

Teamwork Works IN NEW HAMPSHIRE

By Genny Wall, Esq.,
AFA Legislative Vice President

This winter AFA's legislative team had a positive result in the state of New Hampshire. Last year a bill was signed in New Hampshire which inserted the word "bird" into the existing dog and cat law regarding selling pets. Unfortunately, that bill had unintended consequences for bird sellers and owners which needed to be corrected.

AFA legislative team members Concetta Ferragamo, Rick Jordan, Mark Moore, and Genny Wall worked with AFA members Alan Fox, Ray Schwartz, Dave Smith, and several others in New Hampshire to get the necessary correction made into law. The team supported the efforts of Jeanine Notter, New Hampshire House Representative, who was willing to sponsor a new bill, New Hampshire HB 1367, to remove the word "bird" from the existing law. AFA's legislative team members assembled information to support HB 1367, and AFA provided a detailed letter explaining why birds should be exempt from certain provisions regarding the sale and transfer of animals. You can read AFA's letter below.

George Messenger, DVM, AFA New Hampshire State Coordinator, met with the New Hampshire State Veterinarian, Dr. Crawford, and got his support for the bill. Dr. Messenger also testified before the Environment and Agriculture committee and used the AFA letter in this testimony. Dr. Messenger was successful in convincing the legislators to remove birds from the language of the law, and the bill passed out of the committee with a unanimous vote in favor.

At the time of this writing, the New Hampshire legislature is still in session and the bill has not been signed by the Governor of New Hampshire; but we're optimistic that it will be signed into law.

Our experience working with bird owners in New Hampshire to protect their ability to continue to keep, breed, and sell birds was very rewarding and encouraging. Keep up the good work!

Dear Ms. Notter,

The American Federation of Aviculture (AFA) (see footnote 1) supports New Hampshire HB 1367, and we request that you, and all members of the New Hampshire legislature, consider the following information regarding birds, as well as the following discussion of the specific provisions of HB 1367 and the effect that passage of HB 1367 will have upon bird breeders, sellers, and the economy of New Hampshire, when you vote on HB 1367. We request that you share our letter with your co-sponsors of HB 1367 and with other New Hampshire legislators who will consider and vote on HB 1367.

New Hampshire HB 1367 is intended to correct the unintended consequence of the 2013 passage of HB-328-FN. In an effort to ensure that birds sold as pets were healthy, the word "bird" was inserted into HB-328-FN. Unfortunately, in 2013, because of a lack of information on, or understanding of, the nature of the many species of "birds", the legislators' good intentions resulted in a completely unanticipated and untenable situation when applied to the sale of pet birds in New Hampshire. In fact, the requirements of HB-328-FN impose unacceptable burdens on those who breed and sell pet birds in the State, and if left in place, will ultimately eliminate the humane breeding and selling of birds as pets in the State.

GENERAL COMMENTS ON THE SIGNIFICANT DIFFERENCES BETWEEN BIRDS AND DOGS, CATS, AND OTHER MAMMALS:

1. *Birds Are Not Like Dogs and Cats and Other Mammals That Are Kept as Pets*

Birds that are sold as pets cannot be compared to dogs cats and other small mammals that are sold as pets. All pet "breeds" of dogs are members of one species (canis familiaris). All pet "breeds" of cats are members one species (felis domesticus). The other small mammals that are sold as pets are members of only a few species of mammal.

Because each of these mammals is essentially similar to the others within its' own species, all of these mammals can be cared for and can thrive when provided with a relatively well known range of acceptable physical conditions, nutritional requirements, and veterinary care. For example, all dogs and cats are carnivores and eat meat. Some of the other small mammals are herbivores and eat a plant based diet. All of these mammals are insulated by fur, and can survive and can thrive in a relatively broad range of temperatures similar to those acceptable to humans. All of these mammals need a certain amount of exercise. When their nutritional, husbandry, veterinary, and social needs are met, each of these mammals can thrive in a pet setting.

