

[3410-34-M]

## DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 3]

## ANIMAL WELFARE

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

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes revisions of the transportation standards governing certain live warmblooded animals under the Animal Welfare Act published in the FEDERAL REGISTER on June 21, 1977 (42 FR 31556-31571) and on May 16, 1978 (43 FR 21160-21167). The proposed revisions provide for (1) a change of the allowable minimum air temperature from 7.2° C (45° F) to 1.7° C (35° F) for dogs, cats, hamsters, rabbits, and certain other warmblooded animals when transported in commerce, (2) a change of the allowable maximum air temperature from 35° C (95° F) to 29.5° C (85° F) for all warmblooded animals under the Animal Welfare Act when transported in commerce, and (3) a new procedure for measuring the air temperature surrounding live animals being transported in commerce which would replace the "ambient temperature" provisions of the present transportation standards. The new proposed ranges of allowable air temperatures for animals being transported in commerce take into consideration the differences between the air temperatures occurring inside animal shipping containers and the air temperatures surrounding such containers and the various factors affecting such differences. These proposed revisions of the transportation standards are the result of various petitions for reconsideration which were received by the Department and which made new facts and evidence available that appear to warrant such action.

DATE: Comments on or before: November 13, 1978.

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, U.S. Department of Agriculture, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782, 301-436-8271.

SUPPLEMENTARY INFORMATION: The Department's present transportation standards provide for a range of ambient air temperatures and temperatures surrounding animals which are allowed when live warmblooded animals are transported in commerce. Such temperatures are not to fall below 7.2° C (45° F) unless a certificate executed by a licensed veterinarian is furnished to carriers or intermediate handlers by USDA licensees or registrants and U.S. Government agencies or instrumentalities indicating that an animal presented for transportation (with the exception of guinea pigs) is acclimated to air temperatures lower than 7.2° C (45° F). The Department received complaints from many individuals who experienced hardships during cold weather in trying to get shipments of animals transported by air carriers. Some airlines would not accept live animal shipments when the outside atmospheric temperature fell below 45° F. These individuals felt that their dogs and cats were not adversely affected by air temperatures down to 35° F and if acclimated by living outdoors could tolerate temperatures lower than 35° F. The Department is of the opinion that empirical information as well as a certain amount of scientific data, which has come to light, is sufficient to justify the provisions in this proposal setting a lower minimum air temperature which dogs, cats, hamsters, rabbits, and certain other warmblooded animals can tolerate without suffering inhumane treatment during commercial transportation. The Department therefore, proposes to amend §§ 3.11(c)(3), 3.16, 3.17(a)(3), 3.35(c)(3), 3.40, 3.41(a)(3), 3.60(c)(3), 3.65, 3.66(a)(3), 3.111(c)(3), 3.116, and 3.117(a)(3) to provide for a minimum allowable air temperature of 1.7° C (35° F) surrounding dogs, cats, hamsters, rabbits, and certain other warmblooded animals, with the exception of guinea pigs and nonhuman primates, when transported in commerce. Guinea pigs are excepted because they are not tolerant of low temperatures. Nonhuman primates are excepted because they are not generally tolerant of air temperatures lower than 45° F. This is particularly true in the case of the small New World nonhuman primates.

Present regulations require the measurement of "ambient temperature." This term is defined in § 1.1(jj) to mean the temperature surrounding

the animal. Sections 3.18, 3.42, 3.67, 3.92, and 3.118 of the standards cite a minimum and maximum range of ambient temperatures within primary enclosures used to transport certain warmblooded animals. Representatives of the air transport industry have been highly critical of these particular standards because it is their feeling that they are required to insert a thermometer into the shipping container in order to measure the ambient temperature and it is their fear that possible injury to the contained animal may result.

The Department acknowledges the possibility of injury to animals when dry bulb type thermometers, especially those made of glass, are indiscriminately thrust into a shipping container and therefore, proposes to delete the sections cited above which are relative to "ambient temperature" and to establish a method whereby only the temperature surrounding the primary enclosure containing the animal must be measured. To ascertain compliance with requirements for the air temperature around certain live warmblooded animals when transported in commerce, it is proposed that the air temperature be measured and read outside the primary enclosure (shipping container) which contains the live animal, at a distance not to exceed .91 meters (3 feet) from any one of the external walls of the primary enclosure and on a level parallel to the bottom of such primary enclosure at a point which approximates half the distance between the top and bottom of such primary enclosure or shipping container.

