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THE STATUS OF NUISANCE WILDLIFE DAMAGE CONTROL IN THE STATES

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ABSTRACT: State fish and wildlife agencies and nuisance wildlife control operators must work together whether or not they actively choose to. In this paper, their relationship is likened to a marriage between two (not so likely) partners. In an attempt to assess the status of this relationship the International Association of Fish and Wildlife Agencies, The Wildlife Society's Wildlife Damage Management Working Group, and the National Animal Damage Control Association developed a survey that addressed the level of state agencies' oversight of nuisance wildlife control operators (NWCOs). Responses were received from 47 states, 1 territory, and 17 ADC state offices. This report concentrates on the responses from the U.S. states and territories. Currently 77% of states perform nuisance wildlife control activities. Private agents may euthanize nuisance animals for property owners in 95% of the states, and are allowed to relocate nuisance wildlife in 91% of the states. Most states do not require NWCO's to carry general liability insurance. Some states do not have a well-defined method for monitoring compliance with laws and regulations dealing with nuisance wildlife control activities. There appears to be a great deal of gray area in the relationship between NWCOs and the state agencies. National guidelines for the nuisance wildlife control industry may help clarify the responsibilities of the states and NWCOs with respect to each other and the private landowner.

KEY WORDS: state wildlife agencies, pest control operators, guidelines, standards, USA, vertebrate pest control

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NWCOS AND THE STATES: WHAT IS THE RELATIONSHIP?

What is the relationship between nuisance wildlife control operators (NWCOs) and state wildlife agencies? To tell you the truth, I am not sure. Though I am not the only one who has pleaded ignorant to this question. However, most people will agree that state agencies and NWCOs do have a relationship, but they cannot easily define it. The roles in this relationship appear unclear and inconsistent, and these gray areas create tension between the two parties. For example, the state fish and wildlife agencies are supposed to assume the regulatory role in the relationship, but often have to call on the services of private operators to take care of a wildlife damage or nuisance complaint. NWCOs, on the other hand, may feel some contempt at being asked to do something, but told how they can and cannot do it. Thus, they may feel like letting the states take care of their own problems.

Both parties probably feel as if it would be easier to just go their separate ways. Unfortunately, they cannot divorce themselves from each other. The state agencies and NWCOs are married, whether they like it or not, till death do them part. This pairing, however, was never coordinated or planned by either party ... the relationship just developed; it was a shotgun wedding, if you will.

So, a relationship exists, but what is the extent of it? As I said earlier, it is not easily defined. I am sure you will agree that a successful marriage requires an understanding, by each partner involved, of their mate's needs. How to fulfill their needs while getting their own met is important ... it is a delicate balance based upon a lot of introspection, discussion, and exploration. The International Association of Fish and Wildlife Agencies, The Wildlife Society's Wildlife Damage Management Working Group, and the National Animal Damage Control Association developed a survey to begin to understand this relationship from the states' perspective. I cannot say the results provided a clearly defined understanding of the role that states play in this relationship, but I can say that we now have a glimpse of the level of state agencies' oversight of the nuisance wildlife control industry. More importantly—I think we have a better understanding of what additional information is needed before any general statements are made or recommendations are proposed.

The survey was sent to directors of the 50 state fish and wildlife agencies, 4 territorial agencies, and 39 Animal Damage Control state offices. Questions asked covered the extent to which states allow property owners to euthanize and relocate animals responsible for property damage, nuisance, or other conflicts with humans; the authority of state wildlife and conservation departments to license nuisance wildlife control businesses; the regulations that states maintain on handling of animals or techniques used for nuisance and/or damage control; the animal species that are most commonly reported in nuisance complaints, property damage, and human health and safety issues; and the amount of support that exists for the development of national guidelines for the nuisance wildlife control industry.

The response to the survey was quite encouraging—we received responses from 47 states, 1 territory, and 17 ADC state offices. The high response rate of 89% from the U.S. state and territorial agencies combined, allows us only to report with confidence on these partners (herein referred to as "the states") for our discussion of how this marriage works.

WHO PERFORMS NUISANCE WILDLIFE CONTROL?

