

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

Thursday,
October 15, 2020

The parties met remotely, pursuant to the notice,
at 5:04 p.m.

SPEAKERS: (Via Webinar)

DR. ROSEMARY SIFFORD, Associate Deputy
Administrator for Animal Care
CHRISTINA LOHS
CRYSTAL SCHAEFFER
PATTY FRENCH DEWEY
DEBORAH SCHWEIKARDT
LISA SMITH
DEBRA GOODRICH
SANDRA FEATHERLY
MICHAEL LEHMAN
JOHN COLLINS
AMANDA PLANTE
MONICA BLACKWELL
SUSAN CLUBB
HALLOW FOYA
KIMBERLY DEPAUL
LAURA BIES
CRAIG PERDUE
APRYL MILLER
LARRY DICKERSON
CHELSEA MARSHALL
ADRIANNE MOCK

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SPEAKERS: (Cont'd)

KIT LACY
INGRID TAYLOR
JOHN MILES
IAN SHELLEY
LORIN LINDNER
BETHR ROWAN
LEWIS WASKEY
GINNY HEPTIG
PETER STAVRIANOUDAKIS
NANCY BLANEY
STEVEN DUNCAN
CLYDE ROBINSON
NANCY TRAVIS
EILEEN MCCARTHY
DARIA FEINSTEIN
SALLY BROOKS
CONNIE WOODMAN
GAIL WILLIAMS
JENNIFER BUDROCK
JOE KRATHWOHL
JOE ATKINSON

1 (5:04 p.m.)

2 OPERATOR: Please stand by. There will be a
3 moment of silence as I connect the line. Welcome and thank
4 you for joining today's Animal Welfare Act Standards for
5 Birds Public Listening Session.

6 Before we begin, please ensure that you've opened
7 the chat panel, by using the associated icon located at the
8 bottom of your screen. If you require technical
9 assistance, please send a chat to the event producer.

10 All audio lines have been muted at this time.
11 When it is your turn to speak, your line will be unmuted,
12 and you will hear a notification that your line is unmuted.
13 At that point, please state your name and comment.

14 As a reminder, this conference is being recorded
15 and transcribed. With that, I'll turn the call over to Dr.
16 Rosemary Sifford, Associate Deputy Administrator for Animal
17 Care. Dr. Rosemary, please go ahead.

18 DR. SIFFORD: Thank you. Good evening, everyone
19 and welcome again to the Animal Welfare Act Standards for
20 Birds virtual public meeting this evening. We are very
21 glad to have you all with us and we look forward to hearing
22 from you this evening. This is the third of our public
23 listening sessions and so again, we really appreciate
24 everybody's participation up to this point and we are
25 looking forward to further comments we can receive tonight.

1 This evening we will go through a couple of
2 introductory topics. I'll do a brief history around this
3 effort and cover the topics that we're most interested in
4 gathering your input on today. And then, I'll turn the
5 call over to my colleague, Christina, who will remind us of
6 the logistics for the meeting and then after that, we will
7 open the floor for comments. Christina will go through all
8 of the details for how we'll be receiving those comments.

9 So, let me start with a brief history of the
10 APHIS proposed regulation for birds. It goes all the way
11 back to the Farm Security and Rural Investment Act of 2002,
12 also known as the Farm Bill.

13 In that Farm Bill, there were provisions that
14 amended the definition of animal in the Animal Welfare Act,
15 specifically excluding birds bred for use in research. The
16 definition of animal contained in the regulations at that
17 time excluded all birds, not just those bred for use in
18 research. This change required APHIS to update the
19 definition of animal in our regulations supporting the
20 Animal Welfare Act and to include birds, other than those
21 bred for use in research, and to explore how we should
22 update our standards to include birds.

23 In a final rule that was published in June of
24 2004 in the Federal Register, APHIS amended the definition
25 of animal in the regulations to be consistent with the

1 definition of animal in the Animal Welfare Act, by
2 narrowing the scope of the exclusion for birds to only
3 those birds bred for use in research.

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

12 In order to determine what regulations and
13 standards were appropriate for those birds, APHIS solicited
14 comments from the public. At that time, we received over
15 7,000 comments.

16 After considering the comments received in the
17 Advanced Notice of Proposed Rulemaking, APHIS began to work
18 to prepare a proposed rule to establish a new subpart G in
19 9 CFR Part 3 that would contain standards for the humane
20 handling, care, treatment and transportation of birds
21 covered by the Animal Welfare Act regulations. However,
22 that rule was not published. Beginning in 2013, various
23 animal interest groups filed lawsuits against USDA for
24 failure to take action.

25 On January the 10th, 2020, the Court of Appeals

1 for The D.C. Circuit ruled that USDA is required to issue
2 standards governing the humane treatment of birds. The
3 case was remanded back to the lower court and on May 26,
4 2020 the Court adopted a schedule for USDA to promulgate
5 regulations under the Animal Welfare Act that apply to
6 birds.

7 And that schedule is by August the 24th, 2020,
8 USDA will publish a notice of virtual listening sessions
9 and file its first status report with the court. By
10 February 24th of 2022, USDA will publish a proposed rule.
11 And by February the 24th of 2023, USDA will publish a final
12 rule. As you know, we have published a notice of the
13 virtual listening sessions and you are now participating in
14 the last of those sessions.

15 After the listening sessions are complete, we
16 will be posting the transcripts from all the sessions on
17 the Animal Care website in the same location where you
18 found the registration information for these sessions.
19 Also, on that site is the location where you can put
20 written comments and written comments will be accepted for
21 a few more days. Christina will cover that in a little
22 more detail in a moment.

23 As a brief reminder, the Animal Welfare Act does
24 not apply to livestock. So, production poultry operations
25 are excluded from this undertaking. We recently added some

1 additional language to that same website to try to clarify
2 the definitions that currently exist in the Animal Welfare
3 Act regulations that exclude farm animals such as livestock
4 and poultry and then, also exclude exhibitions, such as 4-H
5 shows and specific breed shows.

6 So, I'll spend just a couple minutes here talking
7 about the topics that we're particularly interested in
8 hearing about today before we move on to the logistics.
9 These topics were listed in the Federal Register notice and
10 are also published on our website. Your comments on these
11 topics will help us as we work to draft the proposed rule.

12 So first, we recognize that there are a wide
13 variety of bird species. Are there performance-based
14 standards we could establish that would be appropriate
15 across a wide variety of species of birds. Can we use
16 classes of birds to set performance-based standards
17 appropriate for the class? If so, what might these classes
18 look like.

19 The second big topic we are interested in hearing
20 about is human interference. We are aware that birds can
21 be very sensitive to human interference during certain
22 critical biological stages. How do bird breeders avoid
23 interfering with nesting and breeding or other biologic
24 activities of birds? How can we use these best management
25 practices to ensure our housing, feeding or inspection

1 requirements do not interfere with biological activities?

2 And finally, we'd like your input on several
3 questions around whether there should be exemptions,
4 similar to those we use for mammals, and if so, how might
5 those exemptions be structured. The specific questions we
6 framed around this topic are should we revise or add
7 exemptions for certain dealers, exhibitors, operators of
8 auction sales and carriers and intermediate handlers of
9 birds not bred for use and research. If so, what should
10 those exemptions be and if there's supporting data for
11 that, we'd really appreciate having that data.

12 Are there thresholds beyond which entity should
13 not be required to be licensed? For example, we are aware
14 that there are many entities who breed small numbers of
15 birds. If we should exempt those entities, what criteria
16 should we use to determine which entities should be exempt.
17 And are there certain species which should be exempt?

18 So, before we move into hearing your comments
19 about these topics, I'm going to turn the call over briefly
20 to Christina who is going to go over the logistics and then
21 we'll be able to move into your comments. Thank you, good
22 evening everyone and Christina.

23 MS. LOHS: Thank you, Dr. Sifford. As mentioned,
24 this is one of three publicized virtual listening sessions.
25 From all those who have indicated in the registration

1 process that they wish to speak, we have used a random
2 number generator to choose the speakers and the speaking
3 order. Time permitting, we will open the lines to hear
4 from additional speakers.

5 If you are not selected to speak today, you may
6 still have your comments heard by submitting written
7 comments to regulations.gov through October 29th. And you
8 can see that URL on the web feed right now. Written and
9 spoken comments will be given equal weight. We are not
10 accepting comments today through the webinar chat feature.

11 For those who make comments today, here are the
12 ground rules. The event producer will announce the name
13 and organization affiliation of the next speaker and unmute
14 that speaker's phone line. Each speaker will be limited to
15 4 minutes to speak. We will play a chime that sounds like
16 this (chimes) when the speaker has 30 seconds remaining.
17 If you don't need the full time, just let us know when
18 you're finished. We will use the extra time to hear from
19 additional speakers. Please be aware that after 4 minutes
20 we will play the chime again and we will close the line.

21 If you didn't get to read your full statement,
22 you may submit the full text through regulations.gov. At
23 the conclusion of each statement, we will announce the next
24 speaker and continue the process. If you are a prospective
25 speaker, we ask you to be ready to speak, so we can hear

1 from as many people as possible. A visual list of upcoming
2 speakers will be shown on the webinar feed.

3 This session is being recorded and transcribed so
4 that we can accurately capture your comments.

5 Transcriptions will be posted on the APHIS Animal Care News
6 and Information webpage at www.aphis.usda.gov. The USDA
7 Animal and Plant Health Inspection Service thanks you all
8 for being here today. We look forward to hearing your
9 comments. And now, I'll hand it off to the event producer.
10 Can you please announce our first speaker?

11 OPERATOR: Moving on to our first speaker we have
12 Crystal Schaeffer from American Anti-Vivisection Society.
13 Crystal, your line is unmuted. Please go ahead.

14 MS. SCHAEFFER: Hi, my name is Crystal Schaeffer
15 and I'm the Outreach Director for the American Anti-
16 Vivisection Society. Thank you for the opportunity to
17 comment on the regulation of birds under the Animal Welfare
18 Act.

19 As a person at our organization whose job it is
20 to ensure that the public has accurate information on laws,
21 policies and practices affecting animals covered under the
22 AWA, I want to emphasize the need for transparency
23 throughout this regulatory process and the importance of
24 transparency to continue once regulations are enacted.

25 Public documents, like inspection reports,

1 teachable moments (phonetic) and legal documents must be
2 made readily available on the USDA website. This includes
3 any reports for laboratories using wild birds who are
4 entitled to AWA protection and are sometimes used in
5 invasive procedures.

6 As required for other animals covered by the AWA,
7 anesthesia and/or pain relief for painful procedures must
8 be provided. Their numbers should be noted in the
9 appropriate pain and distress categories in any reports
10 along with explanations for those being listed in Category
11 E.

12 The American Anti-Vivisection Society wants to
13 emphasis six key points. First, there must be no
14 regulatory exemptions. All birds not bred for research,
15 who are used in AWA regulated activities, are entitled to
16 the protections afforded by the law. Congress has charged
17 USDA with upholding the integrity of the AWA and that can
18 not be adequately done when certain animals are exempted
19 for reasons of convenience. No bird should be exempted
20 just because their use is subject to other regulations and
21 laws, such as the Endangered Species Act (phonetic) and the
22 Migratory Bird Treaty Act.

23 While these laws address how birds are used, they
24 do not specifically address animal welfare. Therefore,
25 also, I'm sorry, because not all states have laws

1 regulating the use of birds, there should be no exemption
2 based on state law.

3 Second, the sale of young baby birds should be
4 prohibited because young fragile birds are at great risk of
5 succumbing to disease, mishandling and extreme hazards of
6 transport and the Agency has recognized this as a problem
7 in other animals.

8 Third, environmental enrichment must be provided
9 to all birds. Achieving the AWA's goal of ensuring humane
10 care and treatment requires that there's species specific
11 physical and psychological needs be met.

12 Number four, enclosures that enable birds to
13 express normal behavior must be required, this includes
14 flight. Confinement in cages causes poor welfare and
15 anxiety in birds that can lead to self-harming behavior,
16 like feather plucking.

17 Number five, health certificates and record
18 keeping must be required, as it is for other animals
19 covered by the AWA. This will help prevent the
20 transmission of disease and provide a barrier to the
21 illegal trade of wild caught birds.

22 Number six, painful physical mutilations like
23 pinning (phonetic), toe clipping, devoicing and beak
24 alterations are typically done for conveniency, not for the
25 welfare of the bird and should be prohibited.

1 In summary, birds not bred for research are
2 entitled to comprehensive welfare standards of care and
3 treatment under the Animal Welfare Act and these standards
4 must take into account the unique physical and behavioral
5 needs of birds. Thank you.

6 OPERATOR: All right. Moving on to our second
7 caller here, Monica Engebretson. If you are on the line,
8 could you please dial #2 to speak.

9 All right. It appears she's not on the line.
10 The next caller is Patty Finch Dewey. Patty, are you here
11 on the line as well? Please dial #2. All right, and Patty
12 French Dewey from Parrot Conversation Alliance, please go
13 ahead. Your line is unmuted.

14 MS. DEWEY: Thank you. I'm also the former ED of
15 the Global Federation of Animal Sanctuaries and in that
16 capacity, I worked closely and cooperatively with the USDA
17 and in fact was awarded the 64th annual Honor Award for the
18 work in helping to place animals from failed USDA licensed
19 facilities.

20 I raise this because in those placements, because
21 of the lack of AWA regulations for the avian species, there
22 was no personnel with the USDA that had special expertise
23 in evaluating the suitability of facilities that stepped up
24 to receive the birds and more often it fell on GFAS to
25 recruit suitable placements and find the funds for

1 transport.

2 So these regulations are greatly needed, also
3 because the birds weren't covered, they often weren't on
4 the or they usually were not on the species count and so
5 when the first call went out for the animals needing
6 placements birds were not on the list. It was incorrectly
7 assumed sometimes that animal control or humane societies
8 would simply accept the birds, but that is not true in a
9 lot of cases and certainly for not all avian species.

10 Regarding the classes of birds for required
11 space, the GFAS standards are proven over the test of time
12 and used worldwide and they break the birds into four major
13 groups. You can look at the standards and see those
14 groups. And each group includes an extensive list of all
15 the species covered and you can see how they deal with the
16 differences with species within those groups and (Technical
17 Interference) model for the USDA to look at.

18 Regarding the breeders with your question number
19 two. We know with Parrot conservation efforts, even
20 climbing the nesting trees, weighing the chicks, sometimes
21 taking blood draws, returning them to the nest. It does
22 not discourage the Parrot parents from continuing to care
23 for the chicks successfully. This lack of lasting impact
24 on any short-term disturbance should hold true for parrots
25 in captivity, given an environment that allows for spacious

1 flight, adequate cover and other necessities to express
2 natural and healthy behavior.

3 The current common practices in the breeding
4 operations I've seen do not meet those kinds of standards,
5 do not meet animal welfare standards for, you know, they
6 have a lack of enrichment, lack of adequate protection from
7 the elements or hiding spaces when not in the breeding box,
8 lack of adequate flying space, lack of foraging
9 opportunities and of course the practice of hand raising
10 that's common in the U.S. has been outlawed in for
11 instance, the Netherlands and the studies are citing the
12 kinds of problems with biological parental deprivation that
13 we see, for instance with puppies that are removed too soon
14 from their mothers, expressed in parrots. And also, in my
15 written comments I'll send some studies that indicated hand
16 reared parrots tend to become more problematic once adult
17 than parent bred (chimes).

18 So just be aware that because problems or because
19 practices are common, they are not necessarily ideal or a
20 standard for which you can use for a guideline. Thank you
21 for your time and consideration.

22 OPERATOR: Moving on to our next caller, we have
23 Renee Schott of Wildlife Rehabilitation Center of
24 Minnesota. Renee, if you are on the line, could you please
25 dial #2.

1 All right, moving forward we have Deborah
2 Schweikardt from Arizona Bird Store. Deborah, if you are
3 on the line, could you please dial #2. All right, Ms.
4 Deborah, please go ahead.

5 MS. SCHWEIKARDT: Hi, I'm just going to listen
6 right now. Maybe if you have some time at the end, I can
7 speak then. Thank you.

8 OPERATOR: Moving on to our next caller, we have
9 Lisa Smith from Tristate Bird Rescue and Research. Lisa,
10 your line is unmuted. Please go ahead.

11 MS. SMITH: I cede my time. I don't have any
12 comments at this time. Thank you.

13 OPERATOR: Thank you. Moving forward, we have
14 Debra Goodrich from Flight Club Foundation. Debra, your
15 line is unmuted. Please go ahead.

