



United States Department of the Interior

FISH AND WILDLIFE SERVICE Washington, D.C. 20240



In Reply Refer To:

FWS/ AWDMA/DCN :0 13563

Mr. Patrick J. McConnon, MPH Qf(~ Executive Director

Council of State and Territorial Epidemiologists 2872 Woodcock Boulevard, Suite 303 Atlanta, Georgia 30341-4015

Dear Mr. McConnon:

RECEIVED AUG 08 2003

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Thank you very much for your letter of July 3, which contained a copy of the Council of State and Territorial Epidemiologists position statement "Developing Importation and Exportation Restrictions on Exotic and Native Wildlife with Potential Adverse Impact on Public Health."

We take these issues very seriously and appreciate the input of the CTSE. We are also concerned about potential adverse impacts of wildlife imported with zoonotic diseases, as well as diseases that may be transmitted to native wildlife, and we continue to work with other Federal agencies and Congress to determine the appropriate measures to address these concerns on a national basis.

For your information, please find enclosed a copy of testimony delivered by Marshall P. Jones, Jr., Deputy Director of the U.S. Fish and Wildlife Service, before the Senate Committee on Environment and Public Works at the Committee's hearing on this matter on July 17, 2003. The full report of the hearing may be located at <<http://epw.senate.gov/stml-108.htm#07-17-03>>.

If you have further information on this matter to share with us, please forward it to Kenneth Stansell, Assistant Director, International Affairs. You may contact Mr. Stansell at (202) 208-6393. Thank you again for your assistance.

Sincerely,

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Director

Enclosure

Williams

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS REG SAFETY

July 17, 2001

Mr. Chairman, thank you for this opportunity to testify regarding the linkage between wildlife trade and the risks to human health and domestic wildlife and the laws and regulations that now govern the importation of exotic wildlife. I am Marshall Jones, Deputy Director of the U.S. Fish and Wildlife Service (Service). The Service is the principal Federal agency responsible for enforcing U.S. wildlife protection laws and treaties, including those that regulate international wildlife trade.

The importation of exotic species was for many years viewed by the Service in the context of possible threats to U.S. wildlife resources through such species becoming invasive, as with zebra mussels or snakehead fish, or by introducing new diseases among wildlife populations. Recent events demonstrate clearly they can also represent a threat to human health. The Service has broad authority to inspect all wildlife imports. Through this, and other authority, we will actively assist those Federal agencies that have the expertise and authority to identify and address human health risks associated with wildlife trade. We are committed to using our authority to help protect the American people from exotic diseases transmitted through wildlife imports.

u .8. Wildlife Trade

U .S. wildlife trade has grown over the past decade, heightening concerns about species conservation, the introduction of injurious animals and plants, and potential risks to human health and domestic wildlife. In particular, the demand for live wildlife has escalated, driven in part by the increasing popularity of exotic pets in the United States.

The ease of travel, transport, and transaction (including e-commerce) has removed barriers to wildlife trade. Wildlife importers have access to ample financing, the latest computer and communications technology, and overnight air cargo shipping services from virtually anyplace in the world. The economic boom of the 1990s spurred international travel, giving Americans new opportunities to visit exotic locales and acquire exotic wildlife.

From 1992 through 2002, the number of species regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) -the international treaty which regulates trade in species that are endangered or threatened, or that are otherwise vulnerable to the effects of trade -increased 75 percent, and the number of CITES member nations rose from 115 to 162. U .S. trade in wildlife and wildlife products grew 62 percent, with declared shipments jumping from 74,620 to more than 121,000. The number of different species in trade increased 75 percent, jumping from some 200,000 in 1992 to more than 352,000 a decade later. Overall, in 2002, over 38,000 live mammals, 365,000 live birds, two million live reptiles, 49 million live amphibians, and 216 million live fish were imported into the United States.

Authorities to Address the International Wildlife Trade

The Service enforces nine wildlife conservation statutes that include provisions governing international trade: the African Elephant Conservation Act, the Antarctic Conservation Act, the Bald and Golden Eagle Protection Act, the Endangered Species Act, the Lacey Act, the Marine Mammal

Protection Act, the Migratory Bird Treaty Act, the Rhinoceros and Tiger Conservation Act, and the Wild Bird Conservation Act. The Service also implements the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

The Lacey Act and the Endangered Species Act give the Service broad authority to detain and inspect any international shipment, mail parcel, vehicle, or passenger baggage and all accompanying documents, whether or not wildlife has been formally declared. These two statutes define import to include landing on, or introduction to, any place subject to U.S. jurisdiction whether or not such activity is considered an import under customs laws. This definition allows the Service to address illegal wildlife moving through duty-free areas, free trade zones, or in-transit through the United States.

