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UNITED STATES DEPARTMENT OF AGRICULTURE

PUBLIC MEETING ON
VIRAL HEMORRHAGIC SEPTICEMIA

CROWNE PLAZA HOTEL

ROMULUS, MICHIGAN

WEDNESDAY, JANUARY 10, 2007

8:30 a.m. - 12:00 Noon

MODERATOR: MIKE TUCK

MEETING PROCTORS: DR. JILL ROLLAND
DR. FREEDA ISAAC

TAPPERT COURT REPORTING SERVICE, INC.

1 PROCEEDINGS ,

2 MR. TUCK: Please take a seat so we can
3 begin, please.

4 Good morning. I'd like to welcome everyone
5 here to Detroit for the Public Meeting to discuss
6 Viral Hemorrhagic Septicemia or VHS.

7 This is one of four sessions being held
8 around the country. We had two yesterday, one in
9 Lakewood, Colorado and Memphis, Tennessee. Today,
10 here in Detroit and, also, concurrently, one in
11 Pittsburgh.

12 This is the opportunity for everyone here
13 to comment on the National Response Plan for this
14 disease.

15 My name is Mike Tuck. I work with the USDA
16 Animal and Plant Health Inspection Service, or
17 APHIS, as people know it. I will be moderating the
18 session today to insure that everyone has the
19 opportunity to provide input.

20 Okay.

21 If you have not done so, please register at
22 the table outside and indicate if you wish to speak.
23 I'll use those sheets to call the speakers up to
24 address the USDA.

25 We will begin the session with opening

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1 remarks from the APHIS staff, and then provide time
2 for comments from the public.

3 We will allow each speak a certain amount
4 of time, depending on how many people have signed up
5 to speak. And I will give you a signal when it's
6 time for you to wrap up your comments.

7 When all the speakers are finished, the
8 APHIS representatives will respond to the comments
9 and provide some closing remarks.

10 This meeting is scheduled to go to noon,
11 but we may finish early if the discussion permits.

12 Some of the meeting guidelines we have,
13 basically, is just keep the conversations at a
14 minimum because we want to be able to hear what's
15 being said. Be courteous to the speakers, even if
16 they differ from the view, we still want to hear all
17 the comments that you all have to help us with these
18 rules.

19 Also, please turn off your cell phones, or
20 turn them to vibrate. If you must take a call,
21 please do so outside the room.

22 At this time, I'd like to introduce the
23 participants from APHIS who are Dr. Jill Rolland,
24 the Assistant Director of Agricultural Swine, Equine
25 and Poultry, APHIS VS National Center for Animal

1 Health Programs, and Dr. Freeda Isaac, who is the
2 Assistant Director for Animal Imports, National
3 Center for Import and Export, APHIS Veterinary
4 Services.

5 Dr. Rolland will provide some of the
6 overview of VHS, the purpose of the meeting.

7 Jill.

8 DR. ROLLAND: Thanks, Mike. And I'd like
9 to thank everyone for coming. This is a really
10 great turn out. You never know how many folks are
11 going to show up for the public meetings.

12 What I'd like to do is start out talking a
13 little bit about VHS, what it is. I know many of
14 you are familiar with the disease, or you've heard a
15 little bit about it. Maybe you don't know quite so
16 much, so we're going to start with a little bit of
17 overview of the disease.

18 VHS is considered a serious disease of
19 certain fish species. It's listed by the OIE, this
20 is the World Organization for Animal Health, to
21 which the U.S. is a signatory. The reason it's
22 listed as notifiable is because of certain
23 attributes, its seriousness, its ability to be
24 transmitted in commerce, whether domestic or
25 international, and that there are several areas that

1 are known to be free of the virus who want to stay
2 that way.

3 It was first isolated in Denmark in 1963.
4 The disease was known before the virus was isolated,
5 and it had caused serious mortalities in the trout
6 industry in Denmark.

7 Currently, there are five known strains of
8 VHS. They are European, Japanese, and North
9 American strains.

10 VHS does cause disease in susceptible fish,
11 and the clinical signs include lethargy, which is
12 the fish isn't being very active. The skin can be
13 darkened. They have pale gills, showing that
14 there's anemia, they're not getting blood to the
15 gills, not able to take up oxygen. External and
16 internal hemorrhages and ultimately, these symptoms
17 lead to death.

18 Prior to 2005, VHS in the United States was
19 due to Type 4. It causes disease mostly in marine
20 fish, and is known from both the east and the west
21 coast, primarily marine species and some anadromous
22 species.

23 Here's some photographs of what the disease
24 can look like. You see there in the upper right,
25 you have the skin -- the skin has darkened. You see

1 some hemorrhaging in the picture below that,
2 hemorrhages in the Pyloric CK, and then to the left,
3 you see the distended abdomen from a cytes fluid
4 that has collected in the peritoneal cavity.

5 Some pictures from the recent outbreaks in
6 the Great Lakes show some hemorrhages on the skin
7 and in the eye.

8 And so why is this disease important now?
9 Well, the virus has changed. The strain that we
10 know from the marine fish is considered a strain 4A.
11 This new strain is affecting new hosts in a new
12 environment. It wasn't previously known to occur in
13 freshwater in the Great Lakes. There are no known
14 treatments that are effective. And because there's
15 no regulations, or very few regulations on these new
16 species, these fish that have -- may have been
17 infected or exposed have been moved, and they put
18 susceptible species in other parts of the U.S. at
19 risk.

20 There are some state regulations in some
21 states that are primarily for salmon and trout, not
22 these other species. And because they're variable,
23 they can be ineffective.

24 Also, we have areas now that are affected
25 and non-affected areas. And those non-affected

1 areas would like to stay that way.

2 So when did we first learn about this VHS?
3 It was first reported from the Great Lakes in April,
4 2005 from freshwater drum on the Canadian side of
5 the St. Lawrence River. So this was the first case
6 where we had a new location and a new species.

7 A second VHS finding was reported in 2005
8 in December from a muskellunge, both a recent
9 collection and an archived sample from 2003.

10 Here's a map showing where the current
11 outbreaks have been. In the spring, summer, and
12 fall of last year is when we were seeing multiple
13 outbreaks of VHS in multiple locations and multiple
14 species.

15 Another point of worry was that we were
16 seeing the virus at temperatures that were
17 previously believed to inhibit viral replication.
18 So the locations to date include Lake Ontario, Lake
19 St. Clair, Lake Erie, the St. Lawrence River, and
20 Kenesis Lake. And Kenesis Lake is of interest
21 because, although it is part of the Great Lakes
22 watershed, there are natural boundaries that
23 prohibit the natural migration of fish into Kenesis
24 Lake.

25 These are the species of freshwater fish

1 that we now know can be affected by VHS, both 4A and
2 4B. So we have some sport fish here that previously
3 have not been affected and some bait fish species,
4 muskellunge, the bass species and northern pike.

5 This is a photograph of some of the gizzard
6 shad mortalities that occurred in Michigan. The
7 photograph is courtesy of Mohammed Feisal at
8 Michigan State University.

9 And so for some of these die-offs that
10 occurred last year, they were pretty dramatic. In
11 other cases where you had other species involved,
12 such as muskellunge, you might not see as many fish
13 dying off because they don't congregate in the same
14 way.

15 So what is USDA's authorities and
16 responsibilities for dealing with animal diseases?
17 We are the competent authority for farmed animals.
18 Our Animal Health Protection Act of 2002 gives us
19 authority to work towards detecting, controlling,
20 and eradicating diseases of livestock, and that
21 includes diseases in wild animals where they can
22 affect livestock.

23 We've also worked with other aquaculture or
24 aquatic diseases in the past, including infectious
25 salmon anemia, which affects farm salmon in Maine

1 and Spring Viremia of carp.

2 So the Federal Order, what is it and why
3 did we take this action? The Federal Order is an
4 emergency action that's taken to prevent the spread
5 of a disease such as VHS. It's a temporary
6 administrative measure, and it's done only when
7 there is not sufficient time to write a regulation.
8 It has to be followed up by formal rule making, and
9 that's what we're here for today is to get comments
10 on the interim rule that we will be pursuing.

11 The Federal Order was first issued on
12 October 24th, and it was amended on November 14th,
13 which allowed some provisions to the movement
14 restrictions. So the current provisions under the
15 Federal Order that the VHS susceptible species are
16 prohibited from moving out of the eight states and
17 the two Canadian Provinces bordering the Great
18 Lakes, except under certain conditions. Those
19 include movement to slaughter when there's adequate
20 disinfection at the slaughter facility. Movement to
21 a research or diagnostic lab, also with adequate
22 disinfection at the facility. Movement of live fish
23 that test negative for VHS virus by laboratory
24 assays. And from Canada, currently the only fish
25 allowed to come in are salmonids that meet existing

1 U.S. Fish and Wildlife Service Title 50
2 requirements.

3 So what are the next steps? The next steps
4 are to develop an interim rule that's going to
5 replace the emergency Federal Order. And some of
6 the things that we're considering that we've heard
7 comments on, and that we are here to hear more
8 comments on from you are the scope of these
9 regulations. Should we look at just the affected
10 watersheds?

11 What about just the four states that
12 currently have had outbreaks?

13 The eight Great Lakes states that are
14 currently under the Federal Order?

15 Or, should it be all 50 states, considering
16 we don't know where fish movements might have
17 occurred out of the Great Lakes into other states?

18 Should the order -- or should the interim
19 rule be for all countries when it comes to imports,
20 or just the Canadian Provinces that we know are
21 affected.

22 Should we look at just this new virus
23 strain, VHS 4B, or should we consider all VHS
24 strains?

25 The interim rule will provide specific

1 testing requirements. These are not in the Federal
2 Order now and so those will be included in the
3 interim rule.

4 We also need to define the U.S. import
5 requirements, including what type of health
6 certificates will be required, what type of import
7 permits, and what are the ports through which those
8 fish can enter.

9 We also need to define the interstate
10 movement requirements. Again, what type of health
11 certificates, interstate movement certificates of
12 inspection. These are the types of things we need
13 to define.

14 So, again, the purpose of these public
15 meetings is not to discuss the Federal Order that is
16 currently in place. It's to move forward and
17 discuss the interim rule and what type of rule we
18 would like to see. And, to get public comment from
19 you on what that interim rule should look like.

20 The input will be recorded. We have a
21 court reporter who is here who is recording all the
22 comments that will be given. We are accepting
23 written comments, as well, until the close of
24 business today. If you would like to submit written
25 comments, or if you agree with other comments that

1 are given today, we encourage you to contact us and
2 let us know that you agree with those comments. And
3 all the comments will be posted on our website when
4 they become available.

5 This input, like I said, is being recorded,
6 and it will be considered during the rule making
7 process.

8 The next opportunity to provide comment
9 after these public meetings is once the interim rule
10 is actually published. There will be a comment
11 period, again. And, as I said, if you wish to
12 provide comments to us in writing by the close of
13 business today, our E-mail addresses are up here on
14 the screen, and you can write them down, and you can
15 E-mail us.

16 And, if you're interested in getting more
17 detailed information about Viral Hemorrhagic
18 Septicemia, you can see our website. We do have a
19 Public Affairs Specialist with us today, Karen
20 Eggert, who is in back, if there are any media
21 questions. Please see Karen, she can help you with
22 that. And, also, she does have some hand-outs from
23 the fact sheets and questions and answers that we've
24 put out. So if you would like copies of those, you
25 can get them from Karen.

1 I'm going to leave this screen up so that
2 you can write down this information, if you'd like
3 it. And I'm going to hand it over to Mike, again,
4 who's going to start the public comment session.

5 Thank you.

6 MR. TUCK: Thank you, Jill.

7 I'd like to describe the process we'll use
8 for this public input portion for this meeting.

9 First, as Jill mentioned, this portion of
10 the meeting is being transcribed. Penny Sidick here
11 is the transcriber, just so we make sure we capture
12 all your comments. And as Jill also mentioned, the
13 transcript should be available on the APHIS Home
14 Page within a couple weeks.

15 With the number of speakers here, each
16 speaker will have approximately five minutes to
17 provide their comments. I'll keep track of the time
18 and stand, or give you some sort of indication when
19 your time's about to be up.

20 Again, this is a listening session, and the
21 V.S. staff will only respond to comments after all
22 the speakers have finished.

23 I'll call each speaker in order as they
24 signed up on the sheets in the back. And when you
25 come up here to the podium, please provide your name

1 and affiliation as you begin.

2 With that, I'd like to call Ralph -- and
3 please excuse me if I mispronounce your name. I'm
4 not very good in some of these things here. But
5 Ralph Kandt.

6 MR. KANDT: I'm Ralph Kandt, and I'm from
7 Lake St. Clair area, and I've serviced the retailers
8 down there in the bait business for 40 years. I'm a
9 Director with the Michigan Bait Dealers Association.

10 A lot of points -- all this trouble that
11 we're having with the VHS has come from the federal
12 government. It's fully responsible for the
13 situation that we're in. And on Lake St. Clair,
14 Lake Huron, over the years, they have allowed the
15 foreign freighters to come in. And they continually
16 dump contaminated ballast water. And the ironic
17 part is, you just mentioned that we're going to need
18 certificates of health for all of our fish movement
19 and that, but we don't need a certificate of health
20 for the ballast water on the ships. And that's
21 where it's all coming from.

22 The other thing is, when we got the Zebra
23 mussel and we got the goby, which were dramatic
24 impacters on the Great Lakes, where was APHIS?
25 APHIS didn't come charging in on their big black

1 horse, okay, to remedy anything, offer assistance.
2 They were missing in action.

3 We have gotten over 100 species now in the
4 last 15 years. We just got a shrimp in Muskegon
5 Harbor that's going to flourish and feed on the
6 bottom food strain of our native fish.

