

Smidgen- the feedback story continues

by Sherry Rind
Redmond, Washington

Photos by Sherry Rind



This youngster has a full crop. In the background are the individual syringes used to give vitamins.



Smidgen is attacking the remains of my yogurt.

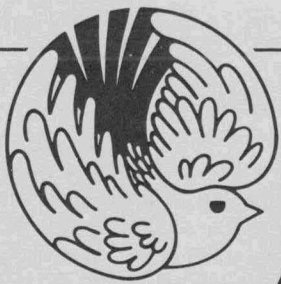
Breakfast is not the simple matter it used to be. In December, 1985, it was a time to relax between feeding the animals and getting to work, a time to drink coffee and read a magazine like this one. Now breakfast is a contest between myself and Smidgen, a Timneh African grey parrot. Smidgen rampages across the table like a mechanical toy, tasting everything in sight, including my breakfast. I now keep my coffee cup in my lap or on the floor because, as I have told Smidgen, she is much too young for caffeine.

She is particularly fond of plain yogurt, perhaps because I eat it out of the same blue and white bowl I used for her baby formula. I generally win our get-the-breakfast contest but we are not as unevenly matched as you might think. While I can take large bites with the help of a spoon and Smidgen can only lap up little beakfuls, she cheats by trying to climb into the bowl. If she gets in, she wins. It is a Pyrrhic victory for her, however, since she is allowed to eat only a little bit of yogurt.

“A little bit of everything” is my guideline for Smidgen’s good health, arrived at after paying close attention to many diets recommended by different people. Hatched September 12, 1985, Smidgen is a member of Sollie and Audio Feedback’s (“Yoda: A Case of Calcium Deficiency,” Dec/Jan 1986) first truly successful clutch. She also represents my first venture into parrot breeding, since she was bred while Sollie and Audio were temporarily in my care.

Readers of the previous article may remember that Sollie and Audio are part of a cooperative breeding venture among three people and the two parrots. Despite unexpected and costly problems, the cooperative part has gone well because the three humans—Sue Ellis, Mark Snodgrass, and I—have adhered to the same goal: to breed healthy parrots. That may seem obvious but partnerships have foundered when the people are not absolutely clear about putting that one goal ahead of their own comfort, egos, and pocketbooks.

And did we open our pocketbooks! Yoda, hatched from the first fertile clutch, had surgery on a leg fractured due to calcium deficiency. (Now the problem is getting him to stay put on his cage and take a break from talking once in a while.) The next clutch, hatched the week of June 24, 1985, produced two babies who lived for about ten weeks,



AFA in action... **NEWS and VIEWS**

JUNE 1986

PRESS RELEASE

New York Bird Smuggler Convicted, Faces Federal Prison Term

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Harvey L. Edelman of Queens, New York City is facing a 35 year federal prison term and a \$1 million dollar fine after his conviction on October 9, 1985 in US District Court, El Paso, Texas, on four felony counts of bird smuggling. Edelman, a New York bird dealer, had been arrested on March 14, 1985 near the El Paso-Mexico border in possession of 44 Mexican parrots that he had smuggled into the United States in violation of US Department of Agriculture and US Fish and Wildlife regulations.

The federal investigation of Edelman was begun in 1984 by special agents of USDA's Office of Inspector General in New York City. Edelman, while under investigation by USDA, received shipments of smuggled birds in New York. In February 1985 he drove to El Paso and Mexico to obtain additional shipments for sale to New York dealers and pet shops. He was arrested on March 14 at a Border Patrol checkpoint by agents from US Fish and Wildlife, US Customs and the Border Patrol who were assisting USDA-OIG in their investigation.

The 44 birds in Edelman's possession when arrested were found in three pet carriers in the hatchback of the vehicle he was driving. The vehicle was also seized. According to court testimony, Edelman told border patrolmen that the covered carriers contained dogs.

Special Agent Stephen T. Grogan of USDA-OIG who headed up the investigation said the birds in Edelman's possession when arrested included exotic yellow headed Amazons, red headed Amazons, red lored Amazons and conures. The yellow headed Amazons are primarily found in the wilderness of Mexico.

According to Grogan birds imported into the United States must be quarantined by USDA for at least 30 days and tested for communicable diseases, mainly Newcastle Disease, a devastating disease to the poultry industry.

Additionally birds that have gone through USDA's quarantine are identified and marked with a serially numbered leg band coded to the quarantine facility it was tested at. Edelman's birds had no leg bands, Grogan said.

Special Agent Thomas McKay, USF&W, Division of Law Enforcement, who assisted in the investigation in El Paso said he hopes the arrest and conviction will help stem the increasing traffic of smuggled parrots through El Paso. "It has really started up," he said, "most bird smugglers use the lower Rio Grande Valley around Brownsville because it's closer to their natural habitat." But increased enforcement in that area has caused some smugglers to try El Paso as a crossing point, McKay said.

McKay said that the psittacine birds that Edelman was arrested with when imported legitimately into the US brings a retail price of about \$700. The wholesale value of the birds found in Edelman's car was estimated to be about \$10,000.

Grogan stated that USDA, USF&W, as well as US Customs have stepped up their investigations and enforcement of bird smuggling to prevent the spread of disease and the concern that removing great numbers of Amazon parrots from their habitat could make them an endangered species.

Both Agents Grogan and McKay stated that persons buying exotic foreign birds should be suspicious of sellers who offer exotic birds that have no leg bands and who will not show you health papers that reflect the bird you are buying went through quarantine.

Edelman was sentenced in US District Court in El Paso on December 3, 1985. ●

The OTA Meets The AFA

*PRESS ADVISORY
FROM THE OFFICE OF TECHNOLOGY ASSESSMENT
WASHINGTON, DC*

Today the Office of Technology Assessment (OTA) released a background paper on efforts to maintain biological diversity in the United States by "grassroots" activities — individuals and groups of private citizens that contribute to the conservation of a wide variety of plants, animals and habitats.

