

WS Authority: WS is the Federal program authorized by law to reduce damage caused by wildlife (the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b) as amended, and the Act of December 22, 1987 (101 Stat. 1329-331, 7 U.S.C. 426c)). The Act of March 2, 1931, as amended (7 U.S.C. 426-426c; 46 Stat. 1468) provides that:

“The Secretary of Agriculture is authorized and directed to conduct such investigations, experiments, and tests as he may deem necessary in order to determine, demonstrate, and promulgate the best methods of eradication, suppression, or bringing under control on national forests and other areas of the public domain as well as on State, Territory or privately owned lands of mountain lions, wolves, coyotes, bobcats, prairie dogs, gophers, ground squirrels, jackrabbits, brown tree snakes and other animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game animals, furbearing animals, and birds, and for the protection of stock and other domestic animals through the suppression of rabies and tularemia in predatory or other wild animals; and to conduct campaigns for the destruction or control of such animals. Provided that in carrying out the provisions of this Section, the Secretary of Agriculture may cooperate with States, individuals, and public and private agencies, organizations, and institutions.”

Since 1931, with the changes in societal values, WS policies and its programs place greater emphasis on the part of the Act discussing “bringing (damage) under control”, rather than “eradication” and “suppression” of wildlife populations. In 1988, Congress strengthened the legislative mandate of WS with the Rural Development, Agriculture, and Related Agencies Appropriations Act. This Act states, in part:

“That hereafter, the Secretary of Agriculture is authorized, except for urban rodent control, to conduct activities and to enter into agreements with States, local jurisdictions, individuals, and public and private agencies, organizations, and institutions in the control of nuisance mammals and birds and those mammals and birds species that are reservoirs for zoonotic diseases, and to deposit any money collected under any such agreement into the appropriation accounts that incur the costs to be available immediately and to remain available until expended for Animal Damage Control activities.”

This latter part specifies WS' authority for participating in wildlife health issues.

Endangered Species Act (ESA). It is Federal policy, under the ESA, that all Federal agencies shall seek to conserve threatened and endangered (T&E) species and shall utilize their authorities in furtherance of the purposes of the Act (Sec.2(c)). The act prohibits the accidental or intentional harassment, harm or killing (i.e., take) of any federally listed threatened or endangered species except under a very limited set of circumstances defined by the Act and USFWS regulations. Federal agencies conduct Section 7 consultations with the U.S. Fish & Wildlife Service to use the expertise of the USFWS to ensure that “any action

authorized, funded or carried out by such an agency . . . is not likely to jeopardize the continued existence of any endangered or threatened species". Issuance of permits for the intentional take of a federally listed species is addressed in Section 10 of the ESA.

State Agencies are required to comply with the ESA. However, Section 6 of the ESA, allows the USFWS to enter into cooperative conservation agreements with state wildlife management agencies for the study, protection and enhancement of federally-listed endangered species populations. These cooperative conservation agreements allow state agencies to conduct certain nonlethal management actions such as live capture and testing for disease without requiring a Section 10 permit from the USFWS.

CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 108) -- Establishes a system of import/export regulations to prevent the over-exploitation of plants and animals listed in three appendices to the Convention. Different levels of trade regulations are provided depending on the status of the listed species and the contribution trade makes to decline of the species. Procedures are provided for periodic amendments to the appendices. Implementing legislation for the United States was provided by enactment of P.L. 93-205, the Endangered Species Act of 1973.

Migratory Bird Treaty Act of 1918 (16 U.S.C. 03-711; 40 Stat. 755), as Amended. The Migratory Bird Treaty Act (MBTA) provides the USFWS regulatory authority to protect families of birds that contain species which migrate outside the United States. The law prohibits any handling and lethal "take" of these species by any entities, except as permitted or authorized by the USFWS. Unlike the ESA, individuals with bird damage problems can use nonlethal methods like harassment without a permit from the USFWS. The Migratory Bird Treaty Reform Act of 2004 clarifies the original purpose of the MBTA as pertaining to the conservation and protection of migratory birds native to North America and directs the USFWS to establish a list of bird species found in the United States which are non-native, human-introduced species and therefore not federally protected under the MBTA. The USFWS issues permits to requesters for the purpose of conducting scientific research on migratory bird species afforded protection under the MBTA, such as the capture and handling of birds for AI surveillance. The MBTA applies to state and federal agencies. The MBTA does not apply to non-migratory gamebird species such as quail, pheasants, chuckar partridge, etc.