In addition, the Endangered Species Act and Service regulations require wildlife to be imported and exported through specific ports to facilitate both enforcement of wildlife laws and clearance of legitimate shipments. Commercial importers and exporters of wildlife must be licensed by the Service and must pay applicable user fees. In addition, they must file declarations with the Service detailing the contents of their shipments in order to receive Service clearance before the Bureau of Customs and Border Protection (BCBP) inspectors can release a shipment for import or they can load it for export. Declaration and clearance requirements also apply to non-commercial and personal wildlife imports and exports.

The Service also addresses wildlife trade under the Lacey Act. This statute makes it unlawful to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife already taken, possessed, transported, or sold in violation of State, Federal, Indian tribal, or foreign wildlife laws or regulations. The Lacey Act also requires that contents of wildlife shipments moving in interstate or foreign commerce be accurately marked and labeled on the shipping containers. Under this statute, it is also unlawful to make a false record or identification of any wildlife transported in interstate or foreign commerce.

The injurious wildlife provisions of the Lacey Act under Title 18 restrict the importation and interstate transportation of wildlife deemed "injurious" or potentially injurious to human beings, to the interests of agriculture, horticulture, and forestry, or to wildlife or wildlife resources of the United States. The statute only applies to wild mammals, birds, fish, amphibians, reptiles, mollusks, and crustaceans. The Service cannot regulate insects, spiders, plants, or other organisms under the injurious wildlife provisions of the Lacey Act.

There are currently 12 genera of mammals, four species of birds, three families of fishes, one species of crustacean, one species of mollusk, and one reptile species listed as injurious under the Lacey Act. The Service has received petitions for listing the black carp, bighead carp, silver carp, and the remaining 27 species of snakes in the genus *Boiga* related to the brown tree snake as injurious wildlife. The Service is actively engaged in the administrative steps required to process each of these petitions.

Several general criminal laws also help the Service address international wildlife trade. Section 545 of Title 18 prohibits smuggling -which includes knowingly importing any merchandise contrary to law. It also addresses subsequent transactions involving smuggled goods. Section 1001 of Title 18, which outlaws false statements, is useful when importers or exporters deliberately file false declarations or other required information.

The African Elephant Conservation Act, the Antarctic Conservation Act, the Bald and Golden Eagle Protection Act, the Endangered Species Act, the Marine Mammal Protection Act, the Migratory Bird Treaty Act, the Rhinoceros and Tiger Conservation Act, and the Wild Bird Conservation Act all have conservation-related prohibitions on the import and/or export of certain wildlife species.

CITES requires party countries to use a system of permits to regulate trade of listed animal and plant species. The Endangered Species Act, which implements the treaty in the United States, prohibits any trade contrary to CITES or the possession of any specimens traded contrary to CITES. While CITES regulates over 3,000 animal species, the vast majority of wildlife in trade is not listed on its appendices.

CITES requires that live specimens be transported to minimize risk of injury or damage to the health of the animal. Shipments that travel by air must comply with the International Air Transport Association (IATA) guidelines for humane transport.

IATA guidelines require the shipper to certify that animals are in good health and condition. In addition, for reptiles and amphibians, the shipper must certify that the animals are free of external parasites and any readily recognizable diseases. Shippers must also provide health declarations and permits required under any national authority. Service humane transport regulations for importing mammals and birds (including CITES species) reflect the IATA guidelines and require veterinary health certificates stating that the mammal or bird is healthy and appears to be free of any communicable disease.

Policing U.S. Wildlife Trade

The Service's wildlife inspection program provides the Nation's front-line defense against illegal wildlife trafficking while facilitating legitimate trade. At present, 92 wildlife inspectors are stationed at 32 major U.S. airports, ocean ports, and border crossings, where they monitor imports and exports to ensure compliance with our laws and regulations. In addition, the President's fiscal year 2004 budget request seeks funding for 9 additional inspectors to meet immediate needs for additional staffing along the Nation's northern and southern borders.

