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Department of
Agriculture

Animal and
Plant Health
Inspection
Service

APHIS 41-35-059

Animal Welfare Report

Fiscal Year 1998

Report of the Secretary of Agriculture
to the President of the Senate and
the Speaker of the House of Representatives



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Each year, the Secretary of Agriculture reports on administration and enforcement activities under the Animal Welfare Act (AWA) (7 U.S.C. 2131 et seq.) as required by Section 25 of the AWA. The present report covers fiscal year (FY) 1998, from October 1, 1997, through September 30, 1998.

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LETTER FROM THE SECRETARY: A WHALE OF A YEAR FOR ANIMAL CARE

I am pleased to submit this report on our administration of the Animal Welfare Act (AWA) in fiscal year (FY) 1998. The report not only contains vital information on our inspection and enforcement activities, it also details our numerous managerial and regulatory initiatives during the past year.

In terms of Animal Care (AC), one of the most dramatic events that occurred in 1998 was the physical relocation of Keiko, the killer whale that starred in the movie "Free Willie." Moving an animal that weighs several tons halfway around the globe from Oregon to Iceland is no small feat. We were pleased to play an active role in this move, both making sure that Keiko was fit for travel and that the facility in Iceland was ready to house him. We even coordinated with the U.S. Air Force to transport him via a cargo plane to prevent any potential delays during the journey.

But this effort, while dramatic, is only one small example of our many efforts to ensure the welfare of animals during FY 1998. AWA initiatives in five broad categories are also worth noting.

First, we launched our formal risk-based inspection system. This system, which uses several objective criteria to rate all AWA licensees and registrants, enables us to direct our limited resources toward those facilities most in need of oversight. The system also complements our new focus on conducting less frequent but more indepth inspections. The result is fewer inspections overall but more thorough inspections of high-risk facilities.

Second, we placed increased emphasis on our new enforcement strategy, which entails using innovative settlements rather than pursuing formal litigation in many cases. Through these settlements, we were able to direct money to be spent on facility improvements, employee training and education,

and even research on animal diseases and the safe transport of pets on commercial airlines. We also were able to continue to reduce our backlog of AWA cases, thus lessening the time it takes to resolve cases that do require formal litigation.

Third, we advanced our AC program's strategic direction initiative. This initiative entails managerial projects aimed at preparing AC for the 21st century. Besides the risk-based inspection system mentioned above, other efforts include a national training conference for all AC field personnel, a public meeting for AC stakeholders, and a new data base that, when complete, will significantly improve our ability to manage information on licensees and registrants.

Fourth, in addition to our work with Keiko, we carried out several special projects beyond the scope of our strategic direction initiative. They included establishing a team to improve our oversight of

commercial dog dealers, developing a data base containing information on all circus elephants in the United States for reference purposes, and distributing approximately 20,000 brochures on safe pet travel to the public.

Fifth, we pursued several regulatory and policy initiatives to strengthen the protection afforded animals covered under the AWA. For the first time ever, we required that all captive elephants in the United States be tested for tuberculosis and that all elephants found infected must receive appropriate treatment. We also published new requirements for both "swim-with-the dolphins" programs and primary enclosures for dogs and cats.

We firmly believe that these efforts and many more made FY 1998 a "whale" of year for animals covered under the AWA. We hope you find this report helpful in providing a comprehensive perspective on our initiatives.

Sincerely,

DAN GLICKMAN
Secretary of Agriculture
Washington, DC

THE AWA: A LEGISLATIVE AND REGULATORY HISTORY

The Law

In 1966, Congress enacted Public Law (P.L.) 89-544, known as the Laboratory Animal Welfare Act. This law regulated dealers who handle dogs and cats, as well as laboratories that use dogs, cats, hamsters, guinea pigs, rabbits, or nonhuman primates in research.

The first amendment to the Laboratory Animal Welfare Act was passed in 1970 (P.L. 91-579) and changed the name of the law to the Animal Welfare Act (AWA). This amendment authorized the Secretary of Agriculture to regulate other warmblooded animals when used in research, exhibition, or the wholesale pet trade.

An amendment in 1976 (P.L. 94-279) prohibited most animal fighting ventures and regulated the commercial transportation of animals. Another amendment was added to the AWA in 1985 as the Improved Standards for Laboratory Animals Act, which was part of the Food Security Act. These amendments required the Secretary to issue additional standards for the use of animals in research.

In 1990, provisions concerning injunctive relief and pet protection were added to the AWA. These two provisions were included in the Food, Agriculture, Conservation and Trade Act of 1990. The injunctive relief provision authorizes the Secretary to seek an injunction to stop certain licensed entities from continuing to violate the AWA

while charges are pending. (Injunctions are used in cases of stolen animals and where an animal's health is in serious danger or may become endangered.)

The pet protection provision mandated that the Secretary issue additional regulations pertaining to random-source dogs and cats. (Random source means "dogs and cats obtained from animal pounds or shelters, auction sales, or from any person who did not breed and raise them on his or her premises.")

The Regulations

The U.S. Department of Agriculture (USDA) is charged with developing and implementing regulations to support the AWA. These regulations, which appear in Title 9, Code of Federal Regulations (CFR), Chapter 1, Subchapter A, Parts 1-3, require the licensing of animal dealers, exhibitors, and operators of animal auction sales where animals regulated under the AWA are sold. (Birds and laboratory rats and mice are not currently included in the regulations.)

Licenses are valid unless the licensee terminates the license voluntarily or fails to renew it or an administrative law judge suspends or revokes the license in an enforcement proceeding. Licensing fees for dealers and exhibitors are determined by a



graduated schedule listed in the regulations [9 CFR 2.6(5)(c)]. Dealers pay between \$30 and \$750, and exhibitors pay between \$30 and \$300 per year. These fees are deposited as miscellaneous receipts in the U.S. Treasury.

The regulations also require all carriers, intermediate handlers, and exhibitors not subject to licensing and all non-Federal research facilities using animals to register with the Secretary of Agriculture. There is no charge to register. Table 1 in the appendix provides a list of the number of licensees and registrants for each State in the country and Guam, Puerto Rico, and the U.S. Virgin Islands.

All licensees and registrants must provide their animals with care

that meets or exceeds USDA's standards for veterinary care and animal husbandry. These standards include requirements for handling, housing, feeding, sanitation, ventilation, shelter from extreme weather, veterinary care, and separation of species when necessary.

Over the years, USDA has made substantive changes to the AWA regulations. In the late 1980's, USDA amended the requirements pertaining to the use of animals in research. In response to the Improved Standards for Laboratory Animals Act, these amendments established standards for the exercise of dogs and psychological well-being of nonhuman primates. The amendments also set standards to minimize the pain and distress of animals; ensure the

proper use of anesthetics, analgesics, and tranquilizers; and require researchers to consider alternatives to painful procedures.

To ensure that these standards are met, the amendments require each research facility to establish an Institutional Animal Care and Use Committee to approve and monitor all research conducted at the institution. USDA published the final regulations for Parts 1 and 2 of Title 9, CFR, Chapter 1, Subchapter A, on August 31, 1989; those for Part 3 were published on February 15, 1991.

In June 1990, USDA began regulating horses used for biomedical or other nonagricultural research and other farm animals used for biomedical or other nonagricultural research or for nonagricultural exhibition. Currently, the standards in Title 9, CFR, Chapter 1, Subchapter A,

Part 3, Subpart F, apply. USDA is considering establishing specific standards for these animals.

USDA published revised standards for guinea pigs, hamsters, and rabbits in final form in the *Federal Register* on July 15, 1990. These standards increased the minimum space requirements for cages and provided additional requirements to protect animals being transported via common carrier.

In 1993, USDA established holding periods for animals in pounds and shelters and certification requirements to ensure that animals have been held for the duration of these periods. The regulations were published as a final rule on July 22, 1993, and became effective August 23, 1993.

In 1997, USDA published a final rule that removed the provisions allowing the permanent tethering

of dogs as a means of primary enclosure. The temporary tethering of dogs for health or other reasons is permitted if licensees obtain approval from their AC inspector or regional office. The final rule on this matter went into effect September 12, 1997.

In FY 1998, APHIS published three new rules that further increase the protection for animals covered under the AWA:

- In January, AC amended the AWA standards pertaining to wire flooring. Under the new rules, AC now requires that floors in primary enclosures for dogs and cats be constructed of coated wire if the wire is 1/8 inch in diameter or smaller. The coating must be made of a material such as plastic or fiberglass. AC also requires that any such wire floor, whether

coated or uncoated, be constructed so that the floor does not bend or sag between the supports.

- In March, AC revised the AWA temperature requirements. The amendments clarify the current climatic conditions allowed for dogs and cats in indoor, sheltered, and mobile housing facilities; in primary conveyances used for transportation; and in animal holding areas of airport terminal facilities. The rules state that animals covered under the AWA not be exposed to combinations of time, temperature, and humidity that would adversely affect the animal's health and well-being. The responsible party must take into account the animal's health status, breed, age, and other pertinent factors.
- In September, APHIS published a final rule that establishes new requirements for "swim-with-the-dolphins" programs. These interactive programs involve direct human contact with the dolphins and pose specific risks that were not directly addressed by the previous AWA regulations. Among other things, the new rules require that facilities maintain three separate pool areas: an interactive area, a buffer zone, and a sanctuary where the dolphins can swim free of public contact. At the end of FY 1998, APHIS was considering temporarily suspending certain aspects of the new rule pertaining to wading programs until additional public comment could be solicited.



HOW USDA ADMINISTERS THE LAW

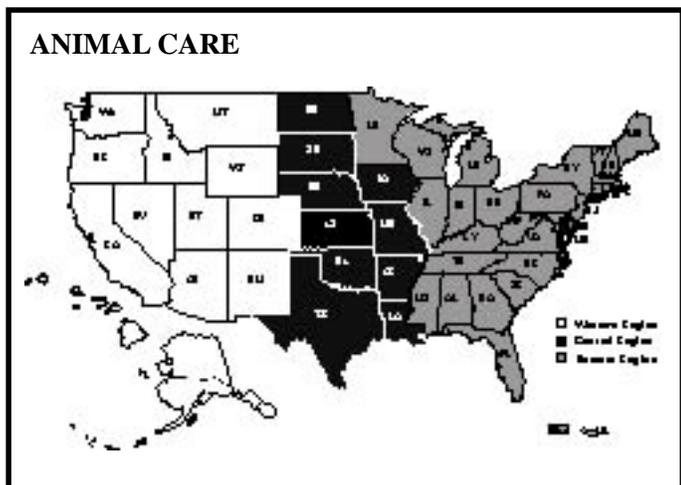
Animal Care

Within USDA, the AC program of the Animal and Plant Health Inspection Service (APHIS) is responsible for administering the AWA. AC's mission is to provide leadership in establishing acceptable standards of care and treatment and to monitor and achieve compliance through educational and cooperative efforts.

The AC program is headquartered in Riverdale, MD, and has three regional offices in Annapolis, MD, Fort Worth, TX, and Sacramento, CA. These offices are charged with enforcing the AWA in each of their respective areas. The map on this page shows AC's regional structure. The box provides the addresses, phone numbers, and fax numbers for all AC offices, as well as AC's homepage on the World Wide Web and e-mail address for incoming correspondence.



Each regional AC office employs a cadre of field veterinary medical officers and animal care inspectors. The number of field inspectors at the end of FY 1998 was 71. These employees are highly qualified and have an



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excellent professional support system and communication network. Many also have specialized interest and expertise in such areas as the care of laboratory animals, zoo animals, or marine mammals.

In enforcing the AWA, APHIS inspectors work closely with other Federal agencies and frequently interact with regulated professional groups, industry organizations, humane groups, the scientific community, and other concerned associations or individuals. In FY 1998, AC personnel attended about 288 industry training sessions and meetings and gave presentations at 137 of them.

AC's Management Team

AC is led by Deputy Administrator Ron DeHaven, D.V.M. DeHaven was head of AC's Western Sector Office from 1988 until his move to AC headquarters in November 1996. Supporting DeHaven are three regional directors: Dr. Elizabeth Goldentyer in the Eastern Region, Dr. Walter Christensen in the Central Region, and Dr. Robert Gibbens in the Western Region. All are veterinarians with many years of experience with AC and extensive knowledge regarding the AWA.



Investigative and Enforcement Services

Complementing AC's efforts is APHIS' Investigative and Enforcement Services (IES) program. IES supports all APHIS programs in the goal of enhancing compliance with agency regulations. Toward this end, IES utilizes comprehensive investigations and sound

enforcement actions. IES also works closely with USDA's Office of the General Counsel, other Federal agencies, State and local governments, and industry groups. IES is headquartered in Riverdale, MD, and has regional offices in Annapolis and Fort Worth.

Animal Welfare Information Center

The National Agricultural Library's (NAL) Animal Welfare Information Center (AWIC) also supports AC's efforts. AWIC was established in December 1986 to provide valuable information pertaining to possible duplication of research involving animals, methods of humane animal care and use,

alternatives to the use of live animals in research, and methods to minimize pain and distress to animals. AWIC also provides materials for the training of personnel and other products and services that support the administration and regulatory requirements of the AWA.

