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INDEMNIFICATION FOR LIVESTOCK KILLED BY PREDATORY ANIMALS

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HEARING

BEFORE THE

COMMITTEE ON AGRICULTURE HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

SECOND SESSION

ON

H.R. 14158 and H.R. 14163

APRIL 25, 1972

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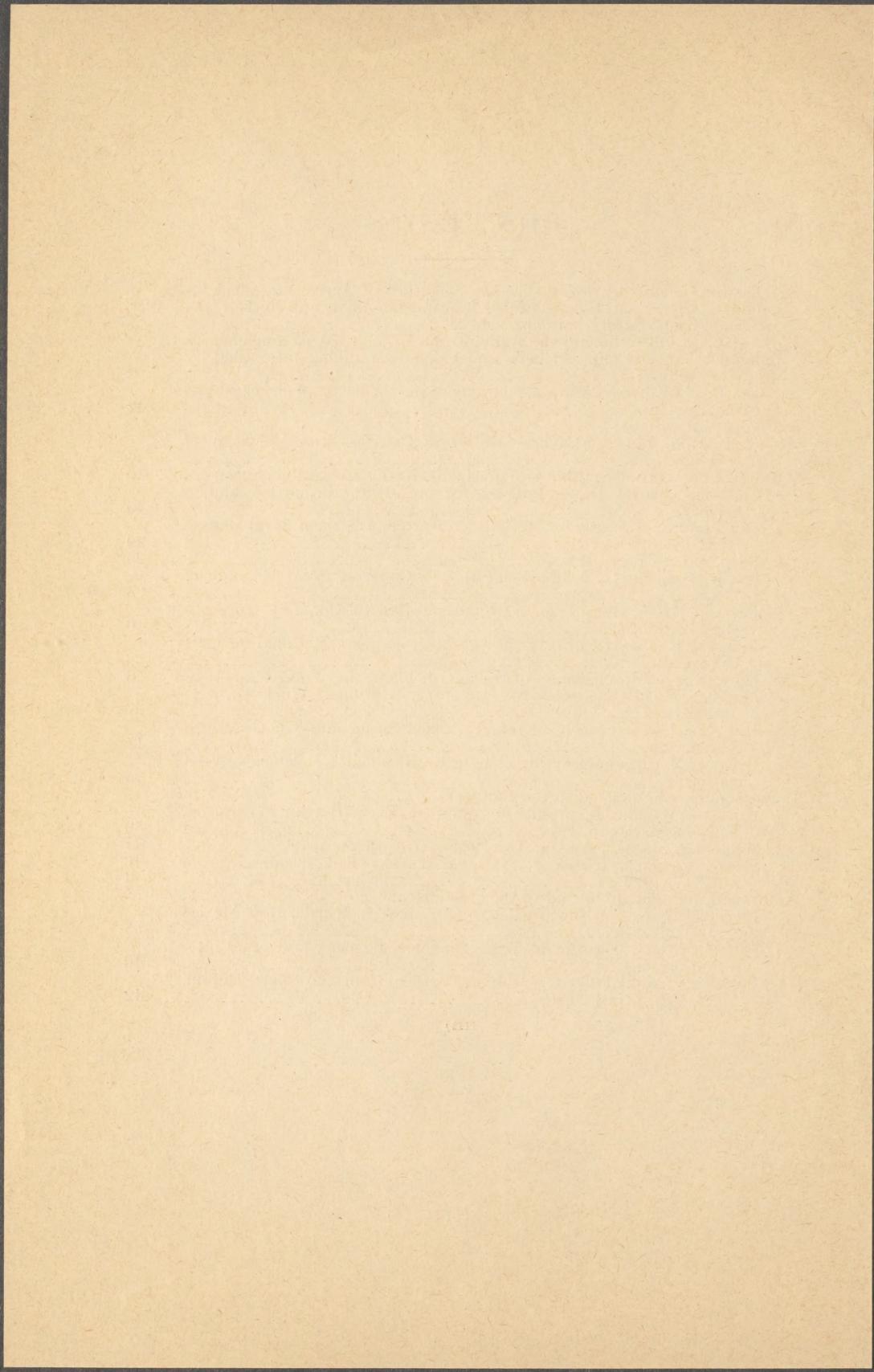
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INDEMNIFICATION FOR LIVESTOCK KILLED BY PREDATORY ANIMALS

TUESDAY, APRIL 25, 1972

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The Committee met, pursuant to recess, at 10 a.m., in room 1301 Longworth House Office Building, Hon. W. R. Poage (chairman) presiding.

Present: Representatives Poage, Abbitt, Purcell, Jones of North Carolina, Sisk, Burlison, Rarick, Melcher, Mathis, Bergland, Denholm, Belcher, Teague, Wampler, Miller, Mathias, Mayne, Zwach, Price, Sebelius, Mizell, and Findley.

Also present: Christine S. Gallagher, chief clerk, and Lacey C. Sharp, general counsel.

The CHAIRMAN. The committee will come to order.

We have met this morning to consider H.R. 14163 and H.R. 14158, both of which are bills designed to provide indemnification to farmers and ranchers for certain farm animals and fowls which are killed by predatory animals.

(H.R. 14158, introduced by Mr. Fisher, Mr. Runnels, and Mr. Burleson of Texas; and H.R. 14163, introduced by Mr. Poage, Mr. Melcher, Mr. de la Garza, Mr. Kazen, Mr. Purcell, Mr. Denholm, Mr. Roberts, and Mr. Ullman, follow:)

[H. R. 14158, 92d Cong., second sess.]

A BILL To provide that the Secretary of Agriculture shall indemnify farmers and ranchers for certain farm animals and fowls which are killed by predatory animals

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That (a) the Secretary shall indemnify any farmer or rancher in any State whose sheep, goats, domestic chickens, or domestic turkeys are killed by any predatory animal if (1) such farmer or rancher submits a written notification to the Secretary identifying the number and type of his animals or fowls which were so killed and such killings resulted from the inability of such farmer or rancher to protect his animals or fowls because of Federal restrictions with respect to the killing of such predatory animals by such farmer or rancher, and (2) the Secretary, after investigation, is satisfied that such farmer or rancher has proven that such animals or fowls were in fact killed by a predatory animal.

(b) The amount of the indemnification payment under subsection (a) to a farmer or rancher shall be equal to the fair market value of all of the animals or fowls (as of the date immediately preceding their death) which the Secretary is satisfied under paragraph (2) of subsection (a) were in fact killed by a predatory animal.

SEC. 2. For the purposes of this Act, the term—

(1) "Secretary" means the Secretary of Agriculture; and

(2) "predatory animal" means any bobcat, coyote, fox, mountain lion, or wolf.

SEC. 3. The Secretary shall prescribe such regulations as he considers necessary to carry out the provisions of this Act.

[H. R. 14163, 92d Cong., second Sess.]

A BILL To amend the Agricultural Act of 1970, as amended, to indemnify farmers and ranchers whose domestic animals are killed by predatory animals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title VIII of the Agricultural Act of 1970, as amended, is amended by adding at the end thereof the following new section:

"SEC. 807. (a) The Secretary is authorized and directed to make an indemnity payment to any farmer or rancher in the United States if—

"(1) such farmer or rancher notifies the Secretary, in writing, that domestic animals he owns, while situated on his farm or ranch, were killed by predatory animals;

"(2) such farmer or rancher notifies the Secretary, in writing, of the number and kind of such domestic animals that were so killed; and

"(3) the Secretary, after an appropriate investigation, is satisfied that the facts submitted by such farmer or rancher under paragraphs (1) and (2) are accurate.

"(b) The amount of the indemnity payment under subsection (a) to any farmer or rancher shall be equal to the fair market value of all of the domestic animals he owned which were killed, while situated on his farm or ranch, by predatory animals as of the day immediately preceding their death.

"(c) For the purposes of this section, the term—

"(1) 'Secretary' means the Secretary of Agriculture;

"(2) 'domestic animal' means any poultry, cattle, sheep, swine, goats, horses, mules, or other equines;

"(3) 'poultry' means any domesticated bird;

"(4) 'predatory animal' means any mammal or bird which kills or injures a domestic animal or poultry.

"(d) The Secretary shall prescribe such regulations as he considers necessary or appropriate to effectuate the provisions of this section."

The CHAIRMAN. This legislation was introduced on March 28 shortly after two steps had been taken by the Government which certainly will for all practical purposes make it impossible for poultry and livestock owners to protect their property from predators.

On February 8 of this year, President Nixon issued an order banning the use of cyanide, strychnine, and 1080—sodium monofluoroacetate—poisons for predatory control operations on Federal lands, including large military reservations. On March 10 the Environmental Protection Agency suspended registration of these chemicals for predatory animal control work anywhere, thereby stopping interstate shipments of them for this purpose. These orders mean predator control efforts are restricted to trapping and hunting, and I do not know of any producer who believes that these methods will give practical control.

Now I think we all sympathize with the motives that have led to the issuance of these Government orders. We all agree that conservation of the wildlife of America is an admirable goal. However, we must keep in mind that in order to produce the food and fiber needed to meet the needs of the American consumers today there must necessarily be some controls exercised over those species of wildlife which cause so much destruction, not only of domestic animals but also of desirable game species. Strange as it may seem in recent years there has been an increase in the population of these predators. I have in mind particularly the coyote. To show that this is a very current problem, I have before me a clipping out of one of the weekly newspapers published in my district last week in which a game control man tells of the difficult task of trying to keep down the coyote population.

I would prefer that each producer accepted the responsibility of protecting his own stock—like the good shepherds of Biblical times—but so long as producers are prohibited by the Government from

protecting their property, I think it is right they should be indemnified by the Government for their losses. There are ample precedents for such compensation. And as far as I can see, there is a constitutional mandate that when private property is taken for public purposes the owner shall be compensated. Surely, in this case, when the lamb or the turkey is taken by the coyote or wolf, private property is taken for the purpose of maintaining what some Government officials have decided to be a desirable purpose—that is, perpetuation of predators.

Losses would not be entirely domesticated livestock. With the anticipated increase in predators, the deer and wild turkey population, which has been so successfully built up in Texas and other States over the last 50 years, would likely be greatly depleted.

This would be a definite ecological loss as well as financial loss to ranchers who often net as much leasing the land for hunting as they do for livestock production. That would be a very poor ecological swap.

I don't think indemnification for losses is the real or best solution to this problem. No sheepman, for example, can stay in business simply because he is paid for the ewes killed by predators. Even with the most liberal treatment, he would only get his investment back with no profit, but such a payment is the very minimum which we can in good faith make. I hope these hearings will focus attention on the matter so that a proper solution can be found. It seems to me that a more reasonable and prudent control over the use of these chemicals is probably the only way that the numbers of predators can be kept within bounds so that livestock men can stay in business.

I have suggested, and some of our ecological leaders have agreed, that stockmen might give up the use of "1080," a persistent poison, and the Government might accept the use of strychnine and the cyanide gun. This would prevent the unintentional poisoning of birds and other wildlife, but would leave the poultry or livestock producer, at least, some opportunity to protect his property.

Now, I think that is what we have to give him and what we hope to give him by this legislation.

I have a statement by Representative Fisher which I will place in the record at this point.

STATEMENT OF HON. O. C. FISHER. A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman, I am pleased to have this opportunity to endorse the enactment of Mr. Poage's bill, H.R. 14163. In fact, I am author of a similar measure.

As you know, an Executive Order a few weeks ago ordered the removal of all toxic materials for use against predatory animals. Included in the list of toxicants are cyanide (M-44), strychnine, and 1080.

Subsequently, the Environmental Protection Agency banned 19 products containing cyanide, thallium, sulfate, strychnine, and sodium monofluoroacetate. A subcommittee of the Committee on Merchant Marine and Fisheries is presently holding hearings on legislation to further restrict the right of livestock owners to protect their animals by the use of poisons against predators.

The Department of Interior has estimated that 80 percent of predatory animals killed are from the use of poisons. It has been estimated that up to \$16 million in livestock losses annually result from depredations by predatory animals. We must anticipate, therefore, and it must be intended, that this mounting governmental campaign for protection of predators will cause future losses to increase manifold.

Therefore, it would seem only fair and proper that the government should indemnify farmers and ranchmen for all their animals which are killed by predators where it can be shown such losses are directly related to governmental action and

policies. That is the purpose of this legislation. I respectfully urge this committee to approve Mr. Poage's bill.

The CHAIRMAN. Now, is Congressman Abourezk here—oh, there he is.

We are glad to have you with us, Mr. Abourezk. We are pleased to have your statement in connection with this and we are glad to hear from you at this time.

STATEMENT OF HON. JAMES ABOUREZK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF SOUTH DAKOTA

Mr. ABOUREZK. I thank the committee for this opportunity to testify.

Mr. Chairman and members of the committee, the Presidential order curtailing the use of poison in predator control, coupled with the March 10 order by the Environmental Protection Agency halting interstate shipment of pesticides used in controlling predatory animals, has created a crisis for the sheep ranchers and cattlemen of the Western United States. I might add that I represent a great many of those, Mr. Chairman, in western South Dakota.

In a word, they find that their very livelihood is threatened and nobody seems to care.

Livestock losses because of predators are staggering and increasing. If unchecked, these losses will drive many ranchers out of business.

In South Dakota, where coyotes and foxes are the problem, some 29,100 sheep and lambs were killed in 1970. That represents a loss of more than a half million dollars worth of livestock, but by no means is it a total picture of what predators cost ranchers. Many ranchers have moved their lambing season up to March and April rather than April and May in order to give the lambs a better chance against predatory animals. This means a higher feed cost. As agricultural profit margins have shrunk, predatory loss often makes the difference between profit and loss.

Some people argue that there are sufficient tax writeoffs for business losses to protect the rancher. Nothing could be further from the truth. Purchased livestock can be deducted if lost. But livestock the rancher produces cannot be deducted if lost. And it is the young—the lambs, calves, and colts—who are most susceptible to fox and coyote attacks. Moreover, the overwhelming majority of our ranchers are not in the tax bracket that makes tax-loss farming pay off.

At the present level of technology it is impossible to control predators without poisons. The Government claims that other methods, such as trapping or hunting, can do the job. The fact is, Federal trappers are too far and few between for effective control. Clearly we must find another method. Yet research budgets have been growing smaller and smaller.

Ranchers are not wedded to the idea that poisons are the only possible method of effective predator control. They have been hollering for years for some method of nonlethal control—but the Government has not spent the research funds to find one. I have been arguing for a crash research program into nonlethal, environmentally sound methods of predator control. I share the concerns of environment and

wildlife conservation and I fully understand the concerns of the ranchers—slaughter by predators is not a pretty sight, and it is an economic threat to a way of life we ought to preserve—the idea of people living on the land.

