

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF AGRICULTURE**  
Bureau of Animal Health and Diagnostic Services  
2301 North Cameron Street Harrisburg  
PA 17110-9408  
PH: 717-772-2852 FAX: 717-787-1868

**APPLICATION FOR DEALERS OF LIVE FISH, LIVE BAITFISH, LIVE FISH BAIT, REPTILES, AMPHIBIANS, AND OTHER AQUATIC ORGANISMS**

INITIAL APPLICATION

RENEWAL APPLICATION OF AQUACULTURE CERTIFICATION # \_\_\_\_\_

REGISTRATION FEE: \$50.00 for 5 YEARS

CHECK OR MONEY ORDER PAYABLE TO: **COMMONWEALTH OF PENNSYLVANIA**

1. Name of Business \_\_\_\_\_

2. Business Mailing Address (Street or Post Office) \_\_\_\_\_

(\* Physical location of fish/animals) \_\_\_\_\_

2a If PA Resident (County) \_\_\_\_\_ Township/Municipality \_\_\_\_\_

3. Telephone Number \_\_\_\_\_ Fax \_\_\_\_\_

4. Email Address \_\_\_\_\_

5. Printed Name of Owner/Applicant \_\_\_\_\_

6. Home Address of Owner/ Applicant (Street or Post Office)

\_\_\_\_\_

\_\_\_\_\_

7. Business 911 street address or business GPS coordinates - **REQUIRED**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. Complete the following for all licensed dealers, licensed propagators and all other persons or businesses from whom you are purchasing your live fish, live baitfish, live fish bait, reptiles, amphibians and/or other aquatic animal species or organisms. If you need more space than that provided, please attach additional pages as needed.

Name of Business: \_\_\_\_\_

Address of Business: \_\_\_\_\_

\_\_\_\_\_

Phone number(s) \_\_\_\_\_

Species Purchased from business: include scientific name (example: *Oncorhynchus mykiss*) of each species purchased except for worms – required by PA Fish and Boat Commission. **If the scientific name is not included (names are on the 2017 - 2018 Species by Watershed list), your application will be denied.** Attach additional pages as needed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List Location and List Source (Wild Caught or Purchased) \_\_\_\_\_

\_\_\_\_\_

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Name of Business: \_\_\_\_\_

Address of Business: \_\_\_\_\_

\_\_\_\_\_

Phone number(s) \_\_\_\_\_

Species Purchased from business: include scientific name (example: *Oncorhynchus mykiss*) of each species purchased except for worms – required by PA Fish and Boat Commission. **If the scientific name is not included (names are on the 2017 - 2018 Species by Watershed list), your application will be denied.** Attach additional pages as needed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List Location and List Source (Wild Caught or Purchased) \_\_\_\_\_

\_\_\_\_\_

9. Do you receive live fish, live aquatic animal species or organisms, or live baitfish from any Great Lake States (Illinois, Indiana, Michigan, Minnesota, New York, Ohio or Wisconsin) or the Pennsylvania counties of Crawford, Erie or Potter)?

If yes, please state from where: \_\_\_\_\_  
\_\_\_\_\_

If yes, do you have a completed Aquaculture Verification Certificate and proof of negative VHS status for each lot of fish received? \_\_\_\_ Yes \_\_\_\_ No

If yes, please submit with application.

10. Do you receive any species of fish from a source outside of the Commonwealth?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, list all such fish species and their scientific names below: (All species of fish transported into the Commonwealth shall be species whose health inspection reports have been approved by the Department). **Scientific names required by PA Fish and Boat Commission.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Are any of your facilities recirculating systems with no direct connection to any local waterways, i.e., closed systems (See attachment '71.3 Closed System Propagation Description')? \_\_\_\_ Yes \_\_\_\_ No

If YES, what is the ultimate disposal method of the recycled water? \_\_\_\_\_  
\_\_\_\_\_

If YES, what features and precautions ensure no organisms escape from the facility  
\_\_\_\_\_  
\_\_\_\_\_

If NO, which Pennsylvania Watershed(s) does your discharge water flow into? \_\_\_\_\_  
\_\_\_\_\_

12. What are your Gross Annual Sales? \_\_\_\_\_

13. List all of the species and their scientific names (example: *Oncorhynchus mykiss*) you deal in within the Commonwealth of Pennsylvania, except for worms – required by PA Fish and Boat Commission. Species not appearing on the approved species list may not be sold for any use within Pennsylvania. **If the scientific name is not included (names are on the 2017 - 2018 Species by Watershed list), your application will be denied. Attach additional pages as needed.**

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I MAKE THE FOREGOING REPRESENTATIONS SUBJECT TO THE PENALTIES OF 18 PA.C.S.A. SECTIONS 4904(RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES)

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(Date of Application)

(Signature of Applicant)

**\*NOTE: All non-Pennsylvania sources of live fish, live bait fish, and live fish bait must be approved as to the source for disease transmission prevention by the Pennsylvania Department of Agriculture. Send a copy of each source facility's current fish health inspection report to the Department along with your application. Sources may be approved for a calendar year period.**

Applicant Verification, Certification and Acknowledgment

**(All Applicants Previously Listed Must Sign Below)**

The applicant(s) verifies, certifies, represents, affirms and warrants to the Commonwealth of Pennsylvania, Department of Agriculture, Bureau of Animal Health and Diagnostic Services, that it meets all eligibility requirements set forth in the Act, the Regulations and this License Application and that:

The information contained herein and in all attachments and supporting material is true and correct, the filing of the License Application has been duly authorized by the applicant(s), and the Board of Directors thereof if a corporation, and the undersigned(s) has/have authority to execute this License Application on behalf of the applicant(s). The applicant(s) affirm(s) the information set forth in this License Application Form is true and correct and makes these statements subject to the penalties of 18 PA.C.S.A. § 4904, relating to unsworn falsification to authorities. That crime carries a jail term of up to 5 years, and a fine of between \$1,000 and \$5,000. Being aware of the possibility of criminal prosecution relating to false statements, the applicant(s) hereby verifies all information provided in this document is true and correct.

**Signature instructions:** Please sign below in the space provided applicable to your status as an applicant. All persons with an ownership interest in the business to be licensed are applicants and must sign. If applicant is one of several persons with an ownership interest, look for the listing below for the type of entity in which applicant possesses an ownership interest and sign there.

<p><b>Sole Proprietor:</b></p> <hr/> <p>Signature</p> <hr/> <p>Legibly Print Name</p> <hr/> <p>Date</p>	<p><b>Partnership:</b></p> <hr/> <p>Signature – General Partner</p> <hr/> <p>Legibly Print Name</p> <hr/> <p>Date</p>	<hr/> <p>Signature – General Partner</p> <hr/> <p>Legibly Print Name</p> <hr/> <p>Date</p>
<p><b>Corporation:</b></p> <hr/> <p>Name of Corporation</p> <hr/> <p>Signature of President / VP <i>(circle which)</i> <span style="float: right;">Date</span></p> <hr/> <p>Legibly Print Name</p> <hr/> <p>Signature of Secretary / Treasurer <i>(circle which)</i> <span style="float: right;">Date</span></p> <hr/> <p>Legibly Print Name</p>		
<p><b>Limited Liability Company (LLC):</b></p> <hr/> <p>Name of Corporation</p> <hr/> <p>Signature – Member <span style="float: right;">Date</span>      Signature – Member <span style="float: right;">Date</span></p> <hr/> <p>Legibly Print Name <span style="float: right;">Legibly Print Name</span></p> <hr/> <p>Signature – Member <span style="float: right;">Date</span>      Signature – Member <span style="float: right;">Date</span></p> <hr/> <p>Legibly Print Name <span style="float: right;">Legibly Print Name</span></p>		

## Examples of how to list fish species

Aquatics Scientific Name	Common Name
<i>Aequidens rivulatus</i>	Green Terror Cichlid
<i>Amatitlania nigrofasciata</i>	Black Convict Cichlid
<i>Amphilophus citrinellus</i> x <i>Vieja synspila</i> Hybrid	BLOOD PARROT CICHLID SM
<i>Amphi/ophus labiatus</i>	RED DEVIL CICHLID MS
<i>Amphilophus labiatus</i> x <i>Amphilophus trimaculatus</i> Hybrid	FLOWERHORN CICHLID
<i>Ancistrus dolichopterus</i>	BRISTLENOSE PLECO
<i>Andinoacara pulcher</i>	ELECTRIC BLUE ACARA CICHLID
<i>Aphyocharax anisitsi</i>	Bloodfin Tetra
<i>Aphyocharax paraguayensis</i>	PANDA TETRA
<i>Aplocheilichthys lineatus</i>	GOLDEN WONDER KILLIE SM
<i>Apteronotus albifrons</i>	Black Ghost Knifefish
<i>Astronotus ocellatus</i>	Tiger Oscar Cichlid (MS)
<i>Astronotus ocellatus</i>	ASSORTED TIGER OSCAR CICHLID (SM)
<i>Aulonocara jacobfreibergi</i>	JACOBFREIBERGI PEACOCK CICHLID
<i>Aulonocara rubescens</i>	RED PEACOCK CICHLID
<i>Balantiocheilos melanopterus</i>	Bala Shark (SM)
<i>Barbonymus schwanenfeldii</i>	Red-tailed Tinfoil Barb (MS)
<i>Barbonymus schwanenfeldii</i>	GOLDEN REDTAIL TINFOIL BARB SM
<i>Bedotia geayi</i>	MADAGASCAR RAINBOWFISH MD
<i>Betta splendens</i>	MALE BETTA
<i>Betta splendens</i>	FEMALE BETTA
<i>Boehlkea fredcochui</i>	Blue Tetra
<i>Botia kubotai</i>	ANGELICUS BOTA MD
<i>Botia lohachata</i>	YO YO BOTIA
<i>Brochis splendens</i>	Emerald Catfish
<i>Bunocephalus coracoideus</i>	BANJO CATFISH
<i>Carassius auratus</i>	Black Moor Goldfish (SM)
<i>Carassius auratus</i>	Assorted Fancy Goldfish (LG)
<i>Camegiella strigata</i>	MARBLE HATCHETFISH
<i>Chaetostoma thomsoni</i>	RUBBER LIP PLECOSTOMUS

SPECIES BY WATERSHED APPROVED FOR OPEN SYSTEM (FLOW THROUGH)  
PROPAGATION AND INTRODUCTIONS

Footnotes (Page 4) show exceptions and limitations  
450 Robinson Lane, Bellefonte, PA 16823 814-359-5129

