IN THE UNITED STATES DEPARTMENT OF AGRICULTURE

STANDARDS FOR BIRDS
VIRTUAL PUBLIC MEETING

Remote Event
Suite 206
1220 L Street, N.W.
Washington, D.C.

Tuesday,
September 29, 2020

The parties met remotely, pursuant to the notice,
at 11:00 a.m.

BEFORE: ROSEMARY SIFFORD, USDA
Facilitator

PARTICIPANTS:

SCOTT MOORE,
United States Department of Agriculture

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Hagen Agricultural Research Institute

JAMES BADMAN
JK BADMAN Exotics

TOM BAGNOLI
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NANCY BLANEY
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BARRY WISEBAUM  
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ASHLEY ZEHNDER  
Associate of Avian Veterinarians
THE HOST: Welcome and thank you for joining today's Animal Welfare Act Standards for Birds public listening session. Before we begin, please ensure you've opened the chat panel and your associated icon link located at the bottom of your screen. If you require technical assistance, please send a chat to the event producer. All audio lines have been muted. When it is your turn to speak, your line will be unmuted. You will hear a notification when your line is unmuted at which point please go ahead with your comments. As a reminder, this conference is being recorded and transcribed. With that I'll turn the call over to Dr. Rosemary Sifford, Associate Deputy Administrator for Animal Care. Please go ahead.

DR. SIFFORD: Thank you very much and welcome again everyone. I really appreciate your interest in our development of Animal Welfare Act Standards for Birds and your participation in this virtual public meeting. I am coordinating these sessions along with colleagues from within APHIS and we look forward to hearing from you all.

We're going to start today with a brief outline. I'll go over a little bit of history for how we came to this point and then we will cover some of the logistics for the meeting and then we will open the floor for comments. We do have a system for working through the comments that
we will describe in more detail during the logistics
discussion.

So starting with a brief history of the APHIS
proposed regulation of birds, I go all the way back to the
Farm Security and Rural Investment Act of 2002. The farm
bill that year included provisions that amended the
definition of animal in the Animal Welfare Act by
specifically excluding birds bred for use in research. The
definition of animal contained in the regulations at that
time excluded all birds, not just those bred for use in
research. So this change required APHIS to update the
definition of animal in our regulations supporting the
Animal Welfare Act to include birds other than those bred
for research and to explore how we would update our
standards to include birds. In a final rule published in
June 2004 in the Federal Register, APHIS amended the
definition of animal in the regulations to be consistent
with the definition of animal in the Animal Welfare Act by
narrowing the scope of the exclusion for birds to only
those birds bred for use in research.

Also, at that time in June 2004, APHIS published
an Advanced Notice of Proposed Rulemaking in the Federal
Register. In that notice, APHIS notified the public that
the agency intended to extend enforcement of the Animal
Welfare Act to birds not bred for use in research, that are
sold as pets at the wholesale level or transported in commerce or used for exhibition, research, teaching, testing, or experimental purposes.

In order to determine what regulations and standards were appropriate for those birds, APHIS solicited comments from the public. APHIS received over 7,000 comments at that time. After considering the comments received in the Advanced Notice of Proposed Rulemaking, APHIS began to work to prepare a proposed rule to establish a new subpart G in 9 CFR Part 3, that would contain standards for the humane handling, care, treatment, and transportation of birds covered by the Animal Welfare Act regulations. However, the rule was not published.

Beginning in 2013, various animal interest groups filed lawsuits against USDA for failure to take action. On January 10, 2020, the Court of Appeals for the D.C. Circuit ruled that USDA is required to issue standards governing the humane treatment of birds. The case was remanded back to the lower court and on May 26, 2020, the court adopted a schedule for USDA to promulgate regulations under the Animal Welfare Act that apply to birds.

So the first milestone in that schedule was that by August 24, 2020, USDA was to publish notice of virtual listening sessions and file a status report with the court. As you are aware, USDA did publish that notice of virtual
listening sessions and that is currently what we are involved in. The second milestone is that by February 24, 2022, USDA is to publish a proposed rule. And the third milestone is that by February 24, 2023, USDA is to publish a final rule.

So that is the timeline that we are working within now. After all of the listening sessions are complete, which will be mid-October, we will be posting transcripts on the Animal Care Website near the information that you found to register for these listening sessions. So on that same page, we will have the transcripts from these sessions posted once they are complete.

Now let's move into the topics that we are particularly interested in hearing about today. These topics were also listed in the Federal Register notice and are posted on our website. Your comments on these topics will help to guide our work as we draft the proposed rule.

So the first topic is around recognizing the wide variety of bird species. Are there performance-based standards that we can establish that would be appropriate across a wide variety of species of birds? Can we use appropriate classes of birds to set performance-based standards appropriate for a class; if so, what might those classes look like?
A second big topic of interest for us is human interference. We are aware that birds can be very sensitive to human interference during certain critical biological stages. How do bird breeders avoid interfering with nesting and breeding or other biological activities of birds? How can we use these best management practices to ensure our housing, feeding, or inspection requirements do not interfere with biological activities.

Finally, we would like your input on several questions around whether there should be exemptions similar to those that are used for mammals and, if so, how might those exemptions be structured. The specific questions we framed for this are should we revise or add exemptions for certain dealers, exhibitors, operators of auction sales, and carriers and intermediate handlers of birds not bred for use in research; if so, what should those exemptions be and please provide any supporting data for those exemptions? Are there thresholds beyond which an entity should not be required to be licensed? For example, we are aware that there are many entities who breed small numbers of birds. If we should exempt those entities, what criteria should we use to determine which entity should be exempt? Are there certain species that should be exempt?

So these are the topics that we really like most to hear from you about this afternoon. And at this point I
will turn the call over to Mr. Scott Moore to go over the logistics and give you the details for how we will receive your comments this afternoon. Scott?

MR. MOORE: Thank you, Dr. Sifford. As mentioned this is one of three publicized virtual listening sessions. In the registration process, as of yesterday more than 100 people indicated they wish to be considered to provide comment during this meeting. Since we cannot accommodate all of those prospective speakers in the three-hour session, we've used a random number generator to choose the speakers and the speaking order, so that we can hear from as many viewpoints as possible. No more than two speakers from any organization were in the drawing.

If you're not selected to speak today, you may still have your comments heard in one of two ways. You can submit written comments to regulations.gov through October 29th. We understand that the website was having some difficulties this morning and that is being addressed. Or you may register as a prospective speaker at the remaining public listing sessions, October 7th or October 15th. Written and spoken comments will be given equal weight. We are not accepting comments through the chat feature today.

For those of you who have been randomly chosen to speak today, here are our ground rules. The event coordinator will announce the name and organizational
affiliation of the next speaker and unmute that speaker's phone line. Each speaker will be given four minutes. We will play a chime that's heard here. Christina, play that chime again.

THE HOST: Hold on. Sorry, for some reason it's not -- let me do it one more time. Sorry, I'm trying to do this on my phone.

MR. MOORE: And you'll get that chime with 30 seconds remaining. And if you don't need the full time, just let us know when you're finished and we'll use the extra time to hear additional speakers. But after four minutes, please be aware that we will play the chime again and we will close the line. If you don't get a chance to read your full statement, you may submit the full text through regulations.gov. At the conclusion of each statement, we'll announce the next speaker and continue the process.

So we have a full agenda of speakers today. So if you're not a prospective speaker -- if you are a prospective speaker, sorry, we ask that you be ready to speak, so that we may hear from as many people as possible. A visual list of upcoming speakers will be on the screen. You see them now. And we thank you for being with us today and we look forward to hearing your comments.

This session is being recorded and transcribed,
so that we can accurately capture your comments. Transcripts will be posted on the APHIS Animal Care News and Information website at www.aphis.usda.gov. And now I'll hand off to the event producer. Kagen, if you can please announce our first speaker?

THE HOST: All right. I'll go ahead and announce the first speaker. The first speaker is Lewis Waskey. He's from the Organization of Professional Aviculturists. And you will hear notification when your line is unmuted. Please then start your comments.

MR. WASKEY: Yes, this is Lewis Waskey with OPA, an organization of professional aviculturists. I'd like to make some comments. It's a little awkward being the first speaker here.

To start with, birds are offered for sale in the U.S. A lot of them are raised by small, a lot of small families or individuals. They might be show, individuals or pet people and this needs to be taken in consideration. You know, you might be requiring inspections. Somebody might have a handful of parrots they're breeding in their basement. I say a handful, maybe just one or two or three. A lot of these are also to sell directly to retail or some of them wholesale and to pet stores. So you need to take that into consideration.

Also, there are a lot of people that show birds.
Just because somebody shows birds and they maybe raise 50 birds a year and show birds, should these people be required to be licensed and inspected? And show bird people, you know, they sell a lot of their birds to each other for breeding stock and then a lot of them are sold, you know, as pets.

And then there are a lot of commercial people that, you know, only raise a few birds a year, so how are we going to handle that?

And then there's people that raise a lot of real small birds which are not a lot of volume of dollars. An example, parakeets right now are wholesaling for $10 a piece, at the most $20 and so, you know, should someone that raises 100 parakeets a year, has gross revenues of $1,000, should they be licensed?

I don't have a computer right here in front of me, so I don't know how much time I have. Rescues and sanctuaries, would they be licensed here? I really think rescues and sanctuaries ought to be handled by the individual states, whatever they require for anybody that sells animals. That's what I believe the rescues and sanctuaries should be required to meet those guidelines.

And anyway, also need to be taken into consideration some of these breeders have small facilities. Are they going to have to move, build new facilities to
meet the USDA standards? Example, kitchens, you know, a lot of these facilities, their fresh food is being prepared in their home kitchen. You know, will they have to have kitchens?

Then I guess one of the biggest concerns is inspections, you know, timing of inspections because a lot of birds, a lot of species, especially larger species, a stranger coming in interferes (chime) -- okay, I assume my time is up. Again, this is Lewis Waskey, a member of OPA, Organization of Professional Aviculturists. Am I still on the call?

THE HOST: If you'd like, you can go ahead. Okay. We'll go ahead and go to the next person on the list. That would be Patricia Latas, RAP for Wildlife. Patricia, your line is unmuted. Please wait for the notification. Patricia, check to see if your phone is muted, Patricia Latas.

(No response.)