We must make up for the failure of the past by moving ahead on an emergency basis to determine how to control predators with methods as effective as the old, methods that are effective and, at the same time, environmentally and humanely acceptable. One suggestion worth pursuing is the use of a repellent to keep predators off domestic animals.

The Government's enthusiasm for such an approach has been extremely modest. On February 21, for example, I wrote to the Commissioner of Fish and Wildlife requesting an estimate of the cost of maintaining a predator control program as effective as the old one based on nonpoisonous methods. I also asked how much money the Fish and Wildlife Service could use in an all out research effort. To date, I have no response. It seems that for the last 2 months, precious time which could have been used in research has been used instead to review policy and "firm-up" a response to more than 80 congressional inquiries that they have had.

The real insult to the ranchers is that we're not talking about a lot of money. We could probably take care of the problem for what it costs to fight the war in Vietnam a few hours.

Between now and the time we get that kind of program, an indemnification program to protect the ranchers at least financially is absolutely necessary. I would like to commend Chairman Poage and the other members who have cosponsored H.R. 14163 and the other legislation, bills to pay farmers and ranchers the fair market value of livestock slaughtered by predators in the absence of a decent program to control predators. I urge speedy adoption of the bill.

Ultimately such an approach is not the total solution. Ranchers do not want to get into the business of making their living based on government payment for their losses. They want to make their living as ranchers. They cannot do so unless they can protect their animals. That protection comes only as soon as an acceptable form of predator control is found.

Thank you.

The CHAIRMAN. Thank you very much, Mr. Abourezk.

Are there any questions?

(No response.)

The CHAIRMAN. If there are no questions, we are greatly obliged to you.

Mr. ABOUREZK. I thank you.

The CHAIRMAN. We will be delighted to have you stay with us if you would like to.

Mr. ABOUREZK. I have my own committee meeting, but thank you very much.

The CHAIRMAN. I know your problem. We are glad you came.

We have as the next witness my own constituent and friend, Mr. Roane Lacy, chairman of the board of Plantation Foods.

Mr. Lacy, we are delighted to have you with us. We will be glad to hear from you.

STATEMENT OF ROANE M. LACY, CHAIRMAN OF THE BOARD, PLANTATION FOODS, WACO, TEX., ACCOMPANIED BY HERMON I. MILLER, WASHINGTON REPRESENTATIVE, NATIONAL TURKEY FEDERATION

Mr. LACY. Thank you, Mr. Chairman.

Mr. Chairman, honored members of the committee, I am associated with Plantation Foods, a farmers marketing cooperative. My associates and I produce something over 25 percent of the turkeys that are raised in the State of Texas and about 2 percent of the turkeys that are produced in the United States. I have with me today, and I would like to introduce him to you now, Mr. Hermon Miller, who is the Washington representative of the National Turkey Federation. Mr. Miller is on my right.

Mr. MILLER. I am very glad to meet you folks.

Mr. LACY. At this time, Mr. Chairman, if it is in order, I would like to offer for the record a letter from the president of the National Turkey Federation written to the President of the United States in regard to this matter of banning the use of the predator controls on private land.

The CHAIRMAN. Without objection, that will be included in the record.

(The above-referred to letter follows:)

NATIONAL TURKEY FEDERATION,
Mount Morris, Ill., April 17, 1972.

THE PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: My name is Leonard Strear. I am President of the National Turkey Federation. My turkey operations in Colorado include the production and hatching of turkey eggs, the growing of turkeys in confinement and on range, and the processing and marketing of these turkeys and various turkey products for human consumption. Our processing plant operates under the Wholesome Poultry Act of 1968. All products from this plant are government inspected for wholesomeness.

The National Turkey Federation is a national organization of turkey producers comprised of approximately 2,500 members who produce the bulk of the nations turkey crop. Also included in the membership are allied members who are non-producers, but who provide production supplies such as feed, equipment, pharmaceuticals, etc., and who perform various marketing services and hence have a vital interest in the turkey industry. Therefore, the National Turkey Federation represents, in a true sense, the view of a broad segment of the industry.

We are in accord with your Executive Order No. 11643, which prohibits the use of certain chemical agents for predator control on Federal lands. But the extension of this action by the Environmental Protection Agency, which was announced in the Federal Register, Vol. 37, No. 54, Saturday, March 9, 1972, page 5718, poses a very serious threat to the turkey producers of this country. Long experience has demonstrated there are no trapping devices that are effective in controlling predatory animals in the environment where turkeys are ranged and that shooting, as a means of control, is very impractical and costly.

After an 8-week brooding period, turkeys generally are moved to open range where they will be grown to market age. These ranges are fenced, but only to contain the turkeys in specific areas. The fences are not predator-proof. These turkey ranges are private lands owned by turkey producers.

Predators such as foxes, coyotes, etc., having easy access to turkey growing ranges create several major hazards to the producers of turkeys.

1. Some predatory animals are vectors of turkey diseases, such as Fowl Cholera. There is scientific evidence to support this claim. Already, losses to turkey producers from Fowl Cholera are estimated at \$16,000,000 annually.

2. Predators not only kill to satisfy hunger, but in many instances have been known to kill for no other reason than the apparent joy of killing.

3. Turkeys are very excitable. The presence of predatory animals in a flock of turkeys can cause the birds to stampede resulting in piling and ensuing death by suffocation, plus many being maimed, or so severely injured, they must be destroyed. Those injured, but grown to market age, are generally of low quality and the producer is discounted on price because of this.

A single visit of a fox or coyote to a turkey growing range may, and often does, result in a direct or indirect loss of several hundred turkeys. This represents a severe financial loss to the producer. Particularly is this true when a producer may have a production cost of approximately \$4.00 in each turkey. There are times when losses suffered, as a result of predators, may mean the difference between a profit or loss to the producer on a flock of turkeys.

Environmentalists are greatly concerned about maintaining the balance of nature. We agree this is important, but it is suggested that if certain predatory animals are allowed to multiply without reasonable control, they can change the balance of nature. To illustrate. At one time South Dakota was widely known for its pheasant population. But within the last five or six years the pheasant population has diminished to a point of near extinction. This dramatic decrease in pheasant population is directly traceable to a burgeoning population of predatory animals, namely foxes and coyotes, whose numbers increased dramatically when South Dakota discontinued paying a bounty for these predators. Hence, they are uncontrolled and have ravished the countryside of other wildlife.

Environmentalists are also concerned about possible destruction of other species of wildlife due to "secondary target" effect from the use of chemical toxicants to control predatory animals. We are aware of this problem. It is our understanding, however, the use of so-called "Coyote Getters" utilizing cyanamide gas eliminates any hazard of secondary-target effect on other wildlife, but is very effective in controlling bonafide predators.

We urge you to take the steps necessary to implement governmental action to permit certain chemical toxicants to be produced and made available to turkey producers and to the professional staff of the Federal Fish and Wildlife Service for use in controlling predatory animals.

Unless turkey producers have recourse to proven and effective means of predator control, particularly on their own lands, they will suffer continuing and increasing financial losses from an increasing predatory population. This ultimately could reflect in higher prices for turkey and turkey products to the consumers of this country.

It goes without saying, that when a practical, effective method is developed for the control of predatory animals, other than the use of chemical toxicants, the turkey producers of this nation will be pleased to cooperate by abandoning the use of chemical agents.

Yours respectfully,

LEONARD STREAR.
President.

Mr. LACY. We are here to support the bills, H.R. 14163 and H.R. 14158. We feel that this indemnification for the loss to food producers from the proliferation of the predators is a move in the right direction. Our experience tells us that the Environmental Protection Agency did not fully consider all the effects of their order banning the use of strychnine and cyanide on private lands. Now, we are not concerned with the use of predator controls on public lands. But on private lands, we are, for this reason: when we range the turkeys—of course, they are brooded to a certain point in life and then they are moved out on the open ranges. When we move these turkey feeders out on the ranges, that provides a big food supply for your small predators, like the coons, the fox, the skunk, and the possum. And these will migrate into the area where the food supply is and they will propagate rapidly. They do a lot of damage to us by the spreading of diseases. We have a tremendous problem which I am sure you have heard about known as fowl cholera, which is not transmittable to human beings, but

causes a great monetary loss to all turkey producers. Well, fowl cholera is kept on the ranges by these predators and is spread from one range to the other. This causes great economic loss.

Now, the 1080 that the chairman spoke of—which is the persistent killer—when an animal takes it, if the birds feast on him, they also will die. Our organization is opposed to the use of 1080 and as far as we are concerned, it never should have been released for use. But we are heavily dependent upon strychnine. Now, the birds have a high tolerance for the strychnine. We have never wiped out the small predator population on any turkey range, but we can, through the use of strychnine, put the pressure on the proliferation, on the propagation, and keep them down to livable levels.

I have traveled from Waco, Tex., for the opportunity to appear before this committee, and before coming up here we checked with some of our people down at Texas A. & M. University. Dr. Grumbels, the head of the microbiology department, was very quick to point out to us that if the small predators are allowed to grow without any control whatsoever, they present a real hazard, not only to livestock, not only to poultry, but also to people. Skunks are known carriers of rabies. I am sure all of you who have had the opportunity to spend any time in woods have developed a little fear of a rabid skunk, because he would attack a tiger.

It has also been pointed out by Dr. Dolenheit, head of their toxology department, that if you don't control the larger predators, the pressure on the sheep and goat people is going to cause them to withdraw from these areas. And it is his opinion that this will then allow some of the toxic plants to grow, and the toxic plants are going to put additional pressure upon the cattle industry. If there is anything we do not need now, it is pressure on the cattle industry and higher beef prices.

So I would like to repeat our position for the sake of brevity—I know you have a lot of witnesses to appear before you—that we are opposed to 1080; we really need the use of strychnine and the cyanide guns on private land; and it is going to damage seriously the turkey industry if we are not permitted to use these.

Mr. Chairman, with that, I believe I will close my statement.

The CHAIRMAN. Thank you very much, Mr. Lacy. We are delighted to have you with us.

I am glad that you called attention to the effect of these predators on the poultry industry and how they pose a threat entirely apart from the kills that they might make. It is something that I think most people entirely overlook, that these predators are one of the most dangerous spreaders of diseases, at least in the poultry flocks. To me, that is of real importance. I am glad you brought that out.

Yes, Mr. Teague?

Mr. TEAGUE. I had not previously heard of the possibility of developing a repellent. Is this just at this stage, is this just an idea some way off in the future, or has some research, some progress been made at all for developing an effective repellent?

Mr. LACY. Mr. Teague, in our experience, it is hardly practical. You see, turkeys are grown in pretty heavy concentrations now for economic reasons. You may have turkey pens that will consist of, say, 25 or 30 acres and it would be very difficult to have a repellent that would not repel the neighbors or something else.

Mr. TEAGUE. It occurred to me that it might be a difficult practical problem, but somebody just mentioned it. I did not know there was any such possibility.

Mr. LACY. Well, we know of no practical way to use a repellent. If there is such, if research can be developed, of course, that will be one approach. But with the areas involved and the numbers involved, I am afraid it is not practical for use.

Mr. TEAGUE. I have a poultry farm in my district where the man has $3\frac{1}{2}$ million chickens. That would take a lot of repellent.

Mr. LACY. That would take a lot of repellent; yes sir.

The CHAIRMAN. Any other questions?

Mr. PURCELL. I have just one or two to kind of clear up my thinking.

Mr. Lacy, you referred to large and small predators. Is a skunk a small predator and a coyote a large predator?

Mr. LACY. Yes, Mr. Purcell. We are not greatly concerned with the coyote or the wolf, really. The coyotes are mostly west of us, but we do have the wolf, a lot of wolves. They are the ones we have to put pressure to through the cyanide guns. That is a large predator, in my opinion.

Mr. PURCELL. Will the cyanide gun work with skunks and things of that kind?

Mr. LACY. Well, it will work. It is not effective particularly.

Mr. PURCELL. Is it a practical application?

Mr. LACY. As a practical matter, the strychnine pellets—you can control the dosage so that it does not affect cattle or horses or even turkeys, because of their high tolerance. But the strychnine pellets are put in weenies, you might say, or meat particles and they are used for the coons and the skunks and the possums. A wolf will not take a strychnine pellet.

Mr. PURCELL. All right. That is all I have, Mr. Chairman.

Mr. BERGLAND. Mr. Chairman?

The CHAIRMAN. Yes, sir?

Mr. BERGLAND. Thank you, Mr. Chairman.

Mr. Lacy, I represent a district in Minnesota where we grow large numbers of turkeys and the common practice is to fence the turkeys when they leave the brood house and go out on the range. Is this a practice that you see in Texas?

Mr. LACY. Yes, sir.

Mr. BERGLAND. They are put within some kind of an enclosure?

Mr. LACY. Yes, sir.

Mr. BERGLAND. Do these predators break through these enclosures? How do they get into the range?

Mr. LACY. Mr. Bergland, they do not seem to have too much of a problem digging under. Some of them can climb up to where the wire opens up. We have never had any success in trying to fence them out.

Mr. BERGLAND. One of the greatest hazards in my country to turkey production is the destruction brought on by domestic dogs. Is this a problem in your country?

Mr. LACY. Yes, sir; that is a problem. A dog will kill just as many turkeys as he can reach.

Mr. BERGLAND. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Bergland.

Mr. Findley?

Mr. FINDLEY. Mr. Lacy, in my home county, Pike County, Ill., at various times, we have had a bounty on wolves. The county board of supervisors has sponsored this bounty and it has been a rather popular program. In fact, at one stage, I thought farmers were breeding wolves, we were getting so many hides in the county courthouse. Has the State of Texas or any of the counties within Texas had any kind of an indemnity program or a program to eradicate predators?

Mr. LACY. Mr. Findley, I know of no indemnity program. They have had a program where they would subsidize State trappers and there have been some bounties from time to time. I am not familiar with just what the bounty is in our area.

Mr. FINDLEY. Does the State government have any kind of a program to eradicate the predators?

Mr. LACY. Only through trying to support the State trappers. But there is probably only one trapper for a large section of the State. It does exert some pressure on the predators.

Mr. FINDLEY. Thank you, Mr. Chairman.

The CHAIRMAN. Could I break in right there about these State trappers, and the Federal trappers for that matter. They are called trappers, but they kill a great many more predators with poison than they do with trapping. They are actually exterminators of predators and they do not confine their activities to trapping. That is simply a name that has been given to their activities.

Mr. LACY. That is correct, Mr. Chairman. We have observed that they use the cyanide guns for the large predators and they use strychnine for the small ones.

The CHAIRMAN. Are there any other questions of Mr. Lacy?

(No response).

The CHAIRMAN. Mr. Miller, did you want to add anything?

