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INSTANCES OF CONFLICT AND COOPERATION: AN EXPLORATION INTO  
THE ROLE OF COMPETITION BETWEEN USDA-WILDLIFE SERVICES AND  
WILDLIFE CONTROL OPERATORS

by

Gary J. Bezzant, Jr

A thesis submitted in partial fulfillment  
of the requirements for the degree

of

MASTER OF SCIENCE

In

Human Dimensions of Ecosystem Science and Management

Approved:

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UTAH STATE UNIVERSITY  
Logan, Utah

2012

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## ABSTRACT

Instances of Conflict and Cooperation: An Exploration into  
the Role of Competition Between USDA-Wildlife Services and  
Wildlife Control Operators

by

Gary J. Bezzant, Jr., Master of Science

Utah State University, 2012

Major Professor: Dr. Robert H. Schmidt  
Department: Environment and Society

In early 1994 the United States Department of Agriculture's Animal Damage Control (USDA/ADC) agency implemented Directive 4.220, "Avoidance of Competition with Private Business," in response to concerns from Wildlife Control Operators (WCOs) regarding having to compete with a government agency for work they felt they could do. Now almost two decades later, a few things have changed, including USDA/ADC being renamed USDA Wildlife Services (Wildlife Services) and Directive 4.220, "Avoidance of Competition with Private Business," was replaced with Directive 3.101, "Interfacing with Business and Establishing Cooperative Programs." Informal conversations with WCOs at various conferences and venues have revealed that some are still disgruntled about competition with Wildlife Services, and some enjoy a cooperative relationship with them. This led me to ask, what factors contribute to conflict and what factors contribute to cooperation?

To gain a better understanding of possible answers to these questions I conducted three phases of research. First, I looked at existing policies regulating the competitive relationship between government and private enterprise. Second, I conducted 31 phone interviews with representatives from both Wildlife Services and the WCO community. Finally, I collected examples of instances of conflict and cooperation from both Wildlife Services and WCOs in an effort to better illustrate the dynamics of the factors leading to conflict or cooperation.

Four policies were identified that regulate the competitive relationship between Wildlife Services and WCOs. The Animal Damage Control Act of 1931, as amended, is the legislation that authorizes Wildlife Services to conduct work related to human-wildlife conflicts. The Office of Management and Budget (OMB) Circular A-76, as amended, provides guidance to government agencies in determining work that is inherently governmental and work that may be contracted out. Wildlife Services Directive 4.220, as amended, was the original directive guiding the competitive relationship between Wildlife Services and WCOs and was ultimately replaced by Wildlife Services Directive 3.101 which clarified the guidance of the original directive.

Phone interviews revealed that the top four factors contributing to conflict were an overlap in similar services, agency advantages, money and pricing, and policy. The top four factors contributing to cooperation were cooperative work, communication, clarified roles, and training and education. Working to decrease the conflict factors and emphasize the cooperative factors will lead to a better relationship between Wildlife Services and WCOs.

## PUBLIC ABSTRACT

Instances of Conflict and Cooperation: An Exploration into the Role of Competition  
Between USDA-Wildlife Services and Wildlife Control Operators

Gary J. Bezzant, Jr.

In early 1994 the United States Department of Agriculture's Animal Damage Control agency implemented a directive providing guidance to help avoid competition between themselves and private businesses, known as Wildlife Control Operators (WCOs) engaging in similar work. Nearly two decades later some WCOs still complain about having to compete with the Animal Damage Control agency, now named Wildlife Services. Other businesses report enjoying a cooperative relationship with the agency.

I analyzed four policies that regulate competition between Wildlife Services and WCOs and found that there is a good amount of guidance given to Wildlife Services in regards to their competitive relationship with WCOs. These guidelines do not carry the force of law, however, and are subject to change and deletion.

I conducted interviews with representatives from the WCO community and Wildlife Services and found that the top four factors contributing to conflict are an overlap in similar services, agency advantages, money and pricing, and policy. The top four factors contributing to cooperation were cooperative work, communication, clarified roles, and training and education. Working to decrease the conflict factors and emphasize the cooperative factors will lead to a better relationship between Wildlife Services and WCOs.

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Great appreciation also goes out to Dr. Terry Sharik for taking a chance on a student with a non-traditional background and allowing me into the program. Drs. Nicole McCoy, Konrad Lee, and Claudia Radel provided great insights early in the project. Drs. Nicki Frey and Zhao Ma were wonderful to fill in at the conclusion of the project after I had let it hang for too long.

Dr. Robert Schmidt has been a great advisor. His understanding of this industry and agency provided great insight and direction to the project and, despite my leaving to take a job and prolonging this project he never gave up on me and was there to help me finish it out.

After I left campus to start a career while still trying to finish my thesis, I lost access to the great library at USU. Incredibly, the Iron County Bookmobile came through and kept me in touch with the resources I needed. Their ability to bring references in through the inter-library loan system was invaluable.

Finally and most importantly, I need to thank my family, and especially my wife. Lindsay was clearly my best editor, cheerleader, critic, and mentor. Who knew she could do all that and go from two kids to having our sixth on the way over the course of my graduate student career.

Gary J. Bezzant, Jr.

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## CHAPTER 1

### AN EMERGING INDUSTRY AND THE STIRRING OF COMPETITION

In early 1994, a business owner dealing with nuisance wildlife, a wildlife control operator (WCO), lost a bid to conduct bird control work for a municipality. The bid allegedly was lost to the United States Department of Agriculture's Animal Damage Control (USDA/ADC), a federal agency which also performed nuisance wildlife control work on occasion. The business owner was upset, as he considered having to compete with a federal agency for municipal contracts to be unfair.

Acting on his concern, the WCO contacted the USDA/ADC Regional Director, who informed him that USDA/ADC had been directed to seek supplementary funding to help offset recent budget cuts. Not satisfied with that answer, the WCO then contacted the government affairs manager of the National Pest Management Association (NPMA). In addition, he wrote to his congressman, detailing his concern that having to compete with a government agency was unfair. After some correspondence between USDA/ADC and the congressman, USDA/ADC sought meetings with the WCO, NPMA representatives, and the staff of the congressman. The ultimate result was the drafting of USDA/ADC Directive 4.220, "Avoidance of Competition with Private Business." A representative from the NPMA was also appointed to serve on the USDA/ADC Advisory Committee, giving the NPMA opportunity to provide input on USDA/ADC policy (G. Chafe, personal communication, March 15, 2006).

Now, almost two decades later, a few things have changed, including USDA/ADC being renamed USDA Wildlife Services in 1997 (Hawthorne 2004), and Directive 4.220, "Avoidance of Competition with Private Business," was replaced with

Directive 3.101, “Interfacing with Business and Establishing Cooperative Programs.”

However, WCOs continue to complain about having to compete with USDA Wildlife Services for work (Knudson 2012, LaFountain 2012). Why do these complaints continue to exist, despite the implementation of the above mentioned policies, and the inclusion of a NPMA representative on USDA’s National Wildlife Services Advisory Committee?

### **Government and Private Enterprise**

Since 1955, the Federal Government has had some form of policy directing that it should not compete with the private sector (U.S. Bureau of the Budget 1955). In 1966, the Office of Management and Budget published Circular A-76 (Circular) which has largely defined the competitive relationship between the Federal Government and private business since then. The Circular has undergone numerous amendments since then, with the most recent and extensive taking place in 2003 (Luckey 2008). Luckey reported that the Circular sets forth the guidance to help determine whether any particular action should be undertaken in-house (by government) or contracted out to private industry.

Two divergent opinions in regards to government competition with private industry have emerged. First, groups like the Business Coalition for Fair Competition have developed missions that, “advocate for public policies that promote the utilization of and reliance upon the private sector by government at all levels” (Business Coalition for Fair Competition 2012). They seek to advance the idea that private industry can more effectively and efficiently provide many services than government can.

Conversely, Vlk (2011) noted that during the George W. Bush era private contracting of government work was pushed to the limit. He also noted that the current

administration (Barack H. Obama) has been on a crusade to reform contracting. Sikula et al. (2010) reported a resurgence of in-sourcing within the government sector.

At the root of the division in opinions is the definition of the term “inherently governmental.” OMB Circular A-76 uses this term to help define which government actions may be performed by the private sector. However, one interpretation seeks to restrict activities defined as “inherently governmental” and expand private contracting of government services, while another interpretation wants to expand the definition and develop additional actions that are deemed to be “inherently governmental” (Luckey 2008).

Anderson (2008) also noted this dichotomy of thought and demonstrated that there has been a slight trend of movement over the life of the Circular from a Constitutionalist Governing Approach (CGA) to an Entrepreneurial Governing Approach (EGA). The CGA dominated from the origin of the country through the late 1970s and was highlighted by hierarchical management and a strict distinction between the public and private sector. This approach eroded through the 1980s as the privatization movement emerged, and ultimately resulted in the establishment of the EGA in the early 1990s. This approach is results driven and promotes the blurring of private and public sectors.

Government and business have a complex relationship. Wilson (2003) reviewed the various ways businesses interact with government. Some within the business community may become frustrated with government for not protecting their rights and safety as well as they should, or claim overregulation is affecting their ability to achieve a profit. Others are concerned about whether the government is doing enough (or too much)

about monopolies. Some businesses may view the government in a positive light, as a purchaser of their products, such as roads and buildings. Other businesses view government as the over-regulators, and would rather be left alone.

Watkins et al. (2001) noted two conflicting principles affecting businesses in America. First is the individual liberty, which fosters an environment of entrepreneurship. When speaking of business, this individual liberty is often referred to as free enterprise. The second principle they noted is that of self-government, which allows for the nation to collectively develop regulations for the benefit of all. Thus, “the same system that protects the entrepreneur’s right to create and profit also grants to the public at large the power to set limits on the ‘free’ aspect of free enterprise” (Watkins et al. 2001: ix). Government regulations on business practices abound. One role of government was defined by Lehne (2006: 29) as “mitigating the undesirable consequences of market activity without losing the benefits of a competitive economy.” Historically, America is proud to be a participant in the free market but, in reality, the ability for a contract to be binding in a free market depends on underlying legal frameworks making contracts valid (Wilson 2003).

Another way free enterprise can be limited, in addition to government regulations, is when a private business has to compete with a government agency performing a similar service. The United States Postal Service faces stiff competition from the private sector, which forces them to operate with the same efficiency and innovation as the private businesses competing with them (Runyan et al. 1995, Brandenburger and Nalebuff 1996). In addition, with an increasing number of people filing their taxes electronically, software companies that provide tax preparation programs are concerned that the Internal Revenue

Service's (IRS) electronic filing process may decrease the demand for tax preparation software (Dalrymple 2006, Matthews 2006).

Business owners may be concerned that a government agency has an unfair advantage over them in the marketplace. Geddes (2004) suggested that, as a government, profit is not always the bottom line; in fact, sometimes it is restricted, and the number of consumer needs met may be their goal. He also noted that government businesses are often subsidized, and may be able to offer lower prices due to their lack of interest or restriction in profit maximizing.

Much has been written on the interaction of private businesses with each other and government regulation of private businesses. For example, Medlin (2004) noted that business interactions with one another are essential to developing relationships in business marketplaces, and Den Butter et al. (2009) calculated the costs associated with government regulation of business.

However, there is little academic research regarding direct competition between government agencies and private businesses (Geddes 2004). While Wilson's (2003) list of roles the government plays in a business-government relationship includes regulator, protector, and customer, it did not include competitor. Brandenburger and Nalebuff (1996) briefly noted that the government sometimes competes with private businesses but did not further explore the notion. Some research has focused on the applicability of anti-trust laws to federal agencies. Whinston (2006: 1) stated that "antitrust law focuses on maintaining certain basic rules of competition." However, Stearns (2003) showed that the U.S. Supreme Court had upheld what is known as sovereign immunity, which in essence grants government agencies immunity from anti-trust laws.

The competitive situation between USDA Wildlife Services and WCOs is an example of an industry just now going through the process of establishing the roles and relationships between private industry and government. On one hand, there is a growing industry with private businesses that are increasing in number and in their ability to provide services related to human-wildlife conflicts. Some of these professionals feel that they have the expertise necessary to do work being done by USDA Wildlife Services and feel that they should not have to compete with an agency they fund with their own tax dollars. On the other hand, there is a federal agency that has traditionally provided professional solutions to human-wildlife conflicts, believing that under federal guidelines, it is the duty of government to fulfill this role, and therefore should be allowed to continue this work.

Looking at the competitive relationship between USDA Wildlife Services and WCOs can lessen the dearth of information about direct competition between government agencies and private businesses noted by Geddes (2004). The knowledge gained by considering this relationship can also help inform those that are working to define the relationship between the two parties, as well as other industries that may be facing similar challenges.

### **Human Wildlife Conflicts**

Conover (2002: 8) defined human-wildlife conflict as occurring when “an action by humans or wildlife has an adverse impact upon the other.” Examples of these conflicts could include coyotes (*Canis latrans*) killing domestic livestock, raccoons

(*Procyon lotor*) building a nest in the chimney of a home, and pigeons (*Columba livia*) defecating on buildings or parked automobiles.

Miller (2007) noted that humans and animals have conflicted throughout history. He recalled growing up in a rural setting in the 1940s and dealing with red fox (*Vulpes vulpes*) and opossum (*Didelphis virginiana*) predation in the hen house. In dealing with this situation, he recalled that there was little thought given to any regulations; you simply solved the problem.

Since World War II, people have moved from rural to urban or suburban areas (U.S. Census Bureau 2000). Manfredo and Zinn (1996) noted that as these cities and suburbs grow, people are necessarily moving into historically agricultural and open spaces, affecting animal habitats and human-wildlife interactions. Timm (2000: 14) reported in a survey of prospective employers of wildlife management graduates, half of the respondents agreed “that a course in wildlife damage management would be as important as a course in wildlife research techniques.” These recent trends in demographics as well as professional interest in wildlife damage management are indicative of an increase in human-wildlife conflicts, and San Julian (1987) reported that these urbanites are not prepared to deal with the realities associated with living near wildlife. Indeed, in a survey of 83 leaders in the wildlife damage management arena, one of the most noted trends was that of the “increasing frequency of urban wildlife damage management problems” (Curnow 2000: 19).

When humans and wildlife come into conflict with one another, there are several options for managing the conflict. Lindsey and Adams (2006) reported that individuals may seek to handle wildlife problems themselves, if professional help is not available.

Timm (2000) recognized that all one need do is look in the “yellow pages” for a professional who will handle the problem for a fee. Finally, San Julian (1987) noted the many calls USDA Animal Damage Control (now USDA Wildlife Services) receives regarding urban wildlife. In fact, a toll-free number (866-4USDAWS) is available for answering state-specific wildlife questions. In addition to USDA Wildlife Services, there are many other state and municipal wildlife or animal control agencies that may provide assistance with human-wildlife conflicts.

Discussions with private business operators dealing with human-wildlife conflicts, often referred to as wildlife control operators (WCOs), have revealed that there are concerns about the competitive relationship between private businesses and the government agencies that are providing similar services. Specifically, these business owners dislike competing with government agencies, which are funded in part with the business owners’ tax dollars, for the very work that puts the food on their table.

Berryman (1994) noted that there are a variety of government agencies which may have some responsibility for wildlife damage management. Accordingly, WCOs may interact with a variety of government agencies that may engage in nuisance wildlife control work. This thesis will focus on the relationship of WCOs and USDA Wildlife Services. USDA Wildlife Services has a presence in every state and could thus impact a large majority of WCOs. This examination, conducted at a national level, will help to identify more specific areas for future research.

## USDA – Wildlife Services

The roots of Wildlife Services date back to 1885, when the USDA's Branch of Economic Ornithology was funded to analyze data about migration, distribution, and bird damage to crops (Di Silvestro 1985, Miller 2007). The next year the Branch was reorganized as the Division of Economic Ornithology and Mammalogy. In an effort to prevent the destruction of useful species, the Division was given the responsibility to educate farmers about birds and mammals that may affect their operations (USDA 1994, Miller 2007).

In 1905, the Division of Economic Ornithology and Mammalogy was renamed the Bureau of Biological Survey, which would later become what is now known as the United States Fish and Wildlife Service (USFWS). Early work for this Division included studies dealing with sparrows (various species), jackrabbits (*Lepus* spp.), blackbirds (various species), ground squirrels (various species), and predator-livestock difficulties (Miller 2007). The first appropriations for predator control were given to the Bureau in 1915 to help the farmers keep their livestock safe from wolf (*Canis lupis*) and coyote (*Canis latrans*) depredations (Miller 2007). These appropriations amounted to \$125,000, which is equivalent to \$2,890,000 in 2011, according to a simple purchasing power inflation calculator based on the Consumer Price Index (Measuring Worth 2012). The Eradications Methods Laboratory was established in Albuquerque, New Mexico, in 1920. This lab is currently located in Fort Collins, Colorado, and is known as the National Wildlife Research Center (USDA 1994).

The Animal Damage Control Act of 1931 authorized the Federal Government to conduct wildlife damage control activities with both state and local entities (Miller 2007). The Bureau of Biological Survey was transferred from the Department of Agriculture to the Department of the Interior in 1939. During the 1940s and 1950s, the federal Animal Damage Control (ADC) program carried on with predator and animal control work with little opposition. However, heightened environmental awareness drew attention to ADC in the 1960s, particularly as a result of their use of poisons to control predators (USDA 1994). In 1964, the Leopold Report criticized ADC of being indiscriminate, nonselective, and excessive in their use of predator control (Leopold et al. 1964, Miller 2007). Many changes occurred as a result of the Leopold Report, but the Cain Report of 1972 called for additional changes, including the banning of toxicants used for predator control on public lands (Cain et al. 1972, Feldman 2007, Miller 2007).

In the early 1980s, agricultural interests became concerned that the USFWS was not adequately funding and administering ADC activities. Some USFWS administrators even admitted hoping that the federal animal damage control program would cease to exist (Miller 2007). The Office of Management and the Budget directed the USFWS to evaluate the possibility of transferring ADC's functions to private businesses in 1984. This investigation determined that there were not enough non-governmental activities performed by ADC to warrant the transfer (USDA 1994). In 1985, it was suggested the ADC programs be moved back into the Department of Agriculture, and, by April 1986, the transfer had been completed. ADC was officially renamed Wildlife Services in 1997 (Hawthorne 2004).