THE HOST: All right. We'll go to the next caller on the list. Next caller is Steven Roberts of Morning Bird, Inc. Steven Roberts, please dial #2 if your line is dialed in. Steven Roberts, please dial #2.

(No response.)

THE HOST: All right. We'll go to the next person on the list, Genevieve Wall from American Federation
of Aviculture. Genevieve, your line is unmuted.

MS. WALL: Yes, can you hear me?

THE HOST: Yes, we can hear you.

MS. WALL: Okay. I'd like to address performance standards. There are so many species of birds that need to be looked at, I'm not saying regulated, but looked at. There's over 10,000 species of birds all of which have their own individual requirements for their health and safety and nutrition, et cetera. So I think we must go with performance standards rather than engineering standards. And the performance standards need to basically say something like the enclosure size should allow for the birds to perform normal freedom of movement to maintain good body condition, stand, turn around, flap wings without having to touch the sides of the cage. And that's basically what a caged bird needs. They don't need to fly necessarily. Not all birds will fly or want to fly, nor do they need to do that in a captive setting.

American Federation of Aviculture will be submitting a set of suggested, they're not necessarily complete, but suggested regulations. So we'll do that separately with our performance standards that we can suggest. They're very, very general, things such as clean water, clean food, no rotting food in the cages, that kind of thing. And if the birds are healthy and the performance
standards are adhered to, that should be all the inspector needs to check off on his checklist.

I definitely don't think we need engineering standards. You cannot say all birds must have -- even within, for example, the parrot species, parrots range from tiny little parrots to huge macaws and they can't say the cage must be so many inches wide or so many feet wide. So you can't have engineering standards for example with parrots or with other birds. You can't have the same engineering standards for flamingos as you have for finches. It's obvious when you look at the different kinds of birds. So definitely go with performance standards.

We must avoid interfering with nesting behaviors. Most breeders keep their routines very, very straightforward and very consistent. And an inspector showing up on the premises during breeding season can cause birds to kill their chicks or maim their chicks or kill their mates. So no inspection should be done during breeding season and that should be determined by the breeder, not the inspector, when breeding season is.

I won't go into exemptions this call. We'll submit that in our written statements.

I think all ESA birds, excuse me, Endangered Species Act birds that are listed should be exempt. They're already regulated and breeders need to be
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encouraged to breed those birds, not discouraged. And we
don't want to see bird breeders choose to close because of
regulations when they're breeding endangered species birds.

The Pantanal is now burning. Last year the
jungle burned in Brazil and Australia burned and we're
destroying their habitat. Hopefully some day their habitat
will come back and the bird breeders -- hopefully the bird
breeders will be able to repopulate those areas.

So that's the extent of my comments today. Thank

THE HOST: Thank you, Genevieve. We're going to
go to the next person on the list. The next person on the
list is going to be Jerry Morse with Carolinas Virginia
Pheasant and Waterfowl Society. Jerry, your line is
unmuted.

MR. MORSE: Hi. Thank you, everyone. We're a
really small organization and we have basically centered
ourselves on conservation pheasants and waterfowl that are
endangered and critically in need right now. So most of
our organization is based on how to repatriate a lot of
these birds that face habitat and such loss. And we're
just really interested to find out which way this is going
to go. I appreciate it. Thank you for your consideration
and for your time.

THE HOST: Thank you, Jerry. We'll go to the
next person on the list. Scott Newland is ceding his time, so the next person on the list is going to be Patty Finch Dewey. And Patty Finch Dewey is representing the Parrot Conservation Alliance. All right. Patty Finch Dewey, if you could dial #2 on your telephone keypad, I can identify and unmute your line.

(No response.)

THE HOST: All right. Then we'll go to the next person on the list. The next person on the list is Crystal Equels of the Virginia Aquarium. Crystal, if you could please dial #2 on your telephone keypad, so that I can identify and unmute your line. Crystal Equels, please dial #2 on your telephone keypad, so that I can identify and unmute your line.

(No response.)

THE HOST: All right. The next person on the list is Harry Liam. Harry Liam, please dial #2, so I can identify and unmute your line. Harry Liam, please dial #2, so I can identify and unmute your line.

(No response.)

THE HOST: All right. Patrice Klein. Patrice Klein has decided to offer her comments in writing, so we can go to the next person on the list. Next person on the list is Gavin Livingston. Gavin Livingston is with Zoofari Parks, Inc. Gavin Livingston, please dial #2 on your
telephone keypad, so I can identify and unmute your line. 
Gavin Livingston, please dial #2 on your telephone keypad, 
so I can identify and unmute your line. 
(No response.)

THE HOST: All right. We'll go to the next 
person on the list. That would be Jennifer Henderson of 
Atlanta Film Animals. Jennifer Henderson, please dial #2 
on your telephone keypad, so I can identify and unmute your 
line. 
(No response.)

THE HOST: All right. Then we'll go to the next 
person in line. That would be Rarley Florence on Human for 
Animal Rights. Rarley Florence, if you could dial #2 to 
identify and unmute your line. 
(No response.)

THE HOST: Okay. We'll go to the next person on 
the list. The next person on the list is Andrea Cabibi, 
Taxonyx Reproductive Science, Inc. All right. There we 
are. Caller, your line is unmuted. 

MS. CABIBI: Hello. Am I unmuted now? 

THE HOST: Yes, you are. 

MS. CABIBI: Oh, good. Okay. I think I'll 
comment under these circumstances what the AFA or ASA, I 
can't remember who it was, was saying earlier that 
performance standards are very important I think to enable
the covering of all the different requirements of so many
species of birds. Certainly, minimum standards for, as I
say, a flamingo is going to be completely to minimum
standards for a canary. We also have to look at some of
the breeding setups that are set up for small species. For
instance, canary breeding cages are very small. They do
enable the birds to stretch and move around. When they're
placed in show cages, these are a temporary situation and I
believe that you need to have some sort of understanding of
how these birds are kept during the shows and that they are
provided with basic food, water, and places to perch, et
cetera.

So I think, yes, a deeper understanding of the
different people that are breeding, showing, and selling
birds. Certainly a minimum number of birds per cage needs
to be looked at and that again is usually done on the local
level at places like bird marts, but also to look at how
people are keeping their individual breeding stock is going
to change according to the season. So, certainly the wide
variety of bird species is a challenge.

As far as nesting, I also agree with previous
comments that it's going to require an in-depth
understanding of the nesting seasons of different birds and
they do vary. For instance, budgie breeders are probably
breeding all year round, while canary breeders have a very
limited time period during the summer. So inspections,
yes, during this time can be very disturbing to the birds.

As far as providing more detailed information so
that you can better set the relations, I plan to send in a
written comment with more details that hopefully will be
helpful for you. I think you can pass on to the next
person if you wish.

THE HOST: Thank you. All right. We're going to
go back to Patricia Latas, who is the RAP for Wildlife.
Patricia, your line is unmuted. Please go ahead.
Patricia, your line is unmuted. Patricia, would you like
to give your remarks?

MS. LATAS: I can't believe this.

THE HOST: Patricia, your line is unmuted. We
can hear you. Well, Patricia, your line is unmuted. We
can hear you.

MS. LATAS: I'm sorry, I'm trying to mute it.

THE HOST: Oh, you don't want to speak because
you were given time to speak?

MS. LATAS: Oh, okay. I'm unmuted. I'm sorry.

For some reason I'm losing myself. I apologize deeply. I
will go ahead. I didn't see that.

Good morning and again I apologize if you heard
me discussing my phone situation. I'm Dr. Patricia Latas,
a veterinarian for avians and wildlife. Today I represent
myself as an individual stakeholder, but I do serve on the board of directors for International Wildlife Rehabilitation Council and I participate in the leadership of the Association of Avian Veterinarians. I'm involved with the Association of Wildlife Veterinarians and United States in developing all positions and I sit on the Animal Cruelty Task Force for Southern Arizona. I am grateful that the regulations for licensure credentials for avian welfare are under consideration by USDA/APHIS.

Question one: standards used for main species may not be appropriate. Performance-based standards are not always relevant. There are hundreds of diverse bird species commonly held in captivity, as opposed to less than 10 non-livestock species of domesticated animals. There are hundreds of species in wildlife rehabilitation and exhibitry. Standards for wild caught birds may differ significantly from captive bred birds. Inspection for licensure must take this into account. Knowing what is normal for any particular species is of paramount importance in interpretation of observations; for example, the proper welfare of a humming bird versus an eagle. Bio-diversity creates diverse husbandry requirements. There is no one size fits all. Most avian disease is the consequence of being in human care or anthropogenic impact on wild populations and this also must be taken into
account.

Question two: housing, feeding, or inspection requirements do not interfere with nesting, breeding, or other biological activities only if the natural history, individual, and plot proclivities are well known. Bio-diversity is taken into account and what is normal is well delineated from the abnormal for each species and each situation. It will be a daunting task for all involved.

Question three: according to the Five Domains guidelines commonly used for animal welfare, there should be no exemption at all for any dealers, exhibitors, operation of auctions, sales, carriers, and intermediate handlers of birds not bred for use in research, and animal welfare and cruelty investigations. These are often the most egregious of offenders.

Question four: a caution. Exemptions as to number of birds and/or accidental breeding may be regulated by local ordinances or laws. Where they are not, clear definitions for these categories absolutely must be developed, possibly can be based on commercial intent. Exemption may lead to fraudulent bird laundering and needs to be evaluated with great caution.

Question five: there are no species which should be exempt. What animal does not deserve decent welfare regardless of price. A three dollar budgie or a $50,000
palm cockatoo, they are equally deserving of proper care and decent welfare.

In conclusion, avian welfare standards will not be the same as for mammals. Expert knowledge will need to be applied. No species or situation should be exempt from appropriate welfare. And I should mention the opportunities for training and guidelines for avians in diverse care and captivity situations are available for many organizations, including International Wildlife Rehabilitation Council and Association of Avian Veterinarians.

Again, thank you for the opportunity for presenting and I apologize for the beforehand. Thank you.

THE HOST: Okay. We'll go to the next person on the list. Next person on the list is Tom Bagnoli of BPD. All right. Tom, your line is unmuted. And I would like to give a quick reminder. The first chime that you are hearing is a 30-second warning and then you will hear a second chime at your four minute. So I just wanted to give a reminder, so you do have 30 seconds to wrap up what you're talking about. So this is just for comments. All right, go ahead, Tom. Tom, check to see if your phone is muted. Tom, please check to see if your phone is muted. We can't hear you.

