

Survey of State Regulations Governing Wildlife Rehabilitation -- 1994

Allan M. Casey, III
Shirley J. Casey
WildAgain Wildlife Rehabilitation, Inc.
29319 Northstar Lane
Evergreen, Colorado 80439

ABSTRACT

This is the first of a two part article based on a 1994 study that reviewed the wildlife rehabilitation regulations from all 50 states in the U.S.A. This article presents a statistical tabulation of the regulations. As the extent and content of regulations varies greatly from state to state, both the differences and areas of commonality are profiled, for such topics as qualifications, caging, inspections, release requirements and recordkeeping. Interestingly, of the fourteen states currently reviewing their regulations, most appear to indicate a trend for more rather than less regulation of wildlife rehabilitation. Part two, to be published in (Vol. 18, No. 1), will provide, in the authors' opinion, a summary of "best practices," highlighting those regulations that appear most relevant, workable and practical.

KEY WORDS: wildlife rehabilitation state regulations, wildlife rehabilitation applicant qualifications

Introduction and Purpose of Study

The State of Colorado has recently initiated a review of its regulations governing the activities of wildlife rehabilitators. As state licensed wildlife rehabilitators, we will be participating with others in providing input and comments. In preparation for this very important process, we have conducted a survey of all of the other states in the USA to gather and compile an analysis of the current form and content of state regulations for rehabilitation. This should allow us to gain insights from other states which have recently completed an update of their regulations. Hopefully, this will help avoid creating regulations that have otherwise proven impractical or unworkable, and identify a summary of "best practices." A summary of our analysis, compiled from all 50 states, is presented below.

Methodology

The survey was conducted through a letter sent to each state's Wildlife Department in March 1994 asking for the following information:

- 1) Copy of current regulations governing wildlife rehabilitation
- 2) Permit application form
- 3) Annual report form
- 4) Study materials, exams, or certification requirements

- 5) Listing of current rehabilitators in their state

A second request was mailed in June 1994 if no response had been received. A third request via telephone was made in September if both mailings had been unsuccessful. Additionally, selected follow-up telephone calls were made during September and October to gain further information and insights into the information collected. The information received was categorized and tabulated as follows:

- Permit Types* (Duration, Requirements to Renew, Other Requirements/Restrictions)
- Technical Qualifications* (Experience, Apprenticeship, Testing, Continuing Education)
- Application Form* (Form, Contents)
- Caging* (Specified Requirements, Suggested Standard, Approval Process)
- Inspections* (Initial and Ongoing, Notice Requirements, Who Inspects)
- Incoming animals* (Examination or Notification Requirements)
- Release Requirements* (Maximum Holding Time, Location, Approval, Non-releaseables)
- Recordkeeping* (Format, Content, Time Required to Keep Current, Inspections)
- Annual Report* (Format, Content, Sub-

mission Requirements)

Restricted Wildlife (Threatened & Endangered, Zoonosis Concerns, Etc.)

List of Rehabilitators (Contents)

Of the 50 states supplying information, 9 do not have regulations covering wildlife rehabilitation. For statistical tabulation, information was gathered from the copy of the regulations and any other information that was provided. Additionally, statistics were compiled from information, which at times was identified as a working draft indicative of soon to be implemented changes, but which as yet were not final. If a piece of information was not specifically identified in the regulation, but was implied by inclusion in the application form, annual report form, etc; it was assumed to be the rule or regulation that is in fact in use. (Of the nine states that do not have regulations, several do allow rehab under a special arrangement, and others even maintain a list of rehabilitators that will work with orphaned or injured wildlife.)

Any omissions or errors in interpretation of the information received or in the analysis and statistical tabulation are unintentional and accidental, and the authors take full responsibility for any such errors or omissions.

