



## SENATE CONSIDERING CONGRESSIONAL BAN OF ALL PYTHONS UNDER THE LACEY ACT

### U.S. FISH & WILDLIFE SERVICE URGES BAN FOR PYTHONS, ANACONDAS, AND *BOAS*

**\*\*\* ACTION NEEDED ON S. 373! \*\*\***

**Bill Amended In Committee on December 10, 2009**

#### The Issue.

**S. 373 was amended in the Senate Committee on Environment & Public Works on December 10, 2009. The Cardin (D-MD) amendment would include only the nine constrictor species proposed by the U.S. Fish & Wildlife Service (Burmese python, northern African python, southern African python, reticulated python, green anaconda, yellow anaconda, Beni or Bolivian anaconda, DeSchauensee's anaconda and *Boa constrictor*). When the amendment becomes public, it will be available on the Breaking News page.**

Senator Bill Nelson (D-Florida) introduced Senate Bill S. 373 earlier this year to add the entire Python genera to the “injurious wildlife” list under the Lacey Act (Title 18 US Code Section 42(a)(1)). As drafted, S. 373 would amend the Lacey Act to add “the constrictor snake of the species Python genera” as an injurious species that would be “prohibited from being shipped or imported into the United States.”

**Note: H.R. 2811, the House companion to S. 373 introduced by Representative Kendrick Meek (D-FL), was amended in July to ban only the Burmese Python of the species *Python molurus bivittatus* and the African Rock Python of the species *Python sebae*.**

Historically, PIJAC has testified that the most effective and efficient way to deal with invasive species issues is through Federal/state/stakeholder collaborative initiatives. PIJAC, as a general rule, does not endorse adding species to the Lacey Act “injurious wildlife” list through legislative action unless a species poses a clear, eminent threat to human health or security on a large regional or national scale (e.g., zebra mussels). Rather, PIJAC strongly believes that listings should occur as a result of a science-based risk analysis which takes into consideration not only credible, standardized risk assessments, but also viable risk management and risk communication measures, which is long established under the Lacey Act.

Adding “Python genera”, or additional constrictor species, to the injurious wildlife list under the Lacey Act has far broader consequences than indicated by the bill’s language, prohibiting specimens of “the constrictor snake” (presumably a reference to Burmese Pythons) being “shipped to or imported into the United States.” A Lacey Act listing, in addition to banning importation into the United States, prohibits export and interstate movement. To further compound the proposed listing, it lumps numerous species of Pythons into inaccurate taxonomic nomenclature by referring to “Python genera” rather than referencing a specific species. In short, it is not clear if



only “pythons” of the genus Python would be listed or every snake commonly referred to as a python would fall under the umbrella of taxonomic confusion.

As drafted, S. 373 would ban all pythons, including ball pythons – the most popular and widely possessed Python species. If S. 373 goes forward it needs to be amended to address the one species of concern – Burmese pythons in a scientifically-credible manner. There is absolutely no justification for banning all Pythons.

**BUT the Fish and Wildlife Service would go even farther despite the fact the Service has not yet completed its science-based evaluation:**

Dan Ashe, Deputy Director, U.S. Fish and Wildlife Service, admitted in his testimony on December 3, 2009 before the Senate Subcommittee that the Service is still completing its review under the Lacey Act, yet he “recommended amending the legislation, in light of a USGS risk assessment published in October, to include the nine species of large constrictor snakes that were evaluated by the risk assessment”. Needless to say, the move by a government official to abdicate executive branch authorities and duties to Congress (especially with a science-based and stakeholder inclusive process underway), would set a controversial precedent.

**If the Fish and Wildlife Service’s proposal is accepted by the Committee, the following species would be banned not only from importation (foreign commerce), but also interstate movement (interstate commerce):**

- **Indian or Burmese Python (*Python molurus*)<sup>1</sup>**
- **Reticulated Python (*Broghammereus reticulatus* or *Python reticulatus*)**
- **Northern African Python (*Python sebae*) and Southern African Python (*Python natalensis*)**
- **Boa Constrictor (*Boa constrictor*)**
- **Yellow Anaconda (*Eunectes notaeus*) and DeSchauensee’s Anaconda (*Eunectes deschauenseei*)**
- **Green Anaconda (*Eunectes murinus*) and Beni Anaconda (*Eunectes beniensis*)**

## **PIJAC Suggests....**

If Congress does decide to go forward with listing the Burmese Python under the Lacey Act, or similar species at the federal level, then PIJAC supports species specific language that would:

- 1) **allow interstate movement (subject to certain standards),**
- 2) **allow exportation of live specimens to countries which allow importation,**
- 3) **allow possession, subject to certain conditions (i.e. caging, recordkeeping, identification and disaster plan), and**
- 4) **establish a 120-day grace period, following enactment of legislation, in which owners can, without penalty, take the necessary steps to comply with government standards.**

**PIJAC is submitting to the Committee a proposed federal/state mechanism for Burmese Pythons (*Python molurus bivittatus*) listed as injurious under the Lacey Act (which could be used as a model if other python species are included). PIJAC’s proposal sets forth standards for possession, transportation, exhibition and aging; as well as, recordkeeping and reporting requirements and identification and escape plans.**

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<sup>1</sup> The USGS Report treats the Indian and Burmese species as if one species.