Currently, 37 states (77%) perform nuisance wildlife control activities as part of their regulatory duties (Table 1). Other agencies involved include the State Department of Agriculture, State Department of Natural Resources, APHIS/ADC, county agents, and the State Department of Health.

Table 1. Responses from U.S. state and territorial fish and wildlife agencies to the question, "Do any of your state's public regulatory agencies perform nuisance wildlife control activities?"

	n	Percent
No	11	22.9
Yes	37	77.1
Regulatory agencies specified:		
a. State Wildlife Division	28	52.8
b. State Dept. of Ag.	9	17.0
c. APHIS/ADC	4	7.6
d. State DNR	5	9.4
e. Some combination of above	1	1.9
f. County agents	4	7.5
g. Dept. of Health	2	3.8

Property owners also have the freedom to take the problem into their own hands. Ninety-four percent of the states allow property owners to euthanize animals responsible for property damage, nuisance incidents, or other conflicts (Table 2). At least five states reported that all nuisance animals, regardless of species, can be euthanized by property owners. Other states place restrictions on game animals and/or federally protected species. Relocation, however, is less available to property owners as an alternative to managing nuisance wildlife (only 69% of the states allow relocation by personal property owners; Table 3). Yet, while fewer states allow relocation than euthanization by property owners, more states allow owners the freedom to relocate any species of concern (eight states do not restrict the species that are relocated).

Now into the pot, we add in the private nuisance wildlife control operator. Designated private agents are allowed to euthanize nuisance animals for property owners in 39 states (95%; Table 4), while 32 states (91%; Table 5) allow such agents to relocate nuisance wildlife.

From this information it appears that there are, not just two, but many hands in the pot including those of different state agencies, private landowners, and a variety of private control operations. Whose hands are responsible at any one time would be difficult to say. I would worry that if a concerned citizen called to report a wildlife damage incident he or she would be routed around agency to organization to operation before they got a definite answer to their question or request.

Table 2. Responses from U.S. state and territorial fish and wildlife agencies to the question, "Does your state allow property owners to *euthanize* animals responsible for property damage, nuisance, or other conflicts with humans?"

	n	Percent
No	3	6.2
Yes	45	93.8
Allowable species:		
a. All species *except* game animals, Fed. protected species (all unprotected species)	16	24.6
b. Other small mammals	14	21.5
c. Not T&E species	4	6.2
d. Deer	4	6.2
e. Animals causing damage	12	18.5
f. Rock doves, starlings, crows grackles, blackbirds, English sparrows, etc.	4	6.2
g. Other	6	9.2
h. All	5	7.7

Table 3. Responses from U.S. state and territorial fish and wildlife agencies to the question, "Does your state allow property owners to *relocate* animals responsible for property damage, nuisance, or other conflicts with humans?"

	n	Percent
No	16	31.2
Yes	33	68.8
Allowable species:		
a. All species	8	8.3
b. Not T&E/protected species	13	13.5
c. Nuisance animals	4	4.2
d. Depends on species & prevalence of disease (case by case)	12	12.5
e. Other small mammals	36	37.5
f. Not game animals	13	13.5
g. Other	10	10.4

Table 4. Responses from U.S. state and territorial fish and wildlife agencies to the question, "Does your state allow property owners to designate a private agent (not a public employee) to *euthanize* animals responsible for property damage, nuisance, or other conflicts?"

	n	Percent
No	2	4.9
Yes	39	95.1

Table 5. Responses from U.S. state and territorial fish and wildlife agencies to the question, "Does your state allow property owners to designate a private agent (not a public employee) to *relocate* animals responsible for property damage, nuisance, or other conflicts?"

	n	Percent
No	3	8.6
Yes	32	91.4

WHO THEN, IS ACCOUNTABLE?

Any agency or group in particular? All organizations that perform these duties? Are the state fish and wildlife organizations responsible for any work that is done no matter who does it? Or will the blame be shifted just as the request from this citizen was? This lack of understanding can lead to a lot of intermarital strife.

