

"PERTAINING TO IMPORTATION OF FISH, SHELLFISH OR CRUSTACEA INTO VIRGINIA'S WATERS"**CHAPTER 4VAC20-754-10 ET SEQ.****PREAMBLE**

This chapter establishes the list of approved states, waters, and species as required under §28.2-825 of the Code of Virginia for the lawful importation of fish, shellfish or crustacea into the Commonwealth, with the intent of placing such animals into the waters of the Commonwealth. This chapter is promulgated pursuant to the provisions of §§28.2-201 and 28.2-825 of the Code of Virginia. This chapter amends and re-adopts, as amended, previous Chapter 4 VAC 20-754-10 et seq. that was adopted on ~~September 24, 2002~~ November 26, 2002 and made effective ~~September 26, 2002~~ November 27, 2002. The effective date of this chapter, as amended, is ~~November 27, 2002~~ December 10, 2021.

4VAC20-754-10. Purpose.

The purpose of this chapter is to establish the list of approved states, waters and species, and criteria necessary for the importation of fish, shellfish, and crustacea for the purpose of placing such animals into the waters of the Commonwealth.

4VAC20-754-20. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Atlantic coastal areas" means the tidal waters of Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, North Carolina, South Carolina,

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Georgia and the tidal waters of the state of Florida which enter the Atlantic Ocean through lands on the eastern side of the state of Florida north of the southernmost point of the mainland peninsula of Florida.

"Clinical disease" means infection by endemic Perkinsus or Haplosporidium pathogens or QPX that exceeds 5% prevalence in a sample, and/or with any single infection of moderate or greater intensity; or infection by any non-endemic pathogen.

"Northern broodstock" means clams that originated in Virginia waters or other growing areas on the east coast of the continental United States north of Virginia.

"Shell height" means the straight-line distance from the hinge of the mollusk to its bill.

"Shell length" means the longest straight-line distance on the mollusk from edge to edge.

"VIMS" means the Director of the Virginia Institute of Marine Science or Virginia Institute of Marine Science staff designated by the Director to act with the same authority.

4VAC20-754-30. Approved species and criteria for importation.

A. Pursuant to the provisions of §28.2-825 of the Code of Virginia and under the following conditions, it shall be lawful to import into the Commonwealth, with the intent of placing such animals into the waters of the Commonwealth, any species listed below, except as prohibited in the exception contained in subdivision 1 of this subsection:

1. Any hard clam of the species *Mercenaria mercenaria* from ~~the waters of any coastal area~~

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~~or state within the continental United States and which is absent of any known shellfish pathogen, as specified in subsection B of this section, except that any importation of hatchery produced seed of the genus *Mercenaria* from Pacific coastal states within the continental United States shall be prohibited, and any importation of hatchery produced seed of the genus *Mercenaria* from South Carolina or Florida shall meet all requirements established by subdivision 1 a through d of this subsection. Importation requirements established by subdivision 1 a through d of this subsection shall be in addition to those importation requirements established by subsection B of this section. Atlantic coastal areas and which is absent of clinical disease caused by any known shellfish pathogen, as specified in subsection B of this section. Importation requirements established by 4 VAC 20-754-30 A 1 a through d, shall be in addition to those importation requirements established by 4 VAC 20-754-30 B.~~

- a. ~~The South Carolina or Florida~~ hatchery or facility shall certify that only northern broodstock clams of the genus *Mercenaria*, absent of shellfish pathogens, were used to produce hard clam seed that is to be exported to Virginia. The certification shall be accompanied by evidence that the facility took possession of the northern broodstock hard clams within the previous 12 months.
- b. ~~The South Carolina or Florida~~ hatchery or facility shall certify that any clam seed scheduled for importation into Virginia was produced from broodstock that satisfies

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the requirements specified by subdivision 1 a of this subsection.

c. The ~~South Carolina or Florida~~ hatchery or facility shall certify that only hard clams of northern broodstock were held in the facility used for spawning purposes throughout the time period, within a calendar year, corresponding to all shipments of hard clam seed to Virginia, and all shipments of clam seed shall be accompanied by a tag indicating the name of the hatchery or facility and the quantity on a per bag or container basis.

d. Any certification requirements described in subdivisions 1 a and b of this section shall accompany the certified statement from an approved shellfish pathologist as to the ~~complete absence of known shellfish pathogens~~ clinical disease in a random sample of hard clam seed of the genus Mercenaria scheduled for importation into Virginia, as described in subsection B of this section. All certified statements required for importation of hard clam seed of genus Mercenaria as specified by subdivisions 1 a and b of this subsection and subsection B of this section shall be provided to the Virginia Marine Resources Commission, ~~Fisheries Management Division~~, at least 10 days prior to the shipment of any hard clam seed of genus Mercenaria.

