

UNITED STATES DEPARTMENT OF AGRICULTURE

STANDARDS FOR BIRDS)
VIRTUAL PUBLIC MEETING)

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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

MELANIE ALLEN
Hagen Agricultural Research Institute

JAMES BADMAN
JK BADMAN Exotics

TOM BAGNOLI
BPD

NANCY BLANEY
Animal Welfare Institute.

SHERRY BRANCH

ANDREA CABIBI
Taxonyx Reproductive Science, Inc.

OLIVIA CARTHY

KATHRYN CAVANAUGH
UT Southwestern

PARTICIPANTS:

ADAM CHAVEZ
Adam Falconry Service

KAREN CLIFTON
American Racing Pigeon Union

EIREANN COLLINS
Fenway SDAM

DENNIS CONNOLLY

KERRI COOPER-BAILEY
Fur, Feathers and Scales

MARCELLA COVAULT
FCA

ROLAND CRISTO
Cristo Aviaries, National Finch & Softbill
Society and the Model Agricultural Program

VICKI CROSS
Vicki's Feathered Friends

LAURELLA DESBOROUGH

PATTY FINCH DEWEY
Parrot Conservation Alliance

LARRY DICKERSON
North American Falconers Association

CRYSTAL EQUELS
Virginia Aquarium

RARLEY FLORENCE
Human for Animal Rights

SUSAN GALLAGHER
Carbon County Environmental Education Center

BRIAN GOODRICH CAMP
Open Sky Environmental, Inc.

JENNIFER HENDERSON
Atlanta Film Animals

PARTICIPANTS:

JANIE HEPTIC

CATHY KELLY
American Federation of Aviculture

MANDY KING
Mississippi

PAIGE KLECKNER
American Silkie Bantam Club

PATRICE KLEIN

JOE KRATHWOHL
Birds n Beasts Inc.

JOOP KUHN
San Diego Zoo

PATRICIA LATAS
RAP for Wildlife

DEBBIE LEAHY
Humane Society of the United States

SUE LEARY
Alternative Research and Development Foundation
American Anti-Vivisection Society

HARRY LIAM

GAVIN LIVINGSTON
Zoofari Parks, Inc.

CHRISTOPHER MAGEE
USDA Agricultural Research Service

KATE MARDEN
West Coast Falconry

EILEEN MCCARTHY

POLLYANNE MCKILLOP

APRYL MILLER
Legislative Rights for Parrots

PARTICIPANTS:

JONATHAN MOORE
People for the Equitable Treatment of Animals

JERRY MORSE
Carolinas Virginia Pheasant and Waterfowl Society

SCOTT NEWLAND

WILLIAM PATTERSON
Patterson Veterinarian Hospital

JEAN PATTISON
African Queen Aviaries

BOBBY PEGG
Fur Brothers

WILL PERATINO

MARK PODGWAITE
American Poultry Association

TONI RIVERS
American Phoenix Breeders Association.

CLYDE ROBINSON
Avian Empire, Inc.

STEVEN ROBERTS
Morning Bird, Inc.

HEATHER ROBINSON
National Zoo at Grassmere

JASON SHANE
Birds on Safari

MICHELLE SHREWSBURY

GREGORY SMITH
Hobbs Straus Dean & Walker, LLP

LISA SMITH
Tristate Bird Rescue and Research

DEBORAH SCHWEIKARDT
Arizona Bird Store

PARTICIPANTS:

KATHY TANG
New York Blood Center

KENU TURK
Bird World

GENEVIEVE WALL
American Federation of Aviculture

LEWIS WASKEY
Organization of Professional Aviculturists

BARRY WISEBAUM
Sun Pet

ASHLEY ZEHNDER
Associate of Avian Veterinarians

(11:00 a.m.)

1
2 THE HOST: Welcome and thank you for joining
3 today's Animal Welfare Act Standards for Birds public
4 listening session. Before we begin, please ensure you've
5 opened the chat panel and your associated icon link located
6 at the bottom of your screen. If you require technical
7 assistance, please send a chat to the event producer. All
8 audio lines have been muted. When it is your turn to
9 speak, your line will be unmuted. You will hear a
10 notification when your line is unmuted at which point
11 please go ahead with your comments. As a reminder, this
12 conference is being recorded and transcribed. With that
13 I'll turn the call over to Dr. Rosemary Sifford, Associate
14 Deputy Administrator for Animal Care. Please go ahead.

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

21 We're going to start today with a brief outline.
22 I'll go over a little bit of history for how we came to
23 this point and then we will cover some of the logistics for
24 the meeting and then we will open the floor for comments.
25 We do have a system for working through the comments that

1 we will describe in more detail during the logistics
2 discussion.

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

21 Also, at that time in June 2004, APHIS published
22 an Advanced Notice of Proposed Rulemaking in the Federal
23 Register. In that notice, APHIS notified the public that
24 the agency intended to extend enforcement of the Animal
25 Welfare Act to birds not bred for use in research, that are

1 sold as pets at the wholesale level or transported in
2 commerce or used for exhibition, research, teaching,
3 testing, or experimental purposes.

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

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

22 So the first milestone in that schedule was that
23 by August 24, 2020, USDA was to publish notice of virtual
24 listening sessions and file a status report with the court.
25 As you are aware, USDA did publish that notice of virtual

1 listening sessions and that is currently what we are
2 involved in. The second milestone is that by February 24,
3 2022, USDA is to publish a proposed rule. And the third
4 milestone is that by February 24, 2023, USDA is to publish
5 a final rule.

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

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

19 So the first topic is around recognizing the wide
20 variety of bird species. Are there performance-based
21 standards that we can establish that would be appropriate
22 across a wide variety of species of birds? Can we use
23 appropriate classes of birds to set performance-based
24 standards appropriate for a class; if so, what might those
25 classes look like?

1 A second big topic of interest for us is human
2 interference. We are aware that birds can be very
3 sensitive to human interference during certain critical
4 biological stages. How do bird breeders avoid interfering
5 with nesting and breeding or other biological activities of
6 birds? How can we use these best management practices to
7 ensure our housing, feeding, or inspection requirements do
8 not interfere with biological activities.

