

The Facts About the Lacey Act Amendments in the COMPETES Act of 2022 (H.R.4521)

There has been considerable conversation, and unfortunately also some incorrect interpretations, over the past days concerning amendments to the Lacey Act that are included in the COMPETES Act of 2022, and we want to set the record straight. The fact is that these amendments are still included in the legislation that will be considered by the Senate, they were not removed prior to H.R. 4521 passing in the House. And the more important fact is that these amendments pose a significant threat to everyone who owns, breeds, raises, transports, sells, or provides products and services to care for all animals other than cats and dogs.

What we do know is that these amendments would: authorize the U.S. Fish and Wildlife Service to prevent interstate transport of species listed as injurious; create a white list of import-approved species and any animal not listed would be considered injurious and banned by default; and enable the Secretary of the Interior to use an "emergency declaration" to prohibit importation of a species suspected to be injurious to humans, agriculture, horticulture, forestry, wildlife, or wildlife resources for up to three years with no public or Congressional input.

What this means is that importing or transporting across state lines animals would immediately become unlawful, should those species not have cleared the complex and lengthy process of being deemed "not injurious". And at any time, a species could be banned on short notice for years via a variety of factors that cause it to be considered injurious. This would trigger a domino effect across the live animal economy, devastating not only those businesses and farms that sell those species, but also manufacturers, distributors and retailers who produce and sell products to grow or care for them.

The COMPETES Act is now in the Senate after passing the House on February 4, 2022. What we do not yet know is whether the Senate will take up the House bill for consideration or opt to reconcile it with their own bill that passed this past summer, the U.S. Innovation and Competition Act (USICA) (S. 1260).

Our call to action is this: Please watch closely for communication from the organizations that have signed this letter and monitor their websites. When the time comes to act there will be a very short period during which we can effectively counter this effort.

Sincerely,

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Jim Parsons
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