(No response.)

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THE HOST: All right. We'll go to the next person on the list. The next person on the list is Sherry Branch from SeaWorld, Orlando. Sherry Branch, your line is now unmuted.

MS. BRANCH: Can you hear me?

THE HOST: Yes.

MS. BRANCH: You can hear me?

THE HOST: Yes, we can.

MS. BRANCH: Okay, thank you. I'm just going to clarify. I am now retired from SeaWorld of Orlando. I retired in 2016. Just very briefly, I do very strongly feel that no birds are exempt from these regulations. And also, I would think it would be a really advantageous idea to go ahead and use the expertise that's out there already. The Association of Zoos and Aquariums, animal people have many years now put together animal husbandry manuals, animal care manuals that envelope bird good species that are in zoos and aquariums. And the information is extremely detailed and vast and it would be -- it would make perfect sense to use that, to go there first and look at all that information rather than reinvent the wheel. And also, I agree with the Five Domains of Animal Welfare, that that should be in place. And most of the zoos and aquariums now, the standards are based on that. So that would be absolutely already involved in the animal care
manuals that are existing now. And I'm going to make
further comments in written form. Thank you so much.

THE HOST: Thank you, Sherry. The next person on
the list of speakers today is Christopher Magee, USDA
Agricultural Research Service. Christopher Magee, would
you please dial #2 on your telephone keypad, so I can
identify and unmute your line. Christopher Magee, please
dial #2 on your telephone keypad, so I can identify and
unmute your line. Your line is unmuted.

MR. MAGEE: Hi, everybody. I'm Dr. Chris Magee.
I work at the poultry research unit down in Starkville,
Mississippi. I really don't have anything necessarily
prepared to share. I really just wanted to listen in
because I really have -- I guess obviously being in the
poultry world, have an interest in how the Animal Welfare
Act applies to my poultry at the research unit. We often
follow the Ag. guide for most of our welfare parameters
since the Welfare Act doesn't specifically talk about
birds. And so really I just have the question of how this
will apply to poultry, specifically since poultry in the
definition of animal of the Animal Welfare Act is in that
kind of excluded category. So when birds are mentioned in
this sentence, I just kind of wondered how poultry fit in
with that.

THE HOST: Thank you, Dr. Magee. We'll go to the
next caller on the list. The next caller on this list is Dennis Connolly. Dennis Connolly, please dial #2 on your telephone keypad, so your line can be identified and unmuted. Dennis Connolly, please dial #2 on your telephone keypad.

(No response.)

THE HOST: All right. Then we'll go to the next person on the list. The next person on the list is Kate Marden from West Coast Falconry. Kate Marden, your line is unmuted.

MS. MARDEN: Can you hear me?

THE HOST: Yes, we can hear you.

MS. MARDEN: Thank you, yes. So my name is Kate Marden. My business is called West Coast Falconry. I work specifically with raptors and birds of prey. My permits include raptor education permit, falconry education permit, exhibitors permit, falconry permit, and I use my birds for hunting personally. And I find this really interesting. I understand the need to protect birds because I'm kind of a bird nerd.

But with regard to working with birds of prey, we already have very strict standards. We are monitored both federally and through our local state agencies. We have performance-based standards. In order to be a falconer, you have to go through a training. It takes anywhere from
two to 10 years. And we are already in a cycle of inspections through our agencies.

And in terms of breeding, I'm not a breeder. I'm looking into doing that. But even that would be-- it's obviously in the '70s when the (garbled) was created. And we would rely on other successful breeders for insight and information. The inspectors work very well with our breeders. They make sure that their inspection timings coincide with the dormancy and when the bird is not on eggs or when she's not raising young. And our inspection agency sent books and get along with our breeders to make sure that the birds aren't disturbed.

In terms of an exemption, I think it would be redundant to also be working -- I'm sorry, it's redundant to be doing inspections and having, you know, over -- I'm sorry about my words, I apologize. As I say, we already have super, super high standards and we're highly regulated by the laws in federal and state -- for performance, for, you know, entertainment, for shipping. In order to buy a bird of prey in the United States, most breeders will not sell it to you unless you have a falcon license or can prove, many, many years of experience in caring for these birds.

So I was kind of reading through it. I apologize again. I'm just very passionate about our relationship
with the birds. As I say, in terms of exemption, I think it's redundant for the birds of prey. I believe that we should have some kind of exemption in this section and can get together with Fish and Wildlife and Fish and Games and see how regulated our activities for these birds are. And I thank you so much for my time.

THE HOST: Thank you, Kate. We'll go to the next person in the list. The next person on the list is Clyde Robinson of Avian Empire, Inc. Clyde, your line is unmuted. Go ahead.

MR. ROBINSON: Can you hear me? Can everybody hear me?

THE HOST: Yes, we can.

MR. ROBINSON: Okay.

THE HOST: Yes, we can.

MR. ROBINSON: My name is Clyde Robinson. I specialize in wild water fowl in Avian Empire Corporation. I just want to touch on a few points that are relevant to this whole discussion.

First, no doubt performance-based standards need to be developed. They need to be developed for different species of birds. However, generic standards that apply to large groups of birds probably do not encompass the needs of all species, even in family groups of birds. And this is all based on my water fowl experience. Birds may very
significantly, sometimes as much as husbandry needs of a squirrel versus a dog. For example, hooded mergansers versus a cereopsis goose have different diets, dietary requirements, nesting requirements, water requirements, and behaviors. The only common husbandry requirement is that they might both sit the same at various sizes.

Breeders avoid interfering with nesting by limiting disturbance during breeding season. This is for question number two here. In fact many breeders not only maintain the same keeper on a daily basis tending birds, but many of them require the same uniforms as not to scare the birds. And we've actually seen problems ourselves because we run two aviaries and some of the birds and some of the aviaries aren't familiar with my wife and myself. They're just more familiar with keepers and it affects the breeding when we enter cages.

Number three and kind of four, many sectors of private aviculture are low or no profit. Water fowl and ornamental pheasant breeders, again my specialties, for example, seldom generate enough money for feed, let alone housing, expansion, and so on. Most of these keepers maintain full-time jobs and designate all their surplus money regardless of the size of the breeding facility and time to provide housing and breeding facilities to facilitate breeding and to facilitate their birds.
Therefore, all pheasant and water fowl breeders, as well as any other similar sectors of aviculture, and I'm sure there's many more, again I just deal with water fowl, should not be subject to fees, licensing, or any other additional unnecessary expenses. It should be noted as well that many states conduct inspections on game farms and additional inspections would be redundant. And in 40 years of raising water fowl and in the water fowl business, I've only personally witnessed one instance of true neglect or abuse to water fowl, because they do have basic needs. They can be met by most of the keepers that I've ever seen in my life. I've dealt with hundreds and thousands of them.

And number five, endangered species, as well as other rare species, such as meller's duck, Madagascar, which are extremely rare in the wild. As a matter of fact there's only three or four facilities in North America, including our facilities, keep these particular birds and that's just to name a couple of them. These species are under ESA requirements. ESA regulations have already severely limited the number of facilities working with many species, including ESA species, as well as many rare species will undoubtedly lead to reduced numbers or even disappearance of many species in aviculture.

And just one last concern I have. Since water
fowl is seldom inflicted with a disease, so my personal
cconcerns are limited. Although we limit visitors and bring
few new birds into our facility, at the present time
National Poultry Improvement Plan has universal rules for
management and I don't really know how USDA would manage
this whole plan. And that's pretty much it. Thank you for
your time.

THE HOST: Thank you very much. We'll go to the
next person on the list. The next person on the list is
Ashley Zehnder, AAV. Ashley, could you please dial #2 on
your telephone keypad, so your line can be identified and
unmuted. All right. Your line is unmuted.

MS. ZEHNDER: Hi. Thank you. Can you hear me?

THE HOST: Yes, we can.

MS. ZEHNDER: Okay, wonderful. Hi and thank you
so much for the opportunity to speak to everybody today.
My name is Dr. Ashley Zehnder. I'm the current president
of the Association of Avian Veterinarians. I'm speaking
today on behalf of that organization. Just a little bit of
background on AAV. We're a diverse global professional
organization that's dedicated to advancing and promoting
avian health, welfare, and conservation through education,
advocacy, and science. We have more than 1,700 members
comprised of both veterinarians, veterinarian students,
technicians all across private practice, academia, zoos,
government, non-government entities, as well as in industry. We've been around for about 40 years and we work with a lot of scientific studies, to better understand, appreciate, and also assess avian welfare and then thereby improving the lives of the birds that are under all of our care. And so we have a written statement, our oral statement here, but we will also as many of the speakers today will be providing some written statement as well.

We also agree that establishing performance-based standards should be scientifically based and also based around the idea of Five Domains of Welfare. And some of the assessments that we feel should be included in the assessment of health of birds, include things like the assessment of resources. As many speakers have noted, there's a huge diversity dive in husbandry requirements and that's going to require some challenges in terms of just standards, crafting standards across those species. But meanwhile our focus is ensuring that those regulations ensure biological and physical needs of birds should be met. Again, as some speakers have noted and others have also noted as well, there are resources available within the zoological collection parameters for many of these guidelines. I'm sorry, we also agree that there's a lot that can be learned from some of those zoological collections.
Also just the assessment of the general physical state is one thing that hasn't been mentioned on the calls today -- it's from a veterinarian perspective -- is just considering the fact that birds, unlike mammals, really display very different behaviors. It can be a lot harder to pick up subtle signs of illness compared to mammals and birds do hide their signs of illness. And that is something that veterinarians are very -- avian veterinarians are very well trained to pick up these more subtle signs of disease. And so that is something that, you know, should be important and considered in some inspectors and making sure that they can pick up these more subtle signs of illness and ill health.

And then of course we agree that inspection of birds during breeding cycle can be very destructive and so we agree with many of the speakers that those should definitely (technical interference).

Additional concepts we wanted to cover on this call that may not be considered for other species will be assessment of behavioral states, making sure that birds are, you know, performing their normal behaviors and activities because just changing these can again also indicate some underlying ailments that may not be picked up otherwise. And also just, you know, if regulations can also acknowledge that birds are sentient beings, you know,
more so than some other species that we work with. They do have ability to provide enrichments and important welfare considerations for birds that are in long-term breeding or exhibit situations is something that's important.

