

At the time of this writing the A.F.A. has filed a notice of motion and motion for preliminary injunction in the Federal Court in Los Angeles against the United States Department of Agriculture, California Department of Food and Agriculture, California Department of Fish and Game, and corresponding United States State agencies. The A.F.A. wants an injunction restraining the above named governmental agencies from destroying any bird until it has been established that the bird in fact has Newcastle Disease.

The hearing will take place at 10:00 AM, May 2, 1977. The case number is 77869 WMB.

*Are your birds as innocent  
as these were?  
Will we let this happen again?*

## THE LITIGATION — AN UPDATE

*by Volney Frederick Morin, Jr.  
Attorney, Los Angeles, CA.*

February OUTBREAK OF EXOTIC NEWCASTLE DISEASE causing the depopulation of flocks (birds held in one location such as a breeding farm, individual collection, pet shop, etc.) in nineteen states, by the United States Department of Agriculture (USDA) task forces.

The American Federation of Aviculture (A.F.A.) (Non-Profit Organization), membership comprised of individuals and various bird clubs throughout the United States takes a position on the USDA depopulation (indiscriminate extermination) of birds in rare exotic and endangered species.

Origin of the disease was discovered and confined in San Diego county in two separate flocks (two cases) and in Virginia. Movement of individual birds to 17 other states (mainly shipments to retail outlets) have caused further depopulation of flocks and shuttering of these facilities for thirty days after decontamination procedures have been taken.

USDA task force members appraise the value of the birds and inform the owners that they will be reimbursed for their property within six weeks from a two million dollar fund.

**PRIOR OUTBREAKS:** In 1972, an out-



Photo by Michael A. Valente, Fallbrook Enterprise, Fallbrook, CA

break of Exotic Newcastle Disease did occur and a national animal health emergency was declared. According to Pamphlet 0100-03369 U.S. Government Printing Office, "1,341 infected and exposed flocks were located, and nearly 12 million infected and exposed birds — primarily laying hens — were destroyed. Cost of the operation was approximately \$56 million."

**NOTE CURRENT OUTBREAK:** No poultry farms that we are aware of have been depopulated. The two infected flocks originally destroyed (there have been many more since) in San Diego County were combined of a total of 1,875 birds with a total value of \$152,000 (Government Appraisal) making the average cost per bird of \$81.07. Birds on the official endangered species list were involved in these depopulations.

**USDA POLICY:** "...on foreign animal diseases has two goals: (1) keep them out of the country; and (2) if introduced, eradicate them."

**FACT:** Birds are legally imported into the United States under current statutes through quarantine stations, held for 30 days, tested, and then released to the consignee. In England, this disease has been effectively controlled by vaccination. Domestic strains of Newcastle that are just as virulent are currently contained by vaccination. (NEWCASTLE is a generic term used for several virulent diseases found only in birds and neither eggs or meat nor exposure to the infected birds have any known effects on human beings, although they can carry the disease on their person or clothes to another bird.

**WHAT A.F.A. RECOMMENDS TO MEMBERS:** Follows the USDA Cooperative State-Federal Task Force recommendations as set forth in San Diego briefing sheet dated February 28, 1977.

**DO NOT** — visit other aviaries or poultry ranches.

**DO NOT** — allow visitors to your aviary or poultry ranch.

**DO** — report any sick or dead birds immediately.

A.F.A. further recommends:

**DO NOT** — transport any birds to club meetings and self-impose a "quarantine" on all shipments or trades from your aviaries.

**DO NOT** — admit any members of the Press or other media to your premises. Meet them outside as they may have been to a contaminated area before visiting your premises, and/or members of the Federal Task Force. Members and other interested parties will be advised of their Constitutional Rights in this matter and what further steps Federal and State officials may deem necessary to gain access to your aviaries and the legal alternatives available to them.

**DO** — Take your sick birds to a quarantine station immediately. Ship your dead birds to the State laboratory — then call the task force in your area. (Hopefully, this will save the necessity of depopulation of your flock.) Above all, **COOPERATE** with the media, it's important that the public be aware of how tax dollars are being spent, and the USDA Task Force which is an official body of the Department of Agriculture and we must assume that we both ultimately have the same goal — the eradication of

Exotic Newcastle Disease in the United States, not the eradication of Exotic Birds.

**DETECTION OF THE DISEASE:** According to the Central laboratory set up to take random autopsies, autopsy procedures are not the most effective way of detection. Far better results are obtained with the same methods, swab samplings, used in quarantine stations on imported birds.

The first case in the United States was detected in 1950. Isolated cases appeared in imported pet birds in 1970 and 1971, but were quickly eliminated. In 1971, commercial poultry flocks were infected in El Paso, Texas — a shipment to San Bernardino resulted in the 1972 outbreak in California described earlier.

USDA's Agricultural Research Service is involved in ongoing research aimed at developing new scientific tools for fighting Newcastle disease; however, it operates independently from the Newcastle State-Federal Task Forces charged with containing disease outbreaks.

The disease has been detected from time to time in migratory wild birds.

**A.F.A. PROPOSALS:**

1. That the Task-Force and the Research Departments be combined into

one unit and instead of slaughtering the sick birds they can be held for study and testing in order that effective vaccines be developed.

2. That the emphasis of all USDA programs be on prevention, so that birds do not have to be destroyed. We wish to eradicate the disease, not the birds and believe a strong prevention program, if it had been instituted when the 1972 outbreak occurred, could have saved the tax dollars now being spent and which will be spent in future years on reimbursements and salaries to task force officers.

3. That A.F.A. will develop and institute systems of record keeping on bird shipping (movement) which should accurately, by both date and location, pinpoint the origin in case of future outbreaks and discourage illegal importation of birds as these records would be made "available on request" to all federal and state agencies.

4. That infected birds be studied before destruction and that exposed birds be quarantined and vaccinated.

5. That no government action State or Federal be implemented in haste without thorough study so that we do not have a duplication in Newcastle's Disease that we experienced in the Swine Flu Program in relation to human beings.

**THE FUTURE:** If current USDA procedures continue and the emphasis remains on eradication instead of prevention.

1. Environmental — Captive breeding programs have been initiated in an attempt to propagate various endangered species. Some birds in this group have already been destroyed in the depopulation program, more are endangered.

2. Economic — Vaccination of poultry flocks (chick and turkeys) but produces a side effect that reduces egg output and, therefore, could cause a rise in both eggs and poultry — if a flock is declared infected and depopulated, shortages can become increasingly proportionate and inflationary aspects would be astronomical coupled with the loss of fowl from the extreme cold weather recently experienced in the South.

3. Illegal Entry — If the purpose of the depopulation program is to deter smuggling of exotic birds, it is entirely self-defeating. Extermination of flocks bred in the United States or legally imported through quarantine stations would force up the prices on rare and exotic birds, decrease the number of birds available on the open market and increase profits for the people who engage in such illegal action.

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