## Private Sector

There has been significant growth of an industry providing services related to human-wildlife conflict in recent times. Bluett (1993) and Curtis et al. (1995) noted these increases in Illinois and New York since the mid 1980s. Braband and Clark (1992), Barnes (1993), and Curtis et al. (1993) recognized nuisance wildlife control as an emerging wildlife management industry. Miller (2007) noted that the private sector of wildlife control businesses is experiencing rapid growth. Prior to the advent of this industry, government agencies typically handled these conflicts through technical support, educational materials, or actually capturing and removing the problem wildlife themselves (Curtis et al. 1995). Other nuisance wildlife solutions may have included calling in a local trapper, or homeowners attempting to remedy the problem themselves. Several factors have contributed to the growth of this industry, including increasing suburban development, increased numbers of certain urban wildlife populations, and decreased funding for government programs dealing with human-wildlife conflicts (Barnes 1995a). Manfredi and Zinn (1996) recognized that the growth of cities and suburbs were bringing people into areas that were previously used for agriculture or unoccupied by humans. Moving into these areas has brought people into closer proximity with wildlife, something that urbanites may not be fully prepared for (San Julian 1987).

The development of Critter Control™, a nuisance wildlife control company, can serve as an example of the growth of the industry. Kevin Clark, founder of Critter Control™, originally operated a chimney sweeping business. Besides taking jobs to

clean chimneys, he was often called upon to remove problem wildlife from chimneys. Finding this type of work less physically demanding and more profitable, Clark took the jump and incorporated Critter Control™ in 1986. From the beginning, growth has been phenomenal. Today, yellow trucks bearing the Critter Control™ logo can be seen across the nation, and the business generates annual revenues in excess of \$20 million (Moreland 2002). It has now been over 30 years since Clark received that first call to remove a raccoon (*Procyon lotor*) from a chimney while working as a chimney sweep, and there are over 130 offices across North America (Critter Control 2011). The success of this company denotes the need for, and the profitability of, these nuisance wildlife control services.

Barnes (1995a), Braband (1995), and Curtis et al. (1995) noted that those going to work in the growing industry of nuisance wildlife control came from a wide variety of backgrounds, including chimney sweeps, traditional pest control operators, wildlife biologists, and fur trappers. In another paper, Barnes (1995b) categorized nuisance wildlife control businesses as either pest control companies that specialized in nuisance wildlife control services, or as businesses that specialized in traditional pest control as well as nuisance wildlife work. By traditional pest control, Barnes indicated work involving invertebrate pests as well as domestic cats (*Felis domesticus*), house mice (*Mus musculus*), and rats (*Rattus* spp.). In essence, some traditional pest control companies began expanding to include nuisance wildlife control work, while another segment of those doing nuisance wildlife control work were completely new to the scene of pest control.

Braband (1995) noted that the early stages of growth among these businesses produced a few awkward moments. For example, fur trappers looking and smelling like they came straight from the trap line were arriving at well manicured, suburban homes. Another example can be found in the lack of personal skills that are often noted in individuals choosing to work in wildlife fields, while customer service is noted as having great importance in the business world.

As the nuisance wildlife control industry grew, professional organizations were developed to help provide training and information that would enable WCOs to improve their business. Membership in these organizations has also provided access to valuable liability insurance (Braband 1995). Early on, there was the National Urban Wildlife Management Association (NUWMA) and the National Animal Damage Control Association (NADCA). Today, many WCOs belong to the National Wildlife Control Operators Association (NWCOA) or the National Pest Management Association (NPMA), or both. In addition, many of these professionals are members of organizations related to trapping such as the National Trappers Association. These associations hold annual conventions and meetings, as well as sponsoring various workshops related to the industry. Trainings at these meetings have included topics such as suggestions on how to trap specific species, safety issues, how to bid jobs, and current regulations affecting the industry. These professional organizations have helped transform the less refined trapper of the early years into a professional that is ready to tackle any number of problems related to human-wildlife conflicts.

Complementary to the development of professional organizations, several magazines have developed that are dedicated solely to nuisance wildlife control work.

*Wildlife Control Technology* is a bi-monthly magazine focused solely on wildlife control work, providing professionals with information aimed at improving business, and keeping WCOs abreast of the newest information in the field. *Pest Control Technology* magazine is focused primarily on traditional invertebrate pest control, also known as insect control. They also have an annual issue focused on vertebrate pest control, and include a column about vertebrate pest control in each issue.

Despite any awkward beginnings, the nuisance wildlife control industry has continued to grow as evidenced by the number of businesses specializing in this type of work. NWCOA alone boasts a membership of just less than 1000. Critter Control<sup>TM</sup> has over 130 offices across North America. The NPMA has a membership of 5245 and has created a division specific to representing pest control operators that work with wildlife. The nuisance wildlife control industry has arrived, and only the future will tell where it goes from here.

## CHAPTER 2

### WHAT FACTORS CONTRIBUTE TO CONFLICT OR COOPERATION?

In a competitive relationship, instances of conflict between two parties almost immediately come to mind. On a recent trip to my local hardware store, the proprietor was constantly reminding me of all the things his store could do better than Home Depot™, although he never mentioned price. Although not as obvious, there are also opportunities for cooperation in a competitive relationship. CNBC recently reported that businesses in the floral industry are finding ways to help each other fill delivery orders, in the face of rising gas prices (Steir 2008). This thesis seeks to identify factors that contribute to conflict or cooperation between USDA-Wildlife Services (Wildlife Services) and Wildlife Control Operators (WCOs).

#### **Research Objectives**

The primary objective of this research is to identify areas of potential conflict and cooperation specifically related to competition between Wildlife Services and WCOs in a market for goods and services related to human-wildlife conflict. Goods and services related to human-wildlife conflict include, but are not limited to, trapping and removal of nuisance wildlife, and modifying property in a way that excludes or discourages wildlife use or presence. The following research questions have guided the research process:

Q<sub>1</sub> – What are potential areas of conflict related to competition, in a market for goods and services related to human-wildlife conflict, between Wildlife Services and WCOs?

Q<sub>2</sub> - What are potential areas of cooperation related to competition, in a market for goods and services related to human-wildlife conflict, between Wildlife Services and WCOs?

### **Methods**

The research methodology involved three phases. The first phase involved creating a summary of policies regulating competition between Wildlife Services and WCOs. In the second phase, interviews were conducted with key informants from both Wildlife Services and the private sector seeking to identify factors contributing to conflict or cooperation. The final phase involved identifying examples that illustrate the factors affecting both conflict and cooperation.

### **Policy Summary**

Traditional policy research primarily focuses on data gathering in an effort to inform policy decisions (Rubin and Rubin 2005). Thus, the data gathered is often used to identify the need for new or revised policies and help shape the policies that are developed or amended. Ritchie and Spencer (2002) noted that the output of policy research should result in answers to the problems being investigated. For this research project the goal was more to identify the current policies that exist and how they affect the relationship between Wildlife Services and WCOs, rather than evaluate the effectiveness of current policy and identify needs for change. Subsequent research could consider these same policies in an effort to identify needed change.

While the goal of this research is to identify and summarize current policy, rather than evaluate it, some of the principles used in traditional policy analysis can apply.

Ritchie and Spencer (2002) identified four categories of questions that provide insight into the policy arena being considered. These categories are contextual, diagnostic, evaluative, and strategic. They noted that not all research involves all 4 categories, but that enough categories should be addressed to meet information requirements.

The contextual category provides the background and setting of the policy arena. A large majority of the policy summary created in this research fits in this category. Specifically questions 1, 3, and 4 below consider the context of policies regulating competition between Wildlife Services and WCOs. The diagnostic category looks to understand why the current situation exists. Question 3 below, as well as other sections of this thesis, discusses the origin of some of the policies being considered (see Chapter 1 and 3). Evaluative considers the effectiveness of the existing policies. Questions 4 and 5 look at how the current policies work. Finally, the strategic category identifies the need for new action. Again, this research only summarizes the existing policies, but could be used as a starting point when considering the need for changed or new policies.

The following 5 questions were developed to provide a framework from which to understand the existing policies and their applicability to the relationship between Wildlife Services and WCOs:

- Q<sub>1</sub> – What is the policy (summary)?
- Q<sub>2</sub> – What does it mean (interpretation)?
- Q<sub>3</sub> – Where does it get its authority (oversight)?
- Q<sub>4</sub> – How is it enforced? Is it enforced?
- Q<sub>5</sub> – Has the policy been tested (legal history/precedent)?

## **Key Informant Interviews**

Foley and Valenzuela (2005: 223) provided a format for a “conversational or dialogic style of interviewing.” In this format, they interviewed key informants, selected because of their specialized knowledge about the research topic, and provided them with a chance to review and edit transcripts of the interview. This openness is intended to build trust and belief in the interviewers desire to be fair. Rubin and Rubin (2005) suggested that there are similarities between conversing in general and conducting responsive interviews. In this format, a free flow of ideas is permitted and questions can be developed spontaneously. Another view of interviews is provided by Berg (2007) who sees interviews as taking place on a continuum from standardized to unstandardized, with those in between being categorized as semistandardized. A standardized interview would follow a strict format in which the interviewer asks the same questions in the same order without clarification. The unstandardized interview allows the interviewer complete freedom in order and delivery of questions as well as allowing for follow up and clarification.

The goal of this phase of the research was to develop a greater understanding of the various perspectives regarding competition between Wildlife Services and WCOs. To achieve this goal, interviews were conducted with individuals recognized as having specialized knowledge related to the research objective (i.e., conflict and/or cooperation between Wildlife Services and WCOs). The interviews were conducted following Berg’s (2007) semistandardized format described above. All interviewees were asked the same questions in the same order, with the interviewer providing clarification as needed and probing to gain as much information as possible. Interviewees were also given the

chance to review transcripts of the interview, and provide clarifications as needed, as suggested by Foley and Valenzuela (2005). Interviews provided information on the various perspectives regarding competition between Wildlife Services and WCOs as well as insights into the history of the issue. In selecting individuals to be interviewed, it was necessary to ensure that the perspectives of both Wildlife Services and WCOs were represented. Fourteen phone interviews were conducted with representatives from Wildlife Services and 17 with WCO representatives for a total of 31 phone interviews (see Appendix G for interview responses).

Contact was made with Wildlife Services and 2 major national organizations that represent the interests of WCOs: the National Pest Management Association (NPMA) and the National Wildlife Control Operators Association (NWCOA). William Clay, then Deputy Administrator of Wildlife Services, responded that he would provide a list of regional and state directors that could be interviewed. That list included 2 regional directors (East and West Regions) and 12 state directors. Upon considering that list and the geographic distribution of the state directors, it was determined that a similar sample should be obtained from both the NPMA and NWCOA.

NWCOA's leadership structure consisted of a governing board of 4 members and 9 regional directors responsible for several states which provided a similar geographic distribution to the sample provided by Wildlife Services. As a result, the entire governing board as well as 8 regional directors were interviewed. In addition, 1 state director was interviewed in place of a regional director that was unavailable for interview, as nominated by NWCOA President, Tim Julien. Since that time NWCOA's governing board has been expanded to a total of 9, which includes 3 regional directors.

The NPMA's leadership structure did not lend itself as well to providing a similar sample for interviews. Scott Steckel, the director of the wildlife section of the organization, was given a description of the samples being provided by Wildlife Services and NWCOA and asked if he would put together a similar list of individuals to be interviewed. He provided a list of 4 individuals, including himself.

The type of sample used for this research was subject to certain limitations. First of all, the sample size was not large enough to lend itself to reliable statistical analysis. However, it was sufficient for the exploratory nature of the research and the subsequent qualitative analysis. There was also potential for bias as those interviewed were hand selected rather than randomly selected. The exploratory nature of this research as well as the need to secure participation justifies the methods. The data gathered are intentionally broad in nature and are meant to identify areas that could be looked at more specifically. An issue was whether I could, through this interview process, capture the major issues regarding cooperation and competition.

All interviews took place on the phone and consisted of 5 open-ended questions (see Appendix A for sample interview sheet). Responses were then aggregated and coded for both Wildlife Services and WCOs. Aggregation simply consisted of putting the responses all together in one summary and removing personal identifiers. Coding was done by looking for areas of similarity in responses and creating thematic categories for these areas. If a response fit into more than 1 category, it was placed under each category it fit into. Interviewees were not limited to any number of responses to any questions. Questions 2 and 3 dealt specifically with factors contributing to conflict or cooperation, and question 4 sought out specific examples of these factors.

After aggregating and placing responses to interview questions 2, 3, and 4 into categories of factors contributing to either conflict or cooperation between Wildlife Services and WCOs, the selection of the most significant factors was made (see Appendix G. As the sample size was not large enough to accurately isolate significance statistically, the number of responses and examples related to each factor were given a point and the top 4 relating to either conflict or cooperation were selected as most significant and a more detailed description of each is provided in the analysis.

### **Examples**

The methodology behind the development of examples was rooted in case studies. Berg (2007: 283) noted that case studies can be “defined and understood in various ways.” Hagan (2006: 240) held that case studies could be used as “in depth, qualitative studies of one or a few illustrative cases.” The goal of this final phase was to identify specific examples of conflict or cooperation with regards to competition between Wildlife Services and WCOs. These examples are meant to provide real-life illustrations of the factors identified in phase two of the research. Due to the limitations associated with the interview sample mentioned above, the details associated with each example provided may not reach the actual depth associated with classic case study research. Each example is only one side of the story as I did not secure permission to contact the other parties involved with the example. As such, I have opted to use the title example in place of case studies.

A collection of examples for possible development was created through solicitation to both Wildlife Services and WCOs. This solicitation took place at

organizational meetings for the NPMA and NWCOA, in newsletters, and direct inquiries from Wildlife Services state directors done by Deputy Administrator William Clay (see Appendix B for example of solicitation). In addition, question 4 of the key informant interviews asked for specific examples of conflict or cooperation between Wildlife Services and WCOs.

After the significant factors were identified from the key informant interviews, the collection of examples was reviewed for instances that would best illustrate the dynamics involved in each significant factor. Efforts were made to provide at least one example each from Wildlife Services and WCOs for each of the 4 selected significant factors where possible. When additional information was deemed necessary, follow up calls were made to the individuals that provided the information. These were then written up as simple examples meant to illustrate some of the dynamics involved in the significant factors.

## CHAPTER 3

### POLICY SUMMARY

Many activities in our everyday lives are regulated by some form of policy. For example, as you drove to work this morning you may have observed signs along the roadside telling you the maximum speed you should be driving. That speed limit was established by policy, along with many other regulations that define what you can and cannot do as an operator of a motor vehicle. Many of these regulations also help define your relationship with other drivers. As a result, you know what to expect from other drivers, and they know what to expect from you. In a similar way, policy is used to help define the relationship between USDA-Wildlife Services (Wildlife Services) and Wildlife Control Operators (WCOs). Both of these parties provide services relating to human-wildlife conflict resolution. This chapter will look specifically at the role of policy in defining the relationship between Wildlife Services and WCOs.

Holechek et al. (2000: 141) defined policy as “the means by which organizations guide behavior within and outside their membership.” As a result of the overlap in services provided by both Wildlife Services and WCOs, there is potential for both conflict and cooperation to enter into this relationship. These instances of conflict and cooperation help define the competitive relationship between the two organizations. Thus, I looked at policies that defined the behavior of Wildlife Services with regards to competition and what those policies mean to WCOs. In looking at the policies I will seek to answer the following questions:

Q<sub>1</sub> – What is the policy (summary)?

Q<sub>2</sub> – What does it mean (interpretation)?

Q<sub>3</sub> – Where does it get its authority (oversight)?

Q<sub>4</sub> – How is it enforced? Is it enforced?

Q<sub>5</sub> – Has the policy been tested (legal history/precedent)?

Four different policies have been identified for analysis. The Animal Damage Control Act of 1931, as amended, is the legislation that authorizes Wildlife Services to manage some wildlife species (7 U.S.C. 426-426c). The Office of Management and Budget (OMB) Circular A-76, as amended, describes the regulation of competition issues for the federal government as a whole (Daniels 2003). Wildlife Services Directive 4.220, as amended, “Avoidance of Competition With Private Business” (Acord 2004) is the original directive Wildlife Services drafted to deal with competition issues. Wildlife Services Directive 3.101 “Interfacing With Business and Establishing Cooperative Programs” (Clay 2005) is the current directive Wildlife Services uses to deal with issues of competition. Each of these policies will be analyzed according to the five questions listed above. In addition, a comparison will be made between Wildlife Services Directive’s 4.220 and 3.101, as Directive 3.101 recently replaced Directive 4.220 and many WCOs are unaware of the change and what it means for them. Finally, there will be a discussion about other types of policies investigated and why they were not fully examined.

### **Animal Damage Control Act of 1931 (amended)**

*Q<sub>1</sub> - What is the policy?* Under the Animal Damage Control Act of 1931 (7 U.S.C. 426-426c), the Secretary of Agriculture is given authority to investigate and

control certain injurious wildlife species on both public and private land, and may do so in cooperation with “states, individuals, and public and private agencies, organizations, and institutions.” The 1994 Animal Damage Control (ADC) Program Environmental Impact Statement summarized that the Act provides “the primary statutory authority” for the ADC program (USDA 1994: 1). Miller (2007: 15) said the Act “provides the legal authority under which the federal government is authorized to conduct animal damage control activities.” In 1987 the Secretary of Agriculture was additionally authorized to conduct control of nuisance mammals and birds and reservoirs of zoonotic diseases, and in 1991 brown tree snakes (*Boiga irregularis*) were added to the list of species specifically mentioned in the Act (7 U.S.C. 426c). (See Appendix C for entire policy.)

Q<sub>2</sub> – What does the policy mean? USDA Wildlife Services is the agency charged with fulfilling the functions of the Act. As such, USDA Wildlife Services has the authority to engage in nuisance wildlife control work. Congressional funding largely affects the actions of the agency directing it where to place its attention.

Q<sub>3</sub> – Where does the policy get its authority? The Animal Damage Control Act of 1931 was created as an act of Congress. It is therefore subjected to Congressional oversight. This oversight includes the ability to amend or add to the Act, as well as providing funding for carrying out the purposes of the Act. For example, the amendment to add brown tree snakes mentioned in Question 1 above and the funding historically provided to run the agency as described in Chapter 1. According to a 2010 fact sheet Wildlife Services received approximately \$60 million in federal funds for their operating budget in each of 2009 and 2010, respectively (USDA 2010).

*Q<sub>4</sub> – How is the policy enforced?* Enforcement is relatively unimportant in this policy as it basically provides authority to conduct certain actions rather than preclude them. It is incumbent upon the Secretary of Agriculture to ensure the purposes of the Act are being fulfilled. As mentioned above, USDA Wildlife Services is the agency charged with ensuring the actions required by the Act are being fulfilled. It is important to note however, that in fulfilling the requirements of the Act, USDA Wildlife Services is subject to state authority regarding a majority of wildlife. Jacobsen and Decker (2006) note that states hold much of the responsibility to manage and regulate wildlife. In some instances, such as the Endangered Species Act and the Migratory Bird Treaty Act, the Federal Government takes over the regulatory authority for species regulated by those Acts. In fulfilling the purposes of the Animal Damage Control Act, Wildlife Services needs to be aware of state and federal rules regulating the wildlife species they are asked to control. In fact they even have a directive in their policy manual to do so (Clay 2009).

