

# Legislative Issues

by Laurella Desborough  
AFA Legislative Vice President

I will be writing this column from a slightly different perspective, since I have been approved as Legislative Vice President for the American Federation of Aviculture at the meeting of the Board of Directors in May of 2001. First, we will be providing an overview of the projects that we expect to undertake as long as I am working in this position.

Legislative activities, proposed laws and regulations, and existing laws and regulations regarding aviculture and exotic birds are of great concern to aviculturists, but not very interesting in and of themselves. In a word, most are boring. At the same time it is vital that we know about them and their effects on our avicultural activities.

Since there are a number of laws in effect and more proposed, we will have a legislative team working together to provide information on existing laws and recommendations on proposed laws. At this time we can clearly see that the following laws may or will have an impact on us: **1)** U.S. Endangered Species Act, **2)** U.S. Invasive Species Act, **3)** U.S. Animal Welfare Act, and **4)** Wild Bird Conservation Act. This list does not comprise all U.S. laws that cover birds, but only those with the most potential for immediate impact within the next two years. Obviously, other proposed laws may be introduced that will affect us. We

must be vigilant.

Members of the legislative team will each be working on a specific area of interest in federal legislation and sharing their information with the whole team, which will review the specific matter and prepare a report for the AFA Board, along with recommendations for action or non-action, as the case may be.

Next on our agenda will be state laws that affect aviculture. We will be working with the Regional Directors to obtain a precise listing of each state law presently in place and any proposed laws. This important information is to be gathered together, listed under each state, by statute number, stating the main focus of the bill and the details which affect aviculturists. We will also be adding other information of relevance about the functioning of each state legislative body and associated committees or agencies relevant to aviculture. This will be an extremely important list and should provide badly needed information to our avicultural community.

Local laws, such as city and county laws and regulations often restrict or prevent the keeping and breeding of birds and other exotics. We will not attempt to list all local laws, but we will prepare information that will be of assistance to those who must deal with such situations. Already available in this

regard is the *Bird Keepers Legislative Handbook* by Kelly Tucker, provided through the AFA Bookstore. If there is anyone reading this column who does not have a copy of that booklet, please order it. It can be a life saver when you are faced with immediate problems from animal control agencies or local city and county officials.

Although on the surface it does not appear to be a legislative matter, we will be monitoring the activities of animal rights organizations. Many of the restrictive laws that are proposed are generated by the animal rights organizations in their attempt to eliminate our so-called "use" of animals. If we can obtain a heads-up on their activities, we will be in a better position to do something about those activities when they pertain to our sphere of interest.

One of the reasons why we are having difficulty with legislative problems or regulatory problems is that we, aviculturists, have not laid claim to our territory in such a way that others know to keep hands off and to give respect to our work. We are the stake holders in breeding exotic birds in captivity, whether these are domesticated or wild caught birds, they are our birds and we have a right to keep them and breed them. Not just a right, but now a responsibility to save species.

The majority of bird keepers and breeders are probably keeping birds simply because they enjoy them, and maybe earn some income. Zoo bird keepers and curators are also aviculturists, but they are sustained by earning a salary.



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Another segment of bird breeders make their entire living from the breeding and sale of birds. It takes a great deal of time to do a good job of management and husbandry, when you are doing it only part time and also have a full time job. It also takes a great deal of time when you are breeding birds full time and have a large number of birds.

Serious management of a bird facility does not leave a lot of time to work on legislative problems or even keep up with what is happening in the avicultural community. The end result is that many bird keepers are not fully aware of the real legislative problems we face, the origin of those problems, the organizations that oppose our interests, the organizations that support our interests, and what we can do as a community to deal successfully with the opposition.

Because we have not laid claim to our territory and declared ourselves as the pre-imminent stake holders in the keeping and breeding of non-native species and the practice of aviculture, others with the time and interest have been speaking up as if they were the only stake holders. For instance, some research and conservation biologists discuss the problems of saving threatened species, but they do not include information sharing with private sector aviculturists as a part of their process. The private sector has a great deal of data that might be of considerable importance to the biologists. Instead of attacking aviculture as the cause of the demise of species, these conservation biologists would do well to consider the advantages of working with aviculturists.

We are lucky to have some outstanding adoption and rescue organizations working to provide positive lives for abandoned or rescued birds, and we salute their efforts and their support of aviculture. Then we have other adoption and rescue groups whose policies pose problems for the future of species rare in captivity.

When any adoption or rescue

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organization has a policy that prohibits the breeding of the birds that come into their hands, they are, unknowingly or knowingly, taking an anti-conservation position.

Not all birds that are acquired by adoption and rescue organizations are birds that are interested in, or capable of, fulfilling the role of breeding birds. In the case of commonly available species, it is not a serious matter if an individual bird is not placed into a breeding situation, except perhaps to the individual bird that wants to breed!

In the case of rare and endangered species, every effort should be made to place those individuals into a breeding program so that their valuable genes will not be lost. It is abundantly clear with the passage of the Wild Bird Conservation Act that it is not easy to import rare or threatened species in order to provide sufficient numbers for a viable gene pool for the future. It should then be abundantly clear that each rare bird is extremely important for the gene pool and should never be placed into a non-breeding situation if it has any potential as a breeding bird. For any adoption and rescue group to do otherwise with such a rare bird is clearly a situation of embracing the philosophy of the animal rights agenda. Specifically, that agenda states that the interests of the individual bird are more important than saving the species. When these organizations determine the interests of the individual bird, they do not consult the wishes of the bird!

Again, we aviculturists, through the appropriate species societies, and working along with the zoos, need to make it clear that we are the stakeholders in the matter of the breeding of rare and endangered species. We have the knowledge, the experience, and the facilities to be successful in the breeding of these birds.

The bottom line is that our avicultural community, both private sector and zoos, need to lay claim to our territory. We are the stakeholders in the keeping and breeding of non-native species. 