§ 16.12 Importation of live wild birds or their eggs.

(a) The importation, transportation, or acquisition is prohibited of any live specimen or egg of (1) the species of so-called “pink starling” or “rosy pastor” Sturnus roseus; (2) the species of dicroch (including the subspecies black-fronted, red-billed, or Sudan dicroch) Quelea quelea; (3) any species of Java sparrow, Padda oryzivora; (4) the species of red-whiskered bulbul, Pyconotus jocosus: Provided, That the Director shall issue permits authorizing the importation, transportation, and possession of such live birds under the terms and conditions set forth in §16.22.

(b) Upon the filing of a written declaration with the Director of Customs at the port of entry as required under §14.61, all species of live wild game birds may be imported, transported, and possessed, without a permit, for propagating or scientific collection purposes, but no such live wild game birds or any progeny thereof may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission for release from such agency: Provided, That the provisions of this paragraph shall not apply to live bald and golden eagles or to live migratory birds, the importation of which is governed by regulations under parts 22 and 21 of this chapter, respectively, or to birds of the Family Psittacidae (parrots, macaws, cockatoos, parakeets, lories, lovebirds, etc.), the importation and transportation of which is governed by U.S. Public Health Service regulations under 42 CFR parts 71 and 72.

§ 16.13 Importation of live or dead fish, mollusks, and crustaceans, or their eggs.

(a) Upon an exporter filing a written declaration with the District Director of Customs at the port of entry as required under §14.61 of this chapter, live or dead fish, mollusks, and crustaceans, or parts thereof, or their gametes or fertilized eggs, may be imported, transported, and possessed in
captivity without a permit except as follows:
(1) No such live fish, mollusks, crustacean, or any progeny or eggs thereof may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission from such agency.
(2) The importation, transportation, or acquisition of any of the species listed in this paragraph is prohibited except as provided under the terms and conditions set forth in §16.22:
(i) Live fish or viable eggs of walking catfish, family Clariidae;
(ii) Live mitten crabs, genus Eriocheir, or their viable eggs;
(iii) Live mollusks, veligers, or viable eggs of zebra mussels, genus Dreissena;
(iv) Any live fish or viable eggs of snakehead fishes of the genera Channa and Parachanna (or their generic synonyms of Bostrychoides, Ophiocephalus, Ophioccephalus, and Parophiocephalus) of the Family Channidae, including but not limited to:
(A) Channa amphiheus (Chel or Borna snakehead).
(B) Channa argus (Northern or Amur snakehead).
(C) Channa asiatica (Chinese or Northern Green snakehead).
(D) Channa aurantimaculata.
(E) Channa bankanensis (Bangka snakehead).
(F) Channa baramensis (Baram snakehead).
(G) Channa barca (barca or tiger snakehead).
(H) Channa bleheri (rainbow or jewel snakehead).
(I) Channa cyanospilos (bluespotted snakehead).
(J) Channa gachua (dwarf, gaucha, or frog snakehead).
(K) Channa harcourtbutleri (Inle snakehead).
(L) Channa lucius (shiny or splendid snakehead).
(M) Channa maculata (blotched snakehead).
(N) Channa marulius (bullseye, murrel, Indian, great, orcobra snakehead).
(O) Channa maruloides (emperor snakehead).
(P) Channa melanoptera.
(Q) Channa melasoma (black snakehead).
(R) Channa micropeltes (giant, red, or redline snakehead).
(S) Channa nox.
(T) Channa orientalis (Ceylon or Ceylonese Green snakehead).
(U) Channa panare.
(V) Channa pleurophthalmus (ocellated, spotted, or eyespot snakehead).
(W) Channa punctata (dotted or spotted snakehead).
(X) Channa stewartii (golden snakehead).
(Y) Channa striata (chevron orstriped snakehead).
(2) Notwithstanding §16.32, all Federal agencies shall be subject to the requirements stated within this section.
Live or dead uneviscerated salmonid fish (family Salmonidae), live fertilized eggs, or gametes of salmonid fish are prohibited entry into the United States for any purpose except by direct shipment accompanied by a certification that: as defined in paragraph (e)(1) of this section, the fish lots, from which the shipments originated, have been sampled; virus assays have been conducted on the samples according to methods described in paragraphs (e)(2) through (4) of this section; and Oncorhynchus masou virus and the viruses causing viral hemorrhagic septicemia, infectious hematopoietic necrosis, and infectious pancreatic necrosis have not been detected in the fish stocks from which the samples were taken. In addition, live salmonid fish can be imported into the United States only upon written approval from the Director of the U.S. Fish and Wildlife Service.
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(4) All live fish eggs of salmonid fish must be disinfected within 24 hours prior to shipment to the United States. Disinfection shall be accomplished by immersion for 15 minutes in a 75 part per million (titratable active iodine) non-detergent solution of polyvinylpyrrolidone iodine (iodophor) buffered to a pH of 6.0 to 7.0. Following disinfection, the eggs shall be rinsed and maintained in water free of fish pathogens until packed and shipped. Any ice or water used for shipping shall be from pathogen-free water.

