

Injurious-Listed Salamanders Interim Rule: Guidance for Permit Applicants

Note: This is a living document. We are adding and refining guidance as stakeholder questions and priorities become more clear and as new information becomes available. Please contact us at managementauthority@fws.gov with questions or concerns.

Ctrl + click to follow:

<i>Salamander Interim Rule and Lacey Act 101</i>	<i>2</i>
<i>ESA and CITES Protections</i>	<i>3</i>
<i>Can I sell injurious-listed salamanders?</i>	<i>4</i>
<i>Pet Salamanders</i>	<i>4</i>
<i>Do I need a permit?</i>	<i>4</i>
<i>Double Escape-Proof Containment</i>	<i>7</i>
<i>What kind of permit do I need to conduct my activity?</i>	<i>11</i>
<i>How do I apply for a permit?</i>	<i>12</i>

Salamander Interim Rule and Lacey Act 101

What does the interim rule say?

Injurious-listed salamander species (live or dead, including parts, biological samples, and swabs) cannot be imported into the United States or transported across state lines without prior authorization from the U.S. Fish and Wildlife Service (Service) under the authority of the Lacey Act (injurious listing provisions), and as designated by the January 13, 2016 [Interim Rule](#) (“Injurious Wildlife Species; Listing Salamanders Due to Risk of Salamander Chytrid Fungus”). *Eggs and gametes are exempt from the interim rule.*

Under certain circumstances authorized under the Lacey Act, import and interstate movement of listed salamanders may be allowed. Therefore, under Federal regulations, the Service may issue a permit to conduct otherwise prohibited import or interstate movement activities, provided the purpose of the activity is:

- medical,
- scientific,
- zoological, or
- educational.

A permit must be issued BEFORE the import or interstate movement occurs.

What salamander species are listed as injurious, and why?

A list of regulated salamander genera can be found at [50 CFR Part 16.14](#).

The interim rule “Injurious Wildlife Species; Listing Salamanders Due to Risk of Salamander Chytrid Fungus” explains the rationale behind the injurious designation and can be found in the Federal Register at <https://www.federalregister.gov/articles/2016/01/13/2016-00452/injurious-wildlife-species-listing-salamanders-due-to-risk-of-salamander-chytrid-fungus>.

What activities are prohibited under the Lacey Act?

Import of listed salamanders: you cannot receive specimens brought into the United States from another country.

Interstate movement: you cannot receive specimens transported or shipped from one state to another.

What activities are not prohibited?

The injurious listing provisions of the Lacey Act do NOT regulate export (moving listed salamanders out of the United States). However, if movement across state lines occurs on the way out of the country, an interstate movement permit is required prior to moving the specimen across state lines.

The injurious listing provisions of the Lacey Act do NOT regulate intrastate (within-state) transport. Restrictions at the state and local level may apply. Contact the [State](#) to check on their requirements.

Injurious-Listed Salamanders: Interim Rule Guidance for Permit Applicants

The injurious listing provisions of the Lacey Act do NOT regulate collection of listed salamanders from the wild. Restrictions at the state and local level may apply. Contact the [State](#) to check on their requirements. NOTE: three of the listed species are also listed under the Endangered Species Act (ESA), which does regulate collection. If you intend to collect one of these species, please contact the Service for more information. See below for details on these species.

The injurious listing provisions of the Lacey Act do NOT regulate possession, but a permit is required to receive a specimen across state lines or that is imported. You do not need a permit to possess an injurious-listed salamander that has never been moved across state lines or imported. However, AFTER a specimen is permitted for import or interstate movement, you'll need a permit to acquire that specimen from its owner, even within a state. If you want to acquire someone else's previously permitted specimens, even within a state, a permit is required to acquire those specimens. After a specimen is permitted, they must be maintained within double escape-proof containment at all times. See below for details on double escape-proof containment.

Will my activity qualify for a permit?

It depends on the purpose of your activity. Permits to receive injurious-listed salamanders imported or transported across state lines will only be issued for four purposes: medical, scientific, zoological, and educational.

Permits will not be issued for pet purposes any purpose not outlined above.

What kind of permit do I need to conduct my activity?

See the guidance that begins on page 11.

How do I fill out form 3-200-42?

See the guidance that begins on page 11.

