

April 22, 2021

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Martha Williams
Principal Deputy Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

Re: Request to List Species as Injurious Based on Disease Risk to People

Dear Secretary Haaland and Principal Deputy Director Williams,

On behalf of our organizations and our millions of members and supporters, we request that the U.S. Fish and Wildlife Service proactively review and consider listing any wildlife species — or taxonomic groups of species — as “injurious” under the Lacey Act based on their potential to transmit a pathogen that may pose a risk to human health. As the world continues to battle COVID-19, now more than ever it is critical that the United States adopt a precautionary approach to preventing novel zoonotic diseases from spilling over into humans. Only with steps like this will we fundamentally change our relationship with the natural world and have any hope of preventing another pandemic from happening in the future.

The American Rescue Plan Act allocates \$10 million to the Service for Fiscal Year 2021 to carry out additional activities under the Lacey Act that relate to wildlife trade and COVID-19. Historically, the Service has listed species as injurious based on the risks that a species poses as an invasive species dangerous to agriculture or fisheries, or that can damage infrastructure. These injurious listings have also primarily been reactive in approach — only listing species as injurious, and thus preventing their importation into the United States, *after* those species were known to cause harm and after some imports had already entered the United States.

However, the Lacey Act also clearly allows species to be listed that are “injurious to human beings.”¹ We believe this authority within the Lacey Act allows the Service to address the threat of zoonotic diseases — those which pose a great risk of becoming the next pandemic — using a “look before you leap” approach by listing as injurious those wildlife species — or groups of species — based on their *potential* to pose a disease risk to humans.

A core purpose of the Lacey Act has always been to protect the people of the United States from the introduction of invasive and otherwise harmful species. A species may be listed for the direct harm it may cause, such as by being invasive, venomous, or, as we are learning more and more, hosting pathogens that could cause disease in people when exploited.² Given the COVID-19 pandemic has likely cost the U.S. economy \$10 trillion or more, it is eminently reasonable to use the Lacey Act in a manner that proactively addresses species that could pose a risk of spreading a zoonotic disease. Thus, we respectfully request that you take urgent action to prevent the next pandemic by expeditiously listing any wildlife species or groups of species as injurious based on

¹ 18 U.S.C. § 42(a)(1)

² Susan D. Jewell, A century of injurious wildlife listing under the Lacey Act: a history, U.S. Fish and Wildlife Service (August 2020), available at: https://www.reabic.net/journals/mbi/2020/3/MBI_2020_Jewell.pdf.

their potential to pose a disease risk to humans.

We would also like to note that the Service has previously listed species based on the risk of disease spread in a precautionary manner. In 2016, the Service listed 201 salamanders from 20 genera as injurious under the Lacey Act after the agency determined that various species of salamanders carry the fungus *Batrachochytrium salamandrivorans* (Bsal), which caused major die-offs in salamanders in Europe and posed an imminent threat to U.S. native salamander populations.

Notably, while not all of the listed salamanders were confirmed carriers of Bsal, because the Service identified at least one species from each genus that was a carrier, and there was no “countervailing conclusive evidence suggesting that some species within the genus are not carriers,” the agency found that “due to shared characteristics by species within a genus, other species within these genera are also highly likely to be carriers of Bsal.”³ Thus, as a precautionary measure, the Service listed the entire group of 201 salamander species, and not because the salamanders themselves were harmful but because they could be hosts of harmful pathogens. We believe a similar approach is warranted here.

Scientists estimate that there are at least 1.7 million undiscovered viruses in mammals and birds alone. Even with the \$10 million, the Service does not have enough resources or time to review each individual species and each virus before listing them as injurious and it would be impractical for the agency to do so. Thus, we urge the Service to review the taxonomic groups of wildlife species that are reservoirs of zoonotic disease or common intermediary hosts and then take a precautionary approach to list them before they become the next source of a significant disease outbreak. Listing a species as injurious after a zoonotic spillover event has occurred does little to benefit public health or the economic well-being of the nation. By focusing this funding on swiftly and proactively identifying taxonomic groups of wildlife species based on their potential to transmit pathogens that may pose a risk to human health, and then listing them using their authority under the Lacey Act, the Service will be taking a proactive and precautionary approach to prevent the next zoonotic disease that could be just as deadly to humans as COVID-19. We hope you will act expeditiously to do so here with the additional funding provided to the Service.

Sincerely,

Center for Biological Diversity
Animal Defenders International
Animal Welfare Institute
Association of Zoos and Aquariums
Center for Invasive Species Prevention
Christian Council of Delmarva
Endangered Species Coalition
Entomological Society of America
Humane Society Legislative Fund

³ 81 Fed. Reg. 1534, 1534 (Jan. 13, 2016), *available at*: <https://www.govinfo.gov/content/pkg/FR-2016-01-13/pdf/2016-00452.pdf>

International Fund for Animal Welfare
Natural Resources Defense Council
Oceanic Preservation Society
Pelican Island Audubon Society
Public Employees for Environmental Responsibility
The Humane Society of the United States
Turtle Island Restoration Network
Western Watersheds Project