

ALERT: Lacey Act Amendments

What it does:

1. It reverses USARK's lawsuit victory. That means any species listed as injurious can no longer be transported across state lines, nor imported into the U.S. (i.e. big snakes including reticulated and Burmese pythons, anacondas, and 201 species of salamanders are already listed, plus whatever species they add in the future).
2. Creates a "white list" of species that can be imported. This means that any animal (reptile, amphibian, fish, bird, mammal, etcetera) that is not on the white list is by default treated as invasive and is banned from importation.
3. Gives FWS a new emergency designation. FWS would gain the authority to list a species as injurious and it would be banned from interstate movement and importation overnight. This means no due process, public input, hearings, advanced notice, etcetera.
4. FWS would be able to ban importation if a species has not been imported in greater than "minimal quantities." Minimal quantities will be defined later so we do not know the threshold.

Plain talk:

"Injurious" under the Lacey Act is similar to "invasive." *If these changes become law*, the U.S. Fish and Wildlife Service (FWS) would have the authority to list a species as injurious immediately if it could *possibly* survive and breed anywhere in the U.S. and cause some type of problem. There would be no process to allow for feedback. There would be no process to fight a new listing. Due process would be eliminated!

The United States has a large variety of habitats and climates. If a broad "climate match" based on average temperature is used (as it has been before) to assess whether a non-native species could become invasive in the U.S., how many species could be deemed *potentially* invasive in places like southern Florida, Texas, Hawaii, Guam, California, Arizona, etcetera? All of those could be listed as injurious.

This could affect any non-native species! Fish, mammals, birds, reptiles, and amphibians will be in jeopardy.

About the bill(s):

The America COMPETES Act (HR4521) passed in the House with these Lacey Act amendments (found in Section 71102). It will now be merged with the Senate version which is the U.S. Innovation and Competition Act (S1260). S1260 does NOT contain this bad Lacey Act section so our goal is to stop the Lacey Act amendments from being added to the reconciled/merged bill that will be presented by a committee.

Important stuff:

USARK is not opposing the COMPETES Act. We are opposing Section 71102 which contains the Lacey Act amendments. We do not want that section to be included in the bill that emerges from committee.

What can you do?

1. Call your Senators;
2. Email your Senators;
3. Fax and mail letters to your Senators;
4. SHARE our alert and encourage others to take action!
5. Action alert with directions at: www.usark.org/2022lacey