Mr. MILLER. I cannot add anything, but I might just say that the letter that has been entered into the record gives the National Turkey Federation's position. We tried to get the order withdrawn by going to the President of the United States so that the chemicals would be available for use on private lands. That seemed logical at the time. And they do endorse the legislation being discussed here today. This is a problem not just to Texas. I am very happy that Mr. Lacy could come here and talk for his own organization, but this is representative of what you find in many places.

The CHAIRMAN. Thank you very much.

Mr. PURCELL. Mr. Chairman?

The CHAIRMAN. Mr. Purcell?

Mr. PURCELL. I would like to make one quick statement for the record in connection with what Mr. Findley said.

The State of Texas does have a provision for the paying of bounties. It is done at the county level and I do not know which counties do it but I do not want the record to be blank on Texas not having made a pretty reasonable effort toward controlling predators. The law in the counties has had to do with bounties, but most counties, at least in northwest Texas, have had bounties on coyotes for a long, long time.

Mr. FINDLEY. Mr. Chairman, may I ask Mr. Lacy a question? Mr. Lacy, how large is the problem posed by predatory domestic dogs? If we do enact legislation for indemnity payments, should it cover indemnities for livestock killed by domestic dogs?

Mr. LACY. Very definitely, because they are controlled by the same means, Mr. Findley, as the small predators are controlled.

Mr. TEAGUE. Mr. Chairman?

Will the gentleman yield?

Mr. FINDLEY. Yes.

Mr. TEAGUE. How are you going to determine whether the deceased animal was killed by a wolf, a fox, or a dog?

Mr. LACY. Mr. Teague, that can be done within limits, not 100 percent perfectly.

The CHAIRMAN. Again, if the gentleman will yield.

Mr. FINDLEY. Yes.

The CHAIRMAN. Those of you who saw this display of lambs about 2 weeks ago will understand how you can tell, because each of the different animals, the predators, has a different way of attacking animals. A coyote will always bite in the side of the neck. A bobcat will hit them with his claw on the top of the neck, and you can tell by the place and the manner in which the attack takes place on an animal and the manner of killing.

Mr. TEAGUE. Thank you.

Mr. BURLISON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. You have the floor. You are recognized.

Mr. BURLISON. Thank you, Mr. Chairman. I wanted to follow up very briefly a point that Mr. Findley has raised.

My interpretation of the definition of predatory animal in the bill in its present form would cover destruction by domesticated animals, as well as by human beings. To quote the bill, it means "any mammal or bird which kills or injures a domestic animal or poultry" and the Webster dictionary definition of mammal is "any of a group of vertebrates, the females of which have milk-secreting glands for feeding their offspring."

I would submit, Mr. Chairman, that this might be a place where the legislation may deserve some refinement.

Mr. FINDLEY. I would say so.

Mr. BURLISON. I yield back the balance of my time.

The CHAIRMAN. Thank you.

If there are no further questions, Mr. Lacy and Mr. Miller, we are very much obliged to you both.

I understand you have to go back to Waco right away.

Mr. LACY. Yes, sir.

The CHAIRMAN. We are delighted to have had you and I will see you there tomorrow.

Mr. LACY. Thank you, Mr. Chairman.

The CHAIRMAN. Our next witness is Mr. Bill Sims, executive secretary, Texas Sheep & Goat Raisers Association.

He is not from my district, but we are delighted to have you, Mr. Sims. We will be glad to hear from you in accord with your pleasure.

STATEMENT OF W. M. SIMS, EXECUTIVE SECRETARY, TEXAS SHEEP & GOAT RAISERS' ASSOCIATION

Mr. SIMS. Thank you, Mr. Chairman and members of the committee. My name is Bill Sims. I am executive secretary of the Texas Sheep & Goat Raisers' Association, which represents some 16,000 sheep and goat producers in the State of Texas.

I appear here before you today because the President of the United States and the Environmental Protection Agency have placed bans on chemical toxicants which prohibit the use of these poisons in predator control. This ban was brought about by the extreme pressures placed upon the administration by individuals and groups that term themselves as conservationists. They feel that poisons should not be applied to any type of animal on public or private lands, even though they are being used in the protection of livestock and property.

The livestock industry started using poisons and trappers in the early 1900's. The fenced areas of Texas were partially cleared of predators in the 1920's and 1930's. We had another relatively predator-free time in the 1940's and 1950's, then due to governmental pressures and a decrease in control programs, predator numbers started building up again. Today there are predators in 72 of the 73 primary sheep- and goat-producing counties in Texas, with the coyote being the No. 1 predator in our area.

Losses to predators are extreme. Even though they do seem like a small percentage of the total number—in Texas, it is 3 percent—it is extremely high to the producers who are suffering these losses. You must also remember that only part of the producers are having losses, so therefore, their loss is much greater than the average. Some producers may not suffer any loss at all.

To illustrate my point about predator losses in Texas, the first survey on predator damage was conducted in 1967 by the Texas Department of Agriculture and the USDA Crop and Livestock Reporting Service, at which time they contacted sheep and goat producers in Texas and obtained the following information: In 1967, goat producers lost 161,970 goats to predators which had a value of \$842,244. This was 3.6 percent of the goats on hand at that time. As for sheep losses in 1967, there were 172,500 head lost, representing a \$1,791,788 loss to Texas sheep producers. So you can see, the marketing loss was tremendous. These figures were only for a year. They do not have anything to do with any kind of wool or mohair these animals would have produced or with the productivity in future years.

In 1971 in the 6-month period from January 1 to June 30, Texas sheep producers reported that they lost 56,000 mother ewes valued at \$560,000 and 100,000 lambs valued at \$2 million. It should be noted that most of the losses of sheep will occur during this first 6-month period. You can see again a \$2,560,000 loss to predators. These figures are from the Crop and Livestock Reporting Service leaflet which was mailed out on July 1, 1971.

A survey by Texas A. & M. University in July of 1971 on sheep and goat predators was conducted over a 73-county area which has around 97 percent of the sheep and goat production in the State. This survey indicated that there were 8,800 sheep producers in Texas experiencing predator problems at that time, which is over half of the sheep and goat producers in the State.

The Cain report states that it has been estimated that poison accounts for about 80 percent of all predatory animals that are killed annually by the Department's program. It further states and I quote:

The remaining 20% are killed by such methods as shooting, trapping and denning. Since poisons will be prohibited for field use in killing predators, 80 percent of the predators now being killed annually may live to play an active role in rangeland eco-systems and other habitats they occupy, unless other control efforts are intensified.

So, with the limitation of the use of 1080 and other toxicants we can foresee a large increase of predators because of the 80 percent that are not being killed by poisons. We must recognize that there will be an increase in depredation in like relation to the increase in predator numbers. The Cain report further indicates that a 3-percent loss represents a loss to the producer of \$13,200,000. Of course, this is over the United States. Each percent increase in predator losses represents a \$4 million loss to the sheep producers in the 12 Western States. I should not say goats in there, because this is only on sheep.

Not only sheep and goat producers are concerned about this situation. A resolution passed recently by the Texas and Southwestern Cattle Raisers Association indicates their concern about this problem. I quote:

Whereas, private lands in Texas are the habitat for the great majority of all our game resources, and,

Whereas, efficient and economic cattle production is essential in supplying protein to the consuming public at competitive prices, and

Whereas, the abrupt elimination of traditional control methods for predators will result in both critical damages to the state's game resources and will jeopardize the efficient production of livestock.

Now, therefore, the Texas and Southwestern Cattle Raisers Association opposes these sudden changes in the use of previously accepted predator control methods and asks the Environmental Protection Agency to modify the recent withdrawal rulings.

What will happen to the wildlife with the same increase? What does predation actually mean to wildlife? I have heard some people say that predators are just playing their part in the overall interaction of our ecosystem I find this very hard to believe. In Texas we have experienced increases in deer population in areas where we have a good predator control program.

What happens without a good control program? I would like to quote from a bulletin entitled, "Mortality of Young White Tail Deer Fawns in West Texas" by R. S. Cook, Marshall White, D. O. Trainer and W. C. Glazener, as published in the *Journal of Wildlife Management*, volume 35, No. 1, January 1971, pages 47-56. I will quote from the table on page 50 which gives a summary of mortality causes among 58 radio-collared fawns that died during the study period on the Wilder Wildlife Foundation in Texas in 1965 and 1966. The mortality causes were as follows:

Predation-excluded losses—which include starvation, disease and accidents—18 percent of the deer that died; predation-involved losses (this is where predators were suspected, and in most cases, verified as to causing the losses). The coyote accounted for 50 percent of the losses; bobcat—3 percent; coyote and other factors—7 percent; uncertain, coyote predation probable—22 percent. It is estimated in this study that the coyote was responsible for 72 percent of the fawns that died during the study time.

Of course, another problem that we have in verifying wildlife losses. In this particular research project, deer were collared and numbered so that they could be identified. They were thus able to get to the deer quick enough after they died in most instances to tell whether or not they had been killed by predators. I think it has definitely been proven that a person who is knowledgeable can tell whether an animal died from predators or other causes. Of course Mr. Poage has already pointed this out.

I would like to quote from another leaflet, which is the *Southwestern Naturalist* (12-2) 156-162, August 4, 1967. The paper is entitled,

"Behavioral Interaction of Deer and Some Other Mammals" by Edwin D. Michael, Biology Department, Stephen F. Austin College, Nacogdoches, Tex.

I will do this to make a point. I have heard several people, not only conservationists and other people say, you do not suffer these losses; if you suffer the losses, why can't you produce it? I think this following little quote will explain this. I quote from this paper. It said:

The incident in September was not fully observed because it occurred before daylight. The first indication of a chase was the sound of animals running through the brush. They had covered 100 yards when a fawn bleated, then it screamed as in pain. Then all was silent. Even with a spotlight I could not see the animals and could only presume that more than one coyote was involved. Growling, snarling and the crunching of bones was heard after three coyotes arrived at the scene five-six minutes later. Fifteen minutes after the kill, seven coyotes were seen in the area; soon two left and a third appeared carrying a leg of the fawn. It buried the bone 25 yards away under a small huisache (*Acacia farnesiana*) bush. Forty-five minutes after the kill, I approached the area where the remaining coyotes were still feeding. The only remains of the prey was hair and blood.

This was observing the relationship between deer and other animals and he was at this time watching coyote and other animals, how they react to these animals.

In other words, gentlemen, the coyote completely devoured this animal and you can see why we cannot always produce our kill.

This very well explains the reason that oftentimes you cannot find the kill of predators. If they are hungry and there is a pack of them, they are going to eat it completely.

I quote further from this same leaflet on page 161:

However, Knowlton (1934) analyzed 2,500 coyote seats during the time my observations were made, and he found that during the peak of fawning, approximately 80 percent of the food eaten was deer. During periods of the year other than fawning, deer comprised four to 67 percent of the coyotes' diet.

This shows the tremendous impact which coyote predation can have on the game that we have on our land, and it is our fear that without adequate control of predators our game population will be drastically affected.

I quote further from this leaflet. I will go over this quickly to allow other people more time, but this next report has to do with antelope herd numbers in the Trans-Pecos area. They have had extreme problems in trying to raise their fawns, their antelope fawn, in that area. A demonstration was set up during the winters of 1970-71, with compound 1080 being placed in the 214,000 acre area.

A recent report compiled by the Parks and Wildlife Department in Texas was published January 12, 1972, and is entitled, "Causes and Degree of Mortality of the Trans Pecos Antelope Herd," Trans Pecos Game Management Survey, project leader, Tommy L. Hailey, job No. 9. This report is concerned with the relationship of predators and antelope in the Trans Pecos area and the western part of Texas. Historically this has been an area that produces a large number of antelope each year. It has been felt for several years that coyote predation was affecting the fawn population. A demonstration was set up during the winters of 1970 and 1971 with compound 1080 being placed on a 214,000-acre area north of Valentine, Tex., by the Bureau of Sport Fisheries and Wildlife in cooperation with landowners for the control of coyotes. In the area that was treated, and I quote directly from the last page of the paper:

"Over a five-year period, 1966 to 1970, fawn production in this area that was 24.63 percent greater than the rest of the Trans Pecos Region. Fawn production had increased from 12.98 percent in 1970 to a high of 79.34 percent in 1971. Other factors that affect antelope production in the Trans Pecos area were checked and were found to be similar in the treated and non-treated area. The control of the coyote population in the treated area is believed to be the reason for the increase in antelope fawn production during 1971."

Production of wildlife is extremely important to the average rancher in Texas, not only because of some additional revenue that it may bring into his ranching enterprise but also because of the esthetic value it offers the rancher. We are as aware as the people in the cities of the tremendous problems we are facing due to pollution. In fact, in the past several years our association has been extremely active in a program to keep our waters pure. We as ranchers are continually trying to improve our ranches and farms in order to be more productive but still conserve and rebuild the natural habitats to encourage the reproduction of wildlife on these farms and ranches.

I cite these items only to show that we do not warrant the reputation of wasteful killers, as many people have described us. We are only trying to take care of our own business.

We are here today to speak in regard to the two bills that are before you today—H.R. 14163 and H.R. 14158. I think we have proven beyond a shadow of a doubt that there is a predator problem among the sheep industry of the United States. Also, the Cain Report very plainly shows that taking away the poisons will result in a tremendous increase in predators that will cause a substantial increase in predation among our herds. Each 1 percent increase in predation in the United States costs the industry \$4 million a year. So you can see what the loss situation could be.

In 1971 the Texas program reported of the 24,103 coyotes that were taken, 12,175 were taken with the M-44 cyanide guns; 2,664 were taken with other types of poisons; and 5,457 were trapped. You can readily see a good 60 percent of our control program depends on the use of poisons.

The sheep industry is really in a predicament. We are in this situation because the Federal Government by enactment of the predator controls bills of 1931 accepted the responsibility for predator control and seeing that it was carried out. They started off and did a very effective job. Then as public pressures became greater, their effectiveness started to wane. Then they came up with some real effective tools to control predators. The Federal Government came with the M-44 and put it into use. Of course, they also put into use thalium sulfate, which was then replaced by 1080 which was a much more selective type of poison, especially in areas where population numbers had to be reduced rather than just get a particular coyote.

The entire industry soon became completely dependent upon the tools which were developed by the Federal Government for the use of their trappers and hunters. Then one bright morning the administration decides that it will take away all these tools that they have given the industry, leaving them nothing in return.

Gentlemen, if this is the attitude of the administration, I certainly feel that the legislation that is proposed should most certainly be passed and that each livestock producer who loses stock should be reimbursed as described in these bills.

We would like to express our most sincere appreciation for the foresight of the gentlemen who have introduced this legislation. We would hope that you will see fit to pass this out of your committee and assist in its passage through the House of Representatives. Again, please accept our most sincere thanks for trying to help an industry that is certainly in need of help.

