

**From:** Lara, Eva <eva\_lara@fws.gov>  
**Sent:** Friday, March 15, 2024 2:30 PM  
**To:** Moore, Christopher <cmoore@mafmc.org>  
**Cc:** Mary Sabo <msabo@mafmc.org>; Spedden, Shelley <sspedden@mafmc.org>; Grace, Edward <Edward\_Grace@fws.gov>; Toomey, Keith <keith\_toomey@fws.gov>  
**Subject:** [EXTERNAL] USFWS Regulation of Squid Fishery Exports

Dear Christopher M. Moore:

Thank you for your email regarding the application of U.S. Fish and Wildlife Service (Service) import/export regulations to the importation and exportation of squid.

The Endangered Species Act (ESA) provides the Service authority to regulate the import and export of all fish and wildlife through licensing of importers and exporters, inspecting shipments, and charging and retaining reasonable fees for processing applications and conducting inspections. This authority is not limited to endangered or threatened species or those protected under the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) and covers many wildlife species, including those used for food. This comprehensive system is designed to protect foreign and domestic wildlife from illegal trafficking, to guard against the introduction of injurious species, and to monitor the legal international wildlife trade. Inspection and regulation of all fish and wildlife provided by this system is also critical for conservation.

The ESA exempts the import and export of shellfish and fishery products that are intended for human or animal consumption and that are not listed as endangered or threatened from the law's trade regulations found in Title 50 Code of Federal Regulations (CFR) Part 14. These regulations waive the import/export license, declaration, and inspection requirements for these commodities, as defined in 50 CFR Part 10.12. 50 CFR Part 10.12 defines "shellfish" as:  
an aquatic invertebrate animal having a shell, including, but not limited to,  
(a) an oyster, clam, or other mollusk; and  
(b) a lobster or other crustacean; or any part, product, egg, or offspring thereof, or the dead body or parts thereof (excluding fossils), whether or not included in a manufactured product or in a processed food product.

By this definition, squid do not qualify as shellfish because, though they are mollusks, they do not have a shell.

Service policy defines "fishery product" as a non-living fish of one of the following classes: Cyclostomata, Elasmobranchii, and Pisces. Since squid are not part of any of these classes, they do not qualify as fishery products.

Imports of squid are therefore not covered by the exemption for shellfish and fishery products intended for human or animal consumption in the ESA and 50 CFR Part 14. Service import/export regulations, including licensing requirements, thus apply to these importations and exportations.

Other Federal laws and regulations, including those administered by the National Marine Fisheries Service (NMFS) (whose jurisdiction includes such marine species as squid, octopus, cuttlefish, and sea urchins), provide different definitions of "shellfish and fishery product." NMFS regulations (50 CFR 222.205), however, specifically refer those engaged in international

trade of commodities subject to its jurisdiction to Service regulations (50 CFR Part 14) for import/export requirements.

The Service is the agency responsible for regulating all international wildlife trade. The Service finds no duplication of effort between NMFS and the Service as the agencies are responsible for monitoring different aspects of trade. The Service is the only agency responsible for collecting, maintaining, and analyzing detailed species information of wildlife trade, including wildlife used for human consumption. This data is used both in the U.S. and globally to inform conservation decisions with respect to international trade in these species, as well as maintaining and protecting a sustainable resource for U.S. stakeholders.

The Service's user fee system has been in place since the mid-1980's and was most recently updated in 2008 under guidance of the Office of Management and Budget. The Service has calculated that between 2018-2022, the approximate fees collected annually for imports and exports of shipments containing squid averaged 0.09% of the declared value of those squid shipments. These calculations accounted for both license application and user fees. It should be noted that these numbers include shipments that also contain other regulated fish and wildlife commodities which would require importers and exporters to obtain the license and pay user fees, regardless of the exemption status of squid.

I hope this information proves useful to the Council and its stakeholders. If you have additional questions on this matter, please feel free to contact me.



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