



# An Action Plan to Mitigate the Risks of AIS Trade and Transport Through Commerce

ANS Task Force Meeting

January 2024

# The AIS in Commerce Landscape is Complex

- Global commerce and e-Commerce are growing
- Regulatory/agency staffing and capacity insufficient to provide adequate oversight, compliance, and enforcement
- Lack of voluntary incentives, industry BMPs
- Inadequate labeling and reporting
- Undocumented/unlicensed businesses
- Shipping and transport loopholes
- Uninformed consumers



Photo: Wyoming Game and Fish Department.

**Different pathways  
require refined and  
explicit strategies:**

**Contaminants,  
accidental violations,  
intentional illegal violations . .  
will require different solutions.**



# The solution?

# Identify and interrupt the chain of transmission

## AIS Trade and Transport Via Commerce

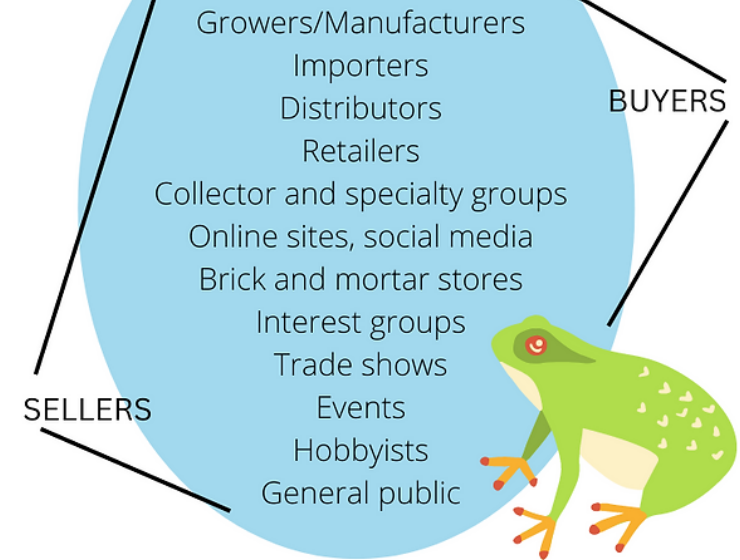
Identifying and Interrupting the Chain of Transmission

### Aquatic Plant Trade



Whole plants, Plant parts

### Supply Chain Actors



**Non-food Animals**  
Amphibians, Invertebrates,  
Fish, Reptiles, Molluscs

# Roles, Responsibilities, and Expectations



**Strategies should be aligned with most appropriate entities**

## **Federal government**

**Import (USDA, Customs, USFWS)  
Inspection**

## **States**

**Control within their own borders  
Identify pathways for AIS  
Inspect operations  
License businesses**

## **Industry**

**Comply with regulations  
Maintain industry standards  
Legal responsibility to identify species, declare value, classify**

## **Consumers**

**Follow the law  
Be knowledgeable, responsible, and aware  
Know when to question  
Report illegal activity when observed  
Support compliant businesses  
Responsibly purchase and rehome**

## **Professional Organizations/Associations**

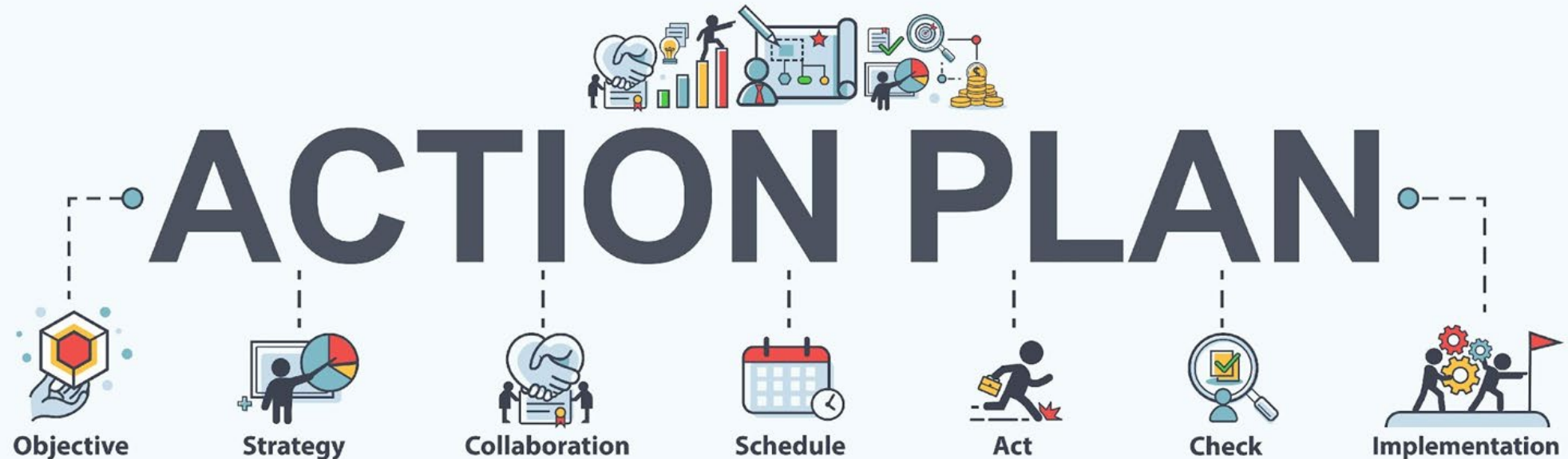
**Educate industry members on standards and regulations**