According to OTA, these private sector activities are a vital part of U.S. efforts to maintain biological diversity. Frequently grassroots groups undertake activities that the federal or state agencies cannot or do not address; in other cases, they complement government activities. Through their characteristically volunteer efforts, these groups accomplish a great deal with limited resources.

Biological diversity encompasses the full array of plants, animals and microorganisms on earth. It supplies raw materials and ideas for technical advancement and is basic to breeding programs which improve agricultural crops and livestock. Conservation of biological diversity is also important for ecological, aesthetic and ethical reasons.

OTA's background paper, *Grassroots Conservation of Biological Diversity in the United States*, highlights and assesses specific "showcase" examples of grassroots

individuals and groups maintaining biological diversity in the United States. Among the activities highlighted are those of a small group of residents in the Midwest preserving a remnant of the once abundant tall-grass prairie, and networks of gardeners preserving rare and endangered varieties of garden vegetables and fruits.

The background paper was prepared by OTA in response to requests from the House Committee on Science and Technology, Senate Committee on Foreign Relations, and the Senate Committee on Agriculture, Nutrition and Forestry, and supported by the House Committee on Foreign Affairs, House Committee on Merchant Marine and Fisheries, and the House Committee on Agriculture.

OTA is a non-partisan analytical agency that serves the U.S. Congress. Its purpose is to aid Congress in dealing with the complex and often highly technical issues that increasingly confront our society.

Copies of the report are available to the public at the U.S. Government Printing Office (GPO), Superintendent of Documents, Washington, D.C. 20402, phone (202) 783-3238. The GPO stock number is 052-003-01019-4. The price is \$3.50. Copies for congressional use may be obtained by calling the OTA publishing office at 48996. For further information contact Ellen Mika or Jean McDonald, (202) 226-2115.

The following excerpt featuring the AFA is taken directly from OTA's "Grassroots Conservation of Biological Diversity in the United States." Ed.

American Federation of Aviculture

Many private citizens maintain collections of birds, reptiles and mammals. For some of these hobbyists maintaining diversity is a consequence, not a goal, of their efforts. Animals, for example, are usually raised for reproduction, with the hope of profiting from sales of their offspring. On the other hand, many privately owned reptile and bird collections are extensive and professionally managed to conserve species. It is claimed that their efforts to reproduce species which are difficult to breed under controlled conditions, when successful, may discourage the illicit trade in endangered and threatened species by lowering prices enough to make collection in the wild unprofitable — a point of considerable disagreement.

National and regional societies support individuals interested in captive breeding of wild animals. The sophistication and scope of such groups varies with the interests and goals of the individuals involved. Some simply exchange cultural information; others are making efforts to establish detailed records of the breeding histories for captive species to assure genetic diversity of the animals.

The World Pheasant Association of the United States (WPA/USA) is an example of a small conservation-oriented association with the twin goals of habitat and species preservation (58). Field studies are supplemented by captive breeding programs with qualified breeders. The organization, with its small membership, has had to rely on intensive public and private fund raising endeavors to accomplish its goals.

AFA is a large, well-organized, national organization that serves private breeders of exotic bird species. AFA holds an annual convention and is politically active in support of its members' interest. A bimonthly magazine, *The AFA Watchbird*, informs members of important national and regional matters related to keeping wild, non-native, bird species. The group also funds conservation projects, and research on avian diseases and the conditions necessary for the maintenance of healthy animals. They have encouraged

cooperation of members on projects involving captive breeding of birds.

One example is their recent cooperation with AAZPA to develop a breeding consortium for the rare black palm cockatoo (*Probosciger aterrimus*) (58). Approximately 100 of these birds, brought into this country illegally in the fall of 1983, were intercepted by U.S. Department of the Interior officials. Through a concerted effort by AFA and AAZPA, DOI allowed these birds to be distributed among consortium members. AFA members are maintaining a breeding registry and will participate in a master plan overseen by AAZPA designees at the Baton Rouge Zoo in Louisiana. Such cooperation has been possible, in part, because private citizens have both the capabilities and facilities to accept these birds.

AFA conducts a regular survey to determine the type, population, and reproduction success of bird species being maintained in captivity. While not exhaustive, this survey provides better information on the private breeding and maintenance of birds than is otherwise available. Such information is essential to locate individuals for breeding programs like that designed for the black palm cockatoo. They also monitor the success of individual captive breeding efforts and award successful efforts as well as those member activities which encourage other bird keepers to gain and pass on skills in captive breeding.

Some people are concerned that private collectors contribute to the trade in endangered species, particularly native birds of prey. Numerous statutes limit the possession of such birds (25), and at least one state forbids the sale of any wild collected bird in order to limit trade in endangered and illegally imported animals. Private collectors argue that such laws restrict legitimate efforts to propagate rare species and actually encourage illicit trade (34, 37). Societies such as AFA discourage illegal activities by refusing membership to persons who have "...been convicted of violation of any state or federal law concerning the importation, interstate shipment, possession or inhumane treatment of any avian species" (76). Such peer pressure, while not fully effective, can make the marketing of illegally imported animals more difficult.

A second problem is that importing exotic bird species may inadvertently introduce diseases of serious consequence for domestic fowl. For example, the discovery that the highly contagious Newcastle's disease (Velogenic Viscerotropic Newcastle Disease) can infect exotic birds has been of great concern to aviculturists and animal health officials. Finding a single infected bird generally requires the destruction of a collection. AFA has established telephone networks among its members to alert them of emergencies such as disease outbreaks. They also are working to gain improvements in postquarantine holding and transfer facilities that would prevent healthy imported stock from being mixed with infected birds already in this country.

