



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING

REBECCA A. HUMPHRIES  
DIRECTOR

January 10, 2007

Dr. Ronald DeHaven, Administrator  
U.S. Department of Agriculture  
Animal and Plant Health Inspection Service  
1400 Independence Avenue, SW, Room 312-E  
Washington, DC 20250

Dear Dr. DeHaven:

SUBJECT: VHS Interim Rule

The Michigan Department of Natural Resources (Department) requests that the U.S. Department of Agriculture–Animal and Plant Health Inspection Service (USDA-APHIS) include the following provisions in any interim rule issued with respect to viral hemorrhagic septicemia (VHS):

1. Pathogen Scope – The Department requests that USDA-APHIS include all isolates of VHS. All of the isolates are reportable diseases, can cause widespread mortalities, and all should be handled in a similar fashion.
2. Fish Age – The Department requests that USDA-APHIS focus on the movement of fish older than six months after hatching. At six months of age after hatching, it is feasible to conduct fish health inspections and have VHS test results completed prior to fish stocking or movement. For the movement of fish less than six months of age after hatching, certification of parental broodstocks should be allowed as a surrogate for direct testing of progeny.
3. Regulation Scale – The Department requests that USDA-APHIS use watershed boundaries rather than political (State/International) boundaries, since the movement of water and fish do not follow political boundaries but do follow watershed boundaries. We also request that the agencies responsible for the management of fish and of agriculture in each State be directly consulted on the development of such boundaries for each state so that boundary definitions are developed using the most up-to-date maps and include fish barriers in the design.
4. Testing Protocol – The Department requests that USDA-APHIS use the following to develop an acceptable Testing Protocol for disease-free certification of fish:
  - a. Sampling Methodology - The Department requests that acceptable certification testing can include both the American Fisheries Society Bluebook Lot (Bluebook) and the OIE Farm Testing sampling methodologies. The Bluebook lot testing standard is generally more protective as most aquaculture facilities raise multiple lots of fish and cumulatively more fish would be examined than under the OIE Farm Testing. The Department understands that OIE Farm Testing may be occasionally more appropriate depending on the situation and should be an available option to the State Competent Authority.
  - b. Methodology Selection – The Department requests that the receiving State

Competent Authority should determine which Sampling Methodology should be used. The Competent Authority for the exporting State should ensure that approved laboratories are used for testing that will meet the receiving State's requirements.

- c. Testing Frequency – The Department requests that new aquaculture facilities and aquaculture facilities that have a history of less than five consecutive years of testing negative for VHS starting with the year of issuance of the interim rule should be tested at least three times in the first two years, then annually each year thereafter if determined to be negative for VHS in the first two-year period. Facilities that have a history of five or more consecutive years of testing negative for VHS starting with the year of issuance of the interim rule should be grandfathered as free of VHS, and annual testing should be required for these facilities.
  - d. Test Methods – The Department requests that AFS Bluebook methods be used to test for VHS, including the use of both Chinook salmon and fathead minnow cell lines and PCR confirmatory testing. We request that USDA-APHIS facilitate and fund, if necessary, the use of the most sensitive cell lines by all laboratories in the nation.
  - e. Approved Laboratories – The Department requests that approved testing laboratories include those approved by the State Competent Authority and those approved by USDA-APHIS.
5. Management Areas, Fish Movement and Surveillance – The Department understands that some type of Management Area system is likely to be employed in the regulation of fish movements with respect to VHS. Therefore, we request that any scheme using Management areas be developed in consultation with, and the approval of, the agencies responsible for the management of fish and of agriculture in each State. The Department requests that USDA-APHIS consider the following Management areas:
- a. Positive Management Area – This Area should include all waters that are demonstrated to be positive for VHS, and should include all waters connected to the Area up to the first barrier that completely prevents fish movement. The movement of live fish from any Positive Management Area should only be allowed if the receiving waters are also considered a Positive Management Area for the same isolate. Surveillance activities in a Positive Management Area should be undertaken, but may be conducted at a lower sampling intensity than Buffer/Surveillance Management areas. All sampling intensities should be developed in consultation with, and the approval of, the agencies responsible for the management of fish and of agriculture in each State.
  - b. Buffer/Surveillance Management Area – This Area should include all waters adjacent to a Positive Management Area that are likely to become positive within two years. The Area definition should take into account the likely movement of positive fish from a Positive Management Area. The movement of live fish from the Buffer/Surveillance Management Area should be permitted to any other Management Area after testing for VHS using an appropriate Testing Protocol and certification that the fish are free of VHS. Surveillance activities in this Area should be conducted at the most intensive level possible. All sampling intensities should be developed in consultation with, and the approval of, the agencies responsible for the management of fish and of agriculture in each State.
  - c. Negative Management Area – This Area should include all remaining waters outside of the Positive and Buffer/Surveillance Management areas. The movement of live fish from the Negative Management Area should be permitted