*Q<sub>5</sub> – Has the policy been tested?* Cases regarding the Animal Damage Control Act of 1931 have covered a variety of topics. In *Southern Utah Wilderness Alliance v. Thompson* (1993), the need for animal damage control work was challenged, especially in regards to lethal control. The United States District Court for the District Of Utah held that animal damage control work was needed and that its benefits outweighed the potential harm to the plaintiffs. Other cases have involved the disclosure of information about those entering into cooperative agreements with Wildlife Services under the Freedom of Information Act (*Doe v. Venneman* 2004). *National Audubon Society v. Davis* (2002) dealt with the use of certain kinds of traps to be used on foxes which may prey upon endangered bird species. While a variety of cases have been brought up

involving the Animal Damage Control Act of 1931, none were found that called its authority into question and subsequently the authority remains valid.

### **OMB Circular A-76**

Q<sub>1</sub> - What is the policy? In a report to Congress by the Congressional Research Service, Luckey (2008: 2) summarized that OMB Circular A-76 “sets forth guidelines and procedures for determining whether an activity should be performed in house by the agency...or whether it should be contracted-out to the private sector.” These guidelines call for determining whether an action is inherently governmental, and if it is not that the Federal Government should rely upon the private sector to provide the goods or services rather than compete with the private sector. (See Appendix D for entire policy.)

Q<sub>2</sub> - What does the policy mean? According to this policy, federal agencies cannot preclude private businesses from competing for jobs that are not inherently governmental. An inherently governmental activity is defined as “an activity that is so intimately related to the public interest as to mandate performance by government personnel” (Daniels 2003: A-2). The *Federal Register* recently provided a list of 20 examples of inherently governmental activities including items such as direct control of criminal investigations, determination of foreign policy, determination of agency policies, hiring and directing federal employees, and procurement and disposal of property (Anonymous 2010). The Circular directs agencies to conduct inventories to categorize any activity as either commercial or inherently governmental. When an activity is categorized as commercial, it is then subject to competition from private businesses.

Wildlife Services underwent this process in 1984 when the OMB directed the United States Fish and Wildlife Service to evaluate the possibility of transferring the agency then called Animal Damage Control (ADC) functions to private business. This investigation determined that there were not enough non-governmental activities performed by ADC to warrant the transfer (USDA 1994). This process of competition has become known as “competitive sourcing” and is used “to determine the most effective and efficient source to deliver services” (Segal 2005: 43).

*Q<sub>3</sub> – Where does the policy get its authority?* Luckey (2008) described the Circular as a statement of Executive policy. It does not carry the authority of law or regulation, but rather is used to provide guidance and direction in carrying out the President’s policies. Luckey (2008: 5) further described the OMB as the “President’s principal arm for the exercise of his managerial functions.” These directives can become substantive if Congress grants them legislative authority, but in the case of OMB Circular A-76 they have not. As such, the Circular and its implementation, or lack thereof, depends largely upon the current President’s management direction.

*Q<sub>4</sub> – How is the policy enforced?* The Circular directs agencies to designate a competitive sourcing official who oversees the implementation of the Circular within the agency. This official is responsible for ensuring agency inventories are completed and auditing their actions to ensure compliance. As mentioned above, the Circular carries only the authority of guidance and the actual implementation of these inventories appears to be sporadic. The only known instance of this inventory within Wildlife Services was in 1984 as mentioned above, and a brief mention of consideration given to transferring federal control operations to private contractors in the 1994 ADC Final Environmental

Impact Statement (USDA 1994). That alternative was dismissed because of anticipated reductions in efficiency and loss of continuity for research.

*Q<sub>5</sub> – Has the policy been tested?* This circular was first issued in 1966 and has been amended a number of times since then, with the most recent and extensive taking place in 2003 (Luckey 2008). As mentioned above, the Circular has not been found to be substantive. Luckey (2008: 5) further stated that “courts have specifically held that OMB Circular A-76 does not have the force and effect of law.”

Offering a position or contract up for competitive sourcing could be considered another form of a trial of an agency’s efficiency. For example, the Forest Service now outsources many campground responsibilities to private contractors as a result of a competitive sourcing trial that found private contractors could provide these services more efficiently. Segal (2005) noted that a large majority of the competitions are won by the government. In another instance, Mainella (2003) reported that more than half of the 1700 full-time equivalent positions in a competitive sourcing study done by the Department of the Interior were the best value.

#### **Wildlife Services Directive 4.220**

##### **“Avoidance of Competition with Private Business”**

*Q<sub>1</sub> – What is the policy?* While the directive is titled “Avoidance of Competition With Private Business,” the purpose is stated as providing “guidance for avoiding competition with private business in wildlife damage management” (Acord 1994). It further states that “Wildlife Services will not provide a bid in response to an advertised request,” and will only provide direct assistance when certain conditions are met. These

conditions involve insuring that the assistance falls under the authority of Wildlife Services, discussion with the requester about the methods and options available, including private businesses, and the cooperator must request Wildlife Services assistance. (See Appendix E for entire policy.)

*Q<sub>2</sub> – What does the policy mean?* Despite the implications of the directive’s title in regards to competing with private businesses, Wildlife Services maintains the authority to provide assistance to requesters as long as they are not responding to a request for a bid, the assistance requested falls under the purview of Wildlife Services, Wildlife Services has discussed with the requester the methods and options available, including private businesses, and the requester ultimately asks for Wildlife Services assistance.

*Q<sub>3</sub> – Where does the policy get its authority?* Directives in the Wildlife Services Policy Manual are created to “provide guidance to Wildlife Services personnel conducting official activities” (Mendoza 2009). Additionally, it is noted that the manual is an extension of, but does not override, other policies provided by the United States Department of Agriculture or Animal and Plant Health Inspection Service, Wildlife Services’ parent agency. Wildlife Services Directive 1.205 (Clay 2003) provides the direction for policy development, revision, approval and distribution. Any Wildlife Services employee may recommend a new or revised policy. If the policy is considered warranted then the Wildlife Services Management Team must approve it and final signatory authority rests with the Deputy Administrator. Regional and State Directors have authority to create or supplement existing policies for their area as long they are not less restrictive than those found in the Policy Manual.

*Q<sub>4</sub> – How is the policy enforced?* Wildlife Services has the authority to enforce its own directives as long as those directives are not in violation of other policies at a higher level. Wildlife Services Directive 1.101 (Mendoza 2009) provides that any employee who violates a Wildlife Services Directive is subject to appropriate disciplinary action. However, similar to the OMB Circulars discussed above, the directives are only managerial in nature and do not provide the force and effect of law.

*Q<sub>5</sub> – Has the policy been tested?* While there have been reported concerns about the application of this policy, instances where these issues have gone to trial or binding arbitration were not located. As mentioned in Chapter 1, the Directive was developed as a result of a concern expressed by a WCO about losing a bid for a municipal bird control contract to Wildlife Services. It is noteworthy, however, that in May of 2005, Wildlife Services replaced this Directive because of concerns about what its title implied regarding competition.

### **Wildlife Services Directive 3.101 “Interfacing with Business and Establishing Cooperative Programs”**

*Q<sub>1</sub> – What is the policy?* The stated purpose of Wildlife Services Directive 3.101 (Clay 2005) is “to clarify Wildlife Services position and responsibilities regarding wildlife damage management businesses, and to provide guidance for developing cooperative programs to manage wildlife.” To fulfill this purpose, Wildlife Services has created the following steps to allow a requester to select the provider that best meets their needs:

- Inform the service requester that other service providers may be available and the requestor has the right to choose.
- Advise the requester that Wildlife Services reference to private providers does not constitute endorsement.
- Wildlife Services will not respond to public bid notices.
- Wildlife Services will not provide services at the same time and location or tract of land where a private business or individual is conducting related activities with similar methods.

(See Appendix F for entire policy.)

Q<sub>2</sub> – What does the policy mean? While this directive replaces Directive 4.220, Wildlife Services still maintains the authority to provide assistance to requesters as long as they inform requesters of their right to choose other service providers, advise requesters that they are not endorsing any specific private provider, are not acting in response to a public bid, and are not working at the same time or place where a private operator is already providing similar services.

Q<sub>3</sub> – Where does the policy get its authority? Authority for this directive is the same as for Directive 4.220 listed above.

Q<sub>4</sub> – How is the policy enforced? Enforcement for this directive is the same as for Directive 4.220 listed above.

Q<sub>5</sub> – Has the policy been tested? Similar to the previous directive concerns about the application of the policy continue, but no actual instances where this has gone to trial have been found. In fact many individuals involved and/or interested in this research

were unaware of this new directive and were unaware that it had replaced the original directive dealing with competition.

### **Wildlife Services Directive 4.220 (1994) &**

#### **3.101 (2005) – A Comparison**

In comparing the past Directive 4.220 with 3.101 which replaced it, the most significant change to note is the title. The title “Avoidance of Competition With Private Business” has entirely different implications than the new title “Interfacing With Business and Establishing Cooperative Programs.” Previous to the new directive, it is easily understood how private business owners may have come to the belief that Wildlife Services was not supposed to compete with them. The new title removes that implication and emphasizes a cooperative relationship with businesses.

Another significant difference is the focus on establishing cooperative programs. Through this focus, Wildlife Services again emphasizes its desire to work cooperatively with private businesses.

A final point of comparison involves improved clarity in the steps Wildlife Services takes in order to allow a requester to select the provider that best meets their needs. Clarifications include the additional step that Wildlife Services will not provide services at same time and location or tract of land where a private business or individual is conducting related activities with similar methods. It also clarifies that while Wildlife Services may not respond to a public bid notice, they are not precluded from applying for competitive grant opportunities for cooperative research funds.

## **Other Policies**

While only four policies were selected for this analysis, others were also considered. Antitrust laws were considered as they govern unfair methods of competition (Whinston 2006). However, it was found that antitrust laws did not apply as they are not meant to apply to the actions of the government and thereby provide exemption (Stearns 2003). Efforts were also made to identify policies in the parent agency (United States Department of Agriculture and the Animal and Plant Health Inspection Service) that may regulate competition with private businesses. This was done by reviewing the Table of Contents of policy manuals of Wildlife Services and each of the two parent agencies listed above. When titles of policies or directives implied that there may be an application the actual policy was read in full to determine its applicability. Additionally, inquiry was made with Wildlife Services Deputy Administrator William Clay regarding additional policies regulating competition. He responded that there were none at the parent agency level (W. Clay, personal communication, January 24, 2006). Other than OMB Circular A-76, none were identified.

## **Conclusions**

Under the Animal Damage Control Act of 1931, Wildlife Services is given the authority by Congress to control nuisance wildlife species and reservoirs of zoonotic diseases. OMB Circular A-76 provides that Wildlife Services cannot preclude private businesses from competing for work that is not inherently governmental. However, the limited look that Wildlife Services has given to its programs under the Circular found that

there were not enough non-government functions to warrant transfer of its programs to private industry (USDA 1994).

Wildlife Services has created their own directive which emphasizes working cooperatively with private businesses, and identifies steps to allow a requester to select the provider that best meets their needs. It is important to note that this directive can be modified or deleted internally at any time as long as it is approved by the Wildlife Services Management Team and signed by the Deputy Administrator.

Thus, policies currently in place give Wildlife Services the authority to be providing services related to human-wildlife conflict, and as long as they adhere to the guidelines set forth in their own directives they may engage in a competitive relationship with WCOs.

## CHAPTER 4

### KEY INFORMANT INTERVIEWS AND EXAMPLES

Conducting interviews with USDA-Wildlife Services (Wildlife Services) personnel and Wildlife Control Operators (WCOs) provided an opportunity to create a picture of the competitive relationship between the two parties. Specifically, I wanted a better understanding of the factors that lead to either conflict or cooperation, according to those interviewed. This chapter will first provide an analysis of the interview responses, and then provide a more detailed analysis of those factors leading to either conflict or cooperation that were deemed to be most significant, including one or more examples that help illustrate the dynamics involved in those significant factors.

#### **Interview Analysis**

All interviews took place on the phone and consisted of 5 open-ended questions (see Appendix A for sample interview sheet). Responses were then aggregated and coded for both Wildlife Services and WCOs. Aggregation simply consisted of putting the responses all together in one summary and removing personal identifiers. Coding was done by looking for areas of similarity in responses and creating thematic categories for these areas. If a response fit into more than one category, it was placed in multiple categories. Interviewees were not limited to any number of responses to any questions.

The first question asked dealt with describing the type of relationship the individual had with the other party, depending on whether the interviewee was a WCO or worked for Wildlife Services. Prompts related to this question included a ratio of

positive to negative interactions, frequency of interactions, and types of interactions. Four responses from WCOs indicated more negative interactions than positive and 11 responses highlighted positive interactions. Wildlife Services personnel provided 12 responses highlighting positive interactions and only one reported a majority of negative interactions. Frequency of interactions reported by WCOs ranged from no interaction to weekly interaction, with a majority responding that they interacted several times a year. Responses from Wildlife Services ranged from infrequently to daily, with a majority of respondents reporting interaction of at least once a month. Types of interactions reported included overlapping services, assistance with legal permitting processes, cooperative work, participation in working groups and advisory boards, technical assistance, informal relationships, providing referrals, providing training, and attendance at seminars and other meetings.

Question two sought to identify factors contributing to conflict between Wildlife Services and WCOs, while question four identified specific examples of conflict. Conflict factors selected as most significant included overlaps in similar services, agency advantages, money and pricing, and policy related factors. These factors will be discussed in greater detail later in this chapter (see Table 4-1 for a breakdown of all categories of responses and examples).

The factors contributing to cooperation between Wildlife Services and WCOs were identified with question 3, and question 4 sought to identify specific examples of cooperation. Cooperation factors selected as most significant included cooperative work, communication, clarified roles, and training and education. Like the

Table 4-1. Responses and Examples of Conflict as Provided by Wildlife Control Operators (WCOs) and USDA Wildlife Services (WS)

Aggregated and Coded Categories	Responses		Examples	
	WCOs	WS	WCOs	WS
<b>Overlap in similar services</b>	<b>10</b>	<b>16</b>	<b>6</b>	<b>13</b>
<b>Agency advantages</b>	<b>7</b>	<b>5</b>	<b>11</b>	<b>8</b>
<b>Policy</b>	<b>6</b>	<b>0</b>	<b>5</b>	<b>0</b>
<b>Money and pricing</b>	<b>7</b>	<b>3</b>	<b>1</b>	<b>0</b>
Lack of referrals	0	3	0	2
Use of illegal or inappropriate methodologies	0	2	0	3
Differing ideas about wildlife management plan	1	0	3	0
WS expansion of services	3	0	1	0
Misunderstanding of WS role	0	3	0	0
Local level issues	2	0	0	0
Misunderstanding of services WS offers	0	1	0	0
WCOs unaware of available opportunities	1	0	0	0
Lack of professionalism	1	0	0	0
WS unaware of what private sector can do	1	0	0	0
<b>Totals</b>	<b>39</b>	<b>33</b>	<b>27</b>	<b>26</b>

Notes.

-Responses to Question 2, "From your perspective, what are possible factors that may contribute to conflict between WS and WCOs?" and Question 4, "Describe some specific examples of conflict and/or cooperation between WS and WCOs regarding competition?" from the key informant interviews were aggregated and coded to provide the categories above. After giving a point for each response or example the top 4 were selected as the most significant factors.

-A total of 14 WS employees and 17 WCOs were interviewed. Interviewees were not limited in the number of responses they could provide and responses that fit into more than one category were counted in each category they fit into.

conflict factors, these factors will be discussed in greater detail later in this chapter (see

Table 4-2 for a breakdown of all categories of responses and examples).

Table 4-2. Responses and Examples of Cooperation as Provided by Wildlife Control Operators (WCOs) and USDA Wildlife Services (WS)

Aggregated and Coded Categories	Responses		Examples	
	WCOs	WS	WCOs	WS
<b>Cooperative work</b>	<b>8</b>	<b>15</b>	<b>4</b>	<b>20</b>
<b>Communication</b>	<b>6</b>	<b>11</b>	<b>0</b>	<b>3</b>
<b>Training and Education</b>	<b>4</b>	<b>7</b>	<b>2</b>	<b>7</b>
<b>Clarified Roles</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>5</b>
Interacting with WCOs organizations	0	6	0	3
Cooperative policy work	3	0	2	0
Permitting process	3	0	1	0
Research centers	1	2	0	0
Policy	2	0	1	0
Compliance with directive	0	2	0	0
Open more work to private	2	0	0	0
WS fills roles private can't	1	0	1	0
Recognition of customer preferences	0	1	0	0
Elimination of conflict factors	1	0	0	0
Labeled materials available to private	1	0	0	0
Price structures that decrease competition	0	1	0	0
WS view WCOs as customer	0	1	0	0
Shared vision	1	0	0	0
<b>Totals</b>	<b>38</b>	<b>51</b>	<b>11</b>	<b>38</b>

Notes.

-Responses to Question 3, "From your perspective, what are possible factors that may contribute to cooperation between WS and WCOs?" and Question 4, "Describe some specific examples of conflict and/or cooperation between WS and WCOs regarding competition?" from the key informant interviews were aggregated and coded to provide the categories above. After giving a point for each response or example the top 4 were selected as the most significant factors.

-A total of 14 WS employees and 17 WCOs were interviewed. Interviewees were not limited in the number of responses they could provide and responses that fit into more than one category were counted in each category they fit into.

The final question in the interview allowed respondents to note anything else related to competition between Wildlife Services and WCOs that they felt was important. WCO responses included descriptions of what they felt Wildlife Services role should be, concerns about inequities related to money, the importance of free enterprise, concern about inconsistencies in Wildlife Services administration at various locations, concern over administrative advantages, and issues outside the scope of Wildlife Services. Responses from Wildlife Services included the differences in services provided by Wildlife Services and WCOs, the validity of competition as an issue, the importance of cooperation and communication, the importance of customer preferences, and recognition of public ownership of wildlife.

### **Significant Factors**

After aggregating and placing responses to interview questions two, three, and four into categories of factors contributing to either conflict or cooperation between Wildlife Services and WCOs, the selection of the most significant factors was made. As the sample size was not large enough to accurately isolate significance statistically, the number of responses and examples related to each factor were given a point and the top four relating to either conflict or cooperation were selected as most significant and will be further discussed in this section. This discussion will include one or more examples illustrating the dynamics of the top four factors.

