

TESTIMONY OF SCOTT HARDIN, EXOTIC SPECIES COORDINATOR, FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION, JOINT OVERSIGHT HEARING OF THE SUBCOMMITTEE, MARCH 23, 2010

Madame Chair and Mr. Chairman:

I am Scott Hardin, Exotic Wildlife Species Coordinator for the Florida Fish and Wildlife Conservation Commission, the state agency with the responsibility for regulating native and non-native species. I have represented my agency on the Gulf and South Atlantic Panel on Aquatic Invasive Species (a regional panel of the Aquatic Nuisance Species Task Force) since 2001. In addition, I am a member of the Florida Invasive Species Working Group, which coordinates state agency action on invasive plants and wildlife; a representative on the Florida Invasive Animals Task Team that advises the South Florida Ecosystem and Restoration Task Force and Working Group on invasive animal issues affecting Everglades Restoration; chairman of the Aquatic Nuisance Species committee of the Southeastern Association of Fish and Wildlife Agencies; informal participant on the Invasive Species Committee of the Association of Fish and Wildlife Agencies; and a member of the Transgenic Animal Task Force convened by the Florida Department of Agriculture and Consumer Services.

The Florida Fish and Wildlife Conservation Commission (Commission) appreciates the opportunity to provide testimony regarding Burmese pythons in south Florida, as well as the broader issue of exotic and invasive species. We have been actively engaged in management of Burmese pythons, collaborating with our federal and state partners while initiating our own programs to arrest the spread of the current population and prevent the future establishment of non-native constrictors. The Commission's initiatives illustrate our commitment to control Burmese pythons, and our programs reflect several factors unique to Florida that have guided our approach to the larger issue of non-native species management. We believe that additional capacity is needed to address the risks of the trade in non-native species, and we recommend programs to empower the states to assess the risks of non-native species, to properly regulate risky species, and to marshal an effective enforcement effort to intercept illegal animal shipments. The Commission advocates a federal-state partnership as a means to increase capacity, and we believe the model for such a relationship can be found in the successful Federal Aid in Sportfish and Wildlife Restoration programs.

### Background and History

Florida has long been an epicenter for exotic fish and wildlife. Over 500 species of non-native birds, fish, reptiles, amphibians, mammals and invertebrates have been observed outside of captivity. At least 100 species are established, i.e., reproducing and unlikely to be eliminated without significant human intervention. Fortunately, most of these illegally introduced animals have not caused adverse ecological impacts, but their successful reproduction highlights Florida's vulnerability to the establishment of wildlife from other tropical regions.

For decades, Florida has been the destination of countless roadside zoos, traveling circuses, and other tourist attractions featuring exotic animal exhibits. This led to the development of a substantial industry dealing with the culture and exhibition of non-native species. Fueled by

Florida's subtropical climate and a burgeoning tourist industry, the captive wildlife trade has evolved into a multi-million dollar industry with nearly 4000 facilities holding regulated wildlife species, ranging from tropical fishes to exotic birds, and, of course, non-native constrictors. Not surprisingly, exotic pets are very popular and are in the possession of many Floridians throughout the state.

### Non-native Species and Captive Wildlife Regulations in Florida

The Commission has a long history of regulating and managing introduced species. Recognizing the threat posed by the widespread possession and often substandard housing of exotic animals, in 1967 the Commission initiated captive wildlife regulations to provide for public safety, animal welfare and the legitimate use of wildlife for personal, educational or exhibition purposes. In 1973, a special law enforcement unit was created to enforce these regulations. The Commission's Wildlife Inspectors had specialized training in zoology or wildlife biology along with law enforcement certification, and were responsible for inspecting major zoos and attractions, privately owned pet stores, and individual pet owners. Today, this function is performed by a broader Investigations unit that also deals with illegal trafficking in regulated non-native wildlife. The Commission's captive wildlife regulations have been modified several times since then, with notable changes for non-native constrictors, and today are among the most comprehensive in America.

In the 1970s, the Commission addressed the threat of illegally released non-native aquatic species from the aquaculture industry and aquarium trade. To prevent further releases and establishment of non-native fishes, those species that posed ecological risks, or risks to human health and safety, were given conditional status and could only be possessed by commercial import/export businesses under strict bio-security. Subsequently, these species were re-examined, and possession of animals that posed substantially greater ecological risks was prohibited (except by accredited exhibitors or researchers).

Currently, 1546 species have restrictions on possession in Florida, including permit requirements, documentation of knowledge and experience, containment, or outright prohibition. The vast majority of these species are non-native.

### Regulations for Burmese pythons

In response to the reproducing population of Burmese pythons in south Florida, in 2005 the Commission began consideration of restrictions on this species and other large constrictors. The Commission had convened a stakeholder group to advise the agency on revisions to its captive wildlife regulations. In 2006, the Commission focused on five non-native constrictors that routinely exceed 12 feet as adults, thus posing a threat to human safety as well as potentially causing adverse ecological impacts. Preliminary regulations were developed to require permits to possess these non-native species, and to require permanent marking of individual snakes to identify owners in the event animals were released or escaped.

