

New York Bans Sale of All Wild Caught Birds

by
Clifton R. Witt

On August 6, 1984, Governor Mario M. Cuomo signed into law Assembly Bill 11589. It amends the environmental conservation law by stating that, "Except as permitted by rule and regulation of the department, no person shall sell live wild birds, . . . unless such birds were born and raised in captivity." The act shall take effect on the first day of November, 1985.

This devastating bill has had a short, but sordid, history. On May 9 Senator John Dunne was asked to sponsor the bill in the Senate by the New York State Department of Environmental Conservation. A similar bill was introduced by Assemblyman Maurice Hinchey. The bills were drafted by the Department of Environmental Conservation at the urging of an anti-bird trade coalition based in New York City. The coalition included The Fund for Animals and the Audubon Society in New York. It is important to note that the May 9th date was late in the legislative session, making it impossible for the bill to go through regular "program" channels.

On May 10th it was introduced in the Senate (S.9472) and in the Assembly on May 24th (A. 11589). It was passed in the final hours of the legislative session with no public hearings and no fiscal impact statement. It was sent to the governor for his signature in July.

While the bill itself was ill-conceived, ill-advised, and the product of an emotional, misinformed group of "environmentalists," the Memorandum in Support of it is a document of untruths, statistical manipulations, and exaggerations, a shameful piece of "research" and intellectual dishonesty which should be a source of embarrassment to New York legislators for years to come. Here are a few excerpts. How many untruths can you spot?

Purpose of the Bill

"The bill is intended to halt the killing of tens of thousands of wild birds each year as a result of the present commercial bird traffic . . .

Background

"The Commercial traffic in wild birds to supply pet shops spreads death, disease and destruction to tens of thousands of parrots and other tropical birds each year. Very young birds taken from the nest and "hand raised" are the most sought-after tropical birds for the

pet trade. It is common practice for native hunters to cut down whole trees in order to reach newly-hatched babies. This method of capture results in the death of large numbers of birds and permanent loss of habitats. The birds which survive are exposed to overcrowding, forced feeding of drugs, and other traumas which produce high mortality rates . . .

"Mortality rates have been known to run as high as 80% for some species of tropical birds from time of capture to pet store delivery. Apparently, this high rate of loss by importers is adequately set-off through high mark-up prices on surviving birds."

Reference is then made to parrots carrying psittacosis and the requirement for feeding antibiotics during quarantine:

". . . Due to difficulty in enforcing quarantine requirements following immunization of these birds, psittacosis continues to crop up in many parts of the country.

"The disease most widely spread by imported wild birds is VVND (referred to as "Exotic Newcastle Disease"), a highly virulent, contagious and often deadly affliction for wild birds and commercial poultry. VVND is nurtured in crowded quarantine holding pens and spreads rapidly to chickens and turkeys upon exposure.

"The most destructive outbreak of VVND occurred in 1973, spread by one or more parrots which had escaped from a pet bird importer in Southern California . . . The outbreak ultimately led to the destruction of 11,808,242 chickens and turkeys. A similar outbreak on the East Coast in 1983 also resulted in the demise of large numbers of domestic poultry flocks.

"Untreated parrots can be carriers of VVND for 404 days from the onset of infection. To counter this serious threat to poultry, imported wild birds are now required to ingest antibiotics to destroy all bacteria in their systems . . .

"The wholesale capture of wild birds for sale has threatened a number of species with extinction. The Amazon Parrot of Puerto Rico is now the most endangered bird in the Caribbean . . . The greatest threat from wild bird capture is to parrots and birds of prey, which are long-lived and have few offspring . . .

"Low marketplace ethics in the pet industry encourage smugglers to circumvent export restrictions and quarantine by packing birds in closed containers, where they often die from suffocation . . . Customs agents con-



HAGEN.

