PROPOSED RULES

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Parts 1, 2, 3 ]

ANIMAL WELFARE

Proposed Standards and Regulations for Transportation and Handling Care, and Treatment in Connection Therewith, of Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Certain Other Intermediated Animals

AGENCY: Animal and Plant Health Inspection Service (USDA).

ACTION: Proposed rule.

SUMMARY: This document proposes new and revised standards and regulations under the Animal Welfare Act concerning the transportation, handling, care, and treatment in connection therewith, of dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates, and certain other warmblooded animals in commerce to conform to the Animal Welfare Act Amendments of 1976 (Pub. L. 94-276) enacted on April 22, 1976.

DATE: Comments on or before April 22, 1977.

ADDRESSES: Comments to Deputy Administrator, USDA, APHIS, VS, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Comments available for inspection at the above address during regular hours of business (8 a.m. to 4:30 p.m. Monday through Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:
Dr. Dale F. Schwindaman, Senior Staff Veterinarian, Animal Care Staff, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782 (301-427-8761).

SUPPLEMENTARY INFORMATION:

Notice is hereby given in accordance with the administrative provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Animal Welfare Act Amendments of 1976 (Pub. L. 94-276), the Department of Agriculture is proposing: (1) To amend the regulations under the Act (9 CFR 1.1) to add new definitions for "primary conveyance" and "transporting device"; (2) to provide new and revised standards (9 CFR 2.100) to require carriers and intermediate handlers to comply with the standards governing transport of certain animals, in commerce, and their handling, care, and treatment in connection therewith. Section 2 of the Animal Welfare Act (7 U.S.C. 2143) requires the Secretary to promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors. Provisions of the Animal Welfare Act Amendments of 1976, enacted on April 22, 1976 (Pub. L. 94-276), also require the Secretary to promulgate standards to govern the transportation in commerce, and the handling, care, and treatment in connection therewith, by intermediate handlers, air carriers, or other persons, of any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any agency, department, or instrumentality of the United States or of any State on local governmental authority, in commerce. The Secretary is also given authority to promulgate such rules and regulations as he determines necessary to assure humane treatment of animals in commerce including requirements such as those with respect to containers, feed, water, rest, ventilation, temperature, and handling.

Transportation standards are applicable to vehicles used to transport animals by dealers, exhibitors, research facilities, and operators of auction sales. The 1976 amendments to the Act require that animals be transported in accordance with certain standards promulgated to cover carriers and intermediate handlers, as well. The present transportation standards appear to be inappropriate for vehicles used by carriers and intermediate handlers between the primary conveyance and the terminal facility of a carrier or intermediate handler. The present standards provide maximum and minimum ambient temperatures within the primary enclosure to which a dog, cat, rabbit, guinea pig, hamster, or nonhuman primate may be subjected during transportation in commerce. At present, standards for other warmblooded animals provide that the ambient temperature within the primary enclosure shall be sufficiently regulated to be compatible with the health and comfort of the animal. The present standards allow an animal, except guinea pigs, hamsters, and nonhuman primates, to be subjected to a lower ambient temperature if the animal is acclimated to such lower temperature. Scientific data indicates that extreme temperature changes to which an animal is not acclimated have a definite debilitating effect on the animal. Physiological shock and increased susceptibility to disease are the results. The present standards are inappropriate for vehicles used by carriers and intermediate handlers between the primary conveyance and the terminal facility of a carrier or intermediate handler.

The Department proposes that dogs, cats, rabbits, guinea pigs, hamsters, nonhuman primates, and certain other warmblooded animals not be accepted for transportation in commerce by carriers and intermediate handlers between the primary conveyance and the terminal facility or in and around the terminal facilities of a carrier or intermediate handler.

The Department proposes that dogs, cats, rabbits, guinea pigs, hamsters, nonhuman primates, and certain other warmblooded animals not be accepted for transportation in commerce by carriers and intermediate handlers more than 4 hours before the scheduled departure of the primary conveyance in order to minimize the total time an animal is confined in its shipping container or primary enclosure used for transportation.

The Department proposes that carriers and intermediate handlers shall attempt to notify the consignee at least once in order to expedite delivery and effect speedy removal of the animal from the conveyance at destination.

The present standards require that the primary enclosure used to transport animals be well-constructed, well-ventilated, and designed to protect the health and ensure the safety of the animal. The Department proposes to clarify such standards by requiring that the primary enclosure be strong enough to contain the animal and withstand the normal rigors of transportation and be free of any interior protrusions which could injure the animal. To assure adequate ventilation, the Department proposes to change the standards by specifying that there shall be openings for ventilation on at least both ends of the enclosure. Such ventilation openings would be required to be not less than 8 percent of the total surface area of the primary enclosure, and rims, flanges, or other devices which prevent obstruction of such ventilation openings would be required to be used on the primary enclosure.

In addition, the Department proposes that requirements for handholds or other devices for lifting the primary enclosure be provided to facilitate easy handling, minimize tilting and prevent contact between the contained animal and the person handling the primary enclosure.

Scientific data indicates that extreme temperature changes to which an animal is not acclimated have a definite debilitating effect on the animal. Physiological shock and increased susceptibility to disease are the results. The present standards are inappropriate for vehicles used by carriers and intermediate handlers between the primary conveyance and the terminal facility of a carrier or intermediate handler. The present standards allow an animal, except guinea pigs, hamsters, and nonhuman primates, to be subjected to a lower ambient temperature if the animal is acclimated to such lower temperature. Modern methods of transportation are capable of transporting, and do transport, animals over long distances from a geographical area of one temperature or climatic extreme to or through another geographical area of the opposite temperature or climatic extreme in a relatively short period of time. Most warmblooded animals are not capable of quickly adjusting to such extreme temperature changes. However, it appears that certain warmblooded animals can withstand extremes of temperature above and below those proposed in this document for short periods of time without severe deleterious effects to their health.

There would be instances during the normal course of transportation, in commerce, where the ambient temperature inside a primary enclosure may exceed the proposed maximums and minimums for the animals contained therein because they would not be in a controlled environment such as a terminal holding space in a terminal facility and animal cargo space of a primary conveyance during extreme temperature or climatic conditions, or in the cargo space.
of an airplane after it is loaded and before it takes off, or after it has landed and before it is unloaded. It would appear to be more detrimental to the health and well-being of a warmblooded animal to keep it in a primary enclosure in the animal holding area of a terminal facility for a prolonged period of time during extremes of temperature or climate conditions than to expose the animal to a short period of extreme and temperature above or below those proposed.