7 And APHIS came in here on this one
8 particular subject like they had a mission. They
9 overrode state rights. There was no protocol with
10 the Departments of Fish and Game. And they imposed
11 their will. And two examples of their coming is,
12 you have a man and woman with a three-year old
13 daughter. And it's a Sunday and the husband's at
14 work, and the little girl fell down and got a bad
15 cut on her leg. So the wife called up the husband
16 and said, you know, it's Sunday, I'm going to take
17 her up to the Emergency Room and have this taken
18 care of.

19 He says, fine.

20 When the husband comes home from work, he
21 found out that in the best interests of the kid,
22 they cut off her leg at the knee and give her the
23 Black Plague.

24 And another good example of APHIS coming in
25 on this situation is, you have a quaint little town

1 out in the country that's got five days trouble with
2 fog or smog. We'll call it fog. So they call up
3 the State Health Department and they say, we need
4 some help, you know. We've had five days of hot
5 weather and it's hard to breathe in town, and we
6 can't get rid of this.

7 So that night the Army shows up with a
8 battalion of artillery. So they decide the best
9 thing to do is shoot the smog. So all night long
10 they shoot in town and shoot the smog, and in the
11 morning, the sun comes up, the fog goes away, and
12 all the dwellings are demolished and you've got
13 bodies laying all over.

14 Well, in Michigan's case, the buildings
15 that are all demolished are the bait dealers and the
16 retailers in the Fisheries Division of the State of
17 Michigan. And the bodies go along with the rest.

18 Now, I don't feel it should have been
19 handled this way. They overruled protocol. They
20 didn't have a meeting with the Fish Division or
21 Director. It could have been handled better.

22 What was the driving force behind this, I
23 don't know. We didn't have a driving force on all
24 these other species, but we have on this. And we're
25 dealing with something that you are not going to

1 stop, okay. They don't know how it spreads. They
2 don't know how it got here, and they don't know the
3 detail how it affects the fish. And yet, we're
4 going to stop it.

5 The best thing to handle this now is for, I
6 think, APHIS to go back to Washington and take a
7 good deep breath and step back from this thing, and
8 realize, you know, the situation they've created and
9 keep in place the rule where all interstate shipment
10 of fish out of the eight Great Lakes states must be
11 certified virus free.

12 And the other thing to do is go back to the
13 states and let them handle the virus within their
14 states on their own. And by doing this, they'll
15 save face, get a little bit of respectability back.
16 Because right now, I don't think there's, within the
17 state, a lot of respect for the way they've handled
18 this. It's too drastic and it's overdone.

19 Thank you.

20 MR. TUCK: Thank you, Ralph.

21 James Mackie.

22 MR. MACKIE: Hello. My name is James
23 Mackie, and I'm here representing Mackie's Bait of
24 Algonac, Michigan on Lake St. Clair.

25 My family's been in the wholesale business

1 for more than 35 years of wild catch minnows. We
2 catch minnows throughout the eastern part of the
3 Great Lakes eight months out of the year. Minnows
4 do not know international borders, the rivers, other
5 countries. They travel throughout the Great Lakes
6 in their migration patterns.

7 If you make us test our wild caught
8 minnows, you'll pretty much put us and all the wild
9 catch minnow dealers out of business. The test for
10 the VHS can take up to six weeks and cost up to
11 \$900.00.

12 During the summer months, our minnows can
13 only be held for four to seven days before we have
14 to get rid of them and they die. This will require
15 each new harvest to be tested. The cost is
16 prohibitive, especially on those days when we don't
17 even catch enough to pay for the test. The bait
18 industry did not start the VHS, so why are we the
19 bad guys in this.

20 If you think you're going to stop the VHS
21 by stopping the minnow catchers, you're mistaken.
22 The disease will continue to spread through a
23 migration of birds, fish, anglers, and recreational
24 boaters. The bait industry is already in enough
25 trouble without VHS. Every year we are dealing with

1 less and less fishermen, no new kids getting into
2 the sport, and the weather is our worst enemy of
3 all. Just like right now, we should have winter
4 with lots of people ice fishing, and it's not
5 happening. This is the second year of this, of no
6 ice, and the fishing end is starting to take the
7 toll on the business.

8 The bait business is not a plush job. We
9 do not sit behind a desk in a comfortable chair. We
10 work seven days a week, rain, snow, or shine. And
11 we stand in freezing cold water pulling a heavy net
12 and carry buckets to load our trucks.

13 Nevertheless, I love my job and it is a
14 good honest business. I do not think you should end
15 it because of this virus. I think if we work
16 together, we can come up with a plan that we are all
17 capable of dealing with.

18 Thank you.

19 MR. TUCK: Thank you, James.

20 Gary Whelan.

21 MR. WHELAN: Good morning.

22 My name is Gary Whelan. I work for the
23 Michigan Department of Natural Resources. I'm the
24 Fish Production Manager there. I spell my name,
25 W-h-e-l-a-n.

1 Today, I'm representing both the Department
2 of Natural Resources, and I'm also representing the
3 Council of Lake Committees that works under the
4 auspices of the Great Lakes Fishery Commission, and
5 I am the Chair of the Great Lakes Fish Health
6 Committee there.

7 I will first start with some very brief
8 comments from the Department of Natural Resources.
9 Then I will move into come comments from the CLC. I
10 will make them as brief as possible, given the
11 number of speakers.

12 First, I'd like to welcome APHIS here and
13 appreciate them taking the opportunity to come to
14 our fair state in the middle of the winter to obtain
15 input on this interim rule. So we're most
16 appreciative of that.

17 We would like to request the following to
18 be -- to show up in any interim rule. First, is
19 that the -- with respect to pathogen scope, we'd
20 like to see all isolates included. Indeed, they are
21 all reportable diseases. They all can cause
22 widespread mortalities, and they all should be
23 handled in a similar consistent fashion.

24 With respect to fish age, we think that the
25 order should focus with respect to certification on

1 fish that are older than six months after hatching.
2 That gives us sufficient time for us to do the
3 necessary certification and testing. Anything less
4 than that should be certified using the parental
5 grid stocks.

6 The regulation scale should utilize a
7 watershed type approach, instead of political
8 boundaries. Fish nor water obey any type of
9 political boundaries. We request that, indeed, any
10 of these types of boundaries that are set up are
11 done in consultation with the Departments, Natural
12 Resources Department of the respective states and
13 the Department of Agriculture. And we certainly
14 have the mapping capabilities to assist you in any
15 development there and we can certainly show you
16 where the exact locations of various fish barriers
17 are.

18 Testing protocols is the next area that we
19 have some various requests in. The first of which
20 is that we would like to see acceptable
21 certification utilize sampling methodology, both the
22 Blue Book, AFS Blue Book system and the OIE farm
23 testing protocols. And it should be up to the state
24 certifier -- or state competent authorities to
25 determine which is most applicable in which

1 instances.

2 The methodology selection, as I mentioned
3 before, should be done by the state competent
4 authority, depending on the situation which
5 methodology be utilized. The testing frequency, we
6 recommend a new aquaculture facilities and other
7 aquaculture facilities that have a history of less
8 than five consecutive years of testing. They start
9 out that they be tested three times in the first two
10 years, then annually each year thereafter if
11 determined to be negative in the first period.

12 Those facilities that have five or more
13 consecutive years of already testing, that they've
14 already done this, as many of the facilities here in
15 the Great Lakes system that work under the Great
16 Lakes Model Program, those facilities should be
17 grandfathered as free of VHS, and testing should be
18 limited to just annual testing, as we already do.

19 Test methods. We request that the interim
20 rule look at both -- utilize the standard tests, as
21 requested by Blue Book, and that is utilizing cell
22 lines and PCR confirmatory testing. It is our
23 request that it utilize both Chinook salmon and
24 fathead minnow cell lines and that APHIS facilitate
25 the development of the most sensitive cell lines for

1 use by all laboratories in the country so everybody
2 is using the appropriate clone cell lines, and these
3 be funded by APHIS.

4 We request that management be done by
5 management areas and they be done by a positive
6 management area of buffer and surveillance
7 management area and negative management areas. Our
8 written comments will detail the various movements
9 that can be done within those, so I won't go into
10 detail there. And those should be determined in
11 consultation with the agencies responsible for fish
12 and for agriculture in each state. So I won't go
13 into a lot of detail there because there is more
14 there.

15 We request that there be a fishing
16 tournament exemption for those that are fishing in
17 tournaments in water bodies and are returning fish
18 to the same waters after weigh-ins. These should be
19 exempt regardless if they cross national boundaries
20 or not, as long as it's the same water body that
21 they're fishing and returning the fish to after a
22 tournament.

23 We request that public agency fish stocking
24 and movement be exempted, as long as they're
25 utilizing the appropriate testing protocol and

1 certification. So they should be exempted from the
2 interim rule.

3 Equally, private stocking in private -- in
4 public waters, that the movement of live fish for
5 stocking in public waters by private hatcheries be
6 exempted if permitted by a state agency that
7 utilizes the appropriate testing protocol and
8 certification.

9 We request that the movement of fish at
10 slaughter facilities be exempted after testing, if
11 those fish are tested to be free from VHS using the
12 appropriate testing protocols and certifications.
13 Slaughter facilities that only accept fish from --
14 that are free of VHS should not be required to have
15 any additional special water treatment. However, if
16 a facility is utilizing fish that are untested from
17 any area, those slaughter facilities should be
18 required to have some sort of appropriate treatment
19 facility if they're taking fish that are untested.
20 That will insure that any residual VHS viruses are
21 not released to the waters of the states.

22 Movement to research and diagnostic
23 facilities should be done and should be exempted
24 from the rule if, indeed, the state certifying
25 authority has given its approval. Really, we

1 believe only a letter of approval should be
2 required. We don't believe that any additional
3 veterinary services forms should be done to allow
4 these movements, as long as the state receiving
5 authority has approved it. And that should be done
6 with a letter format back to the individuals during
7 the movement.

8 Conveyance regulation, we request that
9 AFS -- excuse me, that APHIS prohibit the exchange
10 of ballast water by ships in positive management
11 areas, unless the states have state approved
12 disinfection systems installed and are operating for
13 ballast water. We think this is absolutely
14 critical. We're spending an awful lot of time
15 dealing with live fish, but if we do not deal with
16 ballast water, we have missed a substantial vector.

17 In addition, any other tanks, and in this
18 case, our letter indicates tanks, but we're really
19 talking about those types of vessels that are moving
20 fish specifically, i.e., hatchery trucks and other
21 things. That are moving from both positive and
22 surveillance zone -- surveillance management areas
23 be disinfected to a standard set by a state
24 competent authority prior to the moving of the tanks
25 on the grounds of any aquaculture facility. This

1 will help deal with any potential residual VHS
2 virus.

3 And then, finally, our comments we request
4 that the interim order specify that there be a joint
5 effort to develop public information and public
6 education campaign, both by USDA/APHIS and the
7 management authorities for fish and wildlife and
8 agriculture in any state, and that APHIS commit to
9 funding these additional efforts to help us engage
10 the public in preventing then it becoming a major
11 vector.

12 Very briefly, I have a comment, a statement
13 on behalf of the CLC, and I will provide these in
14 written format for the record, also.

15 Just for those who don't know anything
16 about the CLC, it operates under the umbrella of the
17 Great Lakes Fishery Commission. It is the Committee
18 that comprises the senior level managers from the
19 eight Great Lakes states, the Province of Ontario,
20 the U.S. Tribes, and is really created for and is
21 really a mechanism that allows us to operate in a
22 cooperative fashion on a wide range of issues across
23 the Great Lakes, including the -- and I probably
24 should also mention, it also includes the federal
25 agencies, also partake in this particular venue.

1 We are concerned, and they want to express
2 their concern about the way the particular process
3 has unfolded, and really, the lack of coordination
4 between USDA/APHIS and the Great Lakes states and
5 the Great Lakes Fishery Commission.

6 We believe, and CLC believes it should have
7 been implemented with much more sensitivity. There
8 was plenty of opportunity for us to provide our
9 combined knowledge.

10 However, we want to make it very clear that
11 the representative agencies and the CLC are
12 extremely concerned about the occurrence of VHS in
13 the region. We don't want to underscore that it has
14 been ignored by this body at all. We have spent a
15 great deal of time developing a series of management
16 recommendations, 39 of them, which were passed by
17 the CLC back in October. I will provide those,
18 again, for the record today.

19 We request that the USDA/APHIS begin by
20 adopting these regulations and insuring that they
21 are included in any interim order that's issued on
22 VHS.

23 So I will go ahead and supply all three of
24 the documents -- all four documents here to be
25 placed in the public record. We thank you for the

1 opportunity to provide input for the interim rule
2 development.

3 So thank you very much.

4 MR. TUCK: Thank you, Gary.

5 Dan Vogler.

6 MR. VOGLER: My name is Dan Vogler,
7 representing the Harrietta Hills Trout Farm in
8 Harrietta, Michigan. And I have provided my written
9 commentary already, and I will hit a few high points
10 this morning.

11 And we do appreciate the fact that APHIS is
12 here in Michigan. It's a little more convenient
13 than the last meeting. So we're glad to see you
14 here.

15 I'm going to hit a few high points as to
16 the situation as it stands and where we need to go.
17 The first thing that we want to talk about is that
18 the financial losses that have already occurred by
19 the implementation of the emergency rule, or the
20 emergency order has, indeed, been pretty severe.
21 Our facility has yet to ship its first truckload of
22 fish under the modified order. Still trying to
23 straighten out the details, still trying to make it
24 happen. And I don't know how familiar people are
25 with business plans, but you know, when you bank on

1 being able to ship product twelve months a year, and
2 all of a sudden, you have a three-month shipping
3 freeze, it puts your business in jeopardy. And we
4 are hanging on the edge at this point. And if we
5 cannot begin shipping product very, very soon, the
6 largest private aquaculture facility in Michigan
7 will cease to exist, or it will be under new
8 ownership. It will be our bank.

9 So we need to make very, very clear that
10 whatever is done, facilities like ours that have
11 tested free of VHS for the last seven years need to
12 be allowed to begin conducting business again very
13 soon.

