

AFA GOES TO WASHINGTON D.C.

On Monday, March 21, 2005, President Benny Gallaway requested that 2nd Vice President Brenda Piper represent the American Federation of Aviculture at a "listening session" in regard to the Animal Welfare Act at the United States Department of Agriculture. Undersecretary of Agriculture, Bill Hawks, had extended an invitation to Dr. Gallaway who unfortunately had a scheduling conflict, as did Legal Counsel Gary Lilienthal.

On Wednesday, March 23, 2005 Brenda attended the listening session in the Witten Building of the USDA in Washington, D.C. This was the second meeting of the day held for the purpose of getting input from interested parties about AWA. In discussing the earlier session with some USDA employees, the first session was attended by PETA, Anti-Vivisection League, HSUS, and similar organizations. The 2:00 P.M. meeting included but was not limited to National Institute of Health, numerous USDA employees including Dr. Gipson, National Chicken Council, Missouri Pet Breeders Association, Alliance of Marine Mammals and Parks Association, Farm Animal Welfare Coalition, National Pork Producers Council, National Association for Biomedical Research, National Turkey Federation, the federal legal liaison for the American Kennel Club, National Cattlemen's Beef Association, American Meat Institute, Institution for Laboratory Animal Research, legal counsel for the American Kennel Club, and the Elephant Managers Association. There were others in attendance that did not introduce themselves; however, a transcript of all comments will be available on the USDA site and potentially all attendees who signed in at the door.

The meeting began with short opening remarks from Under Secretary Bill Hawks and proceeded quickly to three minute statements by anyone who wanted to make a statement. Brenda read the following statement prepared by Gary Lilienthal and approved by Dr. Benny Gallaway:

Summary of Recommendations of the American Federation of Aviculture, Inc. ("AFA") for Adoption of Regulations under the Animal Welfare ("AWA") relating to Birds

AFA recommends that inspections not be a prerequisite of licensure. There is no requirement under the Act itself for inspections. In fact, the AWA in 2.146(a) suggests that inspections be conducted for investigations of potential violations. Not requiring inspection as prerequisite of licensing clearly meets the requirements 2.133 of the AWA which requires only that the applicant demonstrates that their facilities comply, not that these facilities be physically inspected. Inspections of establishments should only be conducted on an as warranted and as necessary basis as determined by the USDA. There is a precedent for such a proposal. Under the Captive Bred Wildlife registration program of the Endangered Species Act (50 CFR 17.21(g)) ("ESA"), applicants are required to photograph, diagram, describe and otherwise explain the premises, housing, experience and general background of the keeping and keeper of their ESA regulated birds as a



AFA 2nd Vice President Brenda Piper reads the AFA's official position statement regarding the Animal Welfare Act.

prerequisite to being registered. The elimination of the requirements for inspections for licensure will make implementation and administration of the AWA Regs economically feasible. Under the AWA regulations, the USDA must not jeopardize the security and bio-security of the birds to be protected. Inspections of premises must be performed with the highest regard for prevention of the transmission of diseases. Owners of animals must be protected from theft of their animals. The name or address of licensees or the species of birds must be protected from public access. To attempt to specifically regulate sizes, shapes and materials of housing, temperatures, types of nutrition, or other similar husbandry practices is unwise, impractical, and potentially dangerous to the birds. AWA regulations must recognize and not discourage the breeding and handfeeding of birds. Only properly trained USDA staff should be allowed to administer and enforce the AWA as it relates to birds. USDA should hire at least one (preferably more) full-time staff aviculturist to assist in the review of complex applications and appeals. USDA should be certain that it has adequate funding to administer the regulations and to hire the necessary staff. The requirement for licensing under the Act



should be limited only to those establishments which: (i) receive a substantial portion of their gross income from the sale of birds to the public or people/establishments; and (ii) have more than twenty (20) pair of birds (m/f) set up for breeding.

Secretary of Agriculture, Mike Johanns, also stopped by and spoke briefly about the importance of these listening sessions and thanked us all for attending.

In speaking with Dr. Gipson of the USDA after the meeting ended, he specifically requested that Ms. Piper submit a copy of our comments for the record, which she did. In addition, Dr. Gipson told her that USDA is in the process of hiring a staff aviculturist, from which we can assume that they are obviously listening to our recommendations. Dr. Gipson is also looking forward to seeing us all in Miami at the convention in August.

In summary, it was a very beneficial meeting and we believe that our comments will be taken under serious consideration. ■



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