In view of the stress and trauma animals suffer during transportation and the resulting debilitating effects on their good health and ability to ward off disease, it appears that they should proceed to destination, even under extreme temperature and climate conditions, unless the ambient temperature within their primary enclosure will exceed the maximum and minimums proposed for more than 45 minutes. Based on experience acquired by officials of the Animal and Plant Health Inspection Service, in connection with the enforcement of the current transportation standards under the Animal Welfare Act, the time and temperature limitations would appear to be in the best interest of preserving the good health of transported animals. However, it would not appear that such limitations should apply to all animals which are capable of being acclimated, and have been acclimated, to temperatures lower than those proposed during such transportation. However, persons transporting such animals should assume that all animals are not acclimated to temperatures lower than those proposed unless they have actual knowledge that such animals have been so acclimated.

Most animals consigned to carriers and intermediate handlers for transportation in commerce and consigned for shipment in the Midwest for shipment to the East or West Coast of the United States. During surface transportation, the animals may be fed and watered at any time after stopping the primary conveyance or aboard the primary conveyance, such as on a boat or train, in which the animal cargo space is accessible for such feeding and watering during transportation. However, such is not the case with airlines which carry the vast majority of such animals.

It normally takes 4 to 6 hours for animals to be flown from the Midwest to the East or West Coast of the United States, and this usually involves a transfer of flights at a major airport in which there is little time to feed or water the animals as required unless they are held over and not placed on the next available flight. This is not to be encouraged since the longer an animal spends in his primary enclosure for transportation, the more stress and trauma the animal experiences. Many animals must also make connecting flights at major airports on the coasts to reach their ultimate destination, which may take another two to four hours.

It would appear to be in the best interests of all animals being transported to be able to reach their destination before being fed or watered, as most animals are subject to motion sickness if transported soon after being fed or watered. Therefore, it is proposed that animals not being intermediate handler more than 4 hours prior to the scheduled departure of their primary conveyance, to increase the probability that the animals will reach their ultimate destination without having been deprived of food and water for periods longer than 4 hours, and not have to be fed or watered in transit. This would also seem to allow carriers and intermediate handlers sufficient time to process the animals and to determine whether they need any veterinary care and to properly load them on the primary conveyance.

Adequate space in the primary enclosure used to transport warmblooded animals is based on the size of the animal relative to the size of the enclosure. Because of individual as well as species differences, animals vary diversely in size and stature. The present standards regarding space requirements for primary enclosures for dogs and cats specify that such dog or cat shall have sufficient space to turn about freely, to stand erect, and to lie in a natural position. The Department proposes to clarify space requirements for dogs and cats to require that sufficient space be provided to allow each such dog or cat to turn about freely in a standing position, to stand and sit erect, and to lie in a natural position. The proposal is based, in part, on the fact that dogs and cats are taller in a sitting position than in a standing position and because there has been some confusion as to how much space is necessary to allow a dog or cat to turn about freely. Some people have believed that if an animal can turn around in its enclosure, regardless of the body contours which may be required, there would be compliance with the standard. The proposed standard is intended to clarify this misconception and to indicate that the dog or cat should have as much space to turn about freely as is necessary to allow the animal to turn about freely. It would use if it were not confined by the walls of the primary enclosure. The Department proposes to allow an exception to the space requirements of the proposed standard for dogs and cats (e.g., hounds and Norwegian Elk hounds) transported in commerce which are subject to injury to their vertebral column in the course of transportation if not sufficient space to turn about. In the case of coursing hounds, the primary enclosure should be narrow enough to prevent the animal from turning around in its enclosure and sustaining possible injury to its vertebral column.

Present transportation standards require that nonhuman primates in commerce in order to prevent danger to the animals, their handlers or other persons.

The Department proposes limitations on the number of dogs and cats which may be transported in one primary enclosure or container based on the age of the animals. The proposed standards provide that puppies or kittens which are less than 8 weeks of age, are littermates, and are accompanied by their dam, may be transported in a primary enclosure to laboratories only, because of the preweaning age of the young and the need for frequent nourishment from the dam. It is proposed that only two or more adult dogs or cats which are not littermates and are not accompanied by their dam, may be transported in one container to provide the young, and often just weaned animal, with needed social contact to reduce the stress of transportation.

The Department also proposes to restrict to one, the number of dogs and cats over 6 months of age which may be transported in commerce in one primary enclosure. This standard for adult dogs and cats would eliminate specific exceptions in the current standards permitting two or more adult dogs or cats over 6 months of age, that are shipped in such numbers are subject to motion sickness if transported in commerce. Most hamsters that are shipped in such numbers are weanlings; therefore, the Department proposes that up to 50 hamsters may be shipped in one primary enclosure.

Present transportation standards require that no more than 35 hamsters shall be transported in the same primary enclosure. The standard for courting shipping containers which is normally used for shipping hamsters appears to be of sufficient size to contain up to 50 weanling hamsters without being detrimental to such hamsters' good health and well-being during transportation. Most hamsters that are shipped in such numbers are weanlings; therefore, the Department proposes that up to 50 hamsters may be shipped in the same primary enclosure.
be cleaned and sanitized unless it were previously used, since a new primary enclosure should not pose any health hazard to the Department proposes that the shipping container or primary enclosure have a solid bottom to prevent leakage during shipment and to contain litter in sufficient quantity to absorb smells and to prevent injury to any container or intermediate handler and every 12 hours thereafter. These proposed requirements would apply to the provision of water to the drinking container and at sufficient intervals during transportation to provide for the animal's thirst and prevent body dehydration which may result in their falling. A maximum time of 45 minutes is proposed for such animals to remain uncaged in a terminal facility or primary conveyance.

To minimize physical and emotional trauma to warmblooded animals transported in commerce, the Department proposes that care be exercised in handling the primary enclosures to avoid tossing, dropping, or needlessly tilting the primary enclosures or stacking the primary enclosures in a manner which may result in overfalling.

The Department proposed that present § 2.100 of the regulations be designated as paragraph (a) and that a new paragraph (b) be added to require carriers and intermediate handlers to comply with the standards governing transportation of animals, in commerce, and their handling, care, and treatment in connection therewith.

The Department proposes to require the feeding of adult warmblooded animals once in each 24 hour period and young animals once in every 12 hour period during transportation.

It is proposed that the driver or other employee of any surface transportation (e.g., motor vehicle, rail, or marine) inspect animals covered by the Act every 2 hours during transportation to determine whether any such animals are in a healthy condition, and that the proposed requirement is intended to clarify the present requirement that such animals be inspected frequently. In the course of air transportation, it is proposed that the determination of the need for veterinary care shall be made by the carrier or intermediate handler every 2 hours if the animal cargo space is accessible during flight and whenever the animals are loaded and unloaded or when the unloading space is otherwise accessible, if it is not accessible during flight. The Department proposes that no warmblooded animal covered by the Act and in need of veterinary care shall be transported in commerce until such veterinary care is provided. Any such needed veterinary care shall be provided as soon as possible in order to maintain the animal in a healthy and normal condition.