The Eagle Act (also known as the Bald and Golden Eagle Protection Act), originally passed in 1940, prohibits the take, possession, sale, purchase, barter, offer to sell, purchase, or barter, transport, export or import, of any bald or golden eagle, alive or dead, including any part, nest, or egg, unless allowed by permit (16U.S.C 668(a); 50 CFR 22). "Take" is defined as "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb" a bald or golden

eagle. The term "disturb" under the Eagle Act was recently defined via a final rule published in the Federal Register on June 5, 2007 (72 Fed. Reg. 31332). "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

Fish and Wildlife Coordination Act (16 U.S.C. 661-667e). The Fish and Wildlife Coordination Act obligates all Federal agencies to consult with State resource agencies on actions related to wildlife conservation, The Act of March 10, 1934, authorizes the Secretaries of Agriculture and Commerce to provide assistance to and cooperate with Federal and State agencies to protect, rear, stock, and increase the supply of game and fur-bearing animals, as well as to study the effects of domestic sewage, trade wastes, and other polluting substances on wildlife. Includes but is not limited to actions "minimizing damages from overabundant species". In addition, this Act authorizes the preparation of plans to protect wildlife resources, the completion of wildlife surveys on public lands, and the acceptance by the Federal agencies of funds or lands for related purposes provided that land donations received the consent of the State in which they are located. The amendments enacted in 1946 require consultation with the Fish and Wildlife Service and the fish and wildlife agencies of States where the "waters of any stream or other body of water are proposed or authorized, permitted or licensed to be impounded, diverted . . . or otherwise controlled or modified" by any agency under a Federal permit or license. Consultation is to be undertaken for the purpose of "preventing loss of and damage to wildlife resources."

Federal Aid in Wildlife Restoration Act (Pittman-Robertson (or "P-R")): At the urging of organized sportsmen, State wildlife agencies, and the firearms and ammunition industries, Congress extended the life of an existing 10 percent tax on ammunition and firearms used for sport hunting, and earmarked the proceeds to be distributed to the States for wildlife restoration. The result was called the Federal Aid in Wildlife Restoration act, better known as the Pittman-Robertson (or "P-R") Act after its principal sponsors. The measure was signed into law by President Franklin D. Roosevelt on September 2, 1937. Congress in the early 1970's expanded the P-R revenue base to include handguns and archery equipment, and authorized States to spend up to half those revenues on hunter education and target ranges.

Federal Funding from P-R pays for up to 75 percent of project costs, with the States putting up at least 25 percent. Of the P-R funds available to the States, more than 62 percent is used to buy, develop, maintain, and operate wildlife management areas. P-R has greatly aided in a nationwide effort to enlist science in the cause of wildlife conservation. About 26 percent of P-R funding to the States is used for surveys and research. Although Pittman-Robertson is financed wholly by firearms users and archery enthusiasts, its benefits cover a much larger number of people who never hunt but do enjoy such wildlife pastimes as birdwatching, nature photography, painting and sketching, and a wide variety of other outdoor pursuits. Almost all the lands purchased with P-R money are managed both for wildlife production and for other public uses. Recent estimates indicate about 70 percent of the people using these areas are not hunting, and in some localities the ratio may go as high as 95 percent.

