

**DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service****[9 CFR Parts 1, 2, and 3]****Proposed Revision of Definitions, Regulations, and Standards for the Humane Handling, Care, Treatment, and Transportation of Dogs, Cats, and Certain Other Warmblooded Animals****AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Proposed rule.

**SUMMARY:** This document proposes to amend the definitions, regulations, and standards under the Animal Welfare Act to assure the humane handling, care, treatment, and transportation of certain warmblooded animals used for purposes of research, teaching, exhibition, or for sale as pets. These proposed amendments contain (1) a clarification of defined terms, an amendment of the definition of "Veterinary Services representative," and an addition of the terms "indoor housing facility" and "outdoor housing facility" to the definitions; (2) provision for automatic termination of licenses for failure to pay the annual renewal fee; (3) provision for payment of license fees by means of personal check; (4) the deletion of the applicant-affidavit method for ascertaining compliance with standards for premises, facilities, and equipment; (5) provision for allowing the use of certificates of acclimation to lower temperatures by persons other than licensees, registrants, or departments, agencies, or instrumentalities of the United States; (6) provision that all certificates of acclimation must be issued by a USDA accredited veterinarian; and (7) removal of special requirements for transporting coursing hounds.

**DATE:** Comments on or before October 2, 1979.

**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 (8:00 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 present regulations do not preface the list of terms which are defined in section 1.1 of Part 1, Subchapter A—Animal Welfare, Chapter 1 of the Code of Federal Regulations (CFR), with any explanation of the applicability of singular forms versus plural forms or the masculine form versus the feminine form within the context of each term's definition. In the absence of such explanation, clarity and completeness are lacking in the definition of certain terms. Therefore, in order to clarify this matter, it is proposed that within the definition of all terms in section 1.1, unless the context of the definition of an individual term otherwise requires, the singular form shall also import the plural and the masculine form shall also import the feminine. Further, it is proposed that words which are undefined within the regulations and standards shall have the meaning attributed to general usage as reflected by definition in a standard dictionary, such as "Webster's."

**Definitions**

In order to effectively administer and enforce the Animal Welfare Act and its regulations and standards, the Department found it necessary to employ both full-time and part-time personnel. The Department has trained a group of part-time employees whose responsibilities involve only animal welfare activities. However, section 1.1(h) of the present regulations defines the term, Veterinary Services representative to mean "any inspector or other person employed full-time by the Department who is responsible for the performance of the function involved." The Department therefore proposed to amend the regulations to change the definition of the term, Veterinary Services representative, by deleting the term "full-time."

**Automatic Termination of License**

The Animal Welfare Act, as amended (7 U.S.C. 2131-2156), contains provisions concerning the issuance of licenses to dealers and exhibitors. The Act requires that in order to obtain a license a dealer or exhibitor must demonstrate that his facilities comply with standards promulgated by the Secretary of Agriculture. The Secretary issues licenses to such dealers upon application and payment of a prescribed fee. The present regulations (9 CFR 2.1 and 2.8) further require that on or before each anniversary date of his license, the licensee shall submit the required

annual license fee. The regulations also require the filing of an annual report by licensees within 30 days prior to the anniversary date of their license.

When a USDA licensee fails to pay the annual license fee on or before each anniversary date of the license, or to file the required annual report within the required 30-day period, present regulations provide for suspension of the license until the required fees are paid and the report is filed. Repeated failure to pay the fees and to file the report subjects the licensee to revocation of the license.

The Department's present methods of dealing with licensees who do not pay their fees or file the required annual report are burdensome and difficult to administer. The cost of the administrative process of serving complaints on delinquent licensees in an attempt to obtain compliance with the law or to revoke or suspend licenses is high. In many instances it has been impossible to serve a complaint because the business has moved from the premises without notifying the Department of a change of address and did not leave a forwarding address.

Most State, county, and municipal governments utilize licensing procedures whereby licenses are issued for a period of 1 year and renewal of such licenses is dependent upon the payment of an annual license fee and the submission of a completed form of one sort or another. Failure to pay the annual license fee or to submit the form on or before a specified date results in expiration or lapse of the license (usually after notice and opportunity to comply). In keeping with this efficient and effective method for administering licensing systems, the Department proposed to amend the regulations to state that if the required annual dealer's or exhibitor's fees are not paid or if the required report is not filed on or before the date required by the regulations, the license of such dealer or exhibitor shall automatically terminate. Prior to such termination, the licensee shall be notified by the Department and given an opportunity to comply.

