

## RESOLUTION

Adopted October 10, 2024

# Strengthening Protections Against the Importation and Trade of Invasive Species

**Whereas**, the environmental and economic health of the Great Lakes-St. Lawrence River region are threatened by the ongoing introduction and spread of harmful aquatic invasive species (AIS), which are organisms not native to the Great Lakes region and cause harm economically, ecologically, and to human health; and

**Whereas**, invasive species, once they become established, are extremely difficult to eradicate and costly to control, as demonstrated by the more than \$75 million in federal funding spent annually in the U.S. just to control invasive carp and sea lamprey; and

**Whereas**, prevention is the most cost-effective method of protecting against the harmful impacts of invasive species; and

**Whereas**, AIS may be introduced and spread through activities within the commercial fishing, aquaculture, bait, pet, aquarium, water garden, horticulture and live fish market industries, collectively known as the “organisms in trade” pathway; and

**Whereas**, in February 2021, the popular aquarium species *Aegagropila linnaei* (known as Marimo or Moss Balls) were found for sale in pet stores across North America while contaminated with zebra mussels, presenting a novel and largely unmanaged potential pathway of introduction; and

**Whereas**, the U.S. Fish and Wildlife Service (USFWS)<sup>1</sup>; U.S. Department of Agriculture (USDA)<sup>2</sup>; Fisheries and Oceans Canada (DFO)<sup>3</sup>; and Canadian Food Inspection Agency (CFIA)<sup>4</sup> each have certain authorities and responsibilities to regulate the importation and trade of live organisms; and

**Whereas**, existing regulatory frameworks are often reactive, resulting in prohibiting or restricting certain species only *after* they have been imported and begin spreading in the wild; and

**Whereas**, following the D.C. Circuit Court ruling in *U.S. Association of Reptile Keepers v. Zinke* (2017), the Lacey Act no longer prohibits the interstate transport of injurious wildlife<sup>5</sup> between states within the continental U.S.; and

---

<sup>1</sup> Lacey Act (18 USC 42)

<sup>2</sup> Plant Protection Act (7 USC 7701)

<sup>3</sup> Fisheries Act (R.S.C., 1985, c. F-14)

<sup>4</sup> Plant Protection Act (S.C. 1990, c. 22) and Seeds Act (R.S.C., 1985, c. S-8)

<sup>5</sup> U.S. Fish and Wildlife Service defines “injurious wildlife” as “Injurious wildlife are wild mammals, wild birds, amphibians, reptiles, fishes, crustaceans, mollusks and their offspring or eggs that are injurious to the interests of human beings, agriculture, horticulture, forestry, wildlife or wildlife resources of the United States”

**Whereas**, federal agencies do not publicly share species import data which could inform and improve risk assessment and response measures by resource agencies; and

**Whereas**, the Great Lakes-St. Lawrence Governors and Premiers (GSGP) has developed a list of “least wanted” species that pose significant threat to the basin and commit to prohibit these species, which currently includes nine fish species, five invertebrate species, and seven plant species; and

**Whereas**, state, provincial, and federal agencies have taken some action to prohibit these species, but inconsistencies remain<sup>6</sup>; and

**Whereas**, several U.S. states<sup>7</sup> continue to permit the introduction, transport, and stocking of naturally reproducing diploid Grass Carp, posing ongoing risk to the Great Lakes basin and its tributaries, which underscores the need for a consistent national policy that prohibits the introduction, transport and stocking of live diploid grass carp, while allowing the continued use of certified sterile triploid grass carp; and

**Whereas**, U.S. and Canadian resource agencies are implementing a focused and aggressive Lake Erie Grass Carp Response Strategy to prevent their further spread and negative impacts; and

**Whereas**, cooperation and capacity across the jurisdictions is needed to effectively enforce these regulations for the Great Lakes basin and is supported through the Great Lakes Fishery Commission Law Enforcement Committee and the Memorandum of Understanding on Regional Cooperative Enforcement Operations.

