

UNITED STATES DEPARTMENT OF AGRICULTURE

STANDARDS FOR BIRDS)
PUBLIC LISTENING SESSION)

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IN THE UNITED STATES DEPARTMENT OF AGRICULTURE

STANDARDS FOR BIRDS)
 PUBLIC LISTENING SESSION)

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

Wednesday,
 October 7, 2020

The parties met remotely, pursuant to the
 notice, at 2:02 p.m.

SPEAKERS: (Via Webinar)

DR. ROSEMARY SIFFORD, Associate Deputy
 Administrator for Animal Care
 MR. SCOTT MOORE, USDA
 MS. JEANNETTE BERANGER, The Livestock Conservancy
 MS. ANITA YEATTES, The Falconry Experience
 DR. JENNIFER BALLARD, Arkansas Game and Fish
 Commission
 MS. VERA CHAPLES, Mystic Jungle Educational
 Facility Inc.
 MS. MONICA BLACKWELL, Toledo Zoo
 MS. JESSICA MCATEE, National Aviary
 MS. BRENDA KING, Arizona-Sonora Desert Museum
 MS. LAURA ARMAND, Riverbanks Zoo
 MS. MONICA ENGBRETSON, Avian Welfare Coalition
 MS. BETH BICKNESE, San Diego Zoo
 MR. LARRY DICKERSON, North American Falconers
 Association
 MS. RACHEL ROGERS, Miami-Dade Zoological Park and
 Gardens
 MS. CANDYCE PAPARO, Long Island Aquarium
 MS. APRIYL MILLER, Legislative Rights for Parrots
 MS. COLLEEN LYNCH, Riverbanks Zoo
 MS. DENISE KELLY, Avian Welfare Coalition

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APPEARANCES: (Cont'd.)

MS. KENLEY MONEY, Arkansas Hawking Association
MS. LISA KEITH, David Traylor Zoo of Emporia
MR. JOE KRATHWOHL, Birds n Beasts Inc.
MR. NICHOLAS JACINTO, Nature Nick's Animal
Adventures
DR. PATRICIA LATAS, Wild Parrot Coalition
MR. ANTHONY PILNY, AAV
MS. GINNY HEPTIG, Treasure Coast Exotic Bird Club
MR. LORRELA DESBOROUGH, American Federation of
Aviculture, Avicultural Society of America,
Organization of Professional Aviculturists
MS. DEBRA SCHWEIKARDT, Arizona Bird Store

(2:02 p.m.)

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OPERATOR: Welcome and thank you for joining today's Animal Welfare Act's Standards for Birds Public Listening Session. Before we begin, please ensure you've opened the chat panel by using the associated icon located at the bottom of your screen. If you require technical assistance, please send a chat to the event producer.

All audio lines have been muted. When it is your turn to speak, your line will be unmuted. You'll hear a notification when your line is unmuted, at which point please state your name and comment. As a reminder, this conference is being recorded and transcribed.

With that, I'll turn the call over to Dr. Rosemary Sifford, Associate Deputy Administrator for Animal Care. Please go ahead.

DR. SIFFORD: Good afternoon, everyone, and welcome to the Animal Welfare Act Standards for Birds Virtual Public Meeting. We really appreciate the opportunity to talk with you all this afternoon, and we're really looking forward to hearing your comments.

I'm coordinating these sessions, along with some colleagues from APHIS, and so you will hear from a couple of us as we get started this afternoon. I'm going to start with just a brief history of the effort to develop Standards for Birds to date within Animal Care, and then

1 we'll talk a little bit about some of the topics that we
2 have put forward as some that we are most interested in
3 gathering input on today. Then I'll turn it over to one of
4 my colleagues to talk a little bit about the logistics for
5 how the meeting will flow this afternoon.

6 And then, after that, we'll be able to begin
7 receiving your comments. We do want to try to leave as
8 much time as possible for that very important part of the
9 meeting this afternoon, and so we'll try to keep these
10 opening comments brief.

11 So, to start with a brief history for where we
12 have been with Proposed Standards for Birds, in 2002, in
13 the Farm Security and Rural Investment Act, which is also
14 known as the Farm Bill, provisions were included that
15 amended the definition of animal in the Animal Welfare Act
16 by specifically excluding birds bred for use in research.
17 The definition of animal contained in the regulations at
18 that time excluded all birds, not just those bred for use
19 in research. So this change required APHIS to update the
20 definition of animal in our regulations supporting the
21 Animal Welfare Act to include birds other than those bred
22 for use in research and to explore how we should update our
23 standards to include birds.

24 In a final rule that was published in June of
25 2004 in the Federal Register, APHIS amended the definition

1 of animal in the regulations to be consistent with the
2 definition of animal in the AWA by narrowing the scope of
3 the exclusion for birds to only those birds bred for use in
4 research.

5 At that same time, June of 2004, APHIS published
6 an Advance Notice of Proposed Rulemaking in the Federal
7 Register. In this notice, APHIS notified the public that
8 the Agency intended to extend enforcement of the Animal
9 Welfare Act to birds not bred for use in research that were
10 sold as pets at the wholesale level or transported in
11 commerce or used for exhibition, research, teaching,
12 testing, or experimentation purposes.

13 In order to determine what regulations and
14 standards are appropriate for those birds, APHIS solicited
15 comments from the public. At that time, APHIS received
16 over 7,000 comments. After considering the comments
17 received in the Advance Notice of Proposed Rulemaking,
18 APHIS began to work to prepare a proposed rule to establish
19 a new Subpart G in 9 C.F.R. Part 3 that would contain
20 standards for the humane handling, care, treatment, and
21 transportation of birds covered by the Animal Welfare Act
22 regulations. However, that rule was not published.

23 Beginning in 2013, various animal interest groups
24 filed lawsuits against USDA for failure to take action. On
25 January 10, 2020, the Court of Appeals for the D.C. Circuit

1 ruled that USDA is required to issue standards governing
2 the humane treatment of birds. The case was remanded back
3 to a lower court, and on May 26, 2020, the Court adopted a
4 schedule for USDA to promulgate regulations under the
5 Animal Welfare Act that apply to birds. That schedule
6 includes that by August 24, 2020, USDA was to publish a
7 Notice of Virtual Listening Sessions; by February 24, 2022,
8 USDA is to publish a proposed rule; and by February 24,
9 2023, USDA is to publish a final rule.

10 As you know, we published the Notice for the
11 Virtual Listening Sessions and you're now participating in
12 those sessions. And, again, we really appreciate your
13 participation this afternoon.

14 After all the listening sessions are complete, we
15 will post the transcripts on the Animal Care website, it'll
16 be on the same page where you found the registration
17 information for this session, and then we will take the
18 information from all these listening sessions and use all
19 the comments that we receive to help us develop the
20 language for a new proposed rule that we will be publishing
21 in accordance with the schedule from the Court. And then,
22 of course, as a part of that publishing of that proposed
23 rule, we do intend to include a preamble that will give
24 feedback on the comments that we receive during this time.

25 In addition to the comments that we're taking

1 through these virtual listening sessions, we do have open
2 the opportunity for written comments, and we'll talk a
3 little bit more about how you can provide those comments in
4 just a minute.

5 I do want to give a brief reminder that the
6 Animal Welfare Act does not apply to livestock, so poultry
7 production operations are excluded from this undertaking.
8 We recently added to the website, again, in the same
9 location where you found the information for these working
10 sessions on the Animal Care News and Information page, the
11 current definition for livestock and for exhibition to help
12 clarify some of the areas that, you know, we do not intend
13 to cover in these standards because they are already a part
14 of exclusions from those definitions. So you should be
15 able to look there for more detail on that, but just to
16 provide that clarification up front today, that would
17 exclude production poultry operations and those folks who
18 are exhibiting poultry in breeding shows, such as 4-H shows
19 and things of that nature.

