



**United States
Department of
Agriculture**

**Animal and
Plant Health
Inspection
Service**

Animal Welfare Enforcement Fiscal Year 1984

Report of the Secretary of Agriculture to
the President of the Senate and the
Speaker of the House of Representatives

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Separates (Lists)

Licensed Dealers
Registered Research Facilities
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Intermediate Handlers

May 1985

REPORT OF 1984 ACTIVITIES

The Secretary of Agriculture annually reports on enforcement and administration of the Animal Welfare Act (AWA) (7 U.S.C. 2131, et seq.), as required by section 25 of the Act. This section states: "This report as well as any supporting documents, data, or findings shall not be released to any other persons, non-Federal agencies, or organizations unless and until it has been made public by an appropriate committee of the Senate or the House of Representatives."

The present report covers Fiscal Year (FY) 1984, which began October 1, 1983, and ended September 30, 1984.

Summary

Compliance inspections to enforce the AWA during FY 1984 were made at an average rate of 2.6 times per year at 5,926 licensed or registered facilities. When these inspections disclosed deficiencies, USDA inspectors counseled the owners on the corrections necessary to bring their facilities into compliance and forwarded reports of their inspections for appropriate action.

Legal action was taken against flagrant and chronic offenders. Ninety new cases of apparent violations were forwarded for prosecution after thorough investigation. Forty-five cases were resolved through administrative procedures. This resulted in monetary penalties, license suspensions or revocations, cease-and-desist orders, or a combination of these. Another 61 minor violations were resolved through letters of warning that included a specific deadline for compliance.

Reports were submitted by 967 active registered research facilities and 141 Federal research facilities. These reports show that 62 percent of federally protected laboratory animals were not exposed to painful or distressing procedures. Another

32 percent received appropriate pain relief. In 6 percent, pain relief was not provided because it would have interfered with test results. Researchers were required to include in their reports an explanation describing the human and animal benefits received from these experiments.

Legislation

Animal welfare legislation, as first enacted in 1966 (Public Law 89-544), regulated trade in dogs and cats procured for laboratory research, as well as dogs, cats, hamsters, guinea pigs, rabbits, and nonhuman primates held by certain research facilities.

Amendments in 1970 broadened coverage to most other warmblooded animals, including those used in research, exhibition, and the wholesale pet trade. An amendment in 1976 (Public Law 94-279) extended coverage further, notably over live-animal transportation.

Funding for animal welfare enforcement for FY 1984 was \$4.88 million.

Regulations

Administration and enforcement of the AWA is assigned to the U.S. Department of Agriculture (USDA). The Act directs the USDA to develop regulations assuring humane care and treatment of animals. These regulations include minimum standards for handling, housing, feeding, and watering animals; for sheltering them from extremes of weather and temperature; and for separating incompatible animals. Standards for sanitation, ventilation, veterinary care, and transportation are also included in the regulations.

Birds, laboratory rats and mice, horses not used for research, and other farm animals are exempt from regulation.

Changes proposed in 1983 to the marine mammal standards were

remain valid until terminated voluntarily by the licensee, revoked or suspended by the USDA, or terminated automatically if not renewed when the annual fee is due.

The fee is determined by two graduated schedules, one for dealers and another for exhibitors. Dealers (including operators of auction sales) pay between \$5 and \$500; exhibitors, between \$5 and \$100. Collections are deposited in the U.S. Treasury as "miscellaneous receipts." During FY 1984, \$143,086 in fees was collected from 4,659 license holders.

Research facilities, carriers, and intermediate handlers are required to register with the USDA, but no fee is required. Certain exhibitors can register rather than become licensed. Registrations continue in effect until facilities are disbanded or merged with those of another registrant. In FY 1984, there were 1,267 registrants.

1. Licensed Dealers

Licensed dealers include breeders, wholesale pet dealers, operators of auction sales, suppliers of laboratory animals, traders and importers of wild animals, and animal brokers. In FY 1984, there were 3,365 licensed dealers; 488 of these were new licensees (Appendix, Table 1).

Licenses for 603 dealers were surrendered to or canceled by APHIS. The licenses of six dealers were suspended through administrative procedures after APHIS inspectors found serious violations.

2. Carriers and Intermediate Handlers

Most registered carriers are airlines, although railroads, motor carriers, and shipping lines also qualify. Intermediate handlers are agents taking custody of animals in connection with their transportation in commerce. Most are kennels that offer airport pickup and delivery service for pets.