Wildlife inspectors focus on detecting and deterring illegal trade in protected species and preventing the introduction of injurious wildlife. The training and expertise required for this specialized field of import/export control include an in-depth grasp of both U.S. and foreign wildlife statutes; wide-ranging species identification skills for recognizing live specimens, parts, and products; knowledge of humane transport requirements; and use of protective clothing and equipment.

Service wildlife inspectors are an integral part of the Federal inspection team responsible for policing the people, goods, and vehicles entering the United States. They work closely with BCBP inspectors in the newly formed Department of Homeland Security, as well as with the Department of Agriculture's Veterinary Services (APHIS-VS), the Food and Drug Administration (FDA), and the Centers for Disease Control and Prevention (CDC).

Wildlife inspectors, however, are the only Federal officers at ports of entry who focus exclusively on wildlife trade. The information they collect through the wildlife declaration process is valuable to Federal agencies, U.S. and international conservation organizations, wildlife trade industries, educational institutions, researchers, and other groups. In recent years, for example, the Service has used these records extensively to help CDC identify possible health risks associated with exotic wildlife trade.

Diseases Associated with Wildlife in International Trade

The Service recognizes that disease, contamination, or injury are possible risks to wildlife inspectors. Inspectors are trained to follow safety guidelines and use protective equipment when they handle shipments of concern, which include raw hunting trophies treated with pesticides, live non-human primates, live venomous snakes and insects, bushmeat, and carcasses or other raw wildlife parts.

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Inspectors are not, however, trained in the detection of disease.

Live wildlife presents the highest risk for introduction of diseases that may be transmitted to humans or animals. Live mammals have been associated with rabies, brucellosis, herpes-B, hantavirus, ebola, plague, tularemia and several other diseases that are transmissible to humans. According to CDC, 70,000 people get salmonellosis from live reptiles each year, and live birds have been responsible for transmitting avian chlamydiosis.

The import of exotic wildlife parts, including meat, also poses the risk of introducing diseases. Contact with non-human primates in Central Africa is believed to be the source of HIV / AIDS in humans, and it has been suggested that the recent outbreak of Severe Acute Respiratory Syndrome (SARS) is linked to an Asian palm civet.

Service Enforcement Coordination with Agencies Responsible for Health Issues

Service wildlife inspectors routinely inspect and take enforcement action on wildlife shipments that are known to pose a disease risk. Inspectors regularly coordinate with CDC on physical inspections of non-human primates, under-sized turtles and tortoises, and bats -all of which are subject to CDC import restrictions based on human health concerns. Inspectors also coordinate with USDA- VS on wildlife importations that are prohibited due to livestock health issues, such as hedgehogs that can transmit hoof and mouth disease and tortoises carrying ticks infected with heartwater disease and to quarantine exotic birds seized at our borders. **Service Efforts Related to Monkeypox**

Before "the Department of Health and Human Services (HHS) issued its joint order addressing African rodents, CDC consulted the Service about possible enforcement assistance with trade embargos and other prohibitions that might be needed to prevent the introduction and additional spread of monkeypox. The Service also analyzed trade records collected through the declaration process to provide CDC, FDA, State wildlife and agriculture officials, and local health officials with information on potential businesses associated with, and the extent of, the live African rodent trade.

When HHS announced its African rodent trade embargo, the Service alerted wildlife inspectors to begin immediate enforcement of the new import/export bans and issued a public bulletin explaining our enforcement actions. We published this bulletin on the web, posted it at staffed wildlife ports of entry , shared it with our Federal inspection partners including CPB, CDC, and FDA, and provided it to our licensed commercial dealers and to the National Customs Brokers Association, which circulated it to their members. Wildlife inspectors have also reached out to the trade community , airlines, and Federal inspection counterparts at the local level to ensure awareness of, and compliance with, the trade embargo.

The Service is actively involved in an interagency working group at the national level and is coordinating with CDC on importations. Our wildlife inspectors have worked closely with other F ederal inspection agencies to identify and address shipments from Africa that may contain rodents.

At New York's John F. Kennedy International Airport, for example, Service inspectors conducting routine physical inspections of caviar in a refrigerated warehouse spotted shipments from Ghana manifested as fish for human consumption that actually contained rodent bushmeat from Africa. In addition, Service inspectors, who are equipped with protective masks and suits and are intensively trained in their use, provided such protective gear to other Federal inspection agencies involved in monkeypox enforcement efforts at the airport.