AC Appropriations for FY 1998

In FY 1998, the AC program received appropriations totaling about \$9 million for activities related to animal welfare. The next tabulation shows APHIS' animal-welfare-related appropriations for FY 1994 through FY 1998 in unadjusted dollars.

APPROPRIATIONS FOR ANIMAL WELFARE, FY 1994-98

FY	Annual appropriation for enforcement of the Animal Welfare Act
1998	\$9,175,000
1997	\$9,182,000
1996	\$9,185,000
1995	\$9,262,000
1994	\$9,262,000

USDA-NAL-AWIC

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INSPECTION HIGHLIGHTS

AC personnel perform three major types of inspections: prelicensing and preregistration inspections, unannounced compliance inspections, and auction market observations.

To determine whether prospective licensees are in compliance with the AWA, AC personnel perform prelicensing inspections of dealers and exhibitors prior to granting them licenses. Preregistration inspections are not required under the Act, but many facilities request AC's consultation. Whenever possible, the program honors these requests to promote the highest level of compliance.

Unannounced compliance inspections are performed at the facilities of all licensees and registrants to ascertain whether they are operating within the regulations. The AWA requires that APHIS perform at least one compliance inspection per year at each research facility that uses animals in experimentation. For the remainder of the facilities, APHIS uses a risk-based system to determine inspection frequency. This system is described in detail in the next section of this report.

If AC inspectors discover conditions that are not in compliance with the regulations, AC either establishes a deadline for correcting these items or, for violations that cause unnecessary suffering or death, immediately investigates the matter. Inspectors are required to reinspect any facilities where deadlines are given. If the conditions remain uncorrected, AC documents them for possible legal action.

Auction market observations are conducted to determine whether animals covered under the AWA are receiving care that meets the standards and regulations. These observations are also performed to examine buyers' and sellers' acquisition and disposition records for AWA-regulated animals.



APHIS' Inspection Strategy: Quality Over Quantity

In 1997, AC modified its inspection strategy. After 30 years of focusing on conducting as many inspections as possible, the program began performing more in-depth inspections—particularly of those licensees and registrants who historically had compliance problems.

The result has been a decrease in overall number of inspections over the past 2 FY's but a significant increase in the amount of time spent inspecting individual facilities. AC has used this time to more carefully inspect licensees' and registrants' animals, structures, and records—an

approach that APHIS firmly believes makes better use of AC's inspection resources.

To support this focused inspection strategy, AC implemented a formal risk-based inspection system in February 1998. This system uses several objective criteria, including past compliance history, to determine the inspection frequency of each licensed and registered facility.

Under the system, facilities that meet all of the criteria qualify for low inspection frequency and are subject to inspections once every 2–3 years. Facilities that meet few

or none of the criteria qualify for high inspection frequency and are subject to inspections at least every 6 months. Those in the middle qualify for medium inspection frequency and are inspected once a year. AC, of course, remains committed to inspecting research facilities once a year, as required under the law.

The next tabulation details the number of inspections of licensees and registrants conducted during FY 1998. Subsequent tabulations chronicle the number of different types of inspections conducted from FY 1996 through FY 1998.

PRELICENSING/PREREGISTRATION INSPECTIONS, FY 1996–98

FY	Total	Prelicensing Dealers	inspections of Exhibitors	Preregistration inspections of research facilities
1998	1,579	1,074	505	0
1997	2,150	1,525	589	36
1996	1,932	1,355	533	44

COMPLIANCE INSPECTIONS, FY 1996–98

FY	Total facilities (sites)	Total compliance inspections
1998	7,773 (10,393)	10,709
1997	7,819 (10,534)	12,057
1996	7,837 (10,366)	12,635

**AUCTION MARKET
OBSERVATIONS,
FY 1996–98**

FY	Total auction market observations
1998	57
1997	77
1996	59

**Summary of
Complaints
and Searches**

In addition to inspections, AC personnel routinely conduct searches for unlicensed or unregistered persons. They also investigate all public complaints to determine whether regulated animals are receiving proper care and/or the animal owner(s) should be licensed or registered. APHIS regards these activities as critical to successful enforcement of the AWA and, each fiscal year, conducts hundreds of such inquiries.

FY 1998 AWA INSPECTIONS

	Total number of facilities (and sites) ¹	Number of inspections by category	Total number of facilities (and sites) ¹	Number of inspections by category
Inspections for Compliance²			Other Types of Inspections	
Dealers	3,926 (4,168)	4,922	Prelicensing and preregistration inspections	NA 1,579
Research facilities	1,267 (2,206)	2,262	Auction market observations	NA 57
Exhibitors	2,198 (2,696)	2,803	Attempted inspec- tions of dealers and exhibitors	NA 791
Intransit handlers	292 (465)	197	Total	2,427
Intransit carriers ³	90 (858)	525	Total of Inspections for Compliance and Other Inspections	13,136
Total	7,773 (10,393)	10,709		
¹ See the glossary of terms for the definitions of "site" and "facility." ² Inspections for compliance are unannounced inspections and re-inspections. These do not include prelicensing or preregistration inspections, auction market observations, or attempted inspections. (Prelicensing/preregistration inspections are announced. Observations of licensed and unlicensed auction markets are made to locate unlicensed dealers. Attempted inspections could not be performed for certain			reasons—usually because there was no one available at the facility when the inspector arrived unannounced.) ³ Intransit carriers is a category representing commercial airlines. Each airline may have two or more animal transportation sites at each airport it serves. Due to frequent changes in airline activities and other factors, the number of sites may vary.	

**AC Inspectors Go Beyond
the Numbers**

AC inspectors routinely do exceptional work that goes beyond the call of duty and is not reflected in the numbers above. The vignettes below describe three of these exceptional efforts.

- In the fall of 1997, an AC inspector took an active role in ensuring the health and welfare of animals at a zoo in New Jersey. Prior inspections over several years disclosed problems involving facility

conditions and animal husbandry. Although the inspector and State officials worked to bring the zoo into compliance, the facility ultimately failed to operate within the law.

Accordingly, officials from New Jersey Fish, Game, and Wildlife shut down the zoo and ordered that all of the animals be relocated. The State then called on the AC inspector to help

with the relocation effort. The inspector, in turn, worked with AC inspectors throughout the country to find suitable homes for the animals. She also assisted USDA officials in successfully settling its case against the zoo for a 20-year license disqualification and a \$27,500 fine.

- In March 1998, an AC inspector noted numerous serious deficiencies in meeting the AWA standards at an animal dealer's premises in Ardmore, OK. These deficiencies included inadequate sanitation, veterinary



care, and shelter from the elements. In short, the dogs and cats at this facility were in bad shape and suffering from exposure to severe weather conditions.

The inspector not only documented these items for future enforcement action against the licensee, she also went the extra mile to ensure that the animals received immediate care. In this effort, she worked with other AC Central Region personnel and

local humane officials to relocate nearly 100 dogs to a shelter. Fortunately, the owner of the facility recognized the gravity of the situation and voluntarily gave the animals to the shelter before they had to be formally confiscated. The dealer also voluntarily gave up his license to operate under the AWA.

- In June and July of 1998, several AC officials, including Western Region Director Robert Gibbens, worked extensively to

find homes for three marine mammals from the Depoe Bay Aquarium in Oregon. In a settlement between APHIS and the aquarium, Depoe Bay officials agreed to turn over two sea lions and a harbor seal to APHIS for relocation. The officials also agreed to a permanent revocation of their license and a \$7,000 fine—\$6,000 of which is suspended provided Depoe Bay officials do not conduct any AWA-regulated activities.

In seeking new homes for the animals, AC personnel contacted aquariums throughout the United States. In the end, the animals were temporarily relocated from Depoe Bay to the Oregon Coast Aquarium in early September. Subsequently, the sea lions were moved to permanent quarters at the Indiana Children's Zoo, and the harbor seal went to California's Sea World.

INSPECTIONS BY BUSINESS TYPE

Animal Dealers

Dealers are individuals who sell regulated animals for research or teaching; wild or exotic animals for exhibition or as pets; or domestic pet animals in wholesale channels.

There are two classes of dealer licensees. Class A licensees are those individuals who deal only in animals that they breed and raise. Class B licensees include brokers, operators of auction sales, and "bunchers."

The numbers of Class A and B licensed dealers and sites for FY 1996 through 1998 are listed in the next tabulation. The number of inspections conducted during the same period is shown on chart 1. It should be noted that, of the 1,034 Class B dealers, APHIS estimates that fewer than 40 supply dogs and cats to research.

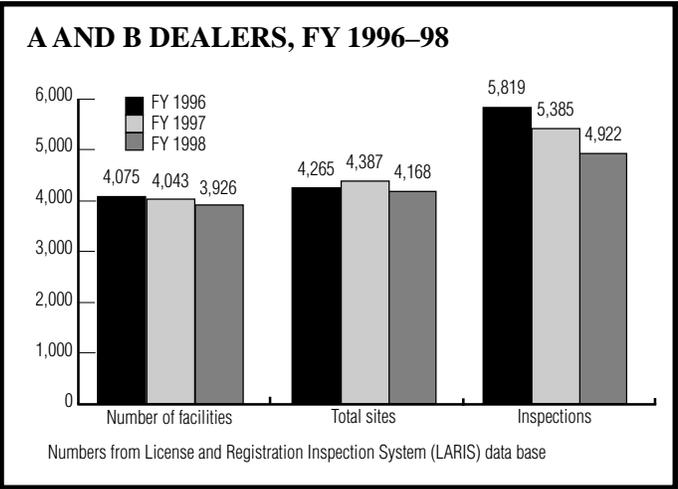


Chart 1

LICENSED DEALERS, FY 1996-98

FY	Total dealers (sites)	Class A dealers (sites)	Class B dealers (sites)
1998	3,926 (4,168)	2,892 (3,024)	1,034 (1,144)
1997	4,043 (4,387)	2,996 (3,151)	1,047 (1,236)
1996	4,075 (4,265)	2,976 (3,043)	1,099 (1,222)

Animal Exhibitors

Animal exhibitors may either be licensed or registered under the AWA. Licensed exhibitors are those entities that either obtain or dispose of animals in commerce or exhibit them for compensation. Registered exhibitors do not buy, sell, or transport animals and do not accept compensation.

Licensed exhibitors typically operate animal acts, carnivals, circuses, public zoos, "roadside zoos," and marine mammal

displays. Many of the animals exhibited are species not native to the United States (e.g., nonhuman primates and exotic cats), but exhibited species may also include domestic farm animals and wild animals native to this country.

Listed next are the numbers of exhibitors and sites regulated from FY 1996 through 1998. Chart 2 shows the number of inspections for the same period.

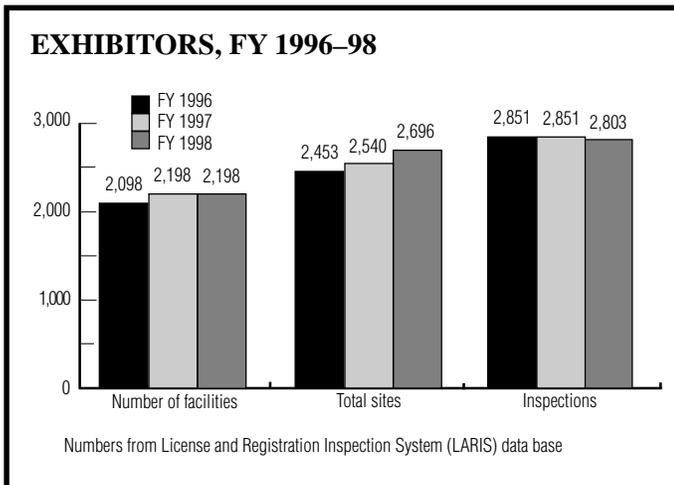


Chart 2

REGULATED EXHIBITORS, FY 1996–98

FY	Exhibitors		
	Total exhibitors (sites)	Licensed (sites)	Registered (sites)
1998	2,198 (2,696)	2,178 (2,673)	20 (23)
1997	2,098 (2,540)	2,105 (2,510)	23 (30)
1996	2,098 (2,453)	2,073 (2,422)	25 (31)

Carriers and Intermediate Handlers

Carriers registered with USDA include airlines, motor freight lines, railroads, and other shipping

businesses. Registered intermediate handlers are ground freight handlers. Intermediate

handlers usually provide services for animals between consignor and carrier and from carrier to consignee. They also care for animals delayed in transit.

The numbers of sites and registered carriers and intermediate handlers for FY 1996 through 1998 are listed next. Chart 3 shows the number of carrier and intermediate handler inspections for the same period.