In FY 1984, 130 carriers and 228 intermediate handlers were registered (Appendix, Table 1); 11 carriers and 17 intermediate handlers were new registrants; 5 carriers and 12 intermediate handlers voluntarily terminated their registrations.

3. Animal Exhibitors

Licensed exhibitors operate animal acts, carnivals, circuses, public zoos, roadside zoos, and marine mammal exhibits. Most of the animals exhibited are wild or exotic species, such as lions, tigers, bears, and elephants. More docile species, such as sheep and goats, are stocked at children's zoos and petting zoos.

During FY 1984, there were 1,294 licensed exhibitors and 83 registered exhibitors (Appendix, Table 1). Also, 110 exhibitors voluntarily terminated their licenses, and 18 voluntarily terminated their registrations.

Self-regulation, especially among public zoos, is being strengthened. By December 31, 1985, the American Association of Zoological Parks and Aquariums will require all members to comply with standards that exceed Federal requirements.

4. Research Facilities

Almost all registered research facilities are State-owned or privately owned clinics, hospitals, laboratories, universities, colleges, drug firms, cosmetic testing firms, or diagnostic laboratories. Exempt from registration as research facilities are elementary and secondary schools, institutions using only exempt species of live animals, and Federal agencies.

At the end of FY 1984, there were 1,184 active research facilities, including 60 new registrations (Appendix, Table 1).

Registrations for 42 research facilities were terminated during the

carriers and shippers. Carriers must have facilities and personnel adequate to handle animals. They also must comply with Federal shipping requirements and refuse to accept shipments of live animals in substandard containers.

To ensure compliance by licensed and registered shippers, inspectors examine the health and condition of animals as they pass through the airport facilities. For animals in transit, inspectors monitor the size, construction, temperature, and ventilation of the container; feeding and watering of the animals; the length of time animals spend in transit; and health care for the animals.

APHIS has received help from humane associations, shippers, and others in enforcing transportation standards. Also, a strong working relationship was developed with the Civil Aeronautics Board (CAB), which forwarded relevant complaints to APHIS.

During the year 2,523 airport inspections and 351 inspections of intermediate handlers were made. One charge against an airline was resolved.

Research funded by APHIS on ventilation and temperature needs of animals in transit ended at the veterinary college of Kansas State University. Studies on effects of transporting dogs at low temperatures continue at a Federal Aviation Administration unit in Oklahoma.

2. Federal Health Certificates

A 1976 amendment to the Act requires a health certificate for any dog, cat, or nonhuman primate being transported. Because the type of certificate was not specified, the use of different types has created confusion and the possibility of fraud. A new "United States Interstate and International Health Certificate" designed by APHIS has been evaluated in the field and is

currently being printed for distribution. It will be serially numbered for improved control.

3. Investigation of Public Complaints

During the year, APHIS officials continued to put a high priority on investigating public complaints involving inhumane treatment of animals. To help resolve these public complaints, inspectors made 719 inspections (Appendix, Table 5).

4. Prelicensing Inspections

In 1984, APHIS representatives made 1,070 prelicensing inspections of facilities requesting licenses to ensure that facility housing, equipment, and veterinary care programs meet Federal standards.

5. Compliance Inspections

Unannounced inspections are conducted at business sites for all licensees and registrants of the more than 8,000 businesses that keep regulated animals. Inspectors concentrate on facilities with a history of deficiencies or ones that are suspected of operating illegally without a USDA license or registration. If inspectors find that USDA regulations and standards are not met, they record deficiencies on an inspection form, leaving a copy with the licensee or registrant involved.

Deficiencies are categorized as "major" or "minor." A health or safety hazard to animals constitutes a major deficiency. Deadlines are set for correction of deficiencies; inspectors make a special effort to ensure that deficiencies are corrected within the deadlines.

To further ensure compliance with the regulations, inspection reports were reviewed for accuracy and "redflag" items or indications of perfunctory inspections. The regional animal care specialist assured higher quality inspections by accompanying

be included in the "history of violation" for future prosecutions.

In FY 1984, APHIS closed 61 cases with letters of warning stating that recipients must improve their handling of animals or face prosecution (Appendix, Table 6).

Also, 14 notices were issued to airlines informing them of instances in which airline personnel handled animals improperly. These minor violations, which generally are cumulative, remain as open cases for later prosecution if cited infractions continue.

