

[SPEAKERS](#)

[CONTENTS](#)

[INSERTS](#)

[Page 1](#)

[TOP OF DOC](#)

82-706 PDF

2002

2002

INVASIVE SPECIES

HEARING

BEFORE THE

SUBCOMMITTEE ON DEPARTMENT OPERATIONS,  
OVERSIGHT, NUTRITION, AND FORESTRY

OF THE  
COMMITTEE ON AGRICULTURE  
HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

OCTOBER 2, 2002

**Serial No. 107-25**

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[Page 2](#)

[PREV PAGE](#)

[TOP OF DOC](#)

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[Page 3](#)

[PREV PAGE](#)

[TOP OF DOC](#)

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[Page 4](#)

[PREV PAGE](#)

[TOP OF DOC](#)

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[Page 5](#)

[PREV PAGE](#)

[TOP OF DOC](#)

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**BRENT W. GATTIS**, *Subcommittee Staff Director*

<sup>1\</sup> Resigned from the committee March 20, 2002

<sup>2\</sup> Appointed to the committee July 27, 2002

(ii)

## C O N T E N T S

Goodlatte, Hon. Bob, a Representative in Congress from the Commonwealth of Virginia, opening statement

Witnesses

Bartuska, Ann M., executive director, Invasive Species Initiative, the Nature Conservancy, Arlington, Virginia

[Page 6](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Prepared statement

Butler, James G., Deputy Under Secretary, Marketing and Regulatory Programs, U.S. Department of Agriculture

Prepared statement

Crowder, Richard, chief executive officer, American Seed Trade Association, Alexandria, VA

Prepared statement

Hedberg, Rob, director of science policy, National and Regional Weed Science Societies, Washington, DC

Prepared statement

Hyde, Myra, director of environmental issues, National Cattlemen's Beef Association, Washington, DC

Prepared statement

Miller, Scott, chairman, Department of Systematic Biology, National Museum of Natural History, Smithsonian Institution, Washington, DC

Prepared statement

Riherd, Connie, Division of Plant Industry, Florida Department of Agriculture and Consumer Services, Gainesville, FL

Prepared statement

Stevenson, Jill T., deputy director, Fisheries Service, Maryland Department of Natural Resources, Annapolis, MD

Prepared statement

Tate, James, Science Advisor to the Secretary, U.S. Department of the Interior

Prepared statement

[Page 7](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Tenny, Dave, Deputy Under Secretary, Natural Resources and Environment, U.S. Department of Agriculture

Prepared statement

Submitted material

Submitted Material

Carlson, Harry, et al., University of California Cooperative Extension Service, statement

Grau, Fred V., president, Grasslyn, Inc., statement

## INVASIVE SPECIES

WEDNESDAY, OCTOBER 2, 2002

House of Representatives,

Subcommittee on Department Operations,

Oversight, Nutrition, and Forestry

Committee on Agriculture

Washington, DC.

The subcommittee met, pursuant to call, at 10:53 a.m., in 1300 Longworth House Office Building, Hon. Bob Goodlatte (chairman of the subcommittee) presiding.

Present: Representatives Rehberg, Putnam, Clayton, Acevedo-Vila, and Stenholm [ex officio].

Staff present: Brent Gattis, subcommittee staff director; Kathleen Elder, John Goldberg, Callista Gingrich, clerk; Elizabeth Parker, Anne Hazlett, Ryan O'Neal, Kellie Rogers, Andy Johnson, and Russell Middleton.

[Page 8](#)

[PREV PAGE](#)

[TOP OF DOC](#)

## OPENING STATEMENT OF HON. BOB GOODLATTE, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF VIRGINIA

Mr. **GOODLATTE**. Good morning. This hearing of the Subcommittee on the Department of Operations, Oversight, Nutrition and Forestry, to review invasive species will come to order. It is my understanding that Mrs. Clayton and some other members of the subcommittee will be joining us shortly, but we are going to go ahead and get started since we have been holding you here quite a long time already.

We convened this hearing to discuss the issues concerning species that are invasive, harmful, and alien to the United States.

Invasive species represent a serious threat to the viability of America agriculture, forestry, and ecosystems. Not only can these harmful organisms cripple production agriculture, but they can affect each of our lives. Society pays a great price for these harmful species including unemployment, damaged goods and equipment, power failures, food and water shortages, environmental degradation, increased rates and severity of natural disasters and disease epidemics. Currently, it is difficult to put a dollar figure on the total adverse economic costs associated with invasive species, but I have seen reports indicating that those costs are in the neighborhood of \$100 billion annually.

Invasive species cause serious economic, environmental, and human health harm. They do not recognize boundaries; affecting multiple areas including croplands, yards and gardens, rangelands and pastures, forests, wetlands and waterways, and parks and refuges. The most obvious harm is found in agriculture. Farmers and ranchers are constantly battling alien pests, weeds, and diseases. Decreases in yield and quality of crops and livestock are easily attributed to invasive species. Producers fight stubborn weeds and pests year-round, whether preparing for the planting season, during the growing season or harvest.

[Page 9](#)

[PREV PAGE](#)

[TOP OF DOC](#)

It is equally important to point out that there are good non-native species; much of our economy and food and fiber supply relies on cultivating crops and raising livestock that originated elsewhere. One of our Founding Fathers, Thomas Jefferson, believed that it was critical to depend on introduced species to enhance our well-being. This is evident when one looks at the extensive collections Jefferson acquired from around the world.

There are many species imported into the United States to be used as food, construction materials, ornamental plants, livestock, and pets. We should not look down on, nor prohibit the continued introduction of species. I realize that there are examples of deliberately introduced species that have done more harm than good, yet we should welcome non-native species that add to the well-being of our nation by applying safeguards and scientific protocol to their introduction. What would we do if we did not produce cattle, horses, rice, wheat, cotton, peanuts, soybeans and all other non-indigenous species that were brought to the United States? These non-native species were brought to this nation because they have the land, because we have the land and economy to produce superior varieties and great quantities. To quote Jefferson, "The greatest service which can be rendered any country is the introduction of a new plant into its agriculture."

It is my hope that today's hearing will lead to a renewed and forthright commitment in determining how to combat this growing problem in an era of increased and expanded trade between the United States and other countries.

Invasive species are dealt with under a patchwork of Federal and State laws and regulations administered by a wide variety of Federal agencies, most importantly the Animal and Plant Health Inspection Service. To date, effective action has been hampered by inadequate funding at all levels of government and by inadequate coordination. Successfully combating this problem will require coordinated action by all affected stakeholders, which may include Federal, State, and local governments, private landowners, and nongovernmental organizations. Research into efficient, effective inspection, exclusion, and eradication strategies are vital as well.

[Page 10](#)

[PREV PAGE](#)

[TOP OF DOC](#)

We have assembled a broad spectrum of panelists that will inform us of the difficulties and hopefully successes that they have experienced with invasive species. I look forward to hearing about the problems that exist as well as those on the horizon, areas that are improving, and the work being done to ensure that citizens, particularly farmers and ranchers, have the security in place for protection against invasive species.

I would like to thank a number of organizations that have contributed to the exhibit on display in hearing room 1302, particularly the U.S. Geological Service, the Smithsonian Institution, and others that I am sure we will be hearing more about today. And if you have not had the opportunity to go by 1302, right around the corner, please take the time to do so. It is truly an education.

At this time we would like to welcome our first panel of witnesses: Dr. James G. Butler, Deputy Under Secretary, Marketing and Regulatory Programs, U.S. Department of Agriculture; Mr. Dave Tenny, Deputy Under Secretary, Natural Resources and Environment, U.S. Department of Agriculture. I would personally like to welcome Mr. Tenny and inform the rest of the audience that in his former life he once was a professional staff member of the subcommittee and full committee here. Dr. James Tate, Science Advisor to the Secretary, U.S. Department of the Interior; Ms. Connie Riherd, Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Gainesville, FL; Ms. Jill T. Stevenson, deputy director of Fisheries Service, Maryland Department of Natural Resources, Annapolis, MD and; Dr. Scott Miller, chairman, Department of Systematic Biology, National Museum of Natural History, Smithsonian Institution, Washington, DC.

I would like to welcome all of you. Tell you that your written statements will be made a part of the record and we hope

that you will limit your testimony to 5 minutes. If you have to go over a minute or two we certainly understand that, but we hope you will keep your testimony in line with that since we have so many witnesses today.

[Page 11](#)

[PREV PAGE](#)

[TOP OF DOC](#)

And we are now pleased to start with Dr. Butler. Welcome.

STATEMENT OF JAMES G. BUTLER, DEPUTY UNDER SECRETARY, MARKETING AND REGULATORY PROGRAMS, U.S. DEPARTMENT OF AGRICULTURE

Mr. **BUTLER**. Thank you, Mr. Chairman. I am pleased to be here on behalf of the Department of Agriculture.

The many invasive species on display here today are already in the United States or are being kept at bay, highlights the fact that in today's world, invasive species have the means to move quickly from one habitat to another. To understand how this is possible, we simply need to trace the routes of international travelers and cargo followed on a daily basis. USDA has several programs to respond to the threat of invasive species by preventing their entry into the country. Among these programs are phytosanitary agreements with other countries to either prohibit imports from areas in which diseases may be prevalent or to require treatments to mitigate the potential of an infestation. USDA also may implement preclearance inspections of imports at foreign ports, before they arrive in the United States. Finally, APHIS' Agricultural Quarantine and Inspection Program, which is proposed for inclusion in the new Department of Homeland Security has between 3,500 and 4,000 inspectors working to prevent the entry of articles that can endanger U.S. agriculture through its inspection of people, cargo, modes of transportation at U.S. borders.

Obviously, the Federal Government must deal with the problem of invasive species in a strategic manner. For this reason the National Invasive Species Council was created by Executive Order in 1999 to help plan for the future challenges and coordination.

I know you will be hearing about the Council from other members of the panel. I do want to make reference to the Management Plan of the Council. And I know Dr. Tate will be making references to that as well.

[Page 12](#)

[PREV PAGE](#)

[TOP OF DOC](#)

For its part, USDA provides the Council with expertise in areas of invasive species prevention, emergency responses, control, and scientific research.

The primary focus of our Animal and Plant Health Inspection Service is to protect American agriculture. APHIS' activities are commonly referred to as our "safeguarding system" and encompass a broad range of efforts, including inspections, surveys, pests and disease, and eradication programs. In other areas related to invasive species the Agriculture Research Service cooperates with University and private partners to conduct research on pests and provide USDA with effective measurement techniques. Agencies like the Forest Service, Natural Resource Conservation Service are focused on taking care of our Nation's environmental resources. The Cooperative State Research, Education, and Extension Service supports USDA agencies and University research programs at the local level with outreach efforts. CSREES is also working along with APHIS right now to bolster our Nation's diagnostic laboratory infrastructure, a critical initiative with regard to homeland security and our ongoing vigilance against foot-and-mouth and other exotic diseases of concern.

In our fight against invasive pests we realize that community groups and residents are some of our strongest allies. For each pair of eyes that we can rely on to look for exotic pests are an invaluable asset to our surveillance program.

In recent homeland security supplemental funding package, USDA received funding to support pest detection activities. It is our intent to distribute this money to the States so that they can help us improve our infrastructure needed to organize, coordinate, manage, and facilitate pest detections at the State level.

While USDA has worked hard to ensure that we have the infrastructure, tools, and support necessary to address invasive species in today's world, there are some instances when we find ourselves challenged by unforeseen problems. In some cases we lack the knowledge to properly look for and eradicate new invasive species. In these situations, Federal officials must balance quick response with patience and planning. Emergency research also needs to be made a priority and incorporated into response plans to give officials the information and tools necessary to do their job.

USDA appreciates the committee's interest, not only in our programs to address invasive species, but also in the problems we regularly face responding to new situations, working with new partners, and taking into consideration different interest groups and different viewpoints.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Butler appears at the conclusion of the hearing.]

Mr. **GOODLATTE**. Thank you, Dr. Butler. Dave, welcome. We have seen you here before.

STATEMENT OF DAVID P. TENNY, DEPUTY UNDER SECRETARY, NATIONAL RESOURCES AND ENVIRONMENT, U.S. DEPARTMENT OF AGRICULTURE

Mr. **TENNY**. Thank you Mr. Chairman. I have to say that my natural tendency was to go up and sit behind the guys. It is quite a different feeling on this end of the room.

Mr. **GOODLATTE**. Yes, you are in the hot seat today.

Mr. **TENNY**. That is right, but I am very happy to be here. It feels good to be back. Mr. Chairman, I think that what I would like to do is provide the committee with a few representative examples of some of the invasive species, the non-native invasive species that the Forest Service has to confront on a day-to-day basis. Recognizing that it is a mammoth undertaking, truly, to address the growing issue of non-native invasive species in our country. It is a problem that is expanding anywhere from 7 to 14 percent annually. And as you noted, it has a tremendous impact on, not only the environment, but the economies that depend upon the environment.

My understanding is that just invasive plants alone have an impact as high as \$20 billion a year on our economy. And that is a tremendous impact.

Let me give you a couple of examples of some of the species that we deal with on a day-to-day basis. And you will be familiar with a number of these and I think I have some handouts so we can provide, that you can look at as I am speaking. The first is the gypsy moth. The gypsy moth was imported to our country from France in 1869. And it is a pest that lives off of primarily hardwood species, especially red and white oaks in the northeastern United States. It has currently spread to a range that covers 17 different States, including the District of Columbia. It is a defoliator. It reduces the growth, the vigor and the vitality of the trees that it affects. It reduces the esthetic, recreational wildlife, the values of the areas that it impacts. It is a serious nuisance to urban and recreational areas. It infests presently millions of acres of land in the United States, forests in the United States. It presently has a frontier, if you will, that extends from Wisconsin in the north, to North Carolina in the south.

And the efforts annually to erradic or control this species range in the tens of millions of dollars. And those efforts are necessary to prevent many more tens of millions of dollars of damage that can be caused by this species.

This year, the Forest Service will treat on Federal and private land over 1.3 million acres to address the gypsy moth issue. And that need is growing, which is why we call the program that is designed to address the gypsy moth issue, the spread program because it is a growing program, notwithstanding the efforts that were taken to address the species.

The second that we have been reading about recently, and I note that the New York Times had an article, a very informative article on this species the other day, or yesterday, is Sudden Oak Death syndrome. Sudden Oak Death is caused by a fungus type of an organism in water as far as we know, that has been affecting live and black oaks, and tan oaks in California and in very isolated parts of Oregon since 1995. It is non-native. The origin of this species is unknown. It is taking a tremendous toll on the oak populations in California. The risk of spread of this species is still being studied, but it is understood. And known that there are areas in other parts of the United States, including the eastern part of the United States that are risk if this species is to spread. And that includes areas in the southern Appalachian, including parts of Virginia and North Carolina.

Most recently this species has been found to be affecting coastal Redwoods and Douglas-firs. And it is, as I mentioned before, still unknown the extent to which this species, or this fungus might spread to affect other species. And we are really on the frontier of learning how to address the spread and learning how to control or eradicate the spread of this fungus.

The next is the Asian longhorned beetle. And I actually brought a picture or a prop here that I would like to share with you so you can see what the Asian longhorned beetle looks like. I will ask someone to bring this up to you so you can take a look at it. This is an exceptionally nasty little critter. It was first discovered in New York City in 1996 and has spread to Chicago. It was found in Chicago in 1998. It is believed that the species was introduced to the United States from Asia, hence, the Asian longhorned beetle name. It has, to date, caused the mortality and ultimate removal of somewhere between 7,000 and 8,000 trees in New York and Chicago, mostly in New York. Most recently there were evidence of Asian longhorned beetle found in Central Park.

This is a very aggressive species. The only way to control the species is to remove, or chip, or burn the trees it infects. It is estimated that the cost of eradication of this species alone may range as high as between \$300 and \$400 million. That would be a projection taken through 2009. The potential economic loss associated with this species is tremendous. It is estimated that the total impact of the Asian longhorned beetle, if it were to move from urban areas to rural areas, and perhaps even to wild land areas could be, range in the tens of billions of dollars.

So that gives you an example of some of the species that we have to deal with. As Dr. Butler pointed out we do a lot of cooperation with, not only our sister agencies and the Department of Agriculture, but with other agencies of government as well. You will hear about those later in testimony today as we continue our discussion. We also do a tremendous amount of partnering with the local communities. And some of our best work and more effective work is the partnering work that we do in local communities.

[Page 16](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Invasive species is a big problem associated with fire. And when a fire is intense and the risk of invasive species is high the Agency does a lot of work with State and local governments and authorities to do its utmost to prevent the introduction and then the spread of species in these areas.

I note that my time is about up, but in summary, this is a huge problem. We are having a lot of success. We are doing the very best that we can with the knowledge base that we have. We recognize that we have got a lot of work to do in the future and we look forward to working with other parts of government, both the Federal, State, and local level and with Congress to make sure that we are doing the right thing. Thank you.

[The prepared statement of Mr. Tenny appears at the conclusion of the hearing.]

Mr. **GOODLATTE**. Thank you. Dr. Tate, we are pleased to have you here from the Department of the Interior.

#### STATEMENT OF JAMES TATE, JR., SCIENCE ADVISOR TO THE SECRETARY, U.S. DEPARTMENT OF THE INTERIOR

Mr. **TATE**. Thank you Mr. Chairman and members of the committee. We appreciate this opportunity to discuss with you an issue of great importance to the Department of Interior. I would like to make one point really strongly during my time here. Mr. Chairman, I think America is under siege. We have been hearing this a lot, but in this case it is our very own doing. The United States is experiencing a tide of organisms reaching our shores and as we push toward increased globalization we benefit from most of the newly arrived species, but a small percentage multiply here without the predators and without the competitors of their homelands. And these invasive species thus are very costly.

[Page 17](#)

[PREV PAGE](#)

[TOP OF DOC](#)

You have already mentioned the \$100 billion that some estimates have of the cost of invasive species in our economy. That is probably a slight estimate. It probably is much higher. But I just want to mention that in fiscal year 2000 the Department of Interior spent approximately 31 million, about 5 percent of the total expenditures across all Federal departments in dealing with invasive species.

The common feature of our effort at Interior is cooperation. We work in partnership with the State, Tribes, non-governmental non-organizations, and private interests. The very same people represented on this panel, the people who have

already spoken, the people who will speak after me, are our partners in this effort.

Interior, of course, is the steward of some 438 million acres of public land, maybe 18 percent of all land in the United States. Our eight bureaus manage more than one out of every 5 acres in the United States with most of this in the American West. Our Resource Management Programs target invasive plants, animals, including emerging wildlife diseases on National Wildlife Refuges, National Park Lands, and BOM Land.

I provided in my written testimony a brief snapshot of these programs and I do not think I need to repeat them here, but they are quite pervasive and quite broad. We work to control weedy plants through our partnership with the FICMNEW, the Federal Interagency Committee for the Management of Noxious and Exotic Weeds. Interior's Fish and Wildlife Service jointly administers the Aquatic Nuisance Species Task Force to stem the onslaught of aquatic nuisance species. And Interior works in partnership with private landowners to address invasive species.

But probably at the top of our list of responsibilities is the administration of the National Invasive Species Council and the Invasive Species Advisory Committee. With the involvement of 10 Federal departments and the cooperation of our co-chairs on the Council, Department of Agriculture and Department of Commerce, we are implementing the National Invasive Species Management Plan that was recently mentioned by Dr. Butler.

[Page 18](#)

[PREV PAGE](#)

[TOP OF DOC](#)

I want to parallel the outline of the Management Plan in my remaining comments. The plan calls, for example, for a cross-cut budget, a Federal agency expenditures combating invasive species beginning in the fiscal year of 2003. The Council co-chair departments are currently working on, working with the Office of Management and Budget to have an inner-agency budget cross-cut proposal ready for fiscal year 2004 in that budget cycle. It will be performance oriented, with common long-term goals, intermediate goals, performance measures, and common definitions. Like the Plan, the performance budget proposal initial focus will be on early detection and rapid response, also control and prevention.

In general, the Department of Interior believes the most effective and least costly method of reducing the impact of invasions from alien species is to prevent their initial introduction. In the case of intentional introductions, effective preventive measures identify pathways and reduce the risk. And in speaking of prevention, you probably noted the adult snakehead in the juvenile from Crofton, Maryland, among the specimens in the other room. This species, the Northern snakehead gained notoriety earlier this year when it was found reproducing in a borrow pond. On July 23, Interior Secretary, Gale Norton, announced that she was proposing to invoke a little-used provision of the Lacey Act to name snakehead species as injurious wildlife.

Mr. Chairman, I am pleased today to announce the Department of Interior has filed the final rule in the Federal Register to declare the 28 species of fish known as snakeheads as injurious wildlife. On Friday, it will no longer be legal to import or to transfer from state-to-state any individuals of snakehead.

It may interest your committee to know that after the Secretary's announcement of the proposed rule in July nearly three times as many snakeheads were imported into the United States than in July a year ago. This clear attempt to beat the band has prompted the Fish and Wildlife Service to make Friday's ruling effective upon publication, rather than after the usual 30-day waiting period.

[Page 19](#)

[PREV PAGE](#)

[TOP OF DOC](#)

At the same time I want to thank the non-government organizations that cooperated with us in developing this rule making, especially the people from the Pet Industry Joint Advisory Council and the Zoo and Aquarium folks at AZA. This is an example of the cooperation that we achieve when we are working with the invasive species.

After prevention the early detection and rapid response to new invasions is paramount. In most cases newly arrived invasive species present challenges to our knowledge of the biology and ecology of new species.

Rapid response in the face of uncertainty brings out the best in Americans. For example, veterinarians, wildlife rehabilitators, and epidemiologists began to share information immediately upon discovery of West Nile virus in the United States and to discuss its impacts on wild birds as well as humans.

Rapid response is essential to stop a newly arrived species because control of a well-established invasive is many times more difficult. After establishment, a single control strategy is seldom sufficient. An integrated management strategy is

usually needed. So we use integrated pest management as a strategy that focuses on long-term control of pests and damage caused by them through a combination of biological control, habitat manipulation, creative agricultural practices, and sequence and timing of actions. Pesticides are used, but under guidelines established to minimize risks to human health, beneficial and non-target organisms.

In conclusion, I want to thank you for this opportunity to describe the overwhelming tide of invasive species facing this Nation and describe to you the Interior's role. I hope it is clear that our goal is to ensure that invasive species, and Interior emphasize cooperation, coordination, and communication of existing Federal efforts and local control programs all in the name of conservation, Secretary Norton's 4 C's.

We look forward to continuing to work with the committees and with our partners and we thank you for the opportunity to speak here today.

[Page 20](#)

[PREV PAGE](#)

[TOP OF DOC](#)

[The prepared statement of Dr. Tate appears at the conclusion of the hearing.]

Mr. **GOODLATTE**. Thank you, Dr. Tate. Ms. Riherd, we are glad to have you with us from the Florida Department of Agriculture and welcome your testimony.

STATEMENT OF CONNIE RIHERD, ASSISTANT DIRECTOR, DIVISION OF PLANT INDUSTRY, FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, GAINESVILLE, FL

Ms. **RIHERD**. Thank you very much Chairman Goodlatte, Representative Clayton, and members of the committee. I am pleased to be here today to talk about invasive species management from a Florida perspective. Many people who visit, and unfortunately some people who live there do not realize that just a few miles inland from the beaches, or just a few miles away from the theme parks is a thriving agriculture industry. But it really, next to tourism, is the mainstay of our economy, contributing over \$50 billion each year.

Unfortunately, our subtropical climate, our southern location, the fact that we are surrounded by water, the fact that we have 21 international ports makes us particularly vulnerable to the introduction of invasive exotic species. In fact, in Florida we normally experience an average of one new exotic species a month. I think in September we had three or four. Just in the past 5 years Florida, and the Federal Government, have spent over \$4 million to combat invasive pests species.

These include things like Mediterranean fruit fly, that pest has been eradicated from Florida a number of times dating back to 1929. A citrus canker, a pink hibiscus mealybug, just to name a few, but the cost of not doing something to combat these pests is estimated to even be greater. In fact, for citrus canker, if we do not erraticate it, it is estimated that the will cost Florida citrus industry \$342 million each year on increased production costs and also on loss markets.

[Page 21](#)

[PREV PAGE](#)

[TOP OF DOC](#)

The USDA has been our partner in fighting these battles. They have shared about half the cost with us. The USDA is now proposing to establish cost sharing criteria to make the system more uniform. Although we recognize why there is a need to do this we want to point out that the State and the industry look to the Federal Government to provide a national defense against the introduction of exotic pests.

Also in Florida, we feel because of our vulnerability due to our geographic location and our climate, that we are bearing even more expense for these invasive species than many other areas of the country. We are fighting the battles and paying for them on our homeland front so that these species do not spread to other areas of the country. Excluding pests from the United States is vitally important. If we cannot do that we must be able to detect them early before they spread so that we can have an eradication program. If eradication is biologically or economically unfeasible then we must develop some time of management practice to keep these pests below economic levels.

Ideally this would involve some type of biological control method and in this regard the USDA offshore biological control initiative in the Caribbean has been very important to Florida.

Various in-depth reviews have been conducted on the pests and disease exclusion and response programs at the Federal level. Also, many States have done the same. They pretty much all concluded that we need additional resources to inspect passengers and cargo. We need to have additional resources for early detection and rapid response. We need to determine

the pathways that these pests are entering the United States and we need to close those pathways. We need to make sure that the phytosanitary certification programs in the countries of origin are adequate so that these pests aren't imported into the United States on these products.

