



U.S. Fish & Wildlife Service

Branch of Foreign Species, Endangered Species Program

What does the Branch of Foreign Species do?

Like the domestic listing side of the Endangered Species Program, the Branch of Foreign Species uses the best available scientific and commercial information to analyze threats to fish, wildlife, plants and their habitat in other countries to determine whether species are threatened or endangered, as defined by the Endangered Species Act (ESA)—that is to list species and afford them the protections of the ESA.

The five factors that the U.S. Fish and Wildlife Service (Service) uses to determine whether a species should be listed as endangered or threatened are:

1. The present or threatened destruction, modification, or curtailment of its habitat or range;
2. Overutilization for commercial, recreational, scientific, or educational purposes;
3. Disease or predation;

4. The inadequacy of existing regulatory mechanisms; or
5. Other natural or manmade factors affecting its continued existence.

Using these five factors, the Branch of Foreign Species also assesses species already listed to determine whether they should be reclassified from threatened to endangered and whether threats have been reduced or eliminated to the point the species should be reclassified from endangered to threatened or removed from the list.

How does the listing process begin?

The listing process may begin in two ways—through a petition process or through the Service’s annual assessment of candidate species. The ESA provides that any interested person or organization may petition the Secretary of the Interior to add a species to the list or to remove it from the list. Through the candidate assessment process, Service biologists identify species as candidates for listing.

For a detailed description of the listing process, see the “Listing a Species as Threatened or Endangered, Section 4 of the Endangered Species Act” fact sheet at <http://www.fws.gov/endangered/esa-library/pdf/listing.pdf>

How many species are listed?

As of March 2011, along with 1,372 species listed as endangered or threatened in the U.S., 595 species found in foreign countries are listed under the ESA. For a complete list of threatened and endangered species in other countries, see the Environmental Conservation Online System species report at http://ecos.fws.gov/tess_public/SpeciesReport.do?lead=10&listingType=L

How does the ESA protect foreign species?

By regulating the activities of American citizens and residents with regard to listed species, the ESA helps to ensure that people under the jurisdiction of the U.S. do not contribute to the further decline of these species. Without permits consistent with the conservation goals

The African elephant, a threatened species. Photo by Joe Milmo



of the ESA, activities such as the import or export of endangered or threatened species are unlawful.

Why does the Service list species in foreign countries, when it has no regulatory jurisdiction in that country?

The ESA requires the Service to list species as endangered if they are in danger of extinction, and as threatened if they are likely to become endangered in the foreseeable future, regardless of the country in which the species lives. The ESA specifically directs the Service to consider species that have been identified by any foreign nation as at risk of extinction and to take into consideration conservation initiatives by foreign nations to prevent the need to list such species.

Interest in conserving species in danger of extinction got national attention in 1966 when Congress passed the Endangered Species Preservation Act. Globally, the issue generated action in 1969, when Congress passed the Endangered Species Conservation Act, which recognized that fish and wildlife and plants know no jurisdictional boundaries and that conservation is a global issue. In an international approach, the Act called for a meeting of countries to plan a strategy to prevent extinctions—an event that took place in 1973, when 80 nations gathered in Washington, D.C., demonstrating the scope of the concern. Months later, on December 28, 1973, President Nixon signed into law the Endangered Species Act of 1973.

How can a listing under the ESA benefit foreign-listed species?

Listing species under the ESA can generate conservation benefits, such as increasing awareness of them, prompting research efforts to address their conservation needs, or funding in-situ conservation in range countries. For example, under the ESA and the U.S. Panda Policy established under the ESA, giant pandas generate a large sum of money (e.g., through increased gate receipts for zoos having pandas, gift shop sales of panda related items, and donations) that must go back into in-situ panda conservation projects in China. If not for listing this foreign species under



Photo by Sávio Freire Bruno

In December 2010, the U.S. Fish and Wildlife Service listed the Brazilian merganser as endangered along with six other bird species in the Atlantic Forest Biome, where the forest is being converted to agriculture, as well as the production of charcoal, and the construction of steel plants and hydropower projects. Listing action began with a petition from the International Council for Bird Preservation.

the ESA, the significant conservation and research benefits that have been obtained would have never occurred.

The ESA also provides for limited financial assistance to develop and manage programs to conserve listed species in foreign countries, encourages conservation programs for such species, and allows for assistance for programs in the form of personnel and their training. For examples, see the Division of Conservation's Regional Programs webpage at <http://www.fws.gov/international/DIC/regionalprograms/regional.html>.

What activities does the ESA prohibit?

Except by regulation or permit issued for specific purposes consistent with the ESA, it is unlawful for any person subject to the jurisdiction of the U.S. to:

- Import into and export from the U.S. listed species.
- Take—which includes harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, collecting, or attempting any of these—of listed species within the U.S., its territorial waters, or on the high seas.
- Possess, sell, deliver, carry, transport, or ship listed species taken in violation of the ESA.
- Sell or offer for sale in interstate or foreign commerce; or deliver,

receive carry, transport, or ship listed species in interstate or foreign commerce in the course of commercial activity.

Does the Service impose critical habitat protection or other restrictions in foreign countries?

No. Critical habitat is only designated on U.S. lands. While the ESA's prohibition on foreign commerce applies to any person subject to the jurisdiction of the U.S., it does not apply to foreign nationals carrying out foreign commerce. Furthermore, the "take" prohibition applies only to activities within the U.S. In addition, the Service does not review foreign actions to ensure that they do not jeopardize continued existence of endangered and threatened species as is done with federal agencies in the U.S.

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