In contrast, there are more than 9000 separate and distinct species of birds. Each species of bird has its own distinct physical characteristics, as well as separate and distinct nutritional, habitat, and veterinary needs (when veterinarians are available who see and treat birds). When kept as pets, each species of bird has its own husbandry and care requirements. There is no "one-size-fits-all" when it comes to birds (other than they all have feathers).

2. *Each Unique Species of Bird Has Its Own Species Specific Requirements*

The thousands of species of birds have evolved over millenia to survive in the wild in very specific and different habitat conditions. Each species has developed particular physical characteristics and specific nutritional requirements that enable that particular species to survive in its' own particular habitat. Some birds live in tropical jungles (for example, some parrots). Some birds live grassy plains (for example, the budgerigar, commonly known as the "parakeet"). Some birds live in deserts (for example, the ostrich). Some birds live in high altitudes (for example, the andean condor). Some birds can live in the snow (for example, the Kea, a type of parrot, and many North American birds). Some birds live on or near the water (for example, pelicans, seagulls, ducks, and geese). Some birds eat grain (for example, the budgerigar). Some birds eat fruit (for example, parrots and toucans). Some birds eat insects (for example, some of the finches). Some birds eat meat (for example, vultures and some cockatoos). Some birds live their entire lives in a very small area (for example, some hummingbirds). Some birds travel very long distances in search of food (for example, other hummingbirds, some parrots). These attributes, which were developed to enable each species to survive under diverse natural conditions, dictate the conditions that are required to keep any particular species of bird in captivity. There is no one-size-fits- all husbandry requirement for birds.

3. Veterinary Care for Birds is Not Like Veterinary Care for Dogs and Cats

Most veterinarians in United States see, diagnose, and treat dogs and cats on a daily basis. Generally accepted diagnostic methods, tools, and treatment protocols, are used by the veterinarians who see dogs and cats. It is a relatively simple procedure to draw blood from a dog or cat, and this procedure is often delegated to a veterinary technician. Dogs and cats undergo the invasive surgery of spay and neuter on a daily basis. Dogs and cats are regularly diagnosed and treated for a variety of illnesses, including cancer and kidney failure. Dogs and cats routinely have surgery and many other procedures similar to those performed on humans. All of these procedures are available because veterinarians are trained to do them, and are comfortable doing them.

In contrast, there are relatively few veterinarians in the United States who see, much less diagnose or treat, any birds, at any time. Some birds can be safely handled, some cannot. Some birds will submit to veterinary examination and procedures easily, some will not. The stress of being restrained or handled, or a simple blood draw (properly done or not), can kill a bird during the procedure, and many veterinarians are uncomfortable handling or treating birds. Some birds present with illnesses that can be treated, some present with illnesses that have never been seen by the veterinarian before, and thus are difficult for the veterinarian to diagnose or treat. It is often difficult to determine the health status of a bird by a simple visual examination. Many birds, being "prey" species, have developed the survival tactic of masking all signs of illness until they are just about to die. Many veterinarians who do see and treat birds believe that there is no safe method of neutering a pet bird because of the unique anatomy of a bird.

Vaccinations against common diseases are available and commonly given to dogs and cats (for example, vaccinations for rabies, distemper, and parvo are routinely given to dogs, and vaccinations against feline leukemia virus are given to cats).

In contrast, the various species of birds may respond differently to potential disease threats. Some species of birds can be infected by some pathogens and succumb to some diseases, while other species of birds can be exposed to the same pathogens and have no ill effects. Few vaccines are available or given to pet birds.

SPECIFIC COMMENTS ON HB 1367 AND ITS IMPACT ON BREEDERS AND SELLERS OF PET BIRDS IN NEW HAMPSHIRE

RSA 437:8: "1 Transfer of Animals; Inspections. Amend RSA 437:8 to read as follows:

437:8 Inspections. Each licensee's facilities shall be inspected by a employee of the department or by a person appointed by the department at reasonable times determined by the department and no less frequently [that] than once a year with the possibility of additional random inspections. Licensees without a physical facility in New Hampshire shall be exempt from facility inspection, though interstate health certificates or official health certificates for every imported dog, cat, [bird,] or ferret handled by the licensee shall be submitted to the department for review within one month of the date of writing of the certificate."