One further point. I would like to recommend that under section 807, No. 4 should possibly direct itself and say that any losses that occur after February 8, 1972, should be covered by this act. In other words, any losses that have occurred since the administration handed down its ruling, we feel should be covered, because that is the reason the losses have been occurring.

Thank you.

The CHAIRMAN. Thank you very much, Mr. Sims. We appreciate your being here and we appreciate the good statement you have given us. It makes clear that ranchers are not out to destroy the ecology, but instead want to protect it. That is the thing that I think is so often overlooked. The question is which part of the ecology are you going to protect? Are you going to substitute coyotes and ringtails for lambs and fawns? We all recognize that they are all a part of our ecology, but we recognize that in the so-called natural ecology, there was not enough food to support anything like the present population of predators, nor the present population of human beings in the Western United States. Certainly in my home State, when there were possibly 60,000 or 70,000 Comanche Indians roaming that country, that is all that it would support, with the ecology of that day. We now have 12 million people there and feeding them and feeding a whole lot of the rest of the world along with it. But we changed the ecology in doing it; we had to.

We had a relatively small predator population because they too, starved. We now have a much larger predator population because there is more there for them to eat. If we let the predators go unchecked, then obviously, we do not have any of these game animals that most all of us feel—most of us, I think, feel are the more desirable. We now have more deer and antelope and wild turkeys and, further north, pheasants—we think these certainly are more desirable.

It has always occurred to me that there is an analogy between this idea of the matter of the ecology of animals and that of plants. Somehow or other, I never heard of anybody insisting that we should leave the bull nettles or poison ivy alone. Yet they are part of the natural ecology.

Yes, Mr. Mathias?

Mr. MATHIAS. Mr. Sims, are there any insurance programs that the rangers can get involved in now?

Mr. SIMS. Lloyds of London will, under certain conditions instigate a program to insure livestock, but it is only against selected causes. I understand that is such as floods and this type of thing, but they do not and will not insure livestock—I mean for this reason.

I understand that in Montana and Wyoming, they have explored this and looked at the cost, and I think they find it would cost around \$1 a head, an animal, a year, to go into this.

Mr. MATHIAS. So there is really no insurance that you can sign up for?

Mr. SIMS. Oh, no, definitely not; not for this purpose.

Mr. MATHIAS. You state in your testimony that in 1971, there was about a \$2,560,000 loss due to predators?

Mr. SIMS. Yes, sir.

Mr. MATHIAS. That is a heck of a lot of money.

Mr. SIMS. Yes, sir; that is the reason we are here, because it is.

Mr. MATHIAS. Have the ranchers or the rangers or associations spent any money to get people out on horseback or in jeeps or by any other means to kill the predators besides by poisons?

Mr. SIMS. Yes, sir; they certainly do. But you must remember what we are talking about, when you get west of San Angelo, you start getting into awfully big pastures and have a lot of brush and it is hard to do. The next person to testify lives at Crane, Tex., where they still do this, they still have coyote hunts or drives where they go out and chase them and if they have problems, they try to catch these. But when you get into our area, east of San Angelo, there are so many fences, when you start having drives, you have to have people coming along behind you rebuilding fences. If there is a coyote on the other side of the fence and they get a good straight shot at that coyote, they go right through the fence. So you have to have people following along behind to keep the fences up.

When you get in our area, east of San Angelo, where pastures are much smaller, it is extremely hard to run with dogs or anything else. It is just physically impossible because of fences.

Mr. MATHIAS. So in other words, even though your losses are over \$2 million, you could not spend \$2 million on any other alternative that would do this job like poison?

Mr. SIMS. Oh, no, definitely not.

Mr. MATHIAS. So there is really no other alternative?

Mr. SIMS. If they could find something, yes sir. As Mr. Poage accurately stated, we are not married to poisons. We are just trying to protect our livestock.

I do want to say something about 1080. That is a very valuable tool where you have a range area to cover. You can imagine yourself in the Big Bend area of Texas, where one trapper might be covering a county. It would be extremely impossible for him to use cyanide guns or traps to cover these and this is the same in Wyoming and Montana, up in there. What you have to do is reduce the population of coyotes to a level where they will not take the livestock and you can reduce the level to where they will not cause trouble like they do on wildlife.

The CHAIRMAN. Any other questions?

Mr. Denholm?

Mr. DENHOLM. You have submitted some rather startling statistics on the losses that you have sustained in the past and you have had access to poisons in control of predatory animals. What is your opinion on losses in the future if you do not have the lawful use of poisons?

Mr. SIMS. I think when you get west of San Angelo or when you get back out into the big area of Texas, I think we will have tremendous losses. I think they will probably not double, but they will certainly increase by 20 to 30 percent, I think. It is possible in certain areas.

Now, again, everybody does not have that problem, because coyotes do not like to stay in certain places, they have particular areas they would rather live in.

Mr. DENHOLM. What will happen if in a compensatory program such as we contemplate in this legislation and producers are paid for losses—What value is a lamb that weighs 20 pounds or less? Can that loss be properly assessed? Do you have an opinion on that, sir?

Mr. SIMS. I definitely do. I sold some lambs a couple or 3 weeks ago. It is \$15 a head and they didn't weigh 50 pounds. So a lamb now that weighs 70 pounds is worth about \$18 or \$20. Now, what is he going to be? In another month he would be worth \$25 or \$30. So I would say we would have to look at every lamb as being worth what he would be if we got to harvest him and send him to market. I would say \$20 or \$25.

Mr. DENHOLM. The compensation received would be the appraised value of the animal at the time of the loss—is that correct?

Mr. SIMS. Yes, sir.

Mr. DENHOLM. The producer would be in a more favorable economic position if he had a marketable animal rather than predetermined loss—would he not?

Mr. SIMS. Oh, no doubt about it, yes, sir.

Mr. DENHOLM. So even if the producer is compensated for losses of domestic animals as a result of predatory animals—the producer is not made whole.

Mr. SIMS. You cannot compensate him for the losses. When you kill a ewe lamb and it weighs 50 pounds, and you pay him 30 cents a pound, he plans to keep that ewe lamb 4 years and raise 4 or 5 rams. So, you are talking about a \$125 or \$150 loss to that producer for that one lamb.

Mr. DENHOLM. The compensation contemplated does not fully compensate the loss sustained by producer then, does it?

Mr. SIMS. It is a real poor way to handle it, but I will guarantee you it is a lot better than what we have now. I am in the sheep business and I am not going out there to raise sheep for coyotes. I will be glad to raise sheep for people who want to get them. I will be glad to take them at \$50 a year pasture or something.

Mr. DENHOLM. Are the estimates you have submitted based on the true value of the lamb or on the appraised value of the animal at the time of death?

Mr. SIMS. Yes, sir; these estimates here that I have quoted you are at the time of death.

Mr. DENHOLM. Thank you.

Thank you, Mr. Chairman.

Mr. BERGLAND. Mr. Chairman, I have just one question.

To what extent does your industry suffer from destruction of livestock by domestic dogs?

Mr. SIMS. Well, a good deal. It is a lot. But, of course, most of it is around your urban areas. Consequently, because of the way the sheep are raised in Texas, we are not around urban areas much. Now, down in Mr. Poage's district, there are lots of just old wild packs of dogs. You can get around an establishment like Fort Hood, where you have people coming in, and everybody has to have a dog, you know, that comes into Fort Hood. They buy a German shepherd as a pup and they buy a Volkswagen at the same time. Then they are transferred to somewhere else and there isn't room in the Volkswagen for the German shepherd and everybody else. So what they do is

turn that German shepherd loose and it is proven that there are not only bunches of wild dogs down in the Fort Hood area, but there are also these dogs that cross with coyotes. You talk about a wild animal, when you get a good cross, they are a lot smarter than the coyote and you are not going to catch them like you will a regular coyote. You have to be thinking like a dog.

I have been raised in the sheep business. I was raised in a little town and we have always had dog losses. We used to get one new dog a year because our neighbor killed them just as fast as we could get them. He kept poisons because he was ranching around town and a dog could go in there and it is pitiful. I saw two dogs, a little toy terrier that was small, and then a bigger dog, kill about seven in about an hour one day.

Mr. BERGLAND. Can you tell by looking at a carcass whether it has been killed by a coyote or by a dog?

Mr. SIMS. I cannot—Oh, I can tell it where the dog has done it. They pull the sheep down and just tear him up. But a coyote, just like Mr. Poage said, they will attack their necks.

But I am raising in areas where there are no predators. It is a very small area. It is the one county in Texas that is not supposed to have any predators in it, thank heavens. But the neighbors over to the east of us are reporting a 20- or 30-percent loss.

Mr. BERGLAND. Thank you very much, Mr. Chairman.

Mr. JONES. Mr. Chairman?

The CHAIRMAN. Mr. Jones.

Mr. JONES. Mr. Sims, to your own knowledge, this 1080, what, if any, damage has it inflicted on humans during its years of use?

Mr. SIMS. As far as I know, there has never been anyone lost from 1080.

Mr. JONES. Do you have any opinion as to the rationale for outlawing it?

Mr. SIMS. No, sir, I cannot—I cannot rationalize it, because it seems so utterly senseless to me to outlaw something like this. And it has proven to be fairly selective, mostly to carnivorous animals.

Mr. JONES. Your testimony indicates that this was evolved by the USDA.

Mr. SIMS. I understand it was. I might be wrong about that. I have to kind of take a shot in the dark, because I am not sure who developed it. As you know, they use a lot of it in rat control in the cities and it seems quite strange to us that they should be allowed to use it for rat control in the cities, where it is much more likely to get into the flow of business than it is out 50 miles from nowhere.

Mr. JONES. Its use is still permitted in the cities?

Mr. SIMS. It certainly is, the way I understand it, anyway. But it is not in the country.

You know, most of the programs, like in the State program in Texas, the rule that the boys go under when they are putting out 1080 says they cannot have a station within several miles of a residence—let's say 10 miles. Can you imagine how anybody is going to get poisoned like that?

They are also talking about these animals that will get killed. I mean, you will eat the animals. How many animals can you think of that go and eat a dead coyote? We are talking about coyotes being killed. We hear one of the criticisms is that an animal will go eat this

dead animal and then causes this chain reaction. This came up because somebody's danged old housecat in Brooklyn or somewhere ate a rat that had been killed by 1080 and they saw that little old cat lay down and die and they decided this is going to happen to everything in the world.

If you read your research, it says after a coyote has died of 1080 poison, then it takes a tremendous amount of the consumption of this meat to really kill another animal. And there are very few animals that eat dead coyotes.

Mr. JONES. Thank you, sir.

The CHAIRMAN. If there are no further questions, we are very much obliged to you, Mr. Sims, for making such a good statement.

Thank you for coming before us.

Our next witness is Mr. I. C. Earp of Crane, Tex.

Mr. Earp, we are delighted to have you with us.

**STATEMENT OF I. C. EARP, ACCOMPANIED BY TINITA EARP,
CRANE, TEX.**

Mr. EARP. Thank you, Mr. Chairman.

I have with me today my daughter, Tinita.

She has in her possession some pictures recently taken of a marauding coyote in Crane County, Tex., that was eating our lambs. She not only appears before you to give you these pictures today and as an educational trip for her to Washington, but also as a member of our family unit, which devotes the majority of our time to the ranching enterprise and business.

At this time, she will hand you these pictures so if anyone is interested in them, they might have a look at them.

I might describe this just a little, if I may, to point out that this female coyote that I caught in the trap this past Saturday morning was about to bear a pup inside a six-section sheep pasture where normally, a few years back, it would have been completely and totally unheard of for an animal of this kind to raise a family of puppies inside an active area. But this is another example of the tremendous influx of predators we have in the western part of the State.

My name is I. C. (Tiny) Earp. I am engaged in the ranching business, which consists of 22,000 acres adjacent to the Pecos River in Crane and Pecos Counties, Tex., where I attempt to produce sheep, goats, and cattle. My father and mother were ranchers before their passing and I hope my children and grandchildren will have the opportunity of occupation selection that has been afforded to me. In fact gentlemen, that is partially why I testify before you today, to insure, if possible, future generations will have this option of occupation selection.

My family and I feel the prospects for the sheep and goat industry survival to be very dim. This is due to the Presidential Executive order banning chemical toxicants for predator control and pending legislation supporting the recommendations of the Cain report which is in effect a recommendation for a phaseout of the sheep and goat industry in the not-too-distant future. Fifty percent of the tools in use for predator control have been removed which Mr. Cain and committee stated amounted to 80 percent of the effective control with no immediate substitute methods available. This could only suggest the Depart-

ment of Interior and the Cain committee were willing to expose the total sheep and goat industry to an 80-percent increase in depredations during the crucial season of defenseless baby lambs and goats being born who were conceived during a period of time that legislation was and had been for many years a guaranteed protection for their survival. May I suggest that the environmentalists would not have condoned this merciless and untimely act of slaughter, had they been aware of these consequences.

We are aware of many public facilities being relocated to conserve a habitat for wildlife. Please believe me when I state most livestock producers can and do understand this concept of conservation and concern. Conservation is essentially a way of life for any successful producer who plans to remain in the livestock business. What we can't understand is why a baby lamb, a kid goat, or a baby calf is less popular to conserve than wildlife. I can and will, upon request, furnish documented evidence that many baby calves have been lost to depredating coyotes only a few miles west and north of sheep and goat country, where I reside. For the record, charter membership of the Texas Predator Animal Eradication Association, founded in 1929, reflected many cattlemen as members. This association recognized cause for two name changes since its inception and later known as the Texas Predator Animal Control Association and is presently operating as the Texas Animal Damage Control Association, Inc.

To get back to the phase out of the sheep and goat industry could we examine briefly what producers could look forward to in the near future:

1. We would be paid for lambs, kids, and eventually calves which never were produced and processed into red meat or clothing for human consumption and comfort.

2. Why expend energy or funds to control a problem which we could receive compensation for if it were lost?

3. This relaxed predator control attitude would eventually infest every ranch in the United States of America as there would be no motivation to establish a perimeter of control and check the continued influx of predators from the present outside areas.

4. The sheep and goat industry could not sustain its present numbers, which exist at an alltime low since the inception of national records, as the productive life span of breeding ewes in open country is 5 to 7 years, and the offspring would continually decline until the species would eventually become extinct in America.

5. Before the sheep are depleted the cattleman will sustain heavy losses from predation and will request and should be reimbursed for their losses in the same manner as the sheep and goat industry received.

