: Contact Information

Hi Dasheba.

Unfortunately, I don't believe that I have all the contact information you need. I am sending you the POC's that Tyson provided to us this morning. I would suggest reaching out to them and asking for this information.

- Shane Joyner – Live Production Manager: 731-796-1157
- Dr. Steve McCarter – Tyson Veterinarian: 404-915-8740

I would recommend starting with Shane to see if he can provide you with the information that you need. Let me know if you need anything additional. Jennifer Hall (copied on this email) is the NPIP coordinator in the state and can probably provide additional information if needed as well.

I did have a brief conversation with Patty Fox to fill her in on the situation.

Thanks,
Dallas

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826

From: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
Sent: Saturday, February 12, 2022 11:44 AM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Subject: Contact Information

List of needed information

1. POC for Integrator
2. Information for each Grower
3. Information for Barn owners if different from growers

I created a waiver form in 2020 that releases the USDA from any liability in the event of damage on the premises by non-USDA employees, hence the request for barn owners if different. It was reviewed by our legal counsel in 2020 and approved for use.

I forget to mention that via of phone Dr. Meeks.



Dasheba R. Williams
Animal Identification Coordinator
APHIS, Veterinary Services
Field Operations (FiOps), District 1
Cell: 919-614-2152
Area Office: 919-855-7700
Dasheba.R.Williams@usda.gov
920 Main Campus Dr., Ste. 200
Raleigh, NC 27606

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VS Guidance 8602.2

Appendix 1: Indemnity and Compensation Decision Determination

1. Please list all of the current test results available for this premises. For PCR, please list the Ct values:

Presumptive HS positive CT20
Premis ID 00N7379

2. Are there multiple ages of birds on the farm? (Y) (N)
List the bird groups and ages and indicate if they would likely have time to clear the virus prior to humane issues occurring:

one age

3. List the number of commercial premises in the following zones surrounding the infected premises:

a. Within 1km (neighboring) 3 (infected and dangerous contact)
b. Within 3km (Infected Zone) ~~2~~ 1 KAF
c. Within 10 km (Buffer Zone) ~~5~~ 5 KAF

4. What are the estimated number of additional at-risk premises not included in the numbers above (this would include premises closely related by the network, business processes, or those identified by trace-in/trace-out):

None known at this time



VS Guidance 8602.2

8. Please indicate the State and/or Industry recommendation for the management for this flock: Controlled marketing, depopulation via slaughter, onsite depopulation, or a combination based on flock characteristics. Please indicate your reasoning for this recommendation.

Immediate depopulation

9. Please indicate the approximate indemnity and or compensation being requested for this flock (for owner and/or grower):

- a. Indemnity \$ 345,078
b. Depopulation and disposal \$ _____
c. Virus elimination \$ _____

(A Field Reimbursement Specialist or Avian Indemnity Team member can assist with estimates)

Signature(s) and title(s) of official making the above recommendation. (State and Industry can submit separate forms or a joint form.)

Signature
Title

Stephen M. Moore
DVM (Tyson Veterinarian)

Signature
Title

[Signature]
State Veterinarian



VS Guidance 8602.2

Appendix 1: Indemnity and Compensation Decision Determination

1. Please list all of the current test results available for this premises. For PCR, please list the Ct values:

Presumptive H5 Positive CT 20
premises ID CONFIDENTIAL

2. Are there multiple ages of birds on the farm? (Y) (N)
List the bird groups and ages and indicate if they would likely have time to clear the virus prior to humane issues occurring:

One age

3. List the number of commercial premises in the following zones surrounding the infected premises:

a. Within 1km (neighboring) 0 (infected and dangerous contact)
b. Within 3km (Infected Zone) 0 1 KAF
c. Within 10 km (Buffer Zone) 0 5 KAF

4. What are the estimated number of additional at-risk premises not included in the numbers above (this would include premises closely related by the network, business processes, or those identified by trace-in/trace-out):

None known at this time



VS Guidance 8602.2

8. Please Indicate the State and/or Industry recommendation for the management for this flock: Controlled marketing, depopulation via slaughter, onsite depopulation, or a combination based on flock characteristics. Please indicate your reasoning for this recommendation.

Immediate depopulation

9. Please indicate the approximate indemnity and or compensation being requested for this flock (for owner and/or grower):

a. Indemnity \$ 345,878
b. Depopulation and disposal \$ _____
c. Virus elimination \$ _____

(A Field Reimbursement Specialist or Avian Indemnity Team member can assist with estimates)

Signature(s) and title(s) of official making the above recommendation. (State and Industry can submit separate forms or a joint form.)

Signature [Handwritten Signature]
Title DVM (Tyrone Veterinarian)

Signature [Handwritten Signature]
Title State Veterinarian

Flynn, Katie (AGR)

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Saturday, February 12, 2022 11:57 PM
To: Fox, Patricia E - APHIS; Custer, Koren M - APHIS; Williams, Dasheba R - APHIS; Gauthier, Julie L - APHIS
Cc: Cmach, Leslie F - APHIS; Halstead, Steven L - APHIS; jenniferhall@kypoultry.org; Flynn, Katie (AGR)
Subject: RE: Contact Information
Attachments: 00N7279_Fulton 01_Appendix 1_20220212.pdf; 00N7279_KY_Appendix 2A_CS_20221202.pdf; 00N7279_KY_Appendix 2B_CS_20221202.pdf; 00N7EBP_Fulton 02_Appendix 1_20220212.pdf; 00N7EBP_KY_Appendix 2A_CS_20221202.pdf; 00N7EBP_KY_Appendix 2B_CS_20221202.pdf

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Signed Appendix 1, appendix 2A and 2B for both Fulton County KY premises are attached.

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826

From: Flynn, Katie (AGR) <Katie.Flynn@ky.gov>
Sent: Saturday, February 12, 2022 10:49 PM
To: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>; Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Cc: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>; jenniferhall@kypoultry.org; Fox, Patricia E - APHIS <patricia.e.fox@usda.gov>; Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Subject: RE: Contact Information

Attached please find the signed Appendix 1 documents pages 9 and 11 for each of the premises. Please note you have a modified page 9 for each document to reflect the accurate premises count in the areas. No other edits were made to other pages.

Thanks
Katie



From: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
Sent: Saturday, February 12, 2022 6:30 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Cc: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>; Flynn,

Katie (AGR) <Katie.Flynn@ky.gov>; jenniferhall@kypoultry.org

Subject: RE: Contact Information

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Here are the signed documents from both growers and the representative from Tyson. At some point a few minor corrections or additions will be made (addition of premises IDs, a few estimates, appearance from sent copies and etc.) but this will have no effect on validity. I confirmed that with Dr. Fox.

I did inform Dr. McCarter that he could work with the state if needed to assist him with answering questions for both Appendix 1s but he replied that he could handle it. Let me know if you need for me to follow-up on anything you feel is critical.

sorry for the delay but I was engaged in another extensive conversation with the growers

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>

Sent: Saturday, February 12, 2022 4:54 PM

To: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>

Cc: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>; Katie.flynn@ky.gov; jenniferhall@kypoultry.org

Subject: RE: Contact Information

Thanks Dasheba.

-Dallas

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826

From: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>

Sent: Saturday, February 12, 2022 4:50 PM

To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>

Cc: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>; Katie.flynn@ky.gov; jenniferhall@kypoultry.org

Subject: RE: Contact Information

Sorry, just hung up with both growers. They chose to get together for me to go over things. They are currently scanning in their Appendices 2Bs.

Dr. McCarter (Tyson Rep) returned the Appendix 2A but I had to ask him to place his initials on lines of understanding instead of check marks, waiting for him to correct and resend. I have received the Appendix 1 back on behalf of Tyson as well.

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Saturday, February 12, 2022 4:33 PM
To: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
Cc: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>;
Katie.flynn@ky.gov; jenniferhall@kypoultry.org
Subject: RE: Contact Information

Hi Dasheba.

Would you be able to provide a brief status update on your efforts w/ Appendix 1 and other forms in preparation for further action?

Thanks,

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826

From: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
Sent: Saturday, February 12, 2022 12:04 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Cc: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>;
Katie.flynn@ky.gov; jenniferhall@kypoultry.org
Subject: RE: Contact Information

No problem at all. I will definitely be able to work through and figure out the proper contacts.

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Saturday, February 12, 2022 12:02 PM
To: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
Cc: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>;
Katie.flynn@ky.gov; jenniferhall@kypoultry.org
Subject: RE: Contact Information

Hi Dasheba.

Unfortunately, I don't believe that I have all the contact information you need. I am sending you the POC's that Tyson provided to us this morning. I would suggest reaching out to them and asking for this information.

- Shane Joyner – Live Production Manager: 731-796-1157
- Dr. Steve McCarter – Tyson Veterinarian: 404-915-8740

I would recommend starting with Shane to see if he can provide you with the information that you need. Let me know if you need anything additional. Jennifer Hall (copied on this email) is the NPIP coordinator in the state and can probably provide additional information if needed as well.

I did have a brief conversation with Patty Fox to fill her in on the situation.

Thanks,
Dallas

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826


From: Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
Sent: Saturday, February 12, 2022 11:44 AM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Subject: Contact Information

List of needed information

1. POC for Integrator
2. Information for each Grower
3. Information for Barn owners if different from growers

I created a waiver form in 2020 that releases the USDA from any liability in the event of damage on the premises by non-USDA employees, hence the request for barn owners if different. It was reviewed by our legal counsel in 2020 and approved for use.

I forget to mention that via of phone Dr. Meeks.

 Dasheba R. Williams
Animal Identification Coordinator
APHIS, Veterinary Services
Field Operations (FiOps), District 1
Cell: 919-614-2152
Area Office: 919-855-7700
Dasheba.R.Williams@usda.gov
920 Main Campus Dr., Ste. 200
Raleigh, NC 27606

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VS Guidance 8602.2

Appendix 1: Indemnity and Compensation Decision Determination

1. Please list all of the current test results available for this premises. For PCR, please list the Ct values:

Presumptive H5 positive Ct=20
Premis ID: CCN 7379

2. Are there multiple ages of birds on the farm? (Y) (N)
List the bird groups and ages and indicate if they would likely have time to clear the virus prior to humane issues occurring:

one age

3. List the number of commercial premises in the following zones surrounding the infected premises:

a. Within 1km (neighboring) 2 (infected and dangerous contact)
b. Within 3km (Infected Zone) ~~2~~ 1 KAF
c. Within 10 km (Buffer Zone) ~~2~~ 5 KAF

4. What are the estimated number of additional at-risk premises not included in the numbers above (this would include premises closely related by the network, business processes, or those identified by trace-in/trace-out):

None known at this time



VS Guidance 8602.2

8. Please Indicate the State and/or Industry recommendation for the management for this flock: Controlled marketing, depopulation via slaughter, onsite depopulation, or a combination based on flock characteristics. Please indicate your reasoning for this recommendation.

Immediate depopulation

9. Please indicate the approximate indemnity and or compensation being requested for this flock (for owner and/or grower):

- a. Indemnity \$ 345,678
b. Depopulation and disposal \$ _____
c. Virus elimination \$ _____

(A Field Reimbursement Specialist or Avian Indemnity Team member can assist with estimates)

Signature(s) and title(s) of official making the above recommendation. (State and industry can submit separate forms or a joint form.)

