

BEFORE THE
USDA - APHIS VETERINARY SERVICES

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IN RE: Aquaculture: Viral Hemorrhagic Septicemia

BEFORE: Dr. P. Gary Egrie, VMD

Dr. Peter Merrill, VMD

Ms. Natalie Roberts, Representative

LOCATION: Pittsburgh Airport Marriott

777 Aten Road

Coraopolis, PA 15108-7749

HEARING: Wednesday, January 10, 2007

8:33 a.m.

SPEAKERS: Dr. Peter Merrill, Thomas Wiggins, Charles

Conklin, Brent Blauch, Thomas Machamer,

Bill Van Camp, Andy Shiels, John Coll

Reporter: Kyley E. McCowin

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1 ALSO IN ATTENDANCE

2

3 Jeremy Trimpey, Mt. Parnell Fisheries

4 Chuck Murray, PA Fish and Boat Commission

5 Roger Kenyon, PA Fish and Boat Commission

6 Larry Hines, PA Fish and Boat Commission

7 Adam Pritts, Laurel Hill Trout Farm, Inc.

8 Robert Pritts, Laurel Hill Trout Farm, Inc.

9 Rick Spear, Pennsylvania DEP

10 Larry Pieper, Maryland DNR

11 Pat Van Camp, Big Catch Bait

12 Charles M Finui, Green Spring Trout

13 Doug Holt, Green Spring Trout

14 Mark Ely, Susquehanna Aquacultures/Limestone Springs

15 Regan Blomshield, US Coast Guard

16 *Frank Jernejcic, West Virginia DNR

17 Karen Martin, Pennsylvania Dept. of Agriculture

18 Tony LaBarbera, Pennsylvania Dept. of Agriculture

19 Eric Obert, Pennsylvania Sea Grant

20 Steven R. Wilden, USDA APHIS Veterinary Services

21 *Chris O'Bock, West Virginia DNR

22 Frank Borsuk, US Environmental Protection Agency

23 David Myers, Pennsylvania Dept. of Agriculture

24 Michael Tulley, Pennsylvania Dept. of Agriculture

25 * Surname spelling may be different

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MS. ROBERTS:

Good morning. I would like to welcome all of you to Coraopolis --- is that the right way to say it, I'm from Virginia --- for the public meeting to discuss viral hemorrhagic septicemia or VHS. This is one of four sessions that are being held around the country to allow interested parties the opportunity to comment on the national response plan for this fish disease.

My name is Natalie Roberts, and I work for the USDA Animal and Plant Health Inspection Service, also known as APHIS. That's not a bug. I will be moderating this session today to ensure that all of you, anybody who wants to speak, has the opportunity to provide input.

We'll begin the session with opening remarks from APHIS staff and then provide time for comments from the public. If you want to speak, please make sure that you've signed up on the list on the table at the side of the room here. You don't have to sign up if you don't want to speak, but we'd like to know who was here representing what organization. So that's why we've got a place for

1 everybody to sign.

2 Slide. We will allow each speaker about
3 five minutes. When all speakers are finished, the
4 APHIS representatives here will respond to the
5 comments and provide some closing remarks. The
6 meeting is scheduled to go to about noon, but we'll
7 finish early if it seems like the discussion permits.
8 We'll take a break as we need, I guess. I can't say
9 exactly when, maybe after the speakers are finished,
10 meaning the public speakers. As you know, the
11 restrooms are located down the hall past those flowers
12 on the left, and the coffee is down the hall past the
13 flowers on the right of the restaurant.

14 Slide. A couple of courtesy reminders,
15 please keep your conversations to a minimum so
16 everyone can hear the speakers. And in addition,
17 please turn your cell phones off or to vibrate. If
18 you must take a call, please do so outside the room.

19 Slide. At this time, I'd like to
20 introduce the participants from my agency, APHIS.
21 They are Dr. Peter Merrill, Senior Staff Veterinarian
22 and Aquaculture Specialist from APHIS' Veterinary
23 Services National Center for Import and Export and Dr.
24 P. Gary Egrie, Veterinary Medical Officer and
25 Aquaculture Specialist for APHIS Veterinary Services

1 National Center for Animal Health Programs. Can you
2 all hear me when I go like this? Can anybody not hear
3 me? Okay.

4 As far as the process that we'll use for
5 getting your input from the public, there's a few
6 things. First, this session is being transcribed.
7 That is, your words will be captured and set on paper
8 by the transcriber here. And her name is Kyley
9 McCowin and she's from Sargent's Court Reporting. The
10 written transcript will be made available on the APHIS
11 homepage, probably under the Aquaculture portion, in
12 the next two weeks so you can read about it or you can
13 tell your friends and they can. And you can also read
14 about what people said at the other three sessions
15 around the country.

16 Each speaker will have five minutes to
17 provide comments. I will keep track of the time and
18 stand up when your time is up. Actually, I'm not sure
19 how many people have signed up. Maybe we'll have more
20 than five minutes, but except for brief
21 clarifications, our APHIS people will wait until the
22 end to answer all of your questions if they can or
23 make other comments.

24 I will call each speaker in the order
25 that you signed up on the list, and when it's your

1 turn, please state your name and spell it, if possible
2 --- I mean, of course, it would be possible --- so
3 that Ms. McCowin can know how to spell it correctly,
4 and it's not misspelled on the web. And also give
5 your organization. After everyone who wishes to speak
6 has spoken, we may take a short break and then come
7 back together for some more general discussion.

8 I also want, before we start, to ask if
9 there is some other state or federal people here who'd
10 like to be recognized. I know we have someone else
11 here from APHIS, Legislative and Public Affairs. Do
12 you want to stand up? I'm sorry. It's Nolan, but I
13 can't remember your last name.

14 MR. LEMON:

15 Lemon.

16 MS. ROBERTS:

17 Lemon. Nolan Lemon. And I know there
18 are some state --- there's another --- someone here
19 from the Fish and Wildlife Service. Do you want to
20 stand up and ---?

21 MR. COLL:

22 I'm John Coll. I'm with the US Fish and
23 Wildlife Service, the Fish Health Center in Lamar,
24 Pennsylvania.

25 MS. ROBERTS:

1 And there are some state people here?

2 MR. LABARBERA:

3 I'm Tony LaBarbera. I'm with the
4 Pennsylvania Department of Agriculture.

5 MS. MARTIN:

6 And I'm Karen Martin. I'm the regional
7 veterinarian in northwestern Pennsylvania.

8 DR. TULLEY:

9 And I'm Dr. Michael Tulley. I'm the
10 regional veterinarian for southwestern Pennsylvania.
11 You're present --- this is my territory.

12 MS. ROBERTS:

13 Okay. And I think there's someone here
14 from Vermont, too?

15 MR. WIGGINS:

16 I'm Tom Wiggins. I'm from the Vermont
17 Fish and Wildlife Department.

18 MS. ROBERTS:

19 Some other state?

20 MR. CONKLIN:

21 I'm Charlie Conklin. I'm with the
22 Pennsylvania Department of Agriculture, Aquaculture
23 Coordinator and also a private trap farmer.

24 MS. ROBERTS:

25 Anybody else who --- yes?

1 MR. KENYON:

2 Roger Kenyon and Andy Shiels, Chuck
3 Murray and Larry Hines from Pennsylvania Fish and Boat
4 Commission.

5 MR. JERNEJCIC:

6 Frank Jernejcic (phonetic) and Chris
7 O'Bock (phonetic) from the West Virginia Division of
8 Natural Resources.

9 MR. SPEAR:

10 Rick Spear from the Pennsylvania
11 Department of Environmental Protection here in
12 Pittsburgh.

13 MR. PIEPER:

14 Larry Pieper, Maryland DNR.

15 MS. ROBERTS:

16 You guys all signed your names so that
17 our court reporter can get it? Okay. So I'll give
18 that to her afterwards.

19 MR. BORSUK:

20 Frank Borsuk, USEPA, Region Three, out of
21 Wheeling, West Virginia.

22 MS. ROBERTS:

23 Okay. A lot of state people here.

24 MR. OBERT:

25 Eric Obert. I'm with the Pennsylvania

1 Sea Grant.

2 MS. ROBERTS:

3 Okay. How about some national or
4 regional industry representatives? Do you want to be
5 recognized?

6 MR. VAN CAMP:

7 That would be us. Bill and Pat Van Camp,
8 Big Catch Bait. We're one of the greatest processors
9 of great fishing in the Great Lakes.

10 MRS. VAN CAMP:

11 From Buffalo, New York.

12 MS. ROBERTS:

13 And did I leave anybody important out?
14 Yes. You guys are important. Representing the people
15 who actually raise the fish.

16 MR. BLAUCH:

17 We're the guys you're impacting directly
18 right now.

19 MS. ROBERTS:

20 Oh. Do you want to tell us the names of
21 your ---?

22 MR. BLAUCH:

23 We're the --- we're from Susquehanna
24 Aquaculture and Limestone Springs. We have a hybrid
25 striped bass farm and a rainbow trout farm here in

1 Pennsylvania.

2 MS. ROBERTS:

3 Okay.

4 COURT REPORTER:

5 Can you say your name, please?

6 MR. BLAUCH:

7 Pardon?

8 COURT REPORTER:

9 Can you say your name?

10 MR. BLAUCH:

11 Brent Blauch.

12 COURT REPORTER:

13 Rick?

14 MR. BLAUCH:

15 Brent. I wrote it down.

16 B-R-E-N-T, B-L-A-U-C-H.

17 COURT REPORTER:

18 Thanks.

19 MS. ROBERTS:

20 This is hard for you, I'll bet.

21 COURT REPORTER:

22 You have to say who you are before you

23 speak, so I know what to put before the words.

24 MS. ROBERTS:

25 She said you have to say who you are

1 before you speak, so she knows what to put in the
2 transcript before you speak.

3 MR. HOLT:

4 I'm Doug Holt from the Green Springs
5 Trout Farm. This is --- go ahead.

6 MR. FINUI:

7 Chuck Finui from the Green Spring Trout
8 Farm, also.

9 MR. B. PRITTS:

10 I'm Bob Pritts. I'm from Laurel Hill
11 Trout Farm here in southwestern Pennsylvania.

12 MR. A. PRITTS:

13 Adam Pritts. I'm from Laurel Hill Trout
14 Farm also.

15 MR. TRIMPEY:

16 Jeremy Trimpey, Mt. Parnell Fisheries.

17 MS. ROBERTS:

18 Okay. Anybody else get left out? All
19 right. We'll start now with Dr. Peter Merrill.

20 DR. MERRILL:

21 Thank you very much, Natalie. And on
22 behalf of Dr. Egrie and myself, I'll extend our
23 warmest welcome to everybody here today as well. As
24 you could tell from the first slide, it is the second
25 in a series of two-day-across-the-country-blitzkrieg

1 public hearings or meetings on viral hemorrhagic
2 septicemia.

3 Yesterday's meeting went very well for
4 both groups in Denver and Memphis, and they were very
5 productive sessions. We had a lot of good input. We
6 hope that people will give us good input here. It's
7 your opportunity to interact with us and basically let
8 us know what you're thinking about what we are
9 proposing to do.

10 We're going to focus on what is going
11 forward. If you really want to complain about what
12 has been done, you have the opportunity to do that as
13 well. But it really wouldn't be all that productive.
14 So we're looking for suggestions and your views on how
15 best to proceed from this point.

16 Just as a brief background, Dr. Egrie and
17 I work on two different staffs in APHIS. I work on
18 the import and export side, so I'm concerned with
19 things coming into and going out of the United States
20 and all the risks associated with trading in live
21 animal commodities, particularly aquatic animals.

22 And Dr. Egrie is more concerned with the
23 interstate and national implications for aquatic
24 animals as well. So our game plan is that I'm going
25 to give you a brief background and chronology of

1 everything that has transpired pretty much to the
2 present and even a little projecting into the future
3 as far as VHS. And as you can see from the first
4 slide, we're going to discuss so that we have a common
5 denominator in this group here just what viral
6 hemorrhagic septicemia is and why it's important to
7 everybody in this room.

