

**Testimony of Peter T. Jenkins
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**United States House of Representatives
Natural Resources Committee, Subcommittee on Fisheries, Wildlife, Oceans
and Insular Affairs**

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Chairman Fleming, Ranking Member Sablan, members of the Subcommittee, thank you for the opportunity to testify on HR 511 and the issue of listing the nine species of large constrictor snake – boas, pythons and anacondas.

I am testifying as a consultant, working through my firm the Center for Invasive Species Prevention, consulting for the National Environmental Coalition on Invasive Species (NECIS). NECIS is a coalition of groups concerned about invasive species and Federal policy. It includes the National Wildlife Federation (NWF), The Nature Conservancy, The Wildlife Society, Great Lakes United and many other groups. Given the short notice for me being a witness, my full testimony has not been approved as NECIS testimony, but the policy positions I will advocate on HR 511 and on the listing of the nine snakes are the NECIS positions.

A bit on my background: I have 22 years of experience, both national and international, in invasive species as a policy analyst, attorney, advocate, lobbyist, consultant, manager, author and speaker. I have been invited to speak at conferences around the world on invasive species policy and management and testified twice before to this Sub or Full Committee on the topic - once back in 1993 and again in 2008. I have approximately 15 publications addressing multiple aspects of invasive species, including having written the chapter on the “Pet Trade” in the comprehensive *Encyclopedia of Biological Invasions*, published in 2011 by the University of California Press. My most recent paper is in *Biological Invasions*, entitled "Invasive animals and wildlife pathogens in the United States: the economic case for more risk assessments and regulation." That latter topic is really what I will focus on here: the economics and the case for more regulation of these snakes, not less.

When the Fish and Wildlife Service listed the 4 snake species at the beginning of this year, it basically violated the Lacey Act by excluding the 5 other species for non-statutory reasons. That is the problem that HR 511 could fix, if the two bad amendments to it are removed, as referred to by John Kostyack of NWF in his testimony. The statutory criterion the Service’s listing should have followed was not to weight the benefits versus the costs of a possible Lacey Act listing, it was to make a science-based decision on whether these snakes fit the definition of an “injurious species” under that Act, i.e., whether the species are:

injurious to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States.

It is abundantly clear these large constrictor snakes meet that definition. The USGS snake expert report thoroughly assessed the question of “injuriousness”. The current and potential risk these massive constricting non-native snakes pose is beyond reasonable doubt, given the high likelihood that if further unregulated imports and interstate commerce occur, these snakes will continue to be released by irresponsible pet owners and will continue to be able to establish harmful breeding populations throughout significant areas in the southern portion of the nation and in our vulnerable island territories too.

The buyers of these snakes often are not aware of how big they will grow and how expensive it is to keep them properly. When the buyers realize what they have gotten themselves into with a 15 foot long, 200 lb., dangerous animal after full grown, it is not surprising that they release them in the nearest forest or swamp. Indeed, we know for a fact that releases and escapes happen all the time – all over the country.

Boa constrictors, which were excluded from the listing rule, have already been released or escaped and invaded at least twice in this country and are “high” risk per the USGS report. Reticulated pythons, which also were excluded, were “moderate” risk invaders per the USGS; however, according to the excellent new report by the Humane Society on Constrictor Snake Incidents, they also are known as particularly “vicious,” prone to unprovoked attacks and in their native ranges are reported as “man eaters” more so than any other species of snake. Reticulated pythons have killed more infants in this country than any other species, including an 11 month old boy, a 21 month old boy and a 7 month old girl.

The other three excluded species were the anacondas. Does anyone really believe we need anacondas in this country as pets? The question answers itself. If we can’t restrict anaconda imports, what can we restrict?

We know the Fish and Wildlife Service staff and indeed all the way up the Secretary of the Interior wanted to list all 9 species, but they were compelled to cut the list back to 4 species by the Office of Management and Budget (OMB). Why? Because OMB apparently got persuaded to believe the USARK arguments about economic impacts. This was extremely unfortunate because economic impacts are not in the Lacey Act decision-making criteria the Administration was supposed to follow and because USARK’s economic analysis was shoddy and unreliable.

Georgetown Economic Services, which did the USARK “reptile regulation study,” was a subsidiary of the Washington law and lobbying firm that represented USARK in its opposition to the snakes listing rule, Kelly Drye & Warren. Economists have criticized their analysis as grossly inflated and full of biased assumptions. Its findings of high losses are contrary to analysis by the Fish and Wildlife Service, the Congressional Budget Office and Timm Kroeger, PhD., an economist with The Nature Conservancy. According to Dr. Kroeger’s statement, which I will give you a copy of, it has “serious flaws”, i.e., it:

- (1) Ignores likely substitution effects on the part of both the reptile industry and reptile owners, which leads to a likely large upward bias in the resulting estimates of negative economic impacts from the proposed rule.*