Signature
Title

Stephen MMSO
DVM (Type Veterinarian)

Signature
Title

State Veterinarian
Della 257 Meek Ave
APHIS US KY AVIC



U.S. DEPARTMENT OF AGRICULTURE
Marketing and Regulatory Programs
Animal and Plant Health Inspection Service
Veterinary Services

VS Guidance 8603.2

APPENDIX 2A- DRAFT FOR POULTRY OWNER

Appraisal and Indemnity Request for LPAI-Affected Premises

Other information requested in the mini memo can be added to this or may stand alone.

Premises ID where birds are located:	00N7279
LPAI presumptive positive date:	02/11/22
Address where birds are located:	[REDACTED] [REDACTED]
Poultry Owner Name, Address, Phone and E-mail Address: <i>Referred to in this document as the "Owner or Poultry Owner"</i>	TYSON FOODS 2200 W. DON TYSON PARKWAY Springdale, AR 72762

The State Official or Tribal Official and APHIS Official have determined that poultry on this premises are affected by LPAI. Poultry on this premises will be depopulated by State and/or APHIS and/or industry personnel. Indemnity for destroyed poultry and eggs affected by LPAI will be based on their fair market value, as determined by the current USDA APHIS indemnity calculators and subject to the Indemnity percentage approved on the Appendix D form.

In cases where the destroyed poultry and/or eggs were produced by a Contract Grower, the appraised value of the poultry and eggs will be split between the Poultry Owner and Contract Grower based on the following formula:

1. Divide the value of the contract the Owner entered into with the Grower for the growing and care of the poultry or eggs (in dollars) by the duration of the contract (i.e., number of days in the contract duration) as it was signed prior to the outbreak.
2. Multiply this value by the number of days between the date the Grower started to provide services for the destroyed poultry or eggs and the date the poultry or eggs

Poultry Owner A&I Request Form








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were destroyed. This is the maximum amount of federal indemnity the Control Grower is eligible to receive, if federal indemnity is approved for the destroyed poultry or eggs.

3. If the Grower has received any payment from the Owner under his/her contract prior to the date when the poultry or eggs are destroyed, then the federal indemnity the Contract Grower is eligible to receive will be reduced by this amount.
4. If federal indemnity is approved for the destroyed birds and/or eggs, the Poultry Owner will receive the difference between the total indemnity shown on the VS 1-23 Appraisal and Indemnity Claim Form and the total indemnity paid to the Contract Grower.
5. In the event that determination of indemnity to a party with which the Poultry Owner of destroyed poultry or eggs has entered into a contract for the growing or care of the poultry using the method described in 1 to 4 of this section is determined to be impractical or inappropriate, APHIS may use any other method for split payments that the Administrator deems appropriate.
6. I understand that I have the right to dispute the proposed split federal indemnity payment by notifying the APHIS Administrator in writing; the APHIS Administrator has the final authority for determining federal indemnity payments.

Poultry Owner—Initial 1–5 and sign below:

1.  At the time of the outbreak, there was, to the best of my knowledge, a biosecurity plan that was followed to prevent the introduction of LPAI.
2.  I understand that the poultry on the premises will be depopulated in the most humane manner possible.
3.  I will provide barn and mortality records that verify the current inventory of poultry and eggs on the premises, which includes the number, age, and molt status (if applicable) of the birds and the total number of eggs that must be destroyed.
4.  I agree to accept the fair market value of the birds, as determined by the APHIS calculator, according to the inventory on the premises at the time this document is signed and subject to the Indemnity percentage approved on the Appendix D form.
5.  I agree to provide APHIS with a copy of the current contract executed between the parties as well as any supporting documentation deemed necessary by APHIS to determine appropriate division of the indemnity payment. This includes any checks or statements indicating partial payments or advances already paid in association with the destroyed birds or eggs.



Poultry Owner A&I Request Form



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Animal and Plant Health Inspection Service
Veterinary Services

VS Guidance 8603.2

APPENDIX 2B- DRAFT FOR CONTRACT GROWER

Appraisal and Indemnity Request for LPAI-Affected Premises

Other information requested in the mini memo can be added to this or may stand alone.

Premises ID where birds are located:
LPAI presumptive positive date: 2-12-22
Address where birds are located: [REDACTED]
Contract Grower Name, Address, Phone and E-mail Address: <i>Referred to in this document as the "Grower or Contract Grower"</i> [REDACTED]

The State Official or Tribal Official and APHIS Official have determined that poultry on this premises are affected by LPAI. Poultry on this premises will be depopulated by State and/or APHIS and/or industry personnel. Indemnity for destroyed poultry and eggs affected by LPAI will be based on their fair market value, as determined by the current USDA APHIS indemnity calculators and subject to the Indemnity percentage approved on the Appendix D form.

In cases where the destroyed poultry and/or eggs were produced by a Contract Grower, the appraised value of the poultry and eggs will be split between the Poultry Owner and Contract Grower based on the following formula:

1. Divide the value of the contract the Owner entered into with the Grower for the growing and care of the poultry or eggs (in dollars) by the duration of the contract (i.e., number of days in the contract duration) as it was signed prior to the outbreak.
2. Multiply this value by the number of days between the date the Grower started to provide services for the destroyed poultry or eggs and the date the poultry or eggs were destroyed. This is the maximum amount of federal indemnity the Control








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Marketing and Regulatory Programs
Animal and Plant Health Inspection Service
Veterinary Services

VS Guidance 8603.2

- Grower is eligible to receive, if federal indemnity is approved for the destroyed poultry or eggs.
3. If the Grower has received any payment from the Owner under his/her contract prior to the date when the poultry or eggs are destroyed, then the federal indemnity the Contract Grower is eligible to receive will be reduced by this amount.
 4. If Federal indemnity is approved for the destroyed birds and/or eggs, the Poultry Owner will receive the difference between the total indemnity shown on the VS 1-23 Appraisal and Indemnity Claim Form and the total indemnity paid to the Contract Grower.
 5. In the event that determination of indemnity to a party with which the Poultry Owner of destroyed poultry or eggs has entered into a contract for the growing or care of the poultry using the method described in 1 to 4 of this section is determined to be impractical or inappropriate, APHIS may use any other method for split payments that the Administrator deems appropriate.
 6. I understand that I have the right to dispute the proposed split federal indemnity payment by notifying the APHIS Administrator in writing; the APHIS Administrator has the final authority for determining federal indemnity payments.

Contract Grower—Initial 1–5 and sign below:

1.  At the time of the outbreak, there was, to the best of my knowledge, a biosecurity plan that was followed to prevent the introduction of LPAI.
2.  I understand that the poultry on the premises will be depopulated in the most humane manner possible.
3.  I will provide barn and mortality records that verify the current inventory of poultry and eggs on the premises, which includes the number, age, and molt status (if applicable) of the birds and the total number of eggs that must be destroyed.
4.  I agree to accept the fair market value of the birds, as determined by the APHIS calculator, according to the inventory on the premises at the time this document is signed and subject to the Indemnity percentage approved on the Appendix D form.
5.  I agree to provide APHIS with a copy of the current contract executed between the parties as well as any supporting documentation deemed necessary by APHIS to determine appropriate division of the indemnity payment. This includes any checks or statements indicating partial payments or advances already paid in association with the destroyed birds or eggs.



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Animal and Plant Health Inspection Service
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Contract Grower Signature:

[Redacted Signature]

Printed Name of Contract Grower:

2-12-22

Date:

Title:

Contract grower



VS Guidance 8602.2

Appendix 1: Indemnity and Compensation Decision Determination

1. Please list all of the current test results available for this premises. For PCR, please list the Ct values:

Presumptive H5 Positive CT 20
plum 10 CONFIRM

2. Are there multiple ages of birds on the farm? (Y) (N)

List the bird groups and ages and indicate if they would likely have time to clear the virus prior to humane issues occurring:

one age

3. List the number of commercial premises in the following zones surrounding the infected premises:

a. Within 1km (neighboring) X (infected and dangerous contact)
b. Within 3km (Infected Zone) X 1 KAF
c. Within 10 km (Buffer Zone) X 5 KAF

4. What are the estimated number of additional at-risk premises not included in the numbers above (this would include premises closely related by the network, business processes, or those identified by trace-in/trace-out):

None known at this time



VS Guidance 8602.2

8. Please indicate the State and/or industry recommendation for the management for this flock: Controlled marketing, depopulation via slaughter, onsite depopulation, or a combination based on flock characteristics. Please indicate your reasoning for this recommendation.

Immediate depopulation

9. Please indicate the approximate indemnity and or compensation being requested for this flock (for owner and/or grower):

- a. Indemnity \$ 345,878
- b. Depopulation and disposal \$ _____
- c. Virus elimination \$ _____

(A Field Reimbursement Specialist or Avian Indemnity Team member can assist with estimates)

Signature(s) and title(s) of official making the above recommendation. (State and industry can submit separate forms or a joint form.)

Signature [Handwritten Signature]
Title DVM (Tyrone Veterinarian)

Signature [Handwritten Signature]
Title State Veterinarian
Dr. Glen W. Steele DVM
APHIS VS KY AVIC



U.S. DEPARTMENT OF AGRICULTURE
Marketing and Regulatory Programs
Animal and Plant Health Inspection Service
Veterinary Services

VS Guidance 8603.2

APPENDIX 2A- DRAFT FOR POULTRY OWNER

Appraisal and Indemnity Request for LPAI-Affected Premises

Other information requested in the mini memo can be added to this or may stand alone.

Premises ID where birds are located: 00N7EBP
LPAI presumptive positive date: 02/11/20
Address where birds are located: [REDACTED]
Poultry Owner Name, Address, Phone and E-mail Address: <i>Referred to in this document as the "Owner or Poultry Owner"</i> TYSON FOODS 2200 W. Dow Tyson Parkway Springdale, AR 72762

The State Official or Tribal Official and APHIS Official have determined that poultry on this premises are affected by LPAI. Poultry on this premises will be depopulated by State and/or APHIS and/or industry personnel. Indemnity for destroyed poultry and eggs affected by LPAI will be based on their fair market value, as determined by the current USDA APHIS indemnity calculators and subject to the Indemnity percentage approved on the Appendix D form.

