

February 3, 2025

The Honorable Brooke Rollins
Secretary-Nominee, U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Madame Secretary-Nominee:

As you prepare to take office, we write to express alarm over the “bird flu” response by USDA’s Animal and Plant Health Inspection Service (APHIS). With a new Administration, it is an opportune time for a re-evaluation of field responses to a disease epidemic that has caused egg prices to soar, disrupted the present-day and future work of a broad set of commercial bird producers, and done little to arrest the spread of H5N1. We are concerned about the following features of the USDA response:

- APHIS is wrongly treating bird flu H5N1 as a “foreign animal disease.” In truth, the disease is now endemic, with the H5N1 strain infecting at least 485 wild bird species (mallards to bald eagles), more than 100 wild mammals (mice to polar bears), at least 13 domestic poultry species (chickens to ostriches), and at least six domestic mammals (cats, dogs, pigs, goats, cattle, horses).
- APHIS is giving short shrift to vaccination strategies, even though key sectors of animal agriculture favor it and commercial vaccines are readily available. Vaccination should begin with flocks at the highest risk of infection, especially egg-laying flocks with geographic overlap with migrating waterfowl. The commercial egg-laying industry and turkey growers support vaccination, while only broiler meat growers have reservations. Consumers are now paying annually more than double in incremental prices for eggs than the gross sales for the entire \$7.24 billion dark meat export market. Mexico and France have successfully vaccinated their poultry flocks since 2023 against bird flu, greatly decreasing the impact of the epidemics in those two major agricultural nations.
- APHIS has been completely non-transparent in its investigations into infected commercial or “backyard bird” flocks. There have been no timely epidemiologic reports that might identify preventive or ameliorating disease control, risk-reduction or risk-promoting management, and biosecurity practices despite institutional capacity at the Center for Animal Health and Epidemiology in Fort Collins. For example, cockfighting activity is a known and substantial risk factor for bird flu H5N1 introduction, global spread, and human zoonotic infections. Yet APHIS does not report bird flu outbreaks on gamefowl farms, which number in the tens of thousands in the United States, with USDA previously citing that there are 20 million backyard fighting birds in our homeland.
- APHIS is conducting depopulation activities at odds with animal welfare norms. Birds are either suffocated in carts with carbon dioxide, buried in firefighter foam, or subjected to ventilation shutdown (VSD). VSD entails turning off all supply inlets and exhaust outlets, heating the building to 104⁰F, and sometimes injecting CO₂ gas into the building. VSD is used, for example,

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in large laying houses that may contain more than 300,000 hens per building. An owner of a pheasant flock in Jefferson County, Wisc., reported that APHIS killed his 188,000 pheasants by drowning them in a water-filled ditch.

Since the U.S. bird flu H5N1 outbreak began three years ago, in February 2022, APHIS has depopulated (euthanized) [148.25 million bird flu virus-exposed or infected poultry](#) on 690 commercial farms and 792 backyard flocks. [Flocks in all 50 states and Puerto Rico](#) have been infected. While “stamping out” may have controlled past bird flu outbreaks, the evidence is overwhelming that APHIS cannot kill its way out of this ongoing and ever-expanding epidemic.

Despite all this killing, the bird flu epidemic is more pervasive, expansive, and uncontrolled than ever. This failure is shown in the attached Figures 1, 2, 3, and 4.

Since March 2024, in a completely unexpected and novel “species jump,” the virus has infected [at least 925 dairy cattle herds](#) across 16 U.S. states, including 720 herds in California. Given California's median dairy herd size of 1,500 cows, well over a million cows nationwide have been infected out of a national herd of 9.2 million animals. At least [\\$430 million](#) has been delegated by APHIS for dairy herd bird flu testing and quarantines. In a logical inconsistency, APHIS quarantines infected dairy herds but kills infected poultry flocks.

Bird flu-infected poultry flocks and dairy herds have exposed thousands of Americans to the virus and infected at least 67 U.S. workers and farmers. While most human infections have been mild so far, one person infected by a [backyard flock in Louisiana died](#).

Given the uncontrolled U.S. poultry and dairy cattle outbreaks combined with rampant wildlife infections and seasonal human influenza, the [emergence of a more transmissible and virulent zoonotic bird flu H5N1 strain](#) by virus mutation or reassortment (strain recombination) is possible, with severe public health and financial repercussions.

Ominously, [a second highly pathogenic bird flu virus, this time an H5N9 strain](#), just emerged in California in December 2024, resulting in the euthanasia of 199,000 ducks. Even more poultry will be killed if this virus spreads. There is an array of adverse or prospectively dangerous outcomes for Americans because of APHIS’s mishandling of this crisis.