# Engagement to Date



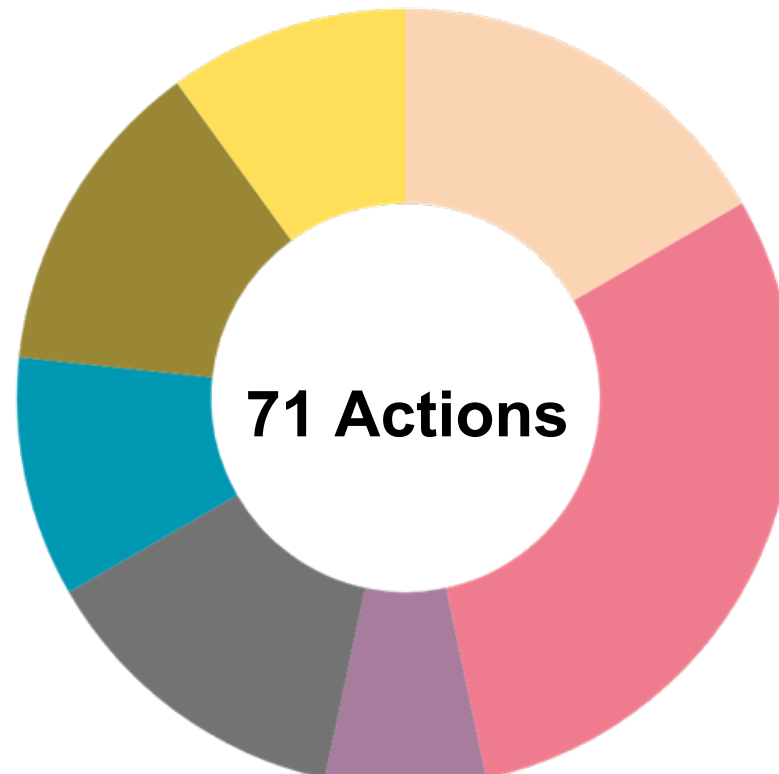
# A. Convene Partners to Develop Action Plan

- Draw from review of supply chain landscape
- Conduct surveys
- Facilitate work groups to identify issues and brainstorm solutions
- Generate an action plan



## A Governance and Biosecurity Framework for AIS in Commerce in North America

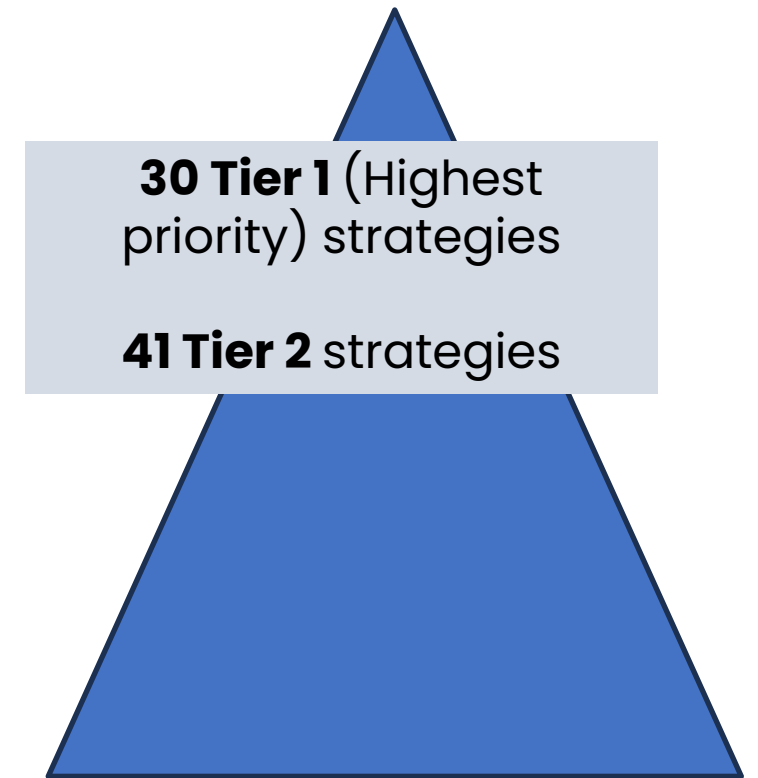
- Accessible Information
- Voluntary Industry Practices
- Resources and Capacity
- Legal Authorities
- Record Requirements
- Knowledgeable Consumers
- Collaborative Interdiction





