

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](mailto: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.*

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APPROVED:

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Susan L. Sylvester  
Director, Bureau of Water Quality

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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:

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State of Wisconsin  
Department of Natural Resources  
Manual Code # 9183.1 Boat, Gear, and Equipment Decontamination and Disinfection Protocol

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Ed Eberle, Assistant Deputy Secretary    Date

Rescinds and replaces: 9183.1 Date 04-10-2015

Approved by OMT: XXXXX

## I. SCOPE

This manual code applies to all Department of Natural Resources employees moving boats, gear, and equipment between waterbodies and/or crossing a barrier while moving from downstream to upstream on the same waterbody or a connected waterbody, whether or not the presence of aquatic invasive species is known. This manual code outlines the minimum requirements to be followed by employees, and **does not preclude employees from taking additional actions.**

Employees will require any agents or service providers through the specific contract or agreement conferring that agency status or engaging that service provision to follow this manual code. Compliance with this manual code may be considered reasonable precautions as defined by s. NR 40.02(44), Wis. Adm. Code. Manual Code 9183.1 was developed in 2007 to provide department employees boat and gear disinfection guidelines. Based on new research and discoveries, Manual Code 9183.1 was amended in 2015 to improve the department decontamination/disinfection policy. This manual code will be effective on insert date.

Employees are advised to include this manual code and associated BMPs requirements in applicable permits where allowed by the underlying regulatory authority or agreed to with the permitte. Each permitting program is subject to its own statutory and code standards that must be assessed when considering decontamination/disinfection requirements.

## II. POLICY

It is the department's policy to follow proper protocol for decontamination/disinfection to ensure that employees are minimizing or eliminating the risk of spreading aquatic invasive species and/or pathogens through work activities, and to comply with ch. NR 40, Wis. Adm. Code, s. NR19.055, Wis. Adm. Code, and ch. 23, Wis. Stats.

## III. DEFINITIONS

**“Agent”** a department or agency of this or another state, federal agency, county, town, corporation or individual that has been expressly delegated by statute, rule or written contract to act under full or partial authority of the department.

**“Aquatic invasive species”** has the meaning given in s. NR 40.02 (3m), Wis. Adm. Code, that aquatic invasive species are any invasive species that dwells in water or wetlands.

**“Barrier”** is a natural or human made structure which does not allow the migration of aquatic organisms up to the 100 year event. Examples include dams or waterfalls. Dams with locks are excluded from this definition as they allow for migration.

**“Connected waterbody”** A series of lakes or flowages which have a connection which is commonly navigated by motorized craft and which have a common water level shall be considered a single connected waterbody.

“**Decontamination**” is the process of removing invasive species or materials that may contain or transmit invasive species.

“**Disinfection**” is a method of decontamination that destroys or kills all forms of an invasive species that may be present, whether or not the presence is known.

“**Employee**” An employee is any person who receives remuneration for services rendered to the state under an employer-employee relationship (e.g. permanent classified, limited term employee (LTE), project, seasonal, unclassified employees).

“**Invasive species**” has the meaning given it in s. 23.22(1)(c), Wis. Stats., and s. NR 40.02 (24), Wis. Adm. Code, where “invasive species” means nonnative species including hybrids, cultivars, sub specific taxa, and genetically modified variants whose introduction causes or is likely to cause economic or environmental harm or harm to human health, and includes individual specimens, eggs, larvae, seeds, propagules and any other viable life-stages of such species. For “invasive species” fish, s. NR 40.04 (12a), Wis. Adm. Code, includes all nonnative species, but excludes established nonnative fish species.

“**Locks**” a device used for raising and lowering boats, ships, and other watercraft between stretches of water or different levels on river and canal waterways.

“**Service provider**” includes contractors, volunteers, intern, any non-DNR employee that requires access to networks, Information systems, data or facilities.

“**Waterbody**” means any spring, stream, pond, lake, or wetland.