In cases where the destroyed poultry and/or eggs were produced by a Contract Grower, the appraised value of the poultry and eggs will be split between the Poultry Owner and Contract Grower based on the following formula:

1. Divide the value of the contract the Owner entered into with the Grower for the growing and care of the poultry or eggs (in dollars) by the duration of the contract (i.e., number of days in the contract duration) as it was signed prior to the outbreak.
2. Multiply this value by the number of days between the date the Grower started to provide services for the destroyed poultry or eggs and the date the poultry or eggs



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Animal and Plant Health Inspection Service
Veterinary Services

VS Guidance 8603.2

- were destroyed. This is the maximum amount of federal indemnity the Control Grower is eligible to receive, if federal indemnity is approved for the destroyed poultry or eggs.
3. If the Grower has received any payment from the Owner under his/her contract prior to the date when the poultry or eggs are destroyed, then the federal indemnity the Contract Grower is eligible to receive will be reduced by this amount.
 4. If federal indemnity is approved for the destroyed birds and/or eggs, the Poultry Owner will receive the difference between the total indemnity shown on the VS 1-23 Appraisal and Indemnity Claim Form and the total indemnity paid to the Contract Grower.
 5. In the event that determination of indemnity to a party with which the Poultry Owner of destroyed poultry or eggs has entered into a contract for the growing or care of the poultry using the method described in 1 to 4 of this section is determined to be impractical or inappropriate, APHIS may use any other method for split payments that the Administrator deems appropriate.
 6. I understand that I have the right to dispute the proposed split federal indemnity payment by notifying the APHIS Administrator in writing; the APHIS Administrator has the final authority for determining federal indemnity payments.

Poultry Owner—Initial 1–5 and sign below:

- BN ✓ At the time of the outbreak, there was, to the best of my knowledge, a biosecurity plan that was followed to prevent the introduction of LPAI.
- 1.
- BN ✓ I understand that the poultry on the premises will be depopulated in the most humane manner possible.
- 2.
- BN ✓ I will provide barn and mortality records that verify the current inventory of poultry and eggs on the premises, which includes the number, age, and molt status (if applicable) of the birds and the total number of eggs that must be destroyed.
- 3.
- BN ✓ I agree to accept the fair market value of the birds, as determined by the APHIS calculator, according to the inventory on the premises at the time this document is signed and subject to the Indemnity percentage approved on the Appendix D form.
- 4.
- BN ✓ I agree to provide APHIS with a copy of the current contract executed between the parties as well as any supporting documentation deemed necessary by APHIS to determine appropriate division of the indemnity payment. This includes any checks or statements indicating partial payments or advances already paid in association with the destroyed birds or eggs.
- 5.

Allyce M. McGowan

Poultry Owner A&I Request Form



U.S. DEPARTMENT OF AGRICULTURE
Marketing and Regulatory Programs
Animal and Plant Health Inspection Service
Veterinary Services

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APPENDIX 2B- DRAFT FOR CONTRACT GROWER

Appraisal and Indemnity Request for LPAI-Affected Premises

Other information requested in the mini memo can be added to this or may stand alone.

Premises ID where birds are located:
LPAI presumptive positive date: 2-12-22
Address where birds are located: [REDACTED]
Contract Grower Name, Address, Phone and E-mail Address: <i>Referred to in this document as the "Grower or Contract Grower"</i> [REDACTED]

The State Official or Tribal Official and APHIS Official have determined that poultry on this premises are affected by LPAI. Poultry on this premises will be depopulated by State and/or APHIS and/or industry personnel. Indemnity for destroyed poultry and eggs affected by LPAI will be based on their fair market value, as determined by the current USDA APHIS indemnity calculators and subject to the Indemnity percentage approved on the Appendix D form.

In cases where the destroyed poultry and/or eggs were produced by a Contract Grower, the appraised value of the poultry and eggs will be split between the Poultry Owner and Contract Grower based on the following formula:

1. Divide the value of the contract the Owner entered into with the Grower for the growing and care of the poultry or eggs (in dollars) by the duration of the contract (i.e., number of days in the contract duration) as it was signed prior to the outbreak.
2. Multiply this value by the number of days between the date the Grower started to provide services for the destroyed poultry or eggs and the date the poultry or eggs were destroyed. This is the maximum amount of federal indemnity the Control



U.S. DEPARTMENT OF AGRICULTURE
Marketing and Regulatory Programs
Animal and Plant Health Inspection Service
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- Grower is eligible to receive, if federal indemnity is approved for the destroyed poultry or eggs.
3. If the Grower has received any payment from the Owner under his/her contract prior to the date when the poultry or eggs are destroyed, then the federal indemnity the Contract Grower is eligible to receive will be reduced by this amount.
 4. If Federal indemnity is approved for the destroyed birds and/or eggs, the Poultry Owner will receive the difference between the total indemnity shown on the VS 1-23 Appraisal and Indemnity Claim Form and the total indemnity paid to the Contract Grower.
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Contract Grower—Initial 1–5 and sign below:

1. JE At the time of the outbreak, there was, to the best of my knowledge, a biosecurity plan that was followed to prevent the introduction of LPAI.
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3. JE I will provide barn and mortality records that verify the current inventory of poultry and eggs on the premises, which includes the number, age, and molt status (if applicable) of the birds and the total number of eggs that must be destroyed.
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U.S. DEPARTMENT OF AGRICULTURE
Marketing and Regulatory Programs
Animal and Plant Health Inspection Service
Veterinary Services

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Contract Grower Signature: _____

Printed Name of Contract Grower: _____

Date: _____

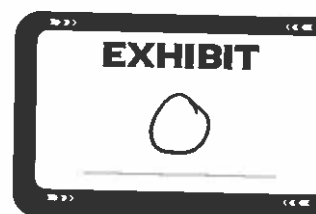
Title: _____

Flynn, Katie (AGR)

From: Brasher, Amanda (AGR)
Sent: Sunday, February 13, 2022 8:06 AM
To: Flynn, Katie (AGR)
Subject: Quarantines
Attachments: HPAI Quarantines.pdf

****CAUTION** PDF attachments may contain links to malicious sites. Please contact the COT Service Desk ServiceCorrespondence@ky.gov for any assistance.**

Amanda Brasher
Animal Health Supervisor, Area 1
Kentucky Department of Agriculture
Office of the State Veterinarian
270-508-0520
Amanda.Brasher@ky.gov



KENTUCKY STATE BOARD OF AGRICULTURE
ANIMAL HEALTH DIVISION
FRANKFORT KY 40601

034877

ORDER OF QUARANTINE

Owner [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Signature

Address [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Box, Road or Street City State County

Reason for Issuance:
Market Cattle (MI) Test of herd resulting from sales from an infected herd (EI)
Stockyard Reactor (SI) Second test, where initial test was negative on farm after stockyard reactor (ST)
Adjacent Herd #1 (AI) Diagnostic Test (DI)
Adjacent Herd #2 (AI) Six month test after quarantine release or depop. (GI)
Brucellosis Ring Test (BRT) Test of other herds owned or managed by owner of infected herd (BI)
Initial Test following Importation (II) Violation of Chapter 257 or 302 KAR (see explanation)

Other Explanation - _____

Exposure to: Brucellosis Tuberculosis EIA Johne's Pseudorabies Other High Path AI

In compliance with the law governing the Kentucky State Board of Agriculture and prescribing the duties thereof, you are hereby ordered to keep and retain under quarantine upon the premises where they are now kept Le Barns of

chickens

the following described animals: Bovine Sheep Equine Swine Other Poultry

Number of Animals: 123,000 Description and Identification: Broiler Chickens

No movement on or off premise without prior permitting

These animals are subject to a test for Avian Influenza within 7 days

You are forbidden to violate in any respect the condition of quarantine. Do not remove, cause or permit to be removed any of the quarantine animals from the enclosure above described wherein animals described above are now quarantined, not permit any other animals to enter said enclosure without written permission from the Kentucky State Board of Agriculture. This quarantine shall remain in force and effect until after proper cleaning and disinfection of the premises, and until released by order of the Kentucky State Board of Agriculture.

This the 12th day of February, 2022

KENTUCKY STATE BOARD OF AGRICULTURE
Dr. Katie Flynn [Signature] Issued by [Signature]
State Veterinarian By AB Agriculture Inspector

IMPORTANT NOTICE ON BACK

KENTUCKY STATE BOARD OF AGRICULTURE
ANIMAL HEALTH DIVISION
FRANKFORT KY 40601

034878

ORDER OF QUARANTINE

Owner [Redacted]

[Redacted Signature]
Owner/Representative's Signature

Address [Redacted] Fulton KY Fulton
Box, Road or Street City State County

Reason for Issuance:

- | | | | |
|---|--------------------------|---|-------------------------------------|
| Market Cattle (MI) | <input type="checkbox"/> | Test of herd resulting from sales from an infected herd (EI) | <input type="checkbox"/> |
| Stockyard Reactor (SI) | <input type="checkbox"/> | Second test, where initial test was negative on farm after stockyard reactor (ST) | <input type="checkbox"/> |
| Adjacent Herd #1 (AI) | <input type="checkbox"/> | Diagnostic Test (DI) | <input checked="" type="checkbox"/> |
| Adjacent Herd #2 (AI) | <input type="checkbox"/> | Six month test after quarantine release or depop. (GI) | <input type="checkbox"/> |
| Brucellosis Ring Test (BRT) | <input type="checkbox"/> | Test of other herds owned or managed by owner of infected herd (BI) | <input type="checkbox"/> |
| Initial Test following importation (II) | <input type="checkbox"/> | Violation of Chapter 257 or 302 KAR (see explanation) | <input type="checkbox"/> |

Other Explanation - _____

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16 Barns of Broiler Chickens

the following described animals: Bovine Sheep Equine Swine Other Poultry

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This the 12th day of February, 2022

KENTUCKY STATE BOARD OF AGRICULTURE

Dr. Katie Elyman
State Veterinarian By AB

Issued by Amanda Brash
Agriculture Inspector

IMPORTANT NOTICE ON BACK

Copy Distribution: WHITE - State Veterinarian's Office, YELLOW - Owner, PINK - Issuing Inspector

Flynn, Katie (AGR)

From: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Sent: Sunday, February 13, 2022 10:30 AM
To: Meek, Dallas W - APHIS; Joyner, Shane; steve.mccarter@tyson.com
Cc: Flynn, Katie (AGR); scott.gustin@tyson.com; Miller, Chip; steve.mccarter@tyson.com; Miller, James M.; Cmach, Leslie F - APHIS; Williams, Dasheba R - APHIS
Subject: RE: VSD+Heat Request

Good morning, all –

We have an update on the ETA for the National Veterinary Stockpile assets (foamers and contract crews to run them):

20 personnel traveling by ground (with equipment) – ETA 3-4 PM today
5 personnel by air from Nevada – ETA 8:30 PM today.

I will keep you all apprised of any changes in this timeline as best I can. Please don't hesitate to reach out to Dr. Meek or myself for any follow-up information that you need.

Thank you,
Koren



Koren Moore Custer, DVM, MPH
Director, District 1
USDA APHIS Veterinary Services
Field Operations
p: 919-855-7708
c: 774-276-1985
koren.m.custer@usda.gov
920 Main Campus Dr., Raleigh, NC 27606

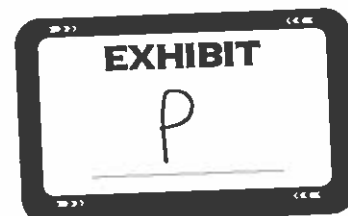
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Cc: Katie.flynn@ky.gov; scott.gustin@tyson.com; Miller, Chip <chip.miller@tyson.com>; steve.mccarter@tyson.com; Miller, James M. <James.M.Miller@tyson.com>
Subject: Re: VSD+Heat Request

Good evening Dr. McCarter,

We don't have an ETA available, yet, but will certainly provide one as soon as it's available,

Thank you,
Koren

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From: McCarter, Steve <steve.mccarter@tyson.com>
Sent: Saturday, February 12, 2022 9:51:20 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Joyner, Shane <shane.joyner@tyson.com>
Cc: Katie.flynn@ky.gov <Katie.flynn@ky.gov>; Custer, Koren M - APHIS <koren.m.custer@usda.gov>; scott.gustin@tyson.com <scott.gustin@tyson.com>; Miller, Chip <chip.miller@tyson.com>; steve.mccarter@tyson.com <steve.mccarter@tyson.com>; Miller, James M. <James.M.Miller@tyson.com>
Subject: RE: VSD+Heat Request

Drs Meek and Koren,

Thanks for your help with my request. We will use our internal team to foam the sick house tomorrow. We will ask for help from the National Veterinary Stockpile for the remaining houses 11 houses (as provided by Dr Koren below). Will you provide us an approximate time frame for depopulation? We appreciate you working with us in this emergency situation.

