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STATEMENT OF THE

AMERICAN FARM BUREAU FEDERATION TO THE SUBCOMMITTEES ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS AND NATIONAL PARKS, RECREATION AND PUBLIC LANDS

REGARDING THE JOINT OVERSIGHT HEARING ON THE GROWING OVERSIGHT OF INVASIVE SPECIES

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Presented by,

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Good afternoon. My name is Bill Pauli, President of the California Farm Bureau Federation and a member of the Board of Directors of the American Farm Bureau Federation. I am very pleased to be here this afternoon to discuss the staggering problems caused by harmful invasive species.

We are pleased that the subcommittees are holding this joint hearing on a topic that is so critically important to agriculture. Both subcommittees represented here today have jurisdiction over major aspects of the problem—the Fisheries Conservation, Wildlife and Oceans committee with aquatic invasive species entering the United States by sea, and the National Parks, Recreation and Public Lands subcommittee with invasive plants and animals on federal lands. Both of these pathways are of concern to agriculture in California and across the United States.

Invasive plants and animals pose an extremely serious problem for agriculture. Harmful plant and animal pests devastate thousands of acres of croplands and rangelands. While economic costs to agriculture are difficult to pinpoint with any accuracy due to the staggering scope of the problem, a recent study estimated that invasive plants and animals cost the American people \$137 billion every year. (Pimentel et al., Environmental and Economic Costs Associated with Non-Indigenous Species in the United States, Cornell University, June 12, 1999).

A 1996 Bureau of Land Management report estimates that invasive plants alone infest over 100 million acres across the United States. The same report says that these plants spread across another million acres each year—an area twice the size of the State of Delaware. It further finds that harmful plants negatively impact an additional 4,600 acres of federal lands in the western United States PER DAY.

Invasive weeds also substantially contribute to the threat of catastrophic wildfires that have plagued the drought-stricken West for the past few years. Invasive flammable weeds such as cheatgrass fuel wildfires so that they burn hotter and spread faster.

Invasive species also exact a heavy environmental toll. Many invasive species threaten plant, animal or human health. The recently introduced West Nile Virus illustrates the human health risks that invasive species can pose. Invasive species alter plant and animal habitats and ecology. One study estimates that invasive plants and animals have contributed to 35 to 46 percent of all species being listed under the Endangered Species Act.

Invasive species are especially a problem in my home state of California. California is extremely diverse in terms of land uses and ecosystems. As a result, we produce an extremely wide array of crops that include most of the crops grown in the United States. We also experience most of the problems with different types of invasive species that are encountered elsewhere across the country.

Invasive species entering California through ballast water from ships arriving from other countries is a significant problem. Roughly ninety percent of the planktonic and benthic organisms in the San Francisco Bay and Delta systems are species that were not present in California thirty years ago. Introduced fish species frequently alter the ecology of aquatic ecosystems by reducing natural aquatic vegetation or reducing water quality by increasing turbidity. The Chinese mitten crab and zebra mussel are two examples of an invasive species becoming established in California as a result of ballast water. Farm Bureau supports H.R. 1080, "The National Aquatic Invasive Species Act of 2003," as a way to more effectively address this problem.

Other invasive species significantly imperil California's rangelands. It displaces more nutritious plants in rangelands, pastures, roadsides, and agricultural areas. Today, yellow starthistle infests more than 20 million acres in California alone, with the potential to double that number. It severely impacts livestock grazing because it is an unpalatable plant that displaces more desirable grazing forage. Livestock and wildlife avoid heavily infested areas. It also may be lethal to horses.

Harmful new species enter the United States from various sources every day. Some can be carried great distances. Already established invasive species spread rapidly into new areas. The costs are mounting.

Farm Bureau strongly supports an aggressive program at the local, state and federal levels to prevent the introduction of invasive species into the United States, and to control or eradicate invasive species that are already here. The management plan developed by the National Invasive Species Council (NISC) titled "Meeting the Invasive Species Challenge" provides a framework for addressing these issues.

