

USDA

APHIS

PUBLIC MEETING

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1 P R O C E E D I N G S

2 DR. MILLER: Take your seats now. We're
3 ready to begin. I really appreciate you taking the
4 time to come on this Friday. We look forward to
5 hearing all the comments. We'll just go through a few
6 preliminaries for you. You're welcome to take seats at
7 the main table, wherever you're comfortable.

8 For those who don't know, I'm Otis Miller and
9 I'm with the USDA APHIS, Animal & Plant Health
10 Inspection Service.

11 To my immediate left is Dr. Cindy Gaborick.
12 She's a veterinarian in charge for Idaho. Next to her
13 is Elizabeth Barrett. She's out of Maryland with
14 myself and she's in the regulatory analysis staff.

15 And directly next to her is Dale Rendahl.
16 He's also out of Riverdale, Maryland. We three came
17 together and Dale is out of the planning, evaluation,
18 and monitoring staff.

19 This is our fourth meeting and if you've been
20 keeping up with the notices, you know we've met in
21 Orlando for the first one and we followed in Kentucky,

1 the second one, and the third was in Machias, Maine.
2 And then, of course, this one here which we look
3 forward to.

4 We have four more that we will have and they
5 will begin in September in Washington. This will be
6 held in conjunction with the Pacific Coast Oyster
7 Growers Association. Then we'll also follow in October
8 with three meetings, one in Jackson, Mississippi,
9 Catfish Farmers of America, Pennsylvania, Aquaculture
10 Association there. And then we'll be in Arkansas with
11 the Catfish Farmers of Arkansas. So we'll be very busy
12 in October.

13 And at the registration table, Jack Amen.
14 Jack is our aquaculture veterinarian liaison and works
15 directly with Dr. Gaborick. So we are very happy to be
16 here. And basically I'll just give you a preliminary
17 of what the agenda will be.

18 We're going to have Dr. Gaborick give a
19 welcome message on behalf of our administrator, Dr.
20 Craig Reed, and our deputy administrator, Alfonso
21 Torres. Followed by that -- you may want to pay

1 particular attention to her comments -- but followed by
2 that, also Elizabeth will give you instructions to our
3 presenters. So she'll tell you exactly what you'll
4 need to do for that.

5 Of course, everything is recorded. So just
6 bear that in mind and she'll tell you exactly what to
7 do on that.

8 Then at that point, you will make your
9 presentations and then when all the presentations are
10 over, we'll determine at that time to end the meeting
11 or not. And usually when all comments are made, then
12 the meeting will adjourn at that point. And then we'll
13 have some closing remarks.

14 Basically just take your time. One of the
15 things that I've noticed that happens, and it may
16 happen here; comments may be made and you originally
17 didn't plan to say anything, so you didn't register.
18 But something that's said that you want to comment on.
19 You cannot stand up and just say anything. You have to
20 go back to the registration table and get your name put
21 in and then Dr. Amen will bring that to Elizabeth.

1 So you have to be called before you can
2 actually speak. But if you do have something that you
3 want to say that you didn't originally plan, that's
4 fine. Other than that, I'll just let the rest of the
5 meeting flow as I've outlined.

6 All right. So with that being said, again,
7 it's our privilege to be here because I particularly
8 would like to thank the Idaho Aquaculture Association
9 and, specifically, I'd like to give a hand to Gary
10 Fornshall.

11 (Applause.)

12 DR. MILLER: Gary has worked very diligently
13 in getting sodas and refreshments and all the logistics
14 so that we're able to just drive in and start the
15 meeting. We're very thankful for his help as well as
16 the other members of the Aquaculture Association of
17 Idaho.

18 Now, having said that, we'll now invite Dr.
19 Gaborick to give you a welcome.

20 DR. GABORICK: On behalf of Idaho APHIS
21 Veterinary Services, I, too, would like to thank you

1 for taking time out from your busy schedules to be here
2 this afternoon and we certainly welcome all of your
3 comments.

4 I'm going to read a statement on behalf of
5 APHIS Veterinary Services. On Thursday, January 25th,
6 APHIS held the first in a series of eight public
7 meetings to discuss the role the agency should play in
8 protecting and promoting the health of U.S.
9 aquaculture. This is the fourth of such meetings.

10 We are holding these public meetings around
11 the country to follow-up on our advanced notice to
12 proposed rule making and request for comments which was
13 published in the "Federal Register" in May of 1999.

14 At that time, we indicated that we were
15 considering the possibility of designating farm-raised
16 fin fish as livestock and establishing programs and
17 regulations for such animals.

18 It was clear from the comments we received
19 that many aquaculture producers support the idea of
20 defining farm-raised fin fish as livestock and are
21 interested in the services APHIS can provide.

1 What was not clear from the comments was
2 which segments of the industry want to accept our
3 services and to what extent.

4 The aquaculture industry is as diverse as any
5 other sector of the agricultural industry. Many
6 varieties of domesticated fin fish are produced for
7 export, domestic consumption, ornamental purposes, and
8 for use as bait. There is also the shell fish
9 industry.

10 Our aim is not to impose our services on
11 those who don't want them or see them as unnecessary or
12 undesirable. Rather, we want to work with the
13 aquaculture industry for those who feel that we have
14 services that could be of use to them.

15 The goal of this public meeting is to discuss
16 industry and public needs and how APHIS might meet
17 those needs.

18 Many commenters on our notice expressed
19 interest in pursuing negotiated rule making, a process
20 where industry representatives and other interested
21 parties meet with agency officials and draft proposed

1 regulations together.

2 Unfortunately, negotiated rule making is not
3 practical for all situations. The process works best
4 when there's a small number of stakeholders with
5 similar if not identical concerns. We believe that the
6 aquaculture community is too large and too diverse for
7 negotiated rule making to be effective or efficient.

