

Bsal Interim Rule: Questions and Answers

1. What action is the U.S. Fish and Wildlife Service (Service) taking?

A: The Service is publishing an interim rule to designate 201 salamander species as injurious wildlife under the Lacey Act. With this action, the Service will prohibit the importation or interstate transportation of any live or dead specimen, including parts, but not eggs or gametes, of the genera listed except as permitted, effective 15 days after the date of publication in the *Federal Register*.

2. Why is the Service listing 201 salamander species as injurious under the Lacey Act?

A: The salamanders are being listed as injurious because they have been identified as carriers of the chytrid fungus Bsal. The action is being taken to protect wildlife and wildlife resources from the introduction of Bsal into ecosystems of the United States. The fungus affects salamanders, with lethal effects on many species, and is not yet known to be found in the United States.

3. Why does the rule take effect so quickly?

A: Recent scientific research has identified Bsal as a significant threat to native salamanders, and Bsal has not yet been found in the United States. We received a petition from the Center for Biological Diversity and SAVE THE FROGS! on May 18, 2015, to take action to prevent the introduction of Bsal into the United States. The scientific findings, letters to the Service, and the petition were all considered in the Service's decision to evaluate 201 salamanders as injurious because of the risk that these species will carry and spread Bsal into and throughout the United States. The Service evaluated the 68 genera of salamanders and found that at least 20 are known to be carriers of Bsal.

The United States has the greatest diversity of salamanders in the world, and they have critical roles in maintaining ecosystem health and services that benefit the American people. Experience with the introduction of Bsal into the Netherlands and associated harmful effects to native salamanders there, along with laboratory research, confirms that Bsal could be introduced and cause substantial and immediate harm in the United States. For these reasons, the Service believes immediate action is needed to help prevent the introduction, establishment, and spread of Bsal in the United States.

The Service does not have emergency listing authority for injurious species. However, under the Administrative Procedure Act, a proposed rule is not required "when the agency for a good cause...finds that notice and public procedures are impracticable,

unnecessary, or contrary to the public interest.” In this case, there is good cause to forgo notice and public comment on a proposed rule and instead take immediate action in the form of an interim rule to help prevent this fungus from being imported into the United States.

4. What does this injurious wildlife listing under the Lacey Act mean to the public?

A: A species of wildlife can be listed under the Lacey Act because it is injurious to the health and welfare of humans; the interests of forestry, agriculture, or horticulture; or the welfare and survival of wildlife or the resources that wildlife depend upon. The importation and interstate transport (including between states, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States) of an “injurious” species is prohibited without a permit issued by the Service. Permits may be granted for the importation or transportation of specimens of injurious wildlife for scientific, medical, educational, or zoological purposes. For purposes of this listing, the prohibition includes importation or interstate transport of live and dead animals, including parts. The Lacey Act does not restrict intrastate (within state) transport.

5. Will the pet industry lose revenue and jobs as a result of this rule?

A: Businesses that deal with the salamanders that are listed will still be able to sell the listed species within their state or, if there is a designated port, export directly from their state. Most of the listed species are not currently in U.S. trade, and the rule should have no effect on the U.S. industry for those species. Businesses may choose to breed and sell other species of salamanders that are not listed. It will be lawful for pet owners to keep their pets (if allowed by state and local law), but unlawful to transport them across state lines.

The Service prepared an economic analysis for the effects of listing the salamanders, including a cost-benefit analysis. The annual retail sales loss resulting from the listing of these 20 genera (201 species) is estimated to be \$3.9 million/year. This assumes that buyers and breeders do not substitute for listed species with unlisted species of salamander or other animals. Our draft economic analysis will be posted at <http://www.regulations.gov> when the interim rule is published.

6. How can I obtain a permit to import or transport a listed salamander?

A: If you anticipate needing to transport your animal across a state line for zoological, educational, medical or scientific purposes, you should apply for a permit from the U.S. Fish and Wildlife Service as soon as possible and allow up to 60 days for processing. Permits for scientific, medical, educational, or zoological purposes may be requested by filing form 3-200-42 with the U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS:IA 5275 Leesburg Pike Falls Church, VA 22041-3803.

The application form may be obtained through the Service's International Affairs website (<http://www.fws.gov/forms/3-200-42.pdf> or <http://www.fws.gov/permits>), or by calling 1-800-358-2104 or 703-358-2104.

7. What options do breeders have to export salamanders?

A: Breeders who live in states with designated ports (Alaska, California, Florida, Georgia, Hawaii, Illinois, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, Oregon, Tennessee, Texas and Washington) may continue to export from the United States through the designated port in their state to countries without import restrictions, although they may not continue to transport to other states. A designated port exception permit can be obtained from the Service for other areas. For more information on exporting, please see <http://www.fws.gov/le/injurious-wildlife.html>.

8. Is Bsal a threat to humans?

A: No. Bsal is known to infect only salamanders and does not present a health risk to humans.

9. Could this rule result in the abandonment or killing of salamanders?

A: Owners of any of the animals listed as injurious will be allowed to keep them under this rule. For animals already in the United States, this rule only restricts interstate transportation. It will be lawful for pet owners to keep their pets (if allowed by state and local law). Therefore, we have no reason to believe that responsible owners will kill or release listed salamanders into the wild.