ESA and CITES Protections

What injurious-listed salamander species are also protected under CITES or ESA?

The following species require additional authorizations prior to import or export:

Amji's salamander (*Hynobius amjiensis*) is listed under Appendix III of the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The Luristan newt (*Neurergus kaiseri*) is listed under Appendix I of CITES).

The Jemez salamander (*Plethodon neomexicanus*) (endangered), Shenandoah salamander (*Plethodon shenandoah*) (endangered), and Cheat Mountain salamander (*Plethodon nettingi*) (threatened) are listed under the United States Endangered Species Act (ESA).

Can I sell injurious-listed salamanders?

I sell salamanders across state lines to schools for educational purposes. Can I continue to sell them?

Yes, but the schools need permits if they are purchasing one of the listed species. We are able to authorize interstate movement for educational purposes. The receiving schools will need to acquire permits before the specimens are shipped to the school. Federal regulations do not restrict the movement of injurious-listed species *within* a state; however, state and local restrictions may apply. Contact your [state](#) wildlife agency to determine requirements for sale and movement within your state.

I sell salamanders as pets. Can I continue to sell them?

If you are selling one of the listed species, you cannot move them across state lines. You may not ship or transport injurious-listed salamanders across state lines for pet purposes. Federal regulations do not restrict the movement of injurious species *within* a state, however state and local restrictions may apply. Contact your [state](#) wildlife office to determine requirements for sale and movement within your state.

I sell salamanders as bait. Can I continue to sell them?

If you sell one of the listed species, you cannot move them across state lines. You may not transport injurious-listed salamanders across state lines for bait purposes. Federal regulations do not restrict the movement of injurious species *within* a state; however, state and local restrictions may apply. Contact your [state](#) wildlife office to determine requirements for sale and movement within your state.

Pet Salamanders

I have a pet salamander that is one of the listed species. Can I take my pet across state lines to see a veterinarian or when I move to another state?

No. Authorization cannot be provided for pet purposes. Please visit a veterinarian within your state.

Do I need a permit?

I'm sending injurious-listed salamanders or samples across state lines for the first time. Who has to get a permit?

The receiving facility should apply for a multiple use interstate movement permit for authorization to acquire the specimens. They can then receive samples from any sender.

I'm receiving injurious-listed salamanders or samples across state lines for the first time. Who has to get a permit?

You need a permit. You should apply for a multiple use interstate movement permit to acquire the specimens. Once you have that you can receive samples from any sender in any state for a period of three years.

Injurious-Listed Salamanders: Interim Rule Guidance for Permit Applicants

I'm exchanging injurious-listed salamanders or samples back and forth across state lines. Who has to get a permit?

Since both facilities are acquiring injurious-listed salamanders, both facilities should have multiple use interstate movement permits prior to acquiring samples.

I have a permit to import specimens, and I want to send injurious-listed salamanders to another permitted institution for a one time transfer. Do I need an additional permit?

No. When you obtain a permit to import specimens, you will be authorized to transfer specimens across state lines. Since the other institution is already permitted to receive specimens, no additional permits would be required.

Do I need a permit to collect specimens of the listed species and send them out of state?

The injurious listing provisions of the Lacey Act don't regulate collection; however, they do regulate movement across state lines. The recipient in the other state will need to require a permit before acquiring your samples. Obtain a copy of their permit to include with your shipment. Contact your [state](#) wildlife office to determine requirements for collection. Keep in mind that the Endangered Species Act (ESA) does regulate collection; prior authorization would be required to collect ESA species. See below for details.

What about swabs or preserved biological samples? Do I need a permit to receive them?

If the swabs or biological samples include cells from injurious-listed salamanders and will be moved across state lines or imported, yes.

I want to export samples, and I'll have to cross state lines to get to the airport—do I need a permit?

Yes. You'll need a single use permit for the interstate movement activity. Prior to export, you may also need a CITES or ESA permit depending on the protected status of the species. If you're flying out of the country without crossing state lines, you don't need a permit, but CITES and ESA restrictions may apply.

My samples will travel across state lines after import. Do I have to get two permits to acquire those samples, one for import and a separate one for the interstate movement?

The import authorization will also cover the interstate movement necessary to bring the samples across state lines to your facility.

I work at a Federal facility. Do we need permits?