STATES' RESPONSIBILITIES

Most states (88%) do not require NWCO's to carry general liability insurance (Table 6). I interpret this to mean that the states are, therefore, the responsible party, but in reality this may not hold. The states may be accountable for what the NWCO's do; they may not. An interesting and important point is that seven states (12%) either did not know who was responsible, or did not have a well-defined method in their state, for monitoring compliance with laws and regulations dealing with nuisance wildlife control activities (Table 7). Thus, it appears that "liability" and "responsibility" are two subjects that lie in that important gray area.

Table 6. Responses from U.S. state and territorial fish and wildlife agencies to the question, "Does your state require nuisance wildlife control businesses to carry general liability insurance?"

	n	Percent
No	42	87.5
Yes	4	8.3
NA	2	4.2

Table 7. Responses from U.S. state and territorial fish and wildlife agencies to the question, "How does your state monitor compliance with laws/regulations applicable to nuisance wildlife control activities (e.g., through a control or licensing board, Conservation Dept., Agriculture Dept., Better Business Bureau, law enforcement, etc.)?"

	n	Percent
State/Federal wildlife conservation agency	10	17.5
State Dept. of Agriculture	5	8.8
State Dept. of Natural Res.	6	10.5
Wildlife law enforcement or game warden	27	47.4
Other	2	3.5
NA, or no well-defined method	6	10.5
DK	1	1.8

So, looking at this marriage from the State Fish and Games' points of view, they might feel that although they are required to watch over their mate by regulating the actions of NWCOs they either know little about what NWCOs are doing or have no good method for implementing and enforcing the state's regulations. For example, only 46% of state wildlife or conservation departments require licenses from NWCOs (though another state agency might handle the licensing; Table 8), and only 53% of the states have prerequisites for obtaining a license or permit (including completion of a trapper training course, investigation by agency personnel, or an application review process; Table 9). More states (56%) require businesses to keep records of actions taken and the disposition of animals removed, and all but one of these states require that these records be submitted to the regulatory agency (Table 10).

Table 8. Responses from U.S. state and territorial fish and wildlife agencies to the question, "Does your state wildlife/conservation department license nuisance wildlife control businesses (including individual operators)?"

	n	Percent
No	26	54.2
Yes	22	45.8

Table 9. Responses from U.S. state and territorial fish and wildlife agencies to the question, "Does your state have prerequisites for obtaining a permit and/or license (for wildlife control)?"

	n	Percent
No	22	46.8
Yes	25	53.2

Table 10. Responses from U.S. state and territorial fish and wildlife agencies to the question, "Does your state require nuisance wildlife control businesses to keep records of actions taken and the disposition of animals removed for nuisance and/or damage control?"

	n	Percent
No	18	37.5
Yes ...	27	56.3
... required to be submitted to the regulatory agency	26	
... not required to be submitted to the regulatory agency	1	
NA	3	6.3

Now, if we are to look at this relationship from the private operator's point of view, think of how you would feel to be asked by your spouse or significant other to do them a favor, but then be told that if you are going to do it you need to do it "just like this"? This example appears to fit in 81% of the states where regulations exist on the handling of animals or techniques used by wildlife control operators (e.g., type of traps allowed, required trap check intervals, general hunting and trapping regulations, etc.; Table 11). Ninety percent of the states also restrict the species that may be captured or handled by non-agency personnel [only five states (11%) have no species restrictions; Table 12]. Finally, 79% of the states and territories regulate the disposition of animals removed for nuisance control—including relocation, euthanasia, and carcass disposal (Table 13).

Table 11. Responses from U.S. state and territorial fish and wildlife agencies to the question, "Does your state regulate the handling of animals or techniques used for nuisance and/or damage control (e.g., types of traps allowed, required trap check intervals, etc.)?"

	n	Percent
No	9	18.8
Yes	39	81.2
Specified regulations:		
a. Guns/lights at night restricted	4	6.2
b. Legal trap type, live traps only	17	26.6
c. Poisons regulated	5	7.8
d. Trap check intervals	16	25.0
e. Snares restricted in certain area, killing snares regulated size of snares	3	4.7
f. General hunting/trapping regulations	7	10.9
g. State/ADC recommendations	6	9.4
h. Other	6	9.4

