Federal Regulations Pertaining to Collection, Import, Export, and Transport of Scientific Specimens of Mammals

Hugh H. Genoways
University of Nebraska - Lincoln, h.h.genoways@gmail.com

Jerry R. Choate
Fort Hays State University

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AMERICAN SOCIETY
OF MAMMALOGISTS

FEDERAL REGULATIONS PERTAINING TO
COLLECTION, IMPORT, EXPORT, AND TRANSPORT
OF SCIENTIFIC SPECIMENS OF MAMMALS

HUGH H. GENOWAYS AND JERRY R. CHOATE

SUPPLEMENT TO VOLUME 57, NO. 2
MAY 1976
JOURNAL OF MAMMALOGY
FEDERAL REGULATIONS PERTAINING TO COLLECTION, IMPORT, EXPORT, AND TRANSPORT OF SCIENTIFIC SPECIMENS OF MAMMALS

HUGH H. GENOWAYS AND JERRY R. CHOATE

The routine tasks of mammalogists whose research or curatorial activities include collecting, importing, processing, exporting, or interstate transporting of living or dead scientific specimens of mammals have become increasingly complicated by newly enacted (or more rigorously enforced) Federal regulations. These regulations were necessary largely because of the activities of non-scientists, but their provisions have had a tremendous impact on the activities of scientists (especially museum-based systematists and ecologists). Most mammalogists have expressed a willingness to comply with the regulations (although nearly all agree that administration of the permit system should be consolidated into a single office) if they can obtain definitive answers to their questions regarding those regulations. Therefore, the purpose of this summary is to inform the members of the American Society of Mammalogists what they need to do in order to insure that their activities are lawful. To this end, all relevant laws were consulted and summarized and the summaries were sent to the respective Federal agencies for confirmation. The comments and suggestions of personnel representing the agencies that responded were incorporated (where appropriate) into the resulting manuscript before it was distributed to the officers and directors of the American Society of Mammalogists for their approval as a publication of the Society.

PERMITS NEEDED BY MAMMALOGISTS

To Import/Export Specimens of Non-endangered Species through a Non-designated Port of Entry

Background.—By law, non-endangered mammals and parts thereof from countries other than Canada and Mexico may enter or leave the United States only through eight designated ports of entry without a permit (see also comments below pertaining to Alaska, Puerto Rico, and the Virgin Islands): Los Angeles or San Francisco, California; Miami, Florida; Honolulu, Hawaii; Chicago, Illinois; New Orleans, Louisiana; New York, New York; Seattle, Washington. Mammals obtained legally in Canada may enter the United States without a permit through any of the following border ports: Tok Junction, Alaska; Blaine, Oroville, or Sumas, Washington; Eastport, Idaho; Raymond or Sweetgrass, Montana; Dunseith, Pembina, or Portal, North Dakota; Grand Portage, International Falls, Minneapolis-St. Paul, or Noyes, Minnesota; Detroit, Port Huron, or Sault Sainte Marie, Michigan; Cleveland, Ohio; Buffalo-Niagara Falls or Champlain, New York; Derby Line, Highgate Springs, or Norton, Vermont; Calais or Houlton, Maine; Boston, Massachusetts. Mammals collected legally in Mexico may enter the United States without a permit through any
of seven border ports if no endangered species are included: Calexico or San Diego-San Ysidro, California; Nogales or San Luis, Arizona; Brownsville, El Paso, or Laredo, Texas. It is unclear in the regulations whether specimens being exported to Canada and Mexico can leave through the same ports as material can enter the United States from these countries or if they can leave only through the eight major ports. Mammals other than endangered or injurious species may be imported, for final destination only, into Alaska through Anchorage, Fairbanks, Juneau, or Tok Junction, or into either Puerto Rico or the Virgin Islands through San Juan, Puerto Rico. However, under permit, specimens of non-endangered species obtained for scientific purposes may enter or leave the United States at specific non-designated ports of entry.

Application.—To the Director of the U.S. Fish and Wildlife Service with justification.

Needed by.—Any scientific institution (or individual investigator) that is apt to import/export materials through a specific non-designated port.

Issued by.—Division of Law Enforcement, U.S. Fish and Wildlife Service.

Authorization.—To permit entry/departure of non-endangered wildlife and parts thereof at specific non-designated ports of entry.

Term.—One importation/exportation or a designated period of time (up to two years).

Report.—Annual report of importation/exportation under the permit filed with the Division of Law Enforcement.

Use of report.—Surveillance of imported wildlife.

To Import Injurious Wildlife

Law.—Lacey Act (part) (CFR 50.16).

