



June 6, 2024

The Honorable Tom Vilsack
Secretary, U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Vilsack,

We appreciate the ongoing efforts of your agency to respond to the outbreak of H5N1 in dairy cattle, especially the opportunity to regularly meet with you and your team to share information and concerns.

State departments of agriculture, like USDA, are dedicated to protecting farmers, farmworkers, and the workforce throughout the entire supply chain. As USDA continues to respond to this outbreak, we urge you to prioritize animal health and human health in the same manner you have dealt with H5N1 in poultry for many years. We are concerned about the detections of H5N1 in three farmworkers. States are working diligently to ensure farmers and farmworkers have access to PPE and other resources to implement or improve robust biosecurity protocols on their farms. We are encouraged by the CDC continuing to reiterate that the risk to humans overall remains low.

The financial assistance and incentives to producers, both affected and unaffected, that USDA has already outlined through the rulemaking process and unlocked through emergency authority are beneficial. We respectfully request the following actions and considerations from USDA in response to the ongoing outbreak:

- The ongoing outbreak or presence of H5N1 in lactating dairy cattle be categorized, treated, and maintained primarily as an animal health response effort. Federal and state animal health officials are experienced in and have dealt with this virus for several years in poultry, establishing a strong network for information sharing and processes to develop and implement new policies. It is our priority to help prevent this outbreak from becoming a larger human health issue by effectively handling and considering the outbreak, primarily, as an animal health issue.
- As part of the response, state animal health officials continue to seek, and NASDA also requests, comprehensive epidemiological information from the affected herds, which will be a cornerstone for ongoing planning for states and regions.
- NASDA requests updated information on the number of herds and cattle, some of whom had a positive detection over two months ago, who are still infected with H5N1 based on NVSL-confirmed testing. If USDA APHIS has a mechanism for “clearing” herds, or confirming they are no longer infected with the virus, we request the APHIS website and map be updated to reflect the current number of infected herds, not the overall infected herds over the course of the outbreak.

- NASDA requests that USDA recognize the authority of state animal health officials to “clear” infected herds as they test negative and are found to have no presence of the virus. State animal health officials have close, trusted relationships with producers and are equipped to quickly share information regarding cleared herds back to the Area Veterinarians in Charge, assisting APHIS with an opportunity to more frequently update the website and the H5N1 map of confirmed cases.
- We ask USDA to continue to recognize the important partnership between state departments of agriculture and state health departments. While we recognize USDA and other federal partners are interested in assisting producers in preparing themselves and their workforce for a possible introduction of H5N1 or recovering from an infection of H5N1, states are working internally to coordinate across multiple agencies and determine the best path forward for producers in their state.
- In the past few weeks, USDA has hosted a variety of conversations with states and state animal health officials discussing a potential bulk tank surveillance program. We have also continually met with FDA to discuss their efforts related to retail sampling, and we urge USDA and FDA to work together on any long-term surveillance plans to monitor the presence of H5N1.
- We request a detailed, written plan to be shared with the states outlining any ongoing, or anticipated, long-term surveillance of bulk tank milk. Any bulk tank sampling or surveillance, outside of the voluntary pilot that USDA has offered to producers, must be developed in consultation with state animal health officials and state departments of agriculture before it is implemented. We ask that any such program, as a first step towards detecting the prevalence of H5N1, be double-blinded and conducted at the state level, with federal funding to support the testing efforts at NAHLN labs.
- FDA has undergone one round of retail sampling, and we anticipate another round to follow. We have requested that if FDA continues with retail sampling, the state milk programs be enabled to conduct double-blind and anonymous retail milk sampling as a first step and a mechanism for monitoring the presence of the virus and continuing to affirm that the commercial Grade A milk supply is safe for consumers. The purpose of any such double-blind study would be to encourage and facilitate participation industry-wide. Any such state program must be developed in consultation with the National Conference on Interstate Milk Shipments and NASDA in a way that provides anonymity for dairy producers. We implore you to meet with these aforementioned groups, including consultation with FDA and dairy industry partners, to outline a path forward before you determine USDA’s next steps.

Livestock auction barns and markets, as a result of the federal order, have faced an undue burden and a significant financial loss due to a decrease in sales. In addition, the high-type genetic dairy sales and markets stand to lose from the loss of a clear, concise movement strategy as this outbreak continues and as we approach the next migratory bird season this fall.

- We implore the agency to release guidance and financial support to dairy cattle auction barns and markets.
- We also request USDA consider indemnification for producers who have culled lactating dairy cows from their herd as a result of a positive H5N1 detection.

Finally, we respectfully urge the development of a comprehensive long-term written strategy to address H5N1 that includes the state departments of agriculture, state animal health officials, USDA, and all other relevant federal agencies. It is only together, with the support of our federal partners, that we will successfully resolve this animal health event and stand prepared for a potential future iteration. We also remain committed to protecting the food supply and ensuring consumer confidence in agriculture at large. We appreciate your consideration of these requests and look forward to your written response.

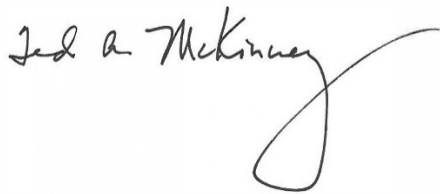
Sincerely,



Blayne Arthur
President, NASDA
Secretary
Oklahoma Department of Agriculture,
Food, and Forestry



Charles Hatcher, D.V.M.
Chair, NASDA Animal Agriculture Committee
Commissioner
Tennessee Department of Agriculture



Ted McKinney
Chief Executive Officer
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CC: Jennifer Moffit, Undersecretary, USDA Regulatory Programs
Dr. Michael Watson, Administrator, Animal and Plant Health Inspection Service
Dr. Don Prater, Acting Director, FDA Center for Food Safety and Applied Nutrition
Tracey Forfa, J.D., Director, FDA Center for Veterinary Medicine
Dr. Tristan Colonius, Chief Veterinary Officer & Deputy Director for Science Policy, FDA Center for Veterinary Medicine
Major General (ret) Paul Friedrichs, Deputy Assistant to the President Director, Office of Pandemic Preparedness and Response Policy, The White House
Dr. Nirav Shah, Principal Deputy Director, U.S. Centers for Disease Control and Prevention