

**Animal Law Conference**  
**Additional Resources for the Aquatic Animal Law Panel**  
**Kathy Hessler**

**The Animal Welfare Act:**

[https://www.aphis.usda.gov/animal\\_welfare/downloads/Animal%20Care%20Blue%20Book%20-%202013%20-%20FINAL.pdf](https://www.aphis.usda.gov/animal_welfare/downloads/Animal%20Care%20Blue%20Book%20-%202013%20-%20FINAL.pdf)

**§ 2132 - Definitions**

When used in this chapter –

- (a) The term “person” includes any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity;
- (b) The term “Secretary” means the Secretary of Agriculture of the United States or his representative who shall be an employee of the United States Department of Agriculture;
- (c) The term “commerce” means trade, traffic, transportation, or other commerce –
  - (1) between a place in a State and any place outside of such State, or between points within the same State but through any place outside thereof, or within any territory, possession, or the District of Columbia;
  - (2) which affects trade, traffic, transportation, or other commerce described in paragraph (1).
- (d) The term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or any other territory or possession of the United States;
- (e) The term “research facility” means any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals in commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments: Provided, That the Secretary may exempt, by regulation, any such school, institution, organization, or person that does not use or intend to use live dogs or cats, except those schools, institutions, organizations, or persons, which use substantial numbers (as determined by the Secretary) of live animals the principal function of which schools, institutions, organizations, or persons, is biomedical research or testing, when in the judgment of the Secretary, any such exemption does not vitiate the purpose of this chapter;
- (f) The term “dealer” means any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of, (1) any dog or other animal whether alive or dead for research, teaching, exhibition, or use as a pet, or (2) any dog for hunting, security, or breeding purposes, except that this term does not include –
  - (i) a retail pet store except such store which sells any animals to a research facility, an exhibitor, or a dealer; or
  - (ii) any person who does not sell, or negotiate the purchase or sale of any wild animal, dog, or cat, and who derives no more than \$500 gross income from the sale of other animals during any calendar year;
- (g) The term “animal” means any live or dead dog, cat, monkey (nonhuman primate 1

mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet; but such term excludes (1) birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research, (2) horses not used for research purposes, and (3) other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs including those used for hunting, security, or breeding purposes;

(h) The term “exhibitor” means any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary, and such term includes carnivals, circuses, and zoos exhibiting such animals whether operated for profit or not; but such term excludes retail pet stores, an owner of a common, domesticated household pet who derives less than a substantial portion of income from a nonprimary source (as determined by the Secretary) for exhibiting an animal that exclusively resides at the residence of the pet owner, organizations sponsoring and all persons participating in State and country fairs, livestock shows, rodeos, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences, as may be determined by the Secretary;

(i) The term “intermediate handler” means any person including a department, agency, or instrumentality of the United States or of any State or local government (other than a dealer, research facility, exhibitor, any person excluded from the definition of a dealer, research facility, or exhibitor, an operator of an auction sale, or a carrier) who is engaged in any business in which he receives custody of animals in connection with their transportation in commerce;

(j) The term “carrier” means the operator of any airline, railroad, motor carrier, shipping line, or other enterprise, which is engaged in the business of transporting any animals for hire;

(k) The term “Federal agency” means an Executive agency as such term is defined in section 105 of title 5, and with respect to any research facility means the agency from which the research facility receives a Federal award for the conduct of research, experimentation, or testing, involving the use of animals;

(l) The term “Federal award for the conduct of research, experimentation, or testing, involving the use of animals” means any mechanism (including a grant, award, loan, contract, or cooperative agreement) under which Federal funds are provided to support the conduct of such research.

(m) The term “quorum” means a majority of the Committee members;

(n) The term “Committee” means the Institutional Animal Committee established under section 2143(b) of this title; and

(o) The term “Federal research facility” means each department, agency, or instrumentality of the United States which uses live animals for research or experimentation.

## **Subpart E – Specifications for the Humane Handling, Care, Treatment, and Transportation of Marine Mammals**

Source: 44 FR 36874, June 22, 1979, unless otherwise noted.

