



Non-native Wildlife Imports



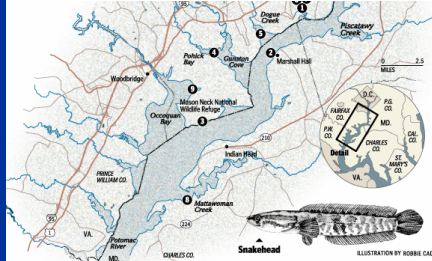


Wanted dead, not alive INVADING SPECIES

Northern Snakehead, *Channa argus*



Aliases: Unknown

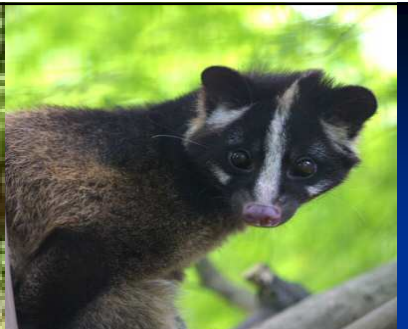


A look at the snakeheads caught in the Potomac and its tributaries in the past two months:

BODY OF WATER	STATE	DATE	LENGTH (in inches)
Little Hunting Creek	Va.	May 7	12
Potomac River	Md.	12	17
Potomac River	Va.	15	17
Pollock Bay	Va.	27	14.5
Dogue Creek	Va.	June 3	14.5
Little Hunting Creek	Va.	17	24
Little Hunting Creek	Va.	23	15
Mattawoman Creek	Md.	24	17
Kane's Creek	Va.	27	18

NOTE: Snakeheads were discovered in Crofton, Md., pond in the summer of 2002—6 adults and approximately 3,000 babies. On April 26, 2004, a 19-inch snakehead was found in Pine Lake in Bladensburg (not shown on the map).

GRAPHIC BY LARRY FOOTE AND FARHANA HOSSAIN—THE WASHINGTON POST



White Paper

International Law on Precautionary Approaches to National Regulation of Live Animal Imports

Report: - *Broken Screens*
*The Regulation of Live Animal Imports
in the United States*

www.defenders.org/animalimports

Related publications

- U.S. Congress, Office of Technology Assessment. 1993. *Harmful Non-Indigenous Species in the United States*. U.S. Government Printing Office; Washington, DC. (Co-author, chapter 10 on international law)
- Jenkins, P.T. 1996. Free Trade and Exotic Species Introductions. *Conservation Biology* 10:300-302.
- Jenkins, P.T. 2005. International Law Related to Precautionary Approaches to National Regulation of Plant Imports. *Journal of World Trade* 39: 895-906.
- Jenkins, P.T., and H.A. Mooney. 2006. The United States, China, and Invasive Species: Present Status and Future Prospects. *Biological Invasions* 8:1589-1593.

INTERNATIONAL LAW OVERVIEW

- CBD's Ad Hoc Technical Expert Group on Gaps and Inconsistencies in the International Regulatory Framework in Relation to Invasive Alien Species researched the law and found:
 - *A significant general gap in the international regulatory framework relates to lack of international standards to address animals that are invasive alien species but are not pests of plants under the International Plant Protection Convention.*

INTERNATIONAL TRADE STANDARDS OVERVIEW

WTO SPS Agreement (overlays all)

	Plants	Animals
Disease	IPPC	OIE
Invasiveness	IPPC	[]

Key WTO SPS Art. 5 sections

- *1. Members shall ensure that their sanitary or phytosanitary measures are based on an assessment, as appropriate to the circumstances, of the risks to human, animal or plant life or health, taking into account risk assessment techniques developed by the relevant international organizations.*

Key WTO SPS Art. 5 sections

- *2. In the assessment of risks, Members shall take into account available scientific evidence; relevant processes and production methods; relevant inspection, sampling and testing methods; prevalence of specific diseases or pests; existence of pest- or disease-free areas; relevant ecological and environmental conditions; and quarantine or other treatment.*

Key WTO SPS Art. 5 sections

- *3. In assessing the risk to animal or plant life or health and determining the measure to be applied for achieving the appropriate level of sanitary or phytosanitary protection from such risk, Members shall take into account as relevant economic factors: the potential damage in terms of loss of production or sales in the event of the entry, establishment or spread of a pest or disease; the costs of control or eradication in the territory of the importing Member; and the relative cost-effectiveness of alternative approaches to limiting risks.*

Key WTO SPS Art. 5 sections

- *7. In cases where relevant scientific evidence is insufficient, a Member may provisionally adopt sanitary or phytosanitary measures on the basis of available pertinent information, including that from the relevant international organizations as well as from sanitary or phytosanitary measures applied by other Members. In such circumstances, Members shall seek to obtain the additional information necessary for a more objective assessment of risk and review the sanitary or phytosanitary measure accordingly within a reasonable period of time.*

**Examples of U.S. laws that exclude large categories
of imports subject to WTO SPS Agreement
until risk screening is completed**

USDA Quarantine 56 (7 CFR 319.56)

– fruits and vegetables

USDA regulation (7 CFR 340.1)

- genetically engineered plants

Heading that way? (slowly, partially)

USDA Quarantine 37 – plants for planting