

Lacey Act amendments in COMPETES Act of 2021 (H.R. 4521)

Position: Oppose

Amendments to the Lacey Act included in the COMPETES Act of 2021 ([H.R.4521](https://www.congress.gov/bills/116/4521)) legislation would make changes to the Lacey Act's shipment clause that would negatively impact the broader pet care community. The amendments to Lacey included in the COMPETES Act are concerning for the pet care community because they:

- expand the authority of U.S. Fish and Wildlife Service to prevent interstate transport between states in the continental U.S. of species listed as injurious;
- create a whitelist of approved species that can be imported, where any animal not listed is treated as an injurious species by default and banned from importation into the U.S.
- grant the Secretary of the Interior emergency powers to use an "emergency declaration" to prohibit importation of a species found to be injurious to humans, agriculture, horticulture, forestry, wildlife, or wildlife resources for no more than 3 years. The "emergency declaration" would be effective immediately on publication in the Federal Register, unless extended up to 60 days.

Well-regulated and working with state agencies

- The responsible and legal U.S. pet trade is already well-regulated through federal and state permit requirements.
- Importation of certain species into the U.S. for use as pets is currently regulated and licensed activity by U.S. Fish and Wildlife Service under Title 50 CFR Parts 10, 13, and 14.
- State agencies continue to examine their state regulations on importation, possession, and sale of certain species based on injurious concerns specific to their state since the 2017 DC Circuit court interpretation of the Lacey shipment clause¹.
- Many state regulations, including Florida's Captive Wildlife Rules (68A-6 F.A.C.), include requirements such as:
 - Animal and enclosure inspections for certain categories species;
 - Permit requirements for possession, import/export, and transportation;
 - Bio security requirements for enclosures and transport; and
 - Federal and state license requirements depending on species and activity.

Consumer education is key to protecting animals and our environment

Where there are concerns about pet ownership, we promote the newly revitalized *Habitattitude*[™] program² across the U.S.—developed in collaboration with the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration. This is in addition to actively promoting alternatives to release like state-led animal amnesty programs and that many small, local aquarium stores and pet shops may take back certain pets if circumstances for the pet owner change.

The Pet Care Community is self-regulating

Here are several examples from the *Pet Trade Pathway Toolkit*³ of what actions the legal and responsible U.S. pet care community supports which help illustrate how the U.S. pet care community is proactively addressing the issue. This is in addition to stakeholders working with state agencies such as the Florida Fish and Wildlife Conservation Commission, the Arkansas Game and Fish Commission, and the California Fish and Game Commission on specific issues.

- **Risk analysis**
 - Use science-based approaches to conduct a risk analysis of species of concern to determine how likely a species is to become invasive if introduced into the natural environment. A risk analysis includes 3 components:
 1. Risk assessment;
 2. Risk management; and

¹ USFWS. "USARK_ruling_talking_points_and_Q_A_final.Pdf." U.S. Fish and Wildlife Service, 2017.

² Jones, Joshua. "Habitattitude Campaign Encourages Wise Pet Choices to Protect Environment." *PetProductNews.com*, 14 Aug. 2020, https://www.petproductnews.com/archives/habitattitude-campaign-encourages-wise-pet-choices-to-protect-environment/article_e3a1eebc-be4b-5a31-8fc7-1dcec9c34716.html.

³ Shine, Clare. "Pet Pathway Tool Kit: Minimizing the Risk of Introducing Invasive Species through the Release or Escape of Pets." *PIJAC*, 1 Jan. 2011, <https://pijac.org/PPTK>.

3. Overarching task of risk communication.
- **Animal inspection, acclimation, and quarantine protocols/plans** at various stages along journey from birth to best friend, these include:
 - thorough inspection for parasites, signs of disease, and so on;
 - acclimation to specific husbandry conditions to reduce stress that would make them more susceptible to pathogens
 - quarantined to enable further inspection over time and treatment if needed
 - **Biosecurity measures** with housing/packaging/handling
 - Ensure that pets cannot escape from facilities or transport (as well as any associated pathogens, parasites, or other hitchhikers)
 - **Pet care community education and outreach**
 - raise awareness within pet care community of invasive issues
 - educate members on actions they can take to minimize risk of invasiveness
 - Empower members to communicate with consumers on invasive concerns and responsible behaviors
 - **Species-specific care sheets**
 - provide pet owners with info on proper care to keep pet healthy and adequately housed
 - **Recordkeeping and customer information at retail**
 - helpful in case need to inform customer about a disease risk, for example.
 - obtaining a signature on a form that outlines care needs, and other info relating to pet purchase
 - **Codes of conduct**
 - a list and description of actions that can be taken by members of pet care community to minimize risk of pets being abandoned or escaping.
 - **Rehoming and amnesty programs** like the FWC Exotic Pet Amnesty Program⁴ to find new responsible homes for pets
 - **Same gender programs** to eliminate unwanted mating.
 - **Spay/neuter programs** to eliminate unwanted mating depending on species.
 - **Promoting a focus on listing prohibited species based on sound science** instead of approved species lists as a reasonable approach.

Ongoing commitment

For many years the legal and responsible U.S. pet care community has been proactively collaborating with animal care experts, government officials, and scientists across the globe to address concerns by government officials about pets as one of the many pathways for introduction of invasive species. These resources are continually updated and illustrate how the U.S. pet care community is proactively addressing the issue:

- *Habitattitude*™ program (<https://www.habitattitude.net/>)
- Current Memorandum of Understanding and Memorandum of Agreement with University of Tennessee Institute of Agriculture relating to movement of pathogens in trade (<https://onehealth.tennessee.edu/pijac/>)
- Aquatic Wholesaler Best Management Practices (<https://petadvocacy.org/wp-content/uploads/2022/02/Aquatic-Wholesaler-Best-Management-Practices.pdf>)
- Feeder Rodent Best Management Practices (<https://petadvocacy.org/wp-content/uploads/2022/02/Feeder-Rodent-Best-Management-Practices.pdf>)
- Reptile & Amphibian Show Best Management Practices (<https://petadvocacy.org/wp-content/uploads/2022/02/Reptile-and-Amphibian-Shows-Best-Management-Practices.pdf>)
- Pet Retail Store Best Management Practices (<https://petadvocacy.org/wp-content/uploads/2022/06/PIJACRetailPetStoreBMPJan2018.pdf>)
- White Paper: From Bottom to Top: Proposing a Framework for Developing Regulations for Captive Wildlife (<https://petadvocacy.org/wp-content/uploads/2022/02/PIJACHardinBessetteRegDevelopmentWhitePaperFINAL.pdf>)
- White Paper: Managing the Risk of Reptiles – A Closer Look (<https://petadvocacy.org/wp-content/uploads/2022/02/CloserLookWhitePaper.pdf>)
- PIJAC Care Sheets and sampling of other care sheets from the pet care community displayed in retail settings as well as at registration and at booths of reptile/amphibian shows. (<https://petadvocacy.org/care-guides-retail-resources>)

⁴ *Exotic Pet Amnesty Program*, Florida Fish And Wildlife Conservation Commission, <https://myfwc.com/wildlifehabitats/nonnatives/amnesty-program/>.