Standards for Birds Not Bred for Use in Research Under the Animal Welfare Act

- *Bird* means any member of the class *Aves* (excluding eggs).

Key Points

- All captive animals kept as pets, used for pet breeding, or kept in sanctuaries/shelters deserve protections under the Animal Welfare Act
- The veterinary community supports and accepts the AWA and trusts the USDA for enforcement
- Birds not bred for use in research or agricultural production were intended to be included under this Act long ago and deserve the same protections as mammalian species
- The USDA must exercise caution in allowing any exemptions to this protection
- Once the regulations are approved and enacted, there must be adequate training for anyone enforcing these protections
- Approval and enactment would ensure the humane care, treatment, and transportation of birds not bred for use in research covered under the Act
- The inclusion of standards for enrichment and nutrition are extremely important to welfare
- Owing to the fact that raptors are not common household pets, along with existing provisions encoded in the MBTA regarding permitting, required facilities, equipment and management practices, AAV supports the inclusion of raptors under the AWA under the auspices of the standards already in place for these birds. These regulations may need to be modified for specific groups of birds but should still protect all captive birds to the extent that prevailing circumstances dictate.

We believe there to be a significant welfare-based need for regulating birds and agree that this rulemaking is necessary.

We believe under the proposed regulations, birds covered under the Act should be subject to specific veterinary requirements to ensure animal welfare:

- Veterinarians must be skilled, trained, and knowledgeable if they are working with and inspecting bird establishments. Small animal veterinarians (dog/cat) may lack the expertise to evaluate these establishments and avian specialists should be utilized whenever possible. The Association of Avian Veterinarians is an excellent resource.
- We would like to see avian veterinarian involvement in training the inspectors, clauses for the transparency of how inspectors are chosen, and CE for them regarding avian welfare.
- We would like the regulations to state that only veterinarians should be considered for inspections. This is to ensure that inspectors have the education, knowledge, technical and practical experience, and training necessary to inspect birds under this Act. Inspectors should have extensive knowledge of avian husbandry and science which includes knowledge of each species, anatomy and physiology, care, breeding, general maintenance, and principles of avian welfare and veterinary health. Inspectors must be accredited in any state by the USDA and should be members of the Association of Avian Veterinarians as a show of commitment to avian welfare and medicine, or, in the case of small animal veterinarians, have proof of substantial avian knowledge and experience.
We agree that food be nutritious, species-appropriate, and presented in a manner that encourages natural foraging behaviors specific to the species.

We recommend the USDA establish regulations to prohibit painful physical mutilations, including pinioning (disabling wings), devoicing, and beak alterations unless they are medically necessary and under the direction of a skilled avian veterinarian. These procedures must be performed with analgesia, anesthesia, and by qualified surgeons.

We support a humane form of identification, which can include a properly placed at the right age and right-sized leg band or a microchip.

We support the recommendation that transportation standards for birds provide the same consideration for humane care as is required in the current regulations for other species of AWA-covered animals. We strongly support establishing regulations prohibiting the sale of unweaned and prematurely weaned baby birds.

We support the proposal to include birds under the definition of pet animal. We are glad to see the Certain Potential Costs and understand these are basic estimates but will have minimum standard guidelines.

*Environment Enhancement To Promote Psychological Well-Being—Proposed § 3.154* is a critical part of these proposed regulations. And thus dealers, exhibitors, and research facilities would need to develop, document, and follow a species-appropriate plan for environment enhancement adequate to promote the psychological well-being of birds.

These proposed rules would help ensure the humane handling and care of birds and help ensure that such birds are monitored for their health and humane treatment.

Veterinary standards must include a thorough knowledge of avian veterinary medicine, aviculture, and welfare. General care includes infectious disease screening, zoonotic disease control and treatment, humane handling, appropriate diagnostic sampling and interpretation, preventive care that includes wellness evaluation, relevant vaccination, ecto- and endoparasite control, and grooming needs. Veterinarians should be involved in development of species-specific enrichment, nutritional counseling, and species-appropriate modifications. All medical and surgical procedures should be performed by licensed veterinarians.