SITES AND REGISTERED CARRIERS AND INTERMEDIATE HANDLERS, FY 1996-98

FY	Registered carrier (sites)	Intermediate handlers (sites)
1998	90 (858)	292 (465)
1997	96 (732)	309 (465)
1996	98 (725)	302 (417)

CARRIERS AND INTERMEDIATE HANDLERS, FY 1996-98

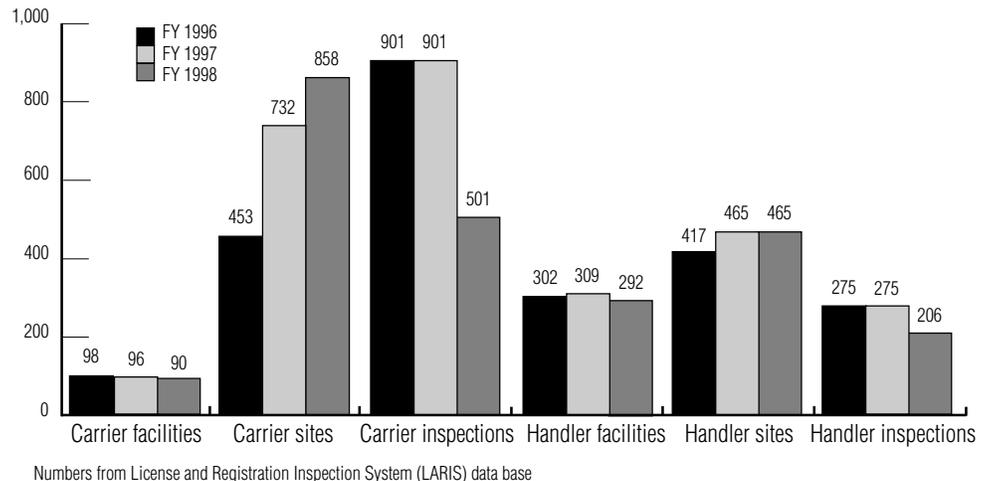


Chart 3

Research Facilities

Research facilities that use animals include hospitals, colleges and universities, diagnostic laboratories, and many private firms in the pharmaceutical and biotechnology industries.

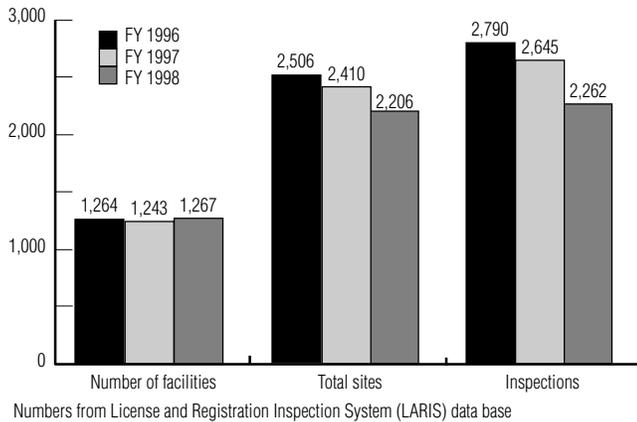
All research facilities are required to comply with the AWA's regulations. Even though Federal facilities are not registered or inspected under the AWA, they are responsible for maintaining

compliance with the AWA's regulations and standards. The AWA requires that non-Federal research facilities receive at least one unannounced inspection per year to determine compliance.

The next tabulation lists the numbers of research facilities and sites for FY 1996 through 1998. Chart 4 shows the number of inspections of research facilities conducted during this period.



REGISTERED RESEARCH FACILITIES, TOTAL SITES AND INSPECTIONS, FY 1996-98



REGISTERED RESEARCH FACILITIES AND SITES, FY 1996-98

FY	Total facilities	Total sites
1998	1,267	2,206
1997	1,243	2,410
1996	1,264	2,506

Chart 4

Reports From Research Facilities

Each research facility registered under the AWA and each Federal research facility is required to submit an annual report, signed and certified by the Institutional Official, covering the previous fiscal year. The report lists the number and species of animals used in research, testing, and experimentation and indicates whether pain-relieving drugs were administered. If such drugs were not administered, the report must explain why their use would have interfered with the research or experiment.

The report must also assure that professionally acceptable standards, including the appropriate use of pain-relieving drugs, were followed and that each principal investigator considered alternatives to painful or distress-causing procedures.

Moreover, the report must demonstrate that the facility adhered to the AWA regulations or that any exception to such adherence was justified by the principal investigator and approved by the Institutional Animal Care and Use Committee prior to experimentation.

Chart 5 shows the number and species of animals used in research during FY 1998. This number excludes birds and laboratory rats and mice, as well as farm animals used exclusively in agricultural research. Chart 6 shows the number of animals used in research that involved no pain

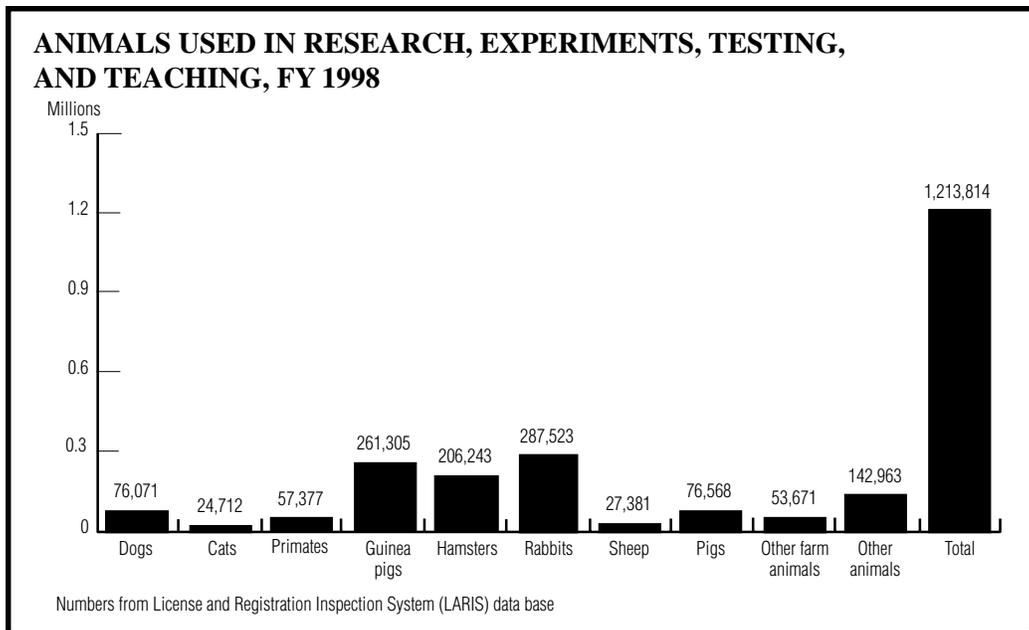


Chart 5

or distress, or that involved pain or distress alleviated with drugs, or that involved pain or distress without relief because use of pain-relieving drugs would interfere with the results of the research or testing.

Tables 1 through 5 of the appendix contain further details. Table 6 reports the total number of animals used by research since this report was first published in 1973.

In FY 1998, there were 89 research facilities whose data are not included in this report because they either did not submit a report or submitted it too late for tabulation. Of these facilities, 71 were Federal facilities, and 18 were non-Federal.

It is a violation of the AWA for a facility, whether active or inactive, not to submit a timely report. AC initiated the appropriate corrective actions.

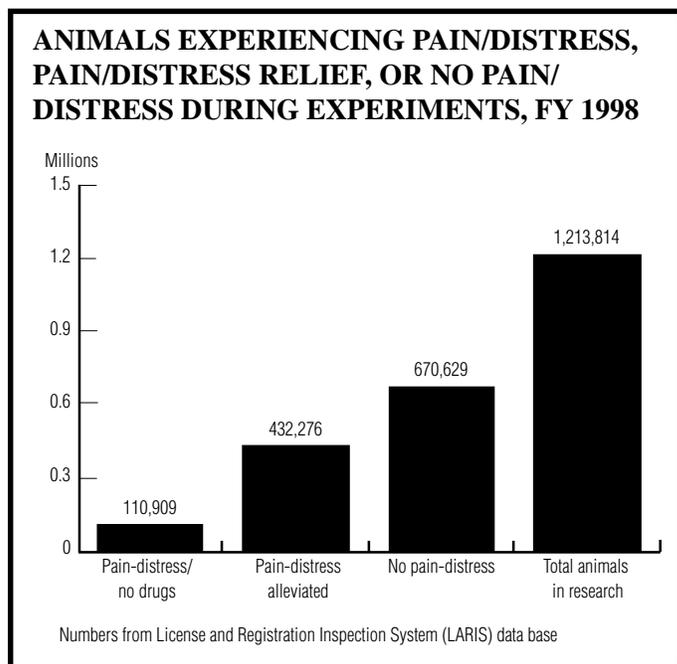


Chart 6

ENFORCEMENT HIGHLIGHTS

APHIS' IES personnel investigate alleged violations when corrective measures have not been taken by licensees or registrants to come into compliance with the AWA.

Investigations disclosing violations are acted on in a variety of ways depending on their severity. Many infractions can be settled with an official notice of warning or a stipulation offer. (Stipulations allow alleged violators to pay a fine, have their license suspended, or both, in lieu

of formal administrative proceedings.)

Cases warranting formal prosecution undergo Department-level review for legal sufficiency prior to issuance of a formal administrative complaint. Formal cases may be resolved by license suspensions, revocations, cease-and-desist orders, civil penalties, or combinations of these penalties through administrative procedures.

APHIS' Enforcement Strategy Yields Results

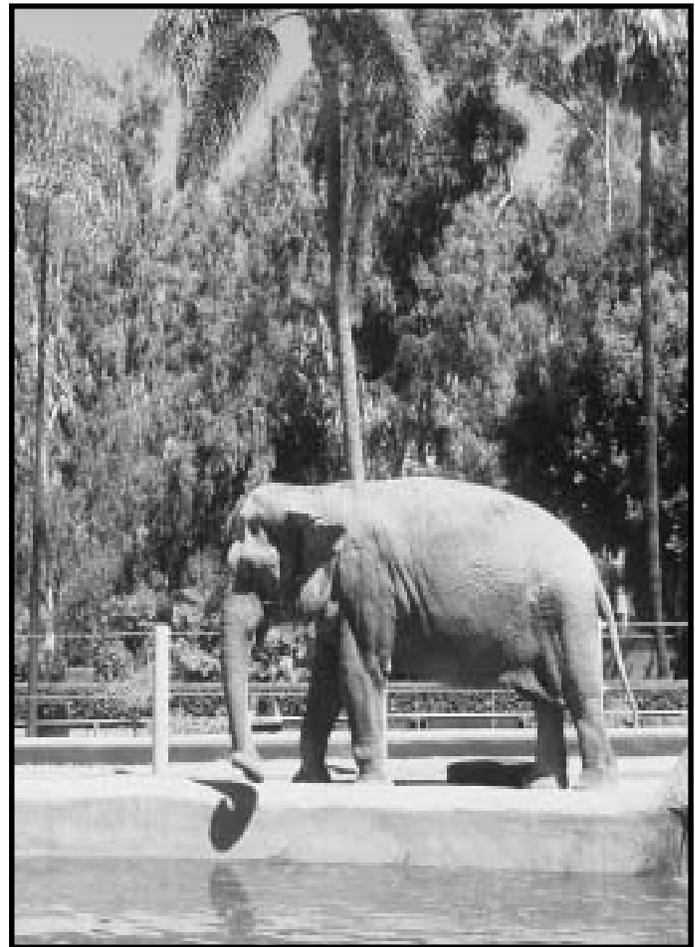
FY 1998 was another extremely successful year from an AWA enforcement perspective. The major reason for this success was AC and IES' two-pronged enforcement strategy.

For licensees and registrants who show an interest in improving the conditions for their animals, AC and IES actively pursue innovative penalties that allow the individuals to invest part or all of their monetary sanctions in facility improvements. In doing so, USDA enables the individuals to immediately improve the conditions for their animals while sending a clear message that future violations will not be tolerated. In the past, most such fines were either suspended or paid directly to the U.S. Treasury but neither of those results directly

improved the plight of the violators' animals.

On the other hand, for licensees and registrants who do not improve the conditions for their animals, AC and IES move swiftly and pursue stringent enforcement action. Such action typically includes significant monetary penalties and/or license suspensions or revocations. It may also include confiscation of their animals and relocation to another facility if the animals are found to be suffering.

AC's strategy focuses on making the welfare of the animals the top priority in all enforcement actions. The examples that follow highlight cases from the past year that illustrate both components of AC and IES' enforcement strategy.



Stringent Enforcement

- In December 1997, APHIS obtained a \$200,000 monetary penalty and permanent revocation of an exhibitor's license for AWA violations pertaining to the movement of elephants and llamas across the Southwestern United States in the summer of 1997. The movement of the animals resulted in the death of one of the elephants.

The case is significant not only in terms of penalties sought but also in the manner in which it was handled. By making this case a top priority, APHIS was able to complete its investigation and file formal charges within 3 weeks. This process typically takes several months. APHIS was also able to obtain a

decision from an administrative law judge within 4 months, a process that normally takes more than a year. The judge's decision has since been upheld by both the USDA judicial officer and the U.S. Court of Appeals. At the end of FY 1998, the case was still open pending further appeals.

- In September 1998, APHIS obtained a \$20,000 fine and a permanent revocation of a dealer's license for numerous AWA violations. In the case, APHIS proved that the dealer sold more than 30 dogs without a valid USDA license. Through the decision, APHIS not only imposed significant monetary sanctions but also ensured that the dealer will never again be able to operate under the AWA. This case was still open pending a possible appeal at the end of FY 1998.

