

American Racing Pigeon Union
Comments on Proposed Rule Regarding the Welfare of Birds
Not Bred for Research
ID: APHIS-2020-0068-0001

October 29, 2020

I. General Considerations

American Racing Pigeon Union. The American Racing Pigeon Union (AU), founded in 1910, is a non-profit organization with approximately 500 affiliated clubs around the United States and approximately 8,000 members.¹ The AU “exists to promote, protect, and enhance the sport of racing homing pigeons, to cooperate with other organizations, which directly or indirectly accomplish those goals, and to provide services and benefits to its members.” (See AU Constitution and Bylaws, Article I, <https://www.pigeon.org/pdf/constitutions-bylaws.pdf>) As a necessary corollary to that purpose, the AU is committed to the preservation and humane treatment of the racing pigeon whose unique homing abilities have served the interests of humanity for thousands of years.²

Racing Pigeon Hobbyists should not be Subject to Federal Regulation, Reporting Requirements, Inspection or Law Enforcement. For a host of legal, policy and practical reasons, set forth in detail in these comments, it is irrational and likely unlawful to regulate the backyard lofts of racing pigeon hobbyists.

Just at a common sense level, it requires an extraordinary leap of the imagination to believe that a significant number of Members of Congress, if any, intended to apply the provisions of the Animal Welfare Act (AWA) to the thousands of small backyard pigeon lofts maintained by racing pigeon hobbyists and their families. The economic effect on racing pigeon fanciers of having to comply with federal regulations could essentially end the viability of this hobby in the United States. Although pigeon racing has an intensely loyal following, its participants, as a general rule, are people of limited means. The imposition of significant additional regulatory costs literally could tip the scales against this sport. These small operations are not financially equipped to respond to Federal licensing, recordkeeping and other regulatory requirements.

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² See, e.g., Constitution and Bylaws, 14.02: “No member of the Union shall engage in the following acts at any time, ... Knowingly house or maintain any pigeon without providing reasonably adequate shelter, food, or water in order for it to survive without undue hardship or injury.”

As USDA well understands, there is no broad concern regarding the care of racing pigeons.³ Strikingly, a word search of the 7,892 comments submitted to this rulemaking as of October 28, 2020, reveals only four references to pigeons (not counting this submission, or others that may come in after the word search). Of these four, one addresses pigeon space requirements when used in research (so not relevant), two are part of a list of birds that the commentators had raised over the years, and one is about the consumption of eggs. There are no submissions expressing concern about the condition of racing pigeons or arguing that the racing pigeon hobby should be subject to federal regulation. Although last-minute animal rights submissions, sweeping broadly, may address racing pigeons, there are strong reasons why there is no broad societal concern and no justification for federal action in this area.

On the technical side, Congress did not intend that racing pigeons be regulated “animals” as that term is used in the Animal Welfare Act; moreover, even if racing pigeons are considered such they would fall within one of the statutory exceptions, such as for farm animals. (See Part II, below.) Similarly, racing pigeon fanciers do not generally engage in the types of activities expressly addressed by the AWA (e.g., they are not dealers, exhibitors, carriers, etc. within the meaning of the AWA) and should not be subject to regulation. (See Part III, below.)

Throughout these comments reference is made to a number of documents that provide critical insight into the high level of self-regulation that is already in place in the racing pigeon community. This high level of self-regulation makes Federal regulation unnecessary and even potentially harmful. (See Part IV, below.) We urge your close review of the following documents:

- AU Constitution and Bylaws (<https://www.pigeon.org/pdf/constitutions-bylaws.pdf>)
- AU Racing Rules (<https://www.pigeon.org/pdf/AmericanunionRacingRules.pdf>)
- AU Code of Ethics (<https://www.pigeon.org/codes.htm>)
- AU Policy on Administration of Prohibited Substances to Racing Pigeons (<https://www.pigeon.org/substances.htm>)
- AU Loft Registration Program Criteria (<https://www.pigeon.org/loftcertificationpolicy.htm>)
- AU Loft Registration Requirements, Registration, Questionnaire and Application (<https://www.pigeon.org/loftcertificationpolicy.htm>)
- AU Biosecurity for Racing Pigeon Lofts, (<https://www.pigeon.org/biosecurity.htm>)

See generally, <https://www.pigeon.org/policies.htm>.

³ The Racing Pigeon is a member of a single species -- *Columba Livia* -- although within that species there are a number of different types of pigeons of which only one has the extraordinary homing and flight abilities of the racing pigeon.

