CAPTIVE BIRD ABUSE – Part I

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DEFINITIONS

After cats, dogs and fish, birds are the fourth most popular type of companion animal in the U.S. It is estimated that in the U.S., 12 million birds are kept caged and often improperly cared for by owners who are not educated to the needs or requirements of an exotic bird. Birds have long life spans with some species living from 50-60 years of age. Caged birds crave freedom to flex their wings, to move about freely, to interact with other birds and to eat a varied diet. Birds are not happy or healthy when forced to live in solitary confinement for the rest of their long lives. There is an astounding lack of knowledge about bird welfare, the result being that many consumers and even animal advocacy organizations are often misinformed about the true nature of birds.

There are many popular myths and misconceptions about birds such as they are easy to care for, that only a baby bird will form a bond with its owner and become tame, and that rearing a young bird is easy, not the incredibly labor-intensive task needed to feed a nestling every 15 to 20 minutes from sunrise to sunset. Parrots are extremely intelligent birds, and need constant mental stimulation to thrive. There has been little in the way of effective public education that recognizes birds as the intelligent, complex creatures with specific needs of the “wild” animal that they really are. As a result, many times, bird owners are left with an unhappy, neurotic screeching pet that does not conform to captivity as expected.

Bird means any order of Psittaciformes bird such as cockatiels, parakeets, budgerigars, Amazons, African grays, Cockatoos, Macaws, Parrotlets, Beebees, Lovebirds, Lories, Lorikeets, and all other birds known as Parrots. Captive Bird means a bird kept or intended for sale as a companion animal. Captive birds are not just kept in homes, but also may include those living in zoos, breeding facilities, entertainment venues, research facilities, conservation programs, shelters and sanctuaries. Weaned means a bird that does not require hand-feeding or animal assistance to sustain at least 90 percent of its own weight following the time of sale. Un-weaned bird means any bird that requires hand-feeding or animal assistance to sustain at least 90 percent of its own weight for at least two weeks. For example, parrots commonly kept as captive pets, generally are weaned between 10 and 25 weeks of age. Usually, the larger the bird, the longer the time required to complete the weaning process. Bird Dealer means any person engaged in the business of dealing in, purchasing, breeding, or offering for wholesale or retail sale any exotic or pet birds customarily kept as pets.

Captive Bird abuse is not just a violent act towards a bird, but also includes neglect and failing to provide for the bird’s general well-being. This covers an array of circumstances, including leaving the bird unattended for long periods of time, lack of adequate food and water, hoarding, or failing to provide veterinary services as needed. However, current laws that exclude birds from animal welfare legislation and existing animal cruelty statutes, makes it almost impossible to define neglect,
substandard care and abuse, or to effectively enforce any existing statutes. Bird abuse can happen in many places, whether it is at home, zoos, pet shops, retail stores, exhibits, or laboratories. Currently the most common forms of bird abuse are hoarding and neglect, though it is not only pet owners who neglect or hoard birds; breeding facilities, pet stores, and laboratories are where most cases of hoarding and neglect occur.

FEDERAL REGULATIONS

Legal protection defining neglect, substandard care, and abuse for captive birds is lacking in most legislation. The U.S. is the only country in the world that does not include birds within its animal welfare laws and regulations. Parrots and other exotic birds commonly sold as pets or used for entertainment are not covered under the federal Animal Welfare Act (See Appendix A). Currently, there is no regulation governing the breeding and sale of birds, though a USDA regulatory process to govern some commercial bird breeding facilities is pending. Moreover, birds are frequently excluded from state animal welfare legislation, pet shop regulations, and existing animal cruelty statutes. There is no federal legislation to protect birds in the pet trade, and successful prosecution of cruel or negligent bird breeders is unlikely under most state anti-cruelty laws. Instead, the sale and possession of captive birds are regulated by a patchwork of federal and state laws. (See Appendix A for list of Federal regulations concerning birds).

In the absence of federal regulations, each of the 50 states, (and D.C.) has enacted its own unique animal anti-cruelty statutes. The quality, scope and enforcement of these laws vary from state to state. Twenty-seven states (which does include Georgia) have enacted laws that establish minimum humane standards for animals kept at pet shops. Only five states (AZ, CO, KS, NH, VA) require that sick or injured animals receive veterinary care. Only one state, California, addresses the sale of un-weaned birds despite the serious animal welfare concerns associated with this practice.