16 MS. GOODRICH: Hi and thank you for allowing the
17 stakeholders a voice in the situation with birds and the
18 Animal Welfare Act. I do strongly believe in having
19 regulations and standards of care for all animals and
20 definitely agree that their welfare is of paramount
21 importance and I think that is why we are holding this very
22 important meeting and I thank you.

23 With that said, when it comes to my specialty, it
24 tends to be more on the psittacine side than it is the
25 softbills or other species that certain breeders have

1 worked with and that said, just with psittacine alone,
2 there are 387 extent species with over 60 genera and their
3 geographical range is worldwide.

4 So, there's the desire to find a way to supply
5 these guys with the same types of things that they would
6 have in the wild would be virtually impossible. There's
7 just no way we can actually recreate what's in the wild and
8 then, recreating what's in the wild is not necessarily
9 inherently for their welfare, because in the wild, their
10 welfare is definitely not of paramount importance, it's
11 obviously a matter of survival out there. And their
12 survival rate's being more and more impacted by
13 encroachment of humankind, including of course for the pet
14 trade, which brought some of these parrots to us.

15 And we do understand and recognize that there are
16 certain serious issues, which is why we created the Wild
17 Bird Conservation Act to prevent said things and we have
18 been fighting to prevent said things to help protect birds
19 of the United States and of course, the Endangered Species
20 Act, as well.

21 So that said, it's really, really difficult to
22 get standards for these 387 species with 60 different
23 genera alone to figure out what it is that each one needs,
24 because we've seen parrots, for example, that do
25 spectacularly well in these large flight suggestions and do

1 beautifully and then, we've had others that they pluck
2 themselves bald in these large flight situations, because
3 it's too much space. It's almost like they are overwhelmed
4 and then, can't get out into a forest for example.

5 So, we can't really recreate an entire forest in
6 our backyards, even if we might want to. We still just
7 can't. We have a limited scope capacities in just one
8 space, which would be the United States.

9 So, these guys come from tropical regions and
10 that's very true, but they're also shown to have extreme
11 amounts of adaptability. And we have also seen how we've
12 tried to issue standards in say the Netherlands, which was
13 already mentioned. We also have those standards issued in
14 Germany and we can talk to a behaviorist that I can give
15 you direct information for and I have a video that I can
16 share with you as well, stating how there's been huge
17 behavioral problems with some of the standards that were
18 issued for parrots, specifically and that it created
19 unnecessary deaths in parrots, because they were forced to
20 be paired when they didn't, then they don't do well pairing
21 and they are forced into these large aviaries and they are
22 plucking or the opposite, you know, that people don't have
23 enough space are plucking.

24 I know myself; I have free flown parrots outside.
25 My friends I have that I know that are also on this call,

1 have done the same. We've seen these guys have full choice
2 to do whatever they want, and we still see the animal chew
3 on themselves. So, the chewing issue is not necessarily
4 related solely to cage size or solely to a particular
5 problem, at least when it comes to parrots.

6 So, there's so many needs and standards of all of
7 these different, just parrots, much less softbills and
8 ducks and pheasants and (chimes) and others. So it's real
9 important that we have this together, that we work together
10 on this and that every single standard we do come up with
11 is agreed upon by all and it has to be done by all,
12 including the rescues, the GFAS and everything. And it
13 should not be only targeted to breeders like it currently
14 is for mammals. Thank you.

15 OPERATOR: Thank you, Ms. Debra. And the next
16 caller is Andrea Cabibi from TAXONYX Reproductive Science,
17 incorporated. Andrea, if you are on the call, could you
18 please dial #2.

19 All right. Moving forward we have Sandra
20 Featherly, from Value Pet Clinic of Bellevue, Washington.
21 Sandra, if you are on this call, if you could please dial
22 #2 to speak.

23 All right. Moving forward, we have Lynn Andrews
24 of LA Exotic Birds, oh, I apologize, it does seem that
25 Sandra is on the call from Value Pet Clinic of Bellevue,

1 Washington. Sandra, please go ahead.

2 MS. FEATHERLY: That's okay. I'm actually at
3 work, but I just wanted to say thank you so much to the
4 previous speakers and for having this, because all that, I
5 do agree with all that you've said so far, especially
6 Debra. Thank you.

7 OPERATOR: All right. And we have Lynn Andrews
8 from LA Exotic Birds. Lynn, if you're on the line, if you
9 could please dial #2 to speak.

10 All right. Moving forward, we have Buddy Wohar
11 from BSW Enterprises. Buddy, if you're on the line, if you
12 could please dial #2 to speak.

13 All right. Next speaker is Clyde Robinson from
14 Avian Empire Incorporated. Clyde, if you're on the line,
15 could you please dial #2 to speak.

16 The next caller, we have Michael Lehman from S&B
17 Enterprises, LLC. Michael, please go ahead. Your line has
18 been unmuted. Michael, please confirm that you're not
19 muted on your device. We are unable to hear you.

20 MR. LEHMAN: I'm not muted. I don't have any
21 input.

22 OPERATOR: All right. And moving forward, we
23 have Doug Dix from Deer Fern Farms. Doug, if you're on the
24 line and would like to speak, please dial #2.

25 All right. Next caller is John Collins from

1 Carolinas Virginia Pheasant Waterfowl Society. John, your
2 line is unmuted. Please go ahead and state your name and
3 comments.

4 MR. COLLINS: Thank you very much. This is John
5 Collins, President of the Carolinas Virginia Pheasant and
6 Waterfowl Society. I'm going to respond based on the
7 number of questions and we have adopted in support, the
8 American Pheasant and Waterfowl Society Statement.

9 And number one, performance standards are based
10 upon the apparent health and wellbeing of animals under
11 regulation. They contain language such as enclosure size
12 should allow the bird to perform normal freedom meant to
13 maintain good body conditions, stand, turn around, flap
14 wings, etcetera, without having to touch the sides of the
15 cage. The evidence of the facility is meeting performance
16 standards is a condition of the animals in their care
17 whether any problems encountered are the result of not
18 meeting minimum requirements. In contrast, engineering
19 standards specify minimum enclosure measurements for each
20 species.

21 There are over 10,000 species of birds compared
22 to about 6,500 mammals, looking at existent AWA regulation
23 for mammals, the vast majority are regulated under
24 performance standards, only a relative few, mainly
25 domesticated mammals and marine mammals, have specific

1 needs are regulated under the engineering standards.

2 Considering the diversity of birds and the fact that
3 AWA already uses performance standards for the majority of
4 species it regulates, performance standards are the most
5 logical standards to follow for birds. Further,
6 considering that the needs in many birds are also
7 influenced by age, geographical location, seasonal changes
8 and condition, etcetera, specifying exact standards of care
9 may not allow sufficient flexibility to address these
10 highly variable factors.

11 Question two, birds kept in breeding facilities
12 are accustomed to the daily routine and people who care for
13 them. Their stress levels will remain low if the people
14 and routine are consistent. Events or people outside of
15 this routine results in stress and anxiety in some birds.
16 By its nature, random or annual inspections will bring
17 unfamiliar people and unfamiliar actions in contact with
18 the birds, which can cause stress and associated
19 displacement behavior among some birds causing an injury or
20 death of eggs, kids or mates.

21 The level of tolerance for the unexpected
22 occurrence varies dramatically from species to species and
23 within individuals of the same species. Aviculturists are
24 aware of this phenomenon and work hard to reduce stress by
25 reducing random occurrences around breeding operations.

1 Inspections may not be feasible or safe sometimes depending
2 on the species of bird or the breeding cycle of the birds
3 may be at the time.

4 Number three, the AWA already has exemptions for
5 retail sales of most pets, including birds. This retail
6 exemption for all birds should remain in place. The
7 exemption for wholesale trade and exhibition should include
8 de minimis criteria but should also include birds bred for
9 conservation or for sale or transfer to other breeding
10 programs. Birds are sometimes kept, bred or transferred
11 between breeding programs and never enter the pet trade.
12 Such activity should be exempt from AWA regulations, since
13 it is outside the original purpose of AWA.

14 Four, all retail sales of birds should be exempt
15 since animal control and zoning regulations cover this at
16 the local level. De minimis such and should include the
17 number of birds and annual sales volume at a wholesale
18 only. But the levels that should be considered de minimis
19 are difficult to determine for birds.

20 A single small garden aviary may contain many
21 dozens of zebra finches for example but may generate a very
22 small total dollar in sales that does not cover the cost of
23 keeping them. Many people keep these birds simply as a
24 hobby to enjoy them in a garden aviary and sell the eggs
25 produced to local pet stores (chimes) to maintain their

1 aviary population at acceptable levels. This is certainly
2 below the level that USDA should spend resources on
3 regulating.

4 We will send this in written format in, so that
5 the rest of our response can be on record. Thank you very
6 much for your time.

7 OPERATOR: Thank you, John. And the next caller
8 that we have in the queue is Amanda Zehnder from AAV.
9 Amanda, if you're on the line, if you could please dial #2.

10 All right. And the next caller we have is Amanda
11 Plante from Zovargo. Amanda, your line is unmuted. Please
12 go ahead and state your name and comments.

13 MS. PLANTE: Hi, this is Amanda Plante. I dialed
14 in a little bit late, so apologies for missing some of the
15 other comments.

16 I think a lot is to be said about the various
17 species of birds out there. They all do require different
18 husbandry and care and considerations, especially
19 considering kind of like the last speaker had mentioned,
20 their mental health and just their general wellbeing.

21 So I know this is a challenging thing for
22 everyone to overcome and get through to figure out the best
23 regulations for all the different various species, but I
24 just hope there is some consideration with regard to the
25 depth and breadth of different species and what their

1 specific requirements are, you know, but not to get into
2 too much detail, but that's kind of my general comment, is
3 that I think lumping various groups together may be really
4 challenging to do, because even just generically some
5 groups and family types of birds still have such diverse
6 requirements. So that's my only comment for now. Thank
7 you for allowing me to speak.

8 OPERATOR: Thank you, Amanda. And our next
9 caller in the queue is Thomas Marshall. Thomas, if you're
10 on the line, could you please dial #2.

11 All right. And the next caller that we have is
12 Monica Blackwell from Toledo Zoo. Monica, your line is
13 unmuted, please go ahead and state your name and comments.

14 MS. BLACKWELL: Hi, I am ceding my time. Thank
15 you.

16 OPERATOR: All right. Thank you, Monica. And
17 our next caller we have is Carol Denvers. Carol, if you're
18 on the line, please dial #2.

19 All right. Moving forward, we have Jordy Wilson
20 up next. Jordy, if you're on the line, please dial #2.

21 And the next caller we have is Robby Morgans.
22 Robby, if you are on the line, please dial #2.

23 And the next caller we have in the queue is Susan
24 Clubb from Rainforest Clinic for Birds and Exotics,
25 Hurricane Aviaries. Susan, please go ahead.

1 DR. CLUBB: Yes, can you hear me?

2 OPERATOR: We can. Please go ahead.

3 DR. CLUBB: Okay. I'm an avian veterinarian and
4 I've been doing this for 42 years and also an Aviculturist.
5 I have been watching what's been going on with bringing
6 birds under the AWA for many years.

7 A very good friend of mine, Daryl Styles
8 (phonetic) came to Washington, went to the USDA in order to
9 try to establish these regs. And the finished, the regs
10 were finished in 2008. So, one question I have is are you
11 going to reinvent the wheel or go back to what was really
12 worked on for many years and perfected by people who
13 actually understand birds and understand aviculture.

14 So, the biggest question, I think, for me is how are
15 you going to classify a breeder? The definitions for
16 breeders that are used for mammals really don't apply to
17 birds, because there's so much variation in size and value,
18 breeder of zebra finches or budgies could have hundreds of
19 birds and produce now very little income, whereas a breeder
20 with one pair of hyacinth macaws could produce a lot of
21 income.

22 So, I think we really need to get a handle on how
23 USDA is going to classify what is a licensed or what
24 breeders are going to be required to be licensed as opposed
25 to hobby breeders.

1 As far as the standards, with so many species
2 with so many different requirements, as people have brought
3 up before me, I think it's going to be really, really
4 difficult to have overly prescriptive regulations. You
5 know, cage sizes are going to be very difficult to
6 establish with any means that's going to be fair.

7 Performance-based standards, you know, making
8 sure that the birds have food, water, shelter, I think
9 those are the things that are going to be really important.
10 As far as assessing the health of birds when they, when an
11 inspector comes into a facility and looks at them, as an
12 avian veterinarian, I know that birds hide their symptoms.
13 They are going to look as healthy as they can for as long
14 as they can. So I think it's going to be really hard for
15 someone, I mean, even an avian veterinarian, unless we do,
16 you know, bloodwork on birds, we're not going to be able to
17 say, yes, that bird is healthy, no that bird is not
18 healthy.

19 So just an inspector walking through a facility
20 and saying, you know, that the birds are unwell, that's
21 going to be a really hard standard. I think there's going
22 to be just too much latitude for the inspectors to make
23 judgements that maybe they cannot really back up with any
24 facts.

25 This is a whole new class of animals that are

1 being brought under regulations and there's so many
2 different orders. They're so different. One thing I think
3 that's really important is I know animal welfare groups
4 tend to focus on plucked birds. And a plucked bird's not
5 necessarily an abused bird. I can tell you, in my clinic
6 every day (chimes) I see people coming in that have plucked
7 birds that are very loved and very well cared for. Some of
8 them are associated with allergies or other problems.

9 So, you need a bird person being the inspector.
10 I personally would not be happy at all with HSUS
11 (phonetic), PETA or any of those groups being allowed into
12 my aviaries to make inspections. I don't think that pet
13 stores should necessarily have an exemption. I recently
14 have been going around looking at pet stores in my area and
15 there's some wonderful ones (chimes) and there's some
16 horrible ones, which I think need further regulations.

17 OPERATOR: All right. Thank you, Susan. Moving
18 on to the next caller, we have Katherine Cronin.
19 Katherine, if you're on the line, could you please dial #2.

20 All right. Moving on to the next speaker, we
21 have Hallow Foya from Bird Breeders Association. Hallow,
22 your line is unmuted. Please go ahead and state your name
23 and comments.

24 MS. FOYA: Hello, can you hear me?

25 OPERATOR: We can. Please go ahead.

1 MS. FOYA: Okay, excellent. Thank you for taking
2 the time to hold this today. I'm a member of a number of
3 different bird clubs and do want to mention as also that a
4 lot of comments that I've received is that it's kind of a
5 difficult time to hold these with the COVID situation going
6 on. Lots of people have, you know, a lot of things up in
7 the air with that and their whole schedule's been
8 disrupted. So just it may be worth considering postponing
9 or holding once the COVID situation has been resolved as
10 well. But just to move on to my comments.

11 Given the number of species of birds, which many
12 people have mentioned, I agree that there's no one size
13 fits all regulations that can be put in place. Even
14 separating out by classes may not be sufficient to
15 incorporate the unique characteristics of each species.

16 This is not the same as regulating dogs and cats.
17 For example, just take finches. A society finch has
18 significantly different preferences in terms of diet,
19 temperature, cage size, nest requirements, etcetera than a
20 European green finch. I mean, diets can range from seed in
21 finches to insects to egg food to different vegetables,
22 etcetera.

23 And then, in terms of cage size requirements,
24 some finches do well with others as part of a colony
25 whereas other ones need to be separated or they could kill

1 each other, or they can be very aggressive. So just
2 understanding that again, even amongst smaller classes, one
3 size will not fit all.

4 In terms of engagement, you know, going back to
5 finches, people have mentioned that there needs to be some
6 kind of engagement for all different types of birds and I
7 will mention that toys or clothing or different items can
8 actually cause injury rather than help. And most species
9 of finches generally do not require toys.

10 Also, noting that feather conditions, feather
11 loss as Susan mentioned about, there's something very
12 normal that occurs in birds as part of their natural
13 feather replacement, molting and breeding process. So, any
14 type of feather condition regulations should be removed.

15 So, in terms of the next question, now do bird
16 breeders avoid interfering with nesting, etcetera. I will
17 mention that human interference can have colossal
18 implications on preserving the survival of rare or
19 endangered species, especially with finches and softbills.
20 A lot of people are breeding species that are very rare in
21 the wild and that is actually really helpful in order to
22 maintain species, that have people working with them and
23 the lifespan also of finches is relatively small. So,
24 in order to really establish a full species and to keep it
25 around, you have to be working with a number of the

1 different finches and also to avoid any kind of
2 crossbreeding, etcetera. So, I'll note that inspections
3 during nesting season will disrupt breeding and nesting
4 season for finches can occur different times of the year.
5 So therefore, I think you'd have to work with breeders
6 directly for each individual one to determine when an
7 inspection can or could occur.

