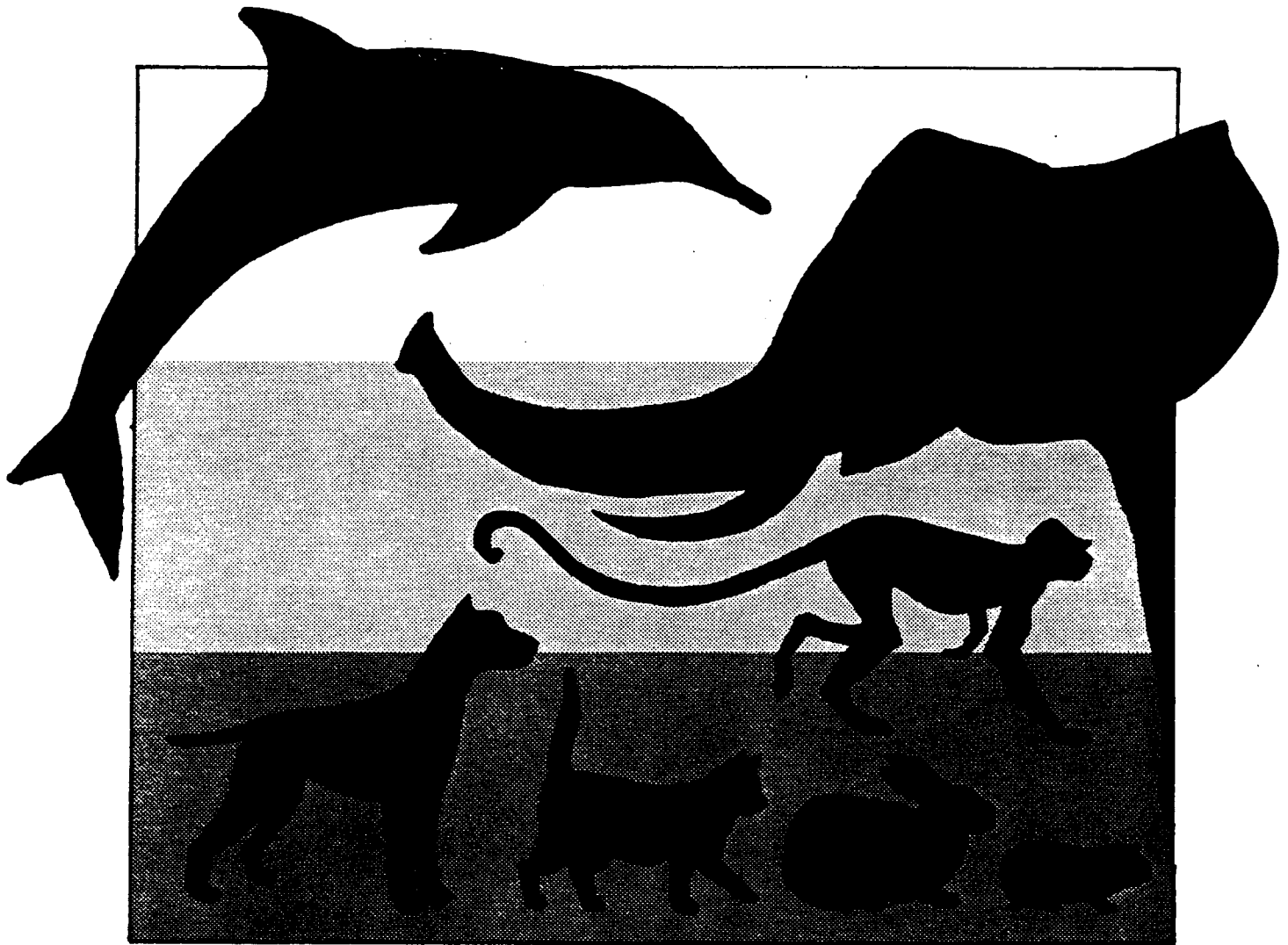


Animal Welfare Enforcement

Fiscal Year 1988



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

Animal and
Plant Health
Inspection
Service

Regulatory
Enforcement and
Animal Care

Report of 1988 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. Section 25 also states that, "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) 1988, which began October 1, 1987, and ended September 30, 1988.

Summary

Inspections.— U.S. Department of Agriculture (USDA) officials inspected 7,434 licensed or registered facilities (8,861 sites) at an average rate of 1.73 inspections per site during FY 1988 (Table 1).

Table 1

Number of inspections made during FY 1986-1988.

	Total Facilities (Sites)	Total Inspections	Average Inspection Rate (per site)
1988	7,434 (8,861)*	15,296	1.73
1987	6,872 (8,244)	14,675	1.78
1986	6,748 (8,099)	17,430	2.15

*Research facilities have an average of 2.2 animal sites per facility.

Violations.— When violations are disclosed as a result of these inspections, the Animal and Plant Health Inspection Service (APHIS) inspectors meet with the owners/managers to discuss the necessary corrections to meet compliance standards.

