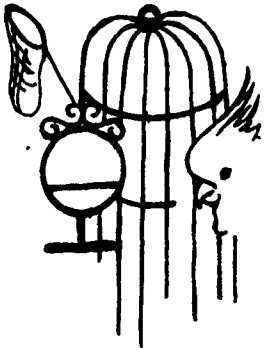


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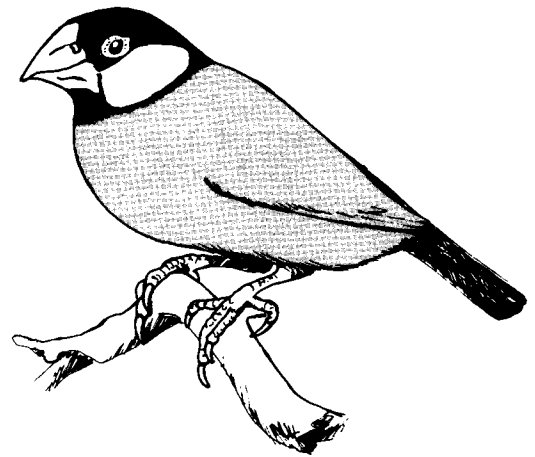
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Java Rice Bird

Padda oryzivora

Pest or Pet?

(EDITOR'S NOTE: This article and its complicated Table has been principally authored by Phil Carter of Newington, Virginia, with substantial research and other contributions by Cliff Witt, Gaithersburg, MD, Lee Phillips, Harwood, MD, and Ralph Anderson, Newington, VA.)

What is the truth about the Java Rice Bird, *P. oryzivora*? Is it, as aviculturists claim, an attractive, hardy finch which adapts well to captivity? Or is it, as the U.S. Department of Interior claims, an "injurious" species destined to become a threat to agriculture, horticulture, forestry, indigenous species of human beings if uncontrolled? This article will attempt to present the history surrounding the federal regulation of the Java sparrow, define the differences in the various state statutes governing importation, transportation, propagation or possession, and finally examine the merits of the case against this species.

In the early 1900's Congress passed the Lacey Act to control and regulate exotic wildlife in part for the protection of native flora and fauna and to safeguard agricultural production. Although the Department of the Interior was delegated the responsibility for enforcement, it was not until around 1970 that the Injurious Wildlife Regulations (50 CFR 16) were promulgated to implement the injurious wildlife mandate of the Lacey Act. Any species labeled "injurious" by the U.S. Fish and Wildlife Service (USFWS) was banned from further importation into the country. Birds already in the country prior to this time, however, were not regulated. Currently

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only four birds are labeled "injurious": (1) the Pink Starling, *Sturnus roseus*, also known as the "Rosy Pastor," (2) *Quelea quelea*, including the subspecies black-fronted, red-billed or Sudan dioch, (3) the red-whiskered bulbul, *Pycnonotus jocosus*, and (4) the Java Rice Bird, *Padda oryzivora*.

The American Federation of Aviculture was founded largely to combat the first attempt by USFWS to expand this list in December, 1973. This and two subsequent attempts to expand the injurious species list were thwarted, and only the original four birds remain on the list. It is significant to note that no one currently at the USFWS Wildlife Assistance Office (the office now in charge of Injurious Wildlife regulations) could remember the date when the Injurious Wildlife Regulation was enacted, nor could they remember what criteria were used to classify these birds as injurious!

In 1979, Dr. Barry Adler, New Jersey State Coordinator, at the request of President Richard E. Baer, wrote the Federal Wildlife Permit Office, USFWS, on behalf of AFA regarding the status of *P. oryzivora* because of the many ambiguities in the Lacey Act. The reply clearly stated that, while further importation of Java Rice Birds was banned, federal regulations did not prohibit possession or interstate shipment. The reply from Donald F. Donahoo, then Chief of the Permit Branch, USFWS, is printed below in its entirety:

Dear Dr. Adler:

This letter is in reply to your January 27 letter requesting information on shipment of Java sparrows.