So these, you know, require welfare assessments that can be applied to all sectors of the industry in some form or another. But as I mentioned, we will be submitting a much more detailed response with different aspects of care. And I do want to mention that the AAV does have multiple resources that we are welcome to share with Animal Care and working with Animal Care to help develop these regulations. And that's all I have today. So we'll submit some written statements.

THE HOST: Thank you. And now we're going to go to the next person on the list. The next person on the list is Toni Rivers, American Phoenix Breeders Association. Toni Rivers, your line is unmuted.

MS. RIVERS: Hello.

THE HOST: Yes, we can hear you.

MS. RIVERS: Very good. I'm going to be brief. I represent a group of Phoenix breeders. It's a rare breed of poultry. We are breeders, hobbyists, exhibitionists, and we're basically interested in how we're going to fit in to any new regulation. That's pretty much the reason I'm listening in and I want to thank you very much for the
THE HOST: Thank you. We're going to go to the next person on the list then. The next person on the list is Deborah Schweikardt. All right, Deborah, your line is unmuted.

MS. SCHWEIKARDT: Hello. Thank you for allowing me to speak. My name is Deborah Schweikardt. I own the Arizona Bird Store in Arizona, as well as the founder of the Arizona Avian Alliance. And I joined this today to find out some different perspectives on how these regulations are going to affect not only the wholesale, but the retail sector of this industry. There are so many different types of birds that we recently discussed just here today from water fowls, to finches, to raptors, and to parrots. And we talked about the different ways that this industry has birds such as breeders, wholesalers, retailers, people who are in the exhibition, people in zoos. And I agree with the other callers that made statements about that one particular type or species of bird cannot be in performance or care just like, you know, a different one. Even though they may look the same or act the same or same size or eat the same food, they can be very completely different.

And the private sector has done an amazing job in breeding these birds in captivity and I'm afraid that we're
going to regulate the passion, we're going to regulate
those out of doing this for so many people who enjoy it.
And I will also be submitting a more thorough explanation
of my feelings about this in a written statement. But
thank you for allowing me to speak and I'll just listen to
the rest.

THE HOST: Thank you. We're go to the next
person on the list. The next person on the list is Debbie
Leahy. Debbie Leahy is with the Humane Society of the
United States. Debbie, your line is unmuted.

MS. LEAHY: Hi. Can you hear me?

THE HOST: Yes, we can.

MS. LEAHY: Okay. The Humane Society of the
United States and Humane Society Legislative Fund
appreciates the opportunity to comment on establishing
animal welfare regulations for birds not bred for use in
research. We advise that all birds who qualify under the
law should be protected by regulations and urge the agency
to complete bird regulations. Based on observations and
evidence gathered during undercover investigations and site
visits to roadside zoos, we recommend that all birds used
in exhibition without exception should be regulated under
the Animal Welfare Act. For example, one five-month
undercover investigation at a roadside zoo in Virginia
found that birds along with every other species at the zoo
were subjected to extremely salty conditions, inadequate veterinary care, a lack of enrichment, and unsafe handling. Bird cages were sick with feces and old seeds and had dirty drinking water. Numerous birds had significant feather loss. Sick and injured birds went without veterinary care. Water bird exhibits had inadequate drainage leading to accumulations of bleach and waste from monkey cages.

There were insufficient public safety barriers around the zoo's cassowaries that allow the public to access the birds. Staff even removed a cassowary from an enclosure and brought the animal into an open area and allowed families with strollers of small children to crowd around the bird. Cassowaries are one of two bird species known to have attacked and killed people, including an incident last year where a Florida man was killed by his cassowary. Recognizing the danger, keepers that professionally run zoos use protected contact with these birds.

Numerous other birds are used for close encounters with the public including coffins, parrots, kookaburras, owls, penguins, ravens, hornbills, flamingoes, and cockatiels. Many zoos feature parakeet encounters where visitors enter a cage capped with dozens or hundreds of parakeets and feed them with sticks covered with seeds. These largely unmonitored exhibits are plagued with
problems that include overcrowding, birds being harassed
and injured by the public, some birds going without
adequate nutrition, unsanitary conditions, and bird
escapes.

Strict regulation is needed on public
interactions with avian species. Birds used for public
contact can inflict injuries to members of the public,
spread dangerous somatic diseases, and be subjected to
trauma and harm. Also it's critical that captive birds be
able to express natural behaviors, such as flying, they
need appropriate social groupings and enrichment. Just as
the USDA has prohibited declawing and defanging of certain
species, painful mutilations of birds must be prohibited
for pinning, toe clipping, devoicing, and beak alterations.

Thank you for the opportunity to comment on bird
regulations.

THE HOST: Thank you. We'll go to the next
caller in the list. Next caller on the list is Roland
Cristo. Roland Cristo is with Cristo Aviaries. Roland,
your line is unmuted.

MR. CRISTO: My line is unmuted?

THE HOST: Yes, it is.

MR. CRISTO: Okay. I'm representing Roland
Cristo Aviaries and National Finch & Softbill Society and
the Model Agricultural Program.
As to question one, aviculture has already come up with performance standards. It's the Model Agricultural Program. Inspections are done by veterinarians licensed in the state, a facility exists, and so forth. I can go on with that. Also in order to conserve species, Arizona uses this program. San Diego zoo uses this program. They will send birds from facilities to any private aviculturist that is licensed by MAP. There are far too many species of birds kept in aviculture to be set individual standards. In addition to considerations, these will be based on where the birds are being bred and various locations and climates. They are being kept, for example, in areas of winter, snow, and the heat in the southwest.

Number two, avicultures have a daily routine of feeding. The birds become accustomed to that. Color clothing and so forth is subdued. Routines involve feeding at specific times, normally in the a.m., and includes feeding live food and supplements through the day. These inspections are normally done in the morning when the hen comes up and has to feed young. I always try to emphasize that aviculture is a dynamic endeavor. In other words, what works with one pair of given species may not work with another. In fact, what works for a pair of birds this year may not work next year.

Number three, AWA should retain their exemption
for retail sale. Birds are mostly kept for the purposes of personal enjoyment and conservation. They are also kept and bred by transferring to various other aviculturists to use their breeding programs and exhibiting. I, myself, work with five different zoos and a separate program with several major zoos to save species. The combination of private aviculture working without zoo aviculture is what helps maintain species for the future. I believe AWA should exempt these endeavors from inspections.

Number four, it is my belief that resale birds should be exempt from these or local authorities to regulate other than the animal control zoning regulations. Most people raise birds for individual enjoyment. They don't have the room to house all the offspring they produce. Therefore, they sell their offspring to local pet shops. Also, the amount an aviculture makes range from $10 to $5,000, for example, of one bird. If that bird happens to be one of the rare macaws and the owner needs one bird, that can be $5,000. The money figure AWA is using isn't fair and needs to be changed to fairer, more realistic criteria.

Number five, exemptions, it's my belief that the only birds that should be inspected are more common species kept in the pet stores, like budgies, cockatoos, love birds, yellow finches, and canaries. All the other
species, especially species on the ESA list, should be exempt, left alone. They are not common in aviculture and avicultures are working within to preserve the species in American aviculture.

Okay. One last thing. The regulations.com is not an email address. I tried sending something to it. It does not work. Thank you for your time.

THE HOST: All right. We're go to the next person on the list. The next person on the list I have is Barry Wisebaum from Sun Pet. Barry, if you're on the line, please dial #2 to have your line unmuted and identified. Barry Wisebaum, dial #2.

(No response.)

THE HOST: All right. We'll go to the next person on the list. The next person on the list is Bobby Pegg of Fur Brothers. Bobby Pegg, please dial #2 on your telephone keypad to have your line identified and unmuted. Bobby, please dial #2 to have your line identified and unmuted.

(No response.)

THE HOST: All right. We'll go to the next person on the list. The next person on the list is Eireann Collins of Fenway SDAM. Eireann Collins, please dial #2 on your telephone keypad, so your line can be identified and unmuted.
THE HOST: All right. Next person on the list is Kathy Tang, New York Blood Center. Kathy Tang, please dial #2 on your telephone keypad to have your line identified and unmuted. Kathy Tang, please dial #2 on your telephone keypad to have your line identified and unmuted.

(No response.)

THE HOST: Okay. Next person on the list is Jason Shane from Birds on Safari. Jason Shane from Birds on Safari, your line is unmuted. Jason Shane, check to see if your phone is muted. Jason Shane, your line is unmuted, check to see if your phone is muted. Jason?

(No response.)

THE HOST: Okay. Then we'll go to the next person on the list, Lisa Smith, Lisa Smith of Tristate Bird Rescue and Research. Lisa Smith, please dial #2 on your telephone keypad to have your line identified and unmuted. Lisa Smith, please dial #2 on your telephone keypad.

(No response.)

THE HOST: Okay. We'll go to the next person on the list. The next person on the list is Kerri Cooper-Bailey, Fur, Feathers and Scales. Kerri Cooper-Bailey, please dial #2 on your telephone keypad to have your line identified and unmuted. Kerri Cooper-Bailey, please dial #2 on your line identified and unmuted.
THE HOST: All right. We'll go to the next person on the list. The next person on the list is Kathryn Cavanaugh, UT Southwestern. Kathryn Cavanaugh, your line is unmuted.

MS. CAVANAUGH: Hi, everyone. Can you hear me?

THE HOST: Yes, we can.

MS. CAVANAUGH: Hi, everyone. I just want to say thank you for everyone for their contributions and comments. This has been very insightful. It seems like the biggest challenges that I've been hearing from everyone is, you know, defining standards that would cover the large breadth of species, diversity, and the diversity of behaviors. It sounds like, you know, with that challenge, something like performance standards would seemingly be a better fit. But as others have mentioned, you know, as these regulations are being developed, to consult existing resources that exist, that zoos and aquariums have developed. So, again, thank you, everyone, for sharing your comments. That's all I have to offer. Thank you.

THE HOST: Thank you, Kathryn. All right. I'll go to the next caller on the list. Next caller on the list is Gregory Smith. Gregory Smith is with Hobbs Straus Dean & Walker, LLP. Gregory Smith, your line is unmuted.

MR. SMITH: Can everybody hear me?
THE HOST: Yes.

MR. SMITH: Okay, great. Thank you, Dr. Sifford.