# Criteria to Prioritize Actions

- **Criteria used to prioritize actions in this plan include:**
  - The action addresses a key challenge
  - The action is timely
  - The action is implementable
  - The action would likely be effective
  - There are resources available to implement
  - Political will within the agencies and the states exist to implement



# Goals

- There is readily available **access** to updated and accurate information on aquatic organisms in trade in North America.
- **Voluntary Industry Practices and Protocols** lessen the spread of AIS and are widely accepted, used, and promoted by industry.
- An **effective regulatory and compliance framework** exists to enhance governance in AIS in Commerce.
- **Accurate information on aquatic organisms in trade** species in commerce is routinely collected, shared, and tracked in easily accessible formats.
- **Consumer behavior** reflects sound knowledge and awareness of aquatic invasive species in commerce.
- **Agencies work collaboratively and effectively** in partnership to invest in and address the highest priority contributions to AIS in Commerce.
- **Sufficient resources and capacity exist** at the federal, provincial, and state levels to participate and engage effectively in AIS in Commerce interdiction actions.



# Accessible Information

**Goal: There is readily available access to updated and accurate information on aquatic organisms in trade in North America.**

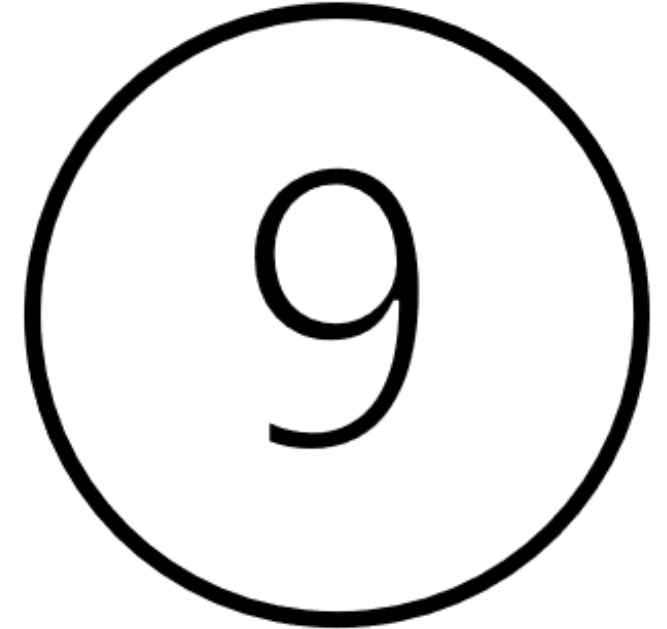
- **AI1. A user-friendly, accessible, searchable, shareable, interoperable electronic dataset of non-native aquatic species being imported and sold in North America.**
- **AI2. Create a training handbook for retail staff.**
- **AI3. Expand engagement with legislators.**
- **AI4. Expand outreach to suppliers.**
- **AI5. Create U.S./Canadian database/resource with search capabilities that addresses which state/provincial and federal agencies are responsible for their respective animal and plant trades.**



# Voluntary Industry Practices

**Goal:** Voluntary Industry Practices and Protocols lessen the spread of AIS and are widely accepted, used, and promoted by industry.

- VIP1. Identify and assess existing voluntary industry practices, protocols, and guidelines, create new BMPs.
- VIP2. Promote an industry pledge (that ultimately leads to certification) to source aquatic animal and plant material responsibly.
- VIP3. Standardize and promote protocols at grow facilities.
- VIP4. Develop and promote an in-house training program focused on AIS issues and what businesses can do.
- VIP5. Develop standard guidelines for retail stores on best practices when serving as a rehoming location.
- VIP6. Develop training on relevant regulations for aquatic organisms in trade sellers.
- VIP7. Make it a common practice for large retailers to include unwanted/pet return policies with purchase.
- VIP8. Provide a central online location for industry BMPs.
- VIP9. Develop an industry-led (regional) list of species that potentially have high risk for invasiveness and should not be bought or sold in North America.



# Legal Authorities

**Goal:** An effective regulatory and compliance framework exists to enhance governance in AIS in Commerce.

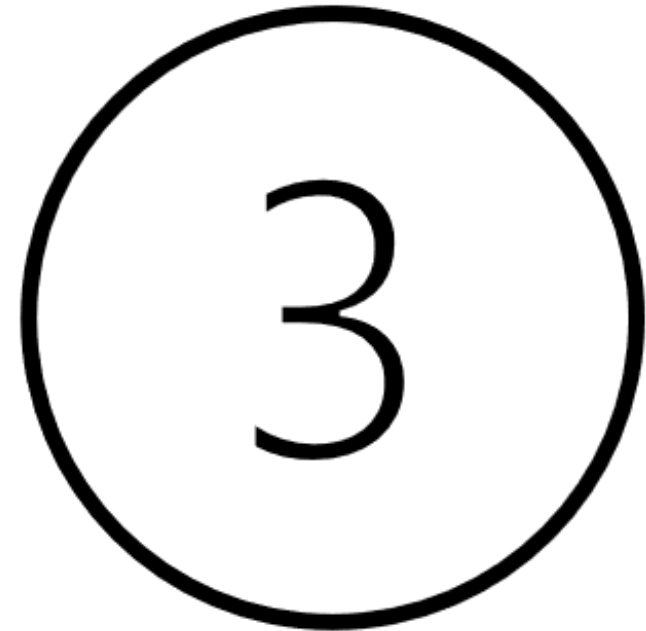
- LA1. Assess regulatory authority and capacity to conduct efficient and effective inspection and monitoring and articulate strategies to enhance that capacity.
- LA2. Create model legislative provisions and guidance.
- LA3. Implement regulatory steps for online.
- LA4. Mandate training/education for license/permit holders or violators.