Mr. Chairman, my ancestry displays a touch of Indian descent, which probably accounts for some of the pride felt in my endeavors as an individual. It is my hope that some of the people in Washington will take into account this important facet of our American heritage and incorporate it into legislation whereby we may become a proud and prosperous industry, independent of reimbursement and at some point, any subsidy Government has to offer. Give us responsible legislation that affords us the opportunity as an industry to be self-sustaining and to expand back to 40 million sheep and possibly to the greater known figure of 100 million plus. Can you imagine the amount of goods and services our industry would support with 50 million

sheep and goats? Can you estimate how many people this would employ and in so doing, the stimulation to the rural economy throughout the Nation. This is not only possible but highly probably with the needs of our overpopulated global society as it exists today. To make my point, I believe the record will show that with the exception of America, the world meat consumption consists of 80 percent sheep and goats and 20 percent beef. Furthermore, wool and mohair go hand in hand with the ecological demands of our present day society, as it is a reclaimable material which may be used over and over thereby eliminating the problem of pollution by necessary disposal. I know of no other fabric that will meet this test.

Gentlemen, I have in my possession ranch records for the past 3 years to substantiate the predation loss figures which I am going to quote and will make these available to anyone who may care to examine same and will attempt to answer any questions you should consider pertinent. It is my hope these losses will appear in the record for interested parties concerned with this legislation. If you will turn to the back, I have this data. It is pretty self-explanatory and I will make it brief. I have not totaled these figures completely and you may arrive at whatever conclusion you care to construe from this data.

Starting in 1969, I have lambs, ewes, and goats, predators caught, and expense. Also in the left-hand column, we have predator losses. These are known, identified predator losses. For the year of 1969, we had 85 lambs, 15 ewes, and an unknown number of goats, since we could not verify those numbers. Our normal losses for that same year were 20 lambs, 30 ewes, and five goats. Unaccounted for lambs that were loss were 24, ewes, 22, and goats were five.

Moving to 1970, predator loss, 60; ewes and goats, unknown. Normal loss, for 1970, 25 for lambs; 10 for ewes, five for goats. Unaccounted for were 15 lambs, no ewes, and none for the goats.

We started keeping records of animals that we personally caught at this point, there on the ranch, because it seemed like we were in deep trouble and we decided to make daily records of their activities in predator control implemented by ourselves, our own ranch, at that time. We also added some coyote drives. You note the expense of \$35. That was for aerial support and we had a total of five coyotes and two bobcats, actual records that we can support these numbers with.

In 1971, predator loss, lambs, 230 head; ewes, 10; goats, 15. Normal loss, 30 lambs, four ewes, and 5 goats. Unaccounted for were 41 lambs, no ewes, and four goats. That year, we personally caught 33 coyotes and four bobcats there on the ranch. We had aerial support in the amount of \$145 in this control.

For the year of 1972, our predator loss at the present time, known lambs killed by predators, 34; known ewes, 13; goats, seven. And, naturally, the rest of the year is incomplete, because we have not completed the year at this point. We have trapped 15 coyotes and with use of helicopter, we were able to control 35 coyotes and four bobcats. This cost was \$582.02. I believe that averages out something like between \$1 and \$13 per predator that we controlled by helicopter.

Now, my figures, my predator loss figures total on lambs was 409 lambs. These were valued at \$20 per head. Thirty-eight ewes; they

were valued at \$27.50. And the goats, \$6. This amounted to \$9,357 total.

None of the rest of these figures have been tabulated, with the exception of unaccounted for losses, which we feel certainly would be, 50 percent of them would be acceptable to anyone that was knowledgeable about our particular situation out there.

If you will turn to the back page, I have a comment or two. As a matter of fact, I will just pass it up. If there are any questions, I will be glad to try to answer them in connection with that in order to conserve time and I will go on with the remainder of my statement here.

Mr. Chairman, in view of the aforementioned facts, I must go on record as being in favor of H.R. 14163 and H.R. 14158 for reimbursement to producers who sustain losses due to predation. We have been denied any reasonable defenses for our flocks by Executive order with no known substitute to date. Many flocks on the outside perimeter of control have sustained 25 percent losses currently—talking about 1972 now—and delivery date for some of these producers is several months away.

As a grassroots producer, may I thank you for your time and attention during my appearance before you today. Any further wish I may have would be for an on-location inspection of the conditions as they exist in our area concerning predator control or the lack of such.

Thank you, sir.

The CHAIRMAN. We thank you very much, Mr. Earp. We appreciate your coming. We appreciate your daughter being here, and thanks for your statement.

Are there any questions?

Mr. MIZELL. Mr. Chairman?

The CHAIRMAN. Yes, Mr. Mizell?

Mr. MIZELL. Mr. Earp, I noticed in the first table, your predator loss in 1970 was 60 lambs, and I notice in 1971, the predator loss was 230.

Mr. EARP. Yes, sir.

Mr. MIZELL. Why the sudden increase here?

Mr. EARP. Lack of predator control, sir.

What has happened continually for the past decade in the area where we ranch out there—and I should say in the State of Texas—has been an encroachment on the permissiveness of trappers in this particular area to carry on their job in such a way as would be acceptable to the Department of Interior by pressures of ecologists, conservationist groups being applied. That creates a change of policy. This policy has gradually changed in the direction of trying to satisfy these groups in such a way that animal hunters, as I believe they are called in that area, have been continually denied the opportunities to control predators in such a way that their effect has been reduced to where they are not as effective as they once were. And this situation here reflects that in particular.

Mr. MIZELL. Are you running any more livestock now than you were in previous years?

Mr. EARP. Mr. Mizell, I suppose that our numbers are more constant. As a matter of fact, out of the 22,000 acres of land that we

lease—I mean that we operate out there—there is a little over 14,000 acres of that land that we lease and we have a constant expense in this direction. We automatically have to run a minimum number of animals in order to sustain our livelihood and meet the demands of expense. I would say our numbers over the past several years would vary possibly 200, but mostly, they remain constant.

Mr. MIZELL. I do not remember the exact date, but last year, during this period of time, were you still using the poisons? They were not suspended until February of this year, were they?

Mr. EARP. That is correct, sir.

Mr. MIZELL. And you were still using the poisons and so forth?

Mr. EARP. Only on limited scale because of the pressure that has been applied. There are rules and regulations governing what field personnel are permitted to do because of policy changes. As an example of what I am talking about, animal hunters are required—let's take cyanide bait. They are required by their supervisors to place this cyanide bait, we will say, that is, under a cow chip—now, this is in the field—to be able to control it in such a way that something that does not have a good nose like a coyote would not be able to find it. In order for this coyote to pick this bait up, he has to go over and remove the object that is covered with and then take the bait, which is highly unusual for a coyote to do. This is what I am talking about.

This is a change in policy. We used to be able to kill a jackrabbit and insert this jackrabbit with toxicants and place it in an area that was being frequented by these animals. They can no longer do this. There have been many changes that I am not familiar with, not being an animal hunter. I have learned of these things only through conversations.

Mr. MIZELL. Well, if you had your preference, Mr. Earp, of having a subsidy from the Federal Government for the animals you lost to predators or being able to work with the Government and other ranchers to control the predators, which one of them would you prefer?

Mr. EARP. That is a pretty tough question to answer. I would say that everyone's idea of operation in any business, regardless of whether it is ranching or otherwise, is to be able to operate in such a way that you can hold your head up and not require a Government subsidy. However, should legislation be imposed on us in such a way that we cannot do this and our livelihood is being denied, as individuals and as producers, we have no other option but to ask for this subsidy.

Mr. MIZELL. I thank you, Mr. Earp.

Thank you, Mr. Chairman.

Mr. MILLER. Mr. Chairman, if I may.

The CHAIRMAN. Mr. Miller.

Mr. MILLER. Mr. Earp, with regard to your losses that you cite on the next to the last page, can you give us an approximation of what percentage of your total animals that would be? In other words, how many you would be raising of lambs, ewes, and goats?

Mr. EARP. Yes sir, I would, in round numbers, attempt to answer that.

Normally, we try to operate with anywhere from 1,200 to 1,400 mother ewes. This is our basic breeding herd. Actually you can take these figures and tabulate them and see, we will say for an example,

on the year of 1969, just to take the top for no particular reason, we had 129 lambs that were lost to predators, normal loss, and unaccounted for. So 129 lambs would be roughly 10-percent overall loss for that particular year, and so on.

As an example, I think the records—I could check my records, but I believe my memory will be close—for the year of 1971, I think the records will show that we had 1,235 basic breeding herd ewes that year. You can see that the predator loss there is, the total thing would be something like 301, would it not?

Mr. MILLER. Well, we need not work out the exact percentage. What I have in mind is how many you were actually raising.

How about goats, then? I see the loss—we can work out the percentage.

Mr. EARP. I am sorry, I evidently misunderstood you. Normally, we market, we have to market a hundred or 90 percent lamb crop. We feel this is essential. Our feeding program, our other expenses require this sort of success in order to remain in the business as a livelihood. Our goat herd is very small. The purpose for it mainly is not so much to produce revenues as it is to protect depreddating coyotes from eating our sheep. In many instances, a coyote will move into pasture and kill more goats and never touch or maybe just an occasional sheep. Eagles are the same way. Eagles will come nearer, in our area, from our experience, attacking a baby goat than it will a baby lamb. This is really our purpose for the goats. It is not necessarily the economics.

Mr. MILLER. I see. The answer is about 1,200 or 1,400 head is what we are saying?

Mr. EARP. Yes.

Mr. MILLER. Thank you, Mr. Chairman.

The CHAIRMAN. If there are no further questions, we are very much obliged to you, Mr. Earp.

Mr. EARP. Mr. Chairman, we are very much obliged to you if I may detain you for just a moment.

One of the questions concerned bounties on predators. May I clarify very briefly our predator control? I think it is the total State coverage. It is available to cooperators in the State of Texas upon request, either as a group, as individuals, or generally cooperators through commissioners courts a lot of times receive this assistance.

A brief breakdown on this thing as far as the funds are concerned. The cooperators fund in Texas, which comes from producers, mostly, amounts to about \$25,000 a year. The State funds amount to about \$475 a year. This comes from the State legislatures. And the Federal Government, who administers the program, contributes an average of about \$200,000. A lot of times, their contribution will be as low as \$185,000. I mention this only to make sure that everyone here understands that we do believe in helping ourselves and we hope that your findings and so forth will help us in this way.

Mr. PURCELL. Mr. Chairman, I have one clarifying question.

The CHAIRMAN. Mr. Purcell?

Mr. PURCELL. In the way I heard your second set of figures there from the State, you said \$400-some-odd. Did you mean \$400-some-odd thousands?

Mr. EARP. 440-some-odd thousand. There is \$425,000 from the cooperators funds, \$475,000 from the State funds and \$200 from the Federal.

Mr. PURCELL. At the present time, the producers in Texas are putting up a little less than a half million dollars a year in their own behalf?

Mr. EARP. Yes, sir.

The CHAIRMAN. And the State is putting up about the same amount as the Federal Government.

Mr. PURCELL. Yes, sir.

The CHAIRMAN. Thank you, Mr. Earp. I hate to be rushing things, but time is running on.

Our next witness is Mr. J. C. Wetzler, representing the American National Cattlemen's Association.

Mr. Wetzler, we are glad to have you with us.

STATEMENT OF J. C. WETZLER, REPRESENTING AMERICAN NATIONAL CATTLEMEN'S ASSOCIATION

Mr. WETZLER. Thank you, Chairman Poage. I am reading the statement of the American National Cattlemen's Association.

The American National Cattlemen's Association is in support of H.R. 14163, although we prefer the reinstatement of all necessary means for predator control.

A full-scale predator control program, using all the available methods, is necessary for adequate protection of domestic livestock. ANCA long has supported this position and feels that reinstatement of all predator control methods is the only sound solution to a very difficult problem. We strongly recommend a use of predator control that can be used with specificity and safety.

Recent action by Executive order and the Environmental Protection Agency eliminating the use of chemicals in predator control has created a very serious situation for livestockmen in all sections of the United States. It is our judgment that the right to protect one's property, in this case domestic livestock, has been placed in jeopardy. In order to compensate for this, there has to be some form of indemnity payment because of the loss to domestic livestock caused by predators.

We respectfully suggest that the terminology be changed in the legislation from "farmers and ranchers" to "livestockmen." This would be much more all-encompassing and at the same time more definitive.

We also feel that the burden-of-proof aspect of the legislation could become enmeshed in a bureaucratic maze. Although we recognize that there must be proof of loss, we think that the legislation or legislative history should make it clear that extensive investigations into proof of loss should not be required. Unless this is done, extremely long settlement periods and possible litigation will result.

We hope that early and favorable action will be taken by the House Committee on Agriculture on H.R. 14163.

Thank you.

The CHAIRMAN. We thank you very much, Mr. Wetzler.

Are there any questions of Mr. Wetzler?

Yes, Mr. Price?

Mr. PRICE. Thank you, Mr. Chairman.

Do you have any estimate on the number of livestock killed in a year's time throughout the United States by wolves, mountain lions, and other predators? Would you have any figures, or a ball park figure?

Mr. WETZLER. Mr. Price, unfortunately, I do not have this. I might mention that—I mentioned that I am a native of the State of Arizona and have been all through the open range area. We talk of predators and the damage. One animal—in a great part of Arizona, they cannot raise horses because of the mountain lions eating the colts. We have various forms of predators. I hope I am not taking too much time, but the problem of any program such as this, eliminating something, this certainly should be done on an area basis. We do not have eagles in Arizona, that is, so to put forth a program that because of some residue might cause death to an eagle is the ridiculous part of these.

Pardon me, sir. I will get those figures for you.

Mr. PRICE. I am trying to obtain a figure; I am a rancher, too. My estimation would be that millions of dollars are lost to predators such as coyotes, wolves, mountain lions, and so forth, not only to the cattle industry but also to the sheep and goat keepers. The loss would run, I would say, close to a billion dollars a year.

Mr. WETZLER. You are speaking of the total predators?

Mr. PRICE. Total of sheep, goats, probably calves and cattle. Now, I have seen coyotes, or packs of dogs that came out from cities, run along the side of cattle and grab them by the lip and throw them down. They either rip the lip off if the cattle keep running, or they throw them down and then the whole pack jumps on them and kills them and eats them. You have seen that, too?

Mr. WETZLER. Yes; I might interject that one of the figures that my preceding speakers have given you is actual losses. But also the damage to the flock, the damage and the other problems are a factor that is not shown and your million dollar figure is not—it is conservative. That is taken accurate.

I might go on. At the present time, I have grown up as a commercial cattle feeder. I am 2 miles from Sun City. I have been in this predator all my life and we still have the control programs. We are one of the large calf feeders in the United States. Naturally, we have a percentage of death losses. Coyotes are coming into our feedlots, with no particular damage, but they are eating these dead calves. That is how thick the population is in Arizona. It is so ridiculous to think that we are exterminating predators.