We would like to see all official wording changed that states birds are excluded from the AWA once this regulation is passed and enforced:

The main statute governing the exhibition of animals is the federal AWA. The Act provides welfare, recordkeeping, and licensing requirements for the use, housing, sale, and transportation of animals in research and exhibition. 7 U.S.C. § 2134, 2140. It defines “exhibitor” as “any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation.” *Id.* § 2132(h). All exhibitors must be licensed and comply with the provisions of the Act. *Id.* § 2134. “Animals” under the statute refer to “any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes[…].” *Id.* § 2132(g). It explicitly excludes birds, rats, mice, and animals commonly used for food. *Id.* The Secretary of Agriculture is authorized to promulgate humane standards and recordkeeping requirements governing the purchase, handling, or sale of animals, by exhibitors. *Id.* § 2142. The Secretary has delegated his responsibilities under the Act to the Administrator of the United States Department of Agriculture Animal and Plant Health Inspection Service (“APHIS”). 9 C.F.R. § 1.1.
USDA Site Inspection Protocol Should be Used for All Birds in Captivity:

1. **Housing**, which includes the condition of the enclosures, animal groupings, safe containment, ventilation, light and heat, sleeping areas, cleanliness and sanitation, enrichment items, and furnishings.
2. **Physical Facilities**, which includes drainage, electricity, lighting, heating, emergency measures, security measures, insect and rodent control, transportation, and protective barriers such as perimeter fencing.
3. **Nutrition**, including water sources, diets and record keeping, feeding protocols, monitoring individual animal consumption, food storage, and sanitation.
4. **Veterinary Care**, including the Program of Veterinary Care, staff number and expertise, veterinary facilities if present, quarantine and isolation areas, biosafety measures, medical supplies and storage, controlled substance security and logs, medical records, anesthetic records, laboratory reports, animal identification, weight records, and necropsy reports.
5. **Well-Being and Animal Handling**, including overall animal appearance, activity, responsiveness, animal groupings, enrichment provided and enrichment plan/calendar, and human-animal interactions.
6. **General Staffing**, including sufficient quantity to provide adequate care, appropriate training, evaluation of staff and volunteer policies, access to emergency information, staff supervision, contact with animals, training programs or employee manuals, and Standard Operating Procedures employees/volunteers follow.
7. **Safety Policies, Protocols and Training**, including how they work with dangerous animals (alone or as a team), security of enclosures, locking mechanisms, double gates, safety zones around animal enclosures, Personal Protective Equipment in use, communication systems, animal escape plans, evacuation routes, emergency training records, security of firearms if kept on site, first aid kits, eye wash stations.

The Animal Care Inspection Guide should be applicable to all birds in captivity:  

Avicultural Standpoints:

- Enrichment for breeding birds is different than for non-breeding birds. Living and interacting with a mate and/or raising chicks is considered by many aviculturists as sufficient enrichment.

- Annual physical exams required, so attending needs to visit annually, unless health endangered or stressed. Consider less frequent hands on exams, depending on species, housing (i.e. large flight cages or free roaming) and stressors. Alternative could be visual exam annually and physical exam biennial.

- Costs for attending veterinarians to develop, implement and monitor veterinary care program is underestimated considering time away from practice, travel costs, continuing education, etc and would be especially onerous for small facilities especially at the current $500 de minimus definition. Recommend increase de minimus to reflect realistic cost for a veterinarian to come out for a site visit.
● Veterinary care for birds under the care of pet shops are not included. Also sanctuary care where birds are sold for adoption are also not licensed.

● Many areas in the country do not have access to qualified avian veterinary care and thus, teledmedicine with avian specialists may be integrated with local non-avian veterinarians. The local veterinarian could do physical inspections and/or provide veterinary care.

● Education of attending veterinarians is critical to quality implementation as well as education of the inspecting personnel.

● Bird Identification – Band and microchip prices seem reasonable, however the labor costs are low to impossible to estimate due to time, etc. We currently have a shortage of band suppliers in the US.

Respectfully submitted 5/23/22 on behalf of the Association of Avian Veterinarians

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Executive Director

References (Welfare Centric)


8. The Five Welfare Needs, Available at: https://www.rspca.org.uk/whatwedo/endcruelty/changingthelaw/whatwechanged/animalwelfareact , 2005


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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@aaav.org.