Individuals keep wild animals for diverse reasons, ranging from personal taste to a desire to conserve rare and endangered species. Most of these people keep animals as a hobby and probably contribute little to the overall preservation of biological diversity. However, the success of a few private breeders with some exotic, endangered species may, it is argued, reduce the prices for those species and make collection from the wild unattractive. By monitoring the activities of individual breeders, groups like AFA can be important links to a large, diverse sector from which accurate, well-maintained records of activities are otherwise unavailable (58). Such records can provide breeders with valuable technical information and access to larger, more genetically diverse populations. ●

Thick Billed Parrots Seized

A number of thick billed parrots have been seized by U.S. Fish & Wildlife Service law enforcement agents during the first four months of 1986. Listed as endangered under the U.S. Endangered Species Act of 1973, it is illegal to import, receive, carry, transport, ship, or offer for sale in interstate commerce a thick billed parrot (or any other endangered wildlife).

Due to a large influx of illegally imported thick bills, Fish & Wildlife has focused an eye toward the growing illicit trade. A native of the pine forests of Mexico, this attractive green bodied parrot with red facial markings has seen a rapid decline in forest habitat and heavy trapping for the pet trade in Mexico. Tijuana pet shops are filled with these birds, many of which find their way across the border into California.

In an effort to stem the tide of illegal traffic, the Fish & Wildlife Service has been devoting increasing attention to the problem. Persons selling or offering thick bills for sale are in violation of the law and subject themselves to civil and criminal penalties as well as confiscation of their birds.

Although possessors of Captive Wildlife Permits are normally exempt from restrictions on interstate sale of captive bred endangered psittacines, thick bills are an exception not covered by CWP regulations, since thick bills are considered native to the U.S., occurring historically as migrants in the Piñon pine forests of southeastern Arizona. Captive Wildlife Permits apply only to those endangered species which do not include a geographic portion of the United States within their range.

Possession of thick bills is permitted under the Endangered Species Act, so long as they were legally acquired. Persons considering acquiring thick bills should exercise caution to avoid subsequent seizures. Purchases do not constitute legal acquisition. Birds may, however, be transferred on *breeding loan* or as a gift. The core issue to consider is that no *commercial* transaction may take place.

The American Federation of Aviculture is very concerned about the current events evolving around the thick billed parrot. Many aviculturists are rightfully fearful they will be unable to prove the legitimacy of their birds, since few have records dating back to 1973 and few have banded their birds.

In an effort to calm the approaching storm, the AFA has submitted a five part proposal to the Fish & Wildlife Service that would allow for identification of legitimate and illegitimate birds, encourage captive breeding efforts, and contribute to the conservation of the species in the wild. AFA has proposed:

- 1) All thick bills currently in captivity be banded with coded, traceable butt-end bands. The banding to be carried out over a sixty-day period, which would allow everyone time to have their birds banded.
- 2) All captive born thick bills be banded with coded, traceable closed bands.
- 3) All thick bill owners be required to participate in a consortium (similar to the palm cockatoo consortium).
- 4) A studbook for thick bills be maintained.
- 5) Thick bill breeders be required to donate 25% of the progeny raised for release back into the wild.

Through the above program, all unbanded birds would be considered illegal, resolving the identification problem. The consortium and studbook would serve as management tools to ensure the gene pool is properly maintained, and coupled with the release program a contribution to the conservation

of thick bills would demonstrably be made.

Updates on the thick bill situation will be forthcoming in future issues of Watchbird. ●

Endangered Thick-Billed Parrot Trade Stemmed: Bird Dealers Convicted

A Canoga Park, California couple were sentenced in Los Angeles District Court after pleading guilty to one count each of offering to sell thick-billed parrots in interstate commerce, a violation of the Endangered Species Act. Gary A. Peyrot was fined \$1,000 and Karen R. Peyrot was fined \$10,000. Both defendants were placed on three years probation. The sentence was imposed by U.S. District Court Judge Stephen V. Wilson in Los Angeles, California on Monday, April 21, 1986. *Karen Peyrot is currently on probation for prior federal violations which involved the smuggling of parrots from Mexico into the United States.*

The investigation into the couple's recent activities began in October 1985 when a U.S. Fish and Wildlife Service agent, acting in an undercover capacity, contacted the defendants after learning the couple was offering six thick-billed parrots for sale in a nationally distributed magazine for bird enthusiasts. Six thick-billed parrots were subsequently seized on October 9, 1985, pursuant to a search warrant executed at the Peyrot's residence in Canoga Park. In addition, 12 unbanded yellow-naped Amazon parrots were seized. These birds were believed to be illegally imported into the U.S. from Mexico.

Grand jury investigation revealed that Karen Peyrot had 23 thick-billed parrots taken to a local veterinarian to have them surgically sexed to sell as paired birds. The remaining 17 thick-billed parrots were believed to have been sold to private collectors and bird dealerships throughout the United States and are currently being sought by the U.S. Fish and Wildlife Service.

U.S. Fish and Wildlife Service agents have seized numerous thick-billed parrots in several states, which originated from commercial dealers in California.

Thick-billed parrots are an endangered species and are only found in remote highland pine forests in central Mexico. Habitat for the species is rapidly disappearing and is threatened by logging activities and human disturbance over most of their present range. Thick-billed parrots ranged into the United States (Arizona and New Mexico) at one time and were observed in sporadic flocks during the 1930s and fewer sightings in the 1940s and 1950s. ●

AFA Represented at the 35th Western Poultry Disease Conference

The AFA was represented by President Jerry Jennings and Dr. Amy Worell at the 35th annual meeting of the Western Poultry Disease Conference. The meeting took place in Puerto Vallarta, Mexico and was held in conjunction with the Mexican counterpart to the WPDC.

Dr. Rosenwald, of the WPDC noted in a letter to Jennings, "The membership of the Western Poultry Disease Conference and those attending the conference as participants really appreciate the support of organizations such as yours. It expresses the real feeling of collaboration between the veterinary groups . . . with breeders, collectors and importers of companion birds of all sorts." ●

Legislative Round-Up

by Lee Phillips Harwood, Maryland

Pennsylvania has been added to the list of states in which legislation restrictive to aviculturists has been proposed. Senate Bill 1479 was introduced on April 10 by Senators Kratzer, Stapleton and Shumaker and was referred to the Game and Fisheries Committee. The bill reads in part, "It shall be unlawful for any person, association or corporation to import into the Commonwealth, possess, buy, sell, locate or find for a fee, barter or otherwise deal in wild birds." No hearing date has been set and the bill will be monitored by the Pet Industry Joint Advisory Council as well as the American Federation of Aviculture.