**2017/2018**

FISH <sup>1</sup>	OHIO	ERIE and GENESEE	SUSQUE.	POTOMAC	DELAWARE
Brook Trout <i>Salvelinus fontinalis</i>	Yes	Yes	Yes	Yes	Yes
Brown Trout <i>Salmo trutta</i>	Yes	Yes	Yes	Yes	Yes
Rainbow Trout, Steelhead, Kamloops <i>Oncorhynchus mykiss</i>	Yes	Yes	Yes	Yes	Yes
Golden Rainbow Trout <i>Oncorhynchus mykiss</i>	Yes	Yes	Yes	Yes	Yes
Tiger Trout <i>Salmo trutta x Salvelinus fontinalis</i>	Yes	Yes	Yes	Yes	Yes
Albino Trout All species	Yes	Yes	Yes	Yes	Yes
Coho Salmon <i>Oncorhynchus kisutch</i>	No <sup>2</sup>	Yes	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>
Atlantic Salmon <i>Salmo salar</i>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>
Common Carp <i>Cyprinus carpio</i>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>
Koi <i>Cyprinus carpio</i>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>
Goldfish <i>Carassius auratus</i>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>
Comets <i>Carassius auratus</i>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>
Golden Shiner <i>Notemigonus chrysoleucas</i>	Yes	Yes	Yes	Yes	Yes
Fathead Minnow (includes "rosy reds") <i>Pimephales promelas</i>	Yes	Yes	Yes	Yes	Yes
Bluntnose Minnow <i>Pimephales notatus</i>	Yes	Yes	Yes	Yes	Yes

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Creek Chub <i>Semotilus atromaculatus</i>	Yes	Yes	Yes	Yes	Yes
Emerald Shiner <i>Notropis atherinoides</i>	Yes <sup>6</sup>	Yes	No	No	No
White Sucker <i>Catostomous commersoni</i>	Yes	Yes	Yes	Yes	Yes
Yellow Bullhead <i>Ameiurus natalis</i>	Yes	Yes	Yes	Yes	Yes
Brown Bullhead <i>Ameiurus nebulosus</i>	Yes	Yes	Yes	Yes	Yes
White Catfish <i>Ameiurus catus</i>	No	No	Yes	Yes	Yes
<b>FISH<sup>1</sup></b>	<b>OHIO</b>	<b>ERIE and GENESEE</b>	<b>SUSQUE.</b>	<b>POTOMAC</b>	<b>DELAWARE</b>
Channel Catfish <i>Ictalurus punctatus</i>	Yes	Yes	Yes	Yes	Yes
Stonecat <i>Noturus flavus</i>	Yes	Yes	No	No	No
Margined Madtom <i>Noturus insignis</i>	No	No	Yes	Yes	Yes
American Eel <sup>5</sup> <i>Anguilla rostrata</i>	No	No	Yes <sup>4</sup>	Yes <sup>4</sup>	Yes <sup>4</sup>
Banded Killifish <i>Fundulus diaphanous</i>	Yes	Yes	Yes	Yes	Yes
Mummichog <i>Fundulus heteroclitus</i>	No	No	No	No	Yes
Striped Bass <i>Morone saxatilis</i>	Yes	No	Yes	Yes	Yes
Striped Bass hybrid <i>Morone chrysops x M. saxatilis</i>	Yes	No	Yes	Yes	Yes
Rock Bass <i>Ambloplites rupestris</i>	Yes	Yes	Yes	Yes	Yes
Redbreast Sunfish <i>Lepomis auritus</i>	No	No	Yes	Yes	Yes

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Pumpkinseed <i>Lepomis gibbosus</i>	Yes	Yes	Yes	Yes	Yes
Bluegill <i>Lepomis macrochirus</i>	Yes	Yes	Yes	Yes	Yes
Sunfish hybrid <i>Lepomis cyanellus x L. macrochirus</i>	Yes	Yes	Yes	Yes	Yes
FISH <sup>1</sup>	OHIO	ERIE and GENESEE	SUSQUE.	POTOMAC	DELAWARE
Northern Pike <i>Esox lucius</i>	Yes	Yes	Yes	Yes	Yes
Northern Green Frog (adults & tadpoles) <i>Rana clamitans melanota</i>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>
Bullfrog (adults & tadpoles) <i>Rana catesbeiana</i>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>
Hellgrammites <i>Dobsonfly larvae</i>	Yes	Yes	Yes	Yes	Yes
Mud Bugs <i>Dragonfly larvae</i>	Yes	Yes	Yes	Yes	Yes
Smallmouth Bass <i>Micropterus dolomieu</i>	Yes	Yes	Yes	Yes	Yes
Largemouth Bass <i>Micropterus salmoides</i>	Yes	Yes	Yes	Yes	Yes
White Crappie <i>Pomoxis annularis</i>	Yes	Yes	Yes	Yes	Yes
Black Crappie <i>Pomoxis nigromaculatus</i>	Yes	Yes	Yes	Yes	Yes
Yellow Perch <i>Perca flavescens</i>	Yes	Yes	Yes	Yes	Yes
Walleye <i>Sander vitreus</i>	Yes	Yes	Yes	Yes	Yes
Chain Pickerel <i>Esox niger</i>	No	No	Yes	Yes	Yes

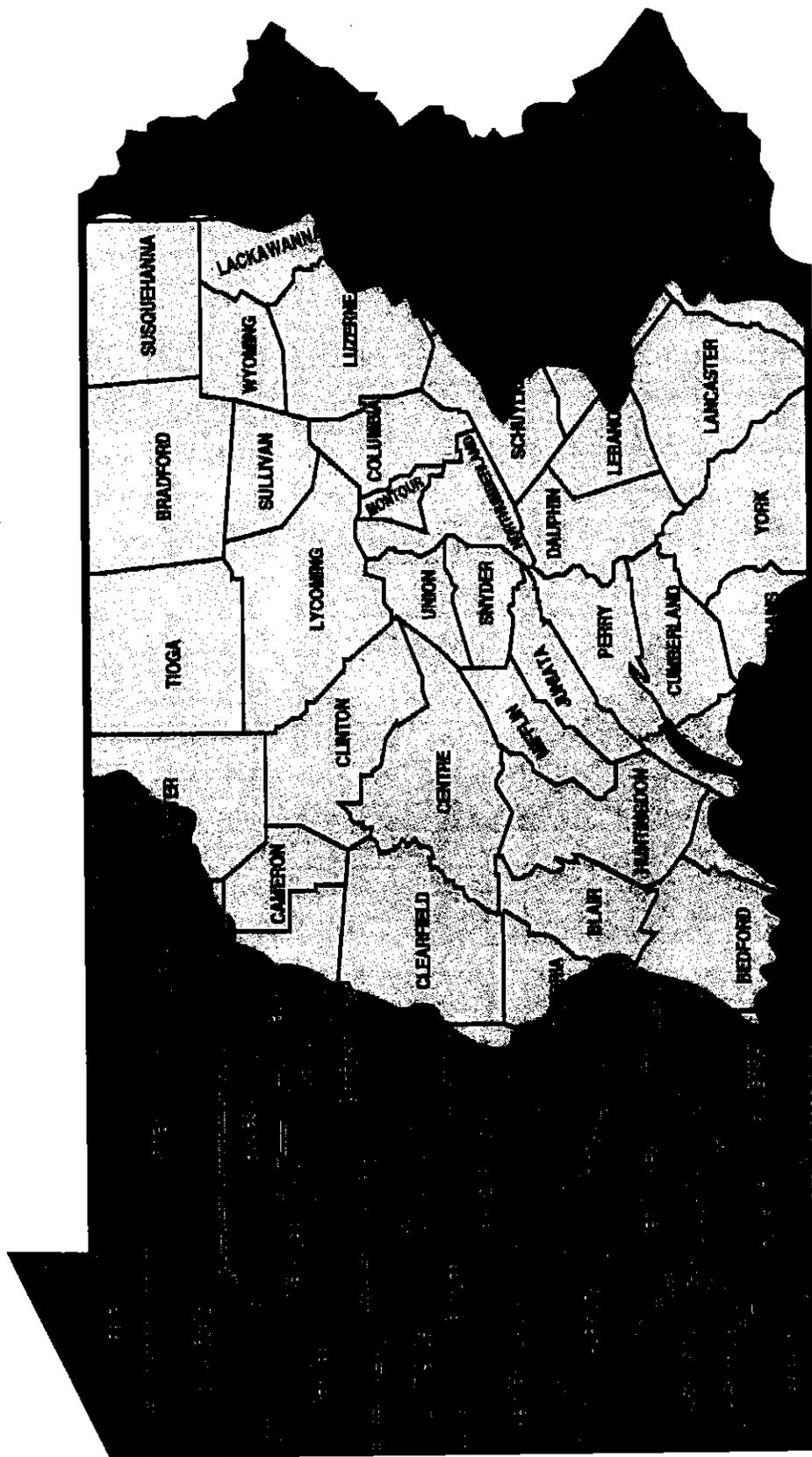
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Muskellunge <i>Esox masquinongy</i>	Yes	Yes	Yes	Yes	Yes
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- 1 For fish species (except those listed as threatened and endangered) not listed on this table and fish species restricted to certain watersheds, closed system artificial propagation may be permitted with the approval of the Department of Agriculture.
- 2 Open system artificial propagation permitted; however, introduction into Commonwealth waters only with the written permission of the Executive Director of the PA Fish and Boat Commission.
- 3 Cannot be used or sold as bait.
- 4 Minimum length limit of 9 inches applies for bait introductions.
- 5 Dealers must report purchase and sale of all American eels to PFBC, per Atlantic State Marine Fisheries Commission reporting requirements. Forms provided by PFBC.
- 6 Emerald shiners may be propagated or introduced into the Ohio River Basin only if certified to be VHS free as described in 58 Pa. Code §69.3. (see Note 1)

NOTE : There are additional restrictions on the introduction and transportation of VHS susceptible species. Consult Pennsylvania Fish and Boat Commission and Pennsylvania Department of Agriculture regulations for more information. Lists of susceptible fish species can be found at:

[http://www.aphis.usda.gov/animal\\_health/animal\\_dis\\_spec/aquaculture/downloads/vhs\\_regulated\\_spp.pdf](http://www.aphis.usda.gov/animal_health/animal_dis_spec/aquaculture/downloads/vhs_regulated_spp.pdf)  
 and other information pertaining to federal VHS regulations can be found at:  
[http://www.aphis.usda.gov/animal\\_health/animal\\_dis\\_spec/aquaculture/](http://www.aphis.usda.gov/animal_health/animal_dis_spec/aquaculture/)



-  **ERIE**
-  **OHIO**
-  **GENESEE**
-  **POTOMAC**
-  **SUSQUEHANNA**
-  **DELAWARE**

<http://fishhandboat.com/anglerboater/1999/julaug99/ianotebk.htm>

## **Aquaculture Resources and Information**

<http://srac.msstate.edu/>

<http://agresearch.umd.edu/nrac/aquaculture-links>

<https://appliedecology.cals.ncsu.edu/extension/aquaculture/>

[http://edis.ifas.ufl.edu/topic\\_aquaculture](http://edis.ifas.ufl.edu/topic_aquaculture)

<http://www.conservationfund.org/what-we-do/freshwater-institute>

<http://fishculture.fisheries.org/> American Fisheries Society

<https://ustfa.org/> US Trout Farmers Assoc.