Thanks,

Steve

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To: McCarter, Steve <steve.mccarter@tyson.com>; Joyner, Shane <shane.joyner@tyson.com>
Cc: Katie.flynn@ky.gov; Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Subject: [EXTERNAL] - FW: VSD+Heat Request

Dr. McCarter,

Please see the reply below to your request for approval of VSD+ depopulation method. I would appreciate if you could let us know your alternate plans for depopulation and disposal.

National Stockpile is in the process of deploying additional foaming equipment to be used as needed.

If you have questions, you can give me a call.

Regards,

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826

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Subject: RE: VSD+Heat

Good evening Dallas,

Veterinary Services will not be approving Dr. McCarter's request for utilization of VSD+ as the depopulation method for this flock.

As we discussed, the National Veterinary Stockpile is in the process of standing up mobilization of foaming equipment and contract crews to operate this equipment. An arrival ETA for these assets, assuming NVSL confirmation, will be provided as soon as it is available.

Thank you,
Koren



Koren Moore Custer, DVM, MPH
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Field Operations
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Cc: Katie.flynn@ky.gov
Subject: FW: VSD+Heat

Hi Koren,

Here is the request and justification for VSD+ depopulation method from Tyson. Dr. Flynn has it as well. Please distribute as appropriate for review and consideration.

Let us know if you need further input from KY.

Thanks,

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Cc: Katie.flynn@ky.gov; steve.mccarter@tyson.com; Joyner, Shane <shane.joyner@tyson.com>; scott.gustin@tyson.com

Subject: VSD+Heat

Dr. Meek,

Due to emergency situation with HPAI of Asian origin and risk to the poultry industry in the US, we are requesting to use VSD + heat for depopulation of the index case in KY. First, this is a constrained circumstance, because it is a large farm (240,000 birds) with 12 houses. We could not possibly foam the birds in the next 72 hours. Second, we are concerned about our Tyson employees. We do not want them exposed to this virus due to zoonotic potential. Finally, we are concerned about the spread of this disease to other flocks. The longer the virus circulates in our birds, the more "chicken adapted" it becomes. This makes it a threat to the entire US Poultry Industry. If we bring people from all over the us and equipment, we could spread this deadly disease.

Thank you for consideration of our request. We appreciate your assistance in this emergency situation.

Sincerely,

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Flynn, Katie (AGR)

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Cc: Flynn, Katie (AGR); scott.gustin@tyson.com; Miller, Chip; steve.mccarter@tyson.com; Miller, James M.; Cmach, Leslie F - APHIS; Williams, Dasheba R - APHIS; Mayes, Michael - MRP-APHIS, Raleigh, NC
Subject: RE: VSD+Heat Request

Hello again, all –

Quick update – the equipment and contract operating crews are on schedule to arrive to the staging area at 4 PM.

We also have a VS employee in route, Michael Mayes with our Logistics Center, who is scheduled to arrive at the staging area at 4 PM as well. He is a 3D specialist who will be extremely helpful with the utilization of this equipment. I have cc'd him here.

Thank you,
Koren



Koren Moore Custer, DVM, MPH
Director, District 1
USDA APHIS Veterinary Services
Field Operations
p: 919-855-7708
c: 774-276-1985
koren.m.custer@usda.gov
920 Main Campus Dr., Raleigh, NC 27606

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Flynn, Katie (AGR)

From: Mayes, Michael - MRP-APHIS, Raleigh, NC <Michael.Mayes@usda.gov>
Sent: Sunday, February 13, 2022 4:23 PM
To: Banet, Tina (AGR); Cmach, Leslie F - APHIS; Meek, Dallas W - APHIS; Custer, Koren M - APHIS; Joyner, Shane; steve.mccarter@tyson.com
Cc: Flynn, Katie (AGR); scott.gustin@tyson.com; Miller, Chip; Miller, James M.; Williams, Dasheba R - APHIS
Subject: Re: VSD+Heat Request

It'll be tomorrow.

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From: McCarter, Steve <steve.mccarter@tyson.com>
Sent: Sunday, February 13, 2022 3:19:14 PM
To: Banet, Tina (AGR) <tina.banet@ky.gov>; Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Custer, Koren M - APHIS <koren.m.custer@usda.gov>; Joyner, Shane <shane.joyner@tyson.com>
Cc: Katie.flynn@ky.gov <Katie.flynn@ky.gov>; scott.gustin@tyson.com <scott.gustin@tyson.com>; Miller, Chip <chip.miller@tyson.com>; Miller, James M. <James.M.Miller@tyson.com>; Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>; Mayes, Michael - MRP-APHIS, Raleigh, NC <Michael.Mayes@usda.gov>
Subject: Re: VSD+Heat Request

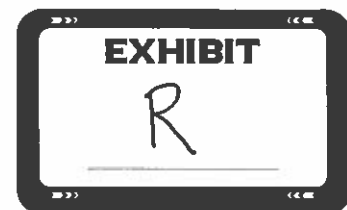
All, We have been depopulating the house with mortality all day. Our work on this house is complete. We are going through decontamination and changing clothes. We will be leaving the premises shortly. If someone needs to meet you at the staging area, please call me. Do you plan to depopulate any houses tonight or will you start in the morning? Thanks, Steve 404-915-8740

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From: Banet, Tina (AGR) <tina.banet@ky.gov>
Sent: Sunday, February 13, 2022 1:35:54 PM
To: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Custer, Koren M - APHIS <koren.m.custer@usda.gov>; Joyner, Shane <shane.joyner@tyson.com>; McCarter, Steve <steve.mccarter@tyson.com>
Cc: Flynn, Katie (AGR) <Katie.Flynn@ky.gov>; Gustin, Scott <Scott.Gustin@tyson.com>; Miller, Chip <chip.miller@tyson.com>; McCarter, Steve <steve.mccarter@tyson.com>; Miller, James M. <James.M.Miller@tyson.com>; Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>; Mayes, Michael - MRP-APHIS, Raleigh, NC <Michael.Mayes@usda.gov>
Subject: [EXTERNAL] - RE: VSD+Heat Request

If you need tanker water trucks how many to you anticipate needing?

Thanks,
Tina



From: Banet, Tina (AGR)
Sent: Sunday, February 13, 2022 2:35 PM
To: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Custer,

Koren M - APHIS <koren.m.custer@usda.gov>; Joyner, Shane <shane.joyner@tyson.com>; steve.mccarter@tyson.com
Cc: Flynn, Katie (AGR) <Katie.Flynn@ky.gov>; scott.gustin@tyson.com; Miller, Chip <chip.miller@tyson.com>;
steve.mccarter@tyson.com; Miller, James M. <James.M.Miller@tyson.com>; Williams, Dasheba R - APHIS
<dasheba.r.williams@usda.gov>; Mayes, Michael - MRP-APHIS, Raleigh, NC <Michael.Mayes@usda.gov>
Subject: RE: VSD+Heat Request

I'm assuming you need additional water trucks?

Thanks,
Tina

From: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>
Sent: Sunday, February 13, 2022 2:32 PM
To: Banet, Tina (AGR) <tina.banet@ky.gov>; Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Custer, Koren M - APHIS <koren.m.custer@usda.gov>; Joyner, Shane <shane.joyner@tyson.com>; steve.mccarter@tyson.com
Cc: Flynn, Katie (AGR) <Katie.Flynn@ky.gov>; scott.gustin@tyson.com; Miller, Chip <chip.miller@tyson.com>; steve.mccarter@tyson.com; Miller, James M. <James.M.Miller@tyson.com>; Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>; Mayes, Michael - MRP-APHIS, Raleigh, NC <Michael.Mayes@usda.gov>
Subject: Re: VSD+Heat Request

Do we have access to additional tanker trucks? Tyson only has one assigned to this premise. That have already filled it twice today.

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From: Banet, Tina (AGR) <tina.banet@ky.gov>
Sent: Sunday, February 13, 2022 1:27:11 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Custer, Koren M - APHIS <koren.m.custer@usda.gov>; Joyner, Shane <shane.joyner@tyson.com>; steve.mccarter@tyson.com <steve.mccarter@tyson.com>
Cc: katie.flynn@ky.gov <Katie.flynn@ky.gov>; scott.gustin@tyson.com <scott.gustin@tyson.com>; Miller, Chip <chip.miller@tyson.com>; steve.mccarter@tyson.com <steve.mccarter@tyson.com>; Miller, James M. <James.M.Miller@tyson.com>; Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>; Mayes, Michael - MRP-APHIS, Raleigh, NC <Michael.Mayes@usda.gov>
Subject: RE: VSD+Heat Request

The staging area for the Foam kits and additional foam is:
302 Eastwood Drive
Fulton, KY
Current delivery time on the Foam kit trailers is 4:00pm CST today
Delivery time on the additional foam is 8:00am CST tomorrow.

If you need any additional information just let me know.

Thanks,
Tina

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Sunday, February 13, 2022 2:22 PM
To: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Custer, Koren M - APHIS <koren.m.custer@usda.gov>; Joyner, Shane <shane.joyner@tyson.com>; steve.mccarter@tyson.com

Cc: Flynn, Katie (AGR) <Katie.Flynn@ky.gov>; scott.gustin@tyson.com; Miller, Chip <chip.miller@tyson.com>; steve.mccarter@tyson.com; Miller, James M. <James.M.Miller@tyson.com>; Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>; Mayes, Michael - MRP-APHIS, Raleigh, NC <Michael.Mayes@usda.gov>; Banet, Tina (AGR) <tina.banet@ky.gov>
Subject: RE: VSD+Heat Request

Check with Tina Banet. She has the address.
Dallas

From: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>
Sent: Sunday, February 13, 2022 2:04 PM
To: Custer, Koren M - APHIS <koren.m.custer@usda.gov>; Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Joyner, Shane <shane.joyner@tyson.com>; steve.mccarter@tyson.com
Cc: Katie.flynn@ky.gov; scott.gustin@tyson.com; Miller, Chip <chip.miller@tyson.com>; steve.mccarter@tyson.com; Miller, James M. <James.M.Miller@tyson.com>; Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>; Mayes, Michael - MRP-APHIS, Raleigh, NC <Michael.Mayes@usda.gov>
Subject: Re: VSD+Heat Request

Do you have an address for the staging area? I may have missed it but don't remember seeing it. Thank you!!