And also it is important that we have ongoing scientific research to identify these problems in the country of origin so that maybe control procedures can be done in those areas and in those countries so that we do not have to worry about the pests coming into our ports.

[Page 22](#)

[PREV PAGE](#)

[TOP OF DOC](#)

The passage of the Plant Protection Act in 2000, and the recent passage of the Animal Health Protection Act are a good start to reinforcing these programs. However, we feel like additional resources and information sharing, particularly the information that customs has is vitally important in reducing the spread of invasive species. Thank you.

[The prepared statement of Ms. Riherd appears at the conclusion of the hearing.]

Mr. **PUTNAM** [presiding]. Thank you very much. At this time the Chair recognizes Jill Stevenson, deputy director of Fisheries Service with the Maryland Department of Natural Resources.

STATEMENT OF JILL T. STEVENSON, DEPUTY DIRECTOR OF FISHERIES SERVICES, MARYLAND  
DEPARTMENT OF NATURAL RESOURCES, ANNAPOLIS, MD

Ms. **STEVENSON**. Thank you Mr. Chairman and members of the subcommittee. I appreciate the opportunity to discuss with you my experience with the introduction of the snakehead fish in particular, to a pond in Maryland this summer, within the Chesapeake Bay watershed.

In 2000, a Maryland citizen legally purchased two snakehead fish from an importer which were subsequently dumped into a privately owned pond within the Chesapeake Bay watershed. In June this summer, Maryland Fisheries Service received a photograph of a fish released by an angler and received confirmation, subsequently that the fish depicted was a snakehead species. By early July, we had received a large specimen of 26 inches, as well as several small fish caught at the same pond.

The northern snakehead fish is a temperate freshwater fish species native to Asia that can withstand cold winters and was thought to be able to survive in Maryland year-round.

[Page 23](#)

[PREV PAGE](#)

[TOP OF DOC](#)

The major threats associated with this type of introduction result from ecosystem simplification. That is, a top predator like the snakehead is likely able to devour many other top predators, thus changing the dynamics of the food web in the natural system. Thankfully, this system was a privately owned pond that does not regularly drain into any free-flowing public waters. Reproduction of this snakehead species, combined with a dramatic weather event that might have caused flooding of the pond, could have resulted in proliferation of this species in the freshwater portion of the Patuxent River, a tributary of the Chesapeake Bay.

To address eradication options, Maryland Fisheries Service convened a Scientific Advisory Panel that subsequently recommended application of a fish poison and herbicide application to destroy vegetation. Additional details of this effort are provided in my written testimony.

Initially private landowners were very open to pesticide treatment. However, as the process drew out, they became concerned about a number of issues which required legal intervention by multiple State agencies. The total estimated cost of this operation was approximately \$20,000 for chemical and ancillary equipment, in addition to approximately 300 staff days of labor.

I might just note here this is one non-native species that we dealt with only this summer.

The risk of introductions of potentially harmful, invasive fish species would be significantly reduced if existing statutes were broadened to prohibit the importation, sale, or cultivation of at least those non-native fish species that pose a high risk for establishment of populations in our waters and that pose a high risk of adverse affects on other fish and wildlife species. Safeguarding Maryland's waters would require ensuring flexibility and responsiveness to changing threats and any new statute should convey that authority on natural resource managers with appropriate stakeholder consultation.

It is clear that penalties need to be developed to be sufficient to act as a clear and substantial deterrent. In the case of the northern snakehead in Maryland, the person who introduced the fish was protected by a 2-year statute of limitations. It might be appropriate for violators to be required to bear the cost of eradication and control.

To reduce the risk of future introductions, Maryland Fisheries Service is pursuing introduction of draft non-native species legislation in the 2003 Maryland General Assembly session.

Finally, education programs are probably our best line of defense once legislative protections have been implemented. Aquarium fish retailers should be engaged in consumer education programs for responsible pet ownership and care that avoids their release into natural waters. Additionally, the general public needs to be educated about the threats posed by release of non-native nuisance species. Use of non-native fish as bait also presents a heightened opportunity for their release into the environment.

In summary, we have learned a great deal about the necessary safeguards that need to be in place in Maryland and nationally to prevent additional outlays of limited funds to protect our waterways. This introduction of northern snakeheads resulted in a great expenditure of time and money by the Maryland Fisheries Service, exacerbated by erroneous information we received early in the process, as well as media reports that were sustained throughout the summer. While the snakehead generated a lot of media attention we face non-native species introduction regularly in Maryland.

Mr. Chairman, this concludes my testimony. Thank you for the opportunity to be here today. And I look forward to answering any questions.

[The prepared statement of Ms. Stevenson appears at the conclusion of the hearing.]

Mr. **PUTNAM**. Thank you very much, Ms. Stevenson. The Chair recognizes Dr. Scott Miller, the chairman of the Department of Systematic Biology with the National Museum of Natural History with the Smithsonian Institution. Welcome.

STATEMENT OF SCOTT MILLER, CHAIRMAN, DEPARTMENT OF SYSTEMATIC BIOLOGY, NATIONAL MUSEUM OF NATURAL HISTORY, SMITHSONIAN INSTITUTION, WASHINGTON, DC

Mr. **MILLER**. I would like to focus my remarks today on the identification and information needs that underpin the kinds of management issues that we have heard about from the previous speakers. As we know there is a number of invasive species that have been in the news, even just in recent months. We have examples of many of these actually in our display in the next room.

By their nature, invasive species challenge traditional disciplinary and geographic boundaries in the way that we traditionally have studied and managed forestry, fisheries, wildlife issues because invasive species can come from any place on the planet and they can be any kind of organism. Both the National Invasive Species Council and the Global Invasive Species Program have been significant steps forward in bringing people together across these traditional country disciplinary and habitat sort of structured boundaries.

Systematics or taxonomy is one of the basic tools that allows us to describe biological diversity, provides us with a historical framework for understanding relationships and points of origin of species which are very important in control strategies like biological control. And it allows us to offer communication of knowledge. It is very important to get the name right on something because if you are doing, say a risk assessment of whether you are going to allow importation of a species or not, whether it is a good species or a bad species depends frequently on your point of view.

An example is Jackson's Chameleon, which is an invasive species in Hawaii, but a protected rare species in east Africa. Cactoblastis moth, which is a bio-control success story if you are trying to get rid of cattle on your ranches, but if you grow cactoblastic in Mexico it is an agricultural pest.

This organism in this slide is the Cassava mealybug which was introduced to Africa in the 1980's and threatened to basically collapse the staple food source of much of Africa's population. Biological control efforts for it were totally unsuccessfully because initially someone had the identification wrong and once it was correctly identified there was, in fact, a successful biological control campaign carried out.

To be proactive we need to know what is already present in the United State so that we can manage those, but we also need to know what is present in other countries that we may wish to manage the flow of, and again, accurate identification is necessary for that.

Looking briefly at research and management needs in this area we need to make information about invasive species, or potentially invasive species, how to recognize them and what they do for a living, widely available not only within the United States, but internationally. We need to provide better identification aides to people who may be on the front line of particular issues. Whether they be farmers or quarantine personnel. We need to provide better foundations for the authoritative identification services that are provided for example by Federal agencies that are partnered with the Smithsonian and some State agencies, such as the Florida Department of Agriculture. Better training and support, and targeted research in areas that are problematic.

For example, we are facing a huge influx of immature insects that we are not able to accurately identify in cut flowers and horticultural products that are being imported in increasing numbers from growing industries in Africa and Latin America.

And finally, a word from my sponsor, the Smithsonian's Natural Museum of Natural History provides the sort of worldwide reference collections and expertise that can help with these issues; especially because the National Biological Collection is really operated as a partnership with laboratories from the Department of Agriculture, Commerce, Defense, and Interior, to provide the identification and research capacities to address these issues. Thank you.

[Page 27](#)

[PREV PAGE](#)

[TOP OF DOC](#)

[The prepared statement of Mr. Miller appears at the conclusion of the hearing.]

Mr. **GOODLATTE** [presiding]. Are there questions of the first panel? Mrs. Clayton.

Mrs. **CLAYTON**. I thank the gentleman for recognizing me. This is an area obviously I am learning in, and probably as we all are becoming aware of how interconnected we are as a, should I say as a nation, but as people of a global earth. The globalizational commerce has made us almost one area. I am not sure if I understand. I think I understand because Mr. Scott has said that an invasive species is a non-indigenous, meaning it was not here. I do not know if it means it was not here for a given period of time or, help me out with that. Is it, is someone cataloging all the insects or species from what point to what point because some of the, we have seen reoccurrence of some of these invasions that we thought we had eradicated. So help me understand what it basically means thoroughly.

Mr. **MILLER**. Invasive species basically refers to a species that is expanding its range outside of its normal habitat. Most of the invasive species that we are talking about here have come to this country from some other country, but it is also possible to have something that because of climate change, or land management practices say, is a native species in a given State. But expands its range into feeding on plants that it did not feed on before or whatever, and becomes a nuisance in itself.

Mrs. **CLAYTON**. OK. That is helpful. The ones that you have on your third slide, it is referred a lot about the snakeheads as well as the West Nile virus. Is there any commonality among those in terms of environmental, any commonality in terms of how the invasion or the introduction to our shores? Some of them, for instance, in my county we have just had several incidents of West Nile in birds, but we also had some in deer. And the introduction is said to be first a mosquito to us, but actually the carrier is a bird and birds do travel from one continent, I guess, to another if you live in Florida, I guess. But I am just trying to get a handle on that.

[Page 28](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Mr. **MILLER**. There is not a general issue really that units all of the invasive species. There are general issues that unite some of them. For example, in the marine environment ballast water has been identified as a mechanism of transferring.

You start to see certain patterns. Or in agriculture there are certain issues, or for example the issue I mentioned of we know that immature insects are coming in on cut flowers from eastern southern Africa through Amsterdam into the United States. So there are certain similarities in pathways. There are certain similarities in biology, but as you mentioned with the West Nile, example, if you do not understand the full life history of this thing that the disease requires multiple organisms in order to carry out its life cycle. Then you cannot begin to plan a control strategy.

Mrs. **CLAYTON**. Well, through agriculture, through our, Mr. Tenny, in our emergency funding I think there was some additional monies for APHIS where we were to provide monies to States to help them to provide the infrastructure so they would have the capacity to address; and again, North Carolina had started an effort of the foot-and-mouth disease. And they were concerned about, obviously the cattle and introduction, and putting in an emergency system if something should happen. But equally as important they were trying to put in a system across the board that would be educational and would be preventive. Their last communication with us, I do not think they had gotten the check, or did not know how the funds were being used. Do you know anything about that?

Mr. **TENNY**. I am going to defer to Dr. Butler on that. I think he can give you a more precise answer than I might.

Mrs. **CLAYTON**. All right. I apologize for that. I should have responded to Dr. Butler. Yes, Dr. Butler, I apologize. Your name is here and it was not in disrespect to you. I apologize. Yes, sir.

Mr. **BUTLER**. Yes, ma'am, we have provided money through APHIS from emergency appropriations we received early in this year to States to allow them go through test exercises, through preparedness exercises, for them to assess their vulnerabilities if you will. And many of those States have gone through those exercises with their own funds. If there is a problem in them not receiving the funds directly in North Carolina I will be happy to check on that when I get back to the Department.

[Page 29](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Mrs. **CLAYTON**. I would appreciate that. Between the agencies of the panel, how do you now coordinate? How do you use the information at the Smithsonian with what you do in Interior? And does Interior and Agriculture work with the States in Maryland and Florida? Give us an example of that.

Mr. **TATE**. May I respond?

Mrs. **CLAYTON**. Sure.

Mr. **TATE**. The largest, the greatest source of cooperation is the National Invasive Species Council in things like, Maryland is very effective in Invasive Species Council and our relationships with the State. Our relationship on the snakehead could not have advanced as well or as effectively as it did without the help of the State of Maryland. So we did our part with the Lacey Act and they did their part and carried much of the burden for the species in terms of dollars spent. But as I emphasized in my testimony we also cooperate with many non-governmental organizations. And in the case of the snakehead I named a couple that were helpful and there is always a danger when you name a couple and you forget somebody else. But that kind of cooperation is the way we effectively take the dollars appropriated for us and make them work for us.

Mrs. **CLAYTON**. The State of Maryland, is there something more that you would like to see the Federal Government do?

Ms. **STEVENSON**. No. We are very supportive of the final listing of snakehead species. And I think that we need to continue to work together to identify these animals as they are coming in. As Dr. Miller stated earlier the knowledge base is really the key here, is identifying the animals as they are coming in, and identifying whether or not they are a nuisance. As was stated earlier, there are some non-native species that are acceptable to be existing in our State and in other States. But the key is for us to pull our knowledge base and identify which of these species are a nuisance species. So I think that we are on the right track and we do appreciate the cooperation and collaboration between Federal and State agencies. At this point the State agencies are not capable of really looking at this from a broad perspective so we are taking our piece of it in terms of the State legislative statutes that are needed and working with the Federal Government to ensure that we can look at this from a broader perspective.

[Page 30](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Mrs. **CLAYTON**. The Smithsonian representative, how do you share your knowledge with the other agencies, or is there a mechanism for distributing that information?

Mr. **MILLER**. We share our knowledge in a variety of ways, through the standard scientific channels, through the Federal agencies that work directly with us in the same building; and through mechanisms like the National Invasive Species Council. There is not yet a sort of a one-stop shopping invasive species database on the web that the people can go to, yet there is discussion amongst our agencies as to how to create that, but it is something that we are looking forward to being involved in in the future.

Mrs. **CLAYTON**. OK. Thank you.

Mr. **PUTNAM**. I thank the lady from North Carolina and since no one is standing in line to take an additional 5 minutes, we are certainly going to be generous with our questions. With Maryland and Florida, how would you rate the Federal Governments effectiveness at airport and seaport border and security and controls in terms of preventing the introduction of plants, pests, and diseases from entering the country?

Ms. **RIHERD**. I think with the resources they have they are doing a good job. I think it is just an insurmountable task. There is so much coming into the country. The amount of cargo that is coming in has increased significantly. The number of passengers coming into the United States has increased as well. I do not believe that their resources are keeping pace with the growth in imports into the United States But there have been a number of reviews of the system, the most recent one being in 1999, safeguarding American plant resources. That involves stakeholder input. They recommended over 300 improvements that could be made to the system and the USDA is in the process of implementing those recommendations. And I think that will go a long way to improving the overall system, but I think they do a good job with the resources that they have available to them.

Mr. **PUTNAM**. Ms. Stevenson.

[Page 31](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Ms. **STEVENSON**. I would agree. I think given the resources I think they are doing an acceptable job. With respect to aquatics species we need to remember that many of these species are coming in legally. That it is legal, it was legal this summer to import snakehead fish in the live seafood market. So the problem is not limited to ports, which seems like an insurmountable task of identifying what is coming in through ports and airports, but also to, once you have identified those animals to then prevent the importation of those animals. As I said, many of them are coming in legally, but they are being placed in natural waterways, which is illegal.

Mr. **PUTNAM**. Were both of you familiar with the Smithsonian's work on this?

Ms. **STEVENSON**. Yes.

Ms. **RIHERD**. Yes.

Mr. **PUTNAM**. Dr. Butler, the States are picking up an awful large tab to control, eradicate, inspect, and detect plant, pests, and diseases. That is really a Federal responsibility. Some States being sentinel States, which have been identified in your safeguarding study bear a larger share of the burden. What criteria do you use to distribute resources and how are they allocated around the country?

Mr. **BUTLER**. Congressman, I am not sure if I know the specific criteria. I know that in the \$328 million we received earlier this year we, I believe, provided each State with \$50,000 to allow them to assess their preparedness and exercises. We also used a formula based on livestock operations. And in the first amount of money we received from the Department of Defense we distributed that, three-quarters for those that had the largest number of livestock, 25 percent for plants. So we wanted to emphasize our livestock laboratories, our veterinary medical diagnostic laboratories, et cetera; and secondarily, the plant pathology labs in States.

[Page 32](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Mr. **PUTNAM**. How frequently do you and your colleagues across the Federal Government meet with Customs, Fish and Wildlife, Interior, the myriad of other agencies that have people on the ground in our ports, airports and seaports, how frequently do you all meet to compare notes on improving our level of effectiveness?

Mr. **BUTLER**. Those ports, I believe there is an ongoing relationship between those, head of those agencies that, for

instance, this summer when I was with you in Florida they talked about monthly meetings where they would assess the activities of each of those Federal agencies. So I assume that is a model, minimum of monthly, to have those discussions, implementing new technologies, sharing information about transportation, who is coming in, who is coming out, et cetera. So I believe those are frequent discussions.

Mr. **PUTNAM**. You will also recall from that hearing in Tampa that no one could identify a time when they had ever coordinated a joint ship boarding exercise.

Mr. **BUTLER**. Yes, sir, I do.

Mr. **PUTNAM**. Ms. Riherd, the State of Florida certainly has an awful lot of inbound international flights, cargo, and passengers. The foot-and-mouth disease used to be Agriculture's problem and since last September 11 it has suddenly become a national security issue. It was my understanding at that time that because of a shortage of Federal resources, the number of State veterinaries were marshaled into the effort to increase the inspections. Could you elaborate on that if that was the case and how the coordination worked?

Ms. **RIHERD**. That is correct. A number of State veterinaries were called upon to assist in that effort. There was a lot of concern about visitors coming back in, particular to livestock shows. I know they had a large horse show in the Ocala area. And not just the State veterinaries, but even in our division of plant industry we provided inspectors to try to make sure that there were appropriate foot baths in place to disinfect people who might be inadvertently bringing in the disease. So that, I think was a cooperative effort and hopefully was successful.

[Page 33](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Mr. **PUTNAM**. With regard to the funding that each of you from the States have said that you believe that the Federal Government is doing the best they can with the resources they have. Have Interior or APHIS requested new monies over the past several years?

Ms. **RIHERD**. Yes, they have. I am privileged to serve as a member of the National Plant Board of Directors and that represents State regulatory agencies involved in plant protection issues. We meet several times a year with our counterparts and the U.S. Department of Agriculture and I know that they have requested additional funding for pest detection, particularly is of key concern right now.

Mr. **PUTNAM**. Dr. Butler.

Mr. **BUTLER**. That is correct.

Mr. **PUTNAM**. Has anyone put together a plan that would say that for, that establishes goals for an outcome? That we all, everybody agrees that with the resources we have we are doing the best job we can. Well, the best job that we can is only 2 percent of cargo containers being inspected physically and about 1 percent of cruise passengers. Well, that is not acceptable to anybody, but if everybody agrees that that is the best that we can do with the money that we have then what percentage should be our goal? And what will it cost us to get to that percent? And I would like to know what that acceptable percentage is. Is half good enough? Is it a fourth? Is it 100 percent? What is it?

Mr. **BUTLER**. Those are excellent questions, Congressman. The two documents I will reference that were briefly mentioned is a safeguard and review that was completed on our plants with a great deal of input from the Plant Board in 1999, and one completed in 2000, on our animal assessments. In these two documents I believe there are some goals established. Now whether we have increased the percentage, or say we need to reach a 100 percent, or 50 percent, I am not certain. I think that is going to depend somewhat on the port and on somewhat the disease that we might be looking for, whether it is a plant disease or an animal disease; but you raise excellent questions about what percentage is acceptable.

[Page 34](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Mr. **PUTNAM**. Are there percentages in that?

Mr. **BUTLER**. Without reading this, or a quick review, I do not see any, but I am sure that as they set the goals, your colleague from Florida, I am sure had some input on this so she might know the answer on the plant side.

Mr. **PUTNAM**. Dr. Tate.

Mr. **TATE**. The purpose of our cross-cut budget exercise is to develop those kinds of performance based goals that will potentially answer exactly what you are asking.

Mr. **PUTNAM**. So there is no plan?

Mr. **TATE**. I cannot say that there is no plan. The activities that you are referring to are largely the responsibility of the Department of Agriculture. We do have some Fish and Wildlife agents looking at certain things under laws the Department of Interior is responsible for.

Mr. **PUTNAM**. Sir, with all due respect, that is precisely the kind of attitude that we are trying to get away from with homeland security. It is everybody's problem. And the way that we have gotten into the situation we are in is that Fish and Wildlife looks for endangered species smuggling. They are looking at the turtle that is coming in from West Africa, but it is Ag's job to look at the turtles belly to find an African hard water tick. And then it is somebody else's job to look at a racehorse that is coming, but it is agricultures job to look for the screwworm on the belly of that horse. Customs is looking for drugs and they do not bother to report to anybody when they see a pile of food laying in the back corner of a cargo container that has who knows what growing in it.

You have just identified the major problem that is causing the States to have to pick up a \$100 billion dollar a year tab and is resulting in loss of production, a threat to public health, an under minding of consumer confidence in the food supply because it is always somebody else's problem. And nobody seems to have identified a plan with specific outcomes on where we need to be. And I would submit that where we need to be has changed since last September 11.

[Page 35](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Mr. **TATE**. You are correct, of course, and for that reason we are developing exactly that plan through the cross-cut budget exercise which is performance based.

Mr. **PUTNAM**. Does the gentleman from Virginia have questions? I will turn the chair back over to you, Mr. Chairman.

Mr. **GOODLATTE**. Mr. Tenny, I would like to take some of your time for a moment to let people understand what you have to go through procedurally to satisfy various environmental statutes before management action can be taken in dealing with some of these invasive species. And I would like to know how much delay that brings to the process. How much cost it adds to the process? How frequently your decisions are challenged by various extreme groups that tie the process up in court, and what actions you think the Congress could take to streamline the process?

Mr. **TENNY**. Thank you Mr. Chairman. I think the very first thing I would like to do is draw the committee's attention to a report that was prepared by the Forest Service in June 2002. The process predicament I believe that you are familiar with. You have probably looked at it. It identified, systemically the challenges that the Agency has to face in order to meet the procedural requirements of laws and regulations, and in some cases, self-inflicted process, in order to make timely and effective management decisions.

The Agency identified three things in particular. The first was analysis, which was often times excessive, relative to the decisions they were making. Secondly, was ineffective public involvement which gets right to the question that you raised about the extent to which appeals, litigated, and so forth. And then the third was our own business practices, our own internal management procedures, which can also be a hindrance.

If I want to address this question fully I have to transgress a little bit the boundaries of the scope of the hearing because we also have a number of species that are native species that are also invasive. Species like the southern and the mountain, and the western pine beetles for example, and other species that are also very, very significant in terms of their impact. And I can take some of these as an example to identify some of the challenges that we face.

[Page 36](#)

[PREV PAGE](#)

[TOP OF DOC](#)

When you are talking about containment or eradication of a species, you are talking about, invasive species, especially it if it moving aggressively, you are talking about taking a landscape approach and looking at a containment strategy. It is not altogether different than how you would prosecute a fire in some respects. NEPA frequently requires a site-specific analysis. And as you undergo the site-specific analysis to undertake a project to do something that you are really looking at, at a landscape scale, that adds significant time and process to what you are trying to do.

There are instances when a single decision that requires an environment impact statement, for example, can take upwards of 2 to 4 years to conduct. The Forest Service is also required to meet the requirements of the Appeals Reform Act of 1992, which is a process that is extraordinary in government relative to other agencies. That adds an additional time element to

every decision and frankly, from the assessment of the Forest Service encourages end of the process confrontation as opposed to upfront collaboration.

With respect to projects that were designed to reduce our natural fuels within the Forest, the Forest Service did recently do a study of the number of appeals that the Agency received on those types of projects. That does not go specifically to, and only to, the types of treatments that affect, or that would help contain or eradicate invasive species; but there are plenty of instances when they are invasive species that are implicated in those types of projects. But the Agency found that roughly half of its projects were being appealed. That process adds additional time to the equation.

And then there is also litigation. When you have a project litigated the issue is not necessarily the number, or percent of the projects being litigated, it is the impact of a court decision on future projects. Frequently a court decision will simply add another layer of requirement or process to future projects. Sometimes litigation outcomes catch managers unawares, so that a decision made in one of the country by a Federal District Court could impact a decision made by a land manager in another part of the country. And if that land manager is not aware then that challenge can also prevent that project from going forward. And it is sort of an ongoing and difficult cycle that our land managers face.

[Page 37](#)

[PREV PAGE](#)

[TOP OF DOC](#)

And ultimately, obviously, the most important underlying issue is that if we do not address the issues in a timely enough manner then we are going to be stuck with a far more problematic situation that we might otherwise have been able to overcome. If we were able to get a decision made on the ground, get it done quickly, and effectively to prevent the kind of outbreaks that we are seeing in some parts of the country.

Mr. **GOODLATTE**. Thank you. Dr. Miller, I apologize for having to step out when you were giving your testimony. So if I ask something you already said, I apologize, but I take it your Agency's function at the Smithsonian is in a consultative role providing expertise, scientific expertise, to those who are combating these pests, or do you actually get involved out in the field?

Mr. **MILLER**. The Smithsonian's role is basically maintaining the national collection of biological specimens, which is used to underpin a variety of identification and research. And there are some research projects that we undertake ourselves, including marine pathways research at the Smithsonian Environment Research Center and systematics research at the museum here on the mall.

But we also have, we basically run the national collection as a cooperative of venture with systematics laboratories from four Federal agencies, Agriculture, Defense, Commerce, and Interior. And support as a joint activity a variety of more applied activities, including the backstopping of identifications from port identifiers and from States, and from all nature of activities.