- [American consumers are paying at least \\$15 billion more annually for eggs because of the APHIS depletion of our national layer flock](#). About 114 million (77%) of the birds killed have been from egg-laying flocks, causing an egg supply shortage. This resulted in the consumer egg price increasing from [\\$1.62 per dozen in January 2024 to \\$6.26 per dozen in January 2025, a 286% price increase](#).
- [This bird flu outbreak is, by far, the largest and most expensive animal disease event in our history](#). APHIS has spent taxpayer funds [exceeding \\$1.5 billion](#) so far on bird depopulation, logistics, quarantines, and owner indemnity payments. As of December 2024, [APHIS had made indemnity payments to over 1,200 producers](#), with 67 commercial poultry premises experiencing multiple infections during the current outbreak. Americans are getting hit on both ends — on the retail side and also as taxpayers.
- [APHIS’s response — tentative in some ways, overreaching in others — is a growing and meaningful risk to public health](#). The movement of the virus into more than 500 species, and its widespread infiltration of commercial poultry and dairy cows, underscores the ability of this virus

to cross the species barrier and potentially evolve into a more human-adapted and readily transmissible strain.

While backyard and commercial poultry producers are indemnified by USDA APHIS, delays in restocking, lack of income flow for months, and loss of valuable genetic material, especially for heritage and commercial breeders, make APHIS indemnity compensation incomplete at best.

We acknowledge the difficult challenge that USDA faces in controlling such a tenacious virus as bird flu H5N1. However, we must stop the killing of our nation’s poultry as a matter of food security and affordability, as well as for human, animal, and wildlife health and well-being.

In summary, we encourage you to lead the agency and consider these course corrections:

- Prevention: *Immediately institute strategic bird flu vaccination of high-risk commercial flocks and advocate for a crackdown on rampant cockfighting.*
- Reporting and Transparency: *USDA must be more transparent about disease discovery and disclose the types of flocks that are harboring disease.*
- De-emphasize depopulation strategies: *USDA must stop ventilation shutdown as a killing strategy, except in extreme cases, as a matter of food security and humane treatment.*

Sincerely,

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 Director of Veterinary Sciences
 Center for a Humane Economy






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 Senior Veterinarian
 Animal Wellness Action

Wayne Pacelle
 President
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Figure 1 - USDA APHIS “stamping out” policy fails control bird flu H5N1

- Midwest commercial layers & meat turkeys most impacted
- Bird flu H5N1 now endemic in U.S. & globally
- Need to change policy e.g. strategic vaccination

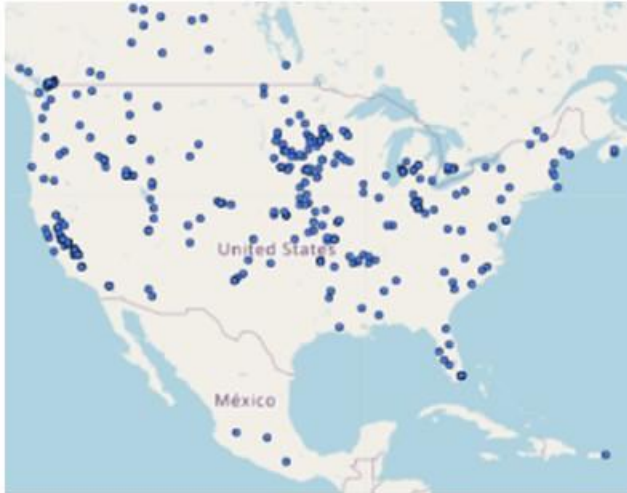
Bird flu H5N1 mortality (deaths and culling) in U.S. commercial poultry 2022-2024

							
		Layer	Broiler	Turkey	Duck	Pheasant	
Annual commercial population (millions)		372 M	9,130 M	217 M	10 M	11 M	Yearly dead
Bird flu deaths or culls (millions) <i>(% annual national flock mortality)</i>	2022	44.4 M <i>(12%)</i>	2.7 M <i>(0.3%)</i>	9.7 M <i>(4.5%)</i>	307 K <i>(3.1%)</i>	430 K <i>(3.9%)</i>	57.5 M
	2023	14.4 M <i>(4%)</i>	2.6 M <i>(0.3%)</i>	3.7 M <i>(1.7%)</i>	322 K <i>(3.2%)</i>	482 K <i>(4.4%)</i>	21.5 M
	2024	40.3 M <i>(11%)</i>	5.8 M <i>(0.6%)</i>	3.8 M <i>(1.8%)</i>	418 K <i>(4.2%)</i>	78 K <i>(0.7%)</i>	50.4 M
	Total	99.1 M	11.1 M	17.2 M	1.05 M	0.99 M	129.4 M *

