



## Committee on Natural Resources U.S. House of Representatives

Chairman Doc Hastings

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### **Witnesses: Current Law Should Be Followed For Lacey Act Listings**

**WASHINGTON, D.C.** – Today, the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs held an [oversight hearing](#) on the “*Department of the Interior’s proposal to establish a Categorical Exclusion under the National Environmental Policy Act (NEPA) for adding species to the Lacey Act’s list of injurious wildlife.*” This hearing examined the potential effects of the Fish and Wildlife Service’s (Service) proposal to short-circuit, by executive fiat, existing rules for adding species to the Lacey Act’s injurious wildlife list.

*“In the Federal Register notice, the summary section states that the goal of the new Categorical Exclusion is ‘Making the NEPA process for listing injurious species more efficient.’ My question is more efficient for whom? Because it will certainly not be more efficient for aquariums, individual Americans, research institutions, small businesses and zoos who will be forced to seek redress in our federal courts,” [said Subcommittee Chairman John Fleming \(R-LA\)](#). “While not completing an Environmental Impact Statement or Environmental Assessment may save the Fish and Wildlife Service money, I suggest a better alternative to short-circuiting the NEPA process, would be to dedicate more than two federal employees to the listing process each year.”*

During today’s hearing, Subcommittee Members heard from witnesses who would be directly affected if this categorical exclusion is established.

[Jim Maddy](#), **President & CEO of the Association of Zoos and Aquariums (AZA)**, highlighted the importance of following current law. *“Without critical reviews, assessments, and opportunities for public comment under the current federal framework, we are concerned that the Department would be free to declare certain species as injurious without factoring in the significant impact such a listing would place on institutions like AZA-accredited zoos and aquariums.”*

[Shaun M. Gehan](#), **legal counsel and advisor to the United States Association of Reptile Keepers (USARK)**, offered sharp criticism of the Interior Department’s proposal. *“The service’s proposal for a categorical exclusion for its Lacey Act listings is unjustifiable and wholly unnecessary.”* Noting the negative economic impact of this proposal, Gehan added, *“Comprised of thousands of small, ‘mom and pop’ breeders and hobbyists, this segment of the \$1.4 billion reptile pet industry supports specialized equipment manufacturers, veterinarians, feed producers, and an active trade show industry, of which scores are held each year across*

*the country. At every level, this industry is comprised of small businesses. The proposed and partially finalized listing process has caused economic harm industry-wide.”*

**Marshall Meyers**, Senior Advisor and former CEO of the Pet Industry Joint Advisory Council (PIJAC), echoed the criticism of the Interior Department’s proposal. *“The Service’s justification is somewhat baffling,”* stated Meyers. He added, *“The Service’s argument is overly simplistic in justifying its desire to indulge in an ‘abbreviated review’ of a proposed species listing and severely limits if not precludes input prior to the Service’s publishing its conclusions on a proposed rule.”*

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