#### IV. PROCEDURE

- A. The following decontamination and disinfection steps are to be taken every time a boat, equipment, or gear is moved between waterbodies, wetlands, and/or crosses a barrier while moving from downstream to upstream on the same waterbody.
1. Decontamination: The following processes must be used to clean equipment prior to moving boats, gear, and equipment from a waterbody.
    - a. Inspect and manually or mechanically (preferably using a stiff bristled brush) remove aquatic plants, animals, and mud from your boat, trailer, equipment, boots, and gear.
    - b. Drain all water from your boat, motor, live well, bilge, and transom wells, as well as from your equipment and gear, including but not limited to tracked vehicles, barges, silt or turbidity curtain, hoses, sheet pile and pumps.
    - c. Dispose of unwanted plants and animals in an appropriate way (e.g. compost, bag and landfill, etc.). Disposal methods must ensure that no living plants, animals, or propagules are transported to other waterbodies, or rereleased into the waterbodies they came from.
  2. Disinfection: One of the below disinfection processes (a. – d.) must be used following decontamination. **When working in waterbodies known to contain specific invasive species, it is mandatory to use a disinfection method that is effective for that species. See the BMPs for information on species-specific disinfection.** To determine what invasive species are present, follow the guidance on the manual code website: <http://dnr.wi.gov/topic/Invasives/disinfection.html>. The best disinfection methods should be used when a species is suspected, but not yet confirmed. When there are no specific AIS listed on the web site for the waterbody, and there are no other AIS suspected where work or an activity will be conducted, compliance with any of the disinfection methods below (IV.2.a.-IV.2.d.) is sufficient.

- a. Store dry for 5 consecutive days after cleaning with soap and water and/or high pressure water;
- b. Wash with ~212° F water (steam) or ≥140 ° F water;
- c. Apply a 500 ppm Chlorine (sodium hypochlorite) solution for 10-minute contact time. Household bleach is generally 5.25% sodium hypochlorite so mix 1.22 fl oz or 2.44 tablespoons per gallon water. Consult the chlorine directions in the B MP document for guidance on measuring products with different sodium hypochlorite concentrations:  
<https://dnrx.wisconsin.gov/swims/downloadDocument.do?id=126473962> or
- d. Apply a 2:100 solution (2.7 ounces or 5.4 tablespoons per gallon water) of Virkon Aquatic<sup>®</sup> for 20 minute contact time.

**B. Safety Precautions for disinfectant use:**

1. All employees who handle steam cleaners shall:
  - a. Wear heat resistant gloves.
  - b. Depending on the type of steamer used, use additional heat resistant personal protective equipment (PPE) as recommended.
  - c. Refer to the equipment's operation manual for recommended PPE.
2. All employees who handle, mix, or use chlorine solution shall:
  - a. Receive and be required to read a copy of the product Safety Data Sheet.
  - b. Wear nitrile gloves.
  - c. Have an emergency eyewash station or eye wash solution readily available in the immediate area. A permanent is preferred, but a temporary is acceptable.
  - d. Wear eye protection meeting ANSI Z87 (safety glasses) while mixing and spraying solution. Safety sunglasses are acceptable.
  - e. Stay upwind from the spray.
3. All employees who handle, mix, or use Virkon<sup>®</sup> Aquatic shall:
  - a. Follow the same precautions listed above for the handling of chlorine solution and also splash goggles and/or a face shield while mixing and spraying solution.
  - b. All employees who choose to wear a dust mask respirator when handling Virkon<sup>®</sup> Aquatic in powder form, may do so in compliance with the DNR Respiratory Protection Program Handbook MC 9180.5 Voluntary Use requirements. Specifically, Appendix D. Review entire DNR Respiratory Protection Handbook MC 9180.5 (<http://intranet.dnr.state.wi.us/int/mb/hBooks/HB9180-5.pdf>). These employees must complete the Dust-Mask Respirator Voluntary Use Agreement:  
<http://intranet.dnr.state.wi.us/formscatalog/ffDispFormImage.aspx?FormID=13869>.
  - c. Be aware that sulfamic acid is an active ingredient in Virkon<sup>®</sup> Aquatic. Employees with allergies to sulfamic acids should consult a physician.
4. Employees working with agents, service providers, or applicable permittees, will require through permit, contracts or agreement, compliance with disinfection safety practices that meet applicable state and federal laws.

