

Wild Bird Conservation Act Final Rule Summary

The final rule implementing the Wild Bird Conservation Act (WBCA) of 1992 permits importation of wild-caught birds meeting certain criteria for sustainable use of *wild bird populations*.

This marks the first time in a regulation that the Fish and Wildlife Service has defined sustainable use of a species subject to importation into the United States. This final rule also effectively lifts WBCA import restrictions for bird species meeting the sustainable use criteria. Publication of the final rule pertaining to the approval of overseas breeding facilities is all that remains to complete the implementation of all WBCA regulations.

The Wild Bird Conservation Act was unanimously passed by Congress and signed into law October 23, 1992. It limits imports of exotic bird species to ensure that their populations are not harmed by international trade. It also encourages wild bird conservation programs in countries of origin by ensuring that trade in such species involving the United States is both biologically sustainable and of benefit to the species. Previous final rules implementing the act provided requirements for obtaining permits, established an approved list of captive-bred species, and, with a few exceptions, prohibited imports of all birds listed by the Convention on International Trade in Endangered Species (CITES), an international trade conservation treaty.

Unlike other regulations, this final rule lifts a restriction rather than imposing a new one. The Service notes that results

of the Wild Bird Conservation Act are already visible in the decline of wild bird imports coming into this country.

The WBCA final rule allows the importation of wild-caught birds into the United States when the Fish and Wildlife Service determines that such importation is:

1. biologically sustainable,
2. non-detrimental to species survival in the wild, and
3. that CITES is being implemented effectively in the countries from which the birds are exported. This aspect of the final rule lifts prior WBCA import restrictions, which curtailed the importation of all CITES-listed, wild-caught birds. It provides opportunities for importation of wild-caught birds meeting sustainable use criteria.

The final rule implements procedures establishing criteria that would enable wild-caught bird species to be included on the list of birds approved for importation to the United States. Wild-caught birds on this approved list could be imported without a WBCA permit if they came from a country that had developed a scientifically based management plan for sustainable use of the species.

Publication of this final rule will allow exporting countries to submit applications to the Fish and Wildlife Service for the approval of their sustainable use management plans. The

final rule defines sustainable use as “the use of a species in a manner and at a level such that populations of the species are maintained at biologically viable levels for the long term and involves a determination of the productive capacity of the species and its ecosystem, in order to ensure that utilization does not exceed those capacities or the ability of the population to reproduce, maintain itself and perform its role or function in its ecosystem.”

The Fish and Wildlife Service received approximately 1,500 comments from bird breeders, animal welfare organizations, scientific organizations and other groups, which were considered as part of the development of the final rule. The final rule was released in the January 24, 1996, issue of the *Federal Register*.

**U.S. Fish & Wildlife Service
International Affairs
Division of Management Authority
4401 N. Fairfax Drive, Room 700
Arlington, VA 22203
703/358-2104 or 800/358-2104
Fax 703/358-2281
e-mail: managementauthority@fws.gov
<http://international.fws.gov>
<http://permits.fws.gov>
<http://international.fws.gov>
<http://permits.fws.gov>**

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