II. Congress did not intend for USDA to consider Racing Pigeons as Regulated “Animals” as that Term is defined in the AWA

The Animal Welfare Act and the Regulation of Birds. Originally, the Animal Welfare Act only regulated live dogs, cats, nonhuman primates, guinea pigs, hamsters and rabbits as the Secretary of Agriculture “may determine” are used for research, testing, experimentation, or exhibition purposes, or as a pet. Then, for over 30 years, the AWA was expanded to include such other warm-blooded species as the Secretary of Agriculture “may determine” are used for the five limited purposes cited above. During this period, the Secretary determined not to include birds and birds were not explicitly mentioned in the AWA. The U.S. Congress, which authored the AWA, and is intensely involved in the oversight of American agriculture, never complained that the Secretary had failed to include birds and never amended the AWA to specifically mandate that birds be subject to extensive federal regulation even though birds are commonly owned in the United States.

In 2002, Congress, for reasons explained below, did amend the AWA to exempt birds “bred for research” to expressly assure that the Secretary did not use his or her authority to regulate such birds. The Congress did not direct the Secretary to regulate birds not bred for research, though by implication they were now identified as falling within the Secretary’s authority so long as they also were used for one of the following remaining statutory purposes: testing, experimentation, or exhibition purposes, or as a pet. Congress had little interest in or expectation that there would be significant regulation of non-research birds and certainly was not enacting a mandate that the Secretary impose federal regulation on the hobby of pigeon racing.

This proposed rulemaking has its origin in a petition brought by certain animal rights groups, notice of which was published in the Federal Register in January 1999, seeking a rulemaking that would require the Secretary of Agriculture to amend the definition of “animal” in the Animal Welfare Act regulations to remove a provision that excluded birds (and certain rats and mice) from that definition. Notably, the petition was solely focused on making the Secretary regulate birds (and certain rats and mice) that are *used in research*.

In March 1999, these same groups sued the USDA in the U.S. District Court for the District of Columbia seeking an order requiring the USDA to review its regulations and delete the exclusion for birds (as well as the exclusion for certain rats and mice) as having been arrived at in an arbitrary and capricious manner in violation of the law. The USDA sought to have the suit dismissed but the court denied the USDA’s motion. In September 2000, the USDA reached a settlement with these groups that provided that the USDA would initiate and complete a rulemaking process addressing this issue.

Before the USDA could act, Congress passed legislation prohibiting the USDA from implementing a rulemaking process for both FY 2001 and FY 2002. Then, in 2002, Congress passed the Farm Security and Rural Investment Act, which, among other things, amended the definition of “animal” in the Animal Welfare Act (AWA) to

specifically exclude *birds bred for use in research*,⁴ negating the original petition addressing *birds used for research*.

When Congress amended the AWA to exclude birds bred for use in research it was responding to a very specific action arising out of a lawsuit brought by animal rights groups. The extraordinary nature of this Congressional fix is highlighted by the fact that it directly contravenes the first purpose of the AWA listed in the Act's Congressional Statement of Policy which is "(1) to insure that animals intended for use in research facilities . . . are provided humane care and treatment;" 7 U.S.C. Section 2131. These extraordinary circumstances make it clear that no inference should be drawn that Congress was saying, either expressly or impliedly, that it thought that there had been a failure to properly regulate non-research birds under the AWA. If Congress took that view it could have easily said so in a wide variety of ways since 1970 when birds, as warm-blooded animals, potentially became subject to AWA regulation.

Subsequently, animal rights groups brought litigation that led to a court order setting a schedule for the current rulemaking. The court did not order a specific outcome; rather, it is USDA's responsibility to determine the appropriate scope of regulation, if any, for birds not bred for use in research. It is the AU's strong belief that the USDA, after careful analysis, can and should conclude that the regulation of racing pigeons is not warranted under the AWA. Such a reasoned conclusion lies within the power of the USDA and would not be arbitrary and capricious.

Racing Pigeons should not be deemed "animals" for purposes of AWA regulation.

The AWA provides that the definition of "animal" includes such "warmblooded animal[s], as the Secretary may [not shall or must] determine is being used, or is intended for use, for research,⁵ testing, experimentation, or exhibition purposes, or as a pet." 7 U.S.C Section 2132(g).

