

Laws Governing the Importation and Exportation of Reptiles

Compiled by the Editorial Board¹

If you are involved in reptile research and need to import or export specimens, tissue, blood, or DNA samples or, if you are importing or exporting live reptiles, you may need to apply for a CITES and/or ESA permit. You probably have heard of the U.S. Endangered Species Act (ESA), but you may not have heard of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Although some overlap exists between the two, they are, in fact, distinctly different entities. In addition, the Lacey Act may apply. Under its provisions, it is unlawful to import, export, sell, acquire, or purchase fish, wildlife, or plants taken, possessed, transported, or sold: (1) In violation of U.S. or Indian law, or (2) In interstate or foreign commerce involving any fish, wildlife, or plants taken, possessed, or sold in violation of state or foreign law. The law covers all fish and wildlife and their parts or products, plus plants protected by CITES or state laws.



ROBERT POWELL

The Red-bellied Racer (*Alsophis rufiventris*) of St. Eustatius and Saba in the Netherlands Antilles has been extirpated on Nevis and St. Kitts. Although “red-listed” by IUCN, the species is not listed in CITES.

ESA was enacted in 1973 and CITES in 1975. CITES remains the only global treaty that ensures that international wildlife trade is based on sustainable use and management of wild and captive populations. It provides a framework for cooperation and collaboration among nations to prevent further decline in wild populations of animals and plants. CITES establishes a system of import/export regulations to prevent the over-exploitation of plants and animals listed in three appendices to the Convention. Today, 168 countries, including the United States, implement CITES, with additional countries joining each year. Different levels of trade regulations are set depending on the status (i.e., Appendix) of the listed species and the impact any trade has on the decline of the species. For example, if a species is listed in Appendix I of CITES (such as West Indian Rock Iguanas, *Cyclura* spp.), it may not be traded for primarily commercial purposes, whereas an Appendix II-listed species such as the Common or Green Iguana (*Iguana iguana*) may be traded commercially. Based on the level of protection under CITES, different criteria are evaluated, so an application for an Appendix II-listed species would likely be processed more quickly than one for an Appendix I-listed species. Depending on the status of the species in the wild, the level of protection may change over time. For example, the Spider Tortoise (*Pyxis arachnoides*) was uplisted (afforded more protection) from Appendix II to Appendix I of CITES in January 2005. The American Crocodile (*Crocodylus acutus*), on the other hand, was downlisted from Appendix I to Appendix II due to an evaluation of new data. Every two–three years, CITES signatories meet to discuss wildlife trade, review species, and make revisions as needed.



JOHN BINNS

Part of the Species Recovery Plan for the Jamaican Iguana (*Cyclura collei*) involves captive-breeding programs in U.S. zoos. Repatriated individuals born in the United States would require CITES permits to enter Jamaica.

¹ In consultation with Amy Brisendine, U.S. Fish and Wildlife Service.



JO HOARE

Tuataras (*Sphenodon punctatus*) are restricted to a few small, very strictly protected islands off New Zealand (see *Iguana* 12:38–42). Permission to import into the United States any animals or parts would require CITES permits from both New Zealand and the U.S.



AMY MACGAY

Because the St. Croix Ground Lizard (*Ameiva polyps*) is found only within a U.S. Commonwealth, the Endangered Species Act would apply to any efforts to study the species.

Over the last few decades, CITES has helped ensure global conservation of species. Some of the recent cases in which these laws have halted illegal wildlife trade include: in 2005, a man in New York was sentenced to six months in jail for smuggling wildlife parts; ten individuals in New Mexico were indicted for illegal hunting and killing of wildlife on a National preserve; and a man in Indiana was required to pay more than \$450,000 for several violations of wildlife laws (for copies of the news releases, visit news.fws.gov). As advancing technology makes it possible to ship wildlife anywhere in the world and as issues of wildlife use grow ever more complex, CITES provides tools to effectively conserve the world's diverse natural resources.

In sharp contrast, the ESA is strictly a U.S. law and is not enforced in other countries; that is, it may only be enforced within the jurisdiction of the United States. It prohibits unauthorized taking, possession, sale, and transport (import and/or export) of endangered species such as the Jamaican Iguana (*Cyclura collei*). Examples of permits issued for ESA-listed species include reasons such as *bona fide* scientific research or enhancement of the survival of the species in the wild. The Service frequently receives applications from zoos and research institutions such as universities or non-profit foundations to conduct these types of activities.

Below are some frequently asked questions and answers that may help you in determining if you need permits to conduct your activities:



THOMAS WIEWANDT

Not only is the Star Tortoise (*Geochelone elegans*) listed in CITES Appendix II, so are all species of *Geochelone*. This often is necessary to prevent confusion between similar taxa within a genus, all of which are in need of protection.

- Q. Is a particular species CITES-listed?
 A. You can check to see if and how a species is listed by visiting www.cites.org. If it is listed by CITES, submit form 3-200-29, which is available from www.fws.gov/permits. If you need additional information, look at the "How to Apply" section for detailed information on application procedures.
- Q. Is a particular species listed by the ESA?
 A. Visit www.fws.gov/permits and click on "species lists" to check if a species is listed. If it is listed by ESA, you may use form 3-200-37. The U.S. Fish and Wildlife Service (FWS) will generally combine CITES and ESA permits into a single permit.
- Q. What can I do to make the process go smoothly?
 A. Plan at least six months in advance and submit your application at least five months in advance of your trip in order to have permits ready in time. CITES export permits are typically valid for six months; CITES import permits for one year.
- Q. Once my permit is received, what do I do?
 A. Instructions will be enclosed with the permit. You will have to clear the wildlife samples through FWS at the port of export or import. If you need additional information, please visit www.le.fws.gov.
- Q. Where can I research these wildlife laws?
 A. The CITES website is www.cites.org and the website for the U.S. CITES Management Authority is www.fws.gov/permits.

If you have additional questions about importing or exporting wildlife samples, you may contact the U.S. Fish and Wildlife Service, International Affairs / Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203 or (800/703) 358–2104 or send an email to managementauthority@fws.gov.