8 It's a very serious viral disease of
9 certain species of fish, and that list is long and
10 apparently growing. VHS is one of the OIE's
11 notifiable diseases, which is very important to us and
12 the USDA. And they have certain criteria by which
13 they consider a disease to be notifiable, and VHS fits
14 in every single respect. I won't go into those
15 details, but it's probably the most serious disease,
16 generally speaking, of fin fish as a group.

17 The virus itself goes back to its first
18 identification around 40-some years ago, but we know
19 from the genetic analysis that's been done that that
20 virus and its different forms has been around for a
21 lot longer than 40 years. Up until a couple of years
22 ago, there were presumed to be four strains of VHS
23 virus, and in North America, we had what was called
24 Type IV. It was a disease that, when it showed up,
25 mainly affected some odded (phonetic) fish family and

1 a few other fish of some economic importance,
2 certainly to commercial fisherman, but I'll explain a
3 little bit more in our next slide --- Gary, can you
4 hit that --- how --- the manifestations of VHS in
5 different species, different forms of disease,
6 different environments and how all that comes into
7 play.

8 The number of susceptible species to
9 infection by VHS virus is pretty long, as I said
10 before. It's over 65 different species of fish.
11 We're not really sure exactly how this virus is spread
12 in all cases, but we have a fairly good idea that it
13 involves close contact. We know viruses shed
14 different secretions, feces, urine and mucous. It can
15 survive for some time after it's been in the water or
16 in water sediments. It's got a certain temperature
17 sensitivity. It really doesn't show up much over 60
18 or 65 degrees Fahrenheit. And there can be fish that
19 don't show any signs of disease at all, just carry the
20 virus, maybe shed it under certain conditions of
21 stress. It's a very complex epidemiology, as are many
22 viral diseases. It can be detected in certain species
23 of fish by very sensitive molecular tests, and there
24 may not be any disease associated with that at all.
25 We can't find it. We don't know what the implications

1 are in all cases, but when we isolate it, we will
2 consider a species from which the virus is isolated to
3 be a susceptible species, at least as far as our
4 purposes go for regulation.

5 When fish develop clinical signs of
6 disease, they include things like sluggishness,
7 darkening, pale gills and certainly hemorrhaging
8 externally and internal organs. Often a hemorrhage
9 can result in a severe anemia. Fish can die of
10 essentially bleeding to death, but these signs are
11 variable and may not even be present. Death could be
12 the first clinical sign of the disease, and as you can
13 tell, there are also very nonspecific signs. We could
14 be talking about most types of viral diseases or even
15 bacterial infections.

16 Before 2005 in North America, the
17 expressions of VHS were mainly due to Type IV which
18 was found off both coasts in species such as herring,
19 occasionally cod, and involved the Type IV which we
20 now call Type IVa of the VHS virus.

21 Next slide, Gary. These are just several
22 slides showing you again these relatively nonspecific
23 clinical signs. Often you'll see fish with distended
24 abdomens. That's because of the buildup of fluid
25 generally called ascites as organ systems fail,

1 darkening. And they don't show up extremely clearly
2 on the lower right, but there are pinpoint, sometimes
3 even more widespread types of hemorrhagic --- next
4 slide --- that can show up, you know, in abundance on
5 the ventral surface of fish or the lateral surface.
6 You know, sometimes in the eyes. And these are
7 descriptive of many different type of viral
8 conditions. But VHS virus was isolated from those
9 fish that you just saw.

10 In the Great Lakes, the first report that
11 we had of something different and emerging really came
12 in 2005, where VHS virus was found to be implicated in
13 a die-off of round gobies in the St Lawrence River.
14 This represented the first new location for VHS virus.
15 Up until 2005 in North America was mainly a marine
16 saltwater phenomenon. And certainly a new species
17 that had not been found to be susceptible before, many
18 people could care less about round gobies dying. A
19 second report came later in 2005 involving VHS virus
20 isolated from muskellunge, again a new species. And
21 those samples had actually been archived from a couple
22 of years previously, so working backwards, we inferred
23 that this virus had been around in this new form,
24 emerging form, for at least two or three years now.

25 Next slide. And then in 2005 --- or I'm

1 sorry, 2006, the momentum picked up considerably. In
2 spring, summer and fall, we had a number of outbreaks
3 that occurred in the Great Lakes involving a number of
4 new species of fish previously not known to be
5 susceptible to infection or disease and including, you
6 know, freshwater habitats and temperature regimes that
7 didn't fit the model for VHS. Those locations
8 included Lake Ontario, this is both the US side of the
9 lake as well as the Canadian side, Lake St. Clair,
10 Lake Erie, one of the finger lakes, the most western
11 part of the finger lakes called Conesus Lake in New
12 York where VHS virus was found in a couple of fish
13 species, as well as some die-offs and some carrier
14 species as well.

15 And Conesus Lake is unusual in that it
16 doesn't draw a direct connection to the Great Lakes.
17 There are some barriers. The water flows differently
18 there. The implication was certainly that somehow the
19 virus got into this watershed and probably not through
20 fish migrating into it in any sense, a lot of fish
21 migrating, but probably through the accidental
22 introduction of something into Conesus Lake. It could
23 have been a bay fish. We don't know, but at any rate
24 it got in there and it certainly pointed out how
25 vulnerable different watersheds, naive watersheds,

1 could be in this new, emerging and very serious form
2 of VHS.

3 Next slide. It looks like about 25
4 species for which the virus has actually been
5 isolated, and these are all freshwater, some of these
6 are edible fish. And I think if you look over this
7 list, you'll see that it's certainly not an exhaustive
8 list of all the species that are susceptible to the
9 VHS virus. But for the new emerging form, this list
10 included recreational species, food species, bait
11 fish, enhancement conservation. There are a lot of
12 different fish interests represented in this list.

13 Next slide. And often, this is the kind
14 of situation that may show up in the wilds. Certainly
15 the first reports of outbreaks was the massive
16 die-offs. The range of mortality from these reported
17 epizootics could be as little as just a half dozen
18 fish, especially if it was on a larger species that
19 don't particularly school, or it could involve
20 hundreds or thousands of fish that are huge fish
21 kills. Probably a number of these die-offs just
22 totally went unreported. In some cases, we couldn't
23 or nobody could make a timely investigation. Many
24 times samples were tainted or weren't usable, no virus
25 might have been isolated, a number of factors, but

1 we're fairly confident that given the number of
2 substantiated reports from which this new virus was
3 isolated that it's at least serious and maybe even
4 much more than just serious.

5 Next slide, Gary. So why is VHS
6 important now? Well, this slide tries to summarize,
7 really. It's sort of where we are with our thinking
8 on VHS. We were a little slow to assemble all of the
9 information, and once it got assembled to the part
10 where we could start making some interpretations, we
11 came to the conclusion that something had radically
12 shifted with VHS virus in a relatively short period of
13 time. You know that triad of host and pathogen and
14 environment, the typical triad of disease. If you
15 think about VHS in that sense of having a new
16 susceptible host, new facilitative environments and
17 new, newly virulent pathogens, I think most people
18 here would agree that there were extremely unusual
19 shifts, almost a perfect storm of shift in all three
20 categories at once over a very short period of time.

21 And again, we and most people in the
22 world do consider VHS to be one of the most
23 significant diseases of fin fish. There aren't many
24 treatments that are effective. Although people have
25 been working on vaccines, there are no vaccines

1 available at this point. There are a number of areas
2 where VHS virus and disease have been found. We don't
3 know in areas where we have not found it that it is
4 not there. We haven't looked for cases. As we look,
5 maybe we'll discover that it is present in more
6 locations than we thought or it may not be. It may be
7 in very limited distribution. We're developing some
8 guidelines for surveillance with our partners in US
9 Fish and Wildlife and NOAA. And as we do our
10 surveillance, we'll be able to discuss that prevalence
11 in a more rational way down the road. But as of now,
12 we certainly know what we know. And we don't know,
13 and we do not know the prevalence of VHS virus Type
14 IVb in the US.

15 There are some state regulations
16 involving the movement of susceptible species of fish.
17 Those regulations range from nonexistent really or
18 ineffective to very restrictive or completely
19 exclusionary and represent a broad spectrum of
20 regulatory approaches. But I think overall APHIS and
21 other federal agencies have discussed the extent to
22 which state regulations can and does address the risk
23 factors associated with the further distribution of
24 VHS. And if farm fish --- excuse me? Oh, I'm sorry.
25 I thought somebody was asking me something. The final

1 bullet point expresses really our philosophy today.
2 Notice that the unregulated movement of VHS
3 susceptible species puts U.S. farm fish health at
4 risk. So we can certainly by people's viewpoints on
5 this slide and the points that I'm trying to make here
6 --- next slide, Gary. Well, the USDA APHIS is the
7 co-competent authority for aquatic animals in the US.
8 We share that with our federal partners in US Fish and
9 Wildlife and NOAA, National Marine Fisheries. We are
10 competent authority for farmed animals. Under the
11 Animal Health Protection Act of 2002, we have very
12 broad authority to define fish and animals and to
13 include fish as livestock and certainly to detect and
14 control, even eradicate, diseases of livestock. We're
15 not exactly new to involvement with aquaculture.
16 We've had programs for Infectious Salmon Anemia that
17 has been very successful in the last five years. And
18 more recently, we developed a number of regulations as
19 far as Spring Viraemia of Carp to control the
20 movements, import and to some extent interstate
21 movements of diseased fish for the eight species of
22 carp fish that are susceptible to SVC. We've done
23 this in partnership with Fish and Wildlife, NOAA and
24 our state partners, state regulatory agencies as well.
25 We certainly welcome their inputs.

1 Next slide. Our administrators take the
2 federal orders exact measurements to address the
3 unregulated movement of VHS susceptible species. We
4 used that federal order because it's an emergency
5 action that can be taken when there isn't really time
6 to write a thorough regulation to address risk
7 factors. It will help stop the spread of a pathogen
8 or disease itself. We had to follow a federal order
9 up with a formal rule making, and we're in the process
10 of beginning with that now. That federal order is
11 originally issued October 24 and then within a few
12 weeks was amended with inputs from state orders, many
13 of which are represented by people in this room, to
14 help facilitate movement where it needed to be
15 clarified and facilitated.

16 Next slide, Gary. Under the current and
17 existing federal order, the movement of VHS
18 susceptible species is prohibited out of eight states,
19 eight states that actually border the Great Lakes in
20 the US and from Ontario and sections of Canada except
21 for movement to slaughter for consumption, as long as
22 an effort of disinfection is being done fish, live
23 fish can be moved to a research or diagnostic
24 laboratory. And as long as supervised security
25 conditions are met, live fish that are found to be

1 negative for VHS virus by laboratory tests are allowed
2 to move. And we've delegated that authority basically
3 to states and tribes of federal agencies without being
4 extremely specific about the details of those tests
5 and collection techniques and laboratory
6 qualifications. And certainly for some other fish
7 coming into the US from Canada live, we allow fish to
8 be --- Fish and Wildlife's Title 50 certification
9 standards. We don't, at this time, allow the movement
10 of non-salmonid live fish from Ontario or Quebec,
11 mainly because there is not an agreement on the exact
12 technical methodologies involved. We're certainly
13 interested in facilitating that kind of trade as well
14 and we're going to be working down the road to make
15 those specifications more available.

16 Next slide. So our next steps, we're
17 going to develop that rule which will replace our
18 federal order. And what we are trying to solicit from
19 all of you today would be comments that'll help us
20 identify the potential scope of this regulation as we
21 proceed. We have a number of options that are listed
22 here in the bullets. We could take a watershed-based
23 approach. For all of these options, there are
24 definitely pros and cons involved, and we hope that
25 you'll give us some comments on both. We could lend

1 our involvement to the four US states that have
2 reported actual outbreaks of this disease in several
3 species. We could include the eight states, all of
4 the eight states, that border the Lakes and which
5 might represent a regional risk factor. We could
6 include all 50 states. We could include all the
7 countries of the world and all strains of the virus.
8 Our regulation, though, will have to provide for
9 specific testing requirements or least establish a
10 baseline by which everybody understands the ground
11 rules for testing and certification. And we also have
12 to define really what susceptible species are going to
13 be involved.

