

ALPHA-CHLORALOSE: CURRENT STATUS, RESTRICTIONS AND FUTURE USES FOR CAPTURING BIRDS

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ABSTRACT: In 1992, the Animal Damage Control (ADC) program received approval from the Food and Drug Administration (FDA) to use Alpha-Chloralose (A-C) nationwide for capturing waterfowl (Anatidae), coots (*Fulica americana*), and pigeons (*Columba livia*). To review the first year (1993) of operational use of A-C, we surveyed in January 1994 all ADC State Directors on the status of A-C use within their states. In 1993, 59 ADC personnel were trained and certified in the approved uses of A-C and 696 nuisance waterfowl were captured with A-C in 10 states. Restrictions imposed by U.S. Fish and Wildlife Service (FWS) and state permits regarding "incidental take," relocation, and euthanasia were responsible for the minimal use of A-C in 1993. Meetings were held in September 1993 and January 1994 to address: 1) the problems with FWS permits; 2) plans for future approved uses of A-C for additional species; 3) the availability of A-C to personnel and agencies outside the ADC program; and 4) provisions for non-approved uses of A-C (special, emergency and non-emergency situations).

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INTRODUCTION

In 1992 the USDA/APHIS, Animal Damage Control (ADC) program was granted approval from the Food and Drug Administration (FDA), under a continuing Investigational New Animal Drug agreement, to use the immobilizing chemical Alpha-Chloralose (A-C) nationwide for capturing waterfowl (Anatidae), coots (*Fulica americana*), and pigeons (*Columba livia*) (Woronecki et al. 1990, 1992, Woronecki and Thomas 1993). A-C was officially made available to ADC personnel in March 1993 and a designated Task Force began training ADC personnel in the FDA/ADC approved uses of A-C.

A problem immediately arose in certain U.S. Fish and Wildlife Service (FWS) regions concerning FWS and state permits issued to ADC personnel for capturing of migratory game birds. Some existing permits authorized the "take" (according to the Migratory Bird Treaty Act, "take" means to pursue, hunt, shoot, wound, kill, trap, capture, or collect) of mergansers (*Mergus* spp.) and coots. Some permits allowed the live capture and relocation of migratory game birds, but others did not permit the live capture of waterfowl and coots. Other permits did not allow the use of immobilizing agents on migratory game birds or did not have a provision for any accidental mortality from overdosing, trapping, handling or transporting captured migratory game birds. In addition, the ADC program received several inquiries in 1993 on the legal or authorized use of A-C outside of the ADC program (e.g., the training of and use by non-ADC personnel, ADC supervised use by non-APHIS personnel, emergency or special uses, research projects using A-C for capturing birds, and research to obtain additional approved uses).

METHODS

To determine the status of A-C use within states or regions, problems associated with the operational use of A-C and possible future uses of A-C, we asked all ADC State Directors to complete a questionnaire addressing these subjects. In an attempt to rectify emerging

problems affecting the operational use of A-C and to develop ADC use policy, meetings with FWS, APHIS and FDA personnel were held and committees and working groups were established.

Questionnaire

Our complete questionnaire, distributed in January 1994 to all ADC State Directors, is available from the senior author. The questionnaire asked the following:

1. What states do you serve as State Director?
2. Are you familiar with A-C and the current approved uses?
3. How many Certified Applicators does your state(s) have?
4. Did you purchase A-C in 1993?
5. Did you use A-C in 1993?
6. Are you planning to have personnel trained in 1994?
7. Do you have non-APHIS employees trained in the use of A-C?
8. Have you had requests from non-APHIS agencies for the use of A-C?
9. Would you like to use A-C on other species of birds?
10. Would you like to host an A-C training program?
11. Can you legally use A-C in your state without legal jeopardy?
12. Why can't you use A-C in your state?
13. Does your office have a Federal Bird Banding Permit?

Meetings

In an attempt to solve the problems concerning FWS collecting permits, the Joint Migratory Bird Damage Working Group, composed of FWS and ADC personnel, met in September 1993. In January 1994, at an ADC Pesticide Issues Meeting, APHIS personnel discussed expediting the current authorized uses of A-C and providing for emergency uses and research and non-research uses of A-C. Methods of developing future uses

of A-C and an ADC policy on use of A-C by non-APHIS personnel were also discussed.