Mr. **GOODLATTE**. Dr. Butler, I understand that the, and perhaps Dr. Tate would respond to this too, I understand that some questions have already been asked about the Department of homeland security. This is directed to Dr. Butler, a compromise with fashion here in the House with regard to the role of the Animal, Plant, and Health Inspection Service and the role of the Department of Agriculture in continuing to have control over a portion of that agency, and a portion going to the Department of Homeland Security. Do you think that that Department of Homeland Security legislation, beyond that particular APHIS compromise, coordinates amongst these four different departments that have a role in this area? I mean, will they the lead in that, or are we still going to have this bifurcated situation that we have today?

[Page 38](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Mr. **BUTLER**. Well, the creation of the new department would have the lead. In agriculture we would still have the linkage to train those inspectors to link them back to our infrastructure, to link them back to the State, regulatory network, et cetera. But the Department of Homeland Security, is my understanding, would have the lead on that.

Mr. **GOODLATTE**. Will they work directly with the States as well to coordinate this? It would seem to me that that would be very efficient when you are talking about preventing a species from getting into the country.

Mr. **BUTLER**. I do not know if that issue has been resolved. I know that in hearing from the State Departments of Agriculture, obviously there are comfortable with the relationship they have had for many years working with USDA. Whether they will work, the new department will work directly with their States, I am not sure.

Mr. **GOODLATTE**. Dr. Tate, do you have anything to add to that?

Mr. **TATE**. I do not have any particular comments except to say that the Department of Interior and the President's plan is little involved beyond its current activities.

Mr. **GOODLATTE**. Do you think it needs to be?

Mr. **TATE**. According to the President's plan it does not.

Mr. **GOODLATTE**. There is a political answer for you. What is your personal view of that?

Mr. **TATE**. I do not think I have a personal view.

Mr. **GOODLATTE**. Very well. Well, Mrs. Clayton, do you have any other questions that you want to ask?

Mrs. **CLAYTON**. I do. Dr. Tate has testified before. He has been through this before so he knows not to give his opinion here. But at any rate, what was the response after, from the Department of Agriculture after 9/11 in terms of the potential, of intentionally—part of the concern in North Carolina and other parts of the country is understood that people were a little fearful of sometime accidental invasion of pests or organisms, and then the intentional invasion of pests and organisms. And I know part of the fear was, rather it was a tourist, accidentally coming back from certain areas, having these accidental or someone intentionally, so there was some concern of trying to restructure. Maybe that is too strong a word, but reinforce the current structure to be more responsive in prevention and giving an education. Where is APHIS in that response? Are you just waiting to see what happens with homeland security and say, well, given our role there we will find out?

[Page 39](#)

[PREV PAGE](#)

[TOP OF DOC](#)

And the second part of the question is we are trying to protect ourselves from what may be invasion from others. Is there a dialog going on with the U.S. involvement at the World Trade Organization that talks about controlling? How do we control this given, we need coordination within our own country, but we also need coordination international because this is an issue that I think if we are going to continue to trade, we are going to continue to send our fruits and vegetables abroad. And I suspect we are going to be continuing receiving flowers and things from various countries here. I shudder to think what is growing on from the borders of California right now, given that that, those cargos have fresh fruits. So certain environments and certain conditions will give rise to certain organisms and certain conditions.

So you have to understand that this is an international trade issue as well, as is security for us. So what is USDA done on either of those fronts?

Mr. **BUTLER**. Early in the year of 2000, prior to the 9/11 event of 2001, you recall seeing the horrendous outbreak of foot-and-mouth disease in other parts of the world. And during that time APHIS employees, as well as State veterinaries went to assist in other parts of the world as they were trying to overcome that livestock tragedy. From that we learned a great deal and I think States began to implement exercises and preparedness, and funds were distributed that heightened our concern for these global issues, using livestock as an example. So even prior to 9/11 I think there was a significantly increased effort with regard to these diseases.

In answer to your other questions, no doubt as we continue to increase our trading partners around the world we will be challenged by what those trading partners might bring in. The WTO does have standards. The international plant, pest community has a global board that identifies issues that globally are of concern. For instance, solid wood packing material is how some of these pests arrive, not only in our country, but are moved around the world. We have a similar body in the animal world, the International Epizootic that meets annually, raises issues of concern. So there is a global discussion going on about these pests, be they animal in nature, be they plant in nature.

[Page 40](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Mr. **GOODLATTE**. Well, let me thank all the members of this panel for their fine contribution to the hearing today. I think we have a lot of work yet to do to figure out to coordinate the attack on invasive species that are causing serious harm to many aspects of our economy. And we will welcome and further responses to the questions that any of you may wish to submit in writing. And we will at this time dismiss the panel and welcome our second panel.

I will invite to the table Ms. Ann M. Bartuska, executive director, Invasive Species Initiative, The Nature Conservancy, Arlington, Va; Mr. Rob Hedberg, director of science policy, National and Regional Weed Science Society, Washington, DC; Dr. Richard Crowder, chief executive officer, American Seed Trade Association, Alexandria, VA; and Ms. Myra Hyde,

Director of Environmental Issues, National Cattlemen's Beef Association, Washington, DC.

We would like to welcome all of you, I remind you again, your entire written statement will be made a part of the record and we would ask you to limit your comments to 5 minutes. And we will start with you, Dr. Bartuska.

STATEMENT OF ANN M. BARTUSKA, EXECUTIVE DIRECTOR, INVASIVE SPECIES INITIATIVE, THE NATURE CONSERVANCY, ARLINGTON, VIRGINIA

Ms. **BARTUSKA**. Thank you for Mr. Chairman, members of the committee. I am very pleased to be here and appreciate the opportunity to speak on behalf of this issue for the Nature Conservancy. And also in the fact that I represent as president of the Ecological Society of America, a large number of scientists who are very concerned about this issue also.

Why is the Conservancy concerned about this? Well, we have in this country 12 million acres that we have helped protect and preserve. Globally we have an additional 80 million acres. We have a very long history of dealing with the conservation of biological diversity and ecosystems. And we feel that every accomplishment that we have to date is at risk due to invasive species, which is a humbling thought when we think about the lands and the waters that we have been working with.

[Page 41](#)

[PREV PAGE](#)

[TOP OF DOC](#)

But we also feel like we have had some progress on invasive species and your charge, in part, was to share some experiences that we have. And I would like, these are in the testimony in more detail. But just to bring some forward, we have had some successes. I think we have done some really good work in partnership with others from work in California, where we were able to address a tamarisk invasion. That is Salt-cedar. There are actually some very nice displays next door. But we effectively were able to remove the tamarisk from an entire watershed. Took an area that had lost its free flowing streams. By removal of the Salt-cedar we now have the springs back. It was a good partnership. It was an example of really excellent control strategies on both public and private people at work.

From California our efforts go to the Hells Canyon area, which is Idaho, Oregon, and Washington, where we are working with the tri-state weed management area. It is a locally driven effort. It has Federal support. It has State support. And we are trying to have a combination of early detection, the whole issue of early warning of weeds, a rapid response, getting all the resources of all those entities together and using the most current technologies and remote sensing to be able to detect those weeds. So bringing forward the best science.

Then from that part of the world, working in Hawaii, we have lots of efforts going on there, but we are really proud, recently in partnership with APHIS and the State Departments of Agriculture to effectively put together a prevention plan for fire ants. We do not want them to come from the mainline U.S. to the Hawaii Islands. And so that partnership, focusing on prevention, is a tremendous opportunity.

And then the last example that we talk about is in the Florida Keys where in working again with Federal, State, and private sector, brought together a very large volunteer force to eradicate a set of invasive species within one high priority key, one high priority island, in the Florida Keys.

So all of those examples help us understand that where we are successful in control, we are going to be more successful where we can do effective prevention, early detection, and rapid response. And I think that is the message that we would like to convey from the Conservancy. You have already heard a lot about that from the first panel and I think our experiences are just reinforcing that.

[Page 42](#)

[PREV PAGE](#)

[TOP OF DOC](#)

With my remaining minutes I am going to quickly go through some opportunities for action. And the first thing I would like to bring to your attention is what is the basis for our approach is a figure that, I believe, has been given to all of the members of the subcommittee. What we have tried to do is look at the costs of prevention versus eradication and control. Not only in the on the ground costs, but also the costs to ecosystem services, to free flowing water, to quality of our recreational experiences, to our forest productivity, as well as agricultural systems. And it is clear to us that if we can get on prevention and a rapid response that we will be much better placed in terms of a cost effective approach to invasive species management.

So our efforts are really focusing on continuing to have aggressive action on prevention, especially working with APHIS who is the key leader for the United States. But having them expand and enhance their authorities beyond some of the traditional roles they have had. And also to bring some equity to the non-agricultural systems, that they also have some responsibility for.

We believe establishing an effective early warning system that deals with all types of plants, animals, insects, and diseases, building upon some of the successes we already have in this country. Like the Forest Health Monitoring Program that the Forest Service and the State Foresters jointly do, which really does give us a basis to address problems regardless of land ownership; but really to have a heightened awareness on what those organisms are and then to do rapid response, which is the big problem.

We can identify what organisms are, what new species are establishing, but unless we have an effective way to get money to the table, to get people to the problem, we will never be successful. So engaging a trained volunteer force would be certainly enhancing the early warning aspect, but I think we also have issues associated with rapid response. Getting the appropriate funding available through the establishment of a permanent fund. Know your monies that allow, Federal and State organizations, to be rapidly responding to those.

[Page 43](#)

[PREV PAGE](#)

[TOP OF DOC](#)

So those are just some of the key areas that we feel are opportunities for us to take action, and again, based on the experiences that the Nature Conservancy has had in working with partnerships on the ground. Thank you very much and, of course, I will be here for questions.

[The prepared statement of Ms. Bartuska appears at the conclusion of the hearing.]

Mr. **GOODLATTE**. Thank you very much. Mr. Hedberg, welcome.

STATEMENT OF ROB HEDBERG, DIRECTOR OF SCIENCE POLICY, WEED SCIENCE SOCIETY OF AMERICA, WASHINGTON, DC, ON BEHALF OF WEED SCIENCE SOCIETY OF AMERICA, AQUATIC PLANT MANAGEMENT SOCIETY, NORTHEAST WEED SCIENCE SOCIETY, NORTH CENTRAL WEED SCIENCE SOCIETY, SOUTHERN WEED SCIENCE SOCIETY, AND WESTERN SOCIETY OF WEED SCIENCE

Mr. **HEDBERG**. Thank you. Thank you Mr. Chairman, members of the committee. I really appreciate the opportunity to be here today and to talk to you about something that is very important to our members. I am here on behalf of the Weed Science Society of America and its affiliated societies. These are non-profit scientific organizations that represent over 4,000 members around the country. And we are active in research, education, extension, regulatory capacities, and also the associated industries.

My message today will be really quite simply. First, that there is significant cause for concern. We have heard that already. Second, we should be very concerned about our response and the track record we have to date. And third, despite the failures that we have seen there are many opportunities for success. We can eradicate, contain, control of these invasive species, but in order to do so we must be ready, we must be willing and able to act quickly and decisively because delay has not worked. Half-hearted measures have not worked.

[Page 44](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Although all manner of invasive species are of concern, I am going to focus on weeds with two examples today. The first example is giant hogweed. It is a particularly nasty, invasive species that grows about 12 to 15 feet tall, has enormous flowers. It is very aggressive and it is very showy and so people like to spread this plant around, but unfortunately it is also a serious public health concern. The sap from this plant can cause blistering and burns and the symptoms can recur for up to 5 years after someone has been exposed to the sap.

There is a particularly alarming case in Pennsylvania where some kids were playing with the plant using them as blowguns and they had to go to the emergency room for treatment because of this one plant. It is a federally listed noxious weed and it is found in a handful of States, but the illustrative problem, appropriate officials here in Washington for APHIS were unaware of the plant growing right here at one of the Embassy's; although the Park Service people have been aware of it growing here for several years.

In another instance I was, by sheer luck, identified an infestation that was growing in Maine when somebody sent me a picture over the Internet out of curiosity. The weed is now being actively managed in Pennsylvania, but in New York it is primarily being ignored. In the Pacific Northwest it is spreading there, but there is an anti-pesticide bias that has precluded the use of herbicides as effective control measures. The noxious weed program manager for APHIS is trying to spur control efforts on this weed, but he does not have enough money and some of his State counterparts have no real interest in the problem.

This case illustrates several points. One is that we need an Early Detection and Rapid Response System that gets the information to the right people and gets it to them quickly. We need an outreach system to teach people, the general public about local invasive species problems and what steps they can take. We also need public policies that recognize the real threat from invasive species and outweighs the perceived risks of pesticides use. It so often happens, especially in the Pacific Northwest. And ultimately we need budgets that are commensurate with the scope of the problem.

[Page 45](#)

[PREV PAGE](#)

[TOP OF DOC](#)

I am going to change gears and talk about another weed. That is witchweed. It is a parasitic weed that has decimated crops in Africa, India, and the Middle East. And in 1956 it was found in cornfields in North Carolina. By the time the weed was appropriately identified and the threat recognized, over 450,000 acres of North and South Carolina were infested. This weed could have spread across all corn growing areas in this country and would have cost an estimated \$6 billion of lost yield annually.

Luckily, there was one person with experience in African crop production who recognized the threat and this person was motivated to launch a crusade. And with his determined leadership and a major research break through, local eradication of the weed became possible. So after a sustained effort, only several thousand acres have yet to be certified free of this noxious invasive weed today.

I mention this example for one reason primarily. That is to demonstrate that we can effectively eradicate a weed even after it has infested nearly half a million acres. It demonstrates that there is no substitute as well for trained people who are in the right place at the right time. It also demonstrates that applied research can be one of several key ingredients in success and it also demonstrates the critical value of determined leadership.

In conclusion there are several key elements that are within the scope of this subcommittee. We, like so many others, think that we need an effective Early Detection and Rapid Response System. We believe we must do more to educate the general public. We must manage invasive pests in all environments, not solely in agriculture, not solely in natural areas. And we must also overcome regulatory and administrative burdens that we have already heard about.

We encourage the members of this committee to monitor the Council on Environmental Qualities review of the NEPA guidance. We recently submitted comments to a task force about ways NEPA has impeded invasive plant manager.

We recognize the uncertainty surrounding APHIS at this point, but we also would like to see APHIS begin acting on the responsibility to protect natural resources and environment from invasive plants because they were given this authority and responsibility in the Protection Act of 2000. If they do not do it who else is going to take the lead?

[Page 46](#)

[PREV PAGE](#)

[TOP OF DOC](#)

And finally, many elements of an effective Early Detection and Rapid Response System are already in place within the Land Grant University system. There are researchers, extension agents, plant diagnostic clinics and a master gardener program with hundreds of thousands of volunteers that can raise public awareness and distribute reliable information. All of these elements fit very well in an Early Detection and Rapid Response program.

That will conclude my remarks and like everyone, I welcome any questions.

[The prepared statement of Mr. Hedberg appears at the conclusion of the hearing.]

Mr. **GOODLATTE**. Thank you Mr. Hedberg. Dr. Crowder, thank you for joining us today. Pleased to hear your testimony now.

STATEMENT OF RICHARD T. CROWDER, CHIEF EXECUTIVE OFFICER, AMERICAN SEED TRADE ASSOCIATION, ALEXANDRIA, VA

Mr. **CROWDER**. Mr. Chairman, thanks for including us as part of your list and we applaud and support the committee's efforts to review the invasive species program and seek comments from affected parties. ASTA considers invasive species to be a very serious issue demanding our attention and thoughtful debate.

Accordingly, I would like to share with the subcommittee ASTA's view on the issues and opportunities associated with invasive species management. And not surprisingly, my comments will be made from a seed perspective.

In 1999, when the Executive Order 13112 was issued, ASTA's membership began a concerted effort to provide input and expertise to the newly established Invasive Species Advisory Committee. And we believe that that management process established by that will be well served by the work of International Species Advisory Committee. The seed industry is represented on ISAC by Dr. Gary Beil of the Minnesota Crop Improvement Association, and Gary is providing input into the ways that the seed industry can help in the development of programs that will address invasive species here at home and abroad. We also have an invasive species working group among our members and this year at our executive committee meeting in April we devoted a full day to the issue.

[Page 47](#)

[PREV PAGE](#)

[TOP OF DOC](#)

From a seed industry perspective, there are a number of factors that could be improved in the management of the invasive species issues. First, there needs to be a greater research in science included in establishing invasive species lists. The lists for each geographical area should be based on the environment for that area, not on lists from other States or areas. And as you noted earlier in your introduction comments, Mr. Chairman, all natives should not be deemed to be invasive. The process should be fair, open, and include all interested parties, and it has been indicated several times this morning, prevention and early detection programs should be strengthened and there should be effective communication and coordination among parties as we heard in the discussions earlier.

We recognize the need to identify, monitor and, when necessary, control or eradicate plant species that adversely affect the environment, production, agriculture, conservation efforts, or otherwise cause economic harm. However, the industry, we do not feel is well served by some of the existing processes of defining invasive plants.

In many instances, the State and local plant boards and councils who develop the list are private or quasi-governmental groups, with listing processes, in many cases, being informal and without input from interested experts, such as State seed control officials, the seed industry, or representatives of production agriculture. And in some cases, non-natives are listed as invasive strictly because they are non-native.

Because of these reasons and the importance of the issue, ASTA supports the efforts of the Federal Government, the National Invasive Species Council, and interested State and private organizations who share the goal of protecting U.S. agriculture from harmful species.

We are in the process of accumulating data for many of these targeted crops from seed experts to identify their benefits, costs, availability and characteristics. This exercise we believe will provide much needed information and assistance to State and Federal officials, gardeners, homeowners, and other interested stakeholders.

[Page 48](#)

[PREV PAGE](#)

[TOP OF DOC](#)

We also believe that the ISAC National Management Plan includes the basic components needed to effectively address the invasive species challenges. Specifically, number one, the coordination of Federal initiatives to be balanced with State and local programs is on target. As noted earlier prevention and early detection are needed, rapid response programs are essential. And control and management, including eradication is also important. It is noted by some of the other questions on an international note, we fully support coordination and cooperation with other international bodies, particularly as it affects seed, commerce, and commerce in total. And finally, we support public awareness programs on the invasive species issue.

We are committed to continuing our cooperation with the involvement in the National Invasive Species Council, and others, including State and local organizations to address the challenges of the invasive species. We believe that successful policies and programs must include technical support, economic analysis, risk assessments and participation by all affected stakeholders.

In summary, invasive species is a high priority for ASTA and its members. We believe that awareness of invasive species

is a first step and for our part, the seed industry has long been diligent in making certain the potentially invasive species are not introduced as contaminants of quality seed products.

ASTA and its members continue to look to the Federal Government, namely the APHIS, for help in this process as it performs its vital role of inspection, particularly at its borders.

And Mr. Chairman, we would also echo what has been said earlier by many people, that we believe a well funded APHIS is critical to successfully meeting the issue of managing of invasive species.

Again, Mr. Chairman, we applaud your efforts on this issue and we welcome the opportunity to appear before you today and would be pleased to answer questions that you might have.

[Page 49](#)

[PREV PAGE](#)

[TOP OF DOC](#)

[The prepared statement of Mr. Crowder appears at the conclusion of the hearing.]

Mr. **GOODLATTE**. Thank you Dr. Crowder. Ms. Hyde, welcome.

STATEMENT OF MYRA HYDE, DIRECTOR OF ENVIRONMENTAL ISSUES, NATIONAL CATTLEMEN'S BEEF ASSOCIATION, WASHINGTON, DC

Ms. **HYDE**. Thank you. I appreciate the opportunity to be here today to speak on behalf of the National Cattlemen's Beef Association, and also just cattle farms and ranchers across America.

As you noted in your opening comments, Mr. Chairman, agriculture is a community that has long been aware of the economic and the environmental harm caused by invasive species. And while we recognize in the cattle industry that the threats posed by invasive species of all kinds are enormous. What we, and we support all efforts to manage them.

We are primarily concerned with the threats posed by invasive weeds. Grasslands and shrub lands, or rangelands, occupy about 35 percent of the land area of the lower 48 States, or about 861 million acres.

These ecosystems provide clean water, clean air, open space, recreational opportunities, just a myriad of benefits that they provide. But from a cattle perspective they also provide, the lands that are cattle primary rely on for feed and forage for their animals, and this is also the same forage that that the wildlife relies on as well. So threats to them really do impact the economic viability of a cattle farmer, or a rancher's economic viability. And they are a huge threat that we take very seriously. They threaten the health of all rangelands by out competing and replacing the native vegetation. Some native, non-native plants can even poison wildlife and livestock. And they also make areas more susceptible to catastrophic fire and can radically impact the way an ecosystem functions.

[Page 50](#)

[PREV PAGE](#)

[TOP OF DOC](#)

It has already been mentioned here, but the economic cost have been conservatively estimated at about \$137 billion a year, but cropland agriculture alone, estimates have been placed at about \$20 billion a year, so it is enormous.

And again, it has been mentioned these species are spread both intentionally and non-intentionally. And I suppose you could just say anything that is capable of moving from a point A to a point B is probably capable of transporting and spreading an invasive species. Not to mention the intentional introductions, particularly in agriculture, a lot of times they have been introduced for ground cover purposes. And then we come to learn later on that again, they have become harmful in that ecosystem. So, and they often do not have the predators and they just spread and take over that whole forage base with, and largely no nutritional value at all for the livestock or the wildlife.

In order to prevent the spread we must establish better education and awareness programs, to increase understanding of the problem. We have to have interdiction and better barriers at ports of entry, which means training of personnel to identify and to take steps to control them. We have to have, very importantly, more coordination between the private landowners and the Federal, State, and local governments. And we have to have an accurate and timely Early Detection Rapid Response system. There currently is no national system in place for detecting and responding to invasions of non-native species. And this is critical to be able to even begin to get a handle on the problem, and then, of course, always more research and funding. We are always going to be in need of that.

But once prevention has failed, we should have a goal to stop the spread of invasives before they do become

economically or environmentally damaging. A long-term management plan that integrates best management practices, integrated weed management techniques, all these are critical in order to even begin to contain the invasive species problem.

We need to have some new money directed to a program that gives States maximum flexibility to direct funds where they can be utilized by local decision makers most effectively. And because we will always be, have funding as a limiting factor, we just need to have a system for setting up priorities, where our priorities are for the limited use of our dollars.

[Page 51](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Eradication, like containment, depends on integrated, site-specific management techniques, coordination between Federal, State and local governments and landowners, research and public awareness programs, and adequate funding to have any effectiveness at all. The containment issue, once it is out control is just, well, I hear reports everyday from our ranchers that are fighting this and has spent lifetimes fighting invasive species on their property. And I guess the best characterization I heard was from one of our members in Oregon who said it is like trying to empty the ocean with a bucket. He has been spending 20 years fighting invasive weeds on his own property, and as Congressman Putnam said, a lot of that burden goes to the States, but for farmers and ranchers it becomes very personal because they do not always have the financial assistance to fight these weeds so it comes out of their own pocket.

And in closing, I just want to say that we in CBA would like to say that every effort needs to be made to provide efficient distribution of Federal funds, coordination between Federal and State agencies and private landowners. And to allow for the maximum flexibility for decisions to be made locally where the problems arise.

And thank you for the opportunity to testify today and I will be happy to answer any questions.

[The prepared statement of Ms. Hyde appears at the conclusion of the hearing.]

Mr. **GOODLATTE**. Thank you, Ms. Hyde. Dr. Bartuska, I am a member of the Nature Conservancy so I am very pleased to see the interest your organization is taken in this problem. And also the open mindedness which I think is one of the hallmarks of your organization, about how you approach this and I would kind of like to probe the depths of that open mindedness. In your testimony you mention a hindrance to rapid response caused by NEPA laws. And I am wondering if you have any thoughts on what specific provisions you feel create those problems and what changes you might recommend to accelerate the process.

[Page 52](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Ms. **BARTUSKA**. I appreciate being able to respond to that. I actually think that Mr. Tenny hit a lot of the highpoints and I think are quite on the mark in terms of some of the issues that we have, are facing out there. Anytime you want to rapidly respond to a particular condition and have to have a project on the ground, there is a process associated that has evolved over time in the implementation of NEPA. Perhaps rather than NEPA itself, it has been the implementation. There are the report that is being, or the analysis that is being done by CEQ under the National Invasive Species Council, I think will point to a lot of opportunities; but in particular one of the areas that I see NEPA having to be looked at in a different way is how much material is needed up front to make the decision over the large, over what area of the landscape. And does the decision making process really lend itself to that landscape base perspective.

And this gets to the site specific nature of NEPA. But NEPA in itself, in its simplest form as originally designed I think is still one of the best tools for environmental analysis and assessment of projects, it is just the overtime implementation of that. It hinders our ability to rapidly respond.

Mr. **GOODLATTE**. Well, I agree with that and obviously any time you talk about making changes to NEPA a lot of antennae go up and you step into a lot of controversy. But would you say that some legislation to restrain some of the bureaucratic growth of regulations that have ensued from NEPA to streamline the process; and to make it clear that under certain circumstances, which perhaps could be defined, an Early Deduction Rapid Response system would need to have greater flexibility than is offered by that thicket that you have to work your way through now?

Ms. **BARTUSKA**. What I do not, I am not sure if it is new legislation, or if it is looking at how the current legislation is being implementing. And I think we would best be served by is putting out examples of where, what is it we want to accomplish on the ground, matching that against the process of NEPA. And then determine, are we being constrained by the

law, or are we being constrained by the process. And I will raise one example, from my own experience, I actually used to work for the Forest Service, not so long ago. And one of the challenges we had in a fire project that where we were trying to do active vegetation management was that we could not get the NEPA to match the scale of the project because you had the site specific issue versus the watershed issue.