<https://www.was.org/> World Aquaculture Society

<https://www.usda.gov/wps/portal/usda/usdahome?navid=AQUACULTURE>

<http://www.aquaculture-com.net/publications/aquabook.htm>

### **Pennsylvania Aquaculture Extension Contacts**

#### **Ms. Ann Faulds**

Pennsylvania Sea Grant  
1450 Edgmont Avenue  
Suite 150  
Chester, PA 19013  
Tel. (215) 806-0894  
Email: [afaulds@psu.edu](mailto:afaulds@psu.edu)

#### **Dr. Steven Hughes**

Aquaculture Research & Education Center  
Box 200, 1837 University Circle  
Cheyney University  
Cheyney, PA 19319  
Tel. (610) 399-2400  
Email: [SHughes@cheyney.edu](mailto:SHughes@cheyney.edu)  
Specialties: finfish culture, nutrition, physiology

### **University of Pennsylvania Aquaculture Laboratory**

Business Hours: 8:00 a.m. to 5:00 p.m. Monday - Friday.

**New Bolton Center:** 382 West Street Road, Kennett Square, PA 19348, 610-444-4282

The Aquaculture Laboratory provides necropsy and diagnostic testing of commercial and ornamental fish. With facilities at both NBC and the Manheim Field Office, the Aquaculture Laboratory is easily

accessible for live fish drop-off. NBC PADLS offers these services to aid the aquaculture industry in diagnostic purposes only. The laboratory does not perform any regulatory testing with respect to aquaculture. Contact your regional PDA veterinarian for coordination of specimen collection. The laboratory provides testing for diagnostics purposes only. Any regulatory testing should be submitted through the Pennsylvania Veterinary Laboratory. More information can be found on the PADLS website. The aquaculture laboratory provides services in: Necropsy, Microbiology, Parasitology, Histology, Toxicology and Field Investigations.

## **PennAg Industries Association**

PennAg Industries Association is the premier agribusiness association in Pennsylvania. PennAg is a full-time, full-service membership association representing Pennsylvania agribusinesses of all sizes and types that support and serve the entire food chain. PennAg advocates for you in government, public and media affairs.

### **Jennifer Reed-Harry**

Assistant Vice President

Aquaculture Council

2215 Forest Hills Dr.

Suite 39

Harrisburg, PA 17112

Tel. (717)-651-5920

Email: [jrharry@pennag.com](mailto:jrharry@pennag.com)

Jennifer works with the Aquaculture Council to make those members aware of issues that may affect their companies. A registered lobbyist, Jennifer also is very active on the Capitol scene, meeting with legislators and staff on pertinent issues. She also works with the Legislative (assisting in setting association policy).



# pennsylvania

DEPARTMENT OF AGRICULTURE  
BUREAU OF ANIMAL HEALTH AND DIAGNOSTIC SERVICES

## DEALERS, AGENTS AND HAULERS OF DOMESTIC ANIMALS

REQUIREMENTS UNDER the Domestic Animal Law (3 Pa.C.S.A. §2341-2349)

Please refer to the actual Act for the most detailed information. This document is intended as an overview of what is required of someone who is licensed as a Domestic Animal Dealer or Hauler in Pennsylvania.

**1) Definition of Dealer:** In PA, you must be licensed either as a Domestic Animal Dealer or as an agent of a licensed Domestic Animal Dealer to buy, receive, sell, exchange, negotiate or solicit the sale, resale, exchange or transfer of domestic animals for the purpose of transfer of ownership or possession to a third party.

**2) Definition of Hauler:** A hauler is a person responsible for the transportation of domestic animals or dead domestic animals into, within or from this Commonwealth, not including animals he owns himself.

**3) Posting of License:** When acting as a dealer/hauler, a copy of the license must be posted at the place of business or, when conducting dealer or hauler activities away from the place of business, the dealer must make the wallet card version of the license available for inspection.

**4) Sanitation:** Premises and vehicles used for confining, stabling, housing, holding, or transporting domestic animals must meet standards of adequate sanitation, as determined by the Pennsylvania Department of Agriculture (PDA) to prevent the spread of dangerous transmissible diseases. As it states in the Domestic Animal Law, "The department shall conduct such inspections as are necessary to assure the sanitary and humane handling of domestic animals."

**5) Recordkeeping:** Dealers and Haulers must keep accounts and records and allow those accounts and records to be inspected by representatives of the PDA. These records must be sufficient to identify all living or dead domestic animals handled and their origin and disposition. When necessary, dealers and haulers must also keep copies of all health certification required (for example when transporting domestic animals through interstate commerce). Thorough record keeping can help the Department to limit the spread of diseases that can harm animal agriculture in PA.

Record keeping is also very important when an illegal drug residue is found in an animal at slaughter. When those incidents are investigated, if dealers or haulers were involved with that animal and they do not have adequate records including information such as dates, animal identification and the location where they picked up the animal, they may be held legally responsible for the drug residue.

### **Sample Intrastate Records:**

<b>Date</b>	<b>Description of purchased animal</b>	<b>Purchased/Hauled from:</b>	<b>Date sold</b>	<b>Sold to</b>
2/20/17	1 Holstein Cow: ear tag 23ABC1234 Farm tag- White 36	J. Smith, 34 Farm Lane, Lewisburg PA 570-123-4567	2/21/17	Nicholas Packing, Loganton
2/21/17	3 bull calves	Amos King, 55 Dairy Rd, Allenwood	2 sold 2/22/17 One died and was composted on my farm	2 to Jersey Shore Auction



**6) Interstate Movement:** Please remember that there are regulations affecting the movement of domestic animals, especially between states. There can be consequences to dealers, haulers and others involved in the illegal importation of domestic animals into Pennsylvania (*for example bringing cattle to a Pennsylvania farm from Maryland with no health certificate and/or no official identification and/or no Brucellosis testing*). With the new federal ADT rule, interstate movement is under the scrutiny of the USDA. See the Federal Code of Regulations for details on identification and records requirements for interstate movement of livestock.

**Sample Interstate Records:**

<b>What was picked up</b>	<b>Date</b>	<b>From</b>	<b>Certificate of Veterinary Inspection / testing</b>	<b>Sold or delivered to:</b>	<b>Date sold or delivered</b>
Holstein cow 985000332123456	2/21/17	Joe Smith, 2 Barn Way, Elkton, MD	MD health certificate #S209876 dated 1/28/17 showing negative Brucellosis test results on 12/18/13.	John Black at 555 Milkhouse Rd. Ephrata, PA.	2/21/17
Standardbred mare "Bella", white star, four socks	2/21/17	John Kauffman at 486 Mill Rd. Christiana, DE	Coggins test paper dated 3/10/16 and an official DE health certificate #P37682 dated 1/31/17.	New Holland Sales Stables	2/21/17

**7) Interstate for Slaughter Only:** Animals brought into PA from other states for slaughter purposes must be transported DIRECTLY to an approved slaughter facility or consigned to a *slaughter only* market and slaughtered within 10 days of importation\*. If animals imported for slaughter are dropped off at any locations other than approved slaughter facilities or slaughter only markets (for example, a dealer's farm or a livestock market to which they are not consigned for auction), they must meet the full importation requirements. \*If these animals are cattle moving with backtags, USDA requires they are slaughtered within 3 days unless they have an official eartag in place.

**8) Dead Animal Disposal:** PA dealers (same as all livestock owners and caretakers in PA) must comply with the PA Department of Agriculture's Dead Domestic Animal Law. In brief, this law states that the owners and/or caretakers of domestic animals must properly dispose of domestic animals that die within 48 hours of death by an approved method. For details, see the Domestic Animal Law (Act of July 11, 1996 (P.L. 561, No. 100) (3 Pa.C.S.A.) sections 2351-2357, Disposal of Dead Domestic Animals and Animal Waste.

**Please contact the PDA, Bureau of Animal Health at 717-772-2852 with any questions about the dealer/hauler license, its requirements, or the requirements for bringing domestic animals into Pennsylvania.**

**§ 63.19. Sale and purchase of fish.**

(a) Except as otherwise provided in subsection (d), it is unlawful for a person to sell, purchase, offer for sale or exchange or export for consideration, trade or barter any fish, whether dead or live, in whole or in part, including eggs and any lifestage of the fish caught or taken from the waters of this Commonwealth.

(b) Except as otherwise provided in subsection (d), it is unlawful for a person to take, catch, kill or possess any fish, whether dead or live, in whole or in part, including eggs and any lifestage of the fish, for the purpose of selling the fish or offering it for sale.

(c) In prosecutions for violation of this section, there shall be a rebuttable presumption that a species of fish that occurs within the waters of this Commonwealth was taken or caught from Commonwealth waters. A receipt or other document showing the lawful origin of the fish from waters in a state other than this Commonwealth or from an artificial propagator or dealer in live aquatic organisms registered in this Commonwealth, shall be sufficient to rebut the presumption created in this subsection.

(d) This section does not prohibit the sale, purchase, offer for sale, trade or barter of any fish propagated by or from a propagator or dealer of live aquatic animals registered under 3 Pa.C.S. Chapter 42 (relating to aquacultural development), if the fish are lawfully propagated or acquired by means other than fishing from the waters of this Commonwealth in accordance with the requirements of applicable laws and regulations. This section does not prohibit the sale, purchase, offer for sale, trade or barter of any fish by or from the holder of a commercial fishing license issued under Chapter 29 of the code (relating to special licenses and permits), if the fish are lawfully caught or taken in accordance with the requirements of applicable laws and regulations. This section does not prohibit the sale of mounted fish.

**Source**

The provisions of this § 63.19 adopted March 2, 1990, effective March 3, 1990, 20 Pa.B. 1287; amended June 25, 1999, effective June 26, 1999, 29 Pa.B. 3211. Immediately preceding text appears at serial page (222093).



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.

(d) It is unlawful to introduce VHS-susceptible species of fish from the Lake Erie watershed into other watersheds of this Commonwealth except when 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.

(e) It is unlawful to sell VHS-susceptible species of fish from the Lake Erie watershed in other watersheds of this Commonwealth 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.

#### **Authority**

The provisions of this § 69.3 adopted under the Fish and Boat Code, 30 Pa.C.S. § 2102.

#### **Source**

The provisions of this § 69.3 adopted December 7, 2007, effective January 1, 2007, 37 Pa.B. 6402; amended December 12, 2008, effective January 1, 2009, 38 Pa.B. 6742. Immediately preceding text appears at serial pages (331463) to (331464).