### **FACILITIES AND OPERATING STANDARDS**

§ 3.100 - Special considerations regarding compliance and/or variance.

(a) All persons subject to the Animal Welfare Act who maintain or otherwise handle marine mammals in captivity must comply with the provisions of this subpart, except that they may apply for and be granted a variance,<sup>1</sup> by the Deputy Administrator, from one or more specified provisions of § 3.104. The provisions of this subpart shall not apply, however, in emergency circumstances where compliance with one or more requirements would not serve the best interest of the marine mammals concerned.

(b) An application for a variance must be made to the Deputy Administrator in writing. The request must include:

- (1) The species and number of animals involved,
- (2) A statement from the attending veterinarian concerning the age and health status of the animals involved, and concerning whether the granting of a variance would be detrimental to the marine mammals involved,
- (3) Each provision of the regulations that is not met,
- (4) The time period requested for a variance,
- (5) The specific reasons why a variance is requested, and
- (6) The estimated cost of coming into compliance, if construction is involved.

(c) After receipt of an application for a variance, the Deputy Administrator may require the submission in writing of a report by two experts recommended by the American Association of Zoological Parks

<sup>1</sup> Written permission from the Deputy Administrator to operate as a licensee or registrant under the Act without being in full compliance with one or more specified provisions of § 3.104. and Aquariums and approved by the Deputy Administrator concerning potential adverse impacts on the animals involved or on other matters relating to the effects of the requested variance on the health and well-being of such marine mammals. Such a report will be required only in those cases when the Deputy Administrator determines that such expertise is necessary to determine whether the granting of a variance would cause a situation detrimental to the health and well-being of the marine mammals involved. The cost of such report is to be paid by the applicant.

(d) Variances granted for facilities because of ill or infirm marine mammals that cannot be moved without placing their well-being in jeopardy, or for facilities within 0.3048 meters (1 foot) of compliance with any space requirement may be granted for up to the life of the marine mammals involved. Otherwise, variances shall be granted for a period not exceeding July 30, 1986, Provided, however, That under circumstances deemed justified by the Deputy Administrator, a maximum extension of 1 year may be granted to attain full compliance. A written request for the extension must be received by the Deputy Administrator by May 30, 1986. Consideration for extension by the Deputy Administrator will be limited to unforeseen or unusual situations such as when necessary public funds cannot be allocated in an appropriate time frame for a facility to attain full compliance by July 30, 1986.

(e) The Deputy Administrator shall deny any application for a variance if he determines that it is not justified under the circumstances or that allowing it will be detrimental to the health and well-being of the marine mammals involved.

(f) Any facility housing marine mammals that does not meet all of the space requirements as of July 30, 1984, must meet all of the requirements by September 28, 1984, or may operate without meeting such requirements until action is taken on an application for a variance if the application is submitted to the Deputy Administrator on or before September 28, 1984.

(g) A research facility may be granted a variance from specified requirements of this subpart when such variance is necessary for research purposes and is fully explained in

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the experimental design. Any time limitation stated in this section shall not be applicable in such case.

[49 FR 26681, June 28, 1984; 63 FR 2, Jan. 2, 1998]

**Marine Mammal Protection Act:**

<http://www.nmfs.noaa.gov/pr/laws/mmpa/text.htm>

<http://www.nmfs.noaa.gov/pr/laws/mmpa/>

**Anadromous Fisheries Conservation, Development and Enhancement**

<https://www.gpo.gov/fdsys/pkg/CFR-2015-title50-vol11/xml/CFR-2015-title50-vol11-part401.xml>

**Animal Health Protection Act:**

<http://uscode.house.gov/view.xhtml?path=/prelim@title7/chapter109&edition=prelim>

**§8301. Findings**

Congress finds that—

(1) the prevention, detection, control, and eradication of diseases and pests of animals are essential to protect—

(A) animal health;

(B) the health and welfare of the people of the United States;

(C) the economic interests of the livestock and related industries of the United States;

(D) the environment of the United States; and

(E) interstate commerce and foreign commerce of the United States in animals and other articles;

(2) animal diseases and pests are primarily transmitted by animals and articles regulated under this chapter;