In the course of commercial transportation, an animal may spend many hours in terminal facilities waiting for an initial scheduled departure, for scheduled transfers in transit, or pick-up by the consignee at destination. The environment of the holding area in terminals has proven, in many cases, to be more detrimental to the health and well-being of the animal than the environment inside the primary conveyance during transit. Therefore, it is proposed that a specific area be designated as an indoor animal holding area in all terminal facilities for which fresh air and ventilation are provided, and in which ambient temperatures are controlled to prevent excessive changes. Proposed standards also prescribe requirements for the cleanliness and sanitation of the animal holding areas to prevent a disease hazard, accumulation of trash, debris, or excreta or vermin infestation.

In transporting dogs, cats, guinea pigs, hamsters, rabbits, hamsters, guinea pigs, nonhuman primates, and certain other warmblooded animals from the terminal facility to the primary conveyance, the Department proposes standards for protection of the primary enclosure from sunlight, rain, snow, and cold weather. The proposed standards also require that these animals be moved in an expeditious manner to minimize exposure to inclement weather, temperature extremes and other environmental hazards. A maximum time of 45 minutes is proposed for such animals to remain uncaged in a terminal facility or primary conveyance.

Economic Impact Summary Statement

1. Proposed action. Proposed rulemaking to amend the Animal Welfare regulations and standards for transportation, and handling, care, and treatment in connection therewith of dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates, and certain other warmblooded animals.

2. Duration. This is a Notice of Proposed Rulemaking with not less than a 30-day period for public comment. This rulemaking will not become effective until 90 days after the final rulemaking is actually published in the Federal Register.


5. Contact. Dr. D. F. Schwindaman, (301) 436-5571.


7. Impact Analysis Summary—A. Cost Impact Effects. This proposed rulemaking is not considered to be inflationary according to the criteria established by the Department for the presentation of an Economic Impact Statement under Executive Order 11321 and OMB Circular A-107. The proposed transportation standards are discussed in detail in Attachment A and are seen to have a price-quantity effect on producers and for consignors of live animals for transportation in commerce and on the carrier accepting and transporting live animals in commerce. Price-quantity effects are summarized as follows:

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of the proposed standards on carriers and intermediate handlers who transport live animals for commerce and increased economic savings.

Improvements in humane care of animals transported in commerce are difficult to measure. However, sick and destitute animals subjected to extremes of temperature on the economy in that additional costs to the dissatisfied consumer are created. Such additional costs include adjustments between the carrier and intermediate handler and the consumer, veterinary expenses and a chance loss of the investment if the animal dies.

ATTACHMENT A
AN ANALYSIS OF THE ECONOMIC IMPACT OF AMENDMENTS TO ANIMAL WELFARE REGULATIONS AND STANDARDS

This statement is an examination of the economic impact of a proposed rulemaking amending the Animal Welfare regulations and standards as mandated by certain provisions of the Animal Welfare Act Amendments of 1976 (Pub. L. 94-279).

The Laboratory Animal Welfare Act, 7 U.S.C. 2131 et seq., was enacted in 1966 to prevent theft and sale for use in research of animals. The Act was also enacted to foster humane treatment by dealers and research facilities of cats, dogs, and certain other laboratory animals. In 1976, the Act's coverage was extended to most warm-blooded animals, and exhibition and auction sales were subjected to regulation.

Enactment of Pub. L. 94-279 (the Animal Welfare Act Amendments of 1976) extensively amended the Act of 1966 as amended by the Animal Welfare Act of 1970. The 1976 amendments deal comprehensively with the persistent problem of mistreatment of animals in the course of their transportation in commerce. Over the past several years, domestic shipments of live animals have increasingly been monitored by the Secretary of Agriculture and to an even greater extent by organizations dedicated to promoting humane treatment of animals. Materials shipped in flimsy containers or crates, which lacked adequate ventilation and space, have been cited. Often animal shipments are handled no more expeditiously than ordinary freight. The result has been animals needlessly left in transit for extended periods without food or water and exposed to extreme conditions of temperature and climate.

The 1976 Amendments bring carriers and intermediate handlers within the class of persons regulated under the statute and require them to adhere to rules, regulations, and standards promulgated by the Secretary to assure humane treatment of animals in the course of their transportation in commerce.

For easier presentation, the proposed transportation standards are discussed in light of their effect and cost impact on producers and/or consignors of live animals for transportation in commerce (Attachment B) and on the carrier and intermediate handler who accepts and transports live animals in commerce (Attachment C).

ATTACHMENT B
PRODUCER AND OR CONSIGNOR

Those proposed amendments to Parts 1, 2, and 3 (49 CFR) pertaining to transportation standards which will directly affect the producer and/or consignor of live animals for transportation in commerce include requirements for a maximum time of tender (4 hours) and an offer of potable water to animals within 2 hours of deferment. The proposed standards cite specific requirements for interior space (relative to the size of the animal), construction, and design of the container or primary enclosure used to contain the animal being shipped.

COMPLIANCE COSTS

At present, USDA licensees ship almost 409,000 dogs, cats, and nonhuman primates by commercial transport each year. This information was obtained from Veterinary Services' computerized central records based on a required annual report submitted by the USDA licensees. In addition, a similar number of animals, primarily dogs and cats, are shipped under the provisions of the Animal Welfare Act by air transport. The cost incurred by carriers and intermediate handlers for compliance with the proposed standards, $10.55 million a year (Attachment C), will be reflected in higher transport rates charged to consignors. In addition to the $18,900 animals subject to the standards, the cost impact could be as high as $13.40 per animal. However, if the facilities are used for holding all live animal shipments and the cost increase is spread over all such shipments, the cost impact for a dog or cat weighing 40 pounds or less and shipped 1,000 miles could be as low as $4.75 per animal.

ATTACHMENT C
CARRIER AND INTERMEDIATE HANDLER

The 1976 Amendments direct the Secretary of Agriculture to promulgate standards with respect to the transportation in commerce of all animals transported in commerce of live animals for transportation in commerce according to the Animal Welfare Act. The provisions of the proposed transportation standards which will have a cost impact on the carrier and intermediate handler include requirements for (1) feeding and watering animals at time intervals ap-
ple

The domestic rate for
ject to the proposed standards (818,000
whether the carriers elect to apply the
Association of America, the
USA" provided by the Air Transportation
"average hourly wage rate, all inclusive

A

Increasing revenues by $10.95 million a

average $13.40 per animal.

The cost impact on consignors
would increase the per
animal cost by $11.75.

The total additional annual
for labor is $5.7 million.