In **New York**, Senate Bill 7384 which would regulate — instead of ban — trade in exotic wild-caught birds has passed the Senate and is currently stalled in the Assembly. Under this bill, which is considered an improvement over the ban, the New York State Department of Environmental Conservation would adopt regulations providing for humane treatment, care and sanitation of birds in commercial transactions.

The **New York** law banning the sale of wild-caught exotic birds becomes effective May 1. Regulations are being disseminated to breeders and retail pet stores in the state. A.F.A. representative Paul Gildersleeve was asked to provide the New York State Department of Environmental Conservation with a list of A.F.A. members in the state. In keeping with A.F.A.'s policy not to divulge the names and addresses of its members, the request was refused but as an alternative it was suggested that A.F.A. would mail the information to its New York members.

In **Tennessee**, companion bills No. 1449 in the Senate and No. 1546 in the House, as amended have passed both chambers in the legislature. Thanks to the efforts of Deborah Dorsey, Jennifer Lee and members of the Middle Tennessee Cage Bird Club, the bills were amended to exempt avian species exclusive of waterfowl and North American game birds. This is an excellent example of grass-roots efforts to influence legislation and all involved are to be commended.

Alabama bill S-466, the "Bird Dealers' Licensing Act" has been indefinitely postponed and since the legislature has adjourned for the year, no action will be considered until 1988.

Massachusetts bill S-1100 prohibiting the sale of wild-caught exotic birds had a public hearing on March 20 at which Massachusetts state coordinator Gary Lilienthal testified in opposition and presented petitions with 13,000 signatures opposing the ban. This bill is still in committee. In a related instance, the Massachusetts Department of Fisheries and Wildlife has proposed stringent regulations concerning the possession of certain birds and Gary Lilienthal has met with department officials and has sent a strongly-worded letter to the department opposing these regulations.

In **Ohio**, HB-611 relating to licensing as a "pet shop" anyone who sells more than 15 animals per year is still under consideration. Ohio state coordinator Michaelen Rogers has met with the sponsors of the bill and is working to amend it.

An outbreak of exotic Newcastle disease (VVND) has occurred on the east coast and the birds responsible were unbanded baby yellow-naped Amazons. We have been informed by USDA that a wholesaler in Pennsauken, New Jersey was depopulated with a loss of 2,420 birds. Of concern were the 325 shipments which were made to the following states: Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Maine, Delaware, Maryland, Virginia, North Carolina and the District of Columbia. Birds were swabbed at these locations and initial test results

showed one positive reactor and a retail pet shop in Toms River, New Jersey will be depopulated. The U.S. Department of Agriculture has been cooperative in releasing information about the outbreak, the complete test results of which are not yet available.

The east coast has also suffered another outbreak of avian influenza and poultry in five states were affected. Twenty flocks of poultry were destroyed for a total of 365,000 birds, as follows: 13 flocks in Pennsylvania, four in New Jersey and one each in Massachusetts, Ohio and New York. Retail live poultry markets in New York, New Jersey, Rhode Island and Connecticut were also involved. Fortunately exotic birds were not implicated in the outbreak which was suspected of being spread by contaminated chicken coops and people. There's a lesson here for aviculturists to limit access to your aviaries and to disinfect shipping boxes properly between use.

After 15 months of meetings, the steering committee for the Maryland Cage and Aviary Bird Improvement Plan is putting the finishing touches to the plan and is seeking funding from the state of Maryland in the amount of \$7,000 for the first year of its operation. Support for the voluntary, self-regulating plan has come from the poultry industry. Aviculturists in the state of Maine have already adopted the Maryland plan with only the addition of a paragraph.

A lengthy article in the March 24, 1986 issue of *The Wall Street Journal* concerned the Hartz Mountain proposal to import birds into the U.S. without quarantine from their closed facility in St. Lucia, with Hartz stating that within three years of operation the project could export "200,000 low-cost birds annually." Because of strong opposition from budgie breeders, aviculturists, and the poultry industry concerned with the introduction of disease, the proposal was withdrawn by the U.S. Department of Agriculture. Clifford Krauss, staff reporter of *The Wall Street Journal*, writes that birds have been in residence in St. Lucia since 1984 when 200 parakeets were shipped from Tampa, Florida and that St. Lucia's Prime Minister John Compton, viewing the project as important to his island's economy, has re-opened the issue with U.S. officials. Since the initial proposal was part of the Caribbean Basin Initiative, don't be surprised to find this proposal again on the Federal Register.

The Pet Industry Joint Advisory Council (PIJAC) has initiated an 800 number to permit persons interested to receive instant updates on the status of legislation or rule-making proceedings in various jurisdictions. PIJAC serves as a central clearinghouse on the status of legislation and regulatory procedure and has available information on model laws for various aspects of the pet industry. PIJAC has invited A.F.A. members to avail themselves of this service. The toll-free number is 800-553-PETS and will respond during normal working hours 9:00 a.m. to 5:30 p.m. E.D.T.

