



AAV Position Statement

House Resolution 4239: SECURE American Energy Act

The U.S Migratory Bird Treaty Act (MBTA) was passed in 1918 in order to protect migratory birds from excessive hunting. Since then, the MBTA has expanded its geographic area and the number of bird species protected. The MBTA now protects over 1,000 wild bird species in the United States. The MBTA provides criminal sanctions against the unpermitted “take” of protected bird species, including death, by any means or manner, regardless of fault. In the 1970s, U.S. prosecutors began charging industries, including oil and gas, mining, electricity, timber, and chemical companies, for accidental deaths and injuries to protected birds. Since then, the MBTA has served as a useful tool to help prevent unnecessary injury or death to birds. The U.S. Fish and Wildlife Service (USFWS) now requires best management practices for energy projects, such as the covering of open oil pits. The MBTA has also been used successfully to prosecute energy companies for violations of the Act. Over the past decade, several major energy companies have been fined in excess of \$114 million, in part due to prosecution for violations of the MBTA including accidental deaths of golden eagles and other avian species associated with impacts with wind turbines and power lines and bird deaths associated with the largest oil spill in U.S history in the Gulf of Mexico.

In November of 2017, the House of Representatives Committee on Natural Resources approved an energy bill, H.R. 4239 (Strengthening the Economy with Critical Untapped Resources to Expand American Energy Act, or SECURE American Energy Act). This bill removes liability to energy companies for the incidental or accidental “take” of bird species protected under the MBTA. If this bill passes in Congress, energy companies may be able to develop and build energy projects with impunity and with little regard to the accidental killing of protected birds. This will almost certainly result in more wild birds, perhaps millions more, dying from accidental causes directly related to energy projects.

The AAV believes that all industries, including energy companies, should be held accountable for their actions, including inadvertent bird deaths and injuries, associated with their activities. The AAV opposes any and all actions, including legislation, regulation, and opinion, that would undermine the MBTA. **The AAV opposes H.R. 4239.**

The Association of Avian Veterinarians (AAV) is a professional veterinary organization that strives to advance and promote avian medicine, stewardship, and conservation. The AAV has more than 1500 members comprised of veterinarians, veterinary technicians, veterinary students, and allied professionals that work in private practice, colleges and universities, zoos, government, and industry. Many of the AAV’s members are considered global leaders in avian conservation and wild bird health. Among the key objectives for the organization, the AAV strives to preserve and protect birds in the wild and their native habitats.

If you have any questions, please do not hesitate to contact our Executive Director, Dr. Robert Groskin at rgroskin@aav.org.