Concurrent with the Commission's development of constrictor regulations, the 2007 Florida Legislature created a new regulatory classification, the Reptiles of Concern, and directed the

Commission to create a list of reptile species in this category. The legislation authorized a \$100 annual license to possess Reptiles of Concern, along with reporting and transportation requirements. The Commission subsequently designated five constrictors, including Burmese pythons, and one lizard (Nile monitor) as Reptiles of Concern. Effective January 1, 2008, these six species could be possessed only after purchasing the \$100 license, and all Reptiles of Concern in personal possession had to be implanted with a permanent micro-chip identifying the individual reptile. Dealers and breeders were exempted from micro-chipping animals in their inventories. All license-holders were required to maintain records and report changes in inventory. Violation of these requirements could lead to civil or criminal penalties up to a first degree misdemeanor, depending on the severity of the infraction.

In addition, the Commission imposed bio-security restrictions on Reptile of Concern owners, including caging and enclosure standards, access restrictions, and, perhaps most significant, the requirement for a Critical Incident Plan that details measures to secure Reptiles of Concern in the event of an impending hurricane or flood. These regulations closed a significant vulnerability from the 1990s, when Hurricane Andrew led to the release of many Burmese pythons in close proximity to Everglades National Park.

We believe that the Reptile of Concern regulations are a significant step in reducing the risk of future establishment of non-native constrictors. The license requirement has virtually eliminated the impulse purchase of Burmese pythons by uninformed buyers, reducing the risk of release as these animals grow too large. Increased bio-security and disaster preparedness have mitigated the risk of escape of large numbers of animals from commercial entities. Although it is not possible to know how many pythons were sold prior to these requirements, relatively few Burmese pythons have been sold in Florida since the regulations went into effect. The Commission issued 398 licenses over the past two years. Through December 2009, there were 480 inspections, 98 citations for non compliance, 132 warnings, and 73 Reptiles of Concern were seized. Furthermore, required reports from dealers indicate that the majority of all Reptiles of Concern are sold outside of Florida, in states with low risks of establishment.

The Commission continues to examine its regulation of Burmese pythons. Recently, a Reptiles of Concern stakeholder group provided recommendations to Commission staff on regulations for pythons. The group was comprised of representatives from state regulatory and management agencies, the reptile industry, conservation organizations and animal welfare advocates. Its recommendations included extending the Commission's amnesty program to allow surrender of Reptiles of Concern to licensed individuals at any time, and reducing the minimum size for permanently marking reptiles with microchips. These recommendations were approved by the Commissioners, and will be incorporated into new regulations in 2010.

Increased regulation of exotic constrictors is part of a multi-faceted approach to management of non-native species that seeks to protect Florida's native wildlife, allowing the legitimate use of some exotic animals by responsible parties, while restricting or prohibiting more problematic species. The Commission's list of 716 prohibited species largely consists of animals that were not integral components of the trade, and this was an effort to "get ahead of the game." However, many non-native species are already in widespread personal possession or are important in Florida's wildlife trade. Accordingly, the Commission has chosen to pursue a well regulated

industry rather than contend with the difficult proposition of controlling underground traffic in popular species.

The Commission supports appropriate restrictive measures to further reduce the prospects of another established non-native snake. However, Florida is in a unique position with regard to non-native species. The port of Miami is a principal entry point for a vast array of exotic animals, and this has led to the establishment of import/export businesses, breeders, wholesalers and dealers. Some of these animals are purchased by Florida pet owners, but many more are destined for markets in other states and countries. As the Commission has tightened the requirements to possess Burmese pythons and other Reptiles of Concern, we have proceeded in a measured way to ensure that we did not inadvertently create a class of value-less, and therefore, disposable animals. In short, blanket prohibition of species in widespread possession may have unintended consequences, and flexible regulatory approaches are needed.

#### Burmese python control and management in south Florida

The Burmese python population in south Florida covers roughly 2000 square miles, with the core population in Everglades National Park and surrounding lands, including South Florida Water Management District (SFWMD) property, and Big Cypress National Preserve. Understandably Everglades National Park and the SFWMD have assumed principal roles in monitoring, research and development, and control activities. The Commission has supplemented this effort by aggressively implementing programs on our managed lands to limit the spread of pythons from the core area.

The Commission manages hunting, fishing and wildlife habitat in five Wildlife Management Areas in the vicinity of, or overlapping the Burmese python population. Our strategy in these areas is to provide opportunistic control and containment to curtail the further expansion of the population until more effective removal techniques are developed. In July 2009, we issued permits to 15 volunteers to patrol these management areas to search for and dispatch pythons. These herpetological enthusiasts were selected based on their knowledge of pythons and ability to collect biological data. During 2009, these volunteers removed 39 pythons. Permits have been renewed for six permittees for 2010, although unusually cold weather has reduced the python population and, consequently, the number of pythons removed.