RESULTS

Questionnaire

According to the responses from the questionnaire, all 38 State Directors responsible for ADC activities within the 50 states and territories were familiar with the current approved uses of A-C within the ADC program. In 1993, 59 ADC personnel (52 field, 6 research and 1 administrative) were trained in the use of A-C by ADC certified trainers and certified by the ADC Regional Directors or the Director of Denver Wildlife Research Center. ADC field programs in 21 states (20 State Directors) have 30 Trainer/Applicators and 22 Applicators; DWRC has 1 primary Trainer/Applicator, 3 Trainer/Applicators and 2 Applicators; and ADC administration has 1 Trainer/Applicator. Only one state (CA) received a request to train non-ADC personnel (Pest Control Operators) and four non-ADC personnel were trained in A-C use techniques. Only five State Directors noted that A-C would not be used in their states and six states would not need resident certified personnel.

In 1993, eight State Directors purchased A-C from the Pocatello Supply Depot and 10 states conducted waterfowl removal programs. A total of 696 nuisance waterfowl were captured with A-C in 1993 (Table 1).

Thirteen State Directors expressed an interest in hosting an A-C training program during 1994 and 22 State Directors representing 27 states plan to train an additional 61 ADC employees for A-C certification. This would leave only 13 states without resident A-C certified personnel.

Nine State Directors received requests from 10 non-ADC agencies (four state agencies, four Pest Control Operators, one zoo and one federal agency) to use A-C for the management of migratory and nuisance waterfowl, to capture nuisance coots and pigeons, to recapture waterfowl that have escaped and to capture diseased game birds.

Ten State Directors indicated that they would like to use A-C for capturing other species of birds. Species mentioned were wild turkeys (*Meleagris gallopavo*) peafowl (*Pavo spp.*), gulls (*Larus sp.*), crows (*Corvus spp.*), feral swans (*Cygnus olor*), sandhill cranes (*Grus canadensis*), black vultures (*Coragyps atratus*), and house sparrows (*Passer domesticus*).

Twenty-seven State Directors indicated that their state permit allowed them to legally use immobilizing agents for capturing wildlife but only 20 State Directors had federal Fish and Wildlife permits that allowed them to legally use immobilizing agents for capturing waterfowl and coots. Of the 20 State Directors having federal authority to use immobilizing agents for waterfowl and coots, four were restricted by their state permits. Therefore, only 16 State Directors were able to legally use A-C in their states to immobilize waterfowl and coots.

Thirty State Directors indicated their state permits allowed them to legally capture wildlife but only 24 State Directors had Federal Fish and Wildlife permits that allowed them to legally capture waterfowl and/or coots (e.g., one State Director was not allowed to capture coots, one was allowed to only capture coots, two were

only allowed to capture geese and four were only allowed to only capture mergansers and coots). Of the State Directors having federal authority to capture waterfowl, three were restricted by their state permits. Therefore, only 21 State Directors were able to legally capture waterfowl and coots.

Although there were 16 State Directors who could legally use A-C to capture waterfowl and coots in 1993, many states suspended live capture operations using A-C for waterfowl because of problems with FWS issuance of incidental take permits for migratory game birds. Permits issued to ADC personnel that had provisions for "incidental take" or accidental mortality of migratory game birds were determined to be illegal by the FWS. According to the FWS, "incidental take" is only provided for in the Endangered Species Act and not in the Migratory Bird Treaty Act. This resulted in the amendment of all FWS permits to remove the wording "incidental take". Given the likelihood that a few waterfowl will be overdosed with A-C (seven A-C operations in 1990 to 1991 resulted in 8% mortality to waterfowl [Woronecki et al. 1992]), the ADC program has decided to not risk violating the Migratory Bird Treaty Act and the subsequent fines and revocation of permits. However, some states continued to use A-C on flocks of domestic and hybrid waterfowl (Table 1). According to the ADC Western Regional Office, approximately 90% of all potential A-C projects were cancelled in 1993 because of lack of provisions for accidental mortality of migratory game birds resulting from the use of A-C and subsequent handling and transporting of immobilized birds. Seven State Directors did have FWS bird banding permits that in the Migratory Bird Treaty Act provide for salvage of "birds killed or found dead as a result of the permittee's normal banding operation."