Federal Aid in Sport Fish Restoration Act (16 U.S.C. 777-777k, 64 Stat. 430), as amended. This August 9, 1950, Act has been amended several times and is commonly called the Dingell-Johnson Act or Wallop-Breaux Act. It provides Federal aid to the States for management and restoration of fish having "material value in connection with sport or recreation in the marine and/or fresh waters of the United States." In addition, amendments to the Act provide funds to the states for aquatic education, wetlands restoration, boat safety and clean vessel sanitation devices (pumpouts), and a nontrailerable boat program. Funds are derived from a 10-percent excise tax on certain items of sport fishing tackle (Internal Revenue Code of 1954, sec. 4161), a 3-percent excise tax on fish finders and electric trolling motors, import duties on fishing tackle, yachts and pleasure craft, interest on the account, and a portion of motorboat fuel tax revenues and small engine fuel taxes authorized under the Internal Revenue Code (Sec. 9503). To be eligible to participate in the Federal Aid in Sport Fish Restoration program, states are required to assent to this law and pass laws for the conservation of fish which include a prohibition against the diversion of license fees for any other purpose than the administration of the state fish department. Funds for the permanently appropriated States sport fish program are apportioned on a formula basis for paying up to 75 percent of the cost of approved projects which include acquisition and improvement of sport fish habitat, stocking of fish, research into fishery

resource problems, surveys and inventories of sport fish populations, and acquisition and development of access facilities for public use. Funds for the remaining programs under the Act must be authorized to be appropriated from the Sport Fish Restoration Account by Congress.

Lacey Act Amendments of 1981: Under this law, it is unlawful to import, export, sell, acquire, or purchase fish, wildlife or plants taken, possessed, transported, or sold: 1) in violation of U.S. or Indian law, or 2) in interstate or foreign commerce involving any fish, wildlife, or plants taken possessed or sold in violation of State or foreign law. The law covers all fish and wildlife and their parts or products, and plants protected by the Convention on International Trade in Endangered Species and those protected by State law. Commercial guiding and outfitting are considered to be a sale under the provisions of the Act. As amended May 24, 1949, 18 U.S.C. 42 (63 Stat. 89, September 2, 1960; P.L. 86-702; 74 Stat. 753; and November 29, 1990, P.L. 101-646, 104 Stat. 4772) prohibits importation of wild vertebrates and other animals listed in the Act or declared by the Secretary of the Interior to be injurious to man or agriculture, wildlife resources, or otherwise, except under certain circumstances and pursuant to regulations.

Wild Bird Conservation Act Title I of P.L. 102-440, signed October 23, 1992 (106 Stat. 2224) establishes a new Federal system to limit or prohibit U.S. imports of exotic bird species, as follows:

- Imposes an immediate moratorium on the importation of certain exotic bird species identified by the Convention on International Trade in Endangered Species (CITES), and provides procedures for the Secretary to suspend trade in any CITES listed bird species and to remove trade suspensions on species.
- Directs the Secretary to publish in the Federal Register a list of exotic bird species for which trade is allowed, and provides procedures for determining such species.
- Provides criteria for the Secretary to determine whether exotic bird breeding facilities in other nations are "qualified" to export species to the U.S.
- Directs the Secretary to periodically review the trade in non-CITES species, and authorizes the Secretary to impose emergency moratoria or quotas if determined necessary for species conservation. Procedures are provided for this action and for removal of such quotas or moratoria.
- Within a month of enactment (by November 23, 1992), the Secretary is directed to request from exporting nations information on their conservation programs for wild birds.
- Provides guidelines regarding petitions that may be submitted to the Secretary, and procedures the Secretary shall follow in considering each petition.
- Sets forth purposes for which the Secretary may issue permits (i.e. exemptions) for the importation of exotic birds.

- Establishes guidelines for the assessment of civil penalties by the Secretary, and prescribes criminal penalties for violations of this law. Also directs the Secretary to develop regulations to carry out this Act.
- Establishes an Exotic Bird Conservation Fund and directs the Secretary to select for assistance, projects in countries of wild bird origin. Also requires the Secretary, in consultation with others, to review opportunities for additional wild bird conservation programs and report to Congress within 2 years of enactment (by October 23, 1994).
- Authorizes the Secretary to develop marking or record-keeping regulations to assist enforcement of and compliance with prohibitions under this Act.
- Authorizes appropriations to the Secretary of up to \$5 million for each of Fiscal Years 1993 through 1995.

Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j, not including 742 d-1; 70 Stat. 1119), as amended, establishes a comprehensive national fish, shellfish, and wildlife resources policy with emphasis on the commercial fishing industry but also with a direction to administer the Act with regard to the inherent right of every citizen and resident to fish for pleasure, enjoyment, and betterment and to maintain and increase public opportunities for recreational use of fish and wildlife resources. Among other things, it directs a program of continuing research, extension, and information services on fish and wildlife matters, both domestically and internationally. This Act and its amendments eventually lead to the creation of the agencies that were to become the USFWS and WS.

Fish and Wildlife Improvement Act of 1978 (16 U.S.C. 742l; 92 Stat. 3110) -- Public Law 95-616, approved November 8, 1978, authorizes the Secretaries of the Interior and Commerce to establish, conduct, and assist with national training programs for State fish and wildlife law enforcement personnel. It also authorized funding for research and development of new or improved methods to support fish and wildlife law enforcement. The law provides authority to the Secretaries to enter into law enforcement cooperative agreements with State or other Federal agencies, and authorizes the disposal of abandoned or forfeited items under the fish, wildlife, and plant jurisdictions of these Secretaries. It strengthens the law enforcement operational capability of the Service by authorizing the disbursement and use of funds to facilitate various types of investigative efforts. Public Law 105-328, signed October 30, 1998, amended the Act to allow the Fish and Wildlife Service to use the proceeds from the disposal of abandoned items derived from fish, wildlife and plants to cover the costs of shipping, storing and disposing of those items. Expanded the use of fines, penalties and forfeiture funds received under ESA and Lacey Act to include the costs of shipping, storing and disposing of items. Specifically prohibits the selling of items whose sale is banned under other laws.

Marine Mammal Protection Act of 1972 established a Federal responsibility to conserve marine mammals with management vested in the Department of Interior for sea otter, walrus, polar bear, dugong, and manatee. The Department of

Commerce is responsible for cetaceans and pinnipeds, other than the walrus. With certain specified exceptions, the Act establishes a moratorium on the taking and importation of marine mammals as well as products taken from them, and establishes procedures for waiving the moratorium and transferring management responsibility to the States. The 1972 law exempted Indians, Aleut, and Eskimos (who dwell on the coast of the North Pacific Ocean) from the moratorium on taking provided that taking was conducted for the sake of subsistence or for the purpose of creating and selling authentic native articles of handicraft and clothing. In addition, the law stipulated conditions under which the Secretaries of Commerce and Interior could issue permits to take marine mammals for the sake of public display and scientific research.

Anadromous Fish Conservation Act (16 USC 757a-757g; 79 Stat. 1125) as amended -- Public Law 89-304, October 30, 1965, authorizes the Secretaries of the Interior and Commerce to enter into cooperative agreements with the States and other non-Federal interests for conservation, development, and enhancement of anadromous fish, including those in the Great Lakes, and to contribute up to 50 percent as the Federal share of the cost of carrying out such agreements. Authorized are investigations, engineering and biological surveys, research, stream clearance, construction, maintenance and operations of hatcheries and devices and structures for improving movement, feeding and spawning conditions. Also authorized is construction by the Bureau of Reclamation and the Army Corps of Engineers of water resource projects needed solely for such fish.

Cave Resources Protection Act Public Law 100-691 (16 U.S.C. 4301 et seq.; 102 Stat. 4546) established requirements for the management and protection of caves and their resources on Federal lands, including allowing the land managing agencies to withhold the location of caves from the public, and requiring permits for any removal or collecting activities in caves on Federal lands.

Fish and Wildlife Conservation Act Fish and Wildlife Conservation Act ("Nongame Act"; 16 U.S.C. 2901-2911; 94 Stat. 1322) -- Public Law 96-366, approved September 29, 1980, authorizes financial and technical assistance to the States for the development, revision, and implementation of conservation plans and programs for nongame fish and wildlife.

National Environmental Policy Act (NEPA). All Federal actions are subject to NEPA (Public Law 91-190, 42 U.S.C. 4321 et seq.). NEPA sets forth the requirement that Federal actions with the potential to significantly affect the human environment be evaluated in terms of their impacts for the purpose of avoiding or, where possible, mitigating and minimizing adverse impacts. USDA, APHIS and the USFWS prepare analyses of the environmental effects of program activities to meet procedural requirements of this law. The law also requires the agencies consider the environmental impacts of alternatives for meeting the stated need for action.