Yes and no. It depends on if the specimen is a live salamander or not. Federal facilities do not need permits to import or acquire live injurious-listed salamanders from across state lines. However, permits are required to import dead specimens and acquire from across state lines dead salamanders and parts, products and samples. The regulation that outlines this exemption can be found at [50 CFR 16.32](#).

I work at a natural history museum. Do we need permits? What about double escape-proof containment?

Yes and no. It depends on if the specimens are dead natural-history specimens that have already been formerly accessioned into a bona fide scientific collection. Under our regulations at [50 CFR 16.33](#), import

Injurious-Listed Salamanders: Interim Rule Guidance for Permit Applicants

and interstate transportation of dead natural-history specimens for museum or scientific collection purposes can take place without a permit.

In this case we define a natural-history specimen as a dead biological organism collected by a natural history museum to record the occurrence of a particular natural resource at a specific location and a specific time that has been formerly accessioned into a collection. Collections of this type are typically established to scientifically document biodiversity.

Accessioning establishes legal custody and ownership and provides information on how the museum acquired the items. Under formal accessioning, this provenance would be maintained with the specimen in perpetuity.

Prior to accessioning, permits are required. If a museum is building a new collection with specimens obtained from the wild or from previously un-accessioned specimens, a permit will be required to acquire the new specimens across state lines prior to accessioning.

After the specimen has been accessioned, permits are not required for that specimen—essentially the accessioning process cleanses and exempts that specimen; therefore future permits and double escape-proof containment are not required.

If a museum in the United States wishes to import an accessioned dead natural-history specimen from a museum in another country, an injurious species permit is not required. CITES or other permits may be required depending on the species, and state and local restrictions may apply. (*continued next page*)

If a museum in the United States wishes to acquire an accessioned dead natural-history specimen from a museum in another state, an injurious species permit is not required. State and local restrictions may apply. Contact your [state](#) wildlife office to determine their requirements.

Record keeping and inspection requirements of [50 CFR 13.46](#) and [13.47](#) are still in place for persons holding the exempted taxa, therefore, recipients and handlers of dead natural-history specimens should be prepared to demonstrate that exempted specimens have been formerly accessioned, if asked by a law enforcement agent.

I don't know what species of salamander I'll be receiving across state lines—can I get an interstate movement authorization for multiple species?

It depends. If your research activities include screening samples for the occurrence of Bsal, you will need a permit before acquiring those samples across state lines, and that can be a blanket authorization for all injurious-listed salamanders. Depending on the circumstances of your study and research, we may be able to issue a broad authorization that will cover multiple genera.

If you are acquiring salamanders for zoological or educational purposes, you'll need to report the species in your application.

Injurious-Listed Salamanders: Interim Rule Guidance for Permit Applicants

I don't know what species of salamander I will be importing. Can I get an import authorization for multiple unknown species?

It may be possible for the Service to issue an import permit that authorizes all injurious-listed salamander species, but the correct identity and country of origin of the wildlife must be determined prior to the import clearance and inspection process at the port. Under [50 CFR 14.53](#), our Wildlife Inspectors may refuse clearance of specimens that are not clearly identified to the appropriate species or subspecies level.

I don't know what species of salamander I will be exporting after transport across state lines. Can I get an interstate movement authorization for multiple unknown species?

The injurious listing provisions Lacey Act do not prohibit exportation of injurious wildlife, so if the species is not listed under CITES or the ESA, you would only need an injurious species authorization to move the specimens across state lines. We can issue a permit for all injurious-listed salamanders without specifically referencing the scientific name. However, you must identify the species of salamander prior to the export clearance and inspection at the port. Under [50 CFR 14.53](#), our Wildlife Inspectors may refuse clearance of specimens that are not clearly identified to the appropriate species or subspecies level. For species that are listed under CITES or the ESA, you would need to obtain an export permit that identifies the specific species of salamander.

Who can I contact with questions about permits?

Contact the U.S. Fish and Wildlife Service – International Affairs Program – Division of Management Authority - Branch of Permits.

Call 1-800-358-2104 or email managementauthority@fws.gov

Double Escape-Proof Containment

Do I need to do anything special with injurious-listed salamanders after I get a permit?