Innovative Penalties

- In a March 1998 case with a licensee whose circus elephants contracted tuberculosis, APHIS settled the litigation for a \$60,000 fine and a 45-day license suspension. Of the \$60,000, \$30,000 went toward testing and treating the infected elephants, and \$30,000 was donated to a foundation to conduct research in the diagnosis and treatment of elephant tuberculosis.
- In April 1998, APHIS settled a case for \$50,000 against a research facility charged with violations pertaining to the handling of animals and protocol review procedures. Of that amount, \$20,000 must be donated to an APHIS-approved nonprofit organization that promotes or develops alternatives to animal testing; \$20,000 must be spent on improving housing facilities; and \$10,000 is payable to the Treasurer of the United States.

The High-Priority Designation

An important component of AC and IES' enforcement strategy is the high-priority designation for certain cases. Cases are deemed high priority based on the following criteria:

- Severity of animal suffering (death or severe injury),
- Past compliance history of facility,
- Potential public or animal safety or health concerns,

The lab must also contract with an outside consultant to review its animal care program.

- In April and September 1998, APHIS settled cases with two different airlines. In the settlements, the airlines each agreed to donate \$25,000 to an APHIS-approved organization to study methods to promote the safe and humane handling of animals during transportation. The results of this study will be disseminated to all carriers registered under the AWA.
- In July 1998, AC settled a case against a circus pertaining to the death of a baby elephant. Under the settlement, the circus agreed to donate \$10,000 to a nonprofit elephant sanctuary and \$10,000 to an outside organization for research relating to gastrointestinal or infectious diseases of elephants. Both the sanctuary and the research organization must be approved by APHIS. The circus also agreed to enhance its training programs for animal handlers.

- Abusive or potentially violent nature of licensee or registrant,
- Type of facility and species of animal involved, and
- Media, public, or animal protection group interest.

When a case is given this designation, AC, IES, and USDA's Office of the General Counsel put special emphasis on the investigation and enforcement of a case to expedite its resolution. This measure has been successful in shortening the timeframes of significant cases and providing quicker relief for animals protected under the AWA.

NUMBERS OF ENFORCEMENT ACTIONS CONDUCTED AND RESOLVED, FY 1996-98

Cases Investigated and Reviewed

FY	Cases	Submitted to IES staff	Submitted for formal prosecution
1998	456	416	60
1997	365	118	58
1996	370	126	78

Cases Resolved

FY	Official warnings	Stipulations offered/settled	Administrative law judges' decisions
1998	219	100/66	82
1997	167	86/49	98
1996	182	85/45	84

Sanctions Imposed

FY	Fines imposed by administrative law judges	Fines imposed by stipulation	Revocations, suspensions, and disqualifications
1998	\$378,900	\$89,763	34
1997	\$822,200	\$46,240	43
1996	\$1,002,250	\$48,340	29

The Results Are in the Numbers

Through this multifaceted enforcement strategy, the AC and IES staffs and the Office of the General Counsel have been able to virtually eliminate the backlog of AWA cases awaiting resolution through the formal administrative process. The results have been shorter timeframes for prosecuting cases and the ability to expedite high-priority cases.

In addition, APHIS obtained more than \$465,000 in monetary penalties. The agency required licensees and registrants to put more than \$170,000 of these

penalties into facility renovations, employee training, and other areas to improve the conditions for their animals.

The next tabulation provides detailed information on the number of enforcement actions conducted and resolved during FY 1998. In the tabulation, it should be noted that "Cases Submitted," "Cases Resolved," and "Sanctions Imposed" are those actions that actually occurred during the fiscal year even though many of the settled cases were submitted in previous years. This numerical disparity occurs because it takes a case considerable time to work its way through the legal system and appeals process.

CHARTING THE FUTURE: AC'S STRATEGIC DIRECTION

In April 1996, AC launched its strategic direction initiative to examine all aspects of program operations and identify areas for improvement. Specifically, the initiative focused on enhancing statutory, regulatory, and procedural authorities; providing proactive leadership in establishing acceptable practices of animal care and treatment; maximizing resources for enhanced program delivery and efficiency; responding to external concerns and

expectations through objective action; and empowering, supporting, and developing employees.

In April 1998, the strategic direction initiative formally ended. However, numerous projects launched under the initiative moved toward completion throughout FY 1998. The remainder of this section discusses these accomplishments.

Performance-Based Management

Under the Government Performance and Results Act, AC has taken an active role in measuring its effectiveness in meeting the AWA's mandate. Toward this end, AC has identified seven specific performance indicators: percentage of facilities in compliance, percentage of animals affected by noncompliance, average number of days until a case is resolved, percentage of employee participation in the inspection quality and uniformity program, and average customer satisfaction with the AWA regulations, the program's informational materials and electronic access, and overall program delivery.

AC is also working to establish baseline levels of performance for each of these indicators and goals for improving in the future. For the first three indicators, AC is using its Licensee Application and Registrant Information System (LARIS) data base, which provides historical inspection data. Through this system, AC has already established a baseline for the percentage of facilities in compliance (55.7 percent) and a goal (60 percent) for FY 1999. AC is currently gathering baseline data for the other two indicators.

For the fourth indicator, AC has developed an Inspection Quality and Uniformity Program. This program will provide inspectors from different regions of the country the opportunity to work

together to exchange ideas, identify any disparities in inspection procedures, and provide recommendations to management. AC's baseline level of participation in this program is 4.2 percent of all field personnel. It has set an ambitious goal of increasing this to 50 percent of field personnel by FY 1999.

For the final three indicators, AC surveyed 3,700 randomly selected AWA licensees and registrants in February 1997. Based on the survey responses, AC officials established baseline performance levels and goals. AC is seeking to

improve its rating on informational materials and electronic access from 3.24 to 4.0, its rating on the effectiveness of its regulations from 3.58 to 4.0, and its overall customer satisfaction rating from 3.59 to 4.0. All of these goals are set for FY 1999. AC plans to survey the same licensees and registrants at the end of FY 1999 to measure its progress.

In addition, AC intends to survey the animal welfare community in the future to obtain their ratings of program operations. At the end of FY 1998, this survey was still being developed.



AC Public Meeting Exceeds Expectations

On May 12, 1998, AC held its first-ever public meeting at the APHIS headquarters building in Riverdale, MD. The meeting, which was attended by approximately 250 members of the general public, industry, and animal welfare groups, focused on the many regulatory and management initiatives that the program is undertaking.

The program included a morning general session and afternoon breakout sessions devoted to the specific regulated business

types—researchers, dealers, exhibitors, and animal transporters. The agenda featured speakers from USDA as well as industry and animal welfare organizations.

Overall, participants rated the meeting a success and stated that additional forums should be held in the future. USDA officials were also pleased with the meeting and look forward to holding similar ones in future years. A synopsis of the meeting is posted on AC's homepage on the World Wide Web.

AC National Work Conference Focuses on Uniformity

In March 1998, AC held its second national work conference for its field personnel. The weeklong meeting was attended by AC personnel from Hartford to Honolulu and focused on ensuring uniformity of inspections. Toward

this end, specific training sessions included inspecting traveling exhibitors and neonatal nutrition. All attendees received valuable instruction on animal care issues that is now being applied throughout the United States.

Elephant Training Made a Priority

With increasing attention focused on the care and handling of elephants in recent years, AC has made it a priority to provide special training to its personnel on these issues. In August 1998, AC held its first elephant training course at two zoos in the Seattle area. The course provided instruction on elephant care and

handling to about 15 inspectors and veterinary medical officers. Subsequent courses are scheduled for exhibitor facilities in the San Diego area in mid-November 1998 and the Tampa and Orlando areas in April 1999. By FY 2000, about 45 members of AC's field force will have completed the courses.

Risk-Based Inspection System Takes Effect

In February 1998, AC's new risk-based inspection system went into effect. This system, which utilizes several criteria to determine the inspection frequency for individual licensees and registrants, is an

integral part of AC's efforts to improve operations. The system is described in detail in the "New Inspection Strategy: Quality Over Quantity" section earlier in this report.

Dealer Inspection Guidelines Move Forward

Throughout FY 1998, AC worked diligently to prepare guidelines for its field personnel to use when conducting AWA inspections of animal dealers. These guidelines impose no new requirements on dealers. The guidelines have been prepared only to assist AC personnel in their inspection efforts and to improve the

uniformity of inspections throughout the country. The guidelines cover such areas as how to document inspection findings and how to conduct exit interviews. A draft of the guidelines was near completion at the end of FY 1998. When finalized, the guidelines will be made available to the public.



New Data Base on the Horizon

During FY 1998, AC moved closer to finalizing its new LARIS data base. When completed, this data base will provide a single storage center for licensing and inspection data on regulated parties throughout the United States. Eventually,

it will enable inspectors to enter data from remote locations using laptop computers. (Currently, inspectors type up the data and mail it to regional offices, where support personnel reenter the data.)

To support this effort, the data base will utilize Windows™-based screens that guide users in their efforts to enter and retrieve information. The data base will also automate all of AC's forms. The result will be an efficient,

easy-to-use system that should significantly reduce the resources needed to maintain records on regulated parties.

SPECIAL INITIATIVES

In FY 1998, AC pursued many operational enhancements that did not fall within the scope of its

strategic direction. These projects all come under the broad rubric of special initiatives.

AC Helps Ensure Health and Safety of "Free Willy" Star

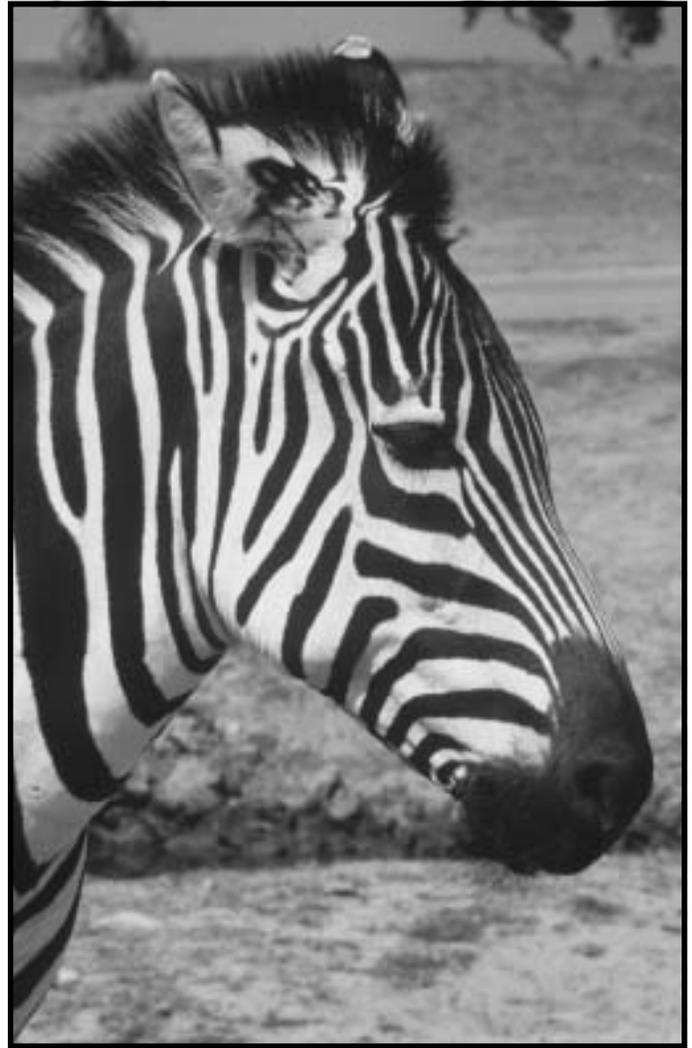
During FY 1998, AC played an active role in ensuring the health and safety of Keiko, the killer whale that starred in the movie "Free Willie." First, in November 1997, AC established and coordinated an independent panel of marine mammal experts from around the country to obtain an impartial and comprehensive assessment of Keiko's health. (The animal's health had been disputed by the foundation that owned him, which said he was healthy, and the aquarium that housed him, which said his health was in question.)

The study ultimately concluded that Keiko was in good health but could benefit from companionship and increased exercise. The data collected from the study have since been used to advance the knowledge of marine mammals throughout the world.

Later in FY 1998, AC personnel helped ensure Keiko's health during his historic relocation from an aquarium in Oregon to a sea pen in Iceland. The move was the second step in an effort to return Keiko to his native waters in the North Atlantic.

To assist with the move, AC officials met directly with government and veterinary representatives from Iceland to discuss the findings of the independent panel's review and the AWA requirements for Keiko's move. AC officials also coordinated with the U.S. Air Force to help arrange a nonstop flight from Oregon to Iceland, and they monitored Keiko's transport from the aquarium pool to the Air Force jet.

We are pleased to report that all went well and that Keiko appears healthy and happy in his sea pen in Iceland. Keiko will continue to be monitored to determine if an eventual return to the wild is possible.



Class A Dealer Workgroup Established

In December 1997, AC formed a class A dealer workgroup to examine enforcement of the AWA at commercial breeding facilities throughout the country and make recommendations for improvement. The group is modeled on the highly successful approach that was used to improve enforcement of class B dealers over the past several years. The group's first meeting was in St. Louis in early December. The team toured breeding facilities in the area and identified several possible ways to improve enforcement.

One of these recommendations, which entails training AC field personnel on the inspection of

dealer facilities, has been approved for FY 1999. The goal of the training is to ensure uniformity of inspection procedures throughout the United States so that all dealers are required to provide the same level of care to their animals.