14 We also feel that indemnification under the
15 new interim rule, and the final rule, and any future
16 rule needs to be included for market loss. The
17 bottom line is that we have a facility that does not
18 represent any significant risk to the rest of the
19 United States. We have tested free of this disease
20 for seven years, and yet, we are bearing the brunt,
21 or the financial burden for supposedly protecting
22 the rest of the industry in the United States.

23 This is the United States, and when, you
24 know, I get on my political soap box here, but when
25 one area, or one region of the United States, or one

1 business community is asked to bite the bullet to
2 preserve the well being of another area, it behooves
3 the people of the United States to get out their
4 checkbook and make adequate compensation for that
5 sacrifice.

6 A key to what needs to happen here is going
7 to be program effectiveness. We have to be
8 realistic about what we're expecting. And I have
9 identified in my comments three possible outcomes as
10 far as effectiveness of the interim rule as it goes
11 forward. And the first possibility would be
12 eradication. I know there's going to be some people
13 that don't like to hear this, but eradication is
14 impossible at this point. This is loose in the
15 Great Lakes, guys. It's loose in the wild fish.
16 This is not an identifiable single source point, so
17 that infection eradication is no longer going to be
18 possible by human means. I don't know, we might
19 have some kind of a bizarre climactic event or
20 climatic event that might cause some relief. But by
21 human means, eradication will not happen.

22 Containment is the second possibility that
23 may happen. And I'm going to submit that because of
24 the multitude of vectors that are possible, and the
25 fact that the Great Lakes is connected to the

1 Mississippi River drainage by an enormous outflow of
2 water in terms of the Chicago Sanitary Ship Canal,
3 eventually, eventually, despite our best efforts,
4 this is going to escape.

5 Additionally, if we haven't dealt with some
6 of the major vectors like ballast water, it's a gone
7 issue anyway.

8 So I do not believe that containment is a
9 realistic objective for what we're doing.

10 I believe that the realistic objective is
11 delay. And by delay, what we're going to accomplish
12 is to allow other areas in other regions of the
13 country to prepare for this virus. It's going to
14 allow opportunity to work on vaccine development.
15 It is going to allow us time to improve our
16 bio-security on farm. It is going to provide time
17 for better coordination between state and federal
18 agencies and interstate relationships between state
19 agencies. And that is the best that we can hope
20 for.

21 And it does not make sense, and it is
22 unjust to apply a standard to the Great Lakes states
23 that is very harsh and put a number of responsible
24 operators out of business in what is going to end up
25 being a futile effort to totally contain this virus.

1 Therefore, our recommendations, I go on to
2 say that if delay is the only reasonable program
3 objective, we need to deal with the following
4 things:

5 Ballast water. Most of the experts in the
6 Great Lakes states have indicated over and over and
7 over and over again that the primary opportunity for
8 the original introduction of this virus and the
9 subsequent movement of this virus is ballast water.
10 And if we do not deal with ballast water in some
11 very meaningful manner -- we've having a high old
12 time, we're going to a lot of meetings, we're having
13 a lot of fun flying around the country, eating good
14 food at restaurants, but we're not accomplishing
15 anything. So we have to deal with ballast water in
16 a meaningful manner, and I think that, you know,
17 this is critical. Ballast water is going to be what
18 very rapidly jumps this virus around the Great
19 Lakes. Right now it is no farther than Lake St.
20 Clair, but ballast water is going to put it in
21 Duluth, and ballast water is going to put it in
22 Chicago. And from Chicago, it's going to go down
23 the Sanitary Canal, and from Duluth, it's going to
24 jump into the headwaters of the Mississippi. Let's
25 be real. So unless we do something about ballast

1 water, it's going to move very quickly.

2 If we do something meaningful about ballast
3 water, I believe that we have the opportunity to
4 delay the spread of this virus several years
5 immediately. And I think that's probably the most
6 significant thing we can do.

7 Recreational watercraft and recreational
8 fishing are going to end up being a significant
9 vector. We have a lot of watercraft moving all over
10 all kinds of different water bodies. You know,
11 going from affected areas to non-affected areas,
12 back and forth. There's very little recognition by
13 the general public of the danger that this presents
14 because of this.

15 We've taken some steps with other
16 invasives, like Eurasian Watermilfoil, et cetera, et
17 cetera, Zebra mussels, and things can be
18 accomplished through education, but it's not
19 failsafe. And eventually, this will end up being a
20 vector that does move the virus, but we should do
21 our best to educate the public and make that happen.

22 Zoning. In our opinion, there do need to
23 be zones in the United States, but there are only
24 two zones in the United States, and one is the
25 affected zone that we know and have identified the

1 virus in. And the second zone is the surveillance
2 zone, which is the entire United States at this
3 point.

4 We do not know where fish have moved over
5 the last three years. We do not have good records.
6 We have not done trace-outs. The bottom line is,
7 this could be in Florida. It could be in Arkansas.
8 It could be anywhere at this point. It could be on
9 the West Coast. We do not know. The absence of
10 testing does not make a free zone. It is only
11 through a solid surveillance protocol that we can
12 establish later on that an area of the country is,
13 indeed, free of the virus. Simply living in
14 blissful ignorance does not qualify, and therefore,
15 those portions of the country that have the ill luck
16 of being in the path of this virus should not be
17 given pariah status, essentially, simply because we
18 actually have a surveillance program and have been
19 watching for this. So zoning, two zones.

20 Oh, and additionally, according -- you
21 know, we have to look at the origins. This is a
22 previously unknown strain of the virus, 4B. 4A is
23 on both coasts and has been, and it has been suggest
24 any of a number of times by research professionals
25 that more than likely, 4A -- or, 4B has resulted

1 from a mutation of 4A. Therefore, ignoring 4A and
2 not including 4A known affected zones, I think,
3 would be very nearsighted because, obviously, if it
4 can mutate in the east, it can mutate in the west.
5 And if it can mutate in the Great Lakes, it can
6 mutate in the Potomac. So, we need to keep that in
7 mind.

8 Shipments of live fish. And I'm going to
9 actually read this section. All shipments of live
10 fish originating from either zone, both aquacultured
11 and wild caught should be required to meet a
12 certification standard for being free of VHS. For
13 aquacultured fish, either the AFS Bluebook or OIE
14 Standard for Certification should apply, depending
15 in appropriateness of the standard to the facility,
16 as determined by the competent state authority in
17 which the facility is located.

18 Testing should be conducted annually or
19 twice annually by an approved laboratory. More
20 frequent testing, for example, quarterly, or testing
21 on a pre-shipment basis would be cost prohibitive
22 and would completely overwhelm the existing
23 laboratory infrastructure, resulting in untimely
24 delays that will damage our ability to do business
25 even further than it already has been damaged.

1 Certification standards must be implemented
2 in an achievable fashion. Two-year testing
3 histories cannot magically appear. Therefore, some
4 sort of graduated implementation will, obviously, be
5 necessary. Further, unnecessary penalization of
6 aquaculture businesses in the Great Lakes Region
7 because of circumstances that are beyond our control
8 is unacceptable. Certification standards must allow
9 responsible businesses that test negative to
10 commence shipping immediately.

11 Wild caught fish should be held to a
12 similar testing standard that recognizes the
13 difficulty of holding these fish for long periods of
14 time while waiting for test results. Every effort
15 should be made to develop a standard that reasonably
16 manages the risk of moving VHS virus, without being
17 prohibitive to operations. It is not responsible to
18 ignore this type of fish movement and exempt it from
19 standards totally.

20 It is imperative that serious educational
21 efforts be made by APHIS to engage and educate the
22 competent state authorities as to their roles and
23 responsibilities under the program. And if
24 you're -- that's emphasis added, okay. We have not
25 shipped fish to date primarily because state

1 authorities don't have this completely figured out
2 yet. We have states that do not understand what
3 their roles are. Michigan, I think, is a little
4 ahead of the curve in some ways because we've been
5 looking at this more closely. But some of the
6 states we're trying to ship to don't understand
7 what's supposed to happen yet. APHIS has got to
8 make that effort to get out and directly contact
9 these state authorities and make sure they
10 understand the program.

11 A lack of this type of education and
12 planning are currently costing businesses money and
13 effort as we try to begin shipping under the
14 modified emergency order.

15 This next part is also critical. And that
16 is, management of positive facilities. Inevitably,
17 some aquaculture facilities will become infected
18 with VHS virus. We need to establish meaningful
19 protocols to deal with the virus on those facilities
20 without destroying the business itself. This means
21 having a sound plan in place that addresses
22 assessment, depopulation, indemnification and
23 recovery. This is especially important during the
24 early years of this outbreak. It would be unjust to
25 destroy businesses in the Great Lakes Region because

1 of this virus now, and then adapt more helpful
2 policies once VHS virus has made it out of the basin
3 into other areas of the nation. So don't apply one
4 standard here, and once this thing escapes
5 containment, apply new standards elsewhere that are
6 more conducive to business survival.

7 Trace-outs. Full scale trace-outs should
8 be conducted for any shipments of fish found to have
9 occurred from positive facilities and sources prior
10 to the emergency order. We cannot have any
11 confidence in our knowledge of the range of the VHS
12 virus without this critical step. This process will
13 probably reveal other affected areas in the United
14 States that were thought to be unaffected due to a
15 lack of local testing.

16 In conclusion, an interim rule for VHS
17 virus should be realistic in its objectives and deal
18 with all of the likely vectors, not just the ones
19 that are easiest to regulate. Inflicting further
20 financial harm in the Great Lakes aquaculture
21 industry without offering indemnification for losses
22 is irresponsible and presents a dangerous precedent
23 for dealing with fish disease in the future.

24 Development of a comprehensive VHS virus
25 management program is essential to delaying the

1 spread of this virus and protecting the United
2 States aquaculture industry. We must understand
3 that attempts to eradicate or contain VHS virus are
4 likely to fail, and the program should be designed
5 to delay spread and develop the cooperation of the
6 industry in establishing good bio-security and
7 surveillance programs. We will not achieve
8 cooperation from industry in surveillance if a
9 positive test equals the destruction of the
10 business. This type of regime will only drive many
11 operators underground, resulting in a
12 counterproductive black market for fisheries
13 products. Cooperation will require a comprehensive
14 plan and funding that includes surveillance,
15 assessment, depopulation, indemnification and
16 recovery, not just surveillance, positive, out of
17 business.

18 Thank you.

19 MR. TUCK: Thank you, Dan.

20 John Angelo.

21 MR. ANGELO: Can I address everybody from
22 here?

23 MR. TUCK: No, you need to come to the
24 microphone, please.

25 MR. ANGELO: My name's John Angelo and I

1 represent All Star Anglers.

2 I effectively run bass tournaments out on
3 the end of the Detroit River, which is Lake Erie
4 Metro Park. Within a 4,000 foot range, I'm in
5 Canadian waters. We launch in Michigan and we're --
6 right there is Canada. Within a twelve mile run,
7 I'm in Ohio waters. My bass guys, tournament guys
8 will run 40, 50 miles either direction. They're in
9 and out of Ohio waters, Canadian waters, Michigan
10 waters. They go to Lake St. Clair, Lake Erie. They
11 go past Pelee. They cover a lot of ground and bring
12 the fish back alive.

13 I kind of pride myself as a caretaker of
14 this resource. I personally have come up with some
15 really special ways of caring for the fish so that
16 we get them back in the water alive. One of them
17 is, obviously, treating them with proper chemicals
18 to revigorate their slime coats. Plus, we put them
19 through an oxygen bath. And we also monitor the
20 temperature that we release them at so they don't
21 suffer shock.

22 I look at those as being my children. I
23 want to return them back to the water so they can go
24 home. By limiting where we fish, you're just
25 killing a great recreation for people and a business

1 for them.

2 We have major tournaments to come in the
3 area. Anglers have a chance to win -- walleye
4 anglers, as well, they have a major chance of
5 winning anywhere from \$5,000.00 to \$150,000.00 in
6 these tournaments. So you're really killing our
7 livelihood.

8 I can make a cast on one border and I don't
9 know where the fish came from. And I can do the
10 same thing between Ohio and Michigan waters and
11 Ontario waters. It's that simple.

12 So to me the way the rule is written, the
13 order is written, excuse me, just doesn't make sense
14 for bass fishing or any tournament fishing.

15 MR. TUCK: Thank you, John.

16 J. Bechtel.

17 MR. BECHTEL: My name is John Bechtel. I'm
18 a fish farmer in Ohio.

19 Two comments, very brief.

20 First of all, to APHIS, I would like to
21 thank them for taking the lead in this. And to
22 basically bring up everybody's awareness as to what
23 we really are dealing with.

24 The second thing is, I want to agree with
25 Mr. Vogler in his idea of containment and

1 eradication, but I want to add a little bit to that.

2 When we first started with this about a
3 year ago, the most positive approach that we thought
4 we could see would be to be able to develop or
5 eradicate the fish in the lakes. To do that, you
6 have to develop a vaccine that's effective, and you
7 have to have a delivery system to be able to get it
8 into the lakes without having to net or inject the
9 fish.

10 Well, at this point, we have engaged people
11 from all over the world to be able to come up with a
12 vaccine. They believe that they can come up with
13 one within 16 months to two years. They already
14 have the delivery system, which means we won't have
15 to net the fish. We won't have to do anything. All
16 we have to do is give it to them, vaccinate them,
17 and then the new crops will come out without VHS.
18 To us, that would appear to be the right way to go.

19 Now, to give you an idea of this, this
20 operation has already come up with an idea or a way
21 to vaccinate carp for what's called KHV, that's Koi
22 Herpes Virus. It is effective. It's been done.
23 The same group is working on this one for VHS.
24 These are top biologists in the world. They are
25 working on AIDS at the same time.

1 The VHS vaccine is about 100 times easier
2 to develop than the KHV was, and it's about 1,000
3 times easier to develop than the AIDS vaccine would
4 be.

5 So to give you a little bit of hope, there
6 is light at the end of the tunnel, and there is a
7 way to do this. Most of you in the room have never
8 heard this before, but it is out there. It is a
9 multi-national operation, and it can be done we
10 believe.