#### **Cross References**

This section cited at 58 Pa. Code § 73.3 (relating to transportation and importation of VHS-susceptible species of fish).

# CHAPTER 73. TRANSPORTATION OF LIVE FISH INTO THIS COMMONWEALTH

Sec.

73.1. Transportation.

73.2. [Reserved].

73.3. Transportation and importation of VHS-susceptible species of fish.

## Source

The provisions of this Chapter 73 adopted January 6, 1984, effective January 7, 1984, 14 Pa.B. 46, unless otherwise noted.

### § 73.1. Transportation.

(a) Species of fish may not be transported into this Commonwealth from another state, province or country and liberated in a watershed of this Commonwealth without previous written permission from the Commission, nor may a species of fish be transferred from waters in this Commonwealth into another drainage of this Commonwealth where this particular species is not always present without prior written consent from the Commission. Inspection for species composition or presence of disease, or both, will be required at the discretion of the Commission on all lots of fish transported into this Commonwealth.

(b) Permission is not required for the importation of tropical fish unless the Commission considers them to be potentially dangerous to native fish species or to man. Permission is not required for the stocking of farm ponds or licensed fee fishing ponds which receive fish stocks from Commonwealth commercial fish hatcheries except for the following kinds of fish: goldfish, golden orfe or fish species not native to this Commonwealth.

(c) Except as provided in § 71.7 (relating to triploid grass carp), transportation of the grass carp (white amur) in this Commonwealth is prohibited.

(d) Transportation of the following live species in or through this Commonwealth is prohibited.

(1) Snakehead (all species).

(2) Black carp (*Mylopharyngodon piceus*).

(3) Bighead carp (*Hypophthalmichthys nobilis*).

(4) Silver carp (*Hypophthalmichthys molitrix*).

- (5) Zebra mussel (*Dreissena polymorpha*).
- (6) Quagga mussel (*Dreissena bugensis*).
- (7) Round goby (*Neogobius melanostomus*).
- (8) Tubenose goby (*Proterorhinus marmoratus*).
- (9) European rudd (*Scardinius erythrophthalmus*).
- (10) Crayfish (all species) except when they are either transported:
  - (i) As bait on, in or about the water from which taken.
  - (ii) For testing and scientific purposes or restaurant consumption, adequate measures have been taken to prevent their escape and they are accompanied by documentation stating the point of origin and the destination to which they are to be delivered.
- (11) Ruffe (*Gymnocephalus cernuus*).

#### **Authority**

The provisions of this § 73.1 issued under the Fish and Boat Code, 30 Pa.C.S. §§ 305, 322, 741, 928, 2102, 2307, 2711, 5122, 5123, and 5124; amended under the Fish and Boat Code, 30 Pa.C.S. §§ 2102 and 2904.

#### **Source**

The provisions of this § 73.1 amended December 28, 1984, effective December 29, 1984, 14 Pa.B. 4691; amended June 11, 1993, effective January 1, 1994, 23 Pa.B. 2735; amended September 13, 2002, effective September 14, 2002, 32 Pa.B. 4485; amended September 5, 2003, effective September 6, 2003, 33 Pa.B. 4447; amended August 25, 2006, effective August 26, 2006, 36 Pa.B. 4724; amended July 3, 2014, effective January 1, 2015, 44 Pa.B. 4177. Immediately preceding text appears at serial pages (347505) to (347506).

#### **Cross References**

This section cited in 58 Pa. Code § 71.6 (relating to prohibited acts).

**§ 73.3. Transportation and importation of VHS-susceptible species of fish.**

(a) *Definitions.* For purposes of this section, the following terms have the following meanings:

(1) Species of fish that are susceptible to viral hemorrhagic septicemia (VHS) are those species that the Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS) designates by order or the Commission defines by notice in the *Pennsylvania Bulletin*.

(i) The term "VHS-susceptible species" includes fish that are dead or alive, preserved or unpreserved, and the parts thereof.

(ii) The term "VHS-susceptible species" does not include the eggs of these species.

(2) A VHS-affected or VHS-at risk state includes Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin or other state that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk.

(3) A VHS-affected or VHS-at risk region includes the Canadian provinces of Ontario and Quebec or other region that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk.

(b) *Intrastate transportation.* It is unlawful to transport or cause the transportation of VHS-susceptible species of fish out of the portion of the Lake Erie watershed in this Commonwealth into other watersheds of this Commonwealth except in accordance with § 69.3(b) (relating to transportation, introduction and sale of VHS-susceptible species of fish out of the Lake Erie watershed).

(c) *Interstate transportation.* It is unlawful to transport or cause the transportation of VHS-susceptible species of fish into this Commonwealth from a VHS-affected or VHS-at risk state, 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 this 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 this 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.

(d) *International movement.* 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: VHS-susceptible species of dead fish may be imported into the United States if the fish are recreationally caught and are for human consumption.

#### **Authority**

The provisions of this § 73.3 adopted under the authority of the Fish and Boat Code, 30 Pa.C.S. § 2102(a); amended under the Fish and Boat Code, 30 Pa.C.S. § 2102(c).

#### **Source**

The provisions of this § 73.3 adopted December 12, 2008, effective January 1, 2009, 38 Pa.B. 6742; amended January 8, 2010, effective January 9, 2010, 40 Pa.B. 257. Immediately preceding text appears at serial pages (340050) to (340052).

#### **Cross References**

This section cited in 58 Pa. Code § 63.51 (relating to sale of vhs-susceptible species of fish); and 58 Pa. Code § 71.8 (relating to introduction of vhs-susceptible species of fish).



## CHAPTER 75. ENDANGERED SPECIES

- 75.1. Endangered species.
- 75.2. Threatened species.
- 75.3. Candidate species.
- 75.4. Special permits.
- 75.5. Qualified surveyors for endangered and threatened species and their habitat.

### Source

The provisions of this Chapter 75 adopted January 6, 1984, effective January 7, 1984, 14 Pa.B. 46, unless otherwise noted.

### § 75.1. Endangered species.

(a) *General.* The species of fish, amphibians and reptiles and invertebrates listed in subsections

(b) – (d) are classified endangered. The catching, taking, killing, possessing, importing to or exporting from this Commonwealth, selling, offering for sale or purchasing of any individual of these species, alive or dead, or any part thereof, without a special permit from the Executive Director is prohibited.

(b) *Fish.* The following species are endangered:

- (1) Northern brook lamprey, *Ichthyomyzon fossor*.
- (2) Shortnose sturgeon, *Acipenser brevirostrum*.
- (3) Lake sturgeon, *Acipenser fulvescens*.
- (4) Atlantic sturgeon, *Acipenser oxyrhynchus*.
- (5) Spotted gar, *Lepisosteus oculatus*.
- (6) Hickory shad, *Alosa mediocris*.
- (7) Cisco, *Coregonus artedi*.
- (8) Northern redbelly dace, *Phoxinus eos*.
- (9) Gravel chub, *Erimystax x-punctatus*.
- (10) Bridle shiner, *Notropis bifrenatus*.
- (11) River shiner, *Notropis blennioides*.
- (12) Ghost shiner, *Notropis burchanani*.
- (13) Ironcolor shiner, *Notropis chalybaeus*.
- (14) Blackchin shiner, *Notropis heterodon*.
- (15) Redfin shiner, *Lythrurus umbratilis*.
- (16) Longnose sucker, *Catostomus catostomus*.

- (17) Bigmouth buffalo, *Ictiobus cyprinellus*.
- (18) Black bullhead, *Amerius melas*.
- (19) Mountain madtom, *Noturus eleutherus*.
- (20) Tadpole madtom, *Noturus gyrinus*.
- (21) Northern madtom, *Noturus stigmosus*.
- (22) Burbot, *Lota lota* (inland populations only).
- (23) Threespine stickleback, *Gasterosteus aculeatus*.
- (24) Banded sunfish, *Enneacanthus obesus*.
- (25) Warmouth, *Lepomis gulosus*.
- (26) Longear sunfish, *Lepomis megalotis*.
- (27) Iowa darter, *Etheostoma exile*.
- (28) Eastern sand darter, *Etheostoma pellucida*.
- (29) Hornyhead chub, *Nocomis biguttaus*.

(c) *Reptiles and amphibians*. The following species are endangered:

- (1) Bog Turtle, *Glyptemys muhlenbergii*.
- (2) New Jersey Chorus Frog, *Pseudacris kalmi*.
- (3) Southern Leopard Frog, *Lithobates sphenoccephalus utricularius*.
- (4) Massasauga Rattlesnake, *Sistrurus catenatus*.
- (5) Kirtland's Snake, *Clonophis kirtlandii*.
- (6) Eastern Mud Salamander, *Pseudotrion m. montanus*.
- (7) Rough Green Snake, *Opheodrys aestivus*.
- (8) Northern Cricket Frog, *Acris crepitans*.
- (9) Blue-spotted Salamander, *Ambystoma laterale*.
- (10) Eastern Mud Turtle, *Kinosternon subrubrum subrubrum*.

(d) *Invertebrates*. The following species are endangered:

- (1) Northern riffleshell mussel, *Epioblasma torulosa rangiana*.
- (2) Clubshell mussel, *Pleurobema clava*.
- (3) Dwarf wedgemussel, *Alasmidonta heterodon*.
- (4) Eastern pearlshell mussel, *Margaritifera margaritifera*.
- (5) Rabbitsfoot mussel, *Quadrula cylindrica cylindrical*.
- (6) Snuffbox mussel, *Epioblasma triquetra*.
- (7) Salamander mussel, *Simpsonaias ambigua*.
- (8) Round hickorynut mussel, *Obovaria subrotunda*.
- (9) Pistolgrip mussel, *Quadrula verrucosa*.
- (10) Rayed bean mussel, *Villosa fabalis*.

#### Authority

The provisions of this § 75.1 amended under the Fish and Boat Code, 30 Pa.C.S. §§ 2102 and 2305; and section 506 of The Administrative Code of 1929 (71 P.S. § 186).

## § 75.2. Threatened species.

(a) *General.* The species of fish, amphibians, reptiles and invertebrates listed in subsections (b)—(d) are classified as threatened. The catching, taking, killing, possessing, importing to or exporting from this Commonwealth, selling, offering for sale or purchasing, of any individual of these species, alive or dead, or any part thereof, without a special permit from the Executive Director is prohibited.

(b) *Fish.* The following species are threatened:

- (1) Bigmouth shiner, *Notropis dorsalis*.
- (2) Southern redbelly dace, *Phoxinus erythrogaster*.
- (3) Spotted sucker, *Minytrema melanops*.
- (4) Brindled madtom, *Noturus miurus*.
- (5) Chesapeake Logperch, *Percina bimaculata*.