8 And also, certain species of finches that are so
9 sensitive that in a new situation, such as someone wearing
10 different clothes or of a different height, body shape,
11 could startle them resulting in stress and even potentially
12 death. Biosecurity is another concern as (chimes) finches
13 are very vulnerable to disease, which is why a lot of
14 avicultures maintain fully closed aviary.

15 So generally speaking, in terms of regulations, I
16 believe they should be set potentially by body weight.
17 Anything less than four pounds, should not be regulated or
18 require any kind of licensing. Most bird keepers are not
19 making money from their hobby, just trying to maintain the
20 species, keeping birds has been a cultural way of life for
21 many cultures and should be left in tack without
22 interference of invasive inspections, rules and
23 regulations. And there's concern that (chimes).

24 OPERATOR: Moving on to our next speaker,
25 Kimberly DePaul, Treasure Coast Exotic Bird Club. Please

1 go ahead, your line is unmuted.

2 MS. DEPAUL: Hello, can you hear me?

3 OPERATOR: We can. Please go ahead.

4 MS. DEPAUL: Oh, thank you. I'm first, although
5 I'm a board member of the Treasure Coast Exotic Bird Club,
6 I'm speaking as a private citizen and a responsible bird
7 owner. I grew up with pet parrots. I acquired my first
8 parrot in the 1980s. So, I have over 50 years of firsthand
9 experience in the care and enjoyment of, mainly hookbills.
10 And that's where I'm going to be speaking from.

11 I'm also not alone. There's nearly 6 million
12 American households out there that own companion birds and
13 aviculturists and bird hobbyists are, there are thousands
14 and thousands of them out there. So, it doesn't appear,
15 based on my read of your regulations, that you intend to
16 regulate bird owners directly. However, if you place
17 onerous regulations on bird breeders and bird sellers that
18 will indirectly have a great effect on pet owners. So, I'd
19 like you to consider that when you write your regulations.

20 As I said, I've read your regulations to get a
21 feel for the Agency, see in what detail you usually write
22 things and as a former federal employee from EPA, the Navy
23 and Council on Environmental Quality, we oversaw federal
24 regulations. I can tell you that your regulations are
25 extremely detailed. I would say equivalent to the Nuclear

1 Regulatory Commission. So, you do go into a lot of detail.

2 The first, there are two main things I want to
3 comment on. The first thing is in your definitions, 9 CFR
4 1.1, you talk about pet animals. You define that as
5 animals commonly kept as pets in family households,
6 excludes exotic and wild animals. Yet, throughout your
7 definitions you do not define what exotic means. That's a
8 loose term now. Our bird club has that in our title,
9 however we said exotic birds, because we wanted to
10 differentiate ourselves from the bird watching clubs.

11 So, exotics are very tricky and especially if
12 you're going to use them for exclusions. You need to
13 define those in your regs.

14 And the other thing I want to comment on is your
15 concept of interference or noninterference. Looking
16 through your regulations, your existing regs, I see this as
17 a new concept. The only reference in your current regs is
18 at 9 CFR 2.4, which talks about noninterference with APHIS
19 Agents, but certainly not interference.

20 And I hope, this is a troubling concept, because
21 not only of all of the species out there that could be
22 looked at as interference, but it appears, at least to me,
23 that the purpose of noninterference at best is to retain
24 the natural state of a bird, the wildness of a bird. And
25 birds raised, that's in direct conflict with birds that are

1 being raised for pets. Birds being raised for pets will
2 necessarily need handling by the aviculturists, because
3 they need to be tamed to be loving animals (chimes).

4 OPERATOR: Thank you, Kimberly. Moving on to our
5 next speaker, we have Joe Barkowski from Tulsa Zoo. Joe,
6 please go ahead. Your line is unmuted. Joe, please go
7 ahead, your line is unmuted.

8 All right. Moving forward, our next speaker is
9 Jean Pattison. Jean, if you're on the line, could you
10 please dial #2.

11 All right. And our next speaker is Toni Rivers.
12 Toni, if you are on the line, please dial #2.

13 All right. Moving forward, our next speaker is
14 Melissa Cardenas. Melissa, if you are on the phone, could
15 you please dial #2.

16 And our next speaker in the queue is Joe
17 Krathwohl. Joe, if you are on the line, please dial #2.

18 And our next speaker in the queue is Laura Bies
19 from the Ornithological Council. Laura, your line is
20 unmuted. Please go ahead and state your name and comments.

21 MS. BIES: Okay, thank you. My name is Laura
22 Bies and I'm the Executive Director of the Ornithological
23 Council, a consortium of ten scientific societies of
24 ornithologists. The members of the Ornithological Council
25 Society study wild birds frequently in the field, but

1 occasionally in captivity. We believe strongly that birds,
2 wild and captive bred, should be treated humanely in the
3 lab and in research conducted in the field.

4 For this reason, we've published the peer
5 reviewed guidelines for the use of wild birds in research,
6 a comprehensive treatment of essentially all procedures
7 used in research involving wild birds. We note that the
8 considerations at first testified the exclusions of birds
9 used in research from the Animal Welfare Act are still
10 valid. There is a separate parallel and largely overall
11 system of regulation and oversight provided for by the
12 Health Research Extension Act. It is and has been the case
13 since 1985, that research that involves birds and those
14 funded by nearly any federal agency is covered by the AWA.

15 Additional regulation for birds used in research
16 will increase the burden and expense for the researcher,
17 but not increase protection for the bird. As you develop
18 the regulation, we have four main recommendations.

19 First, to exclude wild birds studied in the wild
20 from the regulation. Such regulation is not necessary as
21 this work already has sufficient oversight. It would also
22 be highly burdensome and impractical.

23 The AWA and it's implementing regulations provide
24 two exclusions that would suggest that this new regulation
25 cannot include wild birds studied in their natural

1 environment. The explicit exclusion of field studies from
2 the AWA and the fact that field sites are not subject to
3 inspection, regardless of the nature of their work.

4 Second, exclude the offspring of wild birds that
5 breed in captivity from the regulation. Wild birds are not
6 exempt birds studied in captivity may produce while in
7 captivity and we request that any offspring of wild birds
8 or birds not bred for use in research, be considered bred
9 for research and therefore exempt from the AWA.

10 Third, consult with experts regarding housing and
11 husbandry standards for birds studied in captivity. If
12 APHIS deems it necessary to write housing and husbandry
13 standards, it should consult with the Ornithological
14 Council, the American Zoo and Aquarium Association and
15 other organizations whose members study wild birds in
16 captivity to discuss whether and to what extent additional
17 specific regulation is needed. If specific regulation is
18 needed, experts should be consulted to determine whether
19 the proposed standards are appropriate prior to drafting
20 regulations, perhaps through a workshop or other public
21 forum.

22 Fourth, exempt surgery (phonetic) on birds from
23 the regulation. Under the AWA, there is an exemption for
24 rodents that provides that quote, 'nonmajor operative
25 procedures and all surgery on rodents, do not require a

1 dedicated facility.' end quote. We would request a similar
2 exemption for birds subject to the recognition that if the
3 rodent exemption is based on size than a size restriction
4 for birds would not be inappropriate. We also note that
5 laparoscopies and other major operative procedures are
6 regularly performed in the field as part of Ornithological
7 research and we ask that any regulation make it clear that
8 field surgery is not prohibited nor are biologists required
9 to transport wild birds to dedicated facilities.

10 In response to the question from APHIS regarding
11 appropriate performance-based standards for classes of
12 birds, we note that there are over 10,000 bird species in
13 the world and hundreds of species studied in captivity.
14 Regulating birds studied in captivity would entail either
15 general standards or would incur no benefit and might even
16 be detrimental to the wellbeing and health
17 of the animals or highly detailed species-specific
18 regulation that would likely take decades to write and be
19 extremely difficult to enforce.

20 In addition to wide variation in housing, feeding
21 and behavioral needs, it's also the case for many species
22 that best or even appropriate conditions are unknown and
23 must be determined once the birds are brought into
24 captivity.

25 In conclusion, the Ornithological Council

1 believes strongly that all birds should be treated humanely
2 and that research itself (chimes) especially when it will
3 benefit the species being studied, as is the case in
4 Ornithological research. That research is already well
5 regulated through the CHS system. Further regulation and
6 oversight could be detrimental to Ornithological research
7 and therefore, bird conservation. We ask that the USDA
8 exercise its authority sparingly and only where there is a
9 clear and significant improvement in the welfare of the
10 birds being studies. Thank you for your consideration.

11 OPERATOR: Thank you, Laura. And moving on to
12 our next speaker. We have Karen Clifton. Karen, if you're
13 on the line, please dial #2.

14 All right. And our next speaker is Craig Perdue.
15 Craig, you are on the line, please dial #2. All right,
16 Craig Perdue from Shadow Speak, LLC. Please go ahead.

17 MR. PERDUE: Hi, I'd just like to add that this
18 applies to falcons in particular, that they're currently
19 regulated by the USDA that provides ample provisions for
20 the welfare of the birds. And with regard to falconry in
21 particular, that that practice involves fostering
22 improvement of welfare, even beyond what the birds would
23 experience in the wild.

24 So I think that it's, this should be taken into
25 account and that the USDA already does, the Fish and Wild

1 Service already does a very good job of assuring that,
2 assuring that the falconry's done properly and the birds
3 can enjoy a state of welfare that is cared for in every
4 respect by falconers, in fact enhanced over and above what
5 they would experience in the wild. Thank you.

6 OPERATOR: Thank you, Craig. And our next
7 speaker we have in the queue is Apryl Miller from
8 Legislative Rights for Parrots. Apryl, your line is
9 unmuted. Please go ahead.

10 MS. MILLER: Hi, this is Apryl Miller from
11 Legislative Rights for Parrots. I'm the Executive Director
12 there. I've spoke before, so I'm just going to comment on
13 some specifics that were talked about today.

14 One, it was mentioned earlier that USDA would
15 need to consider when regulating breeders and pet stores
16 how that would affect owners. Well, that was part of our
17 hope was to affect ownership. The reason being, we have
18 thousands of birds overflowing in sanctuaries, rescues and
19 now, animal control that normally is not used to taking
20 birds.

21 Birds are the third most common pet now in the
22 world, let alone in the U.S. So there needs to be some
23 regulation to stop overbreeding and so many of these birds
24 ending up in rescues and being bounced from home to home to
25 home, which actually does cause behavioral problems,

1 socialize problems and long-term health issues.

2 There was also a statement that parrots and
3 certain species are controlled in states by regulatory
4 sales controls by animal control and that is not true. I
5 know in the state of Michigan specifically, our animal
6 control has no authority over pet stores when it comes to
7 the selling, purchase from breeders or any buying they do
8 or outsource sales.

9 Also, for the comment meant about exemptions for
10 retail sales or dealers, Legislative Rights does not agree
11 with that. We believe that retail stores should be
12 evaluated based on the fact that I have seen numerous
13 retail pet stores across the nation as we've traveled that
14 have had, for example, 15 tiels in a cage meant for 2. I
15 have seen cages with no food, with water that hasn't been
16 there, with papers that haven't been changed in days where
17 the feces is actually molding. So, pet stores should not
18 be exempt.

19 Also, there was a comment that I thought that
20 there might be a way to handle it. It mentioned, it was by
21 one of the vets and I agree (phonetic). A Vet, just like
22 an inspector, even if trained on avians, just looking at a
23 bird, might not be able to tell the health condition of the
24 bird. What might be a good idea for USDA is to require
25 that any breeder have Vet records for all their birds

1 within X months prior to the inspection. So, within six
2 months prior, within two months prior, depending on the
3 breeding season and that the inspector is able to look at
4 those records showing what the blood work in that said at
5 that time.

6 Feather loss should not be regulated and there
7 are many reasons as stated, but I also want to mention that
8 many owners have adopted from rescues, I am one of those.
9 I have 15 birds from rescue in my home and I have 4 of
10 them, as we call nakey butts. They have no feathers. They
11 come to us that way due to previous conditions in the home.

12 One question we do have for USDA is how are you
13 going to handle new species of birds, i.e. this past year,
14 two macaws that normally in nature would not have met each
15 other, ended up breeding and we now have a macaw called a
16 miliquin (phonetic) which never existed prior, due to birds
17 who normally in the wild would not meet, now meeting in
18 private captivity, how will we handle new species.

19 One other concern to note (chimes) there's -- in
20 conclusion when looking up all the members sitting on this
21 five-person panel, even if one is a Vet, none of them are
22 avian vets. So, we are questioning who exactly is going to
23 be help making these rules. We believe avian vets who have
24 dealt with the different species and specialists need to be
25 on the panel actually making these rules. Any normal Vet

1 does not know birds. It is worlds apart. Thank you.

2 OPERATOR: Thank you. And our next caller in the
3 queue is Maria Sullivan. Maria, if you are on the line,
4 please dial #2.

5 Okay. Moving forward the next speaker is Brian
6 Aucone. Brian, if you're on the line, please dial #2.

7 All right. The next speaker on the line is
8 Allison Sloane. Allison, if you are on the line, please
9 dial #2.

10 All right. The next speaker on the line is Larry
11 Dickerson from North American Falconers Association,
12 Technical Advisory Committee. Larry, your line is unmuted,
13 please go ahead.

14 MR. DICKERSON: Good afternoon, ladies and
15 gentlemen. My name is Larry Dickerson, I do represent the
16 North American Falconers Association. We are the largest
17 membership falconry organization in the world and not only
18 do we represent falconers in the United States, but Canada
19 and Mexico as well.

20 Many of our members are raptor educators,
21 rehabilitators, raptor breeders and abatement
22 professionals, as well as falconers. You've heard me speak
23 before and I want to again thank you for the opportunity to
24 speak to you again today.

25 And just in our opinion, reiterate that we think

1 that the MBTA governs migratory birds. Our regulations
2 that are promulgated by the U.S. Fish and Wildlife Service
3 are more than adequately meets the criteria of the AWA. I
4 can cite regulations to you, but we will include those in
5 written comments.

6 We suggest to APHIS that, as far as classes of
7 birds, that migratory birds belong in a different purview.
8 And we would suggest that they be excluded, this would
9 include 1,093 species of birds.

10 Raptor education or exhibition if you prefer,
11 again, we're already regulated by the U.S. Fish and
12 Wildlife Service under 50 CFR 2127. Breeding of raptors
13 also regulated and that includes the question that you
14 asked about disturbance. These are found in regulations
15 under 50 CFR 2130, as some of the other speakers have
16 addressed.

17 In closing, our association would like to offer
18 our assistance, if needed, in your regulatory deliberations
19 and any draft that you may have for the proposed
20 rulemaking. We work very closely with U.S. Fish and
21 Wildlife Service on regulations. We have an excellent
22 working relationship with them.

23 I will mention our collective membership has
24 thousands of years of experience working with raptors,
25 their housing, their breeding, veterinary care, science and

1 raptor education presentations to the public. We have over
2 a dozen members that are certified avian veterinarians and
3 dozens more that are associate members. We have members
4 that serve in university systems, including working with
5 raptors and providing display and raptor education,
6 including the U.S. Air Force Academy.

7 We invite you and please feel free to contact us
8 if we can provide any experts unbiased scientific advice
9 and these come from the top raptor biologist and avian
10 specialists in the world. Ladies and gentlemen, thank you
11 for the opportunity to speak and good luck to you.

12 OPERATOR: Thank you, Larry. And moving on to
13 our next caller in the queue. We have Chelsea Marshall
14 from Early Bird Exotic Bird Shelter. Chelsea, please go
15 ahead. Your line is unmuted.

16 MS. MARSHALL: Hi there, thank you for the
17 opportunity to speak. So, I run Early Bird Exotic Bird
18 Shelter in Michigan and I've only been running this rescue
19 now for five months. So, I'm very new to all of this. So,
20 this is my first opportunity to kind of dabble in something
21 that can create change for birds, which is very crazy
22 (phonetic).

23 So I don't have decades of experience that I can
24 use to, you know, form my opinion, but I will say is just
25 in the last five months, I have seen numerous birds come

1 through my rescue that have come from breeders that had
2 done things incorrectly and have aspirated the babies and
3 then, it's up to the rescue to try to fix them or to
4 euthanize them. I've seen numerous birds come in where
5 people bought it and didn't know what the heck they were
6 getting into and so they have to give it away to the
7 rescue.

