

Questions and Answers on Animal Care's Regulation of Commercial Animal Dealers

Q. Who regulates “commercial dog breeders”?

A. Those facilities that breed and sell their animals to pet stores, brokers, or research facilities are covered under the Animal Welfare Act (AWA) and are inspected by the U.S. Department of Agriculture's (USDA) Animal Care program. Because the focus of the AWA is on commercial dog breeders and wholesale dealers, the law specifically exempts most retail pet stores from Federal regulation. This includes facilities that sell dogs directly to the public. While USDA does not have the authority to regulate retail facilities, many States enforce laws that cover animals in these situations.

Q. What types of animal dealers does USDA regulate?

A. The AWA requires people who breed dogs for sale at the wholesale level and the wholesale dealers who supply these animals to pet stores, brokers, or research facilities to be licensed with USDA. These breeders and dealers are required to meet the minimum standards of humane animal care and treatment established by the AWA and enforced by the Animal Care program of USDA's Animal and Plant Health Inspection Service (APHIS).

Q. How do facilities become licensed?

A. In order to engage in regulated activities, the animal breeder or dealer must first apply for an AWA license from APHIS. Before receiving an AWA license, the applicant must pass a complete, pre-licensing inspection of the prospective animal facility and be in full compliance with all of the AWA standards and regulations. If the facility is in full compliance with the Act, the applicant will be qualified for licensure and will be mailed the appropriate paperwork to complete and submit. After this final step in the process, APHIS issues a license, and business can begin.

Q. Who regulates the animal dealers that are not covered by the AWA?

A. The AWA protects many animals involved in the commercial pet trade, but it does not cover all animals in all situations. Animals sold by pet stores or directly to the public, owned by individuals (pets), or housed in shelters or pounds are not covered by the Act. The Federal standards are limited to the authority granted by the AWA. However, States have the authority to create and enforce their own regulations which may exceed those standards; most State and local governments also have their own laws that protect animals.

Q. Does USDA inspect dog breeding facilities?

A. USDA inspects all regulated (licensed) dog breeding facilities. Regulated facilities are inspected based on the risk based inspection system. Based on their inspection histories, each facility is rated as low, moderate, or high risk. Moderate-risk facilities would be inspected about once per year; low-risk less often; high-risk more often. No matter what the facility's rating, inspectors have the option of inspecting as often as they feel necessary and as resources allow. This system allows inspectors to focus their attention on facilities that need assistance coming into compliance with the AWA or need to be monitored more often, so that they can conduct inspections that are more in-depth instead of more frequent. Inspectors will also follow-up on legitimate complaints from private citizens.

Q. What standards of care does APHIS require for animal dealers?

A. The APHIS requirements cover housing, sanitation, food, water, and protection against extremes of weather and temperature. Federal animal care standards ensure acceptable standards of care. Regulated individuals and businesses are encouraged to provide care that exceeds the specified minimum standards, and States have the authority to impose higher standards of care than those specified in the AWA.

Breeders and dealers must employ either a full-time veterinarian or arrange for a veterinarian to visit their business regularly. An outside veterinarian employed by the facility must establish a written program of veterinary care and submit it to APHIS for review.

Q. Does APHIS confiscate animals?

A. Once APHIS has evidence of animals suffering in a regulated facility, a notice of intent to confiscate is given to the facility. If they fail to remedy the situation

in a short period of time, authorization is obtained from the APHIS Administrator to confiscate the animals in question. In some cases, APHIS negotiates with a facility to surrender the animals directly to an outside organization to simplify the process.

Q. Does APHIS penalize those facilities in violation of the AWA?

A. If an inspection reveals deficiencies in meeting AWA standards, the inspector instructs the facility operator to correct the problems within a given timeframe. If deficiencies remain uncorrected, the inspector documents the problems and considers enforcement action. In cases where the violations are relatively minor, a licensee may be required to pay a smaller penalty or make specific improvements to facilities and the care provided to animals. In cases of serious or chronic violations, penalties may include more substantial fines, cease-and-desist orders, and license revocations or suspensions.

Q. Can an AWA violation ever be a criminal offense?

A. Violations of certain sections of the AWA are only pursued as criminal, such as those related to animal fighting. Others may include fraudulent records pertaining to the acquisition and disposition of animals. In these cases, the USDA Office of the Inspector General usually conducts investigations and the U.S. Department of Justice prosecutes them. These cases are not overseen by the Administrative Law Judges. Outcomes in criminal cases may include a prison sentence and/or fines.

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