(c) *Amphibians and reptiles.* The following species are threatened:

- (1) Green Salamander, *Aneides aeneus*.
- (2) Eastern Redbelly Turtle, *Pseudemys rubriventris*.
- (3) Eastern Spadefoot Toad, *Scaphiopus holbrookii*.

(d) *Invertebrates.* The following species are threatened:

- (1) Sheepnose mussel, *Plethobasus cyphus*.
- (2)

### Authority

The provisions of this § 75.2 amended under the Fish and Boat Code, 30 Pa.C.S. § § 2102, 2305 and 2307; and section 506 of The Administrative Code of 1929 (71 P.S. § 186).

## § 75.3. Candidate species.

(a) *General.* The species listed in subsections (b) and (c) are considered candidate species which could achieve endangered or threatened status in the future. They are subject to seasons, size, creel—bag—and possession limits specified in this subpart. A person who catches these species is encouraged to release them immediately and unharmed to the waters or other area from which they were taken.

(b) *Fish.*

- (1) Least brook lamprey, *Lampetra aepyptera*.
- (2) Central mudminnow, *Umbra limi*.
- (3) Eastern mudminnow, *Umbra pygmaea*.
- (3) Brook stickleback, *Culaea inconstans*.

(c) *Amphibians and reptiles.*

- (1) Blandings Turtle, *Emydoidea blandingii*.
- (2) Broadhead Skink, *Plestiodon laticeps*.

#### **Authority**

The provisions of this § 75.3 amended under the Fish and Boat Code, 30 Pa.C.S. § § 2102 and 2305; and section 506 of The Administrative Code of 1929 (71 P.S. § 186).

#### **§ 75.4. Special permits.**

The Executive Director, or a designee, may issue special permits under section 2305 of the code (relating to threatened and endangered species) to take, catch, kill or possess threatened or endangered species upon written application on forms provided by the Commission.

(1) Special permits will be issued only upon a showing of unique or extraordinary circumstances justifying the permit and the applicant shows that the permitted action does one of the following:

- (i) Has no demonstrable adverse impacts on the population of the species in this Commonwealth.
- (ii) Is in the best interest of the protection, conservation and management of the species.
- (iii) Is necessary and appropriate in the interests of public health and safety or promotes essential research or public education and information.

(2) Persons and institutions requesting special permits shall apply before taking, catching, killing, possessing or acquiring the threatened or endangered species. Application forms and information are available from the Natural Diversity Section, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616.

#### **Authority**

The provisions of this § 75.4 issued under the Fish and Boat Code, 30 Pa.C.S. § 2102.

#### **§ 75.5. Qualified surveyors for endangered and threatened species and their habitat.**

(a) *Requirement.* To conduct surveys for endangered or threatened species or their habitat in connection with an application for a proposed or planned development activity, a surveyor shall be deemed qualified by the Commission.

(b) *Qualification.* An individual who wishes to be qualified by the Commission to conduct surveys for endangered or threatened species shall demonstrate to the Commission's satisfaction that he meets the qualified surveyor requirements as approved by the Executive Director and published in the *Pennsylvania Bulletin*. The individual shall demonstrate his qualifications by submitting the completed application provided by the Commission. Individuals on existing Commission lists as of January 5, 2013, will be deemed qualified for purposes of this section provided they submit the completed application provided by the Commission.

(c) *List.* Upon qualification, the Commission will place the names of the individuals meeting these requirements on its qualified surveyor list for the species described in the application. The Commission will make these lists available to the public on its web site at [www.fishandboat.com](http://www.fishandboat.com).

(d) *Duration.* The Commission's qualification of a surveyor is valid for 10 calendar years and expires on December 31 of the 10th year for which it was granted.

(e) *Renewal.* A qualified surveyor shall apply for renewal of the Commission's qualification every 10 years by submitting the completed renewal application provided by the Commission within 90 days prior to the qualification's expiration.

(f) *Denial and revocation.* The Commission may deny qualification of a surveyor who does not meet the requirements of this section. The Commission may revoke the qualification of a surveyor when the surveyor no longer meets the requirements of this section. A person aggrieved under this subsection may appeal to the Executive Director in accordance with 1 Pa. Code § 35.20 (relating to appeals from actions of the staff). Part II of 1 Pa. Code (relating to General Rules of Administrative Practice and Procedure) applies.

(g) *Other requirements.* When applicable, a qualified surveyor shall meet the requirements of §§ 51.71 and 75.4 (relating to scientific collectors' permits; and special permits).

# TITLE 58

## RECREATION

### PART II. Fish and Boat Commission

#### CHAPTER 71.

### PROPAGATION AND INTRODUCTION OF FISH INTO COMMONWEALTH WATERS

Sec.

- 71.1. General.
- 71.2. Fish species approved for artificial propagation and introduction.
- 71.3. Closed system propagation.
- 71.4. Stocking of designated waters.
- 71.5. Improper stocking of Commission fish.
- 71.6. Prohibited acts.
- 71.7. Triploid grass carp.
- 71.8. Introduction of VHS-susceptible species of fish.

#### Source

The provisions of this Chapter 71 readopted January 6, 1984, effective January 7, 1984, 14 Pa.B. 46, unless otherwise noted. Immediately preceding text appears at serial pages (76833) to (76834) and (68842) to (68845).

#### § 71.1. General.

The introduction of the grass carp or white amur into Commonwealth waters is prohibited, except that triploid grass carp may be introduced into Commonwealth waters as provided in § 71.7 (relating to triploid grass carp). It is unlawful to propagate grass carp (diploid or triploid) in this Commonwealth.

#### Authority

The provisions of this § 71.1 amended under the Fish and Boat Code, 30 Pa.C.S. § § 2102, 2904 and 3309.

#### Source

The provisions of this § 71.1 amended December 14, 1990, effective December 15, 1990, 20 Pa.B. 6179; amended June 11, 1993, effective January 1, 1994, 23 Pa.B. 2735; amended April 5, 2002, effective April 6, 2002, 32 Pa.B. 1725. Immediately preceding text appears at serial page (276233).

## **Cross References**

This section cited in 58 Pa. Code § 71.6 (relating to prohibited acts).

### **§ 71.2. Fish species approved for artificial propagation and introduction.**

The Bureau of Fisheries will maintain a list of species by watershed for which the Department of Agriculture may issue registrations for artificial propagation and registrations for dealers of live aquatic animals. The Director of the Bureau of Fisheries may update or modify the list of authorized species by adding species to, or deleting species from, the list as necessary to provide for the protection and management of fish and fishing in this Commonwealth. The Commission will provide the list to the Department of Agriculture on or before January 31 each year and whenever the Commission updates or modifies the list. Copies of the list of authorized species are available upon request from the Pennsylvania Fish and Boat Commission, Bureau of Fisheries, 450 Robinson Lane, Bellefonte, Pennsylvania 16823.

### **Authority**

The provisions of this § 71.2 amended under the Fish and Boat Code, 30 Pa.C.S. § § 2102, 2904 and 3309; and the Agricultural Development Act, 3 Pa.C.S. § 4219.

### **Source**

The provisions of this § 71.2 amended December 14, 1990, effective December 15, 1990, 20 Pa.B. 6179; amended April 5, 2002, effective April 6, 2002, 32 Pa.B. 1725. Immediately preceding text appears at serial page (276234).

### **§ 71.3. Closed system propagation.**

(a) *Closed (no discharge) system.* A propagating system may be designated as a closed system only if all of following criteria are met:

- (1) There will be 100% recycling water as normal operations.
- (2) Closed systems will be housed indoors in a structure enclosed by solid walls, floor and roof. For purposes of this subsection, a wall, floor or roof will be considered "solid" if it is constructed and maintained to prevent unauthorized human or animal intrusions into the closed system facility and to prevent release or escape of aquatic organisms from the closed system.
- (3) Water can be added to the system only for making up evaporative loss, cleaning and fish harvesting or to reduce toxic ammonia/nitrates by diluting.
- (4) The system does not discharge water into waters of this Commonwealth.
- (5) No live fish or live fish eggs will be allowed to escape with water discharges. Accidental spillage of live fish or live fish eggs (including truck loading, and the like) will be contained

within the facility in a manner that will prevent fish and fish eggs from escaping into the waters of this Commonwealth.

(6) The system operator is registered with the Department of Agriculture (Department). The Department will notify the Commission when it receives an application to register a proposed closed system, and the Commission may, within 30 days of receipt of the notice, inspect the system to ensure that it is designed and constructed in a manner to prevent escapement of live fish or live fish eggs into the waters of this Commonwealth. Closed systems registered under this subsection shall, in addition to an initial inspection, be subject to inspection at any time to ensure compliance with the requirements of this section and the Commission may issue an order to suspend operations of any closed system when an inspection discloses that it is not in compliance.

(7) The Commission will invite the Department's Aquaculture Advisory Committee or a subcommittee thereof to draft and periodically update construction guidelines for closed system propagators to help them ensure enclosed facilities prevent escape of aquatic organisms into the waters of this Commonwealth. These guidelines will assist registered propagators in the design, construction and maintenance of closed systems and will assist the Commission in inspecting these systems.

(b) *Systems with discharges rendered incapable of containing living organisms.* A system whose discharge of water is rendered incapable of containing self-perpetuating living organisms shall be registered with the Department. The Department will notify the Commission when it receives an application to register a proposed system under this subsection, and the Commission may, within 30 days of receipt of the notice, inspect the system to ensure that it is designed and constructed so that its discharge is rendered incapable of containing live fish or live fish eggs. Systems registered under this subsection shall, in addition to an initial inspection, be subject to inspection at any time to ensure compliance with this section and the Commission may issue an order to suspend operations of any system when an inspection discloses that it is not in compliance. The registration of this system may include any species of fish with the approval of the Department.

(c) *Escape of fish into waters of this Commonwealth.* It is unlawful for an operator of any system registered under subsection (a) or (b) to allow fish to escape into the waters of this Commonwealth.

(d) *Written plans for discharge.* An operator of any system registered under subsection (a) or (b) shall develop, maintain and make available for immediate inspection by the Commission and the Department upon request a written plan for containing or treating discharge in the event of a discharge system failure.

(e) *Satisfaction in event of discharge.* An operator of any system registered under subsection (a) or (b) shall notify both the Commission's Director of the Bureau of Fisheries and the Department's Aquaculture Coordinator immediately in the event of a discharge system failure that is likely to contain viable living organisms.

### **Authority**

The provisions of this § 71.3 amended under the Fish and Boat Code, 30 Pa.C.S. § 2102; and the Aquacultural Development Law, 3 Pa.C.S. § 4219.

### **Source**

The provisions of this § 71.3 amended April 29, 1988, effective April 30, 1988, 18 Pa.B. 2030; amended December 14, 1990, effective December 15, 1990, 20 Pa.B. 6179; amended April 5, 2002, effective April 6, 2002, 32 Pa.B. 1725. Immediately preceding text appears at serial pages (276234) to (276235).

