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The “Nuisance” Wildlife Control Industry: Animal Welfare Concerns

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Abstract: The recent and rapid growth of the private “nuisance” wildlife control industry follows the unparalleled current period of urban and suburban expansion. Nuisance wildlife control businesses range from simple home-based services to sophisticated franchised businesses. The nuisance wildlife control operator may hold an advanced degree in the wildlife sciences, or simply be an entrepreneur without formal education or even background experience in wildlife. State and federal agencies may participate directly or indirectly in nuisance wildlife control, in activities ranging from dissemination of advice or information to actual participation in programs that may lead to removal of animals. Naturally, all of the activities associated with nuisance wildlife control concern the many individuals and organizations in North America that are interested in animal welfare and protection. This paper addresses some of their concerns. We present a survey, summary, and critical analysis of the nuisance wildlife control industry with a special emphasis on what we view as its most problematic and troubling aspects. We discuss model standards, based primarily on existing best practices, and speculate about the future of this activity.

Key Words: nuisance wildlife, urban wildlife, wildlife laws, wildlife control

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INTRODUCTION

Although it has not been that well documented, it is evident that the private and entrepreneurial activity commonly called “nuisance” wildlife control¹ has grown exponentially in recent years (Curtis et al. 1995; Barnes 1995, 1997) to involve numbers of animals averaging in the tens of thousands annually in representative states (Bluett, cited in Mosillo et. al 1999). The rise of this industry has been preordained by the growth of urban centers and the adaptation of many species of wildlife to be tolerant of living in close proximity to humans (Hadidian and Smith 2001). The often limited resources and capabilities of state and federal agencies to directly assist urbanites with wildlife conflict issues has led to the rise of businesses which charge a fee to the public to help resolve wildlife problems (Braband and Clark 1992, Curtis et al. 1995, Barnes 1995). Hundreds, if not thousands, of such businesses operate throughout the United States today, with little known of the nature, scope, and extent of their activities. Due to these businesses’ increasing involvement with wildlife species that are protected and regulated by the states, a better understanding of their operations is clearly desirable, with a number of such efforts having already been made (Brammer et al. 1994; Barnes 1995, 1998a; La Vine et al.

1996; Bromley 1999; Hadidian et al. *In Press*). The continuing need for better understanding has been dramatically demonstrated by situations in which high profile clashes over business practices and legal and humane issues have occurred.

On Sept. 22, 1996, a Connecticut wildlife control operator (WCO) was preparing for church when he received a call from a customer telling him that two raccoons had been caught in the cage traps he had set out the night before. He retrieved the raccoons and took them to a nearby public marina, where he drowned them off the dock. This act was witnessed and reported to a local animal control office. The responding officer arrested the WCO on animal cruelty charges. The WCO argued that he was justified in his actions because the conditions of his license only permitted him to release on site or kill raccoons, and drowning was allowable under state trapping regulations. He appealed the citation. This case quickly achieved national prominence as an example of the emotion and controversy that can surround issues where the mistreatment of animals is charged. In her commentary, the presiding judge noted that she had received more mail on this case than any of the high profile rapes or murders she had handled in her 20-year career. The case changed the nature of wildlife control in Connecticut and continues today to have national repercussions. Although the judge ruled in favor of the defendant and dismissed the charge (primarily on the grounds that there was an absence of clear regulatory instruction from the state), she did note in her ruling that drowning was not euthanasia and that an obvious need for

¹ We use wildlife control, wildlife control industry and Wildlife Control Operator (WCO) rather than Nuisance Wildlife Control Operator (NWCOW) throughout this paper to avoid the prejudicial term “nuisance.”

better guidance for WCOs existed. Animal welfare interests subsequently lobbied for reform of the laws regulating WCOs, resulting in a law that set a far-ranging precedent by the breadth and scope of its requirements. Today, Connecticut has one of the more comprehensive training and licensing requirements for Wildlife Control Operators, but it experiences residual pains from the divisive and combative environment in which reform was crafted.

In this report we identify some of the interests of the animal welfare and protection community with respect to oversight and regulation of the wildlife control industry. Our goal with respect to wildlife control is to call for a clear dialogue among stakeholders concerning the issues of relevance to them and to advocate for cooperative, not combative, involvement in a comprehensive and systematic approach to ensure that uniform, acceptable state standards are developed. To do this we begin with a general statement of animal welfare concerns, describe the status of statutory and regulatory oversight of the wildlife control industry, identify our model proposal for reform, and comment on the recommended process to propel the movement toward reform.