# Record Requirements

**Goal:** Accurate information on aquatic organisms in trade species in commerce is routinely collected, shared, and tracked in easily accessible formats.

- RR1. Require the use of standardized labeling.
- RR2. Create standardized retail material templates.
- RR3. Capture species-level data electronically for all aquatic organisms in trade imports.



# Knowledgeable Consumers

**Goal:** Consumer behavior reflects sound knowledge and awareness of aquatic invasive species in commerce.

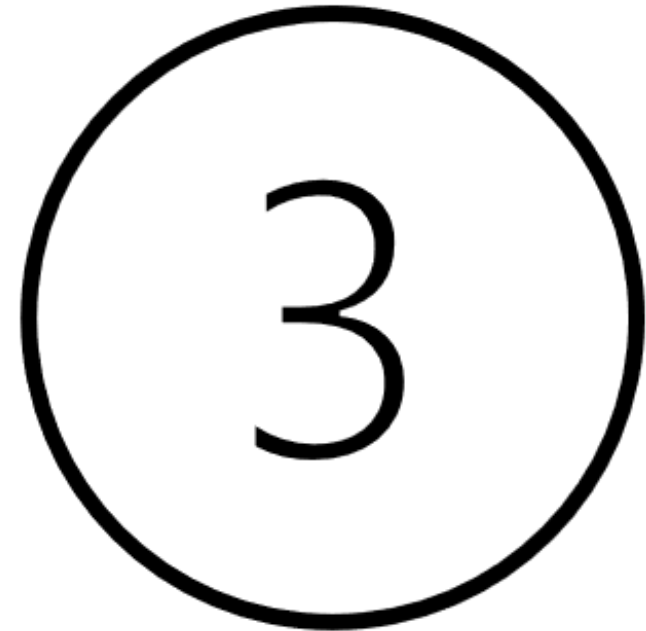
- KC1. Implement a communications and outreach plan re: AIS in Commerce.
- KC2. Educate buyers to contact supplier/seller immediately if they see something in their purchase/shipment that does not seem to match the order that was placed.
- KC3. Provide Retail Care Guides for species sold.
- KC4. Identify, incentivize, and promote take-back locations..



# Collaborative Interdiction

**Goal:** Agencies work collaboratively and effectively in partnership to invest in and address the highest priority contributions to AIS in Commerce.

- CI1. Host a summit to develop strategies for long-term sustainable funding to reduce AIS in Commerce.
- CI2. Strengthen collaboration among regulatory and law enforcement programs in state and provinces.
- CI3. Adopt innovative technology to advance the ability of agencies to intercept AIS in Commerce.





# Resources and Capacity

- **Goal:** Sufficient resources and capacity exist at the federal, provincial, and state levels to participate and engage effectively in AIS in Commerce interdiction actions.
- RC1. Encourage discussions at AFWA convenings to support and creating funding for additional dedicated staff and resources to work on aquatic organisms in trade.
- RC2. Encourage support by District Attorneys for enforcement of AIS in Commerce issues.



