



# THE WILDLIFE SOCIETY

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## Policy Brief Series

### Lacey Act

Native bird population declines in the late 19<sup>th</sup> century led Iowa Congressman John Lacey to introduce the Lacey Act in 1900. The Lacey Act aimed to conserve native bird populations by criminalizing the transportation of illegally harvested wildlife across state lines and regulating the importation of invasive species. The Lacey Act is the oldest federal wildlife protection law in the U.S. The Lacey Act regulates the sale of any species protected by international or domestic law and prevents the spread of invasive species.

#### Methods

The Lacey Act makes it illegal to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce 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.<sup>1</sup> The Lacey Act pertains to wildlife whether alive or dead, and any part, product, egg, or offspring thereof. The U.S. Fish and Wildlife Service (FWS) enforces the wildlife aspects of the Lacey Act.

The Lacey Act requires accurate labeling of collected or harvested wildlife to ensure that wildlife is being transported properly; it is a violation to falsify documents. The U.S. Department of Justice can prosecute violations with civil or criminal charges.

The injurious wildlife provision of the Lacey Act enables FWS to prohibit introductions of and to manage invasive species. The Service considers a species' effect on habitats, threatened and endangered species, and industries; and resource managers' ability to control and eradicate the species when evaluating a proposed listing.<sup>2</sup> Injurious species listed in the Lacey Act cannot be transported over state lines or imported into the country without permits issued by FWS.

#### Results

Over 200 species of mammals, birds, fish, mollusk, crustacean, and reptiles are listed as injurious under the Lacey Act (Figure 1).<sup>3</sup> Wildlife inspectors are stationed at 38 major U.S. airports, ocean ports, and border crossings to monitor imports and exports to ensure injurious species are not being transported.<sup>2</sup>

#### 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.

There is no mandated time frame for FWS to make an injurious species determination for proposed species, and in the past the process has been long. This is a concern because species considered for listing can still be transported into and around the country while the determination is being made. Having a species under review could be an incentive for commercial interests to import a species during the lengthy listing process. A shorter listing process could prevent more harm to ecosystems by preventing the establishment and spread of invasive species.

#### Implications for Wildlife Professionals

The Lacey Act is important to wildlife professionals because it provides legal protection to a wide array of wildlife. The act remains a key force in combating interstate and global wildlife trafficking. The Lacey Act works to keep injurious species out of local habitats and prevents the exportation of native species to foreign markets.

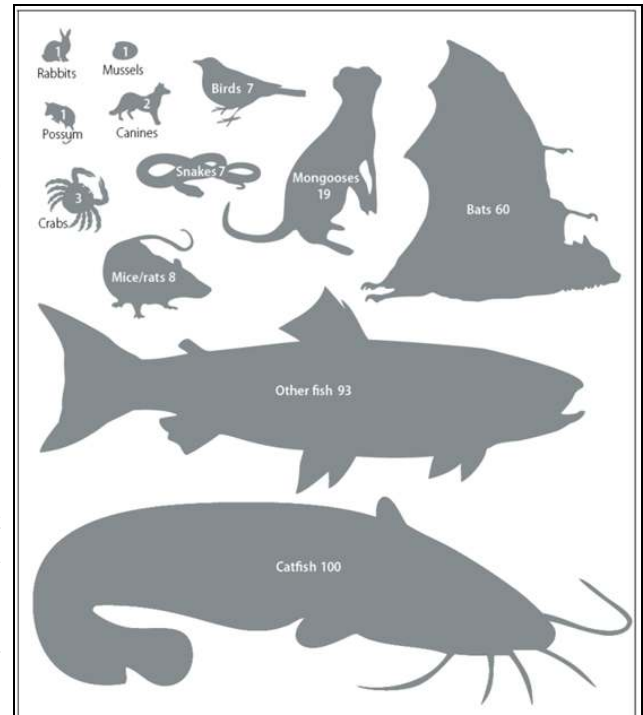


Figure 1. Scaled representation of species listed as injurious under the Lacey Act (Credit: Congressional Research Service).

# Lacey Act: Features



Former Interior Secretary Salazar and FWS Director Ashe with a python caught in the Florida Everglades in 2012 (Credit: Tami Heilemann, DOI).

## Injurious Wildlife: Burmese python<sup>4</sup>

The Burmese python (*Python molurus bivittatus*) and three other constrictor snakes were listed as injurious under the Lacey Act in 2012. The Burmese python has established breeding populations in Florida causing significant damage to wildlife. The Burmese python poses a risk to many native species, including threatened and endangered species like the Key Largo wood rat (*Neotoma floridana smalli*). The Lacey Act listing prevents the sale and transport of the snakes across state lines; FWS hopes this will prevent the snakes from spreading into other southern states and U.S. territories.

## Turtle Trafficking<sup>5</sup>

FWS and the Florida Fish and Wildlife Conservation Commission (FWCC) 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 FWCC 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).

## Sources

- 1 Alexander, K. 2014. The Lacey Act: Protecting the Environment by Restricting Trade. Congressional Research Service, USA.
- 2 USFWS. 2013. Injurious Wildlife: A Summary of the Injurious Provisions of the Lacey Act (18 U.S.C 42; 50 CFR16). November 2013.
- 3 USFWS. 2012. Species Listed as Injurious Wildlife under the Lacey Act (50 CFR 16)
- 4 USFWS. 2012. Salazar Announces Ban on Importation and Interstate Transportation of Four Giant Snakes that Threaten Everglades. 17 January 2012.
- 5 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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