20 So now let me quickly move into the topics that
21 we're particularly interested in hearing about today and
22 review those. We've listed these topics in our Federal
23 Register notice. They are also posted on our website.
24 Your comments on these topics will help us as we work to
25 draft the proposed rule.

1 So, first, recognizing the wide variety of bird
2 species, are there performance-based standards we could
3 establish that would be appropriate across a wide variety
4 of species? Can we use classes of birds to set
5 performance-based standards appropriate for the class? If
6 so, what might these classes look like?

7 The second big topic is human interference. We
8 are aware that birds can be very sensitive to human
9 interference during certain critical biological stages.
10 How do bird breeders avoid interfering with nesting and
11 breeding or other biological activities of birds? How can
12 we use these best management practices to ensure our
13 housing, feeding, or inspection requirements do not
14 interfere with these biological activities?

15 And, finally, we would like your input on
16 questions around whether there should be exemptions or
17 exclusions similar to those that we use for mammals and, if
18 so, how might those exemptions be structured. The specific
19 questions that we framed around this are, should we revise
20 or add exemptions for certain dealers, exhibitors,
21 operators of auction sales, carriers, or intermediate
22 handlers of birds not bred for use in research? If so,
23 what should those exemptions look like? And we'd really
24 like to have any supporting data that's available around
25 those thoughts. Are there thresholds beyond which an

1 entity should not be required to be licensed? For example,
2 we are aware that there are many entities who breed small
3 numbers of birds. If we should exempt those entities, what
4 criteria should we use to determine which ones should be
5 exempt? And, finally, are there certain species which
6 should be exempt?

7 Before we go into the opportunity for you to
8 share your thoughts, I will turn the call over to Mr. Scott
9 Moore to go over the logistics of how we're going to
10 operate this afternoon. Thank you.

11 MR. MOORE: Thank you, Dr. Sifford.

12 As mentioned, this is one of three publicized
13 virtual listening sessions. From all those who indicated
14 in the registration process that they wish to speak, we
15 have used a random number generator to choose the first 55
16 speakers and the speaking order today. Time permitting, we
17 will open the lines to hear from additional speakers.

18 If you're not selected to speak today, you may
19 still have your comments heard in one of two ways. You can
20 submit written comments to [regulations.gov](https://www.regulations.gov) through October
21 29. That URL will be shown throughout the webinar feed of
22 today's meeting. Or you may register as a prospective
23 speaker at the remaining public listening session on
24 October 15. Written and spoken comments will be given
25 equal weight.

1 We are not accepting comments today through the
2 webinar chat feature. For those who make comments today,
3 here are our ground rules. The event coordinator will
4 announce the name and organization affiliation of the next
5 speaker and unmute that speaker's phone line. Each speaker
6 will be limited to four minutes. We will play a chime, as
7 heard here, when the speaker has 30 seconds remaining. If
8 you don't need the full time, just let us know when you
9 have finished, and we will use that extra time to hear from
10 additional speakers.

11 Please be aware that after four minutes, we will
12 play the chime again and we will close the line. If you
13 don't get to read your full statement, you may submit the
14 full text through regulations.gov. At the conclusion of
15 each statement, we will announce the next speaker and
16 continue the process.

17 We have a full agenda of speakers today, so if
18 you are a prospective speaker, we ask you to be ready to
19 speak so that we can hear from as many people as possible.
20 A visual list of upcoming speakers will be shown on the
21 webinar feed. This session is being recorded and
22 transcribed so that we can accurately capture your
23 comments. Transcripts will be posted on the APHIS Animal
24 Care News and Information website at www.aphis.usda.gov.

25 The USDA Animal and Plant Health Inspection

1 Service thanks you for being here today. We look forward
2 to hearing your comments. And now I'll hand it off to the
3 event producer. Teigen, if you can please announce our
4 first speaker.

5 OPERATOR: Absolutely. The first person on the
6 list is Jeannette Beranger from The Livestock Conservancy.
7 Jeannette, your line is unmuted.

8 MS. BERANGER: Hi. Thank you for allowing me to
9 chime in. My organization represents a lot of small
10 farmers, hobby farmers, primarily interested in conserving
11 rare breeds. And, you know, there was quite a bit of
12 concern as far as, you know, some of the verbiage was
13 unclear in the proposed legislation, in particular, you
14 know, not interfering with nesting habits, and, you know,
15 it seems to play, you know, into all birds, and we're just
16 not quite sure how these new regulations would be pertinent
17 to backyard poultry, and I was wondering if you might be
18 able to chime in on that.

19 OPERATOR: All right. Thank you, Jeannette, for
20 your remarks. Now I'll go to the next person on the list,
21 Anita Yeattes. Anita's calling from The Falconry
22 Experience. Anita, your line is unmuted.

23 MS. YEATTES: Okay. I'm Anita from The Falconry
24 Experience. And, you know, I agree that we all are here
25 because we're all very concerned about the welfare of

1 animals that we care for, and providing a healthy
2 environment for our animals, of course, is paramount. We
3 should all strive to provide the best care for our animals
4 and our practices are always in the best interests of our
5 birds.

6 As a professional falconer, we strive for the
7 best practices in care and do a lot of self-patrolling.
8 Our state and national clubs also serve as avenues for best
9 practices. Our profession is constantly evolving as we're
10 trying to do what is best for our animals. Obviously, the
11 inspections are a concern to all of us that breed birds.
12 Most falconers have breeding birds in chambers that
13 restrict the amount of interference from the caretakers.
14 We observe them through cameras and small peepholes to not
15 interfere with them except in emergencies.

16 The breeding efforts of falconers has led to
17 successful release of many endangered birds, including the
18 Peregrine Falcon. As professional falconers, we already
19 adhere to federal, as well as state, regulations that
20 dictate the care and the welfare of our birds and our
21 practices. These regulations are very clear on how we
22 house and care for our birds, and we understand the need
23 for these regulations but don't want to overtax USDA with
24 extra work.

25 We would also like to avoid regulations between

1 two federal agencies that might contradict each other. We
2 ask that we be exempt from USDA regulation since we already
3 have federal oversight on our animal welfare. Thanks a lot
4 for this opportunity.

5 OPERATOR: Thank you, Anita. We'll go to the
6 next person on the list. The next person on the list is
7 Jennifer Ballard from Arkansas Game and Fish Commission.
8 Jennifer, your line is unmuted.

9 MS. BALLARD: Hi. This is Dr. Ballard from the
10 Arkansas Game and Fish Commission, and I was hoping to hear
11 more about the display of birds of prey at nature centers
12 and things like that. That's our primary concern, what
13 permitting and inspection requirements will be required for
14 the use of birds in displays and educational purposes of
15 that kind. That's all I needed today. Thank you.

16 OPERATOR: Thank you, Jennifer. We'll go to the
17 next person on the list. Next person on the list is Vera
18 Chaples. Vera is calling from the Mystic Jungle
19 Educational Facility, Inc. Vera, your line is unmuted.

20 MS. CHAPLES: Hi, guys. Thank you for this
21 opportunity to talk. We offer lifetime homes for animals,
22 of course, that are in need of secondary homes, and a lot
23 of times, these animals do not come to us in the best of
24 conditions.

25 Now, with that being said, we're also oversaw by

1 Fish and Game, part of Fish and Game. And as that one
2 person said, oftentimes, we have state and federal agencies
3 that are at odds with each other as to the care or what
4 they think is the care.

5 Also, USDA guidelines are kind of gray sometimes
6 and it's up to the interpretation of the inspector. I'm a
7 little concerned with this because a lot of our birds come
8 in, they're missing feathers, their beaks, you know, are
9 deformed, and, you know, it puts undue tax paperwork on my
10 vet to have to write out exemption statements on every
11 single bird that we get in here. So I'm concerned a little
12 bit about how this is going to reach over into that area.
13 Thank you.