If a warm-blooded animal is not used for one of these five purposes -- research, testing, experimentation, or exhibition or as a pet -- the Secretary cannot deem it an "animal"

⁴ AWA Definition of "Animal":

(g) The term "animal" means any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet; but such term excludes

- (1) birds, rats of the genus *Rattus*, and mice of the genus *Mus*, bred for use in research,
 - (2) horses not used for research purposes, and
 - (3) other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber.
- With respect to a dog, the term means all dogs including those used for hunting, security, or breeding purposes;

⁵ Of course, if the Secretary determines that a bird has been bred for research it is not a covered animal per the exception for birds bred for research.

under the AWA and cannot regulate it. Moreover, even if a warm-blooded animal is used for one of these purposes, the permissive language in the act that the Secretary “may determine”, not “shall determine” or “must determine”, gives the Secretary discretion on legal, policy and practical grounds to not regulate a specific species or to provide only very limited regulation.

Notably, the definition of “animal” in the AWA also has three specific exclusions that are applicable here for: (1) birds bred for use in research; (2) horses not used for research purposes; and (3) farm animals. On all of these bases, racing pigeons should be excluded from application of the AWA.

The five regulated uses (research, testing, experimentation, exhibition and as a pet) should not apply to racing pigeons:

- **Racing pigeons and research.** With regard to research, the AWA is internally inconsistent, providing in one section for the Secretary to consider regulating warm-blooded animals used for research and in another exempting birds bred for use in research. Racing pigeons, although not used in a laboratory setting (though some other types of pigeons are), have been selectively bred for thousands of years in an effort to improve their homing abilities and strengthen their flying abilities, all for the purpose of serving humankind in a wide variety of areas including banking, military communications, news services and sport. Such selective breeding (essentially the earliest form of DNA manipulation) was critical in the 12th century to the Sultan of Syria when he established an air mail network using these birds; it was critical in the 18th century when Julius Reuter founded his global news service in part on information delivered through a network of pigeon posts; it was critical during World War I and World War II, when racing pigeons were used for military communications and credited with saving thousands of allied lives; it was critical in 1976 when the U.S. Coast Guard launched a project in which pigeons were trained to assist the crew of an aircraft in daylight search missions; and it was critical in 2003 when the Austrian army, reported to have lost patience with the ability of enemy troops to listen in on its radio communications, decided to reactivate its corps of homing pigeons. It remains critical to several other countries, including Israel and France (<https://www.dw.com/en/frances-last-military-carrier-pigeons/av-46168481>), which still incorporate homing pigeons in their military operations today. In a very real sense, homing pigeons have been selectively bred *on a research basis* to develop their abilities to serve mankind. That research continues to this day in the same way that it has continued for thousands of years – through selective breeding practices by pigeon fanciers. Where a thousand years ago, a homing pigeon could travel perhaps 100 miles/day, by the early 19th century, through selective breeding that range had been extended to 200 miles/day. Today, the birds bred by fanciers can travel up to 600 miles per day and have heightened homing abilities. These abilities, and their enhancement in the coming years through selective breeding, will continue to be available to serve the interests of the human race. In 2002, Congress excluded “birds ... bred for use in research”

from the AWA, and even though the racing pigeon research is not carried out in a conventional laboratory, it is a legitimate basis for excluding racing pigeons from coverage under the AWA.

Alternatively, if racing pigeons are not bred for research the Secretary cannot regulate them under “being used, or is intended for use, for research” provision in the definition of “animal”.

