April 30, 2022

Cody Yager, DVM
Supervisory Animal Care Specialist,
Animal Care, APHIS,
4700 River Road Unit 84,
Riverdale, MD 20737

Re: [Docket No. APHIS–2020–0068 - Standards for Birds Not Bred for Use in Research Under the Animal Welfare Act]

Dear Dr. Yager:

This letter is in response to the United States Department of Agriculture’s notice of proposed rulemaking and request for comments in the Federal Register on February 22, 2022, to amend the regulations to establish standards governing the humane handling, care, treatment, and transportation of birds, excluding birds bred for use in research, covered under the Animal Welfare Act. The American Psychological Association represents 133,000 members, affiliates and students who serve as scientists, academics, and practitioners in health, education, government and private industry. APA has long been a strong advocate for the ethical and humane care and use of nonhuman animals in research. APA has and continues to support efforts to improve laboratory animal welfare through the implementation of policies and regulations that both maintain the integrity of the scientific research and sustain the welfare of such animals.

On behalf of APA, I am grateful for the opportunity to provide comments and suggestions for the proposed standards for captive birds not bred for use in research. APA supports the use of performance-based standards to provide the flexibility necessary to ensure the humane and handling, treatment and transportation of such a diverse class of animals.

APA supports the use of professional judgement in the development of standards specific for the types of birds being maintained in a facility as part of the program of veterinary care; however, there is some potentially confusing language in some of the proposed standards. The existing regulations, Sections 2.33 and 2.40, use the term, “attending veterinarian,” and define that person as one “…who has direct or delegated authority for activities involving animals at a
facility...” In practice where there are multiple veterinarians, the attending veterinarian of record can further delegate his/her authority to other members of the staff. APA suggests that the proposed new standards for birds should use the term “attending veterinarian” whenever referring to the oversight responsibility for the program of veterinary care and provides the following examples where inconsistency language currently exists.

§3.151 Facilities, Indoor
(a) Temperature and Humidity
The proposed language currently reads, “Prescribed temperature and humidity levels must be part of the written program of veterinary care or part of the full-time veterinarian’s records.”

It should be revised to read “Prescribed temperature and humidity levels must be part of the written program of veterinary care or part of the attending veterinarian’s records.”

§3.154 Environment enhancement to promote psychological well-being
The proposed language currently reads, “The plan is part of the required program of veterinary care and must be approved by a veterinarian and must be in accordance with the regulations in this subpart and with currently accepted professional standards.”

It should be revised to read, “The plan is part of the required program of veterinary care and must be approved by the attending veterinarian, and must be in accordance with the regulations in this subpart and with currently accepted professional standards.”

(e) Exemptions
The proposed language currently reads “(3) Records of any exemptions must be maintained by the dealer, exhibitor, or research facility for at least 1 year in accordance with § 2.80 of this subchapter and must be made available to APHIS upon request, and, in the case of research facilities, to officials of any pertinent funding agency”

§ 2.80 Records, disposition does not refer to exemptions. The applicable section of the Standards that does is § 3.81(e)(3) which reads, “Records of any exemptions must be maintained by the dealer, exhibitor, or research facility and must be made available to USDA officials or officials of any pertinent funding Federal agency upon request.”

The proposed language for birds should read the same as the current language for Nonhuman primates: “Records of any exemptions must be maintained by the dealer, exhibitor, or research facility and must be made available to USDA officials or officials of any pertinent funding Federal agency upon request.”
APA appreciates the opportunity to comment on the proposed rulemaking. We also are pleased to see the effort to reduce the administrative burden on current registered transporters and licensees who would be impacted by the new regulations and standards.

Sincerely yours,

Mitch Prinstein, PhD
Chief Science Officer
American Psychological Association