



in Congress Assembled

by Clifton Witt

A Legislative Turn For the Better

WASHINGTON, D.C.—The first half of 1979 has seen a great deal of legislative and regulatory activity affecting aviculturists and pet bird owners everywhere in the country. And, for a change, it is all good news—mostly. Below is a short description of each one of four major regulations that are either proposed by the Federal government or are now law. Each has some good and some bad from the aviculturist's point of view, but each represents a further step toward making aviculture the legitimate, respected industry/hobby it should be. Each of you reading this has played an important part in shaping these regulations either by being a member of AFA or by the letters and mailgrams you sent to various government officials or your Congressman. Because of your membership, AFA now has the clout to influence, in a significant way, the form regulation and legislation is taking.

Bird Imports—Off Again, On Again

March 28, 1979 was the date that all bird import permits were cancelled until further notice. Like most USDA actions, this caught the majority of us by surprise and many importers and aviculturists spent the weekend running up their phone bills to determine if it was true and, if so, why.

The answers came at the beginning of the week. Everything was brought into sharp focus on April 2 when APHIS (USDA's Animal and Plant Health Inspection Service) held a meeting with bird importers, aviculturists, AFA, and other interested parties such as poultry industry representatives.

Briefly, their reasoning for closing the stations was based on the following situations:

- Exotic Newcastle Disease (VVND) appears to be reaching epidemic proportions worldwide. More lots of birds in approved quarantine stations have been destroyed this year for having been diagnosed as having VVND than in any similar period since the program began.

- There were significant outbreaks of VVND in imported birds during the months of January, February, and March

of this year in California, Florida, Arizona, and Nevada.

- The Florida and California outbreaks were closely associated with quarantine stations. In both instances, the disease was diagnosed in the holding facilities *outside* the stations, proper.

- Additionally, at the Florida holding facility, there had been four (count them, four) break-ins or burglaries of the infected facility, three of them *after* VVND had been diagnosed and depopulation was in progress. (Dates of the break-ins: Feb. 16, March 24, 25, 26. The facility was found positive for VVND by lab tests in Ames, Iowa on March 19.) The burglaries resulted in many missing birds as well as escaped birds taking up residence in the neighborhood trees. To make matters worse, the birds were not only known to be infected with VVND, but were already being treated for several other devastating diseases of aviary and cage birds before VVND was discovered. APHIS really had a mess on their hands. APHIS officials and police worked diligently on the case and, within a short period of time, apprehended a small group of teenagers who admitted to the break-ins. Most of the stolen birds were also recovered.

- In an unrelated incident earlier this year, five macaws were stolen from a quarantine station in Jamaica, Long Island while it was being depopulated for positive VVND. Those birds are still at large.

- In both the Florida and California outbreaks, all evidence suggested that the carrier of the Newcastle Disease was not a smuggled bird as is usually the case, but human beings transmitting the disease on their person by moving from the quarantine station itself to the holding facility. This is obviously prohibited by regulation but apparently not enforced, at least at these two stations. Further investigation disclosed that this "biological" security was lax in many other stations. Often the owners did not permit their employees to move from place to place without showering and changing clothes, but the owners, themselves, ignored the regulation. They *are* the Boss, after all.

The sum total of these situations caused APHIS to wonder whether the current operational and handling procedures were adequate to stop VVND from entering the U.S. They decided to close imports while they reevaluated the security regulations, both physical and biological.

The April 2nd meeting saw little disagreement among the various organizations. Representatives from USDA, AFA, (Cliff Witt), IBI (International Bird Institute—the organization representing quarantine station owners), and the poultry industry spoke. AFA and IBI jointly opposed penalizing the "clean" quarantiners for the wreckless behavior of a few of the 84 station operators. Otherwise it was generally agreed that additional security was needed.

APHIS officials worked on the new regulations while a committee comprised of quarantine station representatives and one AFA State Coordinator (Ruth Hanessian) drew up a list of changes or additions to the procedures that were acceptable to the bird industry and aviculturists. This combination of efforts brought about the new regulations which eventually were published in the Federal Register.

