

### Policy for Fish Health Certificates

FHCs are required:

- To accompany any import shipment of fish or eggs. Even if no import permit is required, a valid FHC must cover the fish or eggs.
- To register as a type 1 or 2 fish farm if the farm was previously registered as a type 3 fish farm (unless the farm first removes all fish and eggs and disinfects the fish farm, then no FHC is required).
- To introduce fish or eggs to waters of the state, unless less than 600 fish or eggs per shipment were imported from Minnesota or Iowa, they are not susceptible to VHS, and they are for personal use as bait on the Mississippi River, the St. Croix River, or the St. Louis River.
- To move fish or eggs from a type 3 fish farm to any other location within the state if the fish or eggs are susceptible to VHS, unless the fish or eggs are moved between type 3 fish farms owned by the same operator if the operator keeps a record of the movement, or if they are moved to a food processing plant, retail food establishment, or restaurant for processing or direct sale to consumers, or if they are shipped to a specific location for direct sale to consumers as food. → Therefore, DNR can move fish or eggs between its type 3 fish farms, regardless of medical separation, without a FHC. However, moving fish without a FHC to a farm with a FHC would invalidate the FHC.
- For licensed bait dealers to distribute bait that is susceptible to VHS if fish were collected from a wild source within the previous 12 months or if the fish or eggs are from a type 3 fish farm. → Bait dealers do not need a FHC to distribute non-VHS susceptible fish. The USDA-APHIS lists three baitfish species that are susceptible to VHS: Bluntnose minnow, Spottail shiners, and Emerald shiners.

FHCs are not required:

- To reintroduce fish or eggs to their original wild source if they are returned to the same lake or the same point or downstream from that point of collection on a river system if:
  - a state veterinarian or designee issues a permit authorizing the reintroduction;
  - the collection and reintroduction are approved, in writing, by the DNR;
  - the reintroduction is designed to increase or rehabilitate a population of desirable sport fish species;
  - the fish or fish eggs are reintroduced within 30 days after they are collected, or within 30 days after the fish are hatched, whichever is later; and
  - the fish or fish eggs are not commingled with fish or fish eggs from any other source.
- For incidental fish not listed on shipment documents or on a fish farm registration application.

It is illegal to transport live fish or eggs away from any inland or outlying water, unless they have been tested using approved DATCP methods and found free of VHS or the live fish or eggs are transported with the prior DNR written approval stating the DNR has determined the activity will not allow VHS to be transported to other waters. (NR 19.05)

WI bait dealers may transport live minnows away from the water where they were taken if harvested in compliance with a wild bait harvest permit. (NR 19.05) Minnows taken from inland or outlying waters may not be given, sold, or bartered to another person unless DATCP fish health requirements have been met. (NR 19.057)

**WI Statutes: 95.60 Importing fish; fish farms.**

- (1) In this section, "waters of the state" has the meaning given in s. [281.01 \(18\)](#).
- (2) (a) Except as provided in par. (e), no person may bring any fish or fish eggs into this state for the purpose of introduction into the waters of the state, of use as bait or of rearing in a fish farm without an annual permit issued by the department.
- (b) No person may bring any fish or fish eggs of the family salmonidae into this state for the purpose of introduction into the waters of the state unless the fish are certified, as provided in the rules promulgated under sub. [\(4s\) \(d\)](#), to be free of the diseases specified under sub. [\(4s\) \(d\)](#).
- (c) The department may require a person who is subject to par. (a) or (b) to notify the department before bringing fish or fish eggs into this state.
- (e) A person bringing fish or fish eggs from a fish farm in another state to a fish farm in this state is not required to have a permit under par. (a) if the person has a fish health certificate that covers the fish or fish eggs and that complies with the requirements for fish health certificates specified by the department by rule.
- (3) The department may promulgate rules, applicable to persons who operate fish farms, that require any evidence of fish health that the department determines is necessary.