8 Indeed, aquaculture is the fastest growing
9 segment of the animal production industry. Between
10 1983 and 1994, the market growth for U.S. aquaculture
11 increased by 120 percent and it continues to increase.
12 The industry now accounts for more than 180,000 jobs
13 and has an economic impact of more than \$5.5 billion.

14 Accordingly, agency officials designed the
15 public meetings to allow industry and the public to
16 tell us what kind of regulations, if any, it wants.
17 Our agency's mission is to protect the health of U.S.
18 agriculture. We prevent the introduction of foreign
19 animal diseases and a safe international trade of
20 agricultural commodities.

21 In carrying out this mission, our veterinary

1 services programs, the National Center for Import and
2 Export, evaluates requests for the importation of live
3 animals and animal products to determine whether there
4 are pests and disease risk associated with importing
5 those commodities.

6 Some products and animals may be allowed
7 under specific circumstances. For example, there may
8 be specific quarantine periods, testing or health
9 certification that may be required. Other products and
10 animals may be considered to pose too great a risk to
11 be allowed at all.

12 Our veterinary services program also works to
13 eradicate certain animal diseases that are already
14 established in the United States and monitors for
15 outbreaks of new or existing diseases. Additionally,
16 we regulate veterinary biologics to ensure that they
17 are safe, potent, and pure.

18 APHIS already works with aquaculture
19 producers in some of these areas. We provide
20 laboratory, diagnostic, and health certification
21 services for export, license fish vaccines and other

1 biologics and control wildlife damage caused by birds
2 and other animals.

3 To support health certification activities,
4 veterinary services approves laboratories to perform
5 specified diagnostic tests for aquatic animals and
6 animal products intended for export. We provide this
7 service in response to importing countries' requests
8 that diagnostic tests be performed by USDA approved
9 laboratories.

10 Most countries recognize APHIS as the
11 official competent authority in the United States with
12 jurisdiction over export animal health certification
13 and diagnostic testing of animals for export.

14 We would like to be able to do more to
15 promote U.S. agriculture and protect it from foreign
16 disease, just as we work to protect animals
17 traditionally defined as livestock from such threat.

18 We have been very successful in keeping out
19 such devastating diseases as bovine spongiform
20 encephalopathy, also known as mad cow disease. The
21 effects of this disease continue to be felt through

1 Europe. By acting quickly to impose restrictions and
2 other preventative measures, APHIS has been able to
3 protect our livestock resources from this threat.

4 However, in the case of infectious salmon
5 anemia, ISA, our involvement is limited to supporting
6 Maine's efforts to control for the disease and
7 improving the production of a vaccine that protects
8 fish from contracting ISA.

9 If farm-raised fin fish are defined as
10 livestock, APHIS could extend the services it currently
11 provides to other agriculture producers to aquaculture
12 producers. We will proceed based on what you tell us
13 at these public meetings.

14 Our goal is to help the industry remain
15 healthy and expand markets abroad as it continues to
16 grow. Thank you.

17 DR. MILLER: Thank you very much.

18 Before you start, Liz, I just made a note.

19 I'm happy to announce that I got a letter
20 yesterday that we do have our first private lab
21 approved to do diagnostic testing for infectious salmon

1 anemia in Maine. And so we are moving according to
2 requests for that state which has asked for assistance
3 for the first outbreak of foreign animal disease in
4 this country that we didn't have before. So we are
5 happy to find that we have this service available now
6 to assist that industry.

7 Now, would you give us iterations of what the
8 presenters will do, Elizabeth?

9 MS. BARRETT: Sure.

10 Good afternoon.

11 DR. MILLER: Thank you.

12 MS. BARRETT: The first thing I need to let
13 you know is that there are transcripts available on
14 APHIS' web site for the Florida meeting and the
15 Kentucky meeting. The transcript from the Maine
16 meeting has not been posted yet, but that should be up
17 very shortly.

18 This is the address behind me. If you can't
19 see it right now, you can probably get a chance to
20 write it down at the conclusion of the meeting.

21 There are three issues that we specifically

1 asked for comment on in our meeting notices and they
2 are posted right over here next to Dr. Miller. The
3 first is, should our program be mandatory or voluntary?
4 The second is, should we cover shell fish? And the
5 third is, should we cover ornamental fin fish?

6 You're, of course, welcome to address any
7 issues you'd like to today, but those are suggested
8 ones we had posted.

9 I'm just going to call out the names in order
10 of registration beginning with the people who
11 registered in advance by phone and then in order of the
12 registration list over there.

13 I know some of you may have written your name
14 down with the possibility of speaking and you may
15 choose to speak or not to speak. It's up to you when I
16 call your name.

17 If you have not registered to speak, but if
18 you wish to speak, you must register over there. You
19 can't speak unless you write your name down for our
20 record.

21 We are recording this meeting, as Dr. Miller

1 mentioned, so that we'll have a transcript from this
2 meeting for our public record which will again go up on
3 our web site.

4 So when I call your name, please step up to
5 the microphone and state your name and also the
6 organization you represent for our record. If you
7 stand up to speak again later in the meeting, please
8 state your name again and the organization for our
9 records.

10 Also, if you've brought an extra copy of any
11 written comments, please give them to me at some point
12 before you leave this afternoon so we'll have them.
13 And I think that's about it.

14 So our first speaker today is Marilyn Blair
15 from the U.S. Fish and Wildlife Service.

16 MS. BLAIR: I'm Marilyn Blair of the U.S.
17 Fish and Wildlife Service.

18 And although the U.S. Fish and Wildlife
19 Service's response has already been recorded formally
20 into the public record, both in the form of a formal
21 letter and in previous forums such as this one, I would

1 like to provide a brief summary of the service's
2 position in order to be certain that our regionally
3 located state and private partners hear our message.