Public Information

In FY 1984, APHIS issued 63 press releases on the animal welfare program. In early July, the Agency adopted a new reporting concept that focused on the outcome of charges brought against individuals and businesses failing to comply with all Federal animal and plant health laws and regulations. Unless the circumstances are unusual, only a summary of APHIS compliance activity--including animal welfare--is issued on a monthly basis. The first APHIS monthly compliance summary was issued August 13, 1984.

1. Distributing Information

Press releases are mailed nationally to humane societies and trade magazines and locally to newspapers and television and radio stations in the localities where violations occur. In addition, staff officers, field officials, and information

specialists cooperate in bringing talks, exhibits, and informative materials to conventions and exhibitions sponsored by industry and humane associations.

2. Public Correspondence

APHIS receives inquiries about animal welfare directly from concerned groups or individual citizens or indirectly through referrals from the President, from Members of Congress, and from other departments of Government. This year APHIS responded to 618 inquiries in addition to requests filled by sending documents, lists, regulations, and procedures.

3. Freedom of Information Requests

Regulated persons and humane groups use the Freedom of Information Act to obtain documents involving animal welfare. In 1984, APHIS received 252 requests resulting in the release of 19,729 documents--mainly copies of forms, records, inspection reports, and forms used to apply for licenses or registrations. This was a 75-percent increase in requests and a 223-percent increase in released documents over FY 1983. Humane societies accounted for 125 of the requests.

Legislative Recommendations

The Department is continuing to analyze concerns related to enforcing the AWA. At this point, no suggestions for amending the Act are contemplated.

Table 2.--Animals used in experimentation, fiscal year 1984

State	Number of reporting facilities	Number of animals							
		Total	Dogs	Cats	Primates	Guinea pigs	Hamsters	Rabbits	Wild animals
U.S. Total	1,108	2,074,133	201,936	56,910	55,338	561,184	437,123	529,101	232,541
Alabama	11	13,792	3,319	700	538	417	4,972	3,264	582
Alaska	0	0	0	0	0	0	0	0	0
Arizona	9	7,248	770	380	338	821	1,229	3,507	203
Arkansas	2	1,545	366	67	2	350	35	721	4
California	94	172,727	8,530	4,245	2,986	25,505	47,886	63,297	20,278
Colorado	20	49,632	9,824	2,325	219	9,391	19,100	6,216	2,557
Connecticut	11	17,220	1,653	374	246	7,284	1,698	5,858	107
Delaware	5	19,054	858	0	108	9,860	5,760	1,771	697
Florida	24	18,729	2,965	1,278	893	2,736	1,239	9,017	601
Georgia	12	50,899	3,283	1,476	283	1,903	23,654	18,001	2,299
Hawaii	2	3,349	20	232	120	418	1,890	665	4
Idaho	4	547	35	0	0	117	0	150	245
Illinois	53	92,164	11,504	2,073	1,624	22,231	7,793	37,438	9,501
Indiana	16	47,179	8,059	3,105	326	18,422	2,331	8,678	6,258
Iowa	10	22,263	3,587	1,223	176	4,415	4,935	7,484	443
Kansas	16	52,211	1,044	400	41	10,519	32,940	5,438	1,829
Kentucky	5	5,470	1,075	662	3	1,214	806	1,328	382
Louisiana	10	11,986	1,827	605	3,379	957	1,002	2,813	1,403
Maine	8	958	0	3	0	40	354	391	170
Maryland	18	29,012	2,513	329	687	3,634	8,560	10,700	2,589
Massachusetts	61	69,745	5,448	1,236	953	8,654	21,462	23,837	8,155
Michigan	35	90,207	11,352	2,113	2,503	32,869	12,997	24,730	3,643
Minnesota	15	26,266	5,793	1,204	130	8,983	1,459	7,028	1,669
Mississippi	3	2,710	135	14	64	717	845	748	187
Missouri	23	75,102	10,671	3,320	1,936	18,050	16,905	17,925	6,295
Montana	3	1,650	0	19	104	998	5	124	400
Nebraska	6	8,518	736	145	28	684	2,862	2,727	1,336
Nevada	1	1,277	180	2	0	755	24	155	161
New Hampshire	3	2,358	117	337	0	11	609	678	606
New Jersey	54	168,662	14,199	1,834	3,281	68,808	22,722	52,135	5,683
New Mexico	8	8,676	1,422	197	1,160	973	1,221	433	3,270
New York	91	145,763	12,964	4,786	3,747	72,371	15,778	31,069	5,048
North Carolina	15	33,833	5,993	2,371	2,030	7,750	1,497	10,653	3,539
North Dakota	2	764	199	57	0	173	5	313	17
Ohio	58	72,452	9,767	2,251	816	30,477	4,722	18,229	6,190
Oklahoma	11	4,211	1,163	346	201	270	43	1,366	822
Oregon	13	7,640	859	356	2,275	1,519	918	1,437	276
Pennsylvania	74	139,828	10,800	4,239	2,425	41,085	43,539	34,978	2,762
Rhode Island	7	1,588	221	574	94	108	40	475	76
South Carolina	4	3,903	1,101	334	4	260	755	1,204	245
South Dakota	2	1,234	56	3	0	12	1,111	52	0
Tennessee	10	32,320	4,083	604	389	5,329	13,433	6,116	2,366
Texas	58	83,133	11,588	2,326	4,269	12,591	19,501	29,152	3,706
Utah	7	14,021	1,146	462	4	6,024	743	4,991	651
Vermont	4	4,158	72	61	0	308	675	2,619	423
Virginia	17	31,518	4,212	1,239	2,967	10,772	1,643	6,297	4,388
Washington	15	35,417	3,300	442	1,417	632	4,579	3,468	21,579
West Virginia	4	2,585	317	78	20	1,350	0	624	196
Wisconsin	15	34,701	3,350	1,048	1,638	5,745	11,561	8,421	2,938
Wyoming	3	719	14	20	0	90	412	37	146
Puerto Rico	8	4,254	406	15	2,842	32	220	669	70
District of Columbia	7	1,900	559	131	17	98	341	468	286
Virgin Islands	0	0	0	0	0	0	0	0	0
Federal Agencies	141	347,035	18,481	5,269	8,055	102,452	68,312	49,206	95,260

Table 4.--Animals to which pain relieving drugs were administered to avoid pain or distress, fiscal year 1984

State	Number of reporting facilities	Number of animals							
		Total	Dogs	Cats	Primates	Guinea pigs	Hamsters	Rabbits	Wild animals
U.S. Total	792	665,543	139,947	41,927	20,561	123,475	128,515	173,263	37,855
Alabama	10	8,971	3,191	554	124	277	2,808	1,725	292
Alaska	0	0	0	0	0	0	0	0	0
Arizona	7	3,237	668	370	83	408	725	922	61
Arkansas	2	1,092	364	67	2	350	35	274	0
California	61	74,169	6,922	3,321	905	4,679	31,316	21,745	5,281
Colorado	13	10,799	5,570	1,453	28	978	486	1,656	628
Connecticut	10	7,448	1,447	311	158	3,334	1,132	1,010	56
Delaware	4	6,718	79	0	30	5,994	30	535	50
Florida	15	8,380	2,756	1,105	218	80	370	3,680	171
Georgia	9	40,951	2,345	1,228	128	1,604	18,115	16,888	643
Hawaii	2	240	0	2	55	0	0	183	0
Idaho	2	302	31	0	0	34	0	88	149
Illinois	35	27,048	7,565	1,071	824	5,641	2,623	5,743	3,581
Indiana	10	15,404	5,939	3,045	93	4,057	1,195	845	230
Iowa	7	9,958	3,371	752	133	2,054	730	2,719	199
Kansas	12	4,652	662	169	18	360	2,350	1,043	50
Kentucky	4	2,964	996	606	3	497	295	227	340
Louisiana	5	5,009	1,611	435	552	119	646	718	928
Maine	6	602	0	3	0	34	354	211	0
Maryland	12	13,635	2,138	294	469	1,702	1,986	6,788	258
Massachusetts	43	28,727	4,378	1,033	735	3,850	7,053	10,439	1,239
Michigan	25	22,224	6,425	1,769	487	9,312	704	3,348	179
Minnesota	10	17,009	5,348	1,163	55	6,052	888	2,070	1,433
Mississippi	2	1,392	114	10	64	300	183	716	5
Missouri	17	15,792	7,040	631	180	375	1,735	4,627	1,204
Montana	2	102	0	19	0	0	0	0	83
Nebraska	3	2,982	420	122	28	270	1,582	423	137
Nevada	1	240	180	0	0	0	0	60	0
New Hampshire	2	471	115	336	0	0	0	4	16
New Jersey	35	38,387	5,066	1,027	732	23,209	3,559	3,723	1,071
New Mexico	5	1,133	532	197	52	141	62	84	65
New York	68	37,668	6,509	3,710	797	10,255	5,567	8,278	2,552
North Carolina	10	11,927	4,639	1,212	220	533	175	3,350	1,798
North Dakota	1	393	130	33	0	6	0	210	14
Ohio	45	23,733	7,529	1,729	269	4,130	1,500	7,948	628
Oklahoma	9	2,704	1,065	297	89	158	43	766	286
Oregon	8	4,304	334	276	825	1,389	567	881	32
Pennsylvania	51	31,894	5,752	2,646	1,058	9,287	3,739	7,833	1,579
Rhode Island	5	1,219	187	552	8	108	40	324	0
South Carolina	4	2,255	1,027	329	1	149	398	138	213
South Dakota	2	1,183	56	3	0	0	1,111	13	0
Tennessee	6	7,693	3,155	318	64	912	1,271	1,795	178
Texas	38	36,072	8,939	1,968	2,189	2,514	6,096	13,187	1,179
Utah	6	3,923	1,123	459	0	0	12	2,184	145
Vermont	3	3,754	59	60	0	300	605	2,439	291
Virginia	11	11,092	2,514	1,052	1,042	1,206	1,561	2,748	969
Washington	10	10,416	2,471	344	840	321	4,297	2,115	28
West Virginia	3	799	215	22	0	360	0	178	24
Wisconsin	12	7,055	1,731	679	508	793	389	2,607	348
Wyoming	2	241	7	2	0	0	232	0	0
Puerto Rico	4	2,460	386	12	2,002	20	20	0	20
District of Columbia	5	1,021	502	123	0	8	0	175	213
Virgin Islands	0	0	0	0	0	0	0	0	0
Federal Agencies	118	93,699	16,344	5,008	4,493	15,315	19,930	23,600	9,009

