

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Ch. I]

LABORATORY ANIMAL WELFARE

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. section 553, that pursuant to the provisions of the Act of August 24, 1966 (P.L. 89-544), commonly known as the Laboratory Animal Welfare Act, the Department of Agriculture is proposing to issue regulations and standards to appear as a new Subchapter A in Chapter I, Title 9, Code of Federal Regulations, to be designated "Laboratory Animal Welfare," which would read as follows:

SUBCHAPTER A—LABORATORY ANIMAL WELFARE

PART 1—DEFINITIONS OF TERMS

§ 1.1 Definitions.

For the purposes of this subchapter, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) "Act" means the Act of August 24, 1966 (P.L. 89-544), commonly known as the Laboratory Animal Welfare Act.

(b) "Department" means the U.S. Department of Agriculture.

(c) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated or to whom authority may hereafter be delegated, to act in his stead.

(d) "Division" means the Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture

(e) "Director" means the Director of the Division or any other official of the Division to whom authority has heretofore been delegated or to whom authority may hereafter be delegated, to act in his stead.

(f) "Veterinarian in Charge" means the veterinary inspector who is assigned by the Director to supervise and perform the official work of the Division in a given State and who reports directly to the Director. As used in Part 2 of this subchapter, the Veterinarian in Charge shall be deemed to be the one in charge of the official work of the Division in the State in which the dealer or research facility has his principal place of business.¹

(g) "Division representative" means any inspector or other person employed by the Division who is authorized by the Director of the Division to do any work or perform any duty in connection with the administration of the Act.

(h) "State" means a State, the District of Columbia, Commonwealth of

Puerto Rico, or a territory or possession of the United States.

(i) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

(j) "Dog" means any live dog (*Canis familiaris*).

(k) "Cat" means any live cat (*Felis catus*).

(l) "Animal" means any live dog, cat, nonhuman primate mammal, guinea pig, hamster, or rabbit.

(m) "Nonhuman primate" means a member of the highest order of nonhuman mammals, which includes prosimians, monkeys, and apes, ranging from the marmoset, weighing only a few ounces, to the adult gorilla weighing hundreds of pounds.

(n) "Research Facility" means any school, institution, organization, or person that uses or intends to use dogs or cats in research, tests, or experiments, and that (1) purchases or transports dogs or cats 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 with animals.

(o) "Dealer" means any person who for compensation or profit delivers for transportation, or transports, except as a common carrier, buys, or sells dogs or cats in commerce for research purposes.

(p) "Commerce" means commerce between any State, territory, possession, or the District of Columbia, or the Commonwealth of Puerto Rico, and any place outside thereof; or between points within the same State, territory, or possession, or the District of Columbia, or the Commonwealth of Puerto Rico, but through any place outside thereof; or within any territory, possession, or the District of Columbia.

(q) "Licensee" means any person licensed as a dealer pursuant to the provisions of the Act and the regulations in Part 2 of this subchapter.

(r) "Registrant" means any research facility registered pursuant to the provisions of the Act and the regulations in Part 2 of this subchapter.

(s) "Standards" means the requirements with respect to the humane handling, care, treatment, and transportation of animals by dealers and research facilities set forth in Part 3 of this subchapter.

(t) "Cage" means a box-like enclosure (containing four sides, a roof and floor) having some open work (as of wire or bars), which is used to confine an animal or animals to a limited amount of space in proportion to their size and which permits close observation of such animals.

(u) "Pen or run" means an animal enclosure that confines an animal or animals on four sides by fences or walls, the floor of which is at the approximate level of the adjacent floor or ground.

(v) "Enclosure" means any structure used to contain an animal or animals to a limited amount of space, which includes a room, pen or run, cage or hutch.

PART 2—REGULATIONS

LICENSING

§ 2.1 Application.

(a) Any person operating or desiring to operate as a dealer shall apply for a license on forms which can be obtained from the Veterinarian in Charge in the State in which such person operates or intends to operate. If such person operates in more than one State, he shall apply in the State in which he has his principal place of business. The completed application form shall be filed with such Veterinarian in Charge, together with a certified check, cashier's check, or money order in the amount of the fee prescribed in § 2.6.

(b) Any person who is not a dealer but who desires to obtain a license, may do so by following the requirements for dealers set forth in paragraph (a) of this section and in §§ 2.2, 2.3, and 2.6 and by agreeing in writing on a form furnished by the Division to comply with all the requirements of the Act and the provisions of this subchapter.

§ 2.2 Acknowledgment of Standards.

A copy of the applicable Standards will be supplied with each application for a license, and the applicant shall acknowledge receipt of such Standards and agree to comply with them by signing a form provided for such purpose by the Division. Such form shall be filed with the application for a license.

§ 2.3 Demonstration of compliance with Standards.

Each applicant must demonstrate that his facilities comply with the Standards set forth in Part 3 of this subchapter. In connection therewith, the applicant must make his facilities available at all reasonable times for inspection by a Division representative for the purpose of ascertaining compliance with said Standards. If the applicant's facilities do not meet the requirements for licensing, the applicant will be advised of existing deficiencies and the corrective measures that must be taken before such facilities will be in compliance with the Standards.

§ 2.4 Issuance of licenses.

A license will be issued to any applicant when the requirements of §§ 2.1, 2.2, 2.3, and 2.6 have been met, and when the Secretary has determined that the applicant's facilities comply with the Standards.

§ 2.5 Duration of license.

A license issued under this part shall be valid and effective unless:

(a) Said license has been revoked or is suspended pursuant to section 19 of the Act;

(b) Said license is automatically terminated pursuant to § 2.8; or

(c) Said license is voluntarily terminated upon the request of the licensee.

§ 2.6 Annual fees.

The amount of the annual license fee will be based on the total gross dollar volume of dogs and cats handled by the

¹ The name and address of the Veterinarian in Charge in the State concerned can be obtained by writing to the Director, ANH, ARS, USDA, Hyattsville, Md. 20782.

licensee or applicant during his preceding business year (calendar or fiscal) in the case of a person who operated during such year, or on the basis of the anticipated total gross dollar volume of dogs and cats in the case of a person who has not previously so operated. In the case of an applicant for a license who operated during a substantial portion of his preceding business year but not the entire year, the annual license fee shall be computed by estimating the yearly volume of business on the basis of the business done during the period of operation. The minimum license fee shall be \$15 and shall be applicable to any person whose total gross dollar volume of dogs and cats is \$2,000 or less. The fee shall increase \$5 for each additional \$1,000, or portion thereof, of gross dollar volume of dogs and cats in excess of \$2,000.

§ 2.7 Notification of change of name, address, control or ownership, volume of business.

A licensee shall promptly notify the Veterinarian in Charge of any change in the name, address, management or substantial control or ownership of his business or operation. Each year, within 30 days prior to the anniversary date of his license, a licensee shall file with the Veterinarian in Charge, a form which may be obtained from him, setting forth the annual per head volume and gross dollar volume of dogs and cats handled in his business during his preceding business year.

§ 2.8 Termination.

Each license shall automatically terminate on its anniversary date unless or before such date the form provided for in § 2.7 and the fee, by certified check, cashier's check, or money order, as set forth in § 2.6, have been filed with the Veterinarian in Charge. If such form and fee are not filed by the anniversary date the licensee may obtain reinstatement of his license at any time within 30 days after such anniversary date by paying an additional fee of \$10. Such a license will be reinstated as of the anniversary date.

§ 2.9 Refund of fee.

If an application for a license is withdrawn before the issuance of the license, without the filing of a new application, or if a license is not issued because the applicant does not qualify, the license fee submitted with the application shall be refunded: *Provided*, That the applicant reimburse the Department for expenses incurred in connection with the processing of the application.