At the same time that the Department proposes to make the method of measuring the air temperature around warmblooded animals confined in a shipping container more practical, it also recognizes that there is a difference between the air temperature which immediately surrounds the animal within the confines of the shipping container and the temperature of the air surrounding the outside of such container. This conclusion is based on physiological data which shows that the temperature of warmblooded animals is largely independent of that of the environment. Through an elaborately developed heat-regulating system, warmblooded animals maintain a relatively constant body temperature regardless of the surrounding temperature. Because heat is being produced constantly in the body as a result of physiological oxidations, warmblooded animals make provision for insuring a constant loss of heat through the body surfaces and vaporization of water from the skin and respiratory passages. However, as the surrounding air approaches the animal body temperature, the animal will experience discomfort and, after a period

of time, death. On the other hand, as the environmental temperature falls, the first compensation against the cooling of the body is effected through a reduction of heat loss. If the surrounding temperature continues to fall, increased metabolism brought about by shivering and rapid muscle contraction results in increased heat production. It therefore becomes critical that the temperature which immediately surrounds and affects the confined animal is being measured or, if that is impractical, appropriate adjustment be made in the standards for allowable maximum and minimum temperatures surrounding the shipping container which would take into consideration temperature differences occurring inside and outside a shipping container.

Scientific data available to the Department indicates that as the temperature outside an animal shipping container rises, the differential between the temperature inside the shipping container and the temperature of the outside environment increases. On the other hand, as the temperature of the air outside a shipping container decreases, the difference between the outside surrounding temperature and the temperature inside the container narrows until there is only a negligible temperature difference, if any, as the temperature nears 1.7° C. (35° F.). It is recognized, however, that factors, such as quantity and distribution of ventilation openings, structural material and design of the animal enclosure, air flow and relative humidity, exposure to direct sunlight, rain, snow, or other environmental conditions, and the ratio of the volume of the animal contained to the volume of space provided by a shipping container, effect variances and the surrounding environment. Added to this are the anatomical and physiological differences of the many species of warmblooded animals and the varied individual response of each such species to temperature extremes. The effect of all of these interrelated factors has yet to be sufficiently evaluated relative to a warmblooded animal's physiological response to ambient air temperatures below 35° F. and above 95° F. Information which the Department has available indicates that when the air temperature, which surrounds an animal shipping container within 0.91 meters (3 feet) of such container, reaches 1.7° C. (35° F.), there is apparently a negligible difference in the air temperature surrounding the animal inside a shipping container which conforms to the Department's present standards for shipping containers (primary enclosures) used to transport certain warmblooded animals in commerce. However, when the air temperature, which surrounds the animal shipping con-

tainer within 3 feet of such container, reaches 29.5° C. (85° F.), the air temperature surrounding the animal inside the shipping container will reach approximately 35° C. (95° F.). Based on this information, the Department proposes to delete §§ 3.18, 3.42, 3.67, 3.92, and 3.118 of the standards dealing with ambient temperature ranges within primary enclosures, and to propose that in animal holding areas of terminal facilities, carriers and intermediate handlers shall not allow the air temperature which is measured and read outside the animal primary enclosure and within 0.91 meters (3 feet) of the external walls of such enclosure, to fall below a minimum of 1.7° C. (35° F.) for dogs, cats, rabbits, hamsters, and certain other warmblooded animals, (with the exception of guinea pigs and nonhuman primates). Further, the Department proposes herein that carriers and intermediate handlers not allow the air temperatures, which shall be measured outside the animal shipping container in the manner already described, in animal holding areas of terminal facilities to exceed 29.5° C. (85° F.) for all warmblooded animals covered by the Act. This change also necessitates a proposed change in the standards for holding areas which require that auxiliary ventilation must be used when the temperature reaches 29.5° C. (85° F.). It is proposed herein that this temperature be changed to 23.9° C. (75° F.).

