



## **Animal Groups' Historic Effort to Protect Birds Succeeds**

### **USDA Enacts First Ever AWA Regulations for Commercial Industries Exploiting Birds**

**February 28, 2023**

JENKINTOWN, PA—As a result of a 23-year legal effort led by the American Anti-Vivisection Society (AAVS) and the Avian Welfare Coalition (AWC), the U.S. Department of Agriculture (USDA) has finally enacted federal protection for birds used in commerce, which has been required for nearly a quarter of a century. Birds who will be protected by these regulations are those exploited in certain commercial industries, including for exhibition, breeding, the pet trade, and some types of research. USDA expects that over 5,975 entities will be “newly regulated” once the new rules go into effect.

“AAVS has been determined to not allow the federal government’s legal obligation to be ignored and fade into some historical footnote. We are grateful for the support of the many animal protection organizations who recognized the importance and impact of this new coverage, and grateful for the best legal representation you could hope for with Bruce Wagman of Riley Safer Holmes & Cancila,” said Sue Leary, President of AAVS. “The court case that finally compelled USDA to enact the regulations was the latest in a series of efforts, but as an organization that’s been fighting on behalf of animals for 140 years, we understand the need for perseverance in order to achieve meaningful, lasting change.”

AWC drafted comprehensive, species-specific standards for the care and treatment of birds covered under the AWA, addressing animal welfare at mass breeding facilities; inhumane and unhealthy conditions during transport; and the unique requirements of flight animals and waterfowl, among other issues. The government could not dispute many of the ethical and scientific arguments made by the groups -- and its final regulations include requirements regarding the transport of baby birds, wading areas for aquatic birds, and psychological enrichment for all covered birds.

“We are pleased that our decades of persistence have paid off. Now birds covered under the Animal Welfare Act will at least be afforded basic species-specific welfare standards. We are also heartened by the outpouring of support from the animal protection community and the public in their comments to the USDA affirming that birds are worthy of legal protection,” commented Monica Engebretson, Vice-President of AWC.

AAVS and AWC are disappointed that the USDA’s regulations ignore the need for flight, a vital behavior for most birds. The agency also granted an inexplicable exemption of many breeders and sellers of birds from coverage, on the basis of the size of the birds, allowing substantial breeding operations to evade regulation.

Denise Kelly, President and Co-founder of AWC, added, “USDA’s arbitrary exemptions especially impact the birds that are most often sold in pet shops. Breeders supplying up to 200 small and medium sized birds a year will not be covered by the minimal care requirements afforded by the Act. As such, these birds can continue to be raised in some of the most egregious conditions, including basements and backyard sheds. The public needs to be aware that there is no way the sale of birds in pet shops can be considered ethical or socially responsible. Our work to improve the welfare of birds kept in captivity is far from over.”

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The American Anti-Vivisection Society (AAVS), founded in 1883, was the first non-profit animal advocacy and educational organization in the United States dedicated to ending experimentation on animals in research, testing, and education. AAVS also opposes and works to end other forms of cruelty to animals. We work with students, grassroots groups, individuals, teachers, the media, other national organizations, government officials, members of the scientific community, and advocates in other countries to legally and effectively end the use of animals in science through education, advocacy, and the development of alternative methods to animal use. [www.aavs.org](http://www.aavs.org) | [aavs@aavs.org](mailto:aavs@aavs.org)

The Avian Welfare Coalition (AWC) was formed in 2000 to create a voice in the animal protection community for captive birds. Working with like-minded professionals in related fields, AWC provides educational resources for animal advocates, the media, general public, and through special AWC sponsored programs. It also operates the Avian Welfare Resource Center, the leading website dedicated to captive bird welfare, providing a variety of resources for bird caretakers and animal care professionals, including downloadable brochures and posters, articles, webinars, and more. [www.avianwelfare.org](http://www.avianwelfare.org) | [info@avianwelfare.org](mailto:info@avianwelfare.org)