

RICK CRAWFORD
1ST DISTRICT, ARKANSAS

COMMITTEE ON AGRICULTURE
SUBCOMMITTEE CHAIRMAN OF
LIVESTOCK, RURAL DEVELOPMENT,
AND CREDIT

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

Congress of the United States
House of Representatives
1711 Longworth Building
Washington, DC 20515

September 17, 2013

The Honorable Doc Hastings
Chairman
House Committee on Natural Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Chairman Hastings:

I write to request that the Natural Resources Committee hold a hearing regarding my proposal, H.R. 3105, the Aquaculture Risk Reduction Act of 2013, which makes a much-needed fix to an issue impacting the aquaculture industry. My district is home to diverse aquaculture production, including catfish, baitfish, and ornamental fish, and due to technical issues within the Lacey Act, industry stakeholders are under constant threat of criminal prosecution for minor accidental infractions occurring during regular business activities.

The 1981 amendments to the Lacey Act included a provision that broadened its application to all "wild" animals, including those having been "bred, hatched, or born in captivity" (16 USC § 3371(a)). This amendment effectively placed all commercial aquaculture activities within the scope of the Lacey Act and enforcement of Fish and Wildlife Service (F&W). While the amendments were meant to mitigate unlawful trafficking of endangered or injurious species, the unintended consequences have created huge problems for commercial aquaculture. Specifically, the interstate shipment of fish puts anyone involved at-risk for unintentional Lacey Act violations.

Under the law, penalties are triggered when state or federal rules regarding fish or wildlife are violated by a product that has been part of interstate commerce. Each state has its own protected, prohibited, or restricted exotic or game species list, which varies widely from one state to the next. For instance, if an Arkansas producer sells a load of labeled catfish to a distributor in Mississippi and a single zebra mussel (a species common in both states) accidentally is placed into the shipment and discovered by F&W, each party could be held liable under the Lacey Act. Regardless of each party's intent, this could translate into a misdemeanor penalty punishable of up to one year in prison and/or a \$100,000 fine (\$200,000 for organizations).

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The threat of accidentally triggering the Lacey Act has caused anyone involved in the aquaculture industry to exercise extreme caution when engaging in interstate commerce because penalties are so harsh. Even a single fish egg is enough to trigger Lacey Act penalties. In some cases, producers are scared out of the game entirely. For these reasons, I introduced H.R. 3105, the Aquaculture Risk Reduction Act, which provides a Lacey Act exemption to animals accidentally included in shipments of fish produced in commercial aquaculture.

The Aquaculture Risk Reduction Act is a common-sense solution to a widespread problem in the aquaculture industry. It preserves the original intent of the Lacey Act, while making only technical changes to the law so that farmers won't face threats of criminal prosecution for simply doing their job. I appreciate your consideration of my request, and I look forward to working with you on this important issue.

Sincerely,

Rick Crawford

A handwritten signature in black ink, appearing to read "Rick Crawford". The signature is fluid and cursive, with a large, stylized initial "R".

Member of Congress

CC:

The Honorable John Fleming
Chairman

Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
416 Cannon House Office Building
Washington, D.C. 20515