In 2008, the Commission approved rules allowing the take of non-native species on private land throughout the year, using legal methods and with landowner permission. In 2009, an executive order extended this to selected public hunting lands in south Florida, allowing licensed hunters to kill pythons (or other Reptiles of Concern) encountered while they were pursuing game during established hunting seasons. Identification guides to help hunters distinguish pythons from native snakes were provided at check stations and on the Commission's web site. This executive order was codified in Commission regulations effective December, 2009. The south Florida hunting community has embraced this opportunity to assist the Commission's efforts to control the spread of Burmese pythons. At their last meeting, our Commissioners authorized a special season in certain Wildlife Management Areas, further extending the opportunity for our partners in the hunting community. The special season continues through mid-April when pythons are vulnerable during their breeding season.

The Commission's enforcement staff in south Florida has the opportunity to access some of the remote regions on the leading edge of the python population, and officers who encounter pythons dispatch these animals and provide the information to the Commission's database. We also network with staff in state and county parks to record any large snakes they observe or have reported by their visitors.

Together these programs demonstrate our commitment to contain Burmese pythons within extreme south Florida and to prevent establishment of Burmese pythons elsewhere in Florida.

### Management of non-native species

The Commission's management of non-native species focuses on preventing their establishment. Restrictive regulations serve as an important deterrent to the release of exotic species, and very few of the species with restrictions on possession have become established. However, outreach and education are equally important in communicating that releasing non-native species in Florida is, first and foremost, illegal but also ecologically unwise. The Commission has engaged in outreach through its biological and enforcement divisions, and through interagency efforts with its state and federal partners.

Our amnesty program is both a prevention and outreach effort developed in anticipation of increased restrictions on possession of Burmese pythons. Previous federal designations of species as injurious wildlife (e.g., walking catfish, snakeheads) have been followed by observations of these animals in new locations. Presumably this resulted from owners of these animals who either incorrectly believed they could no longer possess their animals legally, or felt they had no legitimate outlet to get rid of their pets.

In 2006, the Commission held its first amnesty event in Orlando, where anyone in possession of exotic fish or wildlife could surrender their animal, no questions asked. Donated animals would be placed with qualified individuals, and no pets would be euthanized except for very sick animals at the advice of an attending veterinarian. Since that time, amnesty events have been held in the Tampa Bay area, Miami, Orlando area and Jacksonville. In 2008, the Commission approved a rule formalizing the amnesty program. Altogether these events have resulted in the surrender of approximately 600 animals, providing an outlet for owners of recently restricted pets. Moreover, they have been instrumental in increasing public awareness of the issue of illegal release of non-native wildlife. Local, state and federal agencies and non-governmental organizations have cooperated in the amnesty program, and plans are nearly complete to provide technical support for local communities to sponsor their own amnesty events.

Florida's citizens are ethnically diverse, particularly in the southern part of the state where most non-native species have been observed. Many of Florida's recent residents are unaware of the legal and cultural issues of non-native wildlife. The Commission has begun to reach out to the next generation of Floridians by incorporating age-appropriate exotic species activities in the classroom using the long-established Project WILD program. We hope to instill a conservation ethic, including respect for native species, in Floridians whose parents have come from all over the world.

Unfortunately, prevention is not foolproof. The Commission maintains a database of non-native species observations and cooperates with other agencies to share information on recently reported exotic animals to improve our chances of eliminating incipient populations and to reduce potential impacts and the costs of long term management. A multiagency effort to eliminate a small population of the African sacred ibis appears to be successful. Similarly, the prospects for eradicating a localized population of Gambian pouched rats in the Florida Keys are excellent.

#### How to improve non-native species management

The Commission acknowledges the need for increased capacity to identify potentially invasive species prior to their importation or widespread trade. Risk analysis - assessing the likelihood of establishment of a non-native species and its consequences – should be implemented for species currently in or proposed for commercial trade. While some species are problematic at the national level, e.g., zebra mussels, other animals pose local or regional threats, and flexible legal and operational solutions are needed.

We propose the concept of a federal-state partnership, where the states conduct risk analyses under the auspices of federal administration, similar to the highly respected Federal Aid in Sportfish and Wildlife Restoration programs. Results from analyses conducted by the states would have regional or national application as risks and mitigation measures are identified. Species found likely to cause adverse ecological or economic impacts at the national level would be candidates for Injurious Wildlife listing under the Lacey Act and prohibited from importation or interstate shipment. Species with high risk of impact at the state or regional level would fall under state-based restrictions. Significantly, interstate shipments violating such state laws would be subject to federal prosecution under the Lacey Act, bringing into play the significant deterrent value of this legislation.

Finally, we believe enforcement capacity must be increased concurrent with additional regulations on non-native species. Increased state law enforcement, in cooperation with existing federal programs, should play a pivotal role in this undertaking. Joint enforcement by state officers and U.S. Fish and Wildlife Service Investigators and Special Agents would increase the capacity at international ports. State officers would be charged with enforcing their own laws, but with enhanced communication with the U.S. Fish and Wildlife Service.

We hope this testimony confirms our commitment to reducing the risk posed by non-native species and we thank you again for the opportunity to provide input on these important topics of both state and national interest.