

Questions	Answers
Two questions (which you may get to further in your presentation). 1. How does the Lacey Act these listings apply to feral cats? 2. I think I read that there is a petition to list captive mink under the Lacey Act as injurious. Is this true?	1. Title 18 (injurious wildlife listing) specifies "wild" for mammals that can be listed. Feral cats are <i>Felis domesticus</i> , which is a domesticated species. We can't list domesticated species, nor would it make sense, because they are ubiquitous in the United States (stopping the importation would do little to stop people from releasing cats). 2. Yes, we have received a petition to list the farmed American mink.
Can you speak to the proposed changes to the Lacey Act in the America Competes Act? Specifically, related to a so called "white list" as opposed to a "black list". If pet species aren't on the white list, would they not be allowed?	Dogs, cats, and other certain other domesticated mammals and birds are not regulated under 18 U.S. 42(a), with or without the amendments. The Presumptive prohibitions would not apply to wildlife species that have been in trade in more than minimal quantities. Certain types of pets would not need to be on an approved list because they are already in more than minimal import or are not wildlife.
Are injurious and invasive synonymous? How is it given this law that Oklahoma is filled with tigers, Asian elephants, and all kinds of exotic animals irresponsibly held, bred, and sold throughout the country? Is the USDA allowing this?	The terms mean pretty much the same thing. Most of the large exotic mammals are regulated under other laws. USDA's laws are generally regarding agricultural species.
Can you explain how insects were (or were not) incorporated into this legislation about non-insect animals?	Insects are not within our authority to list as injurious because the statute authorizes only mollusks and crustaceans as the only invertebrates. USDA can regulate insects, but generally those are ones that are harmful to agriculture (which includes forestry).
At some point will feral cats and outdoor domestic cats be listed as injurious? They are disastrous for wildlife particularly migratory birds, their nests, and their young, They are also a primary source of maiming and killing of small mammals.	Title 18 (injurious wildlife listing) specifies "wild" for mammals that can be listed. Feral cats are <i>Felis domesticus</i> , which is a domesticated species. We can't list domesticated species, nor would it make sense, because cats are ubiquitous in the United States, and stopping the importation would do little to stop people from releasing cats.
When were plants added to the official list? what about insects?	Plants and insects cannot be listed as injurious. We do not have that authority from Congress. You may be thinking of another law (16 USC 3371-3378) that I mentioned that is often confused with injurious listing, but that one is for wildlife and plant trafficking.
Would transporting zebra or quagga mussels attached to watercraft across state lines have any federal violations, or is that left up to state regulation given the lack of "importation" since it's already in the US?	You are correct about interstate transport not being prohibited for injurious species in that respect. However, if a State has a regulation prohibiting the transport of zebra or quagga mussels, and the infested boat crosses into that State, the State officials can ask for law enforcement assistance from the USFWS under the wildlife and plant trafficking provisions in title 16 (16 USC 3371-3378, also known as part of the "Lacey Act").
Where can we find the full list of injurious species?	<a href="https://www.fws.gov/node/266035">https://www.fws.gov/node/266035</a>
Can you explain how the amendments proposed under the Competes Act would impact exotic pet owners?	That is another subject, and there is not a simple answer, because we don't know what the language would be if it passes. But I will say that there is a lot of misinformation regarding the magnitude. The amendments affect only species listed as injurious, except for the effect of the "Presumptive prohibition", which is only on species that are not in trade or "minimally in trade"; we anticipate that the "Presumptive prohibition" would have little or no effect on pet owners. The interstate transport of injurious wildlife would

