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# Animal Welfare Enforcement

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## 1976

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REPORT OF THE  
SECRETARY OF AGRICULTURE  
TO THE  
PRESIDENT OF THE SENATE  
AND THE  
SPEAKER OF THE HOUSE OF REPRESENTATIVES



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# **Animal Welfare Enforcement 1976**

## **REPORT OF THE SECRETARY OF AGRICULTURE TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES**

### **INTRODUCTION**

The Animal Welfare Act is administered by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA). The activities of animal dealers, exhibitors, operators of auction sales, research facilities, and other persons subject to the Act are regulated by APHIS Veterinary Services.

#### **Enforcement Officials**

Veterinary Services has a field force operating from 18 area and 40 district offices throughout the United States (see Appendix, address list). This field force consists of veterinarians, investigators, and animal health technicians.

Animal Welfare enforcement in the field is coordinated by the Animal Care Staff, located in Hyattsville, Md., near Washington, D.C. (see Appendix, address list). This six-member staff consists of specialists in various aspects of humane animal care. It evaluates programs and procedures, conducts training courses, and administers the Act nationwide. It also evaluates cases of alleged violations of laws, regulations, and standards and recommends appropriate legal action to USDA's General Counsel.

#### **Protected Animals**

Currently, the Animal Welfare Act and its regulations cover hamsters, guinea pigs, rabbits, dogs, cats, and monkeys and other nonhuman primates plus most other warmblooded species. Currently exempted are certain farm animals, marine mammals, birds, rats, mice, and all coldblooded animals such as reptiles and fish.

A great deal of time and effort in enforcing the Act goes into fee collecting. Licensees are required to submit an annual report on which the amount of the fee is based. The report and fees are due by the anniversary of the date the license is issued, which differs for each license.

*During 1976, a system was activated by which a computer prepares reminders along with followup notices for licensees in arrears. This reduces the time and effort involved in collections and provides a useful service for licensees.*

### **Licensed Dealers**

The Act's licensing requirement for dealers includes certain animal breeders, wholesale pet dealers, suppliers of laboratory animals or specimens, traders and importers of wild animals, animal transporters, and animal brokers. The 1976 Animal Welfare Act Amendments also require licensing of dealers handling hunting dogs, guard dogs, and dogs sold for breeding, but this law exempts persons with limited sales, if their gross is not over \$500 per year and sales don't include wild animals, dogs, or cats.

*By the end of 1976, the number of active dealers licensed was 4,851 (see Appendix, table 1). During the year, 1,995 dealers dropped their licenses and 982 were newly licensed, resulting in a net drop of 15 percent.*

### **Animal Exhibitors**

Exhibitors are persons who exhibit animals to the public for compensation or profit, if these animals were purchased in commerce or if their intended distribution affects commerce. The term specifically includes animal acts, carnivals, circuses, and zoos, whether operated for profit or not. Exhibitors must be licensed or registered. Licensed and registered exhibitors as well as Federal agencies exhibiting animals are required to comply with USDA standards of animal care, although Federal agencies are not required to be licensed or registered.

Currently exempt from both licensing and registration under the Act are private animal collections, purebred dog and cat shows, and other fairs and exhibitions intended to advance agriculture arts and sciences. Also excluded from licensing and registration are animal-fighting ventures. These events, however, are prohibited by the 1976 Animal Welfare Act Amendments (see later discussion).

*At the end of 1976; 672 exhibitors were licensed and 464 were registered. During the year, the number of licensed exhibitors went up by 137, while the number of registrants went down by 193.*

The major reason for this change was that APHIS reviewed the business operations of registered exhibitors. They are required to become licensed if in addition to exhibiting, they are engaged in any other regulated activity.

problem of inhumanity to animals but attacked only a part of it . . . that in actuality the law does not apply to all whom it conceivably could."

In turning aside this contention, the Court, citing a Supreme Court decision, stated that "reform may take one step at a time, addressing itself to the phase of the problem which seems most acute. . ." And, further, that "evils in the same field may be of different dimensions or proportions, requiring different remedies."

### **Fiscal Problems of Zoos**

Many municipal zoos exhibit animals in buildings erected 30 to 40 years ago without renovation. APHIS inspectors have worked closely with zoo administrators to keep these antiquated facilities above minimum housing standards permitted by USDA.

Ever since inspections began in 1972, APHIS has said that stopgap repairs were inadequate for the long run and recommended that zoo management build new facilities or make major renovation. Deadlines for completing capital improvements were set and extended several times in the intervening 4 years. Zoo management was eager to begin construction, but funds were not made available or were transferred to city needs with higher priority.

*In 1976, APHIS officials felt that in at least 20 zoos, an impasse was reached that defies solution. Animal facilities basically fell short of requirements. Further stopgap repairs proved a waste of money and effort. Emergencies caused by antiquated facilities took up excessive time and effort, affecting both zoo personnel and APHIS inspectors called in by concerned zoo visitors. Yet the fiscal problems of the affected cities were more acute than in previous years. APHIS now faces the unpleasant task of giving cities the choice of immediately making needed capital improvements or closing some animal exhibits, however popular the exhibits may be.*

### **Research Facilities**

Research facilities using animals regulated under the Act are registered and pay no fees. They must comply with regulations and standards under the Act and undergo inspections. Types of institutions presently registered are State-owned and privately owned laboratories, clinics, hospitals, colleges, universities, drug firms, and largescale diagnostic laboratories.

*At the end of 1976, a total of 1,034 active research facilities were registered, involving inspections at about 2,200 research sites (see Appendix, table 1).*

Exempt from registration as research facilities are schools below the college level, institutions not using live animals in research, and Federal agencies. However, Federal agencies must comply with APHIS standards for animal care and treatment and must send APHIS an annual report on the use of laboratory animals.

*In 1976, APHIS inspectors reported that the standards of veterinary care were met at practically all registered research sites. Discrepancies noted at a few registered research facilities were corrected, except in one case where a reported violation is being pursued for possible prosecution.*

### **Reports from Federal Laboratories**

The 1976 Animal Welfare Act Amendments require that any department, agency, or instrumentality of the United States having laboratory animal facilities shall comply with the standards "and other requirements" promulgated by the Secretary of Agriculture for a research facility. Because this Amendment became law on April 22, 1976, Federal facilities are required to submit a laboratory animal use report at least for the interim period between April 22 and December 31, 1976.

*Some of the Departments of the Federal Government that are affected by the requirement submitted partial reports; others submitted none at all. Thus, the reported use of laboratory animals at Federal facilities covers only a limited fraction of the total use. Reports from 40 Federal institutions covering 147,764 animals are listed separately (see Appendix, tables 3, 4, and 5).*

APHIS officials contacted various Departments known to use laboratory animals to inquire about the problems they were encountering. One major obstacle was that laboratory animal records are kept on a fiscal year basis--not on the required calendar year basis set by USDA regulations. A change to fiscal year reporting is being considered by USDA (see later discussion). Other existing regulations also proved hard to apply to Federal facilities, since the wording was drawn with non-Federal laboratories in mind.

The very definition of a Federal "research facility" proved elusive. There was doubt whether the Department of the Executive Branch, its subsidiary agency, or ~~an~~ individual installation or laboratory should prepare the report. These problem areas will be resolved by mutual discussions during 1977.

## **INSPECTIONS**

Inspections are the direct means for enforcing USDA regulations on licensing and registration, annual reports and fees, animal identification, recordkeeping, inspection for missing animals, confiscation and destruction of animals, and--most importantly--compliance with standards for animal care and treatment.

The Act provides for standards on handling, housing, feeding, watering, sanitation, ventilation, veterinary care, shelter from extremes of weather, separation of incompatible animals, and transportation. Inspections to enforce these regulations and standards emphasize practical aspects of animal care, such as proper veterinary care, feed and water, sanitation, bedding, and protection from the extremes of weather.

*The overall number of animal welfare inspections decreased by 2,945-- from 19,830 in 1975 to 16,885 in 1976. This total includes investigations of complaints, precicensing inspections, recurring compliance inspections, and searches--all on-site inspections, but not in-transit inspections (see details below).*

The overall decrease in inspections was caused by less time available for animal welfare work in the field. As of December 1976, APHIS had 514 veterinarians and 563 animal health technicians in the field to carry out all Veterinary Services programs, but most of their time was spent on eradicating or controlling major livestock and poultry diseases, including some emergency disease outbreaks.

### **In-Service Training**

APHIS has continued training its inspectors in uniform interpretation of procedures and rules in practical situations to help make enforcement more fair and equitable.

*In 1976, work conferences specifically on animal welfare were conducted for 225 field officers. The content covered inspection techniques and procedures, means for getting deficiencies corrected by definite deadlines, scheduling followup inspections to assure compliance, and reporting uncorrected violations for effective prosecution. In addition, case preparation for animal welfare prosecutions was included in three other in-service training programs held in 1976.*

### **Investigations of Public Complaints**

*Complaints from the public by letter, telegram, or telephone led to special investigations of 593 licensees and registrants (see Appendix, table 6). The major topics for public complaints are discussed later in this report.*

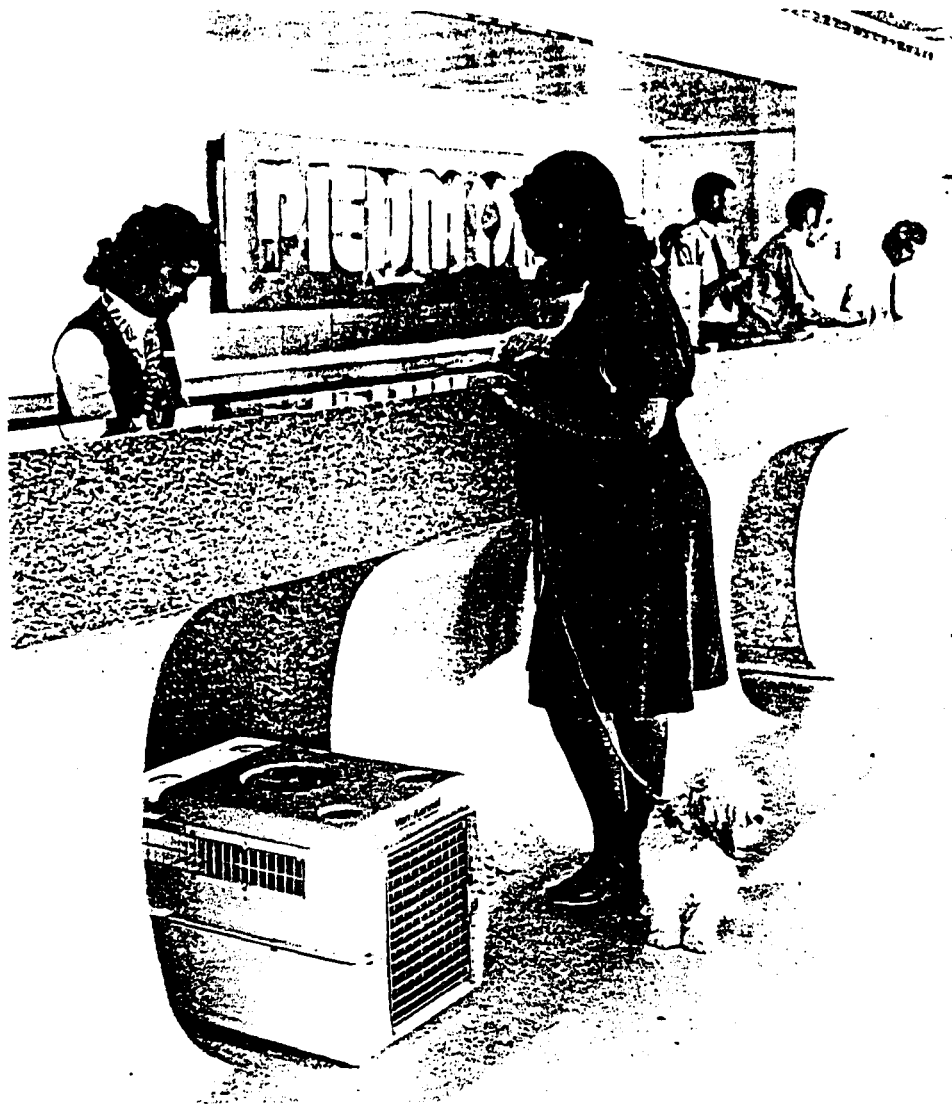
### **Prelicensing Inspections**

Persons subject to the Animal Welfare Act have the responsibility to apply for a license or registration; failure to do so is a violation of the Act and its regulations. In most cases, a potential licensee or registrant gets a reminder to apply for a license or registration before legal action is initiated. Dealers and exhibitors are licensed or registered promptly if their facilities, housing, and equipment pass an inspections for compliance with USDA regulations and standards.

*During 1976, APHIS conducted 1,656 precicensing and preregistration inspections (see Appendix, table 6).*

APHIS officials, who compared licensing statistics with registrations of purebred dogs by the American Kennel Club (AKC), concluded that thousands of dog breeders may be evading the licensing requirements of the Animal Welfare Act. For example, the comparison shows that California, the State leading in AKC registrations, is not even among the top five States in number of licensed dealers.





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APHIS monitors airports to be sure that animal crates meet APHIS shipping standards. Crates must be sturdy and well-constructed. Commercially produced crates are available to meet a wide variety of needs.

### PROSECUTING APPARENT VIOLATIONS

Apparent violations of the regulations and standards under the Act do not always result in legal action. Inspectors first attempt to secure voluntary compliance. In fact, for every hour spent in investigating and documenting apparent violations, about 7 hours were spent on recurring compliance inspections, which serve to prevent violations of the standards.

violating various sanitation standards between July 27, 1972, and June 12, 1974. After a hearing on the matter an administrative law judge imposed a license suspension to last at least 45 days, and after that time until the dealer was in compliance with all Federal regulations and standards. The case was appealed to the USDA Judicial Officer, who reaffirmed the decision, with the suspension to begin December 23, 1976. The dealer is under a cease-and-desist order stemming from both the 1973 and the 1976 decisions.

A municipal zoo in Ohio was the first zoo to be closed temporarily because of a USDA license suspension. The 14-day suspension, which began April 26, 1976, was arrived at through a consent agreement, which also imposed a cease-and-desist order. The zoo had been charged with deficiencies found at repeat inspections between June 2 and September 18, 1975. Inspectors found that zoo management had not properly removed and disposed of trash, premises were substandard, and incompatible animals were housed near each other.

## PUBLIC INFORMATION ACTIVITIES

A public information officer of the APHIS Information Division is assigned to handle animal welfare activities. Information materials generated on animal welfare are distributed through public media. Mailings are made to specialized lists of humane societies; associations that serve licensees and registrants; publishers of trade magazines; and other national, regional, State, and local organizations that publish information on animal welfare. Regional information offices of APHIS distribute information of local interest to newspapers and other local media.

### Publications

Press releases issued on animal welfare principally report charges against licensees and registrants and the outcome of these charges. APHIS finds that when it publicizes animal welfare violations, people take notice and become more diligent in upholding Federal standards of animal care.

*During 1976, APHIS issued 37 press releases on the animal welfare program plus the following new or revised publications:*

- Laboratory Animals, Are They treated Humanely? (Picture Story 297)*
- Facts About Animal Fighting Ventures*
- Prosecutions for Animal Welfare Violations (1966-1976)*
- Pain Relief for Laboratory Animals*

*The Animal Care Staff also gave three commercial television interviews and presented many illustrated lectures during 1976.*

### Public Correspondence

*During 1976, APHIS answered 2,528 letters on animal care and treatment including many referred by members of Congress.*

## COOPERATION WITH OTHER DEPARTMENTS

Other Federal Agencies regulate activities of some of the same parties regulated by USDA under the Animal Welfare Act. During 1976, USDA continued consulting with these other agencies to prevent duplication and conflicts.

Prohibitions on animal fighting in the 1976 Animal Welfare Act Amendments call for cooperation between Government agencies in conducting investigations. The Act says that ". . . the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, and other law enforcement agencies of the United States, and State and local governmental agencies. . . ."

*During 1976, APHIS convened a task force with representatives from the U.S. Department of Justice (including its Criminal Division, U.S. Marshal Service, and Federal Bureau of Investigation), the U.S. Postal Service, and the U.S. Department of the Treasury (U.S. Customs Service) plus USDA's Office of the General Counsel, Office of Investigations, and APHIS Veterinary Services. The task force met twice to coordinate investigative and legal action. It considered various possible violations and discussed the possible involvement of each agency.*

## AIRCRAFT ENVIRONMENT FOR ANIMALS

Starting with a hearing by a subcommittee of the House Committee on Government Operations in 1973, Congress expressed a continuing interest in the complex conditions affecting animals shipped by air. This concern led to formation of an Interagency Committee on Live Animal Transportation.

The Committee held an organizational meeting in 1974, but made no recommendations because the Civil Aeronautics Board--one of the members of the Committee--decided to hold a detailed administrative hearing on the topic. The Board, however, had not published a decision on the hearing by the end of 1976. (An initial decision was filed February 7, 1977, in Docket 26310).

Meanwhile, USDA was given direct authority by the 1976 Animal Welfare Act Amendments to establish standards for transporting live animals on all carriers and intermediate handlers, including airlines. In exercising this new authority, USDA will continue to draw on the expertise of the other members of the Interagency Committee.

### Cargo Bin Conditions

Animals are exposed to a great deal of stress during shipment, especially during the extreme heat of summer or the extreme cold of winter. This is particularly true for animals carried in the cargo bins of commercial



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APHIS is designing a health certificate to meet the requirements of the 1976 Animal Welfare Act Amendments. By law, a licensed veterinarian must personally examine an animal within 10 days before it is delivered for shipment.

## APPENDIX

Table 1.--Number of active licensees and registrants (1976)

State	Licensed dealers	Animal exhibitors		Registered research facilities
		Licensed	Registered	
TOTAL U.S.	4,851	672	464	1,034
Alabama	14	5	-	6
Alaska	-	-	3	1
Arizona	14	5	1	5
Arkansas	51	8	2	2
California	88	75	1	119
Colorado	50	2	10	25
Connecticut	19	21	-	16
Delaware	5	-	1	6
Florida	86	62	38	28
Georgia	17	7	11	8
Hawaii	1	6	-	7
Idaho	14	8	2	4
Illinois	191	49	2	77
Indiana	42	39	2	18
Iowa	711	6	11	8
Kansas	1,326	8	8	15
Kentucky	8	2	6	3
Louisiana	7	6	4	12
Maine	21	8	-	8
Maryland	28	3	11	20
Massachusetts	77	28	-	53
Michigan	39	7	67	42
Minnesota	102	16	42	18
Mississippi	3	4	1	2
Missouri	683	9	9	21
Montana	6	1	4	2
Nebraska	164	1	3	5
Nevada	2	9	-	1
New Hampshire	46	12	-	4
New Jersey	31	20	-	63
New Mexico	6	4	5	4
New York	95	44	1	116
North Carolina	40	8	13	14
North Dakota	9	4	-	3
Ohio	121	19	30	71
Oklahoma	132	7	2	7
Oregon	79	12	-	8
Pennsylvania	110	65	-	66
Rhode Island	7	3	-	10
South Carolina	15	2	10	3
South Dakota	42	6	-	2
Tennessee	10	7	7	10
Texas	136	20	32	37
Utah	5	5	-	7
Vermont	41	3	-	8
Virginia	40	7	12	15
Washington	22	8	4	16
West Virginia	9	1	2	1
Wisconsin	64	14	99	22
Wyoming	7	-	4	4
Puerto Rico	15	6	4	4
Virgin Islands	-	-	-	-
Dist. of Columbia	-	-	-	7

Table 3.--Animals used in experimentation (1976)

State	Number of registrants	Number of all animals	Number of animals by species			
			Dogs	Cats	Primates	Other
TOTAL U.S.	1,002	1,779,837	210,330	70,468	50,115	1,457,924
Alabama	6	8,515	3,839	315	415	3,946
Alaska	1	324	18	-	-	306
Arizona	5	6,050	708	376	116	4,850
Arkansas	2	2,003	614	118	64	1,207
California	96	152,111	10,351	5,541	2,005	134,214
Colorado	25	22,612	3,997	567	361	17,687
Connecticut	12	16,933	1,492	378	160	14,903
Delaware	7	7,635	452	272	55	6,856
Florida	29	32,068	4,504	2,169	568	24,827
Georgia	10	26,710	2,164	596	1,713	22,237
Hawaii	5	1,058	20	100	319	619
Idaho	4	711	40	5	-	666
Illinois	74	107,368	13,413	2,517	2,416	89,022
Indiana	19	47,371	6,515	2,884	230	37,742
Iowa	11	45,324	5,138	1,596	261	38,329
Kansas	12	66,404	3,033	802	7	62,562
Kentucky	3	6,024	1,047	340	59	4,578
Louisiana	10	14,252	2,284	579	4,559	6,830
Maine	7	7,919	-	-	3	7,916
Maryland	22	47,547	3,804	1,027	5,046	37,670
Massachusetts	41	44,909	7,206	943	1,193	35,567
Michigan	50	71,389	11,295	2,320	1,478	56,296
Minnesota	21	29,240	6,870	2,081	524	19,765
Mississippi	2	4,448	1,718	300	162	2,268
Missouri	22	63,002	6,611	1,794	606	53,991
Montana	2	488	-	9	101	378
Nebraska	5	30,739	560	252	36	29,891
Nevada	1	216	-	2	-	214
New Hampshire	2	3,278	79	208	-	2,991
New Jersey	63	217,769	11,929	3,857	3,034	198,949
New Mexico	4	10,891	2,164	65	184	8,478
New York	118	210,167	21,447	11,067	7,130	170,523
North Carolina	14	27,514	4,270	2,223	930	20,091
North Dakota	3	1,940	166	724	4	1,046
Ohio	74	52,833	7,547	2,324	917	42,045
Oklahoma	6	2,176	730	353	122	971
Oregon	7	16,599	814	1,014	3,302	11,469
Pennsylvania	70	133,654	11,357	6,722	1,885	113,690
Rhode Island	10	2,336	211	96	101	1,928
South Carolina	3	4,459	1,037	159	28	3,235
South Dakota	2	1,515	95	-	-	1,420
Tennessee	10	20,594	2,745	173	435	17,241
Texas	32	124,134	24,030	6,430	4,187	89,487
Utah	6	4,688	1,546	681	31	2,430
Vermont	5	1,921	145	104	8	1,664
Virginia	15	18,106	2,779	1,582	1,397	12,348
Washington	12	15,153	3,202	1,417	1,431	9,103
West Virginia	1	3,512	224	157	73	3,058
Wisconsin	26	36,051	5,162	1,637	2,360	26,892
Wyoming	4	342	21	13	-	308
Puerto Rico	4	763	603	-	20	140
Virgin Islands	-	-	-	-	-	-
Dist. of Columbia	7	6,072	1,334	1,579	79	3,080
Federal Agencies	40	147,764	9,668	2,865	1,968	133,263

Table 5.--Animals experiencing pain or distress without the use of pain-relieving drugs (1976)

State	Number of registrants	Number of animals	Number of animals					Guinea pigs	Wild animals
			Dogs	Cats	Primates	Rabbits	Hamsters		
TOTAL U.S.	123	129,263	2,581	436	860	28,424	51,997	44,776	189
Alabama	-	-	-	-	-	-	-	-	-
Alaska	-	-	-	-	-	-	-	-	-
Arizona	-	-	-	-	-	-	-	-	-
Arkansas	-	-	-	-	-	-	-	-	-
California	5	5,714	11	-	-	342	5,301	60	-
Colorado	2	1,815	-	-	-	1,060	600	155	-
Connecticut	3	1,235	457	-	-	278	500	-	-
Delaware	1	98	-	-	-	98	-	-	-
Florida	3	219	-	-	28	191	-	-	-
Georgia	1	72	-	-	-	72	-	-	-
Hawaii	-	-	-	-	-	-	-	-	-
Idaho	1	6	-	-	-	6	-	-	-
Illinois	4	4,087	142	10	-	3,923	-	12	-
Indiana	4	5,717	70	-	54	460	-	5,001	132
Iowa	2	218	-	10	-	208	-	-	-
Kansas	6	49,390	42	10	-	1,490	30,635	17,211	2
Kentucky	-	-	-	-	-	-	-	-	-
Louisiana	3	432	3	2	-	272	10	145	-
Maine	2	117	-	-	-	115	-	2	-
Maryland	5	5,084	10	-	124	4,581	262	97	10
Massachusetts	2	1,573	371	-	-	274	-	928	-
Michigan	3	1,655	42	-	24	1,537	-	52	-
Minnesota	1	455	54	-	-	205	-	196	-
Mississippi	-	-	-	-	-	-	-	-	-
Missouri	3	14,210	26	55	-	343	10,678	3,108	-

Table 6.--Number of inspections (1976)

State	Complaints	Prelicensing	Compliance	Searches	Apparent violations investigated
TOTAL U.S.	593	1,656	12,286	2,350	573
Alabama	1	20	55	2	6
Alaska	-	-	3	-	-
Arizona	-	5	31	16	1
Arkansas	14	18	60	21	13
California	2	40	527	170	67
Colorado	6	58	201	29	3
Connecticut	-	1	49	4	2
Delaware	-	1	25	16	-
Florida	2	69	623	63	14
Georgia	4	14	142	7	1
Hawaii	-	-	23	2	-
Idaho	-	1	31	-	-
Illinois	11	163	654	121	1
Indiana	16	34	136	13	-
Iowa	61	126	1,003	266	14
Kansas	13	183	1,511	101	38
Kentucky	2	4	25	-	-
Louisiana	1	1	93	1	2
Maine	-	8	72	25	1
Maryland	21	6	136	368	6
Massachusetts	1	16	179	33	6
Michigan	31	17	331	6	8
Minnesota	82	26	609	16	8
Mississippi	1	11	28	5	-
Missouri	26	121	906	169	21
Montana	1	-	13	-	3
Nebraska	2	336	245	33	5
Nevada	-	3	19	8	3
New Hampshire	-	11	96	19	2
New Jersey	11	11	200	7	10
New Mexico	3	2	4	-	-
New York	61	15	746	40	104
North Carolina	-	17	221	10	-
North Dakota	-	1	50	-	-
Ohio	-	41	441	115	62
Oklahoma	1	31	251	32	22
Oregon	12	36	287	50	14
Pennsylvania	55	26	578	96	44
Rhode Island	-	2	72	2	-
South Carolina	-	3	62	2	1
South Dakota	-	2	79	-	5
Tennessee	-	2	44	-	-
Texas	29	93	457	58	18
Utah	1	9	94	25	3
Vermont	2	6	75	6	1
Virginia	7	20	90	31	13
Washington	-	7	119	3	6
West Virginia	1	5	68	226	3
Wisconsin	97	22	410	108	20
Wyoming	2	7	38	25	-
Puerto Rico	13	5	74	-	22
Virgin Islands	-	-	-	-	-



## ADDRESS LIST OF APHIS OFFICIALS

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