### **§ 71.4. Stocking of designated waters.**

It is unlawful to place fish in waters that have been designated by the Commission as catch and release, wilderness trout or wild trout management waters except with the express written consent of the Executive Director or his designee. This section does not prohibit a person from returning fish unharmed to the waters from which they were caught or taken.

### **Cross References**

This section cited in 58 Pa. Code § 57.8a (relating to Class A wild trout streams).

### **§ 71.5. Improper stocking of Commission fish.**

In stocking fish reared or salvaged by the Commission or a cooperative nursery recognized by the Commission, the following acts are prohibited:

- (1) Failure to stock fish in waters designated by Commission personnel.
- (2) Diversion of fish to be stocked to waters not open or accessible to free public fishing.
- (3) Mishandling or misuse of fish being stocked in a manner so as to damage or destroy the fish.

### **§ 71.6. Prohibited acts.**

- (a) Except as otherwise provided in § 71.7 (relating to triploid grass carp), it is unlawful to introduce or import grass carp (white amur) into this Commonwealth. Except as otherwise provided in § 71.7, it is unlawful to possess grass carp (white amur) in this Commonwealth.
- (b) It is unlawful to introduce tilapia, including blue tilapia and tilapia hybrids, into the waters of this Commonwealth.
- (c) As an exception to subsection (a), §§ 71.1 and 73.1 (relating to general; and transportation), the Executive Director may authorize the Research Division of the Bureau of

Fisheries to possess grass carp (white amur) and introduce them into waters within the confines of the Commonwealth hatchery system as part of a carefully controlled research effort, subject to conditions as the Executive Director may prescribe.

(d) It is unlawful to possess the following live species in this Commonwealth. It is unlawful to introduce or import the following live species into the waters of this Commonwealth:

- (1) Snakehead (all species).
- (2) Black carp (*Mylopharyngodon piceus*).
- (3) Bighead carp (*Hypophthalmichthys nobilis*).
- (4) Silver carp (*Hypophthalmichthys molitrix*).
- (5) Zebra mussel (*Dreissena polymorpha*).
- (6) Quagga mussel (*Dreissena bugensis*).
- (7) Round goby (*Neogobius melanostomus*).
- (8) Tubenose goby (*Proterorhinus marmoratus*).
- (9) European rudd (*Scardinius erythrophthalmus*).
- (10) Crayfish (all species).

(i) Except when they are either:

(A) Possessed and used as bait on, in or about the water from which taken.

(B) Possessed or imported for testing and scientific purposes or restaurant consumption, adequate measures have been taken to prevent their escape and they are accompanied by documentation stating the point of origin and the destination to which they are to be delivered.

(ii) Except when used as bait as provided in this section, introduction of live crayfish (all species) into the waters of the Commonwealth is prohibited.

(11) Ruffe (*Gymnocephalus cernuus*).

#### Authority

The provisions of this § 71.6 issued under the Fish and Boat Code, 30 Pa.C.S. §§ 305, 322, 741, 928, 2102, 2307, 2711, 5122, 5123 and 5124; amended under the Fish and Boat Code, 30 Pa.C.S. §§ 2102 and 2904.

## Source

The provisions of this § 71.6 adopted December 28, 1984, effective December 29, 1984, 14 Pa.B. 4691; amended March 13, 1987, effective March 14, 1987, 17 Pa.B. 1088; amended February 3, 1989, effective February 4, 1989, 19 Pa.B. 405; amended June 11, 1993, effective January 1, 1994, 23 Pa.B. 2735; amended September 13, 2002, effective September 14, 2002, 32 Pa.B. 4485; amended September 5, 2003, effective September 6, 2003, 33 Pa.B. 4447; amended August 25, 2006, effective August 26, 2006, 36 Pa.B. 4724; amended July 3, 2014, effective January 1, 2015, 44 Pa.B. 4177. Immediately preceding text appears at serial pages (322558) and (360755).

### § 71.7. Triploid grass carp.

(a) *Policy.* As a limited exception to the prohibition of grass carp (white amur) in this Commonwealth, it is the policy of the Commission to permit triploid grass carp, certified as such by the United States Fish and Wildlife Service (USFWS) and procured from a producer participating in the USFWS certification program, to be introduced into Commonwealth waters and imported and transported into this Commonwealth in accordance with this section.

(b) *Status.* The triploid grass carp (white amur) (*Ctenophryngodon idella*) is not a game fish.

(c) *Permit required.*

(1) The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that permits shall be required for possessing triploid grass carp (white amur) or introducing them into Commonwealth waters and for importing or transporting triploid grass carp into this Commonwealth to provide for proper protection and management of these fish and other fish in the waters of this Commonwealth. A pond owner, landowner or other person who wishes to possess triploid grass carp and introduce them into a pond or waters located on property owned, leased or otherwise controlled by the person shall, before placing triploid grass carp in the waters, obtain from the Commission a triploid grass carp possession/introduction permit for a fee of \$75. A person who wishes to import triploid grass carp into this Commonwealth shall, before doing so, obtain from the Commission a triploid grass carp importation/ transportation permit for a fee of \$75. Permits shall be applied for on forms supplied by the Commission. Applications for permits may be obtained from: Triploid Grass Carp Manager, Bureau of Fisheries, 450 Robinson Lane, Bellefonte, PA 16823-9616. Permits will not be issued until after January 1, 1994.

(2) A person aggrieved by a Commission staff action on a permit application may appeal under Chapter 51, Subchapter E (relating to permit procedures) and 1 Pa. Code Part II (relating to the general rules of administrative practice and procedure).

(d) *Dealers and importers.* In addition to the triploid grass carp permit required by subsection (c), dealers and importers shall obtain and maintain all licenses, permits and registrations required by the Department of Agriculture for the sale or transportation of fish.

(e) *Restrictions on introduction of triploid grass carp.*

(1) The Commission will not approve the stocking or release of triploid grass carp into a water body wholly or partially in this Commonwealth that is currently known to be inhabited by a species of animal or plant currently listed as status endangered, threatened, candidate or other special concern status, by a state or Federal agency with jurisdiction for the species, without prior written approval for the stocking or release by the agencies which classified the species as endangered, threatened, candidate or of special concern.

(2) The Commission will not approve stocking or release of triploid grass carp into wetlands under Federal or state jurisdiction except in compliance with applicable Federal or state regulations including, when required, the written approval for the stocking or release by the involved agencies.

(3) The Commission will not approve stocking or release of triploid grass carp into a body of water more than 5 acres in surface area until the applicant submits an environmental inspection report prepared by a biologist or fisheries or environmental scientist acceptable to the Commission. The environmental inspection report shall include a certification that the preparer has personally inspected the pond or body of water and that the stocking of triploid grass carp will have no adverse environmental impacts on the waters where stocked or waters upstream or downstream of the waters. The report shall describe the measures taken by the applicant to prevent escape of the grass carp into waters upstream or downstream of the stocked waters. The environmental inspection report shall also include additional information as the Commission may require.

(4) The Commission may require an applicant for a permit to stock triploid grass carp in a pond or body of water of 5 or less acres in surface area to submit an environmental inspection report in the format described in paragraph (3) when the staff's review of the application indicates that further inspection or review of the proposed stocking is appropriate under the circumstances.

(5) The issuance of permits under this section will be subject to the public notice and comment provisions of Chapter 51, Subchapter E.

(f) *Prohibited acts.*

(1) It is unlawful to transport, import, possess or introduce triploid grass carp in this Commonwealth unless the person possessing, transporting, importing or introducing the grass carp obtains and maintains required permits. Permits shall be displayed upon request to an officer authorized to enforce the code or this part.

(2) It is unlawful to transport, import, possess or introduce grass carp in this Commonwealth unless the person possessing, transporting, importing or introducing the grass carp possesses a valid bill of sale or bill of origin from a producer participating in the USFWS triploid grass carp certification program.

(3) It is unlawful to transport, import, possess or introduce grass carp in this Commonwealth unless the grass carp are certified by the USFWS to be triploid grass carp. The certification of triploid status shall be obtained from the producer at the time of purchase.

(4) It is unlawful to import, transport, possess or introduce triploid grass carp into Commonwealth waters except in compliance with this section and conditions of the applicable permits.

(5) Persons, organizations or companies are prohibited from giving, trading or exchanging triploid grass carp except to persons holding valid triploid grass carp possession/introduction permits.

*(g) Revocation or suspension of permits.*

Failure to abide by regulations, permits and permit conditions pertinent to triploid grass carp possession, transportation and introduction may result in suspension or revocation of the applicable permits in accordance with Chapter 51, Subchapter C (relating to suspension, denial or revocation of licenses, permits, registrations or privileges). Revocation or suspension shall be in addition to other applicable penalties provided by law or regulation.

#### **Authority**

The provisions of this § 71.7 issued under the Fish and Boat Code, 30 Pa.C.S. § § 2102 and 2904; amended under the Fish and Boat Code, 30 Pa.C.S. § 2904.

#### **Source**

The provisions of this § 71.7 adopted June 11, 1993, effective January 1, 1994, 23 Pa.B. 2735; amended April 5, 2002, effective April 6, 2002, 32 Pa.B. 1725; amended April 6, 2012, effective July 1, 2012, 42 Pa.B. 1859. Immediately preceding text appears at serial pages (322559) to (332560), (287825) to (287826) and (340047).

#### **Cross References**

This section cited in 58 Pa. Code § 71.1 (relating to general); 58 Pa. Code § 71.6 (relating to prohibited acts); and 58 Pa. Code § 73.1 (relating to transportation).

### **§ 71.8. Introduction of VHS-susceptible species of fish.**

(a) For purposes of this section, the following terms have the following meanings:

(1) Species of fish that are susceptible to viral hemorrhagic septicemia (VHS) are those species that the Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS) designates by order or the Commission defines by notice in the *Pennsylvania Bulletin*.

(i) The term "VHS-susceptible species" includes fish that are dead or alive, preserved or unpreserved, and the parts thereof.

(ii) The term "VHS-susceptible species" does not include the eggs of these species.

(2) A VHS-affected or VHS-at risk state includes Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin or other state that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk.

(3) A VHS-affected or VHS-at risk region includes the Canadian provinces of Ontario and Quebec or other region that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk.

(b) It is unlawful to introduce VHS-susceptible species of fish from the portion of the Lake Erie watershed in this Commonwealth into other watersheds of this Commonwealth except in accordance with § 69.3(d) (relating to transportation, introduction and sale of VHS-susceptible species of fish out of the Lake Erie watershed).

(c) It is unlawful to introduce into the waters of this Commonwealth VHS-susceptible species of fish from an affected or at-risk state 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 Pennsylvania Department of Agriculture and approved by the Commission.