14 Next slide, Gary. We have to also
15 organize our international and our interstate
16 regulations. We have various legal obligations to do
17 this. We can't be more restrictive on import
18 regulations than we are on interstate requirements, so
19 we definitely need to make sure that our two staffs
20 approach their regulatory process in a similar manner.
21 And we also want to harmonize our regulations with the
22 states and tribes and other federal agencies, too. We
23 probably will not have a one size fits all approach
24 that everybody will likely realize that going forward,
25 but we are certainly doing the best that we can. Both

1 Dr. Egrie and I are very approachable, as is our
2 colleague, Dr. Jill Rolland. We're technical experts.
3 We all have fish backgrounds. We're very
4 knowledgeable about VHS specifically, but we also need
5 to get information from all state holders, from you
6 and the public that will help us in our definition of
7 --- next slide, Gary, sorry, go back --- as we --- it
8 will help us as we define what these next steps are.
9 So if we're going to create health certificates or
10 import permits or consider the exact locations through
11 which fish species may be moved as far as coming into
12 the US or for the interstate movement requirements
13 exactly how we would facilitate movement state to
14 state or from an at-risk state to a non-affected state
15 or an at-risk watershed to a non-affected watershed,
16 we need your inputs.

17 Next slide. So these meetings again, in
18 summary, are to get your comments to help us determine
19 the best --- most affective approach for regulation of
20 susceptible species for VHS. Your inputs are going to
21 be recorded. Please identify yourself by name if you
22 wish to speak, and we would consider all comments that
23 we get. If you give us written comments associated
24 with these meetings, you really have until the close
25 of business today to give us those written comments.

1 You can send those by e-mail as well, and there is our
2 e-mail addresses. If you want, we have business cards
3 available and we have some handouts over on the side
4 also that also have some useful links to information
5 that we have on our website in our comment
6 information.

7 So I think I'll stop here, and we will
8 begin to hear comments from anybody who wishes to give
9 us comments. If we have time, once we've gone through
10 all the people that wish to speak and give us
11 comments, we can then entertain questions and do our
12 best to answer. In some cases, if we don't answer,
13 it's maybe because we don't know, but I think we'll
14 --- how many people have signed up to speak, Natalie?

15 MS. ROBERTS:

16 Let's see. We have one, two, three.
17 Just three.

18 DR. MERRILL:

19 Okay.

20 MS. ROBERTS:

21 It's possible that some of you might want
22 to put a check beside your name now, having heard
23 something you might want to --- anything you would
24 want to say. Does anybody want to add their name?

25 UNIDENTIFIED SPEAKER:

1 Are we all supposed to sign?

2 DR. MERRILL:

3 If you wish to speak, you should sign.

4 Yeah. You should sign as a speaker.

5 MS. ROBERTS:

6 If you want to speak, you need to sign
7 in. We'd like to have everybody sign so we'll know
8 who was here.

9 UNIDENTIFIED SPEAKER:

10 Do you want me to sign? I'll sign in.

11 MS. ROBERTS:

12 Okay. You can do it later. Do you want
13 to speak?

14 UNIDENTIFIED SPEAKER:

15 No.

16 MS. ROBERTS:

17 Okay.

18 DR. MERRILL:

19 So I think what we'll do is we'll --- we
20 have a portable microphone, and we'll make that
21 available to any of you who would like to speak or
22 ---.

23 UNIDENTIFIED SPEAKER:

24 Actually, the three people come to ---.

25 DR. MERRILL:

1 The three people who have signed up to
2 speak please come up to the front as you're called and
3 ---.

4 MS. ROBERTS:

5 We have four now.

6 DR. MERRILL:

7 We have four. And then we can have a
8 more informal session after the people who wish to
9 speak do so. Thank you.

10 MS. ROBERTS:

11 Question over there?

12 MR. LABARBERA:

13 Any chance of putting the slide up you
14 had of the affected areas around the Great Lakes
15 showing the watersheds that are affected? I think
16 that might be a good point of reference.

17 MS. ROBERTS:

18 Okay.

19 MR. LABARBERA:

20 The question is for Peter.

21 DR. MERRILL:

22 Yes?

23 MR. LABARBERA:

24 Peter, I know you're an expert in
25 international import/export. Can you explain APHIS

1 --- from what you just said, I'm understanding that
2 APHIS' next step is to come up with a rule to replace
3 the federal order regulating, let's say, interstate
4 movement. Can you explain to somebody who is new to
5 regulatory medicine what is APHIS' role in coming up
6 with that rule versus the individual states' roles?

7 DR. MERRILL:

8 I'll try. It's not entirely clear even
9 for me exactly how that works. In the absence of a
10 federal regulation, states have been and are free to
11 come up with their own appropriate level of risk and
12 regulations. When the federal government makes a
13 regulation, federal agencies such as USDA, then states
14 really should try to harmonize their regulations from
15 that point so that they are neither more nor less
16 restrictive than the federal regulation. Now, that's
17 very easy to say, but that's the best legal
18 interpretation that I can give you at this point.
19 Does that clarify it for you? So if there's no
20 federal regulation, a state can make its own
21 regulation as restrictive or non-restrictive as it
22 wishes.

23 MR. LABARBERA:

24 But that ship has sailed at this point;
25 right?

1 DR. MERRILL:

2 Well, ---.

3 MR. LABARBERA:

4 There is a federal ---.

5 DR. MERRILL:

6 Well, there's a federal order that's in
7 effect right now. A federal order is very much an
8 emergency-type action, and it's also intended to be
9 very temporary. It doesn't have a specified period of
10 time. It's just supposed to be followed up as quickly
11 as possible by a formal ruling. Our approach is to
12 develop what's called an interim rule. An interim
13 rule, despite the use of the word interim, is a rule
14 that will be effective on publication essentially.
15 And it's a type of emergency action as well. It
16 becomes effective on publication of the federal
17 register. That could be months down the road. In the
18 meantime, states still do have the individual state
19 right to develop whatever regulations seem necessary
20 to that state or not to develop any regulations. And
21 once the interim rule goes into effect, then the ship
22 has sailed in terms of being more restrictive or less
23 restrictive. But again, these are not written in
24 stone. The Supreme Court has yet to rule on states'
25 rights, federal preemption issues like that. There's

1 a lot of case law involving the more restrictive
2 versus less restrictive questions. But I think
3 informally speaking from the logical perspective,
4 we're trying to harmonize whatever regulatory approach
5 we take with the ones that the states would take also
6 to really prevent VHS from being more widely
7 distributed than what it is right now.

8 COURT REPORTER:

9 Can you tell me your name, please?

10 MR. LABARBERA:

11 I'm sorry. Tony LaBarbera.

12 COURT REPORTER:

13 Can you spell that?

14 MR. LABARBERA:

15 L-A-B-A-R-B-E-R-A.

16 COURT REPORTER:

17 Okay. Thank you.

18 MS. ROBERTS:

19 Okay. One thing that I'd like to ask is,
20 is there anybody here from the media? And the reason
21 why I'm asking is I will let you know that Nolan Lemon
22 will be able to meet with you if you want a special
23 briefing. That's a service that our Legislative and
24 Public Affairs does if you want to write an article or
25 something. Okay. Nobody is here who plans to write.

1 All right. Let's see. Where is --- our first person
2 who has signed up is Tom Wiggins. Tom, would you like
3 to come up or ---?

4 MR. WIGGINS:

5 Either way.

6 MS. ROBERTS:

7 Go ahead.

8 MR. WIGGINS:

9 My name is Tom Wiggins, W-I-G-G-I-N-S.
10 I'm a representative of the Vermont Department of Fish
11 and Wildlife. We have a couple of things that we'd
12 like to put in as comments. One of them was to define
13 the areas not by states but by watersheds. As you can
14 see in Pennsylvania, New York, Ohio, Indiana, there's
15 a large piece of the state that have no impact with
16 fish infection, yet their whole programs are being
17 impacted by the --- we'll review the state boundaries.
18 And that has gotten to a second point that we had, was
19 that in Vermont, New York was included in the
20 restriction of moving fish. We have border waters and
21 border waters with state boundaries or with national
22 boundaries in the Great Lakes in the middle that
23 causes a second problem. Apparently, it is illegal by
24 your federal order to move bass from one side of a
25 lake to another. This prevents little things --- or

1 minnows which are used for fishing on the same lake
2 within that same water body. And if it's in that
3 water body, it makes no sense to sit there and say I
4 can't move a bass from one side of the lake to the
5 other even if they don't take it off the lake or move
6 the minnows to use as bait from one side of the lake
7 to the other. That has a significant impact probably
8 millions of dollars on Vermont because it bans
9 tournaments. Bass tournaments require live
10 measurements and release the fish. They cannot take
11 the fish into a weigh-in station across the lake.
12 They have to fish one side of the lake or the other,
13 and they're not allowed to cross the boundary by the
14 state or federal order right now. So that makes a ---
15 I mean, something has to be done when a body of water
16 within that body of water that you're going to
17 regulate with the state. The third aspect or third
18 thing we wanted to mention is that we want to allow
19 the APHIS certified fish health inspectors and APHIS
20 fish health pathology certification to be allowed to
21 be used for official inspections and for inspectors on
22 this and labs to be available. Most of the states or
23 a lot of the states now use those services and have
24 those services available and have been using that to
25 --- in the states that do have fish health programs

1 fairly extensively. And we would need to know what
2 the certifications on those laboratories need to be
3 for which pathogen, is it a single pathogen or is the
4 laboratory --- or whatever. And the last thing that
5 just came up when you were speaking, Peter, you said
6 that you didn't want states to be more or less
7 restricted. And a lot of federal rules saying you
8 could be as stringent or more, and I guess I would
9 prefer that because the states have to feel it on
10 their own, say, be able to a little more stringent for
11 various reasons. We're worried about the interstate
12 movement of bait in our state because we have a water
13 ---- watershed that is contaminated. We may become
14 more restrictive in that area. And that may be the
15 only area. So those are basically our points. Thank
16 you.

17 MS. ROBERTS:

18 Thank you, Tom. Then we --- next we have
19 Charles Conklin of the Pennsylvania Department of
20 Agriculture. Mr. Conklin?

21 MR. CONKLIN:

22 Okay. The first thing I want to say is
23 that it's critical to communicate upfront with all
24 state holders who may be impacted by a regulation
25 emergency order or law because otherwise they're

1 unintended consequences or results. We need to, I
2 think, learn a little bit from the emergency order
3 because the amended order easily could have been the
4 original order with just a little bit of conversation,
5 I think, with the affected parties. So I'd just ask
6 that we move forward and we should keep that in mind
7 and I think that's what we're doing here today. So I
8 think that's a good thing.

9 In the development, I think every effort
10 should be made to implement regulations in a way that
11 an industry can reasonably comply with the
12 regulations, and we generally do that by understanding
13 the industry. Third, wherever and whenever possible,
14 a grace period should be included to allow time for
15 compliance. It's hard to expect someone to comply
16 with something immediately that they're not geared up
17 to comply with. I realize in emergency situations
18 that that might not be able to happen. I think the
19 only reasonable way to define borders in aquaculture
20 is by watershed.

21 When you look at how diseases move, how
22 fish move, how everything happens in an aquatic
23 environment, a watershed is the way things move.
24 There's many things within states that restrict
25 movement. There's a lot of times nothing between

1 state borders to restrict movement. And a major,
2 major concern to the industry right now, and we are
3 going to see it happening, is that states and other
4 people are using VHS and the emergency order to push
5 forward with some pretty extreme certification
6 regulations to the point of excluding the available
7 supply of different aquatic species. And this is very
8 critical to the industry, and in some cases can
9 destroy large portions of the industry.

