
Animal Welfare Enforcement

FY 1978

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



**United States
Department
of Agriculture**

**Issued
March 1979**

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INTRODUCTION

The administration and enforcement of the Animal Welfare Act is the responsibility of Veterinary Services of the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA). This law was enacted in 1966 (P.L. 89-544), amended in 1970 (P.L. 91-579), and amended in 1976 (P.L. 94-279) by the Congress of the United States.

Pursuant to the regulations published under the 1976 amendments to the Animal Welfare Act, the Agency reports to Congress on the Federal fiscal year basis.

ENFORCEMENT OFFICIALS

Veterinary Services has a field force operating from 18 areas and 10 district offices throughout the United States (see appendix, address list). This field force consists of Veterinary Medical Officers, Compliance Officers, Animal Health Technicians, and Animal Health Technician Aides.

The management of field activities in the Animal Welfare program is divided into five geographical regions for the 50 States, Commonwealth of Puerto Rico, Virgin Islands, and the District of Columbia. Each regional animal welfare activity is directed by a Veterinary Medical Officer. The Regional Directors are located in Hyattsville, MD, near Washington, DC (see appendix, address list).

and animal brokers. The Act also requires licensing of dealers handling hunting dogs, guard dogs, and dogs sold for breeding. However, persons with limited sales are exempt, if their gross income is not over \$500 per calendar year and sales do not include wild animals, dogs, or cats.

At the end of FY 1978, there were 4,507 licensed dealers (appendix, table 1). During the year, 985 dealers dropped their licenses (appendix, table 2) and 781 were newly licensed.

Animal Exhibitors

Exhibitors are persons who exhibit animals to the public for compensation 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.

At the end of FY 1978, there were 924 licensed and 313 registered exhibitors. During the year, the number of licensed exhibitors rose by 76 while the number of registrants declined by 83. Inactivated registrants numbered 64 (appendix, table 2).

Research Facilities

Research facilities using animals regulated under the Act are subject to registration. They must comply with the 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, cosmetic testing firms, and large scale diagnostic laboratories.

At the end of FY 1978, there were 1,057 active research facilities registered, involving 4,558 inspections at about 2,300 research sites. Inactivated registrations numbered 35.

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

Federal Research Facilities

Federal research facilities are required by the Act to submit a laboratory animal use report by December 1 of each year. Reports from 188 Federal research facilities covering 192,472 animals are listed separately (see appendix, tables 3, 4, and 5).

INSPECTIONS

Inspections of dealers', exhibitors', research facilities', carriers', and intermediate handlers' premises are the direct means for enforcing USDA regulations on licensing and registration, annual reports and fees, animal identification, recordkeeping, humane handling, care, and treatment of animals, inspection for missing animals, and confiscation and destruction of animals.

The overall number of animal welfare inspections increased by 3,161 from 23,693 in FY'1977 to 29,532 in FY'1978. This total includes investigations of complaints, preclicensing inspections, recurring compliance inspections, approval of holding facilities and searches -- all onsite inspections, but not intransit inspections (see details below).

The overall increase in inspections was due to APHIS continued commitment and emphasis of adequate enforcement of the Act to ensure humane care and treatment for animals.

New Animal Welfare Specialist Unit

To further assure the humane care and treatment of animals, APHIS has established within its Veterinary Services a special group of employees whose sole responsibility is Animal Welfare activity. The group has received advanced training in Animal Welfare administrative duties with emphasis on uniform inspections and compliance with the standards for animal care and treatment.

Inspections are conducted by full-time, part-time, and contractual personnel who have the training, experience, and knowledge to carry out the Department's responsibilities for the Animal Welfare Program.

During FY 1978, APHIS conducted 18,633 recurring compliance inspections, representing an average of 2.16 calls at approximately 8,600 sites where regulated animals are kept (see appendix, table 6). Although the number of inspections increased, this level of inspection is still too low for effective enforcement of the Animal Welfare Act.

In-Transit Inspections

APHIS inspects carrier and intermediate handler shipping terminals for compliance with the regulations and standards for the humane transport of animals. Continuous monitoring of animal shipments is necessary to ensure adequate shipping container size, ventilation, feeding, watering, comfortable environmental air temperature, and the health status of the animals. Record checks are made for compliance with recordkeeping, health certification, and requirements of the regulations.

During FY 1978, APHIS conducted 1,496 inspections at carrier shipping terminals.

Searches

Searches are investigations to determine unlicensed and unregistered businesses that are subject to regulation under the Act. Searches used to be done at random, a relatively unproductive procedure. Inspection at carrier and intermediate handler shipping terminals and highway inspections of in-transit animals and information from the public provide leads to unlicensed shippers.

The number of searches conducted in FY 1978 was 3,011 (see appendix, table 6).

PUBLIC INFORMATION ACTIVITIES

Public information support for Veterinary Services animal welfare activities is handled by the APHIS Information Division. Information materials generated on animal welfare are distributed through public media. Mailings are made to target audiences such as humane societies, 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.

Press Releases and Publications

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

VS Form 18-3, Application for License or Annual Report
VS Form 18-8, Reports of Inspection of Animal Facilities, Sites or
Premises
VS Form 18-11, Research Facility Registration
VS Form 18-23, Annual Report of Research Facility

FOIA requests received from:

Humane Societies (53)
General Public (20)
Companies (9)
Newspapers (6)
Students (3)
Dealers (3)
Local and State Government (3)
Attorney (1)

The 98 FOIA requests received resulted in the release of 2,752 documents. APHIS notified 265 individuals or organizations whose records were requested, of the records released and of the name of the requesting individual.

PROPOSED COVERAGE OF MARINE MAMMALS

APHIS initially published a proposed rulemaking in the Federal Register on August 18, 1977, to bring marine mammals under the provisions of the Animal Welfare Act. After consideration of oral and written comments received on this proposed rulemaking, the Agency published a revised proposed rulemaking in the Federal Register on September 19, 1978. The 60-day public comment period for the revised rulemaking ended on November 20, 1978. A final rulemaking for the humane care and treatment of marine animals will be prepared for publication in the Federal Register in FY 1979.

During FY 1978, APHIS cooperated with the Department of Commerce by performing inspections at marine mammal facilities for that agency's consideration to allow additional mammals to be housed and cared for at such facilities.

PROSECUTING APPARENT VIOLATIONS

The majority of reported alleged violations during FY 1978 involved noncompliance with Part II of the regulations by dealers and registered research facilities. However, APHIS places greater emphasis on enforcement of the standards to assure that animals receive adequate veterinary care, protection from the elements, access to fresh water, and an adequate diet.

LEGISLATIVE RECOMMENDATIONS

Section 13 of the Act requires that any dog or cat (or other animal designated by the regulations) which is delivered (by specified persons) in commerce, or received for transportation in commerce, must be accompanied by a certificate issued by a licensed veterinarian. The Department has an established system for accreditation of veterinarians who perform official duties with regard to animal health laws and regulations. Under this system, the veterinarian is responsible to the Department for the proper performance of his duties as an accredited veterinarian. Under consideration is a change in the regulations, by proposed rulemaking, which would require the health certificate to be issued by a USDA accredited veterinarian.

If the Department is unsuccessful in implementing accreditation requirements, by final rulemaking, the Department will submit to Congress specific recommendations "... for legislation to improve the administration of this Act or any provisions thereof"

Table 2.--Number of cancelled licenses and inactive registrations (FY 1978)

State	Licensed dealers	Animal exhibitors		Registered research facilities
		Licensed	Registered	
TOTAL U.S.	985	74	64	35
Alabama	11	-	-	-
Alaska	-	-	-	-
Arizona	8	1	1	-
Arkansas	10	-	-	-
California	15	14	-	6
Colorado	25	-	1	1
Connecticut	5	2	-	-
Delaware	1	-	-	-
Florida	22	12	1	-
Georgia	8	-	3	1
Hawaii	1	-	-	-
Idaho	3	2	-	-
Illinois	49	4	-	2
Indiana	4	4	1	-
Iowa	116	-	-	-
Kansas	237	-	-	-
Kentucky	2	-	1	-
Louisiana	2	2	1	-
Maine	5	-	-	1
Maryland	3	2	2	4
Massachusetts	18	2	-	2
Michigan	7	-	3	-
Minnesota	27	3	8	-
Mississippi	3	-	-	-
Missouri	113	2	1	-
Montana	-	-	-	-
Nebraska	29	1	-	-
Nevada	1	-	-	-
New Hampshire	25	-	-	-
New Jersey	7	2	-	2
New Mexico	-	-	1	-
New York	25	1	-	3
North Carolina	13	-	3	-
North Dakota	1	-	-	-
Ohio	37	1	2	3
Oklahoma	24	-	-	-
Oregon	24	4	-	-
Pennsylvania	16	5	-	1
Rhode Island	-	-	-	1
South Carolina	6	-	1	-
South Dakota	6	-	-	-
Tennessee	2	2	3	-
Texas	35	2	3	1
Utah	-	2	-	-
Vermont	15	-	-	1
Virginia	2	-	6	1
Washington	5	-	1	1
West Virginia	2	-	-	-
Wisconsin	10	3	20	4
Wyoming	4	-	1	-
Puerto Rico	1	1	-	-
Virgin Islands	-	-	-	-
Dist. of Columbia	-	-	-	-

Table 4.--"Other" animals used in experimentation (FY 1978)
(A tabulation of animals listed as "other" in Table 3)

State	Guinea pigs	Hamsters	Rabbits	Wild Animals
TOTAL U.S.	419,341	414,394	475,162	58,356
Alabama	557	8,238	2,368	38
Alaska	40	-	-	266
Arizona	2,630	961	3,035	195
Arkansas	573	152	601	11
California	30,163	16,924	55,384	9,213
Colorado	6,592	5,061	6,130	620
Connecticut	6,739	6,814	5,497	160
Delaware	6,964	10,015	1,111	53
Florida	1,734	1,836	11,353	795
Georgia	906	17,059	4,923	354
Hawaii	360	100	279	19
Idaho	20	-	271	964
Illinois	25,100	27,537	53,788	4,548
Indiana	24,259	4,310	10,946	358
Iowa	4,507	24,408	5,102	806
Kansas	15,450	45,251	5,279	1,970
Kentucky	1,475	3,007	925	56
Louisiana	1,712	1,036	1,718	1,061
Maine	330	247	6,435	39
Maryland	10,336	7,268	14,486	42
Massachusetts	19,247	22,423	17,159	3,433
Michigan	31,265	22,269	23,743	2,932
Minnesota	3,427	1,108	7,796	2,444
Mississippi	289	1,040	711	47
Missouri	8,889	12,870	16,425	3,289
Montana	83	12	93	132
Nebraska	1,479	14,349	1,948	1,266
Nevada	290	50	230	240
New Hampshire	64	1,948	273	156
New Jersey	55,916	38,963	66,620	529
New Mexico	1,413	3,801	797	218
New York	60,150	27,239	40,682	3,969
North Carolina	7,591	6,279	5,614	330
North Dakota	125	-	514	22
Ohio	19,641	45,00	15,618	1,428
Oklahoma	612	37	595	96
Oregon	2,018	1,430	1,698	7,075
Pennsylvania	22,146	23,025	27,445	2,069
Rhode Island	120	548	222	422
South Carolina	661	2,534	1,170	37
South Dakota	100	1,000	145	31
Tennessee	8,270	17,275	8,140	110
Texas	10,487	13,375	24,417	2,562
Utah	718	39	2,482	256
Vermont	204	373	1,469	781
Virginia	3,301	971	6,931	2,293
Washington	11,959	3,020	4,415	168
West Virginia	1,527	601	680	6
Wisconsin	5,469	10,158	5,608	321
Wyoming	104	296	87	57
Puerto Rico	372	60	277	-
Virgin Islands	-	-	-	-
Dist. of Columbia	957	2,577	1,527	69
Federal Agencies	65,009	45,291	43,867	5,537

