

October 17, 2011

Co-Chairs, ANS Task Force
U.S. Fish and Wildlife Service
440-North Fairfax Dr., Room 322
Arlington, VA 22203

Dear Co-Chairs:

On behalf of the Great Lakes Panel on Aquatic Nuisance Species (Great Lakes Panel), I am writing to convey the urgent need to prevent the introduction and spread of aquatic invasive species (AIS) through the trade of live organisms. This concern is not unique to the Great Lakes region; it exists throughout the United States. Integral to this effort is reforming the Lacey Act (18 USC sec. 42), established in the early 1900s to prevent the importation of and interstate commerce in "injurious" nonnative wild animals to avoid harm to U.S. agriculture, horticulture, forestry and wildlife or humans. The Act is long overdue for reform to address inadequacies in regulating the high-volume import trade in non-native wild animals for pets and aquariums, live bait, seafood markets, and other uses.

To reduce the risk of introducing new invasive species into the Great Lakes ecosystem, the Great Lakes Panel recommends as a regional priority the screening of plant and animal species in trade prior to their importation into the United States as supported by accelerated identification and listing of injurious species. **In making this recommendation, the Great Lakes Panel calls upon the Aquatic Nuisance Species Task Force (ANSTF) to support the principles presented in this letter that are considered essential to strengthening our nation's capacity to prevent the importation of harmful nonnative plant and animal species through the trade of live organisms.**

The recognized need to address the risks posed by organisms in trade is well documented in the Great Lakes Regional Collaboration (GLRC) final report (2005), which includes a series of important recommendations to improve our national regulatory framework and to create a proactive screening policy for these organisms. The recommendations made in this report, focused on AIS issues, are broadly based on consensus of the Aquatic Invasive Species Strategy Team convened under the GLRC. The overarching recommendation concerning organisms in trade states: "Federal and state governments must take immediate steps to prevent the introduction and spread of AIS through the trade and potential release of live organisms."¹ Further, federal agencies such as the Animal and Plant Health Inspection Service are working to improve regulations to screen potentially invasive plants.² It is also significant that screening of organisms in trade has already been established in other countries. In Australia, for example, importers are required to apply for permission to bring new animal species into the country, and only those species already screened are allowed for importation.³

¹ See recommendation 3 in Aquatic Invasive Species section of Great Lakes Regional Collaboration Strategy, available at <http://www.glrc.us/strategy.html> .

² APHIS Q-37 proposed regulations "Importation of Plants for Planting; Establishing a Category of Plants for Planting Not Authorized for Importation Pending Pest Risk Analysis" available at http://www.aphis.usda.gov/import_export/plants/plant_imports/downloads/NAPPRAProposedRule.pdf .

³ Australian Government, Department of Sustainability, Environment, Water, Population and Communities, available at <http://www.environment.gov.au/biodiversity/trade-use/lists/import/amend/index.html> .

Drawing on specific recommendations in the GLRC final report and AIS appendix, the Great Lakes Panel supports developing a federal screening process for organisms proposed for trade as well as strengthening the listing process of these organisms. To advance these processes, the following principles⁴ are recommended:

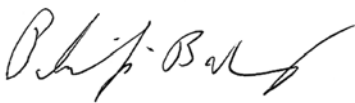
- Legislation that establishes a regulatory process to include: 1) a federal screening process for organisms proposed for importation and domestic trade; 2) a listing process that is based on an expeditious and systematic risk analysis used in classifying species proposed for importation into three lists—prohibited, permitted, and conditionally prohibited/permitted, 3) regulations to implement the screening process for nonnative, non-naturalized species already in trade.
- A policy within the screening process that places the burden of proof of non-injuriousness on the importer;
- Sufficient resources to effectively facilitate the listing of all high risk wildlife species identified under the Lacey Act as "injurious," to prevent the interstate transportation of harmful wildlife species;
- Significantly increased resources for the enforcement of laws governing the trade of live organisms and;
- Significantly increased resources for public outreach building upon successful campaigns and programs, aimed at preventing the spread of OIT including *Stop Aquatic Hitchhikers*TM, *Habitattitude*TM, and Aquatic Invasive Species-Hazard Analysis and Critical Control Point program (AIS-HACCP).

In conjunction with a federal screening process, the Great Lakes Panel also recommends advancing the development and targeted dissemination of voluntary best management practices for those organisms in trade pathways where risk is found to be the greatest. The lack of action on these recommendations in the six years since the GLRC report is emblematic of the benign neglect in addressing the organisms in trade issue.