[Page 53](#)

[PREV PAGE](#)

[TOP OF DOC](#)

And it ended up having a 2-year analysis with an incredible volume of information this thick that I could not read. And that to me is part of the process. That is not the legislation, so I really think we need to complete, and I honestly do not know where the analysis of the whole NEPA regulations versus activities is; but I think that is the basis for whether we need new legislation or just need to do the job differently.

Mr. **GOODLATTE**. Well, right, if we can get the bureaucracy to analyze itself and the process that it is undertaking right now and make those changes, I agree with you. But if it cannot then that is the role of the Congress to step in and say, you are not acting in, whether to mandate a comprehensive review, or whether to actually legislate specific surgical changes to the process. Something does need to be done either at the administrative level or at the legislative level.

Ms. **BARTUSKA**. Yes.

Mr. **GOODLATTE**. Mr. Hedberg, you mentioned that at least one of the problems with eradicating these species is getting permission to use pesticides and herbicides on these problem species. We asked the chemical companies to participate today, but they declined. Can you tell us what the hurdles to using these helpful chemicals are and is the EPA responsive in approving chemicals for this emergency type use?

Mr. **HEDBERG**. There are systems for section 18's and things of that nature for emergency use, pesticides. I am not sure that the Federal Government is some of the land management agencies that really fully use those capacities. I just have a feeling that probably happened. I think some of the impediments that we see really go back to the NEPA guidance, which has already been covered fairly fully. That we could use things such as categorical exclusion which would allow small, minimal acres to be treated without going through the full-blown NEPA process. I think that would definitely expedite an early deduction and rapid response system.

[Page 54](#)

[PREV PAGE](#)

[TOP OF DOC](#)

We also have the concern that many of the regulations administered by EPA, these would include FIFRA and FQPA, Federal Insecticide Fungicide and Rodenticide Act and the Food Quality Protection Act; which mandated very significant review, voluminous review of every pesticide, for whatever use, are done by EPA now. These laws were past and EPA took authority for registering pesticides after NEPA was authorized by several years.

So we have to ask, and we hope that the Council Environmental Quality will review the fact, that there is maybe a redundancy here. That EPA has already satisfied much of the intent of NEPA in terms of reviewing the safety and use and perimeters for herbicide and other pesticides.

Mr. **GOODLATTE**. Would anybody else on the panel like to respond to that question? Ms. Hyde.

Ms. **HYDE**. If I may just one brief comment, I know that a lot of our members, the fact that invasives know no borders is a very real issue as well for our members in the west that rely very significantly on public lands and they have to become involved in the NEPA process. And the suggestion that Rob just made about the categorical exclusions, or programmatic NEPA, or ESA, EIS's in the NEPA process that would allow them to work with more than just one plant at a time.

If you do the single species targeting, it does not get them anywhere either. So they believe that a programmatic EIS, or a categorically exclusion, or whatever would help speed the process along as well.

Mr. **GOODLATTE**. Thank you. The gentlewoman from North Carolina.

Mrs. **CLAYTON**. Thank you. Dr. Bartuska, I am also an admirer of the conservation work and know what they do in North Carolina. I was interested in your chart about prevention as compared to in terms of cost, but also prevention means that you do not have to deal with it whether it cost anything or not. So it is more than just a cost. Who is doing now a good job on prevention and what do you see other than dollars? Is it authority, coordinations, more allocation of the resources to prevention?

It is easy to get us Members of the Congress, aroused and committed and, if we see the outbreak of a disease, but it is difficult if you do not put that in front of our face. You know, to think we ought to put new resources. So how do we get an emphasis more on prevention, if indeed it is cost efficient and it would move, it would remove the entire problem if we did not have it? So how do we change the paradigm to get us to allocate funds before there is a problem because we go to war when there is a problem?

Ms. **BARTUSKA**. Well, you have hit a very interesting point and especially as we, who have talked about performance measures, how do we measure the outcomes of work? Well, how do you measure something that did not happen, which is what the most effective prevention is and, therefore, putting dollars into that becomes somewhat problematic. I think it is very clear that if we could take more aggressive steps, some of it is working, if we are preventing things moving into a country. And that is not just the United States because it works trilaterally, or bilaterally. It is working with the home country to be more aggressive in their activities in exporting and the way they manage materials.

And there actually is a success on that where there was a collaboration between USDA and the Russian, Forestry and Russian, equivalent of APHIS, to monitor for Asian gypsy moth. And when the populations got too high the Russians increased their inspection and basically we pre-certified them so that they could move their goods. But also already had done the screening and the eradication of the Asian gypsy moth, so it never left the ports. So that is, I mean that is a really good success and that is something that could be modeled more frequently.

Clearly in the plant, pest, and plant arena, APHIS is the big guy on the block and the support that we hoping, conveying is to use existing APHIS authority much more broadly, to deal with non-agricultural systems, to make it as important to deal with an incoming forest pest as an incoming pest of wheat. And we do not see that on administration after administration, year-to-year. And I think that would be one of the big, real positive accomplishments that could be achieved is to just broaden the way APHIS is responding to their mandate. And that is partly dollars, but it is partly just tradition, and the way any Agency functions over time.

I think there are also things that could be done enhancing, probably the most fundamental changes, a behavioral one. Where we, as individuals, need to expect different behavior on our own part. The snakehead is a good example. It is just unconscionable that one would just take something and dump it out in water. We have to start believing that ourselves, but then there are some also hidden sources.

One of the pathways that we almost never talked about is web purchasing e-mail. Things are sent our, purchases come into this country all the time that are not really regulated because no one knows it has been happening. So enhancing the capacity to address the electronic way, electronic pathway would be appropriate. So I think there, I mean there are many different pieces out there, and you alluded to that, and I think a lot of it is just changing the way we look at the existing institutions and being a lot more aggressive at those prevention opportunities.

I will bring one more example to the table and that is even within this country. We are not as effective as we could be at cross-jurisdictional movement. And one example out of Florida, there is a cactus moth that I think was mentioned earlier by panel one that is currently established in Florida. It still has not moved much further west into Texas and the southwest where most of the cactus of concern, both economically and ecologically is, we could be being a lot more involved in the prevention of that movement across State boundaries. And I think we have to really increase our capacity there so it is not just coming into the country, it is within country transport.

Mrs. **CLAYTON**. I have some more questions.

Mr. Crowder, you represent the seeding trade and I guess I can also combine this question to Ms. Hyde as well. This whole globalization part of our commerce and the realities, it is not going to stop. It is going to be more enhanced. So what is problematic to us will also, in another sense, be problematic to others.

For instance, the issue of, I guess invasive seed, and I had never thought of that in that way. An invasive seed is just that

is the beginning of an invasive weed or invasive plant, but also the perception in many parts of the world is that our seed of corn, which I do not consider invasive, but which is generically modified is perceived as being invasive, harmful, harmful to the environment, harmful to health.

All, I think on both issues are wrong and I had been engaged in that discussion, in that debate internationally because right now I am involved in trying to get our corn accepted in Zambia and other parts of southern parts of southern Africa in response to the famines there. And these are, this is a country where people are starving and they feel so strongly about this, not eating and accepting our food. Now the point is not to suggest that that definition is right. My point is to raise this question, how do we get a forum of understanding, because this relates to the cattle too. In the European countries part of the issue is that the beef is not being received because they feel that it is being fed on, not what you call an infectious weed, but being fed on modified corn. And since that modified corn is in that kettle you begin to see less of your acceptance of your beef. That is the reality going on right now. And any of the other, some of the countries in Africa who were willing to accept our corn were being persuaded by the European traders that if you accepted the corn that would infect your environment and that you have cross pollination; that corn would be consumed by the animals that you sell to us.

So this is a huge issue. So by definition if we, and that is where I asked the question, I think it was of Dr. Miller from the Smithsonian. What do we mean by invasive? And I know, I noticed you wanted to be cautious about that because you aware that definitions may mean different things to different people at a different time.

Mr. **CROWDER**. Congresswoman, thank you, I appreciate the question for several reasons, and if the chairman would permit me to digress. One is that you and I probably are two of the few people here that know where Macon, NC is because I have an address there. I appreciate everything you are doing in Warren County and the rest of it down there. So thank you.

[Page 58](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Mrs. **CLAYTON**. You can pass by Macon and not see it, but I am delighted you know where it is.

Mr. **CROWDER**. I know where Macon is and the post office.

Mrs. **CLAYTON**. All right.

Mr. **CROWDER**. And the post office, I have an address there so anyway, thank you for the question. Also, thank you for your support on the, on your efforts in terms of getting the American corn accepted in Zambia because it is really an unfortunate situation where a wholesome, safe product is being rejected for non-scientific reasons and it is causing people to suffer as a result of it. We also appreciate the efforts that have been going on with the Administrative Agency, International Development, and others, in terms of that.

You mentioned in the earlier questions this morning the issue of international trade and globalization and what is going on there. This is an example of the non-tariff barriers to trade that our trade negotiators, in particular, Mr. Zellick and his team are going to have to be diligent about in the negotiations with the WTO to ensure that the issues are addressed on a scientific basis and not on a non-scientific basis. In the GAT negotiations the issues were constantly put on the table about social concerns and so forth by the Europeans, which were just measures of non-tariff barriers.

Now the language of precautionary principle is sneaking into the conversations and that is unfortunate. That is another way of discouraging trade of the type that you have just described.

Now to the last part of your question, what is the forum, and what can we do, and what are we doing to help this process? First of all, we try to provide input into our negotiators positions. We work diligently with the International Seed Federation on trade issues and so forth that we, that come before, some of what you are saying. And then we also work specifically with other trade, seed trade associations around the world to help with this issue. And as we speak our vice-president for international is on a plane to Africa right now to participate in a Board of Directors meeting of the African Seed Trade Association. To work with them in establishing rules of trade, what is acceptable, what is not acceptable. We have used funding from here to help the African Seed Trade Association.

[Page 59](#)

[PREV PAGE](#)

[TOP OF DOC](#)

We also work the Asian Pacific Seed Trade Association, attending their meetings. We are not on their Board, but we are on the Board of Directors of the African Seed Trade Association.

And I will give you one anecdotal example of, we were at the International Seed Federation meeting in Chicago in May

and a young lady from Africa came up to me and said, I want to thank you for what you are doing for us. With your help through the African Seed Association in helping us establish rules of trade, intellectual property systems, genetically modified considerations and so forth. You have provided us something that is lasting. It is not like writing us a check and see it gone away, so we really appreciate what the American Seed Trade Association and you have done for us.

So not only are we participating with our own government, within International Seed Organizations globally, but we are dealing with specific individual country Regional Seed Trade Associations as part of educational and developing a process of business and legal structure.

Ms. **HYDE**. You know of the things that makes a species invasive is there is always some degree of harm that is involved. And I think harm itself has a degree of subjectivity when you try and define it. It is to each, each person may have a different definition of what is harmful. But one of the things that can sway someone's opinion of what is harmful is the amount of education, public awareness, research that is being done. All of these things will play on what are our level of knowledge is about a certain issue.

And I think GMO's, since they are just now growing really, we are just now probably, have not yet reached that level where we know more than we do not know about those. But the irony with GMO's, I think, is that some of those, some of the things that we are discovering with those is that by developing plants with these genetically modified capabilities we are actually protecting the plant sometimes from invasive species themselves. They become less susceptible to the invasive species that has gone out of its natural ecosystem and come into another one.

[Page 60](#)

[PREV PAGE](#)

[TOP OF DOC](#)

But again, I think the forum is necessary because through that process you can educate people on both, on all sides of the issue. No one ever is educated enough I do not think, but by exchanging information and exchanging experiences in the science, that is what is going to move us forward in this.

One thing I will say, NCBA does work very closely with the commodity organizations and those that we rely on, our cattle rely on, for feed and we work with them very closely. That being said I am not one of the scientist that does that so my level of these issues is probably pretty limited, but we would be happy to provide you with further answers if you need it.

Mr. **GOODLATTE**. We will do a second round of questions then. I would like to follow up on Mrs. Clayton's questions to you, Dr. Crowder. In your testimony you expressed significant concern for the process used to list invasive species and I am wondering if you could tell us what stakeholders, who do you think should be involved in this process; and can you give us some specific examples of the process by which a particular species was improperly listed as invasive?

Mr. **CROWDER**. The list of stakeholders is many and varies almost state-by-state, but obviously farmers, ranchers, minors, forest owners, the public gardeners, citizens, and everybody are involved. And I am sure I have left out someone and the list is not intended to be exclusive.

I will give you an example of anecdotal, not anecdotal, but it was relayed to me by a member in a western State in terms of a process, that there was a specific, I believe it was yellow clover, do not hold me to that because I think that was the example. That some particular people in the area had said they did not like and was invasive and it was about to be added to a list without input from the agricultural or mining community. And it was a very important crop in terms of reclaiming mining land that, from mining in the western State. And this was a case where the process, if had not been corrected, would have resulted in a species being listed as invasive and maybe not being available for a particular conservation use in the western State.

[Page 61](#)

[PREV PAGE](#)

[TOP OF DOC](#)

In Minnesota, for example, the process of listing invasive species there for some time excluded a number of the agricultural interest. And now the process does include the Minnesota Crop Improvement Association and Minnesota Department of Agriculture.

In my testimony there are a number of items, including Fescue, Kentucky Bluegrass, and others that have been listed on the invasive species list of some States that we do not think were proper to be included on all the States list that there were.

Mr. **GOODLATTE**. Ms. Hyde, I was interested in your comments with respect to the effective Cheatgrass on the spread

of wildfire. I had not been aware of that before. And you state that there are estimates that Cheatgrass has accelerated the fire cycle in the west by 20 fold. Do you know what role, if any it played in the devastating fires that we have experienced this season?

Ms. **HYDE**. Not specifically. I could only speculate though. The 20 fold increase figure actually came from the National Invasive Species Council who is, within their management plan, they recognize that as one of the great threats to the range land. But I can only speculate with the severe droughts that we have had this summer and this spring, and actually some States for the last several years they have been experiencing droughts, but Cheatgrass, as I understand it was one of those species that sometime in the early 1990's, 1930's, 1940's, somewhere in there it was thought that that was a very good ground cover in the absence of the natural native species in restoration efforts; and so it was encouraged to be used. And now all of a sudden you have all western areas that are solely Cheatgrass and then with the drought following it just was like a tinder box out there.

Mr. **GOODLATTE**. Would you or would you ask them either way to submit to the committee any additional information that they would like us to have on that?

Ms. **HYDE**. Sure.

Mr. **GOODLATTE**. What their findings are from this fire season and any other information? I am very interested in that. And let me ask you, as well on that point, is there a program to try to control it or eradicate it, or is it just now accepted as a part of the natural environment?

[Page 62](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Ms. **HYDE**. Well, I think that in many areas they are understanding now the impacts of that Cheatgrass and the introductions of it. And where possible they are trying to restore to the native seed. Now one of the issues that you get into there is the availability of the native seeds. I think that sometimes you just do not have the stocks available in order to replant and reseed with the native species.

Mr. **GOODLATTE**. Well, thank you very much. Dr. Bartuska, as a private landowner, what, if any difficulties have you experienced from the failure of the Federal Government to control invasive species on neighboring lands? Have you had experience with that?

Ms. **BARTUSKA**. Well, I have not have direct experience and what I have heard from some of our field organizations is more anecdotal, but I think in general that we can, not just from the Nature Conservancy, but from other private land owners. I think there are some examples where the inability to rapidly get on an infestation on a Federal land allowed movement across land ownerships. And what we are trying to do through some, for example some of the legislation out there now, the H.R. 1462, where you have cooperative weed management areas gets us all to the table so that we do away with the jurisdictional boundaries.

I think that there are some examples in Colorado on the Salt-cedar where, which I mentioned earlier, where there has been and trying to address to the Salt-cedar on the private land, but on the Federal land there are no resources to take action. And so I think you do have that jurisdictional problem that does exist in that particular case.

But more often than not, I think we are trying to resolve these cross boundary differences. And some of the Federal agencies have authorities now to use Federal dollars on private lands and to be much more interactive, ignoring those kinds of jurisdictional boundaries.

Mr. **GOODLATTE**. Very good. H.R. 1462 is Congressman Joel Hefley's legislation. And it is our understanding that we are going to bring that to the floor for a vote on suspension. And I think it is good legislation so we appreciate your support for that.

[Page 63](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Ms. **BARTUSKA**. It is one we look forward to seeing.

Mr. **GOODLATTE**. OK. Mr. Hedberg, I will give you from, at least from my standpoint, the last word. What are the biggest hurdles to the implementation of an Early Detection Rapid Response system? I think it is a vitally important part of an effort to combat this and we have heard something about that from a number of people. Maybe you can summarize it and tell us where to head.

Mr. **HEDBERG**. I appreciate the opportunity to close on that. And I think you are right. That this is something that everybody recognizes we need to do. My hope is that we can do this. Starting right now we have a lot of going on in weeds. There is a Federal inter-agency committee for managing noxious, exotic weeds. It is filling that coordinating role on this particular problem. And they have developed a plan that is now being revised and reviewed. And that plan is going to be dependent on stringing together a number of different pieces that reside in different agencies.

APHIS has a statutory responsibility. That can interland, they can do treatments and things of that nature. They can stop movement of products, but APHIS cannot do it all by themselves. They are going to need the help of the USDA, CSRES, the Land Grant Universities because they have the research, the education, the ability to mobilize volunteers. In addition to the volunteers which might be mobilized by a Federal group, there are groups such as the Friends of the Refuge System who are now getting interested in this. And they could mobilize possibly another 100,000 people to go out there.

So we need really, more than anything else, I think, is to have some good coordination between all of these many pieces which are already existing there. And recognize that we do not have to have enormous amounts of money put in to rebuild a brand new system from the start. What we have to do is feed some of those pieces that are there already, such as the Plant Diagnostic Clinics, which are already in existence. It is just about every Plant Grant University in this country. They have not been very funded recently. The emergency appropriation helped a little bit. I think it still needs a little bit more than that.

[Page 64](#)

[PREV PAGE](#)

[TOP OF DOC](#)

I think one final thing is that, from my experience is, we do not have money available when the problem crops up. When we see a problem, we have had an example of giant sylvania that showed up in the Colorado River on its way to Mexico. And it happened on an agency's land and nobody had the money to deal with it. So it was more or less like people had to pass the hat to find the money from all the different Federal agencies to come up with enough funds to start a response to one of the weeds that we have known for a long time. It is one of the last ones we want to let get started in this country.

So I think Dr. Bartuska has mentioned the concept of having money available so we can truly launch a response immediately. There is several models out there. The inter-agency fire system is another model where there is money available so you do not have to pass the hat before you go out there and fight the fire. And I think we need something like that for invasive species.

Mr. **GOODLATTE**. Thank you. And now for the actual last word, Mrs. Clayton.

Mrs. **CLAYTON**. Thank you for letting me have the last word. Actually this is more of a personal, as well as, I guess, a policy issue. I cannot think of the weed, but there is a weed growing in the lake where I live, where my home is. And I am blocking the name of the weed out. It may not be invasive meaning harmful in the technical.

Mr. **CROWDER**. Is it hydrilla?

Mrs. **CLAYTON**. Hydrilla. It is very obnoxious to me. OK. And so I guess, Ms. Hyde, you are right. Invasive is insensitive and, what do you call it, and it grows very fast under certain circumstances. And not just my neighbors, but the lake is 30 miles long, and you know Macon, so you know it is in Virginia, as well as North Carolina. Is there a system for looking at how we manage those kinds of, I cannot call it invasive in terms of harmful to our health. It has not been demonstrated that, but it does prevent my family and my grandchildren from swimming. Our boat is entangled with it. And if we go very far we transplant it somewhere else. And it is a nuisance and it prevents enjoyment of our area, but also it has an economic impact on other communities that have it because the boats that come will refuse to come because they do not want to be part of that transmitting of their own individual places where they store their boats or their own home.

[Page 65](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Mr. **HEDBERG**. There is several pieces and it is interesting. I also work with the Aquatic Plant Management Society, which the scientists are working on control of aquatic and management of aquatic weeds. And I do not know, I think it would fit in the definition. Hydrilla would fit in the definition of invasive because it is doing harm. It is doing harm to the property values. It is harming your ability to use something that is a resource there. It has spread, recreational boating, sportsman are moving it from lakes to lakes so we do not want it to spread further.

There are a number of issues there. I think one of the things is we need more education and I think more and more you

will see signs at boat ramps that are telling people not to move these particular invasive species, whether it is a plant or something that might move in their bait bucket, invasive species similar to the Snakehead. So that you will see the education locally where people are going and buying fishing licenses and where they are launching their boats.

There is a research component here. There is research that is done both with an ARS, the Land Grant Universities, and a very major research program within the U.S. Army Corps of Engineers at the Vicksburg Waterway Experiment Station. That has some of the best expertise in this country on managing weeds, using all manners of management. Some of the best biological control for aquatic weeds, some of the best manage, or best research in terms of how we can use the existing herbicides, but using them in ways that reduce the risks and are more acceptable to the public.

One of the biggest problems I see when you start talking about herbicide use around water is some people get very nervous about the use of these. And there is an educational component there to know what kind of high level of reviews they can place through EPA before these are ever allowed. But then there has to be, everybody has to be at the table. All the people who are sharing that lake have to understand the loss of the value of that lake due to the weed and what all the range of tools are available. And then hopefully, collectively, find a way to choose the right ones to use.

[Page 66](#)

[PREV PAGE](#)

[TOP OF DOC](#)

When I did mention the Vicksburg Waterway Experiment Station, this has been the premiere program in the country and I have to say that it has not received the funding it needs to keep going with the high level, high quality of aquatic weed control research that they have done. And it is something that I hope that can be addressed in the future.

Mr. **GOODLATTE**. Well, thank you Mrs. Clayton. And I want to thank all the members of this panel. It has been absolutely excellent and you have given us a number of good suggestions which we will look at, work with the appropriate agencies, and try to move forward. I think the thing that I come away from this is that the problem is even bigger than we realized when we knew enough to look into this. But I am also optimistic that given some of the outstanding ideas that you and members of the first panel presented to us, that if we raise the level of commitment and the level of public awareness about this, we can turn the tide that is clearly going against us right now.

So thank you all for your participation. I have some magic words that I will read to conclude this hearing.

I would like to remind the audience to please visit the exhibit next door, in 1302 Longworth, highlighting a few of the invasive species that have been discussed in this hearing.

The Chair would seek anonymous consent to allow the record of today's hearing to remain open for 10 days to receive additional material and supplemental written responses from witnesses to any question posed by a member of the panel. Without objection it is so ordered and this hearing of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry is adjourned.

[Whereupon, at 1:16 p.m., the subcommittee was adjourned, subject to the call of the Chair.]

[Material submitted for inclusion in the record follows:]

[Page 67](#)

[PREV PAGE](#)

[TOP OF DOC](#)

#### Statement of Dave Tenny

Thank you for the opportunity to appear before you today. I would like to commend you for recognizing non-native invasive species as a significant threat to our nation's ecosystem health.

Populations of non-native invasive species in the U.S. are expanding annually by 7 to 14 percent. New species continue to be encountered at our national border and at individual States' borders. Invasive species can cause widespread loss of agricultural or wildland resources, thereby impacting dramatically our nation's economy and the environment. These changes in the ecosystems from non-native invasive species often result in eliminating or restricting the use of our wildlands and urban areas and increased management costs. We face a daunting challenge in managing non-native invasive species, but the Department is committed to working with the States, local governments, Federal agencies, weed management entities, and the Congress to identify solutions. When discussing non-native invasive species it is important to remember this includes plants, animals, insects, and diseases.

For over a century, non-native invasive plants have been coming into this country, and they are well established in many areas. These non-native invasive plants, invertebrates and diseases alter ecosystem functions and reduce biological diversity

by eliminating native species. For example, when native plants are displaced, the water table is often lowered; soil erosion and runoff increase, and/or fire frequency and intensity multiply. Non-native invasive plants also change the plant community used by domestic livestock, wildlife, and recreationists.

The Forest Service works with a multitude of partners at the local and regional levels, and with other agencies in the Department of Agriculture to support an integrated program of research and development, management of non-native invasive species on public land, and technical and financial assistance to private landowners. These programs are implemented through three Deputy Chief Areas, and focus on invasive insects such as the Asian longhorn beetle and gypsy moth, invasive pathogens such as Sudden Oak Death, newly introduced threats such as the Emerald ash borer, and invasive plants that grow after a fire such as yellow starthistle.

[Page 68](#)

[PREV PAGE](#)

[TOP OF DOC](#)

### USDA Agencies Involved in Invasive Species Management

As Dr. Butler stated in his testimony, within USDA there are six agencies that have a leadership role in dealing with the introduction and spread of non-native invasive species and are involved in research, regulation, operations, partnerships, technical and financial assistance, and education. My remarks will focus on the Forest Service and the three Deputy Chief Areas in the Agency (National Forest System, State and Private Forestry, and Research) who work together and cooperatively with other Federal agencies, States, Tribes, and local organizations to develop a coordinated detection, response, and monitoring program.