The total additional annual cost for
in the form of higher

Accordingly, the regulations and Standards (9 CFR 1.1 et seq.) would be amended in the following respects:

**PART 1—DEFINITION OF TERMS**

1. Section 1.11 of the regulations (9 CFR 1.1) would be amended by adding new paragraphs (qa) and (rr) to the end thereof as follows:

1.11 Definition.

(a) "Primary conveyance" means the main method of transportation used to convey an animal from origin to destination, such as a motor vehicle, plane, ship, or train.

(b) "Transporting device" means an

**PART 2—REGULATIONS**

2. Section 2.100 of the regulations (9 CFR 2.100) would be amended by designating the present regulation as paragraph (a) and adding a new paragraph (b) to read as follows:

2.100 Compliance with standards.

(a) Each carrier and intermediate handler shall comply in all respects with the standards set forth in Part 3 of the

(b) Each carrier and intermediate handler shall comply in all respects with the

**PART 3—STANDARDS**

3. The Table of Contents cited in Part 3—STANDARDS would be revised to read as follows:

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

**FACILITIES AND OPERATING STANDARDS**

Sec.

3.1 Facilities, general.

3.2 Facilities, indoor.

3.3 Facilities, outdoor.

3.4 Primary enclosures.

3.5 Feeding.

3.6 Watering.

3.7 Sanitation.

3.8 Employees.

3.9 Classification and separation.

3.10 Veterinary care.

**TRANSPORTATION STANDARDS**

3.11 Consignments to carriers and intermediate handlers.

3.12 Primary enclosures used to transport live dogs and cats.

3.13 Primary conveyances (motor vehicle, rail, air, and marine).

3.14 Food and water requirements.

3.15 Care in transit.

3.16 Terminal facilities.

3.17 Handling.

3.18 Ambient temperature.

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

**FACILITIES AND OPERATING STANDARDS**

Sec.

3.25 Facilities, general.

3.30 Facilities, indoor.

3.31 Facilities, outdoor.

3.32 Primary enclosures.

3.33 Classification and separation.

3.34 Veterinary care.

**TRANSPORTATION STANDARDS**

3.35 Consignments to carriers and intermediate handlers.

3.36 Primary enclosures used to transport live guinea pigs and hamsters.

3.37 Primary conveyances (motor vehicle, rail, air, and marine).

3.38 Food and water requirements.

3.39 Care in transit.

3.40 Terminal facilities.

3.41 Handling.

3.42 Ambient temperature.

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

**FACILITIES AND OPERATING STANDARDS**

3.50 Facilities, general.

3.51 Facilities, indoor.

3.52 Facilities, outdoor.

3.53 Primary enclosures.

**ANIMAL HEALTH AND HUSBANDRY STANDARDS**

3.54 Feeding.

3.55 Watering.

3.56 Sanitation.

3.57 Employees.

3.58 Classification and separation.

3.59 Veterinary care.

**TRANSPORTATION STANDARDS**

3.60 Consignments to carriers and intermediate handlers.

3.61 Primary enclosures used to transport live rabbits.

3.62 Primary conveyances (motor vehicle, rail, air, and marine).

3.63 Food and water requirements.

3.64 Care in transit.

3.65 Terminal facilities.

3.66 Handling.

3.67 Ambient temperature.

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

**FACILITIES AND OPERATING STANDARDS**

3.70 Facilities, general.

3.71 Facilities, indoor.

3.72 Facilities, outdoor.

3.73 Primary enclosures.

**ANIMAL HEALTH AND HUSBANDRY STANDARDS**

3.74 Feeding.

3.75 Washing.

3.76 Sanitation.

3.77 Employees.

3.78 Classification and separation.

3.79 Veterinary care.

3.80 Vehicles.

3.81 Primary enclosures used to transport nonhuman primates.

3.82 Food and water requirements.

3.83 Care in transit.
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TRANSPORTATION STANDARDS

Sec.
3.85 Consignments to carriers and intermediate handlers.
3.86 Primary enclosures used to transport live nonhuman primates.
3.87 Primary conveyances (motor vehicle, rail, and marine).
3.88 Food and water requirements.
3.89 Care in transit.
3.90 Terminal facilities.
3.91 Ambient temperature.

Subpart E-Specifications for the Humans Handling, Care, Treatment, and Transportation of Wild Animals. Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, and Rodents.

FACILITIES AND OPERATING STANDARDS

3.100 Facilities, general.
3.101 Facilities, indoor.
3.102 Facilities, outdoor.
3.103 Space requirements.

ANIMAL HEALTH AND HUMANITY STANDARDS

3.104 Feeding.
3.105 Watering.
3.106 Sanitation.
3.107 Employees.
3.108 Separation.
3.109 Veterinary care.
3.110 Handling.

TRANSPORTATION STANDARDS

3.111 Consignments to carriers and intermediate handlers.
3.112 Primary enclosures used to transport live animals.
3.113 Primary conveyances (motor vehicle, rail, and marine).
3.114 Food and water requirements.
3.115 Care in transit.
3.116 Terminal facilities.
3.117 Handling.
3.118 Ambient temperature.

AHORNO: Sec. 19, 80 Stat., as amended. (7 U.S.O. 2143).

4. Section 3.11 of the standards (9 CFR 3.11) would be revised to read as follows:

§ 3.11 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any live dog or cat presented by any dealer, research facility, exhibitor, operator of an auction sale, wholesale dealer, or any department, agency, or instrumentality of the United States or of any State or local government for shipment, in commerce, more than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported.

(b) Carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6 hour period following the arrival of any live dog or cat at destination. The time, date, and method of notification to the consignee and the person notifying the consignee shall be noted on one of the documents accompanying the animal.

5. Section 3.12 of the standards (9 CFR 3.12) would be revised to read as follows:

§ 3.12 Primary enclosures used to transport dogs and cats.

(a) Primary enclosures, such as compartments, transport cages, cartons, or crates, used to transport live dogs and cats shall be constructed in such a manner that (1) the structural strength of the enclosure shall be sufficient to contain the dogs and cats and to withstand the normal rigors of transportation; (2) there shall be free ventilation openings located on both ends and sides of the container to enable the primary enclosure to be lifted without tilting and to ensure that the person handling the primary enclosure will not be in contact with the dog or cat.

(b) Each live dog or cat shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein and the primary enclosures shall be designed and constructed in such a manner that each dog or cat has access to sufficient air for normal breathing.

(c) Food and water requirements.

(a) Any live dogs or cats shall be offered water within 4 hours prior to being transported in commerce. Any live dogs or cats less than 16 weeks of age being offered to any carrier for transportation in commerce shall be offered at least 60 cubic centimeters (ccs.) of potable water within 4 hours prior to being offered to any carrier for transportation in commerce. Dealers, exhibitors, or research facilities, operators of auction sales, departments, agencies, or instrumentality of the United States or of any State or local government shall provide potable water to all live dogs and cats transported in their own primary conveyances at least every 12 hours, and carriers and intermediate handlers shall provide potable water to all live dogs and cats at least every 12 hours after acceptance for transportation in commerce.

