

ESA Overview Module 7 – Section 11, Penalties and Enforcement

Enforcement (slides 15 - 16)

Enforcement

Our enforcement of the Endangered Species Act includes authority to detain and inspect any imported or exported package, crate, or container, including contents and documents. “Probable cause” isn’t required for inspections, as it would be when obtaining a search warrant. If an import or export container **could** contain wildlife, it **can** be opened. This is where we make a lot of cases involving imported endangered wildlife.

There is a lot of cross-over among agencies that enforce the Act. It’s enforced primarily by agents from Interior, Agriculture, Commerce, Treasury, and Coast Guard. The Secret Service, U.S. Marshals Service, FBI, and EPA also have authority to enforce the Endangered Species Act, as can the Food and Drug Administration because of illegal trade in Asian medicinal products, caviar, and other foods. Other Federal and state agencies may assist in enforcement of the Act.

Agents can arrest; serve warrants and court orders; and confiscate plants, wildlife, fish, and property, and hold or dispose of them under the law. Federal judges may issue search and arrest warrants.