**Coordination and Consultation.** Managing and controlling non-native invasive species takes a coordinated government approach to combine resources, develop agency needs, identify research opportunities, and streamline management actions. In 1994 the Federal Interagency Committee for Management of Noxious and Exotic Weeds was established through a Memorandum Of Understanding signed by 17 Federal Agencies (five USDA agencies). The charge of FICMNEW is to work cooperatively to develop an ecological and integrated approach to the management of noxious and exotic weeds on Federal land and to provide technical assistance on private lands. Member agencies seek to improve the Federal Government's ability to prevent, control, and manage harmful non-indigenous plant species, to maintain and restore healthy ecosystems, to preserve biological diversity on Native American and Federal lands and waters, and to provide assistance for private lands and waters. Member agencies work cooperatively to achieve FICMNEW's goals through advancement of knowledge and skills, good land stewardship practices, public awareness of noxious weed issues and management, and collaborative projects.

In 1999, Executive Order 13112 created the National Invasive Species Council, which is an inter-Departmental Council, co-chaired by the Departments of Agriculture, Commerce, and the Interior. NISC is responsible for the coordination and leadership of invasive species activities across the Federal Government, and ensures that Federal agencies activities are coordinated, complementary, cost-efficient, and effective. The Forest Service is a member agency in NISC. Under EO 13112, NISC appoints the Invasive Species Advisory Committee. The Advisory Committee provides information and advice for consideration by the Council, and recommends plans and actions at the local, tribal, State, regional, and ecosystem-based levels to achieve the goals and objectives of the National Invasive Species Council's Management Plan, Meeting The Invasive Species Challenge, completed October 2001.

[Page 69](#)

[PREV PAGE](#)

[TOP OF DOC](#)

### Partnerships with Local Entities

Invasive plants alone cause more than \$20 billion per year in economic damage and affect millions of acres of all types of private and public lands across the United States (1998 FICMNEW report). In fiscal year 2002, the Forest Service spent over \$50 million dollars to manage and control non-native invasive species. Funding came from the National Forest System (\$10.4 million, for invasive plants) and State and Private Forestry (\$40 million, which includes \$2.7 million for invasive plants).

The Forest Service works with States, local governments, Tribal partners, and local weed groups to control and eradicate invasive plants on public and private lands. The Agency has provided financial and technical assistance to many local weed management groups who have developed cooperative weed management areas. Various partners in the West have organized

well over 100 of these areas where treatments can be planned and implemented. These local weed management groups are very effective in completing projects on the ground. The Agency is working with our partners to develop similar weed management groups in the East.

Multi-jurisdictional partnerships are important as non-native invasive plants grow across boundaries. The Forest Service can implement projects across state boundaries by combining resources from the National Forest System and State and Private Forestry Deputy Areas. In locations where a national forest is adjacent to private land, and invasive species have invaded an area, the Forest Service can allocate funding to that location in a coordinated effort that creates positive results.

An example of the necessity to implement projects across State boundaries is the 2000 fires in Idaho and Montana. As a result of the large fires in these two states, invasive plants were a threat to the area. In response, the Forest Service allocated approximately \$24.7 million to treat invasive plants on National Forest System lands and private lands (\$4.2 million in National Forest System noxious weeds funding, \$17 million from the National Fire Plan Restoration program, and \$3.5 million from State and Private Forestry funds). In 2001, State and Private Forestry provided an additional \$2 million dollars for noxious weed treatments on private forested lands in Idaho and Montana.

[Page 70](#)

[PREV PAGE](#)

[TOP OF DOC](#)

The following are examples of invasive species projects implemented on a national forest or with local weed organizations and private landowners: In Idaho, Cooperative Weed Management Areas (CWMAs) are located in all but two counties, and the Forest Service participates in CMWAs where the agency has a presence. The Salmon Challis National Forest is moving to implement a huge ground based herbicide application program to deal with the aftermath of the 2000 fires. The Forest Service Research Field Station out of Boise along with the Gooding and Camas Soil Conservation District works with "Kidnappers"; high school kids who monitor, collect and disperse biological control agents.

On the Beaverhead-Deerlodge National Forest in Montana the Big Hole Weed Partnership is a public-private partnership implementing mapping, treatment, monitoring, and educational outreach efforts on over 1.6 million acres. Species treated include spotted knapweed, leafy spurge, and common mullein.

The North Fork of Cache la Poudre Integrated Weed Management Area (NFIWMA) Project is a community-based weed cooperative effort, initiated by public and private landowners to manage noxious non-native plant species in the North Fork of the Cache la Poudre River watershed. The NFIWMA will create a regional model for implementing a community-based weed management strategy at the landscape level. The management area falls within the Laramie Foothills, a biologically rich landscape level site in northeastern Colorado.

On the Cleveland National Forest in southern California the Santa Margarita and San Luis Rey Watersheds Weed Management Area was formed to organize and carry out watershed based non-native plant control to restore valuable native habitat resources. Activities include educating stakeholders, carrying out invasive non-native plant control projects, and assisting in research on the limited value of non-native plant habitat versus native habitat for birds and arthropods. Targeted invasive plants include giant reed, tall whitetop, and perennial pepperweed.

[Page 71](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Another partnership program USDA is involved in is the multi-agency "Pulling Together Initiative" (PTI). PTI, sponsored by Federal Interagency Committee for Management of Noxious and Exotic Weeds and implemented by the Pulling Together Steering Committee, has been ongoing since 1996, and provides Federal matching grants through the National Fish and Wildlife Foundation for local and regional weed prevention and control projects. Federal agencies involved include the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, the Bureau of Reclamation, the National Park Service, the Department of Defense, and the Animal Plant Health Inspection Service (APHIS). The Forest Service contributed \$300,000 to this program in fiscal year 2001, and contributed \$400,000 in fiscal year 2002. Many projects are already underway with this initiative, which demonstrate some of our best examples of need for coordinated weed control projects, partnerships, integrated weed management, and monitoring.

For many years the Forest Health Protection Staff in State and Private Forestry has been implementing the European gypsy moth and Asian gypsy moth programs with the States. In 2002, 1,314,365 acres were treated for gypsy moth. This treatment occurred on public and private lands, and was successful due to Federal, State, and Tribal partners and cooperators. The

Forest Service provides funds for suppression and eradication purposes, and local entomologists and pathologists provide technical assistance to our cooperators.

The coordination and priority setting that are occurring between Federal, State, and private partners become more critical as State and Federal funds are allocated which impact multi-jurisdictional boundaries. These partnerships foster a climate of cooperation and coordination with all concerned entities, resulting in increased sharing of expertise, information, resources, experience, and applied action to improve the efficiency and effectiveness of any invasive weed management program.

**Response After An Infestation.** When an infestation occurs, a response is needed immediately to remove the threat or reduce the spread of the invasive species. An example is Sudden Oak Death, a newly identified forest disease caused by the pathogen *Phytophthora ramorum* that has killed thousands of tanoak and oaks in coastal areas of central California. Small infestations were recently found in southern Oregon and eradication efforts have begun. Laboratory investigations indicate that other oak species, including northern red and pin oak, are susceptible to the pathogen. Concerns regarding the risk of this disease to the Nation's oak forests have led to development of a National Sudden Oak Death Detection Survey of forests through the Agency's Forest Health Monitoring Program.

[Page 72](#)

[PREV PAGE](#)

[TOP OF DOC](#)

An additional challenge for the Forest Service is meeting the procedural requirements of the National Environmental Policy Act (NEPA), the Clean Water Act (CWA), the Appeals Reform Act, and other laws and regulations, which take time to meet and can delay efforts to combat invasive infestation. We are looking at ways to streamline procedural requirements to ensure that we can fulfill all of them in a timely manner. For example, NEPA's requirements can be met in an expeditious manner when NEPA's emergency procedure provisions apply.

**Research and Development.** USDA has found that research and technology development are often critical to successful management and controlling non-native invasive species, including efforts with State and local partners. The Forest Service conducts research on invasive insects, pathogens and plants at research units across the United States; and collaborates with the Agricultural Research Service, APHIS, and other Federal and non-Federal research organizations on such high priority threats as the Asian longhorned beetle, Hemlock woolly adelgid, Sudden Oak Death disease, and cheatgrass among others.

In fiscal year 2002, \$8.8 million was allocated for the Forest Service Research and Development program of work on non-native invasive species. This investment benefits from close planning with agency and State and private partners, so that key management problems can be targeted for investigation. Agency scientists are making a difference in on-the-ground surveys and control and restoration activities. For example, agency discoveries include the only available microbial options, traps and survey technologies for gypsy moth control, which in turn made eradication of the Asian gypsy moth possible; the ecological information that is the basis for predictive modeling at the heart of the gypsy moth "Slow the Spread" program; biological information that underpins quarantine of the pine shoot beetle; testing and guidelines for pesticides that can control termites and other destructive wood products pests; acoustical detection technology for identifying Asian longhorned beetle infested trees within a quarantine area; and discovery and testing of biological control agents for invasive weeds, such as leafy spurge and Miconia. For Sudden Oak Death, Forest Service scientists have helped to refine quarantine regulations and their findings supported an emergency eradication effort in California and Oregon led by APHIS.

[Page 73](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Despite the success of agency scientists, the rate of new invasive species introductions into the United States is severely straining the limits of existing knowledge and increases the urgency for accelerated research and development. Emerald ash borer and an exotic bark beetle, *Xyleborus similis*, are just two new invaders discovered over the last six months that threaten economic and environmental resources. Already, the Emerald ash borer has killed over 1,000 ash trees in five counties around Detroit, Michigan. Agency scientists are accelerating their studies to meet this critical knowledge need of managers on pathogen spread and infection patterns, pathways of introduction, and options for control.

Given the ongoing impacts of these and other new invasive species, the Forest Service is working with other government agencies to identify a number of key actions that are vital for success. These actions are outlined in the National Invasive Species Management Plan: sustained support for research so that an integrated management response based on best available knowledge and technology is possible; availability of contingency funds to support accelerated research and

operations aimed at new, high threat invaders while eradication is being implemented; and investments in risk management, information systems, monitoring and modeling for setting management priorities and assessing program effectiveness. All these actions require a strong linkage with Research and Development.

In conclusion, non-native invasive species threaten forest and rangeland sustainability and ecosystem viability. Responding to the impacts of invasive species is a huge undertaking that often seems overwhelming. This literally is a "pay me now or pay me later" situation. The impacts and costs that are left for someone else to solve will only continue to grow, and that growth will be exponential in many cases. The Forest Service will continue to work with our partners, the States, and other government agencies to meet the challenge of improving and maintaining the health of the land. We will implement projects on the ground as needed on national forests; research new technologies and develop a more comprehensive understanding of the consequences of invasions on the ecology of the land; and provide resources to our State, Tribal, county, and local partners. As we continue to move into the 21st century, we will need a long-term sustained program for managing and controlling invasive species. The Department is committed to working with our partners to achieve these goals.

[Page 74](#)

[PREV PAGE](#)

[TOP OF DOC](#)

This concludes my statement. I would be happy to answer any questions that you may have.

Statement of Ann M. Bartuska

Mr. Chairman and members of the committee, I appreciate the opportunity to testify before you today on the critical global threat non-native, invasive species pose to biological diversity. But more than just the threat, I will be identifying actions that will address the threat and lead to solutions.

Why are we concerned? The Nature Conservancy is dedicated to preserving the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. The Conservancy has more than 1.1 million individual members and over 1,900 corporate sponsors. We currently have programs in all 50 states and in 27 other nations. To date our organization has protected more than 12 million acres in the 50 states and abroad, and has helped local partner organizations preserve millions of acres in other nations. The Conservancy itself owns more than 1,340 preserves in the United States—the largest private system of nature sanctuaries in the world. Our conservation work is grounded on sound science, strong partnerships with other landowners, and tangible results at local places.

Invasive species pose a continuous threat to conservation sites even after the threat of habitat destruction has been averted via land acquisition, easement or designation. This applies to all the lands set aside for conservation historically as well as those not yet "protected". A poignant illustration of this fact is that the ancient hemlock grove at the Conservancy's first preserve -Mianus River Gorge in New York state- is now threatened with elimination by a recently-introduced alien insect, the hemlock wooly adelgid.

The Conservancy determines where and how to do its work through a planning process that identifies areas in the country containing the most viable and important examples of plant and animal populations and communities. This process further identifies the principal threats to the integrity of the sites such as land conversion, non-point source runoff, or repression of natural fire regimes. An overwhelming 94 percent of our sites have identified invasive species as a significant threat to the native species and communities that we are working to protect.

[Page 75](#)

[PREV PAGE](#)

[TOP OF DOC](#)

The Conservancy has responded to the threat of invasive species in the creation of its Invasive Species Initiative; a 5-year and \$35 million effort to reduce and manage the threat to worldwide biological diversity, and the concomitant social costs, caused by non-native organisms invading ecosystems. The ISI is taking a two-pronged approach—influencing public policy and capacity building within our operating units and with partners (in information, skills, people and resources). Our activities on the ground can serve as models for the most effective methods of prevention, early detection, eradication and control of invasive species and the restoration of invaded sites.

Our support and recommendations for a national strategy on invasive species is built upon a solid foundation of our activities on the ground as exemplified by the following examples:

Success in California—"It can be done." That was the reaction of TNC staff who took on the daunting task of reclaiming the Coachella Valley Preserve in southern California from tamarisk invasion. Tamarisk, a non-native species originally from southeastern Europe and Asia, was planted in the Coachella Valley as a windbreak. Unfortunately, this plant spreads to other critical areas, out-competes native plants, and uses a tremendous amount of water, altering hydrology and biology of this fragile ecosystem. In the worst cases tamarisk infestations dry up desert pools entirely eliminating vital habitat for native fishes, mammals, insects and plants. The Coachella Valley control effort removed tamarisk from several oases within the preserve, but the main focus was in Thousand Palms Canyon where the infestation was most severe. The 25-acre (10 ha) wetland had greater than 80 percent tamarisk cover over 70 percent of the wetland at the beginning of the project. Today, the vegetation has returned to its native composition and the spring in Thousand Palms Canyon began flowing again for the first time in years just hours after the first large tamarisk cutting effort there.

The Hells Canyon Project—Idaho, Oregon, Washington—The Nature Conservancy and our partners in the Tri-State Weed Management Area are battling yellow star thistle and other noxious invaders over a quarter million acres of land spanning parts of Idaho, Oregon, and Washington. The project is aimed at prevention, early detection and rapid response to new weed infestations. The cheapest way to beat weeds is to root them out before they get a foothold. We are applying cutting edge technologies using satellite imagery and handheld computers to find weed patches when they're small, no easy task in a landscape as remote and rugged as Hells Canyon. Rapid response weed teams can then quickly wipe out these small patches before they spread. We are also identifying special weed-free areas where we'll implement a "zero-tolerance" policy for new weeds, essentially drawing a line in the sand that weeds can't cross. We're confident the Hells Canyon project will be a cost-effective model for weed management around these states and the rest of the nation.

[Page 76](#)

[PREV PAGE](#)

[TOP OF DOC](#)

NO Fire Ants in Hawaii—Red imported fire ant (*Solenopsis invicta*) is established in the southeastern U.S. and southern California, and poses an immediate threat to Hawaii where it is not yet present. This notoriously destructive and aggressive stinging ant poses a serious threat not only to biodiversity, but also to human and animal health, the economy, and quality-of-life. Recently established in California, red imported fire ants (RIFA) may likely become the next major pest invasion in Hawaii due to the huge quantities of goods shipped to Hawaii from California. RIFA is notoriously difficult to eradicate once established. RIFA was recently (February 2001) discovered to have crossed the Pacific Ocean and successfully established colonies in Australia and New Zealand. The Nature Conservancy is part of a Federal, State and private-sector effort to prevent the introduction of RIFA to Hawaii.

Restoration in the Florida Keys—A broad-based coalition of groups representing environmentalists, utilities, municipalities, and county, state, and Federal departments formed the "Florida Keys Invasive Exotic Task Force." Their goal was to eliminate a suite of invasive non-native plants from the Keys, and to keep them out in the future. Beginning with a mapping effort, coupled with extensive outreach in the communities, they identified West Summerland Key as a site for a demonstration project. This 50-acre Key was heavily infested with Brazilian pepper, Australian pine, seaside mahoe, and lead tree. Using labor contributed by Girl Scouts, Boy Scouts, AmeriCorps, Alternative Spring Breakers, and local residents (780 volunteers in all!), the Task Force started removing the invasive species. It took nearly three years and \$40,000 in grants and in-kind services (tree felling, brush chipping, etc.) from Task Force partners, but now West Summerland Key is 99 percent free of non-native species. Where the invasive species were removed, more than 1,000 native plants were planted. The Task Force is now taking their successful approach to a new level, as The Nature Conservancy (a Task Force member) organized a "GreenSweep", which will help with the training and coordination of volunteers.

Opportunities for Action: Our experience in the U.S. and globally, at local, regional, and national scales, has made us realize the keys to a successful invasive species strategy are prevention, early detection and rapid response. While we will continue to need control, manage and restore areas with existing infestations, the most cost-effective strategy is ensuring populations do not get established. The Conservancy urges the Committee to consider the following recommendations:

[Page 77](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Aggressive action on prevention. As the key agency for addressing invasive plants and pests of plants (insects, plant

pathogens, etc.), APHIS has the necessary authorities to prevent, detect and rapidly eradicate invasive threats to non-agricultural systems. As outlined in a recent report "Fading Forests II—Trading Away North America's Natural Heritage," there are significant actions that APHIS can take to safeguard our natural resources. Some of these actions were also highlighted in the "Safeguarding Report" developed by APHIS-Plant Protection and Quarantine staff. We recommend that APHIS be held accountable for full consideration of pests that can invade natural ecosystems, including the adopting of phytosanitary measures that prevent importation of potential non-native invasive pests.

Establish an effective Early Warning System. Considering the resources currently going into natural resource inventory and monitoring by Federal and state governments, it is troubling that the U.S. still does not have the ability to systematically and comprehensively detect new species and to get information about newly detected species to the agencies and organizations that can take quick, effective action to eradicate and contain these new pests. The Forest Health Monitoring program of the USDA Forest Service and the State foresters comes closest to a nationwide, science-based effort, but is limited to forested landscapes and to insect and disease pests. It is time to proceed with a U.S. Early Warning System as called for in the National Invasive Species Management Plan that considers all-taxa (plants, vertebrate and invertebrate animals, fungi and other pathogens of plants and wildlife) and that integrates a network of trained volunteers with a professional cadre at the local, state and Federal level.

Enhance rapid response capabilities. Rapid response, by definition, means the rapid deployment of people and resources to eradicate a plant or animal population prior to its establishment or spread. We support all activities that will enable Federal and State agencies and private entities to assess and take action before a non-native, invasive species becomes established. For example, an opportunity currently exists to limit the spread of *Cactoblastis cactorum*, or cactus moth, which has become a serious threat to the high diversity of *Opuntia* (prickly pear cacti) species throughout the world, both native and cultivated. Cactus moth arrived in Florida and it is moving rapidly across Florida as it makes its way to the southwestern U.S. USDA Agricultural Research Service (ARS) has identified the research needed to develop an effective control program. Unfortunately, APHIS has determined that the cactus moth is a low priority, is not pursuing the necessary work, and is not committed to implementing a control program if the methods are developed. We believe that taking necessary measures while infestations are limited should BE the priority.

[Page 78](#)

[PREV PAGE](#)

[TOP OF DOC](#)

On Federal lands, rapid response is hampered by procedural requirements associated with the National Environmental Policy Act (NEPA). While TNC fully supports the use of NEPA as an important tool in achieving conservation goals, we also believe that new and creative solutions in the application of NEPA requirements are essential. NEPA streamlining is one area of opportunity being explored through the National Fire Plan and more recently by NISC staff, and we support expanding these efforts to include rapid response to invasive species.

Establishment of a permanent fund. We also encourage the establishment of a permanent fund to fight invasive species. The annual appropriations process, coupled with the inability of Federal agencies to maintain funds for invasive species management across fiscal years, is a serious limitation to Federal and non-Federal rapid response capabilities. Working in partnership with State agencies, private entities could be the first line of defense to contain the spread of non-native, invasive species. While APHIS has the broadest authority currently to address invasive species, this authority has generally been used only for agricultural systems. The General Accounting Office identified other barriers to a comprehensive Federal rapid response effort in a June 2001 report entitled "Obstacles Hinder Federal Rapid Response to Growing Threat." We believe their recommendations have merit.

Providing resources to areas of greatest need. The prevention, eradication, control and restoration of invasive species are, to a significant extent, a matter of local management. We believe it is important to provide mechanisms that stimulate local stakeholders to take action and the resources to see the action to a successful conclusion. Legislation to create opportunities and programs to stimulate locally driven efforts on assessment, planning, monitoring and subsequent action on private, state and Federal lands is needed. The "Pulling Together Initiative" is one model for action that has been used successfully by the Conservancy and many others throughout the country.

Mechanisms to resolve conflicting Agency mandates. Due to the many Federal agencies involved in this issue, it is not surprising that policies around invasive species appear to be in conflict. An example of concern to the Conservancy revolves around the release of new cultivars of buffelgrass (*Pennisetum ciliare*) by ARS. The U.S. Fish and Wildlife Service and the National Park Service, as well as the Conservancy raised concerns that the production and release of these cultivars would

exacerbate an already serious problem in the southwestern U.S. of buffelgrass invasion in natural areas. We believe these conflicts could be minimized if stronger interagency coordination and accountability were in place. This could be accomplished by:

[Page 79](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Authorizing the National Invasive Species Council. The Council was established through an Executive Order in 1999 and has been given the broad responsibility for implementing the Executive Order and the components of the National Invasive Species Management Plan. The Conservancy is pleased to be serving on the Invasive Species Advisory Committee of the National Invasive Species Council. We believe the full potential of the Council—administratively and legislatively—will not be achieved until it is codified and provided more permanent status.

2. Establish a National Center for Biological Invasions. The National Center should be modeled on the National Interagency Fire Center in Boise, Idaho, which would be given responsibility and authority to fund and carry out a national program on non-native invasive species, including prevention, early detection, eradication, control and management and restoration.

In summary, The Nature Conservancy believes that the threat of invasive species to our ecological and economic stability has very real and practicable solutions. The issue is common ground for the rancher and the environmentalist, for the academic and the policy maker, and will require participation at all levels of government. It is also a global issue, affecting both the developed and the developing countries. Human-accelerated biological invasion has been happening since the dawn of agriculture, and it will certainly continue into the future.

As we devise new strategies to mitigate this threat, we must treat invasion as a condition to be managed, not as a one-time problem to be solved and forgotten. Emphasis must be on preventing new introductions of the most harmful invasive species, while increasing our ability to rapidly respond and to mitigate the impacts of established invaders. We support the aggressive use of existing policies and regulations to enhance prevention, early detection and rapid response to new infestations and we look forward to working with the Committee to broaden agency authority as necessary to implement these recommendations.

[Page 80](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Thank you for the opportunity to testify today. I am pleased to answer any questions you might have.

#### Statement of Richard Crowder

Good morning, Mr. Chairman and members of the subcommittee. I'm Dick Crowder, Chief Executive Officer for the American Seed Trade Association (ASTA). ASTA is the national trade association that represents the interests of about 800 companies involved in seed production and distribution, plant breeding, and related industries. We welcome this opportunity to comment on the issue of invasive species.

Mr. Chairman, ASTA applauds and supports this subcommittee's efforts to review invasive species programs and to seek comment from affected parties. We are aware of examples of invasive species that have caused significant or economic or environmental harm. Because of the negative impact of truly invasive species and because of inconsistent invasive species listing procedures and practices, discussions that will help sort out species that are truly invasive from those that are perceived as invasive are important. Like all of us here today, ASTA considers invasive species to be a very serious issue demanding our attention and thoughtful debate.

Accordingly, I would like to share with the subcommittee ASTA's view on some of the issues and opportunities associated with invasive species management. My comments will be made from a seed perspective.

In 1999, when Executive Order 13112 was issued, ASTA's membership began a concerted effort to provide input and expertise to the newly established Invasive Species Advisory Committee (ISAC). ASTA believed the invasive species management process would be well served by the work of ISAC, including the establishment of the National Invasive Species Management Plan. The seed industry is represented on the ISAC by Dr. Gary Beil of the Minnesota Crop Improvement Association. Gary is providing input into the ways that the seed industry can help in the development of programs that will address invasive species here at home and around the world. ASTA also has an invasive species working

group and in April of this year we dedicated a full day of our executive committee meeting to this issue.

[Page 81](#)

[PREV PAGE](#)

[TOP OF DOC](#)

From a seed industry perspective, there are a number of factors that need to be improved in the management of invasive species issues. There needs to be greater reason and science included in establishing invasive species lists. The lists for each geographical area should be based on the environment for that area, not on lists from other states or areas. All non-natives should not be deemed as invasive. The process should be fair, open and include all interested parties. Prevention and early detection programs should be strengthened. And, there should be effective communication and coordination among all affected parties.

ASTA recognizes the need to identify, monitor and, when necessary, control or eradicate plant species that adversely affect the environment, production agriculture, conservation efforts, or otherwise cause economic harm. It is, however, our belief that a plant's inclusion on one state's invasive species list alone is not an adequate basis upon which to assert that seeds for the plant should not be used in any other state. Generally, invasive species are defined as plants that can encroach on native areas and cause more economic or environmental harm than benefit.

The industry is not well served by some of the existing processes of defining "invasive plants". In many instances, the state and local plant boards and councils who develop invasive species lists are private or quasi-governmental groups, with the listing process, in many cases, being informal and without input from interested experts, such as state seed control officials, the seed industry, or representatives from production agriculture.

In some cases, non-native species, simply because they are non-native to an area, are listed as being invasive when in fact they add value to local agriculture and/or the environment.

