

February 1, 2014

Administrator Howard Shelanski
Office of Information and Regulatory Affairs
Office of Management and Budget
Executive Office of the President
Eisenhower Executive Office Building
1650 Pennsylvania Ave NW, Room 262
Washington, DC 20503

Dear Administrator Shelanski,

On behalf of the below signed organizations, we are writing to address the ongoing review of the final rule listing the reticulated python, the DeSchaunsee's anaconda, the green anaconda, the Beni anaconda and the boa constrictor as injurious under the Lacey Act. Together, these five snake species comprise two-thirds of imported large constrictor snake species, and were all recognized by the U.S. Geological Survey to be species of high-or-medium risk to the health of ecosystems in the United States. As this rulemaking process initially began almost eight years ago and as these snakes represent a serious risk to public health and safety and threaten natural resources, we reiterate our request that the Administration expeditiously finalize the rule listing these species as injurious under the Lacey Act.

On March 12, 2010, the Fish and Wildlife Service (FWS) issued a proposed rule to list nine large constrictor snakes as injurious under the Lacey Act.¹ Despite the fact that scientists with the USGS concluded that all nine species presented a “high” or “medium” risk of becoming invasive², on January 23, 2012, FWS issued a final rule stating that only four of those nine species would be listed as injurious under the Lacey Act: Burmese pythons, yellow anacondas, and northern and southern African pythons.³ At that time, FWS stated that the remaining five species of snakes were still being considered for listing. Of the five that were not included in the final rule, three are currently found in the U.S. pet trade — boa constrictors, reticulated pythons, and to a lesser extent, green anacondas.

Unless these species are added to the listing, the trade in these species will continue to threaten the public health and safety, as well as the environment. In the U.S., reticulated pythons have killed four adults and three babies and at least two human deaths are attributed to boa constrictors.⁴ Furthermore, boa constrictors are already established in parts of Florida, continue to threaten areas in Hawaii and have established a breeding population in Puerto Rico. Recently, 150 boas have been removed from the wild in an increasingly large area of Mayagüez in western Puerto Rico and long-distance dispersal within the

¹ 75 Fed. Reg. 11,808 (Mar. 12, 2010).

² R.N. Reed & G.H. Rodda, *Giant constrictors: biological and management profiles and an establishment risk assessment for nine large species of pythons, anacondas, and the boa constrictor*: U.S. Geological Survey Open-File Report 2009-1202 (2009) (USGS).

³ 77 Fed. Reg. 3,330 (January 23, 2012).

⁴ For more detailed information on large constrictor snake incidents, including deaths, attacks and escapes, please see the attached list of Large Constrictor Snake Incidents.

island may be occurring.⁵ Island ecosystems are particularly vulnerable to snake invasions and Puerto Rico has no natural predators that can keep these prolific snakes in check. Without swift action, Puerto Rico may experience problems similar to Cozumel, where boa constrictors were released in 1971 and have since become widely distributed on the island⁶ or in Aruba where boa constrictors now kill more than 17,000 island birds per year.⁷

Furthermore, an economic analysis, attached to this letter, conducted by a third party firm concludes that the listing of the five snake species would not have a drastic effect on small businesses that deal in the sale of reptiles:

“Listing five additional species of large constrictor snakes as injurious under the Lacey Act would result in little or no net change in economic activity, consumer spending, or employment. Any decline in consumer spending and economic activity related to the five listed snakes would be offset by increased spending and economic activity in other sub-sectors of the reptile trade and in other sectors of the economy, with little or no net change in overall economic activity or employment...”

The report further details that these constrictors proposed for listing are a very small part of sales in the industry and they are species that may already be declining in popularity independent of proposed regulations. Furthermore, it notes that the addition of these five snake species under the Lacey Act potentially reduces a variety of costs to a number of states that will have to battle the impacts from the invasive nature of these snakes. This includes addressing the costly damage to existing ecosystems and native species and the costs associated with controlling and removing these invasive species and their growing populations.

These conclusions are further verified by available industry data. According to the American Pet Products Association, 5.6 million households keep 11.5 million reptiles. Yet, LEMIS import data provided by U.S. Fish & Wildlife Service shows that fewer than 10,000 boa constrictors, reticulated pythons, and green anacondas were imported into the U.S. in 2012. This illustrates that the large constrictor snakes are not a significant part of the overall reptile industry. Unfortunately, however, this very small number of animals has the potential to cause a great deal of damage to the natural environment.

We greatly appreciate your time and attention to this very important issue. We urge the administration to take the necessary step to list these five large constrictor snake species as injurious under the Lacey Act. Please see the attached economic report, as well as the attached letter, dated March 7, 2013 as supplemental information.

Sincerely,

⁵ R. Graham Reynolds et.al., *Genetic analysis of a novel invasion of Puerto Rico by an exotic constricting snake*, BIOLOGICAL INVASIONS (2012).

⁶ Miguel Angel Martinez-Morales & Alfredo D. Curan, *Boa Constrictor, an introduced predator threatening the endemic fauna on Cozumel Island*, 8 BIODIVERSITY AND CONSERVATION 957 (1999).

⁷ Michele Berger, *Birding in Aruba*, AUDUBON (Dec. 12, 2012).