4 In general, the service considers the
5 proposed USDA APHIS rule making to be of merit, with
6 the potential to serve our domestic aquaculture
7 community in a positive manner. We do, however, have
8 some concerns that the proposal may have negative
9 potential as well.

10 The service believes that to optimize the
11 positive contributions of this proposed rule making, it
12 will require that USDA APHIS establish such rules only
13 after direct consultation with the service, in fact,
14 coordination with all the federal agencies mandated to
15 protect our nation's natural aquatic resources.

16 For example, the U.S. Fish and Wildlife
17 Service and the fisheries should be involved in any
18 rule making and/or policy development process, the
19 outcome of which has the potential to impact our
20 natural aquatic resources.

21 In addition, stakeholders such as the state,

1 private, and all segments of the regulated industry
2 should be involved.

3 The service is also concerned that the
4 proposed rule making will negatively affect our efforts
5 to recover threatened and endangered species. If the
6 program affects listed species, consultation with the
7 service under Section 7 of the "Endangered Species Act"
8 is required.

9 Federal agencies must also coordinate their
10 activities to ensure that the spread of injurious
11 species or organisms is minimized such as the zebra
12 mussel, Chinese mitten crabs, and exolbus cerebralis
13 (phonetic), the positive agent of Rougnon disease.

14 Another concern of the service is the all-
15 species dilemma. This -- the proposed policy should
16 include all aquatic species including invertebrates and
17 imported tropical fish. From a commercial perspective,
18 invertebrate movement live or dead product into and
19 within the U.S. may have the greatest potential impact
20 on domestic aquaculture.

21 The bait and tropical fish industries must be

1 included as well considering their significant
2 potential impact on wild or native fish populations.
3 All subsectors would be illogical because these species
4 may very well be vectors for fin fish diseases, not to
5 mention potential danger to our wild or native
6 population of related species.

7 At the same time, it may be impossible to
8 include such subsectors given the immensity of their
9 existing distribution systems. The service is
10 concerned about how APHIS plans to address this vast
11 dilemma.

12 Other concerns involve the infrastructure and
13 resources of APHIS available to address these issues.
14 It is unclear as to what the present infrastructure
15 comprises and what will be added. Additionally, the
16 cost of the health certification and the question of
17 whether it will be up to the commercial producer or
18 USDA to provide it is of concern.

19 The jurisdiction of USDA APHIS also needs to
20 be considered. For instance, the jurisdiction of APHIS
21 should not extend beyond commercially-reared aquatic

1 species. Additionally, since some states presently
2 regulate intra and interstate movement of commercially-
3 reared aquatic species, the existence of new federal
4 regulations should not add in an unnecessary and
5 complicating new layer to the present regulatory
6 requirement.

7 In conclusion, the proposed regulations must
8 not only benefit commercial aquaculture, it must
9 protect both our wild and native populations of fish.
10 The only way to ensure this protection is for USDA
11 APHIS to work closely with U.S. Fish and Wildlife
12 Service, fisheries, and other natural resource agencies
13 throughout this rule making and policy development
14 process.

15 Thank you.

16 DR. MILLER: Thank you. Appreciate it very
17 much. Would you like to leave any comments with us
18 hard copy? Thank you so much.

19 MS. BARRETT: Thank you.

20 The next speaker I have is Randy McMillen
21 from the Clear Springs Foods.

1 MR. MCMILLEN: Good afternoon. Clear Springs
2 really appreciates the opportunity to provide comment
3 to APHIS as APHIS continues to determine their role in
4 helping aquaculture tribe in the U.S.

5 We particularly appreciate the extraordinary
6 efforts that APHIS had undertaken in its attempt to
7 ensure that their actions reflect what is best for
8 aquaculture and, indeed, what the U.S. aquaculture
9 industry desires.

10 In the "Federal Register" notice about this
11 particular public hearing, APHIS correctly recognized
12 that U.S. aquaculture is diverse and that there really
13 is a plethora of aquaculture sectors. What is not
14 clear is whether APHIS fully understands the
15 conflicting nature of some of these aquaculture
16 sectors.

17 The aquaculture industry is actually a very
18 large, diverse group of enterprises with a single
19 commonality. They all raise organisms in water.
20 People may refer to terrestrial animal agriculture, but
21 only in a broad, general sense. There is no single

1 animal health regulatory or assistance program for
2 terrestrial animal agriculture except in a very broad
3 sense.

4 The reason for this is that hog production
5 needs are not the same as poultry production needs,
6 that are not the same as milk production needs even
7 though these farmers produce their crops on land. Each
8 of these sectors has different needs and different
9 animal health challenges. And so, too, with
10 aquaculture or aquatic animal agriculture sectors.

11 Catfish farmers may not have the same needs
12 as trout farmers who may not have the same needs as
13 tilapia or ornamental fish farmers. Those producing
14 food animals, that's those that are destined for human
15 consumption, have different needs or challenges from
16 those producing fish eggs for shipment within the U.S.
17 or internationally or who produce bait fish for live
18 distribution throughout the U.S. Add to this the needs
19 of some state and federal fisheries management agencies
20 and you have a very diverse and potentially conflicting
21 set of needs.

1 I'd like to proceed our company's
2 recommendations for APHIS by providing some additional
3 perspective. As you know, Idaho is the largest
4 producer of rainbow trout in the U.S. Collectively we
5 produce 40 to 45 million pounds of rainbow trout per
6 year. This represents about 70 percent of the total
7 U.S. trout production. With rare exceptions, any live
8 hauling of Idaho rainbow trout across state or
9 international boundaries, but it does occur.