If facilities have repeated violations or have flagrant violations, APHIS takes appropriate action against them. Table 2 summarizes the general resolution of cases for FY 1986-1988.

Table 2

Summary for FY 1986-1988 of (1) alleged violation cases submitted to OGC; (2) those cases settled by imposition of license suspension or revocations, cease and desist orders, or combination of penalties issued by APHIS; and (3) Letters of Warning by APHIS.

	Cases Submitted to Office of Gen. Counsel	Suspension Revocation, Cease and Desist	Letters of Warning, Warning Tickets
1988	184	179	314
1987	145	44	328
1986	99	68	88*

* Warning Tickets were not issued until 1987.

Regulations.— The *Improved Standards for Laboratory Animals Act* was passed in December 1985 as part of the Food Security Act of 1985 (Public Law 99-198). During FY 1988, APHIS continued working to develop regulations to implement the amendments.

The amendments require dogs in licensed or registered facilities to be exercised and require an appropriate environment to be provided to promote the psychological well-being of nonhuman primates. Also, research facilities coming under the Act are required to establish an Institutional Animal Committee to approve research protocols and monitor the use of animals in research in order to minimize pain and distress to the animals.

Appropriation for FY 1988

The FY 1988 Animal Welfare Program was appropriated \$6.19 million, with \$750,000 of this amount directed to the National Agricultural Library (NAL) for development and operation of the Animal Welfare Information Center (AWIC).

The AWIC was established in response to the Animal Welfare Act Amendments of 1985. The Center provides information to enhance employee training, to prevent unintended duplication of research, and to encourage improved methods of animal experimentation, including methods that could reduce or replace animal use and minimize pain and distress to animals.

Table 3 indicates the AWA appropriations for FY 1988 and the preceding two fiscal years, plus the budget reductions for each year and the adjusted appropriation.

consists of Veterinary Medical Officers, Animal Health Technicians, and Investigators who perform the compliance inspections and investigations.

Sector offices are located in: Annapolis, Maryland; Minneapolis, Minnesota; Sacramento, California; Fort Worth, Texas; and Tampa, Florida.

2. REAC Headquarters Activities

The Animal Care unit of REAC supervises the inspection field force and provides direction for the program by establishing goals and priorities, and by developing policies, procedures, and regulations to accomplish these national goals. The Animal Care unit, in cooperation with the Recruitment and Development unit, provides program training for animal care personnel. The Animal Care unit is also responsible for cooperating with other Federal agencies in enforcing the Act, and for maintaining liaison and working relations with regulated industry organizations, humane groups, and other concerned persons and groups.

The Regulatory Enforcement unit has the enforcement function for APHIS programs. This includes the investigation of violations of the Act, regulations, and standards; the documentation of evidence; and the development of alleged violation cases for prosecution. The Regulatory Enforcement staff works closely with the Office of the General Counsel in the prosecution of violators.

3. Training

Due to program and personnel changes associated with the reorganization of APHIS, it was not feasible to train personnel at the level of training accomplished in FY 1986 and FY 1987. However, some training did occur at national, regional and State levels. In-depth and more varied training programs are being developed and implemented for the new REAC unit in FY 1989 in order to improve inspector knowledge and ability, and to improve the quality, uniformity, and efficiency of inspections.

Under the direction of the APHIS Recruitment and Development unit and the Animal Care unit of REAC, training courses are being developed that will address components of animal care such as in-depth training courses in laboratory animal medicine, marine mammals, zoo animal medicine, and other animal care concerns.

Courses will also be offered that include intern training in laboratory animal and zoo animal medicine. Participants will have an opportunity to improve their skills and knowledge in particular fields of animal care as well as learn the public/industry concerns in animal care.

Licensing and Registration

The AWA regulations require the licensing of dealers, exhibitors, and the operators of animal auction sales where dogs or cats are sold. Licenses are valid unless the licensee terminates the license voluntarily or fails to renew the license. The Department terminates licenses that are not renewed within the time requirements set forth in the regulations. Following the investigation of an alleged violation, a license may be revoked or suspended by an Administrative Law Judge after a notice and an opportunity for a hearing.

The fees for dealers and exhibitors are determined by a graduated schedule listed in the regulations (9 CFR). The dealers pay between \$5 and \$500, and exhibitors pay \$5 to \$100. These fees are deposited as "miscellaneous receipts" with the U.S. Treasury.

1. Research Facilities

Research facilities are comprised of Federal and non-Federal facilities. These facilities include hospitals, colleges, universities, and private firms such as pharmaceutical companies and diagnostic laboratories.

All Federal and non-Federal facilities are required to be in compliance with AWA regulations. Federal facilities are not registered or inspected under the AWA, but Agency heads (Federal) are responsible for maintaining compliance with the AWA regulations and standards. Non-Federal research facilities receive unannounced inspections on a regular basis to determine compliance with regulations and standards. Listed below are the number of registered research facilities for FY 1986-1988.

