

Advocacy Comments on APHIS' Proposal to Establish Animal Welfare Standards for Birds not Bred for Research

On February 22, 2022, the U.S. Department of Agriculture's Animal Plant and Health Inspection Service (APHIS) published a proposed rule to establish animal welfare standards in birds not bred for research.¹ The proposed rule creates new recordkeeping, licensing, and operational requirements for bird breeders, dealers, and exhibitors. On May 24, 2022, Advocacy filed a public comment letter on the proposed rule. Advocacy and small businesses agree that care should be taken to ensure the health and safety of birds. Advocacy supported the use of performance-based standards in the rulemaking, but suggested modifications to minimize the burden to small entities while still meeting the rule's stated objectives.

Advocacy made the following additional comments:

- APHIS should clarify that so long as the bird's welfare can be verified, the agency will not mandate any one performance-based standard over another.
- APHIS should explain how it will enforce various standards including what metrics or definitions it will use to determine the welfare of the birds.
- APHIS should discuss the additional costs associated with establishing a regular program of veterinary care for the birds and consider alternatives to minimize these costs for small businesses.
- APHIS should consider additional exemptions for entities who are already heavily monitored, including non-profits, bird sanctuaries, and zoos.
- APHIS should consider alternatives to the proposed shelter requirements, including structures that mimic the bird's natural environment.
- APHIS should reevaluate the requirement to observe the birds frequently during shipping and transport. The requirement may cause distress to the bird and hardship for the shipping company.
- APHIS should consider minimizing certain record keeping requirements.

For more information, please contact Assistant Chief Counsel Prianka Sharma at (202) 205-6938 or at prianka.sharma@sba.gov.

¹ Standards for Birds Not Bred for Use in Research Under the Animal Welfare Act, 87 Fed. Reg. 9880, (February 22, 2022) citing 7 U.S.C. § 2131 *et seq.*