



Lacey Act

In the late 19th century, the decline or disappearance of many of North America’s wild game species, including the passenger pigeon (*Ectopistes migratorius*), led Iowa Congressman John Lacey to introduce the Lacey Act. The Lacey Act of 1900 sought to protect wild game species by making it a federal crime to hunt game with the intent of selling it in another state. The Lacey Act is now the oldest federal wildlife protection law in the U.S. and continues to play an important role in wildlife conservation by prohibiting the trade of any species taken in violation of international or domestic law and by regulating the import of injurious wildlife.

Methods

The Lacey Act makes it illegal to “import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any wildlife that was taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law.”¹ The Lacey Act pertains to wildlife whether alive or dead, and any part, product, egg, or offspring thereof.

The Lacey Act also requires that “any container or package containing any fish or wildlife...[be] plainly marked, labeled, or tagged” in accordance with regulations jointly issued by the Secretary of Interior and Commerce. The U.S. Fish and Wildlife Service (USFWS) enforces the wildlife aspects of the Lacey Act.

The injurious wildlife provision of the Lacey Act enables USFWS to manage the importation of any wildlife species deemed “injurious to the health and welfare of humans, the interests of agriculture, horticulture or forestry, and the welfare and survival of wildlife resources of the U.S.” The injurious species language in the Lacey Act has become the primary vehicle in the U.S. for preventing the introduction and spread of invasive species and pathogens. USFWS, through the regulatory process, maintains a list of injurious species, which cannot be imported into the country without a USFWS permit.

Results

Over 200 species of mammals, birds, fish, mollusks, crustaceans, and reptiles are listed as injurious under the Lacey Act (Figure 1).² USFWS wildlife inspectors are stationed at 38 major U.S. airports, ocean ports, and border crossings to monitor imports and exports to ensure compliance with the Lacey Act and other U.S. laws and regulations.³

Discussion

The Lacey Act has been amended many times over the years to strengthen protections for wildlife. Amphibians, reptiles, mollusks, and crustaceans were given protection under the act through an amendment in 1969. All fish and wildlife protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) were added to protections under the Lacey Act in 1975. Trees and plant products were added to the Lacey Act in 2008—previously only endangered plants were covered under the act.

Implications for Wildlife Professionals

The Lacey Act helps minimize the risk of invasive species introductions while providing a safeguard against the illegal harvest of native wildlife, thus providing powerful legal protections for a diverse array of wildlife species both in the United States and abroad. Through minimizing threats to native wildlife, the Lacey Act also helps ensure that investment in the on-the-ground work of wildlife professionals continues to accrue lasting ecological and societal benefits.