Registered Research Facilities

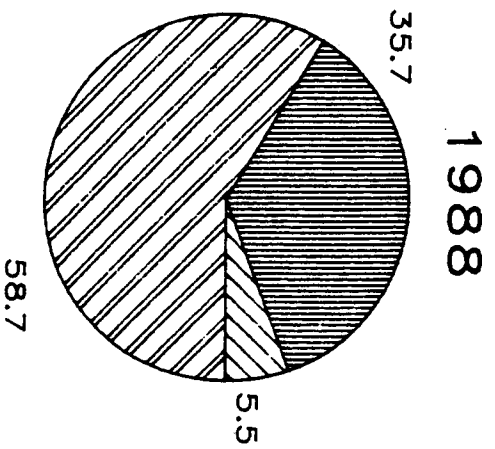
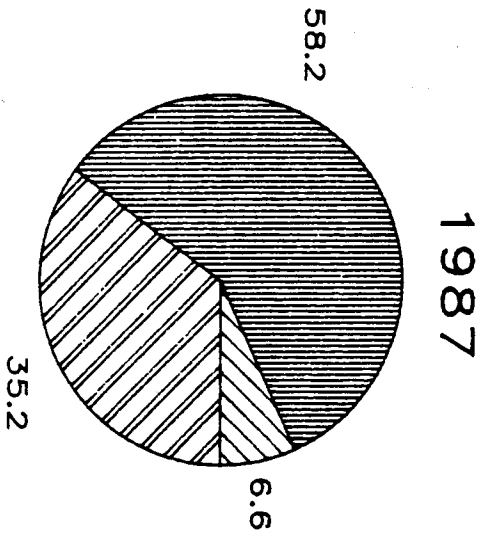
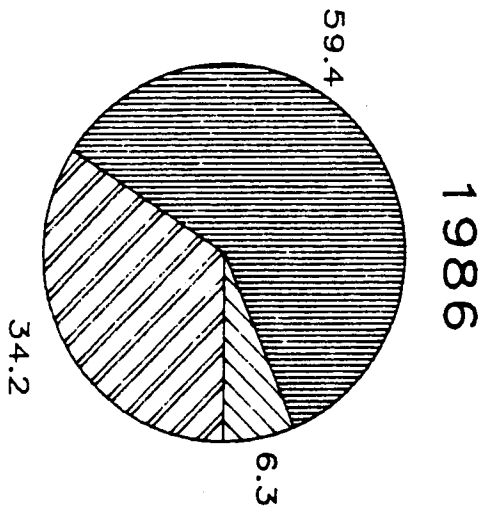
1988	1,308 (2,878 sites)
1987	1,260 (2,772 sites)
1986	1,241 (2,730 sites)

2. Reports from Research Facilities

An Annual Report of Research Facilities is required of all research facilities registered under the AWA. As part of the report, certification by the Institutional Animal Committee or the attending veterinarian is required to attest that the amount of analgesics, anesthetic, and tranquilizing drugs used on animals during actual research, testing, or experimentation including postoperative and post-procedural care was deemed appropriate to relieve pain and distress for the subject animal.

The Annual Report for Research Facilities is due December 1 of each year. The report is concerned with the appropriate use of anesthetics, analgesics, and tranquilizer drugs. If pain relief was not administered, the report must justify the lack of pain relieving procedures by verifying that the use of drugs would have interfered with the research or experiment.