**C. Special Instructions and Supplemental Information**

1. Disinfection measures are not needed for law enforcement or fire suppression equipment in emergency situations.

2. In cases where boats and gear return to state hatcheries, disinfection should be done in a location away from ponds and water supplies to prevent disinfectant or untreated water from entering those areas.
  3. Every effort should be made to keep debris, disinfection solution, and rinse water out of surface waters, as well as potential transport routes (e.g. ditches, storm drains, etc.). Rinse water should be obtained from a clean source (i.e. municipal, bottled, well, etc.).
  4. For chlorine solution:
    - a. Once mixed with water, chlorine breaks down within 24 hours and more quickly in sunlight and when in contact with organic material. Because of this, chlorine solutions must be mixed the same day they are to be used.
    - b. Chlorine solutions are corrosive to metal and rubber.
    - c. Chlorine solutions are toxic to fish at the required concentration, so rinse equipment after disinfection or neutralize the chlorine solution. To neutralize, spray sodium thiosulfate in an 800 ppm solution (3 grams per gallon of water) on all surfaces of equipment after the disinfection period is over. Rinse with clean water to remove any remaining sodium thiosulfate. Use the same safety measures for sodium thiosulfate as required for chlorine solution.
  5. For Virkon<sup>®</sup> Aquatic solution:
    - a. Virkon<sup>®</sup> Aquatic solutions are stable for seven days, but will gradually lose activity over time, especially in the presence of organic debris and UV light. Therefore, remove all sediment from equipment before disinfection, soak equipment when possible, and mix solutions once per week. Virkon<sup>®</sup> Aquatic concentration test strips are available.
    - b. Virkon<sup>®</sup> Aquatic is not corrosive at the working concentration according to product labeling.
    - c. Because Virkon<sup>®</sup> Aquatic contains an acid, it should not be mixed with alkaline compounds such as chlorine solutions. A clean water rinse should be applied between treatments if both methods are used.
    - d. Virkon<sup>®</sup> Aquatic does not contain any chemical components with known CAS numbers that exceed the threshold (De Minimis) reporting levels established by SARA Title III, Section 313.
    - e. Virkon-S is not recommended for use in aquaculture and its label will no longer carry EPA approval for aquaculture claims.
- D. Sources of disinfectants and personal protective equipment (PPE) for state employees:
1. State employees should check WISBUY: (<https://solutions.sciquest.com/apps/Router/Login?OrgName=WisconsinMarketPlace&tmstmp=1410786596784>) to see if the product needed is available from one of the contracts.
  2. If the product cannot be obtained from a contract on WISBUY, check VendorNet at: (<http://vendornet.state.wi.us/vendornet/procman/prob2b.asp>), to see if there is a contract that can supply the product.
  3. If there is no mandatory contract or contract of convenience that can supply the products, state employees should follow the guidelines found on the DNR Purchasing Website. (<http://intranet.dnr.state.wi.us/int/at/fn/pc/how/index.html>)
  4. Employees needing assistance navigating the systems above may contact one of the DNR the Best Management Practices document Agents at: (<http://intranet.dnr.state.wi.us/int/at/fn/staff/pa/index.html>)

5. See the Best Management Practices document for additional guidance and supporting references:  
<https://dnrx.wisconsin.gov/swims/downloadDocument.do?id=113967385>.
- E. Further information on decontamination safety and the efficacy of disinfection methods can be found within the manual code supplemental documents located at the following link: :  
<http://dnr.wi.gov/topic/Invasives/disinfection.html>. Information on this page will be updated independently from manual code revisions whenever new information on decontamination methods becomes available

DRAFT

## **Guidance for Implementing Manual Code 9183.1: Boat, Gear, and Equipment Decontamination and Disinfection Protocol**

Manual Code 9183.1 – Boat, Gear and Equipment Decontamination Protocol was revised effective April 10, 2015. The revision directed employees to require manual code compliance by agents, service providers and some types of permittees regarding boat, gear, and equipment decontamination/disinfection procedures to control and prevent the spread of aquatic invasive species (AIS).

This Question and Answer (Q&A) guidance document provides further information for DNR employees on when the requirements contained in the manual code apply to DNR staff and projects, non-DNR staff, and how the manual code relates to compliance with ch. NR 40, Wis. Adm. Code.

This guidance document helps clarify:

- 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;
- When grants, contracts and permits should include AIS decontamination and disinfection provisions consistent with Manual Code 9183.1; and
- Expectations for DNR staff and affected externals on identifying the appropriate best management practices (BMPs) to use for the disinfection of AIS.

