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Indoor Reef, Inc.

News and Information

HR 669 - The End of Aquariums!?!

On April 23rd 2009, The Natural Resources Committee of the U.S. Congress will hold a hearing on H.R. 669, a resolution that will in effect ban importation, interstate transport and the private ownership of most birds, mammals, reptiles, and fish (as well as all other aquatic organisms such as corals and other invertebrates, and non-native aquatic plants) as pets. The Nonnative Wildlife Invasion Prevention Act (H.R. 669), introduced by Del. Madeleine Bordallo (D-Guam) Chair of the Subcommittee on Insular Affairs, Oceans and Wildlife of the House Natural Resources Committee would totally revamp how nonnative species are regulated under the Lacey Act. What this means to the aquatics industry is that, in essence, all trade of ornamental non-native fishes and other aquatic organisms would be banned in the not-too-distant future. The attached document (particularly pages 3 and 4) lays everything out and includes contact information for the gov't officials that are involved with the committee. Obviously, everyone needs to make contact with these people, because complacency on our parts could very well lead to their passing this into law.

Should HR669 be adopted as written only the following nonnative animals would be allowed:

- any cat (*Felis catus*)
- cattle or oxen (*Bos taurus*)
- chicken (*Gallus gallus domesticus*)
- dog (*Canis lupus familiaris*)
- donkey or ass (*Equus asinus*)
- domesticated members of the family Anatidae (geese)
- duck (domesticated *Anas* spp.)
- goat (*Capra aegagrus hircus*)
- goldfish (*Carassius auratus auratus*)
- horse (*Equus caballus*)
- llama (*Lama glama*)
- mule or hinny (*Equus caballus* x *E. asinus*)
- pig or hog (*Sus scrofa domestica*)
- domesticated varieties of rabbit (*Oryctolagus cuniculus*)
- sheep (*Ovis aries*)

THE ISSUE

The Nonnative Wildlife Invasion Prevention Act (H.R. 669), introduced by Del. Madeleine Bordallo (D-Guam), Chair of the Subcommittee on Insular Affairs, Oceans and Wildlife of the House Natural Resources Committee, would totally revamp how nonnative species are regulated under the Lacey Act.

Currently, the Fish and Wildlife Service is required to demonstrate that a species is injurious [harmful] to the health and welfare of humans, the interests of agriculture, horticulture or forestry, and the welfare and survival of wildlife resources of the U.S.

HR 669 substantially complicates that process by compelling the Service to produce two lists after conducting a risk assessment for each nonnative wildlife species to determine if it is likely to "cause economic or environmental harm or harm to other animal species' health or human health." In order to be placed on the "Approved List" it must be established that the species has not, or is not likely, to cause "harm" anywhere in the US. Species that are considered potentially harmful would be placed on an "Unapproved List."

Furthermore, HR 669 would essentially ban all species that do not appear on the Approved List, regardless of whether or not they have ever been petitioned for listing or are sufficiently well studied to enable a listing determination. Species not appearing on the "Approved List" could not be imported into the United States, nor could they be moved in interstate commerce. Trade in all such unlisted species would come to a halt - possession would be limited and all breeding would have to cease.

To reiterate: Unless species are included on the Approved List import, export, transport, and breeding would be prohibited. Exceptions are limited and would not be available to pet owners across the nation.

THE IMPACT

Nonnative species in the pet trade encompass virtually every bird, reptile, amphibian, fish and a number of mammals (e.g., hamsters, gerbils, guinea pigs, ferrets) commonly kept as pets. It is immaterial under HR 669 that the

- Vast majority of these nonnative species in the pet trade have been in the United States in large numbers for decades, some for hundreds of years, and have not proven to be an environmental problem.
- Numerous species are raised in the United States for many purposes: pets, recreational fishing and hunting, food, etc.
- Only a small number of species kept as pets have caused environmental problems, and this has generally been on a very localized basis (i.e. southern Florida, Hawaii).
- Most states have exercised their authority to regulate problem species within their own borders through a mixture of management regimes ranging from permit systems to bans.

HR669 - April 2, 2009 Revised 2

- The HR 669 listing criteria mandates proving a negative - that no harm has or is likely to occur within whole of the United States.
- The "risk assessment" process is too limited in scope and application and should instead be a broader "risk analysis" that also takes into consideration socio-economic factors and mitigation (management) measures that might be utilized by the federal and state agencies. HR 669 would employ a 2-step process of a Preliminary and a Final Approved List and necessitate that

the Service promulgate regulations not only to deal with creation of the lists but also regulating all aspects of this rather complex bill. The Service would have to complete major portions of the listing and regulation process within 24 months of passage. It is not clear how the Service will be able to conduct the required risk assessment outlined in HR 669 within these time frames given the fact that it takes on average 4 years for the Service to find a species harmful under the current Lacey Act. The bill sets up the under-resourced Service for failure and numerous lawsuits by activist groups.

RECOMMENDATIONS - TIME IS NOW!

According to the Defenders of Wildlife "For far too long the pet, aquarium and other industries have imported live animals to the United States without regard to their harm..." Defenders, the Humane Society of the United States (HSUS) and The Nature Conservancy (TNC) are part of a coalition pushing hard for passage of this bill without amendments.

A HEARING has been scheduled for April 23 and the pet industry needs to be heard loud and clear prior to the hearing! The anti-trade elements are hard at work to stop activities involving non-native species. A copy of HR 669 can be found on PIJAC's website in the "Breaking News" and the "HR669 Forum" sections of the www.pijac.org. Read the bill carefully since it could shut down major segments of the pet industry virtually overnight.

PIJAC POSITION -- PIJAC supports the underlying intent of HR 669 to establish a risk-based process in order to prevent the introduction of potentially invasive species. It has been clear for quite some time that steps are needed to enhance and improve the current listing process for species shown to be injurious under the Lacey Act. In addition to much needed appropriations to fund staff and other ancillary support aids, the Lacey Act needs to be modernized to make the process more timely, efficient, and transparent. However, HR 669 falls far short of accomplishing this objective.

CONTACT MEMBERS OF THE SUBCOMMITTEE (click on the link below to find contact information for you district) by

- emailing or faxing your opposition to HR 669 to their offices in Washington DC urging them to amend the bill
- ALSO contact their district offices: voice your opposition and request a meeting with the representative when they are back in the District

It is also important to organize like-minded people in your district so several of you can visit with your representative at the same time.

Click on the link below to find the List of US House Committee on Natural Resources so you can contact a representative.

[Voice Your Opinion - click here for contact info](#)

4/9/2009

News from Indoor Reef, Inc.

The Indoor Reef VIP card is a great way to extend your buying power. Every \$50 dollar purchase you earn a punch toward some very cool discounts. 10% off live rock and coral and 20% off Fish and Invertabrates. And don't forget, you can always add this discount with your PSAS Membership card and save an additional 10% on top of the Indoor Reef savings. Monday and Tuesday are always Double Punch Days at the Indoor Reef!

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