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From: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Sent: Sunday, February 13, 2022 12:53:53 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Joyner, Shane <shane.joyner@tyson.com>; steve.mccarter@tyson.com <steve.mccarter@tyson.com>
Cc: Katie.flynn@ky.gov <Katie.flynn@ky.gov>; scott.gustin@tyson.com <scott.gustin@tyson.com>; Miller, Chip <chip.miller@tyson.com>; steve.mccarter@tyson.com <steve.mccarter@tyson.com>; Miller, James M. <James.M.Miller@tyson.com>; Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>; Mayes, Michael - MRP-APHIS, Raleigh, NC <Michael.Mayes@usda.gov>
Subject: RE: VSD+Heat Request

Hello again, all –

Quick update – the equipment and contract operating crews are on schedule to arrive to the staging area at 4 PM.

We also have a VS employee in route, Michael Mayes with our Logistics Center, who is scheduled to arrive at the staging area at 4 PM as well. He is a 3D specialist who will be extremely helpful with the utilization of this equipment. I have cc'd him here.

Thank you,
Koren



Koren Moore Custer, DVM, MPH
Director, District 1
USDA APHIS Veterinary Services
Field Operations
p: 919-855-7708
c: 774-276-1985
koren.m.custer@usda.gov
920 Main Campus Dr., Raleigh, NC 27606

From: Custer, Koren M - APHIS
Sent: Sunday, February 13, 2022 10:30 AM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Joyner, Shane <shane.joyner@tyson.com>; steve.mccarter@tyson.com
Cc: Katie.flynn@ky.gov; scott.gustin@tyson.com; Miller, Chip <chip.miller@tyson.com>; steve.mccarter@tyson.com; Miller, James M. <James.M.Miller@tyson.com>; Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Williams, Dasheba R - APHIS <dasheba.r.williams@usda.gov>
Subject: RE: VSD+Heat Request

Good morning, all –

We have an update on the ETA for the National Veterinary Stockpile assets (foamers and contract crews to run them):

20 personnel traveling by ground (with equipment) – ETA 3-4 PM today
5 personnel by air from Nevada – ETA 8:30 PM today.

I will keep you all apprised of any changes in this timeline as best I can. Please don't hesitate to reach out to Dr. Meek or myself for any follow-up information that you need.

Thank you,
Koren



Koren Moore Custer, DVM, MPH
Director, District 1
USDA APHIS Veterinary Services
Field Operations
p: 919-855-7708
c: 774-276-1985
koren.m.custer@usda.gov
920 Main Campus Dr., Raleigh, NC 27606

From: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Sent: Saturday, February 12, 2022 9:54 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Joyner, Shane <shane.joyner@tyson.com>; steve.mccarter@tyson.com
Cc: Katie.flynn@ky.gov; scott.gustin@tyson.com; Miller, Chip <chip.miller@tyson.com>; steve.mccarter@tyson.com;

Miller, James M. <James.M.Miller@tyson.com>

Subject: Re: VSD+Heat Request

Good evening Dr. McCarter,

We don't have an ETA available, yet, but will certainly provide one as soon as it's available,

Thank you,
Koren

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From: McCarter, Steve <steve.mccarter@tyson.com>

Sent: Saturday, February 12, 2022 9:51:20 PM

To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Joyner, Shane <shane.joyner@tyson.com>

Cc: Katie.flynn@ky.gov <Katie.flynn@ky.gov>; Custer, Koren M - APHIS <koren.m.custer@usda.gov>; scott.gustin@tyson.com <scott.gustin@tyson.com>; Miller, Chip <chip.miller@tyson.com>; steve.mccarter@tyson.com <steve.mccarter@tyson.com>; Miller, James M. <James.M.Miller@tyson.com>

Subject: RE: VSD+Heat Request

Drs Meek and Koren,

Thanks for your help with my request. We will use our internal team to foam the sick house tomorrow. We will ask for help from the National Veterinary Stockpile for the remaining houses 11 houses (as provided by Dr Koren below). Will you provide us an approximate time frame for depopulation? We appreciate you working with us in this emergency situation.

Thanks,

Steve

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>

Sent: Saturday, February 12, 2022 9:23 PM

To: McCarter, Steve <steve.mccarter@tyson.com>; Joyner, Shane <shane.joyner@tyson.com>

Cc: Katie.flynn@ky.gov; Custer, Koren M - APHIS <koren.m.custer@usda.gov>

Subject: [EXTERNAL] - FW: VSD+Heat Request

Dr. McCarter,

Please see the reply below to your request for approval of VSD+ depopulation method. I would appreciate if you could let us know your alternate plans for depopulation and disposal.

National Stockpile is in the process of deploying additional foaming equipment to be used as needed.

If you have questions, you can give me a call.

Regards,

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601

Office: 502-848-2042
Cell: 502-682-5826

From: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Sent: Saturday, February 12, 2022 8:25 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Cc: Katie.flynn@ky.gov; Sifford, Rosemary B - APHIS <rosemary.sifford@usda.gov>; Dijab, Adis - APHIS <adis.dijab@usda.gov>
Subject: RE: VSD+Heat

Good evening Dallas,

Veterinary Services will not be approving Dr. McCarter's request for utilization of VSD+ as the depopulation method for this flock.

As we discussed, the National Veterinary Stockpile is in the process of standing up mobilization of foaming equipment and contract crews to operate this equipment. An arrival ETA for these assets, assuming NVSL confirmation, will be provided as soon as it is available.

Thank you,
Koren



Koren Moore Custer, DVM, MPH
Director, District 1
USDA APHIS Veterinary Services
Field Operations
p: 919-855-7708
c: 774-276-1985
koren.m.custer@usda.gov
920 Main Campus Dr., Raleigh, NC 27606

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Saturday, February 12, 2022 5:59 PM
To: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Cc: Katie.flynn@ky.gov
Subject: FW: VSD+Heat

Hi Koren,

Here is the request and justification for VSD+ depopulation method from Tyson. Dr. Flynn has it as well. Please distribute as appropriate for review and consideration.

Let us know if you need further input from KY.

Thanks,

Dallas W. Meek DVM

USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826

From: McCarter, Steve <steve.mccarter@tyson.com>
Sent: Saturday, February 12, 2022 5:47 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Cc: Katie.flynn@ky.gov; steve.mccarter@tyson.com; Joyner, Shane <shane.joyner@tyson.com>;
scott.gustin@tyson.com
Subject: VSD+Heat

Dr. Meek,

Due to emergency situation with HPAI of Asian origin and risk to the poultry industry in the US, we are requesting to use VSD + heat for depopulation of the index case in KY. First, this is a constrained circumstance, because it is a large farm (240,000 birds) with 12 houses. We could not possibly foam the birds in the next 72 hours. Second, we are concerned about our Tyson employees. We do not want them exposed to this virus due to zoonotic potential. Finally, we are concerned about the spread of this disease to other flocks. The longer the virus circulates in our birds, the more "chicken adapted" it becomes. This makes it a threat to the entire US Poultry Industry. If we bring people from all over the us and equipment, we could spread this deadly disease.

Thank you for consideration of our request. We appreciate your assistance in this emergency situation.

Sincerely,

Steve McCarter DVM

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Flynn, Katie (AGR)

From: Jennifer Hall <jenniferhall@kypoultry.org>
Sent: Monday, February 14, 2022 9:37 AM
To: Flynn, Katie (AGR)
Cc: Meek, Dallas W - APHIS
Subject: National Incident Coordinator Request

Dr. Flynn,

Per the request last night from National Incident Coordinator, I have spoken with both Dr. McCarter and Dr. Gustin this morning and they have a contractual agreement with the grower and feel that has been fulfilled. The growers were informed about the disease by Tyson.

Tyson was aware of a meeting for the growers in regard to biosecurity at 2 p.m. yesterday because Tyson was asked to set the meeting up. If they were suppose to attend, they were unaware. They understood this was a interview about biosecurity with the growers. Dr. McCarter and Dr. Gustin were depopulating the house and was in the dirty zone most of day. They stated if there was an additional meeting set up, maybe there was a communication error because they did not intentionally show up to a meeting that was requested.

Tyson also reports that one of the growers had been disgruntled before the incident.

Dr. McCarter and Dr. Gustin said that if there is any gap in communication, they will address that today with the growers. With what has transpired the last few days and their focus of getting the farm depopulated, they said there could be gaps and areas of improvement and they will work on that today to ensure everyone within their team on the ground is communicating effectively.

It is true that Tyson does not involve the grower for depopulation and disposal. This is the responsibility of Tyson.

Let me know if you anyone needs to speak with Dr. McCarter or Dr. Gustin directly.

Jennifer Hall
KY NPIP Official State Agency
NPIP Program Director
Kentucky Poultry Federation
NPIP Website: www.poultryimprovement.org
Phone: 859.527.0048
Cell: 859.808.0402



Flynn, Katie (AGR)

From: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Sent: Monday, February 14, 2022 2:34 PM
To: Flynn, Katie (AGR); Samantha.Beaty@tn.gov; Meek, Dallas W - APHIS; Krause, Keary M - APHIS; Kornreich, Michael A - APHIS
Cc: Halstead, Steven L - APHIS; White, Rodney A - APHIS; Brown, Lisa A - APHIS
Subject: Fulton County Portapotty Issue

Hi all,

Mike Mayes has confirmed that the portapottys and handwash stations requested are in route and that the goal is still to complete depop in half of the remaining 11 houses today.

Thanks,
Koren



Koren Moore Custer, DVM, MPH
Director, District 1
USDA APHIS Veterinary Services
Field Operations
p: 919-855-7708
c: 774-276-1985
koren.m.custer@usda.gov
920 Main Campus Dr., Raleigh, NC 27606

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Flynn, Katie (AGR)

From: Fairchild, Kevin W - APHIS <kevin.w.fairchild@usda.gov>
Sent: Monday, February 14, 2022 3:42 PM
To: Meek, Dallas W - APHIS; Cmach, Leslie F - APHIS; Flynn, Katie (AGR)
Cc: Craig, Christopher J - APHIS; Graham, William M - APHIS; Bolton, Shawn M - APHIS
Subject: RE: KY01- Fulton KY

Robert,

I have included answers to your questions highlighted in yellow.

I have a couple of questions in order to get the SME response efficient and effective

1. Is Barkley Regional Airport the best place to fly into or would you recommend somewhere else? Barkley Regional is the best location for ticketed flights. Mayfield has an airport but only for small aircraft.
2. When the SME arrives, who would be the best POC for them to report into? IC- Chris Craig 502-395-2368 or you can contact me Kevin Fairchild 502-682-4567 as well I am working in Logs.
3. Do you have PPE and long stem thermometers there? (I will coordinate with NVS if needed) Between KY/USDA and KY Department of Ag, we have enough PPE to do us for 3-4 days, but depending on what else is found, we will likely need more. Dasheba is bringing 4 probe thermometers which she said would be enough to do Fulton Co site.
4. Birds are approximately 7.5 lbs, 246,000 total in 12 barns correct? Your approximation is correct according to Dasheba Williams.
5. Depopulation in infected barn occurred 02.03.2022 before noon. (when). As discussed other 11 barns to be depopulated today and tomorrow correct? Depopulation of the other barns has begun.
6. Do you have dimension of the barn(s) – This will help with preplanning carbon requirements. Barns are 50x420 with no poles (Dasheba said you would need that info.)