Table 12. Responses from U.S. state and territorial fish and wildlife agencies to the question, "Does your state wildlife agency restrict the species of animals which may be captured or handled by non-agency personnel?"

	n	Percent
No	5	10.6
Yes	42	89.4

Table 13. Responses from U.S. state and territorial fish and wildlife agencies to the question, "Does your state regulate the disposition of animals removed for nuisance and/or damage control, including relocation, euthanasia, and carcass disposal?"

	n	Percent
No	10	21.3
Yes	37	78.7

STATE OF THE MARRIAGE

One notable and disconcerting characteristic of the responses to this survey is the inconsistency between states in their answers—it appears the relationship between the state division of fish and wildlife and NWCOs is not the same state by state. Therefore, the one generalization that we can make with respect to the findings of this survey is that we can not generalize.

So, here we have a marriage between (at least) two groups that know little about each other, much less about themselves. Yet, these two groups must work together. Why? Because they are responsible for keeping their child, the private citizen, relatively safe and secure. The citizen must feel that when they cry, or voice their wildlife complaints, NWCOs and the states will do their best to reassure them that the "monsters" that are hiding under their bed (or in their attics, pastures, foundation, crops) will be taken care of.

NATIONAL GUIDELINES?

One idea that may help clarify the responsibilities of the states and NWCOs with respect to each other and the private landowner is the development of national guidelines for the nuisance wildlife control industry. National guidelines may help this marriage to run smoother by helping the states and NWCOs to accept each other and their role in the relationship. Guidelines would no doubt help define the gray areas, thus lessening the tension between the groups and creating a system in which the private landowner is promptly and satisfactorily served.

In our survey we asked the states if they would support such guidelines. Seventy-five percent of the states said they would (Table 14). States gave many reasons for their pro-guideline stance including: 1) the belief that guidelines would promote professionalism; 2) benefit the consumer; 3) help agencies in addressing

complaints against individual operators; 4) allow states to better work with each other; 5) make administering permits easier; 6) allow for set guidelines within the state; and 7) help avoid potential problems. When asked which agency or organization they would prefer take the lead in guideline preparation, 38% of responding states supported the International Association of Fish and Wildlife Agencies, 19% said The Wildlife Society's Wildlife Damage Management Working Group, 14% supported USDA/APHIS' Animal Damage Control, 12% said the National Animal Damage Control Association, and 17% stated that another group (a combination of the above organizations or the U.S. Fish and Wildlife Service) should take the lead (Table 15).

Table 14. Responses from U.S. state and territorial fish and wildlife agencies to the question, "Would your state support the development of national guidelines for the nuisance wildlife control industry?"

	n	Percent
No	10	20.8
Yes	36	75.0
DK	2	4.2

Table 15. Responses from U.S. state and territorial fish and wildlife agencies to the question, "If national guidelines for the nuisance wildlife control industry are developed, which agency/organization should take the lead in their preparation?"

	n	Percent
Intl. Assoc. of Fish & Wldlf. Agencies	16	38.1
USDA/APHIS, Animal Damage Control	6	14.3
The Wildlife Society's Wldlf. Damage Mgmt. Working Group	8	19.0
Ntl. Animal Damage Control Assoc.	5	11.9
Other ...	7	16.7
... some of the above	6	
... U.S. Fish Wldlf. Serv.	1	

The 21% of the states that did not support the establishment of guidelines (Table 14) argued that: 1) it would be too difficult to obtain conformity on a state by state basis; 2) the guidelines would not reflect local or traditional methodologies; 3) guidelines would not be able to successfully deal with regional variations in public attitudes and species specific problems; 4) the issues involved are too complex; and 5) this is a poor time for the state government to implement more requirements on private business.

HAPPILY EVER AFTER?

Will this relationship, born of a shot-gun wedding, have a happy ending? This study, like every other, reveals that state fish and wildlife agencies still have a lot to find out about NWCOs (and we could safely assume the reverse is also true). We are not telling those involved to love, honor, and obey, . . . only to accept the relationship, approach their mate with an open-mind, and consider how the relationship might run more smoothly. Sitting down and laying out some (national) guidelines might also be of help—consider it a bit of marriage counseling if you will.

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