Background.—Live mammals that are declared by Federal laws or regulations to be injurious to human, agricultural, or wildlife resources of the United States may be imported only under permit and only for scientific, medical, zoological, or educational purposes. At present the following are considered injurious: fruit bats (Pteropus); mongooses (all genera); European rabbits (Oryctolagus); Indian wild dogs (Cuon); and multimammate mice (Mastomys). Regulations that would consider most non-native mammals injurious have been proposed, but it is not known when, if ever, these regulations will become effective.

Application.—To the Director of the U.S. Fish and Wildlife Service, with justification.

Needed by.—Any institution or individual who wants to import a live mammal of a species considered injurious. These mammals may not be transferred to other individuals without additional permits.

Issued by.—Division of Law Enforcement, U.S. Fish and Wildlife Service.

Authorization.—To permit import and possession of injurious wildlife.

Term.—One importation or a designated period of time (up to two years).

Report.—Annual and at termination of permit.

Use of report.—Surveillance of imported injurious wildlife.
To Import, Export, Ship Interstate, Take, and Possess Endangered Species and Parts thereof for Research or Propagation

Law.—Endangered Species Act (CFR 50.17).

Background.—Statutory requirements of the Endangered Species Act allow endangered species (an up to date list of these species can be obtained from the Office of Endangered Species) or parts thereof to be obtained, possessed, taken, imported, exported, and shipped interstate only under permit. This does not apply to animals that were in a controlled environment (for example, specimens collected and housed in a museum) before 28 December 1973.

Application.—To the Director of the U.S. Fish and Wildlife Service, or the Director of the National Marine Fisheries Service for endangered marine mammals (also, see Marine Mammal Protection Act, below), with justification. If live animals, provide details on proposed housing, means of capture and shipping, and conformation to the Laboratory Animal Welfare Act. Application is published in the Federal Register for at least a 30-day comment period.

Needed by.—Any scientific institution, individual investigator, and organization to obtain material of endangered species for research or propagation. Also needed by anyone wishing to salvage and utilize dead materials.

Issued by.—Division of Law Enforcement, U.S. Fish and Wildlife Service, after approval by the Office of Endangered Species and International Activities.

Authorization.—As stated in the permit, usually rather specific.

Term.—Single use or long term, depending on action.

Report.—Annually and at termination of permit for all activities; additionally, all deaths, transfers, and escapes of animals covered by the permit must be reported when the event occurs.

Use of report.—Presumably for continued surveillance.

To Take, Harrass, Possess, or Transport Marine Mammals

Law.—Marine Mammal Protection Act (CFR 50.18, 50.216).

Background.—By law, all marine mammals and parts thereof may be taken, possessed, purchased, sold, and transported only under permit. This is one of many statutory requirements of the Marine Mammal Protection Act. This act does not apply to specimens taken before the date of passage of the act (21 October 1972).

Application.—To the Director of the U.S. Fish and Wildlife Service, with justification, for walruses (Odobenus rosmarus), sea otters (Enhydra lutris), polar bears (Ursus maritimus), manatees (Trichechus manatus, T. inunguis, and T. senegalensis), and dugongs (Dugong dugong); to the Director of the National Marine Fisheries Service, with justification, for all other marine mammals (cetaceans and all pinnipeds except walruses).

Needed by.—Any scientific institution or individual investigator working with marine mammals.

Issued by.—Division of Law Enforcement (U.S. Fish and Wildlife Service), and National Marine Fisheries Service (Department of Commerce).

Authorization.—To permit work and handling of marine mammals in accordance with the permit.
Term.—Single use or a designated period of time.

Report.—Annually, at termination of the permit, and/or death of mammals held under permit, and at the time of transactions of the materials covered by the permit.

Use of report.—Surveillance and submission to Congress and the public in annual status reports on marine mammals.

To Import or Transfer Etiological Agents or Vectors of Human Disease and Living Nonhuman Primates

Law.—Public Health Service Act (Public Law 410, sec. 361) and specific regulations for Foreign Quarantine and Interstate Quarantine (CFR 71.156, 71.181-189).

Background.—By law, a person must not import into any place under the control of the United States, nor distribute after importation, any etiological agent or insect, animal, or plant vector of human disease or any exotic living insect, other animal, or plant capable of being a vector of human disease or any living nonhuman primate unless accompanied by a permit issued by the Surgeon General.

Application.—To Biohazards Control Officer, Public Health Service, with description of material, source of material, and description of project.

Needed by.—Any scientist who is importing living mammals. Specific mention is made of all live bats and nonhuman primates, any animals known to be or suspected of being infected with human disease, and any living insects or other living arthropods (including ectoparasites).

Issued by.—Department of Health, Education, and Welfare.

Authorization.—Importation of living mammals.

Term.—Single or multiple importations or transfers, as designated on permit.

Report.—A record of each importation must be maintained on permanent file by the permittee.