Because of these reasons and the importance of the issue, ASTA supports the efforts of the Federal Government, the National Invasive Species Council and interested State and private organizations who all

[Page 82](#)

[PREV PAGE](#)

[TOP OF DOC](#)

share the the goal of protecting U.S. agriculture from harmful species. While there are numerous species that we can all agree as being invasive and undesirable, for the reasons above, we believe that some species are being inappropriately listed as invasive species by state or Federal agencies. Such actions have the potential to reduce the distribution and use of many beneficial plants that have long been used in production agriculture for forage and livestock feed, soil conservation and stabilization, and ornamental purposes.

Examples of widely known and used crops on the "invasive lists" include barley, Bermuda grass, birds foot trefoil, Kentucky bluegrass, ryegrass, tall fescue, timothy, white clover, and yellow sweet clover. We believe that many of these plants are acceptable in some circumstances, and the invasive label in these cases is inappropriate and damaging, as it implies no beneficial or acceptable use or application. We believe that there should be considerable thought and discussion in assembling data that consider economic impacts, seed availability, and of course, scientific justification.

ASTA is in the process of accumulating data for many of these targeted crops from seed experts to identify their benefits, costs, availability and characteristics. These will be posted on our website in the near future. This exercise we believe will provide much needed information and assistance to state and Federal officials, gardeners, homeowners, and other interested stakeholders wanting to learn more about traditional agronomic species that are sometimes included on invasive species lists.

ASTA believes that the ISAC National Management Plan includes the components needed to effectively address invasive species challenges. Specifically, the mandate for coordination of Federal initiatives to be balanced with state and local programs is on target. As noted earlier we agree that prevention and early detection and rapid response programs are essential. And, for those already established invasive species, ASTA concurs that control and management is critical. On an international note, we fully support coordination and cooperation with other international bodies and treaties that affect seed commerce. Examples would include the IPPC and NAPPO. Finally, we support public awareness of invasive species.

[Page 83](#)

[PREV PAGE](#)

[TOP OF DOC](#)

ASTA is committed to continuing our cooperation and involvement with the National Invasive Species Council, this subcommittee and others, including state and local organizations to address the challenges of invasive species. We believe that successful policies and programs must include technical support, economic analysis, risk assessments and participation by affected stakeholders, including the seed industry. And, any process or discussion should include the application of appropriate standards, scientific analysis and take into account the full economic impact of a species identified as invasive. Failure to undertake this critical cost/benefit analysis will threaten the future availability of commercially useful species for farms, lawns, athletic fields, and conservation areas.

In summary, invasive species is a high priority issue for ASTA and its members. We believe that awareness of invasive species is a first step. For our part, the seed industry has long been diligent in making certain that potentially invasive species are not introduced as contaminants of quality seed products. We achieve this through good quality assurance systems.

ASTA and its members continue to look to the Federal Government, namely the Animal and Plant Health Inspection Service (APHIS) for help in this process as it performs its vital role of inspection, particularly at the borders. ASTA believes that a well-funded APHIS is critical to successfully meet its responsibilities.

Mr. Chairman, ASTA and its members again applauds your efforts on this issue that is important not only to its members, but also our country. We thank you for the opportunity to appear before you and the subcommittee today.

I would be pleased to respond to any questions you might have.

#### Statement by the National Cattlemen's Beef Association

Chairman Goodlatte and distinguished members of the House Department Operations, Oversight, Nutrition and Forestry Subcommittee:

[Page 84](#)

[PREV PAGE](#)

[TOP OF DOC](#)

On behalf of the National Cattlemen's Beef Association, the trade association of America's cattle farmers and ranchers, and the marketing organization for the largest segment of the nation's food and fiber industry, thank you for your interest in my comments concerning invasive species.

NCBA appreciates the attention the Committee has directed to invasive species issues and also appreciates the opportunity to speak to this Subcommittee on the threats posed, proliferation, safeguards, containment and eradication of invasive species. We have long been aware of the economic and environmental harm caused by invasive species. We have urged the Federal Government to recognize invasive species as a priority issue and to develop a national effort to address the problem. We support Executive Order 13112 on Invasive Species. We support the National Invasive Species Council (NISC) that was established by the Executive Order and provided input into the preparation of "Meeting the Invasive Species Challenge", the national management plan developed by NISC, through participation in the Invasive Species Advisory Council. We have also worked with Congress through the appropriations and other legislative processes to direct resources to, and focus attention on, invasive species issues.

#### THREATS

While the cattle industry recognizes the threats posed by all invasive species and support all efforts to manage them, of primary concern to us are those threats posed by invasive weeds. Grasslands and shrublands, often called rangelands, occupy about 35 percent of the land area of the lower 48 States—861 million acres. These are the lands that cattle producers primarily rely on to feed their cattle and the health of these lands is a critical factor in ensuring a farm or a ranch's economic viability.

Rangelands provide more than just economic benefits, however. They also provide clean water, clean air and wildlife habitat, as well as societal benefits such as open space and recreational opportunities. Grasslands and shrublands are unique ecosystems that are severely threatened by harmful, non-native terrestrial weeds species. Invasive weeds, often have little or no forage value for native animals and livestock, and they threaten the health of all rangelands by out-competing and replacing the native vegetation. They also can make areas more susceptible to catastrophic fire and can radically impact the way an ecosystem functions. Cheatgrass is a widespread invasive plant, and is much more likely than native plants to catch and spread fire. The national management plan developed by NISC states that cheatgrass has accelerated the fire cycle in the west by twenty-fold.

Invasives are the second greatest threat to the survival of biological diversity, second only to habitat loss. The NISC management plan estimates the economic costs of invasive species at \$137 billion annually. Whereas, conservative estimates to cropland agriculture alone have been placed at \$20 billion each year.

#### PROLIFERATION

Invasive species are spread intentionally and non-intentionally by an almost endless number of sources. And as we become a more global society, the pathways increase exponentially as our methods of travel get easier, borders open and ports of entry become more numerous. Invasives are master hitchhikers, attaching to wildlife, livestock, produce, recreationalists, vehicle tires, and ballast water in ships. Many invasives have been intentionally introduced as ornamental plants.

The tropical soda apple arrived in Florida in 1988 from South America. Seven years later it was estimated that it had invaded 1 million acres in five southern states and Puerto Rico. It spreads by interstate shipment of cattle, hay, and composted manure from infested areas. It replaces edible forage plants and hampers wildlife and livestock movement.

Purple loosestrife, introduced for ornamental and medicinal uses in the 1800's now covers about 4 million acres of wetlands nationally and costs about \$45 million a year in control efforts. It can completely take over wetlands where it crowds out native plants and negatively impacts native fish and wildlife.

Examples seem endless and the list continues to grow. And again, because most non-native species lack predators, once they are introduced they are almost impossible to contain. Prevention, without question, is less costly than eradication or long-term control.

#### SAFEGUARDS

An awareness of the problem and a comprehensive approach to protecting ecosystems is necessary to prevent the introduction and/or spread of invasives. Public education and awareness programs will increase our understanding of the problem and will aid in the development of management plans at the Federal, state and local levels. Unfortunately, most educational programs for wildlands, rangelands and croplands to date have been directed mainly at rural populations. Awareness of invasives among the general public is fairly low.

Interdiction and barriers at entry sites are critical, as are the implementation of site-specific management and control measures to prevent establishment and spread from sites of initial introduction. There must also be greater coordination between private landowners and Federal, state and local governments.

There must be accurate and timely early detection and rapid response, which would also require proper training of border inspectors, pest management professionals, land managers and landowners. There currently is no comprehensive national system in place for detecting and responding to invasions of non-native species. Rapid response is also hindered by the lack of a centralized communications network for reporting and disseminating information.

Research and funding for experienced technical advisors are severely limited. In fact, funding for many rangeland research programs has dramatically declined during the past decade, despite the increased demands for solutions to the problems created by invasives.

#### CONTAINMENT

Once prevention has failed, the goal should be to stop the spread of invasives before they become economically or environmentally damaging. A long-term management plan that integrates research, best management practices, and integrated weed management techniques is critical in order to even attempt to contain invasive species. The management plan developed by NISC is a good start, but implementation has been slow due to funding limitations and other deficiencies that Federal officials have recognized and are working to improve.

New money should be directed to a program that gives states maximum flexibility to direct funds where they can be utilized by local decision makers most effectively. Federal red tape and administrative requirements must be minimized to ensure that the dollars are getting to the ground where they are needed most. For Federal lands, a programmatic environmental impact statement is needed so the agencies can deal with all weeds simultaneously, rather than one at a time.

The best method of fighting these invasions is to act locally. Currently, we have a limited amount of resources. Resources can be maximized by diverting funds to the local level to assist those who know best how to manage the land and treat the problem—whether the land is Federal or private. And because invasive species know no boundaries, any Federal program must allow for funds to be directed where they are most needed.

We should develop a process for setting priorities, inasmuch as funding will always be a limiting factor for invasive species control activities. NCBA believes that our limited Federal dollars should be directed to projects that hold the most promise for success, whether they are on Federal lands, state lands or private lands, or any combination thereof.

#### ERADICATION

Eradication, like containment, depends on integrated, site-specific management techniques, coordination between Federal, state and local governments and landowners, research and public awareness programs, and adequate funding to have any effectiveness at all. However, where invasions are widespread, complete eradication may be impossible.

Most cattle producers spend a lifetime fighting invasive weeds on their farms and ranches. They believe that every effort needs to be made to provide a strong foundation for efficient distribution of Federal funds, strive to avoid duplication, coordinate activities between Federal and state agencies and private landowners, and provide the flexibility for decisions to be made locally where the problems arise.

The National Cattlemen's Beef Association wishes to express its gratitude to Chairman Goodlatte for holding this hearing and for focusing attention on invasive species. We look forward to working with the Congressman and members of this subcommittee on this issue.

#### Statement of Connie Riherd

Chairman Goodlatte, Representative Clayton and members of the Committee—thank you for inviting me to testify on behalf of Commissioner Bronson on invasive species management in the State of Florida.

Agricultural production is essential to the State of Florida and is surpassed only by tourism in economic importance. It has an impact on the Florida economy estimated at more than \$50 billion annually. Florida's subtropical climate and abundance of usable agricultural land allows for a wide variety of crop production. Florida supplies 88 percent of the nation's oranges and 75 percent of its grapefruit. Winter vegetable production provides fresh produce within the United States when much of the country is snowbound, thereby extending the importance of Florida agriculture beyond its geographic boundaries. Animal agriculture is also important in Florida with livestock, dairy, poultry and aquaculture accounting for \$1.7 billion in production.

However, Florida's favorable climate, geographic location and 25 international ports of entry make it vulnerable to the introduction of numerous exotic invasive species. In fact, at least one new serious pest is detected in Florida every month. If we are not successful in stopping them, they will quickly spread to affect other areas of the country.

These invasive pest species can quickly reach damaging levels in a new environment because the natural predators and parasites that keep them in ecological balance in their native lands are not normally present in the new area. Consequently, an exotic species can cause significant damage in this country even though it may not be a problem in its country of origin. The invasive species not only can be damaging to the crops but they can represent a threat to human and animal health as we have found in Florida with the invasion of 14 foreign species of tick entering the U.S on imported reptile shipments.

Exotic pests are inadvertently introduced into Florida in a number of ways, either by the traveling public bringing in agricultural produce, or an infestation in legitimate commercial shipments or illegal, smuggled shipments. The number of tourists entering Florida in the last ten years grew 20 percent, approaching nearly 50 million people yearly. Perishable cargo nearly tripled to more than 6 million tons. Mail deliveries and smuggling operations also grew exponentially. However, the resources needed to regulate these activities have not grown with the need, remaining constant for the most part.

In Florida, crops such as citrus, tomatoes, bell peppers, and tropical fruits contribute over \$10 billion annually to the Florida economy. These crops are highly vulnerable to invasive pests and diseases. Since 1997, Florida and the Federal Government have spent nearly \$400 million to combat invasive species that threaten these crops. To put this number in perspective however, failing to eradicate citrus canker will have a \$342 million annual impact on Florida's citrus industry. And the recent discovery of the pink hibiscus mealybug has already resulted in embargos on the shipment of Florida nursery stock to several important export markets.

Environmental impacts from invasive species are more difficult to quantify yet the damage can be devastating to native endangered and threatened plant species. In fact, the lobate lac scale insect is killing native wax myrtle plants and there is an exotic cactus moth killing native opuntia cactus. Exotic weeds are out-competing native species for key habit areas, and aquatic weeds are infesting 89 percent of Florida's public water bodies.

Recognizing that without these cooperative Federal-state eradication programs Florida's economy would be severely impacted, the state has provided almost half of the funding for most of our eradication programs. USDA has been a full partner with the state through our battles with invasive plant and animal pests and diseases. We understand that USDA is proposing to establish criteria regarding appropriate cost-shares for eradication programs to ensure the Federal Government is not responsible for a disproportionate share of costs. The desire to create a uniform cost-share is understandable. However, it is important to remember that states and industry look to the Federal Government for a national defense to prevent pests and diseases from entering the country. When pests and diseases elude portofentry inspections and result in an outbreak, a one-size-fits-all approach may not be the most effective means of combating the problem.

**The Response: Exclusion:** The most effective way to reduce the impact of invasive exotic species is to prevent them from entering the country. The first line of defense is at the international ports and the borders with Canada and Mexico. Products that are unable to legally enter the U.S. may be shipped into Canada and then smuggled into this country. Past outbreaks of Oriental fruit fly may have resulted from infested Asian produce transported from Canada to Florida. The same thing has occurred along the Mexican border. New, previously unidentified pathways for exotic pests must be identified and closed. One example is solid wood packing materials harboring exotic wood-boring beetles such as the Asian longhorn beetle. Preventative measures to prevent a pest from becoming established are also important. The newly implemented program to release sterile Mediterranean fruit flies in high-risk areas of Florida and California has been very effective in preventing the establishment of this pest. Additional testing and quarantine of horses and other animals entering Florida for international competition events is enabling us to prevent introduction of disease.

[Page 90](#)

[PREV PAGE](#)

[TOP OF DOC](#)

**Early Detection and Rapid Response:** If exclusion at the port of entry fails and the invasive species enters the U.S., it is imperative that it be detected as quickly as possible so that an effective and affordable eradication program can be implemented before the pest spreads. The states would benefit greatly from information sharing with U.S. Customs on incoming commercial shipments. States need to have access to information about cargo (what it is, where did it come from and where is it going) would provide states with important tools in early detection and rapid response. It is important that all pest detection activities, including fruit fly trapping be fully implemented. As always, resources must be available to cover the costs of rapid response to new pest outbreaks.

**Eradication or Management Program:** If the above methods fail, eradication of the pest may still be economically and biologically justified. Certainly in most instances eliminating the invasive species is the prudent course of action. If eradication cannot be achieved, some type of management strategy must be developed. Optimally, this would include a biological control method. Scientists would find the parasite or predator keeping the invasive species under control in its country of origin. If after thorough testing, the biological control agent is determined to pose no environmental risk, it could be mass-reared and released in the U.S. to control the pest species. There are many excellent examples of successful biological control, including the current program to control the pink hibiscus mealybug. The USDA offshore biological control laboratories in the Caribbean have played a key role in managing exotic invasive species.

#### **The Ongoing Work to Reduce the Impact of Invasive Species**

There are several ongoing efforts to reduce the impact of invasive pest species. The USDA Animal and Plant Health Inspection Service, through contract with the National Plant Board, conducted a review of plant pest exclusion, detection and response efforts following the numerous exotic pest outbreaks of the late 1990's. The study involved affected stakeholders in the agricultural industry, state government and academia. It was published in July of 1999 and is titled,

Safeguarding American Plant Resources. The study contained over 300 recommendations for improving the exclusion, detection and response to exotic invasive plant pests. One key issue noted in the study was the need for Congress to pass a comprehensive Plant Protection Act, which was done in 2000.

[Page 91](#)

[PREV PAGE](#)

[TOP OF DOC](#)

An analogous review of animal health and the need for sound international information, prevention, exclusion, detection and response efforts titled Animal Health Safeguarding Review was funded jointly by the National Association of State Departments of Agriculture Research Foundation and USDA and completed in October 2001. Strategies to implement the recommendations are being conducted by USDA at this time. We are very pleased that the last session of Congress passed the comprehensive Animal Health Protection Act that will significantly benefit animal health in this nation.

Many states such as Florida have established Invasive Species Task Forces. The Florida Department of Agriculture and Consumer Services as directed by the Florida Legislature also established a Pest Exclusion Advisory Committee to review state and Federal programs to prevent the introduction and spread of exotic plant and animal pests. This group issued its report on this problem in March of 2001.

The various in-depth reviews all concluded that: (1) more resources are needed at Florida ports of entry for the inspection of incoming passengers and cargo (2) more resources are needed to improve pest and disease detection and rapid response (3) pest pathways need to be identified and closed (4) pest certification programs in exporting countries need to be verified to insure that pest-free products are imported into the United States (5) ongoing scientific research is needed so that potential pest species can be identified and methods of exclusion or management for those species can be developed.

The passage of the Plant Protection Act in 2000 and the Animal Health Protection Act in 2002 was a good start, however, additional resources and information sharing is crucial to reducing the spread of invasive species in the country. Thank you again Mr. Chairman for the opportunity to testify. I will be happy to answer any questions you may have.

Statement of Robert R. Hedberg

[Page 92](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Thank you Mr. Chairman and members of the committee. I appreciate your interest in this topic and the opportunity to talk with you about something that is very important to our members.

I am here on behalf of the Weed Science Society of America (WSSA) and its affiliates, the Aquatic Plant Management Society, the Northeast Weed Science Society, the North Central Weed Science Society, the Southern Weed Science Society, and the Western Society of Weed Science. Together these non-profit scientific societies represent over 4,000 members nationwide. Our members are active in academic research, education and extension, in various regulatory capacities and in associated industries. WSSA members are committed to improving the knowledge and management of weeds in agricultural, aquatic, forest, horticultural, range, right-of-way and natural area environments.

My message today will be simple. First there is significant cause to be concerned about invasive species. Secondly, our track record responding to these problems has been very poor. Thirdly, despite our failures there have been notable successes. We could eradicate, contain, control or mitigate many of these invasive species quite well. However, to be successful, we must be ready, willing and able to act decisively when problems are found. Delay and half-hearted measures do not work.

#### INVASIVE SPECIES IN GENERAL

Where Are They? Invasive species threaten virtually every type of environment, including mountains and deserts, residential and urban areas, rangeland and farmland, natural areas and wild lands, forests and parks, and the right of ways for highways, railroads, irrigation networks and power lines. Each setting has unique value whether for production, recreation, aesthetics, ecology or as part of our physical infrastructure.

What Are They? For each of these diverse environments and functions there is likely one (or several) potential significant invasive species, be it an animal, an insect, a plant or animal disease or a plant that is itself a pest, i.e. a weed. These species are capable of causing significant damage to the landscape, its function or its ecological value.

These are insidious biological organisms. They can reproduce, disperse and modify themselves over time to fit and fill changing environments. Unlike industrial pollutants you cannot "shut them off at the source". Once they are established they will multiply on their own and grow worse with time.

Who is Responsible?-Ultimately, humans are responsible for the introduction, spread and proliferation of these species. Whether intentionally or accidentally we have introduced these pests to places where they do not belong. Furthermore, the rate of introductions and spread of these species will increase as more people and products circle the globe.

In summary invasive species have three key attributes:

They are biological bullies.

They cause some type of significant damage.

They are spread primarily by people's action.

In short: There are a variety of pests in a variety of environments causing a variety of problems. It is our fault and it is likely to get worse.

Although all manner of invasive species are of concern, I will focus on weeds because that is the expertise of my members. I have included several examples of problems associated with weeds and through these I will hopefully shed some light on the elements of a successful response. Although my examples are limited, the problems are not. The list is much longer than we can possibly cover today.

Weeds differ from other invasive pests such as insects and diseases that typically have some degree of host specificity. Weeds however infest and disrupt entire landscapes. In so doing they can affect all species, systems and functions associated with a particular landscape. These could be Threatened or Endangered species, they could be crop, livestock or timber production, and they could be environmental functions such as groundwater filtration and recharge.

#### SPECIFIC EXAMPLES OF INVASIVE PLANTS

**Kudzu.** Kudzu, "the weed that ate the South", can grow a foot a day and form massive carpets of vines that smother virtually anything that stands still. It will grow over buildings, fences, trees, forests, fields and power lines.

On highways this is a safety hazard because of reduced visibility. In forests it reduces productivity and complicates harvesting. On power lines it can cause structural or transmission failures. To prevent these problems sites must be treated either mechanically or chemically on an annual basis. Once the vines are established they must be physically removed at substantial cost.

This weed was originally introduced and widely promoted in the mid thirties but it is now out of control on approximately 7 million acres. This is roughly equivalent to the cotton acreage in those same states where Kudzu is a problem.

**Mile-a-Minute Weed,** "Kudzu of the North" The Mid-Atlantic States have a similar emerging problem called mile-a-minute weed. It is quite aggressive but not yet as obvious as Kudzu because it is a more recent accidental introduction. Because of its sharp thorns people don't plant it deliberately but birds that feed on its prolific berries spread the weed quite well.

**Velvetleaf.** Velvetleaf was introduced from India and has become a dominant agricultural weed that is now common throughout all major corn and soybean growing areas. It competes aggressively with annual crops and greatly lowers their yield. It produces such abundant seed that fields become thoroughly infested within several years.

Velvetleaf requires special additional treatments that typically cost farmers about \$15 per acre because the weed resists many common corn and soybean herbicides. This also adds more pesticides to the environment. Conservatively, farmers treat over 10 million acres and spend over \$150 million a year managing this one weed.

**Yellow Starthistle.** Yellow starthistle is primarily a weed of western rangelands but it also infests residential, recreational and roadside areas. It is native to southern Europe and the Mediterranean Region. It was first introduced into the Pacific

Northwest in the early 1900's as a contaminant in alfalfa seed but has now spread into many states.

The aggressive weed can virtually blanket entire rangelands. It displaces desirable forage plants that sustain grazing animals and replaces them with less nutritious plants with thorny spines that can actually injure animals.

California has the worst infestation and it is still spreading. In 1958 an estimated 1.25 million acres were infested; by 1991 it infested an estimated 8 million acres and in 2000 the infestation was estimated at 20 million acres. Outside of California the weed is not as extensive but other western rangeland areas are very vulnerable and significant efforts are underway to prevent further introductions and spread.

#### SPECIFIC CASE STUDIES

**Giant Hogweed.** Giant Hogweed is a particularly nasty invasive weed. It grows aggressively up to 12 feet tall and its showiness entices people to deliberately spread it. However, most people are unaware that this weed also presents a serious public health concern.

Specifically, its sap causes severe blistering and dermatitis. These symptoms can recur for up to five years when skin that has touched sap is later exposed to bright sunlight. In a particularly upsetting case in Pennsylvania, children needed emergency room treatment after using the hollow stems as make believe blow guns.

Giant Hogweed is a federally listed noxious weed now found in a handful of states. Its presence at an embassy here in Washington was recently brought to the attention of appropriate officials in APHIS although individuals in the Park Service had known of its presence for several years. By sheer luck, I identified another infestation in Maine after a curious person sent a picture over the internet.

[Page 96](#)

[PREV PAGE](#)

[TOP OF DOC](#)

This invasive weed is being actively managed in Pennsylvania but effectively ignored across the border in New York. It is spreading in areas of the Pacific Northwest but officials are stymied by an anti-pesticide bias precluding herbicide use. The Noxious Weed Program Manager for APHIS is trying to spur control efforts but there is inadequate budget and some counterparts have no real interest in the problem.

This example illustrates several points. One is that we need an Early Detection and Rapid Response (EDRR) System that gets information to the right people quickly. We need an outreach system to teach the general public about local invasive species problems and the steps they can take. We need public policies that recognize that the real threats from invasive species far outweigh the perceived risks of pesticides. Ultimately, we need budgets that are commensurate with the scope of the problem.

**Witchweed.** Witchweed is a parasitic weed that has decimated crops across Africa, India and the Middle-East. In 1956 it was found in corn fields in North Carolina. By the time this weed was identified and the threat recognized, over 450,000 acres in North and South Carolina were infested. This weed could have spread across all corn growing areas in the US and cost an estimated \$6 billion of lost yield annually.

Luckily, one person with experience in African crop production recognized the severe threat and launched a crusade. Initial efforts lacked both commitment and technology. However, new leadership brought the program new determination and a major breakthrough by researchers suddenly made local eradication of this weed obtainable. After a significant and sustained effort, there are only several thousand acres in this country that have yet to be certified free of this noxious invasive weed.

Foremost, this example demonstrates that we can eradicate a weed even after it has infested nearly half a million acres. It demonstrates that there is no substitute for trained people who are in the right place at the right time. It demonstrates that applied research can be one of several key ingredients in success. It also demonstrates the critical value of determined and optimistic leadership.

[Page 97](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Several elements of an effective response to invasive species are within the scope of this subcommittee. There is a strong consensus that an Early Detection and Rapid Response (EDRR) system for invasive plants is needed, that we must do more to educate the general public, that we must work seamlessly across all types of environments and that we must reduce regulatory and administrative impediments.

We encourage the committee to monitor the Council on Environmental Quality—National Environmental Protection Act (CEQ-NEPA) task force that is now looking closely at NEPA guidance. We recently submitted comments to this task force to express member concerns about the ways NEPA implementation has impeded invasive plant management and to recommend several specific improvements.

