

Questions and Answers

U.S. Captive-bred Inter-subspecific Crossed or Generic Tigers

Final Rule

What action is the U.S. Fish and Wildlife Service taking?

The U. S. Fish and Wildlife Service has finalized a rule that strengthens protections for certain captive tigers under the Endangered Species Act (ESA). The final rule declares that captive “generic tigers” (*Panthera tigris*) (i.e., specimens not identified or identifiable as members of Bengal, Sumatran, Siberian or Indochinese subspecies (*P. t. tigris*, *P. t. sumatrae*, *P. t. altaica* and *P. t. corbetti*, respectively)) are no longer exempt from certain permitting requirements.

Anyone selling tigers across state lines must now first obtain an interstate commerce permit or register under the [Captive-bred Wildlife Registration](#) (CBW) program, regardless of whether it is a generic tiger or a pure subspecies.

What is a generic tiger?

Inter-subspecific crossed or “generic” tigers are of unknown genetic origin and are typically not maintained in a manner to ensure that inbreeding or other inappropriate matings of animals do not occur.

What is the CBW program?

In 1979, the Service established Captive-bred Wildlife (CBW) regulations to reduce federal permitting requirements and facilitate the breeding of endangered and threatened species for conservation purposes. Under the CBW program, otherwise prohibited activities, such as interstate commerce, are authorized, but only when the activities can be shown to enhance the propagation or survival of the species. Registrants of the CBW program must provide a written annual report with information on activities including births, deaths and transfers of specimens.

Why were generic tigers exempted from the CBW?

In 1998, the Service amended the CBW regulations to delete the requirement to register under the program for holders of inter-subspecific crossed or generic tigers. This exemption was based on the alleged lack of conservation value of these specimens due to their mixed or unknown genetic composition, and the belief there was conservation value in exhibition designed to educate the public about the ecological role and conservation needs of the species. The intention behind the exemption was for the Service to focus its oversight on populations of “purebred” animals of the various tiger subspecies to further their conservation in the wild. Despite this exemption, inter-subspecific crossed or generic tigers are still protected under the ESA. Tigers have been listed under the ESA as endangered since 1970.

Why should generic tigers now be included under CBW registration?

By exempting holders of inter-subspecific crossed or generic tigers from the CBW registration process in 1998, the Service may have inadvertently suggested that the breeding of inter-subspecific crossed or generic tigers qualifies as conservation. By removing the CBW exemption, the Service can reinforce the value of conservation breeding of individual tiger subspecies and discourage the breeding of inter-subspecific crossed or generic tigers. The Service has finalized this change to the regulations to ensure the agency can maintain strict oversight of captive tigers in the United States.

Withdrawing the CBW exemption for generic tigers would also close a loophole in current federal and state regulations that could allow for the use of captive U.S. tigers in trade in a manner inconsistent with conservation of the species. It places the United States in a stronger position in international negotiations regarding commercial tiger breeding farms in Asia and trade in tiger parts.

How will removal of the generic tiger exemption from the CBW regulations impact current owners of generic tigers?

Removing the CBW exemption for generic tigers will not result in control of private ownership, and will not impact sale of generic tigers within their state of residence (intrastate commerce) or non-commercial movement across state lines. However, other activities, such as the sale of animals across state lines (interstate commerce), would require authorization from the Service before such actions could be taken.

While this new rule does not prevent individuals from owning generic tigers, the permitting or registration requirement for all tigers strengthens the Service's efforts in addressing the illegal wildlife trade, both domestically and internationally. Tigers are listed under Appendix I of the [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#) (CITES), which includes species threatened with extinction. Trade in specimens of these species is permitted only in exceptional circumstances.

This final rule results in a uniform policy that applies to all tigers and will help Service law enforcement agents enforce the ESA.

Would all private owners have to apply for a permit before breeding their tigers?

Private owners would still be able to breed generic tigers without a permit for sale or commercial purposes within their state or for non-commercial movement across state lines, provided that you meet the criteria of the [Captive Wildlife Safety Act](#).

I own a male and female tiger and would like to breed them so that I can give a cub to my daughter. Would I need to apply for a permit under this new regulation?

If you plan to give the cub away as opposed to selling it, you would not need to apply for a permit, regardless of the recipient's state, provided that you meet the criteria of the Captive Wildlife Safety Act if the cub is going across state lines. If you have additional cubs in the litter, you could sell them within your state to someone else who resides in the same state or donate them to sanctuaries or others, either inside or outside of your state. Again, you would need to meet the criteria of the Captive Wildlife Safety Act if moving tigers across state lines.

I'm a private owner of tigers and I often display them at fairs and festivals in other states. Would the new regulation prohibit me from doing this?

The new regulation would still allow generic tigers to cross state lines for exhibition purposes, as long as the tigers are not to be sold or offered for sale.

How can I meet the standard to get a permit or register under the CBW regulations to sell a generic tiger across state lines if the Service is saying that generic tigers have no any conservation value?

The CBW registration was set up to allow institutions that were breeding listed species for conservation purposes to sell animals across state lines to other registered facilities. While it is true that breeding these animals would not provide a direct conservation benefit to the species in the wild and therefore the Service probably would not register a facility with generic tigers, it is still possible to obtain an individual permit authorizing interstate commerce with a generic tiger if the applicant meets the issuance criteria established in our regulations, i.e., if the parties involved in the sale are carrying out activities that enhance the propagation or survival of the species. While it is unlikely that such a commercial transaction would provide a direct benefit to the species, such as reintroduction, there may be indirect benefits that could be obtained from the transaction. It should also be noted that the requirement to show this benefit could be met through an individual or institution, or a group of individuals or institutions together, working to provide a benefit to the species in the wild.

For example, if one or more zoological institutions were purchasing inter-subspecific crossed or generic tigers for educational and display purposes, they could provide support (e.g., via the solicitation of donations

from visitors) to carry out on-the-ground conservation efforts in the tiger's native range. The Service prefers a clear on-going commitment of several years on the part of the applicant for such conservation or research support. This on-going commitment could be fulfilled by a group of institutions working together to maximize their resources for the benefit of tigers in the wild.

What will the economic impact be on the public and small businesses?

The Service does not have data on how many businesses are involved in the interstate commerce of generic tigers, the number of businesses for which an interstate commerce permit or registration in the CBW program will be a viable option, and the economic impacts if prospective applicants are unable to either secure an interstate commerce permit or registration in the CBW program. Nonetheless, the Service believes that the regulatory change is not major in scope and would create only a modest financial or paperwork burden on the affected members of the general public.

This rule would not have a significant economic effect. If individuals or breeding operations wish to carry out an otherwise prohibited activity, such as interstate commerce, it would require that a permit application be submitted to the Service at a cost of \$100-\$200 per application. Submission of an application, however, would not be a guarantee that authorization will be granted.

Where can I find more information?

For a copy of the final rule, please go to <http://www.fws.gov/policy/frsystem/default.cfm> and click on 2016 Final Rules for Endangered and Threatened Wildlife and Plants.

The final rule will publish in the *Federal Register* on April 6, 2016, and will go into effect 30 days after publication on May 6, 2016.

To learn more about the Service's International Affairs program, visit: <http://www.fws.gov/international/>.