That should cover everything for now.

Kevin Fairchild
Animal Health Tech
USDA/Veterinary Services
502-682-4567

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Monday, February 14, 2022 2:42 PM
To: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Katie.flynn@ky.gov
Cc: Craig, Christopher J - APHIS <christopher.j.craig@usda.gov>; Graham, William M - APHIS <billy.m.graham@usda.gov>; Bolton, Shawn M - APHIS <shawn.m.bolton@usda.gov>; Fairchild, Kevin W - APHIS <kevin.w.fairchild@usda.gov>
Subject: RE: KY01- Fulton KY



Ok. If you can get any additional information, I think that this request, in general, might fall into logs "lane" but we can help fill in the blanks where we can. Billie or others can correct me if I am wrong.

Thanks,
Dallas

From: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>
Sent: Monday, February 14, 2022 2:39 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Katie.flynn@ky.gov
Cc: Craig, Christopher J - APHIS <christopher.j.craig@usda.gov>; Graham, William M - APHIS <billy.m.graham@usda.gov>; Bolton, Shawn M - APHIS <shawn.m.bolton@usda.gov>
Subject: Re: KY01- Fulton KY

I can get some of this information from Tyson.

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From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Monday, February 14, 2022 12:59:46 PM
To: Katie.flynn@ky.gov <Katie.flynn@ky.gov>
Cc: Craig, Christopher J - APHIS <christopher.j.craig@usda.gov>; Graham, William M - APHIS <billy.m.graham@usda.gov>; Bolton, Shawn M - APHIS <shawn.m.bolton@usda.gov>; Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>
Subject: FW: KY01- Fulton KY

Dr. Flynn,

It looks like this request may be in process already, but it also looks like it may need some input from the State as near as I can tell. See highlighted below.

This is in addition to other information being asked for, which can probably be addressed by either operations or logs.

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826

From: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>
Sent: Monday, February 14, 2022 12:51 PM
To: Craig, Christopher J - APHIS <christopher.j.craig@usda.gov>; Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Subject: Fwd: KY01- Fulton KY

Can someone get the approval from the state? Tyson is requesting a composting SME.

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From: Miknis, Robert A - APHIS <robert.a.miknis@usda.gov>
Sent: Monday, February 14, 2022 11:39:42 AM

To: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>

Cc: Miller, Lori P - APHIS <lori.p.miller@usda.gov>

Subject: KY01- Fulton KY

Hi Leslie

I have a couple of questions in order to get the SME response efficient and effective

1. Is Barkley Regional Airport the best place to fly into or would you recommend somewhere else?
2. When the SME arrives, who would be the best POC for them to report into?
3. Do you have PPE and long stem thermometers there? (I will coordinate with NVS if needed)
4. Birds are approximately 7.5 lbs, 246,000 total in 12 barns correct?
5. Depopulation in infected barn occurred _____ (when). As discussed other 11 barns to be depopulated today and tomorrow correct?
6. Do you have dimension of the barn(s) – This will help with preplanning carbon requirements.

As a heads up, one of the strings I will need to tie up is written confirmation from State Authority the disposal will be in accordance with all state regulations (especially environmental) This is important for NEPA documentation so we can avoid any potential legal actions in the future. Can you assist me or point me in the right direction with POC? Here is a recent example from IN. Does not have to be that formal (nice to have).

Thanks so much

Robert Miknis, MS
Staff Officer/Engineer
APHIS Veterinary Services
S&P Office of Interagency Coordination

2150 Centre Ave, Bldg B
Fort Collins, CO 80526
O: 970-494-7471
C: 970-617-8555
Robert.a.miknis@usda.gov

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Flynn, Katie (AGR)

From: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Sent: Monday, February 14, 2022 5:53 PM
To: Graham, William M - APHIS; Bolton, Shawn M - APHIS; Mayes, Michael - MRP-APHIS, Raleigh, NC
Cc: Flynn, Katie (AGR); Samantha.Beaty@tn.gov; Meek, Dallas W - APHIS; Krause, Keary M - APHIS; Kornreich, Michael A - APHIS; Craig, Christopher J - APHIS; Mitchell, Shane (AGR)
Subject: RE: Fulton 01 Water Issues

Also, I just spoke with Drs. Flynn and Beaty – apparently the portapottys and handwashing stations are still not there. There was an issue with communications and the state thought VS was acquiring these and VS thought the state was acquiring them.

Billy and Mike, can you all take care of this for us?

Koren



Koren Moore Custer, DVM, MPH
Director, District 1
USDA APHIS Veterinary Services
Field Operations
p: 919-855-7708
c: 774-276-1985
koren.m.custer@usda.gov
920 Main Campus Dr., Raleigh, NC 27606

From: Custer, Koren M - APHIS
Sent: Monday, February 14, 2022 5:37 PM
To: Graham, William M - APHIS <billy.m.graham@usda.gov>; Bolton, Shawn M - APHIS <shawn.m.bolton@usda.gov>; Mayes, Michael - MRP-APHIS, Raleigh, NC <Michael.Mayes@usda.gov>
Cc: Flynn, Katie (AGR) <Katie.flynn@ky.gov>; Samantha Beaty <Samantha.Beaty@tn.gov>; Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Krause, Keary M - APHIS <keary.m.krause@usda.gov>; Kornreich, Michael A - APHIS <michael.a.kornreich@usda.gov>; Craig, Christopher J - APHIS <christopher.j.craig@usda.gov>; Shane.Mitchell@ky.gov
Subject: Fulton 01 Water Issues

Hi Billy and Shawn,

When you arrive on scene (if you haven't already), please coordinate with Mike Mayes on water issues. They need assistance identifying clean water to foam depopulate Fulton 01.

Thanks,
Koren





Koren Moore Custer, DVM, MPH
Director, District 1
USDA APHIS Veterinary Services
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c: 774-276-1985
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Flynn, Katie (AGR)

From: McCarter, Steve <steve.mccarter@tyson.com>
Sent: Monday, February 14, 2022 6:06 PM
To: Meek, Dallas W - APHIS; Joyner, Shane
Cc: Flynn, Katie (AGR); Custer, Koren M - APHIS; Gustin, Scott; Miller, Chip; Miller, James M.
Subject: Re: VSD+Heat Request

All, I resubmit my proposal. We have an impending disaster. The birds are penned, hot and smoothening as I type. There is no foam and my chickens are suffering. As a veterinarian, I have to take action the bars are perfect for VSD as they are solid sidewall. We have heat. I will be present during The entire process. Thanks, Steve

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From: McCarter, Steve <steve.mccarter@tyson.com>
Sent: Saturday, February 12, 2022 8:51:20 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Joyner, Shane <shane.joyner@tyson.com>
Cc: Katie.flynn@ky.gov <Katie.flynn@ky.gov>; Custer, Koren M - APHIS <koren.m.custer@usda.gov>; Gustin, Scott <Scott.Gustin@tyson.com>; Miller, Chip <chip.miller@tyson.com>; McCarter, Steve <steve.mccarter@tyson.com>; Miller, James M. <James.M.Miller@tyson.com>
Subject: RE: VSD+Heat Request

Drs Meek and Koren,

Thanks for your help with my request. We will use our internal team to foam the sick house tomorrow. We will ask for help from the National Veterinary Stockpile for the remaining houses 11 houses (as provided by Dr Koren below). Will you provide us an approximate time frame for depopulation? We appreciate you working with us in this emergency situation.

Thanks,

Steve

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Saturday, February 12, 2022 9:23 PM
To: McCarter, Steve <steve.mccarter@tyson.com>; Joyner, Shane <shane.joyner@tyson.com>
Cc: Katie.flynn@ky.gov; Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Subject: [EXTERNAL] - FW: VSD+Heat Request

Dr. McCarter,

Please see the reply below to your request for approval of VSD+ depopulation method. I would appreciate if you could let us know your alternate plans for depopulation and disposal.

National Stockpile is in the process of deploying additional foaming equipment to be used as needed.

If you have questions, you can give me a call.



Regards,

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826

From: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Sent: Saturday, February 12, 2022 8:25 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Cc: Katie.flynn@ky.gov; Sifford, Rosemary B - APHIS <rosemary.sifford@usda.gov>; Dijab, Adis - APHIS <adis.dijab@usda.gov>
Subject: RE: VSD+Heat

Good evening Dallas,

Veterinary Services will not be approving Dr. McCarter's request for utilization of VSD+ as the depopulation method for this flock.

As we discussed, the National Veterinary Stockpile is in the process of standing up mobilization of foaming equipment and contract crews to operate this equipment. An arrival ETA for these assets, assuming NVSL confirmation, will be provided as soon as it is available.

Thank you,
Koren



Koren Moore Custer, DVM, MPH
Director, District 1
USDA APHIS Veterinary Services
Field Operations
p: 919-855-7708
c: 774-276-1985
koren.m.custer@usda.gov
920 Main Campus Dr., Raleigh, NC 27606

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Saturday, February 12, 2022 5:59 PM
To: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Cc: Katie.flynn@ky.gov
Subject: FW: VSD+Heat

Hi Koren,

Here is the request and justification for VSD+ depopulation method from Tyson. Dr. Flynn has it as well. Please distribute as appropriate for review and consideration.

Let us know if you need further input from KY.

Thanks,

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826

From: McCarter, Steve <steve.mccarter@tyson.com>
Sent: Saturday, February 12, 2022 5:47 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Cc: Katie.flynn@ky.gov; steve.mccarter@tyson.com; Joyner, Shane <shane.joyner@tyson.com>; scott.gustin@tyson.com
Subject: VSD+Heat

Dr. Meek,

Due to emergency situation with HPAI of Asian origin and risk to the poultry industry in the US, we are requesting to use VSD + heat for depopulation of the index case in KY. First, this is a constrained circumstance, because it is a large farm (240,000 birds) with 12 houses. We could not possibly foam the birds in the next 72 hours. Second, we are concerned about our Tyson employees. We do not want them exposed to this virus due to zoonotic potential. Finally, we are concerned about the spread of this disease to other flocks. The longer the virus circulates in our birds, the more "chicken adapted" it becomes. This makes it a threat to the entire US Poultry Industry. If we bring people from all over the us and equipment, we could spread this deadly disease.

Thank you for consideration of our request. We appreciate your assistance in this emergency situation.

Sincerely,

Steve McCarter DVM

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unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

Flynn, Katie (AGR)

From: Sifford, Rosemary B - APHIS <rosemary.sifford@usda.gov>
Sent: Monday, February 14, 2022 6:12 PM
To: Custer, Koren M - APHIS; Flynn, Katie (AGR)
Cc: Dijab, Adis - APHIS; Huddleston, Alan R - APHIS; Naugle, Alecia L - APHIS
Subject: RE: VSD+Heat

Drs. Flynn and Custer,

USDA APHIS has evaluated the information about the situation at the positive broiler flock in Fulton County. Given the most recent information about the challenges with foaming and the ability of VSD+ to be used successfully in these barns, we have reached the conclusion that we will pay indemnity for the birds in this flock. The State Veterinarian and the company can approve the use of VSD+ As a method of depopulation without impacting the payment of indemnity by USDA APHIS.

