

# **NATIONAL ENVIRONMENTAL COALITION ON INVASIVE SPECIES**

**Alliance for the Great Lakes, Great Lakes United, National Audubon Society  
The Nature Conservancy, The Wildlife Society**

April 20, 2012

Senator Benjamin Cardin, Chairman  
Environment and Public Works Committee  
Subcommittee on Water and Wildlife  
509 Hart Senate Office Building  
Washington DC 20510

Senator Jeff Sessions, Ranking Member  
Environment and Public Works Committee  
Subcommittee on Water and Wildlife  
326 Russell Senate Office Building  
Washington DC 20510

Re: Wildlife Disease Emergency Act, S.357 – Hearing on April 24

Dear Chairman Cardin and Ranking Member Sessions,

The National Environmental Coalition on Invasive Species (NECIS) is a national partnership of several major environmental and scientific organizations that provides a united voice on invasive species policy. It includes scientists, lawyers, activists and advocates with many years of experience on invasive species issues. The undersigned NECIS members are writing to express our support for the Wildlife Disease Emergency Act, S.357, while we respectfully ask that it be modified as we suggest below. We applaud Senator Lautenberg's leadership in addressing this issue and we appreciate that it has been scheduled for a hearing in the Environment and Public Works Committee on April 24.

Emerging wildlife pathogens and parasites are a subset of the invasive species problem. They pose a critical threat to the health of wildlife, and in some cases the same pathogens and parasites can also harm humans and/or domesticated animals. The global trade in wildlife and pets, international travel, introduction of non-native species and changes in land use have all contributed to wildlife coming into contact with pathogens and parasites to which they are unaccustomed and lack resistance. Prevention is the key to stopping disease outbreaks and the often dire health and economic impacts on the nation, such as we are seeing now with the deadly white nose syndrome in bats and the chytrid fungus that has eradicated many native amphibian species.

The Wildlife Disease Emergency Act as written would help remedy some of the major challenges in responding to emerging diseases. However, to paraphrase the old saying, "an ounce of prevention is worth a pound of response". The bill should be strengthened on the prevention side. Therefore, we urge these two brief, but critical, changes:

- Sec. 2 PURPOSES, should have a one word addition, (in bold here):

*The purposes of this Act are—*

*(1) to authorize the Secretary of the Interior to identify, **prevent** and declare wildlife disease emergencies;*

- Under Sec. 8 – Administration, add a new subsection:

*a) **The Secretary may issue regulations and orders necessary to prevent wildlife disease emergencies.***

Four additional changes related to Sec. 3 DEFINITIONS, will give the bill the full scope needed to effectively address wildlife disease risks:

- The definition “(2) DISEASE” should delete the exclusionary phrase “~~is not a zoonotic~~”. A vast number of wildlife diseases are zoonotics. Excluding all zoonotics from the bill would not be prudent because, when it comes to their wildlife impacts, the fact that a zoonotic disease also may infect humans does not mean the disease is adequately addressed under other Federal laws or by other agencies. Keeping that exclusionary phrase in the bill will drastically reduce the ability of the Secretary of the Interior to prevent and respond to the wildlife-specific impacts of future zoonoses comparable to the devastating West Nile virus or monkeypox virus, which are examples of zoonotics introduced into the United States since 2000. We recommend these additional changes to the bill so that, while it would include zoonotic diseases, it also would ensure that the Interior Department does not duplicate or interfere with the authority of USDA to regulate livestock or plant diseases or the authority of CDC to regulate human diseases:

[[insert the **bolded text** in Sec. 8 ADMINISTRATION, so the whole Section would read as below, including the new section (a) on adopting needed preventative measures that we recommended adding, above:]]

*a) **The Secretary may issue regulations and orders necessary to prevent wildlife disease emergencies.***

*(b) Nothing in this Act--*

*(1) limits the authority of the Secretary to respond to wildlife disease events that are not declared wildlife disease emergencies under this Act;*

*(2) limits, repeals, supersedes, or modifies any provision of Federal, State, local, or tribal law (including regulations); or*

*(3) **authorizes the Secretary to regulate any pathogen or parasite that is—***

*(A) defined or regulated by the Department of Health and Human Services as a threat to humans under section 361 of the Public Health Service Act (42 U.S.C. 264);*  
*(B) defined or regulated by the Department of Agriculture as a threat to livestock or poultry under the Animal Health Protection Act (7 U.S.C. 8301 et seq.); or*  
*(C) defined or regulated by the Department of Agriculture as a plant pest or approved for biological control purposes under the Plant Protection Act (7 U.S.C. 7701 et seq.).*

*(4) Exception.—The Secretary may regulate a pathogen or parasite described in any of subparagraphs (A) through (C) of paragraph (3) to the extent that the pathogen or parasite poses a wildlife disease risk.*

- The definition “(8) WILDLIFE” is too restrictive. We question the need to include this definition in the bill, but if it is to be defined it should simply say “**any wild animal**” and not be restricted as it is now to “native” animals. The Secretary needs to be able to address disease in non-native species of wildlife in the country because deadly infectious diseases that may at first infect non-native wildlife then may later infect native wildlife.
- Further, there is no need for the definition to include the list “*mammals, fish, birds, amphibians, reptiles, mollusks, and arthropods.*” This excludes coverage of diseases in some wild native invertebrate groups, such as, for example, echinoderms or annelids. It is preferable to just say “**any wild animal**”.
- Finally, we recommend that the definition “(9) WILDLIFE DISEASE EMERGENCY” should be added to as indicated in bold so as to include “parasites”. Many wildlife diseases, such as heartwater, are caused by parasites, so their role should not be ignored.

*The term `wildlife disease emergency' means a disease that--*

*(A) is infectious and caused by--*

*(i) a newly discovered pathogen **or parasite***

Thank you for your attention to these recommendations. If you have any questions, please contact our policy lead on this issue, Peter T. Jenkins, Center for Invasive Species Prevention at [pjenkins@gmail.com](mailto:pjenkins@gmail.com) or tel: 301.500.4383.

Sincerely,

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cc: members of the Water and Wildlife Subcommittee