Another recommendation entails the development of a policy that spells out the minimum requirements for maintaining medical records for all covered animals. All AWA licensees, including dealers, would be required to follow the policy. At the end of FY 1998, the policy was under development. The team's other recommendations were also under review.

Primate Import Workgroup Established

During FY 1998, AC established a workgroup that is seeking to improve APHIS' oversight of shipments of imported primates. This group worked with the U.S. Fish and Wildlife Service (FWS) and the Centers for Disease Control and Prevention (CDC) to coordinate oversight activities, improve information sharing between agencies, and avoid duplication of efforts. For example, FWS and CDC officials agreed to provide APHIS with information on importers' compliance histories and dates of future shipments. In addition, AC agreed to work with CDC and FWS to address shipping and handling concerns with unregulated



importers and transporters. Such measures will clearly help to improve oversight of shipments of imported primates in the future.

Data Base of Circus Elephants Developed

In January and February 1998, a team of AC field members inspected all circuses throughout the United States that use elephants. On these inspections, the team completed formal inspection reports, took photographs of the elephants, and filled out evaluation forms containing specific information on such

things as the condition of the elephants' feet. AC used this information to develop a profile on each circus elephant and has compiled these profiles into a single data base. We are confident that this data base will serve as a valuable resource to all AC field personnel when inspecting circuses.

Class B Dealer Traceback Continues Successes

Since FY 1993, APHIS has conducted an intensive traceback effort of dogs sold by random-source, class B animal dealers. These dealers, who supply animals to the research community, typically obtain them from pounds and shelters, pet owners who wish to relinquish ownership, and other legitimate sources. However, there has always been concern that some of these dealers may be trafficking in stolen animals.

Under the AWA, random-source dealers are required to maintain accurate records of the acquisition and disposition of their animals. APHIS' traceback effort has focused on making sure these records are accurate and complete. To optimize this effort, APHIS has conducted quarterly inspections of

all random-source dealers since the traceback project went into effect in 1993. AC has also taken stringent enforcement action when violations are found, including issuing more than \$500,000 in fines and suspending 5 licenses and revoking 11 more.

The fruits of this effort have been tremendous. From FY 1993 through 1998, the percentage of animals traced back to their original source has increased from a little more than 40 percent to more than 90 percent. At the same time, the number of random-source dealers has decreased from more than 100 to fewer than 40. Moreover, the number of class B dealers under investigation has decreased from a high of 260 in 1992 to less than 5 in FY 1998.

PUBLIC OUTREACH

In FY 1998, AC carried out numerous outreach activities, including moving forward with its multiyear public affairs campaign to educate and inform all program stakeholders about the AWA and AC's role in enforcing the law. To support this effort, the program is upgrading all of its existing public affairs materials and producing new products where needed.

AC Expands Distribution of Quarterly Report

During FY 1998, AC continued to expand the distribution of its quarterly Animal Care Report, increasing the number of subscribers from about 1,000 to 1,700. This quarterly report, which provides brief overviews on all key issues affecting AC's administration of the AWA, is mailed at no charge to program stakeholders to keep them up to date on current program initiatives. Editions of the report were prepared in the winter/spring, summer, and fall. The report is also posted on the AC homepage.



Safe Pet Travel Campaign in Full Swing

AC's public affairs campaign on safe pet travel, which was launched in September 1997 to educate the general public about traveling with their pets, has resulted in the dissemination of thousands of pieces of informational materials. By the end of FY 1998, AC had distributed its entire press run of 20,000 full-color brochures. The program had also disseminated thousands of factsheets on safe pet travel and stickers labeled "Live Animals"

that are designed to be placed on kennels to meet the AWA requirements. Recipients of these materials have included members of the general public, veterinary clinics, travel agents, and State Veterinarians.

At the end of FY 1998, AC had an additional 30,000 copies of the brochure on order. AC had also posted the brochure to its Web page so that anyone with electronic access could view it.

AC Reaches Out Through the World Wide Web

AC is also improving communication with stakeholders via its site on the World Wide Web. AC's site (<http://www.aphis.usda.gov/ac>) provides information on the AWA regulations, a list of available AC publications, and much more. It is also linked to numerous sites of other organizations involved in animal care and well-being. In FY 1998, AC's site was commended by Government Executive magazine as providing a valuable service to the general public.

Automated Telephone Service Assists Travelers

In FY 1998, more than 2,500 members of the general public used AC's toll-free, 24-hour, automated telephone voice response service (800-545-USDA). This service provides information on the humane handling of cats and dogs during transport, including the

AWA requirements for temperature, shipping documents, food and water, and cage sizes. Designed to be user friendly, the service is recommended for inclusion in training courses for airline cargo handlers, ticket agents, and supervisors.

E-FOIA Gives Public Quick Access to Data

Throughout FY 1998, AC continued to expand the amount of program information available on APHIS' Freedom of Information Act (FOIA) Website (<http://foia.aphis.usda.gov>). Under the project, AC has made the names and locations of all licensees and registrants available. It has also made recent inspection findings for these individuals

available and will continue to add additional information in the future.

AC also responded to numerous animal-welfare-related FOIA requests the old-fashioned way. The next tabulation lists the number of FOIA requests received for the past 3 fiscal years.

ANIMAL-WELFARE-RELATED FOIA REQUESTS RECEIVED BY APHIS, FY 1996-1998

FY	FOIA requests
1998	657*
1997	824*
1996	403

*This figure includes both official FOIA requests processed through APHIS' FOIA office and requests for inspection reports processed through AC's regional offices. In prior years, all such requests were processed through the FOIA office at headquarters; field-processed requests have been added to the number of headquarters-processed requests to reach an accurate total.

Assisting the Media

In FY 1998, AC assisted media officials in various ways. Altogether, the program fielded about 1,500 calls from members of the media and issued more than 100 press releases. Most of these releases provided information concerning enforcement actions taken against licensees and registrants (such as settlements, fines, suspensions, and confiscations). The other releases concerned matters such as AC's advance notice of proposed rulemaking pertaining to the Doris Day Animal League petition and publication of final rules on wire

flooring and temperature requirements.

AC personnel also gave numerous local and national television, radio, and newspaper/magazine interviews on various issues relating to the AWA. These included interviews with CNN, CBS, *The New York Times*, *The Wall Street Journal*, and most other national media outlets. Outreach efforts also included interviews with local media outlets in all 50 States and several foreign countries, including Japan, England, and Australia.

Answering Public Inquiries

During FY 1998, APHIS received and responded to thousands of inquiries about animal welfare from individual citizens, concerned groups, the Office of the President, and Members of Congress. Other Federal agencies

also refer animal welfare concerns to APHIS for response. The next tabulation lists the numbers of animal welfare inquiries received by APHIS during FY 1996 through 1998.

ANIMAL WELFARE CORRESPONDENCE RECEIVED BY APHIS, FY 1996-98

FY	Correspondence received/dispatched by headquarters	Correspondence received/dispatched by regional offices
1998	2,495	22,280
1997	4,188	20,396
1996	6,155	37,736

Liaison With Other Federal Agencies

AC serves on the Interagency Research Animal Committee, whose members come from Federal agencies involved in the care and use of animals in biomedical research. This committee is responsible for interagency coordination of animal care-and-use concerns and for making contributions to policy development. It also acts as a forum for information exchange and regulation development.

AC also maintains close working relationships with other Federal

agencies that deal with animals on regulation and enforcement of the AWA. APHIS cooperated on numerous issues with the U.S. Department of Health and Human Services' National Institutes of Health, CDC, and Food and Drug Administration; the Department of Defense; the Department of Veterans Affairs; the Marine Mammal Commission; the U.S. Department of Commerce's National Marine Fisheries Service; the U.S. Department of the Interior's FWS; and the Environmental Protection Agency.

APHIS, Other Federal Agencies Formalize Agreement To Protect Marine Mammals

In July 1998, APHIS, FWS, and the National Marine Fisheries Service signed a formal memorandum of agreement (MOA) regarding the enforcement of the Marine Mammal Protection Act (MMPA). The agreement codifies the roles and responsibilities of each agency in enforcing the

MMPA and clarifies areas where there are questions of jurisdiction. The MOA replaces the original agreement, which was signed nearly 20 years ago, and is aimed at improving protection for captive marine mammals throughout the United States through cooperative efforts of the three agencies.

Cooperating and Communicating With Stakeholders

In FY 1998, APHIS and the research community cosponsored a research preceptorship program that sent two AC veterinarians to 6 intensive weeks of training at various research facilities and teaching institutions.

AC personnel also attended and participated in national meetings held by various organizations, including the International Association of Aquatic Animal Medicine, the American Zoo and Aquarium Association, the Society of Marine Mammalogy, the Association of Aquatic Life Support System Operators, the North American Veterinary Conference, the American Association of Laboratory Animal Science, the Applied Research Ethics National Association, and Public Responsibility in Medicine and Research.

In total, AC personnel attended more than 300 industry meetings and training sessions in FY 1998 and presented papers or informal talks at more than 140 of them. APHIS employees also staffed an exhibit booth at several of these meetings to answer questions and provide information on AC's enforcement of the AWA.

In addition, AC personnel actively interacted with organizations concerned about the humane care of animals. These organizations include the American Zoo and Aquarium Association, the National Association for Biomedical Research, Americans for Medical Progress, the American Association of Zoo Veterinarians, the Alliance for Marine Mammal Parks and Aquariums, the Association for the Assessment and Accreditation of Laboratory Animal Care International, and the Scientist's Center for Animal Welfare.

Additional cooperators include the Humane Society of the United States, the Animal Welfare Institute, the American Humane Association, the Animal Protection Institute, the Association of American Medical Colleges, and the Air Transport Association. AC is also represented in the United States Animal Health Association and has members on both its animal welfare and zoological committees.



AWIC Focuses on Educational Efforts

In FY 1998, staff from the Animal Welfare Information Center (AWIC) responded to about 12,000 requests for information and publications, including copies of the AWIC Newsletter, and distributed more than 38,000 published documents to requesters. AWIC's Website (<http://www.nal.usda.gov/awic>) has been visited more than 90,000 times since its inception. The quarterly AWIC Newsletter continues to be sent to about 7,000 requesters in the United States and 40 foreign countries.

AWIC also trained more than 290 individuals in its workshop entitled "Meeting the Information Requirements of the Animal Welfare Act," which is held at the National Agricultural Library (NAL) in Beltsville, MD, and at other locations throughout the country. In addition, AWIC officials interacted with more than 2,000 people who visited their booth at various conferences and witnessed more than 1,500 people attend presentations about AWIC's services and how to conduct searches for alternatives to painful

research procedures. AWIC also participated in AC's public meeting in May.

AWIC staff also produced four new publications on various aspects of animal care. These publications concern animal euthanasia; alternatives to animal use in the life sciences; how to handle fish fed to fish-eating mammals; and selected data bases for biomedical, pharmaceutical, veterinary, and animal science resources.

In addition, AWIC continued to distribute its computer CD ROM disc that contains numerous official documents related to animal welfare (such as the AWA and the National Institutes of

Health's Guide for the Care and Use of Laboratory Animals). The development of the CD ROM was funded by APHIS, the U.S. Department of Health and Human Services' National Institutes of Health, and NAL. Since December 1996, AWIC has distributed roughly 1,300 copies of the disc.

Finally, AWIC officials continued to participate in a broadly supported effort to produce a searchable information resource on alternatives to animal experimentation. The site, called ALTWEB, is managed by the Johns Hopkins Center for Alternatives to Animal Testing and is supported by both Procter and Gamble and the Humane Society of the United States.

REGULATORY AND POLICY INITIATIVES

Tuberculosis (TB) Testing Now Required

In January 1998, APHIS began requiring that all captive elephants in the United States be periodically tested for TB. This requirement, detailed in an APHIS policy, is being enforced under the adequate veterinary care standard in the AWA regulations. Around 515 regulated elephants are affected by this new requirement. Any animals found positive must undergo quarantine and/or treatment.

To support this policy, AC developed a protocol called "Guidelines for the Control of Tuberculosis in Elephants," dated November 1997. This protocol provides specific testing, surveillance, and treatment guidelines for meeting the new

requirements. Licensees must either follow the protocol or provide a comparable testing and monitoring program that ensures the welfare of captive elephants and prevents the spread of the disease to other animals. Copies of the protocol were sent to all licensees who own elephants. The protocol is also posted on AC's homepage.

By the end of FY 1998, results from about 370 elephants had been received; 10 tests were positive for TB. Four of these elephants had died from complications associated with the disease, three were still undergoing treatment, and three had been successfully treated and released from quarantine.

Petition on Regulating Rats, Mice, and Birds

In the spring of 1998, the Alternative Research and Development Foundation, a group affiliated with the American Antivivisection Society, filed a petition that would have USDA exercise its authority under the AWA to regulate rats, mice, and birds. To do so, AC would have to amend the AWA regulations to include these species under the regulatory definition of "animal."

If adopted, the petition would significantly increase AC's regulatory responsibilities and affect oversight of other program activities (e.g. inspections of dog dealers and animal exhibitors). Accordingly, at the end of FY 1998, AC was considering publishing the petition in the *Federal Register* to solicit public input on whether rats, mice, and birds should be regulated and, if so, how the increased workload should be prioritized.



