

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 875
VIRAL HEMORRHAGIC SEPTICEMIA (VHS)

Section	
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AUTHORITY: Implementing and authorized by Sections 1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125 and 25-20 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125 and 25-20].

SOURCE: Emergency rule adopted at 32 Ill. Reg. 10636, effective June 30, 2008, for a maximum of 150 days; emergency expired November 26, 2008; adopted at 32 Ill. Reg. 19765, effective December 3, 2008; amended at 39 Ill. Reg. 7690, effective May 18, 2015.

Section 875.10 Definitions

"Affected Regions" – those areas designated by USDA-APHIS as Affected or At-Risk Regions. Currently, these are the U.S. states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin and the Canadian Provinces of Ontario and Quebec.

"Aquatic Life Farm" – property containing any or a combination of levee ponds, a strip mine lake or other type of lake maintained for the exclusive purpose of rearing aquatic life for harvest and resale.

"Baitfish" – live or dead species of fish or parts of fish, excluding roe, that are used by anglers to catch or attempt to catch fish.

"BlueBook" – Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens, American Fisheries Society, Fish Health Section, Bethesda, Maryland (2005 Edition).

"Department" – the Illinois Department of Natural Resources.

"Farm-Raised" – any species of aquatic life that has been reared entirely in captivity on an aquatic life farm.

"Fish Health Inspection Report" or "FHIR" – official document reporting health status of inspected fish issued by a trained, qualified fish health professional in accordance with BlueBook or OIE standards.

"Live Market" – an Illinois business in which commercially captured fish are maintained for a period of time prior to being killed and processed for consumption.

"Lot" – a population of fish as defined in the BlueBook.

"Offal" – the whole or parts of an aquatic animal and aquatic animal products not approved for human consumption, including sludge and sieve material collected during slaughtering.

"OIE" – the World Organization for Animal Health.

"Private Waters" – waters of the State of Illinois that are wholly upon properties held in private ownership and contained on the land of the owner.

"Public Waters" – all other waters of the State of Illinois.

"Resident" – a person who actually resides in Illinois. For businesses, resident means at least 51% owned by Illinois residents and organized under the laws of Illinois.

"Slaughter Facility" – an Illinois business in which commercially captured fish are immediately killed and processed for consumption.

"Specific Pathogen Free" or "SPF" – a lot of fish that have tested negative for VHS.

"VHS" or "VHSv" – Viral hemorrhagic septicemia or the VHS virus. For purposes of this Part, VHSv and VHS are considered synonymous.

"Wild-Trapped" – any species of aquatic life that has any portion of its life history not under direct control of an aquatic life farm (i.e., those that are not farm-raised).

Section 875.20 Susceptible Species

- a) For purposes of this Part, susceptible species are:
 - 1) those species designated by USDA-APHIS in the Federal Order update of September 9, 2008;
 - 2) Additional species known to be carriers of VHS virus (VHSV) that present significant risk to the aquatic resources of Illinois;

- 3) hybrids (offspring) of listed species for which both parent species are listed; and
- 4) all species that originate from affected regions.
- b) The current list of susceptible species from the APHIS Federal Order (<http://www.aphis.usda.gov/focusonfish/species-affected.php>) is as follows:

Black crappie	<i>Pomoxis nigromaculatus</i>
Bluegill	<i>Lepomis macrochirus</i>
Bluntnose minnow	<i>Pimephales notatus</i>
Brown bullhead	<i>Ictalurus nebulosus</i>
Brown trout	<i>Salmo trutta</i>
Burbot	<i>Lota lota</i>
Channel catfish	<i>Ictalurus punctatus</i>
Chinook salmon	<i>Oncorhynchus tshawytscha</i>
Emerald shiner	<i>Notropis atherinoides</i>
Freshwater drum	<i>Aplodinotus grunniens</i>
Gizzard shad	<i>Dorosoma cepedianum</i>
Lake whitefish	<i>Coregonus clupeaformis</i>
Largemouth bass	<i>Micropterus salmoides</i>
Muskellunge	<i>Esox masquinongy</i>
Northern pike	<i>Esox lucius</i>
Pumpkinseed	<i>Lepomis gibbosus</i>
Rainbow trout	<i>Onchorhynchus mykiss</i>
Rock bass	<i>Ambloplites rupestris</i>
Round goby	<i>Neogobius melanostomus</i>
Shorthead redhorse	<i>Moxostoma macrolepidotum</i>
Silver redhorse	<i>Moxostoma anisurum</i>
Smallmouth bass	<i>Micropterus dolomieu</i>
Spottail shiner	<i>Notropis hudsonius</i>
Trout-Perch	<i>Percopsis omiscomaycus</i>
Walleye	<i>Sander vitreus</i>
White bass	<i>Morone chrysops</i>
White perch	<i>Morone americana</i>
Yellow perch	<i>Perca flavescens</i>

- c) Additional species known to be carriers of VHSV that present significant risk to the aquatic resources of Illinois include:

Atlantic herring	<i>Clupea harengus</i>
Pacific herring	<i>Clupea pallasii</i>
Sea lamprey	<i>Petromyzon marinus</i>

- d) Examples:
- 1) Hybrid bluegill (bluegill X green sunfish) are not considered susceptible species as only one parent species is listed.

- 2) Tiger muskellunge (muskellunge X northern pike) are considered susceptible species because both parent species are listed.
 - 3) All wild-trapped minnows are subject to certification standards if they originate from affected regions.
 - 4) Farm-raised minnows from affected regions (defined in Section 875.10) are subject to testing.
 - 5) Farm-raised minnows from Arkansas or Missouri are not subject to testing.
 - 6) Tilapia hybrid/subspecies and other non-approved species coming from an affected region (also need a Restricted Species Transportation Permit; see 17 Ill. Adm. Code 870).
- e) The official list of VHS-susceptible species as identified by the Department will be available from the Department and posted on the Department's website (<http://dnr.state.il.us>). Updates to the list of susceptible fish species will be made as necessary, and notice shall be given by issuing a press release, by publication in the official State newspaper, and by such other means as the Department determines are reasonably likely to inform the public, including notification on the Department website.

(Source: Amended at 39 Ill. Reg. 7690, effective May 18, 2015)

Section 875.30 Permits

- a) **Application Requirements**
Permits to import live VHS-susceptible species may be issued by the Department of Natural Resources in accordance with Sections 10-100 and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/10-100, 20-100] for persons or businesses holding an Aquaculture Permit, Aquatic Life Dealer's License or Minnow Dealer's License, or research or educational institutions for scientific purposes, under the following provisions:
- 1) Applicants wishing to import live VHS-susceptible species must make application to the Department in writing, at the following address:

Aquaculture Specialist
Illinois Department of Natural Resources
Aquatic Nuisance Species and Aquaculture Program
One Natural Resources Way
Springfield IL 62702-1271
 - 2) The Department may accept applications via fax or email if time permits and it is deemed to be in the best interest of the Department to do so.
 - 3) Applications must contain the following minimum information:

- A) name, address and telephone number of the applicant, including the business, research or educational institution;
 - B) the common and scientific name, size and total number (or pounds) of each VHS-susceptible species for which a permit is requested;
 - C) date of anticipated imports and number of shipments;
 - D) source of supply, including name, address and telephone number of the supplier; and
 - E) any other information requested by the Department (e.g., route of transportation, holding facility location, stocking locations, disposition of animals and federal permit, if required).
- b) Issuance Criteria
The Department shall consider the following in determining whether to issue a permit to import live VHS-susceptible species:
- 1) whether the request is for persons or businesses holding an Aquaculture Permit, Aquatic Life Dealer's License or Minnow Dealer's License, or research or educational institutions for scientific purposes;
 - 2) whether the supplier of the fish stocks has an acceptable Fish Health Inspection Report on file with the Department;
 - 3) for importation of minnows and species commonly used as bait, whether the supplier/importer has submitted an officially recognized management plan (Hazard Analysis and Critical Control Points (HACCP)/Best Management Practices (BMP)) to minimize transfer of exotic species and potential pathogens; and
 - 4) whether the Department approves of the live market stocking locations based upon the potential risk to the fishery resource of the State.
- c) Permit Conditions
Permits issued to import live VHS-susceptible species shall be subject to the following conditions:
- 1) All specimens approved under the permit must be imported only to the facilities, and at the location approved on the permit.
 - 2) A person in possession of VHS-susceptible species, at all times during shipment and stocking, shall allow the Department, its agents or authorized employees to inspect the shipment and pertinent records to ensure compliance with this Part.

