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TSK, Inc.  
Testimony on H.R. 511  
Before the  
Subcommittee on fisheries, Wildlife, Oceans and Insular Affairs  
House Natural Resources Committee  
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Mr. Chair and members of the Subcommittee, I am Colette Sutherland and I along with my husband Dan own TSK, Inc. that was started back in 1989. Thank you for inviting me to present testimony on the H.R. 511, a bill that would add nine species of constrictor snakes to the Lacey Act.

I have been keeping and breeding various types of reptiles for the past 40 years. I have a Bachelors of Science in Zoology with a teaching option in Biology from Brigham Young University in 1985. While at the University I worked in the Herpetology department taking care of the live reptiles that were there at the time. The reptiles there included a Burmese python, common boa, Gila monster and various venomous snakes.

In 2000 we were approached by Dr. Mark Seward to make a video on breeding ball pythons. We agreed and the video and accompanying information came out in 2001. In late 2004 I was approached by TFH, a large animal care publishing company, and authored a basic book on ball python care for their "Quick and Easy" series. In late 2008 I was again approached by TFH to write another more comprehensive ball python book for their "Complete Herp Care" series which was published in 2009. In 2011 Benson Morrill, a Utah State University graduate, used data that had been collected at our facility for close to 10 years to publish his doctoral thesis - Quantitative Genetic Analysis of Reproduction Traits in Ball Pythons. In 2012 this paper was also submitted by Dr. Benson Morrill to the Journal of Animal Breeding and Genetics.

With respect to H.R 511, I have serious concerns about the approach being taken. Listing a species under the Lacey Act by legislative fiat is not in my opinion the best course for dealing with Federal regulation of an invasive species. The listing process currently employed by the Fish and Wildlife Service while possibly in need of revision to be more expeditious at least is founded upon science-based findings. The process is open to public comment, peer review, and potential modification via the regulatory process. As you are aware the US Fish and Wildlife Service earlier this year listed four species of large constrictor snakes as injurious under the Lacey Act. The Service deferred making a final decision with respect to five non-native constrictor species that the Service at that time did not believe that listing was warranted. I believe that the Service is in the best position to make such findings. I submitted comments at various stages of the Fish and Wildlife Services' evaluation of large constrictor snakes. Additionally, as a member of the Pet Industry Joint Advisory Council's (PIJAC) Reptile and Amphibian Committee, I worked closely with them in addressing various aspects of the regulatory listing process. Then as now I am opposed to a nationwide ban on any species whose potential negative impact at best is limited to extremely localized areas in south Florida.

According to Fish and Wildlife Service a species is evaluated on a variety of factors before it can be listed as injurious: “Such as the species’ survival capabilities and ability to spread geographically; its impacts on habitats and ecosystems, threatened and endangered species, and human beings and resource-based industries; and resource managers’ ability to control and eradicate the species. Analysis of these factors guides the Service’s listing determination. Scientific data is reviewed for factors that contribute to injuriousness and factors that reduce or remove injuriousness. In addition, other laws require that various economic analyses are conducted to determine the economic impacts of potential rulemakings”. Four of the original 9 large constrictors have already been added to the Lacey Act’s injurious species list. The remaining five, Beni anaconda, DeSchauensee’s anaconda, Green anaconda, Reticulated python and Boa constrictor are what will be discussed here.

Using the above criteria, we will look at the potential impact that the three anaconda species may have upon the Continental United States. Hawaii is left out since it is illegal to ship any snake to Hawaii and we can certainly exclude Alaska, as it is far too cold for any boa or python to survive there unless kept under captive conditions. The Beni and DeSchauensee’s anacondas at this time are not available in the pet trade nor are they currently kept in our country anywhere. Even if these 2 species did exist in the pet trade, there are no suitable climates here in the United States for them to successfully thrive according to the USGS risk assessment, let alone survive. Since there are no existing climates in the United States where they could survive that seems to preclude them from being injurious. What would be the purpose of adding them to the Lacey Act, - they don’t even exist in our country neither could they survive here in the wild.

