

The Animal Welfare Act

For nearly 50 years, the U.S. Department of Agriculture (USDA) has enforced the Animal Welfare Act (AWA) to protect certain animals from inhumane treatment and neglect. Congress passed the AWA in 1966 and strengthened the law through amendments in 1970, 1976, 1985, 1990, 2002, 2007, and 2008. The USDA's Animal and Plant Health Inspection Service (APHIS) administers the AWA, its standards, and its regulations.

The Law

The AWA requires that basic standards of care and treatment be provided for certain animals bred and sold for use as pets, used in biomedical research, transported commercially, or exhibited to the public. Individuals who operate facilities in these categories must provide their animals with adequate care and treatment in the areas of housing, handling, sanitation, nutrition, water, veterinary care, and protection from extreme weather and temperatures. Although Federal requirements establish basic standards, regulated businesses are encouraged to exceed these standards.

Exemptions

The AWA regulates the care and treatment of warm-blooded animals, except those (such as farm animals) that are used for food, fiber, or other agricultural purposes. Currently, coldblooded animals, such as snakes and alligators, are exempt from coverage under the Act. Animal shelters and pounds are regulated if they sell dogs or cats to dealers or research facilities. Pets owned by private citizens are not regulated.

Pet Protection

To help prevent trade in lost or stolen animals, regulated businesses are required to keep accurate records of acquisition and disposition and a description of the animals that come into their possession. Animal dealers and exhibitors also must hold the animals that they acquire from a pound or shelter for a period of 5 to 10 days to verify their origin and allow pet owners an opportunity to locate a missing pet.

Animal Fighting

The AWA prohibits staged dogfights, bear or raccoon baiting, cockfighting, and similar animal fighting ventures.

Licensing and Registration

The AWA requires that all individuals or businesses dealing with animals covered under the law must be licensed or registered with APHIS.

Research Facilities

Regulated research facilities include hospitals, colleges and universities, diagnostic laboratories, and many private firms in the pharmaceutical and biotechnology industries. In addition to providing basic standards of veterinary care and animal husbandry, regulated research facilities must provide dogs with the opportunity for exercise and promote the psychological well-being of nonhuman primates used in laboratories. Researchers must use methods to avoid or minimize discomfort, distress and pain to the regulated animals unless withholding such methods is scientifically justified. The AWA also forbids the unnecessary duplication of previous experiments using regulated animals.

Research facilities must establish an Institutional Animal Care and Use Committee to oversee the use of animals in experiments. This committee is responsible for ensuring that the facility remains in compliance with the AWA and for providing documentation of all areas of compliance to APHIS. The committee must be composed of at least three members, including one veterinarian and one person who is not affiliated with the facility in any way.

The AWA does not permit APHIS to interrupt the conduct of actual research or experimentation.

AWA Enforcement

APHIS ensures that all regulated commercial animal breeders, dealers, brokers, transportation companies, exhibitors, and research facilities are licensed or registered. APHIS also searches for unlicensed or unregistered facilities.

Before APHIS will issue a license, the applicant must be in compliance with all standards and regulations under the AWA. To ensure that all licensed and registered facilities continue to comply with the Act, APHIS inspectors regularly make unannounced inspections.

If an inspection reveals deficiencies in meeting the AWA standards and regulations, the inspector documents the

deficiencies and instructs the facility to correct the problems within a given timeframe. If deficiencies remain uncorrected at subsequent inspections, APHIS considers legal action.

APHIS also reviews and investigates alleged violations. Some cases are resolved with Official Notices of Warning or agency stipulation letters, which set civil penalties for the infractions. Civil penalties include cease-and-desist orders, fines, and license suspensions or revocations. If APHIS officials determine that an alleged AWA violation warrants additional action, APHIS submits all evidence to USDA's Office of the General Counsel for further legal review.

Cooperation

In addition to conducting regular inspections, APHIS will perform inspections in response to public input about the conditions of regulated facilities. Concerned individuals are also encouraged to inform APHIS about facilities that should be licensed or registered.

Many State and local governments have passed additional animal welfare legislation. The public is encouraged to work with Federal, State, and local officials as well as local humane organizations to help eliminate inhumane treatment of animals.

For more information about the Animal Welfare Act, contact:

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