

Background of the ESA Situation

- 1) Right now, Friends of Animals and WildEarth Guardians are hijacking the ESA, administered by the Department of Fish & Wildlife, to put 5 species of macaws (Scarlet, Hyacinth, Great Green, Military and Blue Throated) on the Endangered Species Act list. In the introduction to petition to the Fish and Wildlife Department, Friends of Animals states that their goal is [to end the captive bird trade](#) in the United States.
- 2) Wild bird populations in their countries of origin [are already protected effectively](#).
 - a) International commerce in all parrot species is regulated by CITES, which lists all parrot species on either Appendix I (Endangered) or Appendix II (Threatened). 175 countries are signatories and participants in CITES, including the USA. For birds on Appendix I, commerce is effectively banned completely. For birds on Appendix II, extensive permitting is required for export, including proving that they were legally obtained and their removal is not detrimental to the wild population. These documents are difficult to obtain and it is generally believed that this program effectively limits international trade.
 - b) Importation of parrots into the USA has been regulated by the Wild Bird Conservation Act of 1992, whose purpose is to promote conservation of exotic birds by ensuring that imports are biologically sustainable and not detrimental to the species. The WBCA generally restricts the importation of most CITES-listed live and dead exotic birds except for certain limited purposes such as zoological display or cooperative breeding programs. The Fish and Wildlife Service may approve cooperative breeding programs and subsequently issue import permits under such programs. Wild-caught birds may be imported into the United States if certain standards are met and they are subject to a management plan that provides for sustainable use. This act was intended to meet the market demand by encouraging captive aviculture in the US and to curtail importation of wild caught birds.
- 3) Since the WBCA and the expansion of commercial aviculture in the US, the market demand has been met by aviculturists and there has been almost no indication of smuggling and there have been very few birds imported legally into the US (per [CITES and Traffic databases](#))
- 4) The purpose of [the ESA for protection of foreign species](#)
 - a) "The Endangered Species Act (ESA) requires the Service to list species as endangered or threatened regardless of which country the species lives in. Benefits to the species include [prohibitions](#) on certain activities including import, export, take, commercial activity, interstate commerce, and foreign commerce. By regulating activities, the United States ensures that people under the jurisdiction of the United States do not contribute to the further decline of listed species."
 - b) Note that the ESA does not and has not provided funding or specific oversight for conservation efforts outside the United States. With the other legislation in place (CITES and WBCA) how can the ESA further help foreign species?
- 5) The Parrot species not currently on the ESA, while threatened or endangered in their homelands, are reproducing and thriving in private Aviculture in the US today. Species that have already been put on the ESA some years ago that were successfully being bred are now rarely being bred and are disappearing from the USA: the Golden Conure, Vinaceous Amazon and Bali Mynah are examples of bird species that were thriving in aviculture and whose existence in the USA is now threatened because of the prohibition of interstate commerce in the USA. Once the local market is flooded, the

breeders stop breeding. It is a matter of time before these birds end up dying of old age in breeding facilities or in sanctuaries.

- a) The data provided by the attorneys to the Fish & Wildlife Service are old, from the 1990's, and much of it was used to justify the Wild Bird Conservation Act
 - b) Hyacinth Macaws, among many other species, are actually recovering well in the wild
- 6) Creatures included in the [Endangered Species Act are prohibited](#) from interstate commerce except between those holding Captive Bred Wildlife Permits, which are difficult and expensive for breeders to obtain.
- a) Pet homes will not be issued Captive Bred Wildlife Permits, so these birds would no longer be available in the pet trade except, in some cases, within the state where they are bred. There are fewer and fewer parrot breeders in this country, and not every species is bred in every state.
 - b) Captive Bred Wildlife Permits will be issued only to approved conservation breeding programs and zoos, which typically do not have the funding or interest to focus on a range of parrot species.
 - c) Breeders will be limited to selling to pet or breeder homes within their states, or if they have a Captive Bred Wildlife permit they can sell to other Captive Bred Wildlife permit holders in other states.
- 7) To make matters worse, [some states adopt a reflection of the ESA with additional restrictions](#) at the local level and do not "grandfather" in birds that are held by non-permit holders. For some states, such as Illinois, Rhode Island and Virginia, this means that people who currently possess birds in such states are will then possess them illegally, whether they are in a pet home or a breeding situation. If you are in one of the states that automatically adopts the ESA list you must get a permit (only legitimate conservation breeders will be granted a permit). If you can't get a permit, you must find your bird another home with an out of state 501c-3 sanctuary as a gift (remember no interstate commerce) or with someone who has a permit in your state, or you can move to a state that doesn't automatically adopt the list to their state list. In these states there will be no grandfathering even if you have documentation to prove that you owned the birds prior to their being listed. It will mean that breeders with permits can only sell to other breeders who have a permit within those states.
- 8) Without interstate commerce for these species, local in-state markets will become saturated and breeders will no longer breed these birds, as the market amongst Captive Bred Wildlife Permit holders is very limited. This has already happened with the Golden Conure (Queen of Bavaria's Conure) and the Bali Mynah.
- 9) Commercial aviculture is keeping the gene pool alive and vibrant. Aviculturists have a significant vested interest in learning about their species and being successful with them. Aviculturists have consulted with various conservation breeding programs to provide vital information for successful breeding.
- 10) Parrot breeding and parrot ownership is the tip of the iceberg for an entire segment of the economy that supports these activities, including veterinarians, toy manufacturers, food manufacturers, cage manufacturers, retail bird stores, groomers, boarding facilities, trainers and behaviorists, as well as magazines, books and information products for these target groups.