General Findings

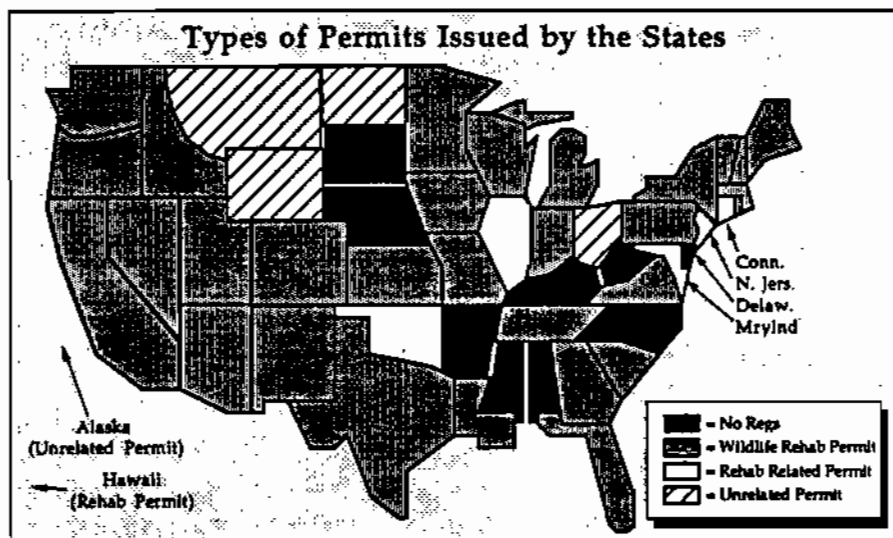
Permits

Permits specifically identified as "Wildlife Rehabilitation" are used in 31 states, with 5 other states issuing permits covered under other, but related regulations. These include Education, Scientific Collection, Salvage, or other special possession permits. Five other states allow rehabilitation activities, but under other

animal or wildlife regs that do not specifically identify the activity as wildlife rehabilitation. Multiple categories of rehab permits are allowed in 13 states, with 4 states specifying a novice or apprentice level; a general level permit that requires some experience and may have a few restrictions; and a master level that has few restrictions, if any. The other 9 states having multiple levels have an apprentice level and a general/master level. Generally, advanced levels of permittees can designate sub-permittees, but must provide supervision and are responsible for the actions of the sub-permittees.

states allow for permits to be issued to institutions in addition to individuals. Three states require that the permit not conflict with any local zoning ordinances. Four states restrict the number of permits by county (considering county population or geographic size), with a few others only issuing permits if a local need exists. Eight states require that the permit be displayed in a prominent place and/or be carried at all times that rehab (or transport) activities are being conducted. Only one state requires that no wildlife can be refused and that the permittee must have a minimum number of cages.

Most regulations stipulate



Most states (27) issue permits that are in effect for 1 year, with a small number that are good until revoked (assuming permittee continues to meet all other requirements of the permit). Most permits expire on December 31, with 2 states having expiration dates mid year on June 30. Most states (30) require submission of an annual report of activities as a condition of renewal, with 9 also requiring a specific renewal form or request. Only 2 require reinspection of caging as a condition of renewal. Fees are or can be charged by 5 states, ranging from \$ 5 - 10.

Minimum age requirements are specified by 8 states, from 15 - 18 years old. Several

that the state is not liable for any expenses or responsible for any actions of the permittee.

A few states that have statewide regulations appear to follow a local or regional interpretation and administration. Some that do not have regulations have issued special (rehab) permits that are administered on an informal basis.

Several states' regulations provide an appeals process for the disallowance, modification or revocation of a permit. Typically, the regulations cite the state's existing appeals process covering any and all permits that may be issued by the state.

Technical Qualifications of Applicants

Training and experience requirements vary greatly from state to state. Specific require-

<u>Qualification Requirements:</u>	<u>No. of States</u>
"...knowledgeable..."	18
Pass a test	10
Apprenticeship	8
Continuing education	7

ments are governed by the level of permit desired in those states that grant permits of different levels.

Years of experience is the primary determinant for granting higher levels of permit. Generally, the applicant must demonstrate applicable knowledge and proficiency in rehab techniques and wildlife care.

Testing is a requirement in 10 states, with 4 states indicating they will probably begin testing in the near future. This is usually a test administered by the state, generally once per year. DVM's are generally exempted from the testing requirement. A small number of states also require the applicant to be interviewed by a local officer, with 1 state also using a council (presumably of rehabilitators) to conduct the interview.

Eight states require apprenticeship, ranging from 6 to 12 months, or longer, although very few describe these requirements in terms other than elapsed time. A few states will consider prior experience, rehab training or a valid permit from another state in lieu of this requirement.

