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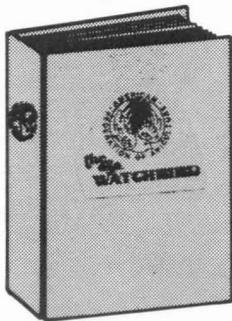
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U.S.D.A. PROPOSES USER'S FEE FOR QUARANTINE STATIONS

Clifton R. Witt
Legislative Liaison, Washington, D.C.

On August 9 and 11, 1978, the U.S.D.A. proposed interim rules for the implementation of a quarantine station user's fee destined to recover government costs incurred as a result of U.S.D.A. veterinary services provided. These services were previously provided at government expense.

On August 29, 1978, the U.S.D.A. published a proposal in the Federal Register to establish procedures for the collection of costs. The final rulemaking appeared in the Federal Register September 29, 1978. Of the sixteen comments received the A.F.A. was the only organization mentioned by name.

The new rule requires each quarantine operation to place \$10,000.00 on deposit from which the U.S.D.A. may withdraw funds as expenses are incurred. A schedule of fees has been established for the various aspects of veterinary services. Charges of an approximate average of \$1,850.00 monthly for the attending veterinarian, \$11.76 per laboratory submission, and \$5.50 per hour for guard service will be required. Further, a station owner must sign a written agreement that he will abide by the ruling for each station he operates.

The fee system is expected to replace the 2.9 million dollars previously allocated to the importation program and recently cut by the Government Accounting Office. Naturally, consumers, i.e. aviculturists, can expect significant increases in the price of imported birds, particularly finches, less expensive parrots and softbills. Moreover, it is expected that the supply of imported finches will drastically decline since they generally spend extended periods in quarantine compared with psittacine birds.

American Federation of Aviculture has submitted the following comments on the Proposed Rule on Procedures for the Recovery of Costs of Services of Importation of Birds.

This Proposed Rule Making appeared in the Federal Register of Tuesday, August 29, 1978, pg. 38585-87.

A.F.A.'s official comments on this new ruling follow:

The American Federation of Aviculture is dedicated to the conservation of Bird

wildlife through captive breeding programs. The impact of this proposed rule will have a significant effect on all aviculture in the United States and it is therefore proper that our comments be heard.

Our first observation is that the structure of the contract and the fee schedule works in opposition to the USDA mission to protect the poultry industry from diseases, primarily VVND. It does so by encouraging smuggling by increasing bird prices. It does so by making birds that once were not profitable to the smuggler, now worthy of his consideration. It makes buying from the smuggler more attractive both in terms of price and availability. The smaller, inexpensive, birds could easily disappear from the legal import price lists. Aviculturists interested in breeding populations of these birds will be faced with only one source from which they can acquire new stock — the smuggler. The battle against smuggling is already difficult as it is. To eliminate or certainly reduce the number of sources for certain species will make it that much more aggravating and dangerous.

Our second observation is that the requirement of a deposit equal to the expected fees for two lots of birds will force out the smaller quarantine stations leaving the bird import business to a relatively few people who can maintain that amount of money on deposit with the Deputy Administrator at all times (if there is to be the normal turnover of lots of birds that they have come to expect without long periods of empty stations while the deposit is replenished.) In this manner the proposed rule is discriminatory against the small businessman. It creates a block to free enterprise and leaves a multi-million dollar industry in the hands of just a few people. This would return us to the situation of three and a half years ago when bird prices were very high and very attractive to the smuggler. While the proliferation of quarantine stations presented some problems for APHIS in terms of personnel and management, it had the very positive effect of creating competition and depressing bird prices. It also had the positive effect of making every bird lost more significant financially and every bird in poor condition harder to sell, thereby bringing about better conditions and treatment for the birds in the station. Without competition we can possibly expect to

see inferior birds at higher prices.

Our third observation is that a major effect of this users fee system will be to reduce or even eliminate certain avian species from the North American market. The inexpensive birds we refer to as "finches" will suddenly become too expensive for the average aviculturist and consequently will be avoided by the importers. This we see as tragic since we are on the verge of an era when these birds will become established in captive breeding programs. The last few years have seen many more people working hard to learn the requirements of these birds for propagation. We realized some time ago that the days of the cheap source for large members of the finches were coming to a close as their native habitats are systematically destroyed and we realized that we must establish domestic captive populations. Much progress has been made toward that end, but the captive population is still too small for many species. This proposed rule could mean an end to their imports.

These small, inexpensive, birds also are largely responsible for the initial interest a person takes in bird breeding. New people coming into aviculture are logically attracted to these less expensive birds as a first step and from there, their interest grows and many enter into aviculture. This proposed rule likely will close the door to most new comers to aviculture — an intolerable situation with its own set of obvious negative effects.

A fourth observation concerns the manner in which USDA went about bringing this users fee system into being. At this point, AFA fully realizes how difficult it will be to regain funding for the bird quarantine program. True, it has been presented as a Proposed Rule with the appropriate comment period. The comment period in this case, however, is a farce, of sorts, since the changes that can be brought about are minimal and the comments in no way can effect a cancellation of the fees to be charged. We feel that APHIS officials failed to present a strong case for continuation of funding of the quarantine program to the Office of Management and Budget to prevent OMB from stripping out the money to run this program (a sum so small, in the larger picture, that it could easily have been retained). If APHIS was unwilling to present the case, Avicultural interests should have been notified immediately so that we could have worked through our Congressional representatives to stop them. This is indicative of continuing attitude on the part of those responsible for such matters that the bird industry is not very important. We are all now faced with the proposition that the lack of two and a half million dollars could

precipitate the expenditure of several million should VVND be introduced by a smuggled bird that might have passed through legal quarantine if it could have been sold at a lower price. The poultry industry, the aviculturist, and the American people all stand to lose as a result of this users fee system.

RECOMMENDATION

A modified user's fee system could have some very positive benefits, however. A system that would penalize the importer for death losses in the station could defray some of the expenses of the government without interference with competition, without discriminating against the small business person, without limiting or eliminating certain species from importation, and without creating the anticipated large increases in the price of birds. We would recommend a system that charged the importer for laboratory costs involved in testing birds for VVND that die after entering the station. We would establish the requirement that at least 75% of all individual dead birds be tested. The "in and out" records of the stations would be closely examined to see if the proper number of birds had been sent for testing. This would be facilitated by the banding requirement now under consideration in that it would deter the unscrupulous importer from replacing dead birds with illegal live birds even in cases where the USDA man in charge might be "tempted" to "bend the rules," close his eyes, turn his back, or whatever. (This is not an accusation, just a statement based on a number of unofficial, verbal reports.)

In such a system, the careful, knowledgeable, conscientious importer would prosper, regardless of size, while the unscrupulous, dirty, careless operations will suffer enough of a penalty that their competitive position in the marketplace will be affected, thus providing an incentive to do a better job or get out. "Finch" stations would again be hit the hardest, perhaps unfairly, and therefore a smaller percentage of these birds for sampling could be established.

Further, this type of system would satisfy, more completely, the various interest groups (except some quarantine stations). This includes even the environmentalist and conservationist groups who are often so critical of the bird business. It would begin to provide the first incentives to handle bird wildlife with better care and management techniques that we as aviculturists have deemed so necessary for so long. It would provide continued protection to the poultry industry. The Proposed Rule weakens that protection. ■



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