- It is important to remove the word "bird" from all sections of RSA 437:8, RSA 437:10, and RSA 437:13. It is crucial for legislators to recognize that a multitude of species of birds exist (over 9,000), and that each species has its own unique nutritional, husbandry, and veterinary requirements. Regulations that would serve to enhance the lives of pheasants in captivity may be detrimental to parrots, pigeons and doves, hornbills, finches, or toucans. The education required to draft or enforce appropriate regulations for each species of bird would take decades to accomplish, if it could ever be accomplished.
- The term "bird" includes any animal with feathers. Birds are not like dogs, cats or ferrets. Birds, as a taxonomic group, are very diverse - they range from aquatics (for example, seagulls), raptors (for example,

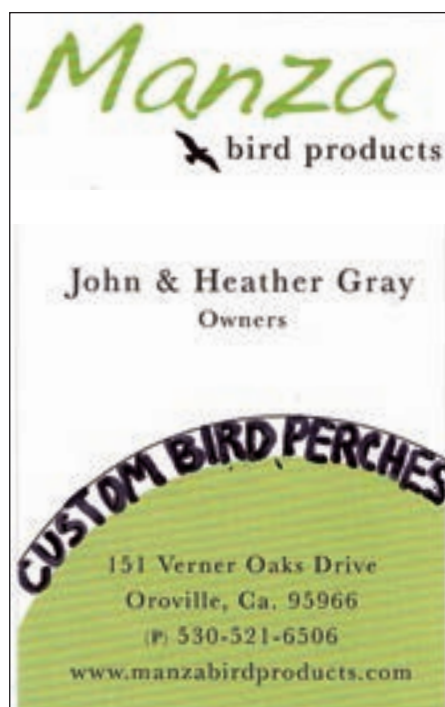
eagles and owls), songbirds (for example, sparrows), hookbills (for example, parrots and macaws), softbills (for example, finches), passerines (for example, pigeons), galliforms (for example, chickens and turkeys), waterfowl (for example, ducks and geese), ratites (for example, ostriches) and other flightless birds. This vast variety represented by term "bird" makes it impossible to create a standardized health certificate that is broad enough to properly ensure that a particular bird is healthy. The diverse husbandry, dietary, and veterinary needs of the many species of birds make it impossible to create or enforce a regulation requiring a standardized health certification for birds.

- There are as many diet protocols as there are species of carnivores (for example, vultures), herbivores (for example, budgerigars), frugivores (for example, parrots), insectivores (for example, some finches), nectar eaters (for example, hummingbirds and lorikeets), and granivores (for example, budgerigars).
- Even something so seemingly simple as requiring that all birds have "perches" requires an extensive set of regulations to properly address the needs of all avian species. Some birds perch in trees, some do not perch at all, some wade in water, others graze. Some birds have three toes, some have four toes, and each species requires different gripping surfaces. Proper substrate or perching material that will ensure the safety and wellbeing of birds during shipping is necessary, and it is difficult, if not impossible, to dictate by regulation what substrate is optimal for each species. Breeders and bird enthusiasts are often specialists, and experts in the species they handle, and they have the most current information on the safest way to transport the species with which they work.

RSA 437:10: "2 Importation and Sale of Animals. Amend RSA 437:10, I to read as follows:

I. No dog, cat, or ferret shall be offered for transfer by a licensee without first being protected against infectious diseases using a vaccine approved by the state veterinarian. No dog, cat, [bird,] or ferret shall be offered for transfer by a licensee unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer shall occur unless the transferred animal [or bird] is accompanied by a health certificate issued within the prior 14 days. Said certificate shall be in triplicate, one copy of which shall be sent to the state veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be given to the transferee upon transfer as provided in paragraph II. If an official health certificate is produced, it shall be prima facie evidence of transfer."