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

24 So these are the topics that we really like most
25 to hear from you about this afternoon. And at this point I

1 will turn the call over to Mr. Scott Moore to go over the
2 logistics and give you the details for how we will receive
3 your comments this afternoon. Scott?

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

14 If you're not selected to speak today, you may
15 still have your comments heard in one of two ways. You can
16 submit written comments to [regulations.gov](https://www.regulations.gov) through October
17 29th. We understand that the website was having some
18 difficulties this morning and that is being addressed. Or
19 you may register as a prospective speaker at the remaining
20 public listing sessions, October 7th or October 15th.
21 Written and spoken comments will be given equal weight. We
22 are not accepting comments through the chat feature today.

23 For those of you who have been randomly chosen to
24 speak today, here are our ground rules. The event
25 coordinator will announce the name and organizational

1 affiliation of the next speaker and unmute that speaker's
2 phone line. Each speaker will be given four minutes. We
3 will play a chime that's heard here. Christina, play that
4 chime again.

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

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

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

25 This session is being recorded and transcribed,

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

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

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

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

25 Also, there are a lot of people that show birds.

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

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

10 And then there's people that raise a lot of real
11 small birds which are not a lot of volume of dollars. An
12 example, parakeets right now are wholesaling for \$10 a
13 piece, at the most \$20 and so, you know, should someone
14 that raises 100 parakeets a year, has gross revenues of
15 \$1,000, should they be licensed?

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

23 And anyway, also need to be taken into
24 consideration some of these breeders have small facilities.
25 Are they going to have to move, build new facilities to

1 meet the USDA standards? Example, kitchens, you know, a
2 lot of these facilities, their fresh food is being prepared
3 in there home kitchen. You know, will they have to have
4 kitchens?

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

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

18 (No response.)

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

23 (No response.)

24 THE HOST: All right. We'll go to the next
25 person on the list, Genevieve Wall from American Federation

1 of Aviculture. Genevieve, your line is unmuted.

2 MS. WALL: Yes, can you hear me?

3 THE HOST: Yes, we can hear you.

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

19 American Federation of Aviculture will be
20 submitting a set of suggested, they're not necessarily
21 complete, but suggested regulations. So we'll do that
22 separately with our performance standards that we can
23 suggest. They're very, very general, things such as clean
24 water, clean food, no rotting food in the cages, that kind
25 of thing. And if the birds are healthy and the performance

1 standards are adhered to, that should be all the inspector
2 needs to check off on his checklist.

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

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

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

23 I think all ESA birds, excuse me, Endangered
24 Species Act birds that are listed should be exempt.
25 They're already regulated and breeders need to be

1 encouraged to breed those birds, not discouraged. And we
2 don't want to see bird breeders choose to close because of
3 regulations when they're breeding endangered species birds.

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

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

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

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

25 THE HOST: Thank you, Jerry. We'll go to the

1 next person on the list. Scott Newland is ceding his time,
2 so the next person on the list is going to be Patty Finch
3 Dewey. And Patty Finch Dewey is representing the Parrot
4 Conservation Alliance. All right. Patty Finch Dewey, if
5 you could dial #2 on your telephone keypad, I can identify
6 and unmute your line.

7 (No response.)

8 THE HOST: All right. Then we'll go to the next
9 person on the list. The next person on the list is Crystal
10 Equels of the Virginia Aquarium. Crystal, if you could
11 please dial #2 on your telephone keypad, so that I can
12 identify and unmute your line. Crystal Equels, please dial
13 #2 on your telephone keypad, so that I can identify and
14 unmute your line.

15 (No response.)

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

20 (No response.)

21 THE HOST: All right. Patrice Klein. Patrice
22 Klein has decided to offer her comments in writing, so we
23 can go to the next person on the list. Next person on the
24 list is Gavin Livingston. Gavin Livingston is with Zoofari
25 Parks, Inc. Gavin Livingston, please dial #2 on your

1 telephone keypad, so I can identify and unmute your line.
2 Gavin Livingston, please dial #2 on your telephone keypad,
3 so I can identify and unmute your line.

4 (No response.)

5 THE HOST: All right. We'll go to the next
6 person on the list. That would be Jennifer Henderson of
7 Atlanta Film Animals. Jennifer Henderson, please dial #2
8 on your telephone keypad, so I can identify and unmute your
9 line.

10 (No response.)

11 THE HOST: All right. Then we'll go to the next
12 person in line. That would be Rarley Florence on Human for
13 Animal Rights. Rarley Florence, if you could dial #2 to
14 identify and unmute your line.

15 (No response.)

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

20 MS. CABIBI: Hello. Am I unmuted now?

21 THE HOST: Yes, you are.

22 MS. CABIBI: Oh, good. Okay. I think I'll
23 comment under these circumstances what the AFA or ASA, I
24 can't remember who it was, was saying earlier that
25 performance standards are very important I think to enable

1 the covering of all the different requirements of so many
2 species of birds. Certainly, minimum standards for, as I
3 say, a flamingo is going to be completely to minimum
4 standards for a canary. We also have to look at some of
5 the breeding setups that are set up for small species. For
6 instance, canary breeding cages are very small. They do
7 enable the birds to stretch and move around. When they're
8 placed in show cages, these are a temporary situation and I
9 believe that you need to have some sort of understanding of
10 how these birds are kept during the shows and that they are
11 provided with basic food, water, and places to perch, et
12 cetera.

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

21 As far as nesting, I also agree with previous
22 comments that it's going to require an in-depth
23 understanding of the nesting seasons of different birds and
24 they do vary. For instance, budgie breeders are probably
25 breeding all year round, while canary breeders have a very

1 limited time period during the summer. So inspections,
2 yes, during this time can be very disturbing to the birds.

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

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

13 MS. LATAS: I can't believe this.

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

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

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

20 MS. LATAS: Oh, okay. I'm unmuted. I'm sorry.
21 For some reason I'm losing myself. I apologize deeply. I
22 will go ahead. I didn't see that.