#### **Conflict Factors**

*Overlap in similar services.* There are times when both Wildlife Services and

WCOs provide similar or identical services in the same area. This can lead to conflict between the two parties as they both have the ability to respond to service requests. This can be extremely aggravating for some WCOs as they question whether or not they should have to compete with a government agency for a contract.

One WCO reported an example of this conflict when his company was interested in securing a contract from a municipality to provide pigeon (*Columba livia*) control. The WCO had noted the need for pigeon control along a main street in town and decided to look into securing a contract for the work. When the company approached the municipality they found out that the city already had an agreement with Wildlife Services. The WCO then contacted Wildlife Services to see if there was any way they could get involved. Wildlife Services responded that they were already taking care of the situation. Ultimately, the company was frustrated about their inability to compete for the contract because Wildlife Services was already providing a service similar to theirs.

While Wildlife Services did not provide any specific examples of this conflict, several of those interviewed noted that they were aware of a growing interest by WCOs to participate in wildlife control work done at airports. They recognized that this growing interest in airport contracts could lead to future conflicts due to Wildlife Services current presence at many of the airports.

***Agency advantages.*** WCOs are concerned about advantages Wildlife Services has over them due to their positional status as a government agency. Agency advantages include but may not be limited to access to certain restricted use chemicals (e.g. alpha chlorolose and DRC1339), blanket depredation permits, connections with other governmental agencies, and a lack of concern by Wildlife Services for profits. WCOs

note that these advantages give Wildlife Services an unfair competitive advantage in their efforts to secure work.

Several WCOs cited examples of losing jobs because Wildlife Services has a blanket depredation permit to do Canada goose (*Branta canadensis*) control work, whereas a WCO has to apply for a permit on a case-by-case basis. In other words, Wildlife Services has the ability to go right to work in any depredation goose situation, while the WCO is required to file the appropriate paperwork and wait for approval on each specific situation they may be called to work on. In some instances, the WCO would be contacted first by the customer, but would ultimately lose the job to Wildlife Services while they were trying to obtain the necessary permit.

Wildlife Services also recognized agency advantages as a point of contention. One Wildlife Services employee reported that military bases prefer to contract with Wildlife Services because any action done on a federal military base is required to go through the National Environmental Policy Act (NEPA) process, and Wildlife Services has the tools in place to complete the NEPA analysis prior to doing the work on the base. As a result, the military base shows a preference to Wildlife Services as they can pass the responsibility to complete NEPA requirements on to them, whereas if a WCO were to receive the contract, the military agency would be required to complete the NEPA process.

Another Wildlife Services employee shared the example of a County Cooperative Extension agency that advertises in the Yellow Pages that they provide wildlife services. They then refer all their work to Wildlife Services. This preference that the county is

showing for Wildlife Services is recognized as a point of contention for several WCOs in the area.

**Money and pricing.** Probably the most repeated quote in the process of this research was along the lines of, “Why do I have to compete with a government agency that is supported by my own tax dollars?” Some WCOs are concerned that they are unable to compete with Wildlife Services prices because of subsidizing and differences in overhead costs.

Interestingly, while as noted above that this factor was quick to be mentioned by all who heard about this research, only one specific example was provided by those interviewed. A WCO who was interested in providing nuisance beaver (*Castor canadensis*) control in his area expressed frustration because he could not compete with Wildlife Services. Wildlife Services received funding from the county to do this work through a program called the Beaver Management Assistance Program (BMAP). Many counties participate in a BMAP and utilize Wildlife Services to do nuisance beaver control work. According to Wildlife Services (USDA 2010), local governments save an average of \$20.93 for every dollar that is spent on beaver control work.

**Policy.** Points of contention arise from Wildlife Services’ ability to adhere to their directive that provides guidance on competition with private businesses. The policy, among other things, directs Wildlife Services not to participate in open bids for contracts, and not to pursue work in an area where a WCO is already working (see Chapter 3 for detailed policy discussion). Some WCOs are concerned that Wildlife Services is not following this directive. It should be noted that the cooperative nature of many Wildlife

Services state offices, using a combination of federal, state, local government, and private funding, results in a degree of variability in how policies are interpreted and implemented.

One WCO reported an instance in which he was bidding for a job, which he later found was given to Wildlife Services. When he inquired about Wildlife Services involvement in the bidding process, he was told that they did not actually provide a bid, but had submitted a proposal to do the work. This WCO felt he was cheated out of a contract that Wildlife Services should not have received because the call for bids should have precluded them from involvement according to their directive.

Another WCO reported losing part of an airport contract when Wildlife Services came to the airport to work on another issue and mentioned that they could also provide the service that he was providing. Again, the WCO felt he was cheated out of work he already had a contract to do as a result of Wildlife Services' inability to follow their own directive.

### **Cooperation Factors**

*Cooperative work.* Both Wildlife Services and WCOs reported great satisfaction in doing work together. This involved providing referrals to one another, providing support for one another on large projects, and subcontracting with each other to gain the necessary expertise for a project.

One WCO has worked with Wildlife Services in the past on duck (*Anas spp.*) control projects. When it was determined that the use of alpha-chlorolose, a chemical that only Wildlife Services is authorized to use, would be the best method, the WCO

conducted all the pre-baiting activities and subcontracted with Wildlife Services to come in and administer the alpha-chlorolose. The WCO was on hand to help with other activities related to the administration of alpha-chlorolose. As a result of this cooperation, the WCO was able to maintain a contract and provide a service he could not otherwise without cooperating with Wildlife Services.

Wildlife Services personnel reported having worked cooperatively with WCOs in several ways. In one instance, Wildlife Services was conducting a Canada goose relocation study and a WCO who was heavily involved in goose control provided the geese for relocation from his jobs, thus saving Wildlife Services the labor needed in coming up with their own geese for the study. Another example involved cooperative work on rabies surveillance. Wildlife Services needed to sample a large number of animals for rabies as part of their surveillance process. They provided numerous WCOs with freezers, allowing the WCO to store animals that Wildlife Services later tested for rabies.

***Communication.*** Many of the individuals interviewed cited communication as a means to improve cooperation between Wildlife Services and WCOs. When the two parties have an open line of communication they generally enjoy a positive relationship with one another.

Comments from two WCOs best illustrate the dynamics associated with this factor. One WCO said, "I'm not afraid to pick up the phone when I have a question." As a result, he reported that he rarely had an issue with Wildlife Services. Another WCO talked about how important it was for him to be able to talk to the Wildlife Services State

Director. In doing so, he was able to have a clear view about what was going on with nuisance wildlife control in his state and Wildlife Services' involvement in it.

A Wildlife Services employee also provided comments illustrating the importance of communication. He noted that he often communicated with and enjoyed friendships with WCOs, receiving cards, chocolates, and flowers during the holidays as a result of this communication.

***Clarified roles.*** In states and areas where Wildlife Services and WCOs have taken the time to sit down together and talk about the role each should play, they report a cooperative relationship. While they may not always be happy with what the other is doing, they are at least aware of each other's activities.

In one state, the WCO organizations and Wildlife Services have sat down with each other and hashed out how they are going to handle their various relationships. In these discussions they defined the roles that each of them will play in that state. The WCOs that were involved in this process said it has greatly improved their relationship with Wildlife Services.

Wildlife Services reported in one state that they no longer have an urban program because they have found that WCOs can fill that niche, and in that same state livestock depredation work is often sent to Wildlife Services by WCOs. As a result of these defined roles, both Wildlife Services and WCOs have an understanding and appreciation for the areas in which each other works. In another state, Wildlife Services reported that WCOs handled the mammal work because of their abilities, training, and equipment.

***Training and education.*** Both Wildlife Services and WCOs talked about the importance of training and education in the field of wildlife control work. They felt it

was important for both parties to be involved in receiving and giving training with each other.

Wildlife Services employees attend a yearly goose training academy that is put on by a group of WCOs and receive continuing education credits for it. This goose training is recognized by both WCOs and Wildlife Services as the best available, and participation in it allows all to become better at what they do. Wildlife Services has also offered the use of their facilities for trapper education classes that are hosted by WCOs.

Wildlife Services reported being highly involved in the state licensing and training procedures in one area. As part of this licensing process, Wildlife Services personnel help in teaching some of the classes and every WCO who receives a license has been through a course that describes what Wildlife Services is and the role they play in that state.

## CHAPTER 5

### CONCLUSIONS AND RECOMMENDATIONS

#### **Conclusions**

This research involved three phases including development of a summary of policies regulating competition between USDA Wildlife Services (Wildlife Services) and Wildlife Control Operators (WCOs), interviews with key informants knowledgeable about the competitive relationship between Wildlife Services and WCO's, and finally the development of examples that help to illustrate significant factors relating to conflict and cooperation between Wildlife Services and WCOs.

At a broad scale, the Federal Government provides guidance to its agencies to avoid competing with private industry for actions that are deemed not inherently governmental through the Office of Management and Budget (OMB) Circular A-76. However, the guidance set forth in the Circular is not legally binding. Instead it carries only the power of managerial direction, and as such the Federal Government's commitment to carrying out its directives is subject to the ebb and flow associated with any given President's management agenda.

Wildlife Services has the authority to provide services related to the control of nuisance mammals and birds. In addition, Wildlife Services activities are open to competition in areas where the work is not deemed to be inherently governmental. Under their own directive, Wildlife Services has developed criteria they must follow in order to allow a requester of service to select a provider that best meets their needs. These criteria included the need for Wildlife Services to advise service requesters that other service

providers may be available, the preclusion of Wildlife Services response to public bid notices, and the preclusion of providing service in the same time and location where a private business is conducting related activities with similar methods. This directive follows the same pattern as the OMB Circular mentioned above in that it is not legally binding, and is subject to modification or deletion as approved by the Wildlife Services Management Team and Deputy Administrator.

I identified areas of potential conflict and/or cooperation specifically related to competition between Wildlife Services and WCOs in a market for goods and services related to human-wildlife conflict.

According to those interviewed, the most mentioned factors contributing to conflict between Wildlife Services and WCOs were:

- Overlap in services
- Agency advantages
- Policy
- Money and pricing

According to those interviewed, the most mentioned factors contributing to cooperation between Wildlife Services and WCOs were:

- Cooperative work
- Communication
- Training and education
- Clarified roles

As a result of the exploratory nature of this research, the lists of potential factors contributing to either conflict or cooperation are meant as starting points for discussion

between Wildlife Services and WCOs in future discussions related to competition between them. Further research involving larger sample sizes would be necessary to determine the level of significance of any of the listed factors.

The examples developed for the significant factors contributing to conflict and cooperation provided a flavor for the realities of these issues. Interestingly, Knudson (2012) also recently documented multiple examples of the competitive relationship between Wildlife Services and WCOs including concerns over Wildlife Services responses to bids and disagreements over appropriate methodologies.

### **Recommendations**

The first recommendation is to reduce factors contributing to conflict and emphasize factors contributing to cooperation. While this recommendation is easy to articulate, the challenge is in the details of carrying it out. Both Wildlife Services and WCOs could benefit from looking at their own operation and considering what things they do that contribute to conflict or cooperation and implementing changes that can enhance the cooperative end of the relationship.

The next recommendation is for private organizations, such as the National Pest Management Association (NPMA) and the National Wildlife Control Operators Association (NWCOA), to work with Wildlife Services at the state level to clarify roles. In the process of the research interviews, many Wildlife Services personnel expressed that their door was open and they were willing to talk about any of these issues with WCOs. Organizations representing private businesses should put that statement to the test and work with state level Wildlife Services personnel to clarify the roles each will

play in that state. Several states are already doing this and report a cooperative relationship between the two parties. The Wildlife Services policy manual allows for State Directors to create directives at a state level so long as they are not less restrictive than the national level directives (Mendoza 2009). This provides an opportunity for WCOs to secure a more clarified competitive relationship with Wildlife Services in their state. This recommendation can also be extended to those working at a regional or national level.

Another recommendation for WCOs deals with what to do if you feel that you are in a situation where Wildlife Services is violating their directive. First, be sure you understand the directive and its implications. Second, take the issue to the State Director for Wildlife Services and show them how the violation of the directive is taking place. Finally, don't be afraid to go even higher up the chain of authority if you are confident in your case. As stated above, Wildlife Services has expressed that their door is open and they are willing to listen to your concerns.

The final recommendation is for Wildlife Services to increase its involvement with private organizations representing WCOs. Representation of these organizations could be increased on the National Wildlife Services Advisory committee. Consideration should be given to sending Wildlife Services personnel from the national level to meetings WCOs host at a national level, and the same consideration should be given to state level representation at state level meetings.

Competition between Wildlife Services and WCOs is inevitable, as long as they both provide goods and services in the field of human-wildlife conflict. Conflict and cooperation are both byproducts of competition and, as a result, will always exist in the

relationship between Wildlife Services and WCOs. The ability of Wildlife Services and WCOs to reduce conflict factors and emphasize cooperation factors will play a large role in determining whether competition between them is viewed as good or bad.

### **Future Research**

As mentioned earlier the sample size utilized in this research did not lend itself to statistical analysis. The lists of factors relating to conflict or cooperation need to be tested statistically to determine which factors are truly perceived as most significant.

While conducting the research and associating with WCOs at various venues it seemed apparent that interest in and understanding of the topic was correlated with several factors including size of business, geographic location, and the types of services a business provided. More detailed analysis would be necessary to validate this correlation.

Finally, true in-depth case studies looking at those states that have worked to clarify roles and report a high level of satisfaction of working together could provide a good template for others to use in striving to develop the same types of relationships.

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APPENDICES

**Appendix A.****Data Collection Instrument**

Name:

Organization:

Contact Info:

Interview Date and Time:

**Key Informant Interview Questions:**

-Describe your relationship with WS (or WCOs , if interviewing WS employee):

-What are possible areas of conflict regarding competition between WS and WCOs?  
Why?

-What are possible areas of cooperation regarding competition between WS and WCOs?  
Why?

-Describe some specific examples of conflict and/or cooperation between WS and WCOs  
regarding competition?

-Is there anything else about competition between WS and WCOs that you feel is  
important to note?

\*Ask for permission to follow up if necessary.

**Appendix B.****Example Solicitation****Exploring the Role of Competition between Wildlife Control Operator's and USDA Wildlife Services**

-We are looking for examples that highlight either tension or cooperation between USDA WS and private businesses conducting nuisance wildlife control services. Please provide a brief description of a situation that highlights either cooperation or tension:

Your Name:

Your company:

Contact information:

-Please return this to:

Gary Bezzant

Department of Environment and Society

Utah State University

Logan, UT 84322-5215

or

[critterresearch@gmail.com](mailto:critterresearch@gmail.com)

## Appendix C.

### 7 U.S.C. 426-426c

#### TITLE 7--AGRICULTURE

#### CHAPTER 17--MISCELLANEOUS MATTERS

#### Sec. 426. Predatory and other wild animals

The Secretary of Agriculture may conduct a program of wildlife services with respect to injurious animal species and take any action the Secretary considers necessary in conducting the program. The Secretary shall administer the program in a manner consistent with all of the wildlife services authorities in effect on the day before October 28, 2000.

(Mar. 2, 1931, ch. 370, Sec. 1, 46 Stat. 1468; Pub. L. 102-237, title X, Sec. 1013(d), Dec. 13, 1991, 105 Stat. 1901; Pub. L. 106-387, Sec. 1(a) [title VII, Sec. 767], Oct. 28, 2000, 114 Stat. 1549, 1549A-44.)

#### Amendments

2000--Pub. L. 106-387 inserted section catchline and amended text generally. Prior to amendment, text read as follows: ``The Secretary of Agriculture is authorized and directed to conduct such investigations, experiments, and tests as he may deem necessary in order to determine, demonstrate, and promulgate the best methods of eradication, suppression, or bringing under control on national forests and other areas of the public domain as well as on State, Territory, or privately owned lands of mountain lions, wolves, coyotes, bobcats, prairie dogs, gophers, ground squirrels, jack rabbits, brown tree snakes, and other animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game animals, fur-bearing animals, and birds, and for the protection of stock and other domestic animals through the suppression of rabies and tularemia in predatory or other wild animals; and to conduct campaigns for the destruction or control of such animals:

Provided, That in carrying out the provisions of this section the Secretary of Agriculture may cooperate with States, individuals, and public and private agencies, organizations, and institutions.''

1991--Pub. L. 102-237 inserted ``brown tree snakes,' ' after ``rabbits,' '.

#### Transfer of Functions

Functions of Secretary of Agriculture administered through Bureau of Biological Survey, relating to conservation of wildlife, game, and migratory birds, transferred to Secretary of the Interior by 1939 Reorg.

Plan No. II, Sec. 4(f), eff. July 1, 1939, set out in the Appendix to

Title 5, Government Organization and Employees. See also sections 401 to 404 of said plan for provisions relating to transfer of functions, records, property, personnel, and funds.

Pub. L. 99-190, Sec. 101(a) [H.R. 3037, title I, Sec. 101], Dec. 19, 1985, 99 Stat. 1185; Pub. L. 100-202, Sec. 106, Dec. 22, 1987, 101 Stat.

1329-433, provided in part: ``That effective upon the date of enactment of this Act [Dec. 19, 1985] and notwithstanding any other provision of law, the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b), (transferred to the Secretary of the Interior pursuant to section 4(f) of 1939 Reorganization Plan No. II) and all personnel, property, records, unexpended balances of appropriations, allocations and other funds of the Fish and Wildlife Service, United States Department of the Interior used, held, available or to be made available in connection with the administration of such Act, are hereby transferred from the Secretary of the Interior to the Secretary of Agriculture, and this appropriation shall be available to carry out such authorities.''

#### Prevention of Introduction of Brown Tree Snakes to Hawaii From Guam

Section 1013(a)-(c) of Pub. L. 102-237, as amended by Pub. L. 105-277, div. A, Sec. 101(a) [title VII, Sec. 743], Oct. 21, 1998, 112 Stat.

2681, 2681-31, provided that:

``(a) In General.--The Secretary of Agriculture shall take such action as may be necessary to prevent the inadvertent introduction of brown tree snakes into other areas of the United States from Guam.

``(b) Introduction Into Hawaii.--The Secretary shall initiate a program to prevent the introduction of the brown tree snake into Hawaii from Guam. In carrying out this section, the Secretary shall consider the use of sniffer or tracking dogs, snake traps, and other preventative processes or devices at aircraft and vessel loading facilities on Guam, Hawaii, or intermediate sites serving as transportation points that could result in the introduction of brown tree snakes into Hawaii.

