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ABOUT BIRDS

Association of Field Ornithologists

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Neotropical Ornithological Society

North American Crane Working Group

Pacific Seabird Group

Raptor Research Foundation

Waterbird Society

Wilson Ornithological Society

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6 August 2024

Attention: CDC Desk Officer
Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Re: Revision of Import Permit Applications (42 CFR 71.54)
(OMB Control No. 0920-0199)

Submitted via www.reginfo.gov

The Ornithological Council appreciates the opportunity to provide comments to the Office of Management and Budget and the Centers for Disease Control (CDC) upon revision of the CDC's application for import permits.

The Ornithological Council is a consortium of scientific societies of scientists who study birds. Although some of these scientists study captive-bred birds, the vast majority study wild birds, sometimes in captivity but more commonly in the wild. Many of these scientists import avian materials (blood, feathers, tissue, extracted DNA, plasma, whole carcasses, or body parts) for scientific research. Sometimes these materials are collected shortly prior to import, meaning that they were taken from living birds days to weeks prior to import. In other situations, scientists import materials that have been preserved in museum collections for many months to many decades - and often over 100 years.

Section 361 of the Public Health Service Act (42 U.S.C. 264), as amended, authorizes the Secretary of Health and Human Services to make and enforce such regulations as are necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the United States, or from one state to another. The implementing regulations, set forth in Part 71 of Title 42, Code of Federal Regulations, require that persons that import infectious biological agents, infectious substances, and vectors obtain a permit issued by the CDC. Of particular interest to the Ornithological Council is the application to import infectious biological materials into the United States. The comments below pertain to this application and permit.

According to the Federal Register notice, the Office of Management and Budget is particularly interested in comments that "evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency [CDC], including whether the information will have practical utility," as well as comments that "enhance the quality, utility, and clarity of the information to be collected."

We first note that the CDC's criteria as to when this permit is required for ornithological imports are unclear. The determining factor as to whether this permit is needed for ornithological research is whether the specimen or sample to be imported is known or reasonably expected to contain an infectious biological agent. However, virtually all animals can harbor one or more pathogens capable of causing human illness and infected animals may be asymptomatic. It is extremely difficult for a field biologist to determine the presence or absence of all potential zoonotic pathogens, especially because the CDC has not been able to provide a list of such pathogens. Thus, even if the scientist were able to have the blood or tissues analyzed prior to import, there could be microbes present for which the potential to cause human disease is unknown. Without knowing which infectious biological agents the CDC is monitoring and which might be contained in an importer's sample it is impossible to complete Section D of the import permit application (specifically, the table entitled "Infectious Biological Agents."), which must be completed for the application to be submitted.

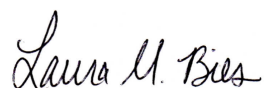
Similar concerns apply to the proposed new Importer Certification Statement. It will be difficult, if not impossible, for an importer to attest that they are importing only noninfectious biological agent(s) or biological substance(s), without knowing which infectious biological agents the CDC is monitoring. That new form would also require a detailed description of how the material was rendered noninfectious. To enable compliance with this, we ask the CDC to provide a list of acceptable treatment methods. It is easy to certify that the animal or animal product has been rendered noninfectious if the importer knows what methods are considered by the CDC to be effective. The importer should not have to guess at the methods the CDC (or agents at U.S. ports of entry) will accept, only to arrive at the port and determine that they have guessed incorrectly. The Animal and Plant Health Inspection Service's Animal Products Import Export office has a published list of methods that it will accept. In lieu of developing specific CDC requirements, it would be very helpful if the CDC were to state affirmatively that the APHIS methods are acceptable for the CDC as well, along with any other methods that the CDC deems effective.

Furthermore, as to ornithological imports, the CDC import permit itself is duplicative. Imports of ornithological samples and specimens are already subject to review and permitting by the USDA's Animal and Plant Health Inspection Service (APHIS). Requiring an additional permit from the CDC for the same materials does nothing to further protect our country from potentially harmful imports and it unnecessarily increases the burden on importers. The Ornithological Council encourages the CDC to more clearly elucidate when import permits are needed from APHIS and when they are needed from CDC by further clarifying the infectious biological agents about which the CDC is concerned.

The Ornithological Council has previously requested that the CDC embark upon a formal process to re-examine the requirements for non-living animal matter, allowing the agency to hone and focus the import policy on true threats through a risk analysis. We have requested this because of the confusion incurred by the current policy, which requires that imports of animal products be accompanied by either a permit from CDC or documentation confirming that the animal or animal product is not known to contain (or suspected of containing) an infectious biological agent or has been rendered noninfectious. However, without further guidance on which infectious agents are of concern or which treatment methods are appropriate, such documentation is very difficult to produce.

The Ornithological Council appreciates the opportunity to submit these comments. If you have any questions about our feedback or if we can be of assistance, please do not hesitate contact me.

Sincerely,



Laura M. Bies, Executive Director