"Doris Day" Advance Notice

In late June 1998, AC published a long-awaited advance notice of proposed rulemaking on the regulation of dog and cat dealers. This notice announced USDA's formal consideration of amending the AWA definition of "retail pet store" and requiring that breeders of hunting, security, and breeding dogs be licensed. Both of these changes were contained in the Doris Day Animal League Petition that AC published as a notice in the *Federal Register* in FY 1997.

Recognizing that these rule changes could severely strain available AWA enforcement resources by adding numerous new licensees, AC raised the possibility of increasing the

number of breeding female dogs and cats that may be owned without obtaining an AWA license. In doing so, AC requested input on the number of these animals that dealers should be allowed to own without being licensed and the impact that these rule changes would have on currently licensed and unlicensed dealers.

The extended comment period on the advance notice closed in late September 1998. During the comment period, AC estimates that more than 11,000 comments were submitted. At end of FY 1998, APHIS was reviewing these comments to determine how to proceed.

Training and Handling of Dangerous Animals

On December 12, 1997, AC closed the extended comment period on its request for information concerning current “best” practices for the training and handling of potentially dangerous wild and exotic animals. Among other things, the notice sought input on suggested experience requirements for animal handlers and trainers, as well as on contingency plans for the recapture of escaped or

uncontrollable animals. During the comment period, more than 400 comments were submitted.

At the end of FY 1998, AC personnel had evaluated the comments and were near completing a draft policy on this issue. When completed, a notice of the draft policy will be published in the *Federal Register* to allow for public comment prior to the policy’s issuance in final form.

Environmental Enrichment Policy Nears Completion

During FY 1998, AC worked to finalize its long-awaited policy on environmental enrichment for nonhuman primates. The policy, which will serve as a resource for inspectors and regulated parties, will complement the National Research Council’s fall 1998 publication on this same issue. The goal is to use both documents to best attain enrichment for

primates as mandated by the 1985 amendment to the AWA.

At the end of FY 1998, a draft of the policy was still under internal review. When completed, the draft will be made available through a notice in the *Federal Register*, allowing for public comment prior to the policy’s issuance in final form.

Perimeter Fencing Under Review

In FY 1997, APHIS published a proposed rule on perimeter fencing requirements for animals covered under the AWA, with emphasis on wild and exotic animals. The proposal does not apply to nonhuman primates, which are already covered under subpart D of the AWA regulations. In general, the proposed rule would require a perimeter fence at least 6 feet high for most animals and 8 feet high for dangerous animals, such as elephants, bears, and large cats. All requirements are designed to better contain the animals and to keep out unwanted animals. At the end of FY 1998, APHIS had evaluated the comments on the proposal and was moving forward with rulemaking on this issue.





Additional Policies Near Completion

At the end of FY 1998, AC was preparing to publish several additional AWA policies:

- **Space and Exercise Requirements for Traveling Exhibitors.** The policy spells out when licensees are required to meet full primary enclosure space requirements and/or provide sufficient exercise space and time for animals during traveling exhibits.
- **Necropsy Requirements.** The policy clarifies when a necropsy should be performed on AWA-regulated animals and details certain components that are necessary for an appropriate postmortem procedure. The policy also states that necropsy records must be maintained at a facility for at least 1 year or as specified in the AWA regulations and standards.
- **Criteria for Licensing Hoofstock Dealers.** In general, the policy requires hoofstock dealers to be licensed if they sell more than 10 regulated animals for regulated purposes during a 12-month period. Regulated purposes include using animals in research, exhibiting them to the public, transporting them in commerce, or selling them at the wholesale level. The policy defines hoofstock as any hooved animal, such as deer, pig, llama, or sheep, and the policy applies to all hoofstock.
- **Adequate Enclosures for Flying and Aquatic Species.** For flying species, the policy requires that sufficient space be afforded for both roosting and flying. For aquatic species, the policy requires that primary enclosures contain both dry and aquatic portions that each afford the animals sufficient space to make normal postural and social adjustments with freedom of movement.
- **Proper Diets for Large Felids.** Among other things, this policy notes that a number of commercially prepared diets are available for large felids, such as lions and tigers, and strongly recommends adherence to a strict feeding schedule. The policy also requires attending veterinarian approval of locally prepared diets to ensure nutritional adequacy.

Listing of Regulatory Initiatives

Several additional regulatory initiatives were also under development at the end of FY 1998. Below is a listing of the initiatives not discussed in detail earlier in this section. The items are listed as either under consideration and not yet published in the *Federal Register*, published in the *Federal Register* and open for comment, or previously open for comment and now under review by the Department.

Notices:

- Guidelines for Farm Animals (under consideration)
- Swim-With-The-Dolphins: Enforcement Notice (under consideration)

Affirmation of Interim Rules:

- Resting Surfaces for Dogs and Cats (under consideration)

Proposed Rules:

- Clarifying Meaning of "Field Study" (under review)
- Revisions to AWA Licensing Requirements (under consideration)
- Identification of Unweaned Puppies and Kittens (under consideration)
- Exotic Canids and Felids: Minimum Age for Transport (under consideration)
- Standards for Marine Mammals: Consensus Language (under consideration)

- Veterinary Medical Records (under consideration)
- Confiscation of Animals (under consideration)
- Horse Protection (under consideration)

Final Rules

- Nomenclature Changes (under consideration)

Listing of Other Policy Initiatives

At the end of FY 1998, several other new or revised policies were under development. The list that follows does not repeat those discussed earlier in this section.

New Policies:

- Medical Records
- Prairie Dogs
- Training/Handling of Dangerous Animals
- Licensing of Rehabilitation Facilities and Education Exhibitors
- Regulation of Farm Animals (adopting industry standards)
- Regulation of Farm Animals Used To Test and Manufacture Biologics

Policies Being Revised:

- Annual Report for Research Facilities

GLOSSARY OF TERMS

Airport inspection—Individual airline inspections of terminal, cargo, and baggage areas made at airports for compliance with the AWA regulations and standards.

Alleged violation—A violation of the AWA regulations or standards that has been documented as existing but has not been legally concluded.

Carrier—The operator of any airline, railroad, motor carrier, shipping line, or other enterprise that is engaged in the business of transporting any animals for hire.

Commerce—Trade, traffic, or transportation that is between a place in a State and any place outside of such State (including foreign countries), or between points within the same State but through any place outside of the State.

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

Compliance—The status of a facility that meets all of the regulatory requirements set forth in the AWA regulations and standards.

Dealer—Any person who, in commerce, for compensation or profit, delivers for transportation, or transports (except as a carrier), buys, or sells, or negotiates the purchase or sale of (1) any dog or other animal whether alive or dead (including unborn animals, organs, limbs, blood, serum, or other parts) for research, teaching, testing, experimentation, exhibition, or for use as a pet; or (2) any dog for hunting, security, or breeding purposes. The term dealer does not include a retail pet store unless such store sells any animals to a research facility, an exhibitor, or to a dealer (wholesale); or any person who does not sell, or negotiate the purchase or sale, of any wild or exotic animal, dog, or cat and who derives no more than \$500 gross income from the sale of animals, dogs, or cats, during any calendar year.

Enforcement—The activities undertaken by USDA and APHIS/AC and IES personnel to ensure that the AWA's regulations and standards are met. Enforcement includes developing alleged violation cases and taking action in the form of Letters of Warning, warning tickets, stipulations, administrative complaints, hearings, trials, and other legal procedures and methods to obtain compliance.

Exhibitor—Any person (public or private) exhibiting any animals that were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation. Exhibitors include carnivals, circuses, animal acts, zoos, and educational exhibits, whether exhibiting for profit or not. The term exhibitor excludes most retail pet stores, horse and dog races, organizations sponsoring, and all persons participating in State and county fairs, livestock shows, rodeos, field trials, coursing events, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences.

Facility—A facility is the holder of the license or registration. Each facility may have only one license or registration number but may be physically divided into two or more sites.

Inspections—

- **Attempted inspection**—An inspection that could not be completed, including those where representatives of the inspected entities were not onsite or transportation facilities were found to have no animals present.
 - **Compliance inspection**—An unannounced inspection completed, after licensing or registration, to determine the facility's compliance with the AWA regulations and standards. Compliance inspections include reinspections.
 - **Prelicensing or Preregistration inspection**—An announced inspection made, after application for licensure or registration has been submitted, to ascertain compliance with the AWA regulations and standards prior to licensing or registering the facility. Prelicensing inspections are required. Preregistration inspections, although not required, are often performed upon request of the facility.
 - **Reinspection**—An inspection made specifically to follow up on one or more violations documented during a compliance inspection.
- Intermediate handler**—Any person who is engaged in any business receiving custody of animals in connection with their transportation in commerce. This definition excludes dealers, research facilities, exhibitors, operators of auction sales, and carriers.

Investigation—Inquiries and examination of allegation(s) that a person or facility is not complying with the AWA or its regulations or standards.

License classes—

- A **Class A licensee** is anyone meeting the definition of “dealer” whose business consists only of animals that are bred and raised on the premises in a closed or stable colony and those animals acquired for the sole purpose of maintaining or enhancing the breeding colony.
- A **Class B licensee** is anyone meeting the definition of a “dealer” whose business includes the purchase and/or resale of any animal. Class B licensees include brokers and operators of auction sales, as such individuals negotiate or arrange for the purchase, sale, or transport of animals in commerce.
- A **Class C licensee** is anyone meeting the definition of an “exhibitor” whose business involves the showing or displaying of animals to the public.

Random-source dogs and cats—Animals acquired from animal pounds and shelters, auction sales, or from any person who did not breed and raise the animals on his or her premises.

Registrant—Any research facility, carrier, intermediate handler, or exhibitor whose primary business is not required to be licensed by the AWA. If a registered facility conducts an activity that requires a license, then it will also be licensed for that activity. For example, some research facilities have a dealer license in addition to their registration because they occasionally sell surplus animals to other research facilities.

Research facility—Any school (other than elementary or secondary), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that: (1) purchases or transports live animals in commerce or, (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments.

- An active registered research facility is a USDA-registered research facility that currently utilizes animals covered by the AWA for teaching, testing, or experimentation.
- An inactive registered research facility is a USDA-registered research facility that currently does not utilize animals covered by the AWA for teaching, testing, or experimentation.

Retail pet store—Any outlet where only the following animals are sold or offered for sale, at retail, for use as pets: dogs, cats, rabbits, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchillas, domestic ferrets, domestic farm animals, birds, coldblooded species, and other common small pets. Retail pet stores do not include any establishment or persons who (1) deal in dogs used for hunting, security, or breeding purposes; (2) exhibit, sell, or offer to exhibit or sell, any wild or exotic or other nonpet species of warmblooded animals (except birds) such as skunks, raccoons, nonhuman primates, squirrels, ocelots, foxes, coyotes, etc.; (3) sell warm-blooded animals (except birds and laboratory rats and mice) for research or exhibition purposes; (4) wholesale any animals (except birds and laboratory rats and mice); or (5) exhibit pet animals in a room that is separate from or adjacent to the retail pet store, or in an outside area, or anywhere off the retail pet store premises.

Search—Activity associated with finding unlicensed or unregistered entities.

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

Stipulation—An agreement by a violator to accept assessment of a civil penalty, license suspension, or combination of both. The stipulation procedure is used instead of formal administrative hearings. Alleged violators are offered the opportunity to waive a hearing by agreeing to enter into a stipulation, in which case they will pay a specified civil penalty and/or have their license suspended for a specified period.

Violation—An area or item, at a registered or licensed facility, found to be out of compliance with the regulations or standards of the AWA.