``(c) Authority.--The Secretary shall use the authority provided under the Federal Plant Pest Act (7 U.S.C. 150aa et seq.) to carry out subsections (a) and (b).''

Pub. L. 102-190, div. A, title III, Sec. 348, Dec. 5, 1991, 105 Stat. 1348, provided that: ``The Secretary of Defense shall take such action as may be necessary to prevent the inadvertent introduction of brown tree snakes from Guam to Hawaii in aircraft and vessels transporting personnel or cargo for the Department of Defense. In carrying out this section, the Secretary shall consider the use of sniffer or tracking dogs, snake traps, and other preventive processes or devices at aircraft and vessel loading facilities in Guam or Hawaii or at intermediate transit points for personnel or cargo transported between Guam and Hawaii.''

## TITLE 7--AGRICULTURE

## CHAPTER 17--MISCELLANEOUS MATTERS

Sec. 426a. Omitted

## Codification

Section, act Mar. 2, 1931, ch. 370, Sec. 2, 46 Stat. 1469, authorized \$1,000,000 per year for fiscal years 1932 to 1941, inclusive.

## TITLE 7--AGRICULTURE

## CHAPTER 17--MISCELLANEOUS MATTERS

Sec. 426b. Authorization of expenditures for the eradication and control of predatory and other wild animals

The Secretary of Agriculture is authorized to make such expenditures for equipment, supplies, and materials, including the employment of persons and means in the District of Columbia and elsewhere, and to employ such means as may be necessary to execute the functions imposed upon him by section 426 of this title.

(Mar. 2, 1931, ch. 370, Sec. 3, 46 Stat. 1469.)

## Transfer of Functions

See note under section 426 of this title.

## TITLE 7--AGRICULTURE

## CHAPTER 17--MISCELLANEOUS MATTERS

Sec. 426c. Control of nuisance mammals and birds and those constituting reservoirs of zoonotic diseases; exception

On and after December 22, 1987, the Secretary of Agriculture is authorized, except for urban rodent control, to conduct activities and to enter into agreements with States, local jurisdictions, individuals, and public and private agencies, organizations, and institutions in the control of nuisance mammals and birds and those mammal and bird species that are reservoirs for zoonotic diseases, and to deposit any money collected under any such agreement into the appropriation accounts that incur the costs to be available immediately and to remain available until expended for Animal Damage Control activities.

(Pub. L. 100-202, Sec. 101(k) [title I], Dec. 22, 1987, 101 Stat. 1329-322, 1329-331.)

## Appendix D.

### OMB Circular No. A-76 (Revised)

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

May 29, 2003<sup>1,2</sup>

**CIRCULAR NO. A-76 (REVISED)**

**TO THE HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS**

**SUBJECT: Performance of Commercial Activities**

1. **Purpose.** This circular establishes federal policy for the competition of commercial activities.
  1. **Supersession.** This circular supersedes Office of Management and Budget (OMB) Circular No. A-76 (Revised 1999), August 4, 1983; Circular No. A-76 Revised Supplemental Handbook (Revised 2000), March 1996; Office of Federal Procurement Policy Letter 92-1, "Inherently Governmental Functions," September 23, 1992; and OMB Transmittal Memoranda 1 through 25, Performance of Commercial Activities.
3. **Authority.** Reorganization Plan No. 2 of 1970 (31 U.S.C. § 1111); Executive Order 11541; the Office of Federal Procurement Policy Act (41 U.S.C. § 405); and the Federal Activities Inventory Reform (FAIR) Act of 1998 (31 U.S.C. § 501 note).
4. **Policy.** The longstanding policy of the federal government has been to rely on the private sector for needed commercial services. To ensure that the American people receive maximum value for their tax dollars, commercial activities should be subject to the forces of competition. In accordance with this circular, including Attachments A-D, agencies shall:
  - a. Identify all activities performed by government personnel as either commercial or inherently governmental.
  - b. Perform inherently governmental activities with government personnel.
  - c. Use a streamlined or standard competition to determine if government personnel should perform a commercial activity. [*See OMB Memorandum M-08-11 (February 20, 2008), number 4, when applying this provision*]
  - d. Apply the Federal Acquisition Regulation (FAR), 48 C.F.R. Chapter 1, in conjunction with this circular, for streamlined and standard competitions.
  - e. Comply with procurement integrity, ethics, and standards of conduct rules, including the restrictions of 18 U.S.C. § 208, when performing streamlined and standard competitions.

<sup>1</sup> This document reflects changes made by OMB Memorandum M-08-13, *Update to Civilian Position Full Fringe Benefit Cost Factor, Federal Pay Raise Assumptions, and Inflation Factors used in OMB Circular No. A-76, "Performance of Commercial Activities"* (March 11, 2008), and a technical correction made by OMB memorandum M-03-20, *Technical Correction to OMB Circular No. A-76, "Performance of Commercial Activities"* (August 15, 2003).

<sup>2</sup> Please see OMB Memoranda M-04-12, *Performance Periods in Public-Private Competitions* (April 30, 2004), M-06-13, *Competitive Sourcing under Section 842(a) of P.L. 109-115* (April 24, 2006), and M-08-11, *Competitive Sourcing Requirements of Division D of Public Law 110-161* (February 20, 2008) when applying the following provisions of

OMB Circular A-76: Paragraphs 4.c and 5.d; Attachment B, Paragraphs A.5, C.1.a, C.1.c, D.3.a(7), and D.5.b(3); Attachment C, Paragraphs A.5, A.12, C.3 and Section D. **OMB Circular No. A-76 May 29, 2003**

**f.** Designate, in writing, an assistant secretary or equivalent level official with responsibility for implementing this circular, hereafter referred to as the competitive sourcing official (CSO). Except as otherwise provided by this circular, the CSO may delegate, in writing, specified responsibilities to senior-level officials in the agency or agency components.

**g.** Require full accountability of agency officials designated to implement and comply with this circular by establishing performance standards in annual performance evaluations.

**h.** Centralize oversight responsibility to facilitate fairness in streamlined and standard competitions and promote trust in the process. Agencies shall allocate resources to effectively apply a clear, transparent, and consistent competition process based on lessons learned and best practices. Lessons learned and best practices resulting from a streamlined or standard competition process shall be posted on SHARE A-76!

**i.** Develop government cost estimates for standard and streamlined competitions in accordance with Attachment C using the COMPARE costing software. Agencies shall not use agency budgetary estimates to develop government cost estimates in a streamlined or standard competition.

**j.** Track execution of streamlined and standard competitions in accordance with Attachment B.

**k.** Assist adversely affected federal employees in accordance with 5 C.F.R. Parts 330 and 351. The statutory veterans' preference for appointment and retention (5 U.S.C. §§ 1302, 3301, 3302, 3502) applies to actions taken pursuant to this circular.

**l.** Not perform work as a contractor or subcontractor to the private sector, unless specific statutory authority exists or the CSO receives prior written OMB approval.

##### **5. Scope.**

**a.** Except as otherwise provided by law, this circular shall apply to executive departments named in

5 U.S.C. § 101 and independent establishments as defined in 5 U.S.C. § 104. These departments and independent establishments are referred to in this circular as “agencies”.

Except as otherwise provided by law, this circular shall apply to military departments named in 5 U.S.C. § 102.

**b.** As provided by Attachment A, the CSO may exempt a commercial activity performed by government personnel from performance by the private sector.

**c.** The CSO (without delegation) shall receive prior written OMB approval to deviate from this circular (e.g., time limit extensions, procedural deviations, or costing variations for a specific streamlined or standard competition, or inventory process deviations). Agencies shall include any OMB approved deviations in the public announcement and solicitation for a streamlined or standard competition. Agencies are encouraged to use this deviation procedure to explore innovative alternatives to standard or streamlined competitions, including public-private partnerships, public-public partnerships, and high performing organizations.

**d.** A streamlined or standard competition is not required for private sector performance of a new requirement, private sector performance of a segregable expansion to an existing

commercial activity performed by government personnel, or continued private sector performance of a commercial activity. Before government personnel may perform a new requirement, an expansion to an existing commercial activity, or an activity performed by the private sector, a streamlined or standard competition shall be used to determine whether government personnel should perform the **OMB Circular No. A-76 May 29, 2003** commercial activity. [See *OMB Memorandum M-08-11 (February 20, 2008), number 4, when applying this provision*]

- e. The CSO shall identify savings resulting from completed streamlined and standard competitions in accordance with OMB Circular No. A-11, *Preparation, Submission, and Execution of the Budget*.
  - f. This circular shall not be construed to alter any law, executive order, rule, regulation, treaty, or international agreement.
  - g. Noncompliance with this circular shall not be interpreted to create a substantive or procedural basis to challenge agency action or inaction, except as stated in Attachments A and B.
  - h. The Department of Defense CSO (without delegation) shall determine if this circular applies to the Department of Defense during times of a declared war or military mobilization.
1. **Effective Date.** This circular is effective upon publication in the *Federal Register* and shall apply to inventories required, and streamlined and standard competitions initiated, after the effective date.

**7. Transition.** Agencies shall apply the following transition procedures to direct conversions and cost comparisons, including streamlined cost comparisons, initiated but not completed by the effective date of this circular.

- a. Agencies shall convert initiated streamlined cost comparisons and direct conversions to streamlined or standard competitions under this revised circular.
- b. Agencies shall convert initiated cost comparisons for which solicitations have not been issued prior to the effective date to standard competitions under this revised circular or, at the agency's discretion if permitted by this revised circular, to streamlined competitions.
- c. The circular in effect prior to this revision shall govern cost comparisons for which solicitations have been issued, unless agencies, at their discretion, convert such cost comparisons to standard competitions under this revised circular, or, if permitted by this revised circular, to streamlined competitions.
- d. In applying transition procedures, agencies shall not combine the requirements of this revised circular with those in the prior circular.
- e. When complying with the transition procedures required by this paragraph, agencies shall make a public announcement within 30 days after the effective date of this revised circular pursuant to this transition paragraph. For conversions made at an agency's discretion, agencies shall make public announcement on the date the agency's decision takes effect.

**8. Attachments.**

Attachment A -- **Inventory Process**

Attachment B -- **Public-Private Competition**

Attachment C -- **Calculating Public-Private Competition Costs**

Attachment D -- **Acronyms and Definitions**

**Mitchell E. Daniels, Jr.**

**Director**

## Appendix E.

### WS Directive 4.220

United States Department of Agriculture  
Animal and Plant Health Inspection Service

# WS Directive

4.220 04/21/04

## AVOIDANCE OF COMPETITION WITH PRIVATE BUSINESS

### *Background*

Wildlife is a publicly owned natural resource, and Federal and State governments are responsible for maintaining healthy, stable wildlife populations. Accordingly, when wildlife causes damage or poses threats to human health and safety, government has an obligation to respond to requests for resolution. Congress specifically authorized USDA to enter into cooperative agreements with governmental bodies, industries, or affected citizens to deal with damage caused by wildlife. ADC has a long history of involvement with the private pest control industry. ADC provides technical training at state, regional, and national conferences, has developed and registered products for use by industry and the public- and cooperates with private business by applying ADC-specific control methods. During the course of these activities, ADC direct control programs and private business have rarely come into conflict.

### *Policy*

ADC personnel will provide wildlife damage management information and assistance to the public in accordance with the ADC Act [of March 2, 1931, as amended] and other relevant obligations. ADC will not provide direct control services at the same time and same location or tract of land where a private business is employed to provide a similar service. However, ADC may cooperate with a private business engaged in wildlife damage management on a specific project by providing technical assistance or by applying ADC-specific control methods.

ADC will not provide a bid in response to an advertised request for open bids submitted by an entity requesting direct control assistance with a wildlife conflict.

To avoid the appearance of competition with private business, ADC will only provide direct control services after satisfying all the below conditions.

a. The cooperator requests ADC assistance with wildlife

damage resolutions; this may include a request for ADC to submit a proposal as a sole-source provider of service.

b. ADC has authority to engage in work to resolve a wildlife conflict per cooperative agreement or Memorandum of Understanding with the appropriate state regulatory agency.

c. ADC discusses the legal and practical methods available to resolve a wildlife conflict. ADC also describes the options available to the cooperator, such as technical assistance and direct control, and other providers of assistance (private, state, and federal).

d. ADC considers environmental consequences of the proposed activities under provisions of NEPA.

e. ADC provides the cooperator an accomplishment report at the end of the project, if requested.

Bobby R. Acord

Deputy Administrator

## Appendix F.

### WS Directive 3.101

United States Department of Agriculture  
Animal and Plant Health Inspection Service

# WS Directive

3.101 05/25/05

INTERFACING WITH BUSINESS AND ESTABLISHING COOPERATIVE PROGRAMS

#### 1. PURPOSE

To clarify Wildlife Services' position and responsibilities regarding wildlife damage management (WDM) businesses, and to provide guidance for developing cooperative programs to manage wildlife damage.

#### 2. REPLACEMENT HIGHLIGHTS

This directive replaces ADC Directive 3.101 dated 2/25/94 and WS Directive 4.220 dated 4/21/04.

#### 3. BACKGROUND

Wildlife is a publicly-owned natural resource, and Federal and State Governments have responsibility for maintaining healthy, viable wildlife populations and for assisting Federal or State agencies, public or private institutions, organizations, or associations, and private citizens when wildlife comes into conflict with human interests. Private WDM businesses or other entities may also have the ability to respond to requests for assistance regarding wildlife damage or conflicts.

Wildlife Services (WS) is specifically authorized to enter into cooperative programs with Government agencies, public or private institutions, organizations, or associations, and private citizens to manage conflicts with wild animals. By coordinating Federal Government involvement in managing wildlife conflicts and/or damage, WS officials help ensure that wildlife management activities are environmentally sound and conducted in compliance with applicable Federal, State, and local laws and regulations, including two significant Federal environmental laws, the Endangered Species Act and the National Environmental Policy Act (NEPA).

Wildlife Services' successes in developing and providing its expertise in WDM methodologies and strategies have increasingly created methodologies, strategies, and opportunities for private industry to provide similar services in this area. The need for responsible and effective WDM is increasing as well. WS activities are differentiated from WDM activities conducted by

private industry by, among other things, adherence to the environmental protection requirements promulgated under NEPA. In accordance with NEPA, WS evaluates and considers the environmental consequences of its proposed actions. WS may implement some methods reserved exclusively for WS personnel who are the only individuals, public or private, that are trained and certified in their use. WS cooperates with private businesses by (1) providing technical training at State, regional, and national conferences, (2) developing certain WDM methods and registering certain chemical or pesticide WDM products for use by the industry and the public, and (3) assisting businesses by applying WS-specific management methods when requested.

#### 4. AUTHORITY

The Act of March 2, 1931, as amended, (7 U.S.C. 426-426b), and the Act of December 22, 1987 (7 U.S.C. 426c) authorizes the Secretary of Agriculture to conduct a WDM program to control injurious and/or nuisance animal and bird species with provisions for cooperating and entering into agreements with States, local jurisdictions, individuals, and public and private agencies, organizations, and institutions.

Memoranda of Understanding or cooperative agreements between WS and other Federal agencies and also with the appropriate State regulatory agencies in each State define and clarify the respective roles and responsibilities of each agency for resolving wildlife conflicts.

#### 5. DEFINITION

For the purposes of this directive, the term "cooperative programs" applies to contractual agreements with other Federal or state agencies, county or local governments, or public or private organizations, institutions, or associations, or private individuals where reimbursement for services is provided to WS.

#### 6. POLICY

WS personnel will provide WDM information and assistance to the public in accordance with The Act of March 2, 1931, the Act of December 22, 1987, and other relevant authorities and obligations.

Directors and State Directors may enter into cooperative service agreements to facilitate the accomplishment of WS' mission. Agreements involving the exchange of funds will adhere to all applicable Federal laws and USDA and APHIS policies governing such involvement and must comply with guidelines provided in APHIS' Budget and Accounting Manual and Agreements Management Manual.

WS recognizes that requesters of WDM services have the right to enter into cooperative agreements with WS or with a private WDM business - whichever best meets the requester's needs.

Accordingly, WS will:

- a. inform service requesters that other service providers may be available and advise them of their right to choose,
- b. advise that any WS reference to private service providers does not constitute in any manner any official endorsement or approval whatsoever by WS of any product or service, or of the quality or reliability of such product or service, nor any recommendation for any product or service to the exclusion of others that may be suitable,
- c. not respond to public bid notices, and
- d. WS will not provide direct assistance services at the same time and same location or tract of land where a private business or individual is independently conducting related activities with similar methods.

This policy is not intended to preclude WS from responding to competitive grant opportunities for cooperative research funds provided that APHIS guidelines for research proposals are followed and approvals by the appropriate designated WS officials are obtained.

#### 7. REFERENCES

The Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b), as amended.

Animal Damage Control Program Final Environmental Impact Statement, as revised, 1997.

Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended.

National Environmental Policy Act (Public Law 91-190, 42 U.S.C. 4321 et seq.).

The Act of December 22, 1987 (7 U.S.C. 426c).

APHIS Agreements Management Manual (August 4, 1997).

APHIS Budget and Accounting Manual (February 7, 2003).

William H. Clay

Deputy Administrator

## Appendix G.

### Aggregated and Coded Interview Responses

#### Question 1 (WCOs)

##### **Describe your relationship with WS:**

##### ***Ratio of positive to negative interactions:***

- In actual interactions it is generally good since the negative things usually don't involve an interaction.
- Generally fairly positive, they respect our quality of work.
- In one state 2 negative to 25 or 30 positive.
- Outside of home state has had multiple contacts that were either average or below, and only 2 that were reasonable.
- Every interaction with them from the State Director on down to field techs has been positive.
- 99% positive, 1% negative (due to some small issues involved with permitting process).
- In one state 100% positive, not really any interaction in another state.
- In one state 98% positive, and has changed over time; When dealing with national issues it is largely negative, maybe 10% positive if you take into account research centers and disease biologists and other information gathering activities.
- 50% negative (because lost beaver contracts on military base).
- 100% positive interaction.
- Generally positive.
- When dealing with them the relationship has been good, but have avoided getting involved in the sticky situations.
- 100% negative.
- 90% positive, 10% negative.

##### ***How often do you interact with WS?***

- 5 to 10 times a year.
- Once in 33 years.
- 4 times a year.
- Yearly, been in business 8 years interacted maybe 7 times.
- Negligible, once in 9 years.
- 2 or 3 times a year.
- No interaction in one state (interaction in another state was from past experience).
- On a weekly basis (40 or 50 a year).
- 2 times a year.
- Interact once every two or three months. Never received a referral that he is aware of.
- Not a lot maybe 5 times in 10 years.
- 5 times a year.
- Twice last year (limited interaction).
- Twice a year (not very often).