If you are in legal possession of one or more salamanders, in accordance with state and local laws, and that salamander species is listed as injurious, the listing does not require you to give up your salamanders. However, if you are in a position where you cannot keep, or have decided to give up a pet that is listed as injurious, and zoos, professional wildlife rehabilitators, and local humane societies have declined your efforts to donate the animal, you should contact either your state fish and wildlife agency or your local U.S. Fish and Wildlife Service office for further guidance and assistance. These two government entities may be able to help to resolve this issue. The Service is working with states and the pet and aquarium industry through a campaign called "HabitattitudeTM," to help pet owners adopt environmentally responsible actions for surrendering their pets.

10. Why shouldn't people release their pet salamanders into the wild? Aren't they part of nature?

A: Releasing animals or plants into areas where they are not native can cause serious ecological problems. Sometimes it only takes one animal to cause major problems, especially if that animal or plant is sick and is carrying a fungus, virus, bacteria or parasite that can spread to other animals or plants. Releasing animals, even those that appear as harmless as salamanders or appear healthy and do not show outward signs of disease, can cause problems for decades to come.

Salamanders may be infected with Bsal but not appear sick. If released, a salamander with the fungus could allow Bsal to escape into the wild where the fungus can infect local, native salamanders.

A released salamander, even if healthy, may suffer and die from starvation, exposure, or predation. Furthermore, releasing amphibians from captivity into the wild is illegal in most, if not all, states. Thus, people who have good intentions of kindly disposing of their salamanders into the environment should seek legal and environmentally-sound alternatives.

11. Why are salamanders important?

A: Salamanders play a key role in native ecosystems and, even though they are so small, are excellent indicators of environmental health. In forests, salamanders are among the most abundant vertebrates and help keep insects and other arthropods in balance. For example, red-backed salamanders, one of the most common species in the eastern United States, eat ants and termites. By consuming arthropods that feed on decomposing leaf litter, salamanders reduce the release of carbon emissions into the atmosphere, which is good for the global carbon cycle. Salamanders that live underground contribute to soil dynamics by creating, modifying, and otherwise regulating the systems of underground burrows in which they live. In vernal pond communities, some salamander species are top predators and help control the abundance of aquatic invertebrates and other amphibians. The high numbers of many amphibians, including salamanders, in some ecosystems also provide a substantial source of food for other vertebrates in the ecosystem; therefore other native species that prey on salamanders could also be affected by their decline.

12. My veterinarian is in another state. May I take my listed salamander to the veterinarian?

A: No, transporting out of state to take the animal to a veterinarian will be prohibited. The animals will have to be treated by an in-state professional. We recommend looking for an in-state professional before the salamander needs medical attention.

13. I do educational programs with species listed as injurious for schools, scouts, and other groups, sometimes in another state. Will I still be able to travel to other states?

A: After the rule takes effect, you will need a permit for educational purposes if the program is in another state. We suggest that you plan ahead and apply for a federal permit with the Service as soon as you know you'll need it (see answer to Question 7).

14. Where can I find more information on what a salamander owner can do if he or she has to move across state lines and must surrender his or her pet?

A: An owner of one of the listed species should contact local authorities responsible for the disposition of unwanted pets. Additional information about the safe and ethical surrender of unwanted exotic pets may be available through your state's natural resources or fish and game agency. The local office of the U.S. Fish and Wildlife Service may also be able to provide additional information; the Service website, <http://www.fws.gov>, can help you find your local Service office. In addition, you may also ask your local pet retailer or wild animal zoo for suggestions on ethical alternatives.

Here are some additional websites that might be of assistance:

- <http://www.salamanderfungus.org/help/> - National Bsal Task Force
- Pet Industry Joint Advisory Council's Pet Pathway Toolkit: <http://www.petpathwaytoolkit.com/>
- Habitattitude: <http://www.habitattitude.net/>
- Florida Fish and Wildlife Conservation Commission's Nonnative Amnesty Day Events <http://myfwc.com/wildlifehabitats/nonnatives/amnesty-day-events/> (If you do not live in Florida, check your state for similar events.)

For more information write to or call:

U.S. Fish and Wildlife Service
Branch of Aquatic Invasive Species
MS: FAC
5275 Leesburg Pike
Falls Church, VA 22041
703-358-1715

15. What other steps is the Service pursuing to prevent the introduction of Bsal, and to detect and respond if it is here already in wild or captive populations?

A: Through its work with the National Bsal Task Force and Partners in Amphibian and Reptile Conservation (PARC), the Service is helping to develop the protocols to monitor for Bsal's introduction and to allow for rapid response should it be identified in the United States. The National Bsal Task Force is a collaborative group of state and federal

partners, researchers, zoological institutions, and non-governmental and industry representatives committed to developing a strategic plan for addressing Bsal.

16. How can Bsal come into the country? Can it come in on people's hair and shoes?

A: The Service found evidence that Bsal can be introduced into the environment through salamanders carrying the fungus and the improper disposal of contaminated water or other materials used to transport and keep salamanders. As a result, it is important that pet owners properly treat all materials used to house pet salamanders before disposing of those materials. No evidence exists that Bsal is capable of being transmitted on hair and shoes.