- **Racing pigeons are not used for testing and experimentation purposes.** The AU is aware of no testing or experimentation done on or with racing pigeons and, therefore, the racing pigeon does not fall within the AWA’s definition of “animals” on the basis of these two regulated uses. Of course, if there were such testing or experimentation it would mean that the birds were being used for research purposes and, therefore, would also be excluded from coverage under the AWA as described above. Obviously, if there is an outbreak of a disease, such as the recent Exotic Newcastle Disease outbreak, racing pigeons are tested, along with other birds such as chickens, but this is done for the health of the birds as part of their care and as part of responsible management and containment of a specific problem, not for the principle purpose of scientific advancement which is the basis for regulating testing and experimentation uses of “animals”(see the discussion regarding the AU’s cooperation with the USDA during the Exotic Newcastle Disease outbreak below).
- **Racing pigeons are not “exhibited” within the meaning of the AWA.** The definition of “exhibitor” in the AWA is limited to a person exhibiting animals “to the public for compensation” and cites as examples “carnivals, circuses, and zoos ...” 7 U.S.C. Section 2132(h). Although the sport’s enthusiasts do occasionally show their birds, the vast majority of the time at local elementary and secondary schools to promote interest in the hobby or in public releases such as on Veterans Day, this activity is incidental to the primary function of having racing pigeons – which is to race, and is not done for commercial purposes. Racing pigeon fanciers do not typically get compensation for display of their birds and clearly are not the type of commercial entity that the AWA is intended to cover. Notably, the definition of “exhibitor” specifically excludes organizations and persons participating in “fairs or exhibitions intended to advance agricultural arts and sciences.” The development of homing pigeons is directly from, and an offshoot of, their use on farms, first as food and fertilizer, and then as messengers. Essentially, the sport of racing pigeons is a highly evolved and specialized agricultural art and science. Therefore, on this basis as well, any one displaying or showcasing racing pigeons would not be considered an “exhibitor” within the meaning of the AWA.
- **Racing Pigeons are not kept as pets.** Pigeons fanciers do not keep racing pigeons as pets, but as the necessary element in their hobby of racing pigeons. Pets are essentially animals that are kept by humans for companionship. A race horse would not be considered a pet. Similarly, a racing pigeon is not a pet.

The AWA’s three specific exclusions to the definition of “animal” also apply to racing pigeons. The first exclusion, “birds ... bred for use in research”, has already been discussed at length above. The long history of selectively breeding homing pigeons on a research basis for major human enterprises (including communications, war and sport) continues to this day and brings these birds and their fanciers within this exclusion to the AWA.

The second exclusion, for “horses not used for research purposes”, is relevant because it underlies a policy consideration that horses and racing pigeons share. The horse exception was advocated by the horse racing industry, which is today the most high profile of horse-related activities. In many senses pigeon racing is akin to horse racing. Although little known, racing pigeons are thoroughbreds. Their bloodlines are closely tracked, just like in horse racing, for generations. Like race horses, racing pigeons are highly trained, fed careful diets, kept on a strict sanitary and medical regimen, and much prized for their athletic accomplishments. Championship birds can be worth over a million dollars (the record price for a racing pigeon is \$1.4 million).⁶ Racing pigeon events are highly regulated events, governed by national rules, with a national system for issuing bands that mark birds. (See AU Racing Rules.) Although the sport of pigeon racing does not have the glamour associated with horse racing, it is virtually identical in character, except that it is not generally commercial in nature, making it even less suitable for AWA regulation than horse racing. In some sense racing pigeons could be described as a “poor man’s” race horse and pigeon racing as a way for average citizens to participate in an extraordinary sporting activity.

The third exclusion, for “farm animals ... used or intended for use as food or fiber, or ... used or intended for use for improving animal nutrition, breeding, management, or production efficiency . . . ”, is also relevant to racing pigeons. Pigeon racing traces its roots back to the farm. Of course, racing pigeons are not used for food today, but they were generations ago. Through selective breeding, the ability of racing pigeons to return home has been enhanced, refined and made more efficient, exactly the qualities addressed by this exception for farm animals. Pigeon racing is a highly evolved and specialized agricultural art and science. As such, pigeons are a form of farm animal and, like other farm animals, should be excluded from coverage under the AWA.

III. The AWA Only Regulates Particular Activities, None of Which Apply to the Hobby of Racing Pigeons

Racing pigeon fanciers generally do not fall under any of the regulated categories of activity as they are not dealers, research facilities, exhibitors, carriers or intermediate handlers.

⁶ <https://www.businessinsider.com/a-pigeon-sold-for-14-million-in-an-auction-2019-3>