* 816 K backyard poultry also killed from 2022-2024

Figure 2 - Bird flu H5N1 outbreaks in poultry, wild birds & wild mammals & domestic mammals U.S., Canada & Mexico 1 Jan 24 - 15 Jan 25

- Bird flu H5N1 situation worse in 2024 vs. 2022 and 2023
- **New outbreaks in dairy cattle & people due to failed control in birds**



Poultry

- U.S. 334
- Canada 99
- Mexico 3 (vaccinate)

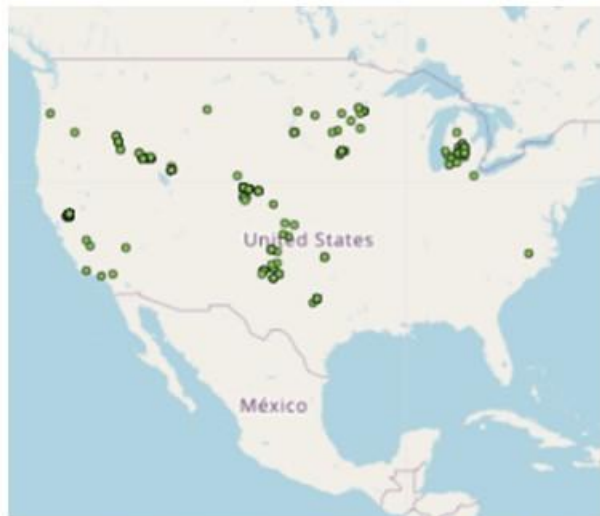


Human cases

- U.S. 67
 - 23 bird contact
 - 40 cow contact
- Canada 1
- Mexico 0

Dairy cattle

- U.S. 943
- Canada 0
- Mexico 0



Wild birds & wild mammals

- U.S. 54
- Canada 23
- Mexico 0

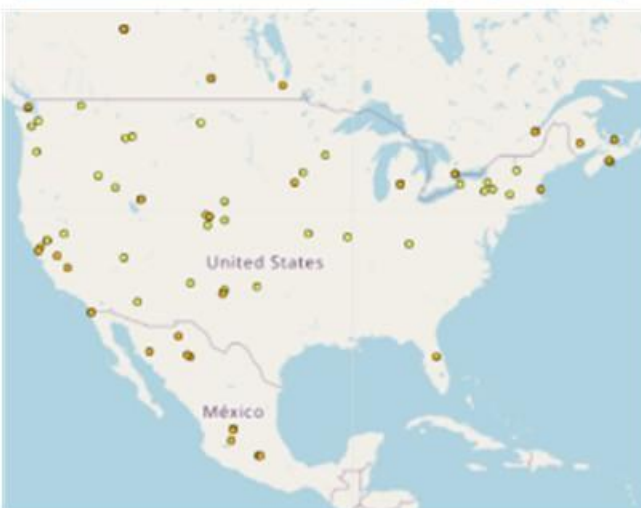


Figure 3 – Commercial poultry dead or killed from bird flu H5N1 by bird species & week, Feb 6, 2022 to Dec 31, 2024

- Spring & fall bird flu peaks overlap with waterfowl migration
- Unknown linkage with cockfighting activity
- **Year 1 of outbreak looks like Year 3!**