VITAMIN SUPPLEMENT-CONDITIONER FOR BIRDS

- HIGH POTENCY MULTIVITAMIN SUPPLEMENT
- CONTAINS ALL ESSENTIAL VITAMINS PLUS IRON
- AIDS GROWTH AND HEALTH



LE RÉGÉNÉRATEUR ET SUPPLÉMENT VITAMINIQUE POUR OISEAUX

- UN SUPPLÉMENT COMPOSÉ DE VITAMINES ESSENTIELLES
- ENRICHÉ DE FER
- UN EMPLOI RÉGULIER FOURNIRA AUX OISEAUX LES VITAMINES ET LE FER NÉCESSAIRE À UNE CROISSANCE SAINTE



Multi-Step
Net Contents 30 ml
Contenu Net 1.1 oz

A high potency multivitamin diet supplement for all cage birds. Regular use will ensure that all essential nutritional requirements during a bird's lifespan are fully met. Hagen Vitamin Supplement Conditioner contains among other ingredients **VITAMIN A** to promote health of plumage and skin. Also to aid resistance to disease. **VITAMIN D** promotes strong bone formation in young and nesting birds. **VITAMIN D & A** promotes quick moult and restoration of plumage. **VITAMIN B** is required for health and growth of the nervous systems. **VITAMIN C** is vitally required for resistance to infections and disease. **VITAMIN E** for mating birds and the prevention of infertility **IRON** to prevent anemia and increase the synthesis of hemoglobin.

HAGEN

AVAILABLE FROM YOUR LOCAL PET SHOP

DISTRIBUTED BY
ROLF C. HAGEN (USA) CORP.
MANSFIELD, MA 02048

CANADA
ROLF C. HAGEN INC
MONTREAL, QUE H4R 1E8

COMPLETE DIET!

- **No supplements needed**
- **No mess, no fuss**
- **Less time for feeding**
- **Saves money**



SPECIALTY FEEDS

Follow our easy instructions
and convert to DR. D's

Scientifically Formulated—complete with vitamins and minerals

Improved Vigor—more chicks fledged per nest

Improved Growth—healthier chicks make better breeders and show stock

Superior to Seed Diets—seed diets are deficient in certain important nutrients

Feed as Sole Ration—no need to bother with cuttle bone, greens, extra vitamins, or minerals

Balanced Protein—with essential amino acids in proper balance

Improved Maintenance—nutrition is important even during non-breeding periods for a healthier bird

Leave Nest Sooner—faster and more complete feathering

No Wasted Hulls—stop paying for wasted bulk

Formulation by an internationally and nationally known avian nutritionist. Diet to be fed as the sole ration. Think of the advantages: **1) improved growth and vigor**—watch your chicks grow bigger and healthier because of the complete diet. **2) save time**—no need to fuss with vitamin solution. **3) eliminates guess work**—you can be certain that the birds are getting exactly what they need when they need it. **4) completely edible**—the birds can eat the entire diet; no hulls to clean up or to pay for. **5) benefit from science**—put the experience of the nutritionist to work for you.

Prices*

	Budgie	Canary
STARTER-GROWER DIET	\$36.00/50 lb.	
LAYING DIET	\$18.00/25 lb.	
MAINTENANCE DIET	\$32.00/50 lb.	\$36.00/50 lb.

Quantity Orders:

15% discount on orders of 200 to 400 lb; 20% discount on orders of 425 to 800 lb; write for discounts on larger orders.

We accept MASTERCARD and VISA.

Please allow time for personal checks to clear.

AVI-SCI, INC.

Dept. B, P.O. Box 598
Okemos, MI 48864

*SHIPPING CHARGES ARE EXTRA AND PAYABLE ON DELIVERY

fiscate thousands of smuggled birds each year, and more than 90% of those confiscated are parrots. All must be destroyed.

"The proposed legislation would undertake one step toward preventing the continued destruction of these bird species and habitats by limiting the sale of birds to those *bred in captivity* . . . The few exceptions to successful domestic breeding are high-strung species which do not survive well in captivity anyway . . . Proof of domestic propagation is easily accomplished by sliding closed rings onto the ankles of infant birds which can be removed after purchase by the pet store customer."

So these are some of the lies handed out to the New York legislators as they went to vote on this bill. No mention, you'll notice, of existing Federal law that prevents or deals with some of the atrocities mentioned above. No mention of the efforts of AFA or PIJAC or even CITES to ensure humane treatment and conservation. Preposterous? Outrageous? Yes. But remember, even as you read this, it could be happening to you in your state.

Response from AFA and PIJAC

AFA learned of this bill on Friday, July 13, 1984. President Phillips immediately sent Governor Cuomo a telegram: "American Federation of Aviculture representing 55,000 bird breeders strongly opposes A.11589. Detailed letter from our legal counsel following to correct misinformation and misunderstanding."