Mr. PRICE. Well, as an example, the chairman the other day was in the other committee room where a man was showing live animals that had been attacked by mountain lions and the coyotes. These animals are bitten on their backs, the back of their necks and just left to die and rot after they have been attacked. The coyotes do not eat them for meat, they just kill them for the satisfaction of killing.

Something that has not been mentioned, I do not think, in any testimony that I have seen is the prairie dog menace that has hampered and destroyed much grass that could be used in grazing land. The use of these poisons has been tremendously effective in killing the prairie dog. Without such controls the prairie dog will take over thousands of acres of grass and completely destroy it to where it will blow away and wash away. Would this be a fair statement?

Mr. WETZLER. I can answer this from personal knowledge.

I would like to go backwards about the concern of the committee as I read it here on relying on the Federal Government. Your predator program is one. I homesteaded in northeastern Arizona in 1930. At this time, we had prairie dogs. That is a very high plateau, low rainfall, desert type of country. It was not only that, it was dangerous in riding; you would just fall into a prairie dog village. So we decided to poison these animals ourselves. We would buy strychnine, we would buy rolled barley and molasses and mix it. This was apparently a very dangerous solution.

So the next thing, the Farm Bureau took it over from the State. We bought this mixture from them. But then the distribution of this was not—it was dangerous, handling this strychnine around this way. So everyone concerned thought that a Federal aid program could handle the stuff properly, and the prairie dog elimination in this area where I was—not elimination, I beg your pardon—but control was completely effective. We had no real problems after the Federal Government got into this, at a very nominal and effective price.

But this is very true. It has to be. A prairie dog is a rodent and you know anywhere what rodents will do if they are just left to their own use.

Mr. PRICE. I know on our own place we have been for 30 years trying to rid certain areas of prairie dogs and have yet to completely kill them off. They have taken over probably 50 to 80 acres of grazing land, where they have stripped it of grass. As long as these poisons are handled privately and in an orderly manner, I have seen no cause for this edict that has come down, taking away the use of these poisons. I think this action is going to cost the livestock industry millions of more dollars unless we have some type of chemical to help that they will approve to protect the industry of the sheep and the goat and the cattlemen. Would you agree with this?

Mr. WETZLER. No question about it, Congressman. I am very sincere in this. I just consider myself as much of a conservationist or ecologist as anyone else and these problems that have caused this national concern are certainly limited to certain areas and they should be placed this way. But in your area and the area which I know so well, Arizona, there has been no extinction of any specific species—of rodents, any of these things. We just have to learn to live with all of these things in our own way. In certain areas, certainly, the private means is the proper means. And in other areas, the area I spoke of, that is, was not fenced and it was open to the Navaho Indian reservation. It was just an impossible way for a private operator to control the whole area.

Mr. PRICE. What this edict has done is to leave the livestock producer without a substitute poison or chemical with which to protect himself, just as we have done in many cases to the farmer by depriving him of chemicals to protect his crop. We have outlawed it, but we have not had a substitute to replace it. That is really what it amounts to, is it not?

Mr. WETZLER. There is no question. And I am not qualified to be specific on this. But so much of these Executive orders and so forth are done clearly—DDT or anything else—without real scientific evidence that these things did all this. Some of this thing was just from fear and noise and so forth.

Mr. PRICE. Mr. Chairman, I am through questioning, but just a point. I heard a program last night about the outlawing of DES, diethylstilbestrol, in the use of cattle. This one doctor gave us facts last night that in order for it to hurt the human being—they have picked it up in the liver of animals—a man would have to eat 100,000 pounds of liver per day before it affected him. You know, a man has to eat a lot of liver before it affects him.

Thank you, Mr. Chairman.

Mr. WETZLER. Mr. Chairman, may I just—I am a cattle feeder. May I just please say this for the record?

About DES, it is a medicine and it is still used by the American Medical Association for direct injection into humans beyond what you are saying. I hope I do not offend people, but it is very conservative to say that close to 50 percent of the women in menopause get a direct injection of diethylstilbestrol, and a majority of men for various reasons—cancer of the prostate—get a direct injection. So this is something that the industry is about to suffer just because of the zero tolerance law.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Wetzler.

Our next witness is Mr. C. H. DeVaney, assistant legislative director, American Farm Bureau Federation.

Glad to have you Mr. DeVaney.

**STATEMENT OF C. H. DEVANEY, ASSISTANT LEGISLATIVE
DIRECTOR, AMERICAN FARM BUREAU FEDERATION**

Mr. DEVANEY. Thank you, Mr. Chairman.

Mr. Chairman and members of the committee, the bill H.R. 14163, introduced by Mr. Poage and others, and H.R. 14158, introduced by Mr. Fisher of Texas and others, are both timely as each speaks to an immediate, serious problem confronting farmers and ranchers in the business of raising cattle, sheep, and poultry on private and public lands. We believe this is also a problem that should be of serious concern to all people interested in abundant supplies of game and wildfowl in this country. The problem in our opinion is the maintenance of a balance of financial and management responsibilities in relation to an effective predator control program.

Farmers and ranchers manage and own important family business enterprises which involve substantial personal investments. They also have an interest in wildlife management. They are currently providing a major portion of the game and wildfowl habitat of this country. The end result of their year-round endeavors is a product for the market—cows, calves, sheep, lambs, wool, goats, or poultry.

The legislation before this subcommittee is important because it could affect many of the decisions to be made in the field of predator control by Federal and State governments and by the livestock and poultry producers to whom predation is a serious management and economic problem.

At the most recent annual meeting of the American Farm Bureau Federation, held in Chicago in December 1971, the elected voting delegates of the member State Farm Bureaus adopted the following policy on predator control: "Some measure of predatory animal control is necessary in order to achieve proper livestock, wildlife, and

land management. It is also necessary to control predators that are carriers of infectious diseases such as rabies.

"We therefore pledge our support and cooperation with livestock producers, sportsmen, and other interested persons to seek new means of predator control. We urge the continuation of all present predator control practices and urge Congress to take immediate steps to provide adequate funds for effective predator control and research. We also endorse research through the American Farm Bureau Federation Research Foundation in developing new predator control devices and documenting the losses of livestock and game animals and the resultant economic losses."

Included in Farm Bureau are many thousands of farmers and ranchers engaged in livestock and poultry operations in areas where animal predators are a serious management problem. Many use the renewable grazing resources of the Federal public lands under permits granted by the Forest Service and the Bureau of Land Management. The Executive order of the President, dated February 8, 1972, and the proposed regulations published in the Federal Register of March 1 and March 24 by the Bureau of Land Management and the Forest Service, respectively, have a direct relationship to the use of the Federal lands and predator control.

The action of the Environmental Protection Agency under date of March 10, involving the suspension and cancellation of Federal registration of 18 products used in controlling predatory animals plus one product registered for use in rodent control, adversely affects control methods commonly and effectively used on both public and private lands.

On March 15, 1972, the American Farm Bureau Federation, in a letter to President Nixon, expressed concern with respect to the Executive order and the action taken by EPA. A copy of this letter is attached. We respectfully request it be considered as a part of this statement.

The CHAIRMAN. Without objection, it will be made a part of the record.

(The above referred to letter follows:)

AMERICAN FARM BUREAU FEDERATION,
Washington, D.C., March 15, 1972.

Hon. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Developments of recent weeks relative to the continuing ability of farmers and ranchers to use effective chemical controls against livestock and crop predators are cause for very deep concern on our part.

The elected voting delegates of the member State Farm Bureaus to the 53rd annual meeting of the American Farm Bureau Federation in December, 1971, adopted policies on wildlife pests and predator control as follows:

"WILDLIFE PESTS"

"Blackbirds, starlings, and similar pests are causing serious damage to crops and property in many areas. They are a hazard to aviation and a carrier of diseases to humans as well as livestock and crops.

"This problem is increasing over a wide geographic area. Intensive research efforts at state and federal levels and prompt use of all practical recommendations and methods to eradicate these pests are fully justified.

"We continue our strong support of this program, as supervised by authorized personnel, and recommend that adequate funds be made available to the Department of the Interior for this purpose. However, since a solution has not yet been

found, we strongly urge that Congress provide the needed money to construct a blackbird and starling research facility and increase further the amount of money allocated for both research and control work."

"PREDATOR CONTROL"

"Some measure of predatory animal control is necessary in order to achieve proper livestock, wildlife, and land management. It is also necessary to control predators that are carriers of infectious diseases such as rabies.

"We therefore pledge our support and cooperation with livestock producers, sportsmen, and other interested persons to seek new means of predator control. We urge the continuation of all present predator control practices and urge Congress to take immediate steps to provide adequate funds for effective predator control and research. We also endorse research through the American Farm Bureau Federation Research Foundation in developing new predator control devices and documenting the losses of livestock and game animals and the resultant economic losses.

The American Farm Bureau Federation Board of Directors, in session on March 7-9, 1972, decided that:

"The American Farm Bureau Federation and member State Farm Bureaus take immediate and all appropriate steps toward the implementation of the 1971 APBF delegate body action on this vital issue, with emphasis on:

(a) Some measure of predator control is necessary for livestock and wildlife production, land management and infectious disease control.

(b) Urge continuation of all present programs with adequate funding by Congress until improved methods are developed.

(c) Research through the American Farm Bureau Research Foundation.

"We pledge full cooperation with all groups who seek to improve the existing predator control programs. We believe the approach in the Presidential executive order will create serious irreversible problems for both wildlife and livestock management unless corrective modifications are initiated."

It is most serious and unfortunate that your Executive Order of February 8, 1972, entitled "Environmental Safeguards on Activities for Animal Damage Control on Federal Lands," in Section 1, item (3), strikes very heavily against the longtime efforts of federal-state cooperative programs in the control of damage caused by animal and bird predators and other wildlife pests. That these pests are causing serious losses in certain crop and livestock operations—totaling millions of dollars—is a fact seemingly ignored by the Executive Order.

The effect of the Executive Order governing the use of chemical toxicants for predator control on federal lands has been recently broadened by the suspension-cancellation by the Environmental Protection Agency of pesticides registered for use in controlling predators as announced in a press release dated March 10. These executive and administrative decisions will force redirection of management in the range livestock industry, some field crops operations, and other land uses that are serious beyond accurate calculation at this time. To revert to predator control methods proven inadequate thirty years ago hardly seems the proper solution to problems in the context of the improved production methods of today's agriculture.

The Environmental Protection Agency's release of March 10 seems to say that it is the policy of that agency to differentiate between rural and urban areas in decisions relative to the cancellation and/or suspension of registration of chemicals for rodent control. We appreciate that many wildlife species and some rodents are not common to both rural and urban areas; however, protection of humans is important in rural as well as urban areas and denial of use of a material should be equally applicable.

While we appreciate that these decisions have been taken in what has been concluded to be in the best interest of the public at large, we believe them to be unwise. Adequate consideration has not been given to alternative transitional methods that would avoid economic losses to the livestock industry.

These actions place on the federal agencies and the executive department a heavy responsibility to effectuate a workable program of predator control that will preserve the economic capability of farmers and ranchers to produce quality food and fiber. Effective management of wildlife can also be threatened by excessive numbers of predators.

It is vitally important that rural areas be treated equitably in decisions relative to pest control and other environmental matters.

Sincerely,

WILLIAM J. KUHFUSS, *President.*

Mr. DeVANEY. Much has been said since the Executive order of the President under date of February 8, 1972, about a strong program of research on predator control that would be developed. In the interim, only trapping, denning, and shooting would continue to be authorized. The precipitous banning of chemical toxicants and the prompt action by EPA of suspension and cancellation of registration of materials has created a situation that will require an alternative program for a transitional period. Research leading to an effective program will require at least 5 years or more.

Indemnification is not a new concept. Decisions of Government made in the public interest should carry responsibility for sharing the cost of the burden placed on individuals in businesses seriously affected by the decision. This is a long-established principle. We believe the principle is valid when by Executive order or administrative regulation a long-established program is suspended or terminated in the public interest, financial losses should be shared by the public in whose interest the decision was considered to be of such immediate need.

Farm Bureau supports indemnification programs for the eradication of many animal and poultry diseases and pests. We supported indemnification for cranberry growers and recently placed our support behind the pending legislation that would provide a legal basis for the indemnification of losses suffered as a result of the precipitous decision relative to the use of cyclamates. We strongly support the indemnification provisions incorporated in H.R. 10729, the Federal Environmental Pesticide Control Act, as passed by the House of Representatives.

Until completion of research that will provide an effective alternative predator control program, we believe the dilemma confronting livestock and poultry producers justifies a program of indemnification for predator losses for at least 5 years.

We recommend favorable consideration of H.R. 14163 with amendments to limit it to a 5-year program beginning July 1, 1972.

We appreciate this opportunity to express these views relative to this legislation.

The CHAIRMAN. Thank you very much, Mr. DeVaney. We are very much obliged to you for that good statement on this matter.

Any questions?

Mr. MILLER. Mr. Chairman, I have one question if I may.

The CHAIRMAN. Certainly.

Mr. MILLER. "We recommend favorable consideration of H.R. 14163 with amendments to limit it to a 5-year program." Will you elaborate a little as to why you would limit it to 5 years?

Mr. DeVANEY. Well, one is maybe to keep our usual posture of fiscal responsibility. The other is we feel that if this type of program is carried out, this indemnification, that we could get research in 5 years that would eliminate the need for the indemnification program. Certainly, we would hope that would happen.

Mr. MILLER. Very good.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Miller.

Thank you, Mr. DeVaney.

Our next witness is Mr. Reuben H. Johnson, director of legislative services, National Farmers Union.

We will be delighted to hear from you, Mr. Johnson.

STATEMENT OF REUBEN L. JOHNSON, DIRECTOR OF LEGISLATIVE SERVICES, NATIONAL FARMERS UNION

Mr. JOHNSON. Mr. Chairman, members of the committee, we appreciate very much the opportunity to present the views of Farmers Union concerning H.R. 14163, the bill introduced by Chairman Poage to amend the Agricultural Act of 1970 to indemnify farmers and ranchers whose domestic animals are killed by predatory animals.

As noted in your press release of April 4, and in your opening remarks today, the ban on use of poisons for predator control will create a serious problem and result in financial loss to farmers and ranchers. Delegates to the recent convention of Farmers Union indicated the need for control of predators in the policy statement of Farmers Union. The statement is as follows:

Predator Control. The abolishment of 1080, which has been used extensively in predator control, is creating a severe financial hardship on lamb and wool producers in the West. Coyote population is up well over 300 percent in recent years. The coyotes are starting to run in packs; therefore, they create an additional threat to the cattle industry as well as sheep and wildlife.