Continuing education is required in 7 states. This requirement is usually expressed in terms of number of classes attended in a 1 - 3 year time frame, or in number of hours. Qualifying training is usually specified and approved by the state, and often the state sponsors the training in the form of an annual workshop.

Application Form

Most states (34) provide a standard application form for the applicant. Generally, the information is contained in 1-2 pages, but in a few instances ranges from 4 to as many as 7 pages. Most of the forms (30 states) ask for relevant experience and training; 36 ask for the applicant to identify species to be rehabbed; 32 ask for a description of caging and facilities; and all but 7 states ask for references, generally from DVM's, and in some cases, other rehabbers.

For the description of caging and facilities, 11 states ask for extensive detail on size, dimensions, materials used and encourage the inclusion

of drawings or photographs. Several ask for specific location of the facilities.

References, when required, are usually from DVM's (23 states) who will be consulting with and/or assisting the applicant. A few states require the DVM to co-sign the application. Other reference requirements include other rehabbers (especially for apprenticeship permits) and in a few cases, just character references are required. In some cases, the local wildlife or conservation officer must sign the application.

Several states request listing Federal permit numbers, if any, with a copy attached. If sub-permittees or assistants are allowed, most states ask that they be listed on the application (and on the annual renewal form for any changes). In some cases, organization affiliation, if any, is requested.

Caging Requirements

Requirements vary greatly ranging from "...adequate..." to extensive descriptions of caging requirements and standards. Most states (28) have in their regulations a general description of caging standards addressing safety, sanitation, food and water, size, and inaccessibility from the general public. A smaller number of states (9) actually specify size dimensions (and in some cases materials) for specific species. Only 3 states refer to the IWRC/ NWRA caging standards as a minimum requirement. Twelve states require caging for all ages of the species to be rehabbed.

Ten states specifically require that rehab wildlife have no contact with or be on display to the public. Other miscellaneous requirements include separate caging for recuperating animals, separation from domestics, and 2 states require daily observation of all rehab animals by the rehabilitator.

Inspection of Facilities

Thirty-six states require inspection of the caging as a prerequisite of granting the permit. Generally, the local wildlife officer conducts the inspection of the caging. One state has prepared a checklist for the officer to follow in this inspection process. Three states can designate an ad-hoc committee, presumably of other rehabbers, to aid in the inspection process.

In 23 states, the right for the state to reinspect is specified in the regulations. This is generally specified to occur at any reasonable time and in a reasonable manner. And in 5 states, this reinspection is unannounced.

Incoming Wildlife

Regulations upon receipt of wildlife are generally minimal, and generally relate to Threatened & Endangered (T&E) or state sensitive species, or other (large or game) species. Eight states require that the state be notified upon receipt of T&E. Only 1 state requires all wildlife to be seen by a DVM, with another 3 requiring that wildlife be seen by a DVM only if treatment is required. A few states (3) allow for the rehabber to accept wildlife outside the scope of the permit in emergency situations, but notification is required for special instructions, if any.

Release Requirements

Generally, most states require that wildlife be released as soon as the animal is recovered and/or is physically and behaviorally capable of survival on its own. Eleven states have maximum holding times, ranging from 30 - 365 days. For the states that specify maximum holding times, extensions can usually be granted in certain circumstances (generally if it enhances chances of survival).

<u>Maximum time to hold an animal:</u>	<u>No. of States</u>
None specified	17
"...as soon as possible..."	10
No longer than 30 days	1
60 days	3
90 days	2
120 days	1
180 days	3
365 days	1

The location of the release is usually specified as "...the wild..." or the animal's "...natural habitat..." In 10 states, the release site is specified at the point of capture or near vicinity. In 20 states, the wildlife officer must approve the release site or location.

Most states do not allow for non-releaseable animals to be held by the permittee unless they are held for an approved use. However, only a few states, and only in infrequent circumstances, stipulate that euthanasia is the only option. Most states (23) allow for non-releaseables to be used for educational purposes, research, zoos, propagation, or transferred to other institutions which are properly permitted to receive such wildlife. Six states specifically allow for the rehabber to retain non-releaseables for cross-fostering, surrogate parenting, and/or orphan imprinting.

Transfers between rehabbers is specifically allowed in 5 states, especially if it results in enhanced care or more appropriate facilities.