14 OPERATOR: Thank you, Vera. We're going to go to
15 the next person on the list, Monica Blackwell from The
16 Toledo Zoo. Monica, your line is now unmuted.

17 MS. BLACKWELL: Hi, thank you. I will be waiving
18 my speaking time.

19 (Pause.)

20 DR. SIFFORD: Tiegen, are you still there?

21 OPERATOR: Yep, sorry. Walter Jamestown is not
22 there on the list. So we'll go to the next person,
23 Dominick Dorsa. Dominick from The San Francisco Zoo.
24 Please dial #2 so I can identify and unmute your line,
25 Dominick Dorsa, San Francisco Zoo.

1 (No response.)

2 OPERATOR: All right. Then we'll go to the next
3 person on the list, Anna Buckardt Thomas from the Iowa DNR.
4 Anna, please dial #2 if you are dialed in. Anna Buckardt
5 Thomas, please dial #2 so I can identify and unmute your
6 line.

7 (No response.)

8 OPERATOR: All right. We'll go to the next
9 person on the list, Bjorn Netland. Bjorn Netland, please
10 dial #2 if you are dialed in so I can identify and unmute
11 your line. Bjorn Netland, please dial #2 so I can identify
12 and unmute your line.

13 (No response.)

14 OPERATOR: All right. We'll go to the next
15 person on the list, Jessica McAtee of National Aviary.
16 Jessica, please dial #2 so I can identify and unmute your
17 line. There you are. Thank you, Jessica. Your line is
18 unmuted.

19 MS. MCATEE: Hello. Thank you for allowing me to
20 speak. The main things I wanted to say was just I
21 definitely feel like we are going to need standards for a
22 variety of different types of species. You know, the needs
23 of a parrot are not going to be the same as, you know,
24 something like a raptor.

25 You know, and I do have a little bit of concern

1 over, you know, the language around avoidance of human
2 interference just because there are some endangered species
3 that may not be here today if there wasn't some level of
4 human interference. Thank you.

5 OPERATOR: Thank you, Jessica. Now I'll go to
6 the next person on the list. Next person on the list is
7 Garrie Landry from Acadiana Aviaries. Garrie Landry, if
8 you could dial #2 on your telephone keypad so I can
9 identify and unmute your line. Garrie Landry, please dial
10 #2 so I can identify and unmute your line.

11 (No response.)

12 OPERATOR: All right. We'll go to the next
13 person on the list, Brenda King from the Arizona-Sonora
14 Desert Museum. Brenda King, your line is unmuted.

15 MS. KING: So some of our questions were
16 standardizing caging requirements and, as everyone else has
17 said, looking at mixed species aviaries and standardizing
18 state requirements. Sometimes we have parrots, sometimes
19 we have hummingbirds, these sorts of things altogether.
20 And where are the guidelines coming from? Are there
21 ornithologists that are working with USDA to help out on
22 this?

23 Also, reporting escapes, like if you have a free
24 flight program and you know exactly where your bird is, but
25 it's not coming back quickly. Will all birds need to be

1 permanently marked, either with bands or microchips, and
2 will all inspectors be VMOs? Thank you.

3 OPERATOR: Thank you, Brenda. We'll go to the
4 next person on the list. Next person on the list is Tammy
5 Hartnett of Hartnett Aviaries. Tammy, if you could dial #2
6 on your telephone keypad so I can identify and unmute your
7 line, that would be great. Tammy Hartnett, please dial #2
8 on your telephone keypad.

9 (No response.)

10 OPERATOR: All right. Then we'll go to the next
11 caller on the list. Next caller on the list is Nick Vlasek
12 from Pioneer Lofts. Nick Vlasek, could you dial #2 on your
13 telephone keypad so your line can be identified and
14 unmuted.

15 (No response.)

16 OPERATOR: All right. Then we'll go to the next
17 caller on the list. Next caller on the list is Katelyn
18 Dylewsky (phonetic) from the Animal Welfare Institute.
19 Katelyn, could you dial #2 on your telephone keypad so your
20 line can be identified and unmuted. Katelyn Dylewsky,
21 please dial #2 on your telephone keypad.

22 (No response.)

23 OPERATOR: All right. Then we'll go to the next
24 caller on the list. Next caller on the list is Mike
25 Hlavaty from Kalmbach Feeds. Mike, if you could dial #2 on

1 your telephone keypad so I can identify and unmute your
2 line.

3 (No response.)

4 OPERATOR: All right. Then we'll go to the next
5 person on the list, Mark Herbold of Outback Birds. Mark
6 Herbold, could you dial #2 on your telephone keypad so I
7 can identify and unmute your line.

8 (No response.)

9 OPERATOR: All right. Then we'll go to the next
10 caller on the list. Next caller on the list is Logan
11 Jimenez from Save the Cockatoos, Legislative Rights for
12 Parrots. Logan Jimenez, could you dial #2 on your
13 telephone keypad so I can identify and unmute your line.

14 (No response.)

15 OPERATOR: All right. Then we'll go to the next
16 person on the list, John Sevlagat of Zoological Association
17 of America. John Sevlagat, could you please dial #2 on
18 your telephone keypad so your line can be identified and
19 unmuted.

20 (No response.)

21 OPERATOR: All right. Then we'll go to the next
22 caller on the list. Next caller on the list is Maria
23 Sullivan from Papayago Rescue House, Inc. Maria Sullivan,
24 could you please dial #2 on your telephone keypad so your
25 line can be identified and unmuted. Maria Sullivan of

1 Papayago Rescue House, Inc., please dial #2 on your
2 telephone keypad.

3 (No response.)

4 OPERATOR: All right. Then we'll go to the next
5 person on the list then, that would be Laura Armand from
6 Riverbanks Zoo. Laura Armand, could you please dial #2 --
7 ah, Laura, Riverbanks Zoo, there you are.

8 MS. ARMAND: I waive my time.

9 OPERATOR: Thank you, Laura. Then we'll go the
10 next person on the list. Next person on the list is Emily
11 Grace from the Iowa Poultry Association. Emily Grace,
12 could you dial #2 on your telephone keypad so I can
13 identify and unmute your line. Again, Emily Grace of the
14 Iowa Poultry Association, please dial #2 on your telephone
15 keypad.

16 (No response.)

17 OPERATOR: All right. Then we'll go to the next
18 person on the list. Next person on the list is Monica
19 Engebretson of Avian Welfare Coalition. Okay, Monica, your
20 line is unmuted.

21 MS. ENGEBRETSTON: Hello, thank you. This is
22 Monica Engebretson from the Avian Welfare Coalition, which
23 was a party to the lawsuit that brought forth this process.

24 To get right into the questions that you're
25 asking for answers to about regulations and performance-

1 based standards, I think it definitely makes sense to have
2 some general across-the-board standards but then possibly
3 breaking groups of birds down into different groups,
4 because, obviously, there are -- there's a great difference
5 in morphology and diet and social structure with the groups
6 of birds.

7 So, four categories could be terrestrial birds,
8 this would be birds that typically occupy large home ranges
9 in the native habitats and spend a lot of time foraging for
10 food, perform things like dust bathing behavior and those
11 sorts of things.

12 Aquatic and semiaquatic birds could be grouped
13 together. These are ones, obviously, that spend a lot of
14 time in the water, resting on land, wading, or swimming and
15 submerging themselves in water.

16 And birds of prey probably would have their own
17 group. Obviously, they spend much of their time, of
18 course, perching and flying, with the exception of
19 Burrowing Owls.