10 Diseases that have been around for a
11 long, long time, it's pretty hard to justify calling
12 them emergencies right now. So I think we need to be
13 careful not to be, you know, Henny-Penny, the sky is
14 falling and say, oh, you know, we weren't ready for
15 that one. Now, we better close down the borders, shut
16 the doors, circle the wagons, don't let anything in or
17 out.

18 And in the meanwhile, the people who are
19 trying to make a livelihood in aquaculture, something
20 that has been a growing industry --- I don't think
21 we've grown aquaculture in the United States nearly to
22 the potential that we could be growing that industry,
23 an industry that's the fastest growing sector of
24 farming in the world. This kind of thing can shut it
25 down, and especially the recreational sport fishing

1 part of the industry, which in Pennsylvania is the
2 backbone of our industry. Thank you.

3 MS. ROBERTS:

4 Thank you very much, Mr. Conklin. And
5 Brent Blauch from the Susquehanna Aquacultures and
6 Limestone Springs?

7 MR. BLAUCH:

8 My name is Brent Blauch (corrects
9 pronunciation). B-R-E-N-T, B-L-A-U-C-H.

10 MS. ROBERTS:

11 Sorry.

12 MR. BLAUCH:

13 I'm with Susquehanna Aquacultures. I'm
14 president of that company and also Limestone Springs
15 Trout Farm. At Susquehanna Aquaculture, we raise
16 hybrid striped bass. We're the state's leading
17 producer here in Pennsylvania. We raise about 400,000
18 pounds. About half of our production goes to Toronto.
19 So when I see these lists of species and I hear folks
20 telling me that, oh, by the way, Brent, they might
21 just have your animal on that list, no discussion, no
22 comment, but (snaps fingers) like that, that will stop
23 \$10,000 a week of income to my company until we get
24 tested. They go to a slaughterhouse in Toronto. In
25 fact, the USDA has been to that feed and fishery's

1 operation. If someone were just to put that fish on
2 the list, and it took me 30 days to get those fish
3 tested, which were VHS-free, I'm out of business.
4 That's a lot of money. I know how you guys work, cash
5 flow, paycheck to bills, but you know, in the business
6 world, there's not a pool of money that we just go get
7 whenever we need it. We have to make that money to
8 pay our bills. We have to sell product on a cash-flow
9 basis to pay the bills, the feed bills that are coming
10 in are \$17,000, a truckload every two weeks, the
11 oxygen bills that come in, \$2,000 a truckload every
12 two weeks or closer, insurances. All those need to be
13 paid, and like the first order, when you did it on
14 trout, I had a truck loaded to go to New York City to
15 take live trout into Chinatown for food. And I
16 stopped from shipping because of the Delaware River
17 Basin. There's no sense for me as a farmer here
18 trying to protect to stop us from shipping our
19 product, which we had tested and found to be VHS-free,
20 which we were then. These actions, especially that
21 emergency action --- and if you continue to add
22 species without input or without advance notice,
23 you're just going to put guys like us --- I have 24
24 employees. It's not just me, but it's them and their
25 families and they need their paychecks, too. I think

1 you have to think about the people you're trying to
2 protect. And your order, so far, has really impacted
3 the people you're trying to protect and not the people
4 who were out possibly spreading this thing around. If
5 you look at the number of recreational boaters out on
6 the Great Lakes that put in and take out every day,
7 and they take those boats from Wheeling up there to
8 Erie, take the boat --- water in the bilge, whatever,
9 they can --- that water can be spread anywhere.
10 There's not any disinfection stations set up at the
11 boat launchers, and there's no information there to
12 tell the guys how to disinfect that equipment, how to
13 dump your bilge, how to clean your bait tank out, your
14 drywell. That's the important area of spreading, I
15 think, not the guys that are raising safe fish on
16 their farms. They're trying to keep this thing out of
17 the watershed basis. Pennsylvania, as you saw in that
18 --- can I get that slide back up?

19 A lot of our producers are in the
20 Delaware River Basin, and in the Pocono area are trout
21 producers and southwestern Pennsylvania as well.
22 We're out of that VHS risk zone that you've identified
23 there in the upper Great Lakes. We can't --- like the
24 fellow in Vermont, we can't ship our fish across the
25 river, the Delaware River, which forms the eastern

1 boundary of Pennsylvania. We're in the same
2 watershed. Guys that are 20 miles away in New Jersey
3 can't buy fish from us. A customer we had for 15
4 years, now with your order, it stops that movement.
5 Trade in this country is freedom in trade among our
6 state boundaries. And if we see markets wherever they
7 exist in the US and into Canada and we develop a rule
8 that restricts free movement of trade on the political
9 boundary when you're trying to address a watershed
10 situation or a water confined disease or pathogen, it
11 just doesn't make any sense. I'm upset, you can hear
12 it in my voice, because you caused already severe
13 economic harm to my companies. If you continue
14 without thinking about how it impacts the people
15 you're trying to protect, you're going to cause
16 additional economic harm, and you're really not
17 providing any means of preventing that disease from
18 moving. In Pennsylvania, your order did not stop any
19 movement from fish in the Great Lakes to anywhere else
20 in Pennsylvania. It didn't do it, you know, so did
21 that help me? No. I'm still at risk from fish in the
22 Great Lakes, from boaters who go up there from
23 Harrisburg and take their boats down and put them in
24 the river systems in the Susquehanna River or
25 whatever. That, to me, is a much more severe risk

1 than me shipping trout to a slaughterhouse or to a
2 Chinese customer in Toronto or in New York City.
3 We've now sent our hybrid striped bass out for
4 testing. We did it last week because we got a rumor
5 that you all were thinking about adding hybrid striped
6 bass to that list. Please don't work in a vacuum in
7 the dark. If you think you want to put hybrid striped
8 bass on the list, tell those of us in the industry,
9 but forecast a time when that --- we might see that
10 happen. Give us a chance to get prepared. Don't make
11 us sit for a month. It takes 30 days to get the test
12 results, so my shipments to Toronto, you put that on
13 the list, I got to wait 30 days, 3,000 pounds of
14 shipment, mark how many times they come, once or twice
15 a week. That's a lot of income for us, that's half
16 our annual production. So if you want us to succeed
17 and you want to protect us, you have to understand how
18 our businesses work, so that we can keep our
19 businesses flowing while trying to protect us from
20 this disease. We want you to be successful. We want
21 this disease to be stopped. We don't want it in our
22 farms. We want it to stay where it is or minimize it
23 even further, but don't make us pay that price. Let's
24 do it so we can save our industries. Thank you.

25

MR. TULLEY:

1 What was required to be VHS-free? What
2 did you have to submit for testing? You had to wait
3 30 days for the result of that?

4 MR. BLAUCH:

5 We sent our animals up to Micro
6 Technologies in Maine. They do the testing. Our
7 state wasn't able to do it, so we went up to Maine and
8 sent it up to those guys. They're APHIS-certified and
9 USDA-certified so we took --- we sent whole animals up
10 there and they did the work, took the samples out of
11 those animals and tested it and it came back.

12 MR. TULLEY:

13 How many ---?

14 MR. MERRILL:

15 I think just as a point of order we'll
16 have the speakers address everybody, and then we'll
17 have, you know, time for you to ask questions or make
18 statements.

19 COURT REPORTER:

20 And also, please state your name before
21 you speak or I have nothing before the colon. Thank
22 you.

23 MS. ROBERTS:

24 Sir, can you give your name?

25 MR. TULLEY:

1 Yeah, Michael Tulley.

2 COURT REPORTER:

3 Thank you.

4 MS. ROBERTS:

5 Thank you very much Brent --- Mr. Blauch.

6 And we have one more speaker, Tom Machamer?

7 MR. MACHAMER:

8 Machamer (corrects pronunciation).

9 MS. ROBERTS:

10 Machamer. And can you tell us if you
11 represent or you have an organization that you're
12 affiliated with?

13 MR. MACHAMER:

14 Just a fish farmer.

15 MS. ROBERTS:

16 Okay.

17 MR. VAN CAMP:

18 Miss, I have my name down there as a
19 speaker, Bill Van Camp.

20 MS. ROBERTS:

21 Oh, I'm sorry. You're next then.

22 MR. MACHAMER:

23 Do you want him now?

24 MS. ROBERTS:

25 No. It's fine. We can ---.

1 MR. MACHAMER:

2 Again, my name is Tom Machamer, and I'm
3 from Wooster, Ohio. I've been in the aquaculture
4 business for only about three years now. I entered
5 the industry with just two ponds and a couple thousand
6 gallon indoor recirculation systems. I also entered
7 the industry to help our Amish community to market and
8 ship their fish. They usually raise bass, bluegill or
9 perch.

10 By the way, Wayne and Holmes County is
11 the largest concentration of Amish in the world.
12 There's a lot of aquaculture going on on a very small
13 scale. I probably represent a hundred or in the
14 hundreds at least, small Amish ponds. So when I say
15 we, I'm speaking for my Amish customers as well.

16 We have developed a market this fall,
17 August and September, that has sold over \$20,000 worth
18 of fish, food-grade fish, and we have another \$75,000
19 to harvest this winter until the quarantine was
20 imposed.

21 Now, let us look at this quarantine
22 through our eyes now. First, the movement of this
23 virus will not be contained by state lines or
24 government jurisdictions. This virus --- there is
25 some hope that the virus, you may slow it down if you

1 quarantine by watersheds. Case in point, it is our
2 understanding that we can legally take our down-grade
3 bluegill from our ponds in Medina, Ohio, which is the
4 Lake Erie watershed, and sell them to bait dealers in
5 southern Ohio to be used for bait fishing in the Ohio
6 River. If these fish have the virus, the Mississippi
7 watershed now has the virus.

8 The point we are trying to make here is
9 remove the quarantine between the eight states and
10 focus more on the watersheds. This would allow us to
11 continue to sell our food-grade fish in New York and
12 other states. This type of action would help to
13 relieve the financial burden you have placed on us.

14 Case in point, you can see (indicating)
15 here is the quarantine area, but we're not allowed to
16 ship any of these fish here. But legally if I'm up
17 here in Medina, if I am in the same state, I can ship
18 my bait fish down here. You know, so I think we need
19 to focus more on watersheds than state by state.

20 We have tried to work with the USDA/APHIS
21 people, and it has not been a good experience. In
22 early December of 2006, we contacted the Columbus
23 office of USDA and asked how can we legally ship 2,000
24 pounds of bluegill to New York City? We were told to
25 contact a USDA regional field person to have our ponds

1 inspected and then we could ship them. We did that
2 and at 6:00 p.m., the night before the inspection and
3 the day before shipping, we called the field inspector
4 and he stated do not ship the fish. We are changing
5 our rules on this. You would think he could have at
6 least called us about the rule change. APHIS needs to
7 make their rules understandable to their field people
8 as well as the fish farmers.

9 The customer in New York we were going to
10 ship to has three different certifications to handle
11 fish. He has an FDA-approved federal food facility
12 registration certificate, New York Department of
13 Agriculture market license and a federal fish and
14 wildlife import/export license. The import/export
15 license allows the holder to import live fish and
16 seafood from all over the world, but we can't send him
17 bluegill from Ohio?

18 This customer distributes live fish and
19 seafood to Oriental restaurants and markets in New
20 York. We would assume that the City of New York has
21 sewer services and trash pickup. Of course, we're not
22 quite sure, but you know, we'll go from there.
23 However, the APHIS folks do not consider these types
24 of facilities slaughter facilities. We believe they
25 are. We ask that you withdraw the quarantine on these

1 types of facilities or change your definition of
2 slaughter facilities to include restaurants and fish
3 markets.

4 Another problem we have or another
5 problem we're beginning to see is that the state is
6 coming up with their own set of rules. How can a
7 small one or two pond farm or farmer keep up with all
8 the different rules? Remember, some of our Amish are
9 not hooked up to the high-speed internet. The point I
10 want to make here is make the same rules for all the
11 states and keep it simple for your staff and our
12 sanity.