8 And I have seen a lack of regulation for the
9 rescue. When I decided to open it up, there were no
10 guidelines. There were no standards. There was nothing
11 telling me the correct way to form a rescue and so it's all
12 up to whatever the heck I wanted to do, which I think is
13 also a very dangerous thing. I believe that if you are a
14 Federal 501 C rescue, I believe that there should be
15 regulations on how things are done and how birds are vetted
16 and, you know, all of that kind of stuff.

17 So like I said, I don't have a whole ton of
18 experience yet, which is why I'm excited to be on this call
19 and to hear from people who have been in, you know,
20 aviculture longer than I have been. But what I will say is
21 that in the short five months that I've been in on rescue,
22 I have seen more heartbreak than I would have expected to
23 see and I believe that having some standards and some
24 regulation for breeders and pet stores and for rescues and
25 those kinds of things, could potentially help birds along

1 the way. So, thank you.

2 OPERATOR: Thank you, Chelsea. And the next
3 speaker we have in the queue is Genevieve Wall. Genevieve,
4 if you are on the call, could you please dial #2.

5 All right. And the next speaker in the queue is
6 Anthony Pilny. Anthony, if you are on the call, please
7 dial #2.

8 And the next speaker in the queue is Patricia
9 Latas. Patricia, if you are on the call, please dial #2.

10 And the next speaker on the call is Adrienne Mock
11 from American Federation of Aviculture. Adrienne, please
12 go ahead. Your line is unmuted.

13 MS. MOCK: Hello, I'm Adrienne Mock. I'm the
14 Legislative Vice President for the American Federation of
15 Aviculture.

16 People have been keeping birds in the United
17 States since the 17th Century, but it wasn't until the 1920s
18 that the first avicultural organization was formed, the
19 Avicultural Society of America.

20 In 1974, the American Federation of Aviculture
21 was founded to protect exotic bird owners from the USDA
22 response to an Exotic Newcastle Disease outbreak,
23 mistakenly attributed to exotic birds, turned out to be
24 from poultry brought over the border illegally. A court
25 order was obtained to stop the massive indiscriminate

1 euthanizing of birds in California by the USDA teams.
2 These birds were not in contact with poultry and they're
3 not contaminated.

4 In the nearly 50 years since then, the American
5 Federation of Aviculture along with other avicultural
6 groups, clubs and organizations, have made immense advances
7 in education for pet and companion birds' owners, breeders,
8 educators and others. These include housing, caring for
9 and raising birds at different life stages, including
10 senior birds. Many of whom stay with their owners, even
11 though they may no longer be breeding. This is the norm
12 and not the exception.

13 Additionally, the AFA has contributed many
14 thousands of dollars over periods of years to avian
15 research and conservation projects, mostly donated by bird
16 breeders and pet bird owners.

17 It's important to recognize that many of the
18 organizations pushing these regulatory process here do not
19 have the actual welfare of birds in mind, but are working
20 from an extraneous agenda to make keeping, breeding and
21 handling birds so complex, onerous and difficult that it
22 cannot be done properly.

23 Many species around are still viable because of
24 aviculture not in spite of it, opening the potential for
25 reintroduction into their original habitats, if and when

1 these are viable again. Information obtained from
2 aviculture has been invaluable to conservation of birds in
3 the wild, the fawn (phonetic) macaw, scarlet macaws, blue
4 billed macaws, the Puerto Rican parrot and many others.

5 There around 10,000 species of birds, from tiny
6 finches, from soft bills to parrots to raptors to
7 waterfowl, pheasants and related species and many more.
8 Some of these have very specific requirements. And while a
9 very few may be grouped together, even among similar orders
10 and families, there may be a wide variation of
11 requirements. These will require separate standards and
12 regulations for each genus and species under consideration.

13 General requirements for nutritious food, based
14 on the development and breeding status of birds,
15 availability of fresh water, enrichment and perching for
16 that species and its developmental status are the only
17 general regulations that will be appropriate. Adult
18 healthy birds of any species are going to have different
19 requirements than hatchlings, fledglings, handicapped or
20 geriatric birds.

21 We've been told several times that certain
22 organizations have witnessed extraordinary acts of cruelty,
23 abuse and lack of care. No matter how much you regulate,
24 if this is what you're looking for, you're going to find
25 it. We do not dispute that they have seen this, but these

1 are extreme, and rare and we must remember that these
2 veterinarians and rescues generally see the worst of the
3 worst.

4 The vast majority of birds including parrots are
5 very well cared for, well treated and very much loved from
6 hatching to geriatric ages. I have visited large and small
7 facilities in several states designed in a variety of ways.
8 There are no cookie cutter, one size fits all facilities.

9 Aviculture has a basic plan. The model
10 aviculture program, which was found by aviculturists and
11 avian veterinarians for inspection of aviary facilities,
12 focusing on the prevention of disease and promotion of
13 avian welfare with the best interests of the birds in mind.
14 That (chimes) was designed by those who are highly
15 experienced in a variety of species so that the interest of
16 the birds be met.

17 Regulations designed by those without such a
18 background can be unwittingly extremely harmful to birds.
19 The IATA has a full set of regulations for transport. No
20 need to reinvent the wheel here.

21 As for human interaction, most birds bred not for
22 research are bred as pets and companion birds and human
23 interaction is vital to their successful lives in our
24 homes. Thank you very much.

25 OPERATOR: Thank you, Adrienne. And the next

1 speaker in the queue is Kit Lacy from Cascades Raptor
2 Center. Kit, please go ahead. Your line is unmuted.

3 MS. LACY: Hi, thanks for allowing me to speak.
4 My name is Kit Lacy. I'm from the Cascades Raptor Center.

5 Today, I would just like to also mention an
6 organization that I am on the board of directors for, the
7 International Association of Avian Trainers and Educators.
8 For nearly 30 years, this organization has strived to
9 achieve the highest standards of training and care of
10 avians in human care, used primarily in educational
11 settings.

12 Also, the organization has mission statements,
13 codes of ethics and do very welcome in any kind of review
14 or assistance that this process might need. So, I just
15 wanted to mention this organization and I'm finished, and I
16 cede the rest of my time.

17 OPERATOR: Thank you, Kit. And moving forward,
18 Lori Fernandez, if you are on the line, please dial #2.

19 All right. Moving on to the next speaker. We
20 have Ingrid Taylor from PETA. Ingrid, please go ahead.
21 Your line is unmuted.

22 DR. TAYLOR: Thank you for the opportunity to
23 speak. My name is Ingrid Taylor and I'm a veterinarian
24 with People for the Ethical Treatment of Animals in the
25 Laboratory Investigations Department.

1 I wanted to first express concern that through
2 the questions presented by the USDA for these listening
3 sessions, involve possible exceptions to the law. Congress
4 had made it clear through the Animal Welfare Act that all
5 birds, except those bred for research, are intended to be
6 covered by the law. Any attempt to further exempt
7 categories of birds not only circumvents Congress's
8 mandate, but also undermines the spirit of the law, which
9 is to enhance the welfare of birds in captivity.

10 The sentience and advanced cognitive abilities of
11 birds are well established in scientific literature and
12 there is no scientific or ethical justification for
13 excluding certain groups or categories of birds. The vast
14 diversity of species, habitat and dietary needs and
15 enrichment requirements of birds is no reason to exclude
16 certain groups from very basic welfare requirements.

17 In addition to providing basic needs, such as
18 proper diet, clean water and appropriately sized
19 enclosures, birds also need species specific enrichment
20 opportunities and appropriate social grouping. While there
21 is no generalized approach to bird species, the USDA should
22 use the assistance of avian experts and veterinarians to
23 produce ethologically appropriate standards.

24 For birds who fall under federal regulations,
25 such as the Migratory Bird Treaty Act, the primary purpose

1 of the enforcement of this act is not to ensure captive
2 bird welfare, but rather to safeguard conservation efforts.
3 As such, birds who fall under this act still need a
4 regulatory body to monitor and enforce basic welfare
5 standards and must not be excluded from USDA oversight.

6 I want to raise a particular concern about birds
7 who are captured from the wild and used in laboratory
8 experiments. These birds experience significant suffering,
9 distress and physiological derangements due to the negative
10 effects of captivity and laboratory confinement.

11 Some species of birds who are commonly used in
12 experiments, such as sparrows and starlings, are excluded
13 from even state and local anticruelty laws and often have
14 no protection or oversight regarding their welfare. In
15 ongoing and past experiments, wild caught birds are
16 subjected to invasive surgeries, adrenal ablation and
17 deliberately distressing situations, such as intruders
18 rattling their cages or restraining them to induce fear and
19 stress.

20 Regulations limiting the number of invasive
21 procedures, the duration of captivity and the frequency of
22 contact and handling are needed for wild caught birds in
23 laboratories. Social housing must be required if
24 appropriate for the bird species.

25 Humane euthanasia methods and comprehensive

1 analgesia for all painful and invasive procedures should
2 mandated. Carbon Dioxide gassings, blunt force trauma,
3 thoracic compression and penetrating blows should not be
4 permitted as methods of euthanasia.

5 All experiments must be carried out under a
6 comprehensive veterinary care plan with assessment of pain
7 and distress, rescue analgesia and humane endpoints clearly
8 identified. The USDA should require clear and consistent
9 documentation of veterinary care and enrichment programs
10 provided to birds. Thank you.

11 OPERATOR: Thank you, Ingrid. And moving on to
12 our next speaker. Kerri Cooper-Bailey, if you are on the
13 call, please dial #2.

14 All right. And our next speaker will be John
15 Miles from Great Western Budgerigar Society. John, please
16 go ahead. Your line is unmuted. John, please go ahead.
17 Your line is unmuted.

18 MR. MILES: Thank you. I just lost the call
19 completely. I had to sign back on. Can you hear me now?

20 OPERATOR: We can hear you.

21 MR. MILES: Hello, hello?

22 OPERATOR: Yes, we can hear you, John. Please go
23 ahead.

24 MR. MILES: Thank you. I am currently the
25 President of two local associations in Southern California

1 and we raise and exhibit budgerigars, which a lot of people
2 mistakenly call parakeets. But we've bred and raised these
3 birds for years and I think that any regulation by the
4 United States Government would kill the hobby for many,
5 many people.

6 There's thousands of breeders and exhibitors all
7 over the United States and up until Corona virus, we had
8 shows all over the United States. And many, many people
9 enjoy it. I have been enjoyed it for over 40 years. And I
10 just wanted to put my 2 cents in. I don't think there
11 ought to be any regulation of small birds. Thank you.

12 OPERATOR: Thank you, John. Moving on to the
13 next caller. Robert Mullen, if you are on the call and
14 would like to speak, please dial #2.

15 All right. Next speaker Gregory Lawson, if you
16 are on the call, please dial #2.

17 All right. Moving on. Mary Powell-McConnel, if
18 you are on the call and would like to speak, please dial
19 #2.

20 Peggy Armstrong, if you are on the call and would
21 like to speak, please dial #2.

22 Beau Parks, if you are on the call and would like
23 to speak, please dial #2.

24 Anita Yeattes, I do see her on the call. Anita
25 is from the Falconry Experience. Anita, your line is

1 unmuted. Please go ahead.

2 Anita, please go ahead.

3 You may be muted on your end. We are unable to
4 hear you.

5 (No audible response.)

6 All right, moving forward. Logan Jimenez, if you
7 are on the call and would like to speak, please dial #2.

8 Janice Boyd, if you'd like to speak, please dial
9 #2.

10 Katie Hendricks, if you are on the call and would
11 like to speak, please dial #2.

12 Brandi Clark, if you are on the call and would
13 like to speak, please dial #2.

14 Rick Hare, if you are on the call and would like
15 to speak, please dial #2.

16 Ian Shelley from Maryland Zoo in Baltimore.
17 Please go ahead. Your line is unmuted. Ian, please go
18 ahead.

19 MR. SHELLEY: No comment at this time.

20 OPERATOR: Okay. Thank you, Ian. And moving
21 forward. Shawnee Riplog-Peterson from Arizona-Senora
22 Desert Museum. Your line is unmuted. Please go ahead.

23 Shawnee, we are unable to hear you. Please
24 confirm that you're not muted on your end.

25 (No audible response.)

1 All right. Moving forward. Paula Ashfield, if
2 you are on the line and would like to speak, please dial
3 #2.

4 Lorin Lindner, if you are on the line and would
5 like to speak, please dial #2. All right, Lorin Lindner
6 from Association for Parrots, CARE, your line is unmuted.
7 Please go ahead.

8 DR. LINDNER: My name is Dr. Loren Lindner. I
9 have expertise in animal and human behavior and have
10 operated a parrot sanctuary for 23 years.

11 My position is that there should be no
12 exemptions. No exceptions whatsoever to any bird needing
13 to be protected. All birds need to be protected. It's
14 uncanny to imagine that any animal wouldn't need some
15 protection of their welfare.

16 With the passage of laws prohibiting the
17 importation of many species of birds a few decades ago,
18 most of the 20 to 30 or maybe even 40 million birds that
19 currently live in people's homes in this country come from
20 breeding operations. I've been to many breeding
21 establishments throughout the country, as well as many
22 other sanctuaries. Although, I do not speak for all
23 sanctuaries, I'm in touch with many of them and they are
24 overflowing with birds that come from failed placements in
25 people's homes.

1 I get calls every day from people needing to give
2 up their birds. They had no idea what they were getting
3 into. They had no idea that there could be problems with
4 allergies, with screaming, with neighbors, with aggression.
5 They were not told what to expect. They are really unaware
6 of the needs of these birds. Their social needs. Their
7 emotional needs. I have seen many un-weaned birds sold to
8 people completely unaware of how to wean a young bird.

9 I've seen birds who have died or have been
10 severely injured by having their crops burned by well-
11 intentioned people who were given no instructions on how to
12 care for their new pet. I've been to pet stores where
13 lorikeets, which are nectar feeders are sold with a bag of
14 bird seed. There are more incidents than I care to count.

15 It's unreasonable to assume that we would need to
16 recreate what is in the wild for every species, but we do
17 need to look at basic biological needs that need to be met
18 that birds need to be able to survive the stress of living
19 in an unfamiliar environment, even just, even birds that
20 are in captivity are just several generations away from
21 being wild and their wild nature is still are apparent
22 within them. Their wild parrot culture and behavior is
23 mirrored inside the head of every parrot in captivity.

24 Dr. Gay Bradshaw has talked about how early
25 attachment relationships and social interactions shape the

1 bird's brain and how self-regulatory structures inside the
2 brain. The brain governs stress reactivity and chronic
3 stress causes significant disruptions to bird's social
4 behaviors and to their behavior and can create
5 physiological disorders.

6 We need to be able to meet their needs by
7 allowing them to fly, by allowing them to be with breed
8 specifics. They need to be able to forage. At our
9 sanctuary, we do that simply by drilling holes in some
10 wooden perches and letting them pull nuts out of the holes
11 or putting food throughout the cage, so that they have to
12 go around looking for it, that's what birds spend most of
13 their time doing, many, many species. And they need to be
14 able to be free of the kinds of stressors that have been
15 described by some of our other speakers (chimes).

16 And I'm all, I also want to make sure that no
17 bird that ever ends up in a lab is also exempt. These
18 birds must be protected. Research protocols create so much
19 physiological stress that the results of research are often
20 invalidated, because of the amount of stress that these
21 birds go through from confinement and research protocols.
22 And I'd like to see all birds protected.

23 OPERATOR: Thank you, Ms. Lorin. And moving on
24 to our next speaker. We have Beth Rowan. Beth, your line
25 is unmuted. Please go ahead.

1 MS. ROWAN: Hi, my name is Beth Rowan. I have
2 had birds in some shape, form and fashion since around
3 1986. Some of the birds that I've acquired in the late
4 80's, I still have. They are older. They may not be
5 suitable for breeding, but I'm not handing them over to
6 anyone else. I'm not relinquishing their care. I'm still
7 caring for them, even though they may be of no real value,
8 in terms of dollars, to me.

9 I love my birds. I spend a lot of time and a lot
10 of money on my birds. With regards to your specific
11 questions in your notice. I am concerned about the use of
12 classes of birds to establish performance-based standards,
13 as there can be substantial variability of the needs of
14 birds within the classes.

15 When you have groups of entities that are
16 considered similar, but there can still be differences
17 between what is needed in their care. If you become too
18 specific, then you actually can create issues in trying to
19 care for the birds that we have at the present time.

20 There also can be overlap between classes. So
21 you don't want to limit what can be done with a species of
22 birds, because some things that may seem odd in the care of
23 a bird of one species or that you might think would be
24 applicable only to one type of bird, actually can be useful
25 for other birds, too.