In response to a recent inquiry regarding the status of these two species, David Barker, a noted herpetologist and author emailed me the following information on November 20:

To my knowledge, there has never been a live specimen of *beniensis* in the country (and I’ve looked). There very few records or reports of the northern yellow anaconda, *E. deschauenseei* in captivity in this country or Europe, and I am not aware of any in captivity in the past 30 years. Both species are given no chance of surviving in this country, according to the climate match of Reed and Rodda (2009).

The green anaconda on the other hand is in the pet trade, although in very small numbers. It has never had a huge following. The very large size along with its requirement of a more specialized care has limited the number of people that can successfully raise such a species. The green anaconda could potentially live in one area of the United States and that would be south Florida, however Florida has already taken steps to prevent an introduction of this species into the Everglades. As of July 1 2010 a Florida law was passed to deal with reptiles of concern. The green anaconda is on this list and is no longer available for personal use in the state of Florida. Private citizens that owned this snake prior to this date were grandfathered in and allowed to keep their animal until it expired as long as they followed the rules set out by the law. The snake must be micro chipped and the owners are required to follow all reporting and security procedures. Commercial dealers, exhibitors and research institutions can have them, but they must adhere to strict bio-security requirements for housing and transporting the animal. In essence the state of Florida has already effectively mitigated any potential problem posed by the

green anaconda. Again looking at one of the criteria used by Fish and Wildlife Service with respect to its ability to spread geographically, green anaconda can only survive in a very small portion of southern Florida where the temperature and amount of water is consistent for their survival. Since Florida has already enacted very stringent regulations regarding the keeping of this species, again what would be the purpose of adding them to the Lacey Act? Quite simply a nationwide ban is not warranted by any scientific measure.

Next is the reticulated python. Unlike the green anaconda, the reticulated pythons are broken down into three subspecies *Python reticulatus reticulatus*, *Python reticulatus jampeanus*, and *Python reticulatus saputrai*. The smallest of these subspecies is *Python reticulatus jampeanus* with adult females attaining lengths between 6 – 8 feet. All of these subspecies have been bred together in captivity in an effort to produce a smaller reticulated python. Another substantial difference between the reticulated python and the green anaconda is the tremendous color variation seen in captive bred individuals, because of the number of beautiful color morphs (name given to colors and patterns that differ from the normal wild pattern and color). Like the green anaconda, the reticulated python could potentially live in south Florida as the USGS risk assessment indicates and because of this, it too is listed as a reptile of concern by the State of Florida and the same bio-security rules apply to it as do the anaconda. Once again the State of Florida has taken care of a potential problem. Since the State of Florida has effectively addressed this issue why is it necessary for the Federal government to step in when the species in question cannot inhabit any other area of the continental United States? Once again a nationwide ban is not warranted.

Finally we come to the Boa constrictor. As with the reticulated python there are subspecies of Boa constrictor that need to be taken into consideration. Depending upon which taxonomic source is used there can be 9 subspecies. There is a tremendous size and color variation among this group of snakes. One subspecies, *Boa constrictor occidentalis*, the Argentine boa is listed as a CITES Appendix 1 animal and cannot be imported into the United States for commercial purposes and any international trade would be limited to the zoological community. This subspecies is only kept in very limited numbers by a small group of individuals. Out of the remaining 8 subspecies, only 3 are readily available in the pet trade and one of those *Boa constrictor imperator* is widely kept and bred. According to USGS the only areas of potential habitat for *Boa constrictor imperator* in the continental United States is once again Florida and possibly southern Texas. In the instance of the Deering Estate population of Boa constrictor, in Miami Dade County, they have existed in this park for the past 40 years and have not expanded out of the park. This is the only established population of any Boa constrictor species in the continental United States and it is a surviving population, not a thriving population. This group has shown that it is not able to successfully spread beyond the borders of the park. Quite simply they do not pose a risk to the rest of the country and could be potentially eradicated from such a small geographical area. Its ability to spread has been limited, so why does this group need to be added to the Lacey Act? Again a nationwide ban is not justified.