- 3) Permits issued under this Part shall be valid only for the time periods and under the provisions designated by the Department on the permit or accompanying letter.
 - 4) All importers shall maintain records documenting disposition of all VHS-susceptible species for a minimum of 2 years from date of disposition.
 - 5) It is unlawful for any person to violate any condition stipulated on the permit or accompanying letter issued by the Department. Violation of any special condition will result in revocation of the permit.
 - 6) Shipments found in violation of this Part shall be subject to confiscation, quarantine and/or seizure. Disposition of specimens confiscated, placed under quarantine (including conditions under which they may be sold, traded, bartered or transferred), or seized under this Part shall be as designated by the Department.
- d) Permit Exceptions
The permits required by subsection (a) do not apply to:
- 1) Any licensed veterinarian, agent of a veterinary clinic, fish pathologist, or fish health inspector recognized by the American Fisheries Society providing diagnostic services subject to all of the following conditions:
 - A) the fish are in transit to an approved research or diagnostic laboratory authorized by the Department to work with VHS;
 - B) if entering from outside the State of Illinois, the fish must be accompanied by a valid Form VS 1-27 (Permit for Movement of Restricted Animals) issued by an APHIS area office; and
 - C) effluent and carcasses shall be considered medical waste and shall be disposed of at the receiving research or diagnostic facility according to all applicable EPA and State regulatory criteria.
 - 2) Any person moving fish to a slaughter facility subject to all of the following conditions:
 - A) the fish are for human consumption;
 - B) the fish are accompanied by a valid Form VS 1-27 (Permit for Movement of Restricted Animals) issued by an APHIS area office;
 - C) the fish are being transported to a State-inspected slaughter facility that:
 - i) must discharge waste water to a municipal sewage system that includes waste water disinfection; or

- ii) may discharge to either a non-discharging settling pond or a settling pond that disinfects according to all applicable EPA and State regulatory criteria;
 - D) offal, including carcasses, from the slaughter facility must be rendered or composted; and
 - E) VS 1-27 form only applies to fish entering the State of Illinois.
- 3) Persons involved in catch and release fishing activities in which VHS-susceptible fish will be released into the same water body where caught, except VHS-susceptible species used or intended to be used as bait.
- 4) Any shippers in interstate transport for lawful commercial purposes who do not buy, sell, barter, trade, transfer, loan or offer to do so in Illinois may transport live VHS-susceptible species across Illinois. Under no circumstances shall an interstate transporter:
- A) transfer any VHS-susceptible species from one container to another; or
 - B) exchange or discharge water or other materials from a container containing VHS-susceptible species without first obtaining written permission from the Department.
- 5) Persons having a Salmonid Import Permit issued in accordance with 17 Ill. Adm. Code 870, provided that:
- A) FHIR is issued in accordance with Section 875.40(a); and
 - B) lot inspections (60 fish each) were tested according to the Standard Procedures for Aquatic Animal Health Inspections section of the BlueBook.
- 6) Any licensed commercial fisherman moving fish to a live market subject to all of the following conditions:
- A) the fish are for human consumption;
 - B) the facility is located on the same body of water where the fish are captured;
 - C) the fish are being transported to a State-inspected live market that:
 - i) must discharge waste water to a municipal sewage system that includes waste water disinfection; or

- ii) may discharge to either a non-discharging settling pond or a settling pond that disinfects according to all applicable EPA and State regulatory criteria; or
 - iii) may discharge maintenance water into the same water body where the aquatic life originated according to all applicable EPA and State regulatory criteria;
 - D) offal, including carcasses, from the slaughter facility must be rendered or composted.
- 7) Any licensed Commercial Roe Harvester in possession of roe-bearing species that are captured and transported under a Commercial Roe Harvest Permit as defined in 17 Ill. Adm. Code 830.13, provided no susceptible species are commingled.