I am appearing in my representative capacity for the American Racing Pigeon Union, which is a nationwide organization representing the interest of people who raise and race pigeons. I think as probably most folks on this call knows, homing pigeons have a storied history with regard to their services and their participation in the development of western civilization. Everything from banking to military, racing pigeons have played -- or homing pigeons have played a very important role at different times. But today this is largely a backyard hobby, a family, friendly activity undertaken by a few thousand people nationwide, but it is not an industry by any sense of the word. The number of pigeons in a backyard loft is probably fewer than the number of birds in typical pet shops.

When we examined the Animal Welfare Act and its purposes, it's very hard to figure out how Congress had ever intended through passage of that law to regulate people's backyard lofts and to regulate this hobby. Most pigeon racers are not dealers or exhibitors carriers within the meaning of the law. Pigeon racing's origin has elements of the farm, which farm animals are excluded. People probably know that pigeons are the same species as
park pigeons, although the pigeons that are used by
hobbyist have been bred like horses, which are exempted
from the AWA, for their homing ability. There's very
limited commercial activity in this area and especially for
pigeon fliers.

On the other hand, because it's a competitive
sport, the National Organization and its sister national
organization do have an ethics of protection and concern
for the care of the birds and we will be submitting
detailed written comments at the end of this process, as we
did back in 2013. But the sort of self-enforcing ethics of
the racing pigeon community includes biosecurity protocols,
loft regulations. Race rules require proper care of birds
and proper transportation and so forth.

So the American Racing Pigeon Union would
basically argue that Congress did not intend that these
backyards be subject to federal regulation and that, in
fact, as it happens, this activity is subject to a lot of
soft regulation because of the ethics of the people who are
involved. More detailed comments, more technical comments
will be made in writing, but thank you for this opportunity
to present this perspective.

THE HOST: Thank you. We're going to the next
person on the list. The next person on the list is Paige
Kleckner. Paige Kleckner is with the American Silkie
Bantam Club. Paige, if you are on the phone, please dial 
#2, so I can identify and unmute your line. Paige 
Kleckner, please dial #2, so I can identify and unmute your 
line.

(No response.)

THE HOST: All right. We're going to go to the 
next person on the list. Next person on the list is 
Marcella Covault of the FCA. Marcella, your line is 
unmuted.

MS. COVAULT: Yes, can everybody hear me?

THE HOST: Yes, we can.

MS. COVAULT: Okay. I am a private aviculture, 
have been for 30 years, and I belong to the American 
Federation of Aviculture and other professional avicultural 
groups. We developed standards and hold each other 
accountable for goodwill care for birds.

Just briefly on each of these things. The 
performance-based standards, yeah, there's a lot of 
difference between, as somebody mentioned earlier, a 
humming bird and macaw. Now, one thing I wanted to comment 
on is that I know about a decade ago, Dr. Darryl Styles was 
employed by the USDA to develop standards and rules and 
regs, but I never saw any outcome from that and I wonder 
what happened with that.

The person that mentioned the MAP and model
aviary protocols is very correct. There have already been standards developed, basic standards for birds. It's a little different. I'm speaking through perspective of parrots. And there are a lot organizations that have -- there are two professional organizations that have standards that are already developed, in addition to what Dr. Styles developed and I know he is an expert.

Number two, not only interference in the breeding, but biosecurity is extremely important to birds because they don't show symptoms until it's almost too late. Sometimes the person who has them is aware of things that happen, but other people coming in can -- like inspectors can bring in disease. And interfering during breeding season is, in my aviary, nobody goes into the breeding area because of biosecurity and disturbing pairs.

Number three, exemptions, I think all ESA regulated birds should be exempt. They're endangered and there's no reason to regulate them beyond minimal. Thresholds for licensing, you know, that can vary so much with birds because there can be parakeets, somebody might produce 100 babies of parakeets and make hardly any money. Somebody may breed and produce babies from more expensive pairs and, yeah, maybe they're making money, but you know what, you can't make a living at it. You know, most people, most aviculturists that I know have outside jobs
that pays for their avicultural hobby because they love the birds. Species exemption, yes. Danger of the species, exemption in dangerous species should definitely be exempt because you're putting people who are -- know about conservation and helping these birds numbers and populations grow and so they won't be exempt and burdening them and further licensing is just not -- you know, it's counterproductive. We've already seen that with the golden conure, which now has be de-listed so that people can sell them across state lines. Before that, that hadn't happened and their numbers have gone down. It's actually hindered conservation of these species.

And in conclusion what I would like to say is there's so many people out there who have -- aviculturists who have continued through education and welfare. OPA, AFA, ASA, those are three organizations that I belong to and they should be consulted because they are the experts, not the anti-bird breeders, not the people who all they can do is booing, booing, and point to problems like HHUS. The parrot breeders, aviculturists, the professional aviculturists are the ones who should be consulted with this. Thank you.

THE HOST: All right, thank you. So we'll go to the next person on the list. The next person on the list is Brian Goodrich Camp. Brian Goodrich Camp is with Open
Sky Environmental, Inc. Brian, please dial #2 on your telephone keypad if you are on the line, so your line can be identified and unmuted. Brian Goodrich Camp, please dial #2 on your telephone keypad.

(No response.)

THE HOST: All right. Pollyanne McKillop has withdrawn from speaking today, so we'll go to the next person on the list, Joop Kuhn from San Diego Zoo. Joop, please dial #2 on your telephone keypad, so that your line can be identified and unmuted. Joop Kuhn, please dial #2, so your line can be identified and unmuted.

(No response.)

THE HOST: Okay. Our next caller on the list is Vicki Cross. Vicki Cross is of Vicki's Feathered Friends. Vicki, if you are dialed in, please dial #2, so I can identify and unmute your line. Again, Vicki Cross, please dial #2 to have your line identified and unmuted.

(No response.)

THE HOST: Okay. Next person on the list is Michelle Shrewsbury. Michelle Shrewsbury, please dial #2, so your line can be identified and unmuted. Michelle Shrewsbury, please dial #2, so your line can be identified and unmuted.

(No response.)

THE HOST: All right. We'll go to the next
person on the list. Next person on the list is Heather
Robinson from the National Zoo at Grassmere. Heather
Robinson from the National Zoo at Grassmere, please dial
#2, so your line can be identified and unmuted.

(No response.)

THE HOST: All right. We'll go to the next
person on the list, Will Peratino. Will Peratino, if you
are on the call, please dial #2, so your line can be
identified and unmuted.

(No response.)

THE HOST: Okay. Our next person on the list is
Joe Krathwohl, Birds n Beasts Inc. Joe Krathwohl, your
line is unmuted.

MR. KRATHWOHL: All right. Hello, thank you. My
name is Joel Krathwohl. I own a company called Birds n
Beasts Inc., who supplies bird and animal shows to zoos and
parks across the country. Actually, we've even gone
international. And we also participate in some
conservation breeding and various services, including
abatement, falconry services, and programs like that. I
first began owning birds in 1976, became a professional
exhibitor in 1981, and my current collection is hundreds of
birds from conures, to cassowary, to condors. And I also
have had lions and tigers and leopards and I'm a longtime
USDA permiitee and I work well with the inspectors, so I
believe that I can foresee what life will be like having
those inspectors also covering birds.

But like some of the comments before mentioned,
not only can we not compare one species to another similar
species, we can't even compare individuals of the same
species. Someone mentioned cassowary being dangerous.
Well, they are if it's a breeding pair in a large enclosure
and they become defensive. However, I happen to have
cassowaries that are extremely tame and handleable and are
trained to self-crate themselves, so that they can attend
the program even though it's done to protect them from
public contact. Now those two cassowaries cannot be held
to the same standards because their uses and their
perceptions of their lives are completely different. One
of them, you can actually touch and draw blood from. The
other one, you should not go in to check eggs for risking a
serious possibly fatal injury such as happened in Florida
last year.

But we do already have federal regulations
covering quite a few species of birds, mostly migratory
birds, especially raptors, hence the U.S. Fish and Wildlife
Service have established standards for raptor housing and
care. Those should take precedence for those species and
like species. Native prairie falcon can be kept in a
certain size enclosure. Therefore, an exotic safer
(phonetic) falcon, which is a similar species, could be held to those similar standards. It would be difficult to have the Fish and Wildlife Service prescribing standards for one species and then right next our similar exotic species suddenly have to have an enclosure that's 10 times bigger or something. I don't know.

Also, our crates and transportations are regulated by the IATA, International Airlines Transportation Association. Some people have mentioned that crates should be big enough for birds to spread their wings. Well, some of my birds have almost 11-foot wingspan. You would never want to transport a bird in an 11 foot wide crate because if there was a car accident, that bird could be severely injured or killed inside that large of a crate. Crates also protect and work as seatbelts during transportation, as well as temporary housing. A bird that's got being used to free fly every day can certainly handle smaller living quarters during that time of a breeding setup. So it really comes down to the purpose and use of each bird and I appreciate the time to speak.

THE HOST: You're welcome. We're going to go to the next person on the list. Next person on the list is Adam Chavez from Adam's Falconry Service. Adam, please dial #2 on your telephone keypad, if you're dialed in right
now, so your line can be identified and unmuted. Adam, please dial #2 on your telephone keypad, if you're dialed in right now, so your line can be identified and unmuted. Adam Chavez, please dial #2 on your telephone keypad.

(No response.)

THE HOST: All right. Robert Gluskin has withdrawn from the speaking list, so we'll go to the next person on the list, Jean Pattison from African Queen Aviaries. Okay. Jean Pattison, your line is unmuted.

MS. PATTISON: I'm going to take a pass right now.

THE HOST: All right, thank you. Okay. We'll go to the next person on the list. The next person on the list is Melanie Allen from Hagen Agricultural Research. Melanie Allen, your line is unmuted.

MS. ALLEN: Hi, there. My name is Melanie Allen and for the last 30 years I have worked for the Hagen Agricultural Research Institute and I am a lifelong aviculturist. Mostly we work with the companion birds aspect of aviculture.

And our concern with these Animal Welfare regulations is that we would like for all considerations that we've heard from aviculturists, our experience with working these species be considered and that is with regards to the golden standards versus general standards.
because we also have to consider resources, as well as population and individual birds as well. The aspect of in consideration of rescue and sanctuaries, they should be held to the same standards as aviculturists are.