**Payment by Personal Check**

Presently, sections 2.1, 2.4, and 2.6 of the Department's regulations provide only three methods for payment of license fees, i.e., certified check, cashier's check or money order. Dealers, exhibitors, and operators of auction sales, who are required to be licensed by the Animal Welfare Act, have complained about the inconvenience and additional cost of these allowed methods of payment, and the

unreasonableness of not permitting payment by personal check. This criticism also arises from the fact that other Departments and agencies of the Federal government accept personal checks in payment of income taxes, fees, etc.

The requirement that a certified check, cashier's check or money order, be the only methods of payment acceptable to the Department was promulgated to avoid problems of collection, such as might result from a personal check for which there were insufficient funds on deposit. However, the Department finds that the convenience of using personal checks to pay license fees and the ability of the Department to withhold issuance of a license pending clearance of a personal check for sufficient funding is basis for proposing to add personal checks to the already allowed methods of payment for license fees.

#### **Inspection of License Applicant's Premises**

The Animal Welfare Act provides for the issuance of licenses by the Secretary to dealers and exhibitors upon written application and payment of reasonable fees. However, no such license is to be issued until the dealers or exhibitor demonstrates that his facilities comply with standards promulgated by the Secretary. The Department subsequently allowed (reference, 9 CFR 2.3) demonstration by the license applicant that his premises, facilities, and equipment complied with standards by either of two methods, i.e., examination of the applicant's premises, facilities, and equipment by a Veterinary Services representative, or submission of an affidavit by the applicant to the effect that his premises, facilities, and equipment complied with the Department's standards.

The Department has found that the applicant-affidavit method of ascertaining compliance with standards for premises, facilities, and equipment has been misrepresented and misused by many license applicants. Consequently, the Department established a policy of issuing licenses only to those applicants whose premises, facilities, and equipment were inspected by a Veterinary Services representative and found to comply with the Department's standards. Since the applicant-affidavit method for ascertaining compliance with the standards for initial licensing proved unreliable, the Department proposes to delete this alternative procedure from section 2.6 of the regulations.

#### **Certificates of Acclimation for Private Individuals; All certificates To Be Issued by Accredited Veterinarians**

The Animal Welfare Act Amendments of 1976 contain provisions requiring the Secretary of Agriculture to promulgate standards governing the transportation in commerce, and the handling, care, and treatment in connection therewith, by intermediate handlers and carriers of animals. Consequently, the Department published proposed transportation standards for certain animals in the Federal Register. The public was given an opportunity to submit comments, arguments, or opinions regarding these standards and such comments were reviewed and all relevant material evaluated to formulate final rulemaking.

In the final rulemaking published December 1, 1978, in the Federal Register (43 FR 56213-56217), the Department provided for the use of a certificate of acclimation to colder temperatures by licensees, registrants, or agencies, departments, or instrumentalities of the United States. The Department also addressed the problem of hobby breeders and individual pet owners who were not afforded the opportunity to present to carriers and intermediate handlers a certificate of acclimation to lower temperatures when shipping an animal which is known to be so acclimated. The Department therefore proposes to provide such an option to all pet owners through a certificate of acclimation to lower temperatures executed by a USDA accredited veterinarian.

An "accredited" veterinarian is a licensed veterinarian who has been officially authorized by the Deputy Administrator of the Department's Veterinary Services to perform certain functions in connection with programs and laws which the Department administers (reference, 9 CFR 161.1). The Department would propose that certificates of acclimation to lower temperatures be required to be issued by accredited veterinarians in order to provide for a method of accountability. Only certificates of acclimation issued by an accredited veterinarian would allow a carrier or intermediate handler to accept animals for shipment. In this way, the Department could exercise control over such certificates by holding the accredited veterinarian accountable for the validity of these certificates and for any subsequent deleterious effects of temperatures lower than 45° F. on transported animals accompanied by a certificate.