Before this final rule-making, however, there was an unusual snag. For reasons still not clear, the new regulations had to be approved by the Secretary's office. Now, in Washington, this is a big deal. We all wondered why such things as tamper-proof windows and electronic burglar alarms had to be approved by the Secretary of Agriculture himself.

The General Counsel for IBI, Marshall Meyers, pursued the situation and, in a meeting with Deputy Assistant Secretary Jerry Hill, finally smelled a rat. It seems that the delay in approving the new regulations was the result of the people in the Justice Department (Legal Counsel for USDA) dragging their feet. Further, the liaison between Justice and Agriculture was a man who has gone on record, publically, as opposing bird imports of any kind. This was while he was working for the Department of the Interior. Thus it appeared that we were faced with an attempt by the Dept. of the Interior and the Justice Department to exert pressure on USDA to use this temporary halt to imports to close the quarantine stations once and for all, thereby ending bird imports altogether.

When alerted to this situation, Dr. Baer, AFA President, activated AFA's Emergency Operations Plan so that all AFA members and member clubs could immediately take action by sending mailgrams to the Assistant Secretary of Agriculture, P.R. Smith (Jerry Hill's boss) as well as congressmen and senators, demanding the reopening of the quarantine stations. If you were not called by your state coordinator or club delegate, you should, at this time, call

them and find out why. It is imperative that our Emergency Operations Plan work if we are to succeed in these efforts. It has been used twice this year.

Thanks to you, the mailgrams had the effect we hoped for. As they piled up by the hundreds in P.R. Smith's office, attitudes magically changed and three days later we were told publication in the Federal Register would be May 18. And sure enough, on May 18, 1979 the temporary ban on bird imports ended.

That did not mean, however, that bird imports resumed immediately. First the quarantine stations had to comply with the new regulations, be inspected, get their leg bands to the USDA Veterinarian in Charge in their state (see below) and THEN import permits would be issued. Some stations are still wrestling with this.

Some highlights of the new regulations:

a) Electronic or guard monitoring systems to prevent removal of birds and TV monitoring and communication systems between the quarantine area and clean area.

b) Installation of tamper proof hasps, hinges and windows of a type which will prevent removal of birds from the facility.

c) Use of seals on all entrances and exits.

d) Disclosure of personnel employed at the facility and restricted access to the facility by non-Service (APHIS) personnel. Restricting access to the facility to times when Service personnel are present should provide better monitoring of the birds while in quarantine and should help prevent thefts from the quarantine facilities.

e) The placing of waste material in leakproof bags with disposition to be made under the direction and supervision of Service personnel only.

f) Procedures for handling of employees who violate standards of approval and handling procedures including notice, informal conference, suspension, and discharge.

g) A signed statement from each employee agreeing to avoid contact with other birds and poultry for at least seven days after having contact with the birds in the station (except after the release date).

h) To allow the unannounced entry of Service personnel or other persons authorized by the Service for the purpose of inspecting birds in quarantine.

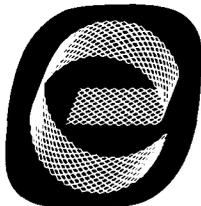
i) To feed chlortetracycline to psittacine birds upon their arrival in the

facility, in accordance with the guidelines of the U.S. Public Health Service to reduce the risk of infecting Service employees, as well as other individuals having contact with the birds, with psittacosis. If non-psittacine species are quarantined in the same facility with psittacine species, they will all be fed the chlortetracycline-medicated feed.

j) If the seals referred to above are broken by other than Service personnel, it will be considered a breach in security and an immediate accounting of all birds in the facility shall be made by the Service and if any birds are determined to be missing from the facility, the quarantine period will be extended for at least an additional 30-day period.

This last mentioned item is seen by us here in Washington as a clear penalty for careless operators since there is really no point in quarantining the remaining birds for an additional period. The missing birds, it would seem, have no effect on those remaining. All of the new regulations take the form of a signed agreement between USDA and the quarantine station.

I hope this answers the bulk of the questions you have had concerning the reasons for the closing of the stations and the long delay in re-opening them.