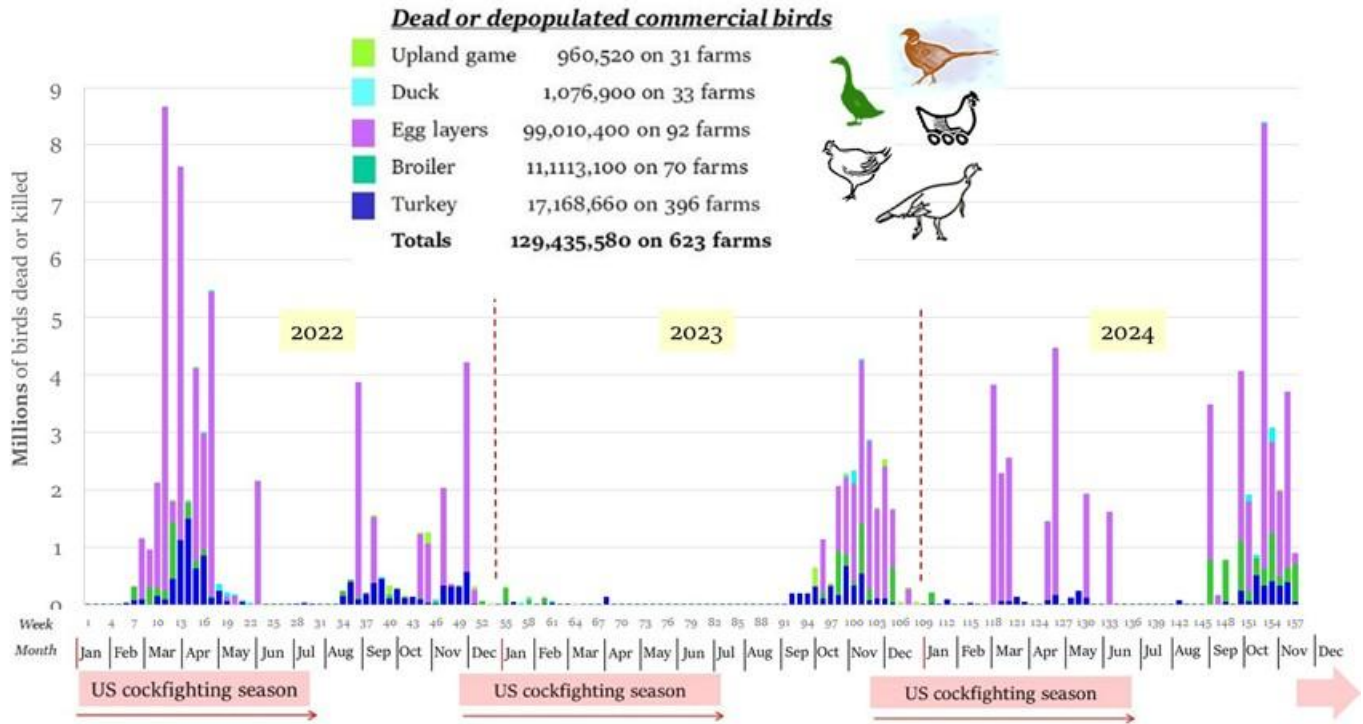
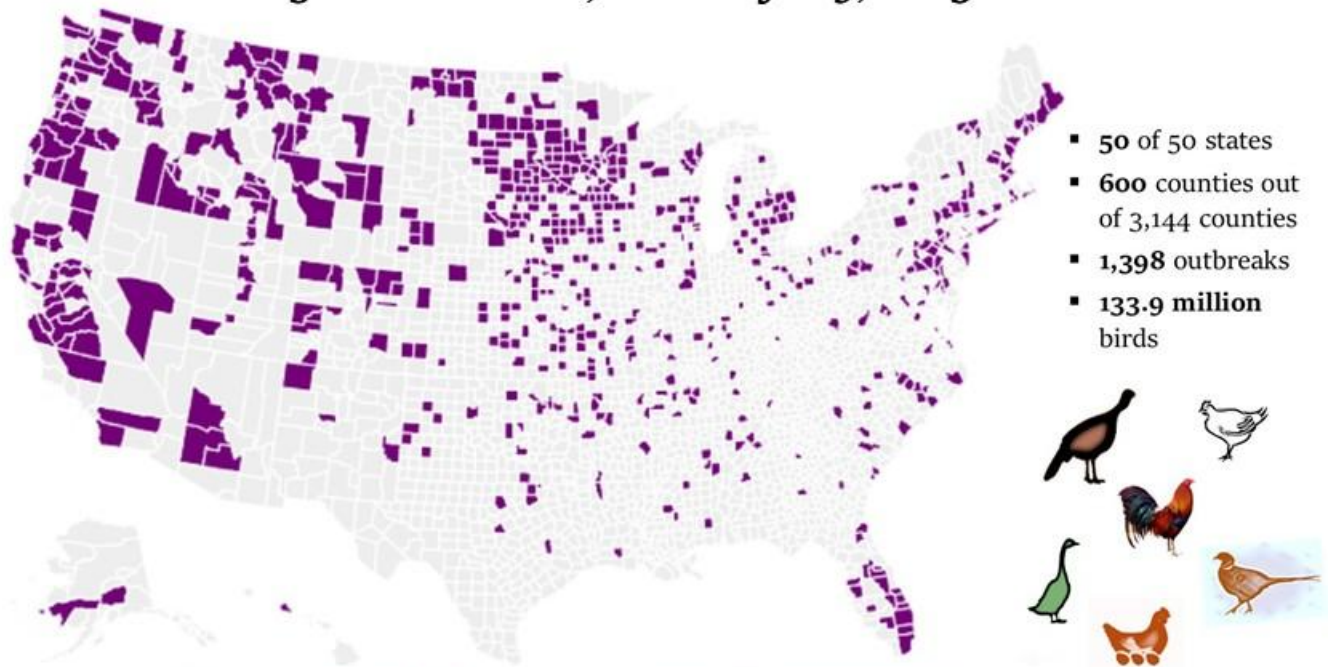


Figure 4 - Commercial & backyard poultry flock outbreaks of bird flu H5N1 from Feb 8, 2022 to Jan 9, 2025



<https://www.cdc.gov/bird-flu/situation-summary/data-map-commercial.html>