**DATCP Administrative Code: ATCP 10 Subchapter VIII**

ATCP 10.60 (1m) "Fish farm" means a facility or group of facilities, all located on a single parcel of land or on 2 or more contiguous parcels, at which a person hatches fish eggs, rears live fish or holds live fish for the purpose of introduction into the waters of the state, human or animal consumption, fishing, use as bait or fertilizer, or for sale to another person to rear for one of those purposes.

ATCP 10.60 (2m) "Listed species" means the species of fish listed on the shipment documents or listed on the fish farm registration application as hatched or kept at the fish farm. "Listed species" does not include species that the department determines are incidentally included in the shipment or located on the fish farm.

**Note:** Although this exempts the incidental fish in a shipment from fish health certificate and department import permit requirements, it does not exempt a fish importer from the prohibitions or restrictions on fish imports in ch. [NR 40](#).

ATCP 10.61 (3) Registration Type

(g) A fish farm operator may not register, as a type 1 or type 2 fish farm, a fish farm that was previously registered as a type 3 fish farm unless one of the following conditions is met:

1. The fish farm operator first removes all fish and fish eggs from the fish farm and disinfects the fish farm.
2. A qualified fish health inspector issues a fish health certificate under s. ATCP 10.65 that covers all of the fish and fish eggs on the fish farm. The fish health certificate shall further certify that all fish or fish eggs received onto the fish farm from a wild source in the immediately preceding 12 months were accompanied by a fish health certificate that included all of the certifications required under s. ATCP 10.65 (4) (b).

ATCP 10.61 (5m) REGISTERING 2 OR MORE FISH FARMS AT A SINGLE LOCATION.

(a) A person may obtain separate registration certificates for 2 or more fish farms located on the same or contiguous land parcels. The fish farms shall be medically separated if at least one of the fish farms is a type 3 fish farm. Fish farms are considered to be medically separated if all of the following apply:

1. Fish and fish eggs in each fish farm are effectively separated from fish and fish eggs in every other fish farm.
2. Bio-security procedures, including procedures to prevent the commingling of fish, fish eggs, or water that may bear disease organisms, effectively prevent disease transmission between the fish farms.
3. The department finds that the fish farms comply with subds. 1. and 2., based on an inspection under par. (c).

(b) Each registered fish farm under par. (a) is considered a separate fish farm for purposes of disease control and movement. Fish and fish eggs moved between any of the registered fish farms shall be accompanied by a valid health certificate under s. ATCP 10.65 (4) (c). The fish farm operator shall keep a record, under sub. (10) (a), related to each movement of fish or fish eggs between any of the registered fish farms.

*Emails with DATCP, April 9, 2012:*

Sue Marcquenski: In our case, both farms are type 3, owned by the same owner and are medically separate, so which part of the rule do we follow- OK to move between two Type 3 farms owned by the same owner (no FHC needed) or need an FHC because the farms are medically separate and (at least) one of the farms is a type 3?

Paul McGraw: 10.64(3)(a) in the proposed rule is amended and part of the amendment **removes** the following.....This exemption does not apply to any of the following: 1. The movement of fish or fish eggs from a type 3 fish farm to a type 1 or type 2 fish farm. 2. The movement of fish or fish eggs between fish farms that are required under s. ATCP 10.61 (5m) to be medically separated.

So once the final rule goes into effect, DNR could move fish between type 3 fish farms (both registered by DNR) regardless of a medical separation, without a fish health certificate. Again, as I noted, the movement may invalidate a current fish health certificate. (if you move fish that do not have a fish health certificate to a farm that does have a fish health certificate, the movement would invalidate the fish health certificate)

ATCP 10.62 Fish Imports **(1) Import Permit Required**

(b) An import permit under par. (a) expires on the next October 31, unless the department specifies an earlier expiration date in the permit. A permit is not transferable between importers. A permit does not authorize any of the following:

2. An import shipment that is not covered by a valid health certificate under s. ATCP 10.65. *[if an import permit is required, there must also be a valid FHC]*

(d) A complete copy of the import permit and one or more valid health certificates under s. ATCP 10.65 that cover all of the listed species of fish or fish eggs imported in the

shipment, shall accompany every import shipment under par. (a). A health certificate does not cover an import shipment that occurs after the health certificate expires.