APPENDIX

TABLE 1. NUMBER OF LICENSEES AND REGISTRANTS, BY FACILITIES AND NUMBER OF SITES (FY 1998)

	Registered intermediate handlers		Registered carriers		Licensed Class A dealers		Licensed Class B dealers		Licensed exhibitors		Registered exhibitors		Active research facilities		Inactive research facilities	
	Facilities	Sites	Facilities	Sites	Facilities	Sites	Facilities	Sites	Facilities	Sites	Facilities	Sites	Facilities	Sites	Facilities	Sites
Total United States	292	465	90	858	2,892	3,024	1,034	1,144	2,178	2,673	20	23	1,227	2,145	40	61
Alabama	2	3	0	20	5	6	11	11	34	39	0	0	14	31	0	0
Alaska	3	5	4	14	0	0	0	0	11	14	0	0	4	9	0	0
Arizona	9	14	2	8	7	7	7	10	32	43	0	0	10	22	0	0
Arkansas	1	2	0	25	148	153	25	29	28	34	0	0	10	17	0	0
California	37	62	8	96	16	20	20	23	219	295	1	1	171	278	12	20
Colorado	7	11	2	11	6	6	5	6	29	39	0	0	21	42	2	2
Connecticut	8	12	1	8	0	0	3	4	36	39	0	0	20	25	0	0
Delaware	0	0	0	0	0	0	4	4	7	7	0	0	8	9	0	0
Dist. of Columbia	0	1	0	2	0	0	0	0	0	0	0	0	6	11	0	0
Florida	25	44	4	43	28	39	58	65	239	339	1	1	23	43	4	5
Georgia	12	13	3	29	22	22	10	11	40	49	2	2	16	51	0	0
Guam	1	2	0	1	0	0	0	0	1	3	0	0	0	0	0	0
Hawaii	22	22	5	30	0	0	0	0	14	18	0	0	2	8	0	0
Idaho	0	0	0	5	3	3	1	1	15	19	0	0	3	8	0	0
Illinois	9	9	1	12	42	43	35	36	132	147	2	2	39	41	0	0
Indiana	3	5	1	13	32	34	34	37	64	65	0	0	20	25	0	0
Iowa	0	3	1	25	265	273	66	70	33	39	0	0	18	44	0	0
Kansas	0	0	1	9	371	378	71	77	22	24	0	0	17	27	2	2
Kentucky	5	10	1	11	7	8	10	10	14	15	1	1	9	27	1	1
Louisiana	1	3	0	8	15	14	9	9	18	22	0	0	13	17	0	0
Maine	3	8	0	5	1	1	2	5	10	10	0	0	9	12	0	0
Maryland	7	16	0	15	2	5	3	6	17	20	0	0	42	53	1	1
Massachusetts	5	9	1	7	6	8	8	11	41	51	1	1	82	134	0	0
Michigan	4	9	3	37	13	16	33	41	79	85	5	6	33	88	0	0
Minnesota	1	3	2	5	72	76	36	33	51	58	2	2	28	42	0	0
Mississippi	0	0	0	0	7	7	3	3	14	16	0	0	6	7	0	0
Missouri	5	6	3	36	949	974	132	145	43	59	0	0	39	73	0	0
Montana	0	0	1	18	11	11	2	2	19	23	0	0	6	10	1	1
Nebraska	1	1	0	6	129	129	15	16	12	12	0	0	13	20	0	0
Nevada	3	8	1	7	3	3	8	7	50	63	0	0	2	1	0	0
New Hampshire	1	1	1	4	1	1	0	1	17	19	0	0	3	4	0	0
New Jersey	6	8	2	11	6	5	17	17	39	48	0	0	44	64	2	2
New Mexico	4	5	3	2	1	1	2	1	12	25	0	0	8	24	0	0
New York	21	30	6	39	26	28	30	33	108	128	0	0	95	142	3	3
North Carolina	5	12	2	22	8	10	21	26	31	37	0	0	24	57	1	2
North Dakota	1	1	0	23	24	25	2	3	11	15	0	0	3	3	0	0
Ohio	7	12	2	21	27	32	37	40	64	75	3	4	46	93	1	4
Oklahoma	2	5	0	16	307	321	47	50	24	28	0	0	15	28	1	2
Oregon	3	4	1	7	35	39	31	34	42	46	0	0	8	18	1	2
Pennsylvania	15	18	1	32	101	109	47	53	88	109	0	0	79	122	1	2
Puerto Rico	1	2	4	10	0	0	1	1	6	6	0	0	7	10	1	1
Rhode Island	1	2	0	2	0	0	0	0	9	11	0	0	8	16	0	0
South Carolina	1	2	0	10	6	10	4	4	15	16	0	0	9	16	0	0
South Dakota	0	0	0	22	78	80	14	16	19	22	0	0	6	9	0	0
Tennessee	4	9	1	18	10	11	10	12	28	31	0	0	17	18	3	4
Texas	22	39	6	67	72	80	101	116	156	200	0	0	84	134	0	0
Utah	2	2	2	10	2	1	3	3	11	12	0	0	7	30	0	0
Vermont	1	2	0	3	1	1	3	3	3	3	0	0	2	4	0	0
Virgin Islands	1	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Virginia	9	15	3	8	1	3	10	12	42	50	1	1	15	31	0	0
Washington	7	10	7	15	7	8	12	14	30	37	0	0	27	53	2	6
West Virginia	1	1	0	1	1	1	10	10	11	13	0	0	5	8	0	0
Wisconsin	3	3	4	8	17	21	21	23	87	94	1	2	28	77	1	1
Wyoming	0	0	0	0	1	1	0	0	1	1	0	0	3	9	0	0

TABLE 2. ANIMALS USED IN RESEARCH (FY 1998)

	Number of all animals	Dogs	Cats	Primates	Guinea pigs	Hamsters	Rabbits	Sheep	Pigs	Other farm animals	Other animals
Total United States	1,213,814	76,071	24,712	57,377	261,305	206,243	287,523	27,381	76,568	53,671	142,963
Total research	1,079,097	73,933	24,032	51,048	251,297	187,144	274,486	14,069	64,124	28,175	110,789
Federal agencies	134,717	2,138	680	6,329	10,008	19,099	13,037	13,312	12,444	25,496	32,174
Alabama	7,732	2,064	398	715	488	42	2,076	91	499	691	668
Alaska	310	20	2	0	0	0	0	0	0	0	288
Arizona	3,848	532	89	99	160	702	1,174	21	562	48	461
Arkansas	3,284	1,368	58	160	359	140	1,002	0	132	0	65
California	151,252	3,511	2,994	5,540	31,704	24,585	57,960	2,987	6,201	6,098	9,672
Colorado	9,211	1,075	639	31	2,258	1,020	1,375	446	127	358	1,882
Connecticut	9,165	1,297	107	190	733	1,186	2,786	13	813	63	1,977
Delaware	14,796	1,573	399	33	2,829	4,527	3,507	0	99	0	1,829
Dist. of Columbia	9,863	208	162	354	9,486	1,625	1,106	56	768	0	4,936
Florida	13,333	427	634	1,484	1,910	891	1,886	278	990	187	4,646
Georgia	29,161	1,202	403	3,008	812	5,074	6,242	8	2,113	5,220	5,079
Guam	0	0	0	0	0	0	0	0	0	0	0
Hawaii	249	0	2	17	81	4	42	0	63	11	29
Idaho	1,024	28	3	0	12	3	84	32	0	2	860
Illinois	38,149	3,277	721	937	8,739	4,861	10,006	681	3,949	1,085	3,893
Indiana	18,768	3,349	460	358	654	602	5,945	115	3,959	182	3,144
Iowa	71,520	2,682	2,495	10	6,900	43,666	6,191	641	5,167	2,806	962
Kansas	28,274	1,541	874	158	6,617	9,700	3,460	25	3,202	1,764	933
Kentucky	4,200	352	102	102	338	552	1,859	0	253	23	619
Louisiana	14,310	937	511	7,935	639	192	2,586	14	256	181	1,059
Maine	627	0	0	0	2	18	200	0	125	282	0
Maryland	66,561	1,425	660	5,682	13,773	13,751	12,806	530	3,358	255	14,321
Massachusetts	54,109	1,411	384	2,356	18,308	8,345	10,158	1,058	4,102	1,495	6,492
Michigan	41,320	5,126	983	1,857	15,719	1,205	9,301	363	750	273	5,743
Minnesota	18,055	2,045	108	137	6,156	1,123	3,870	588	2,593	897	538
Mississippi	2,320	585	44	95	0	403	405	3	522	61	202
Missouri	33,733	2,787	1,676	72	6,841	10,320	4,620	442	1,869	881	4,225
Montana	2,557	0	14	13	295	0	1,703	128	216	6	182
Nebraska	77,109	888	222	58	2,915	29,364	3,190	12,332	7,814	19,708	618
Nevada	4,084	115	0	1,670	1,033	3	121	320	4	0	818
New Hampshire	656	20	57	2	4	63	214	0	245	0	51
New Jersey	93,674	6,235	961	2,850	35,199	12,336	26,202	122	2,181	41	7,547
New Mexico	1,594	198	0	386	97	126	43	10	109	0	625
New York	50,869	4,187	1,542	1,751	11,293	8,551	8,016	838	2,018	436	12,237
North Carolina	31,386	2,108	795	1,670	9,573	1,860	8,730	349	3,655	785	1,861
North Dakota	737	36	46	0	54	166	21	230	141	0	43
Ohio	63,397	4,994	958	943	25,033	1,731	15,892	292	4,889	412	8,253
Oklahoma	3,088	1,035	120	86	455	54	824	39	54	191	230
Oregon	5,064	143	52	2,038	777	766	620	115	334	150	69
Pennsylvania	88,088	6,821	1,976	2,003	29,660	3,791	36,075	554	3,202	1,543	2,463
Puerto Rico	2,293	54	8	1,874	99	134	56	0	15	0	53
Rhode Island	2,696	244	308	39	87	374	210	235	245	349	605
South Carolina	2,102	260	171	120	26	146	709	0	481	57	132
South Dakota	5,964	54	35	6	43	36	387	1,540	710	2,865	288
Tennessee	10,100	1,093	149	434	1,048	1,413	3,482	86	1,445	153	797
Texas	46,987	2,903	1,144	5,031	6,356	2,625	17,619	819	2,672	3,338	4,480
Utah	2,589	195	36	15	335	531	725	232	62	48	410
Vermont	763	15	11	0	379	0	212	0	65	4	77
Virgin Islands	0	0	0	0	0	0	0	0	0	0	0
Virginia	15,442	1,873	177	1,607	668	1,012	4,384	99	1,315	382	3,925
Washington	34,234	1,068	300	940	4,566	1,639	3,935	425	811	95	20,455
West Virginia	885	41	68	5	354	11	306	68	6	0	26
Wisconsin	21,774	2,631	639	2,506	4,256	4,971	3,167	145	1,405	162	1,892
Wyoming	508	38	15	0	20	3	33	11	2	83	303

**TABLE 3. ANIMALS USED IN RESEARCH, NO PAIN OR DISTRESS—
NO DRUGS NEEDED FOR RELIEF (FY 1998)**

	Number of all animals	Dogs	Cats	Primates	Guinea pigs	Hamsters	Rabbits	Sheep	Pigs	Other farm animals	Other animals
Total United States	670,629	33,787	12,369	31,377	157,721	107,644	150,535	17,454	32,702	37,879	89,161
Total research	585,122	33,705	12,276	28,195	152,310	95,819	148,028	4,795	24,734	18,835	66,425
Federal agencies	85,507	82	93	3,182	5,411	11,825	2,507	12,659	7,968	19,044	22,736
Alabama	2,558	359	200	7	434	37	527	7	24	515	448
Alaska	106	0	2	0	0	0	0	0	0	0	104
Arizona	1,026	88	5	78	83	202	407	0	67	26	70
Arkansas	2,148	1,155	53	98	68	140	569	0	7	0	58
California	69,965	1,311	1,738	3,163	20,218	6,564	26,098	632	1,675	3,113	5,453
Colorado	4,180	868	351	0	434	395	608	23	31	111	1,359
Connecticut	2,619	339	4	72	259	215	535	1	387	40	767
Delaware	6,661	961	257	26	1,069	2,887	1,347	0	98	0	16
Dist. of Columbia	5,927	10	1	158	306	683	372	4	3	0	4,390
Florida	9,460	137	107	1,222	1,624	673	921	89	30	57	4,600
Georgia	4,448	352	108	157	513	1,008	559	6	88	227	1,430
Guam	0	0	0	0	0	0	0	0	0	0	0
Hawaii	67	0	2	5	36	0	0	0	0	0	24
Idaho	750	0	0	0	12	3	60	2	0	2	671
Illinois	24,025	1,641	313	449	5,717	3,428	5,914	563	2,630	988	2,382
Indiana	11,417	1,727	242	210	187	327	4,410	12	3,464	110	728
Iowa	45,143	1,246	1,854	0	4,877	25,967	3,367	415	4,522	2,532	363
Kansas	11,382	1,214	667	0	918	2,937	206	25	3,020	1,634	761
Kentucky	584	12	0	0	225	80	113	0	2	2	150
Louisiana	8,268	186	273	6,258	283	187	450	14	76	128	413
Maine	434	0	0	0	2	18	138	0	26	250	0
Maryland	30,011	111	94	3,112	6,385	9,878	6,115	102	734	122	3,358
Massachusetts	29,734	299	171	564	14,965	4,649	3,871	227	763	202	4,023
Michigan	21,843	2,942	223	1,417	7,316	337	4,747	65	68	196	4,532
Minnesota	8,472	283	18	21	4,642	574	1,433	59	398	761	283
Mississippi	542	135	4	0	0	0	19	0	146	49	189
Missouri	18,619	1,639	1,381	25	5,588	2,135	3,069	350	1,152	644	2,636
Montana	1,772	0	14	13	129	0	1,416	12	0	6	182
Nebraska	64,637	227	92	47	2,362	21,510	2,352	12,213	7,246	18,560	28
Nevada	3,545	95	0	1,562	958	3	109	0	0	0	818
New Hampshire	67	0	0	0	4	0	25	0	20	0	18
New Jersey	60,345	3,846	334	1,179	19,854	8,692	19,521	59	391	15	6,454
New Mexico	991	48	0	117	44	126	37	0	0	0	619
New York	24,355	1,650	865	1,086	5,843	3,723	2,773	41	142	286	7,946
North Carolina	15,802	874	232	384	6,331	624	5,020	65	810	650	812
North Dakota	301	24	26	0	14	166	12	0	31	0	28
Ohio	39,591	2,180	398	473	21,355	573	10,907	50	231	206	3,218
Oklahoma	1,022	241	41	0	362	0	146	32	11	122	67
Oregon	966	21	11	434	22	295	20	3	0	108	52
Pennsylvania	57,694	4,070	1,231	811	15,561	1,534	30,036	238	1,604	1,032	1,577
Puerto Rico	1,130	0	0	950	85	41	54	0	0	0	0
Rhode Island	1,025	230	195	28	0	0	45	0	0	20	507
South Carolina	252	16	11	0	2	30	44	0	24	9	116
South Dakota	5,058	29	26	0	16	36	9	1,540	522	2,843	37
Tennessee	2,278	80	23	44	405	719	509	0	125	15	358
Texas	26,576	1,241	535	3,500	5,019	847	8,456	300	873	1,844	3,961
Utah	791	1	0	0	0	246	121	16	41	0	366
Vermont	551	7	5	0	377	0	86	0	0	4	72
Virgin Islands	0	0	0	0	0	0	0	0	0	0	0
Virginia	5,534	822	30	887	402	132	1,077	58	267	293	1,566
Washington	23,019	224	90	754	255	1,456	576	161	47	55	19,401
West Virginia	59	0	0	0	34	11	14	0	0	0	0
Wisconsin	12,550	834	142	2,066	2,118	3,553	1,282	59	904	73	1,519
Wyoming	329	12	0	0	8	3	33	11	2	29	231