23 Good morning and again I apologize if you heard
24 me discussing my phone situation. I'm Dr. Patricia Latas,
25 a veterinarian for avians and wildlife. Today I represent

1 myself as an individual stakeholder, but I do serve on the
2 board of directors for International Wildlife
3 Rehabilitation Council and I participate in the leadership
4 of the Association of Avian Veterinarians. I'm involved
5 with the Association of Wildlife Veterinarians and United
6 States in developing all positions and I sit on the Animal
7 Cruelty Task Force for Southern Arizona. I am grateful
8 that the regulations for licensure credentials for avian
9 welfare are under consideration by USDA/APHIS.

10 Question one: standards used for main species
11 may not be appropriate. Performance-based standards are
12 not always relevant. There are hundreds of diverse bird
13 species commonly held in captivity, as opposed to less than
14 10 non-livestock species of domesticated animals. There
15 are hundreds of species in wildlife rehabilitation and
16 exhibitry. Standards for wild caught birds may differ
17 significantly from captive bred birds. Inspection for
18 licensure must take this into account. Knowing what is
19 normal for any particular species is of paramount
20 importance in interpretation of observations; for example,
21 the proper welfare of a humming bird versus an eagle. Bio-
22 diversity creates diverse husbandry requirements. There
23 is no one size fits all. Most avian disease is the
24 consequence of being in human care or anthropogenic impact
25 on wild populations and this also must be taken into

1 account.

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

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

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

23 Question five: there are no species which should
24 be exempt. What animal does not deserve decent welfare
25 regardless of price. A three dollar budgie or a \$50,000

1 palm cockatoo, they are equally deserving of proper care
2 and decent welfare.

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

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

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

25 (No response.)

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

5 MS. BRANCH: Can you hear me?

6 THE HOST: Yes.

7 MS. BRANCH: You can hear me?

8 THE HOST: Yes, we can.

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

1 manuals that are existing now. And I'm going to make
2 further comments in written form. Thank you so much.

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

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

25 THE HOST: Thank you, Dr. Magee. We'll go to the

1 next caller on the list. The next caller on this list is
2 Dennis Connolly. Dennis Connolly, please dial #2 on your
3 telephone keypad, so your line can be identified and
4 unmuted. Dennis Connolly, please dial #2 on your telephone
5 keypad.

6 (No response.)

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

11 MS. MARDEN: Can you hear me?

12 THE HOST: Yes, we can hear you.

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

21 But with regard to working with birds of prey, we
22 already have very strict standards. We are monitored both
23 federally and through our local state agencies. We have
24 performance-based standards. In order to be a falconer,
25 you have to go through a training. It takes anywhere from

1 two to 10 years. And we are already in a cycle of
2 inspections through our agencies.

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

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

24 So I was kind of reading through it. I apologize
25 again. I'm just very passionate about our relationship

1 with the birds. As I say, in terms of exemption, I think
2 it's redundant for the birds of prey. I believe that we
3 should have some kind of exemption in this section and can
4 get together with Fish and Wildlife and Fish and Games and
5 see how regulated our activities for these birds are. And
6 I thank you so much for my time.

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

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

13 THE HOST: Yes, we can.

14 MR. ROBINSON: Okay.

15 THE HOST: Yes, we can.

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

20 First, no doubt performance-based standards need
21 to be developed. They need to be developed for different
22 species of birds. However, generic standards that apply to
23 large groups of birds probably do not encompass the needs
24 of all species, even in family groups of birds. And this
25 is all based on my water fowl experience. Birds may vary

1 significantly, sometimes as much as husbandry needs of a
2 squirrel versus a dog. For example, hooded mergansers
3 versus a cereopsis goose have different diets, dietary
4 requirements, nesting requirements, water requirements, and
5 behaviors. The only common husbandry requirement is that
6 they might both sit the same at various sizes.

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

17 Number three and kind of four, many sectors of
18 private aviculture are low or no profit. Water fowl and
19 ornamental pheasant breeders, again my specialties, for
20 example, seldom generate enough money for feed, let alone
21 housing, expansion, and so on. Most of these keepers
22 maintain full-time jobs and designate all their surplus
23 money regardless of the size of the breeding facility and
24 time to provide housing and breeding facilities to
25 facilitate breeding and to facilitate their birds.

1 Therefore, all pheasant and water fowl breeders, as well as
2 any other similar sectors of aviculture, and I'm sure
3 there's many more, again I just deal with water fowl,
4 should not be subject to fees, licensing, or any other
5 additional unnecessary expenses. It should be noted as
6 well that many states conduct inspections on game farms and
7 additional inspections would be redundant. And in 40 years
8 of raising water fowl and in the water fowl business, I've
9 only personally witnessed one instance of true neglect or
10 abuse to water fowl, because they do have basic needs.
11 They can be met by most of the keepers that I've ever seen
12 in my life. I've dealt with hundreds and thousands of
13 them.

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

25 And just one last concern I have. Since water

1 fowl is seldom inflicted with a disease, so my personal
2 concerns are limited. Although we limit visitors and bring
3 few new birds into our facility, at the present time
4 National Poultry Improvement Plan has universal rules for
5 management and I don't really know how USDA would manage
6 this whole plan. And that's pretty much it. Thank you for
7 your time.

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

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

14 THE HOST: Yes, we can.

15 MS. ZEHNDER: Okay, wonderful. Hi and thank you
16 so much for the opportunity to speak to everybody today.
17 My name is Dr. Ashley Zehnder. I'm the current president
18 of the Association of Avian Veterinarians. I'm speaking
19 today on behalf of that organization. Just a little bit of
20 background on AAV. We're a diverse global professional
21 organization that's dedicated to advancing and promoting
22 avian health, welfare, and conservation through education,
23 advocacy, and science. We have more than 1,700 members
24 comprised of both veterinarians, veterinarian students,
25 technicians all across private practice, academia, zoos,

1 government, non-government entities, as well as in
2 industry. We've been around for about 40 years and we work
3 with a lot of scientific studies, to better understand,
4 appreciate, and also assess avian welfare and then thereby
5 improving the lives of the birds that are under all of our
6 care. And so we have a written statement, our oral
7 statement here, but we will also as many of the speakers
8 today will be providing some written statement as well.

