

**44.07 VIRAL HEMORRHAGIC SEPTICEMIA VIRUS (VHSV) EMERGENCY FISH
06-07 IMPORTATION REGULATION.**

(A) It shall be unlawful for any person to import, transport or otherwise receive into the state of Arkansas live fish from any VHSV-positive state without first obtaining a valid Fish Farm Health Inspection Permit issued by the Commission and complying with the provisions of said permit. All persons wishing to ship live fish into Arkansas from VHSV-positive States must first obtain the Fish Farm Health Inspection Permit and a copy of the permit must accompany all shipments into the state, even if the fish are transported by a third party. All shipments of live fish coming into Arkansas must be accompanied by an invoice or bill of lading that clearly describes the origin(s) of all fish in the shipment.

(B) For purposes of this regulation, the following definitions shall apply:

(1) “Appropriate Fish Sample” shall mean 150 fish representing all fish lots and culture units present on a farm or facility. The ratio of fish lots on the farm or facility should be reflected in the composition of the sample. The sample should not be collected from tanks or raceways used for short term storage of fish produced in other culture units.

(2) “Appropriate Season” shall be the calendar dates describing spring and fall.

(3) “Appropriate testing methods” shall mean cell culture followed by an appropriate confirmatory test. The protocol must be as described in the American Fisheries Society – Fish Health Section (AFS-FHS) Blue Book, the OIE Code, or must be approved by the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS).

(4) “Culture Units” shall mean ponds, raceways, cages or other containment used to rear fish.

(5) “Farm-raised” shall mean fish that spend their entire life (egg to sale) on a farm or commercial facility.

(6) “Lot” shall mean a group of fish that are of the same age, from the same broodfish, and that live on a single farm or facility in water from the same source.

(7) “Qualified independent party” shall mean a veterinarian, an AFS-FHS Certified Fish Health Inspector, or an employee of the State agency recognized as the competent authority for fish health and assigned by that agency to collect fish inspection samples and verify biosecurity.

(8) “Qualified testing laboratory” shall mean any State, Federal, or private laboratory duly recognized by the Arkansas Game and Fish Commission as competent to conduct fish inspections.

(9) “VHSV-free water source” shall mean water from a well, borehole, or spring (the spring must be covered and free of fish).

(10) “VHSV-positive State” shall mean any state in the United States, or any Canadian province, listed by the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service (APHIS) as positive for viral hemorrhagic septicemia virus (VHSV), including, but not limited to Indiana, Illinois, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and Ontario and Quebec, Canada.

(C) A Fish Farm Health Inspection Permit may be issued by the Commission to persons that submit to the Commission, on forms provided by AGFC, satisfactory documentary proof including the following information.

1. Proof that an appropriate fish sample has been collected by a qualified independent party during the appropriate season and submitted to a fish health inspection laboratory for analysis;
2. Inspection reports from a qualified testing laboratory asserting that the sample tested “negative” for VHSV by appropriate testing methods; and
3. Written documentation from a qualified independent party asserting that the fish are farm-raised, that the farm or facility uses a VHSV-free water source, and that fish to be shipped to Arkansas have not been mixed with, or potentially contaminated by, fish or water that do not meet the standards specified for a Fish Farm Health Inspection Permit.

To be eligible for a Fish Farm Health Inspection Permit, a farm or facility that produces both fish that are eligible and fish that are not eligible for a permit must provide written documentation from a qualified independent party verifying that the farm or facility has a biosecurity plan sufficient to prevent contamination of permit-eligible fish by ineligible fish or by water that is not from a VHSV-free source, and that the farm or facility follows that biosecurity plan without exception.

(D) A Fish Farm Health Inspection Permit shall expire six (6) months after the issue date. Renewal may be granted based upon submission to the Commission of new documents as described in (C) above that include new semi-annual testing results. Failure to conduct a semi-annual inspection will result in a 1-year suspension of the Fish Farm Health Inspection Permit.

(E) Exceptions: A Fish Farm Health Inspection Permit shall not be required for import of live fish from a VHSV-positive state if:

- (1) The fish are moving to a State-inspected slaughter facility that meets the following criteria:
 - a. The slaughter facility must discharge waste water into a municipal sewage system that includes waste water disinfection
 - b. The slaughter facility must either render or compost offal, including carcasses.
- (2) The fish are moving to a qualified diagnostic facility for disease testing.

- (3) The fish are ornamentals and meet the following criteria:
- a. The fish are moving directly to a home aquarium.
 - b. The fish are moving to wholesale or retail distributors of ornamental fish and will be held in aquaria, tanks, or lined pools.

PENALTY: \$500.00 to \$5000.00. Illegal fish and equipment used in such violations (including but not limited to transport vehicles) may be seized and confiscated in accordance with Code 1.00-D.