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February 6, 2006

The Honorable Michael Chertoff, Secretary  
U.S. Department of Homeland Security  
Washington, DC 20528

### **Re: U.S. Response to Avian Influenza A Threat (H5N1)**

Dear Secretary Chertoff:

I am writing on behalf of the nearly ten million members and constituents of The Humane Society of the United States (HSUS) and our international arm, Humane Society International (HSI), to express our support of the federal government's efforts to prevent the introduction of the H5N1 avian influenza virus into the United States and plan for a response in the event the virus does reach our shores and/or becomes a pandemic. I am also writing to provide our recommendations about additional steps that the United States government might take in this regard.

Founded in 1954, The HSUS is the nation's largest animal welfare organization, representing nearly ten million members and constituents. We celebrate the human-animal bond and fight animal cruelty and abuse in all of its forms. The HSUS has formal agreements with the Federal Emergency Management Agency and the American Red Cross; our long-time working relationships with these and many other organizations are recognition of The HSUS as a premier resource for community disaster education and emergency response.

### **Recommendations from The HSUS / HSI**

The National Strategy for Pandemic Influenza, prepared by the Department of Homeland Security, and the Pandemic Influenza Plan, prepared by the Department of Health and Human Services (HHS), both call upon all Americans to be active partners in limiting the spread of infection by addressing high-risk practices that increase the likelihood of virus transmission. We are answering that call by providing you with our recommendations—based on our extensive experience on a variety of animal issues—on additional steps that the U.S. government could take to reduce the H5N1 avian influenza threat to the United States and to improve the effectiveness of the public response should an influenza pandemic occur.

- **Include pets and other animals who require human care in pandemic influenza planning.** Hurricane Katrina demonstrated that Americans are often unwilling to comply with evacuation orders if they are forced to leave behind their pets. To achieve the level of voluntary compliance with influenza containment efforts envisaged in strategies and plans, it is imperative to address the needs of such companion animals. This would include: urging the public to plan for the care of their pets during a pandemic; ensuring that animal rescue organizations and animal shelters are included in any planning processes, are able to rescue animals in need of human care during quarantine, and know how to protect their workers and sheltered animals from the avian influenza virus; and

educating people who keep pet birds about husbandry practices, including purchasing practices, that will reduce the risk that they or their birds will be exposed to avian influenza.

- **Take additional measures to address the threat posed by the bird trade.** The U.S. Department of the Interior and the U.S. Department of Agriculture (USDA) have recognized that the smuggling of birds as pets is one of the routes by which the H5N1 avian influenza virus may be introduced to North America. The HHS's Centers for Disease Control and Prevention (CDC) and the USDA have prohibited the importation of birds from countries where there are documented cases of H5N1 avian influenza in poultry. However, birds imported from other countries and imported illegally also pose a disease risk that has not been addressed.

We recommend that the CDC/USDA prohibition on the importation of birds be expanded to include all countries. The wild-bird trade is a high-risk practice that, under the circumstances, should be stopped. The European Union already bans the importation of live birds from all countries in order to stop the spread of avian influenza.

H5N1 avian influenza has been detected in quarantined birds, legally imported and destined for the pet trade. But the quarantine provides no protection for people exposed to the infected birds along the trade route, including trappers and those who transport and care for the birds. Waiting for H5N1 to be detected in a country before banning imports of its birds poses serious and unnecessary risks.

It also must be recognized that the legal trade in wild birds—of which the United States imports 70,000 annually—provides a cover for the laundering of smuggled birds. The international wild bird trade is largely unregulated and consists of a global network of people who deal both legally and illegally in birds. Indeed, captured birds may travel through multiple countries, legally or illegally, and this may not be reflected in paperwork accompanying the birds. Traders have proven to be very adept at finding loopholes in regulations and can be expected to transship birds through countries not covered by the CDC/USDA prohibition. As such, a prohibition on the import of birds from all countries would send a clearer message to traders and consumers and would be easier to enforce than the current policy.

Many organizations support a global ban on the trade in wild birds to reduce the spread of H5N1; these include the Convention on Migratory Species, American Bird Conservancy, World Parrot Trust, Defenders of Wildlife, Birdlife International, and Royal Society for the Protection of Birds.