(b)(1) The certification to accompany importations as required by this section shall consist of a statement in the English language, printed or typewritten, stating that this shipment of dead uneviscerated salmonid fish, live salmonid fish, or live, disinfected fertilized eggs or gametes of salmonid fish has been tested, by the methods outlined in this section, and none of the listed viruses were detected. The certification shall be signed in the country of origin by a qualified fish pathologist designated as a certifying official by the Director.

(2) The certification must contain:

(i) The date and port of export in the country of origin and the anticipated date of arrival in the United States and port of entry;

(ii) Surface vessel name or number or air carrier and flight number;

(iii) Bill of lading number or airway bill number;

(iv) The date and location where fish, tissue, or fluid samples were collected;

(v) The date and location where virus assays were completed; and

(vi) The original handwritten signature, in ink, of the certifying official and his or her address and telephone number.

(3) Certification may be substantially in the following form:

I. __________________________, designated by the Director of the U.S. Fish and Wildlife Service on _______________ (date), as a certifying official for __________________________ (country), as required by Title 50, CFR 16.13, do hereby certify that the fish lot(s) of origin for this shipment of _______ (weight in kilograms) dead uneviscerated salmonid fish, live salmonid fish, live salmonid fish eggs disinfected as described in §16.13, or live salmonid gametes to be shipped under _______ (bill of lading number or airway bill number), were sampled at _______ (location of fish facility) on _______________ (sampling date) and the required viral assays were completed on _______________ (date assays were completed) at _______ (location where assays were conducted) using the methodology described in §16.13. I further certify that Oncorhynchus masou virus and the viruses causing viral hemorrhagic septicemia, infectious hematopoietic necrosis, and infectious pancreatic necrosis have not been detected in viral assays of the fish lot(s) of origin.

The shipment is scheduled to depart _______ (city and country) on _______________ (date), via _______________ (name of carrier) with anticipated arrival at the port of _______ (city), U.S.A., on _______________ (date).

(Signature in ink of certifying official)

(Printed name of certifying official)

Date: __________________________

Organization employing certifying official: __________________________

Mailing address: __________________________

City: __________________________

State/Province: __________________________

Zip Code/Mail Code: __________________________

Country: __________________________

Office telephone number: International code __________________________

Telephone number __________________________

Fax number __________________________

(c) Nothing in this part shall restrict the importation and transportation of dead salmonid fish when such fish have been eviscerated (all internal organs removed, gills may remain) or filleted or when such fish or eggs have been processed by canning, pickling, smoking, or otherwise prepared in a manner whereby the Oncorhynchus masou virus and the viruses causing viral hemorrhagic septicemia, infectious hematopoietic necrosis, and infectious pancreatic necrosis have been killed.