10 Clear Springs Foods, whom I represent, was
11 founded in 1966 and was the largest single producer of
12 rainbow trout to North America and perhaps the world.
13 We produce 21 to 22 million pounds of rainbow trout per
14 year or about 50 percent of the trout produced in
15 Idaho.

16 We are a vertically integrated, employee-
17 owned company with our own feed mill, bird stock
18 station, four fish farms, two processing plants, a
19 tracking distribution system, sales and marketing
20 program, and research and development division. We
21 employ 435 people and market our processed products in

1 North America.

2 The reason I describe our company and Idaho
3 aquaculture in some detail is to impress upon you that
4 this is a large and significant sector of the U.S.
5 aquaculture industry. This sector is part of an even
6 larger food fish production sector that includes
7 amongst others channel catfish, tolopia, sturgeon, and
8 salmon.

9 The needs of the food fish production sector
10 are different than the needs of some other aquaculture
11 sectors and we may, depending on how APHIS proposes to
12 regulate or otherwise assist U.S. aquaculture, have
13 diametrical needs. These opposite needs can cause
14 strident opposition to rules that may be proposed.
15 This opposition will be dependent upon the direction
16 APHIS chooses to go.

17 So I was heartened by your earlier comments
18 that you want to help us and at our insistence help us.

19 In our view, APHIS must exercise great care
20 not to jeopardize the success of the food fish industry
21 in the U.S. The fin fish aquaculture industry in the

1 U.S. has thrived well without very much APHIS
2 involvement.

3 One APHIS program that has been particularly
4 helpful is the wildlife services program that has been
5 so helpful in the southern part of the U.S. with their
6 animal damage control efforts. If APHIS should further
7 develop additional programs, these programs must be
8 developed with the full cooperation and support of the
9 food fish industry and, in particular, the trout
10 industry.

11 We do believe there is opportunity of need
12 for APHIS to expand their service to us. We believe
13 various voluntary programs could be instituted under
14 APHIS direction that promotes improved aquatic animal
15 health management for the U.S. trout food fish
16 industry. And I emphasize "voluntary."

17 This program might be similar to the national
18 poultry improvement program, although this requires
19 further deliberation.

20 We believe the greatest threat, albeit only a
21 potential and unquantifiable threat, to the U.S. trout

1 food fish industry is from the inadvertent introduction
2 of economically damaging exotic pathogens from
3 international sources.

4 Some of the potential pathogens, for example,
5 the European string of vile hemorrhagic septicemia
6 virus, HSV, are known while others are yet to be
7 discovered. And that's a pessimistic view if there are
8 others out there.

9 We believe importation oversight in the U.S.
10 could be strengthened. We are unaware of incredible
11 evidence to suggest the importation of aquatic animals
12 other than cell monads with exotic pathogens pose a
13 credible risk to the U.S. trout industry. Importation
14 of other aquatic animals has occurred for over a
15 hundred years without evidence of pathogen transferred
16 to rainbow trout.

17 Clearly whatever the existing mechanisms,
18 natural or artificial, that have been operational
19 during this time, they have protected the trout
20 industry. Cell monads have indeed transferred some
21 pathogens to our farm-raised trout, the most notable

1 being IHM virus.

2 But this transfer, while unproven, most
3 likely occurred through a contamination of our farms
4 from wild migrating salmon while the movement of
5 infected native wild animal species, native cell monads
6 by U.S. or state national resource agencies. IHMV
7 should not be considered an exotic pathogen to the
8 United States.

9 There is no credible evidence that exotic
10 pathogens have been introduced into the U.S. from
11 processed fish. While often speculated that exolbus
12 cerebralis arrived with dead trout imported from
13 Germany sometime in the 1950s, there's actually no real
14 evidence to support this speculation.

15 IHMV is endemic in Idaho. Our processed
16 products, that is Clear Springs Foods' processed
17 products, have been distributed throughout the U.S.
18 since 1966. Many areas, most areas of the U.S. are
19 free of IHMV suggesting that processed product from
20 Idaho has not contaminated other areas and is an
21 unlikely source of IHMV.

1 The published scientific evidence also
2 supports the idea that processed products is a very low
3 or negligible risk for the transfer of IHMV. The
4 greatest threat again appears to occur through the
5 importation of live products and these we should --
6 legally should be more closely scrutinized.

7 There are some additional areas where we
8 believe APHIS could be helpful to the trout industry.
9 We suggest APHIS could assist the fish health community
10 in diagnostic validation and application. They should
11 continue their diagnostic reagent approval, but expand
12 to actually assist in reagent development.

13 APHIS could develop a reference laboratory
14 for exotic aquatic animal pathogens and then conduct
15 research to determine the potential threat of these
16 exotic pathogens to the trout industry and other
17 aquaculture sectors. Finally, APHIS could play a key
18 role in aquatic animal vaccine development.

19 In conclusion, we believe that any program
20 proposed by APHIS should be voluntary except that any
21 program developed further regulating the importation of

1 live-cell monads in the U.S. should be mandatory.

2 We believe APHIS should work very
3 closely with each aquaculture industry sector and
4 follow the veterinarianian creed which, I believe, is
5 "cause no harm." We suggest that APHIS should not do
6 anything that would jeopardize or increase the expense
7 of the trout food fish aquaculture sector.

8 Thank you.

9 DR. MILLER: Thank you very much. Appreciate
10 your comments.

11 MS. BARRETT: The next speaker I have here is
12 Keith Johnson from the Idaho Department of Fish and
13 Game.

14 MR. JOHNSON: I'm Keith Johnson with the
15 Idaho Department of Fish and Game and I'd like to
16 address the question from a perspective of a fishery's
17 resource conservation agency on the role of USDA APHIS.