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2. Any American oyster shellstock of the species *Crassostrea virginica* greater than ~~25mm~~ 15mm in shell height from ~~the waters of New England, Mid Atlantic, or South Atlantic coastal areas or states~~ and that is absent of ~~any known~~ non-endemic shellfish pathogen pathogens and with Perkinsus and Haplosporidium infection prevalence and intensity no higher than, in recipient Virginia waters, as specified in subsection B of this section.

3. Any American oyster hatchery-produced seed of the species *Crassostrea virginica* less than ~~25mm~~ 15mm in shell height from ~~the waters of any coastal area or state within the Continental United States and~~ Atlantic coastal areas that is absent of clinical disease caused by any known shellfish pathogen, as specified in subsection B of this section, or documentation of appropriate certification of the hatchery facility demonstrating compliance with biosecurity standards under a VIMS-supported program for seed of the size in question.

4. Any bay scallop hatchery-produced seed of the species *Argopecten irradians* less than 25mm in shell height from ~~the waters of any coastal area or state within the continental United States~~ Atlantic coastal areas and that is absent of clinical disease caused by any known shellfish pathogen, as specified in subsection B of this section.

5. Any surf clam hatchery-produced seed of the species *Spisula solidissima* less than 25mm in shell length from ~~the waters of any coastal area or state within the continental United States~~ Atlantic coastal areas and that is absent of clinical disease caused by any known

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shellfish pathogen, as specified in subsection B of this section.

6. Any soft shell clam-hatchery-produced-seed of the species *Mya arenaria* less than 25mm in shell length from ~~the waters of any coastal area or state within the United States~~ Atlantic coastal areas and that is absent of clinical disease caused by any known shellfish pathogen.

7. Any pre-molt (peeler) blue crab of the species *Callinectes sapidus* from the waters of the states of New Jersey, Delaware, Maryland, North Carolina, South Carolina, or Georgia.

B. Requirements to be met, in order to import any species described in subsection A of this section shall include a certified statement from an approved shellfish pathologist as to the ~~complete~~ absence of clinical disease caused by any known shellfish pathogens in a random sample, or for oysters of Perkinsus and Haplosporidium prevalences and intensities no higher than in recipient Virginia waters. That certified statement shall be provided to the Virginia Marine Resources Commission, ~~Fisheries Management Division~~ at least 10 days prior to the shipment of any molluscan shellfish specified above for introduction into the waters of the Commonwealth. The test for shellfish pathogens in all shellfish species ~~except oysters~~ shall be from a random sample of 60 individuals from the shipment or population in question which was examined by histological and fluid thioglycollate methods, or histological and PCR methods for small seed, within ~~60~~ 30 days of each importation. ~~For oysters, samples shall be tested within 30 days of each importation.~~ Documentation of appropriate hatchery facility certification demonstrating compliance with biosecurity standards under a VIMS-supported program may be accepted in lieu of batch analysis of oyster and Mercenaria

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seed proposed for transfer at the discretion of the Virginia Marine Resources Commission.

C. Shipments of any molluscan shellfish specified above, upon entry into the Commonwealth for introduction into the waters of the Commonwealth, shall be accompanied by a certified statement from an approved shellfish pathologist as to the ~~complete~~ absence of clinical disease caused by any known shellfish pathogens in a random sample of 60 individuals from the shipment or population in question, or by documentation of appropriate hatchery facility certification demonstrating compliance with biosecurity standards under a VIMS-supported program for seed of the size in question and written acknowledgement from the Virginia Marine Resources Commission on the receipt of such statement or documentation.

D. Shipments of any species under the provisions of this chapter shall be accompanied by documentation of the quantity imported.

E. The provisions of the chapter shall not apply to the importation of any molluscan shellfish from the waters of the Delaware Bay or the Maryland portion of the Chesapeake Bay and its tributaries.

4VAC20-754-40. Penalty.

As set forth in §§28.2-201 and 28.2-825 of the Code of Virginia, any person violating any provision of the chapter shall be guilty of a Class I misdemeanor.

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This is to certify that the foregoing is a true and accurate copy of the Chapter passed by the Virginia Marine Resources Commission, pursuant to authority vested in the Commission by §§28.2-201 and 28.2-825, of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at the meeting held in Hampton, Virginia, on December 7, 2021.

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MARINE RESOURCES COMMISSION

By: _____

Steven G. Bowman
Commissioner

Subscribed and sworn to before me this day of December ____, 2021.

Notary Public