I would also like to point out that the hobbyist bird owner that turns to a hobbyist breeder is something that should -- you know, is a consideration that should be looked at with not quite as strict scrutiny, scrutinized regulations because many of our species that we keep as pets and there are many of them, we also know that what we have in the United States is what we have and their lifestyle, you know, their counterparts in the wild are definitely threatened and pressed to save these species, we have to, you know, encourage proper care, proper nutrition, and housing, and of course that passion.

I am a member of American Federal of Aviculture, as well as Organization of Professional Aviculturists and I do think that many of these organizations that have already spoken before me, they already have regulations and they should be, you know, consulted.

That's basically what I have to say and I wanted to say thank you for letting me speak.

THE HOST: You're welcome and thank you.

MR. MOORE: Ladies and gentlemen, just a reminder that speakers selected today have been randomly selected.
If you're not on the list to speak, we will have time at the end. We have about another seven people on the list and at the end of that session we'll have -- we'll be able to take your calls until 2:00 p.m. eastern time today. And in addition just a reminder that you can submit your comments to regulations.gov. The website there will take your comments when you find the session for -- and I'll put that on the screen here in just a minute of exactly where it is on regulations.gov. In addition, we have remaining public listing sessions on October 7th and October 15th.

And just to remind you about the chimes. We play our chime when the speaker has 30 seconds remaining and then at the end of four minutes the chime plays again and we close the line. So now we'll return to the event producer. Kagen, if you can now turn to our next speaker.

THE HOST: All right. Our next speaker is Eileen McCarthy. Eileen McCarthy, your line is unmuted.

MS. MCCARTHY: Hi, I'm going to pass for now. Thank you.

THE HOST: You're welcome and thank you. We'll go to the next person on the list and the next person on the list Mandy King from the University of Mississippi. Mandy, please dial #2 on your telephone keyboard. If you are dialed in, please dial #2 on your telephone keypad, Mandy King, so your line can be identified and unmuted.
THE HOST: Okay. Next caller on the list is James Badman from JK Badman Exotics. James, if you could please dial #2 on your telephone keypad to have your line identified and unmuted. James Patterson, can you please dial #2 on your telephone keypad.

(No response.)

THE HOST: All right. Next caller on the list is Kenu Turk of Bird World. Kenu, could you please dial #2 on your telephone keypad to have your line identified and unmuted. Kenu Turk, please dial #2 on your telephone keypad.

(No response.)

THE HOST: Okay. Next person on the list is William Patterson of Patterson Veterinarian Hospital. William Patterson, your line is unmuted.

MR. PATTERSON: Hello. Can you hear me?

THE HOST: Hello, yes, we can.

MR. PATTERSON: Hi. Can you hear me?

THE HOST: Yes, we can.

MR. PATTERSON: Okay, great. I'm representing the American Bantam Association. Also, I'm a member of the American Poultry Association. We are a hobby group. We have a few thousand members. Our goal is the preservation and promotion of purebred poultry. We are a backyard hobby
group. I don't really know how we fit into Animal Welfare Act because we are very farm-based in a lot of ways. So our animals are used for exhibition, like I said the promotion of purebred poultry, but also many of our birds are used for human consumption as well.

So I guess the only thing that I have to say about this is although we do welcome recommendations for husbandry, which most of us keep our birds in wonderful conditions, I do just kind of sometimes question more regulation and more task force, is that just we're already under the scrutiny of the NPIP, the USDA, you know, along with other farm animals. So I don't know how that's going to affect us, but I certainly hope it doesn't cause harassment in our hobby. Thank you very much.

THE HOST: Thank you. We'll go to the next person on the list. The next person on the list is Cathy Kelly of the American Federation of Aviculture. Cathy Kelly, if you could dial #2 on your telephone keypad to have your line identified and unmuted. That's Cathy Kelly from the American Federation of Aviculture.

(No response.)

THE HOST: All right. Then we'll go to the next person on the list, Karen Clifton, American Racing Pigeon Union. Karen Clifton, your line is unmuted.

MS. CLIFTON: Good morning.
THE HOST: Good morning. Your line is unmuted.

You can go ahead for your comments.

MS. CLIFTON: Can you hear me?

THE HOST: Yes, we can.

MS. CLIFTON: Okay. First, I'd like to say thank you to the USDA for facilitating these sessions. And I would echo what Mr. Smith said earlier and that is that the American Racing Pigeon Union is a highly self-regulated organization and I believe that those that have the experience with the pigeons should be the ones to help put in place whatever regulations be deemed necessary. And thank you.

THE HOST: Thank you, Karen. And we're going to go back up in the list to Patty Finch Dewey. Patty Finch Dewey is with the Parrot Conservation Alliance and the line will be unmuted momentarily. Patty Finch Dewey, your line is unmuted.

MS. FINCH DEWEY: Hi. Can you hear me all right?

THE HOST: Yes, we can.

Ms. FINCH DEWEY: I am the former executive director of the GFAS Federation, Global Federal of Animal Sanctuaries. It was begun in 2007 and I was the first executive director. We developed performance-based standards that cover all bird species and those have had time over the ensuing years to be commented on and revised.
as necessary. As I said, they are performance-based. Many avian facilities around the world have been able to meet these standards and they're excellent standards that have stood the test of time and I would urge you to take a look at those.

In general, I think the less exemptions to the standards the better. And specifically right now I want to speak to parrots. Sometimes domestic pets versus wild animals are exempted from certain standards. Given that, I wanted to point out that being numerous or in pet stores or small like parakeets, cockatiels, canaries, and other small songbirds does not change the fact that they are not domestic species. And indeed have characteristics that make captivity challenging that are not usually bred out, such as flight and being flock animals and then unlikely for these reasons and others to ever be not — to be domesticated, excuse me. And indeed in the grand scheme of things, few species have been.

So I think they are due all the protections given to other wild species wherever they are sold or exhibited or bred or displayed. The fact that there is no domestic version of these species can be confirmed on the U.S. Government's own website, ITIS.gov with the USDA, itself, being a founding partner of ITIS. To classify these species as domestic species or sometime called pet species
would be to contradict this work of the USDA and others.

Thank you.

THE HOST: Thank you. And at this time we have
gone through all of the people that are on the speaking
list. If you would like to offer your comments at this
time, please dial #2 on your telephone keypad. You'll hear
a notification when your line is unmuted. Please state
your name and the organization you represent. Again, if
you'd like to offer your comments at this time, please dial
#2 on your telephone keypad. You'll hear notification when
your line is unmuted. Please state your name and the
organization you represent. We'll go to the first caller
in queue. Caller, your line is unmuted.

MR. DICKERSON: Yes. My name is Larry Dickerson.
I am representing the North American Falconers Association.
Am I on the line?

THE HOST: Yes, you are. We can hear you.

MR. DICKERSON: Yes, ma'am. I've listened to a
good number of comments today and thank you for the
opportunity to speak to you a little bit.

One of the things that I have not heard is the
Migratory Bird Treaty Act and how USDA intends or doesn't
intend to actually incorporate birds that are already
governed under the MBTA, specifically from the U.S. Fish
and Wildlife Service. Our concern with the North American
Falconers Association is primarily with raptors. We are already highly regulated under various codes, 50 CFR 2127 through 50 CFR 2131 particularly, and additional regulations are not needed. These regulations cover animal husbandry. They cover housing. They cover transportation. They cover all of the things that we really are involved in, not only in falconry, but in rehabilitation for raptors, for raptor propagation, for special purpose permits, which some people would commonly refer to as education permits.

As far as some of the performance-based standards, these already exist within regulations again established by the U.S. Fish and Wildlife Service specifically for raptors or birds of prey. We invite you to take a look at those that are already there in the various regulations.

As far as classes of birds, this is going to be very, very difficult, as you've already heard from most of your speakers speak of. We are simply going to ask that APHIS/USDA thereby consider an exemption for birds that are already governed under the rules and regulations of the Migratory Bird Treaty Act. This would cover virtually everything from cassowary birds, to raptors, to a good number of wild water fowl. So again by exempting that or at least referring to regulations that already regulate
those particular species, perhaps APHIS and the USDA can
save themselves a lot of time and a lot of effort.

And that concludes my speaking comments. Of
course we will be submitting written comment to you. And
tank you for the opportunity to address you today.

THE HOST: You're welcome and thank you. We're
go to the next caller in line. Caller, your line is
unmuted.

MR. JONATHAN MOORE: Good afternoon. Can you
hear me?

THE HOST: Yes, we can.

MR. JONATHAN MOORE: Thank you. I'm Jonathan
Moore and I'm speaking on behalf of People for the Ethical
Treatment of Animals. USDA has presented three questions
related to possible exemptions in the new regulation.
Congress has made clear through the Animal Welfare Act that
it intended USDA to regulate all birds except those bred
for use in research. Congress has spoken clearly and there
is no justification for additional exemptions.

PETA supports the five points that the American
Anti-Vivisection Section of Society is advancing and
believes that those points would serve well as the basis
for USDA regulations. It should be clear that all birds
need access to food, potable water, veterinary care, and
clean quarters of a size that allow them to move around,
perch, and fly. However, USDA should consider these basic
requirements a floor, not as a ceiling.

Also requirements vary greatly between species
and the agency regulations should acknowledge this. Birds
are highly intelligent and should not be kept in barren
cages that don't allow them to engage in natural behaviors,
exercise, or enrichment activities. Water fowls require
access to clean water features, some species dust bathe,
and others require a variety of materials for nesting or
foraging. While social birds should be housed in
compatible parroting groups, highly territorial birds
benefit from additional space.

Birds suffer from high levels of stress and
anxiety when prevented from behaving in ways that they
would in the wild. This stress often presents a
stereotyping, such as repetitive head movements, bouncing,
shaking, pacing, picking at cage bars, and self-harm. In
short, there's no one size fits all solutions to ensure the
well-being of birds and the USDA must accommodate species
appropriate regulations.

Certain activities are not compatible with bird
well-being regardless of the species. USDA should ban
outright any activities involving riding, shaking,
capturing, restraining, or otherwise harassing regulated
birds. These activities are harmful to the birds and are
dangerous to riders, handlers, and the general public. Similarly, PETA strongly encourages the agency to forbid public contact with birds in its new regulations. Such contact can be harmful and stressful to birds and interferes with their welfare. If contact is allowed, USDA must set forth strict safeguards in the regulations.