Yes. AFTER a specimen (live or dead) is permitted, all of the conditions or requirements of the permit must be met. All injurious wildlife permits condition that the permitted specimens must be maintained in DOUBLE ESCAPE-PROOF CONTAINMENT at all times, forever.

This permit condition also applies to all progeny or offspring. Therefore, progeny (offspring) and subsequent generations of those specimens must also be maintained in double escape-proof containment at all times, forever.

- Since the double escape-proof containment is a permit condition, specimens that have never been permitted do not need to meet the permit condition and do not need to be maintained in double escape-proof containment.
- You are required to keep a copy of the original permit, indefinitely, to demonstrate that you acquired your samples lawfully, if asked. If you misplace your original permit, copies can be obtained from the Service at no charge.

June 2016 - U.S. Fish and Wildlife Service – International Affairs Program
Division of Management Authority – Branch of Permits

Injurious-Listed Salamanders: Interim Rule Guidance for Permit Applicants

- Maintain injurious wildlife permits and associated records in a permanent file.

What is double escape-proof containment?

Double escape-proof containment means two levels of containment—one within the other—literally two layers of containment. For salamanders, we're looking to make sure that live animals do not escape and dead specimens and biological samples are not inadvertently mishandled.

Examples (see also the following figures):

- For dead animals collected from the field and transported by car, an example of double escape-proof containment may be 1) a plastic bag within 2) a cooler. To maintain double escape-proof containment, wait to open the cooler until you are within a closed room.
- For live animal transport, an example of double escape-proof containment may be 1) a terrarium within 2) a closed cardboard box. To maintain double escape-proof containment, wait to open the box until you are within a closed room.
- For live animal exhibition, an example of double escape-proof containment may be 1) a terrarium within 2) a closed room. An exhibit with a window or screen to the outdoors does not meet double escape-proof containment conditions, unless that window or screen is surrounded by another form of escape-proof containment.

Injurious-Listed Salamanders: Interim Rule Guidance for Permit Applicants

DOUBLE ESCAPE-PROOF CONTAINMENT IS REQUIRED FOR INJURIOUS WILDLIFE AFTER PERMITTING

What is DOUBLE ESCAPE-PROOF CONTAINMENT?
 The specimen should be maintained within two levels of containment to reduce loss and prevent escape. Multiple specimens can be contained together, they do not need to be housed separately.




DOUBLE ESCAPE-PROOF CONTAINMENT REQUIRED

AFTER specimen is permitted:



- Specimens transported across state via permit:
 Double escape-proof containment **REQUIRED**
 AND for progeny
 AND for subsequent generations (forever!)
- Specimens imported via permit from another country:
 Double escape-proof containment **REQUIRED**
 AND for progeny
 AND for subsequent generations (forever!)




Injurious-Listed Salamanders: Interim Rule Guidance for Permit Applicants

EXEMPTIONS: DOUBLE ESCAPE-PROOF CONTAINMENT NOT REQUIRED (BUT ENCOURAGED)

- Previously accessioned dead natural-history specimen:
Double escape-proof containment NOT required, even for import and interstate movement  
- Federal agency live animal specimen:
Double escape-proof containment NOT required, even for import and interstate movement (it's encouraged though) 

BEFORE SPECIMEN IS PERMITTED:

- Specimen has never left the state:
Double escape-proof containment NOT required (but encouraged)  



What about pathogen control? Double escape-proof containment won't sterilize surfaces and kill the pathogen.

That's true. Double escape-proof containment will prevent escape and loss; however it doesn't sterilize surfaces. That requirement is outside our regulatory authority under the Lacey Act. The Lacey Act does not authorize the Service to directly regulate pathogens; though the Service can list species because of pathogens those species may carry. However, we strongly recommend and support all efforts that can be taken to reduce or eliminate the chance that pathogens, such as Bsal, can be transmitted. Individuals that handle injurious-listed salamanders are strongly encouraged to handle and maintain samples within best sanitary practices for pathogen control.

Injurious-Listed Salamanders: Interim Rule Guidance for Permit Applicants

What kind of permit do I need to conduct my activity?

