

## Don't Ban Our Fish!

**A proposed new law could kill the hobby if we don't act now.**

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I was hoping to avoid discussing this new assault on the hobby until more about the fate of the bill is known, but The Nonnative Wildlife Invasion Prevention Act, known as House Resolution 669, is drawing a lot of attention, and I think I need to address the issue here.

I've had a number of people bring up H.R. 669 in the last two weeks. It seems like this really resonates with fishkeepers in particular. In case you aren't aware, H.R. 669 is a radical piece of legislation ostensibly designed to prevent potentially invasive species from entering United States ecosystems.

Great idea, right? Nobody wants to see the environment or native creatures harmed by some thoughtless introduction of a nonnative species into the U.S. That's why FAMA and FishChannel.com are adamantly opposed to accidental or intentional release of aquarium pets into the wild.

### True Intentions

However, that isn't what this bill is about. To put it plainly, H.R. 669 effectively outlaws all but a handful of "preliminary approved list" animals, such as horses, dogs, cats, several farm animals, domesticated rabbits and goldfish.

That's right: The only pre-approved aquarium species are goldfish. Now, don't get me wrong, I love goldfish, my first fish was a goldfish, but I have to say my interest in aquatic species is quite a bit broader than this single species can accommodate.

I think the rest of the aquarium hobby probably agrees with me on that point. This bill would make nearly all aquatic species illegal until they can be shown not to pose a threat of becoming harmful to the economy, the environment, native species or humans.

Right away, we should all be scratching our heads. We're going to be required to prove a negative to keep our fishes and inverts if this bill passes. Never mind that adequate state laws already exist for a number of problem species. Just look at Florida or Hawaii for evidence of state laws working to control invasive species.

### Unreasonable Standards

This law just isn't reasonable. Determining what species are likely to be invasive is extremely difficult, if not impossible. How many times have scientists been wrong about the effects an introduced species would have on an environment? Consider that famous introduced species Petri dish, Australia, with its rampant introduced nonnative populations of cane toads, cats, foxes and rabbits.

Scientists are still trying to figure out what new critter they can add to the alphabet soup of introduced species to fix the giant problems caused by the introduction of the cane toad.

Picture the scientific process in operation here: "Maybe a new fungus will kill all the cane toads off?" Then, after this is tried: "Oh, wait, that actually causes dingos to contract malaria. Maybe this new ant can eat the cane toads!" Then: "Oops, there go all the marsupials. Maybe if we use a super virus ..."

### In the Wrong Hands

In nearly every example, species were introduced because someone thought these species could be used to control some other perceived biological problem. Cane toads were introduced to control the native Australian cane beetle. Ask anyone in Queensland how this has worked out.

This is why we can't rely on scientists alone to dictate what we can and can't keep. We have to avoid releasing anything nonnative into the wild, and in the event a release occurs we have to work to clean up these invasive introductions.

House Resolution 669 tasks the United States Fish and Wildlife Service with evaluating a species' potential to become a threat, burdening this already strained organization with policing and regulating billion-dollar industries.

A fee system would be set up where interested parties could petition to have a species added to either a list of banned species or a list of approved species. The fee structure is not spelled out, and there are no clear mandates requiring the inclusion of species not mentioned in the "preliminary approved list" in the final approved list.

So, why not allow a clear path for species to be included in the "accepted" list? Remember that trade in any species not clearly on the "approved" list is automatically illegal, effectively meaning that costly fees or even legal battles would be necessary to get most of our aquarium species approved.

#### Peeling Away the Veneer

The stated goal of the bill is to prevent economic and environmental damage. Does H.R. 669 have the potential to accomplish this feat? We can show this is clearly not the intent of the bill, because of the immediate economic and environmental harm it is likely to do.

House Resolution 669 effectively kills the aquarium hobby, along with the small animal hobby, the pet bird hobby and the reptile hobby. How many national and international businesses would be forced to close, just in the aquarium industry alone?

Your mom-and-pop local fish store will certainly go away if this bill is passed as it is currently written. You won't be able to use any popular livestock trading websites, such as [www.aquabid.com](http://www.aquabid.com). You won't even be able to legally give your buddy down the street a few of the fry from your latest guppy spawning.

In fact, the only avenue you'll have to deal with your illegal fishes is to kill them if you can no longer care for them. You won't be able to breed them or transfer them to someone else's care if H.R. 669 passes as written.

So, if this bill doesn't protect the economy, does it at least help the environment?

While there is some evidence that aquarium species can potentially become invasive, there is little actual proof that any aquarium species have done so already. The numbers of species released into the wild through other vectors, such as ballast water dumps, recreational fishing, recreational water sports, food fish dumping and a number of other potential vectors, seem to far outweigh any damage the hobby has caused to U.S. environments.

What's more, if this bill passes, transfer of your unwanted fishes to your (now nonexistent) local fish store would be illegal. I believe this bill is likely to result in the release of innumerable species into the wild because fishkeepers will have no other option save euthanasia, and many fishkeepers won't be able to stomach that option.

#### Unfair Discrimination

Why target aquariumkeepers? Why single us out? Isn't that unfair?

When we really look at this legislation, its intent becomes clear. The fact that there is no clear path for a species to be approved or to exempt species from being banned until their status has been determined lays the intent of this law bare for all to see. House Resolution 669 is about ending pet ownership for select groups of pet hobbyists in the United States, plain and simple.

Ultimately, this bill is targeting certain hobbyists while totally exempting other hobbyists whose animals have undoubtedly done more damage. Of course, the authors of this bill know they couldn't have included cats and dogs in their proposed ban, even though both are responsible for far more ecological and economic damage than pet fishes.

