



April 12, 2010

Public Comments Processing
Attn: Docket No. FWS-R9-FHC-2008-0015
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, Suite 222
Arlington, VA 22203

RE: Injurious Wildlife Species; Listing the Boa Constrictor, Four Python Species, and Four Anaconda Species as Injurious Reptiles

On behalf of its member companies in the retail sector selling pets and pet products, the National Retail Federation (NRF) is writing to offer its views regarding proposed regulation of nine species of constrictor snakes under the Lacey Act (16 USC § 3371-3378) that would prohibit importation and interstate commerce in those non-native animal species or sub-species identified as having established or spread, or caused harm to the economy, the environment, or other animal species or human health in ecosystems similar to the United States. U.S. pet retailers commonly sell and tens of thousands of Americans own smaller pythons of smaller species, such as the Ball Python (*P. regius*) that typically do not grow longer than five feet.

During discussions in Congress about how best to deal with the adverse impact from invasive pythons in South Florida, NRF has advocated employing and improving upon the risk-based analysis under the Lacey Act to determine the status of any python species or subspecies as injurious. Conversely, we have opposed blanket legislative bans on the importation of and commerce in all python species. Therefore, we support the Fish and Wildlife Service (FWS) in its efforts to deal with this problem and to initiate the process which we believe is the appropriate means for regulating these animals. We also recognize that some of the nine python species FWS has identified have clearly had an adverse impact on the South Florida ecosystem and should be regulated as such.

Currently, FWS has proposed regulations to create a new class of Prohibited or Conditional species and ban possession of seven species of reptile that are now classified as Reptiles of Concern ("ROC"). Species on the ROC list would include the Burmese or Indian python, reticulated python, Northern African python, Southern African python, Amethystine or scrub python, Green anaconda, and the Nile monitor lizard. FWS would also review whether additional species need to be added to either the ROC list or the Prohibited/Conditional list on an annual basis. We also want to emphasize that any studies used in a FWS analysis under the Lacey Act need sufficient peer review in order to ensure confidence in the findings.

However, we do not believe that circumstances would warrant a nationwide ban in importation and interstate commerce of the listed species. Indeed, it is clear that most states in which these animals are located have environments that make it impossible for them to

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survive in the wild, and that the risk to native habitats from unauthorized release is limited to South Florida. Further analysis on this point is clearly warranted.

NRF appreciates the opportunity to provide these comments, and looks forward to working with FWS as it proceeds to develop final regulations on this issue.

As the world's largest retail trade association and the voice of retail worldwide, the National Retail Federation's global membership includes retailers of all sizes, formats and channels of distribution as well as chain restaurants and industry partners from the U.S. and more than 45 countries abroad. In the U.S., NRF represents the breadth and diversity of an industry with more than 1.6 million American companies that employ nearly 25 million workers and generated 2009 sales of \$2.3 trillion.

Please contact me at (202) 626-8104 or by email at autore@nrf.com regarding any questions on these comments or the position of the National Retail Federation on this issue.

Sincerely,

A handwritten signature in black ink that reads "Erik O. Autor". The signature is written in a cursive, slightly slanted style.

Erik O. Autor
Vice President, Int'l Trade Counsel
National Retail Federation