

MARCH 2015

ENDANGERED SPECIES ACT PROTECTION

Citizen Handling of Monarchs Protected Under Endangered Species Act Petition

In 2014, the Center for Biological Diversity and Center for Food Safety as co-lead petitioners joined by the Xerces Society for Invertebrate Conservation and Dr. Lincoln Brower petitioned the U.S. Fish and Wildlife Service to protect the monarch butterfly as a threatened species under the Endangered Species Act. The petitioners suggested that the Service adopt a “4(d) rule” to allow citizens, educators, and scientists to continue to handle monarch caterpillars and butterflies even if the monarch becomes a protected species.

WHAT IS A 4(D) RULE? Under the Endangered Species Act, species can be federally protected as either “endangered” or “threatened.” When an animal is protected as “threatened,” the U.S. Fish and Wildlife Service can adopt a 4(d) rule to issue regulations deemed “necessary and advisable to provide for the conservation of threatened species.” Typically the Service uses 4(d) rules to incentivize positive conservation actions and to streamline the regulatory process for actions that would have minor impacts on the species. A 4(d) rule is often used to clarify or simplify what actions are and are not prohibited towards the species.

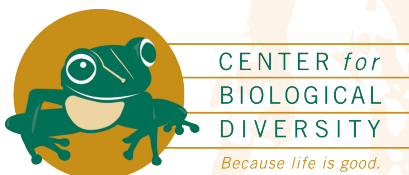
PETITIONERS HAVE SUGGESTED A 4(D) RULE THAT WOULD ALLOW HANDLING OF MONARCHS TO CONTINUE. To facilitate monarch butterfly conservation, science, citizen monitoring,

and education, the petitioning groups requested that the Service adopt a 4(d) rule that would allow wild-captured monarchs and caterpillars to be reared in classrooms and nature centers and that would allow scientific research, citizen monitoring, and beneficial household rearing endeavors to continue without the need for a permit.

The petitioners originally suggested that individuals, households, and educational entities be allowed to collect ten wild caterpillars per year for rearing purposes, but they increased the suggested number to 100 in comments submitted to the Service during the public comment period on the initial positive finding on the petition. Ultimately, should the Service list the monarch as threatened and develop a 4(d) rule, the content of this rule would be at the discretion of the Service.

PETITIONERS HAVE CONCERNS ABOUT THE RELEASE OF COMMERCIALY-BRED MONARCHS. Petitioners have requested that only wild-caught monarchs and caterpillars be eligible to be handled without a permit. There are scientific concerns shared by many researchers about the potential spread of disease and genetic problems from the release of commercially-bred monarchs. In light of this concern, petitioners requested that only wild-caught monarchs be exempted from normal permitting requirements.

A collaborative effort of:



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