***What types of interactions do you have?***

***Overlapping services and other areas of conflict***

- Concern that WS is not 100% funded so they have to go out and find work to fill in the remainder of their salary. As a result we come across them in some of the places we work. This is challenging because they don't have the same expenses and prices. It is a bummer to have to bid against the government.
- Primarily the big deal is with bird issues.
- At the airport WS is doing hawk trapping, and submitted a rodent control proposal for green strips that shows they may not be qualified for that type of work (broadcasting rather than baiting at the hole).
- Normally concerned when he finds out they are doing stuff he could do.

-Called the WS guy in charge in one state about concerns with intrusion on private sector businesses. Seems that they don't appear to follow their own guidelines.

-Outside of one state interactions with USDA have been few.

-May be because we aren't being brought to the table.

-Usually by the time they get word about a job or RFP it is too late and USDA already has contract in hand.

-Before aware of this study, considered that problem with getting some of these contracts was a problem of the business being too slow in responses. But as realization came that others had concerns as well considered that maybe something is wrong with the system.

-Some coyote work.

-Some migratory bird stuff.

-Often contacted at the national level when a private company has lost a job to WS after putting forth the research and effort to put together a bid.

-Business is primarily beaver control. Does work on a military base with 2 sections. The first section is a secured area including runways. Used to do beaver work in there, but WS is now doing it. In the other section does the work that the WS guy doesn't want to.

-Not personally involved in goose work but that will be a sticky one in one state.

-Lost work because WS came in under blanket depredation permit to remove nests.

-Goose partner has given work to WS because they couldn't get permit.

### Permitting processes

-Through WS he gets permits for woodpecker work. Five years ago they would have said no way, but now they are cooperative.

-WS has been helpful with the State Association and helping them understand the permitting process for migratory birds.

-Worked with WS State Director during permitting process a few years back.

-In the past in one state interactions have involved permitting process for woodpeckers, migratory birds, and other regulated species.

-WS has been helpful overall, but the end result is often negative. E.g. WS helps process permit applications but ultimately USFWS denies them. Has actually stopped applying for permits altogether now and requests clients to do it.

-Has had some clients get depredation permits through WS.

-Permit processes.

*Cooperation and in the field interactions*

-Helping with raccoon rabies testing by providing samples.

-In one area where there is a large problem with wintering crows (80,000+) WS State Director has gone down and talked with the city to describe the options available to them. The city has yet to implement the options and still faces the problem.

-In another city WS State Director has met with officials to give recommendations on dealing with goose problems (roundups, egg oiling, etc.) and they are following the recommendations.

-Working with disease biologists to provide samples and other information gathering activities.

-Seen some WS at airfields. They are usually doing goose work while he is doing beaver.

-State association provides help in obtaining samples for rabies research.

*Participation in working groups and advisory boards*

-WS has been helpful with the State Association and helping them understand the permitting process for migratory birds.

-WS State Director is involved with various committees and participates in many meetings.

-Working with WS State Director (committees and task forces).

-Work together on regulatory issues (participation in state task forces that advise regulations).

*Limited to no interactions*

-In one state there is limited interaction.

-Personally in one state almost no interaction.

- Has no relationship with them.
- Never really had one, never dealt with them.

#### Technical assistance

- Work with them on labeled materials usage.
- Call for clarification about goose control.
- Legal questions (what am I allowed to do?).

#### Informal relationships

- In one region they have been fortunate. Specifically doing bird work in these states. Relationship in regards to bird work in one state has been outstanding.
  - Good friends with the State Director.
  - They are open about bids and pricing structure. Tells them why he dose what he is doing.
  - But if not for him (State Director) it may be a different story.
- Extremely positive relationship with State Director of WS. They talk periodically.
- Personally had very little interaction with WS in recent years, partly because of a change in the State Director, and partly because of personal history and trust established that he knows the regs and will follow them.

#### Referrals

- WS works together with DNR to run a 1-800 hotline and website – valuable to both the public and WCOs – provides referrals to rehabbers and WCOs. Some issues with how it is administered as people can be listed in whatever counties they want even if they don't work there.
- WS primarily doing work related to agriculture and refers urban work to private.

#### Not Applicable

- Deal largely with the State Director.
- Not a lot of competition.
- Anticipate won't deal with them unless it is a wolf issue.

**Question 1 (WS)****Describe your relationship with private WCOs:*****Ratio of positive to negative interactions:***

-All neutral to good.

-There have been a couple of complaints about competition, and we try to explain the regulatory framework to them that obligates us to do something. After explanation nearly 100% of interactions are positive.

-95% common, 5% not so.

-Over 95% positive.

-99% positive (or neutral).

-Positive 90% (complete guess).

-30% positive, 70% negative.

-90-95% positive.

-Majority positive – 90%.

-95% positive, 5% negative (positive informal relationships as well).

-97-98% positive.

-99% Positive.

-95% Positive.

***How often do you interact with WCOs?***

-Infrequently.

-1 or 2 a month (more often in summer, less in winter). Phone referrals are given 15-25 times a day during peak season.

-10 times a year maximum.

-Directly once a month, through permit processes a couple a week.

- Frequently (not quite once a week).
- Monthly.
- Interact about 3 times a month. Do give referrals daily on average.
- 300 times a year as a state, give referrals often, tell people to check yellow pages or state list on the web.
- Monthly.
- Daily, between 350-400 referrals to WCOs/yr.
- Daily (8000 calls a year on 1-800 hotline).
- Approximately 50 times a year.
- Less than once a month, 5 or 6 a year.

***What types of interactions do you have?***

*Referrals*

- With calls about woodpecker complaints WS tells the caller what they can do as well as provides 2 or 3 names for referral.
- With calls regarding snake and other herpetiles WS refers nearly 100%.
- On an airport contract WS had they did not have the type of equipment they needed so they subcontracted a PCO with the necessary equipment to come and help.
- Give referrals when requests are out of this scope.
- Referral list contains 4 or 5 NWCOs. They rotate list so same person not always on top. To get on list call the office or send in business card & ensure you have proper permits for the work you want to do.
- In one state WS does primarily birdwork (goose and airports) as the state has an agency that deals with mammal work. When get calls about mammal work WS refers them to the state and allows state to refer to private businesses. State maintains list of trappers for referrals.
- Utilizes a referral list that is maintained by the state.

-Referrals - Usually referral is not an endorsement of a single entity. Sometimes at district level they may regularly refer a specific company because of the good relationship they have with that company. The state has a list of licensed operators and they often refer people to the state who then could give referrals from that list.

-Referrals – If we get good reports on a private operator, we will refer them (not endorse).

-State Fish and Game maintains a list of NWCOs and provides it to WS. WS receives approx. 1300 requests for assistance per year. WS triages these requests and results in 350 – 400 referrals to NWCOs.

-When giving referral WS provides 3 names. WS has asked F&G to define on the list who does what types of work and species so they can better focus the referrals.

-Maintain and manage a cooperative list of licensed WCOs for the state.

-Run 1-800# that provides technical information and can refer customers to WCOs.

-Interactions are minimal. WCO may call with questions about specific species or permits. WCO sometimes refer WS in instances dealing with migratory birds.

-Referrals - Do give referrals, but doesn't come up often. Refer jobs when WS does not have someone in position to do it or if the cooperater inquires about availability of private operators. Referral list comes from the State Wildlife Division and contains licensed NWCOs and PCOs. Contact State Division of Wildlife for licensing requirements to get on the list.

### Technical assistance

-Assistance with migratory bird permits, Technical Assistance.

-Some technical help on pigeon and starling work (e.g. answering questions about what toxicants are legal).

-Takes calls about techniques and methods.

-Interactions include calls requesting assistance and information.

-Calls with questions about state policies.

-Requests for information and dissemination of literature.

-Toll Free 800 number for technical assistance.

-Run 1-800# that provides technical information and can refer customers to WCOs.

-Respond to anywhere from 25 to 50 contacts a year from PCOs for advice about methods, laws, and assistance with migratory permits from USFWS.

-Interactions are minimal. WCO may call with questions about specific species or permits. WCO sometimes refer WS in instances dealing with migratory birds.

### Providing training

-Interaction at meetings (both giving and hearing presentations).

-Provide seminars.

-Thinks his state has the largest # of licensed NWCOs.

-WS has received training and help from people who do border collie work (and have become good friends).

-In conjunction with the State Chapter of The Wildlife Society developed a training program for Wildlife Damage Control Agents (WDCAs).

-train 50-75 agents a year.

-WDCAs can issue some depredation permits on behalf of the State Wildlife Resources Commission.

-Conducts part of the NWCO certification. This means they meet every new NWCO as well as seeing the others at least every year.

-Done planning and participation in conferences with Pest Control organizations. (e.g. helped with planning and spoke at a Pest Control Conference for the seven years in one state). Also was a member of the planning committee for the very first and second Pest Control Conference at a University in another state.

-Provide lectures, training, and how-to's (biology, methods, laws) at least a half dozen times a year through various organizations that PCOs and NWCOs attend.

### Permitting processes

-Assistance with migratory bird permits, Technical Assistance.

-Assistance for private co.'s to get listed as an agent on migratory permits to do goose work.

-WS is the agency WCOs must go through for migratory bird permit applications (form 37). Good relationship with those utilizing this service.

- Calls to help obtain permits.
- Provide assistance with migratory and state depredation permits.
- Respond to anywhere from 25 to 50 contacts a year from PCOs for advice about methods, laws, and assistance with migratory permits from USFWS.
- Interactions are minimal. WCO may call with questions about specific species or permits. WCO sometimes refer WS in instances dealing with migratory birds.

Participation in working groups and advisory boards

- There is a representative or 2 on the National Wildlife Services Secretarial Advisory Board (named by the Sec. of Ag.).
- Active member of the local State Wildlife Management Association.
- Work with the State Trappers Association.
  - WS usually has several people on the board.
  - Although not a great relationship initially has developed into a positive one over time.
  - Worked together on projects regarding legislation (e.g. legalizing snares and declaring beaver nuisance species, legalizing a three-day trap check for conibear traps)
  - Give presentations at State Trappers Association meetings.
- Participation in Public Working Group to set long term goals for big game species. NWCOS involved too.
- Wildlife Summit every 2 years with the State Trappers Association.
- Both WS and NWCOS are members of the State Trap Standards Committee.
- Serve on a lot of committees with WCOs.
- Respond to anywhere from 25 to 50 contacts a year from PCOs for advice about methods, laws, and assistance with migratory permits from USFWS.

Cooperation and in the field interactions

- In the area of private predator control there are maybe 3 people doing coyote work for money. When they show up to a job WS pulls off (to decrease perception of competition

and also ensure they are not associated with the practices used by some private predator controllers).

-For coyotes there is no permit required, but bear and cougar work both require permits. WS is aware of some private predator companies operating as outlaws by doing bear and cougar work without permits.

-In an instance where individual inquired about WS was doing some crow work they were able to meet up (ride along) and come to an understanding of the size of the work and the role WS plays.

-In most counties there is a division in types of work done by WS and WCOs (e.g. urban/rural). Sometimes there is an overlap. Seems to be enough work for everybody.

-Some good relationships as a result of working together on the rabies surveillance.

-Some counties that are not in the WS program have private operators doing the work. Cooperate with them on providing aerial services.

#### Informal relationships

-Frequent interactions with many WCOs and some have become good friends.

-WS has received training and help from people who do border collie work.

-Relationship depends on which WCO.

-NWCOs frequently stop in to see how things are going and compare notes on what is going on with the various species.

-Relationship has been strongly positive with the pest control industry.

-Want to ensure that there is an appreciation of the positive relationship with the pest control industry.

#### Attendance at seminars and other meetings

-Run into some at conferences – Pleasant, we have a lot in common.

-Interaction at meetings (both giving and hearing presentations).

-Take similar courses (e.g. trapper education course).

-Done planning and participation in conferences with pest control organizations. (e.g. helped with planning and spoke at a pest control conference for the seven years in one

state). Also was a member of the planning committee for the very first and second pest control conference at a university in another state.

NA

-Regulatory framework consists of a 9 member board that establishes State policy and directs action under the cooperative agreement between WS and State agencies like DWR and Agriculture. Raccoons are not classified as wildlife under DWR code, but rather fall under the jurisdiction of the Department of Agriculture and Food – WS's major cooperator and the administrative location of the states part of the WS program. As such, to the extent that the state has to do anything, it falls to DAF – and thus on the shoulders of WS. This is more than a federal WS role – and is how WS got into the urban wildlife program in the first place.

-Board directed WS to do urban work in the County and they developed a trap loan and animal pickup program (during peak raccoon season they can have a six week wait on trap loans).

-Interaction is limited due to the managerial nature of office.

-Generally positive.

-Been in large state since 1997, prior to that was in small state. In small state had opportunities like meeting with the Governor. Different in large state. Small state maintained a hot line.

-Outline of WS program in his state:

- Run a state program where participating counties share in the cost of the program. About 40 of the 58 counties participate.
- T&E work where cooperator covers 100% of cost.
- Some airports where the airport covers 100% of cost.
- 5 districts administered by district supervisors.

-We interact quite often with two states, however, I personally have more interactions with WCOs in one state.

-Have no relationship with some WCOs.

-Due to the nature of position as a regional director has never really interacted with WCOs.

-Limited – not much market in this state mostly associated with predator management in areas using nongovernment trappers.

-Defined roles.

-When complaints come in asks for specifics – other than not getting a job they felt they were entitled to, don't get a lot of specifics.

### **Question 2 (WCOs)**

**From your perspective, what are possible factors that may contribute to conflict between WS and WCOs?**

#### *Overlap in similar services*

-The primary opportunities for conflict occur when a government agency is doing voluntary or for hire work that the private sector can do.

-Some guys have issues over airport work, and sure they can do a lot of the activities that go on out there, but can a private individual really provide for the liability and safety of the many that go through an airport.

-Have heard complaints of WS guys doing beaver work to supplement their income, but won't believe until see proof.

-Competition – e.g. bird control at airports, overlap of similar services.

-When WS comes into urban areas and provides like services to those of private sector.

-Goose control being done by WS, involving BirdStrike stuff.

-In the overlap of services dealing with beaver and raccoon (but not a huge concern).

-Airfields – believes private contractors can handle them.

-Bird control – Airports.

-Don't really know, unless WS is going to start dealing with non-game species in urban areas. That is where the business is for the private sector.

#### *Money and pricing*

-WS has to meet their budget because they are not fully funded, so they have to find work to fill their salary in. In essence they are being forced to compete with private businesses.

-USDA funding – has licensed and qualified individuals working under a pay system where 2/3 of salary is funded by tax dollars and the employee is expected to find remaining 1/3 in some sort of commission for services rendered. USDA induces

employees to go around the system to make their expected income. That is to say that USDA says they won't interfere in places where private businesses are operating, but then requires its employees to seek additional compensation in the same areas where these businesses are working. They are speaking out of both sides of their mouth.

-Another advantage is that USDA does not have to deal with the same overhead that a typical business does, and when involved in bidding process have not been taught to structure prices in a similar way that a business does (thus we can't compare apples to apples). Their labor and material rates are at least ½ that of private businesses.

-Biggest is money. -From perspective of private industry WS interferes with how they feed their family. -From WS perspective WCOs aren't qualified in the same way as they are (e.g. liability backing).

-WS is able to charge lower price to end customer due to subsidization of costs.

-WS needs to show they are doing something with the money they are allocated and are maybe getting greedy to try and keep the money they do have.

-WS Double-dipping. Charging customers for services while using their tax dollars to do the work.

### Agency advantages

-Administrative advantage – WS has access to tools and chemicals that WCOs do not – e.g. 1080 for coyote control.

-Regulatory Advantages- WS as permitting authority is also providing the permitted service (they shouldn't do that). This gives them advantage. e.g. In one state you can either hire WS to do a nest job or wait three weeks to get a permit. Concern over WS getting involved after customer relationship has already been established. Meaning if WS has to come in because of some regulatory issue and then gets involved in other aspects of the job. e.g. private company has contract with prison (airport?). WS comes in because of a nest, and ends up taking over the whole job.

-Administrative Advantages- WS is assumed to be qualified, but private sector assumed unqualified. Question about whether or not WS must live up to same qualification standards as private sector. MOU with states provides WS inside track to jobs. If they truly are competitors it is an unfair playing field because of administrative advantages.

-Some of the problem is not WS, it is the private operator. WS gets a leg up because they are a federal agency, meaning WS gets contracts that private guys never even hear of.

-WS is above the law, whereas private guys are much more carefully scrutinized in how they follow regulations.

-WS has blanket deprecation permit – private can't.

-Instances were agencies have said they will not sign off on permits other than to WS.

### Policy

-The biggest reason is that WS is not following their directive. E.g. When WS is aware of private firms doing a certain type of work they should be referring to them.

-USDA has unclear documentation for 3<sup>rd</sup> party businesses as to what they will or will not participate in. USDA says it won't interfere, but in reality they don't wait to even see if there is a conflict with a private business.

-Have heard that in other parts of the country WS advertises, but have no firsthand knowledge of this.

-As heard from other states:

-Exclusion from bidding and knowledge of available business opportunities.

-WS advertising in one state.

-The general exclusion of private businesses from business opportunities.

-Personnel and policy changes (Policy interpreted different by different personnel).

-Actual Policy Statement (Directives) and there interpretation.

### WS expansion of services

-WS broadening into the human health and safety area from the traditional role played in agriculture.

-There is a changing baseline of what WS really does (both in time and location).

-WS broadening services offered into areas that private sector is already handling.

### Local level issues

-Agent who may not be willing to issue a permit or is slow in doing so (personality conflict).

-While WS has attempted to address the issue and is actually good to work with at the upper administrative levels, there is still a lot of negative things going on at state and local level.

### WCOs unaware of available opportunities

- As heard from other states:
  - Exclusion from bidding and knowledge of available business opportunities.
  - WS advertising in one state.
  - The general exclusion of private businesses from business opportunities.

Lack of professionalism

- There is a potential for conflict if WS was less than professional or uncooperative when WCO requests assistance with using labeled materials. (But have not seen it occur).

Differing ideas about wildlife management plan

- Occasionally with a real or perceived depredation by a large flock of birds there are differing ideas about what wildlife management is necessary between WS, customers, and WCOs.

WS unaware of what private sector can do

- Maybe they haven't taken the time to find out who is doing this kind of work in the private sector (but they could look in the phone book).