In two states, A.F.A. state coordinators have been informed of itinerants offering to sell "baby yellow napes at a good price," and have passed the information along to me. After receiving specifics concerning name, address and telephone number of both the "salesman" and the pet shops he approached, I contacted the law enforcement division of U.S. Fish and Wildlife Service and transmitted the information to that agency. It was received with thanks and action was promised. If we are to have any impact on reducing the number of smuggled birds, we must do all we can to apprehend all who deal in smuggled birds. I urge everyone to be alert to salesmen or advertisements for napes or redheads that are "just too good to be true." Get all the information you can and pass it along to me and I'll see that it gets to the proper authorities. Above all, do not permit these itinerants or their birds to enter your premises. ●

Massachusetts Aviculturists Rally Against S.1100

On April 4, 1986, approximately 200 committed aviculturists, hobbyists, pet owners and members of the pet trade turned out at the State House in Boston to oppose the adoption of S.1100, a bill to ban the sale of wild-caught birds and to strictly regulate the sale of captive raised birds. Among those present were AFA officials and representatives including Gary Lilienthal, AFA legal counsel and Massachusetts state coordinator; Janet Lilienthal, chairman of AFA's Nominations and Elections Committee; Larry Brandt, AFA New Hampshire state coordinator; Dr. Al Decoteau, author and aviculturist; Dr. Marjorie McMillan, distinguished avian veterinarian; Steven King, counsel for the Pet Industry Joint Advisory Council; and Jon Hoffman, columnist for *Bird Talk Magazine*, all of whom gave testimony in opposition to S.1100. A letter in opposition was presented on behalf of Linda Rubin, AFA northwest regional vice-president, who despite her inability to attend due to illness made her presence known and felt. In addition, two state senators, William Keating and William Golden, and state representative Marjorie Claprod, as well as John Bragg representing the Massachusetts Farm Bureau, all of whom truly understood that aviculture is conservation and that this legislation will increase smuggling and avian disease, appeared and spoke in opposition to the bill. The aviculturists, hobbyists, pet owners and pet stores presented petitions with signatures of more than 13,000 Massachusetts citizens opposed to the bill. Speaking on behalf of the proponents were Gerard Bertrand, president of Massachusetts Audubon Society which sponsored the bill, Massachusetts Society for the Prevention of Cruelty to Animals and Defenders of Wildlife. The proponents presented their case stating that the pet trade was one more pressure on declining wildlife. They cited inhumane conditions and high mortality in capture and transport quoting such figures as for every one bird that makes it to the pet store, one hundred die, but failing to present any empirical data supporting this. When asked by one of the members of the Natural Resources and Agriculture Committee of the Massachusetts Legislature to name one bird which would be protected by this legislation, the president of Massachusetts Audubon, after pondering this question for some time, named the scarlet macaw. During the opposition testimony, the committee was informed that the scarlet macaw was now Appendix I under CITES and for the most part no longer imported into the United States, in any event. Approximately 15 of the approximately 200 persons present opposing S.1100 gave testimony on the anti-conservation, anti-companion animal and pro-smuggling effects of the adoption of S.1100. The unofficial report by the committee is that the bill has been referred to summer study as was its (1985) predecessor, S.1810, for an uneventful death. Following are reprints of the testimony of Gary Lilienthal, AFA legal counsel and Massachusetts state coordinator, and Janet Lilienthal, AFA delegate from the Boston Society for Aviculture and chairman of the AFA Nominations and Elections Committee. Unfortunately, as a postscript, the Massachusetts Division of Fisheries and Wildlife, which supported these bills and threatened to invoke regulations if they did not pass, has seemingly followed through with its threats and proposed and adopted regulations which would require aviculturists to seek and obtain permits to keep their birds and to allow inspectors into their aviaries (homes) in order to qualify for issuance of these permits. *Additionally, these permits are not to be granted for the keeping of birds as pets!* While such regu-

lations do not cover most of the common species, they do cover some of the species commonly in aviculture. AFA and Gary Lilienthal are continuing to monitor the progress of these regulations and may at a future date take appropriate legal action with respect to them as they may set a precedent for other states to control or ban the keeping of avian species through regulation rather than legislation. Similar regulations were proposed and, with the help of AFA and AFA members, defeated earlier this year in Tennessee.

Testimony of Gary P. Lilienthal Submitted to the Committee on Natural Resources and Agriculture of the Massachusetts Legislature in Opposition to S.1100 on March 20, 1986

My name is Gary Lilienthal. I am an attorney by profession with offices in Boston. I am a lifelong resident of Massachusetts, have been an aviculturist for thirty-two years and am one of the few successful breeders of large parrots in this Commonwealth. I am presently the Massachusetts state coordinator and national legal counsel of the American Federation of Aviculture, the national non-profit organization dedicated to education of the public, scientific research and promotion of captive breeding of avian species.

Both my organization and I are vehemently opposed to this proposed legislation.

When Dr. Bertrand appeared before you last year on the prior version of this bill, which did not pass, he claimed that the membership of Massachusetts Audubon supported this proposal. Ladies and gentlemen, I am today delivering to you petitions containing signatures of citizens of the Commonwealth of Massachusetts, some of whom have clearly identified themselves to be Audubon members and I am sure many others of whom are Audubon members. All of these signatories strongly oppose this bill. We now present a constituency of thirteen thousands Massachusetts citizens who have made a deliberate and overt statement of opposition to this law.

Preliminarily, there are a few facts relevant to S.1100 which you should know.

Of all of the states in which this law has been presented, only New York, the first state in which it was introduced, has passed it. This law was passed in New York over 18 months ago without any advance notice, without public hearings and based upon the statement that there was no opposition to the law and it is yet to be implemented in New York. In the other states in which the law has been presented, it has not been passed and, as a matter of fact, earlier this year a similar legislative committee in Maryland, with its mammoth poultry interests, heard this law and totally rejected and defeated it.

Today, I am presenting only a few of my reasons for opposition. The purpose of my testimony is to show you that this law will accomplish the opposite of what it is alleged to do by the proponents.