### Questions and Answers

1. Are parties to a land use agreement considered “agents” as defined in Manual Code 9183.1?

No. Land use agreements (LUAs) usually don’t confer “agent” status unless language is included to specifically provide that status. However, activities conducted by LUA parties in waterways that require waterway permits would be required to comply with the disinfection provisions of the permit process.

2. Are parties to a Cooperative Agreement considered “agents” as defined in Manual Code 9183.1?

Generally no. Agent status would need to be expressly laid out in a statute or in the agreement. There may be circumstances when an agreement waives certain statutory requirements; and a legal review should be made to determine if that constitutes “agent” status.

3. Are participants in Friends Groups considered “agents” as defined in Manual Code 9183.1?

Generally no. Participants in Friends Groups are not considered “agents” unless they are under the direction of a DNR employee. When they are under the direction of a DNR employee, they need to complete a DOA volunteer agreement and they are considered agents of the state. See the DNR Risk Management Standard for Volunteers at:

[http://intranet.dnr.state.wi.us/int/at/af/safety/RMStandardforVolunteers\\_June\\_2015.pdf](http://intranet.dnr.state.wi.us/int/at/af/safety/RMStandardforVolunteers_June_2015.pdf). Volunteers under the direction of a DNR employee that are an agent of the state would then need to comply with Manual Code 9183.1 for decontaminating/disinfecting boats, equipment and gear.

Note: Some volunteers sign volunteer agreements with other organizations and the DNR provides training on how to conduct activities but they do not “direct/or supervise” the volunteers. Under these circumstances the volunteers are not agents of the state because they are volunteers with another entity.

4. Do grant recipients meet the definitions of “agents” or “service providers” in Manual Code 9183.1?

No. Grant contracts typically do not delegate authority to act on behalf of the department, and therefore, are not considered agents of the state. Grant recipients generally do not meet the definition of service providers.

5. Are there situations when grant recipients need to comply with the decontamination/disinfection requirements in Manual Code 9183.1?

Yes. The terms and conditions of the grant agreements should be reviewed to determine if there are other general types of conditions that require the recipient to meet department requirements, or if the scope of the grant is related to the control of AIS.

An example would be grant recipients of Aquatic Invasive Species Control Grants administered under ch. NR 198, Wis. Adm. Code. These grant recipients can be expected to comply with Manual Code 9183.1 because the primary purpose of the grant is to control the spread of AIS. Knowles-Nelson Stewardship Grants that include contract work for AIS should also include language requiring the contractor to perform AIS decontamination/disinfection in accordance with the provisions of Manual Code 9183.1. In both of these instances, since the scope of the contracted work is directly related to the control of AIS, the department would want to ensure that reasonable precautions for preventing the spread of AIS are taken on grant-funded projects.

Most boat ramps will likely need a Chapter 30 permit for the construction of the ramp and the permit contains AIS disinfection requirements (similar to manual code 9183.1). However, recreational boat grants for the construction of a boat ramp could contain added requirements for grantees to include compliance with the disinfection manual code requirements in their contracts so contractors are aware they need to comply with disinfection practices when entering and leaving the construction area.

Compliance with the revised decontamination/disinfection procedures in Manual Code 9183.1 cannot be required of parties to aid agreements in effect prior to the effective date of Manual Code 9183.1, which is April 10, 2015.

6. When a Knowles-Nelson Stewardship Grant provides recreational training for a naturalist, should a grant condition be added to require training on Manual Code 9183.1 compliance?

No. Knowles-Nelson Stewardship grantees that provide recreational training for naturalists would need to reference AIS decontamination procedures as prescribed by ch. NR 40, Wis. Adm. Code, which are required of the general public – see <http://dnr.wi.gov/topic/Invasives/disinfection.html>. Grantees would not be expected to train naturalist volunteers on compliance with Manual Code 9183.1 as AIS disinfection BMPs are not required of general park visitors participating in fishing or boating recreation.

7. Can the department require its contractors and/or subcontractors to comply with the requirements in Manual Code 9183.1?

Yes. When the contracted work involves waterways and waterbodies, it would be helpful to provide information to bidders that include examples of the types of equipment needed to perform the decontamination/disinfection requirements in Manual Code 9183.1, and an estimate of the time and costs to comply with different disinfection options. Additionally, the contract should include a provision that expressly requires the contractor to comply with the decontamination/disinfection requirements in Manual Code 9183.1. The manual code and BMPs can be provided as an attachment to the contract.

