

NAWA Position Statement On the Animal Welfare Act Regulation of Birds

After careful consideration of the impacts of Animal Welfare Act inspection and licensing, and the reasons for which birds are now included in the definition of “animal” under the AWA, it is NAWA’s recommendation to USDA that birds should be exempt from regulation under the AWA. This recommendation is based upon the extensive negative impacts that AWA regulation would have on aviculture and the original intent of the ARDF lawsuit.

The 1999 lawsuit that resulted in the settlement that brought birds under the definition of “animal” in the AWA was aimed at birds, rats and mice used for research animals, not at aviculture – the keeping and breeding of birds for exhibit, for pets, or for conservation. Birds bred for use in research were exempted by the Helm’s Amendment to the Farm Security and Rural Investment Act of 2002. Since aviculture was not the intended target of this lawsuit and because birds in aviculture were arbitrarily left out of the Helm’s Amendment, it would be arbitrary and capricious to allow birds in aviculture to come under AWA regulation.

The Model Avicultural Program currently provides guidelines to the avicultural community without the harmful impact that would result from inspections under AWA licensing. The AWA regulatory model does not fit the bird industry and would result in numerous negative consequences. Nesting birds are notoriously sensitive to disturbances and unfamiliar occurrences. Unannounced inspections of breeding facilities would result in damage or death to eggs, chicks or mates. Such disruptions are also likely to reduce egg laying, resulting in loss of revenue from decreased production. Birds are often the target of thieves and when information on licensed bird facilities becomes a matter of public record, it will result in the theft of valuable stock. Even small bird facilities would require additional clerical staff to comply with AWA record keeping provisions. These negative impacts, as well as many others identified by NAWA, would result in a high percentage of bird facilities closing down if AWA licensing were extended to birds.

Regulating birds under the AWA would stretch USDA resources beyond current funding and staffing levels. This is a time when government funding is needed in other areas of far more seriousness to the general public: monitoring B.S.E. in cattle, putting in place programs for the protection of agricultural products from terrorists, and in general maintaining a sound and healthy food supply in the US. Regulating birds under the AWA seems an inadvisable use of USDA staff and funds. There are existing laws that cover sales of birds as pets, transportation of birds, and birds in exhibitions. Regulation of birds under the Animal Welfare Act is unnecessary, detrimental to the welfare of birds, and overly burdensome to bird facility operators and to USDA resources alike.