#### **Deletion of Requirements for Coursing Hounds**

During the comment period prior to final rulemaking on June 21, 1977, the Department received scientific data indicating that coursing hounds with a spinal arch, i.e., greyhounds, whippets, borzois, and Italian greyhounds, were subject to spinal injury from the exertion of turning around within a confined space. Consequently, the standards in the final rulemaking published in the Federal Register (42 FR 31556-31571) on June 21, 1977, required that the primary enclosure used to transport such coursing hounds must be narrow enough to prevent the animal from turning around in its enclosure.

Upon review of additional data received after June 21, 1977, the Department acknowledged that although possible spinal weakness expressed in the form of an injury can occur during conditions wherein great force is exerted in the musculoskeletal system of the hounds, such as is encountered during actual coursing, this force exceeds that which may occur to the skeletomusculature of a coursing hound at rest or in confinement. Therefore, the Department proposes to revise section 3.12(c) of the standards by deleting the requirement from the standards that the primary enclosure for a coursing hound with a spinal arch must be narrow enough to prevent the animal from turning around in its enclosure. Thus, the primary enclosures used to transport all live dogs and cats shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely in a standing position using normal body movements, to stand and sit erect, and to lie in a natural position.

Accordingly, Parts 1, 2, and 3 of Title 9, CFR, would be amended in the following respects:

#### **PART 1—DEFINITION OF TERMS**

1. Section 1.1 (9 CFR 1.1) would be amended by revising the introductory paragraph to read as set forth below and by making the following redesignations: paragraph (rr) would be redesignated (ss); paragraph (qq) would be redesignated (rr); paragraph (pp) would be redesignated (qq); paragraph (oo) would be redesignated (pp); paragraph (nn) would be redesignated (oo); paragraph (mm) would be redesignated (nn); paragraph (ll) would be redesignated (mm); paragraph (kk) would be redesignated (ll); paragraph (jj) would be redesignated (kk); paragraph (ii) would be redesignated (jj); and by adding a new paragraph (ii)

and revising paragraphs (h) and (hh) to read as follows:

### § 1.1 Definitions.

For the purposes of this part, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section. The singular form shall also import the plural and the masculine form shall also import the feminine. Words undefined in the following paragraphs shall have the meaning attributed to general usage as reflected by definition in a standard dictionary, such as "Webster's."

\* \* \* \* \*

(h) "Veterinary Services representative" means any inspector or other person employed by the Department who is responsible for the performance of the function involved.

\* \* \* \* \*

(hh) "Indoor housing facility" means any structure or building, housing or intended to house animals, which has the capability of controlling the environment within the enclosure created by the continuous connection of a roof, floor, and walls with at least one opening for entry and exit that is provided with a door or any movable structure used to close off the opening and typically consisting of a panel of wood, glass, metal, etc., which slides on rollers or swings on hinges: *Provided, however,* That any openings which provide natural light shall be covered with a transparent material, e.g., glass, plastic, etc.

(ii) "Outdoor housing facility" means any structure or building, housing or intended to house animals, which does not meet the definition of "indoor housing facility."

\* \* \* \* \*

2. The Table of Contents cited in Part 2—REGULATIONS is amended to read as follows:

## PART 2—REGULATIONS

### Licensing

#### Sec.

- 2.1 Application.
- 2.2 Acknowledgement of standards.
- 2.3 Demonstration of compliance with standards.
- 2.4 Issuance of licenses.
- 2.5 Duration of license.
- 2.6 Annual license fees.
- 2.7 Annual report by licensees.
- 2.8 Notification of change of name, address, control, or ownership of business.
- 2.9 Officers, agents, and employees of licensees whose licenses have been suspended or revoked.
- 2.10 Licensees whose licenses have been suspended or revoked or terminated automatically.
- 2.11 Denial of license.

### Registration

#### Sec.

- 2.25 Requirements and procedures.
- 2.26 Acknowledgement of standards.
- 2.27 Notification of change of operation.
- 2.28 Annual report of research facilities.

### Identification of Animals

- 2.50 Time and method of identification.
- 2.51 Form of official tag.
- 2.52 How to obtain tags.
- 2.53 Use of tags.
- 2.54 Lost tags.
- 2.55 Removal of tag.

### Records

- 2.75 Records, dealers and exhibitors.
- 2.76 Records, research facilities.
- 2.77 Records, operators of auction sales.
- 2.78 Records, carriers and intermediate handlers.
- 2.79 Health certification and identification.
- 2.80 C.O.D. shipments.
- 2.81 Records, disposition.

### Compliance with Standards and Holding Period

- 2.100 Compliance with standards.
- 2.101 Holding period.

### Miscellaneous

- 2.125 Information as to business; furnishing of by dealers, exhibitors, operators of auction sales, and research facilities.
- 2.126 Access and inspection of records and property.
- 2.127 Publication of names of persons subject to the provisions of this part.
- 2.128 Inspection for missing animals.
- 2.129 Confiscation and destruction of animals.
- 2.130 Minimum age requirements.

**Authority.** The provisions of this Part 2 issued under secs. 3, 5, 6, 11, 12, 13, 14, 16, 17, 21; 80 Stat. 351, 352, 353, 84 Stat. 1561, 1562, 1563, 1564; 90 Stat. 418, 419, 420, 423; 7 U.S.C. 2133, 2135, 2136, 2140, 2141, 2142, 2143, 2144, 2146, 2147, 2151.

Section 2.1 (9 CFR 2.1) would be amended by revising paragraph (b) to read as follows:

#### § 2.1 Application.

\* \* \* \* \*

(b) Any person who is not a dealer or exhibitor, but who desires to obtain a license, shall follow the requirements for dealers and exhibitors set forth in paragraph (a) of this section and in §§ 2.2 and 2.3, and shall agree in writing, on a form furnished by Veterinary Services, to comply with all requirements of the Act and the provisions of this subchapter. A license will be issued to any such applicant when the requirements of §§ 2.2 and 2.3 have been met, and when the applicant has submitted to the Veterinarian in Charge a fee of \$5 by certified check, cashier's check, personal check, or money order. In addition to the fee

required to be paid upon application for a license, such licensee shall submit to the Veterinarian in Charge a fee of \$5, by certified check, cashier's check, personal check, or money order, on or before each anniversary date of his license. The failure of any such person to comply with any provisions of the Act, or any of the provisions of the regulations or standards in this subchapter, shall constitute grounds for the suspension, cancellation, or revocation of such license by the Secretary.

Section 2.3 (9 CFR 2.3) would be revised as follows:

#### § 2.3 Demonstration of compliance with standards.

Each applicant must demonstrate that his premises and any facilities or equipment used in his business comply with the standards set forth in Part 3 of this subchapter. Upon request by the Veterinarian in Charge, the applicant must make his premises, facilities, and equipment available at a time or times mutually agreeable to said applicant and Veterinary Services representative for the purpose of ascertaining compliance with said standards. If the applicant's premises, facilities, or equipment do not meet the requirements of the standards, the applicant will be advised of existing deficiencies and the corrective measures that must be taken and completed before such premises, facilities, and equipment will be in compliance with the standards.

Section 2.4 (9 CFR 2.4) would be revised as follows:

#### § 2.4 Issuance of licenses.

Except as otherwise provided in §§ 2.10, and 2.11, a license will be issued to any applicant when the requirements of §§ 2.1, 2.2, and 2.3 have been met, when the Secretary has determined that the applicant's premises, facilities, and equipment comply with the standards and when the applicant has submitted to the Veterinarian in Charge the annual fee as prescribed in § 2.6 by certified check, cashier's check, personal check, or money order.

6. Section 2.5 (9 CFR 2.5) would be revised to read as follows:

#### § 2.5 Duration of license.

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

- (1) Said license has been revoked or suspended pursuant to section 19 of the Act.
- (2) Said license is voluntarily terminated upon the request of the licensee in writing to the Veterinarian in Charge.

(b) A license issued under this part shall automatically terminate when a licensee fails to pay the annual license fee as required by §§ 2.1 and 2.6 or to file the annual report as required by § 2.7 on or before the anniversary date of his license. Prior to such termination, the licensee shall be given an opportunity to comply with the annual license fee and reporting requirements. Failure to comply with the annual license fee and reporting requirements within 60 days from receipt of such notice shall result in an automatic termination of license.

