

Notice
Temporary Changes to Fishing Regulations
Importation of VHS-Susceptible Species of Fish

Viral hemorrhagic septicemia (VHS) is an infectious disease found in a variety of fish species. Effective January 1, 2009, the Fish and Boat Commission (Commission) adopted 58 Pa. Code §73.3 (relating to transportation and importation of VHS-susceptible species of fish) to help prevent the spread of the disease in the Commonwealth. Under §73.3(d), it is unlawful to import or cause the importation of VHS-susceptible species of fish into this Commonwealth from a VHS-affected or VHS-at risk region, except as follows: (1) VHS-susceptible species of live fish may be imported into the United States if the requirements of 9 CFR §§93.910 through 93.916 are met; or (2) VHS-susceptible species of dead fish may be imported into the United States if the fish are recreationally caught and are for human consumption.

At the time of adoption, the language of §73.3(d)(1) was consistent with the interim rule of the United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) that was slated to go into effect on January 9, 2009. However, by notice published in the *Federal Register* (74 FR 1), the U.S. Department of Agriculture announced that it has delayed the effective date of the interim rule indefinitely to provide APHIS with time to make some adjustments to the interim rule that are necessary for the rule to be successfully implemented. The provisions of §73.3(d)(1) therefore have no effect.

Accordingly, the Executive Director of the Commission, acting under the authority of 58 Pa. Code §65.25 (relating to temporary changes to fishing regulations), has taken immediate action to rescind §73.3(d)(1). This temporary modification will go into effect immediately and will remain in effect until the Commission, by appropriate action, rescinds the regulation.

FOR THE PENNSYLVANIA FISH AND BOAT COMMISSION:

Douglas J. Austen, Ph.D.
Executive Director