**Therefore, Be It Resolved**, that the Great Lakes Commission (GLC) urges federal agencies in the U.S. and Canada to proactively use existing authorities to expedite the identification and restrict the importation of non-native species that pose a high risk of being harmful to the Great Lakes-St. Lawrence River region ecosystem and economy; and

**Be It Further Resolved**, that the GLC supports complementary legislative and executive action to:

- establish a mandatory pre-import screening process that is aligned, efficient, and systematic for federal agencies to evaluate risks associated with species proposed for importation;
- allow federal agencies to implement the screening process for non-native species already in trade; and
- provide the authority needed for federal agencies to prohibit importation of those species determined to be injurious; and

**Be It Further Resolved**, that the GLC calls on the U.S. Department of the Interior to share species import data recorded within the Law Enforcement Management Information System with other natural resource agencies on a regular basis; and

**Be It Further Resolved**, that the GLC urges federal agencies in the U.S. and Canada to list additional GSGP “least wanted” species under their relevant authorities:

- **USFWS:** Diploid Grass Carp (*Ctenopharyngodon idella*), Tench (*Tinca tinca*), Killer Shrimp (*Dikerogammarus villosus*), Marbled Crayfish (*Procambarus virginalis*), Golden Mussel (*Limnoperna fortunei*), and New Zealand Mudsnail (*Potamopyrgus antipodarum*); and

---

<sup>6</sup> See <https://www.blueaccounting.org/metric/species-harmonization/#Compare> for more information on the status of regulations, lists and remaining gaps

<sup>7</sup> Alabama, Arkansas, Colorado, Iowa, Mississippi, Missouri, Nebraska

- **USDA:** Brazilian Elodea (*Egeria densa*), Water Soldier (*Stratiotes aloides*), Water Chestnut (*Trapa natans*), Parrot Feather (*Myriophyllum aquaticum*), Yellow Floating Heart (*Nymphoides peltata*), and European Frog-Bit (*Hydrocharis morsus-ranae*); and
- **DFO:** Northern snakehead (*Channa argus*), Stone Moroko (*Pseudorasbora parva*), Zander (*Sander lucioperca*) Wels Catfish (*Silurus glanis*), Tench (*Tinca tinca*), Yabby (*Cherax destructor*), Killer Shrimp (*Dikerogammarus villosus*), Marbled Crayfish (*Procambarus virginalis*), Golden Mussel (*Limnoperna fortunei*), and New Zealand Mudsnail (*Potamopyrgus antipodarum*); and
- **CFIA and/or DFO:** Hydrilla (*Hydrilla verticillata*), Brazilian Elodea (*Egeria densa*), Water Soldier (*Stratiotes aloides*), Water Chestnut (*Trapa natans*), Parrot Feather (*Myriophyllum aquaticum*), Yellow Floating Heart (*Nymphoides peltata*), and European Frog-Bit (*Hydrocharis morsus-ranae*); and

**Be It Further Resolved**, that the GLC urges the inclusion of exemptions under Title 18 of the Lacey Act for triploid grass carp and the use of diploid grass carp specifically for the purposes of brood stock to produce triploid grass carp; and

**Be It Further Resolved**, that the GLC urges U.S. legislative or executive branch action that will prohibit the interstate transport of injurious wildlife among any U.S. states or territories under the Lacey Act; and

**Be It Further Resolved**, that the GLC recommends that state, provincial, and federal natural resources agencies establish and adopt quarantine measures that allow those agencies to hold or possess shipments or lots of unregulated species if they are suspected or confirmed to be contaminated with regulated species (i.e., “hitchhikers”); and

**Be It Finally Resolved**, that the GLC urges allocation of additional resources to relevant agencies, including USFWS, USDA, DFO, CFIA, ECCC and the Canada Border Services Agency to strengthen risk assessment, regulation, and enforcement of the importation and trade of aquatic invasive species.

*Adopted at the 2024 Annual Meeting of the Great Lakes Commission, October 8-10, 2024, held in Rochester, New York. The resolution was passed unanimously.*