18 As a conservation agency, I am convinced that
19 we don't see a direct regulatory role for APHIS in
20 conservation aquaculture. In relation to federally
21 listed species, under the "Endangered Species Act,"

1 there already is a sufficient amount of federal
2 oversight by the National Marine Fishery Service and
3 the U.S. Fish and Wildlife Service.

4 And as resource agencies, we have developed
5 our own methodologies of and services of -- to deal
6 with issues of importation and disease surveillance.

7 As a state resource agency, Idaho Department
8 is charged under the "Idaho Code" to preserve, protect,
9 and perpetuate, and manage wildlife including fish for
10 the enjoyment and use of the state, the citizens of the
11 State of Idaho.

12 Under the "Idaho Administrative Procedures
13 Act," we are charged to establish a permitting process
14 to protect existing fisheries' resources of the state
15 from introduced species which might pose a threat of
16 disease, genetic contamination, displacement or
17 displacement of existing species.

18 We have a fish health unit with the State of
19 Idaho and I supervise that unit. And our role and
20 goals are to prevent the introduction of exotic
21 pathogens, to prevent the transfer of live fish

1 containing uncontrollable pathogens, and to monitor and
2 improve the health status of cultured population and
3 also to document the presence of pathogens in wild fish
4 populations.

5 And relating to the three questions that were
6 posed in the "Federal Register," IDF&G doesn't have any
7 involvement with shell fish or, for that matter, with
8 ornamental species. As public aquaculturists, however,
9 we do benefit from existing roles of USDA APHIS,
10 primarily that of registration and licensing of
11 aquaculture vaccines.

12 These vaccines, we use under selected
13 cultured conditions and we're very pleased to see that
14 there is currently a recent licensing of a vaccine for
15 bacterial kidney disease. We use three other licensed
16 products for fish in the state.

17 I also want to encourage an expanding role or
18 expanding need for autogenous vaccines, something that
19 we also utilize in our production areas.

20 A second area in which we would like to see a
21 role for USDA APHIS in aquaculture is an effective

1 evaluation of biologic reagents that are used in
2 diagnostic testing. We have had some recent experience
3 with some antibody lots documented in our laboratory
4 that have not been satisfactory for our use for
5 bacterial kidney disease and it has caused us some
6 problems in recent years.

7 So there is a lot-to-lot consistency role
8 that I think USDA APHIS could play.

9 A couple other things were mentioned also by
10 other speakers which would include preventing the
11 introduction of exotic pathogens, especially important
12 in an area such as we have in the vicinity here where
13 there's such intense aquaculture of both rainbow trout
14 as well as the conservation. We have three
15 conservation hatch -- four conservation hatcheries in
16 the Hagerman area.

17 There are several recently described viral
18 and rachidial diseases which have not been detected in
19 these areas and we encourage all the assistance that we
20 can get as far as preventing their introduction.

21 Another area that was mentioned also deals

1 with aquatic nuisance species such as zebra mussel,
2 Asian milfoil (phonetic). We have the introduction of
3 New Zealand mud snails into the area. This is a
4 concern to us as a state natural resource agency.

5 DR. MILLER: Thank you very much. Appreciate
6 your comments.

7 MS. BARRETT: Thank you.

8 Next we have Jim Parsons from Trout Lodge,
9 Incorporated.

10 MR. PARSONS: My name is Jim Parsons and I'm
11 representing Trout Lodge, Incorporated.

12 Our company is a privately-owned aquaculture
13 firm that has facilities operating in the states of
14 Washington and Oregon. Our primary products are live-
15 cell monad eggs that are sold directly to
16 aquaculturists within the United States and
17 internationally.

18 Consequently, we observe on a daily basis and
19 firsthand the wide array of regulations and
20 requirements that can either assist or impede the sales
21 of live aquaculture products both here and abroad.

1 We have been a strong supporter for the role
2 of the U.S. Department of Agriculture Animal and Plant
3 Health Inspection Service in health certification of
4 live aquaculture products for international trade since
5 the early 1990s.

6 The USDA through the National Center for
7 Import Export, the Foreign Agriculture Service, and the
8 Regional Veterinarian Services programs already has a
9 well-structured framework in place throughout the world
10 for supporting these types of certification services.

11 APHIS veterinarian procedures are well known
12 and accepted by foreign health officials and the entire
13 process generally works very well.

14 APHIS has pursued the establishment of a set
15 of criteria and a process for the development of
16 veterinarian laboratories that can receive USDA
17 approval for the testing and certification of aquatic
18 animals. We have been and continue to be strongly
19 supportive of this program.

20 Judging by the extensive use and the high
21 credibility of the aquatic animal health program within

1 the Washington animal disease diagnostic laboratory at
2 Washington State University, the need for such a
3 program was well founded and the industry support quite
4 high.

5 Anything that can be done to maintain and
6 support these laboratories is, in our opinion, well
7 justified. The use of regional veterinarians to
8 inspect facilities, certify field veterinarians for
9 aquatic animal health testing and for signing health
10 documents works extremely well.

11 We believe that it is these regional programs
12 where direct contacts are made on a frequent basis and
13 the knowledge of facilities and programs is built over
14 time that are the true backbone of the program as it
15 exists today.

16 Perhaps more authority in the health history
17 and facility certifications could and should be given
18 to these regional authorities.

19 We do not, however, believe that the USDA
20 APHIS should be directly involved in developing new
21 sets of rules for regulating interstate commerce of

1 live aquaculture products within the U.S. The needs
2 and consequently the rules of each state regarding such
3 commerce vary widely. Any efforts to change or develop
4 sets of rules from a federal level would likely not be
5 well received.