20 And then arboreal and perching birds could
21 possibly be grouped together with some of their needs being
22 the same. They spend much of their time perching and
23 flying and foraging for food. They also tend to be highly
24 social and have shown to have high stereotypic behavior and
25 poor welfare when denied their natural abilities. They

1 also have high levels of intelligence in certain classes
2 that would require additional enrichment.

3 Getting to the next part about avoiding
4 interference with breeding and nesting and biological
5 activities, I think there are definitely ways that these
6 can be mitigated. Birds who are experiencing good welfare
7 are often really able to adjust to new stimuli and
8 temporary changes in their routine. If they are not, they
9 can be desensitized over time to things that might be
10 fearful to them. If, you know, perhaps the outfit that
11 inspectors are using is disruptive, they could slowly be
12 acclimatized to that.

13 Breeding and nest building and care of young is a
14 strong biological urge in the wild. Birds are not prone to
15 destroying and abandoning their nests with minor
16 disturbances. In fact, researchers often climb nests,
17 weigh chicks, and put them back in the nest without the
18 risk of birds abandoning the nest. So, if there are birds
19 that are having significant reactions to disruption or
20 inspections, it might be a red flag about poor welfare and
21 needing to change the situation there to improve their
22 living condition.

23 The next part about exemptions for certain
24 dealers, I would say there should be no exclusions. All
25 birds who qualify under the law should be protected by the

1 regulations. There isn't any real scientific or ethical
2 justification for excluding certain species from welfare
3 protection or excluding certain entities from meeting the
4 most basic welfare standards which would be provided by the
5 Animal Welfare Act.

6 There's been some suggestion that because there's
7 multiple oversight in some areas that certain states, you
8 know, have oversight of certain activities, then they
9 should be exempt. The same thing exists in states for
10 other types of exhibitors of exotic animals. California,
11 for example, has some standards and oversight of exotic
12 animal exhibitors, and these exhibitors are still covered
13 under the Animal Welfare Act, and it shouldn't be different
14 for birds.

15 Whether or not there should be thresholds, I
16 would just say thresholds should make sure that they're on
17 parity with other areas of the Animal Welfare Act and not
18 to be so low as to compromise the intent of the law. Thank
19 you very much.

20 OPERATOR: Thank you, Monica. Next caller on our
21 list is Samuel Wilson. Samuel Wilson, could you dial #2 on
22 your telephone keypad so your line can be identified and
23 unmuted. Samuel Wilson, please dial #2 on your telephone
24 keypad.

25 (No response.)

1 OPERATOR: All right. We'll go to the next
2 person on the list. Next person on the list is Beth
3 Bicknese from San Diego Zoo. Beth, your line is unmuted.

4 MS. BICKNESE: Hi, this is Beth Bicknese
5 speaking. I'm speaking as a personal citizen and a 30-year
6 veterinarian that's worked with birds as pets and in the
7 zoo setting for 28 years. I'm going to say similar things
8 to what some other comments have been.

9 And that's for number one, are there appropriate
10 standards? You know, clearly, with all the different
11 birds, that's going to be a challenge, but I do agree, if
12 we set them up by categories, such as terrestrial, aquatic,
13 and perching, that there may be ways we can figure that
14 out. And I think there may be general categories that need
15 to be checked off. For example, food, how is that
16 presented and is it appropriate for the species. Two would
17 be water, and, again, some animals, say raptors, they often
18 get their water from their food items, so they may not need
19 a bowl, but that water should be in the category. Find out
20 if they saw a general category of appropriate cover or
21 refugia or perching such that an animal that's terrestrial
22 maybe doesn't need perching up high, but it needs
23 appropriate substructure around and items to hide behind,
24 either artificial or biological, like a bush.

25 Another category would be appropriate nesting

1 opportunities, if the animal is in a reproductive period of
2 life, and, again, that's very variable depending on the
3 species from cavity nesters in the ground even to ones up
4 high.

5 And then the last one would be just a general
6 comment about the ability to do normal locomotion. For
7 example, again, can they walk on the ground if they're
8 terrestrial, are they able to spread their wings and fly or
9 at least go between perches if they are more of a perching
10 type species. And there may need to be some criteria for
11 that where they may not have it to be determined 24 hours a
12 day, such as raptors, sometimes they're in smaller areas,
13 but an animal similar to how dogs are treated now, it seems
14 like birds should have the ability to do normal locomotion
15 on some kind of frequency basis.

16 For number two, as far as how to avoid
17 interference, there's different ways to do that. Cameras
18 are a good way to do that. Maybe if the people don't have
19 the ability to have cameras normally in their breeding
20 areas, maybe there would be some handheld camera that the
21 inspector could loan to a caregiver and the caregiver could
22 walk through the aviary for them or the area and that would
23 be less likely to deter the bird versus new people.

24 Also, if they work on desensitizing to different
25 people in the area that sometimes they will tolerate it.

1 Also, if things are planned ahead, such as having hides or
2 blinds for the inspector to be behind, that would be
3 helpful.

4 Lastly, if it's a very sensitive species,
5 potentially, they could time inspections for the time of
6 year when they wouldn't be in the critical breeding period.

7 And lastly, for are there thresholds for
8 licensing, I am wondering about the family fragility for
9 the finches, might be one to look at for that, because
10 that's a common breeding type -- thank you.

11 OPERATOR: Thank you, Beth. All right, we're
12 going to go to the next caller on the list. Next caller on
13 the list is Lynn Andrews from L.A. Exotic Birds. Lynn
14 Andrews from L.A. Exotic Birds, if you could please dial #2
15 so your line can be identified and unmuted. Lynn Andrews,
16 please dial #2 so your line can be identified and unmuted.

17 (No response.)

18 OPERATOR: All right. Then we'll go to the next
19 person on the list, Kimberly Robertson from Safari West.
20 Kimberly Robertson from Safari West, could you please dial
21 #2 on your telephone keypad so your line can be identified
22 and unmuted.

23 (No response.)

24 OPERATOR: Okay. We'll go to the next person on
25 the list. Next person on the list is Ines Dulle from the

1 Bird Breeders Association. Ines, if you could please dial
2 #2 on your telephone keypad so your line can be identified
3 and unmuted. Ines Dulle from the Bird Breeders
4 Association, please dial #2 on your telephone keypad.

5 (No response.)

6 OPERATOR: All right. We'll go to the next
7 person on the list. Brenda King is a repeat, so we'll go
8 to Larry Dickerson of the North American Falconers
9 Association. Larry Dickerson, your line is being unmuted
10 as we speak.

11 MR. DICKERSON: Ladies and gentlemen, I don't
12 envy any of you having to sit through these sessions, let
13 alone deal with the complexity of birds and species that
14 must be regulated. I appreciate your time, and I'll be as
15 brief as possible.

16 I wish to address only birds classed as migratory
17 and that are included by regulation as part of the
18 Migratory Bird Treaty Act of 1918, and, specifically, I
19 wish to address birds of prey, also known as raptors.
20 These birds and the possession of these birds, along with
21 the husbandry required, is already, by law, highly
22 regulated by the U.S. Fish and Wildlife Service, which has
23 been delegated the legal authority to promulgate migratory
24 bird regulations.

25 We respectfully submit the AWA, nor the recent

1 order of the federal court, does not grant regulatory
2 authority over migratory birds through the USDA and thereby
3 to APHIS.

4 A listing of migratory birds or if you prefer
5 wild birds, captive raised migratory birds, such as
6 raptors, can all be found in 50 C.F.R. 1013, and this list
7 was updated this year.

8 Wild migratory birds may not be sold. However,
9 captive raised migratory birds may be sold only to licensed
10 or otherwise permitted persons. The propagation of these
11 birds can only legally be conducted under permit
12 authorization and only after all regulatory requirements
13 have been met under 50 C.F.R. 2130.