Advise the Congress and their District Offices about ways to regulate specimens already in the United States. For additional talking points, see below.

## What Can You Do?

- Call, email and fax your concerns to every member of the Senate Committee on Environment & Public Works NOW! **HESITATION COULD = BAN!**
- Take time to contact each Committee member's office. You can obtain their contact information at the Committee website: (<http://epw.senate.gov/public/index.cfm?FuseAction=Members.Home>).
- Also, to easily contact both members of the Committee, as well as your own Senator, visit PIJAC's [Legislative Action Center](#) on the PIJAC website (<http://www.pijac.org/governmentaffairs>) to learn how.
- ALSO contact the District Offices to let them hear your concerns: ([http://ws816213.websoon.com/documents/us\\_senate\\_environ\\_&\\_pub\\_works\\_09-10\\_-\\_detailed.pdf](http://ws816213.websoon.com/documents/us_senate_environ_&_pub_works_09-10_-_detailed.pdf))
- Forward this PetAlert to other like-minded people, and ask them to **ACT NOW!**
- Please send PIJAC copies of any written submissions as well as keep us informed of any responses you receive from Congress.

Points to be highlighted when contacting Committee members:

- If S. 373 is enacted as drafted, tens of thousands of American pet owners, hobbyists, and business owners across the country will be adversely impacted.
- There is no scientific justification at this time for banning any species of Python; not every species is the same and there is a large difference between the Burmese python that is found in the Everglades and other Python species commonly possessed by reptile keepers and pet owners. The U.S. Fish and Wildlife Service has a credible science-based review process underway that should not be circumvented by simply imposing a Congressional ban.
- S. 373 should be amended to address Burmese Pythons in a scientifically credible manner. Priority needs to be given to controlling the existing population in the Everglades – resources are needed for developing baits and traps.
- If the Congress decides to ban Burmese Pythons, it should limit the ban to importation of that species into the United States.
- To prevent release of currently owned Burmese pythons into the environment, provisions should be in final law to permit interstate movement of existing U.S. population of Burmese pythons, subject to housing such animals in secure enclosures and compliance with all applicable State and local requirements and best management practices for housing and maintaining large constrictors.
- The final law should also include provisions for financial support to the USFWS and partners to expand the reptile component of the *Habitattitude*<sup>TM</sup> campaign to educate reptile owners not to release their unwanted pets.

## Additional detailed talking points:

### Current Status of Python Invasion in the US

- **One population of one species.** Over the last fifty years, millions of pythons of nearly a dozen species have been imported into the US. Despite the occasional escape or release of these animals, only one species of python has established a feral population. And, the circumstances that contributed to its establishment in the Everglades of south Florida are rather unique and complex (see below).

### Burmese Pythons in the Everglades and Keys

- **Agreement on Control in South Florida.** There is general agreement that the feral population of Burmese pythons (*Python molurus bivittatus*) in the Everglades and Keys of south Florida needs to be controlled, and if feasible, eradicated.

- **Unique, Complex Situation.** Individual pythons have been documented in the Everglades region since the 1970s and the establishment of the current population likely resulted from a relatively unique and complex combination of factors including the mass escape of pythons when holding facilities were destroyed by Hurricane Andrew (1992); occasional escape of individual pythons from hobbyists or commercial facilities; occasional release (often well-intended but misguided) of pythons by their owners; subtropical climate; large area of swampy habitat with relatively little human activity; and ample prey availability.
- **Collaborative Work Underway.** A Python Action Working Group, consisting of state and federal agencies, the Nature Conservancy (TNC), and the Pet Industry Joint Advisory Council (PIJAC), has been working to design and implement an Action Plan to limit the spread and impact of Burmese pythons in south Florida. The greatest challenges to python management at this time are lack of proven techniques for python trapping; funding for research on baits/lures and traps for capturing the animals; and staff for Action Plan coordination and implementation.
- **The Pet Industry is Helping.** PIJAC and individual python hobbyists are helping to address these challenges by contributing ideas to lure/trap development, promoting the need for additional staffing, and volunteering as trainers and participants in python patrols. They are also promoting the *Habitattitude™* campaign, state permit systems for large constrictors, and Florida's Nonnative Pet Amnesty Day in order to help prevent the additional release or escape of pythons.
- **S. 373 Fails to Help the S. Florida Situation.** S. 373 does not provide *any* assistance to state or federal agencies for controlling/eradicating the population of Burmese pythons in south Florida. It will have limited to no conservation benefits for the Everglades and may, in fact, have unintended negative consequences (see below).