According to the responses received from the questionnaire, two additional problems hampered the operational use of A-C in 1993. All permits allowing the live capture of migratory game birds also require that they be "released to the wild" or relocated. However, the FWS does not permit the relocation of migratory game birds to national wildlife refuges without authorization and quarantine and some states do not permit relocating captured waterfowl within their state. Waterfowl biologists and wildlife veterinarians also discourage relocating nuisance or excess urban waterfowl to minimize the spread of diseases and parasites and to prevent the hybridization of free-ranging wild birds and resident semi-domestic waterfowl (resolution of the American Association of Wildlife Veterinarians 1992). Currently the FWS is not permitting healthy, nuisance or unwanted migratory game birds, that do not pose a threat to human health and safety, to be killed or euthanized even in states where urban waterfowl are overabundant and cannot be conveniently or legally relocated.

Meetings

The Joint Migratory Bird Damage Working Group, composed of personnel from the FWS and ADC, met in September 1993 to discuss current management of damage caused by migratory birds. During the meeting, the legal use of A-C was discussed with emphasis on

Table 1. Waterfowl captured with alpha-chloralose by USDA Animal Damage Control personnel in 1993.

State	DUCKS				GEESE				Grand Total
	Hybrid	Domestic	Mallard	Total	Hybrid	Domestic	Canada	Total	
Arizona			25	25					25
California		17		17		3		3	20
Georgia		7		7			27	27	34
Nevada			48	48					48
Ohio			92	92					92
Oklahoma						5		5	5
Oregon		42	33	75	1	36		37	112
Texas		128		128					128
Virginia	75			75		58	10	68	143
Washington	74			74		15		15	89
TOTAL	149	194	198	541	1	117	37	155	696

permits, accidental mortality and classification of migratory and non-migratory waterfowl.

Because the FWS has no national FWS policy on migratory game bird depredation permits, a request was made for FWS Regional Directors to meet with their ADC counterparts to discuss and clarify policy and procedures within each region. To resolve problems with "incidental take" or accidental mortality resulting from A-C operations by ADC personnel, FWS agreed to have their Regional Directors and personnel from the Division of Law Enforcement develop new language to remove the term "incidental take" from all FWS migratory bird permits issued for ADC related activities.

USFWS Law Enforcement indicated that migratory bird depredation permits to "take" (kill) migratory game birds could only be issued for human health and safety concerns. Examples were airports where there was a possibility of bird strikes, or situations where there was a public health threat from diseases or droppings from birds. Where there was a health threat, the recommendation for "take" would have to come from the local or state health department. In addition, documentation of nonlethal attempts to alleviate the problem must precede or accompany any request for kill permits to be considered by the USFWS Law Enforcement. Exceptions to this have been made for coots and mergansers where "take" is included on some permits.

An inquiry was made by APHIS about the possibility of classifying certain waterfowl, such as resident or semi-domesticated Canada geese and mallards, as non-migratory birds. A FWS representative stated that he did not think this would occur.

At an ADC Pesticide Issues Meeting in January 1994, APHIS personnel discussed how to effectively deal with any requests the ADC program may receive for non-

approved uses (for species other than waterfowl, coots and pigeons) of A-C for research, non-research and emergency use. An APHIS committee was formed, involving personnel from ADC headquarters, DWRC, Pocatello Supply Depot, and Biotechnology, Biologics and Environmental Protection. All requests dealing with non-approved uses of A-C will be routed from the ADC State Directors receiving the request to the Regional Director, who will contact the appointed chairperson of the committee. The chairperson will arrange for a conference call with all committee members to discuss and either approve or disapprove the requests. DWRC will be responsible for reviewing research on new uses of A-C prior to seeking approval for operational use from FDA. The ADC program is discussing the possibilities for training non-ADC personnel in the approved uses of A-C and permitting them to use A-C under the administration of State Directors. In regards to expediting future uses of A-C and determining who will be authorized to use A-C operationally (e.g., non-APHIS personnel), an ADC policy is forthcoming.

DISCUSSION

The response from this survey of State Directors clearly indicates that A-C can be a viable tool for helping to solve waterfowl and coot problems in the United States. However, the FWS needs to develop a standardized national policy on migratory game bird permits to allow for the capture and removal of birds causing economic and nuisance problems. Once this policy is established, ADC State Directors can meet with appropriate state agencies to obtain necessary state permits to solve waterfowl and coot problems. To take full advantage of A-C for solving bird problems, such as with urban pigeons, definite policies are needed on who will be able to obtain and use A-C. Any questions or

ideas concerning the current, desired or potential uses of A-C can be addressed through your ADC State Director. These concerns will be reviewed by the Regional Director and brought to the attention of the A-C committee for consideration.

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