Montana	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nebraska	1	47	-	-	-	-	-	-	-	33	-	-	-	-	14	-	-	-	-
Nevada	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New Hampshire	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New Jersey	14	14,222	199	32	229	3,671	-	-	-	-	-	-	-	10,091	-	-	-	-	-
New Mexico	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
New York	15	9,949	58	-	55	5,062	442	4,332	-	-	-	-	-	-	-	-	-	-	-
North Carolina	1	18	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	18
North Dakota	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ohio	8	8,378	833	-	8	6,092	-	1,445	-	-	-	-	-	-	-	-	-	-	-
Oklahoma	1	28	8	8	-	4	-	8	-	-	-	-	-	-	-	-	-	-	-
Oregon	1	260	48	82	15	-	-	115	-	-	-	-	-	-	-	-	-	-	-
Pennsylvania	8	6,631	188	29	14	3,498	316	2,586	-	-	-	-	-	-	-	-	-	-	-
Rhode Island	1	17	-	-	-	-	-	17	-	-	-	-	-	-	-	-	-	-	-
South Carolina	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
South Dakota	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Tennessee	1	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20
Texas	8	650	86	-	-	201	-	349	-	-	-	-	-	-	-	-	-	-	14
Utah	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vermont	1	280	-	-	-	-	-	280	-	-	-	-	-	-	-	-	-	-	-
Virginia	1	88	-	-	-	18	-	70	-	-	-	-	-	-	-	-	-	-	-
Washington	3	10,754	-	-	7	10,729	-	18	-	-	-	-	-	-	-	-	-	-	-
West Virginia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wisconsin	1	3	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-	-
Wyoming	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Puerto Rico	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Virgin Islands	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
District of Columbia	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Federal Agencies	18	4,434	191	55	489	2,473	742	246	238	-	-	-	-	-	-	-	-	-	-

Table 7.--Number of cases closed (1978)

State	Total closed	Penalty imposed	Cases closed without prejudice*	Notice issued
TOTAL U.S.	114	25	56	33
Alabama	-	-	-	-
Alaska	-	-	-	-
Arizona	-	-	-	-
Arkansas	-	-	-	-
California	3	-	1	2
Colorado	1	-	-	1
Connecticut	1	-	1	-
Delaware	-	-	-	-
Florida	3	1	2	-
Georgia	-	-	-	-
Hawaii	-	-	-	-
Idaho	-	-	-	-
Illinois	2	-	2	-
Indiana	4	2	1	1
Iowa	5	2	2	1
Kansas	44	3	31	10
Kentucky	-	-	-	-
Louisiana	-	-	-	-
Maine	2	1	1	-
Maryland	1	-	-	1
Massachusetts	13	9	1	3
Michigan	-	-	-	-
Minnesota	1	-	-	1
Mississippi	-	-	-	-
Missouri	3	2	1	-
Montana	-	-	-	-
Nebraska	4	1	2	1
Nevada	-	-	-	-
New Hampshire	-	-	-	-
New Jersey	5	-	1	4
New Mexico	1	-	-	1
New York	5	-	-	5
North Carolina	-	-	-	-
North Dakota	-	-	-	-
Ohio	1	-	1	-
Oklahoma	3	3	-	-
Oregon	1	-	-	1
Pennsylvania	3	1	2	-
Rhode Island	2	-	2	-
South Carolina	-	-	-	-
South Dakota	-	-	-	-
Tennessee	-	-	-	-
Texas	2	-	2	-
Utah	-	-	-	-
Vermont	2	-	2	-
Virginia	-	-	-	-
Washington	-	-	-	-
West Virginia	-	-	-	-
Wisconsin	1	-	1	-
Wyoming	-	-	-	-
Puerto Rico	1	-	-	-
Virgin Islands	-	-	-	-
District of Columbia	1	-	-	1

*Includes cases which further action is not warranted.

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Vacant

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SOUTH CENTRAL REGION

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