After receiving information from CDC about the possible shift in bushmeat shipments from New York to Baltimore due to enhanced enforcement at JFK, Service inspectors and agents in Maryland began to target African flights for inspection. At the port of Chicago, wildlife inspectors invited local

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CDC and FDA inspectors to view physical inspections of hunting trophies and bushmeat from Africa that had the potential to contain rodents. Several shipments are now being held there for final disposition by CDC. Other wildlife ports have encountered both bushmeat and hunting trophies that contain prohibited rodents and are coordinating with CDC on their disposition.

We have also reviewed our authority to address wildlife-linked threats to human health under the injurious species provisions of the Lacey Act. Because the Lacey Act requires the Service to first make an injurious finding before listing a species -a finding which includes the opportunity for public comment -and is somewhat limited in scope, it is not as well suited as other vehicles to rapidly respond to such threats. For example, the HHS joint order imposing a trade and interstate transport embargo on African rodents was far more encompassing and enacted more rapidly than any action that the Service could take under the injurious wildlife provisions of the Lacey Act.

Conclusion

In closing, I want to assure the Committee that the Service is prepared to continue assisting those Federal agencies that have the expertise and authority to identify and address human health risks and risks to domestic wildlife associated with wildlife trade. We are committed to providing whatever help we can by collecting and analyzing trade data and by using our inspectors and special agents at ports of entry for enforcement of any wildlife trade restrictions that are introduced to protect the American people from wildlife-transmitted disease.

We share the Committee's concerns about the possible introduction of such diseases and appreciate this opportunity to review our authorities and role in regulating the import and export of exotic wildlife. This concludes my testimony and I would be happy to answer the Committee's Questions.



DEPARTMENT OF HEALTH & HUMAN SERVICES

PQtrick J. McConnon, MPH/~ Executive Director

Council of State and Territorial Epidemiologists 2872 Woodcock Boulevard, Suite 303 Atlanta, Georgia 30341-4015

Dear Mr. McConnon

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Food and Drug Administration Rockville MD 20857

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Dr. McClellan has asked me to respond to your July 3, 2003, letter requesting comment on a joint statement of the National Association of State Public Health Veterinarians and the Council of State and Territorial Epidemiologists, entitled "Developing Importation and Exportation Restrictions on Exotic and Native Wildlife with Potential Impact on Public Health."

Under section 361 of the Public Health Service Act, FDA has authority to prevent the introduction, transmission, or spread of communicable disease. In response to the recent outbreak of monkeypox attributed to the importation of infected animals from Africa, FDA, along with the Centers for Disease Control and Prevention (CDC), the U.S. Fish and Wildlife Service, the U.S. Department of Agriculture's Animal Plant Health Inspection Service, and state and local public health and regulatory authorities, have been working together to assure that the requirements of the joint FDA/CDC Order prohibiting the importation of African rodents and the sale, distribution, and transport of certain African rodents and prairie dogs are being followed. The federal agencies have met face to face in Rockville, Maryland, and meet via conference call on a regular basis. In addition, each of FDA's District offices has established a coordinating meeting with their local federal and state counterparts to accomplish this task. Both FDA and CDC have held a number of conference calls with state counterparts to update the states on the issues and tackle problems that arise in investigating the outbreak and implementing the Order.

FDA and other federal agencies testified before the Senate Committee on Environment and Public Works on July 17, 2003. The purpose of the Hearing was to examine the importation of exotic species and the impact on public health and safety. Many of the goals in your position statement may be impacted by the follow-up from this Hearing.

FDA would be pleased to work with your organization to further our public health protection goals. We agree that exotic and native wildlife trade raises complex issues of animal welfare, public health, and conservation. We are interested in working with

Patrick J. McConnon, MPH Page 2

you as well as with CDC and other federal or state agencies on educational initiatives to the public who purchase and own exotic pets, and the trade industry that engages in sale and distribution of exotic pets. A strong message about the dangers and appropriate handling and care of these animals is an important goal in any public health protection strategy and one that could be implemented immediately.

Thank you for your interest and concern in this issue. If you have any additional questions or comments, please do not hesitate to contact us.

cc:

Sincerely yours, c5 f-cJ:l



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