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**VIA ELECTRONIC MAIL
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May 3, 2010

Mr. Kevin Gallagher
Associate Director, Geospatial Information Office
United States Geological Survey
National Center
12201 Sunrise Valley Drive
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RE: Information Quality Act Request for Correction of Information

Dear Mr. Gallagher,

This Request for Correction of Information (Request) is hereby submitted under the Information Quality Act (IQA),¹ Guidelines issued by the Department of the Interior (DOI)² and the Office of Management and Budget (OMB) and is consistent with the requirements of the United States Geological Survey (USGS) guidelines under the IQA.³ The OMB

¹ Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. No. 106-554; H.R. 5658) provides in full the following:

(a) IN GENERAL.—The Director of the Office of Management and Budget shall, by not later than September 20, 2001, AND WITH PURBLIC AND Federal agency involvement issue guidelines under sections 3504(d)(1) and 3516 of title 44, United States Code, that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies in fulfillment of the purposes and provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act.

(b) CONTENT OF GUIDELINES.—The guidelines under subsection (a) shall (1) apply to the sharing by Federal agencies of, and access to, information disseminated by Federal agencies; and (2) require that each Federal agency to which the Guidelines apply (A) issue guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency by not later than 1 year after the date of issuance of the guidelines under subsection (a); (B) establish administrative mechanisms allowing affecte4d persons to see and obtain correction of information maintained and disseminated by the agency that does not comply with the guidelines issued under subsection (a); and (C) report periodically to the Director (i) the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency; and (ii) how such complaints were handled.

² 67 Fed. Reg. 36642(May 24, 2002).

³ Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, 67 Fed. Reg. 8452(republished Feb. 22, 2002).

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Guidelines provide the blueprint for ensuring the quality of information disseminated by the agencies subject to the IQA mandates, and the DOI has adopted administrative measures that are primarily procedural in nature, but incorporate OMB's substantive requirements as well. Since the DOI has adopted Guidelines of its own which adopt OMB's substantive requirements as a whole, and the USGS references the requirements of those agencies' guidelines in applying its own information quality standards⁴, for the sake of clarity, all references will be made to OMB Guidelines in the discussion below.

The United States Association of Reptile Keepers (USARK) is an affected organization and our members are affected persons within the meaning of the OMB Guidelines.

USARK is a nonprofit, science and education based advocacy for the responsible private ownership of, and trade in reptiles. We endorse caging standards, sound husbandry, escape prevention protocols, and an integrated approach to vital conservation issues. Our goal is to facilitate cooperation between government agencies, the scientific community, and the private sector in order to produce policy proposals that will effectively address important husbandry and conservation issues.

The health of these animals, public safety, and maintaining ecological integrity are the primary concern of our organization. **This letter and the enclosed Detailed Request List constitute a Request that the United States Geological Survey (USGS) correct information included in Open-File Report 2009-1202 entitled, *Giant constrictors: biological and management profiles and an establishment risk assessment for nine large species of pythons, anacondas, and the boa constrictor (Constrictor Report)*. This report is currently being disseminated by the USGS at: <http://pubs.usgs.gov/of/2009/1202/pdf/OF09-1202.pdf>.**

The IQA provides that agencies may not disseminate substantive information that does not meet a basic level of quality. The more important the information, the higher the quality standards to which it must be held. The Constrictor Report is highly influential information as it was written to advise the Congress, States, the Secretary of the Interior, the National Park Service and the United States Fish and Wildlife Service as to the biology, behavior, range and risks associated with the species examined. This report follows on the heels of an earlier paper by the same authors entitled, *What parts of the US mainland are climatically suitable for invasive alien pythons spreading from Everglades National Park?*. The paper was published in Biological Invasions online 27 February 2008 via SpringerLink and was the subject of a separate request for correction under the IQA.

