STATE OF MARYLAND

ORDER OF:	*	**Order No.: AH 04-2024**
THE SECRETARY OF AGRICULTURE	*	**Authority: Agric. Art., §§ 3-101 et. seq.**
To Prevent the Spread of Contagious and Infectious Diseases in the State of Maryland	*	**Annotated Code of Maryland**
	*	**Effective Date: December 30, 2024**
THE SECRETARY OF HEALTH	*	**Authority: Health-Gen. Art.., §§.21-401 et. seq. and §§ 18-101 et. seq.**
To Prevent the Spread of Contagious and Infectious Diseases in the State of Maryland	*	**Annotated Code of Maryland**
	*	**Effective Date: December 30, 2024**

* * * * * * * * * * * * *

JOINT ORDER OF THE SECRETARY OF AGRICULTURE AND THE SECRETARY OF HEALTH GOVERNING MANDATORY TESTING OF MILK FROM MARYLAND DAIRY FARMS

WHEREAS, the Highly Pathogenic Avian Influenza (HPAI) Eurasian lineage goose/Guangdong H5 clade 2.3.4.4 virus has been confirmed in wild birds and in poultry flocks across the United States in 2024;

WHEREAS, HPAI as with other influenza A viruses, has the potential to mutate and transfer into different host species;

WHEREAS, HPAI has caused substantial loss in the past to the Maryland poultry industry and has caused widespread losses to the poultry industry in states in which poultry have been infected;

WHEREAS, certain influenza A viruses, including H5 and H7 viruses, can cause severe disease in poultry and other avian species and have also been identified as a cause of clinical disease in other animals, including dairy cattle. In March 2024, an H5 influenza A virus was identified as a cause of a multistate outbreak of disease in dairy cattle. Beginning April 1, 2024

the Centers for Disease Control and Prevention (CDC) began reporting sporadic human cases of HPAI in people exposed to infected dairy cows;

WHEREAS clinical signs of HPAI in dairy cattle include a decrease in feed consumption, with a simultaneous decrease in rumination and rumen motility; respiratory signs including clear nasal discharge; and subsequent acute drop in milk production. Additional clinical signs may include abnormal tacky or loose feces, lethargy, dehydration, and fever. Severely affected cattle may have thicker, concentrated, colostrum-like milk or produce no milk at all;

WHEREAS, although the US Food and Drug Administration has indicated the commercial milk supply remains safe, the detection of the influenza virus in unpasteurized milk poses a significant risk for cross-species H5 influenza A virus transmission in domestic animals consuming raw unpasteurized milk products;

WHEREAS, the Maryland Department of Health, working in concert with local health departments and the Maryland Department of Agriculture, developed the 2024 Highly Pathogenic Avian Influenza Plan which aims to prevent transmission of avian influenza (AI), through the detection and containment of AI outbreaks in animal populations and to thereby protect the health of poultry and livestock farm workers and Maryland residents;

WHEREAS, the ability of the H5 influenza A virus to be transmitted between poultry and cattle poses a threat to both the poultry and the cattle industries in Maryland by threatening the economic wellbeing of the domestic animal and allied industries. In addition, H5 and H7 influenza A viruses in poultry and ruminants may pose a risk to farm workers due to their zoonotic potential;

WHEREAS, on December 6, 2024, The United States Department of Agriculture (USDA) issued a Federal Order requiring that raw (unpasteurized) milk samples nationwide be collected and shared with USDA for testing. This National Milk Testing Strategy is designed to increase USDA's and public health partners' understanding of the virus' spread in the United States through a structured, uniform, and mandatory testing system. This data will help swiftly identify which states, and specific herds within them, are affected with H5N1; support the rapid implementation of enhanced biosecurity measures to decrease the risk of transmission to other livestock; and most importantly, inform critical efforts to protect farmworkers and prevent spillover infections with H5N1;

WHEREAS, Md. Code Ann., Agriculture Article ("Ag."), § 3-105, Annotated Code of Maryland states that "to prevent the spread of contagious or infectious diseases, the Secretary [of Agriculture], or his agent, may: . . .[t]est any animal for any contagious disease by any method; . . . [o]rder every animal which has been exposed to a contagious or infectious disease to be isolated in the manner he deems necessary to prevent the spread of the disease; . . . order any location where any contagious or infectious disease has existed or presently exists to be quarantined, so that no domestic animal of the same species may be removed from or brought to the quarantined premises until it is properly disinfected; . . . [and may] issue any order he deems necessary or expedient to prevent the communication of any infectious or contagious disease from the quarantined area; . . . .";

WHEREAS, Md. Code Ann., Health General Article ("Health Gen.") § 18-102 authorizes the Secretary of Health, when the Secretary has reason to believe that an infectious or contagious

disease exists within the State of Maryland, to "[i]nvestigate the suspected disease" and to "[a]ct properly to prevent the spread of the disease;"

WHEREAS, Health Gen. § 21-422 mandates that all raw milk sold by a milk producer in the State be "obtained by the complete milking of a healthy cow or goat;" and

WHEREAS, immediate milk testing of Maryland dairy cattle herds is necessary to determine if influenza A is circulating in dairy cattle and posing a risk to other dairy cattle herds, poultry flocks, and farm workers.

