



CHAMBER
of
COMMERCE

Docket No. FWS-HQ-IA-2021-0004

March 22, 2021

Pamela Hall Scruggs, Chief
Division of Management Authority
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS:IA
Falls Church, VA 22041-3803

Re: **Comments Supporting FWS-HQ-IA-2021-0004: American Alligator
Proposed Rule**

Dear Ms. Scruggs:

The Beverly Hills Chamber of Commerce submits the following comments supporting the U.S. Fish & Wildlife Service's ("FWS") proposed rule (86 Fed. Reg. 5112) to amend the American alligator regulations at 50 C.F.R. § 17.42(a). This proposed rule would eliminate a confusing and unnecessary provision within the regulations, and confirm primary federal control over commercial trade in endangered species. The rule would also ensure continued success of one of the world's greatest conservation success stories. We therefore request that FWS finalize the proposed rule as drafted.

Our Chamber represents a wide variety of business interests that comply with all applicable rules to engage in the sale of alligator products. The current alligator regulations have created confusion regarding the roles of federal and state authority over trade. The "state of sale" provision at § 17.42(a)(2)(ii)(B)—which this proposed rule would eliminate—was meant to enumerate individual states' regulatory authority over products posing health and safety risks. However, states like California have read this provision broadly to try to enact complete trade bans over alligator products.

The California law is currently subject to a preliminary injunction but the confusion caused by this provision continues. Such confusion threatens the domestic alligator industry, sustainable business practices and the conservation efforts it supports. It also creates uncertainty and losses for businesses having to navigate the constantly shifting landscape of how to proceed. The "state

of sale” provision was never intended to allow states to disrupt these national and international markets.

Under the Endangered Species Act, the federal government has authority to regulate trade in American alligator products using science and recognized international standards. The federal alligator program is consistent with the United States’ international commitments under the Convention on International Trade in Endangered Species (“CITES”).

This federal, science-based approach has provided for a stable trade over the past half century. As the international regime intends, stable trade has benefitted wild alligator populations, as well as local ecosystems and the other species that inhabit them. Indeed, the American alligator has long been recognized as an international conservation success story of species recovery and sustainable use.

The Chamber supports the FWS’ proposed rule which will provide clarity and stability for the alligator industry and ensure continued success for conservation efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Johnson", with a long horizontal flourish extending to the right.

Todd Johnson
President and CEO
Beverly Hills Chamber of Commerce