(c) A license which is invalid under paragraph (a) of this section shall be surrendered to the Veterinarian in Charge in the State where the license was issued.

7. Section 2.6 (9 CFR 2.6(a)) is amended by revising paragraph (a) to read as set forth below and by deleting paragraph (f).

#### § 2.6 Annual license fees.

(a) In addition to the fee required to be paid upon application for a license under § 2.4, each licensee shall submit to the Veterinarian in Charge the annual fee prescribed in this section, by certified check, cashier's check, personal check, or money order, on or before each anniversary date of his license.

8. Section 2.7(b) (9 CFR 2.7(b)) would be revised as follows:

#### § 2.7 Annual report by licensees.

(b) A person licensed as a dealer shall set forth in his annual report the dollar amount of business, upon which the license fee is based, from the sale of animals, directly or through an auction sale, for research, testing, experimentation, or teaching purposes, or for exhibition purposes, or for use as pets, by the licensee during the preceding business year (calendar or fiscal) and such other information as may be required thereon.

9. Section 2.10 (9 CFR 2.10) would be revised to read as follows:

#### § 2.10 Licensees whose license have been suspended or revoked or terminated automatically.

Any person whose license has been suspended for any reason will not again be licensed in his own name or in any other manner within the period during which the order of suspension is in effect, and any person whose license has been revoked shall not be eligible to apply for a new license in his own name

or in any other manner for a period of 1 year from the effective date of such revocation. No partnership, firm, corporation, or other legal entity in which any such person has a substantial financial interest, will be licensed during such period. After revocation, the revoked license shall be surrendered by the holder of such license upon the request of the Secretary. Any person who desires to reinstate a license which has automatically terminated must follow the procedure applicable to new licensees as explained in § 2.1 of this part.

### PART 3—STANDARDS

#### §§ 3.1, 3.25, 3.50, 3.75, 3.100 [Amended]

10. In § 3.1(a), 3.25(a), 3.50(a), 3.75(a), and 3.100(a) wherever the reference to "housing facilities" appears, the reference "indoor and outdoor housing facilities" would be substituted therefor.

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

#### § 3.11 Consignments to carriers and intermediate handlers.

(c) Carriers or intermediate handlers whose facilities fail to meet the minimum temperature allowed by the standards, may accept for transportation or transport, in commerce, any live dog or cat consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or by any person if the consignor furnishes to the carrier or intermediate handler a certificate executed by a veterinarian accredited by this Department pursuant to Part 160 of this Title on a specified date which shall not be more than 10 days prior to delivery of such dog or cat for transportation in commerce, stating that such live dog or cat is acclimated to lower air temperatures than prescribed in §§ 3.16 and 3.18. A copy of such certificate shall accompany the shipment to destination. The certificate shall include at least the following information:

(1) Name and address of the consignor;

(2) Tag number or tattoo assigned to each dog or cat pursuant to §§ 2.50 and 2.54 of the regulations;

(3) A certifying statement (e.g., "I hereby certify that the animal(s) in this shipment is (are), to the best of my knowledge, acclimated to air temperatures lower than 7.2° C. (45° F.); and

(4) The signature of the USDA accredited veterinarian, and date.

12. Section 3.12(d) (9 CFR 3.12(c)) would be revised to read as follows:

#### § 3.12 Primary enclosures used to transport live dogs and cats.

(c) Primary enclosures used to transport live dogs and cats shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely in a standing position using normal body movements, to stand and sit erect, and to lie in a natural position.

13. Section 3.35(c) of the standards (9 CFR 3.35(c)) would be revised to read as follows:

#### § 3.35 Consignments to carriers and intermediate handlers.

(c) Carrier or intermediate handlers whose facilities fail to meet the minimum temperature allowed by the standards may accept for transportation or transport, in commerce, any live hamster consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or by any person if the consignor furnishes to the carrier or intermediate handler a certificate executed by a veterinarian accredited by this Department pursuant to Part 160 of the Title on a specified date which shall not be more than 10 days prior to delivery of such hamster for transportation in commerce, stating that such live hamster is acclimated to lower air temperatures than prescribed in §§ 3.40 and 3.42. A copy of such certificate shall accompany the shipment to destination. The certificate shall include the following information:

(1) Name and address of the consignor;

(2) The number of hamsters in the shipment;

(3) A certifying statement (e.g., "I hereby certify that the animal(s) in this shipment is (are), to the best of my knowledge, acclimated to air temperatures lower than 7.2° C. (45.); and

(4) The signature of the USDA accredited veterinarian, and date.