# Action Plan Next Step

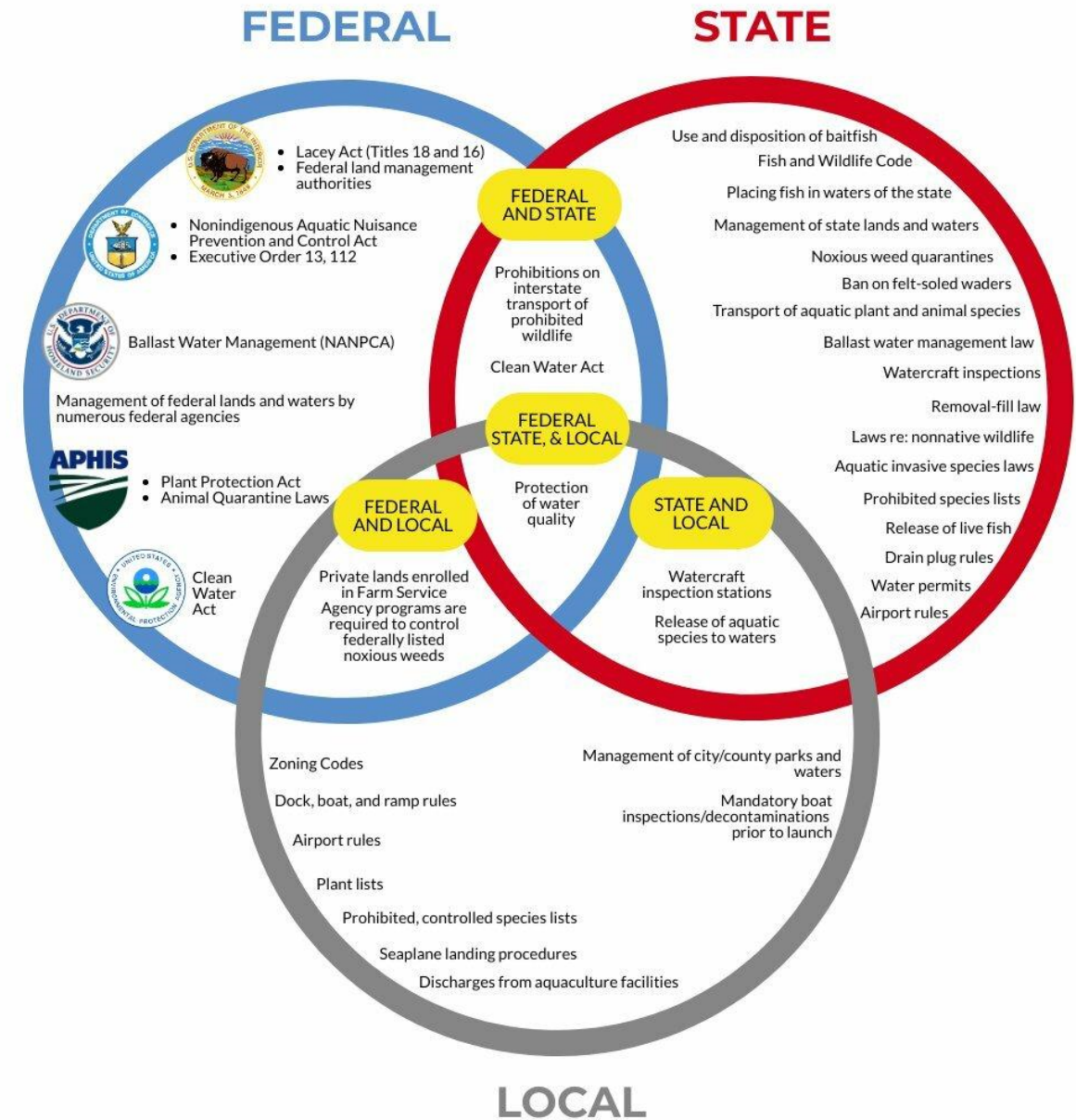
1. **Draft potential implementers, budget, timeline, performance metric for each of the Tier 1 actions (30) in the action plan.**
2. **Vet this with the Advisory Committee.**
3. **Finalize.**



# B. Address Regulatory Gaps

- Identify loopholes and barriers that contribute to introduction and spread of AIS in commerce
- Explore models to define the most efficient and effective regulatory practices
- Develop case studies
- Follow hypothetical shipment along pathways to explore solutions

Aquatic invasive species prevention, management, and control authorities exist at the federal, state, and local levels. In some cases, federal/state, federal/local, state/local, and federal/state/local laws have overlapping and complementary authorities.



# E-COMMERCE PLAYERS & LEGAL RESPONSIBILITIES



## SELLER

May not possess, sell, or ship prohibited species

Legal Issue: May not be located in state where buyer located/ sale takes place

## THIRD PARTY PLATFORM

No legal responsibilities

Legal Issue: Immune from illegal acts by users of their sites



## TRANSPORTER

May not transport prohibited species

Legal Issue: May not know what they are transporting



## BUYER

May not import, buy, or possess prohibited species.

Legal Issue: May not know what they are buying

# Case Studies

## Marbled Crayfish

- No indigenous population recognized
- Regional efforts in Great Lakes support consistent listings
- Successful Lacey Act prosecution for illegal sales



## Red Eared Slider

- Native to Southeastern U.S.
- Very popular in pet trade
- Sale of turtles smaller than 4 inches banned by FDA for public health reasons