(b) Each live dog and cat over 16 weeks of age shall be fed at least once in each 24 hour period. Live puppies and kittens less than 16 weeks of age shall have food

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made available to them at least every
12 hours. The time periods provided for
in this paragraph shall apply to carriers
and intermediate handlers after ac-
ceptance of any live dogs or cats for trans-
portation in commerce.
8. A new § 3.15 (9 CFR 3.15) would be
added to the standards as follows:
§ 3.15 Care in transit.
(a) During surface transportation, it
shall be the responsibility of the driver
or other employee to inspect the live
dogs and cats at least every two hours to
determine whether they need veterinary
care and provide any necessary veterinary
care as soon as possible. When trans-
ported by air, live dogs and cats shall
be inspected by the carrier at least every
two hours if the animal cargo space is
accessible during flight. If the animal
cargo space is not accessible during flight
the carrier shall inspect the live dogs and
cats whenever loaded and unloaded and
whenever the animal cargo space is oth-
erwise accessible. When such live dogs
and cats need veterinary care, and the
carrier shall provide any
needed veterinary care as soon as
possible. No dog or cat in need of veterinary
care shall be transported in commerce.
(b) During the course of transporta-
tion, in commerce, live dogs and cats
shall not be removed from their primary
enclosure unless placed in other primary
enclosures conforming to the requirements
provided in this subparagraph.
9. A new § 3.16 (9 CFR 3.16) would be
added to the standards as follows:
§ 3.16 Terminal facilities.
(a) Indoor facilities. Carriers shall
provide a designated indoor animal hold-
ing area which shall not be used for
general cargo, but may be located within
the general cargo area. The indoor an-
imal holding area shall be provided with
fresh air by means of windows, doors,
vents, or air conditioning and shall be
ventilated so as to minimize drafts,
ozone, and moisture condensation. The
ambient temperature shall neither be
allowed to exceed 29.5°C. (85°F.)
at any time. The indoor animal holding
area shall be cleaned and sanitized in a
manner prescribed in § 3.17 of the stand-
ards often enough to prevent an accumu-
lation of debris, or excreta, minimize ver-
mint infestation, and to prevent a disease
hazard.
(b) Outdoor facilities. Carriers and
intermediate handlers in transporting live
dogs and cats from the indoor an-
imal holding area of the terminal facility
to the primary conveyance and from the
primary conveyance to the indoor animal
holding area of the terminal facility shall take
all reasonable precautions to protect
the live dogs and cats from the direct rays
of the sun.
(ii) Shelter from cold weather. Trans-
porting dogs shall be covered to pro-
vide protection from the elements when
the atmospheric temperature falls
below 10°C. (50°F.).
(iii) Shelter from cold weather. Trans-
porting dogs and cats shall be covered
to provide protection from the elements
when the atmospheric temperature falls
below 10°C. (50°F.).
10. A new § 3.17 (9 CFR 3.17) would be
added to the standards as follows:
§ 3.17 Handling.
(a) Carriers and Intermediate handlers
shall move live dogs and cats from the
indoor animal holding area of the termi-
nal facility to the primary conveyance
and from the primary conveyance to the
indoor animal holding area of the termi-
nal facility as expeditiously as possible.
(b) Care shall be exercised to avoid
handling of the primary enclosures in such
a manner that may cause physical or
emotional trauma to the live dog or cat
contained therein.
(c) Primary enclosures housing live
dogs and cats shall not be loaded
and shall not be stacked in a manner which
may result in their falling.
11. A new § 3.18 (9 CFR 3.18) would be
added to the standards as follows:
§ 3.18 Ambient temperature.
(a) The ambient temperature within
primary enclosures used to transport live
dogs and cats shall be kept at 35°F. or
less. Live dogs and cats shall not be
stacked in a manner which may
result in their falling.
(b) Carriers and intermediate handlers
shall attempt to notify the consignee
as soon as possible. When treant-
ment for the animal is necessary for
the animal to be inspected by the carrier at least every
hour period following the arrival of any live dog or cat
and the person notifying the consignee shall be
noted on one of the documents accompan-
ing the animal.
12. Section 3.35 of the standards (9
CFR 3.35) is revised as follows:
§ 3.35 Consignments to carriers and in-
termediate handlers.
(a) Carriers and intermediate handlers
shall not accept any live guinea pigs
or hamsters transported in the same
primary enclosures used to transport live
guinea pigs or hamsters.
(b) Not more than 15 live guinea pigs
shall be transported in the same primary
enclosure. Not more than 50 live ham-
sters shall be transported in the same
primary enclosure.
(c) In addition to the other provisions
of this section, the following require-
ments shall also apply to primary en-
closures used to transport live guinea
pigs or hamsters.
(1) Guinea pigs. (i) The interior
height of primary enclosures used to
transport live guinea pigs shall be at
least 30.5 centimeters (12 inches).
(2) Hamsters. (i) The interior
height of primary enclosures used to
transport live guinea pigs shall be at
least 19.1 centimeters (7.5 inches).
(ii) Each live guinea pigs transported
in a primary enclosure shall be provided
a minimum amount of floor space in
accordance with this table:

<table>
<thead>
<tr>
<th>Weight in grams</th>
<th>Square centimeters</th>
<th>Square inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 300</td>
<td>103.4</td>
<td>4.0</td>
</tr>
<tr>
<td>301 to 600</td>
<td>206.8</td>
<td>8.0</td>
</tr>
<tr>
<td>Over 600</td>
<td>309.3</td>
<td>12.0</td>
</tr>
</tbody>
</table>

(2) Hamsters. (i) The interior
height of primary enclosures used to transport live
hamsters shall be at least 19.1 centi-
meters (7.5 inches).
(ii) Each live hamster transported
in a primary enclosure shall be provided
a minimum amount of floor space in
accordance with this table:

<table>
<thead>
<tr>
<th>Weight in grams</th>
<th>Square centimeters</th>
<th>Square inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 300</td>
<td>103.4</td>
<td>4.0</td>
</tr>
<tr>
<td>301 to 600</td>
<td>206.8</td>
<td>8.0</td>
</tr>
<tr>
<td>Over 600</td>
<td>309.3</td>
<td>12.0</td>
</tr>
</tbody>
</table>
(f) Primary enclosures used to ship live guinea pigs and hamsters shall be provided in this section, as shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in the manner prescribed in §3.31 of the standards, if previously used. Such primary enclosures shall contain clean litter of a suitable absorbent material, which is safe and nontoxic to guinea pigs and hamsters, in sufficient quantity to absorb and contain excrta unless the guinea pigs and hamsters are on wire or other nontoxic floors.

