

Questions and Answers: Final Rule on Contingency Plans for Regulated Entities

Q. What does this rule do?

A. On December 31, 2012, the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) published a final rule requiring all dealers, exhibitors, intermediate handlers, carriers, research facilities and other entities regulated by the agency under the Animal Welfare Act (AWA) to take additional steps to be better prepared for potential disaster situations. They are required to develop a plan for how they are going to respond to and recover from emergencies most likely to happen to their facility, as well as train their employees on those plans. These emergency plans are also referred to as "contingency plans."

Q. Why is this rule necessary?

A. The goal of this rule is to increase the regulated community's awareness and understanding about their responsibilities to protect their animals in emergency situations. Developing contingency plans could potentially save the lives of their animals—and their employees—during an emergency or natural disaster. It will also allow each USDA licensee and registrant to evaluate their preparedness and to more fully understand how they can better survive a disaster or emergency situation.

Q. Why are contingency plans important?

A. The need for contingency planning was emphasized by events experienced by several coastal facilities during the 2005 hurricane season, including Hurricane Katrina, where animals escaped and damaged communication lines impaired communication between employers and employees. Lessons learned from such instances have shown that when people have a plan for an emergency, the response to that emergency can be more effective.

Q. How will the contingency planning process help me?

Taking the time to prepare a contingency plan and think through potential emergencies will help protect

your animals. Following a contingency plan will also help with continuity of operations and potentially shorten the time needed to return to fully operational status following an emergency. When staff members are properly trained in what to do during emergencies or disasters, they are better able to safeguard the facility's animals—and themselves.

Q. What information is required in the contingency plans?

A. APHIS Animal Care wants these plans to be simple and useful for the regulated community. Those regulated by APHIS under the AWA have the freedom to design their plans to best suit their facility, location, and needs.

However, there are a few basic elements that need to be included:

- identify common emergencies that could occur at their particular type of facility;
- outline specific tasks that the facility staff will undertake in an emergency situation;
- establish a clear chain of command for all employees to follow; and
- identify materials and resources for use during an emergency that are available at that facility or elsewhere and affirm that all employees are trained on the contents of the plan.

Q. What training is required?

A. Each regulated entity must properly train all pertinent employees on the contingency plan. This ensures that they are aware of the plan, understand the role they play in the plan, and are ready to take action should an emergency occur. If the contingency plan is modified, the regulated entity is also required to let employees know within 30 days.

Q. Do I have to send my plan to APHIS?

A. No, you are not required to send a copy of your plan to APHIS. Facilities will keep their own plans and show them to APHIS Animal Care inspectors upon request. Our intent is not to sign off on or certify these plans, but rather to make sure that our facilities have gone through the planning process in a manner that works best for them. That being said, inspectors will work with facilities on improving plans, if they identify gaps upon review of those plans.

Q. When do I need to have my plan ready?

A. A written plan must be in place at all USDA-licensed and -registered facilities by July 29, 2013, but facilities are not required to share that plan with the inspector to review until the facility has had a chance to train all its employees on that plan. All employees must be trained on the plan by September 27, 2013. Thus, contingency plans should be available upon request by APHIS inspectors after September 27, 2013. Should facilities need review of the plan prior to training their employees, they are welcome to discuss it with their inspectors.

Q. What if we have an emergency and the plan we had in place didn't work?

A. We understand that the true impact of an emergency cannot be fully anticipated or predicted, thus certain aspects of a plan may fail. Emergency preparedness is an ever-evolving process, and lessons learned from actual experience can impact planning efforts, and we encourage incorporating those lessons learned into a revised plan. Once a plan is revised, a facility has 30 days to retrain its employees on that new plan.

Q. What resources are available to help me in the planning process?

A. APHIS is currently planning a series of three live Webinars, including question and answer sessions, to share information with the regulated community and interested stakeholders. Animal Care will also help educate the regulated community about ways it can better prepare for emergencies.

APHIS will provide guidance documents on its Web site to help regulated entities with their planning, and written materials will be available as well, along with reference materials, such as examples of contingency plans from facilities.

Q. What if I already have a contingency plan in place?

A. We understand that there are facilities that may already have a plan in place as required by their State or an accreditation process (e.g., Public Health Service assurance, Association of Zoos and Aquariums accreditation, or Association for Assessment and Accreditation of Laboratory Animal Care International certification). If these plans meet the basic requirements for contingency plans under the AWA as described in this regulation, they will not have to be changed.

Q. Will all facilities regulated by APHIS be required to have a contingency plan?

A. We are aware that there may be unique situations or circumstances where having a written contingency plan as described in the regulation may not be practical or feasible. For example, some facilities do not hold animals for a prolonged period of time. APHIS is working on guidance for such facilities, and until that guidance is released, these situations will be assessed on a case-by-case basis.

Q. Marine mammals are already required under the AWA to have plans for emergency sources for electricity and water. How does this rule apply to these types of facilities?

A. In addition to meeting requirements already described for them in the AWA, facilities housing marine mammals must also have a contingency plan in place that meets the requirements of this new rule.

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