	have an effect only on listed species that needed to be transported across States lines on the Continental United States, when no options (such as veterinarians) are available in their State.
When was the last time (year) the FWS listed species as Injurious Wildlife? Is the FWS assessing species for listing currently?	We last listed species in 2016. We are planning more in the next few years.
Would you please provide the citation for this analysis?	Assuming you are referring to the analysis of injurious listing effectiveness, the paper is "The unsung success of injurious wildlife listing under the Lacey Act" <a href="https://www.reabic.net/journals/mbi/2021/3/MBI_2021_Jewell_Fuller.pdf">https://www.reabic.net/journals/mbi/2021/3/MBI_2021_Jewell_Fuller.pdf</a>
Clearly a stocked hatchery raised fish (public resource) which is illegally taken from a public waterbody is subject to title 16. Why are farm raised fish in the possession of the fish farmer (private property) subject to title 16 which appears to address trafficking of public resources (i.e., illegally taken wild turkeys)?	They are not subject to title 16 if they stay in the pond. If they are listed as injurious and moved across State lines without a permit, they may be a violation of title 16, which also protects public resources from injurious wildlife.
In your opinion, would the "between the States" language of the lacey act amendments of the COMPETES Act restrict movement of injurious species between the contiguous States or does it just clean up the "Hawaii" language of the current title 18? The injurious listing for salmonids covers only importation.	The bill is still in conference in Congress, so we do not know if the injurious amendments will even be in the final bill (if it is enacted), and if they are, we don't know the exact language. So it's premature to speculate.
Why are European startling or House sparrow not listed?	The two species were removed from the injurious list by Congress with the 1960 amendments because the birds had extended their ranges throughout the country and no feasible means for controlling their numbers or ranges had been devised.
It seems there is a lot of confusion/misinformation about what these regulations actually entail among exotic pet owners, particularly with recent changes under the COMPETES act -- has USFWS put out any clarifying statements about these changes directed at the public? (There's been a LOT of scaremongering online about "the government coming to take your pets if you ever have an interstate move" in the last few months, which is clearly not the goal of these changes!)	We have not put any clarifying information out. The bill is still being worked on, and the language could change, if it stays.
What about transport and Tribes?	I'm not clear what the question is. I think it's about if Tribes must follow the transport regulations. Since importation is the main prohibition, then I think the question is if Tribes of reservations along the Canadian and Mexican borders can import an injurious-listed species into their reservation. I think the answer to that is the same as how other U.S. Federal laws operate regarding Tribal rights along the border. That is not my area of expertise.
Any chance of putting a stop to the exotic pet trade?	There is a lot of work being done to stem wildlife trafficking and to look at how global trade in wildlife may be spreading infectious pathogens. There may be some additional restrictions in the future, but I don't see the exotic pet trade being stopped.

<p>It seems like the "failure" is our ability to keep them out in the first place. If Title 18 doesn't allow importation of international species, and they end up here, it is an example of a failure, is it not? Saying "the listing of the species after [establishment] is a failure" doesn't mean that the act of listing itself is a bad thing, but it does highlight our failure in keeping this species out of our country.</p>	<p>I agree, as I described in my webinar. I'm glad someone was listening!</p>
<p>What about white-tailed deer as host/reservoir of the Covid-19 virus?</p>	<p>I am not sure what the question is. If the question is related to salamanders with Bsal or salmonids with contagious fish viruses, then the deer situation is not the same thing. The primary reason to list a species is to prevent its importation (which could include as a host for a pathogen). For various reasons, such as the deer are widespread native species and the COVID virus they carry is ubiquitous now, listing as injurious would serve little, if any, purpose under 18 U.S.C. 42.</p>
<p>Reptile collectors buy injurious snakes from other private collectors - is this considered illegal under Lacey Act? Buying and selling cobra snakes by private owners happens in my state and when someone's cobra escapes, they are fined, must give up ownership but otherwise face only State prosecution which seems lenient.</p>	<p>Injurious snakes are those species listed as injurious by the USFWS under title 18 (18 USC 43). Cobras are harmful (indeed, deadly), but they are not currently listed as injurious. There are many harmful species not listed due to lack of staff capacity, not because the species don't meet the criteria. The injurious provisions under title (18 USC 42) do not restrict sale or possession. However, some States do have such laws, and if they are violated, they could become a title 16 violation (16 USC 3371-3378).</p>
<p>You mentioned that the injurious species listing process takes a long time -- but you showed that when it is used, it is successful in preventing establishment. What could be changed to increase the speed with which species/genera/families could be listed? Would a faster listing process actually help prevent future injury?</p>	<p>Streamlining the listing process would help, such as basing a listing on solely on the scientific data available, similar to the ESA (meaning we would not be required to prepare an economic analysis for listing species, which is not required for species listing under ESA). Something else that would help is the capacity to hire more permanent staff.</p>
<p>What about feral cats?</p>	<p>I'm not sure what the question is, but we frequently get asked if we can list domestic cats, and we cannot. Title 18 (injurious wildlife listing) specifies "wild" for mammals that can be listed. Feral cats are <i>Felis domesticus</i>, which is a domesticated species. We can't list domesticated species, nor would it make sense, because cats are ubiquitous in the United States (stopping the importation would do little to stop people from releasing cats).</p>
<p>Feral and/or Wild Horses...</p>	<p>Title 18 (injurious wildlife listing) specifies "wild" for mammals that can be listed. Horses are a domesticated species. We can't list domesticated species, nor would it make sense, because feral and wild horses are not being imported, so nothing would be gained by listing.</p>