The sections which the Department proposes to delete also indicate that the allowable ambient temperatures cannot exceed the parameters of the allowable temperature range for a period of more than 45 minutes. The purpose of these standards was to assure that animals would be moved from terminal buildings to the primary conveyance and from the primary conveyance to the terminal buildings in an expeditious manner to minimize exposure to inclement weather, temperature extremes and other environmental hazards. With the proposed deletion of sections of the standards relative to ambient temperatures, it is apparent that certain requirements for expeditious handling of animals from terminal buildings to the primary conveyance and from the primary conveyance to the terminal buildings would be desirable to fill the void left by the deletion of the 45 minute requirements. Therefore, the Department proposes to amend those sections of the standards relative to "handling," i.e., §§ 3.17, 3.41, 3.66, 3.91, and 3.117, to provide for a maximum time of 45 minutes during which dogs, cats, guinea pigs, hamsters, rabbits, nonhuman primates, and certain other warmblooded animals may remain outside the terminal buildings or primary

conveyance when air temperatures around such animals fall above or below the temperature ranges allowed for terminal facilities. An exception is provided for those animals accompanied by a certificate of acclimation to air temperatures lower than the minimum allowable temperature provided by the standards.

Accordingly, the standards (9 CFR 3.1 et seq.) would be amended in the following respects:

1. The Table of Contents cited in Part 3—Standards would be amended by deleting §§ 3.18, 3.42, 3.67, 3.92, and 3.118.

Sec.	.	.	.	.	.
§ 3.18	[Deleted]				
§ 3.42	[Deleted]				
§ 3.67	[Deleted]				
§ 3.92	[Deleted]				
§ 3.118	[Deleted]				
§ 3.11	[Amended]				

2. Section 3.11(c) of the standards (9 CFR 3.11(c)) would be amended by deleting the section number 3.18 in the phrase, " \* \* \* prescribed in §§ 3.16 and 3.18." and inserting the section number "3.17" in its place.

3. Section 3.11(c)(3) of the standards (9 CFR 3.11(c)(3)) would be amended by deleting the Celsius and equivalent Fahrenheit temperature reading, "7.2° C. (45° F.);" in the phrase, " \* \* \* acclimated to air temperatures lower than 7.2° C. (45° F.); \* \* \*" and inserting the Celsius and equivalent Fahrenheit temperature reading, "1.7° C. (35° F.)." in its place.

4. Section 3.16 of the standards (9 CFR 3.16) would be amended to read as follows:

**§ 3.16 Terminal facilities.**

Carriers and intermediate handlers shall not commingle live animal shipments with inanimate cargo. All animal holding areas of a terminal facility of any carrier or intermediate handler wherein live animal shipments are maintained shall be cleaned and sanitized in a manner prescribed in § 3.7 of the standards often enough to prevent an accumulation of debris or excreta, to minimize vermin infestation and to prevent a disease hazard. An effective program for the control of insects, ectoparasites, and avian and

mammalian pests shall be established and maintained for all animal holding areas. Any animal holding area containing live dogs or cats shall be provided with fresh air by means of windows, doors, vents, or air conditioning and may be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or fans or blowers or air conditioning shall be used for any animal holding area containing live dogs and cats when the air temperature within such animal holding area is 23.9° C. (75° F.) or higher. The air temperature around any live dog or cat in any animal holding area shall not be allowed to fall below 1.7° C. (35° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time: *Provided, however,* That no live dog or cat shall be subjected to air temperatures around any such dog or cat in excess of 23.9° C. (75° F.) for more than 4 hours at any time. To ascertain compliance with the provisions of this paragraph, the air temperature around any live dog or cat shall be measured and read outside the primary enclosure which contains the live dog or cat at a distance not to exceed 0.91 meters (3 feet) from any one of the external walls of the primary enclosure and on a level parallel to the bottom of such primary enclosure at a point which approximates half the distance between the top and bottom of such primary enclosure.

#### § 3.17 [Amended]

5. Section 3.17(a)(1) of the standards (9 CFR 3.17(a)(1)) would be amended to read as follows:

\*(\*)\*(\*) (1) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live dogs and cats from the direct rays of the sun and the air temperature around any such live dog or cat, which shall be measured and read in the manner prescribed in § 3.16, shall not exceed 29.5° C. (85° F.) for a period of more than 45 minutes."

6. Section 3.17(a)(3) of the standards (9 CFR 3.17(a)(3)) would be amended to read as follows:

\*(\*)\*(\*) (3) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live dogs and cats when the outdoor air temperature falls below 10° C. (50° F.) and the air temperature around any such live dog or cat, which shall be measured and read in the manner prescribed in § 3.16, shall not fall below

1.7° C. (35° F.) for a period of more than 45 minutes unless such dog or cat is accompanied by a certificate of acclimation to lower temperatures as prescribed in § 3.11(c).

