

## USDA Proposal to Regulate Birds

The AWA authorized the regulation of birds not bred for use in research and a January 2020 U.S. Circuit Court of Appeals opinion provided a timeline for APHIS to promulgate regulations and standards for their humane care and treatment. Animal Care will publish a proposed rule by February 24, 2022. There were 227 pages of written comments. If you are interested in reading the transcripts, they are posted here:

<https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/aw-news/bird-listening-sessions>

I found the following info listed under Animal Welfare Livestock and Poultry Exemptions on the USDA APHIS web site:

### Animal Welfare Act—Definition of Animal

The Animal Welfare Act does not apply to farm animals. In 9 CFR Part 1, "Animal" is defined as "any live or dead dog, cat, nonhuman primate, guinea pig, hamster, rabbit, or any other warm-blooded animal, which is being used, or is intended for use for research, teaching, testing, experimentation, or exhibition purposes, or as a pet. **This term excludes** birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research; horses not used for research purposes; and **other farm animals, such as, but not limited to, livestock or poultry used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber.**

### Animal Welfare Act—Definition of Exhibitor

Also in 9 CFR Part 1 an exhibitor is defined as "any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary. This term includes carnivals, circuses, animal acts, zoos, and educational exhibits, exhibiting such animals whether operated for profit or not. **This term excludes** retail pet stores, horse and dog races, an owner of a common, domesticated household pet who derives less than a substantial portion of income from a nonprimary source (as determined by the Secretary) for exhibiting an animal that exclusively resides at the residence of the pet owner, **organizations sponsoring and all persons participating in State and country fairs, livestock shows, rodeos, field trials, coursing events, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences,** as may be determined by the Secretary.

Based on these definitions and the exclusions included within them, **birds used as farm animals and those participating in purebred shows or similar fairs and exhibitions intended to advance agricultural arts and sciences will not be regulated under the Animal Welfare Act.**