### Unintended Negative Consequences

- **Facilitation of Mass Release and Euthanasia.** Over the last fifty years, millions of pythons of nearly a dozen species have been imported into the US. Despite the occasional escape or release of these animals, only one species of python has established a feral population. And, the circumstances that contributed to its establishment in the Everglades of south Florida are rather unique and complex
- **Unemployment and families at risk.** Thousands of businesses - snake breeders, pet stores, and manufacturers - in the US rely on the sale of pythons and python-related products. S. 373 would destroy these companies, contributing to greater unemployment and putting families at risk. [*Note: PIJAC is currently conducting a survey in order to determine potential economic damages to the reptile industry/snake keepers.*]

### Sending the Wrong Message

- **S. 373 implies, "Science has little value in policy decision making."** The U.S. Fish and Wildlife Service (USFWS) is in the process of conducting a science-based assessment of species in the genus *Python*, *Boa*, and *Eunectes* to determine if action to *initiate* a rule making process for any of these species under the Lacey Act is warranted. As mandated by the Lacey Act, this process has thus far been transparent and open to stakeholder input. The introduction of S. 373 indicates that Senator Nelson and colleagues do not place value and/or trust on the scientific process being conducted by the USFWS. Nor do they acknowledge the findings by US Geological Survey scientist, Bob Reed, who found that there are varying degrees of risk among python species in terms of their potential to become invasive in the US (*J. Risk Analysis*, Vol. 25, pp 753-666). S. 373 treats all Python species as if they are highly likely to become invasive, but peer-reviewed scientific findings do not support this conclusion.
- **S. 373 implies, "If you are going to use science, use controversial science."** Senator Nelson largely justifies his actions by referencing a climate matching study by Gordon Rodda and colleagues (2008)

which projected that Burmese pythons could inhabit nearly three-quarters of the US. Not only have other scientists questioned the data and methodologies used in the climate matching analysis, but this and all subsequent studies by other scientists have included the range of both *P. m. molurus* (the Indian python) and *P. m. bivittatus*. The Indian python occupies a much broader and more temperate climatic range than the Burmese python and there are biological and behavior distinctions where the two species overlap in Asia. Furthermore, these snakes were originally considered separate species and some pythons experts believe they are distinct enough to be considered separate species at this time. There is no evidence that climate matching or ecological niche modeling of the Indian python would accurately project the distribution potential of the Burmese python.

- **S. 373 implies, “The State of Florida doesn’t have the competency to manage its natural resources.”** After careful evaluation, the Florida Fish and Wildlife Conservation Commission (FWCC) concluded that responsible pet ownership and facilities management are key to preventing the further establishment of pythons in Florida. They regulate large-breed pythons as Species of Special Concern which require permits and microchipping. They have also been sponsoring: a) “Do not Release” campaigns (including ZX) to educate pet owners on the negative consequences of pet release, as well as alternatives to release, and b) Nonnative Species Amnesty Days to provide people with the opportunity to surrender large constrictors if they can no longer keep them. The FWCC has also been collaborating with other state agencies, federal agencies, and stakeholders through the Python Action Working Group. The FWCC’s management challenges are likely to be made worse by S. 373 as they will have to contend with the potential release of hundreds to thousands of pythons that can no longer be rehomed across state lines.

### **Setting a Dangerous Precedent**

- **Lacey Act listing on a whim.** Previous Congressional action has resulted in additions to the Lacey Act, including brown tree snakes (*Boiga irregularis*) and zebra mussels (*Dreissena polymorpha*). In each of these cases, there was: a) clear scientific evidence that the species were causing significant biological and/or economic damages, b) no constituency that was socio-economically dependent on the species, and c) consensus that the species were highly likely to be able to establish and cause significant harm in other parts of the US if translocated and released into the natural environment (e.g., Hawaii in the case of brown tree snakes). Congressional action was chosen because it provided a means to respond in the most timely manner feasible under circumstances clearly consistent with the intent of the Lacey Act. In the case of S. 373, Senator Nelson and colleagues have chosen to take action counter to scientific evidence, state and federal agency program initiatives, and a constituency that is socio-economically dependent on the species. If it passes, S. 373 could set a precedent for the listing of any species by virtue of an elected official’s circumventing the established statutory process.