Since NEPA only applies to Federal Actions, it does not apply directly to state agencies per se. However, state agencies requesting grant money or a federal permit for a specific project may be required to assist the federal agency with its NEPA analysis or do all the work on the NEPA analysis. However, the final decision based on the analysis is made by the federal agency. At present, WS includes state cooperator actions in our state specific WS NEPA analyses.

Coastal Zone Management Act of 1972, as amended (16 USC 1451-1464, Chapter 33; P.L. 92-583, October 27, 1972; 86 Stat. 1280). This law established a voluntary national program within the Department of Commerce to encourage coastal states to develop and implement coastal zone management plans. Funds were authorized for cost-sharing grants to states to develop their programs. Subsequent to Federal approval of their plans, grants would be awarded for implementation purposes. In order to be eligible for Federal approval, each state's plan was required to define boundaries of the coastal zone, to identify uses of the area to be regulated by the state, the mechanism (criteria, standards or regulations) for controlling such uses, and broad guidelines for priorities of uses within the coastal zone. In addition, this law established a system of criteria and standards for requiring that Federal actions be conducted in a manner consistent with the federally approved plan. The standard for determining consistency varied depending on whether the Federal action involved a permit, license, financial assistance, or a Federally authorized activity.

Great Lakes Fish and Wildlife Restoration Act Public Law 101-537 (104 Stat. 2370, 16 U.S.C. 941 note, enacted November 8, 1990) establishes goals for the U.S. Fish and Wildlife Service programs in the Great Lakes and requires the Service to undertake a number of activities specifically related to fishery resources. The law recognizes the successful partnerships in the Great Lakes region and provides the process for achieving on-the-ground restoration activities to benefit fish, wildlife and plants in the Great Lakes.

Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718-718j, 48 Stat. 452), as amended -- The "Duck Stamp Act," as this March 16, 1934, authority is commonly called, requires each waterfowl hunter 16 years of age or older to possess a valid Federal hunting stamp. Receipts from the sale of the stamp are deposited in a special Treasury account known as the Migratory Bird Conservation Fund and are not subject to appropriations. Funds appropriated under the Wetlands Loan Act (16 U.S.C. 715k-3 - 715k-5; 75 Stat. 813), as amended, are merged with duck stamp receipts and provided to the Secretary for the acquisition of migratory bird refuges under provisions of the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.; 45 Stat. 1222), as amended, and since August 1, 1958, (P.L. 85-585; 72 Stat. 486) for acquisition of "Waterfowl Production Areas."

National Wildlife Refuge System Administration Act (16 U.S.C. 668dd-668ee) -- This Act, derived from sections 4 and 5 of Public Law 89-669 (October 15, 1966; 80 Stat. 927), constitutes an "organic act" for the National Wildlife Refuge

System. It was recently amended by P.L. 105-57, "The National Wildlife Refuge System Improvement Act of 1997." Public Law 105-57, approved October 9, 1997, (111 Stat. 1253) gives guidance to the Secretary of the Interior for the overall management of the Refuge System. The Act's main components include: a strong and singular wildlife conservation mission for the Refuge System; a requirement that the Secretary of the Interior maintain the biological integrity, diversity and environmental health of the Refuge System; a new process for determining compatible uses of refuges; a recognition that wildlife-dependent recreational uses involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation, when determined to be compatible, are legitimate and appropriate public uses of the Refuge System; that these compatible wildlife-dependent recreational uses are the priority general public uses of the Refuge System; and a requirement for preparing comprehensive conservation plans.

Neotropical Migratory Bird Conservation Act of 2000. (P.L. 106-247) The act provides grants to countries in Latin America and the Caribbean, and the United States for the conservation of neotropical migratory birds that winter south of the border and summer in North America. The law creates a competitive grants program to be administered by the Secretary of the Interior, through the Director of the Fish and Wildlife Service. The authorization of appropriations is \$5 million per year through 2003, with 3% or \$80,000, whichever is greater, allocated for administration. At least 75% of the funds must be spent outside of the United States and the non-federal match is 3 to 1. The law encourages habitat protection, education, researching, monitoring, and capacity building to provide for the long-term protection of neotropical migratory birds.

Wilderness Act of 1964 (16 U.S.C. 1131-1136). This Act establishes a National Wilderness Preservation System (NWPS) which is composed of federally owned areas designated by Congress as "wilderness areas." The Act directs each agency administering designated wilderness to preserve the wilderness character of areas within the NWPS, and to administer the NWPS for the use and enjoyment of the American people in a way that will leave these areas unimpaired for future use and enjoyment as wilderness. Wilderness is defined in section 2(c) of the Wilderness Act: "A wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. Some areas where agencies may wish to conduct AI surveillance may be official Wilderness Areas. The act sets restrictions for the types of activities which may be conducted in wilderness areas and the methods which may be used to access these sites. Wilderness Area restrictions apply to State and Federal agencies. *Some sites where folks may want to conduct AI surveillance activities could be wilderness areas*

Airborne Hunting Act: This Act, Public Law 92-159, approved November 18, 1971 (85 Stat. 480) and subsequently amended by P.L. 92-502, approved October

28, 1972 (86 Stat. 905) added to the Fish and Wildlife Act of 1956 a new section 13 (16 U.S.C. 742j-1), which is commonly referred to as the Airborne Hunting Act or Shooting from Aircraft Act, prohibits shooting or attempting to shoot or harrassing any bird, fish, or other animal from aircraft except for certain specified reasons, including protection of wildlife, livestock, and human life as authorized by a Federal or State issued license or permit. States authorized to issue permits are required to file reports with the Secretary of the Interior containing information on any permits issued.

Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990: This Act, Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 -- Title I of P.L. 101-646 (104 Stat. 4761, 16 U.S.C. 4701, enacted November 29, 1990) established a broad new Federal program to prevent introduction of and to control the spread of introduced aquatic nuisance species and the brown tree snake. The U.S. Fish and Wildlife Service, the U.S. Coast Guard, the Environmental Protection Agency, the Army Corps of Engineers, and the National Oceanic and Atmospheric Administration all were assigned major, new responsibilities, including membership on an Aquatic Nuisance Species Task Force established to develop a program of prevention, monitoring, control, and study. The 1996 amendments also authorize the Director of the Fish and Wildlife Service to make grants to states with approved state or interstate invasive species management plans (110 Stat. 4089,4091).

Sikes Act (16 USC 670a-670o, 74 Stat. 1052), as amended, Public Law 86-797, approved September 15, 1960, provides for cooperation by the Departments of the Interior and Defense with State agencies in planning, development and maintenance of fish and wildlife resources on military reservations throughout the United States. It requires the Secretary of each military department to use trained professionals to manage the wildlife and fishery resources under his jurisdiction, and requires Federal and State fish and wildlife agencies be given priority in management of fish and wildlife activities on military reservations. It also modified the timber reserve account and provides that any sale or lease of land or forest products from a military reservation be compatible with a cooperative plan.

Executive Order 13186 of January 10, 2001 "Responsibilities of Federal Agencies to Protect Migratory Birds." This Order states that each Federal agency, taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations, is directed to develop and implement, a MOU with the USFWS that shall promote the conservation of migratory bird populations. WS has developed a draft MOU with the USFWS as required by this Order and is currently waiting for USFWS approval. WS will abide by the MOU once it is finalized and signed by both parties.

Executive Order 13112 of February 3, 1999. This order directs Federal agencies to use their programs and authorities to prevent the spread or to control populations of invasive species that cause economic or environmental harm, or

harm to human health. To comply with Executive Order 13112, WS may cooperate with other Federal, State, or Local government agencies, or with industry or private individuals to reduce damage to the environment or threats to human health and safety. occupational Safety and Health Act of 1970. The Occupational Safety and Health Act of 1970 and its implementing regulations (29CFR1910) on sanitation standards states that, Every enclosed workplace shall be so constructed, equipped, and maintained, so far as reasonably practical, as to prevent the entrance or harborage of rodents, insects, and other vermin. A continuing and effective extermination program shall be instituted where their presence is detected. This standard includes mammals that may cause safety and health concerns at workplaces.