11 So we'll keep you informed. We'll keep you
12 up to date on what's going on, and we'll go from
13 there. That's it.

14 MR. TUCK: Thank you, John.

15 Bob Calala.

16 MR. CALALA: I don't have anything else --
17 I don't have anything more to add than what has been
18 already said.

19 MR. TUCK: Okay, great. Thank you, Bob.

20 MR. CALALA: You're quite welcome.

21 MR. TUCK: Richard Fine.

22 MR. FINE: I'm not going to respond.

23 MR. TUCK: Okay.

24 Richard Weidenheimer.

25 MR. WEIDENHEIMER: My name is Richard

1 Weidenheimer, and I'm President of the Michigan Bait
2 Dealers Association.

3 I would like to read a little something
4 about VHS.

5 I wish to thank the USDA and APHIS in
6 taking comments from our industry today about VHS,
7 and the interim rule making process that you are
8 working on to replace and amend November 14th's
9 order.

10 The commercial bait business started to
11 develop a network of retail and wholesale operations
12 in the early 1950's. Around 1980, the wholesale
13 bait dealers formed our trade association that today
14 represents an active membership of about 25
15 wholesalers. From 1991 to 1996, we helped in the
16 development of the Michigan Aquaculture Act of 1996
17 with our fellow Michigan Aquaculture Association
18 members. 2001, with the help of the Minnesota and
19 the Michigan Sea Grant Program, the bait fish
20 industry worked to establish an Aquatic Nuisance
21 Species Hazardous Analysis Critical Control Point
22 Program for the bait fish industry for the Upper
23 Midwestern industry. We are now helping to revise
24 the ANS Hazardous Program to include fish health
25 issues concerning the bait industry. Finally, I

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1 personally have been in the bait business for 50
2 years and working throughout the Great Lakes.

3 Michigan bait fish business is heavily
4 dependent upon wild caught fish, 70 to 30 percent --
5 or, 70 percent wild and 30 percent farmed, with a
6 smaller proportions coming from aquaculture
7 facilities. If interstate regulations are
8 restricted to such a point that our wild caught
9 shiners are cut off, such as Emerald Shiners, we
10 would suffer a great -- I got two pages here -- a
11 great loss of sales, and it would also threaten our
12 existence. Winter ice fishing season in Michigan,
13 the Emerald Shiners is one of the most widely used
14 bait fish, and its loss of use would see both
15 Michigan's fishing license and bait sales drop
16 substantially. Whether you are talking about
17 Michigan or other Great Lakes states, the overall
18 economic impact with the loss of wild bait fish
19 stock either being heavily restricted or eliminated
20 will have a great affect on the several billion
21 dollar sport fishing industry and could start a
22 domino affect on the regional economy.

23 State regulations that Michigan bait
24 dealers fall under does not allow the transportation
25 of any bait fish out of the territorial waters of

1 the state. The restriction has been in place many
2 years and the restrictions of the APHIS order
3 doesn't necessarily affect our industry directly.
4 Indirectly, it's another matter, we do rely on
5 neighboring Great Lakes and upper Midwest bait
6 wholesalers that could be blocked, depending on how
7 the interim order rules are crafted.

8 It appears to me that our biggest obstacle
9 is the amount of time needed to run tests -- fish
10 health tests, laboratory capacity and the time frame
11 we normally hold bait fish before sale. A rapid
12 test procedure would be greatly appreciated over
13 what is currently available. We would like to see
14 the interstate trade between the Great Lakes states
15 to continue within the basin, if possible, but we
16 also understand that neighboring states to the Great
17 Lakes basin may increase restrictions for entry into
18 their states and that would be understandable from
19 their point of view, as long as it doesn't become a
20 trade barrier instead of a fish health issue.

21 As we currently understand it, VHS has only
22 been found in the lower end of the Great Lakes
23 basin, in Lake St. Clair, Lake Erie, and Lake
24 Ontario and the St. Lawrence Seaway in the State of
25 New York. It also appears to us that the pathogen

1 has a good head start with the water -- with the
2 watershed. Research so far seems to indicate arrival
3 of VHS around 2002 into the Great Lakes watershed,
4 give or take a year. We might be able as an
5 industry and resource agencies to slow the progress
6 of VHS, but we won't be able to stop it or eradicate
7 it with this much of a head start.

8 So far, VHS has affected some species of
9 fish within these lower lakes but the death rate
10 isn't as large as we might have expected. The bait
11 harvesters have also observed during this past
12 season Emerald Shiners, yellow perch, salmon, and
13 walleye populations to be in large schools and
14 appear healthy during the fall bait harvest. The
15 catchers have commented to each other that this is
16 one of the largest year class groups that they have
17 ever seen. The picture isn't matching what you
18 would expect to see, maybe fish populations are
19 adapting and already building immunity faster than
20 we thought could happen. Only time will tell the
21 ultimate outcome.

22 We can offer to help the MDNR and APHIS in
23 determining the potential geographical spread of VHS
24 by allowing the Department's access to our winter
25 minnows, Emerald Shiners primarily, holding ponds

1 and the harvest location records. We feel that this
2 would give the agencies a leg up on any potential
3 spread in the upper Great Lakes, instead of waiting
4 later in the spring when minnows begin to move and
5 school up again. Our harvested stocks would help
6 both agencies and industry to better understand the
7 pathogen current range within the basin as of late
8 2006.

9 As we see it, there are many different ways
10 that VHS could move around the Great Lakes
11 watershed; by waterfowl, land animals, sportsmen,
12 kids, aquarium trade, boat - live wells, ballast
13 water, fish migration, process fish, frozen and
14 fresh, bait, commercial, individually caught,
15 resource management departments, federal/state,
16 private hatcheries, natural flowage, and so forth,
17 the pathogen is going to spread within the basin and
18 eventually into the Mississippi River basin via the
19 Chicago Sanitary Ship Canal. We predict that in a
20 few short years, you will be able to compare the
21 distribution maps of both Zebra mussels and the VHS
22 confirmations, and find them very similar in
23 dispersal.

24 If APHIS has a solution that could stop VHS
25 and a way to eradicate it, we are all ears to hear

1 your plan. But from our experience with Mother
2 Nature, we believe that the battle is already over.
3 It would be great if we could turn back time, but
4 our only hope now is to learn how to live with the
5 pathogen if we can. We can suggest that APHIS works
6 on a watershed basis and consider all interstate
7 movement of fish stocks to be tested for VHS
8 throughout the United States. To date, we haven't
9 found the mode of introduction that this pathogen
10 took. We strongly believe that it is something
11 historically that we should understand first, if we
12 are going to know how to control any future
13 non-native species introductions.

14 We agree that our outlook isn't very
15 promising, but we can and will get through this if
16 we all keep our heads and work together. But be
17 forewarned, be careful how you choose your path, or
18 you could eliminate the entire bait fishing industry
19 in a few short months, if mishandled.

20 Michigan Bait Dealers Association.

21 Thank you.

22 MR. TUCK: Thank you, Richard.

23 John Dettmers.

24 MR. DETTMERS: Good morning. My name is
25 John Dettmers. I'm the Senior Fisheries Biologist

1 working for the Great Lakes Fishery Commission.

2 On behalf of the Great Lakes Fishery
3 Commission, I thank you for holding this meeting
4 today to discuss APHIS' regulations regarding the
5 spread of VHS virus in the Great Lakes Region.

6 Among other duties, I am responsible for
7 providing support to both the Council of Lake
8 Committees and the Great Lakes Fish Health
9 Committee. The Fish Health Committee is a group of
10 fish health professionals from around the Great Lakes
11 basin.

12 The Great Lakes Fishery Commission is a
13 Canadian and U.S. Institution established in 1956 by
14 treaty between the two nations. Under the documents
15 supporting the treaty, the Commission was encouraged
16 to help the jurisdictions coordinate their fishery
17 management activities. Pursuant to that vision, the
18 jurisdictions of the Great Lakes basin requested
19 that the Commission help draft and facilitate the
20 implementation of a joint strategic plan for
21 management of Great Lakes fisheries.

22 The joint strategic plan is implemented
23 through individual lake committees which comprise
24 senior fishery managers from state, tribal and
25 provincial agencies. A Council of Lake Committees

1 allows fishery managers to discuss basin wide
2 issues, including VHS.

3 The Council of Lake Committees oversees two
4 major sub-committees, the Law Enforcement Committee
5 and the Great Lakes Fish Health Committee. Both
6 sub-committees are designed to help officials who
7 are involved in those matters work together on a
8 basin wide level. For over 25 years, the joint
9 strategic plan process has worked extremely well.
10 Through the plan, the independent jurisdictions have
11 committed themselves to working together to share
12 information, reach consensus on their information
13 needs and develop shared fisheries objectives and
14 management plans.

15 The regular meetings that have occurred
16 during the past 25 years have developed a remarkable
17 culture of cooperation that is voluntary and
18 non-binding, yet is an extremely effective process
19 that allows the jurisdictions to collaboratively
20 solve their shared concerns. Given the extremely
21 effective and much respected process that exists in
22 the Great Lakes basin, the Commission is very
23 disappointed that APHIS, with little experience in
24 the basin, chose to act unilaterally and with
25 minimal consultation with the management agencies to

1 address the VHS issue.

2 This unilateral approach is inconsistent
3 with the process by which authority is exercised in
4 the basin. While we agree that VHS is a serious
5 problem, APHIS ignored several key facts. The
6 non-federal fishery agencies in the Great Lakes
7 closely coordinate their work. The non-federal
8 fishery agencies will be instrumental in
9 implementing any response to VHS. And, the federal
10 and non-federal agencies on the Great Lakes, on both
11 sides of the border, have been working on developing
12 and implementing a response to VHS, as evidenced by
13 the comprehensive recommendations of the Great Lakes
14 Fish Health Committee.

15 Given the highly organized structure that
16 exists to help agencies cooperate in the basin, it
17 is extremely disappointing that APHIS did not take
18 advantage of these mechanisms when addressing VHS.
19 I cannot express enough the importance that APHIS
20 adopt a genuinely collaborative approach by which it
21 and other federal agencies work very closely with
22 all of the management agencies and affected parties
23 to develop the interim rule that will replace the
24 emergency order.

25 The Great Lakes Fishery Commission agrees

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1 with our state and tribal partners that many aspects
2 of the original order were inappropriate responses
3 to VHS. The Commission commends the actions of
4 APHIS to amend the original order, and believes the
5 amendments to the order are a good start.

6 For the development of a suitable interim
7 rule, we recommend the immediate inclusion of
8 non-federal agencies in the process to develop the
9 interim order, or the interim rule, excuse me. We
10 recommend that APHIS regulate ballast water movement
11 to prevent introduction of invasive species at all
12 organismic levels. We recommend that APHIS be
13 prepared to accept more flexible rules issued by
14 state agencies to most effectively protect against
15 the spread of VHS. And, we recommend that APHIS
16 adopt the recommendations of the Great Lakes Fish
17 Health Committee as the most appropriate response to
18 VHS.

19 The Commission sincerely wishes that APHIS
20 will leave this meeting today with a better
21 understanding of and appreciation for how
22 cooperative fishery management occurs in the Great
23 Lakes Region. To date, APHIS' actions have not been
24 in the spirit of Great Lakes Fishery Management.
25 APHIS' behavior has forced too many people and

1 agencies in the Great Lakes Region to focus solely
2 on their response to the emergency order, rather
3 than on productively implementing the
4 recommendations of the Great Lakes Fish Health
5 Committee and truly addressing the spread of VHS in
6 the most meaningful way.

7 We look forward to a closer interaction and
8 collaboration with APHIS as we, together, develop
9 the interim rule.

10 Thank you.

11 MR. TUCK: Thank you, John.

12 Jill Finster.

13 MS. FINSTER: Good morning. My name is
14 Jill Finster, and I'm the Law Enforcement Liaison
15 for the Great Lakes Fishery Commission.

16 I'm pleased to make the following statement
17 on behalf of the Great Lakes Fishery Law Enforcement
18 Committee.

19 The Law Enforcement Committee developed
20 under a joint strategic plan for management of Great
21 Lakes fisheries is composed of representatives of
22 the eight Great Lakes states, the Province of
23 Ontario, tribal groups, and the United States and
24 Canadian federal governments. The Committee serves
25 as a conduit for the transfer of information between

1 fisheries managers and law enforcement agencies to
2 design and implement cooperative procedures and
3 practical fishery management policies.

4 Signatories to the joint strategic plan
5 have charged the Committee to identify and evaluate
6 problems associated with illegal fishery activities
7 in the Great Lakes basin and offer support to the
8 respective agencies in their resolutions to combat
9 these issues.

10 The Law Enforcement Committee is confident
11 that the states and Province will address the
12 vectors for fish transfer by which VHS is spread and
13 will undertake the necessary measures to minimize
14 its impact in consultation with all involved
15 stakeholders. As the states and Province begin to
16 develop regulations pertaining to the collection,
17 transportation, possession and sale of bait fish,
18 the Law Enforcement Committee is making efforts to
19 promote the development and implementation of
20 uniform and consistent regulations with commensurate
21 penalties among the jurisdictions.

22 While APHIS drives its authority to
23 promulgate regulations regarding the movement of
24 fish from VHS contaminated areas from the Animal and
25 Plant Protection Act, enforcement responsibilities

1 remain with the state, provincial and tribal
2 conservation officers in the affected regions.
3 Therefore, should APHIS choose to develop
4 regulations, it is imperative that implementation of
5 enforceable regulations be a priority in the efforts
6 to prevent the further spread of VHS.

7 In recognition of the fact that law
8 enforcement is an integral part of Great Lakes
9 Fisheries Management, the Law Enforcement Committee
10 strongly urges APHIS to work in consultation with
11 law enforcement officers that are responsible for
12 implementing and enforcing regulations pertaining to
13 the management of fish.