13 Now, let's talk a little bit about the
14 idea of testing. We do not see how a small farmer
15 trying to supplement his farm income with a few ponds
16 can afford testing each pond. Some of these ponds may
17 only net \$500 or \$600. They cannot afford the
18 additional costs of testing. We recommend there be no
19 mandatory testing for fish to be shipped for human
20 consumption.

21 In summary, we do not believe you will
22 contain this virus to the Great Lakes region. We hope
23 you will rescind the quarantine immediately. If the
24 quarantine continues, please make the rules the same
25 for all the states involved and make the rules

1 understandable, again, to your staff as well as the
2 fish farmer. Also, change your definition of
3 slaughter facilities to include restaurants and fish
4 markets. Thank you very much for your consideration.

5 MS. ROBERTS:

6 Thank you very much. And I'm sorry, next
7 is Bill Van Camp of Big Catch Bait. Sorry about that.

8 MR. VAN CAMP:

9 No problem. I'm Bill Van Camp, V-A-N,
10 capital C-A-M-P. I'm a major --- well, before this, I
11 was a major supplier of emerald shiners to the Great
12 Lakes states. In 2005, we moved 150,000 pounds of
13 emerald shiners. Basically, that year they went from
14 Lake Champagne to some reached out to Alberta, Canada
15 to Wisconsin. Those fish were tested from the
16 veterinary service in Toronto. They didn't know they
17 were testing for virus. They just came out and
18 inspecting because Wisconsin at that time had to be
19 inspected. Our fish haven't come back positive. When
20 we're talking about emerald shiners, it's a very
21 important big fish for the Great Lakes. Lake Erie has
22 now been replaced by golden shiner. You lose a lot of
23 sports fisherman. That has not worked in Lake Erie.
24 Golden shiners are not working in Lake Erie. And then
25 you got --- you got to consider this. There's two

1 different stages for golden shiners, winter and
2 summer. In the summer, the states that use the
3 emerald shiners are Michigan, Ohio, Erie,
4 Pennsylvania. Even in New York, it's very limited
5 right along Lake Erie. Other than that, it's all
6 golden shiners in the summer. In the winter, it goes
7 through all the way through from Minnesota, Wisconsin,
8 Michigan, Ohio, Pennsylvania, New York, inland. And
9 those areas, there are not --- certifiable fish are
10 available in winter right now. We just had --- we're
11 shipping them right now, stuff out of Wisconsin. It
12 comes out of Wisconsin River. That certified free.
13 There is fish right now in Lake Champlain that's in
14 the process of being tested. What we're concerned
15 about is the summertime availability. Ohio is really
16 concerned about it. They've actually stated, they
17 won't eat my fish. And basically all of those fish
18 that are contained that we ship to 80, 90. There's no
19 bait stores except, emerald shiners --- 89, 90 that
20 I'm talking about probably to Chicago. So we're
21 really looking to try to keep --- make a line for
22 those fish even if they're infected, are available if
23 the states want them. I know Michigan is shut down
24 from St. Clair south for infectious disease found in
25 the water. So they're testing Lake Huron up to the

1 top of Michigan. That would probably be infected
2 water, I would assume, from bait fish into that area.
3 Emerald shiners right now, they basically call it a
4 peak year. There's more emerald shiners available
5 right now probably than there has been in the past 20
6 years all through those states. So sometimes there's
7 not that much movement of that bait fish between those
8 states, but when you go into a slower time, then they
9 need areas like ours. So something like we move our
10 50,000 pounds, that could double on a year where we
11 had them and they didn't. Ohio is basically the key
12 state. We have Erie, Pennsylvania, where they need
13 the emerald shiners. We know they're infected.
14 They'll lose the sport fisherman in those areas. They
15 will stop coming. If you have a golden shiner and you
16 go out on Lake Erie and you're fishing next to a guy
17 with an emerald shiner, he could fill a bucket, you
18 might have two fish. That guy is not going to travel
19 from Pittsburgh up to Lake Erie to catch two fish.
20 He'll decide that pretty quick what it costs to go out
21 on the lake. Same as in Ohio, Ohio is drawn off of
22 Columbus, Detroit. They're all going out for the
23 emerald shiner. It's just --- it's not a replaceable
24 fish. That's all you can say. Plus, Lake Erie, you
25 got to remember one point, to demand product because

1 it's --- it's a big open lake --- we can --- they can
2 call in the evening and say they need fish for the
3 morning. You can't bring the fish out of the south
4 for these dealers. It doesn't work. They might be
5 closed up in three days, fish will all be dead. They
6 need --- when they say the lake is flat and they call
7 us, we have to jump. It doesn't matter if it's the
8 middle of the night. You jump. We put our trucks on
9 the road. We get the fish there for the morning so
10 they're there for the sport fisherman. If you can't
11 do that ---- even if had every kind of fish. Thank
12 you.

13 MS. ROBERTS:

14 Thank you very much, Mr. Van Camp. We
15 ask one more --- once more, maybe some of you are shy.
16 And does anybody want a chance to come up and ---?

17 MR. SHIELDS:

18 I'm not shy.

19 MS. ROBERTS:

20 You have to put a check beside your name
21 or say a yes so we know who you are. Sure. Okay.
22 Say who you are.

23 MR. SHIELDS:

24 I'm Andy Shields, S-H-I-E-L-S,
25 Pennsylvania Fish and Boat Commission. And I just

1 want to echo the concerns to make sure that it gets on
2 the record since apparently the record is what's
3 transpired here today and written comments provided no
4 later than today. So I want to make sure this gets on
5 the record.

6 The Fish and Boat Commission is maybe not
7 in a unique position, but we're in the position of
8 being both a regulator and a producer of fish. We
9 have concerns that mirror the folks in the industry,
10 and we have concerns both of that and the regulatory
11 side.

12 We echo the concerns about a watershed
13 approach. We think that's the way to go. As you can
14 see from the map, Pennsylvania has the sliver of 40
15 miles of Erie north coast coastline, and it's a minor
16 portion of Pennsylvania, but what we do affects a lot
17 of things in our state and trading between states for
18 fish that we use to support our recreational programs.

19 So I just want to make sure that we echo
20 the concerns that we think a watershed approach is the
21 right way to go here. Political boundaries at this
22 point in time, unless VHS is found in other areas, are
23 not the approach we wish to move forward.

24 And then finally, just the other brief
25 comment is that although we have been concerned about

1 fast things that have moved on us previously and
2 caught a lot of people off guard, a lot of states, we
3 do need to be sensitive to the fact that there's a
4 seasonal nature to aquaculture. There's a seasonal
5 nature to fish trading and to stocking and to
6 recreational activity and that being that decisions
7 that we are making as an agency and the private sector
8 is making in terms of what they can ship and when and
9 where are really going to start rolling fast here as a
10 snowball in the springtime.

11 And we as an agency start making trades
12 for fish as early as March from some of these states
13 that are right now listed. And it may be from areas
14 of those states that are outside of the watershed at
15 this point but within the political boundary, so I
16 would encourage APHIS to do whatever it is that
17 they're going to do following these public comments,
18 but to do it fairly swiftly so it doesn't impact the
19 springtime movement shipping season for all the
20 parties concerned.

21 That's the bulk of my comments. Thank
22 you.

23 MS. ROBERTS:

24 One last opportunity for anybody else to
25 come up and give --- have the microphone.

1 MR. COLL:

2 My name is John Coll, C-O-L-L. I'm with
3 the US Fish & Wildlife Service, and I just wanted to
4 make a comment to the group organized here, that the
5 USDA has said they're competent authorities of farmed
6 fish. And the Fish & Wildlife Service is more
7 involved in the free ranging fish, and I would like
8 everyone to know that the more we know about the free
9 ranging fish as we have the map out here in front of
10 us, where all the disease exists in the country, then
11 the better we're all off. So the USDA isn't in this
12 on their own. The Fish & Wildlife is going to try to
13 help them get the information by increasing
14 surveillance in the next few years. Thank you.

15 MS. ROBERTS:

16 Thank you very much. Let me ask Peter
17 and Gary, would you like us to take, like, a
18 ten-minute break, and then you can have the
19 opportunity to think what you're going to say in
20 response. And then we'll have a more informal
21 question and answer discussion afterwards. Ten-minute
22 break, come back at ten o'clock, please.

23 SHORT BREAK TAKEN

24 MS. ROBERTS:

25 Okay. Can I ask you all to take your

1 seats? We'd like to continue. Thanks to all those
2 people who spoke, and I'm going to turn over the
3 meeting to Drs. Egrie and Merrill, and let them take
4 it from here. I will only stand up if I think that
5 we're not getting any new information and need to move
6 along to another subject.

7 DR. EGRIE:

8 Again, thank you everybody for coming
9 today. And as Peter had kind of ended up on his talk
10 with, is that we really want to get input from you
11 today in how we move forward with the interim rule.
12 There are questions that were laid out earlier as what
13 we're going to do in state movement and other topics
14 of a sort, and so I decided to open the floor up now
15 if there are any particular questions that we can then
16 talk about, have an informal session. But at the same
17 time, it's still a public meeting and the primary
18 purpose here is to receive input for developing rule.
19 Yes, Charlie?

20 MS. ROBERTS:

21 We found a microphone I'll hand over.

22 DR. EGRIE:

23 Charlie is with the ---. Okay. Charlie
24 Conklin, Pennsylvania Department of Agriculture.

25 MR. CONKLIN:

1 One issue that's been touched on, but I
2 don't know if we talked about this a lot. Bait
3 dealers, and we look at this in Pennsylvania and how
4 to develop our in-state regulation, the only thing we
5 could come up with is massive education when we look
6 at bait dealers that would handle something like
7 emerald shiners caught in the Great Lakes and people
8 going to that bait dealer and then taking those
9 minnows --- they might fish in Lake Erie, but they
10 might have a half a dozen left and decide tomorrow
11 they're going to go fish on the Ohio River. Has there
12 been any thought on how to handle that type of
13 situation?

14 DR. EGRIE:

15 Thank you, Charlie. Yes, there has.
16 That particular topic would be part of the interim
17 rule itself, but we are looking for funding through
18 different funding mechanisms to do exactly that type
19 of public education campaign using the state partners
20 to actually be on the ground to try and present that
21 type of message, to buy security from the boroughs,
22 how they reach out to different to different poultry
23 farmers through a similar type of program, to reaching
24 out to different bait and fish dealers or fishermen as
25 is such, but certainly that idea is on the table and

1 we're just looking for funding to do that.

2 MS. ROBERTS:

3 I think --- okay.

4 MR. BLAUCH:

5 Brent Blauch again from Susquehanna
6 Aquacultures. I noticed in the rule, the revision,
7 fish going to slaughter, live transport, need to have
8 special provisions at the receiving end of that
9 facility, composting or disinfection or something like
10 that. But there seems to be no rule whatsoever for
11 any wild-caught fish that are going to be consumed
12 either by the commercial fisheries in the Great Lakes
13 or by an angler. Why the difference in how those
14 carcasses are handled after they've been slaughtered?

15 DR. EGRIE:

16 Well, maybe I can take the question and
17 turn it around. What would you suggest for us? Right
18 now, the usual rules, we'll be looking only the
19 movement of live fish, and further down the line we'll
20 be looking at a proposal. So do you have suggestions
21 for us that would --- or what you suggested to us?

22 MR. BLAUCH:

23 Well, if the fish are going to slaughter
24 and they're going to be killed, then why any more ---
25 there's no need in your chain of authority after that

1 than there is if they take it on their boat and kill
2 it and take it to West Virginia and eat it and throw
3 the carcass out the back door, not to say that West
4 Virginians would, but I'm just giving you an example.
5 I'm sorry. But you get my point. There are millions
6 more carcasses of fish that are eaten from the Great
7 Lakes that are not live transported out of that area
8 that you could transport out of that area as opposed
9 to the few that get transported to --- you know,
10 relatively few, to a New York City-style area. It
11 hasn't in the rule --- I probably understand. There's
12 probably a hangover from another rule that you grabbed
13 from APHIS where live animals are shipped that are
14 infected, and there's a whole series of rules here
15 like the VHS 127 and things like that that have to
16 have those bodies properly disposed because they're
17 deemed to be infectious before they're shipped. But
18 these fish, even if they get the VHS-free certificate,
19 then they have to be slaughtered in these types of
20 facilities? That just doesn't make any common sense
21 at all. Okay.