ANIMAL WELFARE CONCERNS

An important first step for everyone involved in the regulation of the wildlife control industry should be to clearly identify and define their basic concerns and interests as regards this activity. The Connecticut case was controversial in part because public expectations, special interest group concerns, actual business practices, and state agency regulatory interests were not clearly defined and understood. We have identified a number of concerns from an animal welfare and protection perspective about wildlife control that we hope will begin to clarify issues we feel to be important. These include: (1) the level of professionalism required or exhibited by wildlife control operators, (2) consumer protection and expectations, (3) the need for biologically sensitive management strategies, (4) administrative concerns, and (5) market incentives.

Wildlife control operators should meet high standards in education and training, as well as work under guiding moral and ethical standards that acutely reflect the sensitivity of the type of activities they pursue. By establishing high standards, the wildlife control industry acknowledges that its practitioners interact with a public that has a specific set of expectations and deals with animal populations for which there are unarguable and unequivocal welfare standards that must be respected (Braband and Clark 1992, Reiter et al. 1999). By not doing so, the field is left to those who, as an example, would advise their peers through publication in a major trade journal that they employ empty chlorine storage barrels for the purpose of killing animals by suffocation, or utilize 55-gallon drums full of water for killing animals by drowning them while in a trap (Cea 1996). Barnes (1995) drew attention to a similar issue concerning the

practice of using industrial solvents such as acetone as killing agents, an activity that appears to be still prominently pursued today through the sale of "kits" and video training tapes. So it is perhaps most troubling that such inappropriate and inhumane advice is not immediately and vigorously repudiated by professional and oversight groups associated with the wildlife control industry.

Another issue that has been difficult to document but is of grave concern involves business practices in which customers may be exploited because of fears or phobias concerning animals, or are deliberately misled regarding the fate of animals for whom they have concern. Again, we see published recommendations that operators tell customers an animal will be "relocated" when in fact the operator fully intends, and may even be obligated by law, to kill it (e.g., Cea 1996), as indicative of the need for better oversight and regulation.

A broad area of concern that should fall under the aegis of federal and state agencies, and probably professional oversight groups that help set industry standards, involves what we call biologically sensitive management strategies. Pressing ethical issues arise from the fact that most urban wildlife work actually takes place during birthing and rearing seasons, and that removals or control work can lead to the death or orphaning of young, the cohort upon which many of the ethical concerns and standards in professional wildlife management focus as that most needing protection. Careless or negligent control practices that produce orphans or fail to attempt to reunite parent and separated young may also impose considerable burdens on local animal control agencies and wildlife rehabilitators who are called upon to take unnecessarily created orphans.

As surveys show (Brammer et al. 1994; Barnes 1995, 1998a; La Vine et al. 1996; Hadidian et al. *In Press*), many wildlife agencies do little more to regulate wildlife control operators than require that they hold trapping or hunting licenses for the states in which they work. We believe this raises an issue of administrative concern. Wildlife control is a very different activity than the recreational pursuit of wildlife, and has its own special needs and considerations that cannot be addressed through the simple fulfillment of requirements for the recreational or commercial pursuit of wild animals.

Aligned to this is the issue of market incentives, in which some states permit the use of "products" (e.g., fur) of urban animals trapped during the regulated season. While this appeals to some in a logic that allows animals trapped and killed as problems to be more fully utilized as a resource, to animal protection interests such provisions provide irresistible temptation that encourages trapping and killing to the detriment of attempting nonlethal solutions. A slightly more complex market issue is illustrated with the example that the raccoon or squirrel removed from a chimney may become another raccoon or squirrel job in a few months if that chimney is left uncapped. Here, the homeowner may be reluctant to

consider paying an additional cost to affect a lasting solution unless educated as to the reasonable expectation of another animal being attracted to that same chimney. Since that education may mean the loss of a future job to the operator, business-moral issues can arise that may not always be resolved in favor of their moral side.

THE STATUS OF REGULATORY OVERSIGHT

In 1997 we began to collect, as well as maintain, current information concerning state oversight of wildlife control industry. We contacted the 50 states and the District of Columbia a total of three times, beginning in December 1997. Initially, we requested information on nuisance wildlife control laws (statutes and regulations) and policies. Where information was missing or not provided, we conducted legal research through on-line legal databases. Following data compilation and analysis (Hadidian et al. *In Press*) we resurveyed in 1999 to ask specific questions relative to individual state guidelines and procedures. Then, in July 2001, we distributed to the states our preliminary findings, summary of state laws and regulations, and model language we recommend as guidance for oversight of the wildlife control industry. We also solicited input on the draft from researchers who had been addressing this issue (T. Barnes, pers. comm.; P. Bromley, pers. comm.), the National Wildlife Control Operators Association (NWCOA), and Critter Control, the largest franchiser of wildlife control services in the United States.