1080 is only fatal to canines and has been administered by trappers and other Federal conservation employees. The judicious use of 1080 must be continued on Federal, State, and private lands if this country is to retain the wool and lamb industry at anywhere near the current level.

The legislation before the committee seems to be justified for the reasons pointed out by you, Mr. Chairman, in your press release. Therefore, we strongly endorse it and hope that the committee will act promptly to send it to the House floor.

Mr. Chairman, I looked diligently for economic data regarding the problem and discord; and Mrs. Jack Frazier, of Rogers, N. Mex., has sent me a study made by Dr. Jack L. Ruttle of New Mexico State University, concerning livestock losses in New Mexico for which predators are responsible. I would like to file a copy of the study with the committee. It provides an in-depth economic study of the problem of predators in that State.

I am convinced that it would be a typical study that, if made in other Western States, would show the extent of the loss. Dr. Ruttle's study shows that in 1970, for 1 year—his study was conducted in the spring and summer of 1971, and it indicates that over a year's time, the loss to predators in that State would be \$5.5 million.

The CHAIRMAN. I think that is very helpful, and we will include it in the record.

(The above-referred to document follows:)

LIVESTOCK LOSSES IN NEW MEXICO—DR. JACK L. RUTTLE,¹ NEW MEXICO STATE UNIVERSITY

What are the causes of livestock losses in New Mexico? What is the value of these losses? How can these losses be prevented? These are a few of the questions being studied currently at New Mexico State University. Hopefully, the answers to these questions will provide guidance for finding methods of reducing livestock losses and increasing the returns from livestock raising enterprises in New Mexico.

In an attempt to pinpoint the causes of livestock losses, a survey was conducted during the spring and summer of 1971 asking cattle and sheep ranchers to provide data on their losses. The survey was conducted by mailed questionnaires and sent to some 2,500 livestock producers in the state. Some 460 individual producers

¹ Associate Professor of Animal Science, Department of Animal, Range and Wildlife Sciences, Las Cruces, N. Mex.

responded with completed questionnaires. Some raised only cattle, some raised only sheep, while some raised both. Producers were asked to enumerate their losses during the previous 12 months from (a.) diseases, (b.) poisonous plants, (c.) predators, and (d.) other. Number of breeding cows and/or breeding ewes was asked if the producer did not object to providing this data. Of the 460 replies, only 41 declined to give breeding stock numbers; 4 of these raised only cattle, 12 only sheep and 25 both cattle and sheep.

NUMBERS REPORTING

Among the producers giving stock numbers, a total of 106,406 cows were owned. This accounted for about 15% of the 712,000 stock beef cows estimated to be in New Mexico in 1971. Stock sheep or ewes owned by producers giving this information numbered 200,248 or 26% of the 762,000 stock ewes in New Mexico. Among the 460 reporting ranches, 391 listed losses from one or all of the causes and 69 stated they had no losses during the year from any cause.

MOST LOSSES TO PREDATORS

Most common losses experienced were from predators, with 283 or 72% of the producers stating they lost livestock to predators. Only 76 ranches had losses restricted to disease or poisonous plants. Thirty-two ranches reported losses in the "other" category, and these were all weather related, either lightning or cold weather. This category included 158 cows and 4 ewes. Twelve reporting ranches stated they had discontinued livestock operations because of severe predator losses.

NUMBERS LOST TO PREDATORS

Predators accounted for the greatest loss in livestock numbers, with sheep suffering the highest mortality. Table I shows total losses from all causes and the number and percentage attributed to predators.

TABLE I.—LIVESTOCK LOSSES DUE TO PREDATORS

Class of stock	Total losses	Those by predators	Percent by predators
Cows.....	1,758	24	1
Calves.....	2,326	823	35
Ewes.....	6,058	2,742	45
Lambs.....	12,700	10,213	80
Total.....	22,842	13,802	60.4

Among the predators causing losses, the coyote was listed as responsible for the greatest number of kills, particularly for ewes and calves. Among the 24 cows lost to predators, 75 percent was attributed to dogs and 25 percent to either bears or mountain lion. Table II shows percentage of losses to six types of predators. A few additional predators were listed as preying on lambs and kid goats. These included skunks, ringtails, badgers, and raccoons.

TABLE II.—PERCENTAGE OF LOSSES BY PREDATOR TYPES

	Total losses	Coyote	Bear or lion	Eagle	Bobcat	Dog
Cows.....	24	0	25	0	0	75
Calves.....	823	76	11	3	1	9
Ewes.....	2,742	77	1	2	7	14
Lambs.....	10,213	55	1	20	17	6

DISEASE AND POISONOUS PLANT LOSSES

Losses due to diseases and to poisonous plants were also enumerated in the survey. No attempt was made to record the specific disease or specific poisonous plant involved. Among mature cows, disease was the major cause of death. Almost equal numbers of cows and calves were lost to diseases as was the situation for ewes and lambs, indicating little relationship between age, class, and diseases.

Highest death losses to poisonous plants was among mature ewes, with lambs second, mature cows third and calves last. Table III shows numbers lost to disease and poisonous plants.

TABLE III.—LIVESTOCK LOSSES TO DISEASE AND POISONOUS PLANTS

	Disease	Poisonous plants
Cows.....	1,360	374
Calves.....	1,333	170
Ewes.....	2,021	1,295
Lambs.....	2,081	406

ECONOMIC LOSSES BY PREDATION

Many factors enter into determining the economic loss due to predators. The value of the animal based on what it would sell for is the simplest measure, but perhaps the least accurate. One should also consider the value of the animal in the breeding herd as a producer of a replacement animal and its role in a breeding program. Severe losses (from any cause) reduce the number of animals available to select replacements from and hence slows progress in herd improvement. Costs of trappers, cost of the ranch owner and his employees to protect the livestock, loss revenue to the state in taxes that would have been paid on a live animal all must be considered.

Placing a value on an animal by simply determining what it would bring on the market is only part of its true economic worth. If one considers what happens to a cow, calf, ewe or lamb after it is sold for slaughter, the economic impact on the economy of the state is great. By the time an animal is sold, processed, transported and finally arrives on someones dinner table, many dollars have changed hands. These dollars then are used to buy other products such as automobiles, clothes, televisions, houses and all the many commodities available to the public. So, in reality, each dollar in a livestock transaction produces other dollars and this action is known as an "income multiplier". Income multipliers may range from 2.0 to 4.0 depending on the situation. Using an average of 3.0, the livestock dollar may actually triple in economic impact. Table IV lists some average values for livestock as reported by the N. Mex. Department of Agriculture, June 1970. Using these values and some average weights for the classes of livestock reported as lost to predators, the immediate value is over one-third million dollars.

TABLE IV.—VALUE OF LIVESTOCK LOST TO PREDATORS

	Price per cwt ¹	Average weight	Value per head	Number lost	Total value
Cows.....	\$27.60	900	\$248.40	24	\$5,961.60
Calves.....	31.30	425	133.02	823	109,475.46
Ewes.....	15.00	120	18.00	2,742	49,356.00
Lambs.....	27.70	70	19.39	10,213	198,030.07

¹ Average prices, New Mexico Crop Reporting Service, June 1970, \$362,823.13.

The \$362,823.13 would reflect only the immediate value of these animals if they had been sold at an average price and an average weight. The economic influence would actually be much greater. Assuming a representative sample of livestock producers was obtained and that their losses to predators and other causes are also representative of the rest of New Mexico's livestock producers, the loss would be four to five times larger. With 15 of the cattle sampled and 26% of the sheep sampled, total state losses could be as much as 6.6 times more for cattle and 3.8 times more for sheep. Wool value of the sheep would add another \$32,765 to the sheep losses assuming average fleece weights and average values and not including incentive payments.

Table V. is a tabulation of probable economic impact of predator losses employing the livestock multiplier factor and percentage of the state's livestock population sampled. No attempt is made to include other losses due to expense of trappers and other protection attempts.

Table V. *Economic losses to the State of New Mexico due to predators*

Type of Loss: Immediate:	
(a) Cows and calves (15 percent sample)-----	\$115, 437. 06
(b) 15 percent sample x 6.6 for State estimate-----	761, 884. 59
(c) Ewes, lambs, and wool (26 percent sample)-----	280, 151. 07
(d) 26 percent sample x 3.8 for State estimate-----	1, 064, 574. 06
() Total livestock value lost by producers (b and d)-----	1, 826, 458. 65
(f) Loss to economy of State of New Mexico-----	1, 826, 458. 65
(e. x 3.0 multiplier)	x 3. 0
Total-----	5, 479, 375. 95

PREDATORS NUMBER ONE PROBLEM

The figures in Table V. are based on only a sample of New Mexico's livestock operations and as such are subject to question. However, one thing seems certain, and that is that losses of livestock to predators, diseases and poisonous plants are much too high. Ranchers are in general agreement that predators are the number one problem they face today. Twelve ranchers answering this survey stated they had quit livestock because of predator losses. Others say they will have to quit if a solution is not found soon. Still others say that the majority of their time is devoted to protecting their herds rather than being applied to management for improving quality. What effect this has on ranch income is nearly impossible to even estimate. New Mexico is not alone in this situation. Recent publication of similar studies in Utah report economic losses of sheep-alone to predators is over \$3.5 million annually. Texas estimates \$4.1 million in direct losses from sheep and goats, and this without applying an income multiplier as in the Utah and New Mexico losses.

WHAT CAN BE DONE?

The rancher must have some means of protection from predators losses. As our population grows and more people must be fed and clothed, more meat and fiber must be produced. The challenge lies in finding a means of controlling predatory animals so that livestock can be raised to meet the needs of the human population. Opponents of control say the coyote, bear, lion, etc. were here first, so let them alone. The producer says he is entitled to a decent return for his labor and investment and is only defending his property. Both viewpoints can be argued at great length (and have been) without resolving anything. The real need is to find an acceptable solution for all concerned. The most obvious approach appears to be establishment of a proper balance between predatory animals and domestic livestock. Contrary to the beliefs of many city people, the livestock producer is well aware of the good that predators do in controlling rodents and other undesirable small animals, as scavengers of dead animals and the esthetic value they have as part of "the wide open spaces". The majority of the livestock producers do not advocate the complete elimination of any wild species, but would like to still have the 95% lamb or calf crop in November that was on the ground in April and May.

The study reported here was proposed and conducted by a special committee appointed by the Dean of Agriculture at New Mexico State University. The purpose of the committee is to (1.) determine the seriousness of the problem, (2.) investigate various methods of protection, and (3.) initiate research to determine which methods will maintain a proper balance of nature to conserve our natural resources (wild and domestic) in a manner acceptable to all concerned. To do this job, the committee includes the author as chairman (trained in physiology), Dr. V. W. Howard (wildlife scientist specializing in mammals), James Sachse (Extension sheep specialist), and Dr. Bob Steger (Extension range specialist). Finding a solution to this problem will not be easy, it will require research funds and most of all, cooperation between all concerned parties.

The CHAIRMAN. Thank you very much, Mr. Johnson.

Are there any questions of Mr. Johnson?

(No response.)

The CHAIRMAN. If not, our next witness is Mr. Ed Marsh, the executive secretary of the National Wool Growers Association of Salt Lake City.

Mr. Marsh, we are glad to have you appear before us.

**STATEMENT OF EDWIN E. MARSH, EXECUTIVE SECRETARY,
NATIONAL WOOL GROWERS ASSOCIATION**

Mr. MARSH. Thank you, Mr. Chairman, I will cut my oral presentation down a little bit, but I would appreciate the full statement being in the record, if it may be.

The CHAIRMAN. Without objection, it will be.

Mr. MARSH. I am appearing before you today on behalf of the National Wool Growers Association. Our organization is composed of 22 State and area sheep producer organizations, with membership in 26 States, extending from New York to California, an area where over 90 percent of the Nation's lambs and wool are grown.

I commend you, Mr. Chairman and those of your colleagues who are cosponsoring bills to aid the livestock industry, and particularly the sheep industry, in a serious problem we face as a result of hasty, ill-advised actions of the executive branch, the EPA, and the Department of the Interior, in bowing to emotional outcries and unsubstantiated claims made by misinformed people. The actions have taken from the livestock industry a vital tool in the control of death and destruction caused by predatory animals, before any alternative has been developed.

In discussing possible ways to cope with our serious problems, there is, as of this date, no unanimity of thinking in our organization with regard to the endorsement of an indemnification program as a solution to the problem. While some of our members do endorse this idea and feel it is a sound approach others who don't approve the idea, when asked why, made statements along the following lines:

1. "Why should we raise lambs to feed coyotes and receive reimbursement from the Government for doing so?"
2. "How would you administer a program of this type? You would have to have registered veterinarians following a flock of sheep around to confirm that each loss was caused by a predator. Administering such a program would be difficult."

On the other hand those of our people who do support an indemnification program take the approach that "If the Federal Government is prohibiting me from having the type of control I need to protect my property, then the Government should be responsible for providing indemnification for loss of my property."

In May 1971 an analysis of statistical data on sheep losses caused by predation in four Western States during 1966-69 was published. This analysis was prepared by Robert N. Reynolds, assistant State supervisor, Casper, Wyo., and Orvis C. Gustad, staff specialist, Division of Wildlife Services, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. This analysis considers only the direct losses suffered by the sheep industry. It does not cover losses to goats, cattle, or poultry, nor does it evaluate the impact of predator losses on the local tax base, the associated industries, or the community, State or national economy in general. The four States covered in this survey were Texas, Wyoming, Montana, and Colorado and the 1970 sheep inventory of these four States represented 52.2 percent of the total sheep population in 16 principal sheep-growing States to which the survey is applied.

Of the total sheep inventory, predator losses varied from 3.6 percent in Texas to 7.9 percent in Wyoming, for a calculated average predator loss of 5.3 percent for the combined surveys. However, the study states that because of the monetary differential involved in computing combined values for sheep and lambs, the total inventory value loss is 4.2 percent. The analysis goes on to state that this 4.2 percent value loss figure is the most reasonable to use in extrapolating the annual monetary loss to predators in the 16-State area.

According to the 1970 sheep inventory, there were 15,595,000 sheep in the 16 Western States, with an assessed valuation of \$403,710,000. Given this known data, it is possible to extrapolate the value of a loss from whatever cause—weather, disease or predation.

It is stated in the survey that by using January 1, 1970, inventory figures, applying the 4.2 percent value loss figure for four States, 1966-69, it can be extrapolated that the loss of sheep to predators in the 16 principal sheep-growing States is \$16,955,820 annually. That would be the average loss per year. These 16 States contain approximately three-fourths of the Nation's sheep inventory.