It is illegal under current regulations (50 CFR 16) to import into the U.S. or to transport between the continental U.S. and Hawaii, the Commonwealth of

Puerto Rico, any territory or possession of the U.S., or the District of Columbia a Java sparrow without a permit issued by this office. Interstate shipment within the U.S. is not prohibited. Proposed regulations published in the Federal Register on March 7, 1977 which you were evidently quoting make some changes.

There are no Federal restrictions on possession of Java sparrows, provided they were legally obtained. You should contact the individual state to determine if that state has any restrictions. Addresses of state contacts are enclosed.

Please contact us if we can be of further assistance.

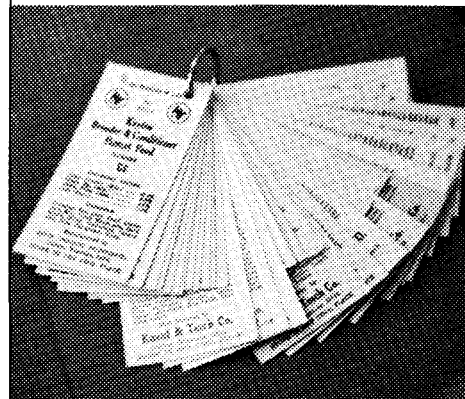
Sincerely,
Donald F. Donahoo
Chief, Permit Branch
Federal Wildlife Permit Office

To follow up on the recommendations made by Mr. Donahoo, Cliff Witt, AFA First Vice-president, wrote each state in September, 1979. Letters were received from forty-eight (48) states and four (4) territories. Later the positions of the remaining two states (Connecticut and Maryland) were clarified by telephone. Table I represents the results of that survey.

The results showed a wide disparity in the state regulations of *P. oryzivora*. Twenty-nine (29) states, over half, had no regulations. Twelve (12) states required permits for importation and five (5) required permits for possession in the state. Six (6) states banned Java Rice Birds entirely. This survey was completed in late 1979. Anyone interested in learning of any changes since that time should contact the State Fish and Game agency. Those AFA members interested in receiving a copy of the reply from their state may write the Home Office.

From the information obtained in the survey, and from the experience of the

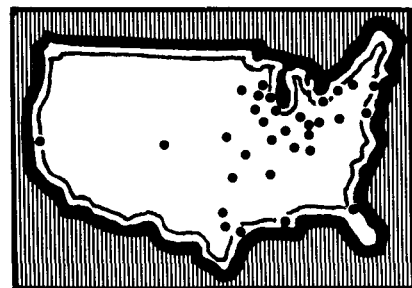
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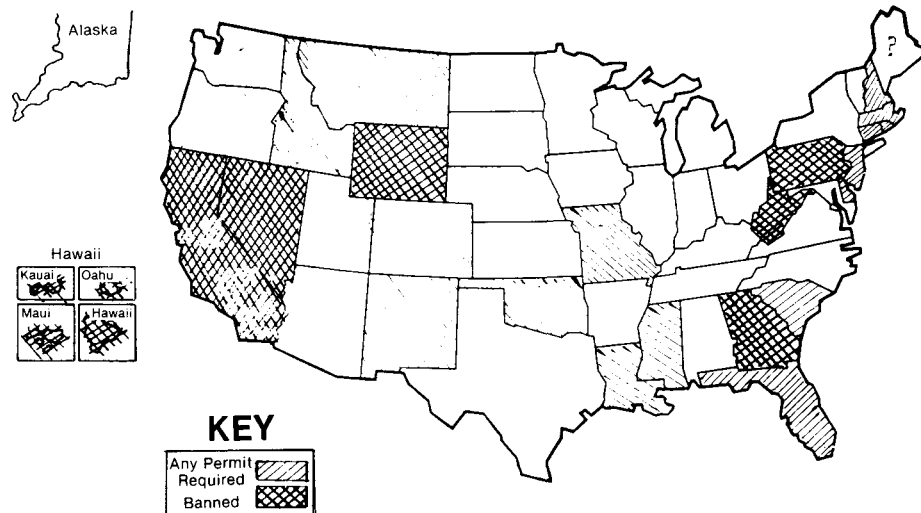