(g) Primary enclosures used to transport live guinea pigs and hamsters shall be clearly marked on top and on one or more sides with the words "Live Animal" in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings, to indicate the correct upright position of the container.

(h) Enclosures accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

14. Section 3.37 of the standards (9 CFR 3.37) is revised to read as follows:

§ 3.37 Primary conveyances (motor vehicle, rail, air, and marine).

(a) The animal cargo space of primary conveyances used in transporting live guinea pigs and hamsters shall be designed and constructed, to protect the health, and ensure the safety and comfort of the live guinea pigs and hamsters at all times.

(b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases.

(c) No live guinea pig or hamster shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live animal contained therein and the primary enclosures shall be positioned in the primary conveyance in such a manner that emergency the live guinea pigs or hamsters can be removed from the primary conveyance within a 5 minute time period.

(d) Primary enclosures shall be positioned in the primary conveyance and in such a manner that in an emergency the live guinea pigs or hamsters can be removed from the primary conveyance within a 5 minute time period.

(e) The interior of the animal cargo space shall be kept clean.

(f) Live guinea pigs and hamsters shall not be transported with any material, substance, or device which may be injurious to the health and well being of the live guinea pigs and hamsters unless properly precaution is taken to prevent such injury.

15. Section 3.38 of the standards (9 CFR 3.38) is revised to read as follows:

§ 3.38 Food and water requirements.

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

(b) A new §3.39 (9 CFR 3.39) would be added to the standards as follows:

§ 3.39 Care in transit.

(a) During surface transportation, it shall be the responsibility of the driver or other employee to inspect the live guinea pigs or hamsters at least every 2 hours to determine whether they require veterinary care and provide any needed veterinary care as soon as possible. When transported by air, live guinea pigs and hamsters shall be inspected by the carrier at least every 2 hours if the animal cargo space is accessible during flight.

(b) If the animal cargo space is not accessible during flight the carrier shall inspect the live guinea pigs and hamsters whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible to determine whether such live guinea pigs and hamsters need veterinary care, and the carrier shall provide any needed veterinary care as soon as possible. No guinea pig or hamster in need of veterinary care shall be transported in commerce.

(c) During of transportation, in commerce, live guinea pigs and hamsters shall not be removed from their primary enclosure unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart.

17. A new §3.40 (9 CFR 3.40) would be added to the standards as follows:

§ 3.40 Terminal facilities.

(a) Indoor facilities. Carriers shall provide a designated indoor animal holding area which shall not be used for general cargo, but may be located within the general cargo area. The indoor animal holding area shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. The ambient temperature shall neither be allowed to exceed 20.5° C. (68° F.) nor be allowed to fall below 15.6° C. (60° F.) for a period of more than 45 minutes nor fall below 15.6° C. (60° F.) for a period of more than 45 minutes.

(b) Outdoor facilities. Carriers and intermediate handlers shall move live guinea pigs and hamsters from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility, including loading and unloading procedure, shall provide the following:

(i) Shelter from sunlight. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live guinea pigs and hamsters from the direct rays of the sun.

(ii) Shelter from rain or snow. Live guinea pigs and hamsters shall be provided protection to allow them to remain dry during rain or snow.

(iii) Shelter from cold weather. Transportation devices shall be covered to provide protection for live guinea pigs and hamsters when the atmospheric temperature falls below 15.6° C. (60° F.).

18. A new §3.41 (9 CFR 3.41) would be added to the standards as follows:

§ 3.41 Handling.

(a) Carriers and intermediate handlers shall move live guinea pigs and hamsters from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility as expeditiously as possible.

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live guinea pigs or hamsters.

(c) Primary enclosures housing live guinea pigs or hamsters shall not be tossed, dropped, or needlessly tilted and shall not be stacked in a manner which may result in their falling.

19. A new §3.42 (9 CFR 3.42) would be added to the standards as follows:

§ 3.42 Ambient temperature.

The ambient temperature within primary enclosures used to transport live guinea pigs and hamsters shall not exceed 20.5° C. (68° F.) for a period of more than 45 minutes nor fall below 15.6° C. (60° F.) for a period of more than 45 minutes.

20. Section 3.60 of the standards (9 CFR 3.60) is revised to read as follows:

§ 3.60 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any live rabbit presented to them by any dealer, research facility, exhibitor operator of an auction sale or other person or any department, agency, or instrumentality of the United States or of any State or local government for shipment, in commerce, more
than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported.

(b) Carriers and intermediate handlers shall not open the container to examine its contents at least once in every 8 hour period following the arrival of any live rabbits at destination. The time, date, and method of notification to the consignee and the person notifying the consignee shall be noted on one of the documents accompanying the animals.

21. Section 3.61 of the standards (9 CFR 3.61) is revised to read as follows:

§ 3.61 Primary enclosures used to transport live rabbits.

(a) Primary enclosures, such as compartments, transport cages, cartons, or crates, used to transport live rabbits shall be constructed in such a manner that:

(1) The structural strength of the enclosure shall be sufficient to contain the rabbits and to withstand the normal rigors of transportation; (2) the interior of the enclosure shall be free from any protrusions that could be injurious to the live rabbits contained therein; (3) the openings of such enclosures are easily accessible for openings or removal of the live rabbits; (4) there are ventilation openings located on both ends and such ventilation openings shall be at least 3 percent of the total surface area of each side; (5) projecting rims or other devices for holding the primary enclosure to be lifted without contact with the animal; (6) airtight, rail, or air conditioning and shall be ventilated so as to provide fresh air; (7) the interior of the animal cargo space shall be kept clean.

(b) Live rabbits transported in the same primary enclosure shall be maintained in compatible groups and shall not be transported in the same primary enclosure with species of animals unsuitable to their presence.

(c) Primary enclosures used to transport live rabbits shall be large enough to ensure that each rabbit contained therein has sufficient space to turn about freely, and to make normal postural adjustments.

(d) Not more than 15 live rabbits shall be transported in the same primary enclosure.

(e) Primary enclosures used to ship live rabbits as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in the manner prescribed in § 3.56 if previously used. Such primary enclosures shall contain clean litter of suitable absorbent material which is safe and nontoxic to the rabbits, in sufficient quantity to absorb and cover excreta unless the rabbits are on wire or other nonsolid floors.

(f) Primary enclosures used to transport live rabbits shall be clearly marked on top and on one or more sides with the words “Live Animal” in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings, to indicate the correct upright position of the enclosure.

(g) Documents accompanying the shipment shall be attached in an easily accessible manner to the outside of a primary enclosure which is part of such shipments.