Percent of Animals Used In Experiments Involving Pain



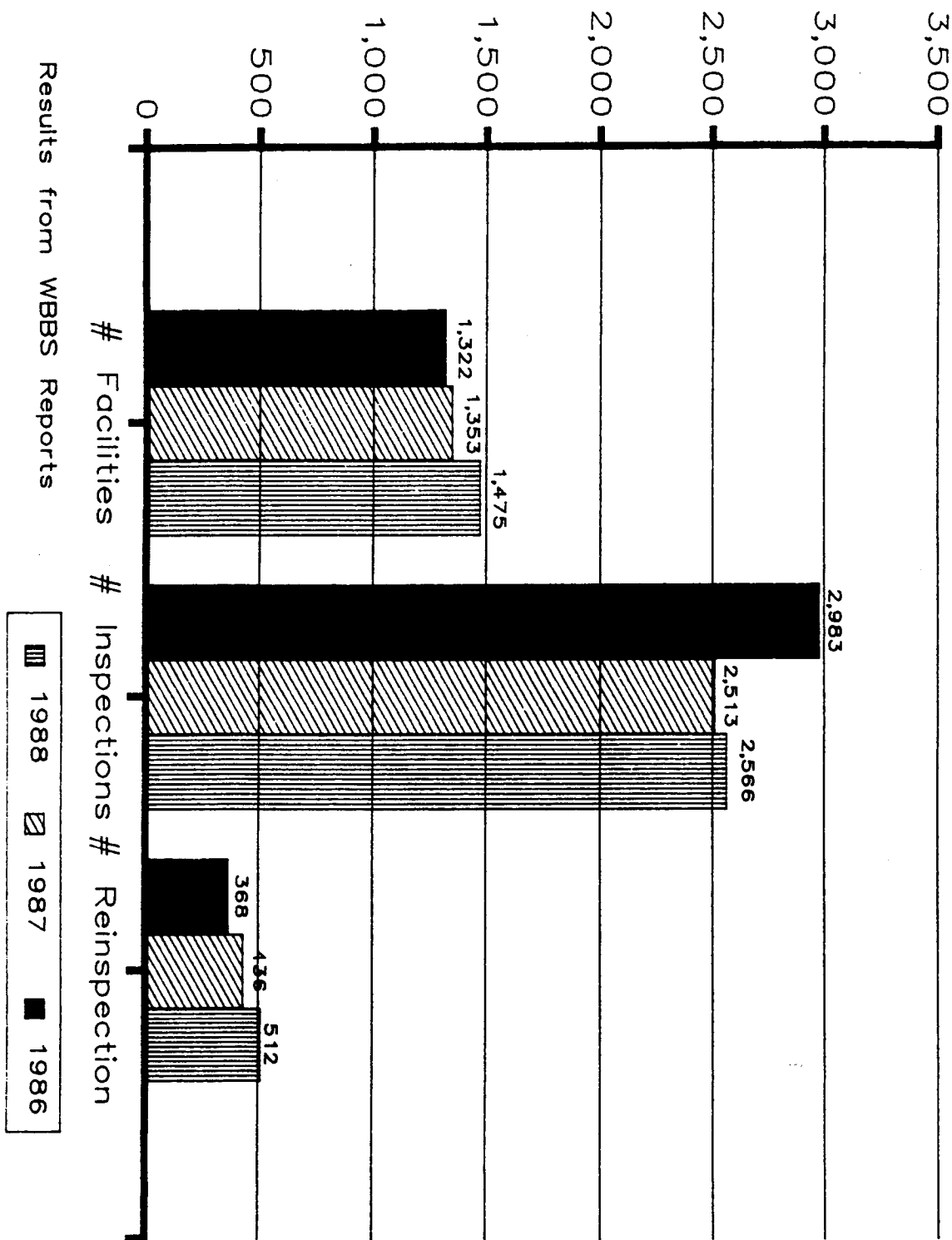
- ▨ Drugs Used for Pain
- ▩ No Pain or Distress
- ▧ Pain - No Drugs Used