GEORGIA LAW

In 1986, due to a rapidly growing companion animal industry, the Georgia Department of Agriculture created the Companion Animal Section to help regulate all companion animals including the captive bird industry. This division of GDA enforces the humane care of animals and regulates anyone who produces, sells, boards, grooms, offers for adoption, or exchanges pet animals, including birds. The Companion Animal Section also monitors the spread of disease, inspects licensed establishments and investigates complaints of people and/or facilities required to be in compliance with the Animal Protection Act and the Bird Dealers Licensing Act. Passed in 2000, the Georgia Animal Protection Act (O.C.G.A. §4-11-(1) -(18)) requires that pet stores provide a defined level of humane care for birds in their custody, and requires a license to breed, import, export, sell or trade Psittacene birds. (See Appendix B - O.C.G.A. §16-12-4(3) for penalties for those who violate the Act).

REPORTS OF BIRD ABUSE OR NEGLECT

The cute, cuddly bird in the pet store may soon become a noisy, demanding, aggressive, neurotic, and self-destructive irritation. Dealing with loneliness, isolation and lack of mental stimulation, some caged birds may pull out their own feathers, mutilate their skin, incessantly bob their heads and
regurgitate, pace back and forth, peck over and over again at cage bars, and shake or even collapse from anxiety. Owners are often at a loss of how to deal with an exotic bird needing special attention, increasing the odds that the bird will be abused, neglected, or allowed to languish in isolation in their cage.

In 2012, statistics for bird abuse cases reported: 14 cases of beating, 3 cases of burning with caustic substance, 10 cases of burning by fire or fireworks, 3 cases of choking or strangulation, 2 cases of drowning, 9 cases of fighting, 3 cases of hanging, 21 cases of kicking or stomping, 46 cases of mutilation or torture, 217 cases of neglect, 15 cases of poisoning, 74 cases of shooting, 13 cases of stabbing, 6 cases of theft, 6 cases of throwing and 303 cases of hording, plus 10 other miscellaneous cases. (www.animalsupport.org/). More than likely, there are many more not reported.

Avian rescue groups estimate that most “pet” parrots rarely survive their first year of captivity, and others suffer from abuse and neglect before dying. Rescue groups estimate that most parrots are surrendered and rehomed through at least five homes before reaching their permanent destinations or before dying prematurely from unintentional or intentional neglect and abuse. Those who survive often exist in deplorable conditions, with no quality of life. They frequently suffer from loneliness, neglect and lack of care. In spite of the suffering, breeders continue to flood the market with millions of baby birds, resulting in too many birds with no legitimate or healthy place to go.

Lack of awareness on the part of consumers, coupled with inadequate law enforcement have allowed breeding facilities to become firmly established. These breeding facilities have been unwilling to self-regulate and have opposed any and all proposed regulation to control their industry. Many of the breeding facilities operate out of the public eye and contribute to spreading avian diseases, many of which are undetectable, incurable, and deadly, with few effective vaccines. Bird-breeding factories often in-breed communicable diseases such as Proventricular dilatation disease (PDD), papillomavirus infection, salmonellosis, giardiasis, and psittacine beak and feather disease. Sick birds can give humans or other pet birds psittacosis, salmonellosis, E. coli infections, tuberculosis, giardiasis, and other illnesses associated with bacteria and fungi. The public is sorely uneducated to the possibilities of disease when they buy a bird from a pet store or bird breeder. Companion bird owners are also uneducated about the true responsibilities of owning an exotic “wild” bird, as well as understanding the far-reaching effects that neglect and over-breeding have on the companion birds.

REFERENCES
https://en.wikipedia.org/wiki/Cruelty_to_animals
www.avianwelfare.org/
www.bornfreeusa.org/
www.peta.org/
www.parrots.org/
www.avianwelfare.org/issues/overview.htm
www.theparrotuniversity.com/arthisandfeeding3
APPENDIX A – FEDERAL AND STATE LAWS

The Animal Welfare Act, (7 U.S.C. §2131-2159) signed into law in 1966, is the only Federal law in the United States that regulates the treatment of animals (except for birds), in research, exhibition, transport, and by dealers. Other laws, policies, and guidelines may include additional species coverage or specifications for animal care and use, but all refer to the Animal Welfare Act as the minimum acceptable standard. The Act is enforced by USDA, APHIS, Animal Care.