When contractors employ sub-contractors to perform the work, then sub-contractors would need to comply with the decontamination/disinfection procedures that were included in the bid. An example would be Trout Unlimited acting as a sub-contractor for stream habitat restoration when the department has contracted out that work that included compliance with the disinfection procedures in the bidding documents.

Compliance with the revised procedures in Manual Code 9183.1 cannot be required of parties to contracts in effect prior to the effective date of Manual Code 9183.1, which is April 10, 2015.

8. Are permittees required to comply with the disinfection requirements in Manual Code 9183.1?

Not necessarily. Compliance may be written into the terms of a particular permit where allowed by the underlying regulatory authority or agreed to with the permittee; but the intent of the Manual Code 9183.1 is not to have the manual code apply to all DNR permittees at this time. The manual code was intended to identify the decontamination /disinfection procedures DNR staff/projects, agents, contractors and service providers are to follow.

Manual Code 9183.1 does not set a higher bar in general for permittees beyond what the express regulatory authority is for those permits, but compliance may be factored in to an analysis of the impacts of the activity necessary to meet a permit standard (i.e. “not detrimental to the public interest”, Wis. Stat. s. 30.12(3m).) In addition, certain

regulations for exemptions and general permits expressly require compliance with an equivalent procedure<sup>1</sup>.

There are types of permits for work in waterways for which the program may choose to explore the ability to have standard language developed in alignment with manual code decontamination/disinfection requirements including:

- Waterways and Wetlands permits, chs. 30 and 281, Wis. Stats.
- Dam Water Quality certifications, ch. 31, Wis. Stats.
- Fishing Tournament permits, Scientific Collector permits, Bait Harvester permits, ch. 29, Wis. Stats.
- AIS control (chemical applicators) permits, ch. NR 107, Wis. Adm. Code.
- Invasive species permits, ch. NR 40, Wis. Adm. Code.

Each permitting program is subject to its own statutory and code standards that must be assessed when considering decontamination/disinfection requirements.

9. Is compliance with the decontamination/disinfection requirements in Manual Code 9183.1 necessary for the public or permittees to meet the “reasonable precautions” definition in s. NR 40.02(44), Wis. Adm. Code?

No, there is no independent requirement to take “reasonable precautions.” However, because taking “reasonable precautions” provides an exception to liability under ch. NR 40, Wis. Adm. Code, where possession, transport, or introduction are incidental or unknowing, it may be in the best interest of a member of the public or permittee to comply with the manual code. In cases where the manual code is followed, the protection of having taken “reasonable precautions” will generally apply.

Depending on the activity involved, there may be other precautions the department determines are reasonable. The department works with regulated entities to determine both requirements and recommendations.

10. Are DNR staff, agents, service providers and applicable permittees required to determine if an AIS is present on the waterbody they will be conducting work on and use specific best management practices (BMPs) listed in the appendix of the manual code?

Yes. The manual code includes this provision: **“When working in waterbodies known to contain specific invasive species, it is mandatory to use a disinfection method that is effective for that species.”**

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<sup>1</sup> Chapters NR 320, 323, 328, 329, 341, 343 and 345, Wis. Adm. Code, relating to general navigable waters permit criteria for certain activities, set out equipment decontamination requirements to stop the spread of invasive species from one waterway to another. It is generally required to remove all plants, animals, mud, debris, etc., before and after use. The criteria also include following standards comparable to the most recent department approved disinfection protocols or department approved best management practices for infested waters.

If staff are aware of AIS in a waterbody, they are expected to use the appropriate specific AIS BMPs in Manual Code 9183.1 to control the AIS. If staff suspect an AIS is in an area, but it is not yet documented on the website, they should use the BMP that is effective in disinfecting the suspected AIS. If staff are uncertain if AIS exist in a waterbody, staff are expected to look up information on the specific AIS in waterbodies they are working in via this link -

<https://dnrx.wisconsin.gov/swims/downloadDocument.do?id=126471317>.

Water quality monitoring staff and fisheries staff check to see what AIS is in a work area and apply BMPs listed in the appendix of the manual code for disinfection of those specific AIS. Waterways staff writing certain types of permits that already contain disinfection requirements would be expected to look up AIS in the area of proposed work and incorporate BMPs in the permit where needed and allowed administratively.