The outcry over the inclusion of dogs and cats would be so overwhelming that the bill would be killed immediately. But when the authors of this bill propose to outlaw nearly all other forms of pet ownership, they're attempts go almost completely unreported in the media.

The goal of this radical piece of legislation is quite clear: I argue the authors of this bill want to prohibit all pet ownership in America. House Resolution 669 is backed by certain animal rights groups whose main goal is not to encourage responsible pet ownership, but rather to discourage pet ownership altogether.

I suspect that, had the authors of this bill felt they could get away with it, H.R. 669 would ban all pets outright, without the possibility of anything being labeled acceptable to keep.

#### Animal Rights and the Aquarium Hobby

Many animal rights extremists argue that any kind of pet ownership is no different than the institution of human slavery. If

you've got a pet guppy, some of these people argue, you're no different morally from a plantation owner driving your slaves all day long.

Under this line of reasoning, anyone who eats an animal is guilty of a crime against humanity (there's no moral difference to these people, after all). Animal rights extremists don't shrink from this argument. Just look at People for the Ethical Treatment of Animals' (PETA) past "Holocaust on Your Plate" campaign, comparing factory farming for the purpose of providing food to millions of people to the extermination of 6 million Jews during the Holocaust. The PETA campaign displayed pictures of chickens in pens juxtaposed with images of humans in cages, heading to concentration camps.

This campaign doesn't elevate animals in nobility or stature: It denigrates human suffering, dehumanizing people to the point of absurdity. This campaign is deeply offensive to a number of people, and it demonstrates the irrationality of the position.

**Warning: Philosophical Discussion Ahead**

Animal rights extremists would probably label me a "speciesist." (Oh, the horror). A speciesist is someone who discriminates between the moral status of humans (or, arguably, any particular species or group of species) and that of non-humans. The phrase is used by animal rights activists to imply that people who believe there is a moral difference between animals and humans are guilty of something morally equivalent to racism.

Well, I'm going to have to quarrel with this idea for a bit. Let's see if this is a logical position to hold. First, consider the premise: all beings are morally equal. Thus, we cannot discriminate morally between species. A dog has the same moral value as a human, according to this argument.

Under this line of reasoning, it's only OK to be a vegan, right? We have a big problem here. If all beings are morally equal, how can you justify the cruel, inhuman treatment of the poor plants you eat? They're just different species, right?

If you include the treatment of plants in your paradigm of moral indignation, shouldn't you summarily dispatch yourself when you realize your moral actions in promoting veganism are akin to Hitler's treatment of the Jews in Europe during the Holocaust, based on the "logic" of this argument? I can picture all those poor baby carrots, stacked in boxes like chickens on their way to slaughter, making their way to your dinner plate as we speak.

Even if a non-speciesist tries to backpedal and tell me that isn't in fact what is meant by the speciesist argument, that non-speciesists really only want to protect sentient life, they're argument is still unsupportable. I've spoken about this in a previous blog entry titled, "Dispelling Some Fishkeeper Delusions."

Where can a non-speciesist draw the line between sentience and non-sentience (See my past blog "Dispelling Some Fishkeeper Delusions" for a discussion of this issue)? If no clear line can be drawn, how can you say what behavior is moral and what isn't?

Why not include plants in our list of moral patients? Do they deserve moral equivalence to human life? Any moral line we draw is bound to be arbitrary if we don't hold that there is a moral difference between ourselves and other species.

The argument is absurd on its face. If plants are to be included in our new "non-discriminatory" framework, why not rocks and air? Can I breathe without committing a moral infraction? What about all of the billions of bacteria and other microbes I kill every day by brushing my teeth?

To argue that there is no moral difference between humans and non-humans makes all moral decision making impossible. Nonsense is nonsense, people. Why do hobbyists have to defend themselves year in and year out from people who seem incapable of using reason to make decisions? We can believe in animal rights without going down the ridiculous philosophical road of believing that there is no moral difference between a human and a kumquat (my apologies to all kumquat rights activists out there – I respect and love the noble kumquat).

**Take Action NOW**

I'll leave it up to you to decide if this is a reasonable position. Suffice it to say that, unless you don't think you should be able to own your cherished pets, you should do everything you can, including writing your representatives, to oppose the passage of H.R. 669.

Tell your friends about this radical piece of legislation, and get some discussion going. It's still too early to know how this bill will fare, and I seriously doubt it will pass as written, but that's no reason for us not to do anything. To help us fight this awful bill, click here.

Unfortunately, I'm worried this bill has a chance of making it out of committee on April 23. The legislator who introduced the bill, Mrs. Madeleine Z. Bordallo of Guam, is also the Chairwoman of the Committee of Natural Resources' Subcommittee on Insular Affairs, Oceans and Wildlife, the subcommittee is responsible for evaluating H.R. 669. Also, four of the bill's co-sponsors are also on the aforementioned subcommittee.

Now, the cat is out of the bag. Every year, we'll have to face a new round of legislation designed to attack pet ownership in the U.S. Let's send a message that we will never accept this kind of legislation. (In fact, H.R. 669 is nearly identical to last year's H.R. 6311, also called The Nonnative Wildlife Invasion Prevention Act. It was also introduced by Congresswoman Bordallo, but it only had eight co-sponsors. House Resolution 669 has 13 cosponsors.) Let's take it off the table now. Protect the hobby, protect your rights to determine what pets you will keep for yourself and oppose H.R. 669.

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