(d) It is unlawful to introduce into the waters of this Commonwealth VHS-susceptible species of fish from an affected or at-risk region unless the fish meet the requirements of § 73.3(d)(1) (relating to transportation and importation of VHS-susceptible species of fish).

#### **Authority**

The provisions of this § 71.8 adopted under the Fish and Boat Code, 30 Pa.C.S. § 2102(a).

#### **Source**

The provisions of this § 71.8 adopted December 12, 2008, effective January 1, 2009, 38 Pa.B. 6742.

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Pennsylvania Aquaculture Advisory Committee  
c/o PennAg Industries Association  
2215 Forest Hills Drive, Suite 39  
Harrisburg, PA 17112-1099  
Telephone: (717) 651-5920

Date: October 1, 2014

To: All registered propagators and bait dealers

From: Jennifer Reed-Harry, Aquaculture Coordinator

Effective January 1, 2015, the Pennsylvania Fish and Boat Commission has ruled:

1. No crayfish species shall be approved for open-system propagation and introduction into the waters of the Commonwealth. The culture and propagation of crayfish will still be permitted in closed systems, if the participant is registered for artificial propagation with the Bureau of Animal Health and Diagnostic Services.
2. There is a restriction on the sale of all live native and non-native crayfish in this Commonwealth, except when they are sold for testing and scientific purposes, or restaurant consumption. The point of origin and destination must be documented with every delivery. It will be illegal to sell live crayfish in pet stores and bait shops.
3. Licensed anglers may still harvest 50 crayfish/day. The crayfish head must be immediately removed behind the eyes upon capture unless the crayfish are used as bait in the waters from where they were taken. If an angler wishes to transport the crayfish from the waters from which they were collected, the angler must remove the head from behind the eyes.

To learn more about this rule, visit the PA Fish and Boat Commission website at [www.fish.state.pa.us](http://www.fish.state.pa.us) or contact the Ms. Laurie Shepler, Esq. at the PA Fish and Boat Commission at (717) 705-7810.

## Order Adopting Amendments

### COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA FISH AND BOAT COMMISSION

#### Title 58. Recreation Part II. Fish and Boat Commission Chapters 61, 63, 69, 71 and 73 Fishing

## Preamble

The Fish and Boat Commission (Commission) amends Chapters 61, 63, 69, 71 and 73 (relating to seasons, sizes and creel limits; general fishing regulations; fishing in Lake Erie and boundary lakes; propagation and introduction of fish into Commonwealth waters; and transportation of live fish into this Commonwealth). The Commission is publishing this final-form rulemaking under the authority of 30 Pa. C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The final-form rulemaking will go into effect on January 1, 2015.

B. *Contact Person*

For further information on the final-form rulemaking, contact Laurie E. Shepler, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

C. *Statutory Authority*

The amendments to § 61.1 (relating to Commonwealth inland waters), § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary), §61.3 (relating to Pymatuning

Reservoir), § 61.4 (relating to Conowingo Reservoir), § 63.46 (relating to sale, purchase or barter of injurious, nonnative species), § 69.12 (relating to the seasons, sizes and creel limits – Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters), §71.6 (relating to prohibited acts) and § 73.1 (relating to transportation) are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. *Purpose and Background*

The specific purpose and background of the amendments are described in more detail under the summary of changes.

E. *Summary of Changes*

Crayfish are one of the most conspicuous and ecologically important components of aquatic communities in this Commonwealth and across the globe. They are an important forage item for fishes, mammals, birds, reptiles and amphibians and facilitate the transfer of nutrients up through the food chain to higher trophic levels. About half of North America's crayfish fauna is imperiled, and native crayfishes across the continent and in this Commonwealth are rapidly being replaced by introduced (exotic) crayfishes.

The replacement of native crayfish by introduced crayfish represents a significant threat to aquatic communities. Introduced crayfish attain densities that are exceedingly high (sometimes in excess of 200 individuals/m<sup>2</sup>), often eliminate aquatic macrophytes and suppress benthic invertebrate communities. They can have strong negative effects on amphibians, mussels and fishes.

Stopping the spread of introduced crayfish is difficult once they become widespread. Since the distributions of most introduced crayfishes in this Commonwealth are still limited, there is still time to stop the spread of exotic crayfishes and preserve the native stocks that remain.

Exotic crayfishes occur in a number of water bodies in this Commonwealth and are available from bait shops, biological warehouses, pet stores, live food vendors and aquaculture facilities. In

order to help prevent additional introductions of crayfish in this Commonwealth, stringent regulations and their enforcement is warranted.

The invasive rusty crayfish (*Orconectes rusticus*) has been tightly regulated in this Commonwealth since 2005, and live individuals cannot be possessed, sold, transported or cultured within this Commonwealth. However, there are five other introduced crayfishes that occur in the Commonwealth that are currently unregulated. These exotic crayfishes can be purchased from commercial dealers or collected from invaded water bodies and released legally into the state's waters with potentially devastating effects on native communities. Additionally, although the invasive red swamp crayfish (*Procambarus clarkii*) cannot be propagated in flow-through systems or introduced into Commonwealth waters, the species can be possessed, sold, and transported legally within this Commonwealth.

Extending the *Orconectes rusticus* ban to other exotic crayfish species would be impossible to enforce because most natural resource managers and conservation officers have difficulty identifying crayfish species. For this reason, the Commission restricted the sale, possession, introduction, transportation and culture of all live native and nonnative crayfishes in the Commonwealth. Similar restrictions have been passed elsewhere (e.g., Wisconsin and parts of Maryland and Canada) with broad public support.

With these amendments, licensed anglers will still be allowed to harvest up to 50 crayfish per day. However, the head must be immediately removed behind the eyes upon capture unless the crayfish are used as bait in the water from which they were taken. When crayfish are used as bait in the water from which they were taken, the head does not have to be removed. When crayfish are transported from the water from which they were collected, the head must be removed behind the eyes. The amendments also restrict the sale of all live native and nonnative crayfishes in the Commonwealth except when they are sold for testing and scientific purposes or restaurant consumption, adequate measures have been taken to prevent their escape, and they are accompanied

by documentation stating the point of origin and the destination to which they are to be delivered. Last, the amendments restrict possession, introduction and transportation of all live native and nonnative crayfishes except (i) when they are possessed and used as bait on, in or about the water from which taken or (ii) when they are possessed or imported for testing and scientific purposes or restaurant consumption, adequate measures have been taken to prevent their escape, and they are accompanied by documentation stating the point of origin and the destination to which they are to be delivered. Except when they are used as bait as described above, the introduction of any live crayfish into Commonwealth waters will be strictly prohibited.

Although propagation is not specifically addressed by this final-form rulemaking, Commission staff worked with the Department of Agriculture (DOA) and registered propagators to address issues pertaining to crayfish culture. Section 71.2 of the Commission's regulations provides that the Bureau of Fisheries will maintain a list of species by watershed for which DOA may issue registrations for artificial propagation and registrations for dealers of live aquatic animals. The section further provides that the Bureau may update or modify the list of authorized species by adding species to or deleting species from the list as necessary to provide for the protection and management of fish in this Commonwealth. Therefore, concurrent with this rulemaking, the Commission will remove all crayfish species from the list of species approved for open-system propagation and introduction in the Commonwealth. The culture and propagation of crayfish will still be permitted in closed systems.

The Commission amends §§61.1 – 61.4, 63.46, 69.12, 71.6 and 73.1 to restrict the sale, possession, introduction and transportation of all crayfish species in this Commonwealth to read as set forth in the notice of proposed rulemaking.

F. *Paperwork*

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public. Any fiscal impact to the private sector is expected to be nominal. Some businesses sell crayfish as pets or bait, but the revenue generated is typically a very minor component of total sales. Other commercial uses include testing and scientific purposes and restaurant consumption. However, under the amendments, the sale, possession and transportation of live crayfish is permitted for those purposes when adequate measures have been taken to prevent their escape and they are accompanied by documentation stating the point of origin and the destination to which they are to be delivered. Therefore, laboratories, research facilities and restaurants will not be significantly affected by the changes.

H. *Public Involvement*

A notice of proposed rulemaking containing the amendments was published at 44 Pa. B. 901 (February 15, 2014). The Commission solicited public comments for a period of 60 days. The Commission received a total of 30 comments generally supporting the proposal and summarized in a Comment/Response Document. Copies of all public comments and the Comment/Response Document were provided to the Commissioners.

**FINDINGS**

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§1201, 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and the public comments that were received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

#### **ORDER**

The Commission, acting under the authorizing statutes, orders that:

(A) The regulations of the Commission, 58 Pa. Code Chapters 61, 63, 69, 71 and 73, are amended by amending §§ 61.1 – 61.4, 63.46, 69.12, 71.6 and 73.1 to read as set forth at 44 Pa. B. 901.

(B) The Executive Director will submit this order and 44 Pa. B. 901 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 44 Pa. B. 901 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2015.

For the Pennsylvania Fish and Boat Commission

John A. Arway  
Executive Director

**Pennsylvania Department of Agriculture**  
**QUARANTINE ORDER**  
**Viral Hemorrhagic Septicemia Virus**

***Recitals.***

- A. Viral hemorrhagic septicemia (VHS) is an infectious disease caused by a rhabdovirus – the viral hemorrhagic septicemia virus (VHSV) - in a variety of fish species.
- B. VHS has been designated a “dangerous transmissible disease” of animals pursuant to a temporary order issued by the Pennsylvania Department of Agriculture (PDA) under authority of Section 2321(d) of the Domestic Animal Law (3 Pa.C.S.A. § 2321(d)). The current temporary order making this designation was published in the December 30, 2006 edition of the *Pennsylvania Bulletin* (at 36 Pa.B. 7974).
- C. PDA has broad authority under the Domestic Animal Law to regulate the keeping and handling of domestic animals in order to exclude, contain or eliminate dangerous transmissible diseases.
- D. VHS has caused death losses to various fish species in the Great Lakes and other infected waterways.
- E. VHS is of particular concern to Pennsylvania’s aquaculture industry, in that its presence and impact may severely limit the market for Pennsylvania-produced fish and fish products.
- F. VHS virus exists within the Lake Erie and Lake Ontario Watersheds, which includes portions of Crawford County, Erie County and Potter County.
- G. PDA registers “artificial propagators” of fish and “dealers” of fish under authority of the Aquaculture Development Law (3 Pa.C.S.A. §§ 4201 – 4223). There are PDA-registered artificial propagators and dealers within the Lake Erie Watershed and the Lake Ontario Watershed.
- H. VHS virus exists in several States outside this Commonwealth, including Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin.
- I. There is no known treatment for VHS infection, no vaccine against this disease and no feasible live animal test that can detect the presence of VHSV.
- J. The Domestic Animal Law allows (at 3 Pa.C.S.A. § 2329) for the establishment of a Quarantine Order under the circumstances described above.