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Captive Bred Endangered Species To Be Reclassified— Finally!

The long-awaited Proposed Rule Making that would permit interstate commerce in captive born endangered species was finally published in the Federal Register on May 23, 1979. Joan Caton of the U.S. Fish and Wildlife Permit Office reported to the AFA East mini-Convention last April that such a proposal was forthcoming in May. We skeptics here in the Capital were pleasantly shocked when it happened.

Since the founding of AFA, one of our major goals has been to achieve deregulation or relaxation of controls over captive populations of endangered species. The time has finally come, demonstrating once again, that there is strength in numbers. Your membership weighs heavily when AFA testifies at hearings such as those which brought about this proposed regulation.

A general summary of the proposal is as follows: All small captive born endangered species of wildlife will be reclassified as "threatened." Those wishing to engage in the buying, selling, trading, shipping, or export of said wildlife for breeding purposes may do so provided that they first register with the U.S. Fish and Wildlife Permit Office. At the time of registration they must furnish documentation that they have the proper facilities to care for the wildlife they intend to maintain. After each sale or shipment, they must notify USFWS of the details of the transaction within 10 days.

This does *not* cover native species with the exception of the Layson Teal. While others may be added to the list later, at this time USFWS does not feel that any other native endangered species has adequate protection from trappers or other human predators to risk relaxation of controls.

Imports of endangered species will be allowed with a special permit only.

Remember, this is a Proposed Rule. Comments are due before July 23. Then there will be a waiting period (usually 30 days) before it is published as a Final Rule. Consequently, we can expect it to go into effect this fall. A more detailed article about this change in regulations and other aspects of the endangered species situation will appear soon in the *Watchbird*.

Illegal Birds Seized By Customs May Be Quarantined

The comment period for another Proposed Rule that is of great importance to us closed at the end of May. U.S. Customs Office proposes to quarantine and later sell birds that are seized by them as illegal birds. This represents another example of AFA pressure having an effect. Long ago we requested such a program from both USDA and U.S. Customs. With the advent of the mini-isolette developed by APHIS (article to appear later in *Watchbird*) it has become possible to quarantine small lots of birds in government facilities. Consequently, the hundreds of birds that are brought in by uninformed tourists, smugglers, and would-be-sly aviculturists no longer would be routinely destroyed, but quarantined by USDA and, 30 days later, returned to Customs for auction. How the auction procedure will work has yet to be described to us.

Another benefit of such a program would be to encourage people to use the Hot Line established two years ago for reporting smuggling activities anonymously. Customs officials feel that many people are reluctant to report smuggled birds if they think the birds will be destroyed. If the birds are saved, however, through this quarantine-auction program, many more reports on smuggling are expected. (NOTE: USDA estimates that for every two birds imported legally, there is a third bird that is smuggled in, or approximately 250,000 smuggled birds last year.) Use that Hot Line! (303) 436-8061

AFA officially supported this Proposed Rule wholeheartedly.

L.A. City Council Defeats Motion To Restrict Birds

On July 3, 1979, the L.A. City Council Planning Committee moved to file a motion made by Councilman David Cunningham, to draft an ordinance that would have prohibited wholesale quarantine stations, dealers, and private aviaries in residential zones within the city of Los Angeles. In opposition to the motion were the AFA, and 37 of its members, including the West Valley Bird Society, the Avicultural Society of America, the South Bay Bird Club, and representatives of several quarantine stations. This triumph of aviculture marks the second time this year that a Cunningham motion to ban birds in Los Angeles has been defeated.

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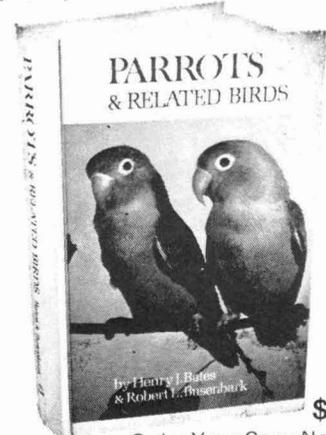
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