

Notice
Temporary Changes to Fishing Regulations
Transportation and Introduction of
VHS-Susceptible Species of Fish into the Commonwealth

Viral hemorrhagic septicemia (VHS) is an infectious disease found in a variety of fish species. In order to prevent the spread of the disease in the Commonwealth, the Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code §65.25 (relating to temporary changes to fishing regulations), has taken immediate action to make it unlawful to transport or cause the transportation of VHS-susceptible species of fish, dead or alive, and the parts thereof into this Commonwealth from Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin or any other state that the Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS) later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk (hereinafter known as Affected or At-Risk States), except when one of the following conditions is met:

(1) The fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Pennsylvania Department of Agriculture (Department) and approved by the Commission. Persons transporting these fish shall have in their possession, and present upon the request of an officer authorized to enforce the code, a copy of the fish health certification reports for all VHS-susceptible fish being transported or a copy of the fish health certification report for the artificial propagation facility if the fish are from a facility that has been certified as having tested negative for VHS.

(2) The fish are being transported through this Commonwealth and the shipping container (tank, trailer, holding vessel or other container) remains biosecure in transit and the fish are accompanied in transit by documentation stating the point of origin of the fish and the location outside of this Commonwealth to which they are to be delivered.

(3) The fish are being transported to facilities located within the Commonwealth for testing and scientific purposes and the persons transporting the fish have taken adequate measures to prevent escape and to disinfect discharged water and equipment used in the transportation of the fish and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for testing or scientific purposes.

(4) The fish are being transported to a slaughter facility, processing plant or restaurant within the Commonwealth and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for slaughter, processing or consumption.

(5) The fish are dead, recreationally caught fish that are being transported solely for the purpose of human consumption.

The Executive Director also has taken immediate action to make it unlawful to import or cause the importation of VHS-susceptible fish, dead or alive, and the parts thereof into this Commonwealth from the Canadian provinces of Ontario and Quebec or any other region that APHIS later designates by order as being VHS-affected or VHS-at risk (hereinafter known as Affected or At-Risk Regions), except as follows:

(1) VHS-susceptible species of live salmonid fish may be imported into the United States if the shipment meets the requirements set forth in 50 CFR §16.13(a)(3) and (b) (relating to importation of live or dead fish, mollusks, and crustaceans or their eggs).

(2) VHS-susceptible species of live non-salmonid fish may be imported into the United States for direct slaughter under an APHIS-issued permit.

The Executive Director also has taken immediate action to make it unlawful to sell in this Commonwealth VHS-susceptible species of fish, dead or alive, and the parts thereof, that were taken from an Affected or At-Risk State or Region, unless the following conditions are met:

(1) The sale meets the requirements of 30 Pa. C.S. §2507 (relating to sale of certain fish, reptiles and amphibians prohibited).

(2) The fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Department and approved by the Commission. Persons selling these fish shall have in their possession, and present upon the request of an officer authorized to enforce the code, either a copy of the fish health certification reports for all VHS-susceptible fish kept at the place of sale or a copy of the fish health certification report for the artificial propagation facility if the fish are from a facility certified as having tested negative for VHS.

The Executive Director also has taken immediate action to make it unlawful to introduce into the waters of the Commonwealth VHS-susceptible species of fish, dead or alive, and the parts thereof, taken from an Affected or At-Risk State or Region unless the fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility

certified as having tested negative for VHS in accordance with the testing protocols adopted by the Department and approved by the Commission.

For purposes of these temporary changes, “VHS-susceptible species” shall include the following species as well as any other fish species later designated by APHIS order or Commission notice published in the *Pennsylvania Bulletin*: Bluegill (*Lepomis macrochirus*); Bluntnose Minnow (*Pimephales notatus*); “Bullhead catfishes” (*Ictalurus spp.*); Brown Trout (*Salmo trutta*); Burbot (*Lota lota*); Channel Catfish (*Ictalurus punctatus*); Chinook Salmon (*Oncorhynchus tshawytscha*); Common Carp (*Cyprinus carpio*); "Crappies" (*Pomoxis spp.*); Emerald Shiner (*Notropis atherinoides*); Freshwater Drum (*Aplodinotus grunniens*); Gizzard Shad (*Dorosoma cepedianum*); Largemouth Bass (*Micropterus salmoides*); Lake Trout (*Salvelinus namaycush*); "Whitefishes" (*Coregonus spp.*); Muskellunge (*Esox masquinongy*); Northern Pike (*Esox lucius*); Pumpkinseed (*Lepomis gibbosus*); Rainbow Trout / Steelhead (*Oncorhynchus mykiss*); Rock Bass (*Ambloplites rupestris*); Round Goby (*Appolonia melanostomus*); "Redhorse Suckers" (*Moxostoma spp.*); Smallmouth Bass (*Micropterus dolomieu*); Spottail shiner (*Notropis hudsonius*); Trout-perch (*Percopsis omiscomaycus*); Walleye (*Sander vitreus*); White Bass (*Morone chrysops*); White Perch (*Morone Americana*); White Sucker (*Catostomus commersonii*); and Yellow Perch (*Perca flavescens*). The term “VHS-susceptible species” shall include fish that are dead or alive, preserved or unpreserved, and the parts thereof. The term “VHS-susceptible species” does not include the eggs of these species.

The Executive Director has found that this action is necessary and appropriate for the protection, preservation and management of fish. These temporary modifications will go into effect immediately and will remain in effect until January 1, 2009, unless the Commission, by

appropriate action, adopts the new regulations. The Commission, under a separate notice of proposed rulemaking, will seek public comments on permanent changes to the Commission's fishing regulations.

FOR THE PENNSYLVANIA FISH AND BOAT COMMISSION:

Douglas J. Austen, Ph.D.
Executive Director