14 Permits are issued by the U.S. Fish and Wildlife
15 Service already. Requirements for facilities, provision
16 for inspections, banding, paperwork requirements, those are
17 just examples of everything that's provided for in this
18 code.

19 Now, regarding to what you refer as exhibition,
20 we call education. This is also governed by regulations of
21 the U.S. Fish and Wildlife Service and promulgated under
22 the authority of the MBTA again. These regulations, as
23 well as requirements for husbandry of these birds, is found
24 in 50 C.F.R. 2127.

25 The application process alone is horrific. It's

1 stringent, including the referenced requirements for
2 housing; those are found in 50 C.F.R. 1341. They have to
3 be submitted; the facilities have to be inspected. U.S.
4 Fish and Wildlife Service often delegates inspection
5 responsibilities to the states, who, in turn, provide
6 inspection reports back to the U.S. Fish and Wildlife
7 Service.

8 We respectfully submit that, while we feel that
9 neither the AWA nor the courts grant regulatory authority
10 over migratory birds to the USDA, if the USDA feels in some
11 way either compelled or is ordered to regulate all birds,
12 wild or otherwise, we strongly suggest coordination with
13 U.S. Fish and Wildlife Service, which you folks do
14 routinely, and adopting by reference those regulations
15 already in existence regarding migratory birds. This will
16 alleviate a great deal of work for already overworked staff
17 and alleviate the considerable concern for those already
18 being regulated by U.S. Fish and Wildlife Service.

19 At this time, to address the specific questions
20 that you've had during these scoping meetings, as far as
21 standards for migratory birds, these already exist, and
22 they are covered in regulations. Classes, in my opinion,
23 you could simply designate migratory bird and nonmigratory
24 bird, and all the birds that are covered under migratory
25 are obviously governed by the MBTA.

1 And, in conclusion, when the USDA and APHIS are
2 drafting regulations to meet the requirements of the AWA
3 regarding birds, the North American Falconers Association
4 would like to offer our services as a source of information
5 about birds of prey. They help for falconry, used in
6 education, used in rehab. You may find our experiences and
7 our technical assistance invaluable, and we would offer our
8 services to you. Thank you for allowing me to speak.

9 OPERATOR: You're welcome, and thank you for your
10 comments, Mr. Dickerson. Now we're going to go to the next
11 person on the list. Next person on the list is Ryan Olufs
12 from Misty Morning Ranch. Ryan, please dial #2 on your
13 telephone keypad so your line can be identified and
14 unmuted. Ryan Olufs from Misty Morning Ranch, please dial
15 #2 on your telephone keypad to have your line identified
16 and unmuted.

17 (No response.)

18 OPERATOR: All right. We'll go to the next
19 person on the list then, Kelly Randolph from Union Park
20 Animal Hospital. Kelly Randolph, could you please dial #2
21 on your telephone keypad to have your line identified and
22 unmuted. Kelly Randolph from Union Park Animal Hospital,
23 please dial #2 to have your line identified and unmuted.

24 (No response.)

25 OPERATOR: Next person on the list is Rachel

1 Rogers from Miami-Dade Zoological Park and Gardens/d/b/a
2 Zoo Miami. Rachel, your line is unmuted.

3 MS. ROGERS: Thank you, and I apologize for the
4 background music of one of my neighbors. My main concern
5 is the education of some of the private sector breeders
6 that we deal with. So we're not the bad guys forcing them
7 to comply with something that they don't understand. I
8 think that the bird community has been exempt from this
9 type of a regulation for some time and they need a catch-up
10 period.

11 So I think these listening sessions are great,
12 but I'd also like to see tech notes or materials for
13 education. Thank you.

14 OPERATOR: Thank you, Ms. Rogers. Now we'll go
15 to the next person on our list. Next person on our list is
16 Candyce Paparo from Long Island Aquarium. Candyce Paparo,
17 can you please -- there you are. Candyce, your line is
18 unmuted.

19 MS. PAPARO: I waive my time.

20 OPERATOR: Thank you, Candyce. I'll go to the
21 next person on our list. Next person on the list is Apryl
22 Miller. Apryl Miller is calling from Legislative Rights
23 for Parrots. Apryl Miller, your line is unmuted.

24 MS. MILLER: Can you hear me okay?

25 OPERATOR: Yes, we can.

1 MS. MILLER: Okay. So we work as a group across
2 the country when it deals with legislation, and a couple of
3 the things over the listening sessions that we are
4 concerned about deals with licensures and deals with the
5 idea of let it fall back to the states. While certain
6 things like raptors or birds of prey have state
7 legislation, not every state has legislation.

8 I deal with animal control officers all over the
9 country, and many of them are very much depending on this
10 law to give them the ability to do things to protect birds
11 in the community. There, in many states, are not laws
12 protecting birds against cruelty and neglect in the same
13 manner there are for other animals, such as dogs, cats,
14 horses. So they're very dependent on this law, and so the
15 idea of throw it back to the states doesn't work for every
16 state because not every state has caught up to having laws
17 that protect specifically many of your exotic species,
18 including parrots.

19 Also, there's an ongoing trend of what's known as
20 flipping. There's not regulations on rescues and rehabs
21 and standards for them to meet. You'll have individuals
22 who represent themselves that they rescue who will take in
23 birds from people in need to rehome and flip the bird at
24 the highest price possible with no concern to the welfare,
25 needs, or the further outcome of the bird.

1 So there needs to be these standards in place. I
2 agree with the subclasses that have been stated today as a
3 good start. We need standards for those subclasses. We
4 need rescues and sanctuaries to be covered, and double
5 governing shouldn't matter. What should matter is there's
6 at least something in place.

7 When I have animal control officers saying to me
8 literally, I cannot save these birds because there is
9 nothing in the ground, there's nothing making them domestic
10 or not domestic, they're just floating in the ether, that's
11 not good. We're failing.

12 And when it comes to licensure, I agree, the bird
13 community has not been oversighted for a very long time,
14 and Legislative Rights for Parrots thinks that's a major
15 failing. There needs to be licensure, no matter if you're
16 a small backyard breeder or you're a large corporate
17 breeder. Both have failings of overbreeding, not testing
18 for diseases, sending out birds who are ill. There needs
19 to be licensure, no matter your size, if you are breeding
20 birds.

21 So those are our big concerns, licensure and
22 standards for all that allow those people in states that do
23 not have regulations to have something to use. Meanwhile,
24 we have parrots getting willy-nillied and judges saying
25 it's just an animal, it's just a bird, it's no big deal.

1 That's what we get to hear every day in multiple states
2 across this country, and I don't want to hear those words
3 anymore, it's just a bird. I want to hear it has the same
4 rights as every other animal in the AWA. Thank you.

5 OPERATOR: Thank you, Apryl. Now we're going to
6 go to the next person on our list. Next person on our list
7 is Carlita Rosenberg. Carlita Rosenberg, please dial #2 on
8 your telephone keypad so your line can be identified and
9 unmuted. Carlita Rosenberg, please dial #2 on your
10 telephone keypad.

11 (No response.)

12 OPERATOR: All right. Then we'll go to the next
13 person on our list. We'll go to Colleen Lynch from The
14 Riverbanks Zoo. Colleen Lynch, your line is unmuted.

15 MS. LYNCH: I will pass on speaking. Thank you.

16 OPERATOR: You're welcome. We'll go to the next
17 person our list. Next person our list is Richard Britain,
18 IFCA, AMA and BRC and PA National Pigeon Association.
19 Richard Britain, please dial #2 on your telephone keypad so
20 your line can be identified and unmuted. Richard Britain,
21 please dial #2 on your telephone keypad so your line can be
22 identified and unmuted.

23 (No response.)