Any procedures that are inherently harmful to birds should not be allowed. For example, USDA should ban painful mutilations of beak trimming, wing trimming, and wing pinioning. Similarly, the regulations should explicitly prohibit inhumane method of euthanasia, like penetrating bolts, blunt force trauma, and thoracic compressions. Anesthesia should be required for euthanizing involving carbon dioxide, cervical dislocation, or decapitations.

Finally, the agency regulations should mandate detailed record keeping, health certificates, and a humane form of permanent identifications, such as a microchip or leg bands. Licensees should be required to maintain a preventative veterinary healthcare program overseen by a qualified veterinarian and ensure that early signs of compromised health are detected and addressed promptly.

PETA will be submitting written comments to supplement the proposals identified here. Thank you for your time.
THE HOST: Thank you. We'll go to the next caller on the queue. Caller, your line is unmuted.

MS. DESBOROUGH: This is Laurella Desborough and I'm representing several different bird organizations and I've participated in those organizations for years. Can you hear me?

THE HOST: Yes, we can hear you. You're coming across loud and clear.

MS. DESBOROUGH: Thank you. I wanted to speak to one item particularly and that is the inspection of facilities during breeding season. As a longtime worker who has worked with many different species of parrots, individual pairs and individual species can have very extreme reactions to anything unusual. As previous comments have already been made regarding clothing, bright colors are very disturbing. Changes in attire by even routine workers can be a problem. So most facilities have known keepers the birds are familiar with that wear similar clothing on a routine basis, have routine activities, so that the pairs are not disturbed during breeding. Any kind of unusual activity or appearance can cause nesting pairs to destroy eggs, to destroy chicks, and even some mates are killed.

And several of us have had these experiences with unknown visitors walking into a building, which we did not
allow or know about, and we end up with birds that are dead in the nest. These kinds of reports have been acquired over the years, including an estimator of a fence, which was far, far from a breeding setup and the birds saw the fence estimator, which was a stranger, and the male immediately killed his mate and killed the babies.

So inspections during breeding season can be very problematic. And as a person who is concerned for the welfare of the birds, it seems that this particular problem is going to need to be addressed or we're going to be losing birds and that includes losing rare species, which we are trying to propagate as a resource for potential reintroduction, if necessary.

And I appreciate the opportunity to speak and I thank you very much. We will be submitting written material in addition. Thank you.

THE HOST: Thank you. We'll go to the next person in the call queue. Caller, your line is unmuted.

MS. LEARY: Hello. My name is Sue Leary and I'm president of the Alternative Research and Development Foundation and the American Anti-Vivisection Society. And I do appreciate the opportunity to comment today on establishing Animal Welfare Act standards for the birds.

As a party to the joint motion establishing the rulemaking schedule, I will say that our expectation was
that the listening sessions would benefit the agency by gathering information on the scope of the problems that need to be addressed by the regulations to protect birds. Unfortunately I'm afraid that we're already seeing signs of the USDA drifting from that contention and, in fact, the emphasis in the Federal Register Notice announcing these sessions seems to be on exemptions. For example, the first three of the five questions included, you know, questions about exempt or exemptions. And as evidenced today and also recalling the 2004 response to that Federal Register call for input, the agency certainly could expect and should have expected potential regulated entities to present that everything is fine, they know best, and the law shouldn't apply to them. But this year, I think the USDA has really gone out of its way to welcome them to self-identify and make their case, and not appropriate.

If the agency continues to lean in this direction, exemptions could occur in so many cases and categories as to undermine the law. The fact is that if they are using enterprises covered by the AWA, all birds who are not bred for use in research are covered by the Act, as the agency determined and defined in 2004 and the agency has a mandate to provide the broadest possible coverage. The AWA does not allow for large areas of exemptions and Congress has declared regulation is
"essential." So any failure of the agency to follow that mandate will violate the most basic principals of administrative rulemaking.

The agency should be using this information gathering period to so to speak look under the rug and peek behind the curtains and uncover the situations where birds who are covered by the Act are in need of the law's protection. The agency should be planning to write regulations to anticipate future activities of those who will surely be feeling around for the loopholes that might allow operations with poor bird welfare to continue unchanged and unchallenged.

For example, one area that did not receive much attention in the Federal Register Notice is birds used in research, who were not bred for use in research. They are covered by the AWA and are in need of the law's protection. Our review of experiments meeting that criteria shows instances of highly invasive procedures, such as brain surgery. And with the growing interest in neuroscience and the avian brain, as evidenced just this week by a cover story featured in Science Magazine, we should anticipate an increase in bird use in the U.S. And, for example, in the EU, we know that birds comprise six percent of animals who were used in research and testing in 2018 and that's a significant number. There are many examples in the
literature of different species of birds being taken from
the wild, held in captivity for weeks or months in some
cases, subject to invasive procedures and killed.

So let me wrap up here. While some exemptions
may be appropriate, they must be limited in nature and
number. If a majority of birds in commerce who are not
bred for use in research are not covered, the agency will
be failing its obligation as set by Congress. Thank you.

THE HOST: Thank you for your comments. We'll go
to the next caller in the queue. Caller, your line is
unmuted.

MR. PODGWAITE: Hi. This is Mark Podgwaite. I'm
president of the American Poultry Association. And the APA
would like to thank you for the opportunity to comment on
the proposed Animal Welfare regulations. The APA was
formed in 1873 and has more than 3,000 members strong. The
mission of the APA is to promote and protect the standard
bred poultry hobby in all of its phases. To support this,
the APA promotes sanctioning meets and poultry shows all
over the United States and Canada, including the Annual
Meet, the Semi-Annual Meet, as well as the Canadian
National. Individual members are on point to these shows
towards becoming a master exhibitor, as well as receiving
awards from the Association. The APA strives to promote
and maintain a breeding and raising of standard bred
poultry, thus ensuring the preservation of these historic
generate extremes, utilizing the formation of the modern
poultry industry.

Additionally, the APA publishes the American
Standard of Perfection, which provides breeding variety
descriptions for all recognized purebred fowl. The
American Standard of Perfection is accepted as the Bible of
the standard bred poultry hobby. The APA also serves to
encourage and protect poultry shows as being the show
window of our hobby and education for both breeders and
public and the needs of interesting young future poultry
keep taking up of poultry.

The APA takes great pride in its promotion and
education of the junior poultry breeder for the future of
our hobby. This is accomplished in several ways, with a
sponsorship of the Youth Exhibition Poultry Association,
also known as YEPA, as one of the APA's primary junior
focuses. YEPA is an educational program assisting and
encouraging youths from the ages of 5 through 18 to study
and learn the proper care of poultry, as well as the study
of breeding and raising standard bred poultry.

While it is unclear poultry will fall under the
proposed Animal Welfare Act, it is the position of the APA
that inclusion of poultry in the Act may, in fact, become a
detriment to the standard bred poultry hobby. The majority
of the flux of standard bred poultry are in the hands of relatively small skilled breeders located around the United States and Canada. In most cases these breeders dedicate their lives and significant resources to the preservation of their chosen breed. They operate on a shoestring budget with little or no financial gain. Although the intent of the Act is somewhat understood, potential additional regulation of poultry could serve as a demise of this important fragile resource. Additionally, most breeders of pure bred poultry participate in the National Poultry Improvement Plan and are already inspected under this program. Additional regulation inspection would be redundant.

The proposed Animal Welfare regulation Act is silent on the inclusion of poultry. It is the hope of the APA that if it's the intent to include poultry, that that is made known. Conversely, if it's not the intent to include poultry, this needs to be made as well. Thank you for your time.

THE HOST: You're welcome and thank you for your comments. We'll go to the next caller in the queue. Caller, your line is unmuted.

MS. BLANEY: Yes, hello. Thank you. My name is Nancy Blaney. I'm with the Animal Welfare Institute. I want to endorse the comments of Sue Leary. She really laid
the case out for particularly there being no exemptions.
And our disappointment in the fact that the questions posed
in the Notice of these listening sessions seemed heavily
weighted toward identifying exemptions.

I also thought that it was worth adding a little
bit of context also to the history. Birds have actually
been denied coverage to which they were entitled since the
beginning of the -- practically since the beginning of the
Animal Welfare Act. Twenty years ago that was changed with
the first of the lawsuits, that did indeed say that birds
should have been covered. That was when Senator Helms
offered his amendment to the Farm Bill in order to
eliminate them from the Animal Welfare Act. He wasn't
t entirely successful, which is how we have come to the
situation we are in now where birds not specifically bred
for use in research can be covered and that is an enormous
number of birds. And over those years an enormous number
of birds who have suffered unnecessarily because they were
not covered by a law to which they were -- from which they
were entitled protection. It took two lawsuits and many
broken promises to get us to this point and this untold
suffering has to stop.

I am hopeful that those in charge of writing
these standards are up to speed on all of the latest
documentation of the extraordinary intelligence of these
animals and thus understand the need to craft standards that would provide birds with highly enriched environments that allow them to express the full range of their natural behaviors, including flight. To ensure the highest levels of welfare, there should be no sales of unwinged baby birds and no public interaction. That is a standard that should apply in all cases for covered animals under the Animal Welfare Act.

I trust that USDA will want to ensure that the widest possible coverage of birds used in the pet trade for exhibition and entertainment and those wild caught birds used in research in order to eliminate the gross abuses that have characterized these activities for so long. Too many birds have suffered during the years in which they have been denied the protection of the law and I'm hopeful that the standards that are to be crafted now as a result of the second lawsuit will reach that goal. Thank you.

THE HOST: Thank you. We're going to the next caller in the queue. Caller, your line is unmuted.

MS. HEPTIC: Hi. This is Janie Heptic. I am a member of the exotic bird club and also a longtime member of ASA, the American Association of Aviculture. I have a few of our people that are spoken earlier that I concur heartily with Melanie Allen, Jennie Wall. And it's definitely a need to have many guidelines, but they have to
be viewed as the breeder, the exhibitor, the keeper as in zoos and such, and the home keeper, which is our outright pet. Many may not really understand that in the 1700s, the Europeans were bringing their canaries with them to the United States, the New World, and they are the ones that introduced bird keeping to our country.

Unfortunately, our country does not have any parrots that we would be tempted to capture except for a few being the quaker parakeet, the blue-crowned conure, and there's a few others I can't recall at the moment, due to the fact that either they were escapees or as in Hurricane Andrew, many escaped from the Miami enclosure when the hurricane came through. And they are now being taken care of when nests are disrupted by the electrical workers that need to remove them because the nests are clogging the power lines. It is a danger to the birds and it's also a danger to the men trying to get them down. But, unfortunately, some of our un-native native birds are being destroyed because that no care is taken at all, which should be taken into consideration.

