

**CHAPTER 73. TRANSPORTATION OF LIVE FISH
INTO THIS COMMONWEALTH**

Sec.	
73.1.	Transportation.
73.2.	[Reserved].
73.3.	Transportation and importation of VHS-susceptible species of fish.

Source

The provisions of this Chapter 73 adopted January 6, 1984, effective January 7, 1984, 14 Pa.B. 46, unless otherwise noted.

§ 73.1. Transportation.

(a) Species of fish may not be transported into this Commonwealth from another state, province or country and liberated in a watershed of this Commonwealth without previous written permission from the Commission, nor may a species of fish be transferred from waters in this Commonwealth into another drainage of this Commonwealth where this particular species is not always present without prior written consent from the Commission. Inspection for species composition or presence of disease, or both, will be required at the discretion of the Commission on all lots of fish transported into this Commonwealth.

(b) Permission is not required for the importation of tropical fish unless the Commission considers them to be potentially dangerous to native fish species or to man. Permission is not required for the stocking of farm ponds or licensed fee fishing ponds which receive fish stocks from Commonwealth commercial fish hatcheries except for the following kinds of fish: goldfish, golden orfe or fish species not native to this Commonwealth.

(c) Except as provided in § 71.7 (relating to triploid grass carp), transportation of the grass carp (white amur) in this Commonwealth is prohibited.

(d) Transportation of the following live species in or through this Commonwealth is prohibited.

- (1) Snakehead (all species).
- (2) Black carp (*Mylopharyngodon piceus*).
- (3) Bighead carp (*Hypophthalmichthys nobilis*).
- (4) Silver carp (*Hypophthalmichthys molitrix*).
- (5) Zebra mussel (*Dreissena polymorpha*).
- (6) Quagga mussel (*Dreissena bugensis*).
- (7) Round goby (*Neogobius melanostomus*).
- (8) Tubenose goby (*Proterorhinus marmoratus*).
- (9) European rudd (*Scardinius erythrophthalmus*).
- (10) Rusty crayfish (*Orconectes rusticus*).
- (11) Ruffe (*Gymnocephalus cernuus*).

Authority

The provisions of this § 73.1 issued under the Fish and Boat Code, 30 Pa.C.S. §§ 305, 322, 741, 928, 2102, 2307, 2711, 5122, 5123, and 5124; amended under the Fish and Boat Code, 30 Pa.C.S. §§ 2102 and 2904.

Source

The provisions of this § 73.1 amended December 28, 1984, effective December 29, 1984, 14 Pa.B. 4691; amended June 11, 1993, effective January 1, 1994, 23 Pa.B. 2735; amended September 13, 2002, effective September 14, 2002, 32 Pa.B. 4485; amended September 5, 2003, effective September 6, 2003, 33 Pa.B. 4447; amended August 25, 2006, effective August 26, 2006, 36 Pa.B. 4724. Immediately preceding text appears at serial pages (299331) to (299332).

Cross References

This section cited in 58 Pa. Code § 71.6 (relating to prohibited acts).

§ 73.2. [Reserved].**Source**

The provisions of this § 73.2 amended November 8, 1985, effective January 1, 1986, 15 Pa.B. 4036; amended December 14, 1990, effective December 15, 1990, 20 Pa.B. 6179; amended April 5, 2002, effective April 6, 2002, 32 Pa.B. 1725. Immediately preceding text appears at serial pages (276239) to (276240).

§ 73.3. Transportation and importation of VHS-susceptible species of fish.

(a) *Definitions.* For purposes of this section, the following terms have the following meanings:

(1) Species of fish that are susceptible to viral hemorrhagic septicemia (VHS) are those species that the Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS) designates by order or the Commission defines by notice in the *Pennsylvania Bulletin*.

(i) The term “VHS-susceptible species” includes fish that are dead or alive, preserved or unpreserved, and the parts thereof.

(ii) The term “VHS-susceptible species” does not include the eggs of these species.

(2) A VHS-affected or VHS-at risk state includes Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin or other state that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk.

(3) A VHS-affected or VHS-at risk region includes the Canadian provinces of Ontario and Quebec or other region that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk.

(b) *Intrastate transportation.* It is unlawful to transport or cause the transportation of VHS-susceptible species of fish out of the portion of the Lake Erie watershed in this Commonwealth into other watersheds of this Commonwealth

except in accordance with § 69.3(b) (relating to transportation, introduction and sale of VHS-susceptible species of fish out of the Lake Erie watershed).

(c) *Interstate transportation.* It is unlawful to transport or cause the transportation of VHS-susceptible species of fish into this Commonwealth from a VHS-affected or VHS-at risk state, except when one of the following conditions is met:

(1) The fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Pennsylvania Department of Agriculture (Department) and approved by the Commission. Persons transporting these fish shall have in their possession, and present upon the request of an officer authorized to enforce the code, a copy of the fish health certification reports for all VHS-susceptible fish being transported or a copy of the fish health certification report for the artificial propagation facility if the fish are from a facility that has been certified as having tested negative for VHS.

(2) The fish are being transported through this Commonwealth and the shipping container (tank, trailer, holding vessel or other container) remains biosecure in transit and the fish are accompanied in transit by documentation stating the point of origin of the fish and the location outside of this Commonwealth to which they are to be delivered.

(3) The fish are being transported to facilities located within this Commonwealth for testing and scientific purposes and the persons transporting the fish have taken adequate measures to prevent escape and to disinfect discharged water and equipment used in the transportation of the fish and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for testing or scientific purposes.

(4) The fish are being transported to a slaughter facility, processing plant or restaurant within this Commonwealth and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for slaughter, processing or consumption.

(5) The fish are dead, recreationally caught fish that are being transported solely for the purpose of human consumption.

(d) *International movement.* It is unlawful to import or cause the importation of VHS-susceptible species of fish into this Commonwealth from a VHS-affected or VHS-at risk region, except as follows:

(1) VHS-susceptible species of live fish may be imported into the United States if the requirements of 9 CFR 93.910—93.916 (relating to general provisions for VHS-regulated fish species) are met.

(*Editor's Note:* The effective date of amendments to these sections is delayed until January 9, 2009.)

(2) VHS-susceptible species of dead fish may be imported into the United States if the fish are recreationally caught and are for human consumption.

Authority

The provisions of this § 73.3 adopted under the authority of the Fish and Boat Code, 30 Pa.C.S. § 2102(a).

Source

The provisions of this § 73.3 adopted December 12, 2008, effective January 1, 2009, 38 Pa.B. 6742.

Cross References

This section cited in 58 Pa. Code § 63.51 (relating to sale of vhs-susceptible species of fish); and 58 Pa. Code § 71.8 (relating to introduction of vhs-susceptible species of fish).

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