## Order.

PDA enters a General Quarantine Order and an Interstate Quarantine Order with respect to VHS, incorporating the foregoing recitals into this order. This order is entered under authority of the Domestic Animal Law, at 3 Pa.C.S. § 2329, and establishes the following restrictions and conditions:

1. *General.* This order establishes a General Quarantine with respect to VHS-susceptible species (defined below, in Paragraph 2) produced, held or transported by PDA-registered artificial propagators or PDA-registered dealers from those Pennsylvania counties that are – in whole or in part – within the Lake Erie or Lake Ontario Watersheds. This order also establishes an Interstate Quarantine with respect to VHS-susceptible species transported from certain states within which VHS has been detected or is reasonably suspected to exist. For purposes of this order, the terms “VHSV” and “VHS” shall be considered synonymous.

2. *VHS-susceptible species.* For purposes of this order, the term “VHS-susceptible species” shall include live animals, dead animals and dead animal parts of the following fish species, as well as any other fish species designated “VHS-susceptible species” by the Animal and Plant Health Inspection Service of the United States Department of Agriculture (USDA APHIS) after the effective date of this Order: Atlantic Cod (*Gadus morhua*), Black Crappie (*Pomoxis nigromaculatus*), Bluegill (*Lepomis macrochirus*), Bluntnose Minnow (*Pimephales notatus*), Brown Bullhead (*Ictalurus nebulosus*), Brown Trout (*Salmo trutta*), Burbot (*Lota lota*), Channel Catfish (*Ictalurus punctatus*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*Oncorhynchus kisutch*), Chum Salmon (*Oncorhynchus keta*), Emerald Shiner (*Notropis atherinoides*), Freshwater Drum (*Aplodinotus grunniens*), Gizzard Shad (*Dorosoma cepedianum*), Grayling (*Thymallus thymallus*), Haddock (*Gadus aeglefinus*), Herring (*Clupea spp.*), Japanese Flounder (*Paralichthys olivaceus*), Largemouth Bass (*Micropterus salmoides*), Muskellunge (*Esox masquinongy*), Pacific Cod (*Gadus macrocephalus*), Pike (*Esox lucius*), Pink Salmon (*Oncorhynchus gorbuscha*), Pumpkinseed (*Lepomis gibbosus*), Rainbow Trout (*Oncorhynchus mykiss*), Redhorse Sucker (*Moxostoma spp.*), Rock Bass (*Ambloplites rupestris*), Rockling (*Onos mustelus*), Round Goby (*Neogobius melanostomus*), Smallmouth Bass (*Micropterus dolomieu*), Sprat (*Sprattus spp.*), Turbot (*Scophthalmus maximus*), Walleye (*Sander vitreus*), White Bass (*Morone chrysops*), White Perch (*Morone americana*), Whitefish (*Coregonus spp.*) and Yellow Perch (*Perca flavescens*). The term “VHS-susceptible species” does not include the eggs of these species.

### 3. *General Quarantine – Imposition.*

a. A General Quarantine is hereby established with respect to the following counties, which are – in whole or in part – within the Lake Erie or Lake Ontario Watersheds: Crawford County, Erie County and Potter County (Quarantined Counties).

b. A PDA-registered artificial propagator of fish species or a PDA-registered dealer of fish species shall not transport VHS-susceptible species from the Quarantined Counties unless the testing and documentation requirements set forth below, in Paragraph 5, are met. The following exceptions apply:

- i. VHS-susceptible species may be moved from point-to-point within the Quarantined Counties *without* the PDA-registered artificial propagator or dealer having to comply with the referenced testing and documentation requirements, *if* the VHS-susceptible species are accompanied in transit by documentation stating the point of origin of the fish and the location within the Quarantined Counties to which they are to be delivered.
  - ii. VHS-susceptible species may be moved from the Quarantined Counties for testing and scientific purposes *without* the PDA-registered artificial propagator or dealer having to comply with the referenced testing and documentation requirements, *if* the VHS-susceptible species 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.
  - iii. If a PDA-registered artificial propagator or dealer located within the Quarantined Counties documents to PDA that its operation is *not* located within the Lake Erie or Lake Ontario Watersheds, PDA may issue the propagator or dealer a written permit exempting that part of the propagator or dealer's operation from the requirements of this General Quarantine.
  - iv. VHS-susceptible species may be moved from the Quarantined Counties directly to a slaughter facility, processing plant or restaurant within the Commonwealth of Pennsylvania, if 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.
- c. A PDA-registered artificial propagator of fish species or a PDA-registered dealer of fish species moving VHS-susceptible species from the Quarantined Counties shall maintain records of any lot of VHS-susceptible species for two years and shall, upon request, produce these records for inspection by any employee or representative of PDA. The records shall include:
- i. Species, quantity and destination of fish in the lot, and date of movement.
  - ii. Origin of fish in the lot (whether hatched on-site or brought live from another source).
  - iii. Date of VHS-related testing, and results of these tests.
  - iv. Dates of any additions of fish to the lot, including the source, species and approximate number of fish added to the lot.
- d. If VHS-susceptible species are transported from or within a Quarantined County in accordance with subparagraph (b), the following apply:

i. The VHS-susceptible species shall not be deposited, introduced, dumped, commingled or otherwise permitted to enter the natural water system outside of the Lake Erie or Lake Ontario watersheds.

ii. Water in which VHS-susceptible species are transported shall not be deposited, introduced, dumped, commingled or otherwise permitted to enter the natural water system outside of the Lake Erie or Lake Ontario watersheds.

#### 4. Interstate Quarantine - Imposition.

a. An Interstate Quarantine is hereby established with respect to the following States, which have been designated by USDA APHIS as being either *affected* by VHS or as being *at risk* of being affected by VHS (Quarantined VHS-Affected or VHS At-Risk States): Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin.

b. VHS-susceptible species shall not be transported into the Commonwealth of Pennsylvania from the Quarantined VHS-Affected or VHS-At-Risk States unless the testing and documentation requirements set forth below, in Paragraph 5, are met. The following exceptions apply:

i. VHS-susceptible species may be moved from Quarantined VHS-Affected or VHS At-Risk States, through this Commonwealth to another State, *if* the shipping container (tank, trailer, holding vessel or other container) remains biosecure in transit *and* the VHS-susceptible species 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.

ii. VHS-susceptible species may be moved from the Quarantined VHS-Affected or VHS At-Risk States to facilities located within the Commonwealth of Pennsylvania for testing and scientific purposes *without* the transporter having to comply with the referenced testing and documentation requirements, *if* the VHS-susceptible species 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.

iii. VHS-susceptible species may be moved from Quarantined VHS-Affected or VHS At-Risk States to a slaughter facility, processing plant or restaurant within the Commonwealth of Pennsylvania, if 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.

c. If VHS-susceptible species are transported into this Commonwealth from the Quarantined VHS-Affected or VHS-At-Risk States in accordance with subparagraph (b), the following apply:

i. VHS-susceptible species shall not be deposited, introduced, dumped, commingled or otherwise permitted to enter the natural water system within this Commonwealth.

ii. Water in which VHS-susceptible species are transported shall not be deposited, introduced, dumped, commingled or otherwise permitted to enter the natural water system within this Commonwealth.

5. *Testing and Documentation Requirements.* VHS-susceptible species that are required to be tested under Paragraphs 3 or 4, above, shall meet the following testing and documentation requirements:

a. Within 12 months preceding movement from a Quarantined County or a Quarantined VHS-Affected or VHS-At-Risk State, the VHS-susceptible species lot shall be tested in accordance with *either* the testing protocols described in the current edition of the *Fish Health Section Bluebook* adopted by the American Fisheries Society, or the testing protocols of the Office of International Epizootiologies (OIE), and the lot shall be test-negative for VHS.

b. If fish are added to a lot of VHS-susceptible species *after* the testing described in Paragraph (a), above, is completed, the lot shall be re-tested in accordance with Paragraph (a) and found VHS test-negative prior to movement.

c. Documentation of VHS status shall accompany VHS-susceptible species that are required to be tested under Paragraphs 3 or 4, above, at all times the VHS-susceptible species remain within the Commonwealth of Pennsylvania and shall, upon request, be produced for inspection by any employee or representative of PDA. This documentation shall include the following:

i. A completed Aquaculture Verification Certificate form. This form will be provided by PDA upon request. Requests can be made to the following:

Pennsylvania Department of Agriculture  
Bureau of Animal Health and Diagnostic Services  
ATTN: Aquaculture  
2301 North Cameron Street  
Harrisburg, PA 17110-9408

Telephone: (717) 772-2852

ii. A copy of the test results reflecting that the lot is VHS test-negative.

6. *Violations.* Any person violating the requirements of this Order shall be subject to criminal prosecution and/or civil penalties of up to \$10,000 per violation.

7. *Effective Date.* This Order is immediately effective on this date, and shall remain in effect unless rescinded or modified by subsequent order.

8. *Additional Restrictions.* This Order shall not be construed as limiting PDA's authority to establish additional quarantine or testing requirements relating to VHS.

BY THE PENNSYLVANIA DEPARTMENT OF AGRICULTURE

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Dennis C Wolff, Secretary

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Date

# AQUACULTURE VERIFICATION CERTIFICATE

For artificial propagators and dealers of fish species located within the Viral Hemorrhagic Septicemia Virus Quarantined Counties in Pennsylvania, and also the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin to ship VHS-susceptible fish species into the Commonwealth of Pennsylvania.

## Section A: Premise Information

State of Origin: \_\_\_\_\_ Premise ID: \_\_\_\_\_

Aquaculture License Number: \_\_\_\_\_

Lot Owner: \_\_\_\_\_

Address of Lot: \_\_\_\_\_

Phone Number of Lot Owner/ Manager: \_\_\_\_\_

Type of Fish that Qualify for movement (Quantity, species, size/age.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Section B: Testing Information

The above identified lot has been established and no fish have been added to this lot since testing. Randomly selected fish have been tested according to OIE or American Fisheries Society "Fish Health Section Blue Book" standards. The negative test results are valid for 365 days, if no additional fish were added to the lot. The negative test results must be attached to this Certificate.

Test Date: \_\_\_\_\_ Laboratory Accession Number: \_\_\_\_\_

Expiration Date of Certificate: \_\_\_\_\_

## Section C: Official Tester Verification

I certify that I have randomly sampled the fish from the above identified lot. I have inspected the fish as described above and no signs of clinical disease were observed and the fish tested negative for Viral Hemorrhagic Septicemia Virus.

Printed name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I am a (select one):       State Official,                       Federal Official,  
    Accredited Veterinarian,       Certified Aquaculture Technician

## Section D: Lot Owner/ Manager Verification

Lot Owner/ Manager Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_