9 We also agree that establishing performance-based
10 standards should be scientifically based and also based
11 around the idea of Five Domains of Welfare. And some of
12 the assessments that we feel should be included in the
13 assessment of health of birds, include things like the
14 assessment of resources. As many speakers have noted,
15 there's a huge diversity dive in husbandry requirements and
16 that's going to require some challenges in terms of just
17 standards, crafting standards across those species. But
18 meanwhile our focus is ensuring that those regulations
19 ensure biological and physical needs of birds should be
20 met. Again, as some speakers have noted and others have
21 also noted as well, there are resources available within
22 the zoological collection parameters for many of these
23 guidelines. I'm sorry, we also agree that there's a lot
24 that can be learned from some of those zoological
25 collections.

1 Also just the assessment of the general physical
2 state is one thing that hasn't been mentioned on the calls
3 today -- it's from a veterinarian perspective -- is just
4 considering the fact that birds, unlike mammals, really
5 display very different behaviors. It can be a lot harder
6 to pick up subtle signs of illness compared to mammals and
7 birds do hide their signs of illness. And that is
8 something that veterinarians are very -- avian
9 veterinarians are very well trained to pick up these more
10 subtle signs of disease. And so that is something that,
11 you know, should be important and considered in some
12 inspectors and making sure that they can pick up these more
13 subtle signs of illness and ill health.

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

18 Additional concepts we wanted to cover on this
19 call that may not be considered for other species will be
20 assessment of behavioral states, making sure that birds
21 are, you know, performing their normal behaviors and
22 activities because just changing these can again also
23 indicate some underlying ailments that may not be picked up
24 otherwise. And also just, you know, if regulations can
25 also acknowledge that birds are sentient beings, you know,

1 more so than some other species that we work with. They do
2 have ability to provide enrichments and important welfare
3 considerations for birds that are in long-term breeding or
4 exhibit situations is something that's important.

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

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

18 MS. RIVERS: Hello.

19 THE HOST: Yes, we can hear you.

20 MS. RIVERS: Very good. I'm going to be brief.
21 I represent a group of Phoenix breeders. It's a rare breed
22 of poultry. We are breeders, hobbyists, exhibitionists,
23 and we're basically interested in how we're going to fit in
24 to any new regulation. That's pretty much the reason I'm
25 listening in and I want to thank you very much for the

1 time.

2 THE HOST: Thank you. We're going to go to the
3 next person on the list then. The next person on the list
4 is Deborah Schweikardt. All right, Deborah, your line is
5 unmuted.

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

24 And the private sector has done an amazing job in
25 breeding these birds in captivity and I'm afraid that we're

1 going to regulate the passion, we're going to regulate
2 those out of doing this for so many people who enjoy it.
3 And I will also be submitting a more thorough explanation
4 of my feelings about this in a written statement. But
5 thank you for allowing me to speak and I'll just listen to
6 the rest.

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

11 MS. LEAHY: Hi. Can you hear me?

12 THE HOST: Yes, we can.

13 MS. LEAHY: Okay. The Humane Society of the
14 United States and Humane Society Legislative Fund
15 appreciates the opportunity to comment on establishing
16 animal welfare regulations for birds not bred for use in
17 research. We advise that all birds who qualify under the
18 law should be protected by regulations and urge the agency
19 to complete bird regulations. Based on observations and
20 evidence gathered during undercover investigations and site
21 visits to roadside zoos, we recommend that all birds used
22 in exhibition without exception should be regulated under
23 the Animal Welfare Act. For example, one five-month
24 undercover investigation at a roadside zoo in Virginia
25 found that birds along with every other species at the zoo

1 were subjected to extremely salty conditions, inadequate
2 veterinary care, a lack of enrichment, and unsafe handling.
3 Bird cages were sick with feces and old seeds and had dirty
4 drinking water. Numerous birds had significant feather
5 loss. Sick and injured birds went without veterinary care.
6 Water bird exhibits had inadequate drainage leading to
7 accumulations of bleach and waste from monkey cages.

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

19 Numerous other birds are used for close
20 encounters with the public including cockatoos, parrots,
21 kookaburras, owls, penguins, ravens, hornbills, flamingoes,
22 and cockatiels. Many zoos feature parakeet encounters
23 where visitors enter a cage capped with dozens or hundreds
24 of parakeets and feed them with sticks covered with seeds.
25 These largely unmonitored exhibits are plagued with

1 problems that include overcrowding, birds being harassed
2 and injured by the public, some birds going without
3 adequate nutrition, unsanitary conditions, and bird
4 escapes.

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

15 Thank you for the opportunity to comment on bird
16 regulations.

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

21 MR. CRISTO: My line is unmuted?

22 THE HOST: Yes, it is.

23 MR. CRISTO: Okay. I'm representing Roland
24 Cristo Aviaries and National Finch & Softbill Society and
25 the Model Agricultural Program.

1 As to question one, aviculture has already come
2 up with performance standards. It's the Model Agricultural
3 Program. Inspections are done by veterinarians licensed in
4 the state, a facility exists, and so forth. I can go on
5 with that. Also in order to conserve species, Arizona uses
6 this program. San Diego zoo uses this program. They will
7 send birds from facilities to any private aviculturist that
8 is licensed by MAP. There are far too many species of
9 birds kept in aviculture to be set individual standards.
10 In addition to considerations, these will be based on where
11 the birds are being bred and various locations and
12 climates. They are being kept, for example, in areas of
13 winter, snow, and the heat in the southwest.

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

25 Number three, AWA should retain their exemption

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

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

22 Number five, exemptions, it's my belief that the
23 only birds that should be inspected are more common species
24 kept in the pet stores, like budgies, cockatoos, love
25 birds, yellow finches, and canaries. All the other

1 species, especially species on the ESA list, should be
2 exempt, left alone. They are not common in aviculture and
3 avicultures are working within to preserve the species in
4 American aviculture.

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

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

13 (No response.)

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

20 (No response.)

21 THE HOST: All right. We'll go to the next
22 person on the list. The next person on the list is Eireann
23 Collins of Fenway SDAM. Eireann Collins, please dial #2 on
24 your telephone keypad, so your line can be identified and
25 unmuted.

1 (No response.)

2 THE HOST: All right. Next person on the list is
3 Kathy Tang, New York Blood Center. Kathy Tang, please dial
4 #2 on your telephone keypad to have your line identified
5 and unmuted. Kathy Tang, please dial #2 on your telephone
6 keypad to have your line identified and unmuted.