The pet industry has claimed that a comprehensive bird import ban would drive trade underground, thereby increasing the number of birds smuggled into the United States, and, since smuggled birds do not go through quarantine, this increases the risk of introduction of avian influenza. However, there is no evidence to support this claim. Indeed, when the 1992 Wild Bird Conservation Act banned the import of wild-caught birds listed under the Convention on International Trade in Endangered Species, scientists studying parrot populations in Latin America reported fewer birds being poached. A complete import ban on birds from all countries, coupled with an educational campaign to urge Americans who want to keep birds as pets to purchase appropriate species of birds hatched and reared in the United States, rather than wild-caught birds, would further reduce the market for smuggled birds. In addition, closing down markets where smuggled birds are sold—including so-called bird swaps and fairs—would also further reduce opportunities for the sale of smuggled birds.

- **Work with state and local authorities to close live bird markets, fairs, exhibitions, and swaps.** The USDA has recognized that live bird markets, fairs, and exhibitions provide an opportunity for the spread of avian influenza in birds reared for food. The USDA is conducting surveillance of bird markets in order to detect the presence of avian influenza and recommends that birds who have been at such events be kept separated from flocks for a minimum of 30 days. Pet bird markets, fairs, and swaps pose the same risks, and, as noted above, also offer opportunities for the sale of smuggled imported birds who may be infected. In addition to the threat of the spread of the virus from bird to bird, such markets also expose people to potentially infected birds. A scenario by which a smuggled bird asymptotically carrying the H5N1 virus exposes other birds and people at a bird swap to the virus, who in turn take the virus home, exposing even more birds and people, is not unimaginable. If the H5N1 avian influenza virus begins to circulate in wild birds in the United States, it will become critical to shut down these markets, fairs, and swaps in order to reduce the risk of cross-contamination. Recognizing that it will take time to close down all of these venues and that the threat of H5N1 grows daily, all bird markets, fairs, exhibitions, and swaps should be closed as a precaution.
- **Provide clear directives against the culling of wild bird populations.** The World Health Organization (WHO), the United Nations Food and Agriculture Organization (FAO), and the World Organization for Animal Health (OIE) have advised against the control of avian influenza infection in wild bird populations, stating that it is not feasible and should not be attempted. Many other organizations have also taken this position, including Birdlife International, American Bird Conservancy, Royal Society for the Protection of Birds, World Parrot Trust, Defenders of Wildlife, and IUCN-The World Conservation Union. Culling of wild bird populations will not eradicate the disease, may increase human exposure to the virus through direct contact between infected birds and humans, and may increase the spread of the virus by causing birds to disperse more widely. It is important for the U.S. government to provide clear directives to state and local authorities at this time, well in advance of the appearance of H5N1 avian influenza in wild bird populations in North America, in order to avoid a panic response that includes the culling of wild bird populations.
- **Increase vigilance on the illegal trade in cockfighting birds.** Cockfighting is illegal in all but two states. However, illegal cockfighting is widespread. Cockfighting birds may be illegally imported into the United States, presenting yet another avenue for the introduction of avian influenza. We understand that the USDA is working with U.S. Customs and Border Control to increase vigilance for any movement of cargo or passengers coming from countries where there have been H5N1 avian influenza outbreaks in birds reared for food. However, similar to smuggled birds destined for the pet trade, smuggled cockfighting birds who may not be imported from countries with H5N1 avian influenza outbreaks may indeed be laundered through other countries. Vigilance directed at imports from specific countries provides a false sense of security. We urge the United States federal government to place a special emphasis on routing out illegal cockfighting and identifying and closing avenues for illegally imported cockfighting birds. We also call upon the administration to actively support the Animal Fighting Prohibition Enforcement Act (H.R. 817 and S. 382).
- **Stop the shipment of birds on commercial airlines and through the mail.** The USDA has recognized that moving birds from one place to another can spread diseases, particularly because some birds are asymptomatic and can carry disease without appearing sick. Birds reared for food, wild and captive-bred birds destined for the pet trade, cockfighting birds, and birds used for other purposes are routinely mixed and shipped in the cargo holds of commercial airlines, including passenger and cargo planes, and planes operated by the U.S. Postal Service. Like bird markets, the

cargo hold of an airplane provides an opportunity for the spread of viruses and bacteria, and an unnecessary risk for the spread of avian influenza. As the shipment, including mailing, of live birds also potentially exposes airline and Postal Service workers to avian influenza, we urge the United States federal government to end the shipment of live birds on commercial airlines and through the U.S. mail.

Thank you for considering our recommendations. We would be pleased to meet with you or other government experts to discuss our recommendations in greater detail.

Sincerely,



Wayne Pacelle  
President and CEO

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