1. Audubon must realize the tremendous destruction of avian habitat in the world today. It is estimated that every minute fifty acres of rain forest are destroyed by man. Quoting Dr. Bertrand, every four days an area the size of the state of New York is cleared. They must also recognize that many governments consider native avian species as pests and viciously hunt them down and poison them in their natural habitats. *We offer these birds sanctuary.* We offer the only alternative to extinction, that of protection in captivity and captive breeding with the hope that some day these foreign countries will recognize the resources which they have lost and allow us to re-introduce these species into safe habitats. This is

humane and conservative. Contrast this with Audubon's philosophy shown in S.1100. In its California condor program, the U.S. Fish and Wildlife Service proposed to capture the remaining six California condors from the wild to place them with the fifteen California condors presently in captivity so as to protect and propagate them with the hopes of re-introducing them into a safe habitat. Audubon's answer to this proposal and commitment by the U.S. Fish and Wildlife Service was to obtain a federal injunction against our Fish and Wildlife Service preventing them from capturing the six remaining wild California condors even though they face certain extinction and death unless placed in captivity. Audubon seems to feel that death is a better alternative to captivity. We strongly disagree. Look at the success right in our own backyard with the re-introduction of the bald eagle at the Quabbin Reservoir and the peregrine falcon breeding program. Without captive propagation and aviculturists, the bald eagle could be extinct today in Massachusetts and would be if we followed Audubon's position in this bill. If the sale of legally-imported wild birds is allowed to continue in Massachusetts, when foreign countries can get back to the business of conservation and preservation of the rain forests, we will hold the only key to re-introducing these species into safe native habitats.

2. Our amazement with the proponents' support and sponsoring of an anti-conservationist bill such as S.1100 is heightened by the fact that we have been approached by two organizations in the foreign countries in which some of the would be prohibited birds are found to assist them in the preservation of species which are either in danger of extinction in the wild or being poisoned and slaughtered by the millions as pests. Amazingly, these two organizations are the foreign counterparts of two of the groups which sponsor and promote S.1100. However, these foreign conservation, humane organizations take a totally opposite point of view from the sponsors of this bill. S.1100 would prevent us and them from taking positive steps which would truly conserve wildlife.
 - a. The Venezuelan Audubon Society has asked AFA to solicit its members to form a breeding consortium for the Venezuelan black-hooded red siskin so that it may be preserved in captivity for posterity and save it from extinction. AFA has agreed. Thankfully, this species was imported into the United States, is established in aviaries and captive breeding programs so that it will be saved from extinction hopefully to be re-introduced when safe habitats may be provided in their countries of origin. Without importation and protection in captivity they would have become extinct like our own Carolina parakeet. Extinct is forever.
 - b. The Royal Humane Society of Australia has joined with AFA and others to try to convince the Australian government to allow the exportation of its birds which each year are poisoned by the millions as pests. The Royal Humane Society in Australia recognizes that poisoning is inhumane and that keeping these birds from being exported and sold in the United States, in states like Massachusetts, will result in the worst form of inhumane treatment of these birds in their native country. S.1100 would promote avian genocide.

How can Audubon, Defenders of Wildlife, MSPCA and the United States Humane Society in filing and supporting this legislation take such a contradictory position to their counterparts in foreign countries

where the atrocities against these avian populations are taking place?

3. We are shocked that the proponents of S.1100 would take a position which will undoubtedly promote illicit trade and smuggling in avian species. You are shown pictures of smuggled birds and how they have been mistreated. S.1100 would increase the occurrence of this. We vehemently oppose smuggling and have worked and are working with the United States government to stop it and prosecute smugglers. Laws such as S.1100 which establish a prohibition of legal trade and over-regulate aviculture promote smuggling. I have here letters from the United States Department of Agriculture and the poultry industry stating that this law will clearly promote and increase smuggling. With increased smuggling, resulting from the passage of this law, more birds will be inhumanely treated as smugglers are not subjected to existing humane treatment laws. As a result of increased smuggling disease will increase with the introduction of smuggled, not lawfully-imported and quarantined, birds wearing counterfeit seamless bands. We have been told that there are smugglers with baby birds captured in the wild and closed-banded with the very seamless leg bands called for as proof of captive breeding under S.1100 now awaiting implementation of the New York law. But for S.1100 and laws like it these birds would be subject to the various existing import, export, quarantine and humane treatment laws.

Conclusion

Audubon stated to us in the summer study conducted last year under Senate Bill 1810 that it considers birds living, thriving and breeding in captivity to be "*biologically dead*." By these standards, if a species were extinct in the wild, but living and breeding in captivity and available for future re-introduction into appropriate habitat, Audubon would still consider that species to be extinct. We cannot and will not accept this.

We do not regard dogs and cats living in homes with people who love and care for them to be biologically dead. The quality of life for these companions has always been valued and looked upon as beneficial to both humans and their companion animals. Why should our birds be treated or considered any different? Birds living and thriving in our homes certainly have a more acceptable and fruitful life than death. The Massachusetts legislature and a bill to ban the sale of wild birds are not appropriate forums in which to conduct a dialogue on these issues. A ban on the sale of wild birds and the regulation of the breeding and keeping of birds in captivity in this state will be counterproductive to captive propagation of avian species to save them from extinction and to humane care, treatment and prevention of disease of cage and aviary birds. Please reject this bill and help us and let us get back to the pursuit that we know and love, that of aviculture as conservation. Join with us in the recognition that we have not inherited birds from our forefathers, we have only borrowed them from our children. Thank you.

Testimony of Janet L. Lilienthal Submitted to the Committee on Natural Resources and Agriculture of the Massachusetts Legislature in Opposition to S.1100

Madame and Mister Chairman, members of the Committee, aviculturists and fellow former Audubon members.

My name is Janet Lilienthal and I speak in opposition to S.1100. I begin my testimony by explaining to you why

we aviculturists are somewhat paranoid about legislation such as S.1100. Did you know that the Humane Society of the United States has a captive wild animal protection plan calling for confiscation of all animals and birds they don't think people should own? In it they state: "Animals which have been confiscated or turned over to the state should be placed in existing zoos and wild life preserves, found other suitable living places, or euthanized." If these animals can't be placed to the Humane Society's satisfaction, the animals and birds would be euthanized. I think you can see why we believe there are strong forces afoot to seriously limit, regulate, and eventually ban the ownership of exotic birds.

The purpose of my testimony is to show you that the regulations accompanying S.1100 are inimical to the best interest of the very birds they allege to protect. In addition, the bill would over-regulate aviculturists to such an extent as to discourage, inhibit, or even prevent their humanitarian and conservationist practices, including breeding captive-bred birds.