Under the Wild Bird Conservation Act, it is illegal to import into the United States exotic birds as pets. However, persons returning to the United States after being out of the country for more than one year who bring personally owned birds with them may import no more than two exotic birds as pets per year. The Act maintains that wild-caught birds may only be imported into the United States if they are produced in accordance with service-approved management plans for sustainable use of the species. After the WBCA, the number of parrots imported in the US declined from over 100,000 annually to only hundreds annually.

Under the Endangered Species Act (ESA) it is illegal to possess, sell, or buy an endangered species regardless of whether it’s over the internet or not, unless a person obtains a captive-bred wildlife permit. The ESA does not regulate private possession of birds, it merely allows the Fish and Wildlife Service to prosecute individuals who are in possession of endangered species illegally.

The Lacey Act allows the U.S. government to prosecute persons who possess an animal illegally obtained in a foreign country or another state. Again, this Act does not regulate private possession of birds; it merely allows the Fish and Wildlife Service to prosecute individuals who have illegally obtained birds.

CITES (Convention on International Trade in Endangered Species) is an international treaty drawn up in 1973 to protect wildlife against over-exploitation, and to prevent international trade from threatening endangered species. CITES aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

The Migratory Bird Treaty Act makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations. The migratory bird species protected by the Act are listed in 50 CFR 10.13.
Felony Animal Cruelty Provisions - All 50 states have animal cruelty felony provisions for malicious, willful, or aggravated animal cruelty with language that varies from state to state.

Pet Store standards - The following 17 states and the District of Columbia require that pet stores provide a defined level of humane care for animals, including birds, in their custody: California, Colorado, Connecticut, District of Columbia, Georgia, Hawaii, Illinois, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, New Jersey, Oregon, Rhode Island, Vermont, Virginia.

Bird Trade - The following 11 states have regulations that require a license or recordation to breed, import, export, sell or trade birds in the psittacene family: Colorado, Delaware, Florida, Georgia, Maryland, Mississippi, Missouri, New Hampshire, Pennsylvania, Rhode Island, and Washington.

APPENDIX B – GEORGIA LAWS

Bird Dealer’s Licensing Act (O.C.G.A. §4-10-2) the General Assembly finds that the sale of exotic and pet birds presents a serious potential hazard to the health of livestock and humans due to the potential of transmission of disease by birds. The General Assembly further finds that regulation of bird dealers is a necessary means of minimizing this hazard.

Any person who acts as a bird dealer without a license in violation of this chapter shall be guilty of a misdemeanor.

O.C.G.A. §16-12-1 Unlawful acts by licensed pet dealers

It shall be unlawful for any person licensed under this article or any person employed by a person licensed under this article or under such person's supervision or control to: (1) Commit a violation of Code Section 16-12-4, relating to cruelty to animals; (2) Fail to keep the pet dealership premises, animal shelter, kennel, or stable in a good state of repair, in a clean and sanitary condition, adequately ventilated, or disinfected when needed; (3) Fail to provide humane care for any animal; or (4) Fail to take reasonable care to release for sale, trade, or adoption only those animals that appear to be free of disease, injuries, or abnormalities.

O.C.G.A. §16-12-4 Cruelty to Animals (misdemeanor charge): A person commits the offense of cruelty to animals when he/she causes death or unjustifiable physical pain or suffering to any animal by an act, an omission, or willful neglect.

O.C.G.A. §16-12-4 (3) Penalties

(a) "Willful neglect" means the intentional withholding of food and water required by an animal to prevent starvation or dehydration. (b) A person commits the offense of cruelty to animals when he or she causes death or unjustifiable physical pain or suffering to any animal by an act, an omission, or willful neglect. Any person convicted of a violation of this subsection shall be guilty of a misdemeanor; provided, however, that: (1) Any person who is convicted of a second or subsequent violation of this subsection shall be punished by imprisonment not to exceed 12 months, a fine not to exceed $5,000.00, or both; and (2) Any person who is convicted of a second or subsequent violation of this subsection which results in the death of an animal shall be guilty of a misdemeanor of a high
and aggravated nature and shall be punished by imprisonment for not less than three months nor more than 12 months, a fine not to exceed $10,000.00, or both, which punishment shall not be suspended, probated, or withheld. (c) A person commits the offense of aggravated cruelty to animals when he or she knowingly and maliciously causes death or physical harm to an animal by rendering a part of such animal's body useless or by seriously disfiguring such animal. A person convicted of the offense of aggravated cruelty to animals shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed $15,000.00, or both, provided that any person who is convicted of a second or subsequent violation of this subsection shall be punished by imprisonment for not less than one nor more than five years, a fine not to exceed the amount provided by Code Section 17-10-8, or both.