24 OPERATOR: All right. We'll go to the next
25 person on the list. Next person on the list is Mark Wilson

1 from Florida Teaching Zoo. Mark Wilson, please dial #2 on
2 your telephone keypad to be identified and unmuted. Mark
3 Wilson from Florida Teaching Zoo, dial #2 on your telephone
4 keypad.

5 (No response.)

6 OPERATOR: All right. We'll go to the next
7 person on the list. Next person on the list is Denise
8 Kelly from the Avian Welfare Coalition. Denise Kelly, your
9 line is unmuted.

10 MS. KELLY: I'm going to pass and submit written
11 comments. Thank you.

12 OPERATOR: Thank you, Denise. We'll go to the
13 next person on our list then. Next person on our list is
14 Mathew Stokes. Mathew Stokes for Rights for All Animals
15 Big and Small. Mathew Stokes, please dial #2 on your
16 telephone keypad so your line can be identified and
17 unmuted. Mathew Stokes, please dial #2 so your line can be
18 identified and unmuted.

19 (No response.)

20 OPERATOR: All right. We'll go to the next
21 person on our list, Kenley Money from the Arkansas Hawking
22 Association. Kenly, your line is unmuted.

23 MS. MONEY: Yes, can you hear me?

24 OPERATOR: Yes, we can.

25 MS. MONEY: Okay. I think I raised my hand as

1 well. Thank you for allowing me to speak. I want to
2 reiterate and support everything that Larry Dickinson from
3 NAFA, the National Association of Falconers -- North
4 American Falconers Association, my apologies. I want to
5 support everything that he said, and that will be what I
6 need to say here.

7 OPERATOR: Thank you, Ms. Money. Now we'll go to
8 the next person our list. Next person on our list is going
9 to be Lisa Keith. Lisa Keith from the David Taylor Zoo of
10 Emporia. Lisa Keith, your line is unmuted. Lisa Keith,
11 your line is unmuted.

12 (No response.)

13 OPERATOR: All right. Looks like Lisa Keith
14 might be busy right now. We'll go to the next person our
15 list. Next person on the list is Barry Wisebram from Sun
16 Pet. All right. I'm not seeing Barry. Please dial #2 on
17 your telephone keypad so your line can be identified and
18 unmuted. Barry Wisebram, please dial #2 on your telephone
19 keypad.

20 (No response.)

21 OPERATOR: All right. Then we'll go to the next
22 person our list, Joe Krathwohl of Birds N Beasts, Inc.
23 Joe, your line is unmuted.

24 MR. KRATHWOHL: Yes, hello?

25 OPERATOR: Hello.

1 MR. KRATHWOHL: Test? Oh, okay, great.

2 OPERATOR: We can hear you.

3 MR. KRATHWOHL: Yes, I just wanted to add -- I
4 wanted to add some comments that relate to some of the
5 other comments I've been hearing.

6 One person made a comment about how birds should
7 be broken up into groups and be regulated that way, and the
8 only example of a terrestrial bird they had was a Burrowing
9 Owl. However, an African Ostrich is a terrestrial bird.
10 An American Roadrunner is a terrestrial bird. There's no
11 way to regulate these two birds similarly. In fact, with
12 almost 10,000 species of birds, the USDA themselves are
13 going to be overwhelmed trying to come up with 4- or 5,000
14 groups. The new handbook is going to be so thick it will
15 be absolutely burdensome for the inspectors. So it's
16 definitely going to have to be cut down to size so that it
17 will work for the department, as well as for private
18 ownership.

19 We don't want to discourage private ownership,
20 even though some people take shots at private owners
21 because of a few bad apples that have gotten away with
22 things, especially living room-based rescues that turn into
23 hoarder situations. However, the private sector is also a
24 fantastic bank of genetic information for many of these
25 species. And, as was mentioned before, private ownership

1 is what led to the saving of the Peregrine Falcon.

2 Now, when it comes time for inspectors to show
3 up, it would be way too burdensome to expect private owners
4 to wear some sort of USDA uniform on a daily basis to
5 prepare for a random once- or twice-a-year inspection.

6 I had a permit for my lions and tigers for many
7 years. I've been through many inspections, and I know that
8 if our pair of condors are on an egg, those birds will only
9 be inspected from the main walkway where workers can go.
10 There's no way anyone's going to get any closer, and those
11 types of situations are going to end up leading to
12 lawsuits, because sometimes, you know what? This is what
13 we inspect, and that's as far as I, as the owner, can go.
14 That's as far as the inspector can go.

15 In some cases, with some valuable species, sure,
16 there are cameras installed in nest boxes and such. And
17 inspectors need to be able to accept that in lieu of actual
18 visual contact with chicks in nests. A good example would
19 be our pair of Great Indian Hornbills. They mud the female
20 into the nest box, and you can't see inside there.

21 Now, if the camera's working and the inspector
22 accepts that he can peak inside, awesome. But, if it comes
23 down to where the parties to the lawsuit are demanding that
24 every bird be covered, every bird be inspected, that's
25 going to end up in many lawsuits and future lawsuits trying

1 to reign in the craziness of these new regulations.

2 Other than that, I also reiterate that birds that
3 are already regulated by other federal agencies should be
4 exempt from these because they are already stringent.
5 Thank you.

6 OPERATOR: Thank you. We'll go to the next
7 person the list. Next person on the list is Nicholas
8 Jacinto from Nature Nick's Animal Adventures. Nicholas
9 Jacinto, your line is unmuted.

10 MR. JACINTO: Hello, can you hear me? Hello?

11 OPERATOR: Yes, we can.

12 MR. JACINTO: Oh, okay, just checking. So,
13 currently, I'm going to be speaking on the behalf of
14 someone who does wildlife shows and is a current holder of
15 a USDA license of mammals and birds, reptiles.

16 My main concern that I see with starting to
17 regulate birds is that, for example, being a current USDA
18 license holder is that a lot of the materials, the
19 structures that mammals are held in, for example, can't be
20 wood or need to be treated or have to be made of metal.

21 I personally know many falconers and bird of prey
22 people, for example, that their standard building material
23 is wood or exposed wood, and I know many of the USDA
24 regulations, there's a need for a physiological access to
25 light, and I've heard many of the raptor people today and

1 falconers expressing that they're a little concerned about
2 these USDA regulations. For example, raptors need to be in
3 a dark chamber where they can't be exposed to light.

4 So my main concern is just that the training with
5 these new regulations that will be put forth in the next
6 year or so will aim to address those issues, in my mind,
7 for these inspectors, that they're not going to just
8 extrapolate what's currently in the blue book for mammals
9 and try to apply that to birds because birds are different.

10 So that's really my main concern with this, if
11 we're going to be putting these regulations towards raptors
12 and other birds that might be housed in structures like
13 that. And that's it, that's all I had to say.

14 OPERATOR: Okay. Thank you for your remarks.
15 Thank you so much. We'll go to the next person on the list
16 then. Next person on the list is Melissa Cardenas from
17 SeaWorld San Antonio. Melissa, could you please dial #2 on
18 your telephone keypad so your line can be identified and
19 unmuted. Melissa Cardenas, please dial #2 on your
20 telephone keypad to have your line identified and unmuted.

21 (No response.)

22 OPERATOR: All right. We'll go to the next
23 person on the list. Next person on the list is Peter
24 Stavrianoudakis from the American Falconry Conservancy.
25 Peter, could you please dial #2 on your telephone keypad so

1 your line can be identified and unmuted.

2 (No response.)

3 OPERATOR: All right. We'll go to the next
4 person on the list, Paul Napier of Cape May Raptor Banding
5 Project. Paul Napier, your line is unmuted.

6 (No response.)

7 OPERATOR: Paul Napier, please check to see if
8 your phone is muted. Paul Napier, your line is unmuted.
9 Please check to see if your phone is muted.

10 (No response.)

