

# Aquatic Invasive Species in Commerce

Developing Solutions to Mitigate Risks

Workgroup: Regulations and Enforcement  
May 12, 2023





## Goal

Develop and implement measures that prevent the introduction, or spread, of aquatic invasive species through commerce using science-based, landscape-level prevention measures implemented across North America.

## AGENDA

1. Welcome and introductions
2. Review list of issues associated with the pathway and accept, reject, modify, or recommend for other work groups to review
3. Achieve informed consent on criteria to prioritize key issues and gaps
4. Prioritize key issues and gaps
5. Tee up homework and next work group meeting - developing strategies, tasks to address key issues and gaps

AIS IN COMMERCE WORK  
GROUPS

- Information and Education
- Industry Best Practices and Guidelines
- Regulations and Enforcement
- Labeling and Recordkeeping
- Information Access and Sharing
- Monitoring and Inspection
- E-Commerce



LIST OF  
ISSUES FROM  
KICKOFF  
WEBINAR  
AND SURVEY

1. Lack of a consistent (across states, provinces, etc.) adequate amount of specialized, trained, dedicated state/provincial/federal/municipal conservation agency law enforcement staff and authorities to address AIS in Commerce.
  - a. Insufficient number of staff
  - b. Lack of funding working on aquatic organisms
  - c. Lack of executive level staff with awareness of industry trade
  - d. Lack of specific focus on trade/dealer inspections
  - e. Insufficient enforcement of regulations (inability because of lack of resources/personnel or enforcement priorities in local offices).
  - f. Lack of confidence in identifying species by law enforcement.
  - g. Lack of DA support to enforce cases.
2. Lack of understanding by industry of the correct entity/agency (DNR, USFWS, etc.) to contact when addressing animal and plant trade issues (to determine if a species is legal, states legal to sell to, etc.). (Also **Information Access & Sharing WG**)
  - a. Siloed agencies and programs (e.g., disconnect between programs, regulatory program is not law enforcement program, split regulatory/enforcement authorities between different state agencies).
  - b. Different state agencies regulate organisms in trade (e.g., Departments of Ag regulates plants and pets, Natural Resource Departments regulate wildlife)
3. **Access to and interpretation of disparate laws, regulations, and authorities** among states and among provinces.
  - a. Inability to **interpret regulations** because of access, complexity, and other issues.
  - b. **Central location to access** state regulations and species lists.
  - c. Lists that show states and provinces where species can be shipped (include USGS NAS in development) - federal position to make this info available. (**Information Access and Sharing WG**)
  - d. Standardized labeling requirements (**Labeling and Recordkeeping WG**)



LIST OF  
ISSUES FROM  
KICKOFF  
WEBINAR  
AND SURVEY

4. Lack of regulations/authorities to require online marketplaces to police illegal sales by sellers (**E-Commerce WVG AND this work group, Industry BP and Standards**).
  - a. Include accountability for middleperson sales. Most pressure is on buyers and sellers – strategy to enhance accountability
  
5. Patchwork of licensing and oversight (recordkeeping and reporting) for entities that engage in aquatic animal and plant trade.
  - a. Database of licenses required for entities to engage in aquatic plant and animal trade in each state and nationally (US/Canada)
  - b. Tie AIS requirements (training, certifications) with business licensing requirements.
  - c. Lack of existing ways to regulate private/basement retailers (mandate skill licensing - like in European Union).



LIST OF  
ISSUES FROM  
KICKOFF  
WEBINAR  
AND SURVEY

Lack of state regulatory agencies to list aquaculture import regulations on a national database. ([Access and Information Sharing WG](#))

Lack of a publicly accessible database listing federal, state, county and municipal regulated species. ([Access and Information Sharing WG](#))