We recognize the current uncertainty about oversight of APHIS and the proposed Department of Homeland Security but also hope APHIS will begin applying its invasive plant authorities more vigorously. The Plant Protection Act of 2000 gave APHIS specific responsibility to protect the nation's environment and natural resources from invasive plants, but they have been slow to take up this challenge.

Finally, many elements of an effective EDRR system already exist within CSREES and its Land Grant University partners. There are researchers, extension agents, Plant Diagnostic Clinics and a Master Gardener program with thousands of volunteers ready to raise public awareness and distribute reliable information. These elements fit hand in glove with such a system and just need to be adequately funded and networked together with a specific focus on invasive plant management.

Thank you again for this opportunity and I look forward to any questions.

September 23, 2000

Council on Environmental Quality

National Environmental Policy Act Task Force

[Page 98](#)

[PREV PAGE](#)

[TOP OF DOC](#)

P.O. Box 221150,  
Salt Lake City, UT 84122.

Dear Task Force Members,

I am writing on behalf of the Weed Science Society of America (WSSA) and am pleased the Council on Environmental Quality (CEQ) has provided this opportunity to comment on implementation of the National Environmental Protection Act, or NEPA. WSSA is a not-for-profit association of academic research, extension, government and industrial scientists committed to improving the knowledge and management of weeds in agricultural, aquatic, forest, horticultural, range, right-of-way and natural area environments. The Weed Science Society of America and its affiliates, the Aquatic Plant Management Society, the Northeast Weed Science Society, the North Central Weed Science Society, the Southern Weed Science Society, and the Western Society of Weed Science represent over 4,000 members nationwide.

The following comments were prepared by asking members to identify specific NEPA problems they have experienced and to recommend specific practical solutions for these problems. Unfortunately, they identified more problems than solutions. However, members voiced strong support for the purposes and intentions expressed in the NEPA statute. They have dedicated their careers to improving agricultural and natural resource management and they also strive to "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations. In this vein we are very concerned that many plant species such as kudzu, yellow star thistle, purple loosestrife and Eurasian water milfoil cause significant environmental damage and effective management of these types of plants is badly needed.

Members expressed substantial concern that NEPA often impedes timely and prudent management of invasive weeds that are very detrimental to natural areas and natural resources under Federal stewardship. The overwhelming perception is that NEPA currently inhibits rather than enhances Federal efforts to protect public and private resources from this specific ecological threat. Additional concerns were expressed about the negative impact NEPA has on weed management in commercial and other public sector activities such as right of way maintenance on highways, power lines and waterways.

[Page 99](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Lack of a Budget. Preparation of NEPA documents, whether EISs or EAs requires significant staff commitment, but the appropriate staff is often fully preoccupied with other activity more relevant to an agency's core mission. As a result, high priority actions that require NEPA documentation are often put aside in favor of lower priority work that does not involve NEPA analysis. The NEPA process is put on hold until funds are obtained through a budget process that often takes several years.

There is also a liability cost associated with actions requiring NEPA documentation. Agency administrators have come to

fear the high cost of defending against legal challenges that can sap valuable resources. These costs can be in the form of excessive NEPA preparation to make the EAs and EISs challenge proof or the costs of defending a decision if it is later challenged. Again, the NEPA process leads some administrators to shift focus to other, and arguably lower priority work.

Regarding costs, members cited cases when the cost of NEPA analysis was higher than the cost of the invasive plant treatment that it ultimately allowed. In one case permitting delays caused the final treatment cost to be several times higher than it would have been if treatment had taken place in a timely manner. This drain on resources is extremely troublesome to land managers who are struggling with woefully inadequate weed management budgets. They recognize invasive weeds as a serious threat to the land that has been entrusted to their care and they resent seeing their meager funds used up on analysis rather than weed management.

Redundancy. Several members expressed concern that there is apparent, but not transparent, redundancy between NEPA and the pesticide regulations embodied in the Federal Fungicide, Insecticide and Rodenticide Act (FIFRA) and The Food Quality Protection Act (FQPA). Both of these Federal statutes were passed after NEPA and are administered by the Environmental Protection Agency (EPA).

The FIFRA and FQPA statutes require that any herbicide undergo extremely extensive scientific analysis before it can be registered and marketed. In addition, the registration process requires that very specific use instructions and use prohibitions be included on a herbicide's label. The use instructions specify the purposes for which the herbicide may be used, the amount that can be used, the number of times it can be used, the crops and environments where it may be used and any precautions that must be taken when it is used. These instructions and prohibitions are based on thorough analysis of data submitted by the herbicide registrant plus review of the relevant scientific literature. This data is analyzed in great detail by several different divisions within EPA's Office of Pesticide Programs (OPP). These include the Health Effects Division (HED), the Environmental Fate and Effects Division (EFED) and the Biological and Economic Effects Division (BEAD). Finally, any use of a pesticide that does not comply with the label instructions is a legal violation.

[Page 100](#)

[PREV PAGE](#)

[TOP OF DOC](#)

In view of the rigorous analysis already performed within EPA, several members questioned why other Federal agencies are compelled to reevaluate the professional opinion already rendered by the agency that has specific responsibility for thoroughly evaluating herbicide safety.

Programmatic Environmental Impact Statements. Members expressed general support for the use of Programmatic Environmental Impact Statements and WSSA has previously endorsed the Bureau of Land Management's (BLM) current effort to develop a Programmatic EIS for vegetation management in the Western United States. We anticipate this will significantly streamline the process and simplify the work required for subsequent site-specific EAs and EISs.

BLM also intends to address a shortcoming of prior Programmatic EISs, namely that they are not updated often enough to incorporate new science and technology. In the past BLM has been criticized for using old and outdated weed control technology simply because it was all that had been approved through prior EISs. In this iteration, BLM plans to include a robust protocol to evaluate new herbicide technologies as they become available. If the new techniques satisfy pre-established criteria, it will be possible to approve them as "mid-term" additions to the new EIS that will likely span a decade. This approach shows considerable foresight.

Another successful example cited by members is the Rangeland Grasshopper and Mormon Cricket Suppression Program Final Environmental Impact Statement–2002 that was prepared by the Animal Plant Health Inspection Service (APHIS). This Programmatic EIS was developed so that all Federal agencies can tier to it as they prepare their site specific EAs. It was suggested that a similar, single unified National Programmatic EIS for Invasive Plant Management be created for use by all agencies. This would help solve the problem of inconsistent requirements between agencies, it would serve to balance the conflicting biases that exist between different agencies and it would eliminate duplication of efforts within the Federal Government.

[Page 101](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Categorical Exclusions. As already stated, delayed action has allowed many small local weed problems to become substantial widespread problems. Several members stressed the need for categorical exclusions that would permit land

managers to make small-scale herbicide treatments without preparing EAs or EISs. A useful modification of this approach would be an environmental checklist that would provide documentation that pertinent environmental considerations have not been overlooked. Currently, the National Invasive Species Council (NISC) and the Federal Interagency Committee for Management of Noxious and Exotic Weeds (FICMNEW) are developing plans for Early Detection and Rapid Response (EDRR) systems. The premise of these systems is that there is a narrow window of opportunity to find and treat incipient infestations of invasive species before they become unmanageable. A categorical exclusion for small-scale herbicide treatments would permit this type of rapid response.

In summary, NEPA implementation is a significant concern for WSSA members who are involved with the issue of invasive plant management on Federal lands. The members who commented on NEPA implementation were supportive of the statute's intent but they also identified several problems that inhibit sound weed management efforts. Relative to herbicides, they questioned whether the statute's intent has been superseded by the subsequent creation of EPA and its assumption of pesticide registration responsibilities under FIFRA and FQPA. Overall, members perceive that the problems are very manageable by streamlining the processes, by providing better guidance to cooperators, by eliminating redundancy and inconsistencies, and by instituting responsible thresholds of regulation that do not impede rapid response to small weed infestations. We are very pleased that the Council has taken the initiative to improve the NEPA process and that we have been provided this opportunity to submit these comments. Furthermore, we welcome the opportunity to answer any questions the task force may have relative to these comments.

Sincerely,

Robert R. Hedberg, director of science policy, National and Regional Weed Science Societies

[Page 102](#)

[PREV PAGE](#)

[TOP OF DOC](#)

#### Statement of Jill Stevenson

Mr. Chairman and members of the subcommittee, thank you for inviting me to testify before the subcommittee on my experience with invasive species. I am Jill Stevenson, the Deputy Director of the Fisheries Service at Maryland Department of Natural Resources (MD Fisheries Service). I appreciate the opportunity to discuss with you my experience with the introduction of the snakehead fish to a pond in Maryland, within the Chesapeake Bay watershed.

In 2000, a Maryland citizen legally purchased two snakehead fish from an importer for use in making a restorative soup for his ailing relative. The fish were never used and were subsequently dumped into a privately-owned pond within the Chesapeake Bay watershed as 12–14 inch fish. In June 2002, MD Fisheries Service received a photograph of a fish released by an angler and received confirmation that the fish depicted was a snakehead species. By early July 2002, we received a large specimen (26 inches) as well as several small fish (2–3 inches) caught at the same pond.

The northern snakehead fish (*Channus argus*) is a temperate freshwater fish species native to China that can withstand cold winters and was thought to be able to survive in Maryland year-round. We at the MD Fisheries Service frequently sample piranhas and other tropical species that are illegally dumped. These species, however cannot withstand winter in Maryland and as such, do not pose a reproductive threat to MD's ecosystems. This particular species of snakehead, however, did indeed reproduce in the pond and we subsequently collected offspring from at least two successful reproductive cycles.

#### THREATS TO SYSTEM AS A RESULT OF INTRODUCTION

The major threats associated with this type of introduction result from ecosystem simplification. That is, a top predator like the snakehead is likely able to devour many other top predators, thus changing the dynamics of the food web in the natural system. Thankfully, this "system" was a privately-owned pond that does not regularly drain into any free-flowing public waters. However, the pond is located very close to the Little Patuxent River, a tributary to Chesapeake Bay. Reproduction of this snakehead species, combined with a dramatic weather event that might have caused flooding of the pond, could have resulted in proliferation of this species in the freshwater portion of the Patuxent River.

[Page 103](#)

[PREV PAGE](#)

[TOP OF DOC](#)

#### CONTAINMENT

Northern snakehead introduction was apparently restricted to a single 4-acre pond and presumed to occur in two adjacent smaller ponds (1.1 acres total). The ponds were originally developed as sand/gravel pits and the larger pond is principally a stormwater management pond for a small 10–12 acre shopping center. Water exchange to the nearby Little Patuxent River (( 50 yards west) was believed limited to periods of sustained heavy rain, which Maryland has not experienced for the last couple years. Potentially the ponds could overflow or river plain flooding could overtop the ponds. Lack of site-specific data precluded forecast modeling by the Maryland Department of the Environment. Low areas surrounding the pond were sandbagged to provide greater retention and silt-fenced to preclude the reported ability of the fish to move overland. Maryland Natural Resources Police and Anne Arundel County Police provided daily enforcement of no trespassing and no fishing rules.

**Eradication.** To address eradication options, MD Fisheries Service convened a Scientific Advisory Panel that subsequently recommended application of the fish poison "rotenone" and herbicide application to destroy vegetation. Toxic material permits were required and special crisis exemption was needed to use one of the herbicides (Diquat) on the entire pond. Rotenone application was preceded by lab bioassay on available juvenile northern snakeheads which indicated sensitivity (at 1.5 ppm). Rotenone worked very well in the field at maximum label strength at a cost of approximately \$2000. A toxic material permit was required and application staff required special training in using respirators and health certification to wear respirators and Tyvek suits under seasonally hot ((90(F) and humid (( 90 percent) conditions. Natural detoxification was rather slow so we opted to neutralize the pond water with potassium permanganate at a cost of approximately \$1500. Several days in situ work were required to determine the appropriate quantity.

[Page 104](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Several strong low pressure systems threatened precipitation which would have breached the pond either before rotenone application or before neutralization. These failed to develop. Heavy rainfall would have resulted in the species gaining access to open water or potentially toxic conditions in an open system with impact to native species.

**Landowner Issues.** Initially private landowners were very open to pesticide treatment. As the process drew out, they became concerned about immediate liability of staff on the property and future liability as the ponds became known as the place where the fish were poisoned. Most important was their concern about the application of pesticides, and future land use and value. This ultimately required intervention and negotiation with executives from at least two Maryland state agencies (Department of Natural Resources and Department of the Environment) to provide assumption of all liability by the State.

Total estimated costs of this operation were approximately \$20,000 for chemical and ancillary equipment in addition to approximately 300 person days of labor.

**Safeguards Against Future Introductions.** The risks of introductions of potentially harmful, invasive fish species would be significantly reduced if existing statutes were broadened to prohibit the importation, sale, or cultivation of at least those non-native fish species that pose a high risk for establishment of populations in Maryland waters and that pose a high risk of adverse effects on other fish and wildlife species. Safeguarding Maryland's waters would require ensuring flexibility and responsiveness to changing threats and any new statute should convey that authority on natural resource managers with appropriate stakeholder consultation.

A two-tiered system of regulations, such as is used in Florida, may be appropriate in which species are listed as prohibited (not eligible for culture or possession) or restricted (non-native species for which special permits would be required for handling). The prohibited species list should include but not be limited to those listed as injurious under the Lacey Act. Listing should be precautionary, with the burden of proof on the demonstration of minimal risk. Provisions for special permits for possession for research, demonstration and related purposes involving prohibited species should be considered under tightly specified and assured conditions.

[Page 105](#)

[PREV PAGE](#)

[TOP OF DOC](#)

It is clear that penalties need to be developed to be sufficient to act as a clear and substantial deterrent. In the case of the northern snakehead in Maryland, the person who introduced the fish was protected by a statute of limitations (2 years). It might be appropriate for violators to be required to bear the costs of eradication or control.

Fish species that are not listed as prohibited may also pose risks and merit precautions. Even indigenous species that are cultured may carry diseases, parasites, or have genetic traits not suitable for native populations. While reasonable use and enjoyment should be maintained, certain additional precautions may be warranted.

To reduce the risk of future introductions, Maryland Fisheries Service is pursuing introduction of draft non-native species legislation at the 2003 Maryland General Assembly session.

Finally, education programs are probably our best line of defense once legislative protections have been implemented. Aquarium fish retailers should be engaged in consumer education programs for responsible pet ownership and care that avoids their release into natural waters. Additionally, the general public needs to be educated about the threats posed by release of non-native aquatic species. Use of non-native fish as bait presents a heightened opportunity for their release into the environment (for example, nuclear worms and green crabs). Such an introduction technically violates existing Maryland state regulations. There should be a presumptive restriction against using any non-indigenous aquatic species as bait in any Maryland waters with discretions granted to state resource managers to allow certain bait species if the risks of deleterious introductions are deemed minimal.

In summary, we have learned a great deal about the necessary safeguards that need to be in place in Maryland to prevent additional outlays of limited funds to protect our waterways. This introduction of northern snakeheads resulted in a great expenditure of time and money by Maryland Fisheries Service, exacerbated by erroneous information we obtained early in the process as well as media reports that were sustained throughout the summer.

[Page 106](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Mr. Chairman, this concludes my testimony. Once again, thank you for the opportunity to be here today. I look forward to answering any questions you or other members of the subcommittee may have.

Statement of Harry Carlson, Steve Orloff, and Rob Wilson

Invasive weeds are a serious problem affecting land use in the intermountain region of northern California and southern Oregon. Agricultural fields infested with noxious weeds suffer decreases in yield and quality, making weeds a major cause for agricultural yield losses in northern California. Weed infestations also displace native vegetation, threaten endangered species preservation, diminish wildlife habitat, decrease recreation opportunities, and prevent land restoration efforts following fire and other land disturbances. California Department of Food and Agriculture (CDFA) estimates over 94,000 acres in northern California's intermountain region are infested with A-rated noxious weeds, making up 94 percent of California's total A-rated noxious weed acreage. Although 94,000 acres is a shocking number, there are many more acres of B and C rated noxious weeds including yellow starthistle, perennial pepperweed, Russian knapweed, and Dalmatian toadflax in northern California.

To address northern California's noxious weed problem, Federal, State, and local land entities are joining forces and developing coordinated weed management groups. These weed management groups combine public and private resources and are beginning to start large countywide weed monitoring and control programs. With increases in coordinated weed management activities, science-based information to achieve maximum weed control is needed more than ever.

Currently, the University of California Cooperative Extension service (UCCE) is a leading source for science-based information and research concerning invasive weeds in northern California. Cooperative Extension programs allow counties to connect to the most up-to-date invasive species research being conducted by University of California researchers. UC academics are focusing research efforts in the areas of agriculture and non-crop weed management, vegetation restoration, and integrated pest management. Noteworthy research projects have discovered effective management strategies for yellow starthistle and others are currently underway examining control strategies for medusahead, perennial pepperweed, Dyer's woad, Canada thistle, hoary cress, and western juniper. Cooperative Extension also provides a perfect means for extending research findings to actual landowners in charge of carrying out weed control activities.

[Page 107](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Although University of California Cooperative Extension research and education activities are underway, a lot more research, coordinated management activities, weed publications, and educational workshops are needed to address the entire

scope of the intermountain invasive plant problem. With state budget cuts looming, state and local funding for additional UCCE personnel and programs is unlikely. Yet a targeted effort for interagency cooperation with increased weed management workshops, publications, and research would be a big step forward in helping the intermountain region address the overwhelming problem of invasive species.

Information for this report was compiled from CDFA regional reports, University of California weed management publications, and personal communication with CDFA and UCCE staff. For more information on the invasive weed problem in northern California contact Rob Wilson, UCCE Farm Advisor at 530-251-8132/ [rgwilson@ucdavis.edu](mailto:rgwilson@ucdavis.edu) or Carri Pirosko, CDFA regional biologist, at 530-545-9119/ [cpirosko@cdfa.ca.gov](mailto:cpirosko@cdfa.ca.gov).

Statement of Fred V. Grau, Jr.

My name is Fred V. Grau, Jr. I am president of Grasslyn, Inc., a small, second-generation family farm and seed company based in State College, PA. We have historically grown conventional crops such as corn and hay, but by far our primary product has been Penngift crownvetch seed.

I would like to thank the committee for allowing me to express my opinions on the invasive species initiative. The facts and opinions that you are about to read differ markedly from any previous testimony or reports that I have read. This comes from real-world experience of the effects of Executive Order 13112 (invasive species) on my company, specifically and the private sector, generally. It also comes from 3 3/4 years of intense personal research and activity regarding the invasive species agenda.

[Page 108](#)

[PREV PAGE](#)

[TOP OF DOC](#)

The main point I would like to make is that, with invasive species legislation pending in both houses of Congress, it is absolutely essential for wording to be included giving statutory protection for specific, beneficial, non-harmful commercial species. Additionally, there must be a clause clearly stating that the private sector has the right to sue the Federal Government for false statements, illegal actions, etc.

Anything less will cause major disruptions in markets. It will cost the taxpayer billions of dollars. The Sword of Damocles will hang by a hair above the heads of private landowners. It will give legal power to those unaccountable individuals and organizations with hidden agendas and little or no practical knowledge of agriculture or conservation; the same people who want legal and regulatory power over matters with no clear definition. The confusion, even chaos now evident in the invasive species movement will be multiplied many times over. It will be at the expense of the environment.

I can state the case best by using the example of how the invasive species agenda has affected crownvetch. With minor alterations, similar cases can be made for dozens, if not hundreds, other useful, non-harmful commercial species such as tall fescue, birdsfoot trefoil and the clovers.

To the best of anyone's knowledge, crownvetch came to this country as an impurity in alfalfa seed at the beginning of the 19th Century. Its origin is not clear, but certainly it was "native" to both the Caucuses region of Eurasia and the Mediterranean prior to its introduction in North America.

In 1935, my father was an Extension Agronomist at the Pennsylvania State College (now University). In his extensive traveling across the Commonwealth, he came across a steep, shale road bank near Virginville, Berks County, which was completely covered by an "unknown" plant whose aesthetics were striking, as it was in full bloom. Coming from a long line of farmers with a passion for improving agriculture and soil conservation, he was naturally intrigued.

[Page 109](#)

[PREV PAGE](#)

[TOP OF DOC](#)

He asked the adjoining farm owner if he knew the name of the plant. Answer: "No." My Dad then asked him if the plant had ever caused him any problems as a weed in his farming operation. Answer: "No. It's just there." Has it ever shown any detrimental effect on your livestock? "No. The cows eat it." A fourth question was asked. How long had the roadside stand of this plant been there? Answer: "It appeared sometime between 1905 and 1910."

From his observation of this plant's obvious utility, combined with the preliminary, practical questions noted above, Dr. Grau immediately recognized the potential benefits that could be realized from its intentional utilization. Accordingly, he took a sample back to State College. No one in the Department of Agronomy knew what it was, but after a taxonomic

search, it was clear that the plant was crownvetch (*Coronilla varia*, L.), a "native" of the Old World.

At first, there was little interest at "The College" (a local term). Unfazed, Dad bought a farm near State College and experimented with this new plant for over a decade. By the late 1940's, both Penn State and the Pennsylvania Department of Highways (now PennDOT) showed an interest and began an extensive experimental program on roadsides throughout Pennsylvania lasting over six years. Many of the results of this endeavor were published in Penn State Bulletin 576, May 1954: "Penngift Crownvetch for Slope Control on Pennsylvania Highways".

The result of this research was the decision by the highway department to use crownvetch extensively on its toughest slopes. Soon, VPI (now Virginia Tech) and VDOT mirrored the efforts in Pennsylvania with similar results. Other states followed suit. To this day, the professionals at PennDOT, VDOT and other land management agencies consider crownvetch indispensable to an effective, economic and environmentally friendly program of slope stabilization, beautification and erosion control. Millions of dollars are saved annually from non-existent (or reduced) mowing, herbicide and re-planting programs. Untold tons of topsoil remain on slopes east of central Nebraska and Kansas that otherwise would be deposited in streams, rivers, bays, or the Atlantic Ocean or Gulf of Mexico.

[Page 110](#)

[PREV PAGE](#)

[TOP OF DOC](#)

In the 1960's, there was considerable crownvetch research undertaken, not only by slope specialists, but also Federal, State and private entities interested in forage (animal feed), landscape design, crop rotation, strip mine reclamation, the newly-developed no-till method of row crop farming, etc. Sub-agencies of USDA, Land Grant institutions, strip mine reclamation companies and others confirmed a universal utility unique to crownvetch. Acceptability on all accounts was enthusiastically reported from as far west as the University of Nebraska and as far south as Auburn University in Alabama.

In the 1970's and later, crownvetch was proven to be incomparable as a living mulch for no-till corn. Dr. Nathan Hartwig, noted Professor of Weed Science at Penn State, spent a significant portion of his career refining the technique of using crownvetch for this purpose. Some of the results of his research are given below. I can personally verify that the conclusions are legitimate on a field scale because our family successfully grew 200–600 acres of no-till corn annually using crownvetch as a living mulch.

Being a legume, crownvetch provides enough fixed nitrogen to significantly reduce the amount of applied commercial fertilizer in the first two years of corn production in a stand of crownvetch. Nitrogen rates in excess of 20 to 50 lbs per acre are not necessary during this time. Compare this with the 125 to 150 lbs needed in conventionally grown corn. Any run-off or leached water thus carries insignificant amounts of nitrates to streams and groundwater.

Soil tilth (structure) is improved immensely. A demonstration at Penn State's Ag Progress Days involved pouring an 8 ounce cup of water onto the surface of soil that was planted to no-till corn with a crownvetch cover, then comparing this infiltration rate with that on soil in which corn was planted with no cover crop (as would be the case in conventionally tilled soil). It took less than three seconds for the water to disappear from the surface in the first case and over 1 minutes in the second. The implications under field conditions are obvious. Also, any farmer who has plowed up a stand of crownvetch will testify to the radically improved structure of the soil.

[Page 111](#)

[PREV PAGE](#)

[TOP OF DOC](#)

But the most striking scientific data comes from "Crownvetch and No-Tillage Crop Production for Soil Erosion Control", a publication of Penn State's Cooperative Extension Service. Anyone with a serious interest in the overall environmental aspect of crownvetch usage cannot ignore the stark realities of the data. Experiments were conducted on a 14 percent slope (quite steep for row-crop production) under rainfall conditions of 17.5 inches: typical for the 5-month growing season in Central Pennsylvania. The results need to be considered in the context that, in general, soil is formed from parent material at the rate of 4–5 tons/acre/year and topsoil loss from erosion has been reported at the rate of 9–13 tons/acre/year. Simple math: a net topsoil loss of 4–9 tons annually.

Item 1 from this publication shows that under the experimental conditions noted above, water runoff in conventional (field-plowed) corn was 3.83 inches (22 percent of total rainfall). That is almost 4 inches of moisture that the corn would gladly utilize, but in fact has left the field forever, headed for the Susquehanna River and the Chesapeake Bay. Under no-till in crownvetch conditions, the water loss was a mere .1 (1/10) inch, an amount that easily infiltrates into the typical

adjoining buffer area.

Item 2 shows the data for topsoil loss. Conventional corn: 14 tons/acre. No-till in crownvetch corn: .02 (2/100) tons/acre. This is striking in that it indicates a net gain in the soil gain-to-loss equation: unheard of for row crop production under these conditions. Those promoting "Sustainable Agriculture" take note.

