

The following attached documents are being made available for public review at this time:

- *“MANUAL CODE 9138.1 – Boat, Gear, and Equipment Decontamination and Disinfection Protocol”*,
- *“Guidance for Implementing Manual Code 9138.1: Boat Gear, and Equipment Decontamination and Disinfection Protocol”*, including draft Questions and Answers (Q & A) guidance,
- *“Implementation Chart”*, and
- *“Boat, Gear and Equipment Decontamination and Disinfection Manual Code”* website.

The draft Q & A guidance was developed to inform and assist Wisconsin Department of Natural Resources (DNR) staff in implementing the Manual Code 9138.1 requirements and ch. NR 40, Wis. Adm. Code, Invasive Species Identification, Classification and Control. This guidance clarifies how the decontamination and disinfection requirements in the manual code apply to agents, grantees, service providers (contractors) and permittees in preventing the spread of invasive species.

This guidance was developed by the Disinfection Communication Plan Team, which was comprised of staff from various DNR divisions. The proposed minor revisions to Manual Code 9138.1 reflect alignment with the Q & A guidance document.

The DNR is now soliciting comments for a 21-day period from DNR staff and the public on revisions to Manual Code 9138.1, the draft Q & A guidance, Implementation Chart, and the website. Once the 21-day period is complete, all comments will be considered and revisions will be made to the manual code, Q & A guidance, implementation chart and website (<http://dnr.wi.gov/topic/invasives/disinfection.html>) as needed.

Comments related to this draft proposed manual code revisions, Q & A Guidance and Implementation Chart should be sent to Maureen Ferry at maureen.ferry@wisconsin.gov.



WATER QUALITY PROGRAM GUIDANCE

Water Resources Policy and Management Team

Wisconsin Department of Natural Resources
101 S. Webster Street, P.O. Box 7921
Madison, WI 53707-7921

MANUAL CODE 9138.1 – Boat, Gear and Equipment Decontamination and Disinfection Protocol Guidance and Implementation Chart

March 28, 2016

EGAD Number: 3200-2015-06

This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

APPROVED:

Susan L. Sylvester
Director, Bureau of Water Quality

Date

Statement of Problem Addressed

This guidance clarifies the requirements of Manual Code 9183.1 – Boat, Gear and Equipment Decontamination Protocol, effective April 10, 2015, as it applies to DNR staff, agents, grantees, service providers (contractors) and permittees in preventing the spread of aquatic invasive species (AIS).

Objectives

This guidance and communication documents will help implement the manual code and ch. NR 40, Wis. Adm. Code, by:

- Clarifying what types of agents, grantees, service providers, partners and externals need to comply with Manual Code 9183.1 to control and prevent the spread of AIS;
- Clarifying procedures for decontamination and disinfection;
- Increasing communication on cross-program implementation issues;
- Providing more consistent department-wide control of AIS;
- Explaining expectations for DNR staff and affected externals on identifying AIS in project waters and the appropriate best management practices (BMPs) to use for the disinfection of AIS;
- Revising Manual Code 9183.1 to be consistent with the Q & A guidance document.

Background and Definitions

Manual Code 9183.1 – Boat, Gear and Equipment Decontamination Protocol contained the following revisions that became effective April 15, 2015:

- Increased Virkon concentrations to a 2:100 AIS disinfection solution;
- Contained an appendix of disinfection BMPs for specific AIS; and
- Extended requirements to some external parties.

The revised manual code contained a statement requiring, “... *agents, or service providers through the specific contract or agreement conferring that agency status or engaging that service provision to follow this manual code. Employees should also recommend that permittees follow this manual code, since compliance with this manual code may be considered reasonable precautions as defined by NR 40.02 (44).*”

A communication plan team was assembled and met four times to clarify implementation of the revised manual code requirements, affected programs and potential permittees. Staff solicited as team members and notified of meetings and others who provided information for the Q & A Guidance document were:

- Community Financial Assistance – Diane Conklin;
- Environmental Analysis and Sustainability – Mike Halsted;
- Facilities and Lands – John Olson;
- Fisheries Management – David Rowe;
- Law Enforcement – Steve Sisbach and Todd Schaller;
- Legal Services – Quinn Williams and Mike Kowalkowski;
- Parks and Recreation – Craig Anderson and Janet Hutchens;
- Safety and Risk Management – Marsha Present;
- Science Services – Matt Mitro and Dreux Watermolen;
- Water Quality - Maureen Ferry, Amanda Perdzock, Tim Campbell, Bob Wakeman, Sue Graham, Carroll Schaal and Julia Riley;
- Watershed Management (Dams and Floodplains) - Cheryl Laatsch;
- Watershed Management (Runoff Management) – Jim Bertolacini;

- Watershed Management (Waterways) – Martye Griffin; and
- Wildlife – Dan Hirschert.

The team members were charged with identifying potential agents, service providers or permittees that may be expected to comply with the intent of the manual code in the control of AIS. The team also clarified expectations for use of information on the location and type of AIS in waterbodies, disinfection BMPs, and proposed revisions to the manual code to clarify expectations for compliance by external parties and DNR staff. Information was also shared with the Department Invasive Species Team and input was solicited from team members.

Guidance Documents

The following documents were developed:

Manual Code Revisions

Additional minor revisions to Manual Code 9183.1 are proposed to clarify team discussions on legal authority and applicability, distinguish between decontamination and disinfection practices, explain how to determine when to use the AIS-specific BMPs in the manual code appendix, and clarify applicability of safety provisions for DNR staff and externals. The manual code revisions align with the clarifications in the Q&A Guidance document.

Question & Answers (Q & A) Guidance

The audience for the Q & A Guidance document is primarily DNR employees. It further interprets the scope of the manual code requirements and ch. NR 40, Wis. Adm. Code, as they relate to agents, service providers and permittees that are expected to comply with AIS decontamination/disinfection requirements. Compliance with the manual code may be written into the terms of a particular permit where allowed by the underlying regulatory authority or agreed to with the permittee. The Q & A Guidance identifies expectations for how DNR staff and affected externals are to use the AIS information on the DNR website and disinfection BMPs in the manual code and appendix.

Implementation Chart

A chart was developed of departmental programs and what types of agents, service providers, contractors or permittees may be expected to comply with the manual code decontamination/disinfection requirements. The 21-day guidance process will be used to solicit more input on completing the chart and identifying those parties who will be expected to comply. It is hoped that disinfection communication leads for various programs will be identified during the guidance process review.

Boat, Gear and Equipment Decontamination and Disinfection Manual Code website

A website (<http://dnr.wi.gov/topic/invasives/disinfection.html>) was developed to outline the best management practices and supporting documents for decontamination and disinfection of boats, equipment and gear to prevent the spread of aquatic invasive species between waters.

Approval Process

The proposed manual code revisions, Q & A Guidance document, and implementation chart were developed by the Disinfection Communication Plan Team and discussed with the DNR Invasive Species Team. The Water Resources Policy Management Team reviewed the guidance and manual code revisions. Following the 21-day guidance review period, comments from DNR staff and externals will be incorporated into the final documents.

The proposed manual code revisions will be submitted to the Operations Management Team for approval in accordance with Manual Code 1311 - Department Manual Code Procedure.

Contact:

Maureen Ferry, Bureau of Water Quality

608-261-6450; Maureen.Ferry@wisconsin.gov