**Question 2 (WS)**

**From your perspective, what are possible factors that may contribute to conflict between WS and WCOs?**

Overlap in similar services

- Animal removal is the big area of overlap. WCOs view any animal removed by WS as lost potential income.
- If there were an increasing # of companies and they wanted to get into goosework and airports it is possible there would be conflict (but not likely).
- Doing the same type of work.
- Potential for conflict because both parties are working in similar arenas.
- From the perspective of the WCOs there is competition for customers.
- Airports – some private guys would like a chance at these contracts.

- Some instances in urban situations, because some WS areas do have urban programs.
- The Beaver Damage Management Program which is funded by county, state, federal, and private dollars has created some concern with beaver trappers complaining they are losing business.
- Airports – One company has complained that they can't get their foot in the door at military bases and airports.
- In one area WS had a specialist that started a private business when funding for his position was lost. WS continued to provide services with a specialist from a nearby area, and the individual who started his own business complained because they were competing with him. He viewed it as conflictual and wanted WS to stop working in this area they had traditionally worked in.
- Bears (capture and shooting) – WS refers houndsmen to harass nuisance bears – NWCOS have wondered if they could provide this service.
- Goose work – NWCOS want to know if they can get into it. Permitting process limits but does not preclude NWCOS from doing it. Aware of one NWCOS who was able to get a permit after about two years.
- Landfill gull harassment (NWCOS have expressed some interest in doing the work) WS has an established role and the cooperators are comfortable with them.
- When WS is doing something for an entity (agency, individual, county, or corporation) that a PCO feels they could tackle. Gripe that WS unfairly competed for the jobs.
- Nuisance birds not covered under migratory bird treaty act (e.g. pigeons and starlings). WS does both migratory species as well as other nuisance species.
- Beaver, nutria, muskrat.

#### Agency advantages

- The Federal government is a brand. Associated with that brand is a certain level of expertise as well as understanding that there is a solid team (e.g. biologists) to back them up. Most private WCOs do not benefit from a similar brand recognition.
- Available methodologies – WCOs do not have access to all the chemicals and methods that WS does.
- People thinking the government has a lock on a niche in the market and the public is not allowed to compete for it.

-There is a comfort associated with going with a recognized government agency.

-Some people like going with the accountability associated with a government agency because of their specialized knowledge, tools, and expertise.

#### Lack of referrals

-Some WCOs feel WS doesn't refer enough work.

-Some WCOs have perception that WS does not refer much work. Perception is completely untrue. May be due to the fact that there are many wildlife control operators in the phone book and listed on the Wildlife Resources Commission (WRC) website, both of which are resources where we refer the public. Also, WCO contacts listed on the WRC website are outdated.

-Negative comments are usually concerning how the referral list is managed (i.e. what determines which names are given). To remedy this customers are now referred to the website so they have an opportunity to see the whole list.

#### Money and Pricing

-If WCOs feel the government is subsidizing the work and can therefore charge less than private businesses.

-Belief that WS undercuts WCOs in pricing. Covering costs vs. profit seeking. -In one state WS tries to focus on jobs that are big and difficult to tackle and then strives to pass along information they learn in these pioneering efforts.

-PCO charges fees and WS doesn't (in most county programs).

#### Misunderstanding of WS role

-A misunderstanding about WS role.

-Philosophically there are some actions that are inherently governmental (e.g. migratory birds and airports may fit in this category). It just makes sense to consider some things as inherently governmental responsibility.

-Another negative comment received is that some WCOs don't want WS to provide technical information to callers, and think they should only refer them to private businesses.

#### Use of illegal or inappropriate methodologies

-PCO use of illegal or inappropriate methodology (e.g. moles).

-In the past have worked with some PCO's and helped them by answering questions and providing technical information. Most interactions with PCOs have been positive. Have had conflicts with a very few PCOs taking advantage of customers.

Misunderstanding of types of services WS offers

-A misunderstanding about the services WS provides.

Not applicable

-Generally when there is a conflict we can sit down and work it out.

-There is very little conflict because there is so much work that everyone has plenty to do.

-Misunderstanding of how big the pizza really is, and getting territorial about a slice doesn't do a whole lot of good. There is so much work out there that there really isn't much of an overlap.

-There is a lot of work out there to go around.

-In the areas that are the nuts and bolts of WDCAs work (squirrels, raccoons, opossums, etc) there really is no conflict.

-When someone comes to WS with a problem they go through with them what they can do and what it would cost (This may or may not include a site visit) and advise them the private sector can handle these problems as well. Tell the requestor that WS isn't interested in bidding, and that is just what it would cost for them to do it.

-Aware of WS Directive dealing with competition and seeks to follow it.

-Not out looking to try and compete with private businesses.

**Question 3 (WCOs)**

**From your perspective, what are possible factors that may contribute to cooperation between WS and WCOs?**

Cooperative work (e.g. referrals and subcontracts)

-When WS sees a need they could refer it to the private sector when the private sector is capable of handling it.

-Help with rabies sample collection.

-Referral sheet provided to potential customers that gives them several options of who they can call.

-Disease issues- working with private sector to obtain samples.

-A bid was let out for gull control at a landfill in an airport flight path and awarded to a private company. WS developed the plan for the control and there is cooperation between them, the private contractor, and the landfill.

-Have heard that if private guys do prebaiting that WS will come in and administer alphachlorolose. But never seen it.

-Have made efforts to try to get WS manpower to help with handspreading of baits in an area that aerial spreading was not possible, in hopes to defray costs to taxpayer by using the agency's manpower. Never happened though.

-Money. If they start taking away jobs from the private sector they will need to consider subcontracting or something.

### Communication

-Communication – “I don't have a problem picking up the phone and calling the WS State Director or field techs with a question”

-Communication and acknowledgement of both sides. States should organize into associations, select good sound leaders, and then sit down and communicate with WS about who they are and the value they can bring to the industry. There are some fears associated with sitting down with your competitors, but it seems to be working in one state. In the process in this state there was one outspoken WCO that probably didn't represent the views of the rest very well. Another guy from came to a meeting and wanted to say his piece and then just leave. After a few years have gone by he has become a valuable part of the organization.

-WS may be unaware of what WCOs can actually do. It is possible that WCOs could take some headache away from WS.

-Meeting one another – conferences and physical meeting.

-In one state a positive relationship exists due to an understanding of the roles each plays. This understanding has evolved through open, honest communication and not on a business competition level.

-Communication - there is none right now. National and State Associations are not interacting nearly enough with WS.

### Clarified roles

-Develop a good understanding of the parameters of what each can do.

-WS may be unaware of what WCOs can actually do. It is possible that WCOs could take some headache away from WS.

-In understanding each others roles we don't step on each others toes.

-In one state a positive relationship exists due to an understanding of the roles each plays. This understanding has evolved through open, honest communication and not on a business competition level.

-Cooperation could be enhanced through defining and sticking to roles rather than continually expanding them. "Are they a business or a government agency?" When they operate as a business, that is when conflicts get started.

### Training and education

-In areas that private sector doesn't do a certain type of work WS could help train the private sector.

-Education. The PCO industry is maturing and has been around since the 50's. However the Wildlife Control Industry is just getting started in the last 10 or 20 years. Some states don't even have a licensing process for WCOs yet. WS expertise can be used to help get good regulations in place so that both people and animals are treated fairly and humanely. USDA can play a great part in this role.

-Information dissemination (WS providing speakers at conventions and other information disseminating activities) – worry this role of WS is being lost because of their involvement in other areas.

-Use of facilities for trapper and hunter education classes. This helps avoid problems associated with these classes in a liberal area as they become associated with the federal government. Education is a good role for WS.

### Permitting process

-A lot of positive interactions. Woodpecker permits. Goose removal permits. Would like to see them steer that kind of stuff to the private sector.

-Cooperation could increase if WCOs had same access to permits as WS.

-Like to see all involved parties cooperate efforts in terms of granting permits.

### Cooperative policy work

-Education. The PCO industry is maturing and has been around since the 50s. However the Wildlife Control Industry is just getting started in the last 10 or 20 years. Some states don't even have a licensing process for WCOs yet. WS expertise can be used to help get good regulations in place so that both people and animals are treated fairly and humanely. USDA can play a great part in this role.

-Work together to address regulatory issues.

-Work together to address attempts by animal rights groups (e.g. HSUS, Audubon) to restrict how nuisance wildlife work is done.

### Policy

-Follow directive (then they would find out that we are out here and could refer).

-Develop a better understanding of policy.

### Open more work to private

-There is expertise out there that may not be being tapped. E.g. Starting to hand over goose work, it may just be the slow wheels of government finally taking care of it.

-At big airports goose control is still done by WS. Could bring WCOs in to do it.

### Elimination of conflict factors

-If WS didn't charge for their services then they would be less likely to pursue work and operate like a business.

### Research centers

-Research Centers are invaluable (private sector could not do this).

### Make labeled materials available to private sector

-Not sure if it would really happen, but making materials available to private sector that are currently labeled for government use only.

WS filling roles that private sector is unable to perform

Seen one state that has done a great job. In areas where there are skill sets that WCOs don't have or jobs bigger than WCOs can get to USDA can provide those services. E.g. This state isn't typically known as a rabies state, but in N.W. there has been an encroachment of a large # of rabid raccoons. WS is able to drop food blocks treated with rabies vaccine. This is something that WCOs couldn't do. When businesses can't physically do it, it is great that there is a govt. agency that can, and when they can work symbiotically on something like this that is good.

Shared vision

Shared Vision – e.g. In one state the State Director and WCOs share the same vision, “If there is a problem let's get it fixed.

Not applicable

-When WS comes in it seems badge heavy and some of the smaller WCOs may feel intimidated.

**Question 3 (WS)**

**From your perspective, what are possible factors that may contribute to cooperation between WS and WCOs?**

Cooperative Work (e.g. referrals and subcontracts)

-On an airport contract WS had they did not have the type of equipment they needed so they subcontracted a PCO with the necessary equipment to come and help.

-WS has no authority in urban rodent management – can refer all that to WCOs.

-There are other areas where WS can direct projects to private PCOs.

-Refer a lot of work to WCOs. Many state offices have a referral list of some sort.

-Seek to find ways to work side by side.

-Working together on alpha chlorolose (chemical registered for use by WS) projects.

-In urban areas WS should be able to refer callers to either the State Fish and Game or private WCOs.

-Receive referrals from WCOs on migratory issues.

-Bear Management Program – Companies WS was working for wanted services WS could not provide (supplemental feeding was not practical for WS at the time). WS recommended they hire a private company to do it and backed off while continuing to provide support. Resulted in a good work relationship.

-WS and private sector can work side by side on same property, but different species and share information with one another to help out. (e.g. mountain beaver and pocket gopher contractors on large landholdings)

-One other area of cooperation has been to utilize a contractor to do population counts of selected game species (deer and antelope) in support of game enhancement projects where WS is doing the predator control on the project.

-WCOs refer work they can't do to WS (e.g. migratory birds).

-Collaborate with WCOs on projects where WS assistance is necessary (e.g. DRC 1339 subcontracting).

-Work together on jobs involving multiple species (WS may bring expertise when needed).

- Assist property owners to get permits so private control operators can assist them.

### Communication

-Communication – with more dialogue we can see where there are commonalities.

-Have an open mind and communication that isn't possessive of work areas.

-Communication and transparency on the side of the federal government.

-State your opinions and be willing to answer the hard questions.

-Be open with WCOs on how WS is run. (e.g. share information with them about how decisions are made and why WS does what it does) It goes along ways when people are willing to share information with one another. This helps each other stay informed and excited about the work. Challenging when an individual leads with their chin and doesn't want to work cooperatively.

-Be clear that at times there may be conflict and it is just something you have to work through. e.g. There were 2 WCOs upset about WS involvement with a conservation organization on a project. WS went into a meeting with them with openness and transparency about their involvement and ultimately it resulted in an understanding and even working together in the future.

-Good communications between those in the same region. Find out who is doing what.

-Open Communication - “When we have a good relationship there is typically good communication.”

-Familiarity with them and their qualifications:

- A good working relationship goes both ways.
- Difficult when it is only a one way street (Private taking but never giving).
- Attendance at professional meetings (e.g. the Wildlife Society) and interaction.
- More open to discussion and cooperation when you are familiar with them.
- Familiarity with one another can be beneficial to both parties.

-Good communication – when private companies determine a niche to work in they should not assume established WS will back off. Has helped some WCOs find a niche to work in.

-There has to be two way communication. Pest control industry should take advantage of technical expertise associated with WS by inviting them to attend and present at conferences etc.

### Training and education

-Annual training of WDCAs (certification and recertification). 50 -75 a year and probably around 300 that maintain a current license.

-Did survey of WCOs in late 90s to gauge interest in additional training. Found that most were interested but didn't want to spend over \$100. Nothing moved ahead because WCOs were not overly excited about spending \$ on it.

-Responding to calls from WDCAs about what is legal and not.

-Certification Training – Talk about the role of WS and what's involved in the bureaucracy. Discuss goals and objectives of WS program. WS tries to work in larger scale types of jobs like statewide and municipal.

-WS value is not in the business of endorsing an individual PCO, but we are in to contributing to the professionalism found in the industry through training, answering questions on the phone, and disseminating information (biological, procedural, manuals, and laws).

-There has to be two way communication. Pest control industry should take advantage of technical expertise associated with WS by inviting them to attend and present at conferences etc.

-Provide technical information FOC.

### Interacting with and assisting WCO organizations

-There has been some talk about organizing a state wildlife control organization. WS has offered support. Not sure if the organization has actually occurred.

-Working together to change trapping laws.

-Both formal and informal representation and interaction in various groups.

-Partner together on legislative items (e.g. WS and NWCOA State Directors testify together on need for trapping in the state).

-See each other at various meetings (e.g. Trappers association meetings).

-Build a report through interaction and not just paint the government as a competitor.

### Clarified roles

-Knowing who is out there and what they do.

-WS stays away from some areas. E.g. invertebrates, commensal rodents (maybe provide some pamphlets and other information), and for the most part urban/suburban small mammal work (i.e. squirrels, raccoons, etc.).

-Open Communication - Both parties know each others niches and give the other a call when they see there is an area they could help them out with.

-Roles are pretty well defined. (WS stays away from raccoon, squirrels, and bats; the bread and butter of NWCOs and refers all these types of calls).

-Roles of WS and WCOs are defined and delineated. They both know what the other does and as such don't often run into conflict.

### Research centers

-NWRC continually looking for new methods and techniques which can then be made available to private businesses. -Shared technology and information.

-Good resources and information (for example: on methodologies) is available from WS (research folks) and can be conveyed to PCOs.

Compliance with directive

-Always asks cooperators if they have been or are planning to take bids, or if a WCO is already providing assistance with the wildlife problem. If so, WS voluntarily withdraws.

Recognize customers may have a preference

-Seems that big private companies tend to like to use private WCOs whereas municipalities and other government entities seem to have a preference in using government agency.

-Believe it is important for people to have a choice. There are differences in WS and WCOs. WS has to be more open to the public and comply with things like NEPA and FOIA. WCOs don't have to be as open to the public. Individual customers may have different preferences regarding these aspects.

Establish price structures that decrease competitive incentives

-In the area of private predator control pay structure could be looked at to decrease competitive incentives (e.g. private companies paid on a per animal basis have incentive to sabotage or remove WS snares. If pay were on a mileage or per day basis this incentive would be removed.)

WS views WCOs as a customer just like any other cooperator

-WS views WCOs as a customer as much as any other cooperators.

Not applicable

-Trap loan program was designed on a self help basis to minimize WS involvement. WS has to find an appropriate balance between urban work and other things they are asked to do. As a result the program is scaled to where it is manageable. (1 person coordinating 110 traps) Could definitely increase the scale but it would pull time and resources away from other areas.

-“I feel we are there.” – in reference to cooperative relationships with WCOs.

**Question 4 (WCOs)**

**Describe some specific examples of conflict and/or cooperation between WS and WCOs regarding competition:**

*Conflict*

Overlap in similar services

- Beaver work in 2 states.
- WS does a lot of coyote work that WCOs could do, and has access to chemicals that WCOs do not.
- On a sheep job where a coyote killed valuable livestock WCO had already killed the responsible coyote. WS came out and provided snares to the rancher without any instruction on their use. By providing snares WS entered into competitive relationship.
- At the airport they are doing stuff we can do.
- At railroad station WS is doing bird work.
- WS contracted with the city to do pigeon control. This is taking bread right off our table.

Money and pricing

- Predator Control – Private Trappers vs. WS @ no cost.

Agency advantages

- WS has airport contract and private WCOs have no opportunity to bid for that contract.
- WS also holds airport contracts.
- WS does a lot of coyote work that WCOs could do, and has access to chemicals that WCOs do not.
- Yellow Pages ad. Prime example of abuse of government relations. WS blames it on the county. May be best addressed by dealing with county commissioners rather than WS.
- Proposal vs. bid on urban coyote control. Proposal included use of M44s, something private couldn't offer. M44s may not have been best method in city environment as well.
- Don't understand why we can't get airport work. FAA?

-How does WS get around client who says they need proof of \$5M liability. E.g. WCO originally had contract to do electric track and needed to show \$3M liability insurance. Before he could get it arranged WS came in and did the job using DRC-1339.

- Aware of military bases that WS is doing pest bird control. (Private sector has no opportunity to talk with them).

-Not being brought to the table with regards to bids and RFPs.

-One area that WCOs could get into but have not really ever been put out for public bids is airports and public park land. Because they are not going out to bid no one is raising their hand to call attention to it.

- Losing goose jobs because of permits held by WS.

### Policy

-WCO loss of pigeon contract @ airport when WS came in to do other work.

-Mostly heresay but have heard some concerns of direct competition when WS finds a WCO working in a certain area but does not back out.

-Yellow Page advertising (but has just heard about it not sure about the validity)

-Proposal vs. bid on urban coyote control. Proposal included use of M44s, something private couldn't offer. M44s may not have been best method in city environment as well.

- Sea Turtle Depredation Contract:

\*WCO has contract with county to handle animals depredating on sea turtles on the beaches. WCO is concerned by recent WS actions that show they may be moving in to try and take this work.

### WS expansion of services

-WCO loss of pigeon contract @ airport when WS came in to do other work.

### Differing ideas about wildlife management plan

-Manufacturing plant deer situation.

\*WCO and public favored live removal, WS and plant opted to go with lethal removal.

-Proposal vs. bid on urban coyote control. Proposal included use of M44s, something private couldn't offer. M44s may not have been best method in city environment as well.

-How does WS get around client who says they need proof of \$5M liability? E.g. WCO originally had contract to do electric track and needed to show \$3M liability insurance. Before he could get it arranged WS came in and did the job using DRC-1339.

Not applicable

-Can't because don't really have any experience with them.

-In my area things are different. WCOs aren't even recognized and have to cover a lot more ground.