1 There also can be different standards that may be
2 more appropriate in different parts of the country. And
3 you don't want to limit the care of the bird to, you don't
4 want to keep people from being able to care for their birds
5 in a way that's most appropriate for the area that they
6 live in.

7 With regard to the question of how do bird
8 breeders avoid interfering with nesting and breeding.
9 Routine is one way. Birds however are highly resilient and
10 adaptable, so you don't want to make it such that they are
11 upset at most anything, but yes, strangers coming into an
12 area, anything different, people wearing caps when the
13 birds are not accustomed to seeing people wearing hats or
14 caps. Painted fingernails when the birds are accustomed to
15 only seeing regular people fingernails. Odd things can set
16 them off.

17 But bird breeders know their birds. They know
18 how the individuals behave. They know their normal
19 responses. They know about their species. And so, any
20 introduction should not be done at times when the birds may
21 be more sensitive to seeing those oddities or seeing
22 something different. When they're going to nest, when
23 they're actively laying eggs or when they're on eggs. When
24 they're preparing to go to nest or sometimes when they're
25 under medical treatment. You don't need the additional

1 stress of new things that would bring in changes that the
2 birds would see.

3 There are ways to deal with that and perhaps
4 remote monitoring would be helpful, but that's additional
5 costs and additional time that, especially given the
6 current conditions with the pandemic. People are going to
7 be experiencing financial hardship and the last thing we
8 want to do is bring even more hardship to them by bringing
9 (chimes) in regulations that require more expenditures in
10 taking care of the animal.

11 I do believe there should be exemptions for
12 smaller birds or for smaller groups of birds or some of the
13 birds that are used (chimes) in schools (phonetic) and
14 trying to regulate every bird out there is going to be a
15 nightmare. It's going to create an extreme financial
16 hardship, not only on the bird owners, but also on the
17 Federal Government. And realizing that, again, we're going
18 through a pandemic and a time when there will be additional
19 stresses on budgets. This is not a time to be adding in
20 extensive regulations. Thank you.

21 OPERATOR: Thank you, Beth. And moving on to our
22 next speaker. We have Lewis Waskey from the Organization
23 of Professional Aviculturists. Lewis, if you're on the
24 line. It looks like you might have just dropped off.
25 Please dial #2. All right, Lewis. Your line is unmuted.

1 Please go ahead.

2 MR. WASKEY: Yes, I'm Lewis Waskey from the
3 Organization of Professional Aviculturists. I'd like to
4 bring in a few points.

5 We're getting a lot of groups that are asking
6 that there be no exclusions. I don't see how that could be
7 when we have over 20 million birds in the U.S. that are
8 kept in aviculture and kept in pet homes. There's got to
9 be some kind of exclusion, you know, somebody that raises
10 one clutch of babies a year. It's not practical to
11 regulate them and they need to be excluded.

12 Also, a lot of these groups that are making
13 comments, organizations and all, they are totally against
14 animals being in our lives, birds of any kind, any other
15 animal and I think if they are, don't think that we ought
16 to be able to keep birds as pets and companions and all,
17 that needs to be considered when they submit comments that
18 we're asking for advice from organizations that don't
19 support conservation and aviculture of birds in the U.S..

20 And we really need to look at these, you know,
21 who's going to be inspected, who's not going to be
22 inspected and most states, they've got, there are lots of
23 guidelines and inspections and all for rescues, for
24 sanctuaries, for pet stores. And some states, even for
25 breeders of any type of animal and so all this needs to be

1 taken into consideration.

2 The gentleman who spoke from the budgerigar's
3 groups in California, mentioned that there are a lot of
4 people that this is just a hobby and a passion and, you
5 know, that's, they should be excluded. Falconers should be
6 excluded. There are some people that just have a couple
7 birds that they may hunt with or do educational programs
8 with and they already have state and federal inspections
9 and permits and licenses they have to adhere to. I
10 appreciate your time and again, this is Lewis Waskey with
11 the Organization of Professional Aviculturists. Thank you.

12 OPERATOR: Thank you, Lewis. And the next
13 speaker we have in the queue is Ginny Heptig from Treasure
14 Coast Exotic Bird Club. Ginny, please go ahead. Your line
15 is unmuted.

16 MS. HEPTIG: Thank you. Good evening, everyone.
17 I am from Treasure Coast Exotic Bird Club of Florida. I am
18 also a past President of the Exotic Bird Club of Florida in
19 Brevard County. And I am also a state coordinator for
20 American Federation of Aviculture.

21 I've been dedicated to birds since 1994. I have
22 grown, I was a pet owner. I still am a pet owner. I have
23 had a few pairs of birds that bred and as many people may
24 have heard that at times, birds are just like potato chips,
25 you can't have just one.

1 Now, but not having just one has to be with good
2 reason and capability of the person having the birds. Just
3 because it's fun and they think they're going to make money
4 breeding, is not the case. As someone has said earlier,
5 she's got a pair of Hyacinths and you get a couple of
6 babies out of the pair, you're doing good for the year.
7 You got your feed paid for. That's all about you get from
8 breeding a pair of birds, is their keep, by your labor and
9 food in their belly. And sometimes birds eat a lot better
10 than people, because of all the wonderful produce that we
11 feed them, especially with all these new raw diets going
12 out there.

13 Now, I'm going to go down my laundry list here
14 that I went through. Debi Goodrich brought up great
15 information from the Flight Club Foundation about
16 education. Education is so needed. Clubs all have that,
17 or other associations and affiliations have the word in
18 their mission to educate. Why is that not being done, that
19 there are so many animals going to rescues and sanctuaries.

20 Sanctuaries, to me, should be for deceased people
21 that did not designate in their will where their birds will
22 go. That is a sanctuary. Birds are used I think are all
23 for the almighty dollar especially, our lovely HSUS, that
24 does all those ads on television that make me sick to my
25 stomach. They show everything bad and nothing good, which

1 brings me to Dr. Clubb's statements regarding the
2 visualization of the health of a bird.

3 A bird has every intention of hiding that
4 sickness, because if they show any weakness in the wild,
5 they will be picked off. So, they struggle with every
6 ounce in their body, like our soldiers in war, to stay
7 alive until they can't anymore. And then, when you start
8 seeing unclear eyes and drooped wings and not standing
9 erectly, they are showing they are ill. Otherwise, they
10 look like a perfectly healthy bird, because they have to.

11 Going down, there was Apryl talking about her
12 hybrid. The harlequin, not harlequin, but the macaws that
13 she's got a hybrid now. They are a hybrid. They are not a
14 new species. It is the same thing as if you were talking
15 about a dog that, two different ones bred that are mutts.

16 And regulations, I would like to know if with
17 states having Wildlife, Game and Fish legislating things
18 with sales and exhibition, does U.S. and APHIS going to
19 view some of those guidelines to make their guidelines?
20 Because they should be uniform. USDA has to talk to the
21 state (chimes) Fish and Wildlife for parameters. Thank
22 you.

23 OPERATOR: Thank you, Ginny. And the next
24 speaker we have in the queue is Emily Lambert from AOEDL.
25 Emily, please go ahead. Your line is unmuted.

1 (No audible response.)

2 All right. And it does seem that Emily has
3 lowered her hand. The next speaker that we have here to
4 join on the line is Fran Anderson. Fran, if you are on the
5 line and would like to speak, please dial #2.

6 All right. Moving forward, the next speaker that
7 we have in the queue is Peter Stavrianoudakis from American
8 Falconry Conservancy. Peter, please go ahead. Your line
9 is unmuted.

10 MR. STAVRIANOUDAKIS: Hello, my name is Peter
11 Stavrianoudakis. I'm the President of the American
12 Falconry Conservancy. It's a long-established nationwide
13 falconry organization and I'm here to request of you to
14 exempt all raptors. Falconry birds are protected by and
15 through the Migratory Bird Treaty Act. That is an act of
16 congress created this, signed by multiple nations, to
17 protect certain species, almost all of which in the
18 falconry community, are raptors.

19 We are heavily regulated through the United
20 States Fish and Wildlife Service, a federal agency, who has
21 mandated that those regulations is promulgated down to the
22 states and their own form of regulations. We have an
23 initial inspection. We have tests we have to take. We
24 have sponsorships and mentorships that have to be met to
25 become falconers.

1 Our birds are our property. We own them. We
2 work with them. They become part of our lives. Falconry
3 is a lifestyle, not a hobby and not something you can put
4 away at will. The issue of having dual regulations and
5 dual masters is unnecessary. It also violates the concept
6 of the State Reduction (phonetic) Act. Also, for those
7 falconers that breed birds, they're breeding seasons are so
8 fragile that an unannounced inspection or inspection of any
9 kind during that could eliminate the health of potential
10 chicks, damage eggs and damage breeding pairs. These
11 breeding pairs who also are the reason why we have falcons
12 left in our country, because falconers donated their
13 breeding pairs. Putting unnecessary regulations back on
14 them, would curtail people breeding falcons again.

15 And more importantly, unannounced inspections,
16 that's a search. It's a search without a warrant. It
17 violates the 4th Amendment right of every person in the
18 United States. You can't enter into people's homes or
19 their curtilage without a warrant. The idea of I'm going
20 to search you to see if you broke a rule versus you've
21 broken a rule and now, we're going to gather evidence for
22 it with a search warrant. It is unconstitutional.

23 The concept of having a permit, a requirement for
24 a permit to give up one of your first basic 10 Amendment
25 rights is ludicrous. You can be a drug dealer and have a

1 right to a warrant, but if you have a parrot, you can't?
2 No, no. You're suggesting that in order to protect birds
3 that we, as humans, and citizens give up our constitutional
4 rights to have the love of a bird in our home.

5 And American Falconry Conservancy carries many
6 members, not just in the United States, but internationally
7 as well. We have fought for the rights of falconers and
8 now, we're fighting for the rights of all bird owners. The
9 government has no right to come into your home. You're a
10 little backyard breeder with a couple of pairs of birds
11 that you love and enjoy seeing bring eggs and babies and
12 enjoy their lives. The government has no business in your
13 home (chimes) and your yard. Is that my four minutes or is
14 that the signal? Thank you.

15 OPERATOR: Thank you, Peter. And moving on to
16 the next speaker. We have Nancy Blaney from the Animal
17 Welfare Institute. Nancy, please go ahead. Your line is
18 unmuted.

19 MS. BLANEY: Thank you. This is Nancy Blaney
20 from the Animal Welfare Institute. And I have listened to
21 all of the listening sessions and there are two main points
22 that have been made by those who are arguing against any
23 regulations that I think really need to have attention
24 called to them.

25 One is that there should be exemptions, numerous

1 exemptions for different species for different reasons and
2 there should be no double standard under the Animal Welfare
3 Act for the animals that are covered. Just because birds
4 might be covered or not covered by some other regulatory
5 regime, whether it's state or federal, that does not
6 matter. That does not mean that they don't deserve the
7 additional and different protections that are offered under
8 the Animal Welfare Act.

9 Other animals that are covered by the Animal
10 Welfare Act are also covered by other federal and state
11 laws, whether it's dog breeders that are covered by state
12 regulation, whether it's animals in zoos that are also
13 covered by the Endangered Species Act. That does not mean
14 that they are not entitled and require coverage by the
15 Animal Welfare Act.

16 And the other is, oh, there's only a couple of
17 birds. Somebody who's only breeding a few clutches,
18 etcetera, etcetera, we hardly have any. That is why the de
19 minimis rule was set up. In fact, that's one of the
20 reasons USDA has dragged its feet for so long on finally
21 getting around to the bird regulations was waiting for de
22 minimis, waiting for de minimis. Well, now that you have
23 it, it has to be applied equally and without, again without
24 a double standard in this case. So, there's already a
25 mechanism set up for taking care of that.

1 So I think that the, arguments that are being
2 made for making these exemptions are very specious and
3 again, the law requires that all animals be treated alike
4 and that includes birds being covered, regardless of
5 protections or coverage under other laws. Thank you.

6 OPERATOR: Thank you, Nancy. Moving onto the
7 next speaker. We are going to pass Debbie Goodrich, as she
8 has already spoken earlier in the call. So, we're going to
9 go straight to Steven Duncan from Avian Resources, National
10 Avian Welfare Alliance. Steven, please go ahead. Your
11 line is unmuted.

12 MR. DUNCAN: Hi, this is Steve Duncan. The
13 lawsuits that are now forcing the USDA to regulate birds
14 under the Animal Welfare Act were brought by organizations
15 that ultimately opposed to keeping birds in captivity.

16 These groups claim to care about the welfare of birds
17 but bringing birds under regulation will not affect the
18 majority of those who keep birds in inadequate conditions.
19 Mainly, people who hoard and neglect birds instead of
20 selling them or placing them in better homes.

21 The USDA and Animal Welfare Act are being abused
22 to make it more difficult for aviculturists and to make our
23 information public, so we can be targeted further by these
24 groups. This is not the spirit nor the intent of the
25 Animal Welfare Act.

1 The USDA must take this into account, now that it
2 is being legally forced by these groups to develop
3 regulations. It is impossible to create engineering
4 standards appropriate for avian diversity and the many
5 unique avian behaviors. For example, hornbills seal
6 themselves inside very small nesting cavities for months
7 with very little room to move about. This is completely
8 natural. Meeting minimum standards of care should not be
9 determined by specifics, such as enclosure dimensions, but
10 should be evidenced purely by performance standards, the
11 presence of healthy birds and of facility.

12 Birds are notoriously sensitive to unusual
13 occurrences and unfamiliar people entering their
14 environment. Aviculturists are very careful to maintain
15 routine activity around their aviaries. Inspections may
16 not be feasible or safe in many cases. To ignore this fact
17 would be to put birds at risk of death or injury, which is
18 counter to the goals of the Animal Welfare Act.

19 Retail sales of birds should remain exempt, but
20 exemptions must go beyond that. Most aviculturists pursue
21 the craft as a hobby. These hobbyists often sell offspring
22 to dealers, which is considered wholesale trade. For
23 inexpensive birds, the number sold would often surpass
24 existing de minimis levels even though the total dollars
25 would be minimal. Likewise, some hobby breeders of

1 expensive birds may sell one offspring for more than
2 \$10,000 thus far exceeding the de minimis dollar amount
3 with just one sale.

4 The USDA should not be in the business of
5 inspecting every garden aviary or hobbyist. This would
6 unnecessarily divert USDA resources from the responsibility
7 it already has to currently licensed facilities.

8 The Animal Welfare Act is intended to establish
9 minimum standards of care for the animals in the pet trade
10 and exhibition and transportation. Aviculture goes far
11 beyond the pet trade. Birds, such as raptors, dracle's
12 (phonetic), hornbills, pheasants and waterfowl, are largely
13 kept by individuals working to preserve their numbers,
14 since most cannot be imported and some also have dwindling
15 populations in the wild. There has been no demonstrable
16 need to regulate such facilities.

17 Sadly, many of these already rare birds' species
18 are experiencing population declines in the U.S. due to the
19 increasingly difficult (chimes) regulatory environment at
20 local and state levels, as well as challenges in shipping
21 birds to other aviculturists to manage limited bloodlines.

22 Animal Welfare Act regulations should not add to
23 the burden already strangling the efforts of private
24 aviculturists to preserve these rare and often endangered
25 birds. I'm involved with ASA, the Avicultural Society of

1 America, the Organization of Professional Aviculturists
2 (chimes) AFA and the National Avian Welfare.

3 OPERATOR: Thank you, Steve. That is our last
4 speaker that's on the queue at this time. If you would
5 like to make a public comment that's not on the queue,
6 please dial #2 on your telephone keypad.

7 Caller, your line is unmuted. Please go ahead
8 and state your name and comments.

9 MR. ROBINSON: Hi, this is Clyde Robinson, I'm
10 owner of Avian Empire. I just wanted to touch on some
11 stuff that's been brought up in some of the past comments.

12 So. I'm going to get started. Again, I
13 specialize in wild waterfowl, but this may pertain mostly
14 to wild waterfowl, but it applies to other birds as well.

15 As previously indicated, many bird species are
16 currently under some form of government regulation. More
17 unnecessary regulation may lead to financial hardship and
18 the disappearance of many rare species. Therefore,
19 exemptions should be considered.

20 While there are many, while there are some
21 examples of abuse or neglect in bird exhibits as previously
22 stated, the definitions of neglect need to be clearly
23 defined, as current interpretations are often subjective
24 and arise from misaligned anthropocentric views and
25 emotions. For example, although visibly ugly a waterfowls'

1 pond may be aesthetically unappealing to the human eye,
2 rarely do they lead to health issues in waterfowl.