**TABLE 4. ANIMALS USED IN RESEARCH, WITH PAIN OR DISTRESS—
DRUGS USED FOR RELIEF (FY 1998)**

	Number of all animals	Dogs	Cats	Primates	Guinea pigs	Hamsters	Rabbits	Sheep	Pigs	Other farm animals	Other animals
Total United States	432,276	40,219	11,780	25,215	62,119	47,537	128,038	9,904	42,952	15,347	49,165
Total research	388,160	38,335	11,197	22,204	59,048	42,081	117,890	9,253	38,841	8,974	40,337
Federal agencies	44,116	1,884	583	3,011	3,071	5,456	10,148	651	4,111	6,373	8,828
Alabama	4,967	1,498	198	708	54	5	1,549	84	475	176	220
Alaska	204	20	0	0	0	0	0	0	0	0	184
Arizona	2,822	444	84	21	77	500	767	21	495	22	391
Arkansas	410	7	5	0	151	0	174	0	66	0	7
California	65,121	1,844	1,247	2,253	3,463	11,688	31,055	2,352	4,460	2,700	4,059
Colorado	3,190	207	288	19	713	425	680	405	96	247	110
Connecticut	6,173	852	103	97	474	971	2,051	12	426	23	1,164
Delaware	6,447	592	142	7	1,760	44	2,088	0	1	0	1,813
Dist. of Columbia	3,684	198	161	196	119	942	705	52	765	0	546
Florida	3,740	290	527	262	286	218	832	189	960	130	46
Georgia	22,220	826	292	2,825	199	3,771	3,656	2	2,025	4,993	3,631
Guam	0	0	0	0	0	0	0	0	0	0	0
Hawaii	169	0	0	12	32	4	42	0	63	11	5
Idaho	250	28	3	0	0	0	0	30	0	0	189
Illinois	12,978	1,544	408	481	2,215	1,428	3,927	118	1,287	97	1,473
Indiana	5,253	1,556	113	146	467	275	1,494	103	495	72	532
Iowa	8,155	1,308	291	10	1,837	509	2,824	224	358	195	599
Kansas	6,711	275	207	158	2,592	958	2,077	0	182	128	134
Kentucky	3,616	340	102	102	113	472	1,746	0	251	21	469
Louisiana	6,042	751	238	1,677	356	5	2,136	0	180	53	646
Maine	193	0	0	0	0	0	62	0	99	32	0
Maryland	33,793	1,183	566	2,533	5,948	3,494	6,294	428	2,567	133	10,647
Massachusetts	22,880	1,095	213	1,792	3,038	2,993	6,267	831	3,227	1,261	2,163
Michigan	12,871	2,139	760	410	2,300	868	4,180	298	651	54	1,211
Minnesota	9,242	1,762	90	116	1,472	549	2,138	529	2,195	136	255
Mississippi	1,778	450	40	95	0	403	386	3	376	12	13
Missouri	7,871	1,122	295	47	362	2,011	1,447	92	681	225	1,589
Montana	719	0	0	0	100	0	287	116	216	0	0
Nebraska	5,546	661	130	11	553	1,056	748	119	568	1,148	552
Nevada	539	20	0	108	75	0	12	320	4	0	0
New Hampshire	459	20	57	2	0	63	70	0	219	0	28
New Jersey	26,827	2,248	601	1,550	13,371	778	5,487	63	1,790	26	913
New Mexico	573	150	0	269	23	0	6	10	109	0	6
New York	21,788	2,482	677	628	3,124	2,794	5,239	797	1,876	150	4,021
North Carolina	13,357	1,234	551	1,286	1,166	1,201	3,643	284	2,820	123	1,049
North Dakota	436	12	20	0	40	0	9	230	110	0	15
Ohio	21,875	2,746	560	414	2,394	1,154	4,622	242	4,654	206	4,883
Oklahoma	2,066	794	79	86	93	54	678	7	43	69	163
Oregon	4,098	122	41	1,604	755	471	600	112	334	42	17
Pennsylvania	22,279	2,472	687	1,045	7,351	1,975	5,647	316	1,598	511	677
Puerto Rico	1,163	54	8	924	14	93	2	0	15	0	53
Rhode Island	1,639	14	113	11	87	374	133	235	245	329	98
South Carolina	1,850	244	160	120	24	116	665	0	457	48	16
South Dakota	495	25	9	6	27	0	378	0	10	22	18
Tennessee	7,783	974	126	390	643	694	2,973	86	1,320	138	439
Texas	19,059	1,655	609	1,457	1,074	1,415	8,727	519	1,770	1,494	339
Utah	1,796	194	36	15	335	285	602	216	21	48	44
Vermont	212	8	6	0	0	0	128	0	65	0	5
Virgin Islands	0	0	0	0	0	0	0	0	0	0	0
Virginia	9,879	1,051	147	691	266	880	3,307	41	1,048	89	2,359
Washington	7,087	844	210	186	183	183	3,359	264	764	40	1,054
West Virginia	826	41	68	5	312	0	292	68	14	0	26
Wisconsin	8,966	1,797	497	440	2,069	1,418	1,847	86	501	89	222
Wyoming	179	26	15	0	12	0	0	0	0	54	72

**TABLE 5. ANIMALS USED IN RESEARCH, WITH PAIN OR DISTRESS—
NO DRUGS USED FOR RELIEF (FY 1998)**

	Number of all animals	Dogs	Cats	Primates	Guinea pigs	Hamsters	Rabbits	Sheep	Pigs	Other farm animals	Other animals
Total United States	110,909	2,065	563	785	41,443	51,062	8,894	23	922	445	4,707
Total research	105,806	1,893	559	649	39,917	49,244	8,503	21	557	366	4,097
Federal agencies	5,103	172	4	136	1,526	1,818	391	2	365	79	610
Alabama	207	207	0	0	0	0	0	0	0	0	0
Alaska	0	0	0	0	0	0	0	0	0	0	0
Arizona	0	0	0	0	0	0	0	0	0	0	0
Arkansas	726	206	0	62	140	0	259	0	59	0	0
California	16,166	356	9	124	8,023	6,333	807	3	66	285	160
Colorado	1,841	0	0	12	1,111	200	87	18	0	0	413
Connecticut	373	106	0	21	0	0	200	0	0	0	46
Delaware	1,688	20	0	0	0	1,596	72	0	0	0	0
Dist. of Columbia	252	0	0	0	223	0	29	0	0	0	0
Florida	133	0	0	0	0	0	133	0	0	0	0
Georgia	2,493	24	3	26	100	295	2,027	0	0	0	18
Guam	0	0	0	0	0	0	0	0	0	0	0
Hawaii	13	0	0	0	13	0	0	0	0	0	0
Idaho	24	0	0	0	0	0	24	0	0	0	0
Illinois	1,146	92	0	7	807	5	165	0	32	0	38
Indiana	2,098	66	105	2	0	0	41	0	0	0	1,884
Iowa	18,222	128	350	0	186	17,190	0	2	287	79	0
Kansas	10,181	52	0	0	3,107	5,805	1,177	0	0	2	38
Kentucky	0	0	0	0	0	0	0	0	0	0	0
Louisiana	0	0	0	0	0	0	0	0	0	0	0
Maine	0	0	0	0	0	0	0	0	0	0	0
Maryland	2,757	131	0	37	1,440	379	397	0	57	0	316
Massachusetts	1,495	17	0	0	305	703	20	0	112	32	306
Michigan	6,606	45	0	30	6,103	0	374	0	31	23	0
Minnesota	341	0	0	0	42	0	299	0	0	0	0
Mississippi	0	0	0	0	0	0	0	0	0	0	0
Missouri	7,243	26	0	0	891	6,174	104	0	36	12	0
Montana	66	0	0	0	66	0	0	0	0	0	0
Nebraska	6,926	0	0	0	0	6,798	90	0	0	0	38
Nevada	0	0	0	0	0	0	0	0	0	0	0
New Hampshire	130	0	0	0	0	0	119	0	6	0	5
New Jersey	6,502	141	26	121	1,974	2,866	1,194	0	0	0	180
New Mexico	30	0	0	0	30	0	0	0	0	0	0
New York	4,726	55	0	37	2,326	2,034	4	0	0	0	270
North Carolina	2,227	0	12	0	2,064	35	67	0	25	12	12
North Dakota	0	0	0	0	0	0	0	0	0	0	0
Ohio	1,931	68	0	56	1,284	4	363	0	4	0	152
Oklahoma	0	0	0	0	0	0	0	0	0	0	0
Oregon	0	0	0	0	0	0	0	0	0	0	0
Pennsylvania	8,115	279	58	147	6,748	282	392	0	0	0	209
Puerto Rico	0	0	0	0	0	0	0	0	0	0	0
Rhode Island	32	0	0	0	0	0	32	0	0	0	0
South Carolina	0	0	0	0	0	0	0	0	0	0	0
South Dakota	411	0	0	0	0	0	0	0	178	0	233
Tennessee	39	39	0	0	0	0	0	0	0	0	0
Texas	1,352	7	0	74	263	363	378	0	29	0	238
Utah	2	0	0	0	0	0	2	0	0	0	0
Vermont	0	0	0	0	0	0	0	0	0	0	0
Virgin Islands	0	0	0	0	0	0	0	0	0	0	0
Virginia	29	0	0	29	0	0	0	0	0	0	0
Washington	4,128	0	0	0	4,128	0	0	0	0	0	0
West Virginia	0	0	0	0	0	0	0	0	0	0	0
Wisconsin	258	0	0	0	69	0	38	0	0	0	151
Wyoming	0	0	0	0	0	0	0	0	0	0	0

TABLE 6. NUMBER OF ANIMALS USED BY RESEARCH FROM THE FIRST REPORTING YEAR (1973) TO THE PRESENT

FY	Dogs	Cats	Primates	Guinea pigs	Hamsters	Rabbits	Farm animals	Other covered animals	Totals
1973	195,157	66,195	42,298	408,970	454,986	447,570		38,169	1,653,345
1974	199,204	74,259	51,253	430,439	430,766	425,585		81,021	1,692,527
1975	154,489	51,439	36,202	436,446	456,031	448,530		42,523	1,625,660
1976	210,330	70,468	50,115	486,310	503,590	527,551		73,736	1,922,100
1977	176,430	62,311	53,116	348,741	393,533	439,003		46,535	1,519,669
1978	197,010	65,929	57,009	419,341	414,394	475,162		58,356	1,687,201
1979	211,104	69,103	59,359	457,134	419,504	539,594		76,247	1,832,045
1980	188,783	68,482	56,024	422,390	405,826	471,297		49,102	1,661,904
1981	188,649	58,090	57,515	432,632	397,522	473,922		50,111	1,658,441
1982	161,396	49,923	46,388	459,246	337,790	453,506		69,043	1,577,292
1983	174,542	53,344	54,926	485,048	337,023	466,810		108,549	1,680,242
1984	201,936	56,910	55,338	561,184	437,123	529,101		232,541	2,074,133
1985	194,905	59,211	57,271	598,903	414,460	544,621		284,416	2,153,787
1986	176,141	54,125	48,540	462,699	370,655	521,773		144,470	1,778,403
1987	180,169	50,145	61,392	538,998	416,002	554,385		168,032	1,969,123
1988	140,471	42,271	51,641	431,457	331,945	459,254		178,249	1,635,288
1989	156,443	50,812	51,688	481,712	389,042	471,037		153,722	1,754,456
1990	109,992	33,700	47,177	352,627	311,068	399,264	66,702	257,569	1,578,099
1991	107,908	34,613	42,620	378,582	304,207	396,046	214,759	363,685	1,842,420
1992	124,161	38,592	55,105	375,063	369,585	431,432	210,936	529,308	2,134,182
1993	106,191	33,991	49,561	392,138	318,268	426,501	165,416	212,309	1,704,505
1994	101,090	32,610	55,113	360,184	298,934	393,751	180,667	202,300	1,624,649
1995	89,420	29,569	50,206	333,379	248,402	354,076	163,985	126,426	1,395,463
1996	82,420	26,035	52,327	299,011	246,415	338,574	154,344	146,579	1,345,739
1997	75,429	26,091	56,381	272,797	217,079	309,322	159,742	150,987	1,267,828
1998	76,071	24,712	57,377	261,305	206,243	287,523	157,620	142,963	1,213,814