Restoration of the Everglades is a noble objective which encompasses myriad complex issues. The word restoration is defined as bringing back to a former position or condition. The historical water drainage that formed the Everglades has been altered considerably. Due to this altering it is doubtful that the Everglades will ever truly be restored to what it once was. While one might

argue that the Fish and Wildlife Services earlier listing of Burmese pythons has addressed one aspect of Everglades restoration, none of the five non-listed species being considered for addition to the Lacey Act in H.R. 511 are found in the Everglades - adding them would not add to the restoration of the Everglades. I do think that it is also important to note that many of these snakes have been in the private sector for at least 60 years or longer and I am sure that there have been escapees, and a few that have been released here and there by irresponsible owners. However nowhere else in the continental United States have these animals ever established a population, except in Florida and even at that, it was limited to only 2 species in southern Florida.

Adding the anacondas (*DeSchauensee's* and *Beni*) to the Lacey Act would not impact any breeders or dealers at all, adding the green anacondas would affect a small number of breeders and it would impact zoos and other institutions.

Adding reticulated pythons would be devastating to those that bred them across the United States. These breeders, some have spent decades, working with this species to produce smaller and beautifully colored reticulated pythons. Some of these individuals sell for \$ 25,000.00 each. While it is true this does not represent a large number of people, these breeders employ others, pay taxes and work hard to produce very desirable specimens for serious hobbyists. This activity has grown in recent years because of the reduced size of reticulated pythons and the great of amazing patterns and colors that have been produced as our understanding of genetics has improved. Today, there are very few normally colored animals produced. Thousands of people across the United States own and responsibly enjoy their reticulated pythons. With the passage of H.R. 511 these people would no longer be able to take their pet with them if they moved from one state to another. Nor could they participate in breeding programs if interstate movement was involved. I simply do not see the benefit of adding these to the Lacey Act since the species have not, nor have shown a propensity to be an invasive species in Florida, let alone other parts of the United States.

Adding the Boa constrictor would be even more devastating to the reptile industry. Boas are produced by the thousands by commercial and non-commercial breeders throughout the United States. There is a tremendous variety of size and color, even among the normally colored specimens. Boas are one of the most commonly kept large constrictor species in the world. We added boas to our collection back in 2000. Conservatively, we have invested a minimum of \$300,000 in acquiring our breeding colony. We have invested thousands in caging, supplies and maintenance of our breeding operations. We employ people to work with us, and sell our progeny throughout the United States as well as export animals to other countries

With just the talk of having boas added to the Lacey Act the value of our collection plummeted. Snakes that I had paid \$25,000.00 a pair for as babies I could barely sell for \$1,500.00 each as a proven breeding animal. Their progeny which had been selling for approximately \$7,500.00 each prior to the proposed listing, plummeted to \$1,500.00 each if I could find a buyer at all. Sales stagnated. We had to make a very hard business as well as heartbreaking decision. After trying to market our adult boas to other breeders in states that would have been allowed to export the offspring overseas it became apparent that there were no buyers. We even tried to give them away, no luck. We ended up euthanizing over 60 adult boas. We still maintain some boas, but not nearly what we once had and we were considered a medium sized operation.

In assessing the financial loss we incurred, Dan and I figured out the potential production of viable progeny had we been able to keep those breeding animals intact. Without augmenting the breeding stock, we conservatively estimated those 60 breeders over their natural breeding lifespan and normal birth rates could have generated approximately \$2,000,000 had the market not collapsed in light of the potential nationwide ban.

I do not support H.R. 511. The Fish and Wildlife Service utilizes well established and accepted guidelines that they developed over the years to help them determine if a species is injurious. Adding species to the Lacey Act through legislative fiat completely negates the roll of the Fish and Wildlife Service in determining if a species is injurious. Circumventing the regulatory process by allowing species to be designated “injurious” without going through a science based risk analyses allows very powerful special interests to be able to convince legislators that certain species are harmful when in reality they are not. This is a dangerous precedent.

In conclusion, I remain mystified as to why the Congress believes its scientific analysis should supersede that of the Federal agency they designated to conduct the requisite risk analysis of species that might warrant listing under the Lacey Act. The State of Florida has addressed the issue; it has implemented a comprehensive regulatory process to protect Florida’s interests. A nationwide ban is not warranted and I urge that H. R. 511 not be supported.

Thank you for providing me an opportunity to submit my comments.