



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES

Capitol Complex, Building 3
1900 Kanawha Boulevard, East
Charleston, WV 25305

GASTON CAPERTON
Governor

September 5, 1989

J. EDWARD HAMRICK III
Director

LARRY W. GEORGE
Deputy Director

The Honorable Ken Hechler
Secretary of State
Suite 157-K, Building 1
State Capitol Complex
Charleston, West Virginia

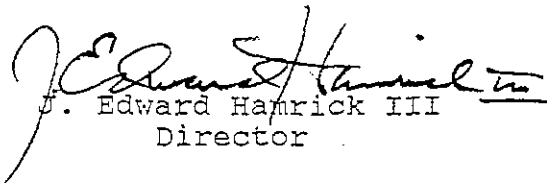
Dear Mr. Hechler:

The Department of Natural Resources is today repealing its Commercial Fishing Regulations (47 C.S.R. 21) and asks that you remove this rule from the Code of State Rules effective immediately. This action is exempt from State APA rule-making procedures under W. Va. Code §29A-1-3(c) and is necessary due to concerns about health risks associated with eating fish that are caught in the State's commercial fishery, the Ohio River.

On June 14, 1989, the West Virginia Health Department and the West Virginia Department of Natural Resources issued a fish consumption advisory for channel catfish and carp caught from the Ohio River. This advisory was based upon the results of tests conducted by the Ohio River Valley Sanitation Commission which found that edible portions of channel catfish and carp from several Ohio River locations contained levels of polychlorinated biphenyls (PCBs) and chlordane in excess of the limits for safe consumption set by the U.S. Food and Drug Administration.

Channel catfish, the predominant species in the State's commercial fishery, are frequently sold to private fee-fishing ponds in surrounding states. Consequently, anglers may unknowingly be consuming contaminated fish. Because frequent consumption of fish contaminated with PCBs and chlordane may increase an individual's long-term health risks, the Department of Natural Resources has decided to close the State's commercial fishery. This closure will remain in effect indefinitely.

Sincerely,


J. Edward Hamrick III
Director

JEH/jeh

FILED
1989 SEP -5 AM 10:40
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE