

Preventing the Spread of Aquatic Invasive Species: A Model National Clean Watercraft Interstate Transport Law



CREATIVE RESOURCE
STRATEGIES, LLC



Making a difference in natural resource conservation

Table of Contents

Background	1
Purpose	1
Section I. Short Title	2
Section II. Definitions	2
Section III. Interstate Transportation of Watercraft	3
Section IV. Inspection Stations	4
Section V. Relationship to Other Laws	5
Section VI. Penalties	5
Appendix	6

December 2025

This research was supported by federal funds from the U.S. Fish & Wildlife Service under Award number F24AP01723. The statements, findings, conclusions, and recommendations are those of the authors and do not necessarily reflect the views of the U.S. Fish and Wildlife Service.

NSGLC-25-05-03

Cover photograph: Tom Britt

Background

Aquatic invasive species (AIS) are spread in many ways. Preventing harmful introductions before they occur is the most effective means to avoid the costs and negative consequences from AIS. Managing pathways that contribute to the introduction and movement of AIS is critical to controlling their spread. One of the highest priority pathways identified in the United States is the overland transport of watercraft. The movement of watercraft after use in waterways infested with AIS presents a significant risk of AIS introduction to uninfested waters.

To address this pathway, states promote *Clean, Drain, Dry* (CDD). The CDD outreach campaigns are designed to help recreational users remember critical prevention measures that can reduce the risk of AIS spread. These measures are:

- Cleaning the conveyance by removing all visible organic material, including, but not limited to, plants, animals, and mud;
- Draining the conveyance by removing any plug or other barrier that prevents water drainage and running any pumps on board to expel water; and
- Drying all compartments, spaces, and associated equipment that hold or may hold water.

Many states have given the CDD message the force of law through the enactment of legislation or regulations. State CDD laws range from simple prohibitions on the transport of aquatic species on watercraft, trailers, and vehicles to mandatory directives that watercraft be cleaned and drained upon removal from a water. Compliance and enforcement of these laws is often supported by state watercraft inspection and decontamination (WID) programs that involve operation of inspection stations and provide decontamination services by trained personnel.

A more unified nationwide approach is needed to effectively address this high-risk pathway as watercraft are frequently transported across state lines. The fragmentation of regulatory frameworks across the country results in gaps and confusion that increases the risk of AIS introduction as watercraft are transported overland for recreational and other purposes. A federal law requiring all watercraft to comply with CDD before transport could establish national policy and strengthen existing state efforts, increase predictability by subjecting all watercraft transported overland to the same minimum requirements, and facilitate coordinated federal-state efforts.

Purpose

This document outlines a concept for federal legislation to protect the nation's aquatic resources from the interstate overland transport and spread of aquatic invasive species by watercraft. The sections set forth in the model law are adapted from elements of existing federal laws, including the Lacey Act. Explanatory notes are included to provide context and illustrate the objective of each section. This model law is not intended to be adopted by the U.S. Congress verbatim. Rather, it is intended to serve as a starting point for conversations among federal and state policymakers and natural resource managers about how gaps in the existing legal framework could be filled through the passage of a federal law. Modifications would be expected through the drafting and legislative process if such a bill was ever introduced.

SECTION I. SHORT TITLE

This Act may be cited as the “National Clean Watercraft Interstate Transport Law”.

Explanatory Note:

A short title provides a popular name or label for the legislation that makes it easier to reference in legal documents and other writings. A short title can also be used to make a policy statement about, or draw public attention to, the legislation.

SECTION II. DEFINITIONS

As used in this Act:

1. **“Drain Plug”** means a valve or device used to control the drainage of water from a compartment designed to hold water, such as a bilge, live well, or ballast tank. The term does not include a permanently sealed device, like those used to prevent water from filling a pontoon, unless the compartment the device is permanently sealed to is compromised and contains water.
2. **“Inspection Station”** means a location where a person transporting watercraft overland is required by federal, state, tribal, local, or any other law to stop and allow the watercraft to be inspected for aquatic invasive species.
3. **“Interstate commerce”** means the movement of commerce or travel between the states, territories, and possessions of the United States. Commerce includes, but is not limited to, trade, traffic, transportation, or communication that crosses state lines or involves more than one state.
4. **“State”** means any of the 50 States, the District of Columbia, American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory of the United States.
5. **“Standing Water”** means any water remaining in a watercraft, equipment, or container after it has been removed from a body of water.
6. **“Transport”** means the overland transportation of a watercraft from one location to another.
7. **“Tribe”** means any Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges as a federally recognized Indian Tribe.

8. “Watercraft” means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water and any associated equipment. This includes, but is not limited to, recreational and commercial watercraft, passenger vessels, non-motorized vessels, paddlecraft, ferries, barges, docks, boat lifts, and water-based construction equipment. Associated equipment includes, but is not limited to, trailers, engines and motors, fish holds or live wells, ballast tanks, bilge areas, anchors, and other items that may come in contact with water or are able to transport or release water that could harbor aquatic invasive species.

Explanatory Note:

Definitions are important for providing clarity, especially if unfamiliar terms are used or if familiar terms are used in unfamiliar ways. A review of existing definitions should be undertaken during the drafting process to ensure consistency, avoid duplication, and identify terminology gaps. The definitions provided above were selected to highlight key terms that are essential for understanding the scope of suggested requirements.

The definition of watercraft is intended to be interpreted broadly to include all forms of motorized and non-motorized watercraft, including commercial and recreational vessels. The term also encompasses the associated equipment, such as trailers and ballast tanks, where AIS may be found.

SECTION III. INTERSTATE TRANSPORTATION OF WATERCRAFT

It is unlawful for any person to transport or deliver for transport in interstate commerce any watercraft, unless such watercraft is first cleaned in accordance with the following requirements and any applicable tribal, state, or local law:

1. All visible material, including, but not limited to, plants, animals, and mud is removed from the watercraft;
2. All water is drained from the watercraft, including but not limited to water in the hull, ballast tanks, bilges, live wells, and motors;
3. Drain plugs are removed or opened while transporting any watercraft; and
4. All compartments, spaces, and associated equipment that hold or may hold water are dry and any standing water removed.

Explanatory Note:

This section sets forth the legal obligations of anyone transporting watercraft in interstate commerce. The desired actions align with the CDD outreach messaging and focus on the discrete actions that individuals can take to reduce the risk of AIS transport.

Article 1, Section 8, Clause 3 of the U.S. Constitution, referred to as the Commerce Clause, gives the U.S. Congress the power “To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.” The term “commerce” is not defined in the Constitution but is generally interpreted quite broadly to include trade, commercial activity, and the movement of goods and people across state lines. The model limits the applicability of its requirements to watercraft transported in interstate commerce to align with the extent of federal jurisdiction.

SECTION IV. INSPECTION STATIONS

It is unlawful for a person transporting a watercraft to:

1. Fail to stop at an inspection station where required to do so by federal, state, tribal, local, or other jurisdictional law; and
2. Fail to comply with requests or orders of inspection station personnel, which may relate to, but are not limited to, travel history, inspection or decontamination records, examination of interior compartments, decontamination procedures, and mandatory quarantine.

Explanatory Note:

Many states and other jurisdictions operate watercraft inspection stations to help prevent the spread of AIS by inspecting watercraft and educating the public. It is critical that all individuals transporting watercraft stop at such inspection stations when required to do so by law and comply with any requests or orders by official personnel.

SECTION V. RELATIONSHIP TO OTHER LAWS

Nothing in this Act shall affect, or be construed or interpreted as preempting, the authority of any tribe, state or political subdivision thereof with respect to aquatic invasive species.

Explanatory Note:

The legal requirements set forth in previous sections are intended to supplement and support, not replace, existing tribal, state, and local AIS laws and programs. This section preserves the authority of tribal, state, and local governments to enact and enforce laws and regulations related to AIS prevention, management, and control.

SECTION VI. PENALTIES

Any person who engages in conduct prohibited by this section may be assessed a civil penalty of no more than \$xx,xxx for each such violation.

Explanatory Note:

Enforcement is an essential component of any legal framework, as violations of the law will occur and need to be addressed. The imposition of penalties punishes non-compliance and serves as a deterrent to future violations. The model suggests a civil enforcement mechanism through the imposition of a fine.

APPENDIX

NATIONAL CLEAN WATERCRAFT INTERSTATE TRANSPORT LAW

To protect the nation's aquatic resources from the interstate overland transport and spread of aquatic invasive species by watercraft.

SECTION I. SHORT TITLE

This Act may be cited as the “National Clean Watercraft Interstate Transport Law”.

SECTION II. DEFINITIONS

As used in this Act:

1. **“Drain Plug”** means a valve or device used to control the drainage of water from a compartment designed to hold water, such as a bilge, live well, or ballast tank. The term does not include a permanently sealed device, like those used to prevent water from filling a pontoon, unless the compartment the device is permanently sealed to is compromised and contains water.
2. **“Inspection Station”** means a location where a person transporting watercraft overland is required by federal, state, tribal, local, or any other law to stop and allow the watercraft to be inspected for aquatic invasive species.
3. **“Interstate commerce”** means the movement of commerce or travel between the states, territories, and possessions of the United States. Commerce includes, but is not limited to, trade, traffic, transportation, or communication that crosses state lines or involves more than one state.
4. **“State”** means any of the 50 States, the District of Columbia, American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory of the United States.
5. **“Standing Water”** means any water remaining in a watercraft, equipment, or container after it has been removed from a body of water.
6. **“Transport”** means the overland transportation of a watercraft from one location to another.
7. **“Tribe”** means any Indian or Alaska Native tribe, band, nation, pueblo, village or community that the Secretary of the Interior acknowledges as a federally recognized Indian Tribe.
8. **“Watercraft”** means every description of watercraft or other artificial contrivance used or capable of being used, as a means of transportation on water and any associated equipment. This includes, but is not limited to, recreational and commercial watercraft, passenger vessels, non-motorized vessels, paddlecraft, ferries, barges, docks, boat lifts, and water-based construction equipment. Associated equipment includes, but is not limited to, trailers, engines

and motors, fish holds or live wells, ballast tanks, bilge areas, anchors, and other items that may come in contact with water or are able to transport or release water that could harbor aquatic invasive species.

SECTION III. INTERSTATE TRANSPORTATION OF WATERCRAFT

It is unlawful for any person to transport or deliver for transport in interstate commerce any watercraft, unless such watercraft is first cleaned in accordance with the following requirements and any applicable tribal, state, or local law:

1. All visible material, including, but not limited to, plants, animals, and mud is removed from the watercraft;
2. All water is drained from the watercraft, including but not limited to water in the hull, ballast tanks, bilges, live wells, and motors;
3. Drain plugs are removed or opened while transporting any watercraft; and
4. All compartments, spaces, and associated equipment that hold or may hold water are dry and any standing water removed.

SECTION IV. INSPECTION STATIONS

It is unlawful for a person transporting a watercraft to:

1. Fail to stop at an inspection station where required to do so by federal, state, tribal, local, or other jurisdictional law; and
2. Fail to comply with requests or orders of inspection station personnel, which may relate to, but are not limited to, travel history, inspection or decontamination records, examination of interior compartments, decontamination procedures, and mandatory quarantine.

SECTION V. RELATIONSHIP TO OTHER LAWS

Nothing in this Act shall affect, or be construed or interpreted as preempting, the authority of any tribe, state or political subdivision thereof with respect to aquatic invasive species.

SECTION VI. PENALTIES

Any person who engages in conduct prohibited by this section may be assessed a civil penalty of no more than \$xx,xxx for each such violation.