§ 2.10 Officers, agents, and employees of licensees whose licenses have been suspended or revoked.

Any person who has been or is an officer, agent, or employee of a licensee whose license has been suspended or revoked and who was responsible for or participated in the violation upon which the order of suspension or revocation was based may not become licensed within the period during which the order of suspension or revocation is in effect.

§ 2.11 Licensees whose licenses have been suspended or revoked.

Any person whose license has been suspended or revoked may not again be licensed in his own name or in any other manner within the period during which the order of suspension or revocation is in effect, and no partnership, firm, or corporation in which any such person has a substantial financial interest will be licensed during said period.

REGISTRATION

§ 2.25 Requirements and procedures.

Every research facility shall register with the Secretary by filing, on forms which may be obtained upon request from the Veterinarian in Charge, a properly executed registration form containing all the information required therein. Such registration form shall be filed with the Veterinarian in Charge. Where a school or department of a university or college uses or intends to use dogs or cats for research, tests or experiments, the university or college rather than the school or department is the research facility and shall register with the Secretary.

§ 2.26 Acknowledgment of Standards.

A copy of the applicable Standards will be supplied with each registration form and the registrant shall acknowledge receipt of such Standards and agree to comply with them by signing a form provided for such purpose by the Division. Such form shall be filed with the Veterinarian in Charge.

§ 2.27 Notification of change of name, address, control, or ownership.

A registrant shall promptly notify the Veterinarian in Charge of any change in the name, address, management or substantial control or ownership of its business or operation. A registrant shall also notify the Veterinarian in Charge of any change in his operation which would effect his status as a research facility as defined in the Act and the regulations.

IDENTIFICATION OF DOGS AND CATS

§ 2.50 Time and method of identification.

(a) When a dealer purchases or otherwise acquires a dog or cat he shall immediately affix to the animal's neck an official tag of the type described in § 2.51 by means of a collar or other device, unless such dog or cat is already identified with an official tag which has been applied by a previous dealer. The dealer shall not remove such previously attached tag, but shall treat it as if he had applied it himself.

(b) The dealer shall exercise extreme care when attaching official tags to the necks of dogs and cats to assure that the collar or other device and the material of which they are made will not cause harm, injury or discomfort to the animal. The use of wire and elastic is prohibited. The use of materials or chains of a type that might become imbedded in the skin of the animal's neck is also prohibited. The use of any other device or material for affixing tags which may create a

hazard to the comfort and well being of the dogs or cats is prohibited.

§ 2.51 Form.

The official tag shall consist of an aluminum circular tag not less than 1¼ inches in diameter. Each tag shall be embossed or stamped with the letters "USDA", and numbers and letters identifying the State, dealer, and animal, as set forth in Figure 1. Such tags shall be serially numbered.

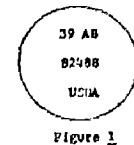


Figure 1

§ 2.52 How to obtain tags.

Dealers may obtain, at their own expense, official tags from commercial tag manufacturers. At the time a dealer is issued a license the Department will assign him dealer identification letters.

§ 2.53 Use of tags.

Official tags obtained by a dealer shall be applied to each dog or cat in the manner set forth in § 2.50 and in consecutive numerical order. No tag shall be used to identify more than one animal.

§ 2.54 Lost tags.

The dealer shall account for all official tags that he acquires. In the event an official tag is lost from the neck of a dog or cat while in the possession of a dealer, a diligent effort shall be made to locate and reapply such tag to the proper animal. If the lost tag is not located, the dealer shall affix another official tag to the animal in the manner prescribed in § 2.50.

§ 2.55 Removal of tag.

(a) Upon arrival at a research facility of a dog or cat wearing an official tag, such tag may be left on the animal at the discretion of officials of the research facility. If, however, the official tag is removed from the dog or cat at the research facility, such tag shall be retained until called for by a Division representative.

(b) If a dealer finds it necessary to humanely dispose of a dog or cat to which is affixed an official tag, he shall remove such tag from the animal and retain it until called for by a Division representative.

RECORDS

§ 2.75 Records, dealers.

In connection with all dogs and cats purchased or otherwise acquired, held, transported, or sold or otherwise disposed of, a dealer shall keep and maintain the following information on the forms supplied and in the manner prescribed by the Division:

* A list of the commercial manufacturers who produce such tags, known to the Department, may be obtained from the Veterinarian in Charge. Any manufacturer who desires to be included in such list should notify the Director.

(a) The name and address of the person from whom acquired, and the person to whom sold or otherwise disposed of, and the license designation of any such person if licensed as a dealer;

(b) The dates of acquisition and disposition;

(c) The description and identification of the animal, including the official tag number, as affixed pursuant to §§ 2.50 and 2.54;

(d) The method of transportation, the license number or other identification of the means of conveyance, and the name and address of the driver of the means of conveyance; and

(e) The nature and method of disposition, e.g., sale, euthanasia, or donation.

§ 2.76 Records, research facilities.

(a) In connection with all dogs and cats purchased or otherwise acquired a research facility shall keep and maintain the following information on the forms supplied and in the manner prescribed by the division:

(1) The name and address of the person from whom such animal was purchased or acquired, and his license designation if licensed as a dealer;

(2) The date acquired; and

(3) The description and identification of the animal, including the official tag number, if one is affixed, and any identification number or letter assigned to the animal by such research facility.

(b) In connection with the transportation of dogs and cats by a research facility, it shall keep and maintain, on the forms supplied and in the manner prescribed by the Division, the method of transportation and the license number or other identification of the means of conveyance.

(c) In connection with all dogs and cats sold or otherwise disposed of by a research facility to another person, such research facility shall keep and maintain, on forms supplied and in the manner prescribed by the Division, the name and address of the person to whom the animal is sold or otherwise disposed of, and the date of such sale or disposition.

§ 2.77 Records, disposition.

(a) Except as otherwise provided in paragraph (b) of this section, no dealer or research facility shall, without the consent in writing of the Director, destroy or dispose of for a period of 2 years from the making thereof, any books, records, documents or other papers required to be kept and maintained under this part.

(b) The records required to be kept and maintained under this part shall be held for more than the 2-year period specified in paragraph (a) of this section if necessary to comply with any Federal, State or local law, or if the dealer or research facility is notified in writing by the Director that specified records should be retained pending the completion of any investigation or proceeding under the Act.

COMPLIANCE WITH STANDARDS AND HOLDING PERIOD

§ 2.100 Compliance with Standards.

Each dealer and research facility shall comply in all respects with the Standards set forth in Part 3 of this subchapter setting forth the standards for the humane handling, care, treatment and transportation of animals.

§ 2.101 Holding period.

(a) All dogs and cats acquired by a dealer shall be held by him, under his supervision and control, for a period of 5 business days after the acquisition of such animals: *Provided, however,* That dogs or cats suffering from disease, emaciation or injury may be humanely destroyed prior to the expiration of the 5-day holding period. Business day shall mean any day of the week during which the dealer normally operates his business.

(b) If the dealer obtains the prior approval of the Veterinarian in Charge, he may arrange to have another person hold such animals for him for the 5-day period provided for in paragraph (a) of this section: *Provided,* That such other person agrees in writing to comply with the Standards in Part 3 of this subchapter, and to allow inspection by a Division representative of his premises: *And provided further,* That the dogs and cats still remain under the control of the dealer.

MISCELLANEOUS

§ 2.125 Information as to business; furnishing of by dealers and research facilities.

Each dealer and research facility shall furnish to authorized representatives of the Secretary any information concerning the business of the dealer or research facility which may be requested by them in connection with the enforcement of the provisions of the Act, the regulations and the Standards in this subchapter, within such reasonable time as may be specified in the request for such information.

§ 2.126 Inspection of records and property of dealers and research facilities.

Each dealer and research facility shall, upon request, during ordinary business hours, permit authorized representatives of the Secretary to enter his place of business, to examine records requested pertaining to the business of the dealer or research facility and to make copies thereof, and to inspect such property and animals as such representatives consider necessary to enforce the provisions of the Act, the regulations and the Standards in this subchapter. The use of any room, table, or other facilities necessary for the proper examination of such records and inspection of such property or animals shall be extended to such authorized representatives of the Secretary by the dealer or research facility, his agents and employees.

§ 2.127 Publication of names of dealers and research facilities.

Lists of persons licensed as dealers and lists of research facilities which are

registered, pursuant to the provisions of this part, shall be published periodically by the Division in the FEDERAL REGISTER. Such lists may also be obtained upon request from the Veterinarian in Charge.

§ 2.128 Inspection for lost animals.

Each dealer and research facility shall, upon request during ordinary business hours, permit authorized representatives of legally constituted law enforcement agencies to enter the place of business of such dealer or research facility to inspect animals and records for the purpose of seeking lost or stolen animals. Such inspection shall not extend to animals that are undergoing actual research or experimentation, and the enforcement representatives shall abide by all security measures required by the dealer or research facility to prevent the spread of disease, including the use of sterile clothing, footwear, and masks where required.

§ 2.129 Confiscation and destruction of animals.

When an animal being held by a dealer or research facility is found by a Division representative to be suffering as a result of the failure of the dealer or research facility to comply with any provision of the Act or any provision of the regulations or Standards set forth in this subchapter, the Division representative shall notify the dealer or research facility of the condition of such animal and request that the condition be immediately corrected or that adequate veterinary or other treatment be given when necessary to alleviate the animal's suffering, or that the animal be humanely destroyed. If the dealer or research facility refuses to comply with such request, and if in the opinion of the Director the circumstances warrant such action, the Division representative may confiscate and humanely destroy such animal.

PART 3—STANDARDS

Subpart A—Specifications for the Humane Handling, Care, Treatment and Transportation of Dogs and Cats

FACILITIES AND OPERATING STANDARDS

§ 3.1 Facilities, general.

(a) *Structural strength.* The facilities for housing dogs or cats shall be structurally sound and shall be maintained in good repair, to prevent injury to the animals, to contain the animals, and to restrict the entrance of other animals.

(b) *Water and electric power.* Reliable and adequate electric power and adequate potable water shall be available.

(c) *Isolation.* Facilities for isolating dogs or cats under quarantine or treatment for communicable diseases shall be in a room or area that is separated from other dog or cat holding areas.

(d) *Storage.* Facilities shall be provided for the storage of food and bedding, protected against infestation or

contamination by vermin or any mammalian or avian species. Refrigeration shall be provided for perishable items of the diet normally requiring refrigeration.

(e) *Waste disposal.* Provision shall be made for the removal and disposal of excreta, bedding, dead animals, and debris. Disposal facilities shall be so constructed and operated as to minimize vermin infestation, offensive odors, and disease hazards.

(f) *Washroom and sinks.* Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

§ 3.2 Facilities, indoor.

(a) *Heating.* Facilities housing dogs or cats shall be sufficiently heated when necessary to protect the dogs or cats from cold, and to provide for their health and comfort. The temperature in such facilities shall not be allowed to fall below 50° F.

(b) *Ventilation.* Facilities housing dogs or cats shall be adequately ventilated to provide for the health and comfort of the animals at all times. All rooms or compartments shall be provided with fresh air either by means of windows, doors, vents, or airconditioning. They shall be ventilated so as to minimize drafts, offensive odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or airconditioning, shall be provided when the temperature in such facilities rises to 85° F.

(c) *Lighting.* Facilities housing dogs or cats shall have ample light, by natural or artificial means, or both, of good quality and well distributed, during a minimum of 8 hours in each 24-hour period. Such lighting shall provide uniformly distributed illumination of a minimum of 30 foot-candles of light intensity, when measured from a distance of 36 inches from the floor. Such lighting shall be provided in animal areas beyond the 8-hour period when necessary to permit routine inspection and cleaning. Animal enclosures shall be so placed as to prevent discomfort to the dogs or cats from illumination.

(d) *Interior surfaces.* The interior building surfaces of the facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

(e) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water. In rooms provided with drains, the floors shall be sloped so that there will be no pools of standing water after flushing. All drains shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage into the drain line and to the floor of the room.

§ 3.3 Facilities, outdoor.

(a) *Shelter from sunlight.* Sufficient shade shall be provided to allow all dogs and cats to protect themselves from the direct rays of the sun.

(b) *Shelter from rain or snow.* Dogs and cats shall be provided with access to

shelter to allow them to remain dry during rain or snow.

(c) *Shelter from cold weather.* Shelter shall be provided for dogs or cats when the atmospheric temperature falls below 50° F. Such shelter shall contain sufficient clean bedding material to facilitate the maintenance of an ambient temperature of at least 50° F. for all dogs and cats not conditioned to lower temperatures.

(d) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water.

§ 3.4 Animal housing enclosures—rooms, runs, pens, cages.

All primary enclosures in which dogs or cats are confined shall conform to the following requirements:

(a) *General—(1) Requirements for enclosures housing dogs or cats.* (i) Enclosures shall be structurally sound and maintained in good repair to prevent injury to the animals, to contain the animals, and to keep other animals out.

(ii) Enclosures shall be constructed and maintained so as to enable the animals to remain dry and clean.

(iii) Provision shall be made for convenient access to clean food and water.

(iv) The floors of the enclosures shall be constructed to prevent injury to the animals. Wire or mesh floors which permit the feet of the animals to pass through spaces in the wire or mesh shall not be used.

(2) *Additional requirements for enclosures housing cats.* (i) In all enclosures having a solid floor, sufficient clean litter shall be provided to contain excreta.

(ii) Each enclosure shall be provided with a solid resting surface or surfaces which, in the aggregate, shall be of adequate size to comfortably hold all occupants of the enclosure at the same time. Such resting surface or surfaces shall be elevated in pens or runs housing more than two cats.

(b) *Space requirements.* Enclosures shall be constructed and maintained so as to provide sufficient space for the animals to make normal postural adjustments with adequate freedom of movement.

(1) *Dogs.* The following space requirements are applicable to facilities for housing dogs:

(i) *Rooms, pens, and runs.* If dogs are housed in rooms, pens, or runs, a minimum of 8 square feet of floor space shall be provided for each dog measuring 2 feet or less in length, and a minimum of 12 square feet of floor space shall be provided for each dog measuring more than 2 feet in length: *Provided, however,* That the maximum population of dogs which may be housed in a room, pen, or run, shall not exceed 10 dogs.

(ii) *Cages.* A dog shall not be housed in a cage unless the interior height of such cage is 6 inches or more in excess of the height of the dog, as measured from the floor to the apex of its shoulders while in a standing position, and the width and depth are 6 inches or more in excess of the length of the dog, as measured from the end of its nose to the base of its tail: *Provided, however,* That after

a dealer or research facility has held a dog in a cage of such size for 30 days such dog shall be placed in a room, pen, run, or larger cage until assigned or re-assigned for research purposes or otherwise disposed of in the case of a research facility or until sold or otherwise disposed in the case of a dealer: *And provided, further,* That with regard to such larger cage, the interior height shall be at least 1½ times the height of the dog, as measured from the floor to the apex of its shoulders while in a standing position, and the width and depth shall be at least twice the length of the dog, as measured from the end of its nose to the base of its tail. No more than one adult dog shall be housed in any cage unless justified by compelling scientific reasons.

(2) *Cats.* The following space requirements are applicable to facilities for housing cats:

(i) *Pens and runs.* If cats are housed in pens or runs, a minimum of 3 square feet of floor space shall be provided for each adult cat. The maximum population of adult cats which may be housed in a pen or run shall not exceed 10.

(ii) *Cages.* If cats are housed in cages, the interior height shall be at least 2 feet, and a minimum of 3 square feet of floor space shall be provided for each adult cat. No more than two adult cats shall be housed in any cage unless justified by compelling scientific reasons.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

§ 3.5 Feeding.

(a) Dogs and cats shall be fed each day except as otherwise required by compelling health or scientific considerations. The food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the dog or cat.

(b) Food receptacles shall be accessible to all dogs or cats and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable; they shall be cleaned daily, replenished with fresh food, and they shall be sanitized at least once a week. Disposable food receptacles may be used but must be discarded after each feeding. Self feeders may be used for the feeding of dry food, and they shall be sanitized regularly to prevent molding, deterioration, or caking of feed.

§ 3.6 Water'ng.

If potable water is not accessible to the dogs and cats at all times, potable liquids shall be offered to such animals at least twice daily for periods of not less than 1 hour, except as otherwise required by compelling health or scientific considerations. Water receptacles shall be sanitized when dirty: *Provided, however,* That such receptacles shall be sanitized at least once a week.

§ 3.7 Sanitation.

(a) *Daily cleaning of animal housing enclosures.* Excreta shall be removed from animal enclosures at least once

daily. When hosing or flushing methods are used for this purpose, measures shall be taken to prevent the wetting of animals confined in such enclosure.

(b) *Sanitization of animal housing enclosures.* (1) Prior to the introduction of dogs or cats into empty enclosures previously occupied, the rooms, pens, runs, and cages shall be sanitized in the manner provided in subparagraph (3) of this paragraph.

(2) Cages housing dogs or cats shall be sanitized at least weekly, rooms and hard-surfaced pens and runs shall be sanitized at least once every 2 weeks, and pens and runs using gravel or sand shall be sanitized when the gravel or sand becomes soiled, in the manner provided in subparagraph (3) of this paragraph.

(3) Rooms, cages, and hard-surfaced pens and runs shall be sanitized by washing them with soap or detergent and using a safe and effective disinfectant. Pens and runs having gravel or sand shall be sanitized by removing the soiled gravel or sand and replacing it with clean gravel or sand.

(c) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to prevent injury to the animals and to facilitate prescribed husbandry practices. Premises shall remain free of accumulations of trash.

(d) *Pest control.* An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

§ 3.8 Employees.

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

§ 3.9 Classification and separation.

Animals housed together shall be maintained in compatible groups, with the following additional restrictions:

(a) Adult males shall be housed separately from adult females unless otherwise required for scientific or breeding reasons.

(b) Any dog or cat exhibiting a vicious or aggressive disposition shall be caged individually.

(c) Puppies or kittens shall not be housed with adult dogs or cats other than their dams, except when permanently maintained in breeding colonies.

(d) Dogs and cats shall not be housed in the same enclosure with each other, or with any other species of animals unless required for scientific reasons.

(e) Dogs or cats under quarantine or treatment for communicable diseases shall be isolated from other dog or cat holding areas.

§ 3.10 Veterinary care.

(a) Programs of disease control and prevention, euthanasia, and adequate veterinary care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine.

(b) Each dog and cat shall be observed daily by the animal caretaker in charge, or by someone under his direct supervision. Sick or diseased, injured, lame, or blind dogs or cats shall be provided with veterinary care or humanely disposed of: *Provided, however,* That this provision shall not affect compliance with any State or local law requiring the holding, for a specified period, of animals suspected of being diseased.

TRANSPORTATION STANDARDS

§ 3.11 Vehicles.

(a) Vehicles used in transporting dogs or cats shall be mechanically sound and equipped to provide fresh air to all animals being transported, without injurious drafts.

(b) The animal cargo space shall be so constructed and maintained as to prevent the ingress of exhaust gases from the vehicle's engine.

(c) The interior of the animal cargo space shall be constructed and maintained so that it may be easily cleaned and sanitized.

§ 3.12 Animal enclosures—cages and compartments.

(a) Dogs or cats shall be shipped in well-constructed, well-ventilated compartments, or in well-constructed transport cages, designed to protect the health and insure the safety of the animals. Such compartments or cages shall be constructed or located in such a manner that their openings are unobstructed and easily accessible for removal of the animals at all times and so as to afford adequate protection to the animals from the elements. The temperature within such compartments or cages shall not be allowed to exceed 85° F. nor fall below 45° F.

(b) Animals transported in the same enclosure shall be in compatible groups. Animals in the same enclosure shall be of the same species. Adult animals in the same enclosure shall be of the same sex. Puppies or kittens shall be separated from adult dogs or cats other than their dams. Any dog or cat exhibiting a vicious or aggressive disposition shall be separated from other animals in the vehicle.

(c) The size of the compartment or cage shall be large enough to insure that each animal contained therein has sufficient space to turn about freely, to stand erect, and to lie in a natural position: *Provided,* That the number of dogs transported in one enclosure shall not exceed 8 and the number of cats transported in one enclosure shall not exceed 10.

(d) Animals shall not be placed in compartments or cages over other animals in transit unless each compartment or cage is fitted with a floor of a material which is impervious to moisture and which prevents animal excreta from entering lower compartments or cages.

(e) The transport cages and compartments shall be cleaned and sanitized between shipments by washing them with soap or detergent and using a safe and effective disinfectant. All litter in the

vehicle shall be clean at the beginning of each trip.

§ 3.13 Feed and water requirements.

(a) If dogs or cats are transported for a period of more than 12 hours:

(1) The vehicle shall stop at least once every 12 hours, and remain stopped for a period of at least 1 hour, during which time potable water shall be continuously provided for the dogs and cats.

(2) Each dog and cat shall be fed at least once in each 24-hour period.

(b) Dogs shall be removed from the vehicle and given fresh water and an opportunity for exercise if they have been confined in the transporting compartment or cages for a period of 36 hours.

§ 3.14 Care in transit.

It shall be the responsibility of the attendant or driver to inspect the animals frequently to determine whether they need emergency veterinary care and if so, to obtain such care at the earliest opportunity.

Subpart B—Specifications for the Humane Handling, Care, Treatment, and Transportation of Guinea Pigs and Hamsters

FACILITIES AND OPERATING STANDARDS

§ 3.25 Facilities, general.

(a) *Structural strength.* The facilities for housing guinea pigs or hamsters shall be structurally sound and shall be maintained in good repair, to prevent injury to the animals, to contain the animals, and to restrict the entrance of other animals.

(b) *Water and electric power.* Reliable and adequate electric power and adequate potable water shall be available.

(c) *Isolation.* Facilities for isolating guinea pigs or hamsters under quarantine or treatment for communicable diseases shall be in a room or area that is separated from other guinea pig or hamster holding areas.

(d) *Storage.* Facilities shall be provided for the storage of food and bedding, protected against infestation or contamination by vermin or any mammalian or avian species. Refrigeration shall be provided for perishable items of the diet normally requiring refrigeration.

(e) *Waste disposal.* Provision shall be made for the removal and disposal of excreta, bedding, dead animals, and debris. Disposal facilities shall be so constructed and operated as to minimize vermin infestation, offensive odors, and disease hazards.

(f) *Washroom and sinks.* Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

§ 3.26 Facilities, indoor.

(a) *Heating.* Facilities housing guinea pigs or hamsters shall be sufficiently heated when necessary to protect the animals from the cold, and to provide for their health and comfort. The temperature in such facilities shall not be allowed to fall below 60° F.

(b) *Ventilation.* Facilities housing guinea pigs or hamsters shall be adequately ventilated to provide for the health and comfort of the animals at all times. All rooms or compartments shall be provided with fresh air either by means of windows, doors, vents, or air conditioning. They shall be ventilated so as to minimize drafts, offensive odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the temperature in such facilities rises to 85° F.

(c) *Lighting.* (1) Facilities housing guinea pigs or hamsters shall have ample light, by natural or artificial means, or both, of good quality and well distributed, during a minimum of 8 hours in each 24-hour period. Such lighting shall provide uniformly distributed illumination of a minimum of 30-foot candles of light intensity, when measured from a distance of 36 inches from the floor. Such lighting shall be provided in animal areas beyond the minimum 8-hour period when necessary to permit routine inspection and cleaning.

(2) Animal enclosures shall be so placed as to prevent discomfort to the guinea pigs or hamsters from illumination.

(d) *Interior surfaces.* The interior building surfaces of the facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

§ 3.27 Facilities, outdoor.

Guinea pigs and hamsters shall not be housed in outdoor facilities.

§ 3.28 Animal housing enclosures.

All primary enclosures in which guinea pigs or hamsters are confined shall conform to the following requirements:

(a) *General.* (1) Enclosures shall be structurally sound and maintained in good repair to prevent injury to the animals. Such enclosures including their racks, shelving and other accessories shall be constructed of smooth corrosion-resistant material impervious to liquids and moisture.

(2) Provisions shall be made for convenient access to clean food and water.

(3) Enclosures having a solid floor shall be provided with clean bedding material.

(4) Enclosures equipped with mesh or wire floors shall be so constructed as to allow feces to pass through the spaces of the mesh or wire: *Provided, however,* That such spaces shall not permit the feet of the animals to pass through.

(b) *Space requirements.* Enclosures shall be constructed and maintained so as to provide sufficient space for the animals to make normal postural adjustments with adequate freedom of movement.

(1) *Guinea pigs.* The following space requirements are applicable to facilities for housing guinea pigs:

(i) The interior height of any enclosure used to confine guinea pigs shall be at least 10 inches.

(ii) A nursing female guinea pig together with her litter shall be housed in

an enclosure which provides at least 225 square inches of floor space for each such female: *Provided, however,* That no more than five such females may be housed in one enclosure.

(iii) The amount of floor space per individual guinea pig and the maximum number of guinea pigs allowed in a single enclosure, except as provided for nursing females in subdivision (ii) of this subparagraph, shall be computed in accordance with the following table:

Weight or stage of maturity	Minimum space per guinea pig (square inches)	Maximum population per enclosure
Weaning to 350 Grams.....	60	15
350 Grams or more.....	90	10
Breeders.....	180	5

(2) *Hamsters.* The following space requirements are applicable to facilities for housing hamsters:

(i) The interior height of any enclosure used to confine hamsters shall be at least 6 inches.

(ii) A nursing female hamster, together with her litter, shall be housed in an enclosure which contains no other hamsters and which provides at least 150 square inches of floor space.

(iii) The amount of floor space per individual hamster and the maximum number of hamsters allowed in a single enclosure, except as provided for nursing females in subdivision (ii) of this subparagraph, shall be computed in accordance with the following table:

Age	Minimum space per hamster (square inches)	Maximum population per enclosure
Weaning to 5 weeks.....	10.0	20
5 to 10 weeks.....	12.5	16
10 weeks or more.....	15.0	13

ANIMAL HEALTH AND HUSBANDRY STANDARDS

§ 3.29 Feeding.

(a) Guinea pigs and hamsters shall be fed each day except as otherwise required by compelling health or scientific considerations. The food shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the guinea pig or hamster.

(1) Feeds comprising the basic diet shall be at least equivalent in quality and content to pelleted rations produced commercially and commonly available from feed suppliers.

(2) The basic diet of guinea pigs and hamsters, may be supplemented with feeds such as kale, carrots or apples: *Provided, however,* That in the case of hamsters such supplemental feeding shall not constitute more than 25 percent of their total daily food intake: *And, provided further,* That such perishable feed supplements shall be of a quality commonly consumed by humans.

(3) Feed shall be stored in a clean, dry, cool, rodent and vermin-free area in covered containers with tightly fitting lids or covers, or in the original unopened containers as received from the commercial sources of supply.

(b) Feed receptacles shall be accessible to all guinea pigs or hamsters in a given enclosure and be located so as to minimize contamination by excreta. Such receptacles other than self feeders shall be cleaned daily, replenished with fresh feed, and sanitized at least once a week. Self feeders may be used for the feeding of pelleted feed and shall be sanitized regularly to prevent molding, deterioration or caking of feed: *Provided,* That such sanitization shall be accomplished at least once a week.

(c) Special requirements:

(1) *Guinea pigs.* Feed supplements, such as kale, carrots or apples may be placed upon the bedding within the enclosure: *Provided, however,* That any uneaten portion of such supplement shall be removed from the enclosure not later than the morning following the day it was offered.

(2) *Hamsters.* Feed and feed supplements may be placed upon the bedding within the enclosure: *Provided, however,* That any uneaten portion of such feed and feed supplement shall be removed from the enclosure not later than the morning following the day it was offered: *And provided, further,* That bedding soiled as a result of such feeding practice shall be removed and replaced with clean bedding at least twice a week.

§ 3.30 Watering.

Potable water shall be accessible at all times, except as otherwise required by compelling health or scientific considerations. Open containers shall not be used for dispensing water to guinea pigs or hamsters. Bottles, bottle stoppers and drinking tubes shall be sanitized when dirty: *Provided, however,* That such devices shall be sanitized at least once a week.

§ 3.31 Sanitation.

(a) *Cleaning and sanitation of animal housing enclosures.* (1) Enclosures shall be cleaned and sanitized often enough to prevent an accumulation of excreta and debris: *Provided, however,* That such enclosures shall be sanitized at least once a week in the manner provided in subparagraph (4) of this paragraph.

(2) In the event an enclosure becomes soiled or wet due to leakage of the watering system, discharges from dead or dying animals, spoiled perishable foods, or moisture condensation, the guinea pigs or hamsters shall be immediately transferred to clean enclosures.

(3) Prior to the introduction of guinea pigs or hamsters into empty enclosures previously occupied, such enclosures shall be sanitized in the manner provided in subparagraph (4) of this paragraph.

(4) Enclosures used to house guinea pigs or hamsters shall be sanitized by washing them with soap or detergent and using a safe and effective disinfectant.

(b) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to prevent injury to the animals and to facilitate prescribed husbandry practices. Premises shall remain free of accumulations of trash.

(c) *Pest control.* An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

§ 3.32 Employees.

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

§ 3.33 Classification and separation.

Animals housed together shall be maintained in compatible groups, with the following additional restrictions:

(a) Guinea pigs or hamsters of one sex shall not be housed in the same enclosure with animals of the opposite sex: *Provided, however,* That animals of the opposite sex may be housed together in the case of preweanings: *And provided further,* That adults of the opposite sex may be housed together if required for scientific or breeding reasons.

(b) Immature guinea pigs or hamsters shall not be housed with adults other than their dams unless required for scientific reasons.

(c) Pregnant hamsters shall be housed individually.

(d) Guinea pigs and hamsters shall not be housed in the same enclosure with each other, or with any other species of animals, unless required for scientific reasons.

(e) Guinea pigs or hamsters undergoing quarantine or treatment for communicable diseases shall be isolated from other guinea pig or hamster holding areas.

§ 3.34 Veterinary care.

(a) Programs of disease control and prevention, euthanasia, and adequate veterinary care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine.

(b) Each guinea pig or hamster shall be observed daily by the animal caretaker in charge or by someone under his direct supervision. Sick or diseased, injured, lame or blind guinea pigs or hamsters shall be provided with veterinary care or disposed of humanely.

TRANSPORTATION STANDARDS

§ 3.35 Vehicles.

(a) Vehicles used in transporting guinea pigs or hamsters shall be mechanically sound and equipped to provide fresh air to all animals being transported, without injurious drafts.

(b) The animal cargo space shall be so constructed and maintained as to prevent the ingress of exhaust gases from the vehicle's engine.

(c) The interior of the animal cargo space shall be constructed and maintained so that it may be easily sanitized.

§ 3.36 Animal enclosures—shipping containers, transport cages.

(a) Guinea pigs or hamsters shall be shipped in well-constructed well-ventilated, nonreusable cartons or boxes or reusable transport cages. In the case of nonreusable cartons or boxes such enclosures shall be constructed of new material. In the case of reusable transport cages such cages shall have been sanitized prior to the introduction of guinea pigs or hamsters for shipment. The cartons, boxes, or transport cages shall be positioned in the vehicle in such a manner that each animal in the vehicle has access to sufficient air for normal breathing. The temperature within such enclosures shall not be allowed to exceed 85° F. nor fall below 60° F.

(b) Animals transported in the same enclosure shall be of the same species and in compatible groups. Adult animals in the same enclosure shall be of the same sex. Young guinea pigs or hamsters shall be separated from adults other than their dams.

(c) The size of the enclosure shall be large enough to insure that each animal contained therein has sufficient space to turn about freely, to stand erect, and to lie in a natural position: *Provided, however,* That the number of guinea pigs transported in one enclosure shall not exceed 15 and the number of hamsters transported in one enclosure shall not exceed 25: *And provided, further,* That the following additional specific requirements shall apply:

(1) *Guinea pigs.* The interior height of any enclosure used for transportation shall be at least 10 inches and the amount of floor space required for each guinea pig based on its weight shall be computed in accordance with the following table:

Weight (grams)	Minimum space per guinea pig (square inches)
Up to 350	30
350 to 600	45
Over 600	55

(2) *Hamsters.* The interior height of any enclosure used for transportation shall be at least 6 inches and the amount of floor space required for each hamster based on its age shall be computed in accordance with the following table:

Age	Minimum space per hamster (square inches)
Weaning to 5 weeks	7.2
5 to 10 weeks	11.0
Over 10 weeks	15.0

§ 3.37 Feed and water requirements.

If guinea pigs or hamsters are transported for a period of more than 6 hours, the animals shall be fed the quantity and quality of vegetables sufficient to satisfy their food and water requirements.

§ 3.38 Care in transit.

It shall be the responsibility of the attendant or driver to inspect the animals frequently to determine whether they

need emergency veterinary care and if so, to obtain such care at the earliest opportunity.

Subpart C—Specifications for the Humane Handling, Care, Treatment and Transportation of Rabbits

FACILITIES AND OPERATING STANDARDS

§ 3.50 Facilities, general.

(a) *Structural strength.* The facilities for housing rabbits shall be structurally sound and shall be maintained in good repair, to prevent injury to the animals, to contain the animals, and to restrict the entrance of other animals.

(b) *Water and electric power.* Reliable and adequate electric power and adequate potable water shall be available.

(c) *Isolation.* Facilities for isolating rabbits under quarantine or treatment for communicable diseases shall be in a room or area that is separated from other rabbit holding areas.

(d) *Storage.* Facilities shall be provided for the storage of food and bedding, protected against infestation or contamination by vermin or any mammalian or avian species. Refrigeration shall be provided for perishable items of the diet normally requiring refrigeration.

(e) *Waste disposal.* Provision shall be made for the removal and disposal of excreta, bedding, dead animals, and debris. Disposal facilities shall be so constructed and operated as to minimize vermin infestation, offensive odors, and disease hazards.

(f) *Washroom and sinks.* Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

§ 3.51 Facilities, indoor.

(a) *Heating.* Facilities housing rabbits shall be sufficiently heated when necessary to protect the animals from the cold, and to provide for their health and comfort. The temperature in such facilities shall not be allowed to fall below 50° F.

(b) *Ventilation.* Facilities housing rabbits shall be adequately ventilated to provide for the health and comfort of the animals at all times. All rooms or compartments shall be provided with fresh air either by means of windows, doors, vents or airconditioning. They shall be ventilated so as to minimize drafts, offensive odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or airconditioning, shall be provided when the temperature in such facilities rises to 85° F.

(c) *Lighting.* Facilities housing rabbits shall have ample light, by natural or artificial means, or both, of good quality and well distributed, during a minimum of 8 hours in each 24-hour period. Such lighting shall provide uniformly distributed illumination of a minimum of 30 foot-candles of light intensity, when measured from a distance of 36 inches from the floor. Such lighting shall be provided in animal areas beyond the 8-hour period when necessary to permit routine inspection and cleaning. Animal enclosures shall be so placed as to pre-

vent discomfort to the rabbits from illumination.

(d) *Interior surfaces.* The interior building surfaces of the facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

§ 3.52 Facilities, outdoor.

(a) *Shelter from sunlight.* Sufficient shade shall be provided to allow all rabbits to protect themselves from the direct rays of the sun. When the atmospheric temperature exceeds 90° F, artificial cooling shall be provided, by a sprinkler system or other means.

(b) *Shelter from rain or snow.* Rabbits shall be provided with access to shelter to allow them to remain dry during rain or snow.

(c) *Shelter from cold weather.* Shelter shall be provided for rabbits when the atmospheric temperature falls below 50° F. Such shelter shall contain sufficient clean bedding material to facilitate the maintenance of an ambient temperature of at least 50° F. When the atmospheric temperature falls below freezing, measures shall be taken to prevent the freezing of drinking water.

(d) *Protection from predators.* Outdoor rabbit holding facilities shall be fenced or otherwise enclosed to prevent the entrance of predators.

(e) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water.

§ 3.53 Animal housing enclosures.

All primary enclosures in which rabbits are confined shall conform to the following requirements:

(a) *General.* (1) Enclosures shall be structurally sound and maintained in good repair to prevent injury to the animals, to contain the animals, and to keep other animals out.

(2) Enclosures shall be constructed and maintained so as to enable the animals to remain dry and clean.

(3) Provision shall be made for convenient access to clean food and water.

(4) The floors of the enclosures shall be constructed to prevent injury to the animals. Wire or mesh floors which permit the feet of the animals to pass through spaces in the wire or mesh shall not be used. Litter shall be provided in all enclosures having solid floors.

(5) A suitable nest box containing clean nesting material shall be provided in each enclosure housing a female with a litter.

(b) *Space requirements.* Enclosures shall be constructed and maintained so as to provide sufficient space for the animals to make normal postural adjustments with adequate freedom of movement.

(1) The floor space of an enclosure used to house a nursing female together with her litter shall be at least 6 square feet exclusive of the space taken up by feed and water receptacles.

(2) Except as provided in subparagraph (1) of this paragraph, in enclosures housing more than one rabbit the minimum amount of floor space, per individual rabbit, exclusive of the space

taken up by feed and water receptacles, shall be computed in accordance with the following table:

	<i>Minimum space per rabbit (square feet)</i>
<i>Weight</i>	
3 to 5 pounds.....	1
5 pounds or more.....	2

(3) Enclosures used to house individual adults of the medium and large rabbit breeds (over 10 pounds) shall contain at least 5 square feet of floor space exclusive of the space taken up by feed and water receptacles.

ANIMAL HEALTH AND HUSBANDRY STANDARDS

§ 3.54 Feeding.

(a) Rabbits shall be fed each day except as otherwise required by compelling health or scientific considerations. The food shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the rabbit.

(b) Food receptacles shall be accessible to all rabbits and shall be located so as to minimize contamination by excreta. Feeding pans or crocks shall be durable; they shall be cleaned daily and replenished with fresh food. Self feeders may be used for the feeding of dry food. All food receptacles shall be sanitized at least once a week to prevent molding, deterioration or caking of feed.

§ 3.55 Watering.

Potable water shall be accessible at all times, unless otherwise required by compelling health or scientific considerations. Water crocks, bottles, bottle-stoppers and drinking tubes shall be sanitized when dirty: *Provided, however,* That such receptacles shall be sanitized at least once a week.

§ 3.56 Sanitation.

(a) *Cleaning of animal housing enclosures.* (1) Cages, hutches, pens or other enclosures shall be kept free of hair, cobwebs and other debris by periodic washing or other effective means. Measures shall be taken to prevent the wetting of rabbits in such enclosures during the washing process.

(2) In enclosures equipped with solid floors, the litter, soiled bedding, and wasted feed shall be removed and replaced with clean litter at least once each week.

(3) If enclosures are equipped with wire or mesh floors, such floors shall be kept clean and the troughs or pans over which the enclosure is suspended shall be cleaned at least once each week. If worm bins are used under such enclosures they shall also be maintained in a sanitary condition.

(b) *Sanitization of animal housing enclosures.* (1) Enclosures housing rabbits shall be sanitized at least once every 90 days as provided in subparagraph (3) of this paragraph.

(2) Prior to the introduction of rabbits into empty enclosures previously oc-

cupied, such enclosures shall be sanitized in the manner provided in subparagraph (3) of this paragraph.

(3) Enclosures shall be sanitized by washing them with soap or detergent and using a safe and effective disinfectant.

(c) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to prevent injury to the animals and to facilitate prescribed husbandry practices. Premises shall remain free of accumulations of trash.

(d) *Pest control.* An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

§ 3.57 Employees.

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

§ 3.58 Classification and separation.

Animals housed together shall be maintained in compatible groups, with the following additional restrictions:

(a) Adult rabbits of one sex shall not be housed in the same enclosure with rabbits of the opposite sex unless otherwise required for scientific or breeding reasons.

(b) Rabbits shall not be housed in the same enclosure with other species unless required for scientific reasons.

(c) Rabbits under quarantine or treatment for communicable diseases shall be isolated from other rabbit holding areas

§ 3.59 Veterinary care.

(a) Programs of disease control and prevention, euthanasia, and adequate veterinary care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine.

(b) Each rabbit shall be observed daily by an animal caretaker in charge or by someone working under his direct supervision. Sick or diseased, injured, lame, or blind rabbits shall be provided with veterinary care or disposed of humanely.

TRANSPORTATION STANDARDS

§ 3.60 Vehicles.

(a) Vehicles used in transporting rabbits shall be mechanically sound and equipped to provide fresh air to all animals being transported, without injurious drafts.

(b) The animal cargo space shall be so constructed and maintained as to prevent the ingress of exhaust gases from the vehicle's engine

(c) The interior of the animal cargo space shall be constructed and maintained so that it may be easily sanitized.

§ 3.61 Animal enclosures—cages and vehicle compartments.

(a) Rabbits shall be shipped in well-constructed, well-ventilated compart-

ments, or in well-constructed transport cages, designed to protect the health and insure the safety of the animals. Such compartments or cages shall be constructed or located in such a manner that their openings are unobstructed and easily accessible for removal of the animal at all times and so as to afford adequate protection to the animals from the elements. The temperature within such compartments or cages shall not be allowed to exceed 85° F. nor fall below 45° F.

(b) Rabbits transported in the same enclosure shall be in compatible groups and shall not be transported in the same enclosure with other species. Adult animals in the same enclosure shall be of the same sex. Young rabbits shall be separated from adults other than their dam.

(c) The size of the enclosure shall be large enough to insure that each animal contained therein has sufficient space to turn about freely, to stand comfortably on four feet, and to lie in a natural position: *Provided, however,* That the number of rabbits transported in one enclosure shall not exceed 15.

(d) Rabbits shall not be placed in compartments or cages over other rabbits in transit unless each compartment is fitted with a floor of a material which is impervious to moisture and which prevents animal excreta from entering lower compartments.

(e) The transport compartments and cages shall be cleaned and sanitized between shipments by washing them with soap or detergent and using a safe and effective disinfectant. All litter in the vehicle shall be clean at the beginning of each trip.

§ 3.62 Feed and water requirements.

If rabbits are transported for a period of more than 6 hours, they shall be provided with the quantity and quality of vegetables sufficient for their food and water requirements.

§ 3.63 Care in transit.

It shall be the responsibility of the attendant or driver to inspect the animals frequently to determine whether they need emergency veterinary care and if so, to obtain such care at the earliest opportunity.

Subpart D—Specifications for the Humane Handling, Care, Treatment, and Transportation of Nonhuman Primates¹

FACILITIES AND OPERATING STANDARDS

§ 3.75 Facilities, general.

(a) *Structural strength.* The facilities for housing nonhuman primates shall

¹ Nonhuman primates represent a great diversity of forms, ranging from the marmoset weighing only a few ounces, to the adult gorilla weighing hundreds of pounds. They come from Asia, Africa, and Central and South America, and they live in different habitats. Their nutritional and activity requirements differ as do their social and environmental requirements. As a result, the conditions appropriate for one species do not necessarily apply to another; therefore, discretion must be used in interpreting these standards.

be structurally sound and shall be maintained in good repair, to prevent injury to the animals, to contain the animals, and to restrict the entrance of other animals.

(b) *Water and electric power.* Reliable and adequate electric power and adequate potable water shall be available.

(c) *Isolation.* Facilities for isolating nonhuman primates under quarantine or treatment for communicable diseases shall be in a room or area that is separated from other nonhuman primate holding areas.

(d) *Storage.* Facilities shall be provided for the storage of food and bedding, protected against infestation or contamination by vermin or any mammalian or avian species. Refrigeration shall be provided for perishable items of the diet normally requiring refrigeration.

(e) *Waste disposal.* Provision shall be made for the removal and disposal of excreta, bedding, dead animals, and debris. Disposal facilities shall be so constructed and operated as to minimize vermin infestation, offensive odors, and disease hazards.

(f) *Washroom and sinks.* Facilities, such as washrooms, basins, or sinks, shall be provided to maintain cleanliness among animal caretakers.

§ 3.76 Facilities, indoor.

(a) *Heating.* Facilities housing nonhuman primates shall be sufficiently heated when necessary to protect the animals from the cold, and to provide for their health and comfort. The temperature in such facilities shall not be allowed to fall below 50° F.

(b) *Ventilation.* Facilities housing nonhuman primates shall be adequately ventilated to provide for the health and comfort of the animals at all times. All rooms or compartments shall be provided with fresh air either by means of windows, doors, vents, or air conditioning. They shall be ventilated so as to minimize drafts, offensive odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or air conditioning, shall be provided when the temperature in such facilities rises to 85° F.

(c) *Lighting.* Facilities housing nonhuman primates shall have ample light, by natural or artificial means, or both, of good quality and well distributed, during a minimum of 8 hours in each 24-hour period. Such lighting shall provide uniformly distributed illumination of a minimum of 30 foot-candles of light intensity, when measured from a distance of 36 inches from the floor. Such lighting shall be provided in animal areas beyond the minimum 8-hour period when necessary to permit routine inspection and cleaning. Animal enclosures shall be so placed as to prevent discomfort to the nonhuman primates from illumination.

