The Information in this fact sheet has been obtained from a variety of sources and is believed to reflect the current APHIS indemnity procedures as of August 5, 2015. These procedures may be subject to revision by APHIS in the future.

What is indemnity?
Highly Pathogenic Avian Influenza (HPAI) poses a serious threat to the U.S. agricultural industry. Because prompt action is essential for controlling the spread of HPAI, federal law authorizes the U.S. Department of Agriculture (USDA) to provide payments and assistance to poultry owners to encourage the early, voluntary identification and destruction of diseased birds. As a result, in the event of an HPAI outbreak, USDA, through its Animal and Plant Health Inspection Service (APHIS) is authorized to provide qualifying bird owners with (1) fair market value compensation for the value of the birds destroyed as determined by an official appraisal prior to destruction; (2) destruction and disposal assistance; and (3) cleaning and disinfection assistance.

What can I do before an outbreak occurs?
To qualify for APHIS disposal assistance as well as APHIS cleaning and disinfection assistance, a poultry owner must develop a flock plan for all facilities with confirmed HPAI infections or exposure. A flock plan must be signed by (1) the bird owner(s); (2) a state animal health official; and (3) an APHIS District Director of Assistant Director.

It is no longer necessary to have a signed flock plan prior to depopulation. Nevertheless, a poultry owner can greatly accelerate the disposal, cleaning, and disinfection process and allow for a speedier return to business by preparing a flock plan in advance of an HPAI outbreak. Furthermore, though the official flock plan will be developed under the guidance of an APHIS Veterinary Services case manager, the Pennsylvania Department of Agriculture has assisted poultry owners by preparing a generic flock plan form; available online at http://www.agriculture.pa.gov/Protect/AHDServices/avian_influenza/Documents/HPAIGenericFlockPlanverC5-1-15.pdf.

Disposal, cleaning, and disinfection tasks may be performed by federal or state officials. A poultry owner, however, may be permitted to have these tasks performed by personnel other than state or federal officials and still receive reimbursement assistance for these tasks if the poultry owner develops a compliance agreement. A compliance agreement is a document created in addition to a flock plan that describes each task that will be completed, who will be responsible for completing each task, and how much the completion of each task will cost.

Who should I contact if I suspect an HPAI outbreak?
A poultry owner who suspects a possible HPAI outbreak as a result of observing sick or dead birds should contact one of the following: (1) a local veterinarian; (2) the Pennsylvania Bureau of Animal Health & Diagnostic Services (at 717-772-2852); or (3) USDA (at 1-866-536-7593). The contacted veterinarian or government animal health official will then investigate and report any possible outbreak. If further actions are necessary, the poultry owner will be contacted by a state or federal veterinary medical officer.
**What is the indemnity process?**

On August 5, 2015, in an effort to more efficiently respond to possible HPAI outbreaks, APHIS issued revisions to its *Appraisal and Indemnity Procedures for HPAI*. In this revised document, APHIS asserted that “[t]he best practices to contain and eradicate HPAI virus by ‘stamping-out’ within 24 hours of detection will require rapid depopulation, appraisal, and indemnity procedures.” The new, and significantly faster, indemnity process will generally proceed as follows:

- The process begins when a “Foreign Animal Disease (FAD) investigation is initiated, or HPAI suspect is identified, or HPAI presumptive case is identified.”

- The APHIS HPAI OPS Group will prepare a flock appraisal based on (1) barn records reflecting the age, sex, breed, and number of the birds; and (2) bird mortality sheets. This information will be processed through indemnity calculators which will determine the birds’ fair market value. This fair market value will be placed into APHIS indemnity appraisal forms.

- State animal health officials and APHIS officials approve depopulation.

- The appraisal is signed by the bird owner(s).

- Depopulation occurs.

**Must my flock test positive before depopulation occurs?**

It may not be necessary that a flock test positive before depopulation occurs. In some instances, state animal health officials and APHIS officials will approve flock depopulation based upon suspected HPAI.

**Will I receive indemnity payments for my entire flock?**

APHIS only provides indemnity payments for live birds as verified by an APHIS appraisal.

**When will I receive my indemnity payment?**

After depopulation, an APHIS representative will notify APHIS that the birds listed in the APHIS appraisal have been destroyed. At that time, APHIS will submit the indemnity request for processing and payment.

**What can happen if I do not report HPAI within my flock or cooperate with USDA?**

The Animal Health Protection Act (AHPA) gives USDA the power to seize, quarantine, and destroy poultry to prevent the spread of HPAI. According to AHPA, if USDA requires the destruction of birds, with limited exceptions, USDA is obligated to pay compensation for the fair market value (as determined by USDA) of the birds destroyed. If USDA exercises this power, USDA is not required to provide assistance to poultry owners for any costs associated with destruction, disposal, cleaning, or disinfection.

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