NOW, THEREFORE, pursuant to Md. Code Ann., Ag., §§ 3-101 *et seq*., and Health Gen. §§ 21-401 *et. seq*. and §§ 18-101 *et. seq*., the Secretary of the Maryland Department of Agriculture ("MDA") and the Secretary of the Maryland Department of Health ("MDH"), on this 30th day of December, 2024, do hereby **JOINTLY ORDER:**

I. MILK SAMPLING PROCEDURES

All Maryland dairy farms, processors, plants, and bulk haulers/samplers are hereby ordered to conduct or permit sampling of milk products as set forth in sections 1 through 4, below.

1. MANDATORY TESTING OF MILK INTENDED FOR HUMAN CONSUMPTION – LARGE PLANTS

a. This section of the Order applies to all milk plants in the State, or places where, for distribution, milk products are processed, packaged, bottled or packaged, or prepared, and where milk product sales exceed $1,000,000 annually.
b. Beginning on January 1, 2025, large milk processing plants shall submit milk samples from dairy farms or cooperatives delivering bulk raw milk bi-weekly (every two weeks).
c. Milk plants shall ensure that all samples are collected by a bulk milk hauler/sampler who holds a permit issued under Health Gen. § 21-416(f).
d. Each large milk processing plant shall ensure that its own quality control laboratory submits each sample immediately upon completion of quality control testing, either by hand-delivering the sample or by shipping it overnight to:

Salisbury Animal Health Laboratory
27722 Nanticoke RD, Unit 3
Salisbury, MD 21601

e. The large milk processing plant shall identify each sample using the BTU number; and include with the sample the MDA Animal Health Laboratory submission form supplied by MDA that indicates the USDA-issued

premises ID of the plant submitting the sample, and the date of collection for each sample.

f. Large milk processing plants shall monitor the MDA and MDH websites for information about when the bi-weekly testing is to take place, and other updates to the testing schedules.

2. MANDATORY TESTING OF MILK INTENDED FOR HUMAN CONSUMPTION – SMALL PROCESSORS

a. This section of the Order applies to all milk plants in the State, or places where, for distribution, milk products are processed, packaged, bottled or packaged, or prepared, and where milk product sales do not exceed $1,000,000 annually.

b. Beginning on January 1, 2025, small milk processors shall submit milk samples from dairy farms or cooperatives delivering bulk raw milk on a monthly basis.

c. MDH staff shall collect milk samples from small milk processors; small milk processors shall permit MDH staff access as necessary to collect samples and shall allow access to products. Small milk processors shall not interfere with the collection or testing of milk samples by MDH staff.

d. The small processor shall identify each sample using the USDA issued premises ID of the processor/farm; and include with the sample the MDA Animal Health Laboratory submission form supplied by MDA that indicates the USDA-issued premises ID of the processor/farm submitting the sample, and the date of collection for each sample.

e. Small milk processors shall monitor the MDA and MDH websites for information about when the monthly testing is to take place, and other updates to the testing requirements.

3. MANDATORY TESTING OF MILK INTENDED TO BE SOLD UNPASTEURIZED TO THE CONSUMER

a. This section of the Order applies to any farm located within the State of Maryland wherein dairy cattle, goats, or any other approved animals are producing milk that is not pasteurized and is instead sold to the consumer as pet food (raw milk).

b. Beginning on January 1, 2025, each pet food (raw milk) dairy shall submit milk samples on a bi-weekly basis (every two weeks.)

c. MDA staff shall collect milk samples. Pet food (raw milk) dairies shall permit MDA staff access as necessary to collect samples and shall allow access to products. Pet food (raw milk) dairies shall not interfere with the collection or testing of milk samples by MDA staff.

d. MDA staff shall identify each sample using the USDA issued premises ID of the farm; and include with the sample the MDA Animal Health

Laboratory submission form supplied by MDA that indicates the USDA-issued premises ID of the farm submitting the sample, and the date of collection for each sample.

e. Pet food (raw milk) dairies shall monitor the MDA and MDH websites for information about when the bi-weekly testing is to take place, and other updates to the testing requirements.