Results From VS Form 18-23

Chart 3

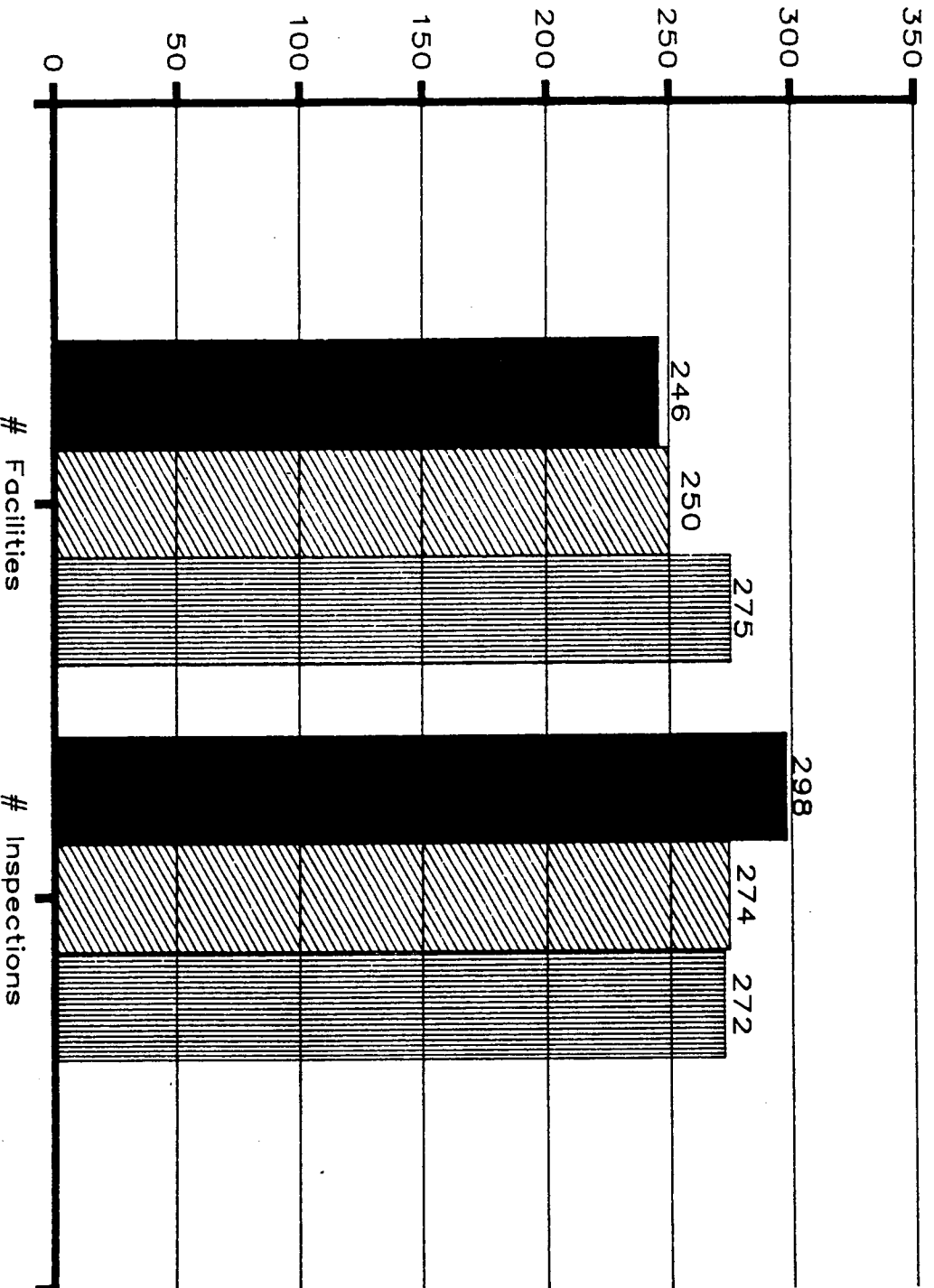
Inspections Conducted

AWA - Licensed & Registered Exhibitors

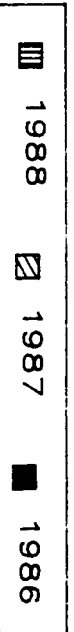


Inspections Conducted

AWA -- Registered Intermediate Handlers

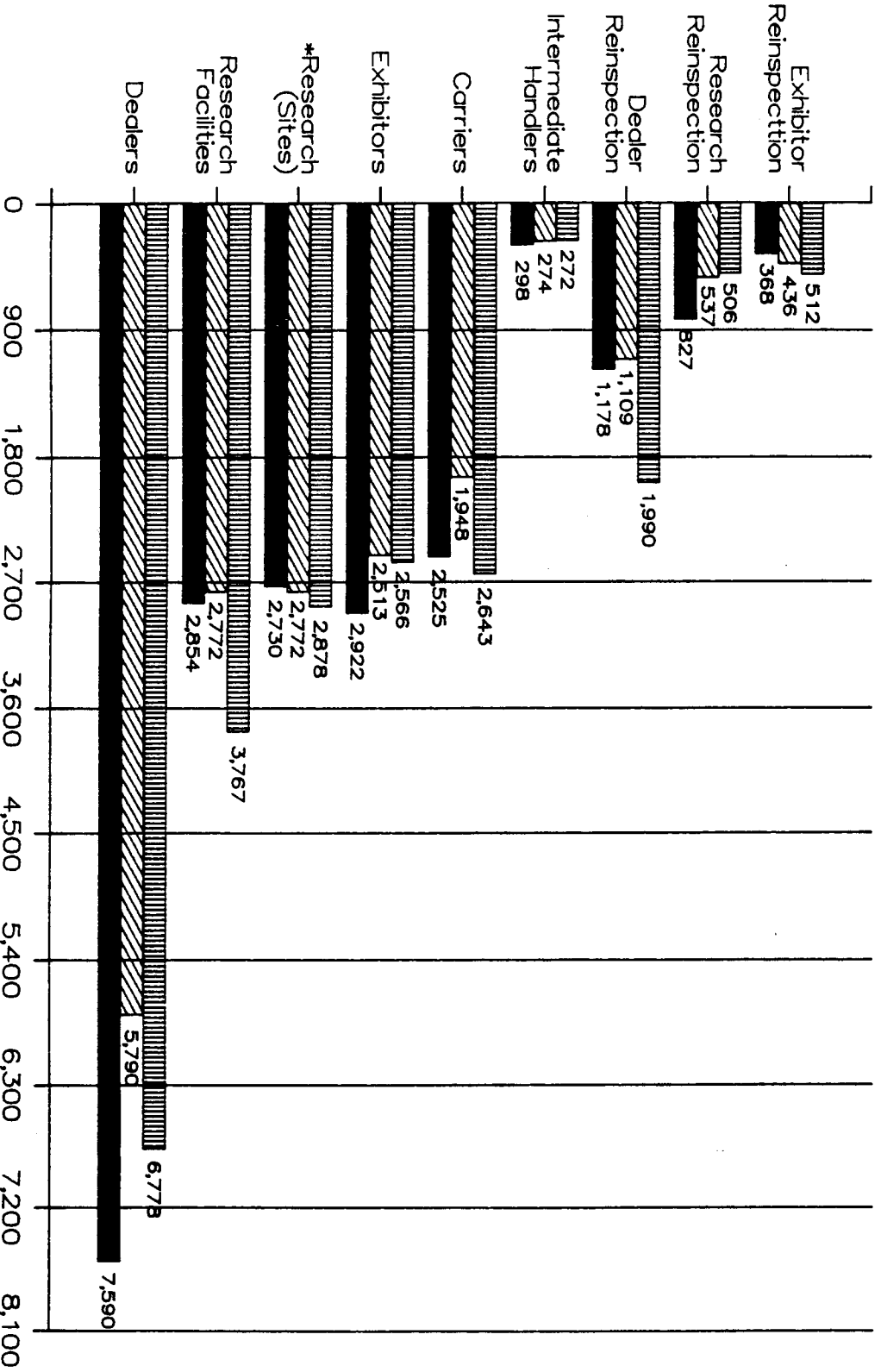


Results from WBBS Reports

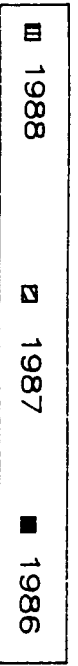


Dealers, Exhibitors, Carriers, Research Facilities, Intermediate Handlers