To Collect Scientific Specimens on a National Wildlife Refuge

Law.—By law, the hunting, trapping, capturing, willful disturbance, or killing of any bird, fish, or wild animal of any kind on any lands or waters which are set apart or reserved as sanctuaries, refuges, or breeding grounds is prohibited (Bird Reservation Trespass Act).

Application.—To Refuge Manager, with research proposal detailing work to be done.

Needed by.—Any scientist wishing to conduct research on a National Wildlife Refuge.

Issued by.—Refuge Manager, either verbally or in the form of a memorandum.

Authorization.—To conduct study as approved.

Term.—Until completion of study or until terminated by Refuge Manager.

Report.—Not specified; determined by Refuge Manager.

Use of report.—To make and update master plans for the National Wildlife Refuge.

To Collect Scientific Specimens on a National Park

Law.—Written permits are required for collecting scientific specimens in National Parks (CFR 36.2.25).
Background.—By law, the collection of plants, rocks, minerals, animal life, or other natural objects is permitted only in accordance with written permits obtained in advance from the Superintendent. No permits will be issued to individuals or associations to collect specimens for personal use, but only to persons officially representing reputable scientific or educational institutions. Our experience has been that scientists working in the National Parks will be appointed as a collaborator prior to making any scientific collections; this makes the scientist an employee without pay of the park.

Application.—To Superintendent of National Park where work is to be done, with detailed research proposal.

Needed by.—Any scientist wishing to conduct research on a National Park.

Issued by.—Superintendent of National Park.

Authorization.—To conduct study as approved.

Term.—As stated on permit.

Report.—Annual reports are required by the National Park Service.

Use of report.—To accumulate basic research information used in planning and management of National Parks and assist in planning future research.

To Import Ruminants and Swine Including Parts, Products, and Byproducts


Background.—Ruminants and swine from all parts of the world must comply with specific import requirements. Usually this will require an import permit. Special conditions apply to wild ruminants and swine imported for zoos.

Parts, products, and byproducts of ruminants and swine must comply with applicable import requirements. Fully finished taxidermy mounts are exempt, as are hard-dried hides of ruminants and clean, dry horns and antlers imported as trophies or as museum specimens.

Application.—To U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

Needed by.—Anyone wishing to import living ruminants or swine or parts, products, or byproducts thereof except as exempted (see above).

Authorization.—To import specified animal(s) or material(s).

Term.—Variable.

Report.—Variable. Specified as required.

Use of report.—To prevent exposure of U.S. livestock to disease agents of foreign origin.

To Import Organisms or Vectors, Tissue Cultures, Cell Lines, Blood, and Serum

Law.—Animal Quarantine Laws.

Background.—A permit is required to import organisms pathogenic to livestock and poultry and for any living material (including tissue cultures, cell lines, blood, and serum) that could serve as a vector of such organisms.

Needed by.—Anyone wishing to import organisms or vectors, tissue cultures, cell lines, blood, or serum.

Authorization.—To import specified material.

Term.—Usually single entry.

Report.—Variable. Specified as required.

Use of report.—To prevent exposure of U.S. livestock to disease agents of foreign origin.

Requirements for Importation/Exportation of Mammals

To import scientific specimens of mammals through a designated port of entry, the collector must: 1) have a valid collecting permit and export permit (if required) for the country in which the mammals were collected; 2) complete a Declaration of Importation of Fish or Wildlife (form 3-177); and 3) file copies of both of these documents with the District Director of Customs at the port of entry.

To import scientific specimens of mammals through a non-designated port of entry, a mammalogist must satisfy the requirements listed above and have a permit for the non-designated port used from the U.S. Fish and Wildlife Service as previously discussed (see also, CFR 50.14).

To import any game mammal from Mexico to any state apparently requires a permit or other authorization from the Secretary of the Interior, but no details are available.

The requirements for exportation of mammals are unclear in CFR 50.14. However, we believe that material can be exported through a designated port without a permit, but a form 3-177 must be filed. A permit can be obtained from the U.S. Fish and Wildlife Service to export specimens through a specific non-designated port.

Requirements for Interstate Transport of Mammals

All packages or containers in which mammals are transported in interstate or foreign commerce must be marked clearly on the outside with the name and address of the shipper and the consignee and an accurate statement of the contents by species and numbers of each species. This requirement may be met by having a copy of the loan invoice in an envelope on the outside of the package. Markings on the package should read: “Scientific Specimens; No Endangered Species; No Commercial Value.”

Under the Lacey Act, it is illegal to import or ship in interstate commerce any wildlife that has been taken in violation of any act of Congress, any law or regulation of a state, or any law or regulation of a foreign country.