#### § 3.18 [Deleted]

7. Section 3.18 of the standards (9 CFR 3.18) would be deleted.

#### § 3.35 [Amended]

8. Section 3.35(c) of the standards (9 CFR 3.35(c)) would be amended by deleting the section number "3.42" in the phrase, "\*(\*)\*(\*) prescribed in §§ 3.40 and 3.42." and inserting the section number "3.41." in its place.

9. Section 3.35(c)(3) of the standards (9 CFR 3.35(c)(3)) would be amended by deleting the Celsius and equivalent Fahrenheit temperature reading, "7.2° C. (45° F.)" in the phrase, "\*(\*)\*(\*) acclimated to air temperatures lower than 7.2° C. (45° F.); \*(\*)\*(\*)" and inserting the Celsius and equivalent Fahrenheit temperature reading, "1.7° C. (35° F.)" in its place.

10. Section 3.40 of the standards (9 CFR 3.40) would be amended to read as follows:

#### § 3.40 Terminal facilities.

Carriers and intermediate handlers shall not commingle live animal shipments with inanimate cargo. All animal holding areas of a terminal facility of any carrier or intermediate handler wherein live animal shipments are maintained shall be cleaned and sanitized in a manner prescribed in § 3.31 of the standards often enough to prevent an accumulation of debris or excreta, to minimize vermin infestation and to prevent a disease hazard. An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained for all animal holding areas. Any animal holding area containing live guinea pigs or hamsters shall be provided with fresh air by means of windows, doors, vents, or air conditioning and may be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or fans or blowers or air conditioning shall be used for any animal holding area containing live guinea pigs and hamsters when the air temperature within such animal holding area is 23.9° C. (75° F.) or higher. The air temperature around any live guinea pig in any animal holding area shall not be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time. The air temperature around any live hamster in any animal holding area shall not be allowed to fall below 1.7° C. (35° F.) nor be allowed to exceed 29.5° C. (85° F.) at any

time. To ascertain compliance with the provisions of this paragraph, the air temperature around any live guinea pig or hamster shall be measured and read outside the primary enclosure which contains the live guinea pig or hamster at a distance not to exceed 0.91 meters (3 feet) from any one of the external walls of the primary enclosure and on a level parallel to the bottom of such primary enclosure at a point which approximates half the distance between the top and bottom of such primary enclosure.

#### § 3.41 [Amended]

11. Section 3.41(a)(1) of the standards (9 CFR 3.41(a)(1)) would be amended to read as follows:

\*(\*)\*(\*) (1) *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 and the air temperature around any such live guinea pigs or hamsters which shall be measured and read in the manner prescribed in § 3.40, shall not exceed 29.5° C. (85° F.) for a period of more than 45 minutes."

12. Section 3.41(a)(3) of the standards (9 CFR 3.41(a)(3)) would be amended to read as follows:

\*(\*)\*(\*) (3) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live guinea pigs and hamsters when the outdoor air temperature falls below 10° C. (50° F.). The air temperature around any such live guinea pig, which shall be measured and read in the manner prescribed in § 3.40 of this part, shall not fall below 7.2° C. (45° F.) for a period of more than 45 minutes. The air temperature around any such live hamster, which shall be measured and read in the manner prescribed in § 3.40 of the part, shall not fall below 1.7° C. (35° F.) for a period of more than 45 minutes unless such hamster is accompanied by a certificate of acclimation to lower temperatures as prescribed in § 3.35(c).

#### § 3.42 [Deleted]

13. Section 3.42 of the standards (9 CFR 3.42) would be deleted.

#### § 3.60 [Amended]

14. Section 3.60(c) of the standards (9 CFR 3.60(c)) would be amended by deleting the section number "3.67" in the phrase, "\*(\*)\*(\*) prescribed in §§ 3.65 and 3.67" and inserting the section number "3.66." in its place.

15. Section 3.60(c)(3) of the standards (9 CFR 3.60(c)(3)) would be

amended by deleting the Celsius and equivalent Fahrenheit temperature reading, "7.2° C. (45° F.);" in the phrase, " \* \* \* acclimated to air temperatures lower than "7.2° C. (45° F.);" \* \* \* and inserting the Celsius and equivalent Fahrenheit temperature reading, "1.7° C. (35° F.);" in its place.

16. Section 3.65 of the standards (9 CFR 3.65) would be amended to read as follows:

§ 3.65 Terminal facilities.