How would the bill interfere with proper care of our birds? This bill prohibits not only the sale of certain live wild birds, but extends the definition of sale to include "offering or exposing for sale, and soliciting for sale by catalogs, newspapers, magazines, or other advertising matter." This means that the very magazines and journals which serve to educate us regarding humane treatment, proper nutrition and medical care, and captive breeding techniques will be outlawed. In addition to educating us, the ads in these journals are resources for products such as seed, vitamins, medicines, nest boxes, housing material, cages, toe nail clippers, everything our birds need to be healthy and to thrive in captivity, and most important, these journals, magazines, want advertisers, and newspapers are a resource for locating mates for single birds, expanding our breeding population, and broadening blood lines. All these publications, including the Sunday Globe, would be banned. This regulation is censorship, restraint of trade, and a violation of the First Amendment right of free speech and freedom of the press.

Another provision in the regulations requires that all live wild birds possessed pursuant to the license process contained in the bill "be confined in the facility and premises described on the license." This regulation does not permit us to take our birds to shows or educational programs, to schools, to nursing homes, anywhere we might educate the public as to the responsibility and pleasure involved in keeping birds. But one of the most incredible aspects of this particular legislation is that our own MSPCA is supporting and promoting a bill that by its terms prohibits us from taking our birds for medical care to our veterinarians. What's even more incredible is that two of the finest avian veterinarians in the country, Drs. Marjorie McMillan and Margaret Petrak, are on the staff of MSPCA's own Angell Memorial Hospital. I wonder if MSPCA will have its veterinarians start making house calls.

Another provision of this bill requires inspection of facilities prior to granting a bird breeder's license. It is an established fact that avian disease can be spread and tracked from aviary to aviary on the shoes and in the nasal mucosa of the government inspectors. In fact, in 1974 one of the largest outbreaks of Newcastle's Disease, a virus contagious to poultry, was spread by the very inspectors sent to eradicate it. [And by the way, we have a letter from the U.S. Department of Agriculture stating that no case of Newcastle's has ever been traced to a

legally-imported, quarantined bird.] There is another negative aspect to being required to admit inspectors to our aviaries. The entrance of a stranger can disrupt breeding birds to the point that parent birds will desert eggs or even babies if they feel threatened. For this reason, no outsiders are allowed in my breeding aviaries. In addition, who in Fisheries and Wildlife has the necessary experience with exotic birds to make determinations regarding adequacy of breeding facilities, nest box size, diet, lighting, cage size, etc.? The answer is, "No one."

In addition to the regulations not being in the best interest of the birds, the law also unnecessarily over-regulates aviculturists in their efforts to keep and raise birds. We are going to be required to get permits and pay fees to sell birds we currently own. And in a few years only those individuals deemed eligible for a bird breeder's license will be permitted to sell birds, and only captive bred birds at that. In order for a person to qualify for such a license, one has to prove that he or she has the experience necessary. This is a true Catch-22. A potential breeder must have experience in order to have the opportunity to gain experience with breedig birds. How will new aviculturists be able to get started?

There are also serious financial burdens imposed by this law. Most aviculturists start out with a moderately priced pair of wild-caught, imported birds. To have to deal only with the more expensive captive-bred birds would make setting up breeding facilities prohibitively expensive for most novices. This law will result in limiting captive breeding possibilities rather than encouraging them.

Finally, the regulations would require that individuals seeking a bird breeder's license disclose the address of the facility where live birds will be possessed and bred as well as the numbers and types of birds possessed. As we stated last year in opposition to S.1810, aviculturists tend to be very secretive about the types and location of birds they have and breed. Fears of theft or vandalism mandate this. Now we are afraid that our locations and types of birds will be public information under the Freedom of Information Act.

There are many other problems with this bill, such as how this bill will be funded, and the regulation requiring inhumane leg banding of baby birds. However, I realize that time is short. Therefore, in light of the above, I urge you to reject totally S.1100 and not to send it to summer study again. During last year's summer study we were threatened with regulation if we didn't accept some form of legislation and were told that either our points of view were irrelevant or we didn't understand the issues. However, proponents have never submitted proof or documentation of their allegations. The proponents who, unlike us, are paid to be here may ask you to keep a dialogue going and may even state that they'll seek our input regarding improving the regulations. It is not our responsibility to work out their problems. We gave them one summer study and that was enough. The burden was on the proponents to bring to you a workable, well-thought-out, intelligent, sensitive bill that would serve aviculture and the citizens of this Commonwealth in their conservationist efforts. Well, they had the benefit of all last year's testimony, five summer study sessions, and a full year's time, and they still couldn't come up with anything better than this. They merely proved our point that S.1810 was bad and S.1100 as an attempt to improve upon it is even worse. We ask you to reject S.1100. Thank you. ●



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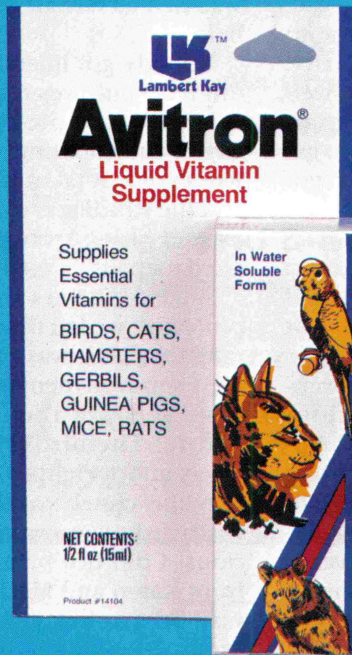
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only to die of failures of their immune systems, after many, *many* vet bills.

These two babies had to be removed from the nest at two weeks of age because Sue and Mark were forced to move from their house. The parent birds and their cage came to me for—as I assured my husband during the next six months of morning and evening jungle concerts—“just a couple of months.” The babies were fed a diet based on several different cereals and baby foods, powdered milk, sunflower meal, papaya and vitamins. They were supplemented with Neocalglucon. Yoda had been given calcium but perhaps not early enough; it was not until this clutch that it “took.”