As far as the home person, the hobbyist, one bird or three birds should not have the same scrutiny as one that is a breeder even if the one or two bird person has a pair that produces babies. They should be advised of the proper things they should know regarding keeping and
raising babies, but the scrutiny of the outline of the rules should not be the same. I was a hobbyist breeder. I bred some parakeets and cockatiels and parallettes and finch, not all at the same time, but sometimes it gets a little overenthusiastic as an avian mother.

I believe that -- I'm sorry, I did not write this down, so I'm a little scattered. Back to the capturing, CITES takes care of all importations, our laws for importing with all kinds of documents, permits, and long procedures. So any kind of illegal capturing by smugglers and whatnot out of the country does not pertain to us unless of course you are a receiver of those animals. But, again, I would really hope that you would now consider a strong sense of responsibility to the home breeder and pet keeper since the canaries have been brought in so early in the 1700s and were used to actually save people in the mines and whatnot, which was kind of bad for the bird, but they became useful. And I don't understand why they are not domesticated at this time or some others. Thank you very much.

THE HOST: Thank you. We'll go to the next caller in the queue. Caller, your line is unmuted.

MS. CARTHY: Hi, my name is Olivia Carthy. I've worked for -- since the beginning, since 2000, in (garbled) community in sanctuary care (garbled) community birds. And
I want to endorse the comments that's related from the Animal Welfare Institute on the point that Ms. Blaney also made. You need to remember that almost everything we're talking about in terms of regulations are regulating birds that are in captivity. They are suffering, as Ms. Blaney said. And as the gentleman from PETA said, the floor should be what their natural behaviors are.

Captivity in itself is traumatic for most of the birds we're talking about with the exception of those who have been domesticated, which is a scientific term and it should not be used lightly. I think it is confusing to talk about birds who are domestic, referring to pets, and birds who have been domesticated, such as poultry. There are chickens that have been domesticated. Most of the birds we're talking about have not been domesticated in any way, shape, or form and they belong in the wild. So any form of captivity is already compromising their well being. This is something we need to remember.

Secondly, having worked on these regulations and regulations for sanctuaries and shelters or so called companion birds, we are getting into a mess here with exemptions. I do not believe that there should be exemptions for any birds that are not domesticated because everybody will need an exemption then and then the law becomes meaningless. Birds deserve to be covered as has
been mentioned. Scientific research that we didn't now 20 years ago, we didn't know 10 years ago, has proven the intelligence of birds, their need, and not hardwiring for social interaction with specifics is now known. We must accommodate the knowledge that we now have in these regulations. And as far as who needs exemptions will ensure that no birds will be protected. It will further delay the meaning of the Animal Welfare Act, the lawsuits, Congress, everything that has been said on this call and been said for the last 20 years.

We cannot delay any further. Birds deserve to be regulated. They should be included in the Animal Welfare Act and should have always been included in the Animal Welfare Act. And as Ms. Leary said, there is a huge number of birds who are now being used in research as well, who are not bred specifically for use in research.

I just want to remind everybody that natural wild behaviors are the floor, not the ceiling. Thank you for letting me share my comments today.

THE HOST: You're welcome and thank you. We'll go to the next caller in the queue. Caller, your line is unmuted.

MS. MILLER: Hi. Can you hear me okay?

THE HOST: Yes, we can.

MS. MILLER: Okay. My name is Apryl Miller. I'm
the executive director of Legislative Rights for Parrots. I heard some things that have been very concerning today that I want to address. I know some people are going to get really mad when I say these things and I'm sorry.

I keep hearing what the states regulate. In many states there are no regulations put on birds to begin with. There are also no regulations for protecting them in abuse and cruelty.

I live in Michigan and work with people across the country. Our president was in Nevada as one of the examples. We also have a chapter in British Columbia. We have animal control outreach here in Michigan, for example, who are regulated and controlled by the Department of Agriculture. But while the Department of Agriculture will regulate control, best use, inspections, et cetera, and having standards for dogs, cats, horses, ferrets, and other exotics, parrots are not included. And when questioned, their answer was it's not their problem.

So animal control officers, they're not training them with sort of subtle kinds of illness or understand the difference between behaviors that are normal and un-normal in birds. They're normally not trained in most exotic or even require most training. This allows situations to happen where even if an officer finds abuse, judges are also limited in their understanding and we have heard in
multiple states and multiple cases of abuse and serious
neglect and reporting it's just a bird. This attitude that
goes from regulatory law, the whole weight of the system is
unhealthy for birds.

We do believe there should be standards set for
breeders, rescues, and sanctuaries. One of the main
standards is quarantine, especially in rescues and
sanctuaries. All should be required to have proof of
disease testing before a bird is allowed to be adopted out
or sold to a new home. Recently, we have had an outbreak
of PPD or AVD because of a breeder locally not testing and
selling baby birds who are then dying within 10 months to a
year.

There also needs to be regulated of not over-
breeding and we believe that all breeders, even backyard
breeders or small breeders should at a minimum be required
a license. And we're not saying a license that's so
expensive to stop their behavior, but something to make it
be taken seriously. There is too many breeders who are
breeding for money only and don't watch where the birds go
to. This leads to many birds ending up in rescues and
sanctuaries. For example in April of last year, I visited
Oasis Sanctuary in Arizona. When I was there, there were
at 800 birds. Like two months later there were over 900
birds in their care for the rest of their lives.
Without standards across the board based on performance or other settings that have already been stated, due to have plenty of standards written, there is numerous sanctuary organizations who have written standards for every species and what is required. Without these in place, birds keep getting abused, neglected, and abandoned. People think they're cute and cuddly when they send them home. They don't understand the lifetime commitment to these birds. They are not domestic. They are still wild and have wild behaviors. They need to be taken care of and these exemptions need to be limited to make sure the birds receive the care and love and proper place and time they deserve. Thank you.

THE HOST: Thank you. We'll go to the next caller in the queue. Caller, your line is unmuted.

MS. GALLAGHER: Hello. Can you hear me?

THE HOST: Yes, we can.

MS. GALLAGHER: Hi. My name is Susan Gallagher. I am a chief naturalist at Carbon County Environmental Education Center, I'm a licensed wildlife rehabilitator, and I house a large number of -- well, I house a few dozen raptors for education and also a Class B exhibitor with a small number of mammals that we use for education. So those mammals have fallen under USDA/APHIS regulations and we have had inspectors come. Generally speaking, my
interaction with the inspectors have been positive ones 
over the year and really just looking at the welfare of the 
animals involved.

I do want to echo what previous callers have 
stated in favor of performance-based standards, a common 
sense approach to evaluating these birds for their quality 
of life in captivity. The problem is if your standards are 
written very generally, the good thing is that they can 
apply to a wide range of species. However, the more 
generally we write these regulations, the more leeway you 
give to an inspector. Ideally, then, those inspectors 
should be familiar with the families of birds at the very 
least or better yet some of the species that are in their 
charge. For example, the quality of life, judging quality 
of life for a budgie or a parrot is done in a very 
different way than you would look at quality of life for 
something like the great horned owl versus something like a 
raven. So as other commenters have said, we're looking at 
a very wide range of species, thousands of different 
species of birds and writing general regulations I think 
put the onus on the inspector to know what they're looking 
at and what they should be looking for.

Other commenters have also stated we already do 
have some standards in place. I'm not opposed to USDA 
instituting additional standards. But rather than reinvent
the wheel, look at some good solid regulations that exist on the state level or also things like the AVA, US Fish and Wildlife, National and International Wildlife Rehabilitation and Animal Sanctuary Standards that already address avian husbandry.

Something that hasn't been mentioned, facilities that are already permitted under these kinds of regulations are already responsible for things like annual reporting and a lot of other paperwork that has to be maintained. So a lot of additional paperwork under USDA and reporting requirements could be burdensome for some of us.

I think another thing that hasn't been mentioned, care in transit for birds. Again, I can only speak for raptors because we use raptors in education, but I think from a standpoint of just general avian physiology, but also the needs of different species, that there are different challenges involved in transporting birds than in transporting mammals, and that's especially true if you're looking at transporting large numbers of birds or moving birds across long distances. Just for example, birds taken offsite for programs where they might be contained for long periods of time could be an issue. I think at times comfort of birds like raptors might be sacrificed for the sake of providing entertainment at an offsite venue or for generating income for a facility or an individual.
I will be submitting written comments. I thank you for the opportunity to participate in verbal comments and I thank you for your time.

THE HOST: All right. Thank you for your comments. At this time I'm not showing any further comments in the queue. Again, if you'd like to ask -- if you would like to make any comments, please dial #2 on your telephone keypad to enter the call queue. You'll hear a notification when your line is unmuted, at which point please state your name, your organization you represent, and your comments. Again, you can enter the queue by dialing #2 on your telephone keypad.

(Pause.)

THE HOST: I'm not showing any other callers at this time. Once again if you would like to add your comments, please dial #2 on your telephone keypad. Again that's #2 on your telephone keypad if you would like to offer your comments.

(Pause.)

MR. MOORE: Ladies and gentlemen, we want to thank you for your comments today and for attending this webinar and listening session. It was recorded and is being transcribed, so we can actually capture your comments. These transcriptions will be posted on the APHIS Animal Care News and Information website at
www.aphis.usda.gov. And I'll remind you, too, that we still have two listening sessions October 7th and October 15th. And we also are accepting comments at regulations.gov and you'll see the link on the screen and that is until October 29th. Again, thank you for being part of this and have a nice day.

THE HOST: That concludes our conference. Thank you for using AT&T event conferencing enhanced. You may now disconnect.

(Proceedings concluded at 1:18 p.m.)
Certificate of Reporter, Transcriber, and Proofreader

Caption of Event:
AWA Standards for Birds Virtual Public Meeting

Docket No.: 

Place of Event:
Washington D.C. - Remote

Date of Event:
September 29, 2020

We, the undersigned, do hereby certify that the foregoing pages, numbers 1 through 86, inclusive, are the true, accurate and complete transcript prepared from the reporting by Angela Brown in attendance at the above-identified event, in accordance with applicable provisions of the current USDA contract, and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the event and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the event.

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