

Animal Welfare Act Guidelines for County and State Fairs

The Animal Welfare Act (AWA) requires people who exhibit animals to the public for compensation to be licensed with the U.S. Department of Agriculture (USDA). The AWA also excludes certain activities from this requirement, including the exhibition of agricultural animals for the purposes of promoting agricultural arts, sciences, and production. This means that agricultural exhibits at State and county fairs are exempt. However, some exhibition activities found at State and county fairs do require the exhibitors to be licensed under the AWA.

Regulated Animal Exhibitors

Entities that exhibit certain animals must be licensed as Class 'C' licensees by USDA's Animal and Plant Health Inspection Service (APHIS). Under the AWA, an "exhibitor" is defined as an individual or business that:

- Allows the public to view animals for compensation;
- Trains, handles, or owns animals used in film or television;
- Uses photographs of live animals in promotional materials such as fliers and other advertisements;
- Operates a travelling, roadside, or stationary zoo;
- Performs with animals such as in a circus or other type of show; or
- Uses animals in educational presentations.

Class 'C' licensees include:

- Zoological parks
- Marine Mammal Parks
- Wildlife Parks
- Petting Zoos and Farms
- Sanctuaries that use animals for promotional purposes or allow public access/viewing of animals

Many people exhibit their animals at events such as county and State fairs. Although APHIS does not license the organizers of such events, the agency does encourage them to verify that those exhibitors whose animals are covered under the AWA hold a USDA license. Examples of covered activities that often occur at events such as fairs include nonlivestock exhibitions such as:

- Exhibition—including photo shoots—of big cats (regardless of age of the animals), and of nonhuman primates
 - Elephant rides
 - Camel rides
- Other similar types of animal acts and situations may qualify as exhibition and require a USDA license.

Exempted Animal Exhibitors

The AWA exempts certain animal exhibits/exhibitors from Federal regulation. Those who solely exhibit farm animals in agricultural events, race animals, or show privately owned pets (e.g. dogs and cats) are typically exempt. Examples of exempted animal exhibitors include:

- Pet shows
- Dog races
- Horse races
- Hog wrestling
- Horse shows and exhibits
- Rodeos
- Bull fight
- Exhibits of coldblooded animals
- Animal preserves and sanctuaries that do not use the animals for promotional purposes, including advertising materials, or allow public access or viewing

State and Local Laws

States are empowered to create and enforce their own humane treatment regulations which, in many cases, exceed the minimum AWA standards. AWA licensees must follow all State and local laws in addition to meeting AWA standards. APHIS encourages the public to work with Federal, State, and local officials as well as local humane organizations to help eliminate inhumane treatment of animals.

AWA Compliance and Inspections

To ensure that licensed exhibitors maintain AWA standards, licensees are subject to randomly scheduled, unannounced compliance inspections of premises and animals covered under the law. These inspections are conducted by a veterinarian or qualified animal care specialist employed by USDA and trained to identify potential violations of the law or its regulations. During the inspections, the USDA representative examines and documents all areas of care and treatment that are covered under the law. This includes such activities as observing regulated animals; inspecting the facilities, including enclosure or

housing materials and space, as well as food storage; and reviewing all appropriate records such as animal acquisition records, medical records, and necropsy reports,

Once the inspection is completed, the inspector creates a written document detailing any issues that require correction; this is referred to as an inspection report. For each issue that requires correction, the specific applicable regulation is cited, along with a description of the problem. If a correction cannot be made before the USDA inspector leaves the premises, the inspector provides the licensee with a correction deadline. Patterns of repeat noncompliances, serious incidents, and certain other violations can warrant enforcement action ranging from letters of warning to license revocations.

State and County Fairs and the AWA

In conclusion, some activities that occur at State and county fairs are regulated under the AWA. The AWA mandates that licensed exhibitors meet minimum standards of humane care and handling for their animals. The law covers many things from sanitation and cleanliness to space requirements for animal enclosures and recordkeeping protocols. For the complete list of standards, please refer to the AWA regulations, which can be found on the APHIS Web site at www.aphis.usda.gov/animal_welfare.

Additional Information

For more information about licensing of animal exhibitors under the AWA, please contact APHIS' Animal Care regional offices at:

Eastern Region—Raleigh, NC

USDA, APHIS, Animal Care
920 Main Campus Drive, Suite 200
Raleigh, NC 27606
Telephone: (919) 855-7100
Fax: (919) 855-7123
E-mail: aceast@aphis.usda.gov

Western Region—Fort Collins, CO

USDA, APHIS, Animal Care
2150 Centre Avenue
Building B, Mailstop #3W11
Fort Collins, CO 80526
Telephone: (970) 494-7478
Fax: (970) 472-9558
E-mail: acwest@aphis.usda.gov

For general information, contact Animal Care headquarters at:

USDA, APHIS, Animal Care
4700 River Road, Unit 84
Riverdale, MD 20737
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