However a different problem developed. A fecal culture showed signs of staph and strep infections, with a blood test showing low white count and low protein level. On July 18 a vet injected the babies with the antibiotic Geopen and prescribed Gentocin orally. After each feeding, their mouths were cleaned with cotton swabs dipped in a solution of Nolvasan and water. By July 29 the indications of staph and strep were gone but the babies had developed *E. coli*. The Gentocin was continued orally. By August 12 all infections were cleared up. Although the protein levels were never high despite the good diet, the babies showed no other clinical signs of problems and one came to me at eight weeks of age.

This was to be my pet bird in exchange for ownership of Audio, the male. Widget was the first bird I had hand fed. He was not an eager eater and we thought this was due to the change-over. On August 22, I saw a white spot like a blister on the upper left side of the bird's neck. Feeling a little foolish, a little “mother hennish,” I rushed Widget to my vet. Since the spot was not on the crop, *Candida* was ruled out. After an exam, the vet said it might just be a spot where a feather was pulled when I was cleaning Widget after feeding.

By August 28 Widget was throwing up and losing some feathers. Back to the vet. This time a close exam showed a skin infection extending up around the neck, hidden by feathers, and a blood test's elevated white count confirmed this. The vet kept Widget for a couple of days in order to give injections of Gentocin. Meanwhile, the nestmate in Sue and Mark's care died and was sent off to a lab for a necropsy.

When I brought Widget, his Moxycillin (oral antibiotic), and his skin ointment home, we embarked on a

nightmare I hope I never have to endure again. He was weak and wasted; he tried to huddle so close to the brooder lamp that he would have burned himself on the glass of his aquarium if I did not put a towel in the way; his “ee-ee” noises that had sounded cheerful now made me sick with anxiety. Round the clock I tried to feed him every two hours. That schedule is gruelling enough with healthy babies but this was far worse. Nearly everything that went down his throat immediately came back up. We tried a different antibiotic, Chloromycetin; we tried Paregoric to help keep the medicine down; I tried hourly feedings. Of course, I sterilized all equipment between uses. Widget's ability to keep food down seemed to get better for a couple of days but then got worse. During the night of Sept. 4 he retched even when his crop was empty. First thing next morning, it was back to the vet where he had a seizure and died that afternoon. I was grieved but not surprised.

Both babies died of what was essentially a diffuse bacterial infection. Their immune systems had shut down. Widget's red blood cell percentage had shown a drastic deterioration from 36 to 29 to 19. All we had were theories: the parents' being selective feeders weakened the babies from the beginning; early injections let in bacteria from contaminated instruments or through the skin puncture; too much antibiotic at too young an age caused the immune system to fail.

Meanwhile, ever since the adult pair had moved to my basement, I was feeding them every food ever proposed by any book or breeder, and more. In the morning, they got corn-beans-rice-kibble with generous amounts of ground pellets mixed in (they would not eat plain pellets). A judicious balance of feeding schedule and hunger pangs soon had them eager to nearly clean the bowl. Later in the day I gave them small amounts of dry and freshly sprouted seeds, along with fruit, vegetables, and vitamins. Since it was summer and I have a garden, much of their fruit and all their vegetables were fresh-picked and unsprayed. Sometimes I gave them egg yolk from my free-ranging chickens and bits of plain chicken meat (*not* from my own chickens). My husband began to complain that the birds were eating better than he was.

Sollie was sitting on another clutch of four eggs. Terribly depressed, we humans did not look forward to their hatching. Fortunately, the birds took no heed of us and the first hatched Sept. 7,

only a few days after Widget died. The other two came along on the 10th and 12th, with one dead in shell early in development. There they were, ugly and beautiful, terrifyingly fragile, exciting.

Mark came over at intervals to give the babies miniscule amounts of calcium and vitamins. Half-heartedly, I offered to do it but I did not look forward to fighting off a biting, roaring Sollie in order to get the babies out of the nest. She sounded like a lion and was just as lethal. Mark declined my help.

Nobody got injections this time. We did fecal cultures regularly and blood samples a couple of times from the largest baby, starting when he was a few weeks old. It takes the patience of Job and the steadiness of a brain surgeon to extract blood from one of those pin-sized toenails.

Since the babies showed no signs of problems, we left them with the parents until the eldest was eight weeks old. We then removed them for Sue and Mark to hand feed on the same formula as before. The birds thrived—protein levels and weights were far above the previous clutch's at the same age—but we three humans were emotionally cautious. I did not bring Smidgen home from Karen and Mark's place until she was on a token morning and early evening feeding with a larger feeding right before bed.

When I put her in her new cage, she growled at the dog, cheeped at me, and settled in as if she had never been away. While being weaned from her formula, she seemed to eat constantly, interrupting her feeding only for naps and play. She had been the smallest and most docile member of the clutch but now began to catch up with the others, turning quantities of food into terrible Timneh. The docile baby grew into an active, feisty, strong-willed youngster.

I am trying to teach her some appropriate table manners, such as do sample what I offer and do not consider my fingers part of the food. She wants to taste and chew everything, so that I have to watch her carefully when she is out of her cage. When she tries to bite the wrong thing, I say, “No,” or simply try to turn her attention to one of her toys.

While I would love to take nearly full credit for her existence and say it is due to my careful feeding of her parents, there are too many variables to know that any one factor made the difference between life and death. Certainly the improved diet played a part. So did experience—both the birds' and ours. ●



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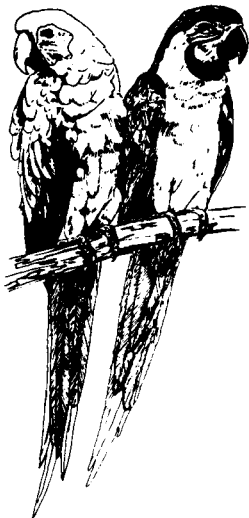
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