



Animal Groups Force Rulemaking to Protect Birds USDA to Regulate Birds After 16 Year Delay

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JENKINTOWN, PA—As a result of a lawsuit brought by the American Anti-Vivisection Society (AAVS) and the Avian Welfare Coalition (AWC), the U.S. Department of Agriculture (USDA) is now subject to a court order to complete rulemaking to protect birds nationwide, as required by the Animal Welfare Act (AWA). The order, issued by Judge Trevor McFadden of the U.S. District Court in D.C., will provide judicial oversight of USDA's stated "intention to promulgate regulations required by the AWA for birds not bred for use in research." The order was jointly submitted to the court by AAVS, AWC, and USDA. Birds who will be protected by these regulations are those exploited in certain commercial industries, including for exhibition, breeding, and the pet trade.

"AAVS has been working to gain protections for birds since 2000, when USDA first agreed to draft regulations for birds not bred for use in research, and we were determined not to let them walk away from that commitment," said Sue Leary, President of AAVS. "In January 2020, the D.C. Circuit agreed with us that our claim of 'unreasonable delay' had merit, and that was a turning point." She added, "I am grateful to our expert legal counsel, Bruce Wagman of Riley Safer Holmes & Cancila, and to our partner, the Avian Welfare Coalition. AWC deserves a lot of credit for their work on behalf of birds."

AWC drafted species-specific standards for birds that were formally submitted to USDA in 2004 and were supported by a coalition of 28 animal welfare organizations. The coordination for that effort was led by AAVS's affiliate, the Alternatives Research & Development Foundation, which in 1998 brought a lawsuit against USDA with respect to the coverage of birds under the AWA. The 2004 proposed standards addressed serious issues impacting animal welfare at mass breeding facilities; inhumane and unhealthy conditions during transport; and the unique requirements of flight animals and waterfowl, to name a few.

"The USDA's failure thus far to adequately cover birds means that exotic bird breeding and housing remains largely unregulated across the U.S., since most states have no meaningful regulations. This lack of oversight raises a multitude of concerns including disease risk, as well as threats to avian conservation and welfare," said Denise Kelly, AWC President and Co-Founder. "Birds bred in captivity for the pet trade are commonly produced in 'bird mills,' where birds live in small barren cages devoid of environmental enrichment. They are unable to fly or engage in other essential avian behavior—conditions that are known to cause physical and mental illness in birds. While we regret that we had to turn to the courts, we are happy that the USDA is subject to a court order, to ensure that it will follow through on its responsibility to hold those who exploit and abuse birds for profit accountable."

To prevent further delay, the order specifies a schedule for the rulemaking process, which will start with USDA publishing a notice for listening sessions before the end of August. USDA is required to submit status reports every 90 days during the rulemaking process in order to keep the Court, AAVS, AWC, and the public apprised on the agency's progress on rulemaking.

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The American Anti-Vivisection Society (AAVS) was founded in 1883 and is the oldest non-profit organization in the United States dedicated to ending the use of animals in research, testing, and education. AAVS also opposes and works to end other forms of cruelty to animals. AAVS engages constructively with a broad range of constituencies to achieve meaningful, lasting change, through education, advocacy, and the development of alternative, non-animal methods.

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The Avian Welfare Coalition (AWC) was formed in 2000 to create a voice in the animal protection community for captive birds. Working with like-minded professionals in related fields, AWC provides educational resources for animal advocates, the media, general public, and through special AWC sponsored programs. It also operates the Avian Welfare Resource Center, the leading website dedicated to captive bird welfare, providing a variety of resources for bird caretakers and animal care professionals, including downloadable brochures and posters, articles, webinars, and more.

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