(3) the health of animals is affected by the methods by which animals and articles are transported in interstate commerce and foreign commerce;

(4) the Secretary must continue to conduct research on animal diseases and pests that constitute a threat to the livestock of the United States; and

(5)(A) all animals and articles regulated under this chapter are in or affect interstate

commerce or foreign commerce; and

(B) regulation by the Secretary and cooperation by the Secretary with foreign countries, States or other jurisdictions, or persons are necessary—

(i) to prevent and eliminate burdens on interstate commerce and foreign commerce;

(ii) to regulate effectively interstate commerce and foreign commerce; and

(iii) to protect the agriculture, environment, economy, and health and welfare of the people of the United States.

(Pub. L. 107–171, title X, §10402, May 13, 2002, 116 Stat. 494.)

## **§8302. Definitions**

In this chapter:

### **(1) Animal**

The term "animal" means any member of the animal kingdom (except a human).

### **(2) Article**

The term "article" means any pest or disease or any material or tangible object that could harbor a pest or disease.

### **(3) Disease**

The term "disease" has the meaning given the term by the Secretary.

### **(4) Enter**

The term "enter" means to move into the commerce of the United States.

### **(5) Export**

The term "export" means to move from a place within the territorial limits of the United States to a place outside the territorial limits of the United States.

### **(6) Facility**

The term "facility" means any structure.

### **(7) Import**

The term "import" means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.

### **(8) Indian tribe**

The term "Indian tribe" has the meaning given the term in section 450b of title 25.

### **(9) Interstate commerce**

The term "interstate commerce" means trade, traffic, or other commerce—

(A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State; or

(B) within the District of Columbia or any territory or possession of the United States.

### **(10) Livestock**

The term "livestock" means all farm-raised animals.

### **(11) Means of conveyance**

The term "means of conveyance" means any personal property used for or intended for use for the movement of any other personal property.

### **(12) Move**

The term "move" means—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;

(D) to receive in order to carry, enter, import, mail, ship, or transport;

(E) to release into the environment; or

(F) to allow any of the activities described in this paragraph.

**(13) Pest**

The term "pest" means any of the following that can directly or indirectly injure, cause damage to, or cause disease in livestock:

(A) A protozoan.

(B) A plant.

(C) A bacteria.

(D) A fungus.

(E) A virus or viroid.

(F) An infectious agent or other pathogen.

(G) An arthropod.

(H) A parasite.

(I) A prion.

(J) A vector.

(K) Any organism similar to or allied with any of the organisms described in this paragraph.

**(14) Secretary**

The term "Secretary" means the Secretary of Agriculture.

**(15) State**

The term "State" means any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

**(16) This chapter**

Except when used in this section, the term "this chapter" includes any regulation or order issued by the Secretary under the authority of this chapter.

**(17) United States**

The term "United States" means all of the States.

**Antarctic Marine Living Resources Convention – 16 U.S.C. §§ 2431-2444**

<https://www.law.cornell.edu/uscode/text/16/chapter-44A>

16 U.S. Code § 2431 - Findings and purpose

**(a) Findings** The Congress finds that—

(1) the Convention on the Conservation of Antarctic Marine Living Resources establishes international mechanisms and creates legal obligations necessary for the protection and conservation of Antarctic marine living resources;

(2) the Convention incorporates an innovative ecosystem approach to the management of

Antarctic marine living resources, including standards designed to ensure the health of the individual populations and species and to maintain the health of the Antarctic marine ecosystem as a whole;

(3) the Convention serves important United States environmental and resource management interests;

(4) the Convention represents an important contribution to United States long term legal and political objectives of maintenance of Antarctica as an area of peaceful international cooperation;

(5) United States basic and directed research programs concerning the marine living resources of the Antarctic are essential to achieve the United States goal of effective implementation of the objectives of the Convention; and

(6) the United States has important security, economic, and environmental interests in developing and maintaining a fleet of icebreaking vessels capable of operating effectively in the heavy ice regions of Antarctica.

**(b) Purpose**

The purpose of this chapter is to provide the legislative authority necessary to implement, with respect to the United States, the Convention on the Conservation of Antarctic Marine Living Resources.