7 (No response.)

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

13 (No response.)

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

19 (No response.)

20 THE HOST: Okay. We'll go to the next person on
21 the list. The next person on the list is Kerri Cooper-
22 Bailey, Fur, Feathers and Scales. Kerri Cooper-Bailey,
23 please dial #2 on your telephone keypad to have your line
24 identified and unmuted. Kerri Cooper-Bailey, please dial
25 #2 on your line identified and unmuted.

1 (No response.)

2 THE HOST: All right. We'll go to the next
3 person on the list. The next person on the list is Kathryn
4 Cavanaugh, UT Southwestern. Kathryn Cavanaugh, your line
5 is unmuted.

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

7 THE HOST: Yes, we can.

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

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

25 MR. SMITH: Can everybody hear me?

1 THE HOST: Yes.

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

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

18 When we examined the Animal Welfare Act and its
19 purposes, it's very hard to figure out how Congress had
20 ever intended through passage of that law to regulate
21 people's backyard lofts and to regulate this hobby. Most
22 pigeon racers are not dealers or exhibitors carriers within
23 the meaning of the law. Pigeon racing's origin has
24 elements of the farm, which farm animals are excluded.
25 People probably know that pigeons are the same species as

1 park pigeons, although the pigeons that are used by
2 hobbyist have been bred like horses, which are exempted
3 from the AWA, for their homing ability. There's very
4 limited commercial activity in this area and especially for
5 pigeon fliers.

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

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

23 THE HOST: Thank you. We're going to the next
24 person on the list. The next person on the list is Paige
25 Kleckner. Paige Kleckner is with the American Silkie

1 Bantam Club. Paige, if you are on the phone, please dial
2 #2, so I can identify and unmute your line. Paige
3 Kleckner, please dial #2, so I can identify and unmute your
4 line.

5 (No response.)

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

10 MS. COVAULT: Yes, can everybody hear me?

11 THE HOST: Yes, we can.

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

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

25 The person that mentioned the MAP and model

1 aviary protocols is very correct. There have already been
2 standards developed, basic standards for birds. It's a
3 little different. I'm speaking through perspective of
4 parrots. And there are a lot organizations that have --
5 there are two professional organizations that have
6 standards that are already developed, in addition to what
7 Dr. Styles developed and I know he is an expert.

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

16 Number three, exemptions, I think all ESA
17 regulated birds should be exempt. They're endangered and
18 there's no reason to regulate them beyond minimal.
19 Thresholds for licensing, you know, that can vary so much
20 with birds because there can be parakeets, somebody might
21 produce 100 babies of parakeets and make hardly any money.
22 Somebody may breed and produce babies from more expensive
23 pairs and, yeah, maybe they're making money, but you know
24 what, you can't make a living at it. You know, most
25 people, most aviculturists that I know have outside jobs

1 that pays for their avicultural hobby because they love the
2 birds. Species exemption, yes. Danger of the species,
3 exemption in dangerous species should definitely be exempt
4 because you're putting people who are -- know about
5 conservation and helping these birds numbers and
6 populations grow and so they won't be exempt and burdening
7 them and further licensing is just not -- you know, it's
8 counterproductive. We've already seen that with the golden
9 conure, which now has be de-listed so that people can sell
10 them across state lines. Before that, that hadn't happened
11 and their numbers have gone down. It's actually hindered
12 conservation of these species.

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

23 THE HOST: All right, thank you. So we'll go to
24 the next person on the list. The next person on the list
25 is Brian Goodrich Camp. Brian Goodrich Camp is with Open

1 Sky Environmental, Inc. Brian, please dial #2 on your
2 telephone keypad if you are on the line, so your line can
3 be identified and unmuted. Brian Goodrich Camp, please
4 dial #2 on your telephone keypad.

5 (No response.)

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

12 (No response.)

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

18 (No response.)

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

24 (No response.)

25 THE HOST: All right. We'll go to the next

1 person on the list. Next person on the list is Heather
2 Robinson from the National Zoo at Grassmere. Heather
3 Robinson from the National Zoo at Grassmere, please dial
4 #2, so your line can be identified and unmuted.

5 (No response.)

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

10 (No response.)

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

14 MR. KRATHWOHL: All right. Hello, thank you. My
15 name is Joel Krathwohl. I own a company called Birds n
16 Beasts Inc., who supplies bird and animal shows to zoos and
17 parks across the country. Actually, we've even gone
18 international. And we also participate in some
19 conservation breeding and various services, including
20 abatement, falconry services, and programs like that. I
21 first began owning birds in 1976, became a professional
22 exhibitor in 1981, and my current collection is hundreds of
23 birds from conures, to cassowary, to condors. And I also
24 have had lions and tigers and leopards and I'm a longtime
25 USDA permittee and I work well with the inspectors, so I

1 believe that I can foresee what life will be like having
2 those inspectors also covering birds.

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

19 But we do already have federal regulations
20 covering quite a few species of birds, mostly migratory
21 birds, especially raptors, hence the U.S. Fish and Wildlife
22 Service have established standards for raptor housing and
23 care. Those should take precedent for those species and
24 like species. Native prairie falcon can be kept in a
25 certain size enclosure. Therefore, an exotic safer

1 (phonetic) falcon, which is a similar species, could be
2 held to those similar standards. It would be difficult to
3 have the Fish and Wildlife Service prescribing standards
4 for one species and then right next our similar exotic
5 species suddenly have to have an enclosure that's 10 times
6 bigger or something. I don't know.

7 Also, our crates and transportations are
8 regulated by the IATA, International Airlines
9 Transportation Association. Some people have mentioned
10 that crates should be big enough for birds to spread their
11 wings. Well, some of my birds have almost 11-foot
12 wingspan. You would never want to transport a bird in an
13 11 foot wide crate because if there was a car accident,
14 that bird could be severely injured or killed inside that
15 large of a crate. Crates also protect and work as
16 seatbelts during transportation, as well as temporary
17 housing. A bird that's got being used to free fly every
18 day can certainly handle smaller living quarters during
19 that time of a breeding setup. So it really comes down to
20 the purpose and use of each bird and I appreciate the time
21 to speak.

