



Regulation of birds under the Animal Welfare Act

Until now, the U.S. Department of Agriculture’s Animal and Plant Health Inspection Service has not enforced the Animal Welfare Act with respect to research involving birds not purpose-bred for research. Recently, APHIS promulgated new proposed AWA standards for birds. Once these regulations are finalized, the AWA will apply to research involving birds not bred for use in research. What does this mean for ornithologists?

The Animal Welfare Act (AWA) applies to research facilities, which are defined under that law as “any school (except an elementary or secondary school), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals in commerce, or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments.” If your research institution receives federal grants or transports birds across state line, then it is a facility for purposes of the AWA and must comply with the law.

Under the AWA, research facilities must:

1. [Register with APHIS](#) (Not required for federal facilities. Also, per USDA, research facilities that conduct *only* field studies do not need to register.)
2. Establish and follow an IACUC process and appropriate review protocols.
3. Follow housing and husbandry requirements set forth by the USDA (pending for birds).
4. [Report annually to the USDA](#) (Animals used *only* in field studies should not be included in the annual report.)
5. [Undergo annual inspection by the USDA](#)

In practice, many research facilities working with birds are already meeting many, if not all, of these requirements, as a condition of funding that they already receive or because other research done by that facilities falls under the AWA. However, smaller institutions, especially those that work only with birds, should be aware of these new requirements.

Note that [field studies](#) are exempt from AWA oversight. A field study is a study conducted on free-living wild animals in their natural habitat. The IACUC is responsible for evaluating whether an activity with wild animals is regulated under the AWA.

Final regulations are expected by February 2023.

Questions about how these regulations will affect your institution? [Contact the Ornithological Council.](#)



About the Ornithological Council

The Ornithological Council is a consortium of scientific societies of ornithologists; these societies span the Western Hemisphere and the research conducted by their members spans the globe. Their cumulative expertise comprises the knowledge that is fundamental and essential to science-based bird conservation and management. The Ornithological Council is financially supported by our member societies and the individual ornithologists who value our work. If the OC's resources are valuable to you, please consider joining one of our [member societies](#) or donating directly at [Birdnet.org](#). Thank you for your support!

Ornithological Council Fact Sheet: Birds and the AWA (2022)

History of birds and the AWA

1966: Animal Welfare Act passed, defining animal as “live dogs, cats, monkeys (nonhuman primate mammals), guinea pigs, hamsters, and rabbits.”

2002: The 2002 Farm Bill amended the definition of animal in the AWA by specifically excluding birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research. For the first time, birds *not bred for research* were explicitly subject to AWA regulation.

2004: APHIS published a notice that they intended to extend enforcement of the AWA to birds not bred for use in research that were sold as pets, transported in commerce, or used for exhibition, research, teaching, testing, or experimentation.

2013: Several lawsuits filed against USDA for failure to promulgate the regulations proposed in 2004.

2020: In response to one of those lawsuits, APHIS once again published a notice that they intended to extend enforcement of the AWA to birds not bred for use in research.

2022: Draft regulations setting forth standards for birds under the AWA published.