Table 6.--Number of cases closed, fiscal year 1984)

State	Total closed	By Prosecution	Cases closed without prejudice*	Warning issued	Information Letters
U.S. Total	145	45	25	61	14
Alabama	1	1	0	0	0
Alaska	0	0	0	0	0
Arizona	0	0	0	0	0
Arkansas	2	2	0	0	0
California	12	2	1	8	1
Colorado	1	0	1	0	0
Connecticut	0	0	0	0	0
Delaware	0	0	0	0	0
Florida	1	1	0	0	0
Georgia	7	0	2	1	4
Hawaii	0	0	0	0	0
Idaho	0	0	0	0	0
Illinois	9	0	1	8	0
Indiana	1	1	0	0	0
Iowa	6	3	0	3	0
Kansas	7	5	1	1	0
Kentucky	0	0	0	0	0
Louisiana	1	0	0	1	0
Maine	0	0	0	0	0
Maryland	1	0	0	0	1
Massachusetts	11	3	2	6	0
Michigan	5	1	1	2	1
Minnesota	0	0	0	0	0
Mississippi	0	0	0	0	0
Missouri	9	6	2	1	0
Montana	2	1	0	1	0
Nebraska	1	0	0	1	0
Nevada	0	0	0	0	0
New Hampshire	0	0	0	0	0
New Jersey	9	2	3	4	0
New Mexico	0	0	0	0	0
New York	15	2	3	8	2
North Carolina	12	9	1	2	0
North Dakota	0	0	0	0	0
Ohio	3	2	1	0	0
Oklahoma	6	1	0	3	2
Oregon	1	0	0	1	0
Pennsylvania	8	2	1	5	0
Rhode Island	0	0	0	0	0
South Carolina	1	0	0	1	0
South Dakota	0	0	0	0	0
Tennessee	0	0	0	0	0
Texas	3	1	0	2	0
Utah	0	0	0	0	0
Vermont	0	0	0	0	0
Virginia	2	0	0	0	2
Washington	0	0	0	0	0
West Virginia	1	0	0	0	1
Wisconsin	5	0	3	2	0
Wyoming	0	0	0	0	0
Puerto Rico	3	1	2	0	0
District of Columbia	0	0	0	0	0
Virgin Islands	0	0	0	0	0

*Includes cases for which further action is not warranted.

