



FLORIDA'S SENATOR NELSON PROPOSES CONGRESSIONAL BAN OF ALL PYTHONS UNDER THE LACEY ACT

The Issue

On February 3, 2009, US Senator Bill Nelson (D-Florida) introduced Senate Bill S. 373 to add the entire Python genera to the "injurious wildlife" list under the Lacey Act (Title 18 US Code Section 42(a)(1)). The Bill has been referred to the Senate Committee on Environment and Public Works.

Senator Nelson's action was inspired by the publicity surrounding a feral population of Burmese pythons (*Python molurus bivittatus*) in the Everglades region of south Florida. His comments, which appeared in the February 3, 2009 *Congressional Record*, stated that Lacey Act listing was needed to "combat this deadly nonnative nuisance" by banning importation and interstate movement of every species of *Pythons*. He noted that "Pythons were first discovered in the Everglades in the mid-1990s, and now have a rapidly-growing breeding population within the boundary of Everglades National Park." He went on to state that "climate range projections...show that pythons may soon expand their range to include much of the southern third of the United States..."

The Senator's statement failed to acknowledge that the US Fish and Wildlife Service is currently overseeing a risk analysis to determine which species in the genera *Python*, *Boa*, and *Eunectes*, if any, warrant inclusion in a formal, science-based evaluation as delineated by the long-established Lacey Act "injurious wildlife" listing process. S. 373 circumvents the normal listing process which affords the public an opportunity to submit written comments on the Service's findings.

The Impact

S. 373 would unilaterally ban importation and interstate movement of every species of *Python*. Because the Congressional action would not be based on a scientific risk analysis, Congress would essentially be declaring every *Python* species "guilty" and denying stakeholders the opportunity to prove "innocence." Therefore, a species that might have the potential to become problematic in south Florida would be banned throughout the entire United States even though it would not be biologically feasible for it to establish in more northern climates. Such a ban will directly impact breeders, exporters, pet stores and pet owners across the country.

Recommendation

The bill has been referred to the Senate Committee on Environment and Public Works. A list of the Committee members is reproduced at the end of this alert.

PIJAC urges you to constructively contact everyone in the reptile community and alert them of the potential impact of S. 373. Please ask your colleagues to contact members of the Senate Committee, as



well as their own Senator (If they are not a member of the Committee). Remember -- This Bill affects retailers, breeders, manufacturers and pet owners in *every* state, not just Florida.

The talking points on S. 373 provided below will assist you in discussions with Senators or their legislative aides responsible for environmental issues. When communicating with these individuals, it is imperative that you present yourself in a professional manner and make it clear that this Bill would do nothing to increase the capacities of federal or state officials to address the feral population of Burmese pythons in south Florida.

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.** S. 373 could greatly facilitate the very problem that natural resource agencies and other stakeholders (including PIJAC) are trying to prevent. The Bill would make it illegal for pet owners, hobbyists, and businesses who currently possess pythons to rehome them through sale or trade across state lines, or to take them with them if they decide to move to another state. As a result, hundreds to thousands of the pythons will likely be released or killed. The animal welfare implications and potential risks for the establishment of additional python species/populations are significant.
- **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 US 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 Habitattitude™) 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.

HOW YOU CAN HELP –

- ◆ Remain calm throughout the process and recognize that this is only the beginning of a long process.
Be professional! It is paramount that all segments of the pet industry are perceived as highly professional throughout the course of this process. If perceived otherwise, we lose our credibility and without our credibility our collective voice as well as individual voices will have little to no effect.
- ◆ Alert your friends/colleagues in the reptile community to the potential implications of S. 373.
- ◆ Contact members of the Senate (Please use the talking points provided above and explain how S. 373 affects you).
- ◆ Encourage your friends, employees, customers, suppliers to contact their Senators.
- ◆ Promote Habitattitude™ – a PIJAC initiative that promotes thoughtful pet choice (Habits), responsible pet care (Attitudes), and alternatives to the release of unwanted pets so that they do not become invasive species (protecting Habitats). See www.pijac.org for more information.

- ◆ Stay tuned. PIJAC is launching a S. 373 Forum on the PIJAC website for informational purposes. Check it for updated information.

Visit PIJAC's website at www.pijac.org for copies of S 373 and related documents. PIJAC will post any changes in status or other updates on the Bill.

If you have further questions on S. 373 or this *PetAlert*, contact Marshall Meyers by telephone at 202-452-1525, by FAX at 202-293-4377, or via email at marshall@pijac.org.

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2009 US S 373
AUTHOR: Nelson
VERSION: Introduced
VERSION DATE: 02/03/2009

111th CONGRESS

1st Session

S. 373

To amend title 18, United States Code, to include constrictor snakes of the species Python genera as an injurious animal.

IN THE SENATE OF THE UNITED STATES

February 3, 2009

Mr. NELSON of Florida introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 18, United States Code, to include constrictor snakes of the species Python genera as an injurious animal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IMPORTATION OR SHIPMENT OF INJURIOUS SPECIES.

Section 42(a)(1) of title 18, United States Code, is amended in the first sentence by inserting `; of the constrictor snake of the species Python genera' after `polymorpha'.