14 Thank you for the opportunity to speak
15 today.

16 MR. TUCK: Thank you, Jill.

17 Adam Hater.

18 MR. HATER: Good morning. My name is Adam
19 Hater. I'm with Jones Fish Hatcheries, Cincinnati,
20 Ohio.

21 Jones Fish is located, like I said, in
22 southwestern Ohio inside the 275 loop that surrounds
23 Cincinnati. We are exactly five miles from the
24 Kentucky border. As you all know, the State of
25 Kentucky is not included in the eight-state

1 I don't want to wait three years -- find
2 out something three years too late, and then
3 devastate my whole living and millions of people
4 fishing. I am not going to stand for this.

5 You let me know the moment something comes
6 in. You don't tell me after it's too damn late. We
7 have to stop -- I believe this is sabotage on the
8 Great Lakes. We have to start watching the ballasts
9 of these ships. We have to do something. It ain't
10 going to stop here.

11 Whose financial gain is this? It ain't
12 mine. I believe somebody's. When you wait three
13 years to tell me there is a virus and now they are
14 going to shut us down, I have a hard time with this.
15 Let's stop something new from coming in.

16 Thank you.

17 MR. TUCK: Thank you, Jeff.

18 Greg Wright.

19 MR. WRIGHT: Hi. My name is Greg Wright,
20 and I'm a fisheries biologist with the Tippawan
21 Ottawa Resource Authority. I specifically work for
22 Sioux Tribe, Saulte Ste. Marie Tribe of Chippewa
23 Indians.

24 Today, I'm going to be commenting strictly
25 for Sioux Tribe. I also am well versed in the Great

1 Lakes Fishery Commission. I sit on a lot of the
2 technical committees and I've also been extremely
3 immersed into the Great Lakes Fish Health Committee.

4 Let's see, where do we start? I have
5 submitted some written response. I'm going to read
6 pretty much highlights from that. Hopefully, I'll
7 have enough time.

8 Like Gary Whelan mentioned from Michigan
9 DNA, Sioux Tribe is very, very supportive of the CLC
10 and the whole steps -- all the steps that have been
11 taken through the CLC in gathering information and
12 addressing this issue. And we will continue to
13 support CLC recommendations and hope that APHIS
14 heeds and listens to those recommendations.

15 Also, we would like APHIS to keep in mind
16 as they develop the interim rule, several issues
17 should be addressed in that process. These include
18 consistency of purpose, acknowledgment of scientific
19 uncertainty and the risk associated with unintended
20 consequences. Justification of economic impacts and
21 clear articulation of the basis of concern regarding
22 the spread of VHS.

23 I'm just going to go through a couple of
24 those.

25 Consistency. The interim rule should be

1 consistent in its intent and purpose. For example,
2 consistency should be maintained when setting rules
3 for susceptible species, geographical boundaries,
4 private industry, government agencies, et cetera.
5 Consistency should also be maintained for all
6 geographically isolated pathogens of concern, not
7 just special rules for VHS.

8 We feel all species of equal risk should be
9 included in the susceptible species list. We
10 suggest the thorough review of susceptible species
11 list should be conducted and that it should include
12 Great Lakes Fisheries biologists drawing the
13 resources of the local experts. There's a lot of
14 inconsistencies in that list.

15 Since VHS has been in the lower lakes since
16 2003 and was most likely here for sometime prior to
17 that, therefore, it is more than likely that there
18 has been sufficient time for VHS to have expanded
19 its range outside the Great Lakes basin and Great
20 Lakes states, especially considering the amount of
21 Emerald shiners that subsequently tested positive
22 for VHS that have been moved out of the Niagara River
23 system to all parts of the country.

24 Therefore, in order to maintain consistency
25 and to minimize the risk of spreading this virus to

1 additional states, we suggest that if the Great
2 Lakes states outside the lower lakes and areas
3 outside the Great Lakes watershed are prohibited
4 from the interstate transfer of susceptible species,
5 then all states should be prohibited. The chance of
6 VHS being transmitted from northwestern Minnesota to
7 southwestern Wisconsin, both outside the Great Lakes
8 basin, is less likely than fish being transferred
9 from West Virginia to Kentucky, which are both
10 geographically a lot closer to the infected waters.

11 Since thousands of fish transfers have
12 occurred in and out of states surrounding affected
13 waters, the virus may have already spread well
14 outside the Great Lakes basin. The possibility of
15 nationwide surveillance should be seriously
16 considered.

17 As you've heard before, the most glaring
18 inconsistency in the emergency order relates to
19 ballast water exchange practices. The inconsistency
20 is especially ironic considering there is a strong
21 possibility that ballast water discharge was the
22 means by which VHS entered the Great Lakes.

23 Unquestionably, ballast water remains a
24 primary vector for introducing new pathogens,
25 introducing new invasive species that can impact the

1 health of native flora and fauna in the U.S. and
2 transporting VHS to other jurisdiction. Ignoring
3 ballast water as a primary vector destroys the
4 credibility of USDA/APHIS rationale and
5 justification for implementing special restrictions
6 regarding VHS.

7 We question why APHIS did not take similar
8 emergency actions in other similar recent
9 situations, such as Whirling Disease in the Rocky
10 Mountain states or EDV or heterosporus in the Great
11 Lakes.

12 Also, since VHS has been found throughout
13 the lower Great Lakes, St. Lawrence River system,
14 why isn't the State of Maine, along with other
15 affected east coast states, included in the
16 emergency rules?

17 Lastly, there are no susceptible species
18 from the aquarium trade. Or, lastly, are there no
19 susceptible species from the aquarium trade? The
20 best current theory suggests heterosporus was
21 introduced in the Great Lakes through this trade.
22 Surely, the aquarium trade should be considered as a
23 vector for VHS movement and actions should be taken
24 to reduce the risk of this trade spreading VHS, as
25 well.

1 I'd like to address some scientific
2 uncertainties. In developing the interim rule,
3 scientific uncertainties surround this issue -- that
4 surround this issue should be considered. Fish
5 managers always want more data and information.
6 Unfortunately, we typically have to make decisions
7 with many unknowns. We feel the following
8 scientific uncertainties are currently hampering
9 sound decision making and hope your agency can
10 dedicate resources to answering these questions.

11 Okay.

12 Were the VHS positive catfish and Coho
13 salmon samples determined using a validated
14 technique? If not, this information should be cast
15 in the proper light and all appropriate screening
16 techniques should be validated.

17 How is VHS transmitted from fish-to-fish?
18 How does a fish move from the susceptible to the
19 carrier to the infectious state? How well does egg
20 surface disinfection work on non-salmonid eggs?
21 What is the current geographic range of the
22 pathogen? What is the full spectrum of susceptible
23 species? How well do species susceptibility trials
24 done in the lab translate to open water systems?
25 How much seasonal variability of infection is there?

1 How does water temperature affect susceptibility or
2 the ability to accurately determine positive or
3 negative samples? Is VHS Type 4B as lethal as other
4 strains of VHS? And was VHS determined to be the
5 cause of death in the fresh water drum of muskellunge
6 die-offs in the lower lakes, or was the virus just
7 found to be present in those die-offs? Why haven't
8 we seen die-offs of salmonids in the lower lakes,
9 specifically Lake Ontario?

10 We are worried that the precautionary
11 principle can be misused. It is rather easy to take
12 quick and immediate action without thinking through
13 both the efficacy of the action, or the consequence
14 of the action when you have the shield of the
15 precautionary principle to protect you. We urge
16 your agency not to fall into this trap and insure
17 the interim rule is developed and implemented only
18 after both the efficacy and consequences have both
19 been considered in full.

20 One last thing. I'm just kind of -- we've
21 been dancing around a little bit, but I think some
22 thought needs to be put in as to how we decide when
23 to treat this VHS as the ubiquitous pathogen versus
24 an exotic. At the Great Lakes Fish Health
25 Committee, we kind of deal with that a lot. You get

1 a new invasive species come in. When do you
2 consider it not an invasive species and just part of
3 the system and deal with it? And I think, thinking
4 along that line is going to have to be done, as
5 well, when you're developing these interim rules.

6 Thank you.

7 MR. TUCK: Thank you, Greg.

8 At this time, I'd like to take about a
9 ten-minute break. So, please come back in that
10 time.

11 Thank you.

12 (Short break at or about 10:00 a.m.)

13 MR. TUCK: Okay. If you would please take
14 your seats, we can begin.

15 Okay.

16 The next speaker is Chris Meeks.

17 MR. WEEKS: Weeks.

18 MR. TUCK: Weeks, I'm sorry.

19 MR. WEEKS: Hi, everybody. My name is
20 Chris Weeks. I'm the President of the Michigan
21 Aquaculture Association.

22 First of all, I'd like to thank Mike, Jill
23 and Freeda and APHIS for allowing us to put in out
24 two cents here, maybe for what it's worth. But I am
25 glad that we have this opportunity. I think most of

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1 all, I want to thank everybody out here. Everybody,
2 all of you. This shows just how important this
3 issue is. Probably the most important these
4 industries have ever faced. I want to thank
5 everybody for showing up today.

6 That fall-out that seems to have been
7 generated as a result of the emergency federal order
8 is that the Great Lakes State Region is a sacrificial
9 lamb we can put on a block for certain industries.
10 And I say industries, plural. And this line of
11 thought is unfortunately a travesty and divides the
12 aquaculture industries in the United States.

13 With that said, Michigan Aquaculture
14 Association, and I am speaking on behalf of Michigan
15 Aquaculture Association, we recognize the threat
16 that VHS poses to U.S. aquaculture. We do. It's
17 out there, it's real. It is a threat. To date,
18 however, a lot of people perceive that the
19 regulation activities are an even greater threat,
20 okay. We need to get over this. We need to come up
21 with some kind of solution to this quickly and
22 efficiently.

23 As APHIS proceeds toward an interim ruling,
24 MAA requests that federal authorities take under
25 full consideration all of the following accounts.

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1 As we talked about before, APHIS, to date
2 has not addressed the original vector of VHS into
3 the Great Lakes Region. Some regional experts
4 indicate that VHS was most likely introduced via
5 ballast water, and if all potential vectors,
6 especially ballast water are not part of APHIS
7 promulgation, this entire process will have been in
8 complete vain.

9 Number two. MAA recommends science based
10 regulatory controls must be employed. Diseases have
11 no political boundaries, therefore, effective
12 management requires a watershed approach.

13 Zoning issues must include water flow and
14 fish migration.

15 Two main points have not been addressed by
16 the federal order. Number one, VHS has been
17 reported in U.S. Pacific northwest and the Atlantic
18 Ocean. Also, 2.07 billion gallons flows out of the
19 Great Lakes daily down the Chicago Drain into the
20 Mississippi Drainage Basin.

21 Electrical barriers will not stop this
22 disease. Establishing restriction zones based on
23 the thought that electrical barriers will stop this
24 disease is misguided and is scientifically unsound.

25 Regional fishery and industry experts are

1 needed in the decision making process. The species
2 list is currently inadequate and should be
3 re-evaluated. This list should also be able to be
4 easily modified as needs arise.

5 If APHIS is to establish precedence at this
6 juncture, and precedence, indeed, it is, a thorough
7 review of VHS and all other aquatic diseases
8 currently known to be a threat in the U.S. is
9 warranted, not just VHS. Let's take a look at all
10 of them. Detection methods should be evaluated for
11 reliability and response time.

12 The third main point. Economic assessment
13 and assistance. There are national market shares
14 highly at stake here. Economic assessment of impact
15 resulting from APHIS intervention should be
16 conducted under the auspice of the U.S. Department
17 of Commerce. Indemnification programs need to be
18 established, and I reference U.S. 9 CFR, Part 53.

19 Federal laws requiring mandatory testing
20 will cause severe economic hardship to Michigan
21 aquaculture and bait fish industries. Federal
22 assistance to cover the cost of testing should be
23 included in any such action taken by APHIS.

24 Fifth point. Uniform and equal standards
25 across the board for aquaculture facilities.

1 Bluebook and OIE standards should remain acceptable.
2 If OIE is adopted, clarification of a two-year
3 certification history standard is required.
4 Allowance for Bluebook certification should be made
5 over an adequate phase-in period.

6 Facilities on well water should only have
7 to test once per year and certified disease free for
8 all lives brought into the farm. Increasing
9 frequency requirements over current OIE standards
10 would not improve additional security but would add
11 additional costs.

12 To the bait fish industry. Michigan Sea
13 Grant has worked with the aquaculture and bait fish
14 industry to develop an aquatic invasive species
15 hazard program specifically designed to help control
16 invasives in the Great Lakes. A similar program is
17 currently being explored for VHS. Any regulations
18 aimed at bait fish farmers will be ineffective,
19 unless recreational fishermen fall under the same
20 regulations. I'm sorry, but that's the truth of the
21 matter. There is no way to prevent fishery --
22 recreational fisheries from moving them around. And
23 if you're going to tax the bait fish farmers, let's
24 take a look at how we're going to do the whole
25 thing.

1 APHIS actions need to account for
2 enforcement of such policies. Wild harvest not
3 allowed in infected zones -- should not be allowed
4 in infected zones, unless a means is established to
5 insure harvested species will remain within that
6 zone. Any imposed certification program should be
7 standardized across all states.

8 For zoning issues. Examination of the
9 spread of other invasive species, like Zebra
10 mussels, show unequivocally there's no such thing as
11 a free zone. Zoning regulations, if imposed, should
12 include two zones. One an infected area, and two, a
13 surveillance zone.

14 The last point, public education and
15 information is required, and assistance is required
16 from USDA in order to handle that.

17 In closing, past experience has shown that
18 either this issue is either blown way out of
19 proportion, or current actions will, at best, simply
20 slow down the spread of VHS. More than likely, VHS
21 is simply going to follow a similar path observed
22 for all other aquatic epizootics previously
23 established in the U.S.

24 Thank you.

25 MR. TUCK: Thank you, Chris.

1 John Baloch.

2 MR. BALOCH: Baloch.

3 MR. TUCK: Baloch. Thank you.

4 MR. BALOCH: How do you do. My name is
5 John Baloch. I'm here, not as a bait farmer, not as
6 a fish farmer. I'm here as a fisherman. I've
7 fished in the Detroit River and Lake Erie, Lake St.
8 Clair for over 60 years.