- (2) *Focuses only on the negative impacts on one small segment of the reptile industry (that is, breeders and importers of these nine large constrictor snakes) and snake owners that may result from the implementation of the proposed rule, while completely ignoring the positive impacts the rule would have in terms of benefits for native wildlife, including threatened and endangered species, avoided control and eradication expenditures by government agencies, and human safety. Such a one-sided analysis cannot inform sensible public policy, which should consider both the costs and benefits of a regulation.*
- (3) *Uses an inappropriate discount rate that by itself leads to a substantial (close to 20 percent) overstating of the projected future costs of the rule. This, together with the unreasonable expectation that no substitution effects will occur on the industry or consumer side, introduces a further upward bias in the study's cost estimates that makes the latter even more doubtful.*
- (4) *Incorrectly applies the term "economic losses" when referring to what in fact are reductions in revenues for this small segment of the reptile industry. This is not merely a problem of semantics that is likely to mislead many readers of the report. Rather, economic losses – or net reductions in business assets - from reduced sales are always smaller than revenue reductions. By basing its analysis on revenues rather than losses expected to result from the proposed rule but referring to those revenue reductions as losses, the report overstates the actual losses industry may suffer as a result of the rule. This, combined with the likely dramatic overestimation of those expected revenue reductions for the reasons listed in comments (1) and (3) above, further exaggerates any negative impact the rule might have on the reptile industry.*

Some other points related to USARK's report:

- It relies extensively on unreferenced data, i.e., "fact" assertions for which no source whatsoever is identified. It relies heavily on data for which the only source is an anonymous "personal communication" with unnamed people in the reptile industry. In short, the data sources cannot be checked. It frequently relies on unexplained calculations and includes several admissions that the information used for the study was inadequate. The author was not a PhD. and it was not peer-reviewed.
- At least 750 different reptile species are in the import trade. If HR 511 passes, then the reptile importers and breeders face losing only up to 5 species from being imported – less than 1%. There are numerous safer, non-invasive, non-dangerous species they can substitute for those lost 5 species, only 2 or 3 of which are actually imported now. The pet industry is highly adaptable. The USARK study ignores that.
- The importers and breeders of those 2 or 3 snakes at risk of prohibition in reality, despite all of USARK's exaggerated claims, appear at most to number one or two dozen small businesses. And those businesses generally import and breed other species too, so they

aren't going to go out of business, they will just adjust their operations, as no doubt they already have.

- USARK gave no consideration of environmental benefits in the native range countries from reduced harvesting pressure, even though it is documented that some of these species are not sustainably harvested in some countries.
- Future human deaths caused by the 9 snake species are very predictable based on historical patterns and these snakes' inherent behavior. These are obviously high-impact, tragedies and costs, as the Humane Society has documented. Human deaths certainly must be considered as being far more important than speculative, biased claims of lost snake sales by USARK.
- We know at least 17 deaths have occurred across the nation according to media reports. Likely many more occurred that were not reported in the media. We also know that OMB recognizes a concept known as the Value of Statistical Life, or VSL. Currently, a "reasonable average" for the VSL is \$5.5 to \$7.5 million per life. By this admittedly cold measure, reducing the risks these snakes pose to humans, will provide a substantial economic benefit, while preventing real tragedies to our citizens and families that cannot be economically measured. USARK's approach seems to be "buyer beware" – but how could the several young children and infants strangled by these snakes beware?

Unfortunately, the analysis of the economics of listing the snakes by USARK, and by OMB and by the Fish and Wildlife Service for that matter, fail to consider the benefits in terms of lives saved and environmental damage and public lands management and control costs avoided. When all those savings are taken into account the national-level benefits of the snake listings are strong. The selfish interests of a few breeders and importers, who have successfully "externalized" the costs to date and don't pay a dime of the public land control bills for their escaped or released snakes, which are footed by the taxpayers, should not block the nation from those benefits. Passing HR 511 without the two bad amendments will achieve that.

The argument that this is a "Florida only" problem and that Florida law has already "taken care of it" is false. Published climate/snake range projections predict the potential range of these species as including portions of the "southern tier" States, Hawaii and the territories. Florida's new law may prohibit most of the constrictors as private pets there, but it does not prohibit breeders from operating in Florida, where many of them do operate, and selling those species into other States. Florida's interests do not match up with the national interest in this case.

Further thoughts:

The snakes listing rule, weak as it was, took 6 years to finalize, which is far too long. It illustrates that the Lacey Act injurious species listing section (18 USC 42) - which is 112 years old - is too reactive, too slow and is not cost-effective for our nation. All of the serious stakeholders involved seem to agree on that, as does the Fish and Wildlife Service itself.

NECIS has strongly endorsed a fix to this problem, HR 5864, the Invasive Fish and Wildlife Prevention Act of 2012, which was introduced by Mrs. Slaughter of New York and has 30 bipartisan co-sponsors. This bill would reform the listing process, making it faster and more effective, and bring it from the year 1900 when the process was first created, into the modern age. On behalf of NECIS and dozens of other endorsing groups – from sportsmen’s groups to humane organizations – I urge you to take up the Invasive Fish and Wildlife Prevention Act in the next Congress and to move it to passage. This Subcommittee is the gateway to needed reforms and it has not done enough in the past to advance them.