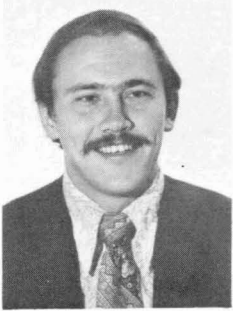


Publication of Injurious Wildlife Regulations Delayed

by Jerry Jennings



Jerry Jennings

The proposed regulations for Injurious Wildlife, according to Mr. Jim Lankford, Program Director for the U.S. Fish and Wildlife Service, are approaching their final form. Although they were originally scheduled for publication in the Federal Register in June, action on the regulations has temporarily been held in abeyance, in part, because of response to a written communication from Congressman Robert Leggett (D-Calif.) to Mr. Nathaniel Reed, Assistant Secretary of the Interior. Congressman Leggett, Chairman of the House Merchant Marine and Fisheries sub-committee on Fisheries, Wildlife and Environment, has requested Reed to consider holding an administrative hearing for the record, since the Lacey Act, under which the proposed regulations are promulgated, is a

criminal statute.

Leggett has expressed displeasure with the clean or low-risk concept proposed by Interior, suggesting California's dirty list concept, which has worked exceptionally well, should be adopted. He further described as "ridiculous", Interior's intention to force individual importers (zoos, aviculturists, etc.) to prove an animal that is not on the low-risk list isn't injurious.

In the proposed administrative hearing an administrative law judge will preside. Anyone wishing to testify may do so, however, they must appear with an attorney and be willing to undergo cross-examination by attorneys representing groups on both sides of the issue. Cross-examination is intended to get as much information into the record as possible. Attorneys from sympathetic groups elicit information that support the witness's position, while attorneys from opposing groups attempt to elicit inconsistent testimony. Notice of an administrative hearing, should one be called, will appear in the Federal Register and could result in significant changes in the proposed re-

strictions.

Mr. Lankford indicated the low-risk* list of birds has been expanded somewhat to include more birds, which would be allowed into the U.S. without a permit. He is legally prohibited, however, from publicly disclosing specific details on the changes until after publication of the final regulations in the Federal Register (a reliable source suggests the entire proposal may be tabled due to a lack of foreseeable funds and personnel to enforce it).

*The low-risk list contains those species that Interior believes are NOT a threat to the interests of agriculture, horticulture, forestry, native wildlife, or public health and safety. Importation of species not on the list will be prohibited.

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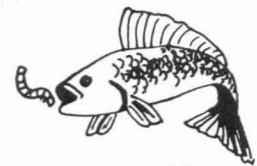
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