6 However, the United States does not exist in
7 a vacuum. Foreign health officials want to see an
8 overriding national program of aquatic animal health
9 rules that allow them some idea of the meaning of the
10 various health attestations made by the authorities.
11 Without such a plan, it is unlikely that the United
12 States will ever be considered on an equivalent basis
13 with respect to its aquatic animal health programs.

14 We believe that perhaps EU, our European
15 Union model, offers some guidance as to the structure
16 that such a program might take on.

17 The EU has developed an overriding minimum
18 set of certification protocols and standards that an
19 aquatic animal farm must meet in order to obtain an
20 approved rating. These rules were established and
21 agreed to by representatives of individual member

1 states. Each individual country is then free to
2 develop additional requirements beyond those basic set
3 of rules should it have specific needs not met by the
4 original document.

5 While the U.S. certainly has many more
6 members with a larger diversity of needs, establishment
7 of such rules by species group may be within the realm
8 of possibility. These programs perhaps could or should
9 be voluntary and developed for those firms wishing to
10 undertake international commerce. Such a framework
11 would certainly make the job of obtaining international
12 approvals an easier task.

13 I would like to focus the remainder of this
14 input on the issues surrounding the APHIS role in
15 international aquatic animal health certification.

16 As I mentioned previously, the process
17 generally works well. There are notable exceptions,
18 however, that need immediate attention if this program
19 is to achieve and retain a level of international
20 credibility.

21 I'll make this case by using several specific

1 examples of successes and problems that we have
2 experienced in our recent efforts in working with USDA
3 APHIS.

4 During the summer of 2000, the country of
5 Chili imposed a total ban on the importation of any
6 live-cell monad eggs into their country. This
7 restriction was filed with the WTO as an emergency
8 action using the infectious salmon anemia virus as the
9 focal point. No certification from any foreign
10 authority was acceptable to the Chilean.

11 As a significant portion of our revenue was
12 then obtained from live egg cells to Chili, this ban
13 was of obvious concern to us. The problem, however,
14 caught the attention of Lewis Stockard, the foreign
15 agricultural attache stationed in the U.S. Embassy in
16 Chili.

17 After several rounds of timely and formal
18 meetings with the Chilean officials that included Dr.
19 Bob Bokma of the NCIE and Dr. Miller, the determination
20 was made that there was no scientific reason in place
21 for the ban and that the true issue was simply an

1 effort on the part of the Chileans to restrict trade.

2 The efforts of Dr. Stockard and all involved
3 quickly reached the level of trade negotiations and the
4 ban on importation was lifted by the development of a
5 memorandum of understanding between the U.S. and Chili.

6 I might certainly add that this MOU was
7 nearly destroyed by the efforts of other agencies
8 within the U.S. government. A one-year policy is now
9 in place that replaced the original five-year document.

10 Nonetheless, with these timely and intense
11 efforts, we were able to resume trade. We believe that
12 this is a success story that should be a template for
13 all other international aquatic animal trade
14 interaction.

15 We have not, however, obtained this same
16 level of effort or support for trade negotiations in
17 the European Union. In early 1998, the U.S. and the EU
18 developed an agreement defining the conditions for
19 trade in agriculture animal products. Aquaculture
20 species and products in general and live-cell monad
21 eggs in particular were included.

1 However, the EU and U.S. agreed that the
2 equivalency of the testing programs for these programs
3 should be evaluated at a later date and that trade
4 between firms in the U.S. and EU could occur based on
5 the rules of the individual member states.

6 In the fall of 1998, I made efforts to begin
7 dialogue with the EU representative within the NCIE
8 attempting to determine if the USDA through their
9 foreign agricultural liaisons could collect these sets
10 of rules for us. After repeated phone calls, e-mails,
11 and a circuitous route of contacts with foreign
12 agriculture specialists, I was never able to obtain
13 this information.

14 Given the potential for product sales to the
15 countries within the EU, our firm decided to pursue
16 determining actual trade rules on our own. We
17 established contacts, usually through our customers,
18 with the various aquatic animal and health regulators
19 in many of the EU member states and visited them
20 personally in an attempt to gather such information.

21 While unable to obtain a total log of

1 information and requirements, we did receive contact
2 information from several countries that are potentially
3 important to our long-term business efforts.

4 Upon return to the U.S., we contacted our
5 regional veterinarians who, while very supportive of
6 our efforts, were unable to write letters of support
7 directly on our behalf. Such efforts were referred
8 back to the NCIE.

9 The results that we obtained from NCIE in
10 regards to the EU certifications were and remain
11 unacceptable. Phone calls, e-mails, and letters go
12 unanswered. It is only through persistent pestering
13 that we ever obtained desired responses and then
14 usually not in a direct manner.

15 This entire process now threatens to
16 undermine all of our efforts to date in obtaining an
17 approved health status in some of the EU states that we
18 have had direct success in.

19 I quote directly from a customer contact in
20 Denmark that was received yesterday. Due to the fact
21 that the authorities in the EU cannot accept the rules

1 controlling diseases in the U.S., it is impossible for
2 us at the present stage to import eggs from you.

3 I personally e-mailed NCIE personnel with a
4 request to contact Denmark officials last week. To
5 date, I have not received any type of response and I am
6 left to wonder if anyone even received our request for
7 help.

8 The contact between the Danes and the Germans
9 now threatens our newly-established permission to ship
10 products into Germany. Without direct intervention
11 from USDA, our entire European sales efforts are
12 threatened.

13 How can two responses from the same
14 organization be so different? If the USDA APHIS is to
15 truly serve the U.S. aquaculture industry in assistance
16 with exports, which we believe one of their main roles
17 to be, a consistent and thorough response mechanism
18 must be in place. In a quickly evolving global
19 marketplace, we cannot accept any less.

20 One possible solution to this problem is to
21 delegate more authority back to the regional officials

1 that are most familiar with our operations.

