

Migratory Bird Deaths Caused by Heater/Treaters

USFWS/OLE

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Heater/Treaters are used to heat and separate oil, gas, and salt water pumped from oil well sites.

Heater/Treaters come in many styles.



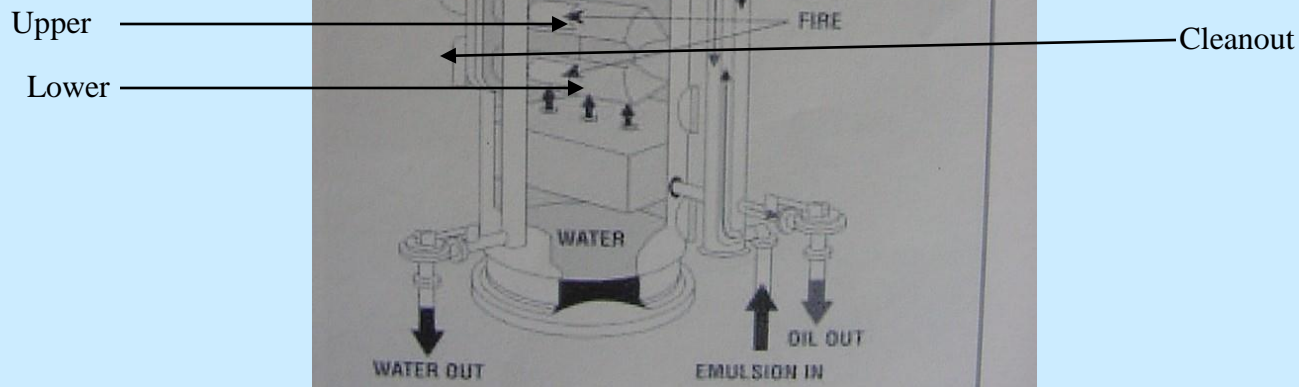
More Styles!



Detecting All Bird Deaths as a
result of their presence in
Heater/Treaters is difficult due to
Heater/Treaters unique design.

The upper, horizontal portion of the exhaust vent is virtually unable to be viewed and inaccessible to investigators. Bird deaths occurring here will not be able to be accounted for.

The upper and lower portions of the exhaust vent is where the fire occurs in the Heater/Treater allowing separation to occur.

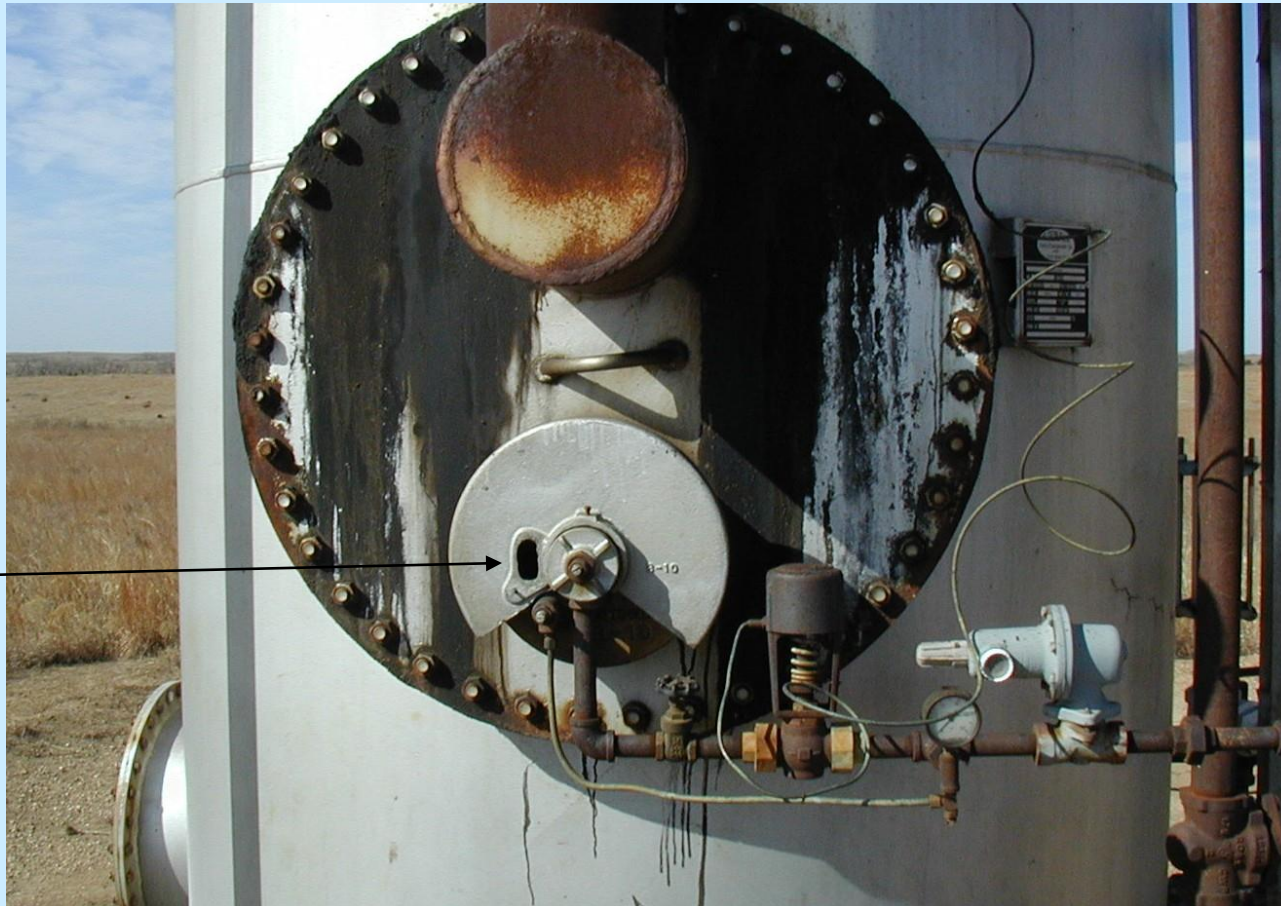


Investigators were only able to view a small portion of the upper horizontal level of the Heater/Treater, through the stack.