(Source: Amended at 39 Ill. Reg. 7690, effective May 18, 2015)

Section 875.40 Fish Health Inspection Reports

- a) Official FHIR must be issued by and received directly from one of the following:
 - 1) the state competent authority for fish health in the issuing state;
 - 2) a Department approved veterinarian offering diagnostic services for aquatic animals; or
 - 3) a Department approved laboratory for certifying lots of fish as VHS-free.
- b) It is the responsibility of the importer and/or supplier to arrange for appropriate delivery of FHIR.
- c) FHIR must contain the suppliers contact information, water supply, lot designation, original egg or fry source, age of fish, number in lot, size, pathogens tested, numbers of individuals sampled, results, and original signature of the inspector.
- d) FHIR and supporting documentation must state that fishes were sampled and tested negative for VHS virus in accordance with procedures set forth in either:
 - 1) Standard Procedures for Aquatic Animal Health Inspections section of the BlueBook; or
 - 2) the World Organization for Animal Health (OIE) Manual of Diagnostic Tests for Aquatic Animals, Fifth Edition (2006), Chapter 2.1.5, OIE, Paris, France.

Section 875.50 Unlawful Acts/Penalties

- a) It shall be unlawful to:
- 1) import VHS-susceptible species into the State of Illinois without a VHS-Susceptible Species Permit issued by the Department;
 - 2) stock VHS-susceptible species into waters of the State without securing permission from Department fish health authorities, or unless an FHIR is on file with the Department;
 - 3) remove live VHS-susceptible species from the waters where legally taken without first securing permission from Department fish health authorities, unless an FHIR is on file with the Department, or as provided in Section 875.30(d)(2), (6) and (7);
 - 4) remove natural water from waters of the State via bait bucket, livewell, baitwell, bilge, etc., or any other method without first securing permission from Department fish health authorities, unless an FHIR is on file with the Department, or as provided in Section 875.30(d)(2), (6) and (7);
 - 5) remove any watercraft, boat, boat trailer or other equipment from waters of the State without emptying and draining any bait bucket, livewell, baitwell, bilge, etc., or any other compartment capable of holding natural waters; and
 - 6) use wild-trapped fishes as bait within the State of Illinois, other than in the waters where they were legally taken.
- b) The Department may make exceptions to the unlawful acts listed in subsection (a) in writing for special circumstances (e.g., fishing special waters via contract, import or stocking facilities in process of gaining OIE facility-level certification, etc.) based upon the potential risk to the fishery resource of the State.
- c) Violation Classifications
- 1) Violation of subsection (a)(1) is a Class A misdemeanor if the value of the aquatic life is \$300 or less (see 515 ILCS 5/10-105 and 20-35), and a Class 3 felony if the value of the aquatic life is in excess of a total of \$300 with intent to profit or for commercial purposes. Possession of aquatic life valued in excess of \$600 shall be considered prima facie evidence of possession for profit or commercial purposes. (See 515 ILCS 5/5-25.)
 - 2) Violation of subsection (a)(2) is a Class A misdemeanor (see 515 ILCS 5/10-100(b)) and violation of subsection (a)(3), (4), (5) or (6) is a Petty Offense (see 515 ILCS 5/1-150 and 20-35).
- d) Revocation/Suspension

- 1) Any violations of the Fish and Aquatic Life Code or administrative rules of the Department may result in revocation of licenses and permits, as well as suspension of privileges for up to five years.
- 2) Violation of any conditions of a permit issued under this Part shall result in cancellation of the permit.

(Source: Amended at 39 Ill. Reg. 7690, effective May 18, 2015)