- **Pigeon Fanciers are not “Dealers” within the meaning of the AWA.** The AWA defines dealers as “any person who, in commerce, for compensation or profit, ... buys, or sells ... any ... animal ... for research, teaching, exhibition, or use as a pet...” 7 U.S.C Section 2132(f). While the typical racing pigeon fancier may sell a few birds every year, they are sold to other racing pigeon fanciers for racing purposes, and not for the purposes of teaching, exhibition or use as a pet. As we have noted above, while not used in laboratory research, racing pigeons are part of a broader research and selective breeding effort going on for centuries to expand the capabilities of the racing pigeon to better serve humankind. To the extent that they are part of this broader research effort, sales of racing pigeons are exempt from coverage under the “birds bred for research” exclusion to the definition of “animals.” The definition of “dealer” also includes an exemption for any one who derives no more than \$500 gross income from the sale of animals during a calendar year. While we have described above why racing pigeon fanciers are not “dealers”, even if they were considered dealers, and even though \$500 is a ridiculously low threshold (especially for gross income) most racing pigeon fanciers would fall within this exception, too. Although champion racing pigeons can cost thousands of dollars (and millions in extraordinary circumstances), a typical racing pigeon might sell for \$100. Most fanciers might sell two or three in a year, and never cross the \$500 threshold. However, some racing pigeons are costly and even the sale of one bird could break the \$500 amount. On its face, it is absurd that the sale of a single bird or any other animal could turn someone into a dealer. The AU agrees with other organizations that this threshold amount should be dramatically raised.
- **Whether pigeon racing involves research or not, a racing pigeon facility is not a “research facility” within the meaning of the AWA.** Again, as described above, racing pigeon fanciers, at a broad level are engaged in research and as such racing pigeons are not “animals” within the meaning of the AWA due to the exclusion for “birds ... bred for research” and therefore racing pigeon facilities are not “research facilities” within the meaning of the AWA. Should the USDA take issue with whether racing pigeons are used for research the result is the same because if racing pigeons are not used for research than racing pigeon facilities are still not “research facilities” within the meaning of the AWA because the definition of “research facility” requires the use of live animals in “research, tests, or experiments”, none of which would then apply to racing pigeons.
- **Racing pigeon fanciers are not exhibitors.** As already described above, racing pigeon fanciers are not exhibitors as that term is defined in the AWA as they do not exhibit racing pigeons to the public for compensation.
- **Racing Pigeon Fanciers are not intermediate handlers.** Under the AWA, an ‘intermediate handler’ is any person who is engaged in any “business in which he receives custody of animals in connection with their transportation

in commerce”, but is not a dealer, exhibitor, carrier or operator of an auction sale. This definition is obviously intended to capture various shipping companies. Racing pigeons fanciers do not typically engage in transportation in commerce. Racing pigeon fanciers transport their birds to be released for races, but the birds are not being delivered to a third party. The racing pigeons are being released by their owners so that they can, in effect, transport themselves home! When birds are sent to other parts of the country, to compete in races, they are generally transported by the U.S. Postal Service, which has long accommodated such shipments, subject to special rules to ensure the safety of the birds.

- **Racing Pigeon Fanciers are not Carriers.** Under the AWA, a “carrier” means the operator of any airline, railroad, motor carrier, shipping line, or other enterprise, which is engaged in the business of transporting any animals for hire.” Racing pigeon fanciers typically do not transport animals for hire.

The current licensing exemption for “[a]ny person who buys animals solely for his or her own use or enjoyment and does not sell or exhibit animals, or is not otherwise required to obtain a license” should be maintained, and continue to apply to pigeon racing fanciers even if the APHIS regulations are extended over the racing pigeons themselves. 9 C.F.R. §2.1(a)(3)(vii).

IV. Racing Pigeon Hobbyists Engage in a High Degree of Self-Regulation to Ensure the Integrity of Their Sport and the Health of the Birds, Making Federal Regulation Unnecessary

Establishment of Strict and Comprehensive Standards. The sport of pigeon racing was formally established in the early 1800s in Europe. The first club was established in the United States in 1872 (www.pigeon.org/history.htm). Over the years, the sport has developed rules and a culture of strict self-regulation to assure the integrity of the races, as well as the health of the birds. (See American Union Racing Rules.) The AU, as the largest national organization for racing pigeon fanciers, has taken the lead in establishing stringent standards of care and conduct which are incorporated in the AU Constitution and Bylaws, the AU Code of Ethics, the AU Policy on Administration of Prohibited Substances to Racing Pigeons, the AU Loft Registration Program and Criteria, the AU Loft Registration Requirements, Registration, Questionnaire and Application, the AU Policy on Biosecurity for Pigeon Lofts, and the AU Biosecurity Survey, Recommendations & Suggested Protocols. The AU is also developing Minimum Standards of Care for Racing Pigeons (Best Accepted Practices), which add further detail to the policies that are already in place. Most racing pigeon fanciers already meet or exceed these high standards.

