

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 98-116-1]

Animal Welfare; Farm Animals Used for Nonagricultural Purposes

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: Regulations promulgated under the Animal Welfare Act contain standards for the humane handling, care, treatment, and transportation of certain animals by dealers, exhibitors, researchers, and other regulated entities. We believe that additional guidance is needed to assist regulated entities in meeting the standards in the regulations as they apply to the handling, care, treatment, and transportation of farm animals used for nonagricultural purposes (primarily research and exhibition). We are considering adopting two existing guides: the "Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching," published by the Federation of American Societies of Food and Animal Science, and the "Guide for the Care and Use of Laboratory Animals," published by the Institute of Laboratory Animal Resources. The recommendations in these guides represent the most current thinking on appropriate practices for the handling, care, treatment, and transportation of farm animals for nonagricultural purposes. We are requesting public comment on whether or not to adopt these two guides.

DATES: We invite you to comment. We will consider all comments that we receive by May 3, 1999.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98-116-1, Regulatory

Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 98-116-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

To obtain a copy of the "Guide for the Care and Use of Laboratory Animals": Write to National Academy Press, 2101 Constitution Avenue NW., Lock Box 285, Washington, DC 20055, or call toll-free 1-800-624-6242 or 202-334-3313 in the Washington, DC, metropolitan area.

To obtain a copy of the "Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching": Write to Executive Committee, Federation of American Societies of Food Animal Sciences, 111 North Dunlap Avenue, Savoy, IL 61874.

Both guides are also available for inspection in our comment reading room in the USDA South Building and in any Animal Care Regional Office. **FOR FURTHER INFORMATION CONTACT:** Dr. Bettye K. Walters, Staff Veterinarian, Animal Care, APHIS, USDA, 4700 River Road Unit 84, Riverdale, MD 20737-1234, (301) 734-7833; or e-mail: bettye.k.walters@usda.gov.

SUPPLEMENTARY INFORMATION: The Animal Welfare Act (AWA) (7 U.S.C. 2131 *et seq.*) authorizes the Secretary of Agriculture to promulgate standards governing the humane handling, care, treatment, and transportation of certain animals by dealers, exhibitors, and other regulated entities. The Secretary of Agriculture has delegated the responsibility for enforcing the AWA to the Administrator of the Animal and Plant Health Inspection Service (APHIS). Regulations established under the AWA are contained in 9 CFR parts 1, 2, and 3. The APHIS Animal Care program ensures compliance with the AWA regulations by conducting inspections of premises with regulated animals.

APHIS is responsible for regulating the humane handling, care, treatment, and transportation of farm animals when they are used for nonagricultural

purposes, such as for research or exhibition. APