

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 2]

LABORATORY ANIMAL WELFARE

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Department of Agriculture, pursuant to the authority conferred by the Laboratory Animal Welfare Act of August 24, 1966 (Public Law 89-544, 7 U.S.C. 2131 et seq.), is considering the amendment of paragraph (b) of § 2.50 and § 2.101 of the Regulations under the Act.

Statement of Considerations. After considerable review and study of the care and handling of dogs and cats intended for purposes of research, the Department recognizes the need to propose amendments to the regulations published on February 24, 1967. Current laboratory animal industry practices have been considered for purposes of dog and cat identification. Under the proposal official recognition now given to the use of a distinctive legible tattoo in lieu of the official tag as a means of identifying dogs and cats handled by a class A dealer would be extended to class B dealers. The tattooing of animals for permanent individual identification by some breeders of laboratory animals and especially pet owners is becoming increasingly common. Furthermore, in order to protect a licensed dealer's privileged business transactions and maintain a competitive market, it is often desirable for a dealer to apply his own official tag to animals which have been tagged previously by another licensed dealer. This proposal is being made in conjunction with a proposed amendment of the provisions for animal identification on official records.

Informal discussions with licensed dealers, representatives of humane societies, and members of the scientific community indicate that repeated 5-day holding periods for dogs and cats purchased by a dealer from another dealer may cause unnecessary disease exposure and suffering by the animals. Accordingly, it is proposed that after an animal has completed one 5-day holding period on a dealer's premises, subsequent dealer purchasers be required to hold the animal only one calendar day to provide the necessary feed, water, and rest requirements. It is also proposed that a licensed dealer not be approved to operate a holding facility for another licensed dealer, but the regulations would provide for a person other than a licensed dealer to be approved to operate a holding facility.

1. Paragraph (b) of § 2.50 would be amended to read as follows:

§ 2.50 Time and method of identification.

(b) Except as otherwise provided in this section, when a class B dealer purchases or otherwise acquires a dog or cat in commerce he shall immediately affix to such animal's neck an official tag of the type described in § 2.51 by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs or cats, but if the dog or cat is not purchased or acquired in commerce by said dealer such animal must be so tagged at the time it is delivered for transportation, transported, or sold in commerce by said dealer: *Provided, however,* That if such dog or cat is already identified by an official tag which has been applied by another dealer, it is not necessary that the subsequent dealer replace the tag on such animal, but the (class B) dealer may replace such previously attached tag with his own official tag, and, in which event, the (class B) dealer shall correctly list both official tag numbers in his records of purchase which shall be maintained in accordance with § 2.75 and § 2.77 and the new official tag number shall be used on all records of subsequent sales of such dog or cat: *And provided, further,* That no official tag need be affixed to any such dog or cat that has been identified by means of a distinctive and permanent tattoo marking approved by the Director.

2. Section 2.101 would be amended to read as follows:

§ 2.101 Holding period.

(a) Any dog or cat acquired by a dealer shall be held by him, under his supervision and control, for a period of not less than 5 business days after acquisition of such animal: *Provided, however,* That (1) dogs or cats which have completed a 5-day holding period may be disposed of by subsequent dealers after a minimum holding period of one calendar day by each such subsequent dealer, excluding time in transit; (2) any dog or cat suffering from disease, emaciation or injury may be destroyed by euthanasia prior to the completion of the holding period required by this section;

(b) During the period in which any dog or cat is being held as required by this section, such dog or cat shall be unloaded from any means of conveyance in which it was received, for feed, water, and rest, and handled, cared for, and treated in accordance with the standards set forth in § 3.1 through § 3.10 of Part 3 of this subchapter. (For purposes of this section, "business day" shall mean any day of the week during which the dealer

normally operates his business. For purposes of this section, "calendar day" shall mean from midnight to midnight (example, a dog or cat purchased on the 3d day of a month may be disposed of on the 5th day of that month).)

(c) If the dealer obtains the prior approval of the Veterinarian in Charge, he may arrange to have another person hold such animals for the required period provided for in paragraph (a) of this section: *Provided, however,* That such other person agrees in writing to comply with the regulations of Part 2 and the standards in Part 3 of this subchapter and to allow inspection by a Division representative of his premises: *And provided, further,* That the dogs and cats still remain under the control of the dealer: *And provided, further,* That a dealer holding a license as set forth in § 2.4 shall not be granted a permit to operate a "holding facility" for another licensed dealer.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 60 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at the office of said director during regular office hours in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 3d day of February 1970.

R. J. ANDERSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 70-1585; Filed, Feb. 6, 1970; 9:48 a.m.]

Consumer and Marketing Service

[7 CFR Part 1034]

MILK IN MIAMI VALLEY MARKETING AREA

Proposed Suspension of Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Miami Valley marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should