3 Typically, waterfowl are free to perform natural
4 behaviors in aviary situation. Waterfowl as well as many
5 other captive specimens are in essence provided a near
6 fundamental niche and are not presented with the same
7 challenges as wild counterparts.

8 Many birds today in aviculture, the exhibits in
9 aviaries contain captive bred wild birds. These birds are
10 frequently imprinted or have adapted and have developed
11 neutral and often strong bonds with the humans. Therefore,
12 there's no reason to exclude public contact with birds in
13 any exhibit situation.

14 The U.S. Fish and Wildlife Service requires
15 migratory waterfowl be marked in various manners, which may
16 include something of the hind tail or pinioning typically
17 done in early age before full calcification of the bone and
18 development of the nerves.

19 Although our facility shies away from leg bands,
20 since they tend to break birds' legs on occasion and cause
21 other injuries, we typically use wing bands. And our
22 facility does not pinion birds, but there's circumstances
23 where pinioning plays an important role. For instance,
24 pinioning is often used in enclosures for larger birds to
25 reduce the possibility of plucked birds flying into the

1 side of an enclosure, which could result in an injury or
2 even death.

3 Additionally, any birds kept in an open pond
4 should be pinioned in order to prevent escapees from
5 establishing feral or evasive populations or spreading
6 disease to local populations if there's a disease in the
7 flock.

8 Since waterfowl undergo a period of flight-
9 lessness every year, pinioning has minimal or no effect on
10 the physical or emotional wellbeing of the birds. The need
11 for wild caught birds used for research needs to be
12 evaluated on a case by case basis.

13 The U.S. Fish and Wildlife Service reviews all
14 applications for the collection of North American birds for
15 any research purpose. U.S. Fish and Wildlife Service and
16 National Poultry Improvement Plan requires record keeping
17 for waterfowl keepers, as well as many other bird species.

18 Clearly, our captive specimens are wild by
19 nature, but they are domestic by nurture. Many captive
20 birds have developed special bonds or mutual relationships
21 with human caretakers.

22 Lastly, several species, not to mention those
23 which mutations are bred from, have undergone clear
24 instances of selection, not natural selection, but
25 artificial selection, which has resulted in circumstances

1 of higher incubation success rates, increased egg
2 production (chimes) etcetera. All creates this domestic
3 versus wild.

4 Lastly, one third of all waterfowl species are
5 threatened or endangered. Additional regulations will
6 hamper many conservation initiatives which will result in
7 less numbers and possible future extinctions and that goes
8 for a lot of other different groups of birds as well.
9 Thank you for the opportunity to speak.

10 OPERATOR: All right. Moving forward, next
11 caller, your line is unmuted. Please go ahead and state
12 your name and comments.

13 MS. TRAVIS: Yes, my name is Nancy Travis. I'm
14 from Miami-Dade County, Florida. I've had birds since the
15 1950's.

16 And for 40 years, I have tried to change
17 legislation to protect parrots sold. And that means, like,
18 the flea markets, you know, and we have birds that fly free
19 in Miami. They are from the import station, the offspring
20 of the import stations escapees or whatnot. And they are
21 shot down with net guns. Their feet break and if they
22 survive that, they are sold to unscrupulous pet shops that
23 shove them in little cages, stuff macaws together, no food,
24 no water, in intense heat and its egregious treatment.

25 It doesn't take an avian specialist or a

1 veterinarian to see this is cruel. And yet, you go to Fish
2 and Wildlife Commission and it's, they do nothing, because
3 they say get us laws. You know, all birds should be
4 protected. But our native birds basically have protection.
5 But what about birds from other countries that were ripped
6 out of their environment? And they come here, and they
7 have no protection whatsoever. And that's wrong, because
8 there are a lot of backyard breeders here. There are flea
9 markets that, it's just intense the cruelty. And I believe
10 that anyone, retail, selling birds, should be regulated.
11 Thank you.

12 OPERATOR: Thank you, Nancy. Next caller in the
13 queue, your line is unmuted. Please go ahead and state
14 your name and comments.

15 MS. HEPTIG: Yes, I was able to sneak on again.
16 This is Ginny Heptig from Treasure Coast Exotic Bird Club.
17 I'll be very brief, because I did get my time before.

18 I got away with my passion to neglect to speak of
19 the numerous colonies of birds that are coming up across
20 the country. I got educated at a beautiful expo out in
21 Seattle, given by the Flight Club Foundation. And Danny
22 Sigmond (phonetic) had mentioned about all the parrots that
23 are now colonizing in the states, because I was under the
24 impression there weren't that many, except for the
25 Telegraph Hill amazons and the Blue Crown Conures and the

1 Quakers here in Florida and now the Quakers are spreading
2 up in New York and I hear their getting over near the Great
3 Lakes.

4 We are going to need some regulations on
5 protecting our wild parrots. Florida Power and Light come
6 across the power -- the Quakers build their nests, as
7 everybody knows, they make apartments, they don't make a
8 nest. They have a front room and then, they have the
9 nursery in the back where the nest is, where they actually
10 hatch.

11 And the power workers have to tear down the nests
12 and make no regard most of the time, if there are live
13 animal babies inside when they throw it or use a stick to
14 knock it out or that they just snatch them up and then,
15 thank goodness one group brought a bunch of babies to a
16 rescue not too long ago and she was able to finish rearing
17 the birds to fledgling and then they were adopted out. So,
18 thank goodness for that, but that's one case that I heard
19 of, in many cases that it's just too late.

20 So, we do need some kind of watch out for what's
21 going on. I hate the smuggling where Nancy just mentioned.
22 That's the only way they're getting birds in, because
23 Society's got the finger on the rest of it. So, we've got
24 to get rid of those smugglers and we're going to have the
25 same situation here, if we're not careful.

1 And the breeders at home are most of the time
2 helping the conservation of the progression of keeping
3 birds becoming extinct, because that is becoming more of a
4 problem with these smugglers and whatnot out in the wild
5 than it is having your backyard breeder so to speak here,
6 because if it wasn't for breeders that were able to
7 intermingle their stock with other people with the same
8 type of stock, to keep the breed clean and clear as it
9 should be in the outline of the species.

10 We're going to have hybrids like crazy. I'm not
11 against them, I owned one. But a hybrid is a hybrid, and a
12 purebred is a purebred and that's what we're trying to
13 conserve right now, because some places just can't. The
14 Puerto Rican parrot has been tested and tested these last
15 number of years with all the hurricanes, how much more can
16 they take.

17 I mean, the two men down there in their places
18 are working to the bone trying to get these birds to be
19 able to have babies to release back out in the wild and
20 they were doing well (chimes) until Maria. So again, thank
21 you now again for putting up with me and my passion, but as
22 you can see, birds are very important in our lives and
23 education, education, education clubs, get to it. AFA is
24 having a conference this weekend. Please check it out.
25 Thank you.

1 OPERATOR: Moving on to the next caller in the
2 queue. Caller, your line is unmuted. Please go ahead and
3 state your name and comments.

4 MS. MCCARTHY: Hi, my name is Eileen McCarthy,
5 and I founded a parrot adoption program and sanctuary in
6 1999. I also worked at the Avian Welfare Coalition, the
7 Association of Sanctuaries and the Global Federation of
8 Animal Sanctuaries.

9 I have been working on standards for the, for
10 the good welfare in the care of birds since 1999. We don't
11 need to invent the wheel. The main thing that I want to
12 say is that it is not anyone's right to share their lives
13 with another species. It is certainly not a constitutional
14 right. And is not protected under any laws, but it's about
15 time that birds were protected.

16 I don't believe that there should be any
17 exemptions. Welfare is not something that's diminished
18 because your size, the size of the species is smaller or
19 the size of the facility or how many birds are being kept.
20 None of that makes any difference when we're talking about
21 welfare.

22 What we are trying to do here and what I have
23 worked on for years and what exists in many forms, from the
24 model of avicultural program to the Global Federation of
25 Animal Sanctuaries to comments submitted to USDA. There,

1 it's just because it's difficult and because each of these
2 birds are different species and they're not like dogs or
3 cats, because it's difficult is not a reason to not work on
4 this.

5 These birds deserve protection, and they deserve
6 protection from even the USDA, who has notoriously gone and
7 gassed Quaker parrots who are living in free flying
8 populations in the United States. Granted, they are exotic
9 animals, but they deserve protections. I don't think there
10 should be exemptions for anyone.

11 There's no such thing as an education animal.
12 There's no such thing as falconry. It's all a construct of
13 human desires. And many aviculturists, including some
14 involved in these comments, are abusive. I have witnessed
15 it firsthand. There are not other laws. Animal control
16 and local and state laws do not protect birds. They have
17 no idea what they're looking at. I've gone on many law
18 enforcement confiscations and it's heartbreaking.

19 So, there are people involved in these comments
20 who are violators of what I consider to be the best
21 interest and the welfare of birds. The problem here, in
22 most cases, is captivity itself. That is the problem. So,
23 it is incumbent upon us to do the very best that we can.
24 Although, it was always be willfully inadequate.

25 I want to concur with comments made by Nancy

1 Blaney, Dr. Lidner and Ingid Taylor. That absolutely there
2 should be no exemptions. We have Animal Welfare Act that
3 covers other animals, and nobody is, the government is not
4 coming into anybody's homes and telling them how to take
5 care of their pets. But we need to have the laws and the
6 regulations on the books for those cases when there is
7 egregious abuse or welfare that is detrimental to the
8 birds. This includes breeders and the birds are not nearly
9 as fragile as the breeders are making them (chimes) out to
10 be.

11 In my facility, we have birds laying eggs all the
12 time, even though we didn't want to and tried to do
13 everything we could to stop the breeding, changing the
14 light, changing their diet. So, they're not that fragile.
15 I would like, I appreciate the chance to make these
16 comments, but I ask everyone to please keep in mind, we are
17 talking about the welfare of the birds where there is no
18 regulation and other animals (chimes) do have it. It's
19 about time birds were regulated.

20 OPERATOR: Thank you, Eileen. And moving on to
21 the next caller. Caller, your line is unmuted. Please go
22 ahead and state your name and comments.

23 MS. FEINSTEIN: This is Daria Feinstein from
24 Miami, Florida. I'm a board member of the Bird Lovers
25 Club. But you can, please, I agree I want to focus on that

1 birds deserve our protection and there should be no
2 exceptions to the rule.

3 I'd like everybody to go to google parrots in
4 peril Miami. We have a multimillion-dollar black market in
5 poaching of parrots in Miami. 44 macaws were written about
6 by Bill Pranty (phonetic) we're down to 11. 150 endangered
7 red crown parrots have disappeared. We've had millions of,
8 I mean, not millions, but many, about 100 or 200 of conures
9 poached.

10 It is a huge terrible bad business down here.
11 And the pet stores that sell them are despicable because
12 not only do they keep them in horrible vile conditions, and
13 the birds are glued. They're shot. They're, you can go to
14 an LWRN Birds of Prey, just put in Birds of Prey South
15 Florida poaching of macaws and they show the birds being
16 shot with net guns. They show the birds being glued, they
17 glue around the nest area with Tagum and capture the birds.
18 The tree trimmers go ahead and take the birds. It's an
19 organized ring down here.

20 Just yesterday, they caught 3,000 trapped birds
21 in Tampa and smuggled here illegally. And there's nobody
22 to protect them. There's nobody to close down. We've been
23 trying so hard to get this, these pet shops that deal with
24 illegal and smuggled birds. We need to and they closed,
25 and we can't do it. They open up, they've actually opened

1 up as a sanctuary. They've opened up as, they have 5,
2 they're all linked into joint ventures and under different
3 names.

4 It's just, we can't shut them down, because their
5 exempted from the Animal Welfare Act. We call animal
6 control, and they say, oh, we don't deal with birds. I
7 call the ASPCA, we don't deal with birds. I have tried, I
8 was on the line today with Senator Peezo (phonetic) who is
9 trying to sponsor, bird sanctuaries don't protect laws do
10 not protect them, because it's a misdemeanor and they don't
11 enforce it. I've actually had, I've been seeing the wild
12 parrots.

13 Go and see parrots in peril Miami. It's on
14 google. It's an eight-minute National Geographic
15 documentary that shows what's happening to our wild birds
16 and it's just not wild birds, it's just not parrots.
17 They've also had an article in Autobahn about the five, the
18 black market, million-dollar black market, it's a ring that
19 they broke up in Miami. There are just, it's just
20 unbelievable the stuff that goes down here.

21 It's trafficking. It's wildlife trafficking.
22 South American countries do a better job than we do in
23 protecting our parrots. We need this (chimes) regulation,
24 okay. We need this regulation to protect our birds. Okay.

25 OPERATOR: Thank you, Daria. Next caller in the

1 queue, your line is unmuted. Please go ahead and state
2 your name and comments.

3 MS. BROOKS: Hi, my name is Sally Brooks. I'm in
4 Jupiter. And I can't agree more with the previous callers.
5 I mean, this is outrageous. The birds have less legal
6 protection than almost any other animal. And they are the
7 most intelligent species.

8 I'm going to talk; I just have a couple of
9 points. We are hearing all these breeders and what I don't
10 understand is we don't care about local breeders that, you
11 know, have a few birds that may be taking good care of
12 them. I'm referring to these bird mills, just like puppy
13 mills. These bird mills that are hidden in remote areas.
14 No one knows about them and all it takes is a \$25
15 application fee to get a permit. And they don't even need
16 to do that. If they just say that they're personal pets.
17 Personal pets you can have 1,000 birds that -- the whole
18 system is just, is just so backwards.

19 It's hard to fathom what goes on. These, I'm
20 referring to 1994, I believe, the laws (Technical
21 Interference) he was an importer and so-called smuggler of
22 birds, and no one knew about him. He didn't get an
23 inspection. He had over a thousand birds there and he went
24 missing, foul play involved, what have you. And those
25 birds were sharks (phonetic) I saw the condition of those

1 cages when they finally brought them into animal care and
2 control. And the reason a lot of those birds died is
3 because of this red tape.

4 These people that, it wasn't, it was the delivery
5 truck driver of the seed company that dropped the food
6 down, the bags of food that weren't being picked up and he
7 got, and he sounded the alarm, but it went around in
8 circles. First, he called the sheriff's department. They
9 said they don't work with birds. Their jurisdiction to
10 follow through with animal cruelty. Then, they suggested
11 he call animal control.

12 It went back and forth. Animal control heard the
13 words parrots, birds, no it's not our job. Go to Fish and
14 Game. Well, Fish and Game when they finally called,
15 meanwhile the birds are starving and it was about 11 days
16 actually, before they finally got through. And the reason
17 they didn't, Fish and Game said, we don't have, by law, to
18 go into this.

19 So, it went back again to the sheriff's and
20 somehow, they figured out it would be a misdemeanor if the
21 birds were starving and they got in. And what they saw was
22 horrible, okay? This is something that happens that nobody
23 knows about. Like I said, I'm not talking about these
24 little breeders that may be raising birds in their home or
25 what have you.

1 These are big bird breeders that just don't care
2 about the birds, it's all for profit. I saw the cages.
3 There's nothing in them. No perches, there was nothing.
4 They feed them low class food and that's it. There's no
5 medical treatment (chimes) the birds are in small cages and
6 that's the life of it and I'm telling you, I get upset over
7 this and I apologize, but it's very personal to me. I have
8 2 of them from the auction. And that was 26 years ago and
9 nothing's changed. And it's about time that somebody
10 starts speaking up for these birds. Thank you.

11 OPERATOR: Thank you, Sally. And moving on to
12 the next caller. Your line is unmuted. Please go ahead
13 and state your name and comments.

14 MS. MILLER: Hi, my name is Apryl Miller from
15 Legislative Rights of Parrots. I know I spoke earlier, but
16 there were some legal statements made that were not correct
17 and I really think they need corrected. I do have my law
18 degree. I have my JD (phonetic) that's the only reason I'm
19 saying this.

20 It was brought up by one of the falconers about,
21 it's a violation of our 4th Amendment right of freedom from
22 being searched in the privacy of our home and that you must
23 need a search warrant. Well, actually, no you don't.
24 There are things called exigent circumstance and other
25 rules that make exemptions for not needing a search warrant

1 in a home, so one.

2 Two, nobody in legislative for rights or anyone
3 I've heard in these three listening sessions is trying to
4 bust down your door and run into your home. What we are
5 all saying, those who are here for the regulations, is what
6 is constitutional which is the Federal Government sets the
7 floor of what we have as rights. The states can give us
8 more protection.