2 To summarize, we fully support the USDA APHIS
3 role in developing health certification programs and
4 rules as they relate to international trade of live
5 aquatic animals. USDA APHIS is already considered the
6 competent authority for animal health certifications by
7 a majority of foreign countries.

8 To the extent that a national set of aquatic
9 animal rules can support these international trade
10 efforts, they should be pursued and perhaps most
11 importantly, whatever efforts USDA APHIS makes on
12 behalf of aquaculture in the international arena, the
13 responses must be timely and consistent.

14 I thank you for the opportunity.

15 MS. BARRETT: Next we have Scott Lapatry from
16 PNFHPC.

17 MR. LAPATRY: My name is Scott Lapatry and
18 I'm here representing the Pacific Northwest Fish Health
19 Protection Committee.

20 The Pacific Northwest Fish Health Protection
21 Committee is an organization of technical and policy

1 representatives from conservation agencies, tribes, and
2 commercial fish producers from the Pacific Northwest.

3 Participation in the PNFHPC extends far
4 beyond the voting members of the committee and include
5 valuable input from others in the region including
6 educational institutions, private and public research
7 laboratories, resource managers, and conservation
8 groups.

9 The committee originated as a forum which
10 operates on a consensus basis to discuss and resolve
11 fish health issues, to disseminate research findings,
12 educational material, and to communicate openly on all
13 matters as they relate to the production of healthy
14 fish in the cultured and natural setting.

15 Some of the objectives of the committee
16 include to prevent the importation into the Pacific
17 Northwest of fish infected with dangerous pathogens,
18 mutually identified by all cooperating parties, to the
19 exotic, to the geographic areas concerned, prevent the
20 transfer within the geographic area of concern of fish
21 and origami infected with uncontrollable pathogens

1 mutually identified by all cooperating parties, develop
2 strategies and implement procedures to assure that fish
3 health security of hatchery water supply, fish cultural
4 programs, and distribution operations to minimize the
5 impact of fish diseases and upgrade the health status
6 of fish, identify high-priority needs for fish health
7 research, and assist in coordinating the prompt
8 completion of studies of maximum utility in the control
9 of serious diseases, and strive to enhance
10 communications.

11 The PNFHPC is committed to providing our
12 expertise for the protection of our natural resources
13 and the enhancement of the commercial industries. We
14 maintain that only a joint partnership amongst federal,
15 state, tribal, and private-sector entities that are
16 performing aquatic animal examinations using approved
17 standard methods in laboratories staffed with competent
18 and trained personnel will be able to generate the data
19 necessary to adequately and economically serve the
20 needs of the private aquaculture industry as well as to
21 protect the health of aquatic animals that are managed

1 under legislative authority of several federal, state,
2 and tribal entities already established in the field.

3 We believe that it is of increasing urgency
4 to develop a truly national aquatic animal health
5 program that unites the expertise of APHIS, the
6 National Marine Fishery Service, and the U.S. Fish and
7 Wildlife service as well as the vast infrastructure of
8 the various states, tribes, and private-sector
9 laboratories doing fish health inspections.

10 Another important component is the fish
11 health section, professional certification, and
12 continuing education programs for those doing
13 inspections. Those coupled with the Blue Book and the
14 "OIE Code and Manual" form a powerful body of highly-
15 credible expertise that probably exceeds that of any
16 other OIE member country.

17 Ideally such a national aquatic animal health
18 program would occur under the auspices of a joint
19 subcommittee on aquaculture where the various private,
20 state, tribe, and federal entities involved with
21 aquatic animal health would be consulted to draft a

1 national program that could meet the goals of the
2 inspection programs mandated by the OIE.

3 At a minimum, APHIS, National Marine Fishery
4 Service, and the U.S. Fish and Wildlife Service need to
5 sign a memorandum of understanding to define a joint
6 competent authority for the U.S. and to pool the
7 extensive body of aquatic animal health inspections
8 that currently exist.

9 Failing the creation of a joint national
10 program, we will be left in a highly vulnerable
11 position of lacking sufficient information to
12 convincingly declare the entire U.S. free of specific
13 diseases and should the cause of disease be discovered
14 within the national borders, we will have insufficient
15 data upon which to define more limited disease-free
16 zones that can be used to support trade.

17 Thank you for the opportunity to comment.

18 DR. MILLER: Appreciate your comments and
19 thank you for your copy.

20 MS. BARRETT: Thanks.

21 Next we have Jerry Zin from Aqua Health USA.

1 MR. ZIN: No, I didn't sign.

2 MS. BARRETT: Oh, okay. That's fine.

3 Chris Wilson from Utah Wildlife Preserve.

4 MR. WILSON: I'm here. I hadn't prepared to
5 speak.

6 MS. BARRETT: Okay. Are there any more
7 speakers listed over there? No?

8 Has anyone registered to speak who hasn't
9 spoken?

10 (Whereupon, there was no response.)

11 DR. MILLER: Is there any redress if anyone
12 would like to speak again?

13 (Whereupon, there was no response.)

14 DR. MILLER: I have five minutes to three.
15 We haven't went quite an hour. But if there's no other
16 people to speak or no redress of comments made, we will
17 begin to close then by giving our closing remarks.

18 All the comments that you've made today as
19 well as the comments made at the last three public
20 meetings will be taken quite seriously and will be
21 looked at from the perspective of what information that

1 you provided us to help assist us to answer concerns,
2 needs, or to expand APHIS, whatever area that you felt
3 was an action item.

4 Having said that then, I would like to
5 encourage those speakers that expressed their comments,
6 that until the end of this year, probably I'd say maybe
7 the end of November, you can still turn in comments
8 written to us. Those comments should be specific,
9 detailed with what and how you would like to see the
10 things that you've suggested to take place.