Agents, such as DOT and service providers conducting work on DNR projects, would also be expected to comply with checking the DNR website to determine if AIS is documented in a proposed work area and then apply the appropriate BMPs if an AIS is listed.

Permittees issued permits that contain language in conformance with Manual Code 9183.1 disinfection requirements would also be required to determine the presence of specific AIS in the work area of the permit and use appropriate BMPs for a listed AIS.

If there are no specific AIS listed on the web site for the waterbody, and there are no other AIS suspected where work or an activity will be conducted, compliance with any of the disinfection procedures in proposed Manual Code 9183.1 revision at section IV.A.2. (a., b., c., or d.) is sufficient.

11. Do enforcement options exist for failure to use reasonable precautions to prevent the possession, transport or introduction of AIS?

Yes. When there is sufficient evidence that AIS has been possessed, moved from one location to another, or introduced in violation of ss. NR 40.04(3) and 40.05(3), Wis. Adm. Code, enforcement may be warranted. Section NR 40.08, Wis. Adm. Code, contains enforcement actions that include citation authority under ss. 23.50-23.99, Wis. Stats.

When the species involved is a prohibited invasive species and control of the species is required, there are additional enforcement options found in s. NR 40.04(4), Wis. Adm. Code. The department also follows publicly-available stepped enforcement guidance when handling potential violations of ch. NR 40, Wis. Adm. Code.

12. Is there a preferred standard language for requiring compliance with the decontamination/disinfection procedures in Manual Code 9183.1 in contracts and permits where procedures for preventing AIS are warranted?

The preferred method for including the decontamination/disinfection procedures in the manual code in an applicable individual permit or contract is to specifically list the steps to be followed in the language of the permit or contract. This also allows flexibility to modify the procedures where necessary. For general permits or rules for exemptions,

specific steps or a cross-reference to the manual code may be appropriate depending on the context.

### Information Resources:

- Refer to [Manual Code 9183.1](#) for disinfection best management practices.
- Manual Code 9813.1 and disinfection best management practices and are also posted on this web page for the public:  
<http://dnr.wi.gov/topic/Invasives/disinfection.html>.
- For more information on disinfection processes contact the individual that issued the contract, agreement, or permit or contact Maureen Ferry, Bureau of Water Quality, at 608-261-6450 or [Maureen.Ferry@Wisconsin.gov](mailto:Maureen.Ferry@Wisconsin.gov).
- Guidance for how to find locations of aquatic invasive species:  
<https://dnrx.wisconsin.gov/swims/downloadDocument.do?id=126471317>.
- Find photos and fact sheets on AIS plants and animals at:  
<http://dnr.wi.gov/topic/Invasives/species.asp?filterBy=Aquatic&filterVal=Y>  
Also see the fact sheet on 16 regulated AIS plants at:  
<http://dnr.wi.gov/topic/Invasives/documents/NR40Aquatics.pdf>
- To report AIS: <http://dnr.wi.gov/topic/Invasives/report.html>.

Contact for Q&A Guidance Document:

Maureen Ferry  
Bureau of Water Quality  
608-261-6450  
[Maureen.Ferry@wisconsin.gov](mailto:Maureen.Ferry@wisconsin.gov)

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## Manual Code #9183.1 – Boat, Gear, and Equipment Decontamination and Disinfection Protocol Implementation Chart

