

July 9, 2015

To: Director Earl Campbell, Fish & Wildlife Service  
Asst. Deputy Director Gloria Bell, Fish & Wildlife Service  
Chief Rosemarie Gnam, Fish & Wildlife Service  
Chief Tim Van Norman, Fish & Wildlife Service  
Senior Inspector Sharon Lynn, Fish & Wildlife Service

From: Anthony Hutcherson, The International Cat Association, ADhutcherson@aol.com, 201-751-7474

CC: Congressman Steny Hoyer, US House of Representatives

RE: Non-CITES Domestic Bengal Cat breed is outside jurisdiction of US Fish & Wildlife Service

An immediate and permanent end to the practices of US Fish & Wildlife requiring wildlife import/export permits, declarations and inspections for the Non-CITES domestic Bengal Cat is sought.

The Bengal Cat is a breed of domestic cat developed for over four decades in the United States. The breed is derived from hybridization of the CITES APPENDIX I & II Asian Leopard Cat (*Prionailurus bengalensis*) and domestic cats (*Felis catus/domesticus*). The resulting hybrids are backcrossed to domestic cats for three generations until the fertility, physiology and temperament of the domestic cat is attained in both sexes and they are registered by The International Cat Association as studbook status/SBT.

The resulting breed, the Bengal Cat, is accepted as a domestic cat by feline associations globally, veterinary medicine, genetic experts and loving families worldwide. US Fish & Wildlife have historically insisted that domestic Bengal Cats are "wildlife" and owners are required to acquire a wildlife import/export permit and schedule an inspection when crossing US borders for a weekend cat show, vacation travel or permanent relocation. Current US Federal Law and Federal Court rulings validate Bengals Cats are 1) domestic cats and 2) do not require wildlife permits or inspection to cross international borders. These findings have been shared with elected leaders responsible for Department of Interior oversight Department of Interior personnel responsible for the interpretation of federal law and regulation.

**Non-CITES Domestic Bengal Cats are not the jurisdiction of US Fish & Wildlife Service** due to:

**Resolution Conf. 10.17 (Rev. CoP14)** – specifically ends regulation of hybrids beyond four generations of CITES Appendix I species, **SBT Bengal Cats can be four generations (frequently much further) from the Appendix I species;**

**Code of Federal Regulations Title 9, Chapter 1, sub chapter A – Animal Welfare Act (2013)** Crosses between wild animal species and domestic animals, such as dogs and wolves or buffalo and domestic cattle, are considered to be domestic animals, **Non-CITES SBT Bengal Cats are domestic cats, not in the jurisdiction of Fish & Wildlife Service;**

**Code of Federal Regulations Title 50, Chapter 1, sub chapter B, 14.4 (2003)** – Exempts domestic species, specifically domestic cats from the rules, processes and procedures for the importation, exportation and transport of wildlife. **Non-CITES SBT Bengal Cats are specifically exempted as a member of the domestic cat species.**

**Federal Endangered Species Act (Section 3.15 Definitions):** "The term 'species' includes any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature. A population of individuals that are more or less alike, and that are able to breed and produce fertile offspring under natural conditions." SBT Bengal Cats have documented fertility in both sexes when bred to other domestic cats of specific and mixed breeds, **SBT Bengal Cats meet the ESA criterion as members of the domestic cat species;**

**907 Whitehead Street, Inc. v. Secretary of the U.S. Department of Agriculture, et al:** USDA is the federal agency with regulatory authority of domestic cats. **SBT Bengal Cats are domestic cats for which USDA has regulatory authority;**

**Spring Co. v. Edgar, US Supreme Court finding:** "Certain animals *ferae naturae* may doubtless be domesticated to such an extent as to be classed." **SBT Bengal Cats have met and exceeded the defining traits of domestication.**

**No law or federal regulation gives US Fish and Wildlife or the Department of Interior regulatory authority of domestic cats.** USDA regulates international commerce and movement of domestic cats, including domestic Bengal Cats.

Please change FWS policy, policy implementation, agency information and public information in accordance to federal law and court decisions that recognize the Non-CITES SBT Bengal Cats as a domestic animal.

## **The Bengal Cat**

The Bengal Cat is the most popular breed of domestic cat that through selective breeding efforts resembles the cats living in jungles and populating human imagination such as Leopards, Jaguars, Ocelots and Clouded Leopards.<sup>E</sup> Bengal Cats were developed through the purposeful breeding of domestic cats with hybrids of the domestic cat and the Asian Leopard Cat (*Prionailurus bengalensis*).

## **Issue**

USF&W currently regulate domestic cats of the Bengal Cat breed as wildlife. Bengal Cats have demonstrated a lengthy and significant history as meeting the criteria of domestic cats scientifically<sup>A,B,C</sup>, culturally<sup>E</sup> and politically<sup>D</sup>.

Based on the means by which the domestic breed was developed regulations to ensure the legal and proper acquisition and care of the non-domestic ancestor of Bengal Cats by those very few individuals choosing to legally work with them is understood. However the VAST majority of Bengal Cats enjoyed by the public are members of the domestic breed and NOT HYBRIDS, of the over 105,000 Bengals Cats registered with TICA since 1983 less 3.4% are within three generations of Asian Leopard Cat (*Prionailurus bengalensis*)<sup>F</sup>! All of the Bengal Cats exhibited for show by enthusiasts, who seek federal equality and parity with all other domestic cat breeds, are domestic cats.<sup>F</sup>

Currently USF&W enforces CITES regulations, requiring CITES permit, wildlife import/export permit, and inspection by USF&W Inspection office for F1-F4, per CITES Resolution *Conf. 10.17 Animal Hybrids. Currently USF&W regulate all generations ad infinitum as wildlife an undue burden on the Bengal Cat owning populace and federal agencies.*

## **Action Sought**

The recognition of and regulation domestic Bengal Cats as domestic cats not as wildlife. All Non-CITES regulated Bengals Cats, beyond four (4) generations removed from a CITES Appendix I or Appendix II species be no longer considered wildlife. This is the method employed by other CITES countries & significant US allies.

## **Practical Application of Desired Action**

1. Domestic Bengal Cats, as all other cats, will be required to receive veterinary administration of rabies vaccine, health certificate and depending upon country of origin/destination a stamp from USDA veterinarian. At the point a licensed veterinarian administers the rabies vaccine, determination can be made if the cat meets the standard for a domestic cat, for which the rabies vaccination is approved. The veterinarian may consult pedigrees, visual guides or additional measures individually.
2. No change in application of regulations relating to the importing or exporting of cats within four (4) generations of Appendix I or Appendix II.

## **Supportive & Supplemental Information**

- A. **Species** - From Section 3(15) of the Federal Endangered Species Act: "The term 'species' includes any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature. A population of individuals that are more or less alike, and that are able to breed and produce fertile offspring under natural conditions."

**The Bengal Cat meets this criterion.** The breed has been bred to other domestic cats in numerous instances, producing fertile offspring in both genders.

- B. USDA currently identifies the domestic Bengal Cat as member of the domestic cat species.
- C. Veterinary Medicine has accepted the Bengal Cat as domestic cat in excess of 20 years.
- D. Australia, the EU and Canada recognize the Bengal Cat as a member of the domestic species and employ the requested action sought.
- E. Additional popular and scientific references to the Bengal as a domestic cat.
- F. Bengal Cat breeding strategy depicting the method by which hybrids of domestic cats and the Asian Leopard Cat were historically used in the Bengal Cat breed, Bengal Cat population data and visual depictions of Bengal Cats registered with The International Cat Association (TICA).