Carriers and intermediate handlers shall not commingle live animal shipments with inanimate cargo. All animal holding areas of a terminal facility of any carrier or intermediate handler wherein live animal shipments are maintained shall be cleaned and sanitized in a manner prescribed in § 3.56 of the standards often enough to prevent an accumulation of debris or excreta, to minimize vermin infestation and to prevent a disease hazard. An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained for all animal holding areas. Any animal holding area containing live rabbits shall be provided with fresh air by means of windows, doors, vents, or air conditioning and may be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or fans or blowers or air conditioning shall be used for any animal holding area containing live rabbits when the air temperature within such animal holding area is 23.9° C. (75° F.) or higher. The air temperature around any live rabbit in any animal holding area shall not be allowed to fall below 1.7° C. (35° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time. To ascertain compliance with the provisions of this paragraph, the air temperature around any live rabbit shall be measured and read outside the primary enclosure which contains the live rabbit at a distance not to exceed 0.91 meters (3 feet) from any one of the external walls of the primary enclosure and on a level parallel to the bottom of such primary enclosure at a point which approximates half the distance between the top and bottom of such primary enclosure.

§ 3.66 [Amended]

17. Section 3.66(a)(1) of the standards (9 CFR 3.66(a)(1)) would be amended to read as follows:

(a) " \* \* \* (1) *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 and the air temperature around any such live rabbits, which shall be measured and read in the manner prescribed in § 3.65, shall not exceed 29.5° C. (85° F.) for a period of more than 45 minutes."

18. Section 3.66(a)(3) of the standards (9 CFR 3.66(a)(3)) would be amended to read as follows:

(a) " \* \* \* (3) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live rabbits when the outdoor air temperature falls below 10° C. (15° F.) and the air temperature around any such live rabbit, which shall be measured and read in the manner prescribed in § 3.65, shall not fall below 1.7° C. (35° F.) for a period of more than 45 minutes unless such rabbit is accompanied by a certificate of acclimation to lower temperatures as prescribed in § 3.60(c).

§ 3.67 [Deleted]

19. Section 3.67 of the standards (9 CFR 3.67) would be deleted.

§ 3.85 [Amended]

20. Section 3.85(c) of the standards (9 CFR 3.85(c)) would be amended by deleting the section number "3.92" in the phrase, " \* \* \* prescribed in §§ 3.90 and 3.92." and inserting the section number "3.91." in its place.

21. Section 3.90 of the standards (9 CFR 3.90) would be amended to read as follows:

§ 3.90 Terminal facilities.

Carriers and intermediate handlers shall not commingle live animal shipments with inanimate cargo. All animal holding areas of a terminal facility of any carrier or intermediate handler wherein live animal shipments are maintained shall be cleaned and sanitized in a manner prescribed in § 3.81 of the standards often enough to prevent an accumulation of debris or excreta, to minimize vermin infestation and to prevent a disease hazard. An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained for all animal holding areas. Any animal holding area containing live nonhuman primates shall be provided with fresh air by means of windows, doors, vents, or air conditioning and may be ventilated or air circulated by means of fans, blowers, or an air conditioning system so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or fans or blowers or air conditioning shall be used for any animal holding area containing live nonhuman primates when the air temperature within such

animal holding area is 23.9° C. (75° F.) or higher. The air temperature around any live nonhuman primate in any animal holding area shall not be allowed to fall below 7.2° C. (45° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time: *Provided, however,* that no live nonhuman primate shall be subjected to surrounding air temperatures which exceed 23.9° C. (75° F.) for more than 4 hours at any time. To ascertain compliance with the provisions of this paragraph, the air temperature around any live nonhuman primate shall be measured and read outside the primary enclosure which contains the live nonhuman primate at a distance not to exceed 0.91 meters (3 feet) from any one of the external walls of the primary enclosure and on a level parallel to the bottom of such primary enclosure at a point which approximates half the distance between the top and bottom of such primary enclosure.

§ 3.91 [Amended]

22. Section 3.91(a)(1) of the standards (9 CFR 3.91(a)(1)) would be amended to read as follows:

(a) " \* \* \* (1) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live nonhuman primates from the direct rays of the sun and the air temperature around any such live nonhuman primates which shall be measured and read in the manner prescribed in § 3.90, shall not exceed 29.5° C. (85° F.) for a period of more than 45 minutes."