9 We are simply asking USDA as a federal agency to
10 set the regulations as the floor, so that other agencies in
11 the states, such as animal control, have a base to work off
12 of and can use that and implement it or add further
13 protections they believe are necessary. But I still keep
14 hearing people saying and so I just heard Nancy and the
15 person right before, I didn't hear her name, both state
16 that that's not how it works. You go to the police; the
17 police send you to animal control. Animal control can't
18 help, so then they send you to Wildlife Fish and Game.
19 Wildlife Fish and Game, sends you back to animal control.
20 This is how it is in multiple states.

21 Legislative for Rights of Parrots have already
22 set, a written set of standards that we presented to the
23 Nevada Senator that went to Washington D.C. because of
24 this. Arizona has this problem. Michigan, this is a
25 national problem. When it comes to smuggling, this year

1 alone, New York and Canada caught a gentleman from the
2 state of Pennsylvania smuggling across the Canadian border
3 birds that, and he was going to drive state to New York.
4 He already has buyers lined up. We have smuggling across
5 the Arizona border. We have smuggling in California in the
6 southern border. We have smuggling in Louisiana. We have
7 smuggling in Florida. And I hear a lot of aviculturists
8 say, well, that's because we're, the restrictions on
9 breeding. No, it's because of the almighty dollar.

10 People are like well, if they could get a bird,
11 there's thousands of birds they could get. There's
12 thousands of birds in sanctuaries and in rescues. It's not
13 that there's not birds. People want the pretty bird, the
14 baby bird, even if they don't understand the consequences
15 and these people are making money off the innocent lives of
16 these birds, many who are wild caught, who have no
17 understanding. Who have lived in their colonies or lived
18 with their species and are suddenly uprooted, passed in the
19 worst containers you've ever seen and illegally smuggled.

20 So again, it is about the best interest and I
21 want to compare this to a case in Michigan to bring
22 forward. And I want to say it was four years ago, we had
23 an African grey that they were going to have testify in a
24 (chimes) murder case and they brought in experts showing
25 the intelligence. These birds are intelligent as a four-

1 year-old child. We do the best interest for children under
2 the law, why are we not doing the best interest for these
3 birds with the same intelligence. Thank you.

4 OPERATOR: Thank you, Apryl. And moving on to
5 the next caller. Caller, your line is unmuted. Please go
6 ahead and state your name and comments.

7 MS. GOODRICH: My name is Debbie Goodrich. I'm
8 the President of Flight Club Foundation, a 501 c 3
9 nonprofit organization that specializes in education
10 regarding anything avian, specifically specializing in
11 psittacines and parrots.

12 I did testify earlier and wanted to add a couple
13 more comments on to it that were missed, mainly more so
14 that I am also a professional member of the ABMA, the
15 American, sorry, the animal, Animal Behavior Management
16 Alliance and I'm also a part of IABC, which is the
17 International Animal Behavior Consultants and also, IAATE,
18 which was mentioned earlier, which is a very good
19 professional organization to reach standards.

20 And I would like to contribute any form of
21 standards that are possibly created under this act, should
22 it move forward into the standard creation, as I do agree
23 that there should be some form of standards, yes. But
24 unfortunately, due to the very varied nature of, even just
25 parrots alone, much less softbills, much less horn bills

1 much less ducks, it's really hard to have a serious, solid
2 platform that we can base everything off of. And of
3 course, the different species needs and all those kinds of
4 things.

5 We have a fine example of another fellow
6 professional, who had a Galah cockatoo and the bird was
7 blind in one eye and others do, people were there, and they
8 gave the bird enrichment. It's caused the bird to lose its
9 other eye. So just because we think enrichment is
10 necessary, it doesn't mean that that animal right there
11 right then needs that kind of enrichment and it might even
12 cause the animal to be harmed in pursuing said enrichment.

13 Same thing if you have the wrong kind of
14 enclosure, either too small or too large, can again cause
15 the animal to have injury, because solely due to the type
16 of enclosure. So those kinds of things need to be
17 considered when we are doing these types of summaries and
18 definitely without fail, rescues have been totally exempted
19 every single time in mammals and I'm tired of it. I'm
20 tired of them being able to say, oh well rescues, can get
21 their dogs and cats from wherever they want whereas, you
22 know, retail has to have, like all their pedigree,
23 everything in their background for all these puppy mills
24 and vans and things that they're doing. And yet, in
25 testimony this past January, there was a rescue group, it

1 was a dog group, that says we get our dogs from auctions.
2 And there's absolutely nothing that's regulating those
3 auctions as to where those dogs are coming from.

4 So, we can clearly see a very significant bias
5 and it's unfortunate, because we definitely need welfare
6 for our animals. We all agree that the welfare is
7 necessary. However, we need to make sure it is on a level
8 playing field that everybody is regulated the same way, as
9 far as when it comes to the type of organization at the
10 very least.

11 Yes, I think there should be, maybe possible
12 exemptions, but every single time we do, there's a loophole
13 that's formed and it becomes a major problem. So that is
14 why it goes back to the idea that having a general platform
15 of welfare, when it comes to birds, is extremely difficult
16 at best. And here is my quote from me, the requirement of
17 such a thing by the Animal Welfare Coalition is not looking
18 for the welfare of animals in care, so much as increasing
19 the difficulty and complexity of ownership to drive
20 ownership desire down.

21 I'm sorry, but when you have huge, huge things,
22 like parrots confidential that comes out of a documentary,
23 it goes to mainstream, and it tells every single owner that
24 they are guilty of owning a parrot. That's going to tell
25 everybody's who's owning a parrot to get rid of their

1 parrot, because they're not happy except in a sanctuary.
2 That's why we have sanctuary problems to this day. And
3 that is a very significant problem. Nobody is going to the
4 IAABC and saying, hey, I'm having a problem with my parrot.
5 We get maybe five percent of the population of people who
6 own parrots that are actually even bothering (chimes) to go
7 to a behaviorist.

8 So I think it's really important that these
9 things are also used when managing welfare issues and
10 they're not, they're very underutilized and I also train
11 human resources and I also train humane officers to help
12 capture parrots and also help them learn what is the needs
13 for parrots, too and have done legislation in Washington
14 state. Thank you.

15 OPERATOR: Once again, to make a public comment,
16 please dial #2 on your telephone keypad. Next caller in
17 the queue, your line is unmuted. Please go ahead and state
18 your name and comments.

19 MS. WOODMAN: Hi, my name is Connie Woodman. I'm
20 a, I do wildlife rehabilitation and I've done breed and
21 release of birds under government permit for releasing to
22 the wild in the United States to rebuild dwindling
23 populations. And I also breed birds for commercial sale.

24 I own birds as pets and as breeding pairs. And
25 definitely an issue for this is the 10,000 species of birds

1 that are out there and the high individual variability,
2 ranging from a poorwill, who will effectively hibernate for
3 three months with no food or water under a pile of rocks or
4 shipping a hummingbird for a conservation breeding program
5 in a block of foam with its head sticking out. Practices
6 that are necessary for some of these species would easily
7 be regulated out of existence with regulations that are too
8 general.

9 One of the things I did want to point during the
10 listening session is, for best management standards, we do
11 need to consider coparenting of human socialized birds.
12 There are animals who are really well adapted to being with
13 people and when we have best practices that avoid
14 interfering with their biological activities, well for a
15 pair of birds who's heavily socialized where they pull me
16 the nest box with their beaks and I can handle the eggs
17 without even the mom moving, I don't want to lose that
18 ability. So that, you know, that's care for a wild bird or
19 a commercial breeding birds, because we over regulated.

20 The last thing I wanted to bring up is could we
21 do distance inspections if we're going to USDA inspections.
22 If someone doesn't have any hits against their record and
23 with trying not to bother, say a fragile breeding colony
24 with babies, if we could do like a phone inspection, where
25 we send you some video with the GPS and current data is

1 meta data, then you could see things like the feeding or
2 the husbandry practices. They're going to be very hard to
3 line up with the presence of the USDA inspector, especially
4 for species that don't eat every day or species that maybe
5 they're fed in a very particular way or won't eat when
6 someone's present. So, you guys won't be able to see the
7 presence of food dishes. Thank you.

8 OPERATOR: Thank you. Moving on to the next
9 caller in the queue. Caller, please go ahead. Your line
10 is unmuted. Please go ahead and state your name and
11 comments.

12 MS. WILLIAMS: Hi, my name is Gail Williams. I
13 am a backyard breeder and I've been listening in on all
14 three of these things and all I hear is these big companies
15 talking down to the little breeders. The little breeders
16 aren't the ones that are giving the problems, it's the big
17 breeders.

18 Most of these people that breed birds don't make
19 any money off of it. It is a hobby. My hobby started when
20 my doctor told me when I went on to disability that I had
21 to find a hobby. Without this hobby, I wouldn't get up
22 every day. These birds get me up and they get a better
23 life than what I do. I don't know how you're going to go
24 out and do this on these small-time breeders that don't
25 make any money but do this for the love of the birds to

1 hear these people put them down. This is not right.
2 That's all I have to say. Thank you.

3 OPERATOR: Thank you, Gail. Moving on to the
4 next caller in the queue. Caller, your line is unmuted.
5 Please go ahead and state your name and comments.

6 MS. SCHWEIKARDT: Hi, my name is Deborah
7 Schweikardt. Thank you for giving me the opportunity to
8 speak. I've worked in this bird industry since 1984, all
9 just about every aspect of this field, mostly retail. And
10 the callers who say that retail sales of birds and stores
11 are not regulated. They have zero to no idea of what they
12 are talking about and even less about commerce.

13 As I totally respect vets and rehabbers, they are
14 in the business of seeing much of the worst cases out
15 there. Is this the norm? Absolutely not. Along with
16 this, you have organizations who feel we shouldn't have
17 birds as pets and then, they sue our government and then,
18 this is what you get. Regulations that are trying to
19 encompass a vast amount of different species of birds and
20 for what reason? It sounds like the cart is being put
21 before the horse.

22 I hear people talk about sanctuaries being
23 overrun. Let's be real clear about sanctuaries.
24 Sanctuaries don't rehome their birds. Most actually
25 receive monthly money coming from the people who put them

1 there. Since these regulations are going to be negligent,
2 inept and meaningless at best, I suggest that all birds are
3 exempt.

4 With many aspects of our lives today, we are
5 seeing bad actors out there playing within our lives. Does
6 that mean that this is the norm and that we shouldn't
7 regulate ourselves out of being able to love and appreciate
8 these animals out of our lives, just because of a few bad
9 players? I agree with Debbie Goodrich that this is just a
10 pathway to losing our right to have them.

11 People are passionate about their birds. more
12 than you know. I would hate to see the chaos on your hands
13 brought on by this ridiculousness. All bird lives matter.
14 Thank you.

15 OPERATOR: Thank you. Once again, dialing #2 on
16 your telephone keypad will indicate that you wish to make a
17 public comment. And moving on to the next caller in the
18 queue. Caller, your line is unmuted. Please go ahead and
19 state your name and comments.

20 MS. MCCARTHY: Hi, this is Eileen McCarthy again.
21 I just had one last comment in response to some of the
22 other participants comments about conservation.

23 And birds that are in captivity and are
24 endangered in the wild are 99 times out of 100 they are
25 never going back to the wild. They are not contributing to

1 conservation. There are very few programs that are
2 legitimately breeding any kind of any species of birds in
3 captivity for release into the wild.

4 And we can debate this all day, but as to whether
5 or not it's worthwhile to preserve species, if they can
6 never live as they evolved to live in the wild, in nature
7 and that they only live in zoos and sanctuaries and
8 people's homes. But the point being that the breeding of
9 those birds has absolutely nothing to do with conservation,
10 zero. There are a few programs with Puerto Rican parrots
11 that were, there have been other programs in Australia,
12 very few here, with big billed parrots. It was a disaster,
13 and these are legitimate conservation programs with money
14 and resources.

15 So, I want to just reiterate that those who are
16 saying that they are breeding these species and keeping
17 them in order to conserve the species, that is absolutely
18 not happening. That's just one more thing to throw in as a
19 reason why it's okay to have birds. And once again, we
20 have no inherent right to own any animal at all. And
21 that's really my final comment. Thank you.

22 OPERATOR: All right. Thank you, Eileen. Moving
23 on to the next caller in the queue. Caller, your line is
24 unmuted. Please go ahead and state your name and comments.

25 MALE VOICE: Hello, can you hear me?

1 OPERATOR: Yes, we can. Please go ahead.

2 MALE VOICE: This is Mike. I'm hearing all these
3 conversations and I'm really sad with what I'm hearing. It
4 saddens me deeply that USDA encourages animal rights to
5 criminalize bird ownership. Bird ownership is something
6 that culturally exists for thousands of years. Birds have
7 been bred for meat, for eggs, for hunting, for different
8 other things, for pets, songbirds and everything else.

9 So there's about 10,000, 9,000, I don't even know
10 how many species are out there, but in order to regulate
11 10,000 species of birds, you have to have a specified
12 standard for each one of them of the 10,000 species, which
13 I don't think is practical. Theoretically, maybe but in
14 reality, if you have regulations for 10,000 birds, you are
15 setting up to terminate bird ownership. You are setting up
16 to terminate any kind of breeding and to just apply the
17 animal rights political agenda across the United States.

18 I think this is not right. So, I think we should
19 exempt every single bird from those regulations. Every
20 single bird has to be exempt, unless if the breeders choose
21 not to. And if you really want to enforce regulations, you
22 start to tell those animal sanctuaries or whatever they are
23 called, those rescue centers or anything similar to that.
24 So, if you want to regulate something, let's start with
25 that. Let's start with animal shelters and bird

1 sanctuaries or whatever they are called.

2 I think this is something that has to stop,
3 especially in this time of year. Bird breeders and bird
4 people that they have one, two, three thousand, millions or
5 however many birds they have. They own them. They're
6 their property and that should be treated as such. So,
7 what I'm trying to say here is that this has to stop. This
8 is a -- we can't support only for most vegan and animal
9 right groups agenda. It does not apply to the rest of us.

10 Most of us that have one bird or however many,
11 they are not online. Online is dominated by animal right
12 groups. So, USDA choosing to have this type of comments
13 online and open to the public only opens the door to one
14 side, to the animal right groups.

15 Most animal breeders are not online. Facebook
16 doesn't even allow animal sales. There's nothing for the
17 bird breeders to go online for. So, there's millions of us
18 that are not online. There's millions of us that come from
19 a different country that culturally lived with birds our
20 entire lives. Nobody has the right to take the human right
21 away to own an animal, to own a bird, to own property.

22 So, to that extent, I will be glad to propose to
23 exempt all birds and put a permanent stop to those
24 regulations. Permanent stop, so new generations can enjoy
25 the song of a canary. So, new generations can enjoy their

1 beautiful birds. So, new generations and birds can exist.
2 They can see baby birds hatching. Kids can educate
3 themselves by actually seeing birds and owning birds and
4 not adopting, not rehoming.

5 If a bird ends up in a sanctuary, it's pretty bad
6 news for that bird. Those sanctuaries have to be
7 regulated, highly regulated and if any regulations are put
8 in place, should be in those rescue sanctuaries and all
9 those places, not in the breeders. Breeders know what
10 they're doing, and the health and life of the birds is
11 amazing (chimes). All the lies that I've heard on here,
12 it's from animal right groups. Please stop this. This is
13 a good chance. Thank you.

14 OPERATOR: All right. Moving on to the next
15 caller in the queue. Caller, your line is unmuted. Please
16 go ahead and state your name and comments.

17 MR. COLLINS: Thank you. This is John Collins,
18 President of the Carolinas Virginia Pheasant and Waterfowl
19 Society.

20 And I'd like to address the lady that mentioned
21 that there were no conservation birds going back into the
22 wild. I would point to 1996, when the Swinhoe's Pheasant
23 was declared extinct and due to the work of aviculturists,
24 birds being reintroduced and now the government's last
25 census reported a little bit over 22,000 breeding pair in

1 the wild.

2 Currently, the Edwards pheasant has been declared
3 extinct. There's a program underway right now with
4 aviculturists working with the government in Vietnam to
5 reestablish their national bird. We hope to have better
6 results with that. Time will tell, but there is active
7 work happening. The Chilean government thanks
8 aviculturists for the White Face Tree Duck coming back from
9 extinction. Same thing with Argentinian ducks. The same
10 type of work has happened there, and the bird is now
11 thriving back in the wild.