- Veterinary issued health certificates can cost the pet owner in a range of \$25 - \$85 per bird. When veterinary fees are added to the cost of ancillary documentation, requiring health certificates for a bird can cost more than



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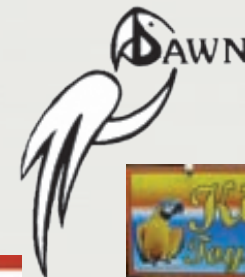
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the bird itself. For example, a society finch is commonly sold for \$10, and a pet American budgerigar (commonly known as a "budgie" or "parakeet") is usually sold for less than \$20. If a health certificate is required for every bird for sale within 14 days of selling the bird, that means that from the day the bird is offered for sale through the time that the bird is sold two health certifications per month will be required for each bird offered for sale. This added expense to the seller will dramatically increase the cost of the bird to the buyer. For example, increasing the cost of a typical pet budgerigar (which is the most commonly owned pet bird in American households) would make New Hampshire budgerigars grossly overpriced in comparison to budgerigars sold in other States. This unjustified pricing structure will put New Hampshire bird sellers at a complete disadvantage, and will bring economic hardship to businesses in New Hampshire.

RSA 437:13: "3 Health Certificates for Dogs and Cats. Amend the subdivision heading preceding RSA 437:13-a to read as follows:

Health Certificate for Dogs, Cats, [Birds,] and Ferrets

4 Health Certificates for Dogs and Cats. Amend RSA 437:13-a to read as follows:

437:13-a Health Certificate for Dogs, Cats, [Birds,] and Ferrets.

I. No dog, cat or ferret shall be transferred by any person in the state or out of the state for a fee without first being inoculated against infectious diseases using a vaccine approved by the state veterinarian. No dog, cat, [bird,] or ferret shall be transferred by any person in the state or out of the state for a fee unless accompanied by an official health certificate issued by a licensed veterinarian within 14 days. Said health certificate shall be in triplicate, of which one copy shall be sent to the state veterinarian in accordance with RSA 437:8, one copy shall be kept by the person transferring ownership of said dog, cat, [bird,] or ferret for a period of at least 3 years, and one copy shall be given to the new owner.

II. For purposes of this section, an official health certificate means a certificate signed by a licensed veterinarian on a form approved by the state veterinarian, containing the name and address of the person transferring ownership of the dog, cat, [bird,] or ferret, the age, sex, breed, and description of the dog, cat, [bird,] or ferret, a list of all types of vaccines or medication administered to the dog, cat, [bird,] or ferret, and the certification of the veterinarian that the dog, cat, [bird,] or ferret is free from visual evidence of any communicable diseases or internal or external parasites."

- There are relatively few veterinarians in the United States who see, much less diagnose or treat, any birds, at any time. Few vaccines are available or given to pet birds.

"III.No person shall transfer or cause to be transferred any dog, cat, [bird,] or ferret less than 8 weeks of age."

- The 8-week standard for weaning is common for dogs and cats, but it cannot be applied to birds. Birds feed their young through regurgitation of food into the mouths of their offspring. Every species of bird matures to

fledging and full self-sustenance on its own terms and in its own timeframe. Some birds fledge as quickly as six weeks or less (for example finches, canaries, and budgerigars), and some birds take many months to fledge (for example parrots, macaws and cockatoos). Hand feeding young birds is an art and a science, and is a practice commonly used in aviculture that requires detailed knowledge of the species being fed or kept. Hand feeding and weaning practices for the various species of birds sold as pets are not taught to the State's animal officers. Regulation of the various hand feeding and weaning practices used by aviculturists would not be enforceable.

"IV.All incorporated or chartered humane societies with operating shelters in the state of New Hampshire are exempt from the requirements of the section..."