From analysis of survey results, we qualitatively identified 10 categories important to state regulation and oversight of the wildlife control industry, as well as to the operation of the industry in relation to public interests and concerns. These were: license and permit requirements; training, examination, and related requirements; re-certification; reporting; translocation²; humane treatment; euthanasia³; consumer education and protection; threshold of damage; and use of integrated pest management (IPM)⁴ strategies. We assigned a scoring system to each of these categories in which a state received a score of 1 if it established regulations or statutes that addressed the category and a score of 0 if the category were not addressed at all. A score of 0.5 was assigned if the state indicated by letter or reference to its policies that the issue had been addressed, but in a less categorical sense than through a legal vehicle or the establishment of guidelines. Scores were summarized by

²Translocation is defined as the transport and release of wild animals from 1 location to another (Craven et al. 1998).

³“Euthanasia” literally means “good death” and is a term frequently used to describe veterinary-approved methods of killing companion animals (Andrews et al. 1993).

⁴IPM is defined as a decision-making process that emphasizes monitoring and action when needed using a blend of cultural, physical and chemical methods to keep pest problems at an acceptable level of management (Dent 1995).

state (maximum score = 10), and by category (maximum score = 1) as indicators of the level of completeness for each.

Out of a possible 10, the mean score for states was 2.16 (range 0-7), with a mode of 0 (14 states received this score) and a median of 1.75 (Figure 1). The average score by category was 0.22 (range 0.06-0.47), with the highest scores evidenced in state response to translocation, reporting, and licensing requirements and the lowest evidenced in respect to re-certification, training, consumer protection, and identification of damage thresholds (Table 1). These findings are in basic agreement with both earlier and contemporary studies (Brammer et al. 1994; Barnes 1995, 1998a; La Vine et al. 1996).

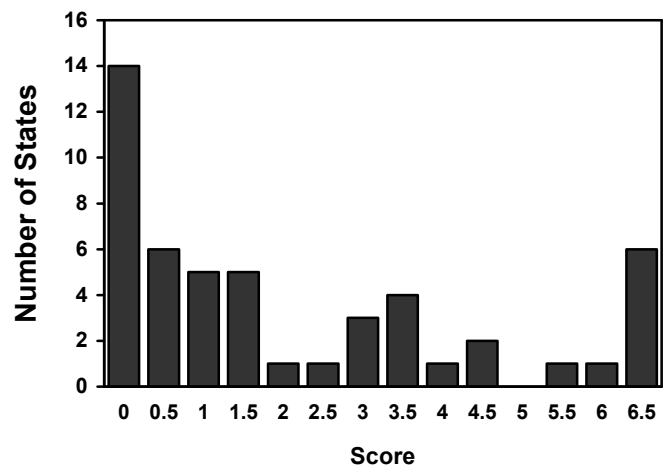


Figure 1. Average scores of 50 states on regulatory and statutory oversight of wildlife control activities. The maximum possible score is 10 (see text for scoring details).

Table 1. Averaged state scores for each of 10 categories relating to oversight of the wildlife control industry. Scores are summarized for the 50 states and the District of Columbia (see text for scoring details) (data from Hadidian et al., *In Press*).

Category	Score
Licensing and permitting	0.36
Training, examinations or other requirements	0.12
Re-certification	0.06
Reporting	0.40
Translocation	0.47
Humane treatment	0.14
Euthanasia	0.20
Threshold of damage	0.12
Consumer protection	0.12
Integrated pest management	0.14

THE MODEL BILL

We decided to draft and distribute model legislation intended to reflect the “best” oversight practices already in place by state agencies. Although we formulated this as a statutory instrument, we envisioned this model bill as providing for either regulatory or statutory language. To us, it is a template for addressing both animal welfare and many consumer issues, and it would accommodate the apparent interest of much of the public in seeing wildlife control problems addressed humanely (Braband and Clark 1992). The model addresses 11 general areas of concern: the wildlife control operator’s license; qualifications for licensing; training; examinations; general license conditions; capture, handling and transport of wildlife; euthanasia; service records and annual reports; continuing education and recertification; suspension or revocation of licenses; and complaints. In each category, specific conditions and stipulations are provided, taken primarily from existing state practices.