(d) Any fish caught in the wild in North America under a valid sport or commercial fishing license shall be exempt from sampling and certification requirements and from filing the Declaration for Importation of Wildlife. The Director may enter into formal agreements allowing the importation of gametes, fertilized eggs, live fish, or dead, uneviscerated fish without inspection and certification of pathogen status, if the exporting Nation has an acceptable program of inspection and pathogen control in operation, can document the occurrence and distribution of fish pathogens within its boundaries, and can demonstrate that importation of salmonid fishes into the United States is desirable.
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States from that National will not pose a substantial risk to the public and private fish stocks of the United States.

(e) Fish sampling requirements, sample processing, and methods for virus assays—(1) Fish sampling requirements. (i) Sampling for virus assays required by this section must be conducted within the six (6) months prior to the date of shipment of dead uneviscerated salmonid fish, live salmonid fish, live salmonid eggs, or salmonid gametes to the United States. Sampling shall be on a lot-by-lot basis with the samples from each lot distinctively marked, maintained, and processed for virus assay separately. A fish lot is defined as a group of fish of the same species and age that originated from the same discrete spawning population and that always have shared a common water supply. In the case of adult broodstock, various age groups of the same fish species may be sampled as a single lot, provided they meet the other conditions previously stated and have shared the same container(s) for at least 1 year prior to the sampling date.

(ii) In a sample, or sub-sample of a given lot, collection of 10 or more moribund fish shall be given first preference. The remainder of fish required for collection shall be randomly selected live fish from all containers occupied by the lot being sampled. Moribund fish shall be collected and processed separately from randomly selected fish. In the event the sample is taken from adult broodstock of different ages that share the same container, first preference shall be given to collecting samples from the older fish.

(iii) The minimum sample numbers collected from each lot must be in accordance with a plan that provides 95 percent confidence that at least one fish, with a detectable level of infection, will be collected and will be present in the sample if the assumed minimum prevalence of infection equals or exceeds 2 percent. A total of 150 fish collected proportionately from among all containers shared by the lot usually meets this requirement. A sampling strategy based on a presumed pathogen prevalence of 5 percent (60 fish) may be used to meet sampling requirements for shipments of gametes, fertilized eggs, or uneviscerated dead fish; provided that in the previous 2 years no disease outbreaks caused by a pathogen of concern have occurred at the facility from which the shipment originated and all stocks held at the facility have been inspected at least four times during that period (at intervals of approximately 6 months) and no pathogens of concern detected.

(iv) Fish must be alive when collected and processed within 48 hours after collection. Tissue and fluid samples shall be stored in sealed, aseptic containers and kept at 4 °Celsius (C.) or on ice but not frozen.

(v) Tissue collection shall be as follows:

(A) Sac Fry and fry to 4 centimeter (cm): Assay entire fish. If present, remove the yolk sac.

(B) Fish 4–6 cm: Assay entire visceral mass including kidney.

(C) Fish longer than 6 cm: Assay kidney and spleen in approximately equal weight proportions.

(D) Spawning adult broodstock: Assay kidney and spleen tissues from males and/or females and ovarian fluid from females. Ovarian fluid may comprise up to 50 percent of the samples collected.

(2) General sample processing requirements. (i) Ovarian fluid samples shall be collected from each spawning female separately. All samples from individual fish shall be measured to ensure that similar quantities from each fish are combined if samples are pooled. Ovarian fluid samples from no more than five fish may be combined to form a pool.

(ii) Whole fry (less yolk sacs), viscera, and kidney and spleen tissues from no more than five fish may be similarly pooled.

(iii) Antibiotics and antifungal agents may be added to ovarian fluid or tissue samples to control microbial contaminant growth at the time of sample collection. Final concentrations shall not exceed 200–500 micrograms/milliliter (μg/ml) of Gentamycin, 800 international units/milliliter (IU/ml) of penicillin, or 800 μg/ml of streptomycin. Antifungal agent concentrations should not exceed 20 IU/ml of mycostatin (Nystatin) or 20 μg/ml of amphotericin B (Fungizone).
§ 16.14 Importation of live amphibians or their eggs.

Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under §14.61, all species of live amphibians or their eggs may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, education, exhibition, or propagating purposes, but no such live amphibians or any progeny or eggs thereof may be released into the wild except by