

United States Department of Agriculture
Animal and Plant Health Inspection Service

WS Directive

1.210 09/19/03

LEGAL AUTHORITY

1. PURPOSE

To state the legal authority of the Wildlife Services (WS) program as authorized by the United States Congress.

2. REPLACEMENT HIGHLIGHTS

This directive replaces ADC Directive 1.210 dated 6/4/94.

3. BACKGROUND

The functions of WS under the Secretary of Agriculture were first established in 1885. These functions, administered through the Bureau of Biological Survey were transferred to the Secretary of the Interior by the 1939 Reorg. Plan No. II, Sec. 4(f), effective July 1, 1939, set out in note under section 133t of Title 5. On December 19, 1985, the wildlife damage management function was returned to the USDA from the U.S. Department of the Interior pursuant to Federal legislation (Public Law 99-190: H.J. Res. 465, 99th Cong. 1st Session).

3. AUTHORITY

The WS program is conducted pursuant to:

a. The Act of March 2, 1931, (46 Stat. 1468; 7 USC 426-426b), as amended:

Section 426. Predatory and other wild animals.

"The Secretary of Agriculture may conduct a program of wildlife services with respect to injurious animal species and take any action the Secretary considers necessary in conducting the program. The Secretary shall administer the program in a manner consistent with all of the wildlife services authorities in effect on the day October 28, 2000."

Section 426b. Authorization of expenditures for the eradication and control of predatory and other wild animals.

"The Secretary of Agriculture is authorized to make such expenditures for equipment, supplies, and materials, including the employment of persons and means in the District of Columbia and elsewhere, and to employ such means as may be necessary to execute the functions imposed upon him by 426 of this title."

b. The Rural Development, Agriculture, and Related Agencies Appropriations Act of 1988, (Public Law 100-202, 7 USC 426c):

Section 426c. Control of nuisance mammals and birds and those constituting reservoirs of zoonotic diseases; exception.

" On and after December 22, 1987, the Secretary of Agriculture is authorized, except for urban rodent control, to conduct activities and to enter into agreement with States, local jurisdictions, individuals, and public and private agencies, organizations, and institutions in the control of nuisance mammals and birds and those mammal and bird species that are reservoirs for zoonotic diseases, and to deposit any money collected under any such agreement into the appropriation accounts that incur the costs to be available immediately and to remain available until expended for Animal Damage Control activities."

c. The Game Management Supply Depots Act of June 24, 1936, (16 U.S.C. 667; 49 Stat. 1913):

"That the Secretary of agriculture is hereby authorized to purchase on behalf of the United States tract or tracts of land in Pocatello, Idaho, including structures thereon, as in his judgment may be suitable for the establishment of a . . . supply depot."

5. OTHER FEDERAL LEGISLATION

Other Federal Legislation that may impact the WS program includes:

a. Bald Eagle Protection Act of 1940 (16 U.S.C. 668-668d; 454 Stat. 250), as amended - see Policy Directive 2.315, 2.310.

b. Endangered Species Act of 1973 (16 U.S.C. 1531, 1543; 87 Stat. 884), as amended - see Policy Directive 2.310, 2.315, 2.335.

c. Federal Aviation Act (49 U.S.C 1432), as amended - see Policy Directive 2.305, 2.620.

d. Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.; 86 Stat. 975), as amended - see Policy Directive 2.401, 2.405, 2.415, 2.420, 2.425.

e. Federal Food, Drug, and Cosmetic Act, (21 U.S.C. 301-392), as amended - see Policy Directive 2.430.

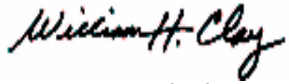
f. Fish and Wildlife Act of 1956 [Airborne Hunting] (16 U.S.C. 742 j-1; 70 Stat. 1119) - see Policy Directive 2.620.

g. Freedom of Information Act (15 U.S.C. 552; 80 Stat. 838), as amended - see Policy Directive 4.135.

h. Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-711; 40 Stat. 755), as amended - see Policy Directive 2.301, 2.315, 2.330.

i. National Environmental Policy Act (Public Law 91-190, 42 U.S.C. 4321, et seq.; 83 Stat. 852), as amended - see Policy Directive 2.101, 2.105, 2.201.

j. Occupational Safety and Health Act of 1970, (Public Law 91-596)
- see Policy Directive 2.601, 2.605, 2.620, 4.405.

A handwritten signature in cursive script that reads "William H. Clay".

Deputy Administrator