It is critically urgent that a more effective screening and listing process for both plant and animal species be developed and implemented to prevent further introduction and spread of harmful invasive species in the Great Lakes and other regions across the country. The case of Asian carps demonstrates the devastating repercussions that can result from an ineffective screening process for organisms proposed for trade. Originally imported into the United States for beneficial use in the 1960s and 1970s, Asian carps have since escaped into the wild causing significant ecological and economic damage in the Mississippi River and Illinois River systems. Currently, two species of Asian carp—the silver and bighead carp—pose an imminent threat to invading Lake Michigan. Once established, these fish could cause irreversible impacts to the Great Lakes ecosystem and economy.

The Great Lakes Panel on Aquatic Nuisance Species recommends that the Aquatic Nuisance Species Task Force and its member agency representatives take immediate action to assist and advise on legislation and rulemaking changes necessary in the establishment of a more effective, proactive approach for screening and listing of plant and animal species in trade. As part of this recommendation, it is requested that future meetings the ANS Task Force include a report on the progress being made to strengthen the federal screening and listing processes for organisms in trade.

Sincerely,



Philip B. Moy, Ph.D.
Chair, Great Lakes Panel

⁴ See recommendation 3 in Aquatic Invasive Species section of the Great Lakes Regional Collaboration Strategy, as well as Milestones 3.2-3.6, Recommendation 3, Great Lakes Regional Collaboration Strategy, Appendix A., Aquatic Invasive Species Strategy Team Implementation Actions and Milestones, available at <http://www.glrc.us/documents/strategy/AIS-Appendix.pdf>

Memo

To: Aquatic Nuisance Species Task Force
Fr: Great Lakes Panel on Aquatic Nuisance Species
Da: October 17, 2011
RE: *Issue Briefing: The need to prevent the introduction and spread of aquatic invasive species through the trade of live organisms*

Preventing the introduction and spread of aquatic invasive species (AIS) is among the top policy and management challenges in the Great Lakes region. While significant attention has been focused on preventing the movement of AIS into the Great Lakes basin via hydrological connections (such as the Chicago Area Waterway System) and introduction and spread by commercial and recreational vessels, there is an urgent need to focus attention on the trade of live organisms. Pathways for organisms in trade (OIT) can include the live bait industry, pet and aquarium trade, horticulture and water garden businesses, and live seafood markets. While OIT may be introduced for beneficial uses, over time, some imported plant and animal species have caused harmful impacts to the environment and economy.

To regulate the importation and trade of nonnative wildlife, the Lacey Act (18 USC sec 42) was established under federal legislation in the early 1900s. The specific purpose of the Lacey Act is to prevent international imports and interstate commerce in nonnative aquatic and terrestrial animals with potential to harm U.S. agriculture, horticulture, forestry, wildlife or humans. The U.S. Fish and Wildlife Service (Service) holds the authority to declare wildlife species as "injurious" and to prohibit importation of those animals posing risks. The screening process however, in determining "injurious listing" under the Lacey Act is laborious, taking *four years* on average to regulate new species and is inadequate in regulating wildlife imports. As impacts from OIT continue to mount, there is growing support for the Lacey Act to be modernized to achieve its purpose in the face of the current high-volume import trade in wild, nonnative animals for the pet and aquarium trades, live bait, live food and other uses. While screening of imported plant species is not covered under the Lacey Act, it is noteworthy that the U.S. Department of Agriculture, Animal and Plant Health Inspection Service has been working to improve regulations to screen potentially invasive plants.

The case of Asian carps demonstrates the devastating impacts that can result from a weak pre-import screening system. Originally imported in the 1970s by the Service for research and to encourage private use, Asian carp populations have become established in the wild causing significant ecological and economic damage in the Mississippi and Illinois river systems. In response, the Service initiated the process to list two species of Asian carp—silver and bighead carp—as "injurious" under the Lacey Act in 2003. The silver carp was finally listed in 2007. To address the bighead carp, **it took an Act of Congress—rather than the existing administrative process—to list it as "injurious" under the act.** As currently written, the Lacey Act is cumbersome and inefficient, often listing species as "injurious" only after they have been imported, have escaped and been established in the wild, beyond the point where effective control can occur.

Over the past decade, proposals to strengthen screening of imports of nonnative wildlife have been included in various pieces of legislation including reauthorization of the National Invasive Species Act of 1996 (NISA) and most recently, legislative reform of the Lacey Act. These proposals support the establishment of a more formal and expeditious screening process; one that would take a proactive rather than a reactive approach to addressing those OIT posing a risk of adverse environmental and economic impacts if established in North American ecosystems.

The current struggle to keep Asian carp out of the Great Lakes emphasizes the urgent need for proactive screening policies and regulations to prevent importation of high risk plant and animal species. We must also build support for parallel regulatory improvements in Canada as well as taking action in addressing this issue during renewal of the United States-Canada Great Lakes Water Quality Agreement.