**Cooperation**

Cooperative work (e.g. referrals and subcontracts)

-Again the rabies stuff – invited to participate and kept up to date on the status of what is going on with it.

-WS biologists have taken time to come and help out with jobs so they are familiar with what private sector is doing.

-This state isn't typically known as a rabies state, but in N.W. there has been an encroachment of a large # of rabid raccoons. WS is able to drop food blocks treated with rabies vaccine. This is something that WCOs couldn't do. When businesses can't physically do it, it is great that there is a govt. agency that can, and when they can work symbiotically on something like this that is good.

-A bid was let out for gull control at a landfill in an airport flight path and awarded to a private company. WS developed the plan for the control and there is cooperation between them, the private contractor, and the landfill.

-Conflicts Hotline is a great tool for disseminating information and providing list of licensed WCOs in each county.

Training and education

-WCO had a job where he was having trouble identifying what type of hawk was causing a problem. WS sent a guy out to help him ID it.

-WS is a good source of information that may be useful in the future.

Permitting process

-Good cooperation in woodpecker permitting process.

Cooperative policy work

-Serve on committees and task forces together and deal with conflicts in the meeting room rather than griping about them after the new regs come out. (WCOs and WS working together proactively to establish regulations).

-Working together on state task forces (e.g. recently worked together on legislation to legalize trapping within city limits.)

WS filling roles that private sector is unable to perform

-See rabies vaccine food blocks example above.

\* This state isn't typically known as a rabies state, but in N.W. there has been an encroachment of a large # of rabid raccoons. WS is able to drop food blocks treated with rabies vaccine. This is something that WCOs couldn't do. When businesses can't physically do it, it is great that there is a govt. agency that can, and when they can work symbiotically on something like this that is good.

Not applicable

-No real knowledge of it, have just heard some things.

**Question 4 (WS)**

**Describe some specific examples of conflict and/or cooperation between WS and WCOs regarding competition:**

***Conflict***Overlap in similar services

- Trap loan program takes away potential customers from WCOs.

- Folks in private sector wanting to get into airports.

-In a situation where private WCO did work one year and next year the customer used WS, WS has received 2 or 3 calls with WCOs concerned about this.

- One WCO had some form of discussion with an airport about possibility of doing work there. WS came in and did a proposal for this very large job and was hired. The WCO was upset because he didn't get a chance at the pie. Subsequent discussions with the WCO helped him understand that WS was unaware of his bid (if it really was a bid) and actually better suited to a job of this size and nature. Not sure if it was 100% resolved with the individual but an attempt was made.

-Some conflict when a PCO goes to a county and presents a plan to administer the county program for them. County has a choice to use WS or PCO.

-Firm in area upset that WS got airport contract. The airport looked at the various options it had available and went with WS. The owner of the upset firm is a former WS employee.

-Airports and lack of opportunity

-Some private beaver trappers and the Beaver Damage Control Program.

-Bears (capture and shooting) – WS refers houndsmen to harass nuisance bears – NWCOs have wondered if they could provide this service.

-Goosework – NWCOs want to know if they can get into it. Permitting process limits but does not preclude NWCOs from doing it. Aware of one NWCO who was able to get a permit after about two years.

-Landfill gull harassment (NWCOs have expressed some interest in doing the work) WS has an established role and the cooperators are comfortable with them.

-Potential Conflicts with raccoons, opossums, skunks in urban areas – We don't go there on a regular basis. However in rural settings where WS may have a contract with a struggling county they may do this work. The private guy claims this is unfair competition because WS undercut or did it free, but the reality maybe that the individual wouldn't have been willing to pay the fee the private guy would have charged to go all the way out there. The PCO doesn't really want to go out there, and the individual doesn't want to pay his fee. WS has to stand accountable before the county commission that funds Wildlife Services in their county. If we are not responsive to the requests for assistance from within the county the County Commissioners may feel we are not meeting our contractual agreement.

- Received a contract to do pigeon control and was approached by PCO claiming to already have contract for that job. WS backed off until they could find out what was going on. Turned out the PCO had permission to trap and sell live pigeons from the place, but not a contract to do actual control.

Agency advantages

- WS has to do NEPA. Military calls WS and likes that WS covers NEPA because they are also required to do it and thus WS can take care of it for them.

\*Private guys complaining that this is unfair competition, but in reality it is the military that is coming to WS because we do NEPA. The service is different and if that is what the customer wants then that is what they should get. Often the military also prefers to work with another Federal entity for accountability and liability reasons.

-Large company franchise complained because of yellow pages advertisement. The ad referred to the county program. Ad was placed by county ad commissioner, not WS. WS had no control over placing the ad. Ad commissioner felt no need to pull the ad when he was approached.

-Some conflict when a PCO goes to a county and presents a plan to administer the county program for them. County has a choice to use WS or PCO.

-The big conflict issue is permitting for migratory birds. Private operators have issues about not being able to do migratory work.

-Airports and lack of opportunity

-Counties, others ask WS to do work without considering putting out on bids.

-Some private beaver trappers and the Beaver Damage Control Program.

- Potential Conflicts with raccoons, opossums, skunks in urban areas – We don't go there on a regular basis. However in rural settings where WS may have a contract with a struggling county they may do this work. The private guy claims this is unfair competition because WS undercut or did it free, but the reality maybe that the individual wouldn't have been willing to pay the fee the private guy would have charged to go all the way out there. The PCO doesn't really want to go out there, and the individual doesn't want to pay his fee. WS has to stand accountable before the county commission that funds Wildlife Services in their county. If we are not responsive to the requests for assistance from within the county the County Commissioners may feel we are not meeting our contractual agreement.

Perceived or real lack of referrals from WS to WCOs

- Some complaints about lack of referrals from WS.

\*Wildlife consultant (not PCO) disgruntled in this way.

-WCOs express concerns over how referral list is managed. They are concerned that they are not getting enough referrals. WS has data showing referrals given for past 13 years if they want to look at it.

WCOs use of illegal or inappropriate methodologies

-Few issues with the big companies who obviously have SOPs, established training for personnel, etc. in place - mostly the unethical operators who conduct work part time.

- PCO capturing large numbers of raccoons, skunks and opossums in urban area and releasing in suburbs to cause problems there. Not really providing a service, but taking advantage of customers.

-PCO use of illegal methodology doing mole work.

**Cooperation**

Cooperative Work (e.g. referrals and subcontracts)

- On an airport contract WS had they did not have the type of equipment they needed so they subcontracted a PCO with the necessary equipment to come and help.

- Facilitation of migratory bird reports for individual to get a depredation permit. Coordinate the cooperation between the public and PCO (fairly frequent with woodpeckers).

-Assisting PCOs in bird work. USFWS uses WS to determine how and where to give permits. WS assists PCOs to get permits.

-WS gets call from someone who wants to use border collies and will refer them to companies that specialize in this.

-Refer people to companies that specialize in certain types of work.

- Assistance with recommendation forms for permits and other help with regulatory processes.

- WS worked with a guy who developed a kite to scare geese and bought some of his product. As a result of their work with him they could share their experiences with other WCOs.

- When WS became involved in a study about relocating geese from an urban setting to a wildlife refuge a private WCO stepped up and asked how he could help. Ultimately he was able to supply the geese for relocation through his contracts.

-In one district the supervisor reports referring a lot of work to one particular PCO and having a good relationship with them.

-Alpha chlorolose cooperation. Started rocky (some PCOs wanted to be able to use it) but going well now.

-Rabies surveillance efforts over the last 2-3 years. WS has placed freezers in each county and when a private co. is doing lethal control with a vector species, they can take the animal to the freezer and fill out a data sheet. WS can then do rabies testing on the animal. Beneficial for both parties as it increases the sample size for WS without additional costs, and the private does not have to pay for disposal.

-Another example would be along the lines of a private WCO having a large industrial contract and suddenly coming across a migratory bird issue. The private WCO then subcontracts with WS to deal with just the migratory bird issue. Private co. benefits because they can continue to service the client.

-Subcontracting with pest control companies on pigeon work.

-Bear Management Program – Companies WS was working for wanted services WS could not provide (supplemental feeding was not practical for WS at the time). WS recommended they hire a private company to do it and backed off while continuing to provide support. Resulted in a good work relationship.

-WS and private sector can work side by side on same property, but different species and share information with one another to help out. (e.g. mountain beaver and pocket gopher contractors on large landholdings)

- Alpha Chlorolose – PCOs do set up and WS administer (coots).

-Referral aspect is built into annual work plan.

-WCOs often send livestock work to WS (e.g. vulture and eagle depredation on calves).

-WS doesn't do any squirrel or raccoon work, they refer it all as they are so many WCOs available to do it. (WS does not have an urban program in some states).

- Due to a contractual agreement with state DNR WS is to run 1-800 hotline and provide referrals to WCOs.

### Communication

- Most of the State Directors feel they have a very positive relationship with WCOs.
- Often receives cards, chocolates, flowers, from NWCOs @ Christmas.
- Answer questions on phone calls, assist in permitting process.

### Training and education

- Private company called with a question about marmots. They had been advised through the franchise to use an anti-coagulant, but anti-coagulant may not be best route with this size of animal so WS advised the use of zinc phosphide.
- Assistance with recommendation forms for permits and other help with regulatory processes.
- WS worked with a guy who developed a kite to scare geese and bought some of his product. As a result of their work with him they could share their experiences with other WCOs.
- There are tinkering guys out there that seem to be finding solutions to problems.
- Training of WDCAs.
- Share info with WDCAs on wildlife damage management techniques (e.g. overhead lines to exclude Canada geese).
- Answer questions on phone calls, assist in permitting process.

### Interacting with and assisting WCO organizations

- Participation in working groups.
- WS has helped in preparation of presentation to be given by a WCO.
- On the positive side commonly testify before legislative bodies on trapping and wildlife handling, not just to protect WS, but to represent the importance of these things to the private sector as well.

### Clarified roles

- WS does not do mammal work in my state.

-In many communities there is some kind of reptile guy. Glad to hand this type of work over.

- Exclusion work is a good area for private industry to work in. e.g porcupine wires and chimney caps, etc.

-WCOs often send livestock work to WS (e.g. vulture and eagle depredation on calves).

-WS doesn't do any squirrel or raccoon work, they refer it all as they are so many WCOs available to do it. (WS does not have an urban program in some states).

### **Question 5 (WCOs)**

**Is there anything else about competition between WS and WCOs that you feel is important to note?**

WS should...

-WS job should be to help with and liaison for permits for birds and pests rather than competing for the work.

- WS should work on eliminating competition rather than expanding services provided.

-When WS operates as an agency there are no problems, but when they operate as a business conflicts follow.

-WS can provide statewide services better. This could be done by then contracting work out to private sector and allowing WS to work in their traditional role of advising and other tasks they are best suited for like EISs. e.g. one state gave a statewide beaver control contract to WS. However, they did not turn around and contract it out and private sector didn't have chance to bid on the contract.

-Maybe WS should promote WCOs to do more goose work.

-As WS and WCOs focus on common ground, we can better deal with potential conflicts and work in an atmosphere of mutual respect.

-Many of the programs WS is doing could be done by private sector. E.g. In the rabies surveillance program, private operators could do the trapping.

-WS needs to be proactive in opening up communication with WCOs. "If I didn't hunt them down, I wouldn't know they are there."

- WS should not operate as a business, and should not compete with private industry.
- WS role should be to assist by providing information and technical assistance to farmers and home owners alike.
- WS should be willing to take on projects in areas where private businesses aren't available.
- WS should deal with exotic species and work to prevent their establishment. e.g. zebra mussels and iguanas.

#### Money issues

- They could assist us if they weren't put in the position to have to fill their funding.
- Concerns about WS mission being compromised by revenue. This has the potential to create conflict or attitudinal concerns. (e.g. WS getting involved in bird management for hire. Got the impression they were directed to do so by Washington to help with the budget requirements.)
- It all boils down to money. If they are taking away too many jobs then they need to consider subcontracting or hire me.

#### Free enterprise (eliminate government competition)

- There shouldn't be any competition. Free enterprise is the American way and government should not get in the way of it happening.
- I don't like to compete with a government that I am funding.

#### Inconsistencies at various locations

- The issue is very manageable at the local level subject to direction from Washington.
- Different States seem to take different approaches.
- Don't know why WS has developed into what they are (so different in every state). Recognizes that the problems are different in every state, but the basis is essentially the same. Why can't they look at areas where it is going well and use it as a template.
- Government agencies in general are not consistent with enforcement of rules and regulations across the board. This makes it hard for WCOs to interact with them.

#### Agency advantages

-There are some materials that EPA authorizes WS to use but not private sector (e.g. DRC 1339). Why can't private have access to these?

-Pricing – subsidized pricing means customer is not paying the full market price for services provided by WS. Private businesses establish prices based on costs, not really sure how WS establishes prices. If WS had to operate as a business, they probably wouldn't survive.

-Unfair Administrative Advantage – Permitting, assumed qualifications, regulatory. Example of regulatory: WS allowed to use in M-44s and private business cannot.

-WS is able to get around all the little regs. E.g. Private guy has to be sure to use approved methods, but somehow WS can do it how they want.

### Issues outside of WS

-There may be problems associated with competition between private operators other than with WS.

-In one state there are probably more problems with the Division of Wildlife having issues with private guys making \$ doing this work than with WS. In fact WS is happy that private operators can do it and make good \$ at it.

### Other

-Over time have witnessed fluctuations in those approaches (e.g. fluctuation between times when working closely with WS and receiving referrals to distant relationship and fewer referrals).

-3 types of operators: 1- Doing it for a living and has all necessary licenses including sales tax and through Division of Wildlife. 2- Doing it for supplemental income. May be licensed to do the work through Division of Wildlife but probably doesn't have sales tax license. 3- Government animal control type guys that are doing stuff under the table. (These ones cause some real issues).

-In one state WS does all the goose work. WCO has come down to participate in goose school to become certified and qualified. He should be given opportunity to get in on the work. On a positive note the small private goose school is being recognized by several states and they are granting credit for certifications for attendance. Good because it also involves hands on experience participating in round-ups.

-Referral stuff from them has all been positive.

-The private contractor is usually a day late and a dollar short, part of that is a PR problem for NWCOA to get the word out about what they can do.

-There is not a similar agency that competes with insect counterparts in pest control industry.

### **Question 5 (WS)**

**Is there anything else about competition between WS and WCOs that you feel is important to note?**

#### *Differences in the services provided by WS and private businesses*

-We try to involve PCOs where we can, but some areas require specialized roles and equipment that only WS can offer.

-Hear time and again: “We tried such and such WCO (usually not referring to larger operators) and weren’t satisfied.” WS makes darn well sure that they satisfy them.

-Reliability and accountability is why we are successful. Probably similar for larger operators as well. They probably get calls to clean up after unethical WCOs just like WS.

-As WCOs expand into new arenas there are some concerns. e.g.: Sharpshooter deer service provided by WS may not be the same service provided by a WCO for deer control.

-WS in some instances offers some specialized expertise, restricted use chemicals, biologist input, etc. that WCOs cannot offer in their service.

-WCO may say he can provide the same service, but it may not actually be.

-WS deals with large contracts. Likely that private companies couldn’t handle 80% or more of the jobs that WS takes on.

-WCOs seem to be in urban areas where there is a customer base. While WS does have urban specialists, a lot of their work is rural.

#### *Competition as an issue*

-Personally, I don’t think we are in competition.

-There is competition, WS competes in same way as post office competes with UPS and FedEx. How the competition is worked out is where concerns come from.

-We see this (competition) as a one way street. WCOs view us as competition, but we don’t view them as competition.

-Perception by private sector that WS has non competition policy. Not sure where perception came from. Maybe from "Avoidance of Competition" policy which was replaced in 2005 to help avoid these misconceptions.

-Competition is not always a bad thing. Can be worked out at local levels.

-Competition is something everyone in business has to deal with. There appears to be enough wildlife problems to go around for all to make a respectable living.

-Big businesses understand they have to compete.

-Seems like the fly-by-night part time WCOs are the ones who complain the most about competition. We hear few, if any, complaints from established successful businesses.

-It seems to be a small issue, but we are conscious of it, and try to avoid it.

#### Cooperation and communication

-We need to find a way to work together to strengthen the industry. It is a somewhat narrow niche and there are people working to shut both PCOs and WS down. So we need to work together to protect our industry.

-I'll be glad to work with them and give referrals when I can.

-At times WS has called NWCOS with questions about how to do something (2 way street).

-I know just about all of them.

-The industry is represented on the National Wildlife Services Advisory Committee.

#### Customer preferences

-It is important to protect the availability of options so that citizens have a choice.

-A vast majority of counties, municipalities, and big businesses want WS to do the work. Think it is because of:

- \*expertise and resources (e.g. WS has 12 guys authorized to use explosives)
- \*accountability
- \*research backing
- \*environmental oversight
- \*liability coverage not an issue
- \*proven track record

-As long as pest control is an enterprise that individuals can participate in and people are free to make a choice to use for services, then the government will make sure they know that the private is available, but cannot endorse any. Advise them to find one the same way they would find a plumber. WS will provide information on how people can help themselves with nuisance wildlife problems and may provide the service when requested.

-When the public is choosing there is a comfort, especially in a situation like a corporation that recognizes the liabilities associated with the service, in going with a government agency that has to be accountable (due to NEPA and other policies) and may lean towards going with the agency as opposed to the private sector.

### Public ownership of wildlife

-We are public servants and when the public calls we need to respond.

-Wildlife is a publicly owned natural resource that belongs to all the residents of the U.S. For this reason the government has a responsibility to play a role. Some folks think that we can say no, but we have been directed by Congress to help resolve problems between people and wildlife.

-In the traditional North American model of wildlife management, wildlife is collectively owned by the people and the government is charged with the task of managing wildlife. This causes several questions when thinking about competition:

\*When is it appropriate for a private company to take part in management activities like control?

\*Is introducing competition placing undue emphasis on economic considerations when considering management actions?

\*When is a government agency needed to manage wildlife and when isn't it?

### Other

-WS is often accused of undercutting WCOs in pricing. However, WS has to open to public in all their actions (because of NEPA and other public involvement requirements). Private industry does not have this similar yoke of public involvement in their work and that is in their advantage.

-WCOs can offer some of these services, however, few can offer entire package with larger operators perhaps being the exception.

-There are always two sides to a story. Just because someone is complaining doesn't mean they are right or that you are getting the whole story.

- Concern over those who start a business without doing the research to see who is already doing the work there. Recommend good market research to help identify areas or niches where coverage is not provided.

-Emerging issue is deer work.

-If WCO can indeed provide same service, then WS stays out.

-Not aware of a whole lot of WCO businesses.