

Legislative Alert

March 16, 1982

TO: All California A.F.A. Members and the Board of Directors

RE: USDA Banding requirements for birds shipped out of California

Effective 9:00 a.m., March 17, 1982, all psittacine birds being shipped interstate from California must be banded with a USDA leg band and be inspected by a USDA official. The Band numbers and the signature of the USDA officer must accompany the shipment.

This "Emergency Action" appeared without warning in the Federal Register of March 16. A.F.A. has *never* opposed the banding of birds as a reasonable weapon against smuggling. We are shocked and dismayed, however, that after countless conversations and discussions with APHIS indicating our willingness to help develop a practical, workable system for banding certain birds in interstate commerce, they should publish a regulation so ill-conceived and poorly planned that the initial burden on us, the legitimate breeders and dealers, may force us to close up shop. It is utterly unbelievable that in the four pages of Federal Register print there could be so many unanswered questions, unnoticed problems, and downright negligence. I cannot answer most of the questions you will have. Neither can APHIS in Washington since most of them never occurred to the authors of this regulation.

In the course of the day today we were unable to clarify much, but we were able to point out the necessity of establishing offices where people intending to ship birds can call and go to for the required services. These FOUR offices are listed at the end of this letter. Obviously four such offices could not possibly service even one county in southern California, let alone the entire state. This is one of the things USDA is about to find out.

PERTINENT PARTS OF THE REGULATION

1. It only applies to psittacine birds. (Note: How will airline personnel know the difference between psittacines and non-psittacines? Ask USDA!)
2. You must take your birds to one of the four offices below, after making an appointment, and band them with the official bands in front of a USDA officer. He must then sign a paper stating that the birds appear to be in good health and must write the band numbers on the paper. This paper must be attached to your way-bill at the airport. (Note: There are no

facilities provided for birds escaping during banding or handling or uncrating or crating! Ask USDA how they intend to handle this problem.)

For large shipments of birds, USDA will come to your house and perform the banding ceremony there. (Ask them what constitutes a "large" shipment. 3, 10, 100?)

There are no provisions for Endangered Species. Will USDA take the responsibility for killing ES's through stress induced by a two or three hour drive to one of the designated offices in the heat or by the manhandling of the Endangered bird during banding? Be sure and ask them if they are in compliance with the Endangered Species Act and the Convention on International Trade in Endangered Species (CITES) when it comes to treatment of the birds during banding.

There is no time limit stated for the validity of the signature of the USDA officer. It is assumed the birds will be shipped immediately. If your flight leaves at 6 a.m. ask USDA if you can have the inspection the day before or if they will simply not permit you to ship the birds because they only work from 8 till 4 on weekdays. They may be interfering with free trade.

3. The regulation only applies to *birds intended for resale*. (Note: Although most of the birds shipped by A.F.A. members are NOT intended for resale, there is no provision to distinguish these from resale birds. How will the airline personnel know that your birds are not intended for resale? Demand that USDA provide you with some guarantee that your birds will not be stopped by the airlines when you are perfectly within the law since you are only shipping to another breeder or the final customer.)
4. EXEMPTIONS: The following birds are exempted from the regulation—Budgies, Lovebirds, and Cockatiels. (Note: How will the airlines know that what you are shipping are Lovebirds and not Grey Cheeks, for example? Or Budgies and not Parrotlets? Or even Cockatiels and not Cockatoos? Obviously most airline employees will NOT know. Call USDA and demand some guarantee that your birds will not be stopped by an airline employee who doesn't know a Peach Face from a Macaw!)

The other exemption is a group of birds, two or fewer than two, accompanied by the owner. (In English that means one or two birds accompanied

by its owner.)

Some of you outside California may be laughing at the ridiculous questions posed above. You will stop laughing when you realize that you will soon be faced with this same utterly unworkable regulation. Our sources here in Washington indicate that this will happen soon.

JUSTIFICATION

During the past eight weeks there have been four more confiscations of illegal birds in California. All were positive for Exotic Newcastle Disease. Secondly, California, historically, has been infected with VVND on a regular basis but especially at this time of the year. "Yellow Nape Season" unofficially opened on March 15th.

OUR DEFENSE?

The A.F.A. Legal Advisory Committee, our attorneys, and the A.F.A. Officers are discussing the various avenues to protect our interests. In the meantime our only defense seems to be a strong offense. We must show USDA that this system of banding is totally absurd and unworkable. The only way to do that is for each of you to call the numbers below and insist on answers to all the questions mentioned above plus any others that occur to you. This shouldn't be hard since most of us ship a few birds now and then and this regulation can effectively stop your bird shipments. If the line is busy, keep trying. After a couple of hours or days, call Washington, directly, and demand to know first, what is wrong with the phones at their offices in California, and secondly, answers to all the above questions. The number for Emergency Programs in Washington is (301) 436-8091.

We ask that you document all your experiences when shipping—names, dates, place, problem, and anything else that would be helpful and send this information to Cliff Witt, P.O. Box 1568, Redondo Beach, CA 90278. We will need it in the near future.

The offices where birds will be received and banded 8-4 p.m. Monday through Friday:

Sacramento—83 Scripps Drive, (916) 484-4891
San Francisco—Burlingame Annex, Burlingame, CA 94010 (415) 876-9295

Los Angeles Area—15000 Aviation Blvd., Lawndale, CA 90260 (213) 536-6890

San Ysidro—(714) 428-7341

Sincerely, Cliff Witt
AFA 1st Vice President/Legislation

There is a 60 day comment period starting with the 17th of March. Written comments should be submitted to: Deputy Administrator
Veterinary Services, APHIS - U.S.D.A.
Room 810, Federal Building
6505 Belcrest Road, Hyattsville, MD 20782 ●