## Water Hyacinth

- Recognized problem since 1899
- Widely established in US and commonly sold

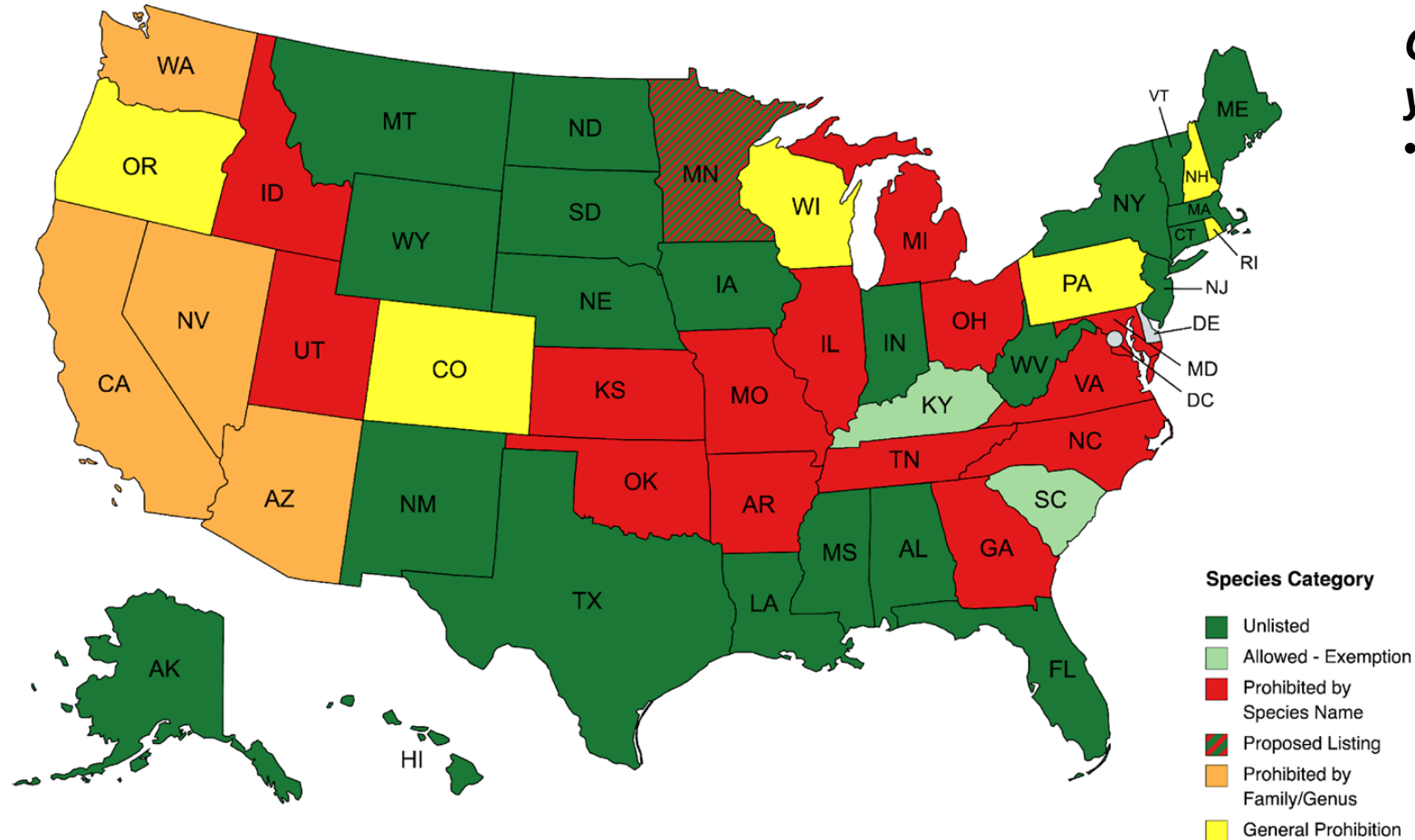


# Case Study: Marbled Crayfish

Case study originally published in October 2023.