22 THE HOST: You're welcome. We're going to go to
23 the next person on the list. Next person on the list is
24 Adam Chavez from Adam's Falconry Service. Adam, please
25 dial #2 on your telephone keypad, if you're dialed in right

1 now, so your line can be identified and unmuted. Adam,
2 please dial #2 on your telephone keypad, if you're dialed
3 in right now, so your line can be identified and unmuted.
4 Adam Chavez, please dial #2 on your telephone keypad.

5 (No response.)

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

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

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

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

21 And our concern with these Animal Welfare
22 regulations is that we would like for all considerations
23 that we've heard from aviculturists, our experience with
24 working these species be considered and that is with
25 regards to the golden standards versus general standards

1 because we also have to consider resources, as well as
2 population and individual birds as well. The aspect of in
3 consideration of rescue and sanctuaries, they should be
4 held to the same standards as aviculturists are.

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

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

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

23 THE HOST: You're welcome and thank you.

24 MR. MOORE: Ladies and gentlemen, just a reminder
25 that speakers selected today have been randomly selected.

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

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

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

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

20 THE HOST: You're welcome and thank you. We'll
21 go to the next person on the list and the next person on
22 the list Mandy King from the University of Mississippi.
23 Mandy, please dial #2 on your telephone keyboard. If you
24 are dialed in, please dial #2 on your telephone keypad,
25 Mandy King, so your line can be identified and unmuted.

1 (No response.)

2 THE HOST: Okay. Next caller on the list is
3 James Badman from JK Badman Exotics. James, if you could
4 please dial #2 on your telephone keypad to have your line
5 identified and unmuted. James Patterson, can you please
6 dial #2 on your telephone keypad.

7 (No response.)

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

13 (No response.)

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

17 MR. PATTERSON: Hello. Can you hear me?

18 THE HOST: Hello, yes, we can.

19 MR. PATTERSON: Hi. Can you hear me?

20 THE HOST: Yes, we can.

21 MR. PATTERSON: Okay, great. I'm representing
22 the American Bantam Association. Also, I'm a member of the
23 American Poultry Association. We are a hobby group. We
24 have a few thousand members. Our goal is the preservation
25 and promotion of purebred poultry. We are a backyard hobby

1 group. I don't really know how we fit into Animal Welfare
2 Act because we are very farm-based in a lot of ways. So
3 our animals are used for exhibition, like I said the
4 promotion of purebred poultry, but also many of our birds
5 are used for human consumption as well.

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

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

21 (No response.)

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

25 MS. CLIFTON: Good morning.

1 THE HOST: Good morning. Your line is unmuted.
2 You can go ahead for your comments.

3 MS. CLIFTON: Can you hear me?

4 THE HOST: Yes, we can.

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

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

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

19 THE HOST: Yes, we can.

20 Ms. FINCH DEWEY: I am the former executive
21 director of the GFAS Federation, Global Federal of Animal
22 Sanctuaries. It was begun in 2007 and I was the first
23 executive director. We developed performance-based
24 standards that cover all bird species and those have had
25 time over the ensuing years to be commented on and revised

1 as necessary. As I said, they are performance-based. Many
2 avian facilities around the world have been able to meet
3 these standards and they're excellent standards that have
4 stood the test of time and I would urge you to take a look
5 at those.

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

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

1 would be to contradict this work of the USDA and others.
2 Thank you.

3 THE HOST: Thank you. And at this time we have
4 gone through all of the people that are on the speaking
5 list. If you would like to offer your comments at this
6 time, please dial #2 on your telephone keypad. You'll hear
7 a notification when your line is unmuted. Please state
8 your name and the organization you represent. Again, if
9 you'd like to offer your comments at this time, please dial
10 #2 on your telephone keypad. You'll hear notification when
11 your line is unmuted. Please state your name and the
12 organization you represent. We'll go to the first caller
13 in queue. Caller, your line is unmuted.

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

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

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

21 One of the things that I have not heard is the
22 Migratory Bird Treaty Act and how USDA intends or doesn't
23 intend to actually incorporate birds that are already
24 governed under the MBTA, specifically from the U.S. Fish
25 and Wildlife Service. Our concern with the North American

1 Falconers Association is primarily with raptors. We are
2 already highly regulated under various codes, 50 CFR 2127
3 through 50 CFR 2131 particularly, and additional
4 regulations are not needed. These regulations cover animal
5 husbandry. They cover housing. They cover transportation.
6 They cover all of the things that we really are involved
7 in, not only in falconry, but in rehabilitation for
8 raptors, for raptor propagation, for special purpose
9 permits, which some people would commonly refer to
10 education permits.

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

17 As far as classes of birds, this is going to be
18 very, very difficult, as you've already heard from most of
19 your speakers speak of. We are simply going to ask that
20 APHIS/USDA thereby consider an exemption for birds that are
21 already governed under the rules and regulations of the
22 Migratory Bird Treaty Act. This would cover virtually
23 everything from cassowary birds, to raptors, to a good
24 number of wild water fowl. So again by exempting that or
25 at least referring to regulations that already regulate

1 those particular species, perhaps APHIS and the USDA can
2 save themselves a lot of time and a lot of effort.

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

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

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

11 THE HOST: Yes, we can.

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

20 PETA supports the five points that the American
21 Anti-Vivisection Section of Society is advancing and
22 believes that those points would serve well as the basis
23 for USDA regulations. It should be clear that all birds
24 need access to food, potable water, veterinary care, and
25 clean quarters of a size that allow them to move around,

1 perch, and fly. However, USDA should consider these basic
2 requirements a floor, not as a ceiling.

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

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

21 Certain activities are not compatible with bird
22 well-being regardless of the species. USDA should ban
23 outright any activities involving riding, shaking,
24 capturing, restraining, or otherwise harassing regulated
25 birds. These activities are harmful to the birds and are

1 dangerous to riders, handlers, and the general public.
2 Similarly, PETA strongly encourages the agency to forbid
3 public contact with birds in its new regulations. Such
4 contact can be harmful and stressful to birds and
5 interferes with their welfare. If contact is allowed, USDA
6 must set forth strict safeguards in the regulations.