11 OPERATOR: All right. We'll go to the next
12 person on our list then. Next person on our list is Kate
13 Marden, West Coast Falconry. Kate Marden, please dial #2
14 on your telephone keypad to have your line identified and
15 unmuted. Kate Marden of West Coast Falconry, please dial
16 #2 on your telephone keypad.

17 (No response.)

18 OPERATOR: All right. We'll go to the next
19 person on our list, Barbara Sachau. Barbara Sachau, please
20 dial #2 on your telephone keypad to have your line
21 identified and unmuted. Barbara Sachau, please dial #2 on
22 your telephone keypad to have your line identified and
23 unmuted.

24 (No response.)

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

1 person on the list, Jean Pattison of African Clean
2 Aviaries. Jean Pattison, please dial #2 on your telephone
3 keypad to have your line identified and unmuted.

4 (No response.)

5 OPERATOR: Okay. We'll go to the next person on
6 the list, Tony Rivers, American Phoenix Breeders
7 Association. Tony Rivers, please dial #2 on your telephone
8 keypad to have your line identified and unmuted. Tony
9 Rivers, please dial #2 on your telephone keypad.

10 (No response.)

11 OPERATOR: Okay. Then we'll go to the next
12 person on the list, Clyde Robinson, Avian Empire, Inc.
13 Clyde Robinson, please dial #2 on your telephone keypad to
14 have your line identified and unmuted. Clyde Robinson of
15 Avian Empire, Inc., please dial #2 on your telephone
16 keypad.

17 (No response.)

18 OPERATOR: All right. At this time, I have run
19 out of people on my list. If you would like to speak at
20 this time, please dial #2 on your telephone keypad. You'll
21 hear a notification when your line is unmuted, at which
22 point please state your name, the organization you
23 represent, and then offer your comments. Again, dial #2 on
24 your telephone keypad to offer your comments, and remember
25 to state your name and your organization when you're

1 unmuted. Caller, your line is unmuted.

2 Dr. LATAS: Good afternoon, can you hear me?

3 OPERATOR: Yes, we can.

4 DR. LATAS: I'm Dr. Patricia Latas, a
5 veterinarian for avians and wildlife. I've been an active
6 participant in animal cruelty investigations, from advising
7 and consulting to being on scene with law enforcement, to
8 rendering immediate and long-term care of the victims of
9 abuse and cruelty. I have seen things that no one should
10 witness and that no bird should suffer.

11 As to question one, assuming that the performance
12 standards include healthy and happy birds for the pet and
13 agricultural trade, almost all avian diseases are the
14 consequence of being in inappropriate human care.
15 Unhealthy birds are always found in cruel and neglectful
16 situations. Unhealthy birds are a source of zoonotic
17 infections to people, other birds, other pets, poultry, and
18 livestock, cause severe economic impact, and damage to the
19 reputations of both excellent and poor providers of pet
20 birds.

21 Question two, housing and feeding inspection as
22 in regards to biological activities. Yes, this should be
23 respected by inspectors but also should not be an excuse
24 for the licensee to hide the impact on welfare from
25 excessive breeding with multiple nesting cycles aimed only

1 at increasing production of birds with no regard to strong
2 genetic quality and health leading to a normal lifespan.

3 Question three, there should be no exemptions for
4 any dealers, exhibitors, auction sales, et cetera, because,
5 in animal welfare and cruelty investigations, these are
6 often the most egregious of offenders. Small and
7 accidental breeders, nefarious actors, and hoarders are
8 rarely members of organizations which support appropriate
9 care, breeding, and are self-policing.

10 Some of the worst conditions which I have
11 personally observed and for which I have euthanized dozens
12 of dying birds and for which I have personally rendered
13 emergency and long-term care have been from small breeders,
14 transport operations, bird expos, flea markets, auctions,
15 and roadside sales. Rather than being exempt, these
16 operations should bear even closer scrutiny and be held
17 immediately accountable. And related to this topic of
18 concern are the inspection and licensure of facilities to
19 which confiscated birds are sent following an animal
20 cruelty case.

21 Question four, a caution about local laws. In
22 many locales, these regulations and laws do not exist, and
23 nefarious breeders, agents, exhibitors, transport agencies,
24 vendors, and venues take advantage of the situation to
25 launder wild caught and poached birds, leading to the

1 potential disease introduction and the continuing
2 devastation of wild populations and contributing to the
3 vast cruelty inherent in trafficking.

4 Question five, there are no species which should
5 be exempt. What animal does not deserve decent welfare?
6 Equating monetary value with welfare is an erroneous,
7 false, and dangerous assumption. The converse is usually
8 true. Birds with low monetary value are subjected to the
9 cruelest of conditions and increase the danger of zoonotic
10 disease exposure, as we are well aware of in these days of
11 pandemics.

12 In conclusion, having been a personal witness to
13 the depths of cruelty that human beings can inflict upon
14 our beloved birds, I most respectfully urge that agency
15 regulations institute the highest standards of avian care
16 for inspection, licensure, and enforcement of the Animal
17 Welfare Act. Thank you for allowing me the time to present
18 my views.

19 OPERATOR: Thank you for your comments. We'll go
20 to the next person in the queue. Caller, your line is
21 unmuted. Anthony Pilny, your line is --

22 MR. PILNY: Hello?

23 OPERATOR: -- unmuted. Yes, we can hear you.

24 MR. PILNY: Hi, this is Anthony Pilny. I'm a
25 certified avian veterinarian. I'm also speaking on behalf

1 of the Association of Avian Veterinarians and also on
2 behalf of a committee, the Avian Welfare Committee, with
3 our prime focus being on the goal of what we're doing here
4 today, and that's increasing the welfare of all captive
5 birds, specific to the ones that these regulations apply
6 to.

7 I would like to echo what you just heard the
8 previous speaker, Pat Latas, say. Those of us in the
9 industry and those of us doing this every day are here
10 because we see the failure and the lack of why this, you
11 know, hasn't happened before. We want to see birds covered
12 under the Animal Welfare Act, and we want to see more
13 regulations and more control of some of the nightmares that
14 we witness on a daily basis.

15 We find it really important that these birds get
16 the proper coverage, and to address specific questions and
17 what many others have said already, there should be zero
18 exemptions. There is no ethical, scientific, or moral
19 validity to exempt any captive birds. I understand there
20 are many who have concerns about the regulations through
21 other organizations, through Game and Fish or other
22 organizations. It does not mean there should be any
23 exemptions to what we expect to provide here at the end
24 result of this.

25 I think it's important to understand that this is

1 a very complex issue. We've heard many people talk about
2 the diversity of bird species. I think it's important to
3 realize that there are those of us out here who are willing
4 and able to help, that we can make this doable. We can
5 make this happen. We have the resources, the knowledge and
6 experience to allow or to share to help move this forward
7 and have everybody in agreement that it's the right thing
8 to do.

9 I think, when it comes to captivity and
10 protection, again, echoing that there should be no
11 exemptions to any of these restrictions and that all
12 captive birds must be better regulated. Another speaker
13 mentioned how we've overlooked that because of the
14 exemptions and the delay in getting birds covered. So
15 that's another important aspect.

16 The performance-based standards can be also
17 evaluated. I understand that's a daunting task. We've
18 discussed that in our taskforce. We realize it may be
19 challenging. We realize that there's a huge diversity in
20 the 10,000-plus types of birds kept, but there are ways to
21 do this and there are systems in place to help the USDA
22 manage this properly.

23 The best management practices do have to include
24 all breeders and all captive birds. You've already heard
25 others mention that well-socialized, well-cared for birds,

1 should not be overly stressed or upset by human
2 interaction. Of course, many of us who see bird
3 sanctuaries in the United States overflowing with dumped
4 birds, those of us that are seeing pet birds, unwanted pet
5 birds being surrendered at alarming rates, where birds are
6 now one of the most surrendered or dumped pets out of
7 convenience when somebody's tired of them or doesn't want
8 to tolerate certain behaviors.