9 We've had a lot -- I've seen the life, the
10 death, and the rebirth of Lake Erie. I've fished on
11 the Detroit River when oil came up in the bubbles
12 from the water, and we had an oil slick. But we
13 still caught fish.

14 Now, there are two or three issues here
15 that we need to look at. One, we're talking about
16 fish farmers. Second of all, we're talking about
17 bait farmers. Second of all, we're talking about
18 bait harvesters. And then, again, we're talking
19 about the people that sell bait, that wholesale
20 bait, that sell bait on an individual basis.

21 I've heard horror stories about I'm not
22 going to be able to even catch my own bait. If I
23 have more than 100 minnows in my possession, I'm
24 going to go to jail. There's no question.

25 APHIS, I thank you ladies for coming today.

1 But I hear the State of Michigan fighting with
2 APHIS. I hear APHIS coming in heavy-handed, we're
3 going to tell you what to do. We're going to run
4 the show for you. And, guess what? We, the average
5 Joe, the guy who comes out here to fish, the guy who
6 catches some bait down at the Detroit River, or
7 catches them in Lake Erie, or buys bait from Imlay
8 City or from Standish, or wherever else the bait
9 dealers in this state come from, are being told,
10 you're not going to be able to do that. You're
11 going to affect the way I've lived for over -- I'm
12 sorry, the way I've fished for over 60 years, and I
13 have. And I've been on the Detroit River for that
14 long.

15 Now, I may not look it, thank you, but I
16 am. I've been fishing on the River for over 60
17 years. I've seen that, again, the River has come
18 and gone. It's become a great fishery. Lake Erie's
19 a great fishery. I'm sorry if there's this VHS.
20 But guess what? It's just another one of the Zebra
21 mussels, gobies, red shrimp, whatever else you talk
22 about coming out of ballast water. Let's stop
23 fighting amongst ourselves. Let's stop coming in
24 with heavy-handed regulations to damage the Great
25 Lakes area, and let's get together and understand

1 what it takes to make this thing work.

2 If VHS is so serious, and again, viruses
3 mutate. We know that. I mean, if you -- I'm not
4 talking about fish viruses, I'm talking about
5 viruses for people. Now, guess what? There's
6 nothing, nothing that we're going to do, that
7 anybody in this room can do to stop this virus from
8 mutating. It's mutated once. I understood there
9 was an A, a B. There will probably be a C, D and E
10 before we're all done.

11 Let's get down to the basic facts. APHIS,
12 we appreciate you coming in with your ideas, but
13 involve the State of Michigan. Involve the people
14 that understand this watershed, this whole Great
15 Lakes system, the people that have worked for years
16 and understand what's going on here. Let's work
17 together to try to understand how we can either
18 delay the spread of this disease, or eradicate it,
19 or just live with it because it's going to go away
20 like everything else. Or, we're going to live
21 with -- we've learned to live with Zebra mussels.
22 They're in every lake in this state. Because, are
23 you going to tell me that I can't take my boat from
24 the Detroit River to any lake in the state? Or I
25 can't go out of state with my boat? I don't think

1 so.

2 So, let's be real. We're asking and trying
3 to do something impossible. I have friends who are
4 bait dealers. I have friends who are bait
5 wholesalers. I have friends who catch and sell bait
6 in their own bait shops. And guess what? You're
7 affecting them. You fish farmers, I feel sorry for
8 you.

9 But guess what? The regulations are really
10 designed for you and hurt you more than they hurt
11 our bait dealers. I'm sorry that that's happening,
12 but I'm talking about my rights, my freedom as a
13 citizen, a fisherman. I want to be able to use the
14 lakes and rivers as I see fit. That's what we
15 should be able to do, not be regulated, ordered or
16 controlled by anyone who does not understand.

17 I didn't see -- I think I saw 1983 in
18 Denmark -- I'm sorry, what was it? All right. VHS
19 was identified in Europe in 19 something, before
20 1980. We've got a European strain, a Japanese
21 strain, and guess what? How did it get here? It
22 didn't jump across the air. It came in ballast
23 water, the one common thing that all of us have
24 said. I think I've heard it in most of the comments
25 here, ballast water is the issue. Deal with that.

1 Don't deal with the threats from these overseas
2 shippers who are telling us, well, we just won't go
3 to Michigan, or it's going to cost you more for your
4 goods. Who gives a shit? I'm sorry, who cares? I
5 apologize for my language.

6 But, this is an emotional thing. We don't
7 care if they're going to hold us hostage on this.
8 It's going to cost you more for your goods, we won't
9 bring this that we have to treat our ballast water.
10 Well, guess what? They almost, un -- or
11 fortunately, fortunately, I think, the fish have
12 learned to survive, to eat these invasive species,
13 and I'm sure that we'll find something that's going
14 to enjoy those red shrimp that are coming, and all
15 the other things.

16 The only thing I'm worried about are the
17 flying carp that are coming up through the Illinois
18 Canal. How are we going to stop those? That's not
19 a problem, unless it kills somebody. It jumps in
20 the boat and kills me because it weighs 80 pounds.
21 That's what I'm concerned about.

22 Let's take care of ourselves. APHIS, I
23 believe that's the correct word or acronym, work
24 with the State of Michigan. Work with the
25 biologists from Michigan. Work with the law

1 enforcement people from Michigan and the Great Lakes
2 Region. We know what we're doing.

3 I think there was a problem with getting
4 funding from the federal government for lamprey
5 control. Am I right or wrong? There was one. It
6 almost wiped out an industry. The next thing is
7 going to be this disease is going to harm us more,
8 more than we can ever say because -- not because the
9 disease is bad, but because of the regulations.
10 You're not going to be able to ship your fish as a
11 fish farmer. I'm not going to be able to buy
12 minnows because the minnow farmers can't use
13 their -- can't supply me with minnows. I can't go
14 to the bait shop and buy bait because they can't
15 catch them. They can't sell them. They -- we can't
16 transport. That's ridiculous.

17 AUDIENCE MEMBER: Amen.

18 MR. BALOCH: Let's get this state where it
19 belongs. Let's get control of what goes on in this
20 state where it belongs, in the hands of the people
21 that understand the system, please.

22 Thank you very much, ladies. Thank you,
23 gentleman.

24 MR. TUCK: Thank you, John.

25 Chuck Pomerleau.

1 MR. POMERLEAU: Good morning, everybody.
2 I'm kind of like that gentleman. I'm not from any
3 marine biologist association or anything. I'm a
4 sports fisherman. I live on Grosse Ile. I've lived
5 there my whole life. I'm 44. I'm not -- I haven't
6 fished 60 years on the River, but probably 35, 35,
7 almost 40 years I've been fishing on that River.
8 And I have been fishing in Canada, Ohio, Detroit
9 River, you name it, all along Michigan's Great
10 Lakes.

11 I enjoy the fishery. I enjoy catching
12 healthy looking fish. I enjoy eating them once in a
13 while, and I enjoy releasing them. I enjoy the
14 tournaments. I enjoy the recreation of the fishery.
15 And I think I speak with this fellow on behalf of a
16 lot of our fisherman in that we enjoy that fishery.

17 And, you know, if you go and you -- and I
18 respect the VHS virus, as well, because I like to
19 see healthy crops in our fishery because I want to
20 see the next generation enjoy the fishery as much as
21 we all have.

22 But I think that penalizing and putting a
23 halt to the bait catchers and the people who have a
24 livelihood on supplying our baits and our
25 recreational fishermen with a means to enjoy our

1 recreation is going to put a hurt on business. It's
2 also going to put a hurt on -- and what I mean by a
3 hurt on business, I spend a lot of money. I'm in
4 this man's bait store probably three, four times a
5 week, okay. And besides that, I buy fishing tackle,
6 I buy clothing. The commerce that goes with it, the
7 hotels, everything, there's a lot of money involved.

8 So if you discourage fishermen from their
9 sport, well then, you're going to hurt business in
10 many ways. Okay. I'm going to be discouraged if
11 suddenly I can't go to the bait store and buy bait
12 for myself, okay. I'm going to think to myself, oh,
13 if other rules come down and I can't transport fish
14 from Canada over to my home on Grosse Ile, or I
15 can't go into a tournament and bring my catch back
16 to weigh my catch because that's been all done away
17 with, I'm going to lose interest in the sport.

18 That's going to, also, it's going to lose
19 interest for all our young people coming into the
20 sport. It's going to hurt our industry, and it's
21 going to hurt us in our wallets. I don't think
22 anybody needs business to go that way.

23 I think the -- I'd like to think I have
24 more faith in our scientific approach, our
25 biologists. And not -- not so much on the political

1 approach and regulatory approach, because I think
2 that will hurt our commerce. But I think I have
3 more faith in the scientific approach, and I'd like
4 to think that our government agencies, to me, have
5 the integrity to believe in our scientific approach.

6 And I listened to that gentleman from the
7 Ohio fish farm. He talked about some kind of --
8 some kind of a vaccine of some nature. I think
9 that's very interesting. Because I do not think
10 they're going to be able to eradicate it. I don't
11 think they're going to be able to contain it, okay.
12 We all heard the story.

13 And I think the ballast of ship water from
14 out of our boundaries is a big deal. I really do.
15 That seems to be the host and the culprit for most
16 everything from what I've gathered this morning.

17 Okay. So, you know, I look at this as
18 being not so much a stop bait catching, stop selling
19 bait and so forth. But I look at it more the
20 approach as, I'd like to continue our recreation.
21 I'd like to encourage the young people to continue
22 it, not give them any feelings of discomfort and ill
23 hope that this fishery is going to continue. I'd
24 like to give them the encouragement that, hey, we've
25 got some smarts up here. We can create viruses. We

1 can create other methods of treating our waters and
2 preventing this problem from happening in the
3 future, and maybe delaying the spread, and maybe
4 overcoming this issue in a different way than
5 putting our bait catchers out of business, and
6 therefore, our commerce and our recreational sport
7 fishing at hand at risk, okay, because I don't think
8 any of us need that.

9 And that's all of my two cents. I just
10 wanted to say that.

11 MR. TUCK: Thank you, Chuck.

12 Angela Butler.

13 MS. BUTLER: I'm Angela Butler. I'm
14 from -- a veterinary from the Michigan Department of
15 Ag Animal Industry Division and their reportable
16 diseases. And we, too, want to thank APHIS for
17 coming and letting everybody give their comments.
18 And we are going to be submitting comments by the
19 end of the day then.

20 Thanks.

21 MR. TUCK: Thank you, Angela.

22 Tim Mullendore.

23 MR. MULLENDORE: Hi. I'm Tim Mullendore,
24 and I'm a sports fisherman and a taxpayer.

25 And I would like to see more money going

1 into training these government inspectors that
2 inspect these ships coming in. And can't they come
3 up with some type of thing where when the ships are
4 coming up the St. Lawrence Seaway, they could build
5 a tank farm and deposit all that water coming in
6 into a tank, and then get fresh water in. And then
7 when they go to leave, dump that water. And then
8 that way, they wouldn't have all these things coming
9 across.

10 It only makes sense to me to do that.
11 We're paying all these tax dollars, and it's like
12 the inspector's not doing his job. You've got these
13 ash bore bugs coming in our fruit and shit because
14 people aren't doing their job. It's terrible. I
15 don't like it one bit at all.

16 You can't blame the guy that's catching
17 minnows. You can't blame that on minnows. It's got
18 to be coming in from these other countries.

19 I would just like to see you guys go back
20 to Washington and then talk to them and get with
21 Canada, and come up with some type of system where
22 they can unload all that water out of those ships
23 into a tank. And then when they leave the locks,
24 they're clean. And then if they need to get ballast
25 in here, then they'll dump it out before they go

1 back out and steal our fresh water.

2 They say the lake waters are going down and
3 down because they're stealing it and taking it to
4 Japan and selling it. We're the largest of all the
5 fresh water here, and how can you let them do that?
6 You can't make the little honest guy pay for all
7 this. Let these big freighter companies and
8 businesses take it.

9 Here, a couple years back, I'm out there
10 perch fishing in the spring, big huge oil spill.
11 Hundreds of thousands of gallons, and I never got an
12 answer to what company did that. But if you're a
13 big business, you can get away with it. And if
14 you're a little guy, you won't get away with
15 nothing.

16 So you need to start training these
17 government inspectors better. I think you can make
18 this tank farm thing work with the ballasts, and
19 clean those ships out, test the water that's in
20 there. They have the technology. They've just got
21 to do it, otherwise, like they said, there's just
22 going to be more and more stuff coming over. It's
23 going to be terrible.

24 And that's all I have to say.

25 MR. TUCK: Thank you, Tim.

1 Mike Briskey.

2 MR. BRISKEY: I'm Mike Briskey. I'm with
3 the Luna Pier Harbor Club Marina. I'm also Director
4 of the Michigan Boating Industries Association. And
5 I haven't heard anyone speak about tourism or the
6 marine industry boating, the retail side of the big
7 business, potential impacts of rules and regulations
8 on our industry.

9 I just found out about this meeting at 5:00
10 o'clock last night, so I didn't have time to really
11 prepare something formal for you. So I'll apologize
12 for the rough nature of the presentation going into
13 it.

14 A couple high points that I think we just
15 cannot exclude from the discussion would be parallels
16 to similar regulatory actions in recent history. I
17 don't know if any of the people in this room recall
18 what happened to the marina, boating and bait
19 business when our local Department of Natural
20 Resources unilaterally changed, through an agreement
21 on the catching effort analysis of charter captains
22 and the total allowable catch on Lake Erie of the
23 walleye, and how that regulation and how that
24 reduced season, which basically, they shut the early
25 season down and we started the season in June.

