



May 31, 2019

Iowa Poultry Association  
8515 Douglas Avenue, Suite 9  
Urbandale, IA 50322

Re: Waiver Request (AI-18-1)

Dear Iowa Poultry Producers:

This letter is in response to the request for a waiver of the Iowa Administrative Code Section 21-60-4(2) requiring all poultry present at exhibitions, shows or sales to come from U.S. Pullorum-Typhoid clean flocks or to have had a Pullorum-Typhoid test performed by an authorized tester within ninety days prior to the event.

Iowa Poultry Association Executive Director Kevin Stiles requested a continuation of the waiver based on the fact that the supplier is still unable to provide the product to the industry. Based on a similar unavailability, the original waiver was executed on November 20, 2018, granting a waiver until March 31, 2019, with a subsequent waiver dated April 1, 2019, granting a waiver until May 30, 2019.

The criteria for reviewing a variance request is set out in Iowa Code Section 17A.9A(2). That subsection is set out below:

Upon petition of a person, an agency may in its sole discretion issue a waiver or variance from the requirements of a rule if the agency finds, based on clear and convincing evidence, all of the following:

- a. The application of the rule would pose an undue hardship on the person for whom the waiver or variance is requested.
- b. The waiver or variance from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person.
- c. The provisions of a rule subject to a petition for a waiver or variance are not specifically mandated by statute or another provision of law.
- d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver or variance is requested.

Page 2  
Iowa Poultry Association  
May 31, 2019

### Findings

After consultation with Dr. Jeff Kaisand, State Veterinarian, I find that:

1. Application of the rule would pose an undue hardship on you and your businesses.
2. Continuing to grant the waiver would not prejudice the substantial legal rights of any person.
3. The provisions of the administrative rule are not specifically mandated by statute.
4. Substantially equal protection of public health, safety and welfare will be afforded by several means including the required inspection of the poultry on the day of the activity by a licensed, accredited veterinarian. Additionally, Iowa has been considered a Pullorum-Typhoid clean state since 1974 and all surrounding states are considered clean.

### Conclusion

Therefore, I hereby **grant the waiver until August 31, 2019**, for poultry to be present at exhibitions, shows or sales without coming from Pullorum-Typhoid clean flocks are having a Pullorum-Typhoid test.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Moline', is written over a large, loopy scribble.

Stephen Moline  
Regulatory Division Director, Consumer Protection & Industry Services and Food Safety & Animal  
Health

Page 3

Iowa Poultry Association

May 31, 2019

21—60.4(163) Registration of exhibitions involving poultry. For the purposes of this rule, poultry includes egg-type chickens, meat-type chickens, turkeys, domestic waterfowl, domestic game birds, and exhibition poultry. All exhibitions which include the exhibition of poultry must be registered with and approved by the state veterinarian at least 30 days prior to the exhibition.

60.4(1) A licensed accredited veterinarian shall inspect all poultry on the premises of the poultry exhibition, show or sale the day of the activity. All poultry showing signs of any contagious disease shall be removed from the premises immediately.

60.4(2) All poultry present at exhibitions, shows or sales must come from U.S. Pullorum-Typhoid clean or equivalent flocks, or have had a negative Pullorum-Typhoid test within 90 days prior to the event, and the test must have been performed by an authorized tester.

60.4(3) Sales of poultry will not be allowed at unregulated facilities or events, such as flea markets and swap meets, unless such facilities or events have been registered with and approved by the state veterinarian at least 30 days prior to the event.