



Wild Bird Conservation Act

Summary of Regulations & Effects

The Wild Bird Conservation Act (WBCA), a significant step in international conservation efforts to protect exotic birds subject to trade, went into effect on October 23, 1992. Unanimously passed by Congress, 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.



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The Act focuses on bird species listed on the Appendices to the Convention on International Trade in Endangered Species (CITES). If you import birds, you must now meet requirements imposed by this new law in addition to existing requirements imposed by CITES, the Endangered Species Act, the Migratory Bird Treaty Act, or other regulations that may apply.

It is important to note that the Act does not cover exotic bird products or all birds. The following birds are exempt from the provisions of the Act:

- birds native to the 50 States and the District of Columbia;
- domestic poultry, sport-hunted birds, museum specimens, and dead scientific specimens; and

- birds in the families Phasianidae (pheasants and quail), Numididae (guineafowl), Cracidae (guans and curassows), Meleagrididae (turkeys), Megapodidae (megapodes), Anatidae (ducks, swans and geese), Struthionidae (ostrich), Rheidae (rheas), Dromaiinae (emus), and Gruidae (cranes).

Importation Allowed Under the Act Permit Required

The U.S. Fish and Wildlife Service (Service) may issue permits to allow importation of otherwise prohibited species if the Service determines the importation does not undermine the species' survival. A permit must be issued by the Service prior to importation. Permits may be issued only for the following purposes:

- scientific research;
- zoological breeding or display;
- pet importation when owners are returning to the United States after at least a year's absence; and cooperative breeding programs, if the programs have been approved by the Service.

In addition, the Service allows birds listed under CITES that were exported from the United States by their owners to return to the United States. These importations are allowed provided the birds were exported legally with a CITES permit and a copy of that permit is presented when the birds are to be returned to the United States. Also, owners must accompany these birds when they return to the United States.

Permit Not Required

The Act provides for certain otherwise prohibited importations without a permit provided the species is on the list approved by the Service, the Service has approved the captive breeding facility, or the Service has approved a scientifically

based management plan for the species. The Service has not yet approved any breeding facilities or management plans to allow for imports without a permit. An approved list of captive bred species follows. In the future, the Service will publish an approved list for the following categories:

- certain species from approved foreign captive breeding facilities, and
- certain wild-caught species from countries with approved management plans.



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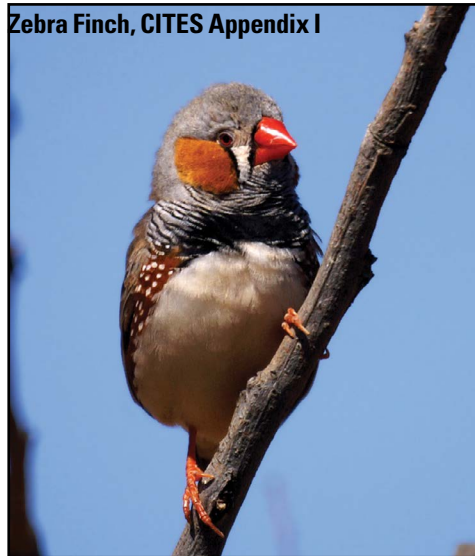
To view a full list of the approved captive-bred species, visit the Federal Register website at <https://www.federalregister.gov/articles/2001/05/29/01-13348/wild-bird-conservation-act-review-of-approved-list-of-captive-bred-species>.

Applying for a Permit to Import Birds

Permit applications and any other information you may need are available from the Division of Management

Authority.

Please note that permits are still required for those species under Part 17 (species listed as endangered or threatened under the Endangered Species Act).



Final Rule Regulations

The final rule regulations implementing the WBCA 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 Service has defined sustainable use of a species subject to importation into the United States. Unlike other regulations, this final rule lifts a restriction rather than imposing a new

one. The Service notes that results of the WBCA are already visible in the decline of wild bird imports coming into this country.

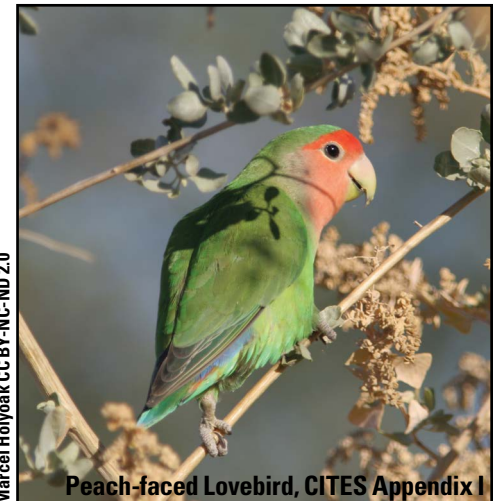
The WBCA final rule allows the importation of wild-caught birds into the United States when the Service determines that such importation is:

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.

This final rule also allows exporting countries to submit applications to the 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 adetermination 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 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*.

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