Rosemary B Sifford, DVM
Deputy Administrator
Chief Veterinary Officer
Veterinary Services
USDA, APHIS

From: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Sent: Monday, February 14, 2022 5:51 PM
To: Sifford, Rosemary B - APHIS <rosemary.sifford@usda.gov>; Naugle, Alecia L - APHIS <alecia.l.naugle@usda.gov>
Cc: Dijab, Adis - APHIS <adis.dijab@usda.gov>; Huddleston, Alan R - APHIS <alan.r.huddleston@usda.gov>
Subject: FW: VSD+Heat

Hi Drs. Sifford and Naugle,

Here is the request for the utilization of VSD+ heat from the Fulton 01 company. As of right now, we have no estimate for the completion of foam depopulation by the NVS contract crews due to the issues previously identified.

Koren



Koren Moore Custer, DVM, MPH
Director, District 1
USDA APHIS Veterinary Services
Field Operations
p: 919-855-7708
c: 774-276-1985
koren.m.custer@usda.gov
920 Main Campus Dr., Raleigh, NC 27606



From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Saturday, February 12, 2022 5:59 PM
To: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Cc: Katie.flynn@ky.gov
Subject: FW: VSD+Heat

Hi Koren,

Here is the request and justification for VSD+ depopulation method from Tyson. Dr. Flynn has it as well. Please distribute as appropriate for review and consideration.

Let us know if you need further input from KY.

Thanks,

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826

From: McCarter, Steve <steve.mccarter@tyson.com>
Sent: Saturday, February 12, 2022 5:47 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Cc: Katie.flynn@ky.gov; steve.mccarter@tyson.com; Joyner, Shane <shane.joyner@tyson.com>; scott.gustin@tyson.com
Subject: VSD+Heat

Dr. Meek,

Due to emergency situation with HPAI of Asian origin and risk to the poultry industry in the US, we are requesting to use VSD + heat for depopulation of the index case in KY. First, this is a constrained circumstance, because it is a large farm (240,000 birds) with 12 houses. We could not possibly foam the birds in the next 72 hours. Second, we are concerned about our Tyson employees. We do not want them exposed to this virus due to zoonotic potential. Finally, we are concerned about the spread of this disease to other flocks. The longer the virus circulates in our birds, the more "chicken adapted" it becomes. This makes it a threat to the entire US Poultry Industry. If we bring people from all over the us and equipment, we could spread this deadly disease.

Thank you for consideration of our request. We appreciate your assistance in this emergency situation.

Sincerely,

Steve McCarter DVM

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Flynn, Katie (AGR)

From: Flynn, Katie (AGR)
Sent: Monday, February 14, 2022 6:16 PM
To: McCarter, Steve; Joyner, Shane; scott.gustin@tyson.com
Cc: Custer, Koren M - APHIS; Rogers, Keith L (AGR)
Subject: RE: VSD+Heat

Good evening all,

Please see below.
USDA APHIS has approved indemnity for depopulation by the VSD+ method.

Thanks
Katie

Dr. Katie Flynn
State Veterinarian
Kentucky Department of Agriculture
109 Corporate Drive
Frankfort, KY 40601
502-782-5913
Katie.flynn@ky.gov

From: Sifford, Rosemary B - APHIS <rosemary.sifford@usda.gov>
Sent: Monday, February 14, 2022 6:12 PM
To: Custer, Koren M - APHIS <koren.m.custer@usda.gov>; Flynn, Katie (AGR) <Katie.Flynn@ky.gov>
Cc: Dijab, Adis - APHIS <adis.dijab@usda.gov>; Huddleston, Alan R - APHIS <alan.r.huddleston@usda.gov>; Naugle, Alecia L - APHIS <alecia.l.naugle@usda.gov>
Subject: RE: VSD+Heat

Drs. Flynn and Custer,

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Rosemary B Sifford, DVM
Deputy Administrator
Chief Veterinary Officer
Veterinary Services
USDA, APHIS



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Sent: Monday, February 14, 2022 5:51 PM
To: Sifford, Rosemary B - APHIS <rosemary.sifford@usda.gov>; Naugle, Alecia L - APHIS <alecia.l.naugle@usda.gov>
Cc: Dijab, Adis - APHIS <adis.dijab@usda.gov>; Huddleston, Alan R - APHIS <alan.r.huddleston@usda.gov>
Subject: FW: VSD+Heat

Hi Drs. Sifford and Naugle,

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Koren



Koren Moore Custer, DVM, MPH
Director, District 1
USDA APHIS Veterinary Services
Field Operations
p: 919-855-7708
c: 774-276-1985
koren.m.custer@usda.gov
920 Main Campus Dr., Raleigh, NC 27606

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Saturday, February 12, 2022 5:59 PM
To: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Cc: Katie.flynn@ky.gov
Subject: FW: VSD+Heat

Hi Koren,

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Let us know if you need further input from KY.

Thanks,

Dallas W. Meek DVM
USDA APHIS VS KY - AVIC
105 Corporate Drive, Suite H
Frankfort, KY 40601
Office: 502-848-2042
Cell: 502-682-5826

From: McCarter, Steve <steve.mccarter@tyson.com>
Sent: Saturday, February 12, 2022 5:47 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Cc: Katie.flynn@ky.gov; steve.mccarter@tyson.com; Joyner, Shane <shane.joyner@tyson.com>; scott.gustin@tyson.com
Subject: VSD+Heat

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Sincerely,

Steve McCarter DVM

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Flynn, Katie (AGR)

From: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Sent: Monday, February 14, 2022 6:31 PM
To: Craig, Christopher J - APHIS; Graham, William M - APHIS; Bolton, Shawn M - APHIS; Mayes, Michael - MRP-APHIS, Raleigh, NC
Cc: Flynn, Katie (AGR); Samantha.Beaty@tn.gov; Meek, Dallas W - APHIS; Krause, Keary M - APHIS; Kornreich, Michael A - APHIS; Mitchell, Shane (AGR)
Subject: Re: Fulton 01 Water Issues

Hi Craig,

It is a non-issue now. VSD plus is being utilized to depopulate these barns.

Thank you for working the prior issue. If I am misunderstanding the company's intent to depopulate all barns with VSD plus, please let me know.

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From: Craig, Christopher J - APHIS <christopher.j.craig@usda.gov>
Sent: Monday, February 14, 2022 6:14:00 PM
To: Custer, Koren M - APHIS <koren.m.custer@usda.gov>; Graham, William M - APHIS <billy.m.graham@usda.gov>; Bolton, Shawn M - APHIS <shawn.m.bolton@usda.gov>; Mayes, Michael - MRP-APHIS, Raleigh, NC <Michael.Mayes@usda.gov>
Cc: Katie.flynn@ky.gov <Katie.flynn@ky.gov>; Samantha.Beaty@tn.gov <Samantha.Beaty@tn.gov>; Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Krause, Keary M - APHIS <keary.m.krause@usda.gov>; Kornreich, Michael A - APHIS <michael.a.kornreich@usda.gov>; Shane.Mitchell@ky.gov <Shane.Mitchell@ky.gov>
Subject: RE: Fulton 01 Water Issues

I came to the ICP to meet with the emergency manager and Tina Banet. Got everyone on calls with Mike Mays and I think we have it worked out.

For tonight (Monday) night. They have 2 pools full and the Tyson tanker full on site, which they think is enough for 2 barns and I think we have a plan for morning. However, I've talked to Leslie Cmach and there are still a lot of problems. The contract crew have had water for quite a while but they still haven't started foaming. She indicated that there are now a lot of birds that have been penned all day and are starting to smother.

Let me know if I can help in some way and what advice I should give Leslie.

Chris

From: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Sent: Monday, February 14, 2022 5:37 PM
To: Graham, William M - APHIS <billy.m.graham@usda.gov>; Bolton, Shawn M - APHIS <shawn.m.bolton@usda.gov>; Mayes, Michael - MRP-APHIS, Raleigh, NC <Michael.Mayes@usda.gov>
Cc: Katie.flynn@ky.gov; Samantha.Beaty@tn.gov; Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Krause, Keary M - APHIS <keary.m.krause@usda.gov>; Kornreich, Michael A - APHIS <michael.a.kornreich@usda.gov>; Craig, Christopher J - APHIS <christopher.j.craig@usda.gov>; Shane.Mitchell@ky.gov
Subject: Fulton 01 Water Issues



Hi Billy and Shawn,

When you arrive on scene (if you haven't already), please coordinate with Mike Mayes on water issues. They need assistance identifying clean water to foam depopulate Fulton 01.

Thanks,
Koren



Koren Moore Custer, DVM, MPH
Director, District 1
USDA APHIS Veterinary Services
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Flynn, Katie (AGR)

From: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>
Sent: Monday, February 14, 2022 8:03 PM
To: Fairchild, Kevin W - APHIS; Meek, Dallas W - APHIS; Flynn, Katie (AGR)
Cc: Craig, Christopher J - APHIS; Graham, William M - APHIS; Bolton, Shawn M - APHIS
Subject: Re: KY01- Fulton KY

Just one update, Depopulation will be completed by tomorrow morning.

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From: Fairchild, Kevin W - APHIS <kevin.w.fairchild@usda.gov>
Sent: Monday, February 14, 2022 2:41:53 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Katie.flynn@ky.gov <Katie.flynn@ky.gov>
Cc: Craig, Christopher J - APHIS <christopher.j.craig@usda.gov>; Graham, William M - APHIS <billy.m.graham@usda.gov>; Bolton, Shawn M - APHIS <shawn.m.bolton@usda.gov>
Subject: RE: KY01- Fulton KY

Robert,

I have included answers to your questions highlighted in yellow.

I have a couple of questions in order to get the SME response efficient and effective

1. Is Barkley Regional Airport the best place to fly into or would you recommend somewhere else? Barkley Regional is the best location for ticketed flights. Mayfield has an airport but only for small aircraft.
2. When the SME arrives, who would be the best POC for them to report into? IC- Chris Craig 502-395-2368 or you can contact me Kevin Fairchild 502-682-4567 as well I am working in Logs.
3. Do you have PPE and long stem thermometers there? (I will coordinate with NVS if needed) Between KY/USDA and KY Department of Ag, we have enough PPE to do us for 3-4 days, but depending on what else is found, we will likely need more. Dasheba is bringing 4 probe thermometers which she said would be enough to do Fulton Co site.
4. Birds are approximately 7.5 lbs, 246,000 total in 12 barns correct? Your approximation is correct according to Dasheba Williams.
5. Depopulation in infected barn occurred 02.03.2022 before noon. (when). As discussed other 11 barns to be depopulated today and tomorrow correct? Depopulation of the other barns has begun.
6. Do you have dimension of the barn(s) – This will help with preplanning carbon requirements. Barns are 50x420 with no poles (Dasheba said you would need that info.)

That should cover everything for now.