(Pub. L. 98-623, title III, § 302, Nov. 8, 1984, 98 Stat. 3398.)

16 U.S. Code § 2432 - Definitions

For purposes of this chapter—

**(1) Antarctic Convergence**

The term “Antarctic Convergence” means a line joining the following points along the parallels of latitude and meridians of longitude: 50 degrees south, 0 degrees; 50 degrees south, 30 degrees east; 45 degrees south, 30 degrees east; 45 degrees south, 80 degrees east; 55 degrees south, 80 degrees east; 55 degrees south, 150 degrees east; 60 degrees south, 150 degrees east; 60 degrees south; [1] 50 degrees west; 50 degrees south, 50 degrees west; and 50 degrees south, 0 degrees.

**(2) Antarctic marine living resources**

The term “Antarctic marine living resources” means the population of finfish, molluscs, crustaceans and all other species of living organisms, including birds, found south of the Antarctic Convergence.

**(3) Commission**

The term “Commission” means the Commission for the Conservation of Antarctic Marine Living Resources established pursuant to article VII of the Convention.

**(4) Convention**

The term “Convention” means the Convention on the Conservation of Antarctic Marine Living Resources, done at Canberra, Australia, May 7, 1980, and entered into force with respect to the United States on April 7, 1982.

**(5) Harvesting or other associated activities** The terms “harvesting” and “harvesting or other associated activities” mean—

(A) the harassing, molesting, harming, pursuing, hunting, shooting, wounding, killing, trapping, or capturing of Antarctic marine living resources;

- (B) attempting to engage in any activity set forth in subparagraph (A);
- (C) any other activity which can reasonably be expected to result in any activity described in subparagraph (A); and
- (D) any operations at sea in support of, or in preparation for, any activity described in subparagraphs (A) through (C).

**(6) Harvest**

The term “harvest” means to engage in harvesting or other associated activities.

**(7) Import**

The term “import” means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing constitutes an importation within the meaning of the customs laws of the United States.

**(8) Person**

The term “person” means an individual, partnership, corporation, trust, association, and any other entity subject to the jurisdiction of the United States.

**(9) Scientific Committee**

The term “Scientific Committee” means the Scientific Committee for the Conservation of Antarctic Marine Living Resources established pursuant to article XIV of the Convention.

**(10) Vessel of the United States** The term “vessel of the United States” means—

- (A) a vessel documented under [chapter 121 of title 46](#) or a vessel numbered as provided in chapter 123 of that title;
- (B) a vessel owned in whole or in part by—
  - (i) the United States or a territory, commonwealth, or possession of the United States;
  - (ii) a State or political subdivision thereof;
  - (iii) a citizen or national of the United States; or
  - (iv) a corporation created under the laws of the United States or any State, the District of Columbia, or any territory, commonwealth, or possession of the United States;unless the vessel has been granted the nationality of a foreign nation in accordance with Article 5 of the 1958 Convention on the High Seas; and
- (C) a vessel that was once documented under the laws of the United States and, in violation of the laws of the United States, was either sold to a person not a citizen of the United States or placed under foreign registry or a foreign flag, whether or not the vessel has been granted the nationality of a foreign nation in accordance with Article 5 of the 1958 Convention on the High Seas.

**(11) Vessel subject to the jurisdiction of the United States**

The term “vessel subject to the jurisdiction of the United States” includes a vessel without nationality or a vessel assimilated to a vessel without nationality, in accordance with paragraph (2) of Article 6 of the 1958 Convention on the High Seas.

[\(Pub. L. 98–623, title III, § 303, Nov. 8, 1984, 98 Stat. 3398.\)](#)

Endangered Species Act, 16 U.S.C. §§ 1531-1544

<https://www.fws.gov/le/USStatutes/ESA.pdf>

Twenty-Eight Hour Law, 49 U.S.C. § 80502

<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title49/pdf/USCODE-2011-title49-subtitleX-chap805-sec80502.pdf>

Humane Slaughter Act, 7 U.S.C. §§ 1901-1906

<http://uscode.house.gov/view.xhtml?path=/prelim@title7/chapter48&edition=prelim>