Activity	Permit Type	Application Processing Fee	Notes	Length of Authorization	See Page # for Application Form Guidance
<i>Guidance applicable for <u>all</u> specimen types, including live, dead, parts, products, cells, and swabs. Eggs and gametes are exempt. Permits will <u>only</u> be issued for medical, scientific, zoological, and educational purposes.</i>					
Acquire injurious-listed salamanders from other countries via import	Single-use or multiple-use injurious species import permit	\$100.00		Up to 3 years to import (one import only or multiple use)	12, 13
Acquire injurious-listed salamanders from other states (live, dead or any type of specimen including swabs)	Multiple-use injurious species interstate movement permit	\$100.00	This includes diagnostic labs and schools seeking to acquire specimens for scientific or education purposes.	3 years (unlimited acquisitions)	12,14
Transport injurious-listed salamanders across state lines for educational purposes	Multiple-use injurious species interstate movement permit	\$100.00	This includes traveling exhibitions.	3 years (unlimited trips)	12, 14
Transport injurious-listed salamanders across state lines, such as prior to export	Single-use interstate movement permit	\$100.00	Only for specimens that <u>have not already been permitted</u> for import or interstate movement. CITES and/or ESA requirements may apply.	1 year to transport (one transport only)	12, 15

Injurious-Listed Salamanders: Interim Rule Guidance for Permit Applicants

How do I apply for a permit?

Submit application [3-200-42](#) with the processing fee.

Application 3-200-42 is available from <http://www.fws.gov/international/pdf/permit-application-form-3-200-42-import-acquisition-transport-of-injurious-wildlife.pdf>

Fill out application form 3-200-42 and mail a hard copy with your cover letter to the Branch of Permits with a check or money order for the processing fee.

Am I exempt from the processing fee?

We are unable to process an application that does not include either the correct processing fee or confirmation of fee exempt status. The criteria for fee exempt status are outlined in box D1 of application forms. If your facility is fee exempt, provide fee exempt status documentation with every application. Applications lacking either the processing fee or tax exempt confirmation will be considered incomplete and will result in additional processing time.

Form 3-200-42 is confusing, where are the options for injurious-listed salamanders?

You're right—the form is not yet optimized for injurious-listed salamander specimens. We update applications every three years through a careful process managed by the Office of Management and Budget (OMB). Form 3-200-42 is scheduled to be updated in 2017 and within that process we will add in guidance for salamander permits. Meanwhile, follow the guidance below.

How do I fill out form 3-200-42 for injurious-listed salamanders?

_____ 1. Include a cover letter with your application that describes your activity and the purpose of your work (must be medical, scientific, zoological, and educational).

Explain what type of authorization you are seeking (see the table on page 9 for guidance):

- a. a single use injurious species import permit
- b. a multiple use injurious species import permit
- c. a multiple use injurious species interstate movement permit
- d. a single use injurious species interstate movement permit, such as for prior to export

_____ 2. Make a copy of your completed cover letter, application, and processing fee (if applicable) for your records before mailing it to us. Keep these in a permanent file.

_____ 3. For ALL AUTHORIZATIONS: Complete page 1 of the application, follow the instructions on the form. Include a check or money order, if applicable, with the hard copy of your application.

_____ 4. To complete section E of the application, follow the instructions below:

- a. See page 12 for a single use or multiple use injurious species import permit
- b. See page 13 for a multiple use injurious species interstate movement permit
- c. See page 14 for a single use injurious species interstate movement permit

Injurious-Listed Salamanders: Interim Rule Guidance for Permit Applicants

SINGLE OR MULTIPLE USE INJURIOUS SPECIES IMPORT PERMIT (\$100.00)

Important: Specify in your cover letter whether you wish to apply for a multiple shipment import permit or a single shipment import permit.

Question E1 (species):

- If known, list the scientific names of the salamanders to be imported.
- If the specimens haven't yet been collected and the species haven't yet been identified, it is acceptable to write "All salamander species listed as injurious wildlife" on your application. However, the species must be identified prior to the import clearance and inspection process at the port. (Please note that some CITES and ESA listed species require additional documentation prior to import.)
- For dead animals or samples, describe the specimen or sample form (such as "dead salamanders in plastic bags" or "swabs with samples").
- If live animals will also be imported, provide information about the live specimens, such as hatch date, gender, and identification if known.

Question E2 (current location): State the foreign address of the current location of the specimens.