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

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

23 PETA will be submitting written comments to
24 supplement the proposals identified here. Thank you for
25 your time.

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

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

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

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

24 And several of us have had these experiences with
25 unknown visitors walking into a building, which we did not

1 allow or know about, and we end up with birds that are dead
2 in the nest. These kinds of reports have been acquired
3 over the years, including an estimator of a fence, which
4 was far, far from a breeding setup and the birds saw the
5 fence estimator, which was a stranger, and the male
6 immediately killed his mate and killed the babies.

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

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

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

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

24 As a party to the joint motion establishing the
25 rulemaking schedule, I will say that our expectation was

1 that the listening sessions would benefit the agency by
2 gathering information on the scope of the problems that
3 need to be addressed by the regulations to protect birds.
4 Unfortunately I'm afraid that we're already seeing signs of
5 the USDA drifting from that contention and, in fact, the
6 emphasis in the Federal Register Notice announcing these
7 sessions seems to be on exemptions. For example, the first
8 three of the five questions included, you know, questions
9 about exempt or exemptions. And as evidenced today and
10 also recalling the 2004 response to that Federal Register
11 call for input, the agency certainly could expect and
12 should have expected potential regulated entities to
13 present that everything is fine, they know best, and the
14 law shouldn't apply to them. But this year, I think the
15 USDA has really gone out of its way to welcome them to
16 self-identify and make their case, and not appropriate.

17 If the agency continues to lean in this
18 direction, exemptions could occur in so many cases and
19 categories as to undermine the law. The fact is that if
20 they are using enterprises covered by the AWA, all birds
21 who are not bred for use in research are covered by the
22 Act, as the agency determined and defined in 2004 and the
23 agency has a mandate to provide the broadest possible
24 coverage. The AWA does not allow for large areas of
25 exemptions and Congress has declared regulation is

1 "essential." So any failure of the agency to follow that
2 mandate will violate the most basic principals of
3 administrative rulemaking.

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

13 For example, one area that did not receive much
14 attention in the Federal Register Notice is birds used in
15 research, who were not bred for use in research. They are
16 covered by the AWA and are in need of the law's protection.
17 Our review of experiments meeting that criteria shows
18 instances of highly invasive procedures, such as brain
19 surgery. And with the growing interest in neuroscience and
20 the avian brain, as evidenced just this week by a cover
21 story featured in Science Magazine, we should anticipate an
22 increase in bird use in the U.S. And, for example, in the
23 EU, we know that birds comprise six percent of animals who
24 were used in research and testing in 2018 and that's a
25 significant number. There are many examples in the

1 literature of different species of birds being taken from
2 the wild, held in captivity for weeks or months in some
3 cases, subject to invasive procedures and killed.

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

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

12 MR. PODGWAITE: Hi. This is Mark Podgwaite. I'm
13 president of the American Poultry Association. And the APA
14 would like to thank you for the opportunity to comment on
15 the proposed Animal Welfare regulations. The APA was
16 formed in 1873 and has more than 3,000 members strong. The
17 mission of the APA is to promote and protect the standard
18 bred poultry hobby in all of its phases. To support this,
19 the APA promotes sanctioning meets and poultry shows all
20 over the United States and Canada, including the Annual
21 Meet, the Semi-Annual Meet, as well as the Canadian
22 National. Individual members are on point to these shows
23 towards becoming a master exhibitor, as well as receiving
24 awards from the Association. The APA strives to promote
25 and maintain a breeding and raising of standard bred

1 poultry, thus ensuring the preservation of these historic
2 generate extremes, utilizing the formation of the modern
3 poultry industry.

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

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

22 While it is unclear poultry will fall under the
23 proposed Animal Welfare Act, it is the position of the APA
24 that inclusion of poultry in the Act may, in fact, become a
25 detriment to the standard bred poultry hobby. The majority

1 of the flux of standard bred poultry are in the hands of
2 relatively small skilled breeders located around the United
3 States and Canada. In most cases these breeders dedicate
4 their lives and significant resources to the preservation
5 of their chosen breed. They operate on a shoestring budget
6 with little or no financial gain. Although the intent of
7 the Act is somewhat understood, potential additional
8 regulation of poultry could serve as a demise of this
9 important fragile resource. Additionally, most breeders of
10 pure bred poultry participate in the National Poultry
11 Improvement Plan and are already inspected under this
12 program. Additional regulation inspection would be
13 redundant.

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

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

23 MS. BLANEY: Yes, hello. Thank you. My name is
24 Nancy Blaney. I'm with the Animal Welfare Institute. I
25 want to endorse the comments of Sue Leary. She really laid

1 the case out for particularly there being no exemptions.
2 And our disappointment in the fact that the questions posed
3 in the Notice of these listening sessions seemed heavily
4 weighted toward identifying exemptions.

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

23 I am hopeful that those in charge of writing
24 these standards are up to speed on all of the latest
25 documentation of the extraordinary intelligence of these

1 animals and thus understand the need to craft standards
2 that would provide birds with highly enriched environments
3 that allow them to express the full range of their natural
4 behaviors, including flight. To ensure the highest levels
5 of welfare, there should be no sales of unwinged baby birds
6 and no public interaction. That is a standard that should
7 apply in all cases for covered animals under the Animal
8 Welfare Act.

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

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

20 MS. HEPTIC: Hi. This is Janie Heptic. I am a
21 member of the exotic bird club and also a longtime member
22 of ASA, the American Association of Aviculture. I have a
23 few of our people that are spoken earlier that I concur
24 heartily with Melanie Allen, Jennie Wall. And it's
25 definitely a need to have many guidelines, but they have to

1 be viewed as the breeder, the exhibitor, the keeper as in
2 zoos and such, and the home keeper, which is our outright
3 pet. Many may not really understand that in the 1700s, the
4 Europeans were bringing their canaries with them to the
5 United States, the New World, and they are the ones that
6 introduced bird keeping to our country.

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

21 As far as the home person, the hobbyist, one bird
22 or three birds should not have the same scrutiny as one
23 that is a breeder even if the one or two bird person has a
24 pair that produces babies. They should be advised of the
25 proper things they should know regarding keeping and

1 raising babies, but the scrutiny of the outline of the
2 rules should not be the same. I was a hobbyist breeder. I
3 bred some parakeets and cockatiels and parallettes and
4 finch, not all at the same time, but sometimes it gets a
5 little overenthusiastic as an avian mother.