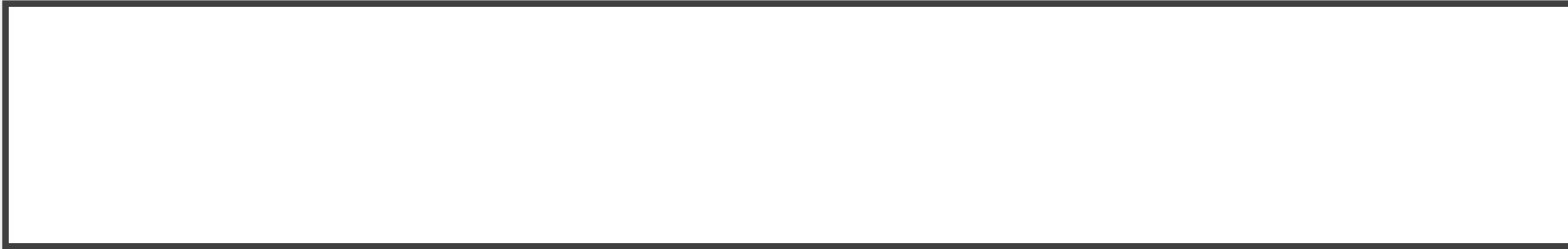
Lack of state regulatory agencies listing prohibited species on a national data base. ([Access and Information Sharing WG](#))

Lack of state regulatory agencies notifying farms of potential violations (potentially region-specific issue) (Licensing oversight) (move to previous issue)

([Information Access & Sharing WG](#)) - Insufficient bilateral coordination among provinces and U.S. federal enforcement agencies for high-risk aquatic plant and animal issues (e.g., moss balls, crayfish)

**Lack of shared tool (national database) for users and industry with updated, accurate information on AIS on a state level and species, nomenclature, injurious/harmful status. Federal, State, County, Provincial, and Municipal regulated species (Information and Education/Information Access and Sharing WGs) (realize existence of databases – perhaps need for a portal to make it easy and accessible to access information) - this is important for producers**

Lack of compilation of existing databases of entities selling aquatic plants or animals (could help with notification on key issues – crayfish/moss balls) (Xover with regulation work group potentially) - would need resources to keep list updated – there are existing lists – info can be disseminated through trade associations ([Information and Education WG](#), [Information Access & Sharing](#))



- Lack of accurate identification of aquatic plant and animal species imported into North America (both U.S. and Canada) (improves horizon scanning, informs risk assessments). (**Labeling and Recordkeeping WG**)
  - a. Strategy: Use of emerging automated risk assessment capability for states/federal agencies/provinces to assess every species in a shipment identified on commercial import documentation.
  - b. Strategy: Increase collaboration and cooperation among state/provincial/federal agencies



# NON-ISSUES, BUT HELPFUL

1. Assess, catalog and share successful examples.
2. Examine and provide a model based upon plant supply chain regulatory and non-regulatory labeling, reporting, and record keeping efforts. Please see <https://www.nationalplantboard.org/>.
3. A centralized location/site that responsible dealers can check legality of species in other states|
4. Clear regulations that are well-defined and objective
5. More clarity on labeling requirements
6. Training for law enforcement to identify prohibited species
7. Better emphasis on correcting problems versus punishment
8. Increase taxonomics and rehabilitate type collections. Please reference: [https://www.doi.gov/sites/doi.gov/files/uploads/isac\\_systematics\\_background\\_paper.pdf](https://www.doi.gov/sites/doi.gov/files/uploads/isac_systematics_background_paper.pdf)
9. The US Fish and Wildlife Service is insufficiently funded to implement existing authority as provided by the Lacey Act, Nonindigenous Aquatic Nuisance Prevention and Control Act and National Invasive Species Act.
10. Recommendations to create federal funding support for states to effectively implement risk analysis, regulation, and enforcement have not been acted upon by Congress.
11. Industry's responsibility in developing a publicly accessible regulations database through funding its development and upkeep

## CRITERIA TO PRIORITIZE ISSUES AND DEVELOP STRATEGIES - STRAWMAN

- **Relevance** – strategy is specific to the work group topic (versus another work group topic)
- **Impact** - the extent to which an action will address the issue or key gap. The greater the impact of an action, the higher its priority.
- **Feasibility of implementation** - personnel and financial resources needed as well as policy and procedural changes and political feasibility. Some actions may have high impact but little chance of implementation.
- **Urgency** - consider whether waiting to implement would cause further issues.

**Questions: Do you concur with these criteria? Do you have recommended modifications or others to consider?**