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1 Most of these businesses, these marinas,
2 these bait shops, these tourist related facilities
3 in southeastern Michigan that I talked to through
4 the Michigan Boating Industries in dealing with some
5 of the people that I buy products from, the minnow
6 catchers and the bait wholesalers, they're seasonal
7 businesses and they operate on a seven, eight month
8 season in a good year, and a six or seven month
9 season on a slow year. You clip off three months of
10 a season and you have a dramatic impact on that
11 business' ability to continue as a going concern.

12 We heard earlier from one of the fish
13 farmers in the aquaculture business who has been
14 shut down for three months. Okay. You look at the
15 financial markets in New York, and they respond
16 quarterly earnings reports.

17 You've got a guy that just reported zero,
18 zip, probably negative because he had costs. His
19 overhead continued to chug along and his cash inflow
20 was nothing as a result of regulation.

21 Did we save some fish, another aquaculture
22 farm, another facility, we don't know because the
23 same speaker indicated we aren't testing outside the
24 affected area.

25 So let's go to the parallel of what

1 happened with the walleye. Okay, my business got
2 shut down for three months. It didn't give me a
3 heart attack, it gave me heartburn. I'm still
4 standing here. But it left me in a weakened
5 environment to go forward and operate as a going
6 concern. It sucks your cash flow, okay. You
7 can't -- you can operate with a couple of years of
8 negative earnings, but you can't operate without
9 cash flow. You don't have revenues coming in the
10 door, you don't have cash flow. So you've got to
11 -- whatever rules you promulgate, you have to take
12 an economic impact on how they're going to relate to
13 not only the aquaculture industry, but the trade,
14 the tourism, the retail side. You got -- you've
15 got -- this is a -- you got to get your arms around
16 this whole beast. If you don't, you're going to
17 have unforeseen circumstances that are not pretty.
18 You're going to have people going out of business.
19 You're going to have long-run family enterprises,
20 the mom and pops, they're the weakest link in the
21 chain. They don't have a national footprint that
22 they can draw cash flow from the east coast and
23 bring it into the Midwest. They may operate one
24 store. They might be a single stand alone shop, and
25 you're going to put them at risk.

1 The concept of developing a vaccine that
2 was brought up, I wholeheartedly support that. We
3 had a program when the lamprey came in. They treat
4 those strains. We've basically taken a status with
5 those lamprey of controlling and mitigating the
6 adverse impact of that foreign invasive.

7 These rules that you promulgate, you've got
8 to, in the back of your minds figure out how to
9 allow the harvest of the wild minnows and the sale
10 within the same basin or watershed, okay. If I'm --
11 if I'm buying minnows from -- in my business, let's
12 look at me as a little tiny micro chasm of the
13 industry. I buy from four primary dealers. One in
14 Port Clinton, Ohio; one in Brooklyn, Michigan; one
15 in South Rockwood, Michigan who happens to be in the
16 room; and one from Pontiac, Michigan, okay. Those
17 guys buy bait from all over the country. So I could
18 be getting, and I have had minnows for sale in my
19 store from New York or Arkansas, among other places,
20 Indiana. My customers prefer the native Emerald
21 shiner. I'll tell you what, it's my -- this is
22 ridiculous. I can buy those from my bait wholesaler
23 at a cheaper price than I can those out-of-state
24 minnows, and my customers prefer them. They have a
25 brand insistence in the market place. The customer

1 prefers and wants the Emerald shiner. I can buy the
2 Emerald shiner at half the cost or a third of the
3 cost of the import.

4 So if you guys write rules to force me to
5 bring in these out-of-state minnows that do not have
6 brand insistence in the market place, I'm going to
7 have to take a lower price for them to move them.
8 And I'm going to have to pay a higher price to get
9 them. My margin just got squeezed big time.

10 And with the -- we call it shrinkage, you
11 call it the minnows dying, whatever you want to call
12 it. With the shrinkage that's in the system and the
13 transport and the potential for those minnows to be
14 shocked as they're being handled multiple times
15 coming from, you know, Pookipsie all the way over
16 here, my shrinkage rate goes up. More margin
17 reduction. So this is going to happen across all
18 the retailers. So these rules have to be very wary
19 of that.

20 Every minnow bucket I sell in my store, and
21 this is my little piece of what I do to help this.
22 Every one of them, we get stickers from Sea Grant
23 that say, "Don't Transport Minnows Out, Use Them,
24 and Dispose of Them." Every minnow bucket I sell
25 has got that sticker on it. It's got -- when I sell

1 a minnow bucket, I've got two stickers on it. One
2 is a business -- a piece of marketing material for
3 my store because I want that guy back in my store.
4 And the second one is this minnow sticker we get
5 from Sea Grant about the proper handling and
6 disposal of minnows. I think we need to include
7 that. You've got to find some way to get Sea Grant,
8 maybe get them some increased funding and get more
9 of those stickers out and get them in all of the
10 stores. Because that would go a long way to
11 stopping the transport of these minnows. Because as
12 you heard from the boater, these boats go
13 everywhere. I mean, I have boats coming in from New
14 York, North Carolina, Indiana, coming into my little
15 marina, okay. So these boats are very mobile. So
16 the minnow sticker, minnow bucket sticker is
17 something that's got to be in your plan.

18 I have a couple guys that run commercial
19 fishing operations out of my marina. Their families
20 have been doing this generationally for in excess of
21 50 years. They're down, I think they're -- and I
22 wouldn't stake my life on it, but I think I'm home
23 to the last two commercial fishermen on the Lake
24 Erie waters of the State of Michigan.

25 Their primary markets for their product,

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1 New York and the west coast, okay. So this rule is
2 going to eliminate their primary market and they're
3 going to be toast. They're on the soup line, unless
4 we figure out a way to work this as the interim
5 revised rule, it's going to a processing plant, you
6 know, we can allow that as long as the processing
7 plant is properly treating the material after
8 they've processed the fish.

9 A little bit of Internet research that I
10 did found that this particular virus is a very weak
11 virus and it's killed by very low doses of iodine
12 and chlorine and a couple other chemicals. I don't
13 know how those chemicals react with minnows or fish.
14 I don't know if the host could survive a level of
15 that chemical that would kill the virus, but I think
16 maybe we should do some research and figure out
17 maybe the simplest thing in the world would be
18 putting a couple of drops of iodine in my minnow
19 tank. If that would work, we don't know. I
20 couldn't find any research, other than to say that
21 in some lab somewhere they found out that very low
22 grade chlorine or iodine killed this thing.

23 The ballast water controls. I mean, we
24 keep coming back to that. Here's my problem. We
25 continue to operate via this reactive thing. Every

1 time we let a foreign invasive species or pathogen
2 come into the State of Michigan via ballast water,
3 we all have a heart attack trying to figure out what
4 to do about this particular problem, instead of
5 getting our arms around this proactively and saying,
6 okay, we're going to find a way, as the gentleman
7 suggested, to control ballast water. His idea is an
8 idea. Maybe there's five other ideas, but let's
9 figure out how to control ballast water.

10 I went on the Internet last night, and the
11 country of Australia has a plan, right here, for
12 disease strategy for VHS. They don't have a single
13 cell of VHS in the country. They're proactive about
14 what they're doing. They've got a contingency plan
15 sitting here, 63 pages. Some of that, maybe, I
16 think you guys can review and it might be
17 applicable. But the point I'm trying to make is,
18 pro-action versus reaction. I think the gentleman
19 from the Great Lakes Commission extended a hand to
20 you, the guy from Michigan extended a hand to you to
21 cooperatively work together with them to become
22 proactive and not reactive. And I think that's the
23 mindset we've got to take out of here.

24 And I would just beg you, my last word,
25 please, when you draft these regulations, be very

1 sensitive to the impact they're going to have on the
2 mom and pop, be it a bait dealer, minnow catcher, or
3 retailer, a marina, a tourist business that's
4 drawing its livelihood, you know, from -- it could
5 even be the hotel guys, you know, that -- you go to
6 a little restaurant in the city I'm in, they make 80
7 percent of their income in the months I'm open
8 because they're living off of my customers. So a
9 lot of economic impact that this could just kill.
10 And I'm just begging you guys to please, please
11 think about that.

12 Thank you.

13 MR. TUCK: Thank you, Mike
14 William Dougherty.

15 MR. DOUGHERTY: Hello. My name is bill
16 Dougherty. I own Bottom Line Bait Shop in South
17 Rockwood, Michigan, and I'm an employer.

18 Our economy is already at a lull, or down.
19 People, I think, in Washington said it's making a
20 comeback. I haven't seen it.

21 You know, I'm not going to elaborate on no
22 ballast water because of the virus, but I think
23 since 1950 or '40 it was around bringing in viruses
24 yearly. And they had back then something to do for
25 it and never did.

1 So you don't want to stop the fishermen
2 from fishing. The shiner minnows is what gets them
3 to go, and they're native to our area. If the
4 progression is going to be like the Zebra mussel
5 was, it goes down to the Mississippi River, eight
6 state contingency -- if the progression is like the
7 Zebra mussel, let us conduct our business and keep
8 the fishermen happy in that general area, and
9 transport their fish to the restaurants and other
10 fish farms, and not hurt the economy. It can't
11 suffer anymore.

12 Until something is found out -- if you make
13 a rule that's going to stop the catching and
14 transporting of the shiner minnow and the other fish
15 and take away the jobs, it's going to hurt worse
16 than what you think. So like a lot of other people
17 that have been at this podium, please consider the
18 bigger picture before you make a ruling that is
19 going to cost jobs and so forth.

20 You know, I wrote some notes. Our economy
21 is already very shaky. I constantly see dark vacant
22 buildings. Don't make the bait shops dark places.
23 Keep them bright places where doctors recommend
24 people go for stress relief, et cetera.

25 VHS has been here, don't jump now when you

1 haven't jumped yet at any of the other viruses. Why
2 jump now and make me go on welfare or look for
3 another job that's not there. I mean, a lot of
4 these people are here today because of me, I know,
5 and I appreciate all you showing up, showing your
6 concerns very much. I appreciate everybody that's
7 here from everywhere today.

8 And I just hope, you know, there's a war
9 going on now. And I just heard our President wants
10 to send more troops there. You know, I'm not for
11 that, and I'm not for some other things in this
12 world. But, you know, fishing brings us, you know,
13 it calms us down, and I think we ought to keep it
14 going no matter what the cost, you know. It just
15 needs to keep happening.

16 Thanks.

17 MR. TUCK: Thank you, Bill.

18 George Cable?

19 MR. CAMPBELL: Campbell.

20 MR. TUCK: Campbell.

21 MR. CAMPBELL: They've already covered it.

22 MR. TUCK: They've covered everything. All
23 right.

24 MR. CAMPBELL: I can't think of anything I
25 could add.

1 MR. TUCK: Great.

2 Jeff Kelly.

3 MR. KELLY: Everything's already been
4 covered.

5 MR. TUCK: All right.

6 Well, that was our last speaker.

7 Jill and -- I'm sorry, what?

8 MR. SOWERS: Can we have some walk-ins?

9 I'd like to get up and say a little
10 something.

11 MR. TUCK: Sure. Come on up. You didn't
12 sign in? Is there anybody else besides Mr. Watkins?

13 MR. SOWERS: Some of you know me, some of
14 you don't. My name is Rich Sowers from Little
15 Dipper Bait and Tackle and Dip Net Bait and Tackle.
16 And I'd just like to stress the point, the only
17 reason the customers come in our small mom and pop
18 shops is the Emerald shiner. Without the Emerald
19 shiner, you'll see a lot of doors close.

20 When I have customers come in and I'm out
21 of Emerald shiners, they walk out of my
22 establishment and go somewhere else that they do
23 have Emerald shiners. It's very important, very
24 important to the bait business. Hundreds of small
25 businesses will be out of work.

1 And that's all I have to add, but please
2 consider what you do before you make a decision.

3 MR. TUCK: Thank you, Mr. Sowers.

4 MR. SZYLINSKI: My name is Mike Szyllinski,
5 I'm an outdoor freelance writer. I've covered the
6 state in that capacity for over 20 years, former
7 charter boat captain. I started the Downriver
8 Walleye Federation and I think I'm going to start
9 the Downriver Coalition of Sportsmen and Anglers to
10 try to get some kind of voice in proceedings like
11 this.

12 No one has come up with the old cliché, hi,
13 I'm from the government, and I'm here to help you.
14 You know, those words scare you to death, and
15 they're also bullshit.

16 Like all of these diseases and animals and
17 everything else that have come down that St.
18 Lawrence Seaway since they opened it, this VHS 2
19 could have been preventable.

20 Now, we just went through a tremendous
21 period of politics, part of this election. And I'm
22 telling you from the other side, the guy that writes
23 the stuff, it was unbelievable how many people
24 wanted me, little old writer, outdoor writer from
25 newspaper and a few small magazines, wanted me

1 present when these politicians were here.

2 How many guys are familiar with the
3 International Refuge that they're doing on the
4 Detroit River. 4,200 acres -- don't clap yet --
5 4,200 acres of land, marshes, ponds, islands, lower
6 Detroit River that have been either purchased or
7 donated, or some agreement has been made with the
8 International Wildlife Refuge to oversee them.

9 I've lived on the Detroit River for over 40
10 years of my 60 years, and like the gentleman here, I
11 fish. That's why I live there. It's the greatest
12 fresh water fisher in the world. I was on the Red
13 Cedar River in northern Canada about ten years ago
14 with a guide, and we're catching walleyes, pretty
15 nice. I said, you know, where's the best walleye
16 fishing? Oh, the guide says, that's down there on
17 the Detroit River. So that gives you an idea of
18 what we have here.

19 It is a micro chasm, I think, of the State
20 of Michigan, our natural resources, and the Detroit
21 River's comeback. You know, like you, I can
22 remember how we would use the old black line on our
23 fishing rods and reels in the Detroit River. We'd
24 come back and we'd have to wash them with soap and
25 water because there would be so much oil on them. I

1 remember my dogs feet over in Grosse Ile, stepped in
2 some kind of pollutant, turned her feet all purple.