Now if the present loss in 16 States is \$16.9 million per year, the question is how will that loss increase through the removal of toxic chemicals as a control method? In the draft of the environmental statement covering the bill which the administration has sent to the Hill, H.R. 13152, the proposed Animal Damage Control Act of 1972, the Bureau of Sport Fisheries and Wildlife makes this interesting and revealing statement on pages 41 and 42:

The proposed Federal Animal Damage Control Act of 1972 will have positive effects on wildlife populations, particularly predatory animal species.

1. Federal Lands.

It has been estimated that poisons account for about 80 percent of all predatory animals that are killed annually by the Department's current program The remainder (20 percent) are killed by such methods as shooting, trapping and denning. Since poisons will be prohibited from field use for killing predatory animals on Federal lands, 80 percent of the predatory animals now being killed annually may live to play active roles in rangeland ecosystems and other habitats which they occupy, unless other control efforts are intensified.

Mr. Chairman, I'm no economist, but if 80 percent of the predatory animals were controlled by toxic chemicals and will now be free to kill lambs, I can see that \$16.9-million loss figure will show a substantial increase, and the same applies to losses of other livestock and poultry.

Now as to the provisions in the bills under consideration, I would suggest in H.R. 14163 that the wording in section (1) which commences on line 9 of page 1, be changed by deleting the wording "while situated on his farm or ranch." In other words, as the bill is now written, it would only provide compensation if animals are killed by predators while they are located on the owner's property. This would eliminate compensation for many losses in the Federal lands States and on State and private leased lands. For example, 87 percent of the State of Nevada consists of Federal lands and the bill should provide for losses from predators while livestock is on Federal lands, national forest lands, State lands, or private leased lands.

I also feel some clarification is needed in section (b) commencing on line 9, page 2 of the bill. With regard to indemnification of the fair market value of animals killed. Does this mean the fair market value of the lambs when they reach maturity and are in marketable condition? For example, if a lamb is killed by a coyote at 2 months of age,

the farmer or rancher may not be able to replace that lamb in his flock and his fixed operating costs go on whether or not the lamb is there to grow to maturity. In other words, if he loses a lamb at 2 months of age, he loses approximately \$25 to \$30 which that lamb would bring him at maturity.

I also feel that an indemnification program should be as a supplement to the most effective predator management program that is possible under the law. In other words, it would not make any sense just to raise lambs to feed coyotes and consequently to increase the coyote population, which is already too large.

Mr. Chairman, in closing I would like to make it clear that the National Wool Growers Association opposes strongly the actions of the administration in (1) not living up to its promises that the livestock industry would have a full opportunity for review and hearing on the Cain Committee report; (2) the ill-advised action of the Executive branch in banning poisons on Federal lands without giving the Congress the opportunity to make this determination; (3) the action of E.P.A. and its "gestapo" tactics in banning registration of toxic chemicals for predator control and in subpoenaing records of chemical firms; and (4) the final blow in the pending proposals of the Bureau of Land Management and the Forest Service to cancel grazing permits if any of these orders are violated in any manner whatsoever.

We will continue our opposition to these actions and will continue to work for reasonable modifications of these orders.

As I pointed out earlier in this statement, there is as of this date no unanimity of thinking among sheepmen on the merits of the indemnification approach to our predator problem. However, in view of the treatment received by the livestock industry from the administration in bowing to emotion and unsubstantiated claims, we again commend you, Mr. Chairman, and your colleagues, for your effort to indemnify livestock producers and poultry producers for losses they will suffer as a result of not being able to adequately protect their property. Thank you.

The CHAIRMAN. We thank you very much, Mr. Marsh, and appreciate your well-thought-out statement.

Now, the Chair had understood that there was going to be a representative of the Audubon Society, but I understand that they decided not to testify. As far as I know, everybody has been notified and given an opportunity to testify, have they not?

Mrs. GALLAGHER. Yes, sir.

The CHAIRMAN. We have no further requests to testify.

Is there anybody here who wants to be heard on this bill?

(No response.)

The CHAIRMAN. I do not want to cut off the opportunity to speak on it. I know there are differences of opinion, but there has been nobody who has come out in opposition to the bill. Normally, we would close the hearings and go into executive session. I think that we will announce that we will consider this bill. If there is anyone who wants to be heard on it, if they will notify the clerk before the 6th of May, we will on the 10th of May complete any hearings that may seem justified at that time and then take it up for consideration in executive session. And the public will be so notified.

(The following petition, signed by 1,094 ranchers, farmers, and other interested persons from central Texas, was received by the committee. The original petition may be found in the files of the committee.)

Know all men by these presents:

Whereas Federal law has been passed making it impossible for farmers and ranchers to purchase poison for use in control of predatory animals;

And whereas sheep and goat raisers have suffered consistently from killing of sheep and goats by coyotes during the period when protective poison could be obtained;

Now therefore, those persons whose names appear below respectfully petition the Congress of the United States to accept the responsibility for its actions and pass enabling legislation to provide that when a farmer or rancher has suffered loss of domestic animals from plundering and pillaging of coyotes or other predatory animals, he shall be reimbursed from Federal funds promptly upon submission of proofs of such loss;

Or in the alternative make protective poison again available for purchase.

When this petition is complete, please return to Tom Joseph, c/o First National Bank, Box 793, Hamilton, Texas 76531.

(The following statements, letter, and article were also submitted to the committee:)

STATEMENT OF HON. HAROLD T. (BIZZ) JOHNSON, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, I want to express my strong support for H.R. 14163, to indemnify farmers and ranchers whose domestic animals are killed by predatory animals.

As you well know, President Nixon's Executive Order 11643 and subsequent action by the Environmental Protection Agency has prohibited the use of the most effective means ranchers and farmers have of protecting their domestic animals from predatory animals.

The Bureau of Sport Fisheries and Wildlife estimates that 80% of the predatory animals killed through the present program on Federal lands are killed by the use of poisons. Obviously, banning the use of these lethal agents will have a tremendous effect on the control of predatory animals. If predatory animals are controlled at a level only 20% as high as in the past, ranchers and farmers are sure to suffer greater losses.

The most effective tool available to protect livestock from predatory animals has been taken away and there is nothing to replace it. Since this ban on the use of chemicals for predatory animal control has been imposed by the Federal government, it is only right that livestock producers who suffer losses as a result of being unable to protect their property be compensated for their losses. As you have pointed out, Mr. Chairman, the best a livestock producer could come out is to get his investment back with no profit, and I agree that it is the minimum payment we can make in good faith.

In my own district in California, we have a tremendous problem with coyotes threatening our cattle and sheep. It is too much to ask people to stand by and take losses without giving them any effective means of protecting their property in the first place.

I support H.R. 14158 as well, but I believe H.R. 14163 is better suited to the problem. The only change I would like to see in H.R. 14163 is provide indemnity for animals pastured on public ranges as well as on private farms and ranches.

I commend you and the co-sponsors of this legislation, which is as just as it is necessary.

Thank you.

STATEMENT OF CHARLES H. CALLISON, EXECUTIVE VICE PRESIDENT, NATIONAL
AUDUBON SOCIETY

The fifth recommendation of the Advisory Committee on Predator Control, which was appointed last year by the Council on Environmental Quality and the Secretary of the Interior, is "that Congress provide some means of alleviating the economic burden of livestock producers who experience heavy losses by predators."

The National Audubon Society endorses the report of the Advisory Committee including this recommendation. In explanation, the Committee made two important points. One is that an insurance program would be preferable to direct payment in that it encourages the self-reliance of the sheep industry. The second is that losses from all causes should be covered because of the impracticability in most cases of determining the actual cause of death.

For the information of this Committee and for the record, we submit here the full discussion by the Advisory Committee of its Recommendation No. 5:

"5. We recommend that Congress provide some means of alleviating the economic burden of livestock producers who experience heavy losses by predators.

"History shows that the livestock industry has been steadily declining for many years on rangelands despite various public subsidies, including protective tariffs, import quotas, price supports, and public predator control. Although the decline may be attributed to predation—"The coyotes are putting us out of business."—it seems to be due largely to the general competition that natural fibers receive from synthetic ones and that range livestock receive from livestock reared fully in the feed lots.

"Be that as it may, the present committee does not desire nor intend to put the livestock industry out of business. It is interested in bringing predator control under proper regulation, and in developing a public program that recognizes the several interests in wildlife generally and in predators particularly, as well as the interests of stockmen.

"Because there are times and places when predators cause severe losses of sheep and goats, especially young lambs and kids, and sometimes of calves, we believe that some means of protection is required. To this end, while we have recommended the abolition of poisons as presently used and the adoption of a trapper-trainer program of extension for the benefit of livestock producers, we believe also that Congress should consider the feasibility of some form of livestock insurance.

"We believe that an insurance program, if experimented with, would be preferable to direct payment in that it encourages the self-reliance of the industry. The problem is such, however, that it would probably have to be based upon the following considerations, in addition to the problem of cost: (1) that a large number of livestock (sheep, for example) within any state probably would have to be covered; (2) that losses from all causes would have to be covered because of the impracticability in most cases of determining and validating the actual cause of death; (3) that the industry should accept some loss as a part of doing business and that as a consequence only excessive losses would be covered; and (4) that it would be a participating program with livestock growers."

The National Audubon Society, in a statement to the House Subcommittee on Fisheries and Wildlife Conservation, has supported H.R. 13152, the proposed Federal Animal Damage Control Act, although we recommended amendments to extend to five years the period of federal cost sharing with the states and to assure implementation of a cooperative trapper-trainer extension program, also as recommended by the Advisory Committee.

The National Audubon Society believes that the program proposed in H.R. 13152, or any similar program aimed at the reduction or control of wild animals, must be administered by the Department of the Interior at the federal level and, at the state level, by the official state wildlife agencies. We would strongly oppose any attempt to shift this responsibility to any other agency.

We thank you for the opportunity to present our views.

11108 F. M. ROAD 812,
Austin, Tex., April 24, 1972.

Representative W. R. POAGE,
Chairman, House Agriculture Committee, House Building, Washington, D.C.

DEAR REPRESENTATIVE POAGE: I am writing you concerning your bill to compensate farmers and ranchers for the loss of livestock and produce killed by predators. I am urging you to do all you can to get the bill passed. I am an avid conservationist and I was very glad the Federal action to prohibit the use of chemicals on predators was successful. I know, however, that this legislation embittered many farmers and ranchers and further reduced the chances of making them see the need for environmental preservation action. I am for your bill therefore because I feel it will help ease the tension between environmentalists and farmers. By compensating the farmers for their losses they will be much less willing to use the chemicals illegally and thus the animals will truly have some

protection. Your bill, I feel, is important legislation in healing the wounds necessarily caused by environmental action to farmers.

Would you please have this letter recorded in the records of the hearing on your bill on April 25 as a request to have the legislation enacted.

Sincerely yours,

STANLEY SCHNEIDER.

[From the Mart Herald, Mart, Texas, April 20, 1972]

PREDATORY ANIMAL CONTROL REPORT

Limestone County Predatory Animal Hunter Andy Williams continues to trap coyotes in the same general areas—South of Groesbeck to Old Union and west toward Thornton as well as one place just northwest of Kosse. The second major area of work is northwest of Groesbeck from Horn Hill almost to Highway 84 west of Lake Mexia along Honest Ridge and Thelma back into Groesbeck on FM 1245.

He is complaining of continued dry weather hampering his ability to set and disguise trap locations. This is especially true north of Groesbeck in the higher land.

So far this month he has removed eight of these pests from his traps. Most of these have come from south of Groesbeck where he started trapping first even though trapping pressure has been maintained there since the beginning of this program over a year ago. Yet, Mr. Williams reports there is evidence a rather large population is still in that area.

Near Horn Hill this week a *rancher helped him locate two dens that coyotes recently cleaned out in preparation to their moving in for pup production*. He is keeping these places under surveillance while he continues to trap in that general locality. If the adult coyotes using these dens are not caught before "whelping," he will be doing some "den hunting" when the little coyotes arrive. He is careful not to set traps too close to these sites and arouse suspicion that would cause these wily creatures to move away before the "blessed-event."

At this time he has 41 steel traps and 10 snares operating in about 30 pastures of 11 different ranchers. The territory covered is considerable since these pastures may be separated by several miles even though operated by the same rancher.—M.H. Brown, Limestone County Agent.

The committee then proceeded to consider Senate Concurrent Resolution 75, a resolution urging American families to plant a vegetable garden. The resolution had been passed by the Senate and was referred to this committee on April 20, 1972. The text of the resolution follows:

[S. CON. RES. 75, 92d Congress second Sess.]

CONCURRENT RESOLUTION

Whereas inflation, nutrition, physical fitness, and recreation are national concerns; Whereas a family can save on food costs, fight inflation, improve nutrition, get healthful exercise, and have fun together by planting a vegetable garden; Whereas many citizens of the Nation have already realized the many advantages of planting a vegetable garden; Whereas the pleasure, profit, and fulfillment of growing your own vegetables has been recognized by publications with worldwide circulation; Whereas patriotic citizens planted victory gardens during World War II at the urging of the President of the United States for the purpose of conserving national resources and combating inflation; Whereas our Nation is currently engaged in battle against the ravages of inflation and malnutrition, and vegetable gardens are a potent weapon against both; Whereas the American way of fighting a problem is not boycotts and is not mere passing of laws, but is self-help and unity in pulling and working together; and Whereas the planting of vegetable gardens will provide more food for the family's budget and will increase the vegetable supply and bring food prices down for apartment dwellers without space for gardens: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That each American family is urged, where practicable, to plant a vegetable garden for the purpose of fighting inflation, saving money, getting exercise, and having the fun and pleasure of family vegetable growing.

Passed the Senate April 19, 1972.

The CHAIRMAN. Now, the Chair has just had brought before us during the consideration today a resolution that came over from the other body, a concurrent resolution that praises and endorses gardening and hopes that everybody will engage in that. Each American family is urged, where practicable, to plant a vegetable garden for the purpose of fighting inflation, saving money, getting exercise, and having the fun and pleasure of family vegetable growing.

I do not know whether anybody cares to act on this or not?

Mr. PURCELL. Would it please the chairman to pass a motion?

The CHAIRMAN. It is not the chairman's position at all. It passed the Senate unanimously and we have some Members in the House who feel it is of outstanding importance to invite the public to engage in gardening. I do not know if anybody objects to it.

Mr. WAMPLER. I do not find it obnoxious at all.

Mr. PURCELL. I do find it obnoxious, because I feel those who are energetic and want to ought to be allowed to. I make the motion.

Mr. WAMPLER. I second it.

The CHAIRMAN. Without objection, the resolution is approved.

I thank you. Unless there is other business to come before the subcommittee, the committee is adjourned until May 10th when it may take whatever action it cares to.

(Whereupon at 11:55 a.m., the committee adjourned to reconvene on May 10, 1972.)