Item 3 concerns pesticide runoff. Surely, this is of interest to those concerned about chemicals in our groundwater, rivers and bays. Cyanazine (commercial name: Bladex) was used for weed control. From the 4 lbs/A applied to conventional corn, .2 (2/10) lbs were lost to runoff (5 percent). From the 5 lbs/acre applied to no-till in crownvetch corn, less than 0.01 (1/100 lb) left the field. It should be noted that in the years following this research, the "imi" family of herbicides were employed. These pesticides are used at rates measured in ounces/acre, not pounds. If it were possible, wouldn't it be interesting to take a poll of the trout in Spring Creek or the oysters in the Bay to see what they think of the beneficial use of crownvetch?

[Page 112](#)

[PREV PAGE](#)

[TOP OF DOC](#)

It should be noted that results quite similar to those for crownvetch were also found for birdsfoot trefoil. This is important in the invasive species controversy, as we will see in later comments. Hint: birdsfoot, like crownvetch, is non-native.

Of interest to this committee, it should be noted that USDA-ARS, Cooperative Extension and other Federal agencies also conducted research and enthusiastically endorsed this species. The old Soil Conservation Service (SCS), which has since been remolded into the Natural Resources Conservation Service (NRCS) even released its own varieties of crownvetch; Emerald (Iowa) and Chemung (New York).

Trust me, I could go on much longer. The above is just a short summary of the history of crownvetch in this country and its contribution to agriculture, the economy and the environment. To put an exclamation point behind this, one should note that on June 17, 1982, Governor Dick Thornburgh signed Act 150 into law designating Penngift crownvetch as the State Beautification and Conservation Plant of Pennsylvania. The point is that this species gained universal acceptance through many years of scientific and practical research by true professionals who were dedicated to the practical improvement of America's agriculture, economy and environment.

Now let's turn our attention to Executive Order 13112 (invasive species) and the effect it has had since it was issued on Feb. 3, 1999. Much of the material provided will be of a first-person nature. This is not my preference, but it is the probably the best way to communicate the alarm that I (and many others) feel over the process and the resultant gross abuses. It is not a pretty sight. Hopefully, after reading the material below and comparing it to that above, Federal legislators will see the absolute necessity to pass protective legislation for crownvetch, tall fescue and other non-harmful species that have proven their worth over decades and sometimes centuries. Additionally, the right to litigate against those in government who make false statements or lie outright about these species must be included to make this legislation effective..

[Page 113](#)

[PREV PAGE](#)

[TOP OF DOC](#)

Like many others in agriculture and industry who were never consulted or even notified of the pending E.O., I was stunned when within a month of its issuance, articles began appearing denigrating our products. My education began when in March, 1999, I opened a trade magazine that supposedly promotes soil and water conservation. There was a nice color photograph of crownvetch that caught my attention. Much to my surprise, there was not the usual complimentary or instructive caption, but rather one of disparagement. In the text of the article (written by a Federal Highway Administration official), there were references to the previously unknown E.O. 13112.

Naturally, I investigated what this was all about and in an instant, realized that my life had been changed forever. Being somewhat knowledgeable about the Endangered Species Act (ESA), The Clean Water Act (CWA) and other environmental laws and their gross abuses by both government and non-governmental organizations (NGOs), it was crystal clear that this would be a fight that I must undertake. Why? Because: (1) My farming & seed business would disappear like so many Western logging towns: (2) My friends, relatives, neighbors, customers, indeed, entire industries and communities were about to be blindsided with an agenda that, with time, will morph into something worse than the ESA.

It was equally clear that common sense, science and the lessons of history would be no match for the political realities extant. The array of forces behind the agenda were (are) just too powerful to offer any hope other than to moderate the hysteria, modify government policy and future legislation, and educate as many people as possible so that future historians

can have a reference as to what went wrong.

The following information and material shows the extent to which this out-of-control agenda has evolved:

FICMNEW: The Federal Interagency Committee for Management of Noxious and Exotic Weeds.

<http://ficomnew.fws.gov/>

[Page 114](#)

[PREV PAGE](#)

[TOP OF DOC](#)

This unwieldy group of no less than 17 (now 16) Federal agencies all signed on to the invasive species agenda. This includes 7 agencies within USDA.

"Pulling Together: National Strategy for Invasive Plant Management." BLM/WO/GI/98/003/1740.

<http://ficomnew.fws.gov/page11.html>

This 22-page full-color glossy publication, with an insert signed by Vice President Al Gore, was apparently published through the Bureau of Land Management (BLM) on behalf of FICMNEW in 1998. Replete with questionable "data", alarmist warnings and hortatory calls to action, I leave it to you to make your own determination as to the purpose and wisdom of this expensive publication.

Although dozens of observations could be made about the background and intent of this work, I will limit my comments to just two:

1 Under "Resolutions of Endorsement and Support", predictable "partners" are listed. Exotic Pest Plant Councils (EPPCs), native plant societies, and other NGOs would be expected, as might be the 17 Federal agencies in FICMNEW. But wait! There's the Pennsylvania and Oregon Departments of Agriculture. I can assure you that an investment of a 60-second phone call to these professionals will confirm that they in no way endorse an agenda that includes crownvetch and tall fescue as noxious weeds or invasive species (See below.)

2. From the laugh-or-cry department, the photo on page 8 shows no less than 9 employees of the BLM, the US Forest Service (USFS) and The Nature Conservancy (TNC) hand-pulling yellow starthistle from a field in Idaho. Again, I will let you draw your own conclusions, not only about the expense of this and other publications, but also of the fiscal responsibility of having Federal employees hand-pull weeds on BLM's 262 million acres.

"Invasive Plants, Changing the Landscape of America Fact Book." SB613.5W47 1998 639.9/9-dc20

<https://www.denix.osd.mil/denix/Public/ES/Programs/Conservation/Invasive/intro.html>

[Page 115](#)

[PREV PAGE](#)

[TOP OF DOC](#)

This slick, glossy 109-page document funded by the US Fish and Wildlife Service (USFWS) and produced by FICMNEW is a case study in government waste, but more importantly, abuse of power. Interspersed with some obvious truths about problem plants are many statements that are agenda driven (natives-only), needlessly alarmist, misleading, false, and destructive to agriculture and soil conservation efforts. This seems to be the document the natives-only fanatics in and out of government initially used for reference. Almost every page contains an arguable, misleading or false statement. A few comments about specific passages will illustrate the point.

1. Terminology. Early in the text on page 3, one finds the following statement: "In this fact book, the term "weed" and "invasive plant" are synonymous." This is extremely important in understanding the serious consequences of this document. (See 5. & 6. below.)

2. Agenda Driven. On page 20, under a heading titled: "Seven Reason to Use Native Plants for Landscaping" are seven statements that could be equally applied to non-native plants.

3. Alarmist. Page 57 displays a quote from Michael Soule: "Invasive plants pose a significant threat to the biodiversity of natural areas, to life on the planet." To life on the planet??? In MTV-speak: Gemme a break.

4. Misleading. Look on page 25 at one of the infinite "FACT" paragraph headings. "FACT: Invasive plants can cause soil erosion." Some might think it to be nitpicking, but wind and water cause soil erosion, not plants. Even taking the statement at face value, an "invasive" plant is no more likely to "cause" soil erosion than a "non-invasive" one. Indeed, one could argue the opposite, as would be the case with tall fescue and crownvetch. (See 5. below). In any case, the ubiquitous "FACT" paragraphs work in concert to give the impression that non-native plants are simply bad actors.

5. False Statements. Turn to page 34 to view the section on mile-a-minute, a truly noxious and obnoxious species that

deserves to be eradicated. To quote: "Typical habitats are roadsides [especially sites planted with crown-vetch (sic)], forest and thicket margins" This statement about crownvetch is patently false. There's an agenda lurking here and I leave it to you to seek the truth.

[Page 116](#)

[PREV PAGE](#)

[TOP OF DOC](#)

6. Destructive to Agriculture and Conservation. On page 97 the following species are listed: tall fescue, reed canary grass, birdfoot deervetch (birdsfoot trefoil to those who actually use it) and crownvetch. By definition (see 1. above), these species are now termed weeds! All of these species are invaluable to farmers and practical land managers, that is, the people to whom America entrusts the mission of food production and soil/water conservation.

"Conservation Plants for the Northeast" This publication had been a standard for SCS (now NRCS) for years. At Penn State's Ag Progress Days in August 1999, I was visiting the NRCS site waiting to speak with some people I knew. A copy of this publication was available, so I leafed through it, more for marking time than anything else. To my surprise, most of the primary species in the publication had an "X" over the passage pertaining to that species. This included tall fescue, crownvetch, birdsfoot trefoil, Lathco flatpea (released by SCS), redtop, ryegrass and other species; all of them introduced.

"Why?" was the obvious question. "No longer recommended" was the answer, given with downcast eyes and some foot-shuffling. At this point in the invasive species time line, I knew quite well what was going on and my emotions were mixed. On the one hand, there was anger and disgust over the devolution of a once-legitimate and helpful agency that now had succumbed to the diktats of the natives-only radical environmentalists. On the other hand, I felt genuine sympathy for my "Old Guard" friends at NRCS who knew better, but dared not raise a fuss, what with careers and pensions at stake. Scenarios of this nature were to be repeated many times over when talking with USDA and Land Grant researchers. It continues to this day.

Ladies and gentlemen of the Committee, the previous paragraph, mundane as it sounds on the surface, contains the elements of one of the unspoken tragedies now playing out on the battlefields of the invasive species war. Hundreds, if not thousands of man-years of productive, useful research and diligent effort by dedicated, qualified professionals is being sacrificed at the altar of pre-Columbian nativism. Although their numbers are dwindling, there remains a core of "Old Guard" scientists, practitioners and even administrators who share my alarm and are disgusted, if not furious over the invasive species fallout of the last 3 3/4 years. Invasive species has become a human tragedy.

[Page 117](#)

[PREV PAGE](#)

[TOP OF DOC](#)

USDA Agency Listings.

NRCS. At the NRCS website, hit the button for "Invasive and Noxious". At the next page, click on "Invasive Plants of the U.S.". Hit "c" for common name. You will find crownvetch and crimson clover. Hit "t". You will find tall fescue and timothy. Case made.

APHIS. At the homepage, hit "invasive species". Then hit "USDA's National Agricultural Library invasive species website". This brings you to "Invasivespecies.gov: A gateway to Federal and State invasive species activities and programs." Now hit "species profiles". Then hit "Databases". Then "Terrestrial Plant Databases". At this point, you are offered a number of links, including the one hosted by NRCS above. You are also linked to "Weeds Gone Wild". Boom! Crownvetch, tall fescue, sweet clover" Case made.

State-Level Agenda. Since this committee is Federal, one might think this aspect to be irrelevant. However, let it be said that the awesome power of the Federal Government, turned loose through USDA, Department of Interior (DOI), Federal Highway Administration (FHWA) and other signatories to FICMNEW, created a mirror image of similar abuse at the State level. State Departments of Natural Resources (generically, DNRs) echoed the agenda put forth at the Federal level.

Pennsylvania can serve as an example of State-level harm. About the same time I learned about the E.O., FICMNEW and its "Fact Book", I also discovered that Pennsylvania's own Department of Conservation and Natural Resources (DCNR) had published a brochure with the title "Invasive Plants in Pennsylvania". In defining an invasive plant, the lead sentence started out with: "Invasive plant is really another name for a noxious environmental weed pest." Twice in the text the reader was advised to "avoid using known invasive plants".

This would be fine if there was unanimity on what is a "noxious weed pest" (invasive species). But a look at the list in the

brochure revealed that crownvetch (the State Conservation Plant), tall fescue, birdsfoot trefoil, sweet clover and reed canary grass were listed. To be brief, after agriculture and conservation professionals confronted DCNR with real-world facts, they retracted the publication and issued a much more sensible version.

[Page 118](#)

[PREV PAGE](#)

[TOP OF DOC](#)

It should be noted that in both versions, both FICMNEW and its "Fact Book" were cited, demonstrating the influence of Federal bureaucracies. A relatively small group of Federal bureaucratic activists, backed by the Treasury and government printing presses, can do enormous damage even without regulatory or statutory powers.

Non-Governmental Organizations (NGOs). The unholy alliance between government bureaucracies and NGOs was probably the most startling of all the initial revelations about the invasive species agenda. It was clear early on that The Nature Conservancy (TNC) was the primary force behind the invasive species (natives-only) agenda and that NGO "partnerships" with government, both formal and informal, were an enormous problem to those of us who believe in accountability in government.

Virtually every invasive species document (especially at the Federal level) listed TNC as a prime contributor or partner. Every invasive species meeting, seminar or symposium had at the very least, active participation by TNC personnel. Every NGO dealing with invasive species was either led or underwritten by TNC personnel. It appeared to me that a shadow government was in operation, unbeknownst to almost everyone except those promoting the agenda. Activist Federal bureaucracies, including those in USDA, enthusiastically embraced TNC in their decision-making.

With assets in excess of \$2 billion, 501-(3) (charitable) status, millions of dollars in private foundation grants, even more millions in Federal grants, a strong presence in government bureaucracies and educational institutions, a new self-generated "crisis" on which to secure ever more funding, and a clever system of underwriting a multitude of lesser (and more vitriolic) NGOs, TNC was clearly a formidable force. With the power of TNC, their NGO clients, their backers at the incredibly wealthy (and unaccountable) foundations, combined with that of activist Federal and State bureaucracies, there was simply no hope of preventing the next Endangered Species Act (ESA) from becoming national policy.

[Page 119](#)

[PREV PAGE](#)

[TOP OF DOC](#)

The "lesser" NGOs mentioned above deserve comment, too. I will give just two examples, although many could be offered.

1. State invasive species Councils (ISCs). In many (most?) states, ISCs sprang up. The New York ISC is a good example. With leadership provided by TNC and Federal personnel, the NY ISC published a list of "New York's 20 Worst Weeds". Crownvetch was one of the 20. Upon request by the NY seed industry, the NY ISC provided their reasoning. Of the 8 or so reasons provided, not one of them had any basis in science or fact. Two examples are given here.

The taproot makes this plant marginal for erosion control." This statement demonstrates the appalling ignorance of those who claim to have both botanical and ecological knowledge, yet want to influence government policy. Crownvetch does not have a taproot. Its root system is adventitious. Marginal for erosion control? Over half a century of scientific research and practical implementation shows this statement to be preposterous.

Native warm season grasses can do anything crownvetch can do and provide many more benefits." This subjective statement comparing an entire class of grasses with a single leguminous species would not be allowed in any serious discussion. It also has no bearing whatsoever on "invasiveness". But the telling point here is the revelation of the true agenda: natives only.

2. Exotic Pest Plant Councils (EPPCs). These NGOs exist both at the State and regional levels. The State versions are really the same as the ISCs described above, so no further comments are necessary. Regional EPPCs, such as the Southeast and Mid-Atlantic EPPCs, deserve comment. Formed as a result of, or strengthened by E.O. 13112, these organizations purport to be guardians against alien invaders, but are in fact dominated by natives-only zealots.

For a period of time, I represented the seed industry on the Mid-Atlantic EPPC (MA-EPPC). After participating in regular meetings, it was clear to me that the leadership, if not the body as a whole, had no desire to incorporate the aspects of beneficial non-native species into its agenda. It was also clear that "inclusiveness" was a sham and that any desire to have the private or consuming sectors in the membership was for the purpose of showing "consensus" to the public (donors) and

government (grants). Creation of an invasive species list was high on the agenda.

[Page 120](#)

[PREV PAGE](#)

[TOP OF DOC](#)

The seed industry decided that it was counterproductive to legitimize this organization by lending its name as a participant, "stakeholder" or "partner". To do so would provide the perception that the seed industry willingly endorsed the EPPC, its processes and its natives-only agenda.

Claiming to represent the ecological interests of 7 states, regular meetings of this group could be held in a typical K-12 classroom with space to spare. Requiring no environmental, scientific or agricultural expertise to participate (in fact, a voluntary organization), anyone can join. But the salient point to this Committee is the heavy influence of Federal policies and personnel.

Usually I was the only attendee from the private sector. I was there on my own time and at my own expense. A glance around the room revealed that most of the participants came from NGOs such as TNC, American Lands Alliance, the Western Pennsylvania Conservancy and (tellingly) various native plant societies. Federal bureaucracies in USDA and DOI were well represented. Everyone at these meetings except me was being paid to be there.

An attempt to publish a (consensus-derived) "worst 20" list which included crownvetch was thwarted only because the MA-EPPC received a letter from a seed industry lawyer. Now I ask the members of this Committee: Should USDA and other Federal departments be intimately involved with organizations whose actions require legal countermeasures from the most basic of American agricultural industries?

Other Federal Agencies. There are many non-USDA Federal agencies that are heavily involved with the invasive species agenda. The activities of the Federal Highway Administration (FHWA) are just one example of abuse by these agencies that use USDA to support their actions. Remember that USDA, especially APHIS, appears to be the lead agency on invasive species.

In 1999, FHWA published a 665-page book titled "Roadside Use of Native Plants". Citing E.O. 13112, FICMNEW, and other items of interest to this Committee, this book is clearly one of promotion, not education. Essay after essay by NGO and government personnel extol the virtues of nativism and decry the pollution of "invasive species". Quotes from Aldo Leopold and Rachel Carson provide emphasis.

[Page 121](#)

[PREV PAGE](#)

[TOP OF DOC](#)

But government waste in funding this book is minor compared to the false and misleading statements made such as those on page 10. Five non-harmful commercial species (including crownvetch) that are used extensively by farmers and serious land managers have "become weed problems themselves" in the words of the author.

Wait. It gets worse: "They are beginning to show up on State noxious weed lists." This, members of the Committee, is a false statement. "Noxious weed" is a legal definition that falls under State and Federal law and none of the species listed are noxious weeds at either the Federal or State level. These laws are under the purview of USDA and State Departments of Agriculture. False statements by Federal bureaucracies about matters under the jurisdiction of USDA should be of serious concern to this Committee.

The false claim that legal commercial products are noxious weeds by FHWA did not end with the 1999 publication of this book. Minutes and reports from many meetings across the country show that the "noxious" claim was repeated over and over. In the summer of this year, FHWA produced a laminated color foldout (at obvious great expense) with drawings of dozens of plants. The usual suspects (crownvetch, tall fescue, etc.) were included and some "new" ones added to FHWA's list. Quote: "This guide identifies common and showy roadside invasive grasses and forbs, all of which are on various State noxious weed lists." (Italics mine.)

FHWA's assault on beneficial species continues to this day through its quarterly publication "Greener Roadsides". The fact that 80 percent of most highway funding comes from the Federal Government and the implied threat to withhold those funds for, shall we say, "environmental violations" is not lost on State roadside managers whose anxiety is palpable.

Hopefully, this Committee has oversight powers and the willingness to use them to curb such abuses by non-USDA bureaucracies. The issue of invasive species even affects the Department of Defense, as land managers on military reservations are directed to use "approved" species, not simply the best ones for the job (which might be non-native).

To conclude, it is obvious to me that the invasive species agenda is not really about noxious species. It is about power and money. The legal authority already exists to attack known harmful species. It is equally obvious that with the billions of dollars already invested to build bureaucracies and fund NGOs (as opposed to a practical fight against the fire ant, giant hogweed, kudzu, et cetera.), there is little hope of this testimony having an impact on the overall detrimental effects on the farmers, practical land managers, landowners and taxpayers of the future.

Hopefully there is one exception; that of creating legal protection for specific non-native, harmless, legal, commercial species that have shown their merit through scientific research and the marketplace. To make such protection effective, this legislation must contain wording granting the right of private entities to sue Federal agencies and any employee in those agencies who violate the law.

A good friend of mine and I often conduct a post mortem following meetings or hearings such as this one. He and I try to "tell it like it is" regardless of whose feathers might be ruffled. "Make any friends?" is our standard opening. Accordingly, I offer this quote attributed to President Harry S. Truman:

"I never gave anyone hell. I just told the truth and they thought it was hell."

Thank you for the opportunity to testify.

SPEAKER INDEX	<a href="#">CONTENTS</a>		<a href="#">INSERTS</a>						
BARTUSKA	<a href="#">40</a>	<a href="#">52</a>	<a href="#">53</a>	<a href="#">55</a>	<a href="#">62</a>	<a href="#">63</a>			
BRENT W. GATTIS	<a href="#">5</a>								
BUTLER	<a href="#">11</a>	<a href="#">28</a>	<a href="#">31</a>	<a href="#">32</a>	<a href="#">33</a>	<a href="#">34</a>	<a href="#">38</a>	<a href="#">39</a>	
CLAYTON	<a href="#">27</a>	<a href="#">28</a>	<a href="#">29</a>	<a href="#">30</a>	<a href="#">38</a>	<a href="#">54</a>	<a href="#">56</a>	<a href="#">58</a>	<a href="#">64</a>
CROWDER	<a href="#">46</a>	<a href="#">57</a>	<a href="#">58</a>	<a href="#">60</a>	<a href="#">64</a>				
GOODLATTE	<a href="#">8</a>	<a href="#">13</a>	<a href="#">16</a>	<a href="#">20</a>	<a href="#">27</a>	<a href="#">35</a>	<a href="#">37</a>	<a href="#">38</a>	<a href="#">40</a>
	<a href="#">43</a>	<a href="#">46</a>	<a href="#">49</a>	<a href="#">51</a>	<a href="#">52</a>	<a href="#">53</a>	<a href="#">54</a>	<a href="#">60</a>	<a href="#">61</a>
	<a href="#">62</a>	<a href="#">63</a>	<a href="#">64</a>	<a href="#">66</a>					
HEDBERG	<a href="#">43</a>	<a href="#">53</a>	<a href="#">63</a>	<a href="#">65</a>					
HYDE	<a href="#">49</a>	<a href="#">54</a>	<a href="#">59</a>	<a href="#">61</a>	<a href="#">62</a>				
KEITH WILLIAMS	<a href="#">4</a>								
LANCE KOTSCHWAR	<a href="#">4</a>								
MILLER	<a href="#">25</a>	<a href="#">27</a>	<a href="#">28</a>	<a href="#">30</a>	<a href="#">37</a>				
PUTNAM	<a href="#">22</a>	<a href="#">24</a>	<a href="#">30</a>	<a href="#">31</a>	<a href="#">32</a>	<a href="#">33</a>	<a href="#">34</a>	<a href="#">35</a>	
R	<a href="#">4</a>								
RIHERD	<a href="#">20</a>	<a href="#">30</a>	<a href="#">31</a>	<a href="#">32</a>	<a href="#">33</a>				
STEPHEN HATERIUS	<a href="#">4</a>								
STEVENSON	<a href="#">22</a>	<a href="#">29</a>	<a href="#">31</a>						
TATE	<a href="#">16</a>	<a href="#">29</a>	<a href="#">34</a>	<a href="#">35</a>	<a href="#">38</a>				
TENNY	<a href="#">13</a>	<a href="#">28</a>	<a href="#">35</a>						
WILLIAM E. O'CONNER, J	<a href="#">4</a>								

CONTENTS [SPEAKERS](#) [INSERTS](#)

OPENING STATEMENT OF HON. BOB GOODLATTE, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWELATH OF VIRGINIA

PAGE 8

STATEMENT OF JAMES G. BUTLER, DEPUTY UNDER SECRETARY, MARKETING AND REGULATORY PROGRAMS, U.S.  
DEPARTMENT OF AGRICULTURE

PAGE 11

STATEMENT OF DAVID P. TENNY, DEPUTY UNDER SECRETARY, NATIONAL RESOURCES AND ENVIRONMENT, U.S.  
DEPARTMENT OF AGRICULTURE

PAGE 13

STATEMENT OF JAMES TATE, JR., SCIENCE ADVISOR TO THE SECRETARY, U.S. DEPARTMENT OF THE INTERIOR

PAGE 16

STATEMENT OF CONNIE RIHERD, ASSISTANT DIRECTOR, DIVISION OF PLANT INDUSTRY, FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, GAINESVILLE, FL

PAGE 20

STATEMENT OF JILL T. STEVENSON, DEPUTY DIRECTOR OF FISHERIES SERVICES, MARYLAND DEPARTMENT OF NATURAL RESOURCES, ANNAPOLIS, MD

PAGE 22

STATEMENT OF SCOTT MILLER, CHAIRMAN, DEPARTMENT OF SYSTEMATIC BIOLOGY, NATIONAL MUSEUM OF NATURAL HISTORY, SMITHSONIAN INSTITUTION, WASHINGTON, DC

PAGE 25

STATEMENT OF ANN M. BARTUSKA, EXECUTIVE DIRECTOR. INVASIVE SPECIES INITIATIVE, THE NATURE CONSERVANCY, ARLINGTON, VIRGINIA

PAGE 40

STATEMENT OF ROB HEDBERG, DIRECTOR OF SCIENCE POLICY, WEED SCIENCE SOCIETY OF AMERICA, WASHINGTON, DC, ON BEHALF OF WEED SCIENCE SOCIETY OF AMERICA, AQUATIC PLANT MANAGEMENT SOCIETY, NORTHEAST WEED SCIENCE SOCIETY, NORTH CENTRAL WEED SCIENCE SOCIETY, SOUTHERN WEED SCIENCE SOCIETY, AND WESTERN SOCIETY OF WEED SCIENCE

PAGE 43

STATEMENT OF RICHARD T. CROWDER, CHIEF EXECUTIVE OFFICER, AMERICAN SEED TRADE ASSOCIATION, ALEXANDRIA, VA

PAGE 46

STATEMENT OF MYRA HYDE, DIRECTOR OF ENVIRONMENTAL ISSUES, NATIONAL CATTLEMEN'S BEEF ASSOCIATION,

INSERTS      [SPEAKERS](#)      [CONTENTS](#)

NO INSERTS IN THIS HEARING