Question E3 (prior authorization):

- a. If you have never been authorized to acquire this species, check NO
- b. If you have been previously authorized to acquire this species, check YES and include your permit number

Question E4 (proposed activity): Check IMPORTATION.

Question E5 (purpose): Check all that apply.

Questions E6 – E7: Answer accordingly.

Question E8 (double escape-proof containment): Briefly describe your protocol for handling specimens and preventing escape or loss. At minimum, two levels of containment are required to prevent escape and loss, including during transport. Include diagrams and photographs.

Question E9-E10: Answer accordingly.

Question E11: Write "N/A"; do not leave blank.

Question E12: Answer accordingly. This may be the same answer as E2. Do not leave blank.

Question E13: Write "N/A"; do not leave blank.

Question E14: Write "N/A"; do not leave blank.

Questions E15-18: Answer accordingly.

Injurious-Listed Salamanders: Interim Rule Guidance for Permit Applicants

MULTIPLE USE INTERSTATE MOVEMENT PERMIT (\$100.00)

Question E1 (species):

For diagnostic labs or scientific research programs that are receiving specimens:

- a. If you may obtain specimens from any of the listed salamander species, write "All salamander species listed as injurious wildlife." If you are focusing your work on specific species, please identify the specific species by scientific name.
- b. Write "all."
- c. Write "all."
- d. Write "any biological sample containing salamander, including but not limited to whole live or dead specimens, cells, slides, and swabs."

For educational purposes requiring interstate movement:

- List the scientific names of the salamanders. For educational purposes, salamanders must be identified to the species with their scientific name.
- For live animals, list the hatch date, gender and identification if known.

Question E2 (current location): Write "anywhere within the United States."

Question E3 (prior authorization): Answer accordingly if relevant or write "N/A"; do not leave blank.

Question E4 (proposed activity): Check ACQUISITION (diagnostic labs) or EDUCATIONAL PURPOSES.

Question E5 (purpose): Check all that apply.

Question E6 – E7: Answer accordingly.

Question E8 (double escape-proof containment): Briefly describe your protocol for handling specimens and preventing escape and loss. At minimum, two levels of escape-proof containment are required for live and dead specimens and biological samples to prevent escape and loss, including during transport. Include diagrams and photographs.

Question E9: Briefly describe the relevant qualifications of both U.S. personnel and institutions that will be handling the specimens.

Question E10: Answer accordingly.

Question E11-E12: Write "N/A"; do not leave blank.

Question E13: Answer accordingly; diagnostic labs should state they are accepting solicited and unsolicited samples for diagnostic purposes.

Question E14: Answer accordingly if relevant; diagnostic labs should write "N/A"; do not leave blank.

Questions E15-18: Answer accordingly.

Injurious-Listed Salamanders: Interim Rule Guidance for Permit Applicants

SINGLE USE INTERSTATE MOVEMENT PERMIT, SUCH AS PRIOR TO EXPORT (\$100.00)

Question E1 (species):

- List the scientific names of the salamanders to be exported. Upon export, animals must be identified to the species with their scientific name.
- For live animals, list the hatch date, gender, and identification if known.
- For dead animals or samples, describe the specimen or sample form (such as “dead salamanders in plastic bags,” or “swabs with samples”)

Question E2 (current location): State the current address of the specimens within the United States.

Question E3 (prior authorization): Provide permit # if relevant, or write “N/A”; do not leave blank.

Question E4 (proposed activity): Check TRANSPORT ACROSS STATE LINES FOR EXPORT. Be advised that additional permits may be required for CITES or ESA listed species.

Question E5 (purpose): Check all that apply.

Question E6: Answer accordingly.

Question E7: Write the name and address of the foreign facility where the specimens will be received.

Question E8 (double escape-proof containment): Briefly describe your protocol for handling specimens and preventing escape and loss. At minimum, two levels of containment are required for live and dead specimens to prevent escape and loss, including during transport. Include diagrams and photographs.

Question E9: Briefly describe the relevant qualifications of both U.S. and foreign personnel and institutions that will be handling the specimens.

Question E10: Answer accordingly.

Question E11: Write “N/A”; do not leave blank.

Question E12: Write “N/A”; do not leave blank.

Question E13: Answer accordingly.

Question E14: Write “N/A”; do not leave blank.

Questions E15-18: Answer accordingly.