12 A lot of this has to do with education of
13 governments and land use people. Human interaction's going
14 to always have a negative impact on animal species.
15 Therefore, it's up to humans to rewrite the wrongs that we
16 have done to mismanagement of land and animals. If
17 aviculturists don't do that, who's going to do it. Thank
18 you very much.

19 OPERATOR: Thank you. Moving on to the next
20 caller. Caller, your line is unmuted. Please go ahead and
21 state your name and comments.

22 MR. KRATHWOHL: Yes, this is Joe Krathwohl, the
23 birdman with Birds N' Beasts, Incorporated. I also want to
24 speak to the comments denouncing bird ownership as viable
25 conservation value. That's just a very small viewpoint.

1 The Peregrine Falcon, in the late 1960s and 1970,
2 encountered DDT at such a fast rate that the wild
3 populations were disappearing before projects could even
4 get off the ground. In the east, the northeast, a group of
5 falconers got together with their privately owned Peregrine
6 Falcons, pulled them together and started a breeding
7 program, which was backed by Cornell University and they
8 discovered incredible scientific advances for breeding
9 falcons, including stringing them out, which means getting
10 more eggs per clutch and being able to artificially
11 inseminate and double clutch and all sorts of things that
12 are used for conservation now.

13 The program was picked up and moved to Boise,
14 Idaho and shifted into fourth gear by then and the
15 Peregrine Falcons have actually been delisted as an
16 endangered species, thanks to those private owners.

17 Also, private ownership, a very wealthy gentleman
18 purchased Spix Macaws and became so good at breeding them,
19 that even when he passed away and that collection went to a
20 new facility in Germany, a group of Spix Macaws are on
21 their way to Brazil right now to be prepared for release.
22 They were declared extinct in the wild and are going to be
23 brought back by private aviculturists.

24 So, it's really insulting when people want to
25 denounce them. Maybe they think the only birds in

1 captivity are parrots and cockatiels. Parrots are only 380
2 of the nearly 10,000 species of birds. So, when someone
3 uses the word birds, it's an all-encompassing term. And we
4 need to realize that private ownership has huge benefits,
5 massive genetic material for helping to reconstruct.

6 Imagine when the California condors were down to
7 only 22 birds. If there had been a handful of birds in
8 private hands, those birds could have been loaned, given,
9 whatever to the breeding program and that would have
10 increased the genetic value of one of the most expensive
11 ongoing bird recovery projects in the United States
12 history.

13 So, we really cannot diminish private ownership.
14 It really needs to be valued and supported and whatever
15 regulations are coming down are going to need to be
16 supportive of private ownership, not dismissive of it.
17 Thank you.

18 OPERATOR: Thank you. Moving on to the next
19 caller. Caller, your line is unmuted. Please go ahead and
20 state your name and comments.

21 MS. GOODRICH: This is Debbie Goodrich. I had
22 mentioned something earlier as well and just wanted to
23 finish up what Joe was saying, exactly. As far as the
24 contribution to conservation.

25 Yes, there are genetic contributions across many

1 genre of birds and again, like Joe was saying, this is a
2 bird regulation, not necessarily a parrot regulation. And
3 not only has the genetic value been important in what we do
4 for conservation, but so does private ownership of a pet
5 bird.

6 I can't tell you how many private pet owners have
7 donated thousands and thousands and thousands of dollars to
8 most conservation work. Just one gentleman alone created
9 Parrots International, which is helping bring the Spix
10 Macaw back to Brazil. One gentleman alone went to
11 Indonesia and he is the one, who alone, created the
12 Indonesian Parrot Project, which is now saving not only the
13 Moroccan cockatoo in Indonesia, but he's also saving
14 orangutans in Indonesia. And he has now since deceased and
15 his work is still going.

16 So, it just goes to show that even ordinary,
17 "ordinary" parent owners or a pet ownership has significant
18 contribution to the conservation. And I wanted to make
19 sure that that was also equally on there.

20 And also inclusive of this is that I don't see
21 anywhere in the proposals that I'm reading is anything on
22 training humane officers and humane societies on what is
23 really required for birds as well. And I have done many of
24 these humane society talks and lectures to try to train
25 them to understand and identify the basic needs of birds

1 and I have yet to really see a good response rate on
2 understanding that.

3 We even had a case in Ohio, in Troy, Ohio, for a
4 bird hoarding case where the officer decided to side with
5 the abuser and gave the birds back to the abuser and then,
6 went against the rescue. And it was a major courtroom
7 ordeal and unfortunately, the birds died. The officer hid
8 dead birds and things like that. So, we do know that the
9 system can be abused on both sides. And that is why when
10 you set up a regulation it has potential to have serious
11 problems for people having just a regular every day
12 ordinary pet, who can then learn the altruistic needs that
13 we have to have in order to have a future on our planet.

14 Right now, we are so separated in our NIMBY,
15 which is Not In My Backyard mentality. That's not
16 happening, like people don't understand climate change.
17 They're so totally saying it doesn't happen, it doesn't
18 occur and yet, what is the number one animal that's hit the
19 first and that's birds. And they've always shown that.

20 Joe pointed out the DDT. There's other
21 environmental things, like Teflon. Nobody even realizes
22 that there's a warning on Teflon pans, because our birds in
23 our homes die from overcooking Teflon pans. And yet, we
24 aren't going to learn those things if we have no
25 opportunity for ownership.

1 Yes, abuse happens. Abuse happens in every
2 direction. Nature can also be abusive, too. It's real
3 important to realize that regulation isn't necessarily
4 going to get rid of the abuse. Additional law isn't going
5 to necessarily get rid of the abuse. What's going to work
6 is enforcement. And enforcement with each other and
7 enforcement that is working with professionals that really
8 understand the extreme complexity of this issue, because it
9 is way too complex to not include everybody (chimes) which
10 is why I'm very grateful that you guys have put this entire
11 comment section together. I'm really impressed with it and
12 I want to thank you.

13 OPERATOR: Thank you, Debbie. Moving on to the
14 next caller. Caller, your line is unmuted. Please go
15 ahead and state your name and comments.

16 MS. BUDROCK: Hi, I'm Jennifer Budrock. I've
17 been in the bird rescue world floating around for a number
18 of years. I run a pretty popular page called Birdism on
19 Facebook. I have a collective, about 100,000 followers
20 that I try to educate on the good and the bad of sharing
21 our lives with companion parrots.

22 Needless to say, I've seen some awful things done
23 to birds. I work closely with vets. I like to share
24 people's bird stories on my page. A lot of people say, oh,
25 well, all the bad stuff you're hearing is not the majority.

1 Well, it's definitely not the minority.

2 I try to listen to both sides. I like to try to
3 meet, you know, both breeders and rescues all in the
4 middle, because I think both sides do have valuable input
5 and both sides should be listened to whenever regulation is
6 proposed and organized.

7 Let's see, I'm not terribly good at speaking in
8 front of people, but I did make some notes. Some people
9 think birds are property and they're products, so why spend
10 \$200 on a vet for a \$20 budgie. And it's because they're
11 living, feeling creatures deserving of protection.

12 I don't, you know, I have no investment in this
13 other than I just think, you know, as many people have
14 already said that they need some form of protection. There
15 is a ton of variables, just because a bird is plucked, does
16 not mean it's living a horrible life. But also take into
17 consideration that, to my knowledge, birds don't pluck in
18 the wild, unless they have beak and feather disease. This
19 can be confirmed probably through somebody better
20 knowledgeable in the field, but I just wanted to make a
21 point of that.

22 You know, birds do enhance people's lives. I
23 like to think they're here with us, not for us, but not
24 everybody, you know, adheres to that. I just think the
25 protection does need to carry to rescues, to sanctuaries to

1 big breeders to small breeders, because every single bird
2 does matter. And like I said before, some protections are
3 better than none.

4 And I'm very happy to hear this and seeing this
5 put forth, because, you know, I actually have hope now that
6 things are going to hopefully change for the better for the
7 birds, because, you know, as I said, they deserve it.
8 Thank you.

9 OPERATOR: Thank you. Moving on to the next
10 caller. Caller, your line is unmuted. Please go ahead and
11 state your name and comments.

12 MS. WOODMAN: Hi, this is Connie Woodman again,
13 the bird conservation scientist who practices
14 rehabilitation and has done breed and release work.

15 I wanted to follow up on Joe's comment, because I
16 don't want this to get too far into the weeds and step away
17 from regulations. The conservation interplay with the
18 proposed regulation is very important. The information
19 used by conservation and science does come from captive
20 work with private breeding and keeping. No one funds a
21 project to do a 20 year research project on how you get
22 falcons to breed, you know, falconers provide the base of
23 knowledge for the breed and release I always say it wrong,
24 Alco Phemeratal (phonetic) and the current one at water
25 prairie releases and, you know, temporary captivity of

1 critically, population critical sexual mature adult string
2 rehabilitation, like, you know, a spotted owl.

3 But one of the things that's important is that
4 knowledge comes from the flexibility to alter the
5 parameters of keeping. So, within the sorts of things that
6 help conservation might get regulated out, such as
7 intentional imprinting, where you create intentional
8 abnormal sexual development, so you can do sperm
9 collection, because the bird humps a handler. And it seems
10 weird, but it's also really important to these programs.
11 Cross fostering where you raise the babies under a related
12 non, you know, a similar genus but not the same species
13 parent or hand rearing where you have to stop vertical
14 disease transmission, because we don't have tests for some
15 of these viruses yet. So, if you don't hand raise, the
16 animal might get very sick and you might hurt a critical
17 population.

18 And so we do have to focus on how the regulation
19 will relate to these conservation outcomes, because it's
20 very easy to overregulate and shut down programs that don't
21 have enough government funding, that don't exist within the
22 zoo system and do rely on private partnerships with
23 government programs.

24 The other thing I wanted to point out is that the
25 information from captive breeding is actively being brought

1 out of country to these biodiversity hotspots. For
2 example, the Nexcana (phonetic) program at the Guatemala-
3 Mexico border. They're out poaching the poachers. They're
4 taking the babies out of the nest in areas with 100 percent
5 poaching, raising them and releasing them into the wild to
6 create wild generations. And people who own bird breeding
7 farms are going down there and being funded with donations
8 to teach the naturalists and the biologists how to raise
9 the babies to get them back into the wild.

10 And so, you know, we don't want to lose the
11 opportunity for flexible keeping and maintaining of these
12 birds to create new opportunities for conservation by
13 overregulating. Thank you.

14 OPERATOR: Thank you. Moving on to the next
15 caller. Caller, your line is unmuted. Please go ahead and
16 state your name and comments.

17 MS. HEPTIG: Hi, this is Ginny Heptig again.
18 Connie, I have to give you kudos for your last comments on
19 conservation. You had me swinging, weaving, but for the
20 most part, especially the last couple of sentences, I give
21 it to you as far as the beat the poachers, raise the birds
22 and release them. That's fantastic.

23 Other, something else that everybody's been
24 mentioning for the homeowners, breeders, raisers, about
25 enrichment. And even though a toy can be an enrichment,

1 finch don't play with toys, but enrichment for some birds
2 is a simple branch with leaves on it for them to tear the
3 leaves off and chew on, for them to peel the bark off the
4 branches, that is their enrichment in the wild.

5 So there are ways of giving enrichment to our
6 captive birds that would be symbolic to their natural
7 habitat anywhere in the world, as long as when you offer
8 this, you make sure it's not from where it may have been
9 sprayed by a mosquito spraying system through your area or
10 that are deeper in the woods or that you've got things
11 growing on your own property that are protected that are
12 not getting sprayed, because we could poison our birds if
13 we're giving them things that are toxic to begin with,
14 which we do not want to do.

15 I used to grow Ficus and my parakeets and my
16 finch loved stripping those Ficus branches. I gave a piece
17 to my amazon and he chewed it nothing flat, like a macaw
18 would chew a 2 by 4. So, it gave him his enrichment. Just
19 putting something in a piece of paper is enrichment.

20 There are many people out there now doing things
21 for foraging and to make enrichment that seeks things that
22 give a natural feeling without forcing it. It's a slow
23 learning process, because they've been more imprinted on
24 things that we expect them to do and a lot of it, again
25 this all goes back to education, knowing what you think

1 they need and be in their place with the bird.

2 I do have to correct Apryl Miller though, an
3 African Grey has the cognizance of a six or seven-year-old
4 child, not a four-year-old child. A cockatoo is a four-
5 year-old child. African Greys can actually hold a
6 conversation, if they get old enough to get their 1700 to
7 2500 words, which is possible for a grey. Anyway, thank
8 you. I pass the rest of this point. I don't need to or
9 want more time, unless somebody else says something good or
10 bad that I might want to jump on. Thank you.

11 OPERATOR: Once again, dialing #2 will indicate
12 that you wish to make a public comment. Caller, please go
13 ahead. Your line is unmuted. Please go ahead and state
14 your name and comments.

15 (No audible response.)

16 Caller, please go ahead. We can't hear you. You
17 might be muted on your device.

18 MR. ATKINSON: Are you there?

19 OPERATOR: Yes, I can hear you now.

20 MR. ATKINSON: Okay, I'm sorry. Hi, my name is
21 Joe Atkinson. I'm a private aviculturist in Arizona,
22 obviously a bird breeder.

23 I don't really want to get into the semantics of,
24 you know, enrichment and what's right and what's wrong,
25 here or there, but the bottom line, the elephant in the

1 room is you guys are catering to basically organizations
2 who's bottom line agenda is they don't want anybody having
3 birds as pets. In general, don't believe people should own
4 animals. And so, they sued you guys to get you to fight
5 their battle for them and that's going to be a very
6 difficult battle for you guys to weave your way through.

7 Not getting into all the details of bird
8 ownerships and different birds and their different needs
9 and how good for one bird is bad for another bird and
10 trying to write regulations for these, exceptions, let
11 alone police them. You guys would basically need to have
12 zoologists who are familiar with every bird species, their
13 needs and this and that and it seems like it's a losing
14 battle that you guys have been sued, so that you have to
15 fight.

16 I would urge you to, instead of looking forward
17 and following congress's mandate figuring out a way to
18 reverse it. Bird owners have been doing okay for years and
19 years and years. Conservation wise, they have done a lot.
20 Private individuals, zoological facilities have done a lot
21 for the bird species, for conservation in general.

22 And right now, you guys are doing something that or
23 are being asked to do something or forced to do something
24 that you really probably don't want to be doing. And these
25 animal rights terrorists, activists, whatever you want to

1 call them, their agenda, they make money by doing this kind
2 of things. They have thousands of lawsuits on the books,
3 waiting to be had for everything from some turtle to a bird
4 to anything. They don't want us to have pets. They don't
5 want us to be working with animals. They don't believe we
6 should have animals and that's the bottom line for them.
7 That's why they're pushing. They don't care how you
8 regulate it. They just want you to fail in your
9 regulations, so they have more to sue you about.

10 It will never end. We need to say no to these
11 people. It's nonsense. There are some situations where it
12 could be beneficial, but birds specifically, are impossible
13 to regulate. The number of bird species are all individual
14 and the number in captivity should be regulated would be an
15 impossibility for you guys to be able to regulate them and
16 police them, effectively in a way that would be beneficial
17 to the species themselves. They're looking for blanket
18 legislation or this or that and all birds are not equal,
19 and you just won't be able to police it.

20 So I urge you to pay attention to the fact that
21 this is a group, an organization that makes money off of
22 doing this to different people and different classes of
23 people with pet ownership, with meat farms, all these
24 things that we know they are basically terrorists. That's
25 all I have to say. Thank you.

1 OPERATOR: Thank you. And that is the last
2 caller in the queue. I will go ahead and turn it over to
3 Christina to go ahead and give closing remarks.

4 MS. LOHS: Thank you for attending today's
5 listening session. Please note the web address on the
6 screen to submit your comments through regulations.gov
7 until October 29th and have a lovely evening. Thank you.

8 OPERATOR: And that concludes our conference.
9 Thank you for using event services. You may now
10 disconnect.

11 (Whereupon, at 7:58 p.m., the meeting was
12 concluded.)

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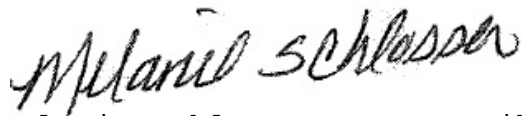
Washington, D.C. - Webinar

Date of Event:

October 15, 2020

We, the undersigned, do hereby certify that the foregoing pages, numbers 1 through 116, inclusive, are the true, accurate and complete transcript prepared from the reporting by JP 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.

Date 10/21/2020


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