Number of Inspections/Reinspections



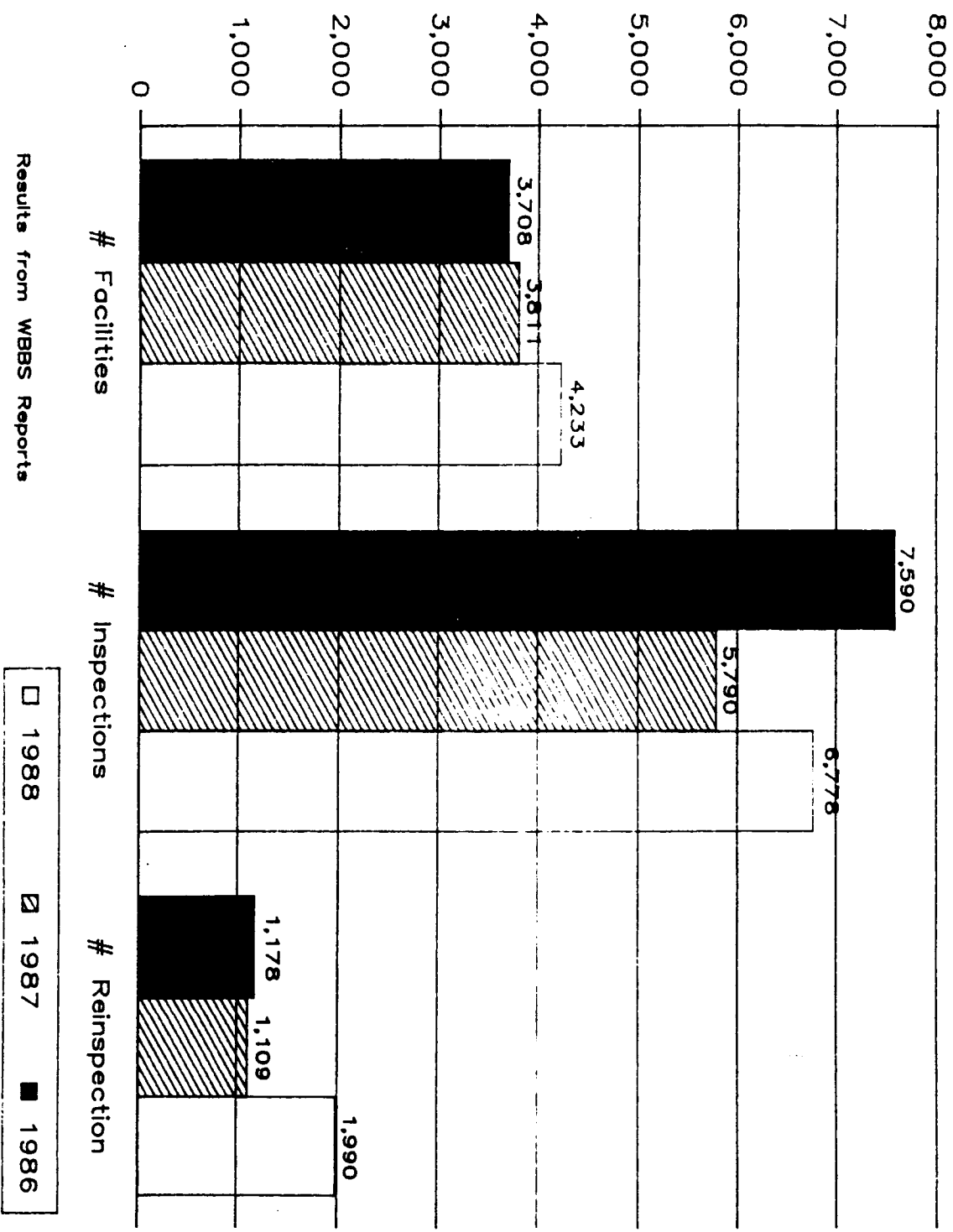
Results from WBBS Reports



*These columns indicate the average numbers of research facility animal sites to be inspected for each fiscal.

AWA - Licensed Dealers

Inspections Conducted



Glossary of Terms

Airport Inspection - Individual airline inspections of cargo and baggage areas made at airports for compliance with the AWA regulations and standards.

