

# Proposed Rule Making

## DEPARTMENT OF AGRICULTURE

Animal and Plant Health Service

[ 9 CFR Part 3 ]

### ANIMAL WELFARE

#### Proposed Mandatory Exercise Requirements

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the provisions of the Act of August 24, 1966 (Public Law 89-544), as amended by the Animal Welfare Act of 1970 (Public Law 91-579) (7 U.S.C. 2131 et seq.), the Animal and Plant Health Service is considering revising the standards in Subparts A, B, C, D, and E of Part 3, Subchapter A, Chapter I, Title 9, Code of Federal Regulations, with respect to mandatory exercise requirements for animals, especially dogs and cats.

The statement of considerations which was included with the miscellaneous amendments to the regulations and standards under the Act, as published in the FEDERAL REGISTER on December 24, 1971, discussed the present status of mandatory exercise requirements for animals. Although such requirements were not mentioned in the proposal (36 F.R. 20473-20480) published prior to the amendments of December 24, 1971, a number of comments were received indicating that dogs held and used for research should be removed from cages and placed in runs or rooms for exercise each day. In the more than 4 years since the promulgation of the initial regulations and standards under Public Law 89-544, there has been no definitive research to indicate that exercise for animals should be a mandatory requirement. Several preliminary studies have been conducted to determine possible parameters for such scientific studies. The Department recognized that under the Animal Welfare Act it was responsible for developing minimum standards for the humane care and handling of animals, as charged by Congress, but on the basis of facts available at that time, it did not feel that exercise outside a cage should be included as a mandatory requirement.

The department did declare its intent to revise the standards and request data, views, and arguments from the public as to what standards, if any, should be issued with respect to the exercise requirements for animals. The Department will consult with persons with expertise relevant to any analysis and evaluation of the written data, views, and arguments as submitted and all other available knowledge and material to determine the relationship of exercise to the health and well-being of an animal.

This notice is for the purpose of requesting data, views, arguments, and any other information from the public relat-

ing to the need, if any, of revising the standards to include mandatory exercise requirements for animals. Such data, views, arguments, or information may contain published scientific articles or other evidence supporting the views of the writer.

Any person who wishes to submit written data, views, arguments, or information concerning this notice may do so by filing them with the Deputy Administrator, Animal and Plant Health Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 60 days after publication of this notice in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 29th day of February 1972.

F. J. MULHERN,  
Administrator.

[FR Doc.72-3405 Filed 3-6-72;8:48 am]

[ 9 CFR Part 3 ]

### ANIMAL WELFARE

#### Proposed Space Requirements

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the provisions of the Act of August 24, 1966 (Public Law 89-544), as amended by the Animal Welfare Act of 1970 (Public Law 91-579) (7 U.S.C. 2131 et seq.), the Animal and Plant Health Service is considering revising the standards in Subpart E of Part 3, Subchapter A, Chapter I, Title 9, Code of Federal Regulations, with respect to space requirements for animals other than dogs, cats, rabbits, guinea pigs, hamsters, and non-human primates.

The statement of considerations which was included with the miscellaneous amendments to the regulations and standards under the Act, as published in the FEDERAL REGISTER on December 24, 1971, discussed the Department's reasons for not including more specific space requirements for animals covered by the standards. The Department recognizes that the problem is compounded in magnitude by the differences in sizes, activity patterns, social patterns and environmental needs of animals. The Department utilized the expertise and knowledge of an expert committee comprised of nationally known zoo directors, zoo curators, and zoo veterinarians in developing the standards set forth in Subpart E. It was the consensus of the committee that definitive information was not available on the minimum space required for the large number and

variety of warmblooded animals covered by the Act. Although information is being accumulated on minimum space requirements for a number of animals, the Department needs to canvas the resources of the public to obtain all data and information available on such minimum space requirements.

This notice is for the purpose of requesting data, views, arguments, and any other information from the public relating to standards covering the minimum space requirements for all warm-blooded animals other than dogs, cats, rabbits, guinea pigs, hamsters, and nonhuman primates. We would hope to receive comments regarding space requirements for animals being transported, being held for permanent exhibition, or being used for circus or animal act exhibition. Such data, views, arguments, or information may contain published scientific articles or other evidence or material supporting the views of the writer. The written comments may be for one species of animal, classes of animals, groupings of animals, or in whatever manner the writer feels standards should be published.

Any person who wishes to submit written data, views, arguments, or information concerning this notice may do so by filing them with the Deputy Administrator, Animal and Plant Health Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 60 days after publication of this notice in the FEDERAL REGISTER.

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

Done at Washington, D.C., this 29th day of February 1972.

F. J. MULHERN,  
Administrator.

[FR Doc.72-3404 Filed 3-6-72;8:48 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[ 21 CFR Part 3 ]

### NITROGLYCERIN PREPARATIONS

#### Packaging Requirements and Warnings Directed to Pharmacist and Patient; Proposed Statement of Policy

Information including laboratory data available to the Food and Drug Administration, indicates that improper packaging of nitroglycerin preparations, either before or after dispensing to the patient,