to any other Area. The receiving State should retain the option to require testing for VHS using an appropriate Testing Protocol and certification that the fish are free of VHS. Surveillance activities in this Area should be intermediate between activities conducted in the Positive and Buffer/Surveillance Management areas. All sampling intensities should be developed in consultation with, and the approval of, the agencies responsible for the management of fish and of agriculture in each State.

6. Fishing Tournament Exemption – The Department requests that fish being moved within an Area for fishing tournament weigh-ins be exempted if the fish are returned to the water from which they were harvested after weigh-ins. This would include fish being moved across State or International boundaries on a shared water body.
7. Public Agency Fish Stocking – The Department requests that all fish stocking and movement by State, Tribal, and Federal agencies be exempted after testing for VHS using an appropriate Testing Protocol and certification that the fish are free of VHS.
8. Private Stocking in Public Waters - The Department requests that movement of live fish for stocking in public waters by private hatcheries be exempted if permitted by the agencies responsible for the management of fish and of agriculture in each State after testing for VHS using an appropriate Testing Protocol and certification that the fish are free of VHS.
9. Movement to Slaughter Facilities – The Department requests that movement of fish from any Area to any slaughter facility be exempted after testing for VHS using an appropriate Testing Protocol and certification that the fish are free of VHS. Slaughter facilities that only accept fish that are certified as free of VHS should not be required to have any special water treatment for effluents. We also request that movement of untested fish from any Area to any slaughter facility be exempted if the facility discharges wastes to an approved waste treatment facility that will kill any residual VHS viruses and if the receiving State has approved/certified the facility.
10. Movement to Research and Diagnostic Facilities – The Department requests that movement of fish from any Area to research and diagnostic facilities be exempted if the receiving State's Certifying Authority has approved the facility. A letter of approval from the receiving State should be sufficient and no additional forms from USDA-APHIS should be required that would unnecessarily slow the testing and research process.
11. Conveyance Regulation – The Department requests that USDA-APHIS prohibit the exchange of ballast water by ships in Positive Management Areas unless the ships have State-approved disinfection systems installed and operating for ballast water. All tanks used to intentionally move fish from Positive and Buffer/Surveillance Management Areas should be disinfected to the standard set by the State Competent Authority prior to moving the tanks onto the grounds of any aquaculture facility. Given the effort being expended on fish movement, surveillance, and testing, it is absolutely critical that the other major and controllable vectors for transmission of VHS be properly regulated.
12. Public Education – The Department requests that public information materials be developed jointly by USDA-APHIS and the agencies responsible for the management of fish and of agriculture in each State. USDA-APHIS should commit to funding the development of these materials with a purpose of educating the public about VHS and how they can help prevent the spread of VHS.

The Department appreciates the opportunity to comment on issues important to the development of the interim rule and requests that the rationale be provided to us if a requested provision is not included. If you have any questions on this document, please contact me or Mr. Gary Whelan, Fish Production Manager, Fisheries Division at 517-373-6948.

Sincerely,

A handwritten signature in cursive script that reads "Kelley D. Smith".

Kelley D. Smith, Ph.D.  
Chief  
Fisheries Division  
517-373-3375

cc: Rebecca A. Humphries, Director, DNR  
Mindy Koch, DNR  
Carol Bambery, DNR  
Gary Whelan, DNR  
Ken DeBeaussaert, Michigan DEQ, Office of the Great Lakes  
Dr. Nancy Frank, MDA  
Gary Taylor, Association of Fish and Wildlife Agencies  
Dr. Chris Goddard, Great Lakes Fishery Commission