

Peafowl under the Animal Welfare Act

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Birds are covered under the Animal Welfare Act (AWA) and are defined in the Animal Welfare Regulations (AWR) as all members of the Class Aves, excluding eggs. An egg becomes a bird at hatching, defined as external pip.

The AWR defines “poultry” as any species of chickens, turkeys, swans, partridges, guinea fowl and pea fowl; ducks, geese, pigeons, and doves; grouse, pheasants, and quail. Under the AWR, poultry may be classified as either a “farm animal” or as a “wild animal,” or “exotic animal”.

When are poultry species considered a farm animal under the AWR?

Birds that meet the regulatory definitions of both poultry and farm animal are any domestic species of poultry that are normally and have historically been raised on farms in the U.S. and are used or intended for use for agricultural purposes. Agricultural purposes include use or intended use as food or fiber (feather), or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber (feather). Domesticated farm-type poultry are excluded from coverage under the AWR when used or intended for use for such agricultural purposes.

Are peafowl covered under the AWR?

Peafowl are domesticated farm-type poultry under the AWR that can be used for either agricultural or non-agricultural purposes. The use and sale of peafowl for eggs, breeding stock, or ornamental use of peacock tail feathers meets the regulatory definition of agricultural purposes. Peafowl used, sold, or transported solely for agricultural purposes are exempt from the regulations. When used, sold, or transported for non-agricultural purposes, peafowl are covered under the AWA and subject to the AWR. If it is not clear at the time of an inspection that peafowl are being used, sold, or transported solely for agricultural purposes, then the birds are subject to the AWR.

What about peafowl at auction?

Peafowl at auction are subject to the AWR unless the auction clearly demonstrates a separation of business between sales of birds for agricultural purposes from sales of birds for non-agricultural purposes. If it is not clear at the time of an inspection that peafowl are being sold solely for agricultural purposes, then the peafowl are subject to the regulations.

What constitutes a clear separation of business at an auction?

Animals to be sold solely for agricultural purposes should be physically separated from animals to be sold for non-agricultural purposes, prior to sale, by (1) housing in a dedicated building, structure, or clearly designated area of a barn, (2) clearly marking such buildings, structures, or designated spaces within a barn as housing animals being sold solely for agricultural purposes, and (3) affixing tags to the container, enclosure or holding area housing the animal that clearly indicates sale solely for agricultural purposes. Sales of animals being sold solely for agricultural purposes should be conducted separately from sales of animals being sold for non-agricultural purposes, by conducting sales in rings and at times designated and advertised for the sale of animals being sold solely for agricultural purposes, and not conducting sales in the same ring at the same time as animals being sold for non-agricultural purposes.

Summary: Distinguishing Agricultural Birds from Non-Agricultural Birds at Auction

Both conditions must be met.

Physical Separation Before and After Sales:

1. Birds sold for agricultural purposes must be housed in a dedicated building/structure or a clearly demarcated/designated area within a building apart from other birds sold for non-agricultural purposes. (Clear separation of agricultural from non-agricultural animals.)
2. The designated building (or area within building) must be clearly labeled as for animals being sold for agricultural purposes.
3. Primary enclosures/cages/holding areas should be labeled as sold for agricultural purposes.

Separation During Sales:

1. Birds designated for sale as agricultural animals must be sold in separate sales rings or at different times than non-agricultural birds or other animals.
2. Sale rings/times should be clearly advertised as agricultural vs. non-agricultural, and clearly marked as such during the sale.