Kevin Fairchild
Animal Health Tech
USDA/Veterinary Services
502-682-4567



From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Monday, February 14, 2022 2:42 PM
To: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Katie.flynn@ky.gov
Cc: Craig, Christopher J - APHIS <christopher.j.craig@usda.gov>; Graham, William M - APHIS <billy.m.graham@usda.gov>; Bolton, Shawn M - APHIS <shawn.m.bolton@usda.gov>; Fairchild, Kevin W - APHIS <kevin.w.fairchild@usda.gov>
Subject: RE: KY01- Fulton KY

Ok. If you can get any additional information, I think that this request, in general, might fall into logs "lane" but we can help fill in the blanks where we can. Billie or others can correct me if I am wrong.

Thanks,
Dallas

From: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>
Sent: Monday, February 14, 2022 2:39 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Katie.flynn@ky.gov
Cc: Craig, Christopher J - APHIS <christopher.j.craig@usda.gov>; Graham, William M - APHIS <billy.m.graham@usda.gov>; Bolton, Shawn M - APHIS <shawn.m.bolton@usda.gov>
Subject: Re: KY01- Fulton KY

I can get some of this information from Tyson.

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From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Monday, February 14, 2022 12:59:46 PM
To: Katie.flynn@ky.gov <Katie.flynn@ky.gov>
Cc: Craig, Christopher J - APHIS <christopher.j.craig@usda.gov>; Graham, William M - APHIS <billy.m.graham@usda.gov>; Bolton, Shawn M - APHIS <shawn.m.bolton@usda.gov>; Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>; Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>
Subject: FW: KY01- Fulton KY

Dr. Flynn,

It looks like this request may be in process already, but it also looks like it may need some input from the State as near as I can tell. See highlighted below.

This is in addition to other information being asked for, which can probably be addressed by either operations or logs.

Dallas W. Meek DVM
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From: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>
Sent: Monday, February 14, 2022 12:51 PM
To: Craig, Christopher J - APHIS <christopher.j.craig@usda.gov>; Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Subject: Fwd: KY01- Fulton KY

Can someone get the approval from the state? Tyson is requesting a composting SME.

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From: Miknis, Robert A - APHIS <robert.a.miknis@usda.gov>
Sent: Monday, February 14, 2022 11:39:42 AM
To: Cmach, Leslie F - APHIS <leslie.f.cmach@usda.gov>
Cc: Miller, Lori P - APHIS <lori.p.miller@usda.gov>
Subject: KY01- Fulton KY

Hi Leslie

I have a couple of questions in order to get the SME response efficient and effective

1. Is Barkley Regional Airport the best place to fly into or would you recommend somewhere else?
2. When the SME arrives, who would be the best POC for them to report into?
3. Do you have PPE and long stem thermometers there? (I will coordinate with NVS if needed)
4. Birds are approximately 7.5 lbs, 246,000 total in 12 barns correct?
5. Depopulation in infected barn occurred _____ (when). As discussed other 11 barns to be depopulated today and tomorrow correct?
6. Do you have dimension of the barn(s) – This will help with preplanning carbon requirements.

As a heads up, one of the strings I will need to tie up is written confirmation from State Authority the disposal will be in accordance with all state regulations (especially environmental) This is important for NEPA documentation so we can avoid any potential legal actions in the future. Can you assist me or point me in the right direction with POC? Here is a recent example from IN. Does not have to be that formal (nice to have).

Thanks so much

Robert Miknis, MS
Staff Officer/Engineer
APHIS Veterinary Services
S&P Office of Interagency Coordination

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Fort Collins, CO 80526
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Robert.a.miknis@usda.gov

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Flynn, Katie (AGR)

From: Flynn, Katie (AGR)
Sent: Monday, February 14, 2022 9:37 PM
To: Southard, Sean (AGR); Tolliver, Lisa (AGR); Rogers, Keith L (AGR)
Subject: FW: Depopulation updates

Updates on depopulation:

Fulton 01 complex (all 12 houses) expect depopulation to be complete by tomorrow morning.

Webster 01 complex expect depopulation to be completed sometime tonight.

From: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Sent: Monday, February 14, 2022 9:35 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>; Flynn, Katie (AGR) <Katie.Flynn@ky.gov>; Samantha.Beaty@tn.gov
Cc: Craig, Christopher J - APHIS <christopher.j.craig@usda.gov>; Mitchell, Shane (AGR) <Shane.Mitchell@ky.gov>; Bolton, Shawn M - APHIS <shawn.m.bolton@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>; Krause, Keary M - APHIS <keary.m.krause@usda.gov>
Subject: FW: Depopulation updates

Thank you Dallas. Including Drs. Flynn and Beaty to ensure that we all have the same information.

Koren



Koren Moore Custer, DVM, MPH
Director, District 1
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920 Main Campus Dr., Raleigh, NC 27606

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Monday, February 14, 2022 9:32 PM
To: Custer, Koren M - APHIS <koren.m.custer@usda.gov>; Halstead, Steven L - APHIS <steven.l.halstead@usda.gov>
Cc: Krause, Keary M - APHIS <keary.m.krause@usda.gov>; Bolton, Shawn M - APHIS <shawn.m.bolton@usda.gov>
Subject: Depopulation updates

Hi all.

Updates on depopulation:



Fulton 01 complex (all 12 houses) expect depopulation to be complete by tomorrow morning.
Webster 01 complex expect depopulation to be completed sometime tonight.

Dallas W. Meek DVM
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Flynn, Katie (AGR)

From: Gustin, Scott <Scott.Gustin@tyson.com>
Sent: Monday, February 14, 2022 10:28 PM
To: Flynn, Katie (AGR); McCarter, Steve; Joyner, Shane
Cc: Custer, Koren M - APHIS; Rogers, Keith L (AGR)
Subject: RE: VSD+Heat

Thank you for the attention to this matter. This should greatly reduce the risk for neighboring farms.

From: Flynn, Katie (AGR) <Katie.Flynn@ky.gov>
Sent: Monday, February 14, 2022 5:16 PM
To: McCarter, Steve <steve.mccarter@tyson.com>; Joyner, Shane <shane.joyner@tyson.com>; Gustin, Scott <Scott.Gustin@tyson.com>
Cc: Custer, Koren M - APHIS <koren.m.custer@usda.gov>; Rogers, Keith L (AGR) <KeithL.Rogers@ky.gov>
Subject: [EXTERNAL] - RE: VSD+Heat

Good evening all,

Please see below.
USDA APHIS has approved indemnity for depopulation by the VSD+ method.

Thanks
Katie

Dr. Katie Flynn

State Veterinarian
Kentucky Department of Agriculture
109 Corporate Drive
Frankfort, KY 40601
502-782-5913
Katie.flynn@ky.gov



From: Sifford, Rosemary B - APHIS <rosemary.sifford@usda.gov>
Sent: Monday, February 14, 2022 6:12 PM
To: Custer, Koren M - APHIS <koren.m.custer@usda.gov>; Flynn, Katie (AGR) <Katie.Flynn@ky.gov>
Cc: Dijab, Adis - APHIS <adis.dijab@usda.gov>; Huddleston, Alan R - APHIS <alan.r.huddleston@usda.gov>; Naugle, Alecia L - APHIS <alecia.l.naugle@usda.gov>
Subject: RE: VSD+Heat

Drs. Flynn and Custer,

USDA APHIS has evaluated the information about the situation at the positive broiler flock in Fulton County. Given the most recent information about the challenges with foaming and the ability of VSD+ to be used successfully in these barns, we have reached the conclusion that we will pay indemnity for the birds in this flock. The State Veterinarian and

the company can approve the use of VSD+ As a method of depopulation without impacting the payment of indemnity by USDA APHIS.

Rosemary B Sifford, DVM
Deputy Administrator
Chief Veterinary Officer
Veterinary Services
USDA, APHIS

From: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Sent: Monday, February 14, 2022 5:51 PM
To: Sifford, Rosemary B - APHIS <rosemary.sifford@usda.gov>; Naugle, Alecia L - APHIS <alecia.l.naugle@usda.gov>
Cc: Dijab, Adis - APHIS <adis.dijab@usda.gov>; Huddleston, Alan R - APHIS <alan.r.huddleston@usda.gov>
Subject: FW: VSD+Heat

Hi Drs. Sifford and Naugle,

Here is the request for the utilization of VSD+ heat from the Fulton 01 company. As of right now, we have no estimate for the completion of foam depopulation by the NVS contract crews due to the issues previously identified.

Koren



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920 Main Campus Dr., Raleigh, NC 27606

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Saturday, February 12, 2022 5:59 PM
To: Custer, Koren M - APHIS <koren.m.custer@usda.gov>
Cc: Katie.flynn@ky.gov
Subject: FW: VSD+Heat

Hi Koren,

Here is the request and justification for VSD+ depopulation method from Tyson. Dr. Flynn has it as well. Please distribute as appropriate for review and consideration.

Let us know if you need further input from KY.

Thanks,

Dallas W. Meek DVM
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From: McCarter, Steve <steve.mccarter@tyson.com>
Sent: Saturday, February 12, 2022 5:47 PM
To: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Cc: Katie.flynn@ky.gov; steve.mccarter@tyson.com; Joyner, Shane <shane.joyner@tyson.com>; scott.gustin@tyson.com
Subject: VSD+Heat

Dr. Meek,

Due to emergency situation with HPAI of Asian origin and risk to the poultry industry in the US, we are requesting to use VSD + heat for depopulation of the index case in KY. First, this is a constrained circumstance, because it is a large farm (240,000 birds) with 12 houses. We could not possibly foam the birds in the next 72 hours. Second, we are concerned about our Tyson employees. We do not want them exposed to this virus due to zoonotic potential. Finally, we are concerned about the spread of this disease to other flocks. The longer the virus circulates in our birds, the more "chicken adapted" it becomes. This makes it a threat to the entire US Poultry Industry. If we bring people from all over the us and equipment, we could spread this deadly disease.

Thank you for consideration of our request. We appreciate your assistance in this emergency situation.

Sincerely,

Steve McCarter DVM

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Flynn, Katie (AGR)

From: Meek, Dallas W - APHIS <dallas.w.meek@usda.gov>
Sent: Tuesday, February 15, 2022 7:11 AM
To: Bolton, Shawn M - APHIS; Craig, Christopher J - APHIS; Flynn, Katie (AGR);
Samantha.Beaty@tn.gov; Krause, Keary M - APHIS
Cc: Halstead, Steven L - APHIS; Custer, Koren M - APHIS
Subject: Fulton 01/ Webster 01 Depopulation Update

Fulton 01:

- VSD+ heat began at 1745 on 2/14/2022 and ended on 2/15/2022 at 0215
- All 5 remaining barns at Frontier and all 6 barns at Elliot were subjected to VSD + heat.
- Temperatures ranged from 103-110 on various thermometers throughout the barns.
- Dr. McCarter (Tyson Vet) suspects a few birds will survive on the very edges especially in the frontier barns.
- They plan to perform cervical dislocation on remaining birds beginning at 1000 on 2/15/2022.
- Case manager (Dr. Cmach) will be onsite to verify.

Webster 01

- Depopulation on remaining houses at Webster approximately 0230
- Additional information will be provided once available.

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