Critical elements of a successful program include:

1. A Clear Definition of "Invasive Species" Must be Developed.

In addressing the invasive species issue, it is important to understand that many non-native species are beneficial to man and the environment and therefore should not be considered "invasive" merely because they are not native to the areas in which they are found. Agriculture depends on a large number of native and non-native plants, animals and insects for its viability. Most cultivated crops and many domesticated animals originated outside the United States. Corn, wheat, potatoes, cattle, soybeans, kiwi plants — all originated outside the United States and are "non-native" species. In fact, eight of the top nine most economically significant U.S. plants came from outside the United States.

Current examples of species considered "invasive" but which have beneficial effects on agriculture include the black carp and crownvetch. Black carp provide a significant benefit to aquaculture producers by controlling parasitic snails and mollusks in aquaculture facilities. They are used only in controlled settings, and only sterile (triploid) carp are used. Properly controlled, these fish can be very beneficial to aquaculture facilities, but could be considered "invasive" if they get loose in streams and rivers and multiply. Nevertheless, Farm Bureau supports appropriate regulation of black carp to ensure that it does not become an invasive species. Such regulation includes the use only of triploid (sterile) black carp with adequate inspection to ensure that only triploid black carp are used. We also support a back-up electric fence in Illinois to guard against black carp reaching the Great Lakes area.

Crownvetch is a non-native plant species that is very useful in slope stabilization, beautification and erosion control on highways. It is also useful as a living mulch for no-till corn. Yet it is considered "invasive."

The tendency to consider all non-native species to be harmful must be avoided. "Invasive species" should not be considered synonymous with "non-native species," "alien species," or "exotic species."

"Non-native species" might be more appropriate targets at ports of entry into the United States, either to prohibit their entry or to monitor their entry and subsequent use if intentionally introduced for some beneficial purpose. Once a species is established, the principal factor for considering a species "invasive" is whether the species causes economic and environmental harm.

Because most agricultural crops and livestock are not indigenous to the areas in which they are raised, it is of utmost importance for agriculture that the definition of "invasive species" exclude agricultural products.

The working definition of "invasive species" in Executive Order 13112 and in the NISC management plan is so loosely worded that it could be construed to include agricultural products or other beneficial non-native

species as "invasive." It needs to be changed to reflect our concerns expressed above.

2. There Must Be Effective Coordination Among Federal Agencies.

More than 20 different federal agencies currently have some responsibilities or authority for different aspects of the invasive species issue. Many of these programs overlap or operate independently of one another. Many address different aspects of the invasive species issue, such as prevention at ports of entry or control of pests after they have become established. Many of these programs have a different focus or emphasis. There is a critical need that these authorities, responsibilities and programs be coordinated to achieve maximum results.

The NISC provides the framework for achieving the coordination to effectively address invasive species. The Invasive Species Management Plan provides direction for achieving the necessary coordination. Congress and the administration must provide the requisite priority and funding for coordinating the substantial federal invasive species activities. As an administratively created body, the NISC should look to the Executive Branch to provide the priority needed to achieve coordinated results. The Council on Environmental Quality (CEQ) can also play a vital role to achieve federal coordination with oversight by NISC. Congress can and should provide adequate funding to carry out the invasive species management plan.

3. Federal Coordination Should Support State and Local Invasive Species Control Efforts.

Farm Bureau believes that invasive species issues can be most effectively addressed at the state and local levels. States have the primary responsibility over invasive plant and animal species within their borders, and many states have very active programs to combat invasive species.

Florida is a primary point of entry into the United States. Its massive invasive species problem stems in large part from accidental introduction. Citrus canker, which has cost more than \$240 million and resulted in the destruction of thousands of trees, was introduced through Miami International Airport. At a recent Florida Agricultural Pests and Disease Conference hosted by Florida Farm Bureau, exclusion programs were identified as the top priority in Florida for addressing the problem. National priorities cannot be developed in a vacuum—they must be derived from the priorities of the respective states. Together, they form national priorities.

Local, community based partnerships offer the most promise in controlling invasive species within an area. Local partnerships allow for control of invasive species across land ownership boundaries that is an integral part of achieving control. Federal coordination, technical assistance and financial support are necessary to aid these efforts.

