

The Honorable Tom Carper  
Chairman  
Committee on Environment and Public Works  
United States Senate  
Washington DC 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Committee on Environment and Public Works  
United States Senate  
Washington DC 20510

June 28, 2021

Dear Chairman Carper and Ranking Member Capito:

The North American Invasive Species Management Association (NAISMA) is a network of professionals and partner organizations that implement and support management programs to prevent the detrimental impacts of invasive species to North America's lands and waters. Invasive species create an estimated \$137 billion annual strain on the US economy, have contributed to the need to list more than 42 percent of the organisms currently listed under the Endangered Species Act, and as we have seen with COVID-19, can pose serious threats to human health.

Senator Marco Rubio's bill, S. 626, introduced with Senator Brian Schatz as the original cosponsor, has been referred to your committee. The bill would take a significant step toward protecting America's economy and biodiversity from invasive species. We urge the Committee to promptly schedule a hearing on the bill and bring it to markup.

The bill would fill a statutory drafting flaw identified by the courts in the Lacey Act several years ago in a case called *Association of Reptile Keepers vs. Jewell* (Association). The court interpreted the Lacey Act as not allowing the US Fish and Wildlife Service (FWS) to regulate interstate commerce in injurious species, notwithstanding decades of generally accepted practice during which FWS had exercised that authority. The bill would also constrain the importation into the United States of exotic organisms not already in commerce domestically unless the Secretary of the Interior determines them not to pose a significant risk of invasiveness.

The importance of FWS being able to regulate interstate commerce in invasive species was brought home very clearly quite recently, when "Moss Balls" determined to harbor invasive zebra mussels from the Ukraine were unknowingly being sold in pet stores around the country. State governments had to scramble to fill the federal regulatory gap created by the litigation that S. 626 is designed to close. If hobbyists had released those mussels into US waterways, the economic and ecological implications might have been quite serious. For instance, if the mussels had become established in the Delaware River they would foul industrial and municipal water intake and discharge structures, as well as further endanger native mussels that are already listed under the Endangered Species Act. Similarly, already endangered species of native mussels in West Virginia are being further threatened in some locations by zebra mussels, and there is a significant effort to keep zebra mussels from spreading across the Mountaineer State and causing even more ecological damage and disruption to the water-based recreation industry.

Thank you very much in advance for your efforts to protect the economy and ecology of the United States from the threat of invasive species.

Sincerely,



Belle Bergner, Executive Director  
North American Invasive Species Management Association

Pierluigi Bonello, Professor  
The Ohio State University

Faith Campbell, President  
Center for Invasive Species Prevention

Mike Leahy, Director of Wildlife, Hunting & Fishing Policy  
National Wildlife Federation

Brian Michael Schoenung, Chairman  
Mississippi Interstate Cooperative Resource Association

Larry Smith, President  
Wyoming Weed and Pest Council

Lee Van Wychen, Executive Director of Science Policy  
Aquatic Plant Management Society  
Northeastern Weed Science Society  
North Central Weed Science Society  
Southern Weed Science Society  
Weed Science Society of America  
Western Society of Weed Science

CC: The Honorable Marco Rubio  
The Honorable Brian Schatz