Program	CFA	Wildlife	Natural Heritage	Parks	Lands & Facilities	Water Quality – Water Resources	Watershed- Waterways/Dams, Floodplain/Runoff	Fisheries	Law Enforcement	Forestry	Science Services	Environmental Analysis & Sustain.
<b>DNR Staff</b>	Grant Reviewers	Biologists & Techs	District Ecologists	Park District Managers (as an FYI), Park superintendents Managers, regional trail coordinators	Field Staff LF Engineers and Landscape Arch	Biologists; Monitoring staff	Waterways staff, Dams & Floodplain staff	Biologists & Techs; Hatcheries	Wardens & program staff	Foresters & Techs	Researchers	Reviewers
<b>Agents</b>		Friends Groups?		Friends Groups? concessionaires	DOA project managers and engineers, financial capability assessment staff Lead – Terry Bay (DOA DSF)		DOT- Runoff Management	“agent” authority would be clearly defined in agreements: Walleye wagon coop agreements; Sucker and chub egg collection agreements	Not applicable			DOT – AIS & water use issues
<b>Aid Recipients</b>	Recreational grants			ER grant recipients – NR 58, potentially Friends grants	Local units of governments grant recipients Lead – Carol Bentzler and Mary Rose Teves	Surface Water Grant NR 190, 191, 198 recipients – counties, RC&D, lake associations			Not applicable			
<b>Contractors</b>		APHIS		Same as for Facilities and Lands	Construction contractors Lead – not sure. LF does not maintain a list of contractors we work with. Best method from LF standpoint is to include disinfection language in our specifications.	UW Extension Grants – look at “eligibility” sections to apply if grant is explicitly for control of AIS: UW Extension-Lakes (CLMN); UW Extension Madison (Tim Campbell and WAV); UW-Madison Trout Lake; Cold Water Environmental (John Skogerboe)	Habitat project contractors/subcontractors required to comply with disinfection through waterway permits. Staff project managers act as subcontractors under overarching permits standards. Subcontractor MC language needs to be in each agreement down the chain.	APHIS Trappers; Stocking (private stocking contractors) – not sure if currently require equip cleaning; Rough fish removal – require gear cleaning, might not be MC; Habitat projects (cold or warm) – ex: Trout Unlimited; Lake projects; Grad students doing contract work	Not applicable		Contracts aren’t field based. Stevens Point coop unit has contacts, but MC applied via scientific collector permit; Grad students	DOT – AIS & water use issues

Program	CFA	Wildlife	Natural Heritage	Parks	Lands & Facilities	Water Quality – Water Resources	Watershed- Waterways/Dams, Floodplain/Runoff	Fisheries	Law Enforcement	Forestry	Science Services	Environmental Analysis & Sustain.
Permittees		Trapping permits  Wild rice? guides				APM – WPDES NR 107, 109 permits (chemical, mechanical, physical, or biological)	NR 320, 323, 328,329,341, 343, 345 Navigable Waterway Permits; hydropower permittees; Stormwater permittees where construction silt fences and other BMPs are along waterways.	Scientific collector permits; Stocking; Tournament fishing; Bait dealers; Commercial fishing; <a href="http://dnr.wi.gov/topic/fishing/permits/#permit3">http://dnr.wi.gov/topic/fishing/permits/#permit3</a>	Not applicable		NR 40 –invasive species permits	
Other									None	Fire suppression activities		
Program URLs with info:				<a href="http://intranet.dnr.state.wi.us/int/land/facilities/guidance/68111nvasives.html">http://intranet.dnr.state.wi.us/int/land/facilities/guidance/68111nvasives.html</a>		<a href="http://intranet.dnr.state.wi.us/int/water/AIS/ais_bmp.html">http://intranet.dnr.state.wi.us/int/water/AIS/ais_bmp.html</a>  <a href="http://dnr.wi.gov/lakes/invasives/BoatDisinfection.aspx">http://dnr.wi.gov/lakes/invasives/BoatDisinfection.aspx</a>			None	<a href="http://www.wisconsinforestry.org/initiatives/other/invasive-species-bmps/overview">http://www.wisconsinforestry.org/initiatives/other/invasive-species-bmps/overview</a>	<a href="http://dnr.wi.gov/topic/Invasives/bmp.html">http://dnr.wi.gov/topic/Invasives/bmp.html</a>  <a href="http://dnr.wi.gov/topic/Invasives/prevention.html">http://dnr.wi.gov/topic/Invasives/prevention.html</a>  <a href="http://dnr.wi.gov/topic/Invasives/documents/EquipOper.pdf">http://dnr.wi.gov/topic/Invasives/documents/EquipOper.pdf</a>	

Acronyms: USDA APHIS – Animal and Plant Health Inspection Service; APM – WPDES Aquatic Plant Management Wisconsin Pollutant Discharge Elimination System permits; RC&D – Resource Conservation and Development entities. Also see [http://intranet.dnr.state.wi.us/int/aw/rr/team\\_pages/spill\\_team/ppt/spills\\_invasives\\_fws.pdf](http://intranet.dnr.state.wi.us/int/aw/rr/team_pages/spill_team/ppt/spills_invasives_fws.pdf).