

# Questions and Answers: Rats, Mice, and Birds to be Included in the Animal Welfare Act

**Q. When and how did the U.S. Department of Agriculture (USDA) decide to include rats, mice, and birds (RMB) into the Animal Welfare Act (AWA)?**

**A.** In 2002, the passage of the Farm Security and Rural Investment Act, also known as the 2002 Farm Bill, amended the AWA's definition of *animal* to include rats of the genus *Rattus*, mice of the genus *Mus*, and birds—with the exception of those bred for use in research.

**Q. Will RMB facilities be subjected to the same AWA regulations as other animal facilities?**

**A.** Yes, any facility that houses warm-blooded animals, including RMB for uses covered under the AWA, will be required to be licensed or registered with USDA's Animal and Plant Health Inspection Service (APHIS) and is also subject to unannounced inspections.

**Q. When did USDA first inform the public and stakeholders of these potential changes to the AWA?**

**A.** In 2004, USDA released an advance notice of proposed rulemaking (ANPR) and request for comments on the creation of regulations that would cover rats, mice, and birds—with the exception of those bred for use in research.

**Q. What were the details of the ANPR?**

**A.** The ANPR stated that the proposed rule would cover “standards and other requirements governing the humane handling, care, treatment and transportation by dealers, research facilities, exhibitors, operators of auction sales, and carriers and intermediate handlers” of rats of the genus *Rattus*, mice of the genus *Mus*, and birds, other than those bred for use in research.

**Q. What type of response did you receive to the ANPR?**

**A.** There were more than 7,400 comments submitted in response to the advance notice, representing input from a wide range of entities working with rats, mice and birds, including breeders, zoos and aquaria, research laboratories, dealers, animal welfare organizations, trade associations, and private citizens. These comments were evaluated and incorporated into the proposed regulations.

**Q. When will the new rule come out?**

**A.** USDA will publish a proposed rule in the *Federal Register* after completing an internal review of its content. USDA anticipates its release during 2011. At that point, the public will be provided an opportunity to comment. Once the comment period is completed, the final rule will be developed and published, a process that can take 1–2 years to complete, depending on the extent of public comments and further internal review and implementation planning.

**Q. Do the RMB entities that will fall under these regulations have a deadline to become USDA-licensed?**

**A.** As with any new regulation, there will be a time period provided in the final rule for facilities to come into compliance. That time period will be decided during the final rule's development. The first step, however, is for the agency to publish a proposed rule and seek public comment. This is anticipated during 2011.

**Q. Have you included stakeholders input on how to shape these regulations?**

**A.** USDA has created a network of stakeholders with expertise to assist in developing the new regulations. Zoos and aquaria, bird breeders, animal distributors, field and bench-side researchers, State and Federal governmental officials, conservationists, veterinarians, veterinary associations, nongovernmental organizations, animal welfare organizations, animal trainers, and the general public are all crucial to development of the regulations. It is the goal of the agency to ensure that the new regulations are adaptable, have clear measures of success, are administratively efficient, and reduce the legal and economic burden on regulated facilities and the agency itself.

**Q. Do you have an idea of how many rats, mice, and birds will be covered with this new regulation?**

**A.** USDA acknowledges that there are more than 9,000 species of birds, representing over 30 taxonomical orders, with many unique husbandry requirements. Based on available information about the number of birds in captivity, USDA estimates there are at least 5 million birds that will be covered by this new regulation. Most of the rats of the genus *Rattus* and mice of the genus *Mus* are bred for use in research or for use as animal food, and are therefore exempt from coverage under the AWA. Based on field observations and communication with stakeholders, USDA estimates the number of additional facilities that house just rats and mice for uses under the AWA and are not already inspected by APHIS is less than 100. These facilities could each have multiple animals, but numbers are unknown at this point.

**Q. Will the new regulations require additional resources for USDA?**

**A.** USDA will assess inspector workload and the need for additional resources as part of implementation planning for the new regulations. If required, APHIS will seek additional resources.

**Q. Do you anticipate these regulations having a financial impact on the industry?**

**A.** AWA regulations cover minimal standards of care for animals. We anticipate that many facilities are likely already in compliance with the regulations and will only incur licensing fees. There will be other facilities that need to make changes in order to meet USDA's licensing requirements, and the financial impact at these facilities will be greater. USDA's intent is to ensure that all of the animals covered by the expanded definition of animals in the AWA receive humane care and treatment.

**Q. What challenges is USDA expecting from implementing these regulations?**

**A.** USDA anticipates that incorporating covered rats and mice into the current program will not create a substantial burden, based on low numbers of additional facilities and the fact that we already cover other types of rodents. On the other hand, there will be multiple challenges focused around implementing the avian regulations, including:

- A large but unknown number of facilities to be regulated. For example, estimates provided to the agency of how many avian breeding facilities are in the United States range from 10,000 to 75,000.
- The wide variety of facilities and avian species to be regulated

- The overlapping regulatory jurisdiction with other agencies and State governments that already have regulations that cover birds. USDA is making every effort to collaborate with State and Federal agencies that may already work with facilities that will be regulated under the AWA.

**Q. How can I help?**

**A.** The best way to help is to stay informed on the status of the rule by following *Federal Register* activity and attending USDA presentations to various stakeholders. Once the proposed rule is published for comment, providing constructive information to the agency is the best way to contribute to the development of a final rule. After the proposed rule is published in the *Federal Register*, it will be available online at [www.regulations.gov/](http://www.regulations.gov/).

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