O.C.G.A. §4-11-2
§ (4) Humane care of animals means, but is not limited to, the provision of adequate heat, ventilation, sanitary shelter, and wholesome and adequate food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

O.C.G.A. §4-11-2
(b) Aggravated Cruelty to Animals (felony charge): A person commits the offense of aggravated cruelty to animals when he or she knowingly and maliciously causes death or physical harm to an animal by rendering a part of such animal's body useless or by seriously disfiguring such animal... [paraphrased] except for conduct otherwise permitted under state or federal law.

O.C.G.A. §16-12-4
Local law enforcement (municipal or county police department or county sheriff's department) enforces the criminal provisions of Cruelty to Animals, O.C.G.A. §16-12-4. An animal control officer is an individual authorized by local law or by the governing authority of a county or municipality to carry out the duties imposed by local ordinance and certain articles contained within the Georgia Animal Protection Act.

O.C.G.A. §4-11-5. Persons holding bird dealers' licenses
Any person licensed by the department as a bird dealer shall not be required to obtain a license under this article if such person does not deal in animals other than birds. If, however, a licensed bird dealer sells, offers to sell, exchanges, or offers for adoption dogs, cats, fish, reptiles, or other animals (other than birds) customarily obtained as pets, then such dealer shall be required to obtain a license under this article in addition to his bird dealer's license.

O.C.G.A. §4-11--10. Unlawful acts
It shall be unlawful for any person licensed under this article or any person employed by a person licensed under this article or under such person's supervision or control to:
(1) Commit a violation of Code Section 16-12-4, relating to cruelty to animals;
(2) Fail to keep the pet dealership premises, animal shelter, kennel, or stable in a good state of repair, in a clean and sanitary condition, adequately ventilated, or disinfected when needed;
(3) Fail to provide humane care for any animal; or
(4) Fail to take reasonable care to release for sale, trade, or adoption only those animals that appear to be free of disease, injuries, or abnormalities.

O.C.G.A. §4-11-11. Animals shipped into state to be accompanied by health certificates
(a) It shall be unlawful for any person to ship or import any equines, poultry, livestock, or birds into this state unless accompanied by an official interstate or international certificate of veterinary inspection.
(b) In addition to the provisions of subsection (a) of this Code section, it shall be unlawful to ship or import into this state any other type of animal which the commissioner has determined poses a significant risk of disease to domestic animals or humans within this state unless such animal is accompanied by such certificate. The commissioner shall maintain on the department website a listing of all other types of animals determined to pose a significant risk of disease in accordance with this subsection.
(c) No such certificate shall be required for poultry originating from flocks participating in the National Poultry Improvement Plan administered by the United States Department of Agriculture.

O.C.G.A. §40-13-12-.05 Interstate Shipment of Birds. Amended.
(1) Each shipment of exotic and pet birds shipped into Georgia requires a prior permit number obtained from the State Veterinarian’s Office.
(2) All pet or exotic birds entering Georgia for exhibition purposes must meet the requirements for interstate shipment.
(3) All exotic or pet bird shows and/or sales should obtain a special permit in writing from the State Veterinarian’s Office.
(4) Any person convicted of violating these regulations shall be guilty of a misdemeanor.

O.C.G.A. §40-13-12-.06 Prohibited Birds.
(1) The following listed birds are prohibited from entry into the State of Georgia due to being capable of breeding in the wild and, if established in the wild, presenting a threat of being detrimental to the agriculture industry of this State:
(a) Java Rice Bird;
(b) Quaker or Monk Parakeet;
(2) Importation into Georgia of the above-listed birds will be a violation of Georgia law, except by special permit from the State Veterinarian’s Office.
(3) Any person convicted of violating these regulations shall be guilty of a misdemeanor.

O.C.G.A. §40-13-12-.07 Illegal Importation.
(1) Any psittacine or exotic bird imported into Georgia coming directly or indirectly from outside the United States shall be imported illegally unless the bird was brought into the
United States in conformity with the quarantine regulations of the United Stated Department of Agriculture.

(2) The Department may quarantine, seize, and destroy any birds imported illegally into this State and any bird exposed to the illegal bird.

(3) Any person convicted of violating these regulations shall be guilty of a misdemeanor.

(4) Any person convicted of violating these regulations shall be guilty of a misdemeanor.

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