- Why are humane societies exempt from the requirements of the section? The animals kept at humane societies and animal shelters are the same kinds of animals that are kept by breeders and sellers of other pet animals. Shelter animals are not exceptional or immune to disease or illness. In fact, abused, abandoned, and neglected animals are often unvaccinated and ill, and bring with them a variety of parasites and diseases which are communicable to other animals, as well as some that are communicable to humans. Shelters are not immune from the transmission of those parasites and communicable diseases to other animals or humans. Humane societies and animal shelters should be required to comply with all provisions of RSA 437:8 to ensure the health and well-being of the animals they provide to the public.

"... relative to transferring dogs, cats, [birds,] or ferrets except that all dogs, cats, [birds,] or ferrets transferred out of the animal shelter facility shall have a form of positive identification, including but not limited to a tattoo, collar, microchip, ear tag, or any other permanent form of identification approved by the commissioner of agriculture, markets, and food and dogs, cats, and ferrets shall be vaccinated against rabies in accordance with RSA 436."

- Not all birds can be safely permanently marked for identification. Tattoos eventually fade. Some birds can be leg banded at a young age using a closed leg band. If a bird grows too quickly, or is too large for the closed band, the bird can be banded with an open band. It is important to recognize that in some cases, birds have the ability to remove their leg bands. Community birds, for example, finches, canaries, budgies, lovebirds, parrotlets, and more, are often difficult to band because they are most often reared by their parents, and any interruption of the nesting and weaning process may pose danger to them. Many birds will chew at a band or tag to remove it, often damaging the body part of the bird where the band or tag was affixed. There are many states that do not require birds that are popular household pets to be banded.

"...All dogs, cats, [birds,] or ferrets shall be accompanied by an official health certificate if the dog, cat [bird,] or ferret was imported into the state for transfer with or without a fee."

- It is unreasonable to require out-of-state pet owners, breeders, retailers and/or farmers to acquire a health certificate when visiting this State (for example when travelling between Massachusetts and New Hampshire), regardless of whether they pay a veterinary fee or not. Bird owners involved in "showing"

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birds travel long distances to attend these show events. Birds that are simply “visiting” the State with their owners, or that are being shown in shows or other displays, do not generally interact with other birds or animals in this State, and do not generally pose any threat to the health or safety of the animals of New Hampshire. These birds should not be required to have a health certificate.

“V. The commissioner of the department of agriculture, markets, and food or designee is hereby authorized on the commissioner’s own initiative or pursuant to complaints of other persons to investigate any complaints made pursuant to this section and to enforce the penalties of RSA 437:13-a,

VI. The commissioner shall adopt rules under RSA 541-A relative to the procedures for such investigations.”

- It should be noted that because of the vast diversity of the numerous species of birds it is impossible to properly prepare individualized health certification. Also note that there birds that are raised for human consumption. It is not reasonable to require health certification beyond the agricultural health protocols that are already in place under the USDA.

IN SUMMARY

Because there are thousands of separate and distinct species of birds, each with their own species’ nutritional, husbandry, and veterinary requirements, and because there is no practical means of requiring reasonable health certification for those thousands of species, the word “bird” should be removed from the language of RSA 437:8, RSA 437:10, and RSA 437:13 by means of HB 1367.

Unless “birds” are removed from RSA 437:8, RSA 437:10, and RSA 437:13, further damage will be caused to the economy of New Hampshire - business owners, breeders and pet owners stand to suffer greatly from the existing ill-conceived law.

The right to buy and sell property should remain with the individuals that chose to conduct such transactions under their own free will. Health certification concerns and certifications should remain the responsibility and/or discretion as agreed to between the seller and the buyer, not by force of the State. We hope that you will agree that, for all of the reasons noted above, the existing provisions of New Hampshire RSA 437:8, 437:10, and 437:13, with respect to birds, are detrimental to birdkeepers and to the economy of New Hampshire. The existing provisions of RSA 437:8, RSA 437:10, and RSA 437:13 cannot be reasonably carried out and should be amended as soon as possible. We also suggest that the effective date of New Hampshire HB 1367 be moved up to March 1, 2014.