Marshall Meyers, General Counsel for Pet Industry Joint Advisory Council sent a similar telegram but added: ". . . Industry believes hasty, last minute legislative action absent public hearings injurious to industry and general public. Economic impact significant. The law will encourage, not discourage, illegal activities."

The telegrams were followed by long and detailed letters. Legal Counsel Gary Lilienthal responded on behalf of AFA. Some highlights from Gary's exceptionally well-written comments:

". . . The New York law, which I believe is unenforceable and perhaps unconstitutional, seems to regulate, no, prohibit, the sale of every non-domestically bred bird now in captivity in the state of New York. Contrary to what some would have you believe, the law appears to apply not just to commercial vendors but to individual pet owners as well. As I read this law, it could make criminals of everyone who now owns and may wish to resell a bird which was previously caught in the wild no matter how domestic at this

time. In addition, how will the truth of whether or not birds were captively bred be ascertained? How will breeding claims be verified? The law does not seem enforceable. A band for a baby bird will be too tight and dangerous for that same bird as an adult. The bill itself promotes animal cruelty. It encourages suppliers to remove USDA bands and sell birds as domestically raised. It removes the safeguard of knowing birds were quarantined. This law will be difficult and costly to enforce.

"In fact, this law would promote smuggling into New York, inasmuch as normal channels would be so restricted that the only way for persons inclined to own a pet might be through becoming unwittingly involved with dishonest persons or by going to a neighboring state to purchase a pet or breeding stock.

". . . As far as Newcastle disease is concerned, it is readily acknowledged that *no* outbreak of Newcastle has ever been traced to quarantined birds. Your law would promote smuggling and increase the chance for this disease which all lovers of avian fauna dread. Laws which are too unreasonably restrictive are inimical to their own real purpose."

Marshall Meyers, in his comments, first reviews some general bird statistics (e.g. "Studies indicate that 15% of U.S. households house pet birds."), then discusses the economic impact the bill would have on the 900 New York pet shops and 100 manufacturers of pet products. He then describes the existing regulation of wild caught birds by USFWS, U.S. Customs, USDA, CITES, and the Lacey Act. He then proceeds to dissect the justification memorandum point by point, exposing each and every lie, each statistical twist, each misleading and confusing statement. Along the way he points out that, "Such sleight-of-hand comparisons ill serve the legislative process. . . . It unjustly penalizes legitimate trade; it aids and abets illegal trafficking." Marshall's comments are so well worked out that I hope those of us lucky enough to have a copy will file it in our AFA files for future reference.

One of Gary's final comments raises another kind of issue which is equally important to many of us:

"Finally, and perhaps most important of all, but certainly not to detract from the importance of the other points, is the question of the ability of an exotic bird, obtained in the wild and imported into the United States, to enhance so greatly the quality of a person's life and to have its life enhanced as well. I know

your reputation and I know that the quality of your constituent's lives is one of your primary concerns as Governor of the State of New York. If there had been a dialogue with respect to this bill, I am sure it would have been pointed out that in this country, today, the ownership of a pet bird is more prevalent, due to the nature of our society, than the ownership of a dog or cat. Young people relegated to condominiums, cooperatives and apartments, families where two persons must work, physically and mentally disabled people who thrive on a relationship with a pet, traditional families and, of course, the elderly, many of whom are confined to a different level of activity from a younger person, have all turned to exotic birds, from parakeets to cockatoos, for companionship, love and affection, both giving and receiving. I do not believe the wisdom of the State of New York is to remove this."

Both AFA and PIJAC asked for a veto and a hearing.

In another action, a letter alerting N.Y. AFA members to the bill was written by State Coordinator Arthur Freud and mailed to all AFA members in the state asking them to contact the Governor.

Implications

If this bill is allowed to stand there are certain things which are likely to happen. First of all it is clear that New York has introduced a new kind of bird smuggling: Interstate. Secondly, any business that depends in any significant way on the bird trade could easily go out of business. Perhaps most importantly, this law sets a frightening precedent since New York is often considered a "bell wether" state. It demonstrates how the anti-bird keeping organizations can work to manipulate legislation by distorting facts and using out-and-out lies. I have, for the past ten years, urged everyone to monitor your state legislation. Vigilance is essential if we are to protect our right to keep and breed birds.