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

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

23 MS. CARTHY: Hi, my name is Olivia Carthy. I've
24 worked for -- since the beginning, since 2000, in (garbled)
25 community in sanctuary care (garbled) community birds. And

1 I want to endorse the comments that's related from the
2 Animal Welfare Institute on the point that Ms. Blaney also
3 made. You need to remember that almost everything we're
4 talking about in terms of regulations are regulating birds
5 that are in captivity. They are suffering, as Ms. Blaney
6 said. And as the gentleman from PETA said, the floor
7 should be what their natural behaviors are.

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

19 Secondly, having worked on these regulations and
20 regulations for sanctuaries and shelters or so called
21 companion birds, we are getting into a mess here with
22 exemptions. I do not believe that there should be
23 exemptions for any birds that are not domesticated because
24 everybody will need an exemption then and then the law
25 becomes meaningless. Birds deserve to be covered as has

1 been mentioned. Scientific research that we didn't now 20
2 years ago, we didn't know 10 years ago, has proven the
3 intelligence of birds, their need, and not hardwiring for
4 social interaction with specifics is now known. We must
5 accommodate the knowledge that we now have in these
6 regulations. And as far as who needs exemptions will
7 ensure that no birds will be protected. It will further
8 delay the meaning of the Animal Welfare Act, the lawsuits,
9 Congress, everything that has been said on this call and
10 been said for the last 20 years.

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

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

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

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

24 THE HOST: Yes, we can.

25 MS. MILLER: Okay. My name is Apryl Miller. I'm

1 the executive director of Legislative Rights for Parrots.
2 I heard some things that have been very concerning today
3 that I want to address. I know some people are going to
4 get really mad when I say these things and I'm sorry.

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

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

19 So animal control officers, they're not training
20 them with sort of subtle kinds of illness or understand the
21 difference between behaviors that are normal and un-normal
22 in birds. They're normally not trained in most exotic or
23 even require most training. This allows situations to
24 happen where even if an officer finds abuse, judges are
25 also limited in their understanding and we have heard in

1 multiple states and multiple cases of abuse and serious
2 neglect and reporting its just a bird. This attitude that
3 goes from regulatory law, the whole weight of the system is
4 unhealthy for birds.

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

14 There also needs to be regulated of not over-
15 breeding and we believe that all breeders, even backyard
16 breeders or small breeders should at a minimum be required
17 a license. And we're not saying a license that's so
18 expensive to stop their behavior, but something to make it
19 be taken seriously. There is too many breeders who are
20 breeding for money only and don't watch where the birds go
21 to. This leads to many birds ending up in rescues and
22 sanctuaries. For example in April of last year, I visited
23 Oasis Sanctuary in Arizona. When I was there, there were
24 at 800 birds. Like two months later there were over 900
25 birds in their care for the rest of their lives.

1 Without standards across the board based on
2 performance or other settings that have already been
3 stated, due to have plenty of standards written, there is
4 numerous sanctuary organizations who have written standards
5 for every species and what is required. Without these in
6 place, birds keep getting abused, neglected, and abandoned.
7 People think they're cute and cuddly when they send them
8 home. They don't understand the lifetime commitment to
9 these birds. They are not domestic. They are still wild
10 and have wild behaviors. They need to be taken care of and
11 these exemptions need to be limited to make sure the birds
12 receive the care and love and proper place and time they
13 deserve. Thank you.

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

16 MS. GALLAGHER: Hello. Can you hear me?

17 THE HOST: Yes, we can.

18 MS. GALLAGHER: Hi. My name is Susan Gallagher.
19 I am a chief naturalist at Carbon County Environmental
20 Education Center, I'm a licensed wildlife rehabilitator,
21 and I house a large number of -- well, I house a few dozen
22 raptors for education and also a Class B exhibitor with a
23 small number of mammals that we use for education. So
24 those mammals have fallen under USDA/APHIS regulations and
25 we have had inspectors come. Generally speaking, my

1 interaction with the inspectors have been positive ones
2 over the year and really just looking at the welfare of the
3 animals involved.

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

23 Other commenters have also stated we already do
24 have some standards in place. I'm not opposed to USDA
25 instituting additional standards. But rather than reinvent

1 the wheel, look at some good solid regulations that exist
2 on the state level or also things like the AVA, US Fish and
3 Wildlife, National and International Wildlife
4 Rehabilitation and Animal Sanctuary Standards that already
5 address avian husbandry.

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

12 I think another thing that hasn't been mentioned,
13 care in transit for birds. Again, I can only speak for
14 raptors because we use raptors in education, but I think
15 from a standpoint of just general avian physiology, but
16 also the needs of different species, that there are
17 different challenges involved in transporting birds than in
18 transporting mammals, and that's especially true if you're
19 looking at transporting large numbers of birds or moving
20 birds across long distances. Just for example, birds taken
21 offsite for programs where they might be contained for long
22 periods of time could be an issue. I think at times
23 comfort of birds like raptors might be sacrificed for the
24 sake of providing entertainment at an offsite venue or for
25 generating income for a facility or an individual.

1 I will be submitting written comments. I thank
2 you for the opportunity to participate in verbal comments
3 and I thank you for your time.

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

13 (Pause.)

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

19 (Pause.)

20 MR. MOORE: Ladies and gentlemen, we want to
21 thank you for your comments today and for attending this
22 webinar and listening session. It was recorded and is
23 being transcribed, so we can actually capture your
24 comments. These transcriptions will be posted on the APHIS
25 Animal Care News and Information website at

1 www.aphis.usda.gov. And I'll remind you, too, that we
2 still have two listening sessions October 7th and October
3 15th. And we also are accepting comments at
4 regulations.gov and you'll see the link on the screen and
5 that is until October 29th. Again, thank you for being
6 part of this and have a nice day.

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

10 (Proceedings concluded at 1:18 p.m.)

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Caption of Event:

AWA Standards for Birds Virtual Public Meeting

Docket No.:

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Place of Event:

Washington D.C. - Remote

Date of Event:

September 29, 2020

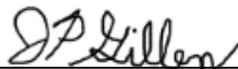
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10/5/20

Date

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Heritage Reporting Corporation10/6/20

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