

ENDANGERED SPECIES SCIENTIFIC AUTHORITY

POLICY ON IMPORT OF APPENDIX I SPECIMENS

AGENCY: Endangered Species Scientific Authority.

ACTION: Notice.

SUMMARY: This notice states general findings of the Endangered Species Scientific Authority on import of animals and plants included in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Import will be approved when the purpose is for an essential scientific use not detrimental to the survival of the species, or to enhance the propagation or survival of the species. Import of salvaged specimens will be allowed for any bona fide scientific use, provided that the possibility of import neither directly nor indirectly contributed to the specimens' death or removal from the wild. Imports for other purposes will be disallowed if they can be reasonably expected to stimulate demand for wild plants or animals, or their parts or products, unless the evidence establishes that import is in the best interest of the species.

DATE: All interested persons are invited to comment on this notice. All comments received before October 24, 1977 will be considered in determining whether the policy should be revised.

ADDRESS: Comments should be addressed to the Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Dr. William Y. Brown, Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets NW., Washington, D.C. 20240, 202-343-5687.

BACKGROUND

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (TIAS 8249) requires the Convention parties to make certain scientific findings before trade is allowed in protected species of animals and plants included in Appendices to the Convention. "Appendix I" includes those species of animals and plants that are threatened with extinction and which are or may be affected by trade. "Appendix II" includes those species not necessarily now threatened with extinction but which may become so unless trade in them is subject to strict regulation. For both Appendix I and II species,

member countries generally may allow export of specimens only if an official Scientific Authority of the country has found that the export will not be detrimental to the survival of the species involved and an official Management Authority has issued an export permit based upon that and other findings. Import of these specimens is authorized when they arrive at a receiving member country generally only if the specimens are accompanied by a Convention export permit, if sent from a member country, or substantially similar documentation if sent from a non-member country. In addition, an import permit is required for Appendix I specimens that do not qualify for special exceptions under the Convention, such as that for captive bred animals and cultivated plants. Before the issuance of import permits, the Management Authority must be satisfied, among other requirements, that specimens will not be used for primarily commercial purposes. In addition, the Scientific Authority of the importing country must have found that the import is for purposes not detrimental to the survival of the species.

There is an important difference between the finding of "not detrimental to the survival" that is required for export permits, and the finding of "for purposes not detrimental to the survival" that is required before issuance of Appendix I import permits by the receiving country. The basic biological fact-finding on Convention species is the responsibility of the exporting countries, where the species occur in the wild. That is the only biological assessment made for trade in Appendix II specimens, incorporated in the finding of "not detrimental to the survival" that is required before issuance of an export permit.

The "purposes not detrimental to the survival" finding that is required for Appendix I imports serves as a limitation and a safeguard on trade in these most threatened species. However, the finding does not require the importing country to replicate the basic biological fact-finding that is required of the exporting country. Inclusion of the word "purposes" indicates that the importing country's approach should differ and, in particular, that it should focus on the nature and quality of the activity in the importing country as it relates to species survival.

POLICY

Import of Appendix I specimens will be approved by the U.S. Endangered Species Scientific Authority (ESSA), subject to other Convention requirements and exceptions, when the purpose is for an essential scientific use not detrimental

to the survival of the species, or to enhance the propagation or survival of the species. Use of Appendix I specimens for scientific purposes will be considered essential only if no alternative species are available and the number of specimens proposed is the minimum that will produce acceptable scientific results. Import of salvaged specimens will be allowed for any bona fide scientific use, provided that the possibility of import neither directly nor indirectly contributed to the specimens' death or removal from the wild. Because the Convention requires that import permits for Appendix I species be issued before export or re-export permits, the ESSA may give its counterpart in the exporting country any information relevant to the latter's evaluation of the export permit application. If an import permit is issued, this information will be transmitted through the U.S. Management Authority, together with a copy of the import permit. The United States will use this opportunity to encourage exporting countries, particularly those less experienced in conservation, to more fully comply with the scientific standards of the Convention and to accede to the Convention if not members. Approving import for the above purposes is consistent with the Convention, with the Endangered Species Act of 1973 (16 U.S.C. 1531-43), and with the general policy of the United States to simplify and standardize animal and plant trade regulation.

Import for purposes other than the above will be disallowed by the ESSA if the purposes can be reasonably expected to stimulate demand for wild plants or animals or their parts or products, without generating countervailing benefits to the species. Examples of purposes included in this category are import for profit, amateur collecting, falconry, and trophies. Clear and convincing evidence of countervailing benefits must be presented before import for these purposes is allowed. On the other hand, import will be approved by the ESSA if the evidence establishes that is in the best interest of the species.

The Endangered Species Scientific Authority unanimously adopted this policy for Appendix I imports on August 2, 1977. The policy is subject to revision, as are all ESSA policies, on the basis of subsequent experience, public comment, and the development of a uniform international policy on the issue.

Dated: August 16, 1977.

WILLIAM Y. BROWN,

Executive Secretary, Endangered Species Scientific Authority.

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