



ASSOCIATION of
FISH & WILDLIFE
AGENCIES

The voice of fish and wildlife agencies

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November 21, 2014

Mr. Dan Ashe
Director
U.S. Fish and Wildlife Service
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Director Ashe:

On behalf of the Association of Fish and Wildlife Agencies (Association), I am writing to express our concerns and desire for prompt action by the US Fish and Wildlife Service (USFWS) regarding the looming threat of the salamander fungus, *Batrachochytrium salamandrivorans* (*Bsal*). The October 31 publication in the journal *Science* (Martel et al., 2014) and subsequent media underscore the matter: a) we have strong information to suggest that this disease is not yet present in the United States, b) we have more salamander species than any other country in the world, and c) we have insights into what could happen to our salamanders based on impacts to wild salamanders in Europe, and impacts of the previously known amphibian fungus, *B. dendrobatidis* (*Bd*), worldwide.

As you know, the Association represents the interests of the state fish and wildlife agencies, who have primary authority over the management of salamanders in the United States (and shared authority with the USFWS for currently listed salamander species). Action now by the USFWS can greatly facilitate our ability to manage our native salamander populations. Conversely, a lack of action resulting in the introduction of this disease will most certainly have a potentially devastating impact on conservation of native salamanders. It will also create a shift in priorities for state and federal wildlife agency staff from habitat-based conservation work to more time spent addressing or responding to the inevitable increase in petitions for listing under the Endangered Species Act. We have seen this with *Bd* impacts on various listed and petitioned frog species in the US. We have seen this with bats following detection and population crashes due to White-Nose Syndrome.

Based on the findings from Martel and colleagues, we know that Asian salamanders can carry the disease (while remaining unaffected themselves), and we know that wild populations in Holland and Belgium are currently being impacted. We also know that Asian salamanders comprise the majority, if not all, of the salamander imports into the US. There are few major importers into the US, and the volume of salamanders is far less than the volume of reptiles, for example. Further, results from Martel and colleagues demonstrate that US native salamanders are highly vulnerable to this new disease if it arrives.

The USFWS can address the immediate opportunity for action by exercising the existing authorities under the Lacey Act by developing an interim final rule, as provided for by the Administrative Procedures Act, to impose an injurious listing for all salamanders, or at least salamanders in the newt family (Salamandridae) which are shown to be particularly vulnerable, until more information can be determined. To be clear, however, we believe that such rulemaking should be handled as a *temporary moratorium*, where the interim final rulemaking should be revisited in the development of a final rule within two to five (2 to 5) years. This sort of time-bound rulemaking and reassessment will allow for

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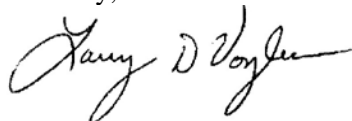
better data on which species are most or least vulnerable, and further, will allow for determination of proven techniques of how to assure health among captive animals. Additionally, we understand that an interim final rule will still allow for public input so that concerns from affected stakeholders may be evaluated and addressed. The Association has previously voiced to USFWS our desire for using the Lacey Act for prevention of entry of harmful species into the United States; this is one such instance. As we have seen time and again, once an invader is established in the United States, the capacity to implement the Lacey Act is not sufficient, and thus is far less effective in preventing spread.

In addition, a temporary moratorium should be followed by the establishment of appropriate disease testing and certification protocols, so that trade may resume when health standards can be met. We know that with *Bd*, animals can be cured of this disease in captivity, and if this can be proven for animals infected with *Bsal*, trade in low-risk species could resume more quickly, and measures could be put into place to certify health including via preventative treatments by the exporter for higher-risk species.

There is the larger issue of a lack of US policy to prevent or screen imports for any disease that impacts wildlife populations. The Association continues to look for opportunities to address this need, including with the relationships we continue to build with members of Congress. We would like to work with USFWS to identify opportunities to support mutually beneficial measures in our efforts on the Hill. We are also already engaging with members of the Pet Industry Joint Advisory Council (PIJAC) and members of UFSWS to discuss non-regulatory opportunities for preventing new trade in currently non-traded salamander species through our Memorandum of Understanding.

We greatly appreciate your strong attention to our request, and the Association stands ready to assist in supporting these actions in any manner possible. If you would like to discuss this further, please do not hesitate to contact our staff lead, Priya Nanjappa (202/624.3643; pnanjappa@fishwildlife.org).

Sincerely,



Larry D. Voyles
President

Cc: David Hoskins, Gary Frazer, Paul Souza, Bryan Arroyo, William C. Woody, Craig Martin, Susan Jewell

Cc: Ron Regan, Jen Mock Schaeffer, Carol Bambery, Mark Humpert, Jonathan Mawdsley, Deb Hahn, Priya Nanjappa