(d) *Interior surfaces.* The interior building surfaces of the facilities shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.

(e) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water. In rooms provided with

drains, the floors shall be sloped so that there will be no pools of standing water after flushing. All drains shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage into the drain line and to the floor of the room.

§ 3.77 Facilities, outdoor.

(a) *Shelter from sunlight.* Sufficient shade shall be provided to allow all nonhuman primates to protect themselves from the direct rays of the sun.

(b) *Shelter from rain or snow.* Nonhuman primates shall be provided with access to shelter to allow them to remain dry during rain or snow.

(c) *Shelter from cold weather.* Shelter shall be provided for nonhuman primates to afford comfort and protection to such animals appropriate for the local climatic conditions and the nonhuman primate species concerned.

(d) *Drainage.* A suitable method shall be provided to rapidly eliminate excess water.

§ 3.78 Animal housing enclosures.

All primary enclosures in which nonhuman primates are confined shall conform to the following requirements:

(a) *General.* (1) Enclosures shall be structurally sound and maintained in good repair to prevent injury to the animals, to contain the animals, and to keep other animals out.

(2) Enclosures shall be constructed and maintained so as to enable the animals to remain dry and clean.

(3) Provision shall be made for convenient access to clean food and water.

(4) The floors of the enclosures shall be constructed to prevent injury to the animals. Wire or mesh floors which permit the feet of the animals to pass through spaces in the wire or mesh shall not be used.

(b) *Space requirements.* Enclosures shall be constructed and maintained so as to provide sufficient space for animals to make normal postural adjustments with adequate freedom of movement.

(1) Each nonhuman primate in an enclosure shall be provided with a minimum floor space equal to an area of at least three times the area occupied by such primate when standing on four feet.

(2) The interior height of enclosures used to house nonhuman primates of the species commonly used for research in the United States shall be determined in accordance with the following table: *Provided, however,* That all enclosures for both listed and nonlisted species shall be of sufficient height to enable the individual primates involved to stand comfortably on their hind legs.

Nonhuman primate species	Minimum cage height (inches)
Prosimians	24
Marmosets	12
Squirrel monkeys	18
Cebus monkeys	20
Spider monkeys	30
Old World monkeys:	
Juvenile rhesus (3 to 8 pounds)	20
Other	24

Nonhuman primate species	Minimum cage height (inches)
Baboons	40
Chimpanzees	60

ANIMAL HEALTH AND HUSBANDRY STANDARDS

§ 3.79 Feeding.

(a) Nonhuman primates shall be fed each day except as otherwise required by compelling health or scientific reasons. The food shall be wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the nonhuman primate.

(b) Food receptacles shall be accessible to all nonhuman primates and shall be located so as to minimize contamination by excreta. Feeding receptacles shall be durable; they shall be cleaned daily and replenished with fresh food. They shall be sanitized at least once each week to prevent molding, deterioration or caking of feed.

§ 3.80 Watering.

If potable water is not accessible to the nonhuman primates at all times, such water shall be offered to them at least twice daily for periods of not less than 1 hour except as otherwise required by compelling health or scientific considerations. Water receptacles shall be sanitized when dirty: *Provided, however*, That such receptacles shall be sanitized at least once a week.

§ 3.81 Sanitation.

(a) *Daily cleaning of animal housing enclosures.* Excreta shall be removed from animal enclosures at least once daily. When hosing or flushing methods are used for this purpose, measures shall be taken to prevent the wetting of animals confined in such enclosures.

(b) *Sanitization of animal housing enclosures.* (1) Prior to the introduction of nonhuman primates into cages previously occupied by other nonhuman primates, such cages shall be sanitized as provided in subparagraph (3) of this paragraph.

(2) Cages used to house nonhuman primates shall be sanitized at least once a week. All other enclosures shall be sanitized at least once every 2 weeks.

(3) Cages and other enclosures shall be sanitized by washing them with soap or detergent and using a safe and effective disinfectant.

(c) *Housekeeping.* Premises (buildings and grounds) shall be kept clean and in good repair in order to prevent injury to the animals and to facilitate prescribed husbandry practices. Premises shall remain free of accumulations of trash.

(d) *Pest control.* An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

§ 3.82 Employees.

A sufficient number of employees shall be utilized to maintain the prescribed level of husbandry practices set forth in this subpart. Such practices shall be under the supervision of an animal caretaker who has a background in animal husbandry or care.

§ 3.83 Classification and separation.

Nonhuman primates housed together shall be maintained in compatible groups and shall not be housed in the same enclosure with animal species other than nonhuman primates unless required for scientific reasons.

§ 3.84 Veterinary care.

(a) Programs of disease control and prevention, euthanasia, and adequate veterinary care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine.

(b) Each nonhuman primate shall be observed daily by the animal caretaker in charge or by someone working under his direct supervision. Sick or diseased, injured, lame, or blind nonhuman primates shall be provided with veterinary care or disposed of humanely.

TRANSPORTATION STANDARDS

§ 3.85 Vehicles.

(a) Vehicles used in transporting nonhuman primates shall be mechanically sound and equipped to provide fresh air to all animals being transported, without injurious drafts.

(b) The animal cargo space shall be so constructed and maintained as to prevent the ingress of exhaust gases from the vehicle's engine.

(c) The interior of the animal cargo space shall be constructed and maintained so that it may be easily sanitized.

§ 3.86 Animal enclosures—transport cages.

(a) Nonhuman primates shall be shipped in well-constructed, well-ventilated transport cages, designed to protect the health and insure the safety of the animals. Such transport cages shall be positioned in the vehicle in such a manner that each animal in the vehicle has access to sufficient air for normal breathing and in such a manner that the opening of each transport cage is unobstructed and easily accessible for removal of the animal at all times. The temperature within such transport cages shall not be allowed at any time to exceed 95° F. and shall not be allowed to exceed 85° F. for more than 4 hours

continuously. Such temperature shall not be allowed to fall below 45° F.

(b) Nonhuman primates transported in the same transport cage shall be in compatible groups and of the same species.

(c) The size of the transport cage shall be large enough to insure that each animal contained therein has sufficient space to turn about freely, to stand erect, and to lie in a natural position: *Provided, however*, That the number of nonhuman primates transported in one cage shall not exceed 10.

(d) Nonhuman primates shall not be placed in cages or compartments over other animals in transit unless either the cage or compartment is fitted with a floor of a material which is impervious to moisture and which prevents animal excreta from entering lower compartments.

(e) Transport cages shall be cleaned and sanitized between shipments by washing them with soap or detergent and using a safe and effective disinfectant. All litter in the vehicle shall be clean at the beginning of each trip.

§ 3.87 Feed and water requirements.

If nonhuman primates are transported for a period of more than 12 hours:

(a) The vehicle shall stop at least once every 12 hours, and remain stopped for a period of at least 1 hour, during which time potable water shall be continuously provided the nonhuman primates.

(b) Each nonhuman primate shall be fed at least once in each 24-hour period.

§ 3.89 Care in transit.

It shall be the responsibility of the attendant or driver to inspect the animals frequently to determine whether they need emergency veterinary care and if so, to obtain such care at the earliest opportunity.

Any person who wishes to submit written data, views, or arguments concerning the proposed regulations may do so by filing them with the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782 within 30 days after publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 12th day of December 1966.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[F.R. Doc. 66-13476; Filed, Dec. 14, 1966; 8:50 a.m.]