9 Again, we see the creation of more and more
10 sanctuaries. We see animal shelters that traditionally
11 would take in dogs and cats now having to take in birds
12 because there's nowhere for all these birds to go because
13 of lack of regulation all of these years. We need to
14 increase the standards. We need to improve the regulation.
15 We need to have a scientifically sound, morally sound, and
16 convincing set of standards so that we can continue to
17 uphold the beliefs that many of us have as veterinarians,
18 as bird rescuers and people who are --

19 OPERATOR: Thank you for your comments, Anthony.
20 We'll go to the next person in the queue, Ginny Heptig.
21 Your line is unmuted.

22 MS. HEPTIG: Good afternoon. This is my second
23 session of listening in and my second opportunity to have a
24 quick speak. I noted that the first session concerned a
25 lot of parrots, where this session is more into the raptors

1 and predatory birds.

2 In the beginning, someone had mentioned a mixed
3 aviary and whether banding or microchipping. I would love
4 to see somebody try to microchip the hummingbird they said
5 would be in an aviary or a finch, which is totally
6 impossible since I was told my parrotlet was too small to
7 microchip.

8 Be that as it may, I feel that the parrot species
9 versus the raptor species versus the water species should
10 be in their own classifications for the outlines of the
11 rules to make that book that somebody said would be a mile
12 high a little shorter. And this way, you don't have to
13 say, well, this goes for waterfowl, so it does not pertain
14 to parrots. Yes, parrots can go by water, but they are not
15 habitually in the water as a waterfowl. They are asiticine
16 (phonetic) or something to that sort.

17 I'm enjoying getting everybody's views on this.
18 I am sorry that some people passed. They should voice
19 their opinion. Everything will be also said later on if
20 they decided to submit. So please don't be afraid to say
21 your piece now, whether you're prompted or not.

22 I am not prepped, but I am trying to be as
23 logical and heartfelt as possible to show that there are
24 people, and I am a parrot pet person that belongs to the
25 Treasure Coast of Goddess Bird Club here in Florida. I'm

1 also a member of AFA, the American Federation of
2 Aviculture. And we dearly love our companion birds, which
3 are our parrots, and when somebody says, oh, you've got a
4 bird when they have a dog or a cat, I say, well, why is
5 your dog or cat different than my bird, besides the number
6 of feet or the feathers. So I thank you at this time. I
7 will give some space to some others. Thank you very much
8 for listening today. And I will be joining again on the
9 15th.

10 OPERATOR: Thank you, Ginny. At this time, I'm
11 not showing any other callers in queue. Again, if you'd
12 like to offer any comments at this time, please dial #2 on
13 your telephone keypad. You'll hear a notification when
14 your line is unmuted, at which point please state your name
15 and organization. Again, if you'd like to offer comments,
16 please dial #2 on your telephone keypad. Looks like we do
17 have another caller in the queue. Caller, your line is
18 unmuted.

19 MS. DESBOROUGH: Hello, this is Laurella
20 Desborough, and I'm with several bird organizations. I am
21 very interested in avian welfare. I've been working with
22 birds for almost 40 years now because I want to see them
23 survive on the planet.

24 I see comments about inspecting nests and
25 breeding facilities and how the birds are going to be

1 desensitized and just have the keeper wear the kind of
2 uniform the inspector's going to wear. Well, these birds
3 are very smart. They look to see what kind of a shoe
4 you're wearing, if you're wearing glasses instead of not
5 wearing them, if you have a hat or if you have red, a red
6 shirt. They notice everything.

7 And, indeed, you can have a very, very tame
8 friendly pair of birds, but, when they have babies, they
9 change. And any change that they see that's frightening
10 means they're going to kill the babies or destroy the eggs.
11 And as a person who's working to make sure these species
12 survive because they are threatened in the wild, they're
13 being poached and smuggled, I think it's going to be
14 critical that whatever means a breeding facility has to
15 protect their pairs, that needs to be respected. If
16 cameras work, fine.

17 But there has to be a way not to have death of
18 the babies or death of the parents in the terms of the
19 cockatoos. A male will kill his mate if he sees strangers
20 when there's breeding going on. So we have to understand
21 that different species have different requirements, and we
22 need to make sure we are protecting them, because that's
23 the point of this regulation. And I thank you very much.

24 OPERATOR: Thank you for your comments. At this
25 time, I'm not showing any other comments. Once again, if

1 you'd like to make a comment, please dial #2 on your
2 telephone keypad. Again, please dial #2 on your telephone
3 keypad at this time if you'd like to make a comment.
4 You'll hear a notification when your line is unmuted, at
5 which point please state your name and organization.
6 Caller, your line is unmuted.

7 MS. SCHWEIKARDT: Hi, my name is Deborah
8 Schweikardt and I belong to a variety of bird clubs. I
9 would like to try to answer those questions that you have
10 posed to everyone, but I just can't really find an
11 appropriate way of answering them. They're too vague.
12 They're too farfetched. And I don't think anybody should
13 be under the regulations that you're proposing.

14 I have, however, worked in the bird industry
15 every day since 1984 and have been regulated by state and
16 city agencies the entire time. On the contrary to what
17 some have said, I have personally witnessed amazing
18 standards at which birds have been kept and bred in the
19 personal sector, and they didn't need any government agency
20 setting these standards for them. I see this just as a way
21 to regulate these amazing animals out of the hands of the
22 private sector.

23 I don't know how it is that a group of people, an
24 entity, who don't even want or feel that people should be
25 breeding, owning, or even having birds, how is it that they

1 can sue the government and force them to make regulations
2 on people who breed, own, and have birds? It's just a way
3 to take away the rights of those who love working with,
4 love breeding, and love having and being around these
5 magnificent creatures. That's all for my time, and I will
6 be submitting a written statement also. Thank you.

7 OPERATOR: Thank you for your comments. Once
8 again, if someone would like to make a comment, please dial
9 #2 on your telephone keypad. Again, dial #2 on your
10 telephone keypad at this time to make a comment. You'll
11 hear a notification when your line is unmuted, at which
12 point please state your name and organization. I'm not
13 showing any other comments at this time.

14 (Pause.)

15 OPERATOR: All right, I'm not showing any other
16 comments at this time.

17 MR. MOORE: Okay. Thank you, ladies and
18 gentlemen, for your comments. We have one more listening
19 session scheduled for October 15 from 5 to 8 p.m. And
20 also, I will remind you that you can also submit your
21 comments through regulations.gov, and that link, URL, is on
22 the screen.

23 OPERATOR: All right. That concludes our
24 conference. Thank you for joining us today and thank you
25 for using AT&T Event Services. You may now disconnect.

1 (Whereupon, at 3:16 p.m., the listening session
2 was concluded.

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Certificate of Reporter, Transcriber, and Proofreader

Caption of Event: AWA Standards for Birds

Docket No.: N/A

Place of Event: Remote - Washington, D.C.

Date of Event: October 7, 2020

We, the undersigned, do hereby certify that the foregoing pages, numbers 1 through 53, inclusive, are the true, accurate and complete transcript prepared from the reporting by John Gillen in attendance at the above-identified event, in accordance with applicable provisions of the current USDA contract, and have verified the accuracy of the transcript by (1) comparing the typewritten transcript against the reporting or recording accomplished at the event and (2) comparing the final proofed typewritten transcript against the reporting or recording accomplished at the event.

10/12/10

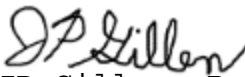
Date

Melanie Schlosser, Transcriber
Heritage Reporting Corporation10/14/20

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Rebecca McCrary, Proofreader
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Date

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