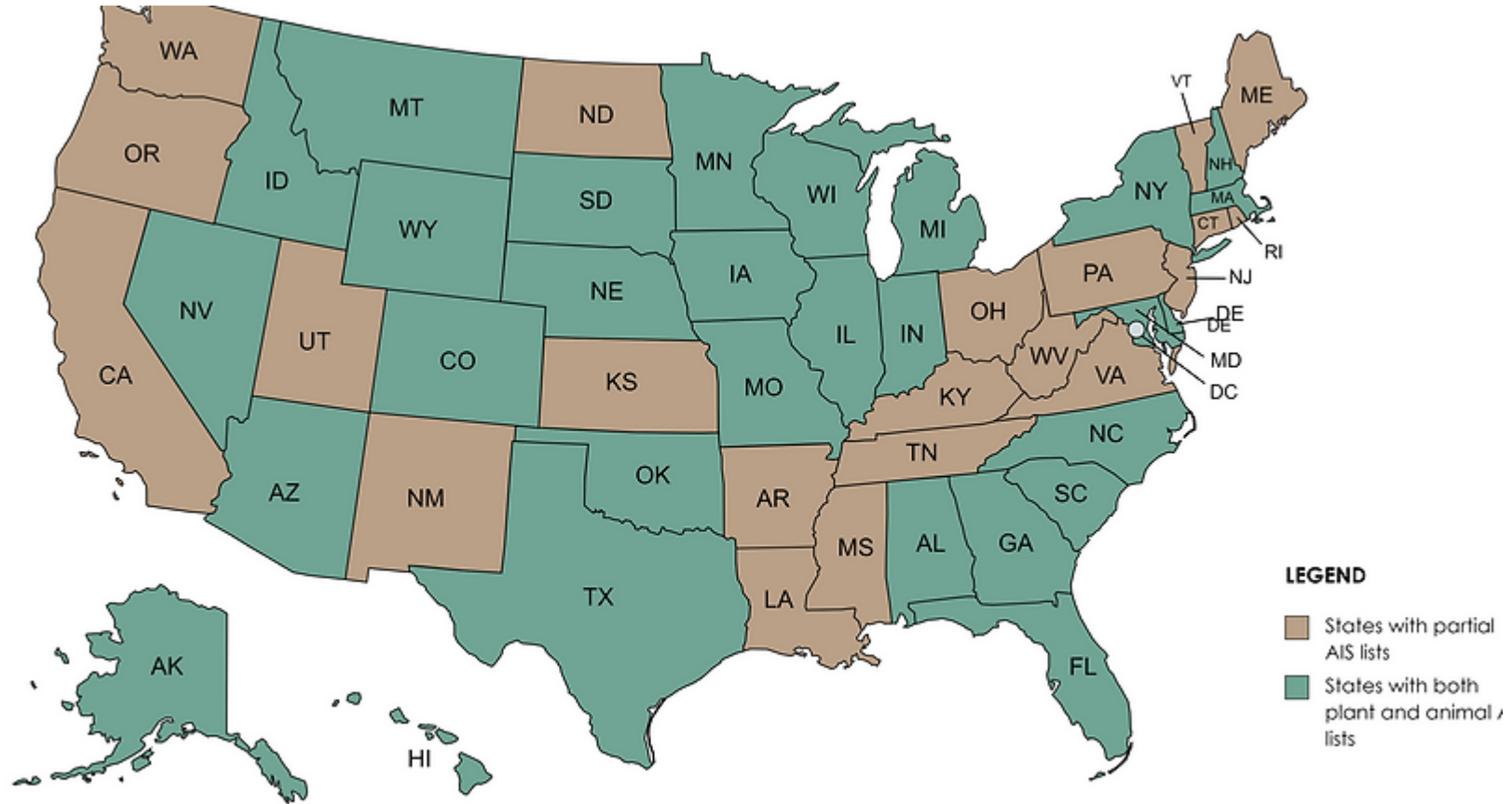
***Out of date by end of the year!***

- Illinois listed marbled crayfish as injurious species in December 2023.



# Model Language to Address Challenges

- Accessibility of State/Provincial Aquatic Animal and Plant Lists



# Model Language to Address Challenges

- **Accessibility of State/Provincial Aquatic Animal and Plant Lists**
  - Require agencies to post copies of their current lists on their websites
- **Labeling**
  - Contact information for buyer and seller, accurate list of contents by common and scientific name, and number of each species
  - Signage at retail stores
  - Online advertising requirements
- **Recordkeeping**
  - Requirements to keep certain written and electronic records for 5 years
- **Licensing/Registration**
  - Require businesses engaged in sale of live animals and plants to register or obtain license from state/province



# C. Conduct Effective Outreach: tools for management agencies

## Goals:

Provide guidance to improve visibility of requirements to sellers

Improve knowledge for enforcement

Provide templates

- Guiding buyers and sellers to relevant information
- Model regulatory framework
- Tools for enforcement to easily ID regional hitchhikers
- Supply chains and AIS
- Contact list for experts

# C. Conduct Effective Outreach: tools for industry sectors

## Goals:

Provide guidance on philosophy of AIS awareness in live organism trade operations [*Responsible & Knowledgeable*]

