

Congress of the United States
Washington, DC 20510

April 29, 2015

Mr. Shaun Donovan
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Mr. Donovan:

As leadership of the House and Senate Agriculture Committees, we write to express our extreme concern regarding Highly Pathogenic Avian Influenza (HPAI) H5N2 infections that continue to impact our nation's poultry and egg laying flocks. We recognize the recent support USDA and OMB have extended to the impacted areas and look forward to continuing to work together to mitigate this dangerous situation. This virus is proving incredibly infectious, affecting nearly 100 farms in over a dozen states and requiring the depopulation of approximately eleven million birds in agriculture production across the country. Despite extreme precautions taken by farmers to protect the health of their flocks and the best scientific minds in the country working to halt the spread of HPAI, this virus continues to infect farms across the country and requires significant resources to curtail its effects.

The migratory birds carrying this disease are flying north, through dense poultry producing regions of the country, and feed at bodies of water within very close proximity to commercial poultry farms. In Minnesota, which has been hit the hardest by HPAI infections, nearly all of the 54 impacted farms have been located within a few hundred yards of a lake. As migration continues through the spring and fall, the virus is expected to continue spreading. While warmer temperatures help suppress the virulence of the virus, the consistently hot temperatures necessary to suppress the virus are not expected in the northern Midwest until later in the summer. Further, there is currently no available vaccine for this strain of HPAI.

It is with this background that we emphasize the urgency in which the Secretary of Agriculture be approved to utilize his emergency Commodity Credit Corporation (CCC) transfer authority to help mitigate the spread of HPAI and limit the economic damages it causes to poultry farmers whose flocks become infected with the disease. Such funds are specifically intended by Congress for use in emergency situations such as this HPAI outbreak. USDA recently released CCC funds for indemnity payments to farmers with infected flocks, for management of depopulated flocks and for necessary sanitation efforts at infected farms. These funds will be critical in curtailing the effects of HPAI. However, USDA is expected to request additional CCC funds be issued in the coming weeks to combat the virus as it continues to spread. We recognize that tax-payer dollars must be spent wisely and that CCC funds must be available for other potential emergencies, but in this situation early response to HPAI is critical in ensuring resources are preserved. Further,

we remind you that the Animal Health Protection Act clearly states, “a determination by the Secretary of the amount paid... shall be final and not subject to judicial review or review by any officer or employee of the Federal Government other than by the Secretary of the designee of the Secretary.” We urge you to ensure that your agency takes all necessary steps to guarantee that it not impede USDA’s immediate response to this emergency. Farmers are already facing severe economic hardship due to bird mortality, disruption in their production cycles, and loss of export markets for unscientific reasons. We need to ensure the indemnification process and cleanup of infected farms occurs immediately to avoid additional disruption in rural America.

The spread of HPAI is causing widespread economic devastation throughout rural communities, and we request OMB to assist USDA in alleviating this impact by providing prompt emergency assistance through the release of CCC funds as intended by Congress. Thank you for your consideration.

Sincerely,


Pat Roberts, Chairman
U.S. Senate Committee on Agriculture,
Nutrition and Forestry


Mike Conaway, Chairman
U.S. House Committee on Agriculture


Debbie Stabenow, Ranking Member
U.S. Senate Committee on Agriculture,
Nutrition and Forestry


Collin C. Peterson, Ranking Member
U.S. House Committee on Agriculture

cc: The Honorable Tom Vilsack, Secretary of Agriculture