Birds that were viewable through the stack were irretrievable.

Dead birds were also able to be viewed through view holes located on the cleanout portion of the exhaust vent.



View Hole

Even though birds were able to be viewed through the view hole, they were occasionally irretrievable. Partial disassembly of the cleanout would have been required to retrieve the birds.

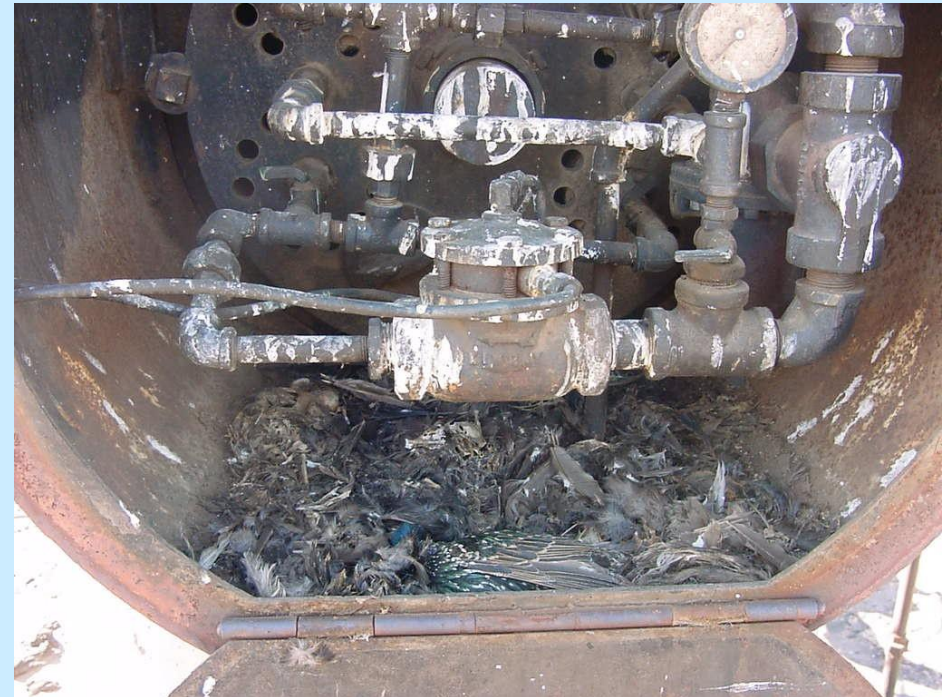




Some Heater/Treater cleanouts are easily accessible.



More styles of
accessible
cleanouts.



A one day inspection detail in Colorado in May 2006, yielded dozens of dead birds removed from Heater/Treaters.

The following photographs represent what was discovered.





Note, birds were found in various states of decay....

..indicating this is an ongoing problem.



Due to their varied states of decay, determining the exact number



of bird deaths in each Heater/Treater based on remains, may be difficult.

Bird deaths in Heater/Treaters could be caused by:

Birds **inability to fly out** of the Heater/Treater once they have flown in.

Birds being killed by **inhaling poisonous gases** such as H₂S.

Birds being **asphyxiated** by breathing natural gas fumes.

Other means?

Migratory Bird Treaty Act

The Migratory Bird Treaty Act states, in part, that **“unless and except as permitted by regulations... it shall be unlawful at any time, by any means or in any manner to... take, capture, kill, or attempt to to take, capture, or kill any migratory bird, or any part, nest, or egg of any such bird.”**

Penalties for Violating the Migratory Bird Treaty Act

- Misdemeanor Conviction
- Financial Penalty up to \$15,000
- Imprisonment up to 6 months

- Note – Each unlawful take is a separate violation.

RESOLUTION

The USFWS has no mandate to make the industry retrofit Heater/Treaters, only to enforce the MBTA when unlawful bird deaths occur.

Due to the varied designs of Heater/Treaters, the USFWS cannot tell the industry how to retrofit each Heater/Treater. However, it is intuitive that any opening large enough for a bird to enter would need to be screened off or otherwise closed.

RESOLUTION cont.

Worthy of Note:

Due to the large size of some birds found in Heater/Treaters, it is obvious some birds are entering through the stack.

Bird carcasses were found in Heater/Treaters with exhaust stack hoods or covers, as long as there was an opening large enough for a bird to enter.

RESOLUTION cont.

Though this is a significant problem worthy of attention, the fix appears to be relatively inexpensive. A mesh or wire screen covering the exhaust stack may be all that is needed on some Heater/Treaters.

RESOLUTION cont.

The USFWS intends to work with the oil industry and the CDOW over the next several months to resolve the problem.

The USFWS **is not** pursuing criminal charges at this time and is giving the industry a window of opportunity, until **3/1/2007**, to resolve this situation.

This is a nationwide initiative.

RESOLUTION cont.

Over the next several months the industry should ensure the problem is addressed and that bird remains are removed from **all** Heater/Treaters.

Heater/Treater **inspections will resume after 3/1/2007**. Companies found in violation of the MBTA by having Heater/Treaters that have killed migratory birds will be **subject to criminal prosecution**.

Questions?

Comments?

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