22 MR. EGRIE:

23 So what I'm hearing is that you guys
24 think the interim rule be applied equally to fish that
25 moved live and fish that are moved dead because the

1 risk is the same.

2 MR. BLAUCH:

3 If you think the risk is there for the
4 live ones after they're killed, then I don't see why
5 you don't see the risk is there for the other ones
6 after they're killed. That's my point. So I think
7 it's either a level playing field of one way or the
8 other --- and if the guy was taking, you know, sink-
9 fulls of walleye out of the Great Lakes and selling
10 them and they get distributed all over the east for
11 eating, you don't know where those --- I mean, a dead
12 fish is --- you know, do they carry the same thing or
13 not? I don't know. But if the live fish go over
14 there and they're slaughtered, what makes them
15 different? I guess that's my question. Why do you
16 guys distinguish a difference between that and the
17 fish that are captured in the industry or caught on a
18 boat as an angling trophy or something?

19 DR. EGRIE:

20 Okay. Well, a part of that comes down to
21 our authority to the movement of live animals. As
22 soon as that is determined, now it becomes a product
23 and it becomes either a whole fish or flayed fish and
24 there are different risks to moving a whole fish or a
25 flayed fish, so those are things that we can look at

1 maybe during development of the final rule of how we
2 look at other types of products, not just whole fish,
3 gutted fish or just a fillet or things like that. So
4 thanks for your comment. You know, we'll take that
5 forward. Peter?

6 DR. MERRILL:

7 Brent brings up a good point, and I
8 didn't mention it in the slides, but in the context of
9 developing a rule, and federal order is a type of a
10 rule that's really passed. It's an emergency action.
11 It's not meant to be comprehensive. It's not meant to
12 be permanent. When we develop an interim rule, we
13 include a risk assessment to start the process, and in
14 addition to the risk assessment, we also include an
15 environmental assessment. And these are both
16 extremely complex documents that are produced by a
17 large staff that inputted them. Part of the risk
18 assessment of the job is to identify the risks, and we
19 did not include dead fish in the federal order, mainly
20 because we don't know what that risk is, nor do we
21 know what the risk is for eggs in the cavities of the
22 fish. We can move them either --- would this fish
23 reduce that risk in terms of the movement and spread
24 of the virus or disease? Again, we don't know. These
25 are the kinds of things that both the risk and the

1 environmental assessments will address. The timeline
2 for getting those completed probably would not be
3 before the interim rule itself becomes published.
4 That's just within the nature of doing a thorough job.
5 But before any rule becomes final, those assessments
6 do need to be done and they're public information as
7 well. They'll be published. You can comment on them
8 when they come out. So I just put that out there.
9 I'll clarify it because we are talking about
10 assessment of risks and mitigation of those risks as
11 well. That's what those technical documents will
12 eventually be involved with.

13 MS. MARTIN:

14 Hi. Karen Martin from the Pennsylvania
15 Department of Agriculture. Do we know how long the
16 virus lives? I read that you said that freezing does
17 not inactivate the virus. They were talking about the
18 emerald shiners or ---.

19 DR. EGRIE:

20 Are you asking me how long the virus
21 stays alive in free water?

22 MS. MARTIN:

23 No. Do you know how long the virus
24 survives in any condition?

25 DR. EGRIE:

1 There are some studies. It varies,
2 depending on temperature. It depends on salinity and
3 pH of the water. It could go from hours to weeks,
4 maybe longer, so those studies need to be done, but
5 it's variable depending on environmental factors.

6 MS. MARTIN:

7 Okay.

8 MRS. VAN CAMP:

9 Okay. Pat Van Camp, V-A-N, C-A-M-P. I'm
10 in the sport fishing industry and like Bill said, we
11 do stores all along New York, Pennsylvania, Ohio,
12 Michigan. It's a multi-billion dollar business,
13 number one. Number two, we're involved with a lot of
14 fishing tournaments throughout all the Great Lakes
15 area, the Niagara River, Lake Ontario, Lake Erie,
16 brings in millions of dollars to businesses all along
17 the waterfront. A lot of these tournaments are catch
18 and release. So if you're fishing the Niagara River
19 and you're fishing on the Ontario side, which is
20 Canada, you catch a bass, you have to bring it to the
21 American side of the river, which would be Buffalo,
22 New York, and you're not allowed, according to your
23 rules, to bring any live fish into the area. So a lot
24 of fishermen in our area are concerned because --- you
25 know, because once they weigh the fish in, then they

1 release the fish back into the water. And
2 technically, you releasing into the same water you
3 caught it in and --- but not the same country. So
4 therefore, you're --- you know, this ruling is pretty
5 much wiping out --- a huge economic impact for our
6 industry. And again, we would just want to reinforce
7 that we hope that all the watersheds be left open,
8 meaning the Niagara River, Ontario, Lake Erie, and
9 Michigan. Thank you.

10 DR. MERRILL:

11 Thanks for the comment, Pat. Again, the
12 federal order doesn't purport to solve all these
13 problems. However, apart from live fish coming in,
14 susceptible species from Ontario and Quebec, you can
15 bring fish into the US. I mean, we have to be very
16 specific. Again, I'll repeat what I just said about
17 the risk assessment and trying to identify what actual
18 risks are associated with that kind of practice
19 because to a large extent, it's not tracked. We don't
20 know how much of this goes on in error, and also what
21 the risks might be of continuing to do that. So we're
22 going to depend on risk assessment to help identify
23 that, but in large part right now, it's a variable
24 that is hard to get statistics on. It's hard to make
25 a science-based decision on that yet, but that's why

1 we would like your inputs, really to, you know, remind
2 us of that.

3 DR. EGRIE:

4 And also, our first speaker, the
5 gentleman from Vermont, mentioned the same issue of
6 fishing permits in between Vermont and New York, and
7 we've also heard the same issues of fishing permits in
8 Michigan and be fishing in Ohio and in parts of
9 Ontario, so we've been hearing that particular comment
10 previously also. Thank you.

11 MR. MURRAY:

12 Chuck Murray with the Pennsylvania Fish
13 and Boat Commission up in Lake Erie. I have two
14 questions. The first one is if you have recommended
15 disinfectant procedures, as the gentleman from the
16 Susquehanna area mentioned, we do have boats that go
17 out to Lake Erie going into watershed we'll be
18 providing an educational seminar next week. And we
19 would offer --- if you just give us maybe answers that
20 we can provide to people next week on what they might
21 be able to do to ensure themselves that the virus
22 isn't present in bilge water and the free outside of
23 the host. The other question that I have is about
24 assuming we'll be looking very closely, what are the
25 recommended preservation procedures for more than the

1 dead fish that we can get prior to a diagnostic lab
2 report?.

3 DR. MERRILL:

4 Can you repeat that second question
5 again?

6 MR. MURRAY:

7 Currently preserved and for preservation
8 method for collecting --- as a field person, we're
9 collecting the fish that are dead and then we send
10 them off to a certified laboratory. So in many
11 instance, they preserve our right. What I thought was
12 interesting with the muskellunge that was collected in
13 2003 was diagnosed even later as being positive for
14 VHS. I don't know if they were just diagnosed in 2003
15 because the results weren't revealed until 2005. But
16 again, from a long distance standpoint, how we might
17 handle fish gills for a proper diagnosis for VHS?

18 DR. EGRIE:

19 For your second question on diagnosis, I
20 would recommend contacting the labs specifically
21 because different labs have different requirements for
22 different tests they run. So if you have a particular
23 lab you're sending your samples to Cornell or to Dr.
24 Fye's (phonetic) lab in Michigan or so --- in Ontario
25 and Ohio, I would suggest contacting the labs directly

1 if they --- depending if they want a whole fish or if
2 they want samples of fish rather than give you a plan
3 of what should you do because it'll vary according to
4 the particular lab. As for disinfection of boats,
5 ---.

6 DR. MERRILL:

7 Well, there are some published data on
8 neutralizing VHS virus and the OIE manuals actually
9 have a pretty good review. I think it's a good point.
10 We could come up with a sort of technical bulletin
11 that we could disseminate, that might point people out
12 to where that information can be found. It can be
13 neutralized in a bunch of different ways. Of course,
14 you've got to have discharge considerations from your
15 Department of Environmental Protection or EPA, as
16 well, before you release any kind of water that might
17 be treated in the environment, but the water itself,
18 you know, can be neutralized relatively easily. What
19 we don't know is what recommendations might apply to
20 disinfecting eggs and gametes. We have no idea about
21 that. I think a lot of research needs to be done.

22 MR. MURRAY:

23 I guess I'm looking more to speak to
24 recreational animal, sports, you know. Without --- if
25 they can find a minimal amount of effort to try to

1 reduce it significantly, the risk of transporting live
2 pathology ---. And again, I'm looking for an answer
3 that we can share with the people that will be
4 attending our meeting next week. We certainly have
5 recommendations for the control of aquatic ---.

6 DR. EGRIE:

7 I was going to say, I think the general
8 disinfection as well disease or other pathogens
9 generally there is security they could use for not
10 specifically VHS but different pathogens --- what
11 would you do, and that's just talking about VHS
12 specifically.

13 MS. ROBERTS:

14 Okay. Do you ---?

15 MR. JERNEJCIC:

16 Yeah. Frank Jernejcic from West Virginia
17 Division of Natural Resources. I assume it's in some
18 of the literature we got. I couldn't find it. What
19 is the timeline for coming up with the final rules?
20 And, you know, it sounds like --- the initial comments
21 there that timing on this thing is more to the
22 seasonality of it and then we're all fishing and
23 everything, what's going on, and the movements of fish
24 and there's so many different ways these fish are
25 moving and if you talk about fish carcasses I think

1 about our fishermen in West Virginia and when they go
2 up to Lake Erie and you know, catch some steelhead,
3 bring them back then it just occurred to me they bring
4 it back and they kept them in the freezer for a year
5 or so and they decide they don't want to eat it and
6 then they throw it out someway. Is that another point
7 of spread there? If the thing stays in frozen fish
8 for a couple of years, can it still be detected? But
9 specifically the timeline here of how fast is this
10 going to be if something is going to be implemented.
11 And then all the publicity in the meantime with the
12 bass fishing issue --- of course, this will make you
13 know, all the sporting organizations mad that this is
14 out there and what is being done. You know, so we do
15 need some recommendations in the meantime,
16 particularly if it's going to be a relatively long
17 time before you come up with something.

18 DR. EGRIE:

19 Well, I'm sure you realize it's dangerous
20 to say any type of particular day. But recognizing
21 that everybody wants that --- and one thing, you said
22 final rule. What we're doing is looking at an interim
23 rule, at which time they'll be a public time period
24 and sometime down the line there will be final rule.
25 But with that said, we're looking at --- you said the

1 word springtime and recognizing that there are those
2 restrictions on movement of fish between now and
3 whenever the interim rules are in place. And your
4 question about frozen fish goes to what Peter had said
5 earlier and questions like that will probably be
6 addressed within the risk assessments because we
7 really don't know the potential risks.