Species Listed as Injurious Under the Lacey Act

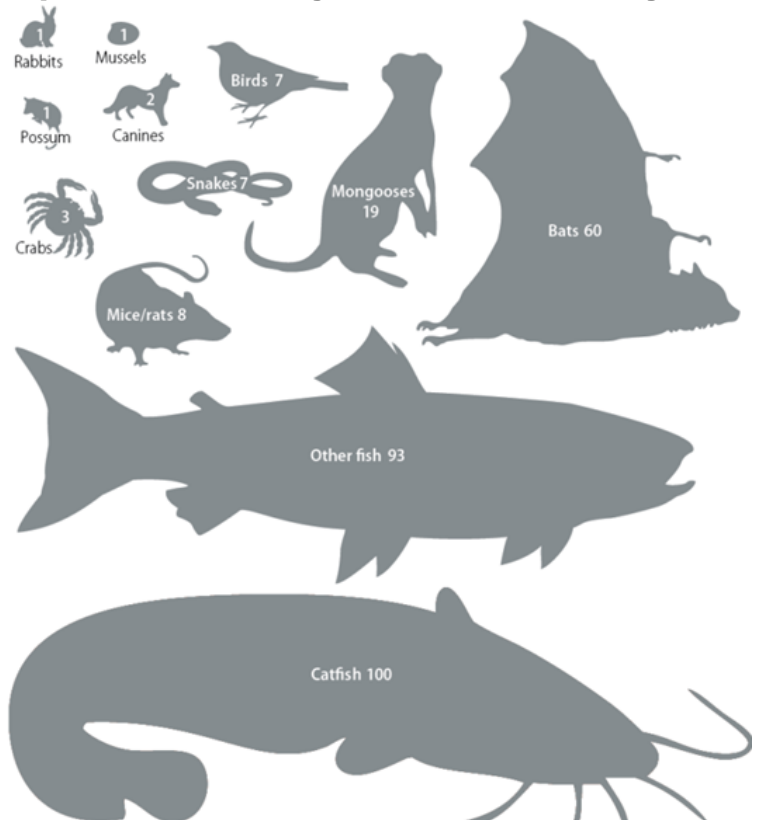


Figure 1. Scaled representation of species listed as injurious under the Lacey Act as of 2013 (Credit: Congressional Research Service)

Lacey Act: Features



USARK vs Jewell (Zinke) Court Ruling⁴

The D.C. Circuit Court of Appeals affirmed a ruling in 2017 in favor of the U.S. Association of Reptile Keepers (USARK), lifting restrictions on interstate commerce of injurious species listed under the Lacey Act. The ruling restricts USFWS from regulating interstate transport of any injurious species. USFWS, however, will continue to have authority to regulate international transport of injurious species into the U.S. as well as between the jurisdictions expressly named in the shipment clause of the Lacey Act (the contiguous U.S., District of Columbia, Hawaii, and Puerto Rico). The final ruling took effect on May 31, 2017.

Burmese python (Credit: Everglades NPS)

National Environmental Coalition on Invasive Species (NECIS)⁵

The National Environmental Coalition on Invasive Species (NECIS) is a partnership of environmental organizations and professional societies dedicated to strengthening the nation's response to invasive species, with a particular focus on preventing new invasions. NECIS was founded in 2003 and has worked to advance legislation, regulations, and resources needed to stop the spread of existing invasive species and prevent the intentional and unintentional introduction of new invasives. Member organizations—such as The Wildlife Society, American Bird Conservancy, National Wildlife Federation, and the Center for Invasive Species Prevention—work collaboratively to address policy issues associated with invasive species.

Emerald ash borer (Credit: USDA)



Turtle Trafficking⁶

USFWS and the Florida Fish and Wildlife Conservation Commission (FWC) were able to prosecute turtle traffickers in 2012 through provisions in the Lacey Act. Three individuals were sentenced under the Lacey Act for illegally selling wild-caught turtles to China and falsifying documents. An owner of a turtle aquaculture facility used his FWC Turtle Aquaculture Brood Stock Collection Permit to collect wild turtles and ship them to foreign markets instead of holding them for breeding purposes. At the time, Florida's laws were insufficient to address the commercial profiteering; criminal charges would not have been possible without the Lacey Act.

Florida softshell turtle (Credit: USGS)

1. Alexander, K. 2014. The Lacey Act: Protecting the Environment by Restricting Trade. Congressional Research Service, USA.
2. USFWS. 2012. Species Listed as Injurious Wildlife under the Lacey Act (50 CFR 16)
3. USFWS. 2013. Injurious Wildlife: A Summary of the Injurious Provisions of the Lacey Act (18 U.S.C 42; 50 CFR16). November 2013.
4. United States Court of Appeals for the District of Columbia Circuit. 2017. USARK vs Jewell (Zinke), HSUS, and CBD <<http://usark.org/wp-content/uploads/2017/04/USARK-Lawsuit-Appeals-Mem-Op.pdf>> Accessed 22 May 2017.
5. NECIS. 2017. About Us. <<http://www.necis.net/about/>> Accessed 22 May 2017.
6. Association of Fish & Wildlife Agencies. 2014. The Lacey Act & Why It's Critical to the Conservation Missions of State Fish & Wildlife Agencies.

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