22. Section 3.62 of the standards (9 CFR 3.62) is revised to read as follows:

§ 3.62 Primary conveyances (motor vehicle, rail, air, and maritime).

(a) The animal cargo space of primary conveyances used in transporting rabbits shall be designed and constructed to protect the health, and ensure the safety and comfort of the rabbits contained therein at all times.

(b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases.

(c) No live rabbit shall be placed in an animal cargo space that does not have a supply of air sufficient for normal breathing, for each live animal contained therein at all times. No live rabbit shall be positioned in the primary conveyance in such a manner that each live rabbit has access to sufficient air for normal breathing.

(d) Primary enclosures shall be positioned in the primary conveyance in such a manner that in an emergency the live rabbits can be removed from the primary conveyance within a 5 minute time period.

(e) The interior of the animal cargo space shall be kept clean.

23. Section 3.63 of the standards (9 CFR 3.63) is revised to read as follows:

§ 3.63 Food and water requirements.

If live rabbits are transported for a period of more than 6 hours, they shall be provided with food and water. This requirement may be met by providing fresh and water, or the quantity and quality of vegetables sufficient to satisfy their food and water needs during transport.

24. A new § 3.64 (9 CFR 3.64) would be added to the standards as follows:

§ 3.64 Care in transit.

(a) During surface transportation, it shall be the responsibility of the driver or other employee to inspect the live rabbits at least every 2 hours to determine whether they need veterinary care and provide any needed veterinary care as soon as possible. When transported by air, live rabbits shall be inspected by the care and without the animal cargo space is accessible during flight. If the animal cargo space is not accessible during flight, the carrier shall inspect the live rabbits whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible, to determine whether such rabbits need veterinary care and provide any needed veterinary care as soon as possible. No live rabbit in need of veterinary care shall be transported in commerce.

(b) During the course of transportation in commerce, live rabbits shall not be removed from their primary enclosure unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart.

27. A new § 3.65 (9 CFR 3.65) would be added to the standards as follows:

§ 3.65 Terminal facilities.

(a) Indoor facilities. Carriers shall provide a designated indoor animal holding area which shall not be used for general cargo, but may be located within the general cargo area. The indoor animal holding area shall be provided with an air source by means of windows, doors, vents, or air conditioning and shall be ventilated so as to provide fresh air and be allowed to exceed 29.5°F. (85° F.) at any time. The indoor animal holding area shall be cleaned and sanitized in the manner prescribed in § 3.56 of the standards. The floor shall prevent an accumulation of debris, or excreta, minimize vermin infestation, and to prevent disease hazard.

(b) Outdoor facilities. Carriers and intermediate handlers in transporting live rabbits from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility, including loading and unloading procedures, shall provide the following:

(i) Shelter from sunlight. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live rabbits from the direct rays of the sun.

(ii) Shelter from rain or snow. Live rabbits shall be provided protection to allow them to remain dry during rain or snow.

(iii) Shelter from cold weather. Transportation devices shall be covered to provide protection for live rabbits when the atmospheric temperature falls below 10°C. (50° F.).

28. A new § 3.66 (9 CFR 3.66) would be added to the standards as follows:

§ 3.66 Handling.

(a) Carriers and intermediate handlers shall move live rabbits from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility as expeditiously as possible.

(b) Live rabbits shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live rabbits contained therein.
of such each end; (7) projecting rims or other devices shall be on ends and sides with any ventilation openings to prevent obstruction of the ventilation openings and to provide a minimum air circulation of 500 cubic feet per minute. (a) Primary enclosures used to transport live nonhuman primates shall not be less than 6 inches (15 centimeters) between the primary enclosure and any other devices used to transport live nonhuman primates. (b) Primary enclosures used to transport live nonhuman primates shall be large enough to ensure that each animal contained therein has sufficient space to turn freely in a stance whereby both feet and hands are on the floor and can sit in an upright position and lie in a natural position. (c) Primary enclosures used to transport live nonhuman primates shall contain the same species and maintained in compatible groups. Nonhuman primates which have not reached puberty shall not be transported in the same primary enclosure with any male nonhuman primates other than their dams. Any female nonhuman primate in season (estrus) shall not be transported in the same primary enclosure with any male nonhuman primates. (d) Primary enclosures used to transport live nonhuman primates shall be large enough to ensure that each animal contained therein has sufficient space to turn freely in a stance whereby both feet and hands are on the floor and can sit in an upright position and lie in a natural position. Provided, however, that certain larger species may be restricted in movement according to professionally acceptable standards when such freedom of movement would constitute a danger to the live nonhuman primates, their handlers, or other persons. (e) No more than ten live nonhuman primates shall be transported in a primary enclosure. (f) Primary enclosures used to ship live nonhuman primates as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in the manner prescribed in § 8.31 of the standards, if previously used. Such primary enclosures shall contain sufficient material which is safe and nontoxic to nonhuman primates, in sufficient quantity to absorb and cover excreta, unless the nonhuman primates are on wire or other nonsolid floors. (g) Primary enclosures used to transport live nonhuman primates shall be clearly marked on top and on one or more sides with the words "Wild Animal" in letters not less than 1 inch (2.5 centimeters) in height, and with arrows or other markings, to indicate the correct upright position of the container. (h) Documents accompanying the shipment shall be attached in an easily accessible manner to the exterior of the primary enclosure which is part of such shipment. 3r. Section 3.87 of the standards (§ 3.87) is revised to read as follows: § 3.87 Primary conveyances (motor vehicle, rail, air, and marine). (a) The animal cargo space of primary conveyances used in transporting live nonhuman primates shall be designed and constructed to protect the health and ensure the safety and comfort of the nonhuman primates contained therein at all times. (b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases. (c) No live nonhuman primate shall be transported in an animal cargo space that does not have a supply of air sufficient for normal breathing for each live nonhuman primate contained therein and the primary enclosures shall be positioned in the primary conveyance in such a manner that each live nonhuman primate has access to sufficient air for normal breathing. (d) Primary enclosures shall be positioned in the primary conveyance in such a manner that in an emergency the live nonhuman primates can be removed from the conveyance within a 5 minute time period. (e) The interior of the animal cargo space shall be kept clean. (f) Live nonhuman primates shall not be transported with any material which may cause injury to the animal or to persons who are nearby or who handle the primary enclosure; (4) the openings of such enclosures are easily accessible at all times for emergency removal of the live nonhuman primates; (5) the openings which provide access into the primary enclosure shall be secured on a lockable basis to prevent accidental opening; (6) there are ventilation openings located on both ends and such ventilation openings shall be at least 5 percent of the total surface area which is accessible during flight. If the animal cargo space is not accessible dur-
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ing flight, the carrier shall inspect the live nonhuman primates whenever loaded and unloaded in the indoor animal cargo space is otherwise accessible, to determine whether such nonhuman primates need veterinary care and the carrier shall provide any needed veterinary care as soon as possible. No nonhuman primates in need of veterinary care shall be transported in commerce.