Requirements for Exportation of Game Mammals to Mexico

Under the Migratory Birds and Game Mammal Treaty, a permit or other authorization from the Secretary of the Interior is required to export to Mexico any antelope, mountain sheep, deer, bear, peccary, squirrel, rabbit, or hare, or the dead body or any part thereof. The permittee also must present to a U.S. Customs official at the port of exit, on request, a certificate from a warden, agent, or other official representing the
game department of the state of origin. This certificate must list the game animals by
species and number, or other appropriate specific description, and certify that they
were taken or acquired and are being exported in compliance with the statutes and
regulations of the state of origin.

**General Comments**

Besides the agencies discussed above, we also sent requests for information to the
Forest Service, Department of Agriculture, and Bureau of Land Management, Depart­
ment of the Interior, concerning the need for permits to collect mammals on lands
administered by them. The following information was received from the Forest
Service (letter from M. L. Petoskey on 2 December 1975): “...the Forest Service
does not require a permit for collecting scientific specimens of mammals in National
Forest System lands. However, State and Federal (Fish and Wildlife Service) require­
ments for scientific collection must be met. In addition, collectors are requested to
contact the local Forest Service District Ranger before initiating any field collections.”

On 22 December 1975, Mr. G. L. Turcott, Bureau of Land Management, supplied
the following information: “Because the BLM manages wildlife habitats, but not
wildlife species, no special permits are required by the Bureau to collect scientific
specimens on the national resource lands. However, the Bureau appreciates receiving
notifications of research being done on these lands in order to avoid duplication of
effort by the Bureau.”

Because it is a violation of the Lacey Act to move in interstate commerce any
wildlife taken in violation of state or local laws, scientific collectors are cautioned to
obtain copies of and to familiarize themselves with all state and local laws. A compila­
tion of state laws pertaining to scientific collecting is now being completed, and will be
published at a later date. Collectors and researchers also should be aware that most
wildlife besides mammals is covered by Federal regulations. For most groups, the
regulations are similar to those given for mammals. However, the regulations
governing the taking and possessing of migratory birds are more stringent than for
most mammals. Anyone who might come into contact with migratory birds (dead or
alive), including the possible salvaging of birds from traps or nets, must have a
permit. Those who may find themselves in this position should consult the Code of
Federal Regulations 50.15, 50.16, 50.17, 50.21, and 50.22.

Many of the permits discussed above can be combined. Applications to the U.S.
Fish and Wildlife Service must be made on a standard form (3-200). These applications
can be obtained from the Director of, or from a regional or area office of, the U.S.
Fish and Wildlife Service.

The method of handling the importing/exporting of scientific specimens on short­
term loan is unclear at present. However, because there are no exceptions made in any
of the Federal regulations for loan materials, we assume that they must meet the same
requirements as all other material that is imported or exported. We are trying to get
this point clarified by the U.S. Fish and Wildlife Service at this time. If we obtain
additional information, it will be reported at a later date.

This report has been compiled to aid members of the American Society of
Mammalogists, but it should not be used as a primary source of information. The
regulations discussed herein are extremely complex and are undergoing constant
review and revision. Any person contemplating work that would come under the jurisdiction of these regulations should contact the appropriate agency.

IMPORTANT ADDRESSES

Director
U.S. Fish and Wildlife Service
Department of the Interior
Washington, D.C. 20240

Chief
Division of Law Enforcement
U.S. Fish and Wildlife Service
Washington, D.C. 20240

Office of Endangered Species
and International Activities
U.S. Fish and Wildlife Service
Washington, D.C. 20240

Director
National Marine Fisheries Service
U.S. Department of Commerce
Washington, D.C. 20235

Executive Director
Marine Mammal Commission
U.S. Department of Commerce
Washington, D.C. 20235

(Dr. John H. Richardson)
Biohazards Control Officer
Office of Biosafety
Public Health Service
Center for Disease Control
Department of Health, Education, and Welfare
Atlanta, Georgia 30333

(Dr. James C. Davidson)
Senior Staff Veterinarian
Import-Export Animals and Products
Animal and Plant Health Inspection Service
Veterinary Services
U.S. Department of Agriculture
Federal Central Building
Hyattsville, Maryland 20782
ACKNOWLEDGMENTS

We would like to thank the following persons for providing, correcting, or verifying information on laws dealing with their specific agencies: Richard C. Banks, U.S. Fish and Wildlife Service, Department of the Interior; James C. Davidson, Veterinary Services, Department of Agriculture; Robert Eisenbud, Department of Commerce; John H. Richardson, Public Health Service, Department of Health, Education, and Welfare; Merrill L. Petoskey, Forest Service, Department of Agriculture; G. L. Turcott, Bureau of Land Management, Department of the Interior; Jean Matthews, National Park Service, Department of the Interior.

Much of the information summarized above initially was compiled by students in Genoways' class in Museum Collection Management II, which is part of the curriculum of the Museum Science Program at Texas Tech University.