INDUSTRY, AGENCY, AND OTHER CONCERNS

The issue of regulatory oversight of the wildlife control industry has been examined in several studies. Brammer et al. (1994) and La Vine et al. (1996) conducted surveys and Barnes (1995), Bromley et al. (1993), and Bromley et al. (1999) analyzed individual states as regards wildlife control laws; all identified a need to address statutory, administrative, and educational factors. Barnes (1997) proposed a model for nuisance wildlife control licensing that was composed of 3 elements: education, continuing education, and liability insurance. Schmidt (1998) outlined important components of a continuing education program, emphasizing a number of areas of concern, and established a code of ethics that has been adopted by the NWCOA. The National Animal Damage Control Association (NADCA) drafted models for both a certification program as well operator’s regulations (Faulkner 1998) which were reviewed by a special committee of The Wildlife Society’s Wildlife Damage Management Working Group (Barnes 1998b). With continuing input from divergent sources, the available information upon which to establish and critically evaluate all aspects of the oversight of the wildlife control industry should rapidly become available to the states.

Some of the input has begun to frame what could become more meaningful dialogue concerning philosophic differences as well. Julian (2001) recently articulated the position of NWCOA in a companion piece to one we provided (Hadidian and Childs 2001); he focused on the issue of private property rights. In NWCOA’s view, the relationship between the service industry and property owner is essentially one in which outside interests and influence should not interfere, since people can do what they choose to on their own property. We reject that assumption, in part for the simple reason that private property owners are in general subject to a number of regulatory constraints on taking wildlife, even

on their own property, and even when causing damage. Nonetheless, we applaud the willingness of NWCOA to put it on the table, along with other issues about which a more open and frank debate should be taking place.

DISCUSSION

Historically, the interests of state and federal wildlife agencies were focused first on the critical needs of restoration, protection, and conservation of wildlife species, and secondly on the regulated taking of animals to ensure that the period of unchecked abuse and overexploitation of wildlife populations that occurred at the turn of the 19th century would not be repeated (Matthiessen 1987). As the regulatory reform of the early conservationist period was occurring, American society was transforming from being predominantly rural to largely urban. That change has been associated with an apparent shift in public interest and values away from a primarily utilitarian perspective to a more diverse set that includes ecologicistic, moralistic, and humanistic perspectives (Kellert 1997). We agree with Barnes (1995, 1997) that state oversight and regulation of activities that impact urban wildlife is consistent with age-old traditions of law and that responsibility remains primarily vested upon the states. We reject any argument that contends that because they are abundant, widely distributed, and non-threatened, urban and suburban wildlife populations need little by way of protective oversight.

Our interests, concerns, and sense of responsibility derive from who we are and rest first with ensuring that high standards of animal welfare and protection be considered in formulating regulatory guidance (Hadidian and Childs 2001). The need for animal welfare to be a first order concern within the field of wildlife damage management was articulated by Schmidt (1989) more than a decade ago. While this has progressively been the case with such diverse fields of human involvement with animals in food production, education, and research (Fisher and Marks 1996), it has yet to become so within wildlife damage management. We feel that it is past time for wildlife damage professionals to lay claim to at least partial ownership of the concept of animal welfare and embrace, in their own terms, what that means with respect to the conduct of their discipline.

All studies to date suggest that greater attention should be paid to the issue of state oversight of the wildlife control industry. Barnes (1998a) noted a significant disparity in the extent to which the states believe they should practice more oversight and the extent to which they actually do. He suggested that a major stumbling block to progress in this area is the lack of adequate resources (funding and personnel) to move forward. We recommend as a next step that the suggestions made by Barnes (1997, 1998b) as to process be followed. This would include the formulation of state advisory councils or committees comprised of the various interest groups and stakeholders to provide input to decisions concerning wildlife control. Realistically,

because of the variability between state wildlife agencies, the focus and effort of each with respect to its regulatory interests should be undertaken with great attention to maximizing stakeholder input. This does not mean that nationally recognized standards or protocols would not be given considerable weight; the standards for euthanasia as periodically published by the American Veterinary Medical Association (AVMA) (Andrews et al. 1993) should certainly be adopted as guidance in that area by states across the board. The differences that the industry, the states, or even, as is the case with the latest promulgation of these standards, the animal welfare and protection community, have with AVMA can be addressed as a part of the process by which that group regularly reviews and revises its standards.

The potential exists, of course, for agencies, organizations, special interest groups, and individuals to freelance attempts at change without trying to be inclusive. That is one of the consequences we recognized as inherent in our promulgation of model standards, and we are not recommending that they be used in that manner. We are concerned enough about the need for positive forward movement on this issue, however, to foresee a need for active promotion of change where interest lags, and will support and continue to be a resource for promoting change in this most significant area of contact between people and wildlife.

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