

## Quick Overview of the US Animal Welfare Act

The first provisions of federal law known as the Animal Welfare Act (AWA) went into effect in 1966. The Law has been expanded three times by Congress since then. It is the most important federal law for dealing with the living conditions of certain animals. But, the law is limited both as to the species protected under the law, primarily mammals, and the humans required to conform to the law, e.g. farmers are not covered. This is a regulatory scheme, in that its primary activity is to register certain animal users and then inspect the facilities of those users to determine whether the care guidelines or regulations for animals in their possession are being followed. It is not a national anti-cruelty law, which exist at the state level.

- A snake is not protected by this law regardless of who is the owner.
- For mammals that are within the definition of "animal" (dogs, cats, rabbits and primates), only certain keepers /owners are within this law (dealer, exhibitors, carriers, and research facilities).
- How someone takes care of their pet animals is not controlled by the federal Animal Welfare Act.
- If an monkey or chimpanzee is used for scientific research then it is within the provisions of the federal law.
- If you go to an aquarium that has a dolphin show, the living conditions for the dolphins are controlled by this federal law.
- But, if you buy a pet from a store in a shopping center, the living conditions of the animals are not covered by the law, while the living conditions of where the was born probably is covered by the AWA.

There is a wide assortment of issues with which the AWA is concerned, including:

- The thief of pet dogs and cats that were being sold to research and testing facilities
- Animals in zoos & exhibitions
- Animal fighting (dogs and bird cocks primarily)
- The breeding and wholesale distribution of some mammals
- Auctions of animals
- Animals in research labs (universities and private industry)
- The transportation of listed animals by other than common carriers

However there are many topics are not covered by the federal law

- Veterinary care of animals outside licensed institutions.
- Use of animals in K-12 education
- Hunting & fishing & trapping issues
- Slaughter of animals (but see federal Humane Slaughter Act)
- Animals in agriculture production
- Retail pet stores
- Injuries by animals or inflicted upon animals

The U.S. Congress gave responsibility for carrying out this law to a federal agency - the Department of Agriculture. Within this Department, the Animal and Plant Health Inspection Service (APHIS) has day-to-day responsibility for the law. The law operates by requiring all persons covered by the law to have a license issued by the government and then having animal care standards which those with a license must follow.

The AWA is, in the main, a regulatory law that seeks to control who may possess or sell certain animals and the living conditions under which the animals must be kept. The law provides for criminal penalties, civil penalties and revocation of permits for violations of the AWA.

1. The animals covered by the Act include dogs, cats, primates and other mammals, but excluding birds, rats and mice.
2. The individuals who must either obtain a permit to buy and sell listed animals or register for their use includes dealers of animals, exhibitors of animals, research facilities that use listed animals, but, pet owners, agriculture use and retail pet stores are not under the control of the law.
3. There are limitations/regulations on how animal may enter the controlled chain of commerce, to eliminate the use of stolen animals.
4. There are limitations/regulations on the environmental conditions under which the animals must be kept.
5. Research facilities may purchase listed animals only from licensed dealers.
6. Those who transport the listed animals must comply with published regulations governing the well-being of the animals.
7. Research facilities must create an Animal Care Committees to review the use of animals by the facility and inspect the animal housing facilities.
8. Research facilities must abide by legal restrictions on the imposition of pain during research.
9. Research facilities must comply with extensive regulations concerning the housing and care of animals used in research.
10. In a separate provision, it is made illegal for any person to knowingly sponsor or exhibit an animal in any animal fighting venture to which any animal was moved in interstate or foreign commerce.

The agency has adopted a long and complex series of regulations which set out the specific requirements for the keeping and transporting the animals which are covered by the law. As an example, if a cat is kept in a cage then the keeper of the cat must satisfy the following:

Regulation Sec. 3.3 Sheltered housing facilities.

**(a) Heating, cooling, and temperature. The sheltered part of sheltered housing facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from temperature or humidity extremes and to provide for their health and**

**well-being. The ambient temperature in the sheltered part of the facility must not fall below 50 deg. F (10 deg. C) for dogs and cats not acclimated to lower temperatures....**

Did you make it all the way through the quote? Imagine trying to read pages of such stuff. This is just a short sample of the long and repetitive set of rules for a dog or cat. There are other rules of a similar nature for other categories such as primates, rabbits and marine mammals. These rules are enforced by inspections and investigations by APHIS, which has over 60 full time inspectors for the entire U.S. Some facilities are inspected twice a year, other every year or so, and research facilities, each year. The inspection is to assure the rules and regulations are being followed. In 1999 APHIS carried out over 9,000 inspections, 313 cases were investigated for violations and over \$500,000 in fines were imposed by administrative judges for violations of the AWA.