11 APHIS has not made a decision to go forward.
12 These public meetings are not formal rule making.
13 These public meetings are fact gathering, information
14 gathering, information in lieu of negotiated rule
15 making.

16 So we would expect you to provide as much
17 detail as you would like for us to have from your
18 species crop group of what you would like to see take
19 place.

20 It is hoped that from all this information,
21 which will be on a public site for you to see, when we

1 begin to analyze this information, we will be able to
2 come forth either with no action or a proposed rule.
3 If a proposed rule comes forward, then it will go back
4 out in the "Federal Register," which you will have a
5 comment period of 30 to 60 days to then address that.

6 At that point, you again put whatever
7 specific comments you wanted based on what you've read.
8 Those comments will be considered again. From that
9 point, it will either go forward or it will die. If it
10 is information sufficient to go forward or the agency
11 feels that the information is sufficient to go forward
12 after the proposed rule, then a final rule will be put
13 out. The final rule will also be in the "Federal
14 Register."

15 And at that point, what's in the final rule
16 would indeed be what the new regulations would be
17 regarding that topic. And that decision would be based
18 on what we've heard from you today of what species
19 crops group would be involved or not be involved.

20 That's the process as far as what to expect
21 in the future as far as this.

1 Now, as far as the next meetings, I don't
2 know if anybody new came in again, but I'll just
3 briefly say those meetings again. You may have missed
4 them.

5 We'll be meeting in September. And all this
6 will be put in the "Federal Register." So I think I
7 may have a date on that particular one in September. I
8 believe it's September 20th through the 21st or the
9 22nd. I'm not absolutely sure. But it will be the
10 Pacific Coast Shellfish Growers Association annual
11 conference and this will be in Washington.

12 And then we'll move from there with the
13 October meetings, the Pennsylvania Aquaculture Advisory
14 Committee and the Pennsylvania Aquaculture Association
15 annual meeting.

16 And then we'll move on to -- I do know
17 Jackson, Mississippi has been set up. That will be the
18 Catfish Farmers of America there.

19 And I believe Pine Bluff, Arkansas is the
20 location for the Catfish Farmers meeting in Arkansas,
21 but that's to be confirmed.

1 So we would hope that those would be the last
2 meetings. That will be a series of eight.

3 Okay. Just as another point, I would just
4 announce we have established through the Joint
5 Subcommittee on Aquaculture, which will be meeting June
6 the 21st as a general body, a national aquatic animal
7 health task force on aquaculture, interagency group
8 that will be bringing forth this mission and its goals
9 and objectives at that meeting on the 21st.

10 You are invited to that meeting. That will
11 extend to the stakeholders after this meeting, so all
12 of this will be provided to the stakeholders after that
13 meeting on June 21st. And some of the stakeholders may
14 be coming, so you're invited if you're coming to that
15 particular meeting, which is in Washington, D.C.

16 Having said all of my announcements, I want
17 to now have the head table opportunity, if they want to
18 share any comments, clarify anything, or any party
19 comments, and I'd like to reserve the last comments for
20 our veterinarian in charge, Dr. Cindy Gaborick.

21 And I'm very appreciative of her being here,

1 and Jack, because as some comments were made about the
2 region and I take that to mean grass roots. These two
3 individuals will be the ones -- these two individuals
4 will be the ones that you would have your main contact
5 for APHIS services within Idaho.

6 So, Jack, we have no further registrants?

7 DR. AMEN: No one else signed in, unless this
8 gentleman wants to that just came in.

9 Do you want to say any comments?

10 MALE VOICE: No, sir.

11 DR. MILLER: All right. Well, with that,
12 Dale?

13 MS. RENDAHL: I have nothing. Thank you.

14 DR. MILLER: Well, it's our pleasure and
15 we're very appreciative of other comments. They've
16 been very substantial. It doesn't have to be a lot of
17 people to make good comments. The room doesn't have to
18 be full to make substantial comments.

19 And some of the things you've said today have
20 been most substantive and I'm very appreciative of
21 that. And if you would just follow with whatever

1 additional material you want us to have, we would be
2 very welcome to have it.

3 So now I'd like to close out with Dr.
4 Gaborick's statements.

5 DR. GABORICK: I just want to thank you all
6 for coming and we do appreciate your comments. If
7 veterinarian services gets involved in rule making or
8 certification processes, it would be our office in
9 Boise that would run the program in Idaho.

10 And here is our address, USDA APHIS
11 Veterinarian Services on 9158 West Black Eagle Drive,
12 Boise, Idaho. And my phone number is (208)378-5621.
13 So if you have any questions or comments in the
14 meanwhile, feel free to give me a call. And, again,
15 thank you for coming and have a safe trip back home.

16 DR. MILLER: Thank you once again.

17 On behalf of APHIS, we would like to offer
18 our regrets. We will not be able to attend the meeting
19 tomorrow. We have a meeting in Florida Sunday with the
20 United States Animal Health Association. I want to say
21 aquaculture, but they don't have that in their title.

1 It's the United States Animal Health Association, the
2 southern region. We have a morning meeting there
3 throughout that week. And so we're going to have a
4 farm tour early that morning and then we will have to
5 return back for our meeting that Sunday, Sunday
6 morning.

7 So if you would please extend our courtesies
8 to those, that we will not be able to meet. We were
9 looking forward to meeting with them and the
10 association members after your meeting tomorrow and
11 enjoying some of the barbecue as well, but we're going
12 to have to take a rain check and get with you guys next
13 time. But we'll be here after this is over to talk and
14 share and we appreciate the opportunity of being here
15 in this very good weather that you're having.

16 Thank you again so much. We appreciate it.

17 (Whereupon, the above-entitled public
18 meeting was adjourned.)

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