8 MR. OBERT:

9 Eric Obert. I'm with the Pennsylvania
10 Sea Grant Program. For those of you who may not know,
11 the Sea Grant is, we're a partnership with NOAA and
12 Penn State Universities. And all the Great Lakes
13 states have Sea Grant Programs. I don't know if
14 you're aware of that. We are interested in education,
15 educating the anglers on the threats of taking live
16 fish from Lake Erie such as emerald shiners as bait to
17 the watersheds. And we're working very closely with
18 the Fish Commission on this, but I would like to make
19 you aware if you're not aware of it that we have
20 developed a program called AIS HACCP. It was aimed at
21 invasive species basically, and part of the program is
22 it's a process. And what the AIS HACCP stands for is
23 aquatic invasive species critical control hazard
24 analysis critical control point. And what that
25 process aims to do --- it's been used in the seafood

1 industry --- is to try to define critical control
2 points where you would control the transmission of,
3 whether it's an invasive species or a virus in this
4 case. We have the program already developed and
5 disease could be --- is already part of that program.
6 If you are looking for a group that's already
7 networked to help you with the education on this, the
8 Great Lakes Sea Grant states certainly stand ready to
9 help you with this. We are going to be putting on a
10 workshop next Tuesday, the 16th, with Tom Ridge at the
11 Environmental Center of Erie where we will have the
12 Fish and Boat Commission, Pennsylvania Department of
13 Agriculture presenting and we'll try to present this.
14 We'll bring in the bait dealers from around there to
15 educate them. What our hopes are is to provide the
16 bait dealers with posters that educate the anglers.
17 We'll also be giving out postcards telling them please
18 do not take these fish out of the lake or watershed.
19 I didn't know if you were aware of this program that
20 Sea Grant has, but I would like to make it available
21 to you.

22 And I had another question. Reading
23 through some of your literature in the past that I've
24 seen on other diseases that you have some type of cost
25 recovery program for some of the aquaculture industry.

1 Is there any funding available for the industry people
2 here who might have been damaged economically by this
3 rule where they could recover any of their funds?

4 DR. EGRIE:

5 To answer your first question, we have
6 actually received that same comment from Jeff
7 Bernstein (phonetic), your counterpart in the
8 Minnesota Sea Grant. He sent us an e-mail about a
9 week ago mentioning they have the program. And we
10 have been in contact with Ed Snyder (phonetic) from
11 Ohio Sea Grant. So we are familiar with those
12 programs and we were offered that same thing just last
13 week.

14 As far as cost recovery, we did receive
15 an e-mail just yesterday. As far as the cost
16 recovery, I know there are programs, not through USDA
17 APHIS where were located, but I did receive an e-mail
18 just the other day about a program for that. Maybe
19 you can get more information. If you give me your
20 information after the meeting, I can forward that
21 portion.

22 DR. MERRILL:

23 Well, I guess there are cost recovery
24 programs for farm animal losses, so anybody who is
25 involved in aquaculture and culturing fish, which

1 would be defined as livestock, and suffered losses
2 from disease would qualify for some kind of crop
3 reimbursement. However, there are no programs to
4 protect people from the effects of government
5 regulations. No. Unfortunately, no.

6 MR. MACHAMER:

7 Tom Machamer, Wooster, Ohio. Do you
8 folks take input from the southern states as well when
9 you're deciding on what rules are going to be in
10 effect and how much weight do you put on them compared
11 to us that are actually really affected by this ---
12 immediately affected by your rules and regulations?

13 DR. EGRIE:

14 Well, I say we have consulted with
15 particularly the National Aquaculture Association
16 (phonetic) which represents really people from all
17 around the country, and we have been in consultation
18 with people from outside the affected area. However,
19 we do take everyone's input equally, recognizing that
20 you're the ones being impacted by the regulations
21 today. So I wouldn't put a weight to it, just
22 recognize that we are receiving input from the entire
23 public, and we are here at a public meeting receiving
24 your input, so we're not weighting anybody. We're
25 recognizing that the impacts are affecting you today.

1 MR. MACHAMER:

2 My only concern is the southern
3 aquaculture association and industry as a whole is
4 huge compared to what we have here, and they're going
5 to have a lot more voice, whether right or wrong, in
6 weighing, you know, what you folks do.

7 DR. EGRIE:

8 I've heard that comment in different ways
9 asking if their input can force us to do this and the
10 answer is no. And we acted on the science of the
11 disease, not on any type of business models that
12 anybody might have. So we acted on the science of the
13 disease.

14 MR. MACHAMER:

15 And you'll continue to do that?

16 DR. EGRIE:

17 We will continue to do that, base
18 everything on science, yes.

19 MR. CONKLIN:

20 Charlie Conklin, Pennsylvania Department
21 of Ag. We're pretty sure that the disease will move,
22 that the affected area will expand. And as it moves,
23 how and when will the interim rule or the final rule
24 be changed to fit with the changing in area of VHS?

25 DR. EGRIE:

1 Let me turn the question around to you.
2 We don't know how the interim rule will work. That's
3 why we're here to ask for your input. Maybe you could
4 recommend to us how you would like to see the interim
5 rule corrected.

6 MR. CONKLIN:

7 I would like to see some mechanism in
8 place should that change quickly as we find it in new
9 areas. And of course, the wider spread of the disease
10 is, you know, the more the regulation could --- I
11 mean, the disease could affect the industry, but
12 really the fish farmers feel, as long as I've been
13 around fish farmers which is my entire life, that
14 they're more afraid of regulations designed to protect
15 them from disease than they are of diseases. They
16 don't feel there's any diseases out there that will
17 put them out of business, but they are scared to death
18 of regulations for diseases that are out there. So
19 I'm asking is there anything within the interim rule
20 that allows it to change quickly as the disease moves?

21 DR. EGRIE:

22 So your approach --- you can sit down,
23 Charlie. There are two ways --- well, there are
24 probably more, but there are two main ways to approach
25 the interim regulation, to focus on where we know the

1 pathogen is through surveillance, look for evidence,
2 then spread the regulation out further as we see it.
3 Or start very wide and then narrow it down as we do
4 surveillance to where we know it is. So those are two
5 ways we're looking to approach. And from your talk
6 earlier, I understand what you want to do. You want
7 us to start very narrow on those four states or
8 watersheds mentioned and spread outward as evidence
9 suggests.

10 MR. MACHAMER:

11 Yeah. And just have some mechanism so
12 that you can change relatively quickly with new
13 information because we know that things are going to
14 change. We know there's a lot of information we don't
15 have.

16 DR. EGRIE:

17 Thank you.

18 MR. LABARBERA:

19 Tony LaBarbera of the Pennsylvania
20 Department of Agriculture. I gather that the purpose
21 of the federal order was to stop the spread of VHS.
22 What is the purpose --- what would be the purpose of
23 the interim rule and ultimately the final rule as far
24 as the spread, specifically towards the spread of VHS?

25 DR. EGRIE:

1 Well, ultimately our authority comes to
2 preventing the spread of this disease into aquaculture
3 animals. That's where our authority lies and that's
4 where ultimately we are looking towards the interim
5 rule and the final rule.

6 MR. LABARBERA:

7 Farm-raised animals ---

8 DR. EGRIE:

9 Correct.

10 MR. LABARBERA:

11 --- or live animals or both?

12 DR. EGRIE:

13 Our authority is with farm-raised
14 animals.

15 MR. LABARBERA:

16 So the purpose of the final rule will be
17 to prevent the spread of VHS into farm-raised animals?

18 DR. EGRIE:

19 Correct.

20 MR. LABARBERA:

21 Thank you.

22 MR. FINUI:

23 I don't believe I need that. I'm loud
24 enough as it is. My name is Chuck Finui. I'm with
25 the Green Spring Trout Farm. My question is we've

1 centered and APHIS has centered on us as fish farmers.
2 What comes under your purview unto the real movers of
3 the disease, which will be the herons, egrets, birds,
4 fishing mammals? Do you have any control or will
5 there be anything in that final rule making to keep
6 this VHS from spreading to our farms by these other
7 animals that are going to be there at the Great Lakes?

8 DR. EGRIE:

9 Well, I think, as Peter mentioned before,
10 issues like that will have to be addressed in the risk
11 assessment, not within the interim rule. Frozen fish,
12 birds, other issues will need to be addressed as we
13 receive information, as Peter had mentioned, as a risk
14 assessment environmental assessment. So issues such
15 as that we'll have to look at. So I guess to return
16 the question to you is you're asking us to look at
17 issues such as movement of VHS through birds.

18 MR. FINUI:

19 Well, I really don't think that's a
20 question. We know that the birds move IPM (phonetic).
21 That's been proven. They move other diseases, and we
22 can almost certainly guarantee, without going through
23 all the paperwork, that these animals are going to
24 move the disease. How fast, we don't know, but I
25 guess my question is, okay, if you take a risk

1 assessment, what's the lag time that we're going to be
2 dealing with? Are we going to wait until some farm
3 gets the disease? And you know, they come for a
4 dinner meeting there tomorrow or something? Or are we
5 going to have this on a fairly quick return?

6 DR. MERRILL:

7 Well, again, we can pose that to you to
8 suggest to us exactly how we would approach it. The
9 bottom line is that it is part --- it actually fits
10 more technically as an environmental assessment. And
11 as you said, you know, we do know that certain
12 diseases can be vectored through other species. If
13 and when it's found that a certain species represent a
14 risk, then certainly they can be included in some kind
15 of mitigation efforts. And this happens with any
16 disease involving wildlife as a sector. There are
17 quite a few that do, that affect programs that APHIS
18 has developed. So I think just generically speaking,
19 yes, we would address that if and when we find that to
20 be the case, but we do have to wait for the science to
21 kind of catch us up in that respect. And the timeline
22 for that is not something immediate. We need money.
23 People have to do the research. It has to be reviewed
24 and accepted. So there's no quick, easy fix for this.
25 At the same time, I think we touched on this, you

1 know, generally speaking, there are certain by
2 security approaches that make good husbandry sense for
3 people to be aware of and to follow. And there's
4 protecting their farm stocks from such risks. And
5 that's the kind of outreach component that we're also
6 hoping to develop as part of the interim rule.

7 MR. TULLEY:

8 Michael Tulley from the PA Department of
9 Agriculture. What is the --- you probably said this
10 before, but I can't recall. The final --- the
11 interim rule, when is the goal that's going to be
12 officially published out?

13 DR. EGRIE:

14 That was asked by a gentleman from West
15 Virginia. We'll say springtime. That's about as
16 general as I'm going to --- or as narrow as I'm going
17 to be right now.

18 MR. MACHAMER:

19 Tom Machamer. I just want to thank you
20 folks for being a little more interactive. I was
21 thinking this was going to be a lot more of like talk
22 and go away. So I appreciate all the questions and
23 comments that you folks responded to.

24 DR. EGRIE:

25 Well, actually, I was a little taken

1 aback by your letter saying that you don't have good
2 interaction with APHIS because I think I'm a nice guy
3 and so is Peter.

4 DR. MERRILL:

5 Don't call me a nice guy.

6 OFF RECORD DISCUSSION

7 DR. MERRILL:

8 I had also a comment that APHIS field
9 veterinarians, the area veterinarians in charge of the
10 regional staff that we have, they're role really is to
11 implement the policy, not to make it. They do have to
12 interpret it, and if it's not clear, then we do have
13 problems and we need to know from you when that
14 happens. And as Gary says, we're very accessible.
15 We're both headquarters based, and we're involved in
16 those policy-making processes. So to the extent that
17 we can help make things clearer to our own field
18 people, we are always happy and always available to do
19 that. So I would encourage everybody to contact us
20 and our kind of information. You can get cards from
21 us on some of this literature and the slides. And
22 feel free at any time to bring your concerns to us,
23 not exclusively to the field. If you have problems at
24 the field level and they can be resolved there, that's
25 fine. But if they can't, then please contact us.

1 MR. VAN CAMP:

2 Bill Van Camp, Big Catch Bait and Tackle.
3 We got a lot of Pennsylvania people here. New York
4 has taken a sample of our emerald shiners minnows that
5 we normally do for spring. In fact, it was two days
6 ago ---.

7 DR. EGRIE:

8 Which minnows?

9 MR. VAN CAMP:

10 Emerald shiners.

11 DR. EGRIE:

12 Okay.

13 MR. VAN CAMP:

14 And they're testing that for --- how they
15 come back to see if we can pass the salt minnows in
16 their state. The only thing they do different than
17 they do in Pennsylvania is they do informally in a lot
18 dealers. We just do it just with mine salt.

19 MR. HINES:

20 Larry Hines with the Pennsylvania Fish
21 and Boat Commission. I have a quick question on the
22 testing procedure. Is there any non-lethal means of
23 testing these fish or is it required that the fish
24 will be sacrificed?