3 And it's really been shifting the other
4 way. You know, it's getting better and better and
5 better. But then VHS comes along with a whole bunch
6 of other -- I understand it's like four different
7 different exotics a year are introduced into the
8 state. And if, you know, where are our politicians
9 that were so anxious to see me and have me take
10 their picture and write about all these wonderful
11 things they did? Where are the representatives --
12 we've got some state guys here, but it's their job.
13 Fisheries people, they've got to be here. I don't
14 see anyone else from Granholm's office, Dingell's
15 office. Where are they?

16 Gentlemen and ladies, and you folks from
17 the fed, I worked for the fed for five years, so I
18 know the game. We're talking almost three billion
19 dollars when you talk about fishing and tourism in
20 the State of Michigan, three billion. That's
21 probably more than the gross national product of 80
22 percent of the countries in the world. Think about
23 that.

24 And someone's going to come in here and go
25 whack, because I'm a federal agency. I'll shut you

1 down boys. They already tried it -- hell, they
2 tried it in the '30's with booze. Couldn't make a
3 go. But I'm not comparing booze to fishing.
4 Fishing's worth more money.

5 You know, they can make contingency plans.
6 I'm watching some channel on the cable the other day
7 about these future weapons. They're making
8 contingency plans for weapons to stop weapons to
9 stop weapons that aren't even invented yet.

10 These diseases have been around for years
11 in other countries, and we have no contingency plans
12 if they hit? It kind of looks like FEMA all over
13 again when Katrina went through New Orleans. Well,
14 hell, I'm the federal government, that's not my job.
15 And then they didn't do it.

16 I think on the St. Lawrence Seaway, they
17 haven't done it. And I think until, you know, you
18 get with your people. You know, we voted in this
19 last election. We got another one coming up in two
20 years. Question these people. Hey, you know, why
21 do we have such a threat to this guy's livelihood,
22 to this guy's recreation, to this individual's
23 ability to study? Why do we leave it in the hands
24 of a government that, obviously, doesn't like the
25 Great Lakes area for some reason, as some people

1 know. And what if there's other bait production
2 areas in this country, and there are outside the
3 Great Lakes, that aren't touched at all by this.
4 However, on the downside -- on the upside for them,
5 if we get shut off, if our bait sales get shut down,
6 these guys can charge whatever they want. And
7 that's been known for years. And there's been a
8 sort of a competition. Any of you guys that buy
9 bait, you know what I'm talking about. And if you
10 got to go to those people, you're paying double,
11 triple what you're paying now, so that passes right
12 on down and it hits -- it's going to hit the little
13 guy in the pocketbook. And I see our sport fishing
14 industry, it won't collapse because of the lack of
15 minnows, but I think it's going to hurt it.

16 And anybody that knows anything about the
17 business knows that minnows are where bait dealers
18 make their money. They don't make it off the fancy
19 baits and the rods and reels. It's that little
20 wiggler in there. That's where they make their
21 money. And they guard those things like a mother
22 bear guards its cubs. It's very difficult to keep
23 bait. Far more difficult to keep bait than to keep
24 ice cream or candy or any of the other things on the
25 shelf. It's just one hell of a tough business.

1 And, you know, for the government to come
2 down now and throw this at us, I don't know what to
3 tell you. I just -- you know, when you get back, or
4 if you haven't already burned the phone lines off,
5 the Internet is a great thing, guys. You can hit
6 that button every day, send that message to wherever
7 you want it to. They're all on there. Any of your
8 politicians, anyone that you want, just hit that
9 button. Somebody will get back with you. I know,
10 it's happened to me.

11 Do I think there's a chance that this could
12 be eradicated? No snowball in hell's chance that
13 they're going to stop it. It's too far gone.
14 What's got to be done, let it run its course, we
15 bite the bullet as much as we have to. But I don't
16 think the federal government's got any way of doing
17 it.

18 And with that, thank you very much for
19 coming, by the way.

20 MR. TUCK: Thank you.

21 MR. FLIGOR: To the last gentleman's
22 comments. My name is Dennis Fligor. I represent
23 United States Senator George Voinovich from Ohio.
24 And I'm here, and yes, we do care.

25 MR. TUCK: Thank you. Thank you for

1 coming.

2 Dr. Carol Stepien.

3 DR. STEPIEN: In fact, I noticed that
4 Senator Voinovich just had a series of articles in
5 some of the newspapers across Ohio, at least, on how
6 concerned they are about the VHS virus.

7 I'm Dr. Carol Stepien. I'm the Director of
8 the Lake Erie Center for the University of Toledo.
9 We're located on the shores of Maumee Bay. We have
10 a beautiful facility right next door to the Maumee
11 Bay State Park. You're all welcome to come and
12 visit sometime.

13 I'm also a professor at University of
14 Toledo, and I'm a fish geneticist. So in my
15 laboratory, we've begun to work on natural disease
16 resistance to the VHS virus in your yellow perch,
17 walleye, small mouth bass, et cetera. There are
18 genes that have been identified in salmon and other
19 fisheries that have been affected by different
20 strains of the VHS virus. So we may have some
21 natural resistance to the disease, so we're going to
22 work on identifying where that resistance is, help
23 to develop more rapid molecular screening.

24 Our University just merged with the Medical
25 University of Ohio, and so we're working with the

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1 Public Health Department there in developing -- to
2 work with the federal and state agencies to develop
3 rapid tracking of the virus and where it's moving,
4 et cetera to use geographic information, spatial
5 technology to do that. And so we are working on the
6 problem.

7 One of the problems is, when you have
8 something new like this, it is difficult for the
9 university researchers to get funding quickly
10 because the agencies, you know, usually take several
11 years to get something on their agenda, and by the
12 time we actually get a grant reward -- award, and
13 actually get the money, is usually even a year or
14 two after the money was supposed to start. So
15 meanwhile, we're trying to get out Ph.D. students,
16 et cetera, working on the problem.

17 So I just wanted to say that, you know,
18 many people in university systems across the Great
19 Lakes have a vested interest in our fisheries and in
20 the problems of the every day people and local
21 economy, and we really want to get rid of this
22 virus, keep it from spreading, and we welcome
23 comments on your visits, et cetera.

24 Thank you.

25 MR. TUCK: Is there anybody else that would

1 like to provide us some comments?

2 Okay. With that, I'd like turn --

3 MR. BALOCH: I just want to say that the
4 ladies are very professional because any time there
5 was a slam directed at them -- you're very calm and
6 cool and collected, and you're very professional
7 about just letting that stuff go off your back like
8 water off a duck's back.

9 Congratulations on being that, but please
10 listen, and I'm sure you have been. But I haven't
11 seen one change in your expression any time during
12 all of this conversation. Congratulations for that.
13 But please listen to what was said here today. It's
14 very important to us.

15 Thank you.

16 MR. TUCK: I'd like to turn this back over
17 to Dr. Rolland for some comments.

18 DR. ROLLAND: I just wanted to thank
19 everyone for coming again. We certainly did hear
20 your comments, and we know that there are economic
21 impacts, and I think we've heard that there may be
22 some impacts that are greater or different than
23 those that we knew about. And I think that's the
24 value of having these meetings is about learning
25 what's going on at the local level.

1 There were many other issues that were
2 brought up that we are working on, and I don't want
3 to go into detail about those now, but we did --
4 we've taken notes, we've had the reporter here who
5 is writing notes for us, as well, to make sure we
6 caught everything. And we will be taking those
7 things into consideration.

8 We are here for the next few hours. I'm
9 actually going to be here for the rest of the day.
10 Dr. Isaac is leaving this afternoon. If there are
11 some of you who felt uncomfortable speaking more
12 openly or publicly and would like to speak to us
13 directly, we are here. So please, feel free to
14 contact us, to come and speak to us. Also, again,
15 if you have written comments, or if you support some
16 of the comments that you heard today, we encourage
17 you to send those E-mails to any of those E-mails
18 that you saw up on the screen to say, you know, I
19 concur with the comments that this person made, and
20 would like you to consider those, please do so.

21 Again, thank you. Again, this is a serious
22 issue in many ways, both biologically and socially,
23 politically, economically, all those things. And
24 thanks for taking your time.

25 I'd like to hand it over to Dr. Isaac to

1 say some comments.

2 AUDIENCE MEMBER: I have a question.

3 How long is it going to take you to really
4 do something for Michigan? I mean, you know, how
5 much time do you say, three months, six months?

6 DR. ROLLAND: Well, for the interim rule to
7 come out, we are working on getting something out as
8 soon as possible. We have the spring -- the spring
9 is --

10 AUDIENCE MEMBER: We need something by
11 March.

12 DR. ROLLAND: We're --

13 AUDIENCE MEMBER: I mean, as well as you
14 take our tax dollars as quick as you can, don't you
15 think you should do something for us so you can get
16 more tax dollars?

17 DR. ROLLAND: Well, and that's what we're
18 working on. And these -- getting these public
19 meetings done in a two-day period is part of trying
20 to expedite the process.

21 AUDIENCE MEMBER: Well, if you can get them
22 done in the two-day period, why can't we get
23 something going again in a two-day period?

24 DR. ROLLAND: Well, we need to make sure
25 it's scientifically defensible, what we do.

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1 Dr. Isaac.

2 DR. ISAAC: Also, I just want to thank
3 everybody for coming. We really, Jill and I, also,
4 have taken notes personally so that we can start
5 looking at addressing a lot of these issues. We're
6 going to be in meetings quite often in the next
7 several weeks to come up with something very
8 quickly. And so we are meeting with other agencies,
9 as well as a lot of the state DNR people, as well.
10 So we do intend to take all your comments very
11 seriously and try to address some of the hardships
12 that you guys have told us about.

13 On the international level, we're also
14 working with Canada, as well. They're facing the
15 same issues that you all are on their side. And so
16 we are trying to work something cooperatively
17 because of the shared watershed.

18 We do encourage you to go ahead and come on
19 up and talk to us individually, too, you know. That
20 would be great.

21 Thank you, again.

22 MR. TUCK: We would like to thank you all
23 for taking time out of your busy schedules to come
24 today, and I appreciate it. And, please, drive
25 safely.

1 Yes.

2 AUDIENCE MEMBER: I would just like you to
3 quickly explain the process after the interim rule
4 is done.

5 DR. ROLLAND: The interim rule is published
6 and usually, it is effective on the date of
7 publication. There have been rare occasions where
8 the effective date has been moved to, perhaps, 30
9 days after publication if there's requests due to
10 hardship for enacting that interim rule. The
11 interim rule is usually open for a 30-day comment
12 period. Those comments have to be addressed
13 individually and taken into consideration for the
14 development of a final rule.

15 A final rule can be developed, or published
16 anywhere from a few months to a few years after the
17 interim rule is published, depending on what
18 information is gathered. And even when you have a
19 final rule, nothing is ever really final with
20 agriculture or with APHIS rules if -- with
21 continuing information that is gathered, those rules
22 can be modified. They can be changed.

23 AUDIENCE MEMBER: What if you publish the
24 interim rule and that does take effect that day, do
25 people follow the interim rule until the final rule

1 is published?

2 DR. ROLLAND: Correct.

3 MR. BALOCH: One simple, but difficult
4 question. What, today, does this rule look like?
5 Before all of this discussion, before all of these
6 comments, what, today, does the rule look like, and
7 what does it mean to me as a sport fisherman?

8 DR. ROLLAND: Well, the rule hasn't been
9 written.

10 MR. BALOCH: Ah, but you know what you want
11 to write is my question.

12 DR. ROLLAND: Well, the reason we're having
13 these public meetings was to get input on those
14 different issues we had on the screen in terms of
15 scope, et cetera.

16 MR. BALOCH: Okay.

17 AUDIENCE MEMBER: On your website, are you
18 going to have any of this information you've
19 gathered put on the website?

20 DR. ROLLAND: Yes, all the notes,
21 transcriptions and comments from these meetings will
22 be published.

23 AUDIENCE MEMBER: All the state meetings
24 like this?

25 DR. ROLLAND: Yes.

1 AUDIENCE MEMBER: Thank you very much.

2 MR. TUCK: Okay.

3 DR. ROLLAND: Okay. We'll take the last
4 two questions.

5 AUDIENCE MEMBER: Regarding -- you now said
6 you were going to have a deadline for written
7 comments?

8 DR. ROLLAND: Yes.

9 AUDIENCE MEMBER: Today, end of business?

10 DR. ROLLAND: Close of business.

11 AUDIENCE MEMBER: I don't recall that being
12 part of the published information. I haven't seen
13 that yet.

14 DR. ROLLAND: That's because normally the
15 comments are gathered at the meetings only. When we
16 spoke to our legal folks, because other people had
17 requested to submit comments, they informed us that
18 comments are only as part of the meeting, and so
19 we've extended it to close of business since today
20 is the last public meeting.

21 AUDIENCE MEMBER: Okay. Just thought I
22 would check that.

23 DR. ROLLAND: And there was one more, sir.

24 AUDIENCE MEMBER: Why weren't these
25 meetings held in the states that are affected by

1 this around the Great Lakes. I know you have one in
2 Michigan, but it seems like one is in Tennessee and
3 Colorado.

4 DR. ROLLAND: Because the scope of the
5 interim rule could be beyond the Great Lakes, we
6 wanted to get impact from other areas of the
7 country. If we weren't on a time line trying to get
8 this interim rule published as quickly as possible,
9 we would have likely had even more meetings around
10 the country just to find out in the different
11 geographical regions what their concerns are about
12 VHS.

13 MR. TUCK: Thank you, Jill.

14 With that, again, thank you for coming, and
15 I appreciate it. And, please, drive safely. Have a
16 good day.

17 (Meeting adjourned at or about 11:30 a.m.)

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CERTIFICATION OF COURT REPORTER

I, PENNY SIDICK, hereby certify that this transcript, consisting of 111 pages, is a complete, true, and correct transcription of my audio tapes and notes of the Department of Agriculture Public Meeting on Viral Hemorrhagic Septicemia on Wednesday, January 10, 2007.

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Dated: January 17, 2007.