Pigeon racing is a community event conducted by host organizations that follow the AU Code of Ethics and other rules and regulations to ensure fair participation of the fanciers and the health and safety of the racing pigeons themselves. AU has had a rigorous code of ethics enshrined in its policies since 1996. The AU Code of Ethics prioritizes the

health and wellbeing of the pigeons within the competitive racing environment. All of our members must “abide by all laws and/or covenants in the housing or management of their pigeons,” including “adequate and sanitary housing for their birds.” AU Code of Ethics, 310.02, 310.05 (Revised, 2014). Members “shall feed their pigeons an adequate diet and maintain them in healthy physical condition and arrange to provide proper medical care for them if necessary.” AU Code of Ethics, 310.02, 310.06 (Revised, 2014). While animal rights groups focus on extreme and rare actions, often in reference to pigeon races in other countries, the AU provides stringent protections against bad racing practices that are harmful to the pigeons. The AU prohibits its members from “releas[ing] birds in training or in races in weather conditions which make orientation of homing excessively difficult (such as in times of heavy fog, rain, snow, hail, strong head winds or similar detrimental weather conditions).” AU Code of Ethics, 310.12 (Revised, 2014). Because of the community-building and educational nature of our organization, and the collegiality of our racing pigeon community, new members are taught the specifics of proper bird handling and training techniques, and the principles and values of good stewardship of our pigeons becomes a point of immense pride for our members. In fact, the foundation of pigeon racing itself is to reward and promote the good stewardship and improvement of the fanciers’ flocks.

The AU also promotes good sportsmanship and proper care of the pigeons as a racing community, and not just in terms of self-interest as individual competitors. For example, all AU members are required to “make every effort to recover, care for, and find the owner of any found or stray banded bird,” and are prohibited from “trap[ping], harm[ing], or remov[ing] any leg band or other identification from any bird that is not theirs.” AU Code of Ethics, 310.18 (Revised, 2014). The AU mandates that “members shall not train their birds in a reckless or a ruthless manner that presents undue hardships on the birds or that may affect a loss of pigeons.” AU Code of Ethics, 310.08 (Revised, 2014).

These same principles of humane treatment and best practices for pigeon racing carry over to our regulation of transportation of racing pigeons. These rules make “the welfare, health and safety of all race birds [] the first consideration in their transportation to the liberation point.” AU Code of Ethics, 310.10 Revised, 2014). The AU follows the principle that “no injured or disables birds should ever be shipped.” *Id.* This promotes not only good stewardship and humane treatment of the racing pigeons, but also acts as a safeguard against transmission of disease or other sickness across the racing flocks.

These are not just paper policies, but are given real meaning by a culture of enforcement that includes not only the national organization, but also its 500 member clubs, as well as 8,000 individual members. Our motivations are obvious: just like any other sport, strict regulation is necessary to ensure the fairness of the event, the credibility of the sport and the satisfaction of the sport’s participants. Without such strict regulation, the sport would dissolve into chaos. Because the athletes, in this case racing pigeons, are the heart and soul of the sport, their care and protection is a fundamental value to our community.

A good example of the AU’s commitment to self-regulation occurred during the outbreak of Exotic Newcastle Disease (“END”) a few years back. The USDA engaged in an

extensive program of depopulating chicken and other species, including racing pigeons. The AU ceased all races in the affected areas and, in consultation with a Professor of Veterinary Science, developed biosecurity protocols. It then submitted these protocols to the USDA, which reviewed them, found them to be excellent but made a few minor suggestions that the AU immediately adopted. Those protocols have been widely disseminated to the AU membership and are now an integral part of the AU Loft Registration Criteria. Throughout the END crisis, the AU worked closely with the USDA to ensure that the sport of racing pigeons acted responsibly and professionally in dealing with this crisis. This relationship was productive for both parties.

Impracticality of Federal Regulation of Pigeon Racing Hobbyists. The USDA will never have the resources to duplicate the effective level of regulation that the sport has already established in its own interest. Not only is Federal regulation unnecessary, but it is also impractical. There are approximately 15,000 backyard lofts in the United States. With such a large number, and with the need to restrict access during breeding periods, the cost to implement a Federal program to regulate racing pigeons would be prohibitive both to the Federal government and to racing pigeon fanciers.

Potential to Erode the Current Culture of Self-Regulation. The AU fears that Federal regulation would not only result in costs that most racing pigeon fanciers simply cannot bear but also, potentially, could lead to an erosion in the current culture of self-regulation if an attitude were to be established that the only real regulator is the Federal government. The internal standards of the racing pigeon community are high and should not be jeopardized by unnecessary Federal regulation.

Conclusion. The American Racing Pigeon Union is appreciative of this opportunity to submit comments to USDA/APHIS and is prepared to answer any follow-up questions that you may have.