(b) During the course of transportation in commerce, live nonhuman primates shall be removed from their primary enclosure unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart.

23. A new § 3.90 (9 CFR 3.90) would be added to the standards as follows:

§ 3.90 Terminal facilities.

(a) Indoor facilities. Carriers shall provide a designated indoor animal holding area which shall not be used for general cargo, but may be located within the general cargo area. The indoor animal holding area shall be provided with fresh air by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. The ambient temperature shall neither be allowed to fall below 7.2°C. (45° F.) nor be allowed to exceed 29.5°C. (85° F.) at any time. The indoor animal holding area shall be cleaned and sanitized in the manner prescribed in § 3.81 of the standards often enough to prevent an accumulation of debris, excreta, and moisture condensation. The ambient temperature within such primary enclosures used to transport live nonhuman primates shall not exceed 35°C. (95° F.) for a period of more than 45 minutes and shall not fall below 7.2°C. (45° F.) for a period of more than 45 minutes.

26. Section 3.111 of the standards (9 CFR 3.111) is revised to read as follows:

§ 3.111 Consignments to carriers and intermediate handlers.

(a) Carriers and intermediate handlers shall not accept any live animals presented by any dealer, research facility, exhibitor, operator of an auction sale, or other person, or any department or agency of the United States or of any State or local government for shipment, in commerce, more than 4 hours prior to the scheduled departure of the primary conveyance on which it is to be transported.

(b) Carriers and intermediate handlers shall attempt to notify the consignee at least once in every 6 hour period following the arrival of any live animals at destination. The time, date, and method of notification to the consignee and the person notifying the consignee shall be noted on one of the documents accompanying the animal.

27. Section 3.112 of the standards (9 CFR 3.112) is revised to read as follows:

§ 3.112 Primary enclosures used to transport animals.

(a) Primary enclosures such as compartments, transport cages, crates or crates, used to transport live animals shall be constructed in such a manner that (1) the structural strength of the enclosure shall be sufficient to contain the animals and to withstand the normal rigors of transportation; (2) the interior of the enclosure shall be free from any protrusions that could be injurious to the live animals contained therein; (3) the openings of such enclosures are easily accessible at all times for emergency removal of the live animals; (4) there are ventilation openings located on both ends and such ventilation openings shall be at least 8 percent of the total surface area of each such end; (5) projecting rims or other devices shall be on ends and sides with any ventilation openings to prevent obstruction of the ventilation openings and to provide a minimum air circulation space of 1.9 cubic feet (78 inches) between the primary enclosure and any adjacent cargo or conveyance wall; and (5) adequate handholds or other devices for lifting must be provided on the exterior of the primary enclosure to be lifted without lifting and to insulate that the person handling the primary enclosure will not be in contact with the animal.

(b) Live animals transported in the same primary enclosure shall be of the same species and maintained in compatible groups. Live animals that have not reached puberty shall not be transported in the same primary enclosure with adult animals other than their dams. Socially dependent animals (e.g., sibling, dam, and other members of a family group) must be allowed visual and olfactory contact. Any female animal in season (estrus) shall not be transported in the same primary enclosure with any male animal.

(c) Primary enclosures used to transport live animals shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely, and to make normal postural adjustments. Provided, however, that certain species must be permitted freedom of movement according to professionally acceptable standards when such freedom of movement would constitute a danger to the animals, their handlers, or other persons.

(d) Primary enclosures used to ship animals as provided in this section shall have solid bottoms to prevent leakage in shipment and shall be cleaned and sanitized in the manner prescribed in § 3.106 of the standards, if previously used. Such primary enclosures shall contain clean litter of a suitable absorbent material which is safe and nontoxic to the live animals, in sufficient quantity to absorb and cover excreta, unless the animals are on wire or other nonsolid floors.

(e) Primary enclosures used to transport live animals shall be clearly marked on top and on one or more sides with the words "Live Animal" or "Wild Animal," whichever is appropriate, in letters not less than 2.5 centimeters (1 inch) in height, and with arrows or other markings to indicate the correct upright position of the container.

(f) All documents accompanying the shipment shall be affixed in an easily accessible manner to the outside of a primary enclosure which is part of such shipment.

38. Section 3.113 of the standards (9 CFR 3.113) is revised to read as follows:

§ 3.113 Primary conveyances (motor vehicle, rail, air and marine).

(a) The animal cargo space of primary conveyances used in transporting live animals shall be designed and constructed to protect the health and ensure the safety and comfort of the live animals contained therein at all times.

(b) The animal cargo space shall be constructed and maintained in a manner to prevent the ingress of engine exhaust fumes and gases.

(c) No live animal shall be placed in an animal cargo space that does not have a supply of air sufficient for nor-
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§ 3.115 Care in transit.

(a) During surface transportation, it shall be the responsibility of the driver or other employee to inspect the live animals at least every 2 hours to determine whether they need veterinary care and provide any needed veterinary care as soon as possible. When transported by air, live animals shall be inspected by the carrier at least every 2 hours if the animal cargo space is accessible during flight. If the animal cargo space is not accessible during flight, the carrier shall inspect the live animals whenever loaded and unloaded and whenever the animal cargo space is otherwise accessible, to determine whether such animals need veterinary care and the carrier shall provide any needed veterinary care as soon as possible. No live animal in need of veterinary care shall be transported in commerce.

(b) Wild or otherwise dangerous animals shall not be taken from their primary enclosure except under extreme emergency conditions: Provided, however, that as directed by hibernation, veterinary treatment or other professionally accepted practices, those live animals which, by common accepted practice, require watering more frequently shall be so watered. If available, and such temporary primary enclosure is structurally strong enough to prevent the escape of the animal. During the course of transportation in commerce, animals shall not be removed from their primary enclosure unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart.

(3) Shelter from cold weather. Transporting devices shall be covered to provide protection for live animals when the atmospheric temperature falls below 10° C. (50° F.).

42. A new § 3.117 (9 CFR 3.117) would be added to the standards as follows:

§ 3.117 Handling.

(a) Carriers and intermediate handlers are responsible for moving live animals from the indoor animal holding area of the terminal facility to the primary conveyance and from the primary conveyance to the indoor animal holding area of the terminal facility as expeditiously as possible.

(b) Care shall be exercised to avoid handling of the primary enclosure in such a manner that may cause physical or emotional trauma to the live animal contained therein.

(3) Shelter from cold weather. Reflecting devices shall be covered to provide protection for live animals when the atmospheric temperature falls below 10° C. (50° F.).