Surprisingly as it may seem, some aviculturists actually greeted the New York bill with pleasure. They argue that this kind of legislation will increase the prices of their domestically raised birds at a time when we all feel the slump in bird prices. This is a very short-sighted viewpoint. Imagine a world where you could not obtain new blood for your breeding program, a world where anyone not interested in cockatiels, love birds, or budgies never even became interested in birds at all, a world where the closest feed store was two states away or more, a world where there was

no market for your hand-fed Greys because no one knew what a quarantine Grey was like, a world where you could not sell *any* bird unless you could prove beyond reasonable doubt that the bird was captive bred. And forget about expanding your collection with those macaws you planned on buying or those toucans, or those tanagers, or those cockatoos, or those painted cunures or laughing jay thrushes! You'll have to wait several breeding seasons and pay prices you never dreamed of before the handful of breeders can fill your order. And those of you opposed to banding will be putting coded, traceable bands on everything that hatches, no matter what, and registering your birds with the government just to prove you are captive breeding certain species. Every real breeder will be spotlighted. That is just a few of the ways our world will change unless this bill and others like it are beaten down immediately.

What can be done?

Once legislation is passed it is very difficult to undo the damage. We are going to have to rely very heavily on our legal consultants and the legal staff of PIJAC to work out ways to nullify the effects of this bill. The regulations that will implement the bill still have to be written, but they will be written by the very people who wrote the bill itself so

there is little hope of finding significant loopholes or special exceptions for private citizens.

Another approach might be through amendments to the bill that would create "exceptions" and cancel the negative effects as we see them.

The bottom line, however, may be litigation. Because there were no public hearings and no fiscal impact statement and other "shady" moves to ramrod this bill through at the last minute, there may well be grounds for suit. This is a route that must be taken very advisedly. It is always costly and it will surely draw battle lines we might otherwise avoid. If all else fails, however, this is the kind of issue where AFA must stand with the importers and the commercial trade to keep imports open. Even though you may not think about it very much, the commercial trade feeds your backyard aviary, creates markets for you which you could not create for yourself, stimulates the production of feed and supplies that a totally "captive-bred" market could not sustain through the sheer force of numbers of new and continuing bird owners, introduces new species to us and allows us to sustain and maintain our gene pools, and other things. If it becomes necessary, you will be asked to help. In the mean time think about what it would be like in your state if there were no imported birds. ●



**In Memory of
Charlotte LeDoux**

Charlotte LeDoux, age 76, died on August 30, 1984 in her Palo Alto, California home. For many years Mrs. LeDoux was an active canary breeder and a popular member of several bird clubs. She was a very early member of the A.F.A. and was a dedicated worker who contributed much to the growth and structure of the organization. She was appointed Parliamentarian by A.F.A. President Lee Horton and served in that capacity to the end. Almost single handedly she worked out the first major revision of the A.F.A. bylaws and she was very helpful in the latest revision earlier this year. Although limited by cane and wheelchair, Mrs. LeDoux was a great traveler and was a familiar and beloved figure at many A.F.A. functions. We shall all miss her very much.

WHOLESALE BIRDS

**For the Finest Quality of Exotic Birds
At Low — Low Quarantine — Wholesale Prices**

Importers of Exotic Birds

Air Shipments to All Parts of the United States and Overseas

Never a Box or Service Charge

BABY AMAZONS

- 3-6 Months Old
- Blue-Front Amazon
- Yellow-Nape Amazon
- Red-Lored Amazon
- Blue Crown Amazon
- Spectacled Amazon

MORE BABY BIRDS

- African Grey Parrots
- Timneh Gray Parrots
- Blue and Gold Macaw
- Green Wing Macaw
- Sulphur Crested Cockatoo
- And Many Others —

EXOTICS INCLUDE

- Troupials
- Tanagers
- Siskins
- Goldfinches
- Nightingales
- Toucans
- Parrotlets
- Lorikeets

— Others —

Always Canaries and Cockatiels



Monthly Sale Specials! — Inquire

SUPREME EXOTIC BIRDS, INC.

39 North Bond St. • Mt. Vernon, New York 10550, USA

(914) 699-4608

Write or Call for Current Price List — Issued Bi-Weekly