



## **Federal Aquaculture Regulatory Fact Sheet Series**

Fisheries and Aquatic Resource Conservation  
U. S. Fish and Wildlife Service

### **The Lacey Act**

The Lacey Act is an umbrella statute for additional protection of wildlife species and plants taken or possessed in violation of State, tribal, foreign, or U.S. law. It provides authority to detain and inspect. The Lacey Act is implemented as two titles, Title 16 (16 U.S.C. §§ 3371-3378) and Title 18 (18 USC 42), and is administered by three Federal agencies and departments: National Marine Fisheries Service (Department of Commerce), Animal and Plant Health Inspection Service (Department of Agriculture), and U.S. Fish and Wildlife Service (Department of the Interior). Title 16 is broad and can cover wildlife or plants whether alive or dead, whole or part, and protected or prohibited. Title 18, however, more narrowly regulates the importation and interstate transport of animal species determined to be injurious by the Secretary of the Interior; permits for injurious wildlife may be issued for zoological, educational, medical, or scientific purposes.

The penalties for a Title 16 violation that pertains to prohibited acts for wildlife and plants are misdemeanors and felonies. The penalty for an injurious wildlife violation (Title 18) is up to six months in prison and a \$5,000 fine.

Prohibitions under 16 USC 3371 – 3378 include: Import or export, transport, sell, receive, acquire, or purchase in wildlife, fish, and plants that have been taken, possessed, transported or sold in violation of any Federal, State, tribal or foreign laws (interstate or foreign commerce); false labeling, falsification of records or identification of species; failure to properly mark wildlife shipments; and for 18 USC 42 include inhumane transport and injurious species.

The U.S. Fish and Wildlife Service's (USFWS) Injurious Wildlife program is administered out of Washington, D.C., with the support of its regional Fish Health Centers and ports of entry. Injurious wildlife regulations (codified in 50 CFR §16.13) prevent the movement of potentially harmful live or dead Salmonid fishes that may carry pathogens into our nation's waters.

### **Lacey Act (18 U.S.C. 42) 50 CFR §16.13**

<http://cfr.vlex.com/vid/live-dead-mollusks-crustaceans-eggs-19893282>

All live Salmonid fish and their eggs and dead whole, uneviscerated Salmonids imports into the United States must be inspected by a USFWS-certified fish pathologist, fish health inspector, or veterinarian, who then certifies the shipment as disease free. This health certificate must accompany any shipment.

Only Salmonids deemed “healthy” are allowed into the United States by the Director of the USFWS or his or her agents, except by permit. One hundred thirty-seven USFWS law enforcement authorized field inspectors and agents at 18 designated ports of entry allow only these “healthy” fish into the United States.

Web link for the Agency home page: <http://www.fws.gov/>

Agency point of contact: Dr. Joel Bader, National Coordinator for Aquatic Animal Health,  
joel\_bader@fws.gov, 703-358-2019