23. Section 3.91(a)(3) of the standards (9 CFR 3.91(a)(3)) would be amended to read as follows:

(a) " \* \* \* (3) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live nonhuman primates when the outdoor air temperature falls below 10° C. (50° F.) and the air temperature around any such live nonhuman primate, which shall be measured and read in the manner prescribed in § 3.90, shall not fall below 7.2° C. (45° F.) for a period of more than 45 minutes unless such nonhuman primate is accompanied by a certificate of acclimation to lower temperatures as prescribed in § 3.85(c).

§ 3.92 [Deleted]

24. Section 3.92 of the standards (9 CFR 3.92) would be deleted.

§ 3.11 [Amended]

25. Section 3.11(c) of the standards (9 CFR 3.11(c)) would be amended by deleting the section number "3.118" in

the phrase, " \* \* \* prescribed in §§ 3.116 and 3.118." and inserting the section number "3.117." in its place.<sup>4</sup>

26. Section 3.111(c)(3) of the standards (9 CFR 3.111(c)(3)) would be amended by deleting the Celsius and equivalent Fahrenheit temperature reading, "7.2° C. (45° F.)." in the phrase, " \* \* \* acclimated to air temperatures lower than 7.2° C. (45° F.)."; " \* \* \* " and inserting the Celsius and equivalent Fahrenheit temperature reading, "1.7° C. (35° F.)." in its place.

27. Section 3.116 of the standards (9 CFR 3.116) would be amended to read as follows:

**§ 3.116 Terminal facilities.**

Carriers and intermediate handlers shall not commingle live animal shipments with inanimate cargo. All animal holding areas of a terminal facility of any carrier or intermediate handler wherein live animal shipments are maintained shall be cleaned and sanitized in a manner prescribed in § 3.116 of the standards often enough to prevent an accumulation of debris or excreta, to minimize vermin infestation and to prevent a disease hazard. An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained for all animal holding areas. Any animal holding area containing live animals shall be provided with fresh air by means of windows, doors, vents, or air conditioning and may be ventilated or air circulated by means of fans, blowers on an air conditioning system so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents or fans or blowers of air conditioning shall be used for any animal holding area containing live animals when the air temperature within such animal holding area is 23.9° C. (75° F.) or higher. The air temperature around any live animal in any animal holding

area shall not be allowed to fall below 1.7° C. (35° F.) nor be allowed to exceed 29.5° C. (85° F.) at any time: *Provided, however,* That no live animal shall be subjected to surrounding air temperatures which exceed 23.9° C. (75° F.) for more than 4 hours at any time. To ascertain compliance with the provisions of this paragraph, the air temperature around any live animal shall be measured and read outside the primary enclosure which contains the live animal at a distance not to exceed .91 meters (3 feet) from any one of the external walls of the primary enclosure and on a level parallel to the bottom of such primary enclosure at a point which approximates half the distance between the top and bottom of such primary enclosure.

**§ 3.117 [Amended]**

28. Section 3.117(a)(1) of the standards (9 CFR 3.117(a)(1)) would be amended to read as follows:

\* \* \* \* \*

(a) " \* \* \* (1) *Shelter from sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to protect the live animals from the direct rays of the sun and the air temperature around any such live animal, which shall be measured and read in the manner prescribed in § 3.116, shall not exceed 29.5° C. (85° F.) for a period of more than 45 minutes."

29. Section 3.117(a)(3) of the standards (9 CFR 3.117(a)(3)) would be amended to read as follows:

\* \* \* \* \*

(a) " \* \* \* (3) *Shelter from cold weather.* Transporting devices shall be covered to provide protection for live animals when the outdoor air temperature falls below 10° C. (50° F.) and the air temperature around any such live animal, which shall be measured

and read in the manner prescribed in § 3.116 shall not fall below 1.7° C. (35° F.) for a period of more than 45 minutes unless such animal is accompanied by a certificate of acclimation to lower temperatures as prescribed in § 3.111(c).

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 703, Hyattsville, Md, 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)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

In order for these proposed amendments to be of maximum benefit, it is necessary that these proposals become effective as final rulemaking before the onset of the winter season. Therefore, it is hereby found that the customary comment period of 60 days be waived and that all comments must be received within 25 days of the date of publication of this proposal.

Done at Washington, D.C., this 13th day of October 1978.

NOTE.—The Department has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

However, an economic impact statement has been drafted and a copy of said draft statement may be obtained by writing to the Deputy Administrator, USDA, APHIS, VS, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782.

NORVAN L. MEYER,  
Acting Deputy Administrator,  
Veterinary Services.

[FR Doc. 78-29298 Filed 10-16-78; 8:45 am]