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last ten years with those legal birds already in the country, several conclusions can be drawn about the Java Rice Bird as pest or pet. The underlying fear has been that the Java sparrow would become established in the wild and damage agricultural crops. These feral populations have failed to materialize in any significant numbers. Prior to the im-

port ban around 1970, Java Rice Birds were imported into the United States by the thousands annually. Frank Miser of Magnolia Bird Farm reports that he alone brought in 4,000 to 5,000 Java Rice Birds each year between 1963 and 1968. He was only one of four or five people importing Java sparrows during that period. Richard Baer, AFA President, recalled

TABLE I
STATE REGULATIONS OF THE JAVA RICE BIRD

State	No Known Regulations To Either Import or Possess	Permit Required To Import Into State	Permit Required To Possess In State	Banned From All Importation and Possession	Comments
Alabama	X	No	No	No	¹ Family Ploceidae is permitted
Alaska	X ¹	No	No	No	
Arizona	X	No	No	No	² For all exotic wildlife
California		No	No	Yes	
Colorado	X	No	No	No	³ For all exotic wildlife
Connecticut		Yes ²	No	No	⁴ For commercial propagation only
Delaware		Yes ³	No	No	⁵ Special purpose permits may be issued
Florida	Pets Only	No	Yes ⁴	No	
Georgia		No	No	Yes ⁵	
Hawaii		No	No	From Import ⁶	⁶ Protected as a native species
Idaho	Vague	No	Yes(?) ⁷	No	⁷ No restrictions if owned before entering state or if on sale in pet stores
Illinois	X	No	No	No	
Indiana	X	No	No	No	
Iowa	X ⁸	No	No	No	⁸ Must be legally obtained in state of origin
Kansas	X	No	No	No	
Kentucky	X	No	No	No	⁹ For all exotic wildlife; none issued yet for Java sparrows
Louisiana		Yes ⁹	No	No	¹⁰ Check with local authorities
Maine	X ¹⁰	No	No	No	¹¹ To possess or sell all exotic birds
Maryland	X	No	No	No	
Massachusetts		Yes	No	No	¹² To import, export and propagate any exotic wildlife except imported finches
Michigan	X	No	No	No	
Minnesota	X	No	No	No	¹³ For all exotic wildlife
Mississippi	Pets Only	No	Yes ¹¹	No	¹⁴ Probably not issued
Missouri		Yes ¹²	Yes ¹²	No	¹⁵ For most exotic wildlife
Montana		Yes ¹³	No	No	¹⁶ "Permission" required
Nebraska	X	No	No	No	¹⁷ "Permission" required for all exotic wildlife
Nevada		No	No	From Import	¹⁸ Pending outcome of Bill SB 791
New Hampshire		Yes ¹⁴	No	No	¹⁹ For all exotic wildlife
New Jersey		Yes ¹⁵	Yes ¹⁵	No	²⁰ For all exotic wildlife
New Mexico		Yes ¹⁶	No	No	²¹ For all exotic wildlife
New York	X	No	No	No	²² Legislation pending
North Carolina	X	No	No	No	²³ Uncertain, confusing
North Dakota	X	No	No	No	²⁴ Federal restriction
Ohio	X	No	No	No	²⁵ Federal restriction
Oklahoma		Yes ¹⁷	No	No	²⁶ No territorial restriction, Federal only
Oregon	X (Now)	No	No	? ¹⁸	
Pennsylvania		No	No	From Import	
Rhode Island		Yes ¹⁹	No	No	
South Carolina		Yes ²⁰	No	No	
South Dakota	X	No	No	No	
Tennessee	X	No	No	No	
Texas	X	No	No	No	
Utah	X	No	No	No	
Vermont	X ²¹	No	No	No	
Virginia	X ²²	No	No	No	
Washington	X	No	No	No	
West Virginia		No	No	From Import	
Wisconsin	X	No	No	No	
Wyoming		No	No	Yes	
Ameri'n Samoa		No	No	From Import ²³	
Guam		No	No	From Import ²⁴	
Puerto Rico		No	No	From Import ²⁵	
Virgin Islands		No	No	From Import ²⁶	

the time when Java Rice Birds were so common that they could be bought in dime stores for \$3.98 a pair. And that included a free cage! It must be recognized that out of the several hundred thousand birds imported prior to the ban, a significant number must have escaped or been released into the wild. Shipping and handling during that period was lax and because birds were cheap and plentiful, little thought was given to escapees. Also some of the dime store pets must have been released when the owners became tired of them. In spite of this, feral populations have failed to become established except in the most tropical climates.