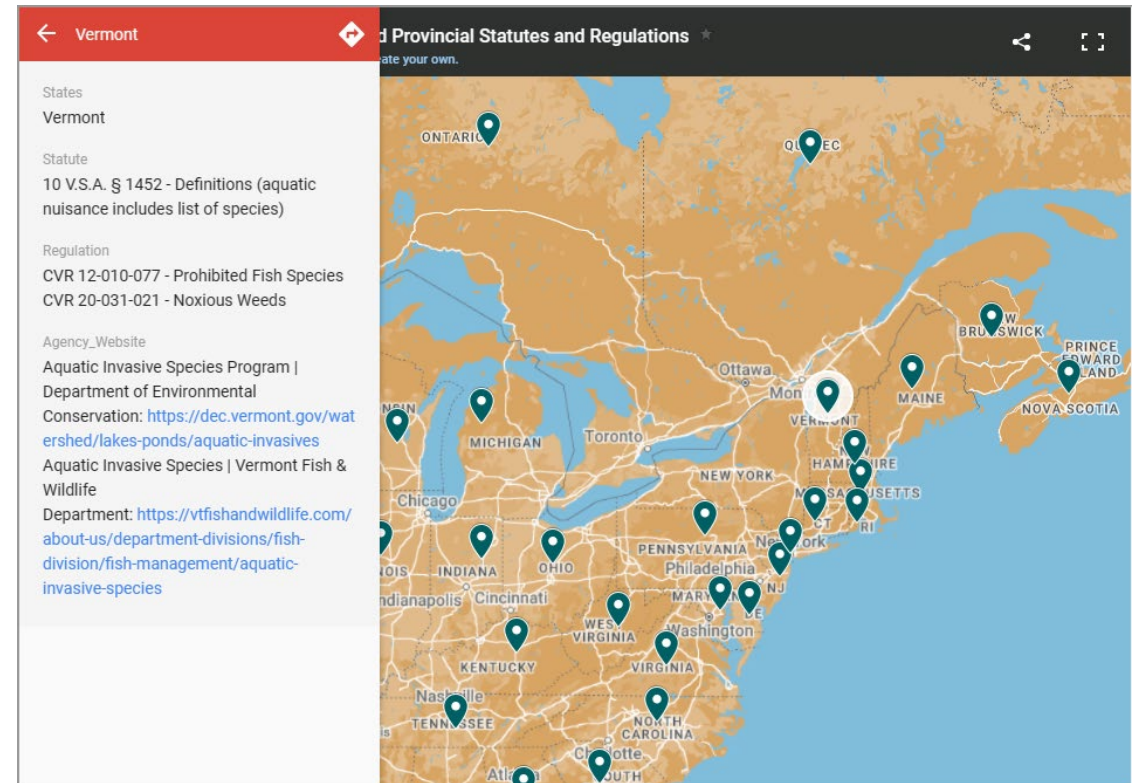
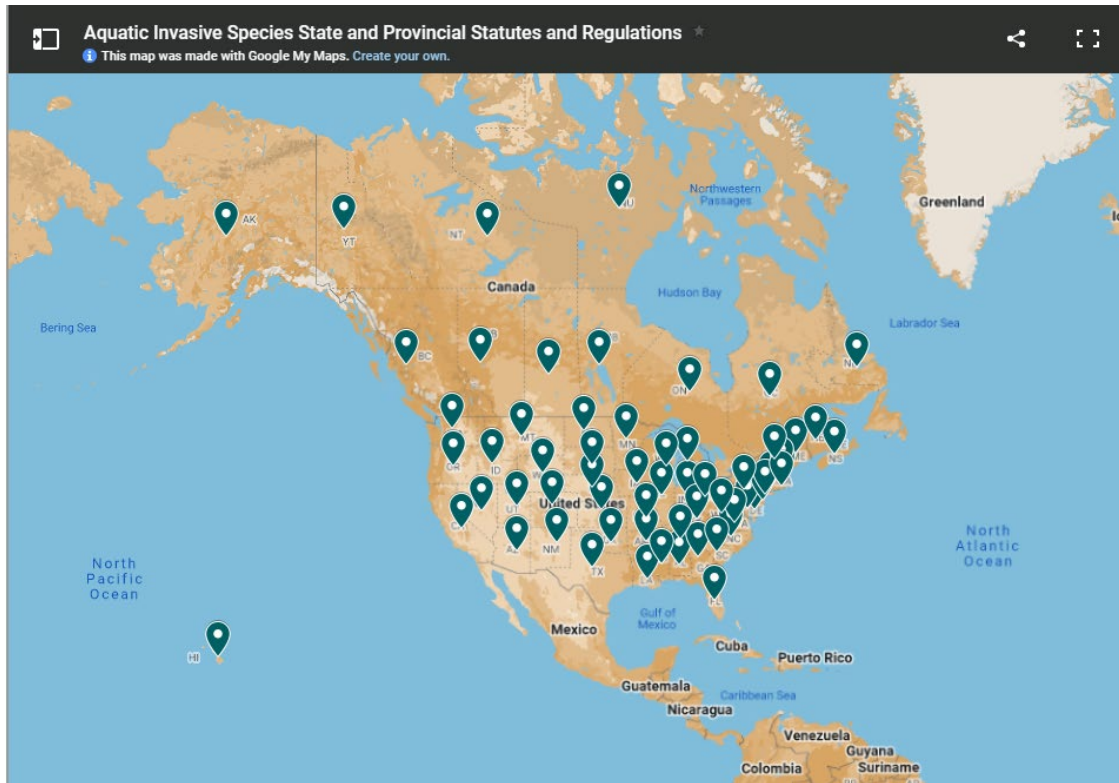
Accessibility to compliancy information

Provide template for regional info

- Guide buyers and sellers to relevant AIS information
- Regulated species list
- “Sell this – Not this” factsheet
- Lacey Act and your business factsheet
- Contact list for experts/regulatory agency

# C. Conduct Effective Outreach

Focus on Toolkit pieces that guide industry sectors on compliance and best practices



# Milestones

Launch Project and [aisincommerce.org](http://aisincommerce.org) website

October 2022

Winter 2022

Summit Hosted

March 2023

March-August 2023

Summit Hosted to Share Governance/Biosecurity Framework

October 2023

Survey Feedback

Work Groups Convene  
Advisory Committee Created

Draft Regulatory Framework  
Draft Action Plan and Framework

September 2023

Winter 2023

Draft 2 Action Plan

January 2024

March 2024

Project Complete!

May 2024

Focus Groups with State Managers and Industry Representatives

Tool kits for Industry and State Managers Shared



[www.aisincommerce.org](http://www.aisincommerce.org)