Alleged Violation - A violation of the Act, regulations or standards that has been documented as existing but has not been legally concluded.

Complaints - (1) A civil or administrative complaint: Informs the alleged violator of the AWA allegations charged against him/her. (2) A public complaint is information received from citizens, humane groups, or others concerning possible violations of the Act, regulations or standards at animal facilities.

Compliance - Compliance is meeting all the regulatory requirements set forth in the AWA regulations and standards.

Compliance Inspection - An inspection completed, after licensing or registration, to determine the facility's compliance with the AWA regulations and standards.

Enforcement - Enforcing the AWA regulations and standards by developing alleged violation cases and taking action in the form of Letters of Warning, warning tickets, administrative complaints, hearings, trials, and other legal procedures and methods to attain compliance.

Investigation - Inquiries and examinations of certain allegation(s) that a person or facility is not complying with the AWA, regulations, or standards.

Prelicensing Inspection - Inspection made, after application for license has been submitted, to ascertain compliance with the AWA regulations and standards prior to licensing the facility.

Reinspections - Inspections made following a compliance inspection in which one or more violations were documented.

Searches - Activity associated with finding unlicensed/unregistered persons or animal facilities.

Site - The physical location where animals are used, housed, or maintained by a licensed or registered facility. A licensed/registered facility may have one or more animal sites. A site may be a room, a building, an outdoor run area, or similar type facility used to hold or work on animals.

Violation - An area or item, at a registered or licensed facility, alleged by the APHIS inspector as not being in compliance with the regulations or standards of the AWA.

Table 2.--Animals used in experimentation, fiscal year 1988

State	Number of reporting facilities	Number of animals							
		Total	Dogs	Cats	Primates	Guinea pigs	Hamsters	Rabbits	Wild animals
U.S. Total	1,091	1,635,288	140,471	42,271	51,641	431,457	331,945	459,254	178,249
Alabama	12	24,861	2,971	511	447	287	14,562	4,585	1,498
Alaska	2	419	8	0	0	8	0	34	369
Arizona	9	8,594	834	456	181	1,809	2,492	2,729	93
Arkansas	7	1,896	221	95	35	858	158	389	140
California	128	171,290	5,767	3,623	4,149	35,532	31,426	74,976	15,817
Colorado	18	25,288	1,938	1,020	114	3,585	12,299	5,343	989
Connecticut	13	16,769	1,982	248	227	4,935	1,716	5,855	1,806
Delaware	7	51,334	1,412	27	141	24,224	18,725	2,668	4,137
Florida	28	23,133	1,958	740	1,269	922	1,962	11,636	4,646
Georgia	13	37,579	2,211	646	2,401	508	18,575	9,060	4,178
Hawaii	2	2,441	10	5	11	244	1,720	420	31
Idaho	3	749	55	0	0	71	140	144	339
Illinois	45	80,074	8,942	2,148	1,376	22,793	12,132	27,335	5,348
Indiana	18	44,501	7,730	375	495	19,055	6,129	8,600	2,117
Iowa	16	30,849	3,816	2,756	199	2,330	14,662	5,285	1,801
Kansas	20	14,759	1,213	640	11	939	7,978	1,892	2,086
Kentucky	5	6,998	759	420	2	350	922	2,385	2,160
Louisiana	10	14,825	1,405	1,111	4,335	452	938	3,728	2,856
Maine	13	1,098	2	0	0	44	62	824	166
Maryland	20	32,851	2,784	887	1,480	11,129	3,619	9,390	3,562
Massachusetts	63	61,448	2,878	407	1,278	11,218	10,755	20,493	14,419
Michigan	36	58,674	8,132	1,984	1,877	20,644	5,443	16,891	3,703
Minnesota	14	26,715	5,846	916	123	6,727	2,860	6,715	3,528
Mississippi	3	3,479	636	102	54	395	140	1,463	689
Missouri	25	37,308	4,990	1,908	170	8,036	11,972	9,461	771
Montana	3	1,511	0	35	23	463	0	525	465
Nebraska	6	28,514	1,827	645	76	3,961	16,668	4,161	1,176
Nevada	1	946	172	0	0	502	24	202	46
New Hampshire	2	1,695	143	470	0	35	214	256	577
New Jersey	57	170,405	14,145	1,561	3,325	72,119	23,434	48,906	6,915
New Mexico	8	6,437	1,132	20	1,859	200	1,345	212	1,669
New York	82	114,361	7,958	2,189	2,203	40,338	18,885	26,520	16,268
North Carolina	17	30,987	6,025	1,762	1,750	7,958	1,450	9,804	2,238
North Dakota	2	966	92	48	0	107	44	266	409
Ohio	54	62,561	8,645	1,730	714	19,837	5,342	21,282	5,011
Oklahoma	12	8,677	1,253	483	682	299	969	1,484	3,507
Oregon	15	6,397	375	380	1,039	1,836	414	1,941	412
Pennsylvania	80	87,096	6,850	2,916	1,389	39,375	4,249	28,875	3,442
Rhode Island	6	1,422	182	479	82	39	74	349	217
South Carolina	5	5,099	905	414	98	92	1,648	1,378	564
South Dakota	3	585	81	41	0	14	320	129	0
Tennessee	14	19,205	1,188	257	259	5,047	5,348	6,805	301
Texas	59	72,284	8,275	1,316	5,169	4,983	16,839	27,653	8,049
Utah	7	5,974	541	258	44	612	986	1,500	2,033
Vermont	3	2,542	167	89	12	323	264	1,392	295
Virginia	13	24,968	2,449	942	1,160	6,234	1,557	5,249	7,377
Washington	19	25,089	1,621	398	2,486	8,166	7,459	3,318	1,641
West Virginia	4	2,053	99	89	4	1,189	311	266	95
Wisconsin	16	57,043	3,782	1,640	2,173	8,399	9,462	9,477	22,110
Wyoming	1	1,656	0	2	0	100	1,350	53	151
Puerto Rico	7	2,767	240	12	1,823	34	0	564	94
District of Columbia	7	5,309	1,084	1,075	15	132	1,340	1,183	480
Virgin Islands	0	0	0	0	0	0	0	0	0
Federal Agencies	58	110,807	2,740	1,995	4,881	31,968	30,562	23,203	15,458

