



February 11, 2025

Assembly Member Alex Bores  
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Chair, Deborah Glick, Committee on Environmental Conservation  
Email: [GlickD@nyassembly.gov](mailto:GlickD@nyassembly.gov)

Ranking Member, Matthew Simpson, Committee on Environmental Conservation  
Email: [SimpsonM@nyassembly.gov](mailto:SimpsonM@nyassembly.gov)

The Honorable Representative Bores, Chair Glick and Ranking Member Simpson:

The National Aquaculture Association<sup>1</sup> respectfully requests A03330, prohibiting the importation of live bait, be withdrawn, tabled or voted down within the Committee on Environmental Conservation.

An organization advocating for this bill is Upstream Policies aka Upstream Aquatic Institute. An organization trained and funded by the UK-based Charity Entrepreneurship. A charity whose goal is animal rights advocacy. Their goal is not to improve or inform aquatic animal health management or national efforts to prevent or control the movement of fish pathogens. Their goal is to ban live bait farming or wild harvesting and bait distribution and use by the fishing public.

We strongly support wise and thoughtful fishery and aquatic resources management as implemented by the New York Department of Environmental Conservation. We recommend focusing your efforts on supporting and working with the Department to help them to facilitate fishing opportunities for your constituents to enjoy, value and benefit in the great state of New York.

During 2024, Upstream Policies conducted a flawed study of baitfish (golden shiners [*Notemigonus crysoleucas*], mud minnows [*Fundulus heteroclitus*], sheepshead minnows

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<sup>1</sup> The [National Aquaculture Association](https://nationalaquaculture.org) (NAA) is a U.S. producer-based, non-profit trade association founded in 1991 that supports the establishment of governmental programs that further the common interest of our membership, both as individual producers and as members of the aquaculture community. For over 34 years NAA has been the united voice of the domestic aquaculture sector committed to the continued growth of our industry, working with state and federal governments to create a business climate conducive to our success, and fostering cost-effective environmental stewardship and sustainability.

[*Cyprinodon variegatus*], and two unidentified fish) collected from nine retail bait stores in Delaware to exaggerate the pathogen risks associated with the use of live-bait fish.<sup>2</sup>

The study completed by Upstream Policies is questionable for the following reasons:

- 1) The number of positive fish identified in this study (based on a sample size of 10 fish per shop) for three viral pathogens (viral hemorrhagic septicemia virus, spring viremia of carp virus and koi herpes virus) would indicate a high prevalence of these pathogens in source populations. While these three pathogens are known to occur in the U.S. in susceptible species, this level of infection in wild populations is not supported by current evidence.
- 2) There is not a universally recognized and validated real time polymerase chain reaction assay for spring viremia carp virus at this time.
- 3) The study implies koi herpes virus was found in the species tested – all of which are not previously known to be susceptible to koi herpes virus and no other scientific evidence is known to support these claims.
- 4) Testing of susceptible farmed fish for viral hemorrhagic septicemia began in 2008. The pathogen has not been found in U.S. farmed fish nor have U.S. farms experienced losses due to the pathogen.
- 5) Without knowing more about the sources of baitfish or the retailer biosecurity practices – it is impossible to know what the real epidemiology is of these detections if they are in fact correct.
- 6) The detailed procedures used to collect tissue, process samples, and run the polymerase chain reaction assays must be examined to determine if laboratory-related issues were a factor in the findings.
- 7) The study was distributed by Upstream Policies without the knowledge of the funding agency.

Upstream Policies did not report these pathogens to the U.S. Department of Agriculture and has refused to cooperate to independently confirm the pathogens they claim to have found. Animal pathogens are nationally reportable to the USDA Animal Plant Health Inspection Service through the [National Animal Health Surveillance - National List of Reportable Animal Diseases](#). Reporting and confirmation are key to animal health, public health, food safety, and environmental health.

The majority of freshwater bait fish produced and sold in the United States originate from Arkansas. In 2005, Arkansas bait and ornamental fish farmers successfully advocated for

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<sup>2</sup> DeRooy, V. and A. Hansen. 2025. Detection of Major Pathogen's in Delaware's Live Bait Supply. Upstream Aquatic Institute ([Detection of pathogens in Delaware's live bait supply.pdf - Google Drive](#) accessed February 10, 2025). Please note the initial pilot study dated November 2024 has been revised to a study dated January 2025.

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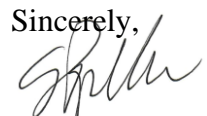
[a voluntary, fee-supported inspection and verification program](#) conducted by the Arkansas Department of Agriculture. The certification consists of:

- Semi-annual testing for diseases. An independent veterinarian oversees the collection process and ensures sample delivery to the [Arkansas Veterinary Diagnostic Laboratory](#).
- The Laboratory is certified by [USDA-APHIS](#) and [National Animal Health Laboratory Network](#) to conduct annual and bi-annual fish health inspections and is accredited by the American Association for Laboratory Accreditation.
- Farms must follow stringent biosecurity requirements that prevent the introduction of diseases and other unwanted organisms.
- The Arkansas Department of Agriculture conducts on-site inspections to ensure farms are in compliance.

For questions or additional information about the Arkansas program, please contact Dr. John Nilz, State Veterinarian, Arkansas Department of Agriculture, at [John.Nilz@agriculture.arkansas.gov](mailto:John.Nilz@agriculture.arkansas.gov) or 501-225-1598.

We respectfully reiterate our request to 1) withdraw, vote no or table the bill until factual, science-based information is provided and 2) turn your attention to supporting the Department of Environmental Conservation. We also invite you to visit the great state of Arkansas to tour bait fish farms and the Arkansas Department of Agriculture laboratories. We would be honored to assist in organizing a tour.

If you should have questions, please do not hesitate to contact us.

Sincerely,  
  
Sebastian Belle  
President

cc: William Conrad, Assembly Member, District 140  
Dr. Sean Mahar, Interim Commissioner, Department of Environmental Conservation  
Dr. John Nilz, State Veterinarian, Arkansas Department of Agriculture  
Dr. Joanna York, Director, Delaware Sea Grant Program