Lacey Act, 18 U.S.C. §§ 41-48

[http://isaronline.org/wp-content/uploads/2015/01/brief\\_summaries.pdf](http://isaronline.org/wp-content/uploads/2015/01/brief_summaries.pdf)

[http://nationalaglawcenter.org/wp-content/uploads/assets/articles/Rumley\\_lacey.pdf](http://nationalaglawcenter.org/wp-content/uploads/assets/articles/Rumley_lacey.pdf)

Lacey Act Amendments of 1981, 16 U.S.C. §§ 3371-3378

<https://www.fws.gov/le/pdf/Lacey.pdf>

<https://www.fws.gov/laws/lawsdigest/lacey.html>

### **FISHERIES related Statutes**

Atlantic Coastal Fisheries Cooperative Management Act, 16 U.S.C. §§ 5101-5108

Atlantic Salmon Convention Act of 1982, 16 U.S.C. §§ 3601-3608

Atlantic Striped Bass Conservation Act, 16 U.S.C. §§ 5151-5158

Atlantic Tunas Convention Act of 1975, 16 U.S.C. §§ 971-971k

Dingell-Johnson Sport Fish Restoration Act, 16 U.S.C. §§ 777-777I

Dolphin Protection Consumer Information Act, 16 U.S.C. § 1385

Driftnet Impact Monitoring, Assessment, and Control Act of 1987, 16 U.S.C. § 1822

Eastern Pacific Tuna Licensing Act of 1984, 16 U.S.C. §§ 972-972h

Fishery Conservation Amendments of 1990, P.L. 101-627

High Seas Fishing Compliance Act of 1995, 16 U.S.C. §§ 5501-5509

International Dolphin Conservation Act of 1992, P.L. 102-523

International Dolphin Conservation Program Act, P.L. 105-42 (1997)

Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. §§ 1801-1891d

Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, 16 U.S.C. §§ 4701-4751

North Pacific Anadromous Stocks Act of 1992, 16 U.S.C. §§ 5001-5012

Northern Pacific Halibut Act of 1982, 16 U.S.C. §§ 773-773k

Northwest Atlantic Fisheries Convention Act of 1995, 16 U.S.C. §§ 5601-5612

Pacific Salmon Treaty Act of 1985, 16 U.S.C. §§ 3631-3645

Salmon and Steelhead Conservation and Enhancement Act of 1980, 16 U.S.C. §§ 3301-3345

Shark Finning Prohibition Act, 16 U.S.C. § 1822

South Pacific Tuna Act of 1988, 16 U.S.C. §§ 973-973r

Tuna Conventions Act of 1950, 16 U.S.C. §§ 951-962

Western and Central Pacific Fisheries Convention Implementation Act, 16 U.S.C. §§ 6901-6910

Whale Conservation And Protection Study Act, 16 U.S.C. §§ 917-917d

Whaling Convention Act of 1949, 16 U.S.C. §§ 916-916l

Wildlife and Sport Fish Restoration Programs Improvement Act of 2000, 16 U.S.C. §§ 669-669k

Yukon River Salmon Act of 1995, 16 U.S.C. §§ 5701-5709

### **Other Acts**

Captive Wildlife Safety Act

Fish and Wildlife Conservation Act, 16 U.S.C. §§ 2901-2912

Fish And Wildlife Coordination Act, 16 U.S.C. §§ 661-667d

Food, Agriculture, Conservation, and Trade Act of 1990, 7 U.S.C. § 5801(a)(5)

Fur Seal Act of 1966, 16 U.S.C. §§ 1151-1175

ICCVAM Authorization Act of 2000, 42 U.S.C. §§ 2851 - 2851-6

Marine Plastic Pollution Research and Control Act of 1987, P.L. 100-220, Title II

Marine Protection, Research, And Sanctuaries Act of 1972, 16 U.S.C. §§ 1431-1445b

Marine Turtle Conservation Act of 2004, 16 U.S.C. §§ 6601-6607

National Fish and Wildlife Foundation Establishment Act, 16 U.S.C. §§ 3701-3710

United States-Russia Polar Bear Conservation and Management Act of 2006, 16 U.S.C. §§ 1423-1423h