Only 1 state specifies in its regulations that wildlife be marked or tagged prior to release.

Recordkeeping

A specific format for ongoing recordkeeping is specified by 14 states. In some cases, the annual report format is the same format for current records. Most states do not specify requirements for keeping records, although 9 do specify "current or up-to-date," while another 4 specify "daily or within 24 hours." Twenty states require that the permittee's records be available for inspection, generally at reasonable times and in a reasonable manner. Two states require that the permittee's facility records be maintained for 5 years.

Annual Report

Twenty seven states specify the format to be used for the annual report. Only one allows for joint reporting with the Federal report. Six states do not currently require an annual report to be submitted. Most are due between Dec 31 and Feb 1. Thirty six states require listing of each individual animal (some ask for species, age, and/or sex); 14 require identification of the cause, nature of injury or illness, and/or location (some also require the name and address of the rescuer); 24 require date in; 26 require date out; and 34 require final details of disposition (i.e., release, transfer, deceased, etc). A few, 7, require details of any treatments administered. Only a few require the rehabber to provide totals as to numbers of different animals, species, etc.

Restricted Wildlife

Restricted wildlife species, if any, are generally T&E, state sensitive, big game, or species seen as vectors for disease. Nineteen states indicate restrictions of some type. Generally, special permission is required for rehab activities for these species. The states that list concerns for rabies, mostly confined to east of the Mississippi River, may require that rehabbers be pre-immunized, have special training, work closely with a DVM, or, in a few cases, may not allow for the rehab or release of rabies vector species.

A few states do not require permits for possession or rehab of certain common, generally small species such as sparrows, rodents, rabbits, etc.

List of Rehabilitators

From the lists of rehabilitators provided by 27 states, the list always included the reha-

ilitators name and address, 24 listed the telephone number, 19 indicate the species for which the rehabber is currently permitted, while a smaller number, 4, also indicate species specialty or facility specialty. Two states also provide a map of the state, by county, indicating location of all permitted rehabbers.

One state requires permission from the rehabber to include certain or all information on the list.

Conclusions

As expected, the content and extent of state regulation governing wildlife rehabilitation varies widely from state to state. As shown, most states do recognize wildlife rehabilitation as an activity, with the extent of regulation seemingly a function of whether the state desires to merely "allow for such activity" or actively "regulate the activity". The list of rehabbers provided by 27 states indicates over 4000 permitted rehabilitators nationwide. And this number does not include the other 23 states, nor does it include all of the sub-licensees, transporters, and other volunteers connected with wildlife rehabilitation. Clearly, this presents a challenge to states as the public becomes increasingly concerned with the welfare of a single animal they may come across in need of aid or assistance, and as more people become interested in taking up some aspect of wildlife rehab. As regulations come up for review and revision, the consideration of testing and more stringent requirements suggest a trend towards more rather than less regulation, presumably with the intent of raising the standards of care given to our nation's wildlife in distress.

We deeply appreciate and personally thank the Wildlife Offices from all 50 states for taking the time to respond to our survey. This summary analysis is offered as additional input for both wildlife officials and rehabilitators involved in a review of the regulations in their states. Fourteen states indicated that their regulations were either in the process of being changed or will be in the near future. A number of those which have recently completed the review process have indicated that input from a number of constituencies was solicited, most notably from the rehabbers themselves. And, as we will profile in our next article, many of these regulations appear to be the most workable and practical.

(A more detailed and comprehensive report of the survey data and findings, state by state, is available from the authors through WildAgain at 29319 Northstar Lane, Evergreen, CO 80439.)

About the Authors...

Allan and Shirley Casey, wildlife rehabilitators since 1986, are the founders of Wild-Again Wildlife Rehabilitation, Inc., based in the foothills west of Denver, in Evergreen, Colorado. In addition to providing direct wildlife care, they also conduct and sponsor statewide training on introductory and advanced rehabilitation subjects. WildAgain's goals also include enhancing relationships between rehabbers and regulatory agencies.

The Casey's both hold the degrees of Master of Business Administration from Southern Methodist University. When not rehabbing, Allan works for a major international coal mining and marketing company and Shirley manages her own consulting company. Shirley is also very active statewide in the Colorado Environmental Coalition and the Colorado Audubon Council.