An example is the El Dorado County Noxious Weed Group in California. The highly invasive spotted knapweed was detected in the Sierra Mountains east of Sacramento a few years after a wildfire devastated the area. It was first detected on Sierra Pacific Industries commercial timberlands in 1999 and was probably brought in on equipment and erosion control materials used in the fire suppression and timber salvage efforts. This highly invasive weed chokes out native plants and agricultural crops and increases soil sedimentation in creeks and rivers. Hand-pulling and herbicide treatments have been somewhat effective, but due to the steep terrain, heavy fire debris and lack of manpower, the weed has not been eradicated on the original 20-acre site.

The El Dorado County Noxious Weed Management Area (WMA) has raised this project to emergency status. The project partners include representatives from the Eldorado National Forest, Sierra Pacific Industries, El Dorado County Department of Agriculture and California Department of Food and Agriculture. Other members of the local Weed Management Group, including California Native Plant Society - El Dorado Chapter, El Dorado County Farm Bureau and private landowners, have supported the eradication efforts. Grant funding from the state has helped in the eradication efforts over the past three years. Additional federal support and funding is vital to continue the efforts.

H.R. 119 would provide needed funding through the states to local entities for projects such as this. Farm Bureau supports the enactment of H.R. 119 as a means of supporting local partnership efforts to control invasive species. We urge this committee to consider this bill and provide swift approval.

4. There Must Be Appropriate Tools Available to Combat Invasive Species.

Pesticides are often the cheapest, most effective way to eliminate problem weeds and unwanted plants. There are increasing regulatory hurdles to using effective products to deal with invasive species. In *Headwaters v. Talent*, 243 F. 3d 526 (9th Cir. 2001) the Ninth Circuit Court of Appeals ruled that aquatic herbicides could not be applied without an EPA permit under the Clean Water Act, despite the fact that registrants are required to provide extensive data to EPA on impacts to water in the registration process. These herbicides are necessary to address such invasive weeds as water hyacinth and *egeria densa* that clog canals and burn out irrigation pumps.

Recently another Ninth Circuit decision extended the scope of *Talent* and posed a threat to the ability to combat invasive species. In *League of Wilderness Defenders/Blue Mountain Biodiversity Project v. Forsgren*, No. 01-35729 (9th Cir.) the Court stopped the Forest Service from aerially spraying more than 628,000 acres of forest lands to control a predicted outbreak of the pest Douglas Fir Tussock Moth because the Forest Service failed to obtain a National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act. Such permits are required of point sources of pollution discharging pollutants into the waters of the United States. In reaching this result, the Court had to conclude that aerial spraying constitutes a "point source of pollution," "pesticides are pollutants," and "exemptions for silvicultural activities did not apply." The Court held that aerial spraying was a point source because it applied from a "discrete conveyance" (nozzle). More importantly, it found that pesticides were "pollutants." Having ruled on these issues, the Court held that EPA had no discretion to carve out any exceptions such as the one at issue in this case. The United States is considering whether to ask the U.S. Supreme Court to hear this case.

Aerial spraying is an absolutely necessary component of effectively controlling large areas of noxious weeds and invasive plants, especially in the vast areas of the West. If there is to be any hope of containing, much less eradicating, yellow starthistle or other widespread weeds such as leafy spurge or spotted knapweed, aerial spraying is a must. Imposing a requirement that any aerial application must first obtain an NPDES permit will significantly impair our ability to control these species. The impediments thrown up by the *Forsgren* decision must be addressed legislatively to control invasive species on federal lands.

Another court imposed restriction on the ability to address invasive species issues involves the interface of the pesticide registration statutes and the Endangered Species Act. The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) imposes rigorous data requirements on prospective registrants of a pesticide. Included within the requirements are studies on the possible impacts of a product on plants and wildlife, including species listed under the Endangered Species Act. The Endangered Species Act in turn requires agencies such as EPA to "consult" with the Fish & Wildlife Service in cases where an action—such as registering a pesticide—"may affect" a listed species. This results in a duplication of efforts, since the product has already undergone rigorous scrutiny by EPA.

Several cases have been brought seeking to enjoin the use of pesticides because they have not undergone the "consultation" required by the ESA. At least one federal district court in Washington State has ruled that such consultations must occur. EPA recently settled a similar case in California. Fortunately, thus far the federal agencies directly impacted by this line of cases are working toward a solution.

