

# Peer Review Plan: Listing Salamanders as Injurious Due to Risk of Salamander Chytrid Fungus (Second Interim Rule)

## About the Document

**Subject and Purpose:** The U.S. Fish and Wildlife Service (Service, we) is evaluating the Order Caudata to determine which additional salamander genera should be listed as injurious under the “Lacey Act” ([18 U.S.C. 42](#)) to prevent the risk of introduction into the United States of *Batrachochytrium salamandrivorans* (Bsal), a fungus that causes fatal infections in European and native salamanders. The Service does not have the authority under the Lacey Act to list pathogens but may list the host species if the pathogen, such as this fungus, causes the host to be injurious. The fungus is known to affect primarily salamanders and is not yet known to be found in the United States. We published a [2016 interim rule](#) that added 20 genera to the injurious amphibia list, and that rule is being finalized concurrent with the second interim rule for this peer review request. The Service will consider results of the peer review to address any questionable or unresolved issues and new information on the second interim rule.

This plan describes the same process as used for the previous peer review plan that was made available in 2015 for the related [2016 interim rule](#).

**Importance of Scientific Information:** Based on more recently available peer-reviewed literature and other sources identifying likely effects of Bsal on salamanders, the Service is evaluating species that are expected to be carriers of Bsal and can transmit it to vulnerable salamanders in the United States. Bsal has not been found in environments of the United States. Trade in salamanders is the most likely pathway for introduction of the fungus. The Service uses Injurious Wildlife Evaluation Criteria to assess whether a species does or does not qualify as injurious. The criteria include the likelihood and magnitude of release or escape of the fungus or of the salamander carrying the fungus, of survival and establishment upon release or escape, and of spread from origin of release or escape. The criteria also examine the effect of the loss of salamanders from Bsal on wildlife and wildlife resources (through factors such as pathogen transfer, effects on threatened and endangered species and their respective habitats), on ecosystems, and on human beings, forestry, horticulture, and agriculture. Additionally, the Service evaluates the likelihood and magnitude of wildlife or habitat damages resulting from measures to control the fungus if the fungus is introduced into the United States.

## About the Peer Review Process

**Type of Review:** Independent Peer Review — The Service will solicit comments from independent scientific reviewers who will submit to the Service individual written comments and responses to questions posed to them. These reviewers may include experts from academia, wildlife health organizations, government agencies, zoological or veterinary research institutions, or other similar groups.

**Number of Reviewers:** The Service will query five or more potential independent expert reviewers. The Service will solicit a minimum of three peer reviewers, requesting their participation as soon as practicable in the rulemaking process.

**Reviewer Expertise:** Any one or a combination of the following: salamander biology and ecology, amphibian pathogens and diseases (including Bsal and *Batrachochytrium dendrobatidis* (Bd)), invasive species risk assessment, and trade in amphibians.

**Selection of Peer Reviewers:** The Service will select peer reviewers based on their expertise with the subject matter and as described in the Office of Management and Budget peer review guidelines ([Final Information Quality Bulletin for Peer Review](#)), including having not been involved in trade in any of the proposed species nor in a position to financially benefit from the review.

Peer reviewers will be asked such questions as: whether the Service provides an accurate and adequate review and analysis of the effects of Bsal as categorized under the Injurious Wildlife Evaluation Criteria, affecting the health and welfare of human beings, the interests of forestry, agriculture, or horticulture, or the welfare and survival of wildlife or the wildlife resources of the United States; if our analysis of the criteria is logical and supported by the evidence we provide; whether we provide accurate and adequate review and analysis of why the listing as injurious is essential; and if we cite necessary and pertinent literature to support our scientific analyses under the substantial evidence standard. Peer reviewers will be advised that they should not provide advice on policy.

**Management of Peer Reviewer:** The Service will manage the peer review within the Branch of Aquatic Invasive Species. Because of the urgent need for the prohibitions provided by this rule, peer reviewers will review the rule when the rule is made available for public comment. Because this peer review process is occurring simultaneously with publication of the action for public comment, peer reviewers will not be provided public comments, although they may view the comments when they are posted on [www.regulations.gov](http://www.regulations.gov). A summary of the comments of reviewers and our responses will be provided in our final rule determination. A summary of the comments from the [2016 interim rule](#) will be made available to the peer reviewers at the start of the peer review process.

### ***About Public Participation***

This peer review plan is made available on this website to allow the public to monitor our compliance with the Office of Management and Budget's Final Information Quality Bulletin for Peer Review. The public is invited to submit comments on this peer review plan by emailing [prevent\\_invasives@fws.gov](mailto:prevent_invasives@fws.gov) (please state "Salamander peer review plan" in the subject line). The deadline for filing comments on this plan is October 10, 2023. The public will have opportunity to also comment on the interim rule to be peer reviewed for 60 days after its publication in the *Federal Register*, which is anticipated around December 15, 2023, using the Federal eRulemaking portal: <http://www.regulations.gov>.

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