The replies to the state survey showed that only two states, Florida and Hawaii, and the territory of Puerto Rico had feral populations. In Hawaii a few Java Rice Birds have become established on the island of Oahu with no reported problems. Likewise in Florida, small, localized populations had become established at the southernmost tip with no problems. Puerto Rico reported that the Java Rice Bird was "well established in the wild in Puerto Rico mainly around metropolitan San Juan. . . . The secretary of Natural Resources determines that *P. oryzivora* is not detrimental to human beings, vegetation, natural resources or wild fauna of Puerto Rico." The Java Rice Bird has not sustained large numbers in the wild nor has it threatened crops. In the three tropical climates where a few have become established, none have been reported as pests.

If history and experience do not show the Java Rice Bird to be a pest, then why the proliferation of state permits and regulations covering the importation, propagation, possession and/or shipment of the legal Java Rice Birds? Most of the States requiring permits for importation or possession of Java sparrows require permits for *all* exotic wildlife and are by not means singling out *P. oryzivora*. The other reason States regulate Java Rice Birds was based on the USFWS classification of "injurious," *not* because of any problems experienced within the State. Excerpts from the Pennsylvania Game Commission reply were typical, "If the Java Rice Bird is listed as an 'injurious species' by USDI, it would not be legal to ship or import one into Pennsylvania." The West Virginia Department of Natural Resources replied in almost identical language, where the birds are likewise banned from import into the state. Nevada bans Java Rice Birds from importation along with three other birds: the exact four birds on the

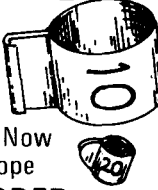
USFWS injurious list mentioned earlier. All of the state restrictions on Java Rice Birds other than those required of all exotic wildlife were based solely on the USFWS label of "injurious," not on experience, and USFWS can no longer remember why the Java Rice Bird was injurious in the first place.

Further evidence that the rules and regulations were not based on problems with *P. oryzivora* come from examination of the map. Java sparrows are regulated as much in states with cold climates such as Maine, Montana and Pennsylvania, and are unregulated in Texas which has a more tropical climate. Even Florida, where a few Java Rice Birds have become established, treats it no different than all exotic wildlife. The states with climates most suitable to *P. oryzivora* are not alarmed, and others where winters are too severe for the bird to survive, prohibit it.

In the final analysis there appears to be no evidence to support the theory that Java Rice Birds can become established in the wild in any significant numbers, and no documentation of any damage to agricultural interests exists. The USFWS cannot provide the original data to substantiate its claim that *P. oryzivora* is "injurious," yet that designation in itself has spawned many state regulations. No states with stringent regulations had problems with the Java sparrow, but most had none established in the wild to begin with. In Florida, Hawaii and Puerto Rico where small numbers do exist in the wild, the feared problems never materialized.

In May, 1981, it was learned that the USFWS Office of Wildlife Assistance has prepared a new set of regulations covering the injurious wildlife which, among other things, will, *for the first time*, establish criteria and procedures for listing *and delisting* species. These new proposed rules will be published as soon as President Reagan lifts the hold order on publishing new regulations. During the next few months AFA will be petitioning the Director of USFWS to review the injurious species list and remove the Java Rice Bird. Anyone have information about Java Rice Birds in the following areas should contact Cliff Witt at 24112 Doreen Dr., Gaithersburg, Maryland 20760, phone (301) 774-0303: (1) any feral populations in the U.S., (2) any large scale releases of Java Rice Birds, (3) approximate numbers imported prior to the ban, (4) any known damage caused by feral populations, and (5) any other information concerning whether Java Rice Birds should be classified as injurious or not •

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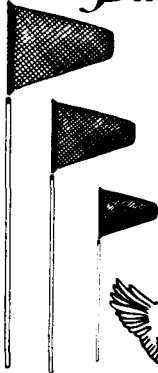


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