More Effective Partnerships Between Federal, State and Local Agencies and Private Landowners Will More Efficiently Address Invasive Species Problems.

The invasive species problem in the United States has reached epidemic proportions. Success will be achieved only if all affected entities work together to control and eradicate invasive species.

Farmers and ranchers can play an important role in combating invasive species. They already spend billions of dollars yearly fighting invasive species on their privately owned lands. Since many or most invasive species occur to an extent on private lands, farmer and rancher cooperation is essential. More effective partnerships with private landowners can maximize efforts to bring invasive species under control.

Government agencies should coordinate invasive species treatment with private landowners. Especially in the West, ownership patterns between state, federal and private lands are intermingled. Invasive species do not respect boundary lines. In many cases, simply coordinating the timing and treatment method between private and adjoining non-private landowners can achieve significant results.

Agencies should make better use of farmer and rancher management practices to better control invasive species. Livestock grazing can be an important tool in managing invasive plant species. It is a valuable practice for reducing fuel loads that increase the risk of catastrophic wildfire and the resulting emergence of

invasive weeds. Stewardship contracting for healthy forests and rangelands should recognize the benefits of livestock grazing as an environmentally sound method for reducing fuel loads and removing invasive species as well.

There are a number of examples in California to illustrate the benefits that grazing can have on control of invasive species. Goats are being used near Oakland to manage fuel breaks in East Bay Regional Parks and to manage yellow starthistle in nearby areas. In Vasco Caves Regional Park, sheep are used to maintain habitat for the endangered San Joaquin Kit Fox.

Landowner conservation programs should focus on control of invasive species. Since invasive species cause a number of environmentally harmful impacts, almost any approved conservation program could be used to address the issue. For example, invasive species are the second leading cause for decline of endangered or threatened species. Grants under the Private Stewardship Grant Program and the Landowner Incentive Program for improvement of habitat have as a component the control or removal of any associated invasive species. Similarly, invasive species are a leading cause of "unhealthy forests," and grants made from stewardship contracts under the Healthy Forest Initiative might be used for invasive species control. Conservation funds for the Environmental Quality Incentives Program, the Conservation Security Program and other programs could also be used for invasive species management.

Landowner partnerships must be voluntary, cooperative and incentive-based. Such programs should not be regulatory in nature but cooperative. Farmers and ranchers share a common desire with the government to eradicate these destructive pests, so cooperation instead of regulation will achieve the best results.

Public Outreach and Education Are Essential.

Public outreach and education are also essential elements of an effective invasive species policy. Individual transportation is a major pathway for the introduction and spread of invasive species. They may be recreational boaters, gardeners, or travelers. In most cases, these people are unaware that they are carrying or spreading invasive species, and they would take greater precautions or corrective actions if they knew the consequences of their actions. Often, the introduction or spread of invasive species results from carelessness that is easily corrected if the consequences are known. In many cases, corrective actions involve nothing more than proper cleaning of boats or fishing gear, but the potential benefits may be significant.

Public education is an important component of any invasive species management policy. An effective education and outreach program involves more than the creation of educational materials on invasive species. The current public outreach effort lacks a sense of importance or even urgency to this problem. The general public must be convinced that the actions they take to prevent introduction or spread of invasive species are important. Affected agencies and Congress must emphasize the importance and priority of the invasive species problem in order to affect public behavior.

Research Needs.

Because so little is known about the various invasive species, and new invasives are entering the United States, research needs are great. Research is needed in identifying pathways by which invasive species get into the United States so that efforts can be undertaken to prevent their entry. This is crucial in order to prevent additional costly control and eradication projects. Research is needed to predict which species coming into the United States might become economically harmful. The U.S. Geological Survey is already undertaking some of this research and its efforts should be supported. Biological research into life cycles of known invasive species is important in understanding how to control them. Coordination with scientists in the country of origin would greatly help. Research into the most effective and environmentally sound ways to control or eradicate invasive species is also necessary.

We are pleased that the subcommittee is holding this hearing on such an important issue. The American Farm Bureau Federation stands ready to assist the committee in addressing this serious problem.

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