

TESTIMONY

OF

**JIM MADDY
PRESIDENT & CEO
ASSOCIATION OF ZOOS AND AQUARIUMS**

before the

SUBCOMMITTEE ON FISHERIES, WILDLIFE, OCEANS AND INSULAR AFFAIRS

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

on

Department of the Interior's proposal to use a Categorical Exclusion under the National Environmental Policy Act (NEPA) for adding species to the Lacey Act's list of injurious wildlife

September 20, 2013

Thank you Chairman Fleming and Ranking Member Sablan for the opportunity to testify before the Subcommittee regarding the Department of the Interior's proposal to allow a Categorical Exclusion under the National Environmental Policy Act (NEPA) for adding species to the Lacey Act's list of injurious wildlife.

My name is Jim Maddy and I am the President and CEO of the Association of Zoos and Aquariums (AZA). AZA's 222 accredited zoos and aquariums annually see more than 182 million visitors, collectively generate more than \$21 billion in annual economic activity, and support more than 204,000 jobs across the country. Over the last five years, AZA-accredited institutions supported more than 1,000 field conservation and research projects with \$160,000,000 annually in more than 100 countries. In the last 10 years, accredited zoos and aquariums formally trained more than 400,000 teachers, supporting science curricula with effective teaching materials and hands-on opportunities. School field trips and programs annually connect more than 15,000,000 students with the natural world. This is very important as a recent National Research Council study found that people learn as much as 90% of their science in informal settings such as AZA-accredited zoos and aquariums.

AZA and its member institutions work in concert with Congress, the Federal agencies, conservation organizations, the private sector and the general public to conserve our wildlife heritage. In particular, AZA and its member institutions have a long-standing partnership with the U.S. Fish and Wildlife Service. Our collaborative efforts have focused on:

- Engaging in endangered species recovery and reintroduction (For example: black-footed ferrets, California condor, Mexican and red wolves, whooping cranes);
- Supporting multinational species conservation funds and state wildlife grants; and
- Collaborating on partnership opportunities involving wildlife refuges, migratory birds, freshwater fisheries, illegal wildlife trade, amphibians and invasive species.

The issue of injurious wildlife listings under the Lacey Act is of concern to many of our member institutions, especially those which regularly transport certain wildlife species for educational and conservation purposes. AZA accredited zoological parks and aquariums cannot fulfill their important missions of conservation, education, outreach, public display and science without living animals. Responsible management of living animal populations necessitates that some individuals be acquired and that others be removed from the collection at certain times for the purposes of genetic and geographic diversity. The ability to effectively and efficiently transport animals is critical to the success of national and international efforts to conserve and maintain animal species and to educate the general public on the plight of threatened and endangered species. In the case of AZA accredited zoos and aquariums, the movement of animals between these member institutions, between these institutions and other international zoological parks and aquariums worldwide, and from native habitats and countries around the world into our institutions would be negatively impacted without the timely transport of live animals. Any additional permit restrictions or regulations which could arise from a significant increase in

injurious wildlife listings could greatly hamper our members' ability to engage in these critical animal movements. Thus, AZA believes that when adding species to the list of injurious wildlife, all avenues for public comments must be made available. This is especially true in this case since objective injurious wildlife listing criteria are not readily available.

AZA and its member institutions take the issue of invasive species very seriously. In 2003 the AZA Board of Directors adopted a policy on non-native invasive species which:

- *encourages AZA members to make every effort to ensure that their animal and plant collections and management practices do not become the source of non-native species introductions*
- *urges zoo and aquarium horticulturalists to be cognizant of invasive species concerns when working with non-native ornamental or browse plants*
- *encourages AZA members to partner with federal, state, and local agencies to establish policies that regulate the acquisition, ownership, and disposition of non-native, potentially invasive organisms*
- *encourages AZA members who travel overseas to follow all relevant government regulations regarding the transportation of biological materials*
- *encourages AZA members to educate the public and key decisionmakers about the deleterious impacts associated with species introductions, and*
- *reminds AZA members to consult the IUCN Guidelines for the Prevention of Biodiversity Loss Caused by Alien Invasive Species.*

As part of our rigorous accreditation standards, the AZA requires that animal transportation must include plans for any emergencies and contingencies that may occur. This requirement includes ensuring an adequate number of appropriately trained personnel to handle the transport. The standards also require that all animal exhibits and holding areas must be secured to prevent unintentional animal egress, and they require the implementation of risk management plans.

The strict standards required by AZA accreditation and the strong commitment by zoo and aquarium professionals to the safety of animals and the public means that accredited zoos and aquariums have not been responsible for the introduction and spread of injurious wildlife into the United States. Unfortunately, some injurious wildlife listings, without the proper vetting and opportunity for public notice and comment, could have a deleterious effect on our ability to build and sustain zoological collections.

A categorical exclusion for adding species to the Lacey Act's list of injurious wildlife would potentially eliminate valuable NEPA procedures that help to ensure that federal rules do not result in undue and unreasonable financial or permitting burdens on AZA-accredited institutions. Without critical reviews, assessments, and opportunities for public comment under the current

federal framework, we are concerned that the Department would be free to declare certain species as injurious without factoring in the significant impact such a listing would place on institutions like AZA-accredited zoos and aquariums.

For example, in our comments on the previous USFWS proposed rule to list nine species of constrictor snakes as injurious under the Lacey Act, AZA provided an example of how such a listing could impact our members. Clyde Peeling's Reptiland, an AZA-accredited zoological park in Pennsylvania, operates a permanent zoological facility and designs, builds, and manages a fleet of educational exhibitions that are hosted by zoos, natural history museums, and science centers throughout North America. These exhibitions include pythons, boas, and other live animals under the care of the zoo's professional staff. Reptiland also conducts wildlife lecture programs (all of which include large boas and pythons) for organizations nationwide. If all of the proposed nine species of constrictor snakes were listed as injurious under the Lacey Act, it would dramatically affect Reptiland's ability to conduct off-site exhibitions and lectures, which account for fully two-thirds of its revenue and one-third of its staff.

And while it may be possible for institutions to get injurious wildlife permits under the Lacey Act for zoological purposes, theoretically a separate permit would be required for each interstate or international move (and Reptiland makes 50 or more interstate moves each year). Federal wildlife permits are often slow in being issued due to budget and staffing constraints at the USFWS's Division of Management Authority and the Division of Scientific Authority—AZA institutions have waited as much as nine months—and the process is cumbersome. Even if permits took as little as three months to issue, contracting with schools or natural history museums to provide date-certain exhibitions or lectures would be a practical impossibility. Very often exhibition and lecture contracts are made with little lead time.

I commend the USFWS for working collaboratively with AZA staff and AZA members to develop and implement a blanket permit protocol to allow AZA institutions to make multiple interstate movements of listed snakes in a timely manner. AZA appreciates the willingness of the Service to work with us on this common-sense solution.

In closing, we view ourselves as critical partners with the Department and the Service for playing a vital role in delivering their key messages and educational programs to more than 182,000,000 zoo and aquarium visitors. Any long-term solution to invasive species depends on responsible, educated citizens. Connecting people with wildlife and environmental issues is what zoos and aquariums do best. We do not believe that a categorical exclusion under NEPA for the future listing of injurious wildlife will help to accomplish this objective. Rather, we believe that we should work with USFWS to make the injurious wildlife listing process more efficient, more effective and more reflective of the current budget, staffing, economic and environmental realities both for invasive species that are already in this country and those that have not been introduced.

Thank you for the opportunity to testify on this important matter, and I would be happy to answer any questions that you may have.