

Questions and Answers: Regulation of Dog/Cat Breeders and Dealers

Q. Who regulates commercial dog/cat breeders and dealers?

A. Facilities that breed and sell their animals to pet stores, brokers, or research facilities are covered under the Animal Welfare Act (AWA). The facility operators are required to obtain a license from the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS). APHIS inspectors from the Animal Care program conduct unannounced compliance inspections to ensure that the animals receive humane care and treatment. Many States and local governments also have their own laws that protect animals. USDA-licensed breeders and dealers also have to comply with these laws.

Q. What types of dog/cat breeders and dealers does the USDA regulate? Which breeders and dealers are not regulated under the AWA?

A. The AWA requires that the following breeders/dealers obtain USDA licenses: (1) people who breed dogs and cats for use as pets or for other purposes and sell them sight unseen at the retail level; and (2) the wholesale dealers who supply these animals to pet stores, brokers, or research facilities. The AWA does not cover all animals in all situations, including household pets sold face-to-face at retail, pets owned by individuals, and pets housed in shelters or pounds. USDA's jurisdiction is limited to the authority granted by the AWA. As indicated previously, States and local governments may create and enforce their own laws and regulations to protect animals, which may exceed the AWA standards.

Q. How do facilities become licensed?

A. In order to engage in regulated activities, a dog/cat breeder or dealer must first apply for an AWA license from USDA. Next, the applicant must pass a pre-license inspection and be in full compliance with all of the AWA standards and regulations. If the applicant passes the inspection and then pays the appropriate license fee, USDA Animal Care issues him or her a license.

Q. What system does the USDA use to inspect dog/cat breeding facilities?

A. USDA uses a risk-based inspection system to make the best use of its resources. The frequency of a facility's inspections is determined by its compliance record. All licensed facilities are inspected, but USDA inspectors conduct more frequent inspections at those facilities that have more difficulty adhering to the regulations. Inspectors may also visit a facility when USDA receives a complaint regarding that facility.

Q. What standards of care and other conditions does USDA require of dog/cat breeders and dealers?

A. USDA-licensed breeders and dealers are required to meet the standards of humane animal care and treatment established by the AWA and its associated regulations. These regulations and standards cover areas such as housing, sanitation, food, water, and protection against extremes of weather and temperature. Breeders and dealers must also employ a full-time veterinarian or arrange for a contract veterinarian to visit their business regularly. A facility that employs a part-time or contract veterinarian needs to establish a written program of veterinary care, which must be available to USDA inspectors for review. To prevent lost or stolen animals from being used for AWA-regulated activities, USDA requires breeders and dealers to maintain accurate and complete records of the sources of all their animals. They are also required to keep records of the dates of acquisition and disposition and to properly identify the animals on their premises.

Q. What is USDA's role regarding the commercial transport of animals?

A. AWA regulations require licensed dealers, contract carriers, and intermediate handlers to provide regulated animals with humane care and treatment. Transported animals must meet established minimum age and health certification requirements. They must be housed in proper containers with adequate space and ventilation, and they must be protected from extreme temperatures. Animals arriving at a terminal must be promptly picked up and must receive proper care until they are picked up by the receiving party. Dogs imported into the United States for the purpose of resale must be vaccinated and in good health, and they must be at least 6 months of age.

Q. Why and under what circumstances does USDA confiscate animals?

A. If a regulated animal is in a state of unrelieved suffering and the licensee/registrant is not arranging for the proper veterinary care, USDA is authorized by the AWA to confiscate that animal. USDA will issue the facility a notice of intent to confiscate, which gives the licensee/registrant a final opportunity to arrange for proper medical care. If adequate veterinary care is not given at that point, the confiscation process moves quickly. In some cases, USDA will negotiate with the facility so that it surrenders the animal(s) directly to an outside organization, thus simplifying the process and expediting placement of the animal(s).

Q. How does USDA address AWA violations?

A. USDA conducts thorough inspections. If an inspector sees anything that is not in compliance with the AWA standards and regulations, he or she will cite this as a noncompliant item on the inspection report. The inspector will explain the item to the licensee/registrant and establish a deadline for when the matter must be corrected. Repeat noncompliances and serious incidents may warrant investigations, which are the precursors to potential enforcement actions, including warning letters, monetary fines, cease-and-desist orders, license suspensions, and license revocations. Only a USDA administrative law judge can designate a noncompliant item as an actual violation.

Q. Can an AWA violation ever be a criminal offense?

A. Only certain AWA violations are pursued as criminal offenses, such as those related to animal fighting or maintaining fraudulent acquisition/disposition records. In these cases, the USDA Office of the Inspector General typically conducts investigations, and the U.S. Department of Justice prosecutes them. These cases are not overseen by USDA administrative law judges. Outcomes in criminal cases may include a prison sentence and/or monetary fines.

Additional Information

For more specific information about the AWA and its regulations and standards, visit the USDA Animal Care Web site at www.aphis.usda.gov/animal_welfare.

Contact information for the Animal Care regional and headquarters offices is listed below.

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