**(2) EXEMPTIONS.** No [import] permit is required under sub. (1) to import any of the following:

(d) Live fish or fish eggs that are directly imported by the Wisconsin department of natural resources.

(e) Live fish or fish eggs of species that are not susceptible to viral hemorrhagic septicemia, as determined by the federal bureau, imported directly for personal use as bait in amounts not exceeding 600 fish or fish eggs per shipment and in compliance with s. NR 20.08.

**Note:** Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at:

[www.aphis.usda.gov/animal\\_health/animal\\_dis\\_spec/aquaculture](http://www.aphis.usda.gov/animal_health/animal_dis_spec/aquaculture).

ATCP 10.62

**(7) IMPORT RECORDS REQUIRED.** If a person is required to hold an import permit under sub. (1) for an import shipment of fish or fish eggs, that person shall keep all of the following records related to that import shipment which shall be made available to the department upon request:

(g) The fish health certificates that cover all of the listed species of fish or fish eggs imported under the permit.

**ATCP 10.63 Fish introduced into waters of the state.**

**(1) VALID HEALTH CERTIFICATE REQUIRED.** (a) Except as provided under par.

(b), no person may introduce any fish or fish eggs into waters of the state unless those fish or fish eggs are covered by a valid health certificate under s. ATCP 10.65. A qualified fish health inspector shall issue the health certificate based on an inspection of the fish or fish eggs, or of the farm from which they originate. A health certificate does not cover an introduction that occurs after the health certificate expires.

**Note:** See also fish stocking regulations under s. 29.736, Stats.

(b) A health certificate is not required for live fish or fish eggs of species that are not susceptible to viral hemorrhagic septicemia, as determined by the federal bureau, imported directly for personal use as bait in amounts not exceeding 600 fish or fish eggs per shipment and in compliance with s. NR 20.08.

**Note:** Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at:

[www.aphis.usda.gov/animal\\_health/animal\\_dis\\_spec/aquaculture](http://www.aphis.usda.gov/animal_health/animal_dis_spec/aquaculture).

**(2) DISEASED FISH.** No person may introduce live fish or fish eggs into waters of the state or distribute live fish or fish eggs for sale as bait if that person knows, or has reason to know, that those fish or fish eggs are infected with or show clinical signs of any reportable disease under s. ATCP 10.66.

**ATCP 10.64 Fish moved within this state. (1) VALID HEALTH CERTIFICATE REQUIRED.** Except as provided in sub. (3), no person may move any live fish or fish eggs of a species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia (VHS) from a type 3 fish farm to any other location in this state, unless those fish or fish eggs are covered by a valid health certificate under s. ATCP 10.65. A qualified fish health inspector shall issue the health certificate based on an inspection of the fish or fish eggs, or of the farm from which they originate. A health certificate does not cover a movement that occurs after the health certificate expires.

**(3) EXEMPTIONS.** Subsection (1) does not apply to any of the following:

(a) Live fish or fish eggs moved between type 3 fish farms registered under s. ATCP 10.61 by the same fish farm operator, if the operator keeps a complete record of the movement under s. ATCP 10.61 (10).

(b) Fish or fish eggs moved to a food processing plant, retail food establishment or restaurant for processing or direct sale to consumers, provided that the receiving entity does not do any of the following:

1. Hold any of the fish or fish eggs for more than 30 days prior to slaughter or direct sale to consumers.
2. Commingle the live fish or fish eggs with fish or fish eggs that may be used for any other purpose.
3. Sell or distribute unprocessed fish or fish eggs to consumers at any place other than the food processing plant, retail food establishment or restaurant at which the entity first receives them.
4. Discharge to waters of the state any untreated water used to hold or process any of the fish or fish eggs.
5. Dispose of any dead fish, dead fish eggs or fish offal except by rendering, composting, municipal solid waste disposal, or other means approved by the department.