14. Section 3.60(c) of the standards (9 CFR 3.60(c)) would be revised to read as follows:

**§ 3.60 Consignments to carriers and intermediate handlers.**

\* \* \* \* \*

(c) Carriers or intermediate handlers whose facilities fail to meet the minimum temperature allowed by the standards may accept for transportation or transport, in commerce, any live rabbit consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or by any person if the consignor furnishes to the carrier or intermediate handler a certificate executed by a veterinarian accredited by this Department pursuant to Part 160 of this Title on a specified date which shall not be more than 10 days prior to delivery of such rabbit for transportation in commerce, stating that such live rabbit is acclimated to lower air temperatures than prescribed in §§ 3.65 and 3.67. A copy of such certificate shall accompany the shipment to destination. The certificate shall include at least the following information:

(1) Name and address of the consignor;

(2) The number of rabbits in the shipment;

(3) A certifying statement (e.g., "I hereby certify that the animal(s) in this shipment is (are), to the best of my knowledge, acclimated to air temperatures lower than 7.2° C. (45° F.);"); and

(4) The signature of the USDA accredited veterinarian, and date.

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15. Section 3.85(c) of the standards (9 CFR 3.85(c)) would be revised to read as follows:

**§ 3.85 Consignments to carriers and intermediate handlers.**

\* \* \* \* \*

(c) Carriers or intermediate handlers whose facilities fail to meet the minimum temperature allowed by the standards may accept for transportation or transport, in commerce, any live nonhuman primate consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or by any person if the consignor furnishes to the carrier or intermediate handler a certificate executed by a veterinarian accredited by this Department pursuant to Part 160 of this Title on a specified date which shall not be more than 10 days prior to delivery of such nonhuman primate for transportation in commerce, stating that such live nonhuman primate is acclimated to lower air temperatures than prescribed in §§ 3.90 and 3.92. A copy of such certificate shall accompany

the shipment to destination. The certificate shall include the following information:

(1) Name and address of the consignor;

(2) The number of nonhuman primates in the shipment;

(3) A certifying statement (e.g., "I hereby certify that the animal(s) in this shipment is (are), to the best of my knowledge, acclimated to air temperatures lower than 7.2° C. (45° F.);"); and

(4) The signature of the USDA accredited veterinarian, and date.

\* \* \* \* \*

16. Section 3.111(c) of the standards (9 CFR 3.111(c)) would be revised to read as follows:

**§ 3.111 Consignments to carriers and intermediate handlers.**

\* \* \* \* \*

(c) Carriers or intermediate handlers whose facilities fail to meet the minimum temperature allowed by the standards may accept for transportation or transport, in commerce, any live animal consigned by any department, agency, or instrumentality of the United States having laboratory animal facilities or exhibiting animals or by any person if the consignor furnishes to the carrier or intermediate handler a certificate executed by a veterinarian accredited by this Department pursuant to Part 160 of this Title on a specified date which shall not be more than 10 days prior to delivery of such animal for transportation in commerce, stating that such live animal is acclimated to lower air temperatures than prescribed in §§ 3.116 and 3.118. A copy of such certificate shall accompany the shipment to destination. The certificate shall include at least the following information:

(1) Name and address of the consignor;

(2) The number of animals in the shipment;

(3) A certifying statement (e.g., "I hereby certify that the animal(s) in this shipment is (are), to the best of my knowledge, acclimated to air temperatures lower than 7.2° C. (45° F.);"); and

(4) The signature of the USDA accredited veterinarian, and date.

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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 20782, during regular hours of business (8:00 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*.

Done at Washington, D.C., this 1st day of August, 1979.

Note.—This proposal has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Draft Impact Analysis has been prepared and is available from the Deputy Administrator, USDA, APHIS, VS Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

E. A. Schilf,

*Acting Deputy Administrator, Veterinary Services.*

(FR Doc. 79-24109 Filed 8-2-79; 8:45 am)

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