⁴ See http://www.usgs.gov/info_qual/

While the USGS may use existing guidelines to implement the requirements of the IQA, the standards and procedures used by the USGS must ensure that the administrative mechanisms for information resources management and administrative practices satisfy the standards and procedural requirements of the IQA Guidelines. As a practical matter, the USGS has explicitly incorporated the OMB IQA guidelines as part of its own IQA guidelines. The Constrictor Report fails to meet these requirements and requires correction accordingly⁵.

BACKGROUND

This Request first discusses the context in which the Constrictor Report should be evaluated as highly influential information and then reviews the IQA requirements in a general context, and finally provides specific responses to questions posed by the USGS in its instructions for requesting correction of information.

1. The Highly Influential Nature of the information included in the Constrictor Report is evident when considered in the context of Persons Affected, the Economic Costs to persons involved with husbandry of the affected species, Loss of Economic Benefits associated with the species, and the Clear and Substantial Impact on important public policies and important private sector decisions.

The highly influential nature of the information included in the Constrictor Report could result in costs reaching \$500 million and will have a clear and substantial impact on important public policies and important private sector decisions.

Costs

As a result of the regulations contemplated and the significant public policy actions that will result of the information included in the Constrictor Report, USARK, our members and related industries directly and indirectly could lose \$500 million annually. Individual owners of these reptiles will lose the value of breeding animals, and there will be losses related to shipping, export, equipment, feed and sales. The economic losses could exceed \$500 million annually.

Clear And Substantial Impact On Important Public Policies

As a result of the information disseminated in the report, Senator Bill Nelson of Florida and Congressman Kendrick Meek of Florida have each introduced federal legislation seeking to prohibit ownership, commerce and interstate transportation of these snake species. Additionally, the United States Fish and Wildlife Service (FWS) has proposed a regulation which will outlaw the industry that USARK represents.

⁵Specifically 16 U.S.C. §1536(a). 8 70 Fed. Reg. ,*supra*, at p. 2675.

The economic losses are dwarfed by the significant public policy implications of outlawing the presence of a species based on nothing other than pure speculation. The information in this Report represents a departure from standard practices in such a way that the entire exotic pet trade, estimated to be a \$15 billion industry⁶ in the United States alone, could be threatened. The information in the Constrictor Report, to the extent that it supports findings based on unpublished and unreviewed modeling supported by nothing other than assumptions and preferences of the authors untrammelled by the rigor of presence/absence data or empirical testing; represents a significant departure from existing practices which are based on data and empirically established relationships. This in effect is environmental regulation based purely on staff policy preferences, speculation, and inference rather than rigorous data-based science. The Report is a highly influential scientific assessment as the regulations and statutes which reference the Report as the basis for their contents will have a clear and substantial impact on important public policies and important private sector decisions.

Further, the information in the Constrictor Report presents conclusions that are likely to change prevailing practices, and as is noted above are likely to affect policy decisions that have a “significant impact.” The Report is controversial, and precedent-setting, as well as having significant interagency interest as it is used as the basis for the FWS determination with respect to listing the 9 subject species as ‘injurious’ under the Lacey Act. The Report presents conclusions, that if accepted, will result in a change in the prevailing practices and affect policy decisions which affect the entire industry related to the constrictors addressed in the Report. The costs resulting from the prohibition of the commerce of countless reptile breeders and owners as a result of baseless assertions and speculation that these species are on the brink of invading vast portions of the United States could have an impact of upwards to \$500 million or more annually.

2. The OMB Guidelines and Final Bulletin Refine and Add Definition of Terms, which DOI has adopted and to which the USGS must adhere.

As refinements of the IQA, which had little detailed information, OMB’s implementing bulletins contain the necessary definitions to determine what is required of the USGS when disseminating information such as that contained in the Constrictor Report. If the information included in the Constrictor Report is not corrected now, its inaccurate, incomplete, biased and unclear information will

⁶http://www.hsus.org/wildlife/issues_facing_wildlife/should_wild_animals_be_kept_as_pets/the_whims_and_dangers_of_the_exotic_pets_market.html