(c) Live fish or fish eggs shipped to a specific location for direct sale to consumers as food provided that all of the following requirements are met:

1. Records are kept in compliance with s. ATCP 10.61 (10).
2. No fish leave the event live, except to return to the farm of origin or directly to slaughter.
3. Fish are held in a self-contained enclosure.
4. Fish are not commingled with fish from any other source.
5. No untreated water used to hold the fish or fish eggs is discharged to waters of the state.

**ATCP 10.645 Bait fish from wild sources.** No bait dealer who is required to hold a license under s. 29.509, Stats., may distribute for use as bait any of the following fish or fish eggs of a species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia (VHS) unless the fish or fish eggs are covered by a valid fish health certificate that complies with s. ATCP 10.65:

(1) Fish or fish eggs collected from a wild source within the 12 month period immediately preceding the distribution date.

(2) Fish or fish eggs from a type 3 fish farm.

**Note:** A "wild source" under s. ATCP 10.645 includes a wild source in this state or outside this state. Fish and fish eggs imported from other states (including bait fish and fish eggs) must also comply with import requirements under s. ATCP 10.62. Species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia are listed at: [www.aphis.usda.gov/animal\\_health/animal\\_dis\\_spec/aquaculture](http://www.aphis.usda.gov/animal_health/animal_dis_spec/aquaculture). Section ATCP 10.645 applies to additional species if and when the federal bureau finds that those species are susceptible. DATCP will identify susceptible species (per USDA findings) in the fish health certificate form under s. ATCP 10.65.

### **ATCP 10.65 Fish Health Certificates**

(Requirements for issuing and contents of FHC's)

#### **ATCP 10.655 Fish reintroduced into their original wild source.**

(1) HEALTH CERTIFICATE EXEMPTION. Section ATCP 10.65 (4) (b) does not apply to the reintroduction of fish or fish eggs to the same lake from which they or the eggs from which they were hatched were collected, or to the same point or a downstream point in the same river system from which they or the eggs from which they were hatched were collected, if all of the following apply:

- (a) The state veterinarian or designee issues a permit under sub. (2) authorizing the reintroduction.
- (b) The collection and reintroduction are approved, in writing, by the Wisconsin department of natural resources.
- (c) The reintroduction is designed to increase or rehabilitate a population of desirable sport fish species.
- (d) The fish or fish eggs are reintroduced within 30 days after they are collected, or within 30 days after the fish are hatched, whichever is later.
- (e) The fish or fish eggs are not commingled with fish or fish eggs from any other source.

(2) PERMIT. A permit under sub. (1) (a) may authorize one or more reintroductions under sub. (1), subject to conditions specified in the permit. A permit shall be based on a complete application under sub. (3). The state veterinarian, or the state veterinarian's designee, shall grant or deny an application under sub. (3) within 30 days after the department receives a complete application.

(3) PERMIT APPLICATION. A person applying for a permit under sub. (2) shall submit the application in writing. The application shall include all of the following:

- (a) The correct legal name and address of the applicant.
- (b) The location from which the fish or fish eggs will be collected.
- (c) The location at which the fish or fish eggs will be reintroduced.
- (d) The purpose for the reintroduction.
- (e) Documentation showing that the Wisconsin department of natural resources has approved the collection and reintroduction under sub. (1) (b).
- (f) Documentation indicating that the reintroduction will comply with other requirements under sub. (1) (c) to (e).
- (g) Other relevant information required by the department.

*Compiled September 17, 2012*

**(4) PERMIT RECORD.** The department shall keep, for at least 5 years, a record of each permit issued under sub. (2).

*From the draft rule language created by DATCP (prior to promulgation):*

This rule removes the requirements for a fish health certificate for fish or fish eggs moved between fish farms in this state or to other locations in this state (except into waters of the state), unless the species of fish or fish eggs has been found to be susceptible to viral hemorrhagic septicemia (VHS) and the fish or fish eggs are coming from a type 3 fish farm. Fish health certificate requirements for fish or fish eggs moved into waters of the state remain unchanged, except that fish reintroduced into their original wild source no longer require a health certificate for the move. [*BUT “all of the following apply” must be met instead, as well as location requirements, in 10.655(1)*]