25 DR. MERRILL:

1 There are non-lethal methods, such as PCR
2 testing, but they're not validated. And the only
3 really acceptable test right now is virus isolation in
4 terms of determining whether there's replicating virus
5 in fish. Do you want to add anything to that, Gary?

6 DR. EGRIE:

7 No.

8 MR. HINES:

9 So the fish --- it would be required that
10 the fish be sacrificed?

11 DR. MERRILL:

12 Right. Yeah. And again, depending on
13 the purpose for testing, if simply you were trying to
14 ascertain presence or essence of the pathogen or
15 exposure to a pathogen, there are a whole variety of
16 tests that can be done. But for purposes of
17 determining risks, I think it's advisable to stay with
18 virus isolation, certainly in terms of the deeming of
19 species susceptible. We want to include virus
20 isolation as one of those necessary components versus
21 just finding the virus by a molecular asset.

22 MR. ELY:

23 Mark Ely, Susquehanna Aquacultures.

24 COURT REPORTER:

25 Can you spell that?

1 MR. ELY:

2 E-L-Y.

3 COURT REPORTER:

4 Thank you.

5 MR. ELY:

6 What's the protocol for adding new
7 species to the list, and is there talk of any other
8 species being added at this point?

9 DR. EGRIE:

10 Right now, we are trying to standardize
11 how we add. So as the gentleman mentioned, we close a
12 species line. So first we need to come up with a
13 standard of how we list species moving forward. As
14 Peter mentioned, do we look at virus isolation, do we
15 look at molecular methods? So the question I ask you
16 is what would you recommend as our standard for
17 listing and how would you recommend us going to
18 forward with the listing of the species?

19 MR. ELY:

20 I don't know.

21 DR. MERRILL:

22 We're going to maintain that list of
23 susceptible species on the Internet, rather than
24 putting it into a code of federal regulations. At
25 least, that's our intention now, so that there's some

1 clear way of adding to or subtracting from that list.

2 MR. BLAUCH:

3 Brent Blauch from the Susquehanna.
4 That's a lot of authority for you guys to have,
5 unchecked, adding a species to a list without input,
6 without due process, without discussion. That's a lot
7 of authority, and I would suggest you don't take as
8 lightly as you did on the first emergency rule that
9 took the world by surprise after you had us all wound
10 up to go to a meeting to discuss that emergency
11 action. You pre-empt that input the week before so
12 that everyone who came to the meeting the week after
13 had themselves all up in arms because you chose not to
14 take their input before you did your emergency rule.
15 There's a lot of talent outside Washington on these
16 subjects. And when you chose to act like you did, you
17 became the enemy. And you're not. Hopefully, you're
18 our ally in trying to solve these problems, but you
19 set yourself up in a position to be the target for
20 comments and actions. And if you willy-nilly add
21 species to this list without involving the state
22 holders in the process, then you have to develop that
23 process because you're the one that is taking action
24 by asking us. We're not in your rule, but if you put
25 hybrids on and I have a truck ready to go and I find

1 out like I did the other day, if I check with the
2 Internet and check with my e-mail and find I can't
3 make that shipment because someone put an animal on a
4 list, that's a heavy authority for you to have. And I
5 don't think it's frankly having rule-making part of
6 our process --- anytime we opt to not use the
7 rule-making process and not provide an opportunity for
8 input from the regulated --- you're crossing, I think,
9 the line of authority. So anywhere you can in any of
10 the decisions you make, I think it would be good of
11 you to involve us before you make that cut.
12 Otherwise, we're going to fight as we proceed to keep
13 this virus from affecting us rather than working with
14 you like hopefully you want us to do. So forecasting
15 our needs, that's important to us. And those of us
16 --- in your world, too, I'm sure you don't like to
17 work with surprises. The no-surprise philosophy is
18 something we had in our business, and we would tell
19 every employee, no surprises. That's the most
20 important thing. And then you guys surprise us, and
21 you surprise us economically in ways that have huge
22 impacts. So if you're going to add more species to
23 the list, please include us in your deliberations,
24 include us in the forecasting so that when the time is
25 effective, we'll be in a position to have those

1 animals properly tested without scrambling and making
2 the emergency a crazy action on our part, so that's a
3 suggestion.

4 DR. EGRIE:

5 See, that was a good answer.

6 MR. ELY:

7 Thank you.

8 UNIDENTIFIED SPEAKER:

9 That's why he owns the business.

10 COURT REPORTER:

11 What's the name?

12 MR. ELY:

13 Mark.

14 COURT REPORTER:

15 What's the last name?

16 MR. ELY:

17 E-L-Y.

18 MR. OBERT:

19 Eric Obert from the Pennsylvania Sea
20 Grant. I have a question as far as what steps --- how
21 you proceed if we find the disease, say, in the upper
22 Allegheny regions of Pennsylvania. Would the next,
23 then, step be to --- how will you proceed from there
24 because there you have the potential to infect all the
25 states that are in the Ohio River basin, Mississippi

1 River drainage? How would you proceed from there if
2 we find the virus --- how if it's drains into the Ohio
3 River basin?

4 DR. EGRIE:

5 Well, I think you can take that same
6 question and put it really anywhere in the United
7 States. And it's going to be on a case-by-case basis.

8 MR. OBERT:

9 Well, you used --- when you did the
10 initial order, you used the Great Lakes. And you
11 isolated those states. Once this goes into the Ohio
12 River basin, now suddenly you're affecting massive
13 amounts of states. Would you use the same premise, as
14 far as you're going to put the ban where the water
15 could flow?

16 DR. EGRIE:

17 Well, I would love to hear what your
18 thoughts are on that?

19 MR. OBERT:

20 I don't know. It's a big worry. And
21 right now, we have the potential for that because you
22 have the Chicago Sanitary Canal that comes out of Lake
23 Michigan into the Mississippi River. So it'll be much
24 likely to see the mussels spread. You can see the
25 same thing with the virus, I would think.

1 DR. MERRILL:

2 That's a good point, good question, as
3 Gary says that people have in any watershed in the
4 world. I think my philosophy on this is something
5 that I try to keep firmly in mind as any kind of
6 regulatory approach is considered. And that is the
7 goal is to prevent the introduction of the disease to
8 farmed fish. It is not to prevent the virus from
9 going where it is going to go. That's our goal.
10 That's certainly an indirect way of managing the
11 spread of disease, but we're not naïve or foolish
12 enough to believe that we're going to interdict the
13 progress of the virus. It simply will not happen.
14 There are many things that can be done that will
15 indirectly affect how and if that virus does get
16 spread certainly. But remember the goal is to prevent
17 the disease from being introduced to farmed fish. And
18 so there are many, many ways that that may be
19 accomplished and we're here to get your inputs as to
20 how best to achieve that.

21 MS. ROBERTS:

22 I want to make a comment, also. You
23 know, these two guys aren't the only ones who are
24 involved in the decision-making at USDA. There are
25 other people above them, and I hope you all recognize

1 that they're standing up here to represent a large
2 group and when you say you, you're not referring to
3 these two. And also, some of the things that are done
4 by USDA are limited by our federal mandate, but we
5 also have other partners that we have to, and
6 hopefully will, work together with. And on some of
7 the questions, I've been tempted to try to pass that
8 microphone over to our Fish & Wildlife partners to see
9 if they want to say anything, but I don't want to put
10 them on the spot. Okay. That's all. So anybody else
11 have some more questions? Yes?

12 MR. LABARBERA:

13 Thank you. Tony LaBarbera, PA State
14 Department of Agriculture. Was there a period of time
15 prior to --- in the publication of the federal order
16 when the different state's regulatory agencies had
17 time to give you --- give us input on the order?

18 DR. EGRIE:

19 We are always in contact with different
20 people in the different agencies. We never did
21 actually sit down and discuss, we're going to move
22 forward with the emergency action. That, in fact,
23 those emergency actions, we just move forward with
24 that action. Of course, we work with industry. We
25 work with different people, different states. So I

1 wouldn't say there was a concerted effort to sit
2 everyone down at a table to talk about it, but we did
3 receive input from different people in the different
4 states, particularly within the Great Lakes about the
5 difficulty --- about the incidents of disease that
6 were going on. So we received input, certainly, from
7 states, including Pennsylvania, of what was happening
8 there.

9 MR. LABARBERA:

10 But not --- you didn't ask for input
11 from, say, Pennsylvania on how the order would affect
12 our industry?

13 DR. EGRIE:

14 Well, if you're asking, did I discuss
15 people at issue, certainly we discussed people within
16 the National Aquaculture Association, people within
17 USHA (phonetic), different groups who may have had
18 people within the State of Pennsylvania. Did I
19 contact you personally? Apparently not.

20 MR. LABARBERA:

21 No. I was just wondering if you were
22 aware. I mean, you folks were aware of the impact it
23 was going to have?

24 DR. EGRIE:

25 Yes. Yes, we were.

1 MR. LABARBERA:

2 Okay. Thank you.

3 MR. VAN CAMP:

4 Bill Van Camp, Big Catch Bait and Tackle.
5 Do you have any tourism people here? I noticed
6 there's nobody from tourism.

7 DR. MERRILL:

8 The general public was invited.

9 MR. VAN CAMP:

10 I'm talking about tourism groups. I
11 mean, this has as much to do about tourism as it has
12 about sports fishing or anything else. I mean, you're
13 talking about millions of dollars people, you know,
14 spending every day, just to go fish. And there's no
15 tourism people here?

16 DR. MERRILL:

17 Once the meeting is publicized, you know,
18 we certainly don't solicit the presence of any
19 interest group or particular association. The entire
20 public is welcome to come. In fact, we wish them to
21 come. There will be an economic analysis as part of
22 the interim rule as well. I did mention that before.
23 A lot of components to the interim rule. And because
24 this is a very complex issue and it's not something
25 that is limited to one economic sector, that analysis

1 will be very important, I believe. And tourism and
2 all the ancillary ripple effects from recreational
3 fishing, sport fishing, even conservation is going to
4 have some. All will be factored into that economic
5 analysis. I would expect that as part of that, those
6 groups will be approached for input.

7 MR. CONKLIN:

8 I'd just like to address the gentleman
9 who ---.

10 COURT REPORTER:

11 Can you ---?

12 MR. CONKLIN:

13 Oh, sorry. Charles Conklin. Sorry.

14 COURT REPORTER:

15 Thank you.

16 MR. CONKLIN:

17 I work with farmers, and I'm a farmer
18 myself. And I think it's very critical not only in
19 the APHIS order but with other states involved in
20 regulations that you encourage your customers to get
21 involved because they don't understand how these
22 things are going to affect them six months down the
23 road. So every farmer, I think, it's part of the
24 responsibility to make sure your fishing club and your
25 private pond owners and your private community

1 developments understand how these things are going to
2 affect them when you can no longer bring them the fish
3 they desire. I think the industry --- we have to take
4 responsibility to spread the word and help get the
5 information out.

6 MR. TULLEY:

7 Michael Tulley, Pennsylvania Department
8 of Agriculture. I take it there's been no emphasis
9 thus far today on any public health significance of
10 VHS in, you know, human consumption or anything?

11 DR. EGRIE:

12 There is no known public health risk for
13 VHS.

14 MS. ROBERTS:

15 So if everybody had their chance to
16 provide input, I will ask you gentlemen once more if
17 there's any last things you want to stress to people,
18 maybe about today being the last day to get in any
19 written comments that they might have or ---?

20 DR. EGRIE:

21 And I think Peter just mentioned that we
22 will take written comments until the close of the
23 business today. We still have another hour and three
24 minutes officially to be here, so I will stay if you
25 will, but --- to make sure that we given everybody an

1 opportunity to speak. And I thank everybody for
2 coming here today.

3 MS. ROBERTS:

4 One last ---. No? Okay. Well, thank
5 you all for coming, and we hope that it's been
6 worthwhile for you, and thank you all. That's all, I
7 guess. We're concluded.

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* * * * *

10 MEETING CONCLUDED AT 11:00 A.M.

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