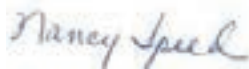
The American Federation of Aviculture, Inc. stands ready to assist you in crafting reasonable and effective legislation relating to the responsible and humane breeding, selling, keeping, and transporting of birds.

We look forward, on behalf of the millions of citizens of the U.S. who enjoy the companionship of their pet birds and on behalf of those who breed birds in the U.S. both for pet purposes and for conservation purposes, to New Hampshire legislators recognizing and acting on our concerns - concerns which affect all of us who love and keep birds.

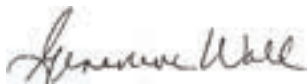
If you have any questions, or if we can be of further assistance, please do not hesitate to contact our Legislative Vice President, Genevieve Wall, Attorney at Law. You can reach Ms. Wall by mail at 24031 El Toro Road, Suite 200, Laguna Hills, CA 92653, or by email to gwlawco@aol.com or by phone to (949) 574-4079. Or, you may contact our Northeastern Regional Director, Concetta Ferragamo, by email to Cferragamo@STNY.rr.com, or by telephone to (603) 540-6151. Or, you may contact our New Hampshire State Coordinator, George Messenger, DVM, by email at fishervet@aol.com, or by phone to (603) 229-0674 (work) or (603) 344-1038 (cell).

Very truly yours,

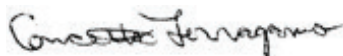
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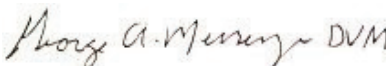
Nancy Speed,
President



Genevieve Wall,
Legislative Vice President



Concetta Ferragamo,
Northeastern Regional Director



George Messenger, DVM
New Hampshire State Coordinator



Footnote 1:

The American Federation of Aviculture (AFA) is a nonprofit national organization established in 1974, whose purpose is to represent all aspects of aviculture and to educate the public about keeping and breeding birds in captivity. AFA supports public and private programs that are designed to support conservation of birds in the wild.

AFA represents the interests of more than 10,000 people who are our members and members of our affiliated clubs and affiliated businesses. AFA has a broad membership consisting of bird breeders, pet bird owners, veterinarians, pet/bird store owners, bird product manufacturers, and many other people who are interested in the future of birds and aviculture and who own and breed the many species of birds in aviculture. There are millions of U.S. households who keep birds.

AFA promotes and encourages the humane husbandry, care, and breeding of birds. While AFA speaks to and for the interests of the birds themselves, AFA also speaks to and for the interests of the millions of U.S. households and individuals who own birds, the thousands of businesses and professionals who provide those bird owners with goods and services, and the birds and families who rely on the continued existence of those businesses and professionals not only for their own livelihood, but so that they will all be able to continue to humanely keep their birds.

Our members, affiliates, and associates in aviculture in the United States own and maintain many hundreds of separate species of exotic birds. AFA recognizes that there is no “one-size-fits-all” husbandry program for the humane keeping, breeding, care, and husbandry of the many species of exotic birds currently kept by aviculturists worldwide. AFA is proud to include in its membership many experts who have long term, hands-on experience with many species of birds, and who can, and do, provide the public and our government with current reliable information regarding the humane keeping, breeding, care, and husbandry of exotic birds.

While some “humane” organizations may claim to have the knowledge necessary to keep birds in a humane manner, without extensive hands-on experience keeping, breeding, and caring for the birds that they purport to speak for and about, any claims by “humane” organizations to know what is “best” for birds are simply opinions and speculation.

Aviculturists who maintain the many species of exotic birds now in captivity in the U.S. have the extensive knowledge and expertise required to keep, breed, and care for birds in captivity. Aviculturists serve an important role in the preservation of species, and in some cases aviculturists are the only hope for the long term survival of many of those species at risk for extinction in their native lands.



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