Table 4.--Animals experiencing pain or distress (drugs omitted because they would interfere with the purpose of research or testing), fiscal year 1988

State	Number of reporting facilities	Total	Number of animals						
			Dogs	Cats	Primates	Guinea pigs	Hamsters	Rabbits	Wild animals
U.S. Total	167	90,400	1,548	124	1,422	41,054	18,457	22,672	5,123
Alabama	0	0	0	0	0	0	0	0	0
Alaska	0	0	0	0	0	0	0	0	0
Arizona	1	84	0	0	0	0	0	84	0
Arkansas	0	0	0	0	0	0	0	0	0
California	10	10,222	19	0	37	4,866	1,970	1,952	1,378
Colorado	1	100	0	0	0	0	0	0	100
Connecticut	4	859	204	4	36	130	61	424	0
Delaware	3	3,407	1	0	37	3,081	0	288	0
Florida	2	147	0	0	0	0	0	6	141
Georgia	3	2,634	0	0	18	0	8	2,608	0
Hawaii	1	236	10	0	0	0	0	226	0
Idaho	0	0	0	0	0	0	0	0	0
Illinois	6	771	111	3	26	126	31	462	12
Indiana	5	5,069	43	0	6	4,154	272	594	0
Iowa	3	5,733	40	0	0	0	5,693	0	0
Kansas	3	796	2	8	0	279	50	457	0
Kentucky	0	0	0	0	0	0	0	0	0
Louisiana	1	445	0	7	438	0	0	0	0
Maine	1	2	0	0	0	0	0	2	0
Maryland	4	430	0	0	0	70	0	108	252
Massachusetts	4	388	0	0	0	50	252	86	0
Michigan	5	2,105	0	0	39	733	0	133	1,200
Minnesota	3	1,180	0	10	0	884	48	178	60
Mississippi	0	0	0	0	0	0	0	0	0
Missouri	5	7,396	4	0	0	544	6,741	32	75
Montana	0	0	0	0	0	0	0	0	0
Nebraska	0	0	0	0	0	0	0	0	0
Nevada	0	0	0	0	0	0	0	0	0
New Hampshire	0	0	0	0	0	0	0	0	0
New Jersey	18	10,005	308	26	137	4,648	6	4,880	0
New Mexico	1	36	0	0	0	0	0	36	0
New York	12	1,514	142	19	3	76	837	391	46
North Carolina	1	24	0	6	4	0	0	14	0
North Dakota	0	0	0	0	0	0	0	0	0
Ohio	10	2,009	32	0	36	1,572	16	61	292
Oklahoma	0	0	0	0	0	0	0	0	0
Oregon	0	0	0	0	0	0	0	0	0
Pennsylvania	12	7,193	20	0	0	2,281	0	4,837	55
Rhode Island	0	0	0	0	0	0	0	0	0
South Carolina	1	15	0	0	0	15	0	0	0
South Dakota	0	0	0	0	0	0	0	0	0
Tennessee	3	1,853	0	0	0	0	0	1,853	0
Texas	10	1,672	65	25	30	220	214	948	170
Utah	2	91	0	2	0	0	0	36	53
Vermont	1	72	0	0	0	0	0	72	0
Virginia	3	3,135	312	0	36	1,736	0	0	1,051
Washington	2	7,020	0	0	2	7,018	0	0	0
West Virginia	0	0	0	0	0	0	0	0	0
Wisconsin	4	394	10	11	0	34	0	339	0
Wyoming	0	0	0	0	0	0	0	0	0
Puerto Rico	0	0	0	0	0	0	0	0	0
District of Columbia	1	101	0	0	0	0	0	101	0
Virgin Islands	0	0	0	0	0	0	0	0	0
Federal Agencies	21	13,262	225	3	537	8,537	2,258	1,464	238