

# Importing & Exporting Shellfish & Fishery Products

## **Does the U.S. Fish and Wildlife Service (Service) regulate the import and export of shellfish and fishery products?**

Yes. We regulate the trade of shellfish and fishery products under the wildlife laws we enforce. However, we exempt some shellfish and certain non-living fishery products from our basic import/export requirements. We also have exemptions for pearls and certain sport-caught fish.

## **How does the Service define shellfish?**

Under Service regulations, shellfish means an aquatic invertebrate having a shell within the phylum Mollusca and subphylum Crustacea, and includes any part, product, egg, or offspring whether or not included in a manufactured product or in a processed food product. The definition for shellfish does not include mollusks or crustaceans without a shell or any other aquatic invertebrate. Common edible shellfish include oyster, clam, mussel, scallop, cockle, abalone, conch, whelk, marine snail, lobster, crayfish and prawn.

## **How does the Service define fishery product?**

A fishery product means a non-living fish of one of the following classes: Cyclostomata, Elasmobranchii and Pisces; and includes any part, product, egg or offspring whether or not included in a manufactured product or a processed product. Fishery product does not mean frogs, turtles, alligators, live fish, or other aquatic animals.

## **When are shellfish and fishery products exempt from Service import/export requirements?**

Imports and exports of certain shellfish and non-living fish products are exempt from Service requirements if they are for human or animal consumption and the species is not listed as injurious ([50 CFR Part 16](#)) and does not require a permit under [50 CFR Part 17](#) (endangered or threatened species), or [50 CFR 23](#) (Convention on International Trade in Endangered Species (CITES)). Live shellfish imported or exported for grow out or rearing facilities are not considered to be an import or export for human or animal consumption.

## **Are pearls exempt from Service import/export requirements?**

Yes. Pearls are exempt from Service requirements unless they come from or are cultivated using any piece or part of a shellfish protected under CITES or listed as endangered or threatened.

## **Are there any exemptions for sport-caught fish or shellfish?**

Yes. Recreationally caught fish or shellfish taken in U.S. waters or on the high seas are exempt from Service import/export requirements, unless the species involved is injurious, or requires a permit under [50 CFR Part 17](#) or [50 CFR 23](#). In addition, fish taken for recreational purposes in Canada or Mexico are exempt from import declaration requirements unless the species involved is injurious, or requires a permit under [50 CFR Part 17](#), or [50 CFR 23](#).

## **Are there any other exemptions for shellfish?**

Yes. Live aquatic invertebrates of the class Pelecypoda (commonly known as oysters, clams, mussels, and scallops) and their eggs, larvae, or juvenile forms, are exempt from Service requirements if they are exported for purposes of propagation or research related to propagation and they do not require a permit under [50 CFR Part 17](#) or [50 CFR 23](#).

**Are there any exemptions for exports of farm-raised fish and fish eggs?**

Yes. Live farm-raised fish and farm-raised fish eggs that meet our definition of “bred in captivity” (50 CFR 17.3) and that do not require a permit under our regulations as endangered or threatened (50 CFR 17) or under CITES (50 CFR 23) may be exported from any [Customs and Border Protection port](#) and are exempt from export declaration and licensing requirements.

**What are some examples of shellfish that are not exempt?**

Species such as queen conch (*Strombus gigas*) and giant clams (Family Tridacnidae) that require a permit under [50 CFR 23](#) do not qualify for the exemption for shellfish. Other examples include certain mussels originating in U.S. rivers that are listed under the Endangered Species Act and two types of shellfish – mitten crabs (genus *Eriocheir*) and zebra mussels (*Dreissena polymorpha*) – that are listed as injurious ([50 CFR Part 16](#)). All of these shellfish require permits and are subject to Service import/export requirements.

**What are some examples of fishery products that are not exempt?**

Imports or exports of any sturgeon or paddlefish product, including meat, caviar, and cosmetics made from sturgeon eggs, do not qualify for the exemption for fishery products since they require a permit under [50 CFR 23](#). Other examples of non-exempt fishery products include dead unviscerated salmon, trout and char and live fertilized eggs from these salmonid fish – imports for which special requirements exist under our injurious species regulations.

**What are some examples of other animals that are not exempt?**

Aquatic invertebrates and other animals that are imported or exported for human or animal consumption but that do not meet the definition of shellfish or fishery product are not exempt. Examples include squid, octopus, cuttlefish, land snails (escargot), sea urchins, sea cucumbers, frogs, or alligator.

**Can a Service officer still look at my shipment even if it is exempt?**

Yes. The Service has the legal authority to detain and inspect any wildlife imported or exported into the United States, even if we have exempted the shipment from Service port, declaration, and clearance requirements.

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