4. MANDATORY TESTING OF MILK INTENDED TO BE DELIVERED OUT OF STATE - BULK MILK HAULERS/SAMPLERS

a. This section applies to any bulk milk hauler/sampler that holds a permit issued under Health Gen. § 21-416(f), authorizing the holder:

> (1) to receive raw milk products from a milk producer, milk plant, receiving station, or transfer station;
>
> (2) [t]o transport raw milk products that have been received from a milk producer, milk plant, receiving station, or transfer station; and
>
> (3) [t]o deliver raw milk products that have been received from a milk producer, milk plant, receiving station, or transfer station.

b. Sampling and testing as described in this section shall begin January 1, 2025.
c. The holder of a Maryland bulk hauler/sampler permit shall collect a sample of milk from each milk tank containing milk being delivered to an out of state processing plant by an individual Maryland dairy farmer or a milk cooperative handling or marketing milk on behalf of individual dairy farmers.
d. Samples shall be collected and submitted in accordance with this section bi-weekly (every two weeks).
e. Bulk haulers/samplers shall ensure that samples are identified by a designation of the BTU number for each sample. Samples shall be accompanied by an MDA Animal Health Laboratory submission form that indicates the USDA-issued premises ID of the processing plant or cooperative submitting the sample(s), the BTU number for each sample, a statement of the number of samples included in the submission, and date of collection for each sample. Multiple samples may be included on a single submission.
f. Single-load dairy producers, defined as a farm which sends an entire tanker to an out-of-state processor, shall send a sample of milk collected by the bulk milk hauler/sampler, directly to the Salisbury Animal Health Laboratory, using a form and supplies provided by MDA, within 24 hours of collection. Samples shall be accompanied by an MDA Animal Health Laboratory submission form that indicates the USDA-issued premises ID of the farm along with date of collection of each sample.

g. The requirements of this section are in addition to any existing practices or requirements for sampling of milk by bulk haulers/samplers, and do not supplant those practices or requirements.

II. NON-NEGATIVE OR POSITIVE RESULTS

1. If test results show a positive or non-negative finding for Influenza A virus on a dairy farm, that dairy farm shall immediately take steps to prevent the movement of animals and non-essential personnel onto or from the farm and shall immediately report the results to MDA and MDH.

2. MDA or MDH will establish additional requirements as necessary following a non-negative or positive test result.

III. GENERAL PROVISIONS

The following provisions apply to the entirety of this Order.

1. SCOPE OF ORDER

The entire State of Maryland, and all dairy farms permitted or licensed either by MDH or MDA or both for the production or bulk hauling/sampling of milk, are subject to this Order. If a dairy farm, defined as a farm located within the State of Maryland wherein dairy cattle or goats are producing milk for sale, meets the definition of more than one category enumerated in the preceding paragraphs, the sampling and testing requirements of each applicable paragraph shall apply.

2. VIOLATIONS AND PENALTIES

Any person who violates this Order is subject to any criminal, administrative, or civil penalties as provided under applicable Maryland law.

3. NO RESTRICTION ON FURTHER ACTION BY MDA OR MDH

This Order shall not limit MDA's authority to establish additional quarantine or testing requirements on lactating dairy cattle and lactating dairy goats or limit MDA's authority under any laws or regulations administered by MDA.

This Order shall not limit MDH's authority to establish additional requirements on dairy farms or processors or limit MDH's authority under any laws or regulations administered by MDH.

4. SEVERABILITY

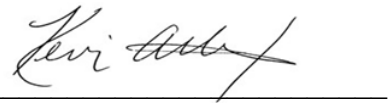
If any provision of this Order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this Order and the application of its other provisions to any other persons or circumstances shall not be affected thereby.

5. CONTACT

Questions about this Order may be directed to the Office of the State Veterinarian at (410) 841-5810 or the MDH Office of Food Protection at 301-791-4779.

6. EFFECTIVE DATE

This Order in its entirety shall become effective immediately upon signature of the Secretary of the Maryland Department of Agriculture and the Secretary of the Maryland Department of Health and shall remain in effect until rescinded by a separate order from either the Secretary of the Maryland Department of Health, the Maryland Department of Agriculture, or both.



Kevin Atticks
Secretary of Agriculture
50 Harry S. Truman Parkway
Annapolis, MD 21401
Telephone: 410.841.5880
Date: December 31, 2024

_____

Laura Herrera Scott, MD, MPH
Secretary of Health
Maryland Department of Health
201 W. Preston Street
Baltimore, MD 21201
Telephone: 410-767-6500
Date:_____