

A Critical Review of the Action to Place the Great Constrictors and Boa Constrictor on the Injurious Wildlife List

David G Barker and Tracy M. Barker

Senate Bill S373 is a controversial proposal to add nine large snake species to the Injurious Wildlife List of the Lacey Act. It is our observation that S373 is based on three disparate agendas that have come together to create a perfect storm. One agenda is simply to remove animals from American citizens from coast to coast. The NGO that is the primary supporter of S373 is the HSUS, a large, wealthy and well-organized animal-rights organization. They have lobbied long and hard in Washington DC to see that S373 is passed.

The second agenda is to get government money. A national law will generate federal money for a local problem. Florida wants money to spend on the Everglades; biologists want money for research projects in Florida. Invasion science biologists and environmentalists have been waiting for just the right species on which to hang their hats, and the Burmese python in South Florida was the answer to their prayers. Nonindigenous species like hydrilla and feral housecats failed to capture the media-driven attention of the public—they needed the “anti-panda,” a species of interest to the media, a species that could be used to scare the American public.

The third agenda has been political. Supported by the actions of the first two agendas, politicians in Florida and in Washington DC have co-opted the media focus over the presence of pythons in the Everglades as their platform. They, too, want Florida to receive federal monies that S373 will generate, but more important to them has been the media attention they have received. They have preached that there is a national problem and that they have the solution.

Senate Bill S373 was written and is sponsored by Senator Bill Nelson of Florida. The House companion bill HR2811 was sponsored by Representative Kendrick Meeks of Florida. Primary proponents of S373 are the Humane Society of the United States (HSUS) and the U.S. Fish and Wildlife Service (USF&W). Other organizations that have publicly endorsed the bill include a variety of animal-rights and animal-welfare organizations, and the Nature Conservancy.

The original versions of S373 and HR2811 proposed to place “constrictor snakes of the species Python genera” on the Injurious Wildlife List of the Lacey Act. This is incorrectly worded, confusing and ambiguous. Inquiries to Senator Nelson’s office were told that the bill was intended to include only Burmese Pythons.

The first hearing of this legislation was for HR2811 by the House Committee of the Judiciary on 6 November 2009. At that time an amendment was proposed that would place the Burmese python and the northern African python on the Injurious Wildlife List.

Animal species listed on the Injurious Wildlife List are not allowed to be transported across state or national borders. This, in turn, stops international imports and exports, and bans all interstate movement and trade of these species.

S373 was heard in the Senate Committee on Environment and Public Works on 10 December 2009. At that time the bill was amended to include nine clearly specified species—four python species, four anaconda species, and the boa constrictor. This bill will now be voted on by the entire Senate; passage will require a simple majority. The date of the vote is not scheduled.

In support of S373

Proponents of S373 state that it is necessary to prevent the release or escape of animals from captivity and their consequent establishment as colonies of invasive species throughout the South and Southwest. They use as example the well-publicized recent establishment of Burmese pythons in the Everglades region of South Florida and the tiny population of boa constrictors in a park in South Miami.

Proponents of S373 point to a report written by USGS invasive science biologists, released in December 2009, as providing scientific support to S373. That 302-page paper contains an “establishment risk analysis” for each of the nine species. It concludes that five species have a “high”

risk of becoming established in the USA, and the remaining four have a “medium” risk.

Proponents of S373 additionally state that greater control over the possession of these nine species, and restricting access to these snakes serves the public good because these nine snake species are dangerous to humans, are not suitable captives, and are often not kept in suitable cages and receive poor care.

In opposition to S373

As opponents to S373, we make the following observations:

- Six of the nine snake species listed in S373 have been maintained in American homes and businesses for more than two decades. Three are rare or absent from captivity. It is likely that there are more than one million of the six species in captivity, and there are keepers with these species in nearly every county of 49 states.

- All of these species have commercial value, and are bought and sold on an open international market. Three of the species are widely commercially propagated and each annual generation of captive-bred offspring has a total value measured in millions of dollars. If enacted, S373 will destroy the value of the market, damage the value of the animals, cause the failure of many American businesses, and result in bankruptcy for many hobbyists and small breeding operations that have made significant investments in these animals.

- The commercial breeding of snakes is not a small or insignificant single-level business. Millions of Americans maintain snakes and a significant percentage of them maintain and breed pythons and boas. These large and small businesses can be found throughout 49 states. The maintenance and breeding of snakes is interconnected and interlaced with many segments of the American economy. Cage manufacturers use steel, paint, plastics, and glass. Rodent breeding businesses in the United States are a multi-billion dollar enterprise and the primary use for commercially raised rodents is food for snakes. Rodents, in turn, require feeds from distributors and manufacturers that purchase grains from farmers. Commercial freight and courier services, including UPS, FedEx, and Delta Air Cargo, annually are paid millions of dollars to transport snakes, and equipment and food for snakes. There are multi-million dollar ancillary businesses such as T-Rex[®] and Zoo-Med[®] that

manufacture and market products exclusively for the maintenance and breeding of boas and pythons. Shows and public displays rent convention centers and display halls; participants travel out-of-state to shows, stay in hotels, and eat in restaurants.

- The commercial breeding of snakes is agriculture, exactly homologous to the tropical fish industry centered in South Florida, the aquaculture of shrimp and tilapia, llama ranching, the ferret industry, and the rabbit industry. How can a snake-breeding business compete in the American market if it is restricted to purchases and sales only inside the state where it exists? How can a legal American business compete in international markets if it is not allowed to import or export its product? We are not aware of any other business confined to intra-state commerce by federal law.

- S373 damages and devalues property without compensation. This constitutes an illegal “taking of property.” This is in direct violation of Executive Order 12630, Section 3, subsections a. and b., published in the Federal Register. To quote “Further, government action may amount to a taking even though the action results in less than a complete deprivation of all use or value, or of all separate and distinct interests in the same private property and even if the action constituting a taking is temporary in nature.”

- This action taken by the Senate bypasses the procedural steps clearly described in the Lacey Act to add species to the Injurious Wildlife List.

- The value of the USGS report is discounted. The authors and the agency that employs them are not impartial. The report was paid for by USF&W Service, one of the proponents of S373. The risk assessments and evaluations performed for the snake species are no more than predictions and opinions based on subjective and incomplete data. Errors abound in the manuscript. The USGS document and the analysis techniques used by the authors are reviewed and sharply criticized in the following citations: Barker and Barker (2010); PIJAC (2010); Barker and Barker (2008a and b); Pyron, et al. (2008); and USARK (2009).

- Allegations that pythons are dangerous are false and this can be objectively quantified. Large pythons have the lowest associated risk for human death of any animal over 25 pounds. Consider that the National Safety Council (2006) rated the risk of death due to being bitten or crushed by any nonvenomous snake as the lowest risk of death for

any cause in the United States. The odds of being killed by a python (1 in 298 million) are more than 11 times greater than the odds of winning the Texas Jackpot Lottery.

- Allegations by HSUS and other animal-rights proponents that the great constrictors are inappropriate companion animals for Americans and are not properly cared for are no more than the manifestations of their philosophy and agenda to remove all animals from the American public. This is the opinion and shared belief of animal-rights proponents, and not proper basis for law.

- S373 will be an inappropriate and prejudicial national law for a local state problem. There are not and have never been any populations of the nine species listed by S373 anywhere in the United States except in extreme south Florida. Any monies generated by S373 will be channeled solely to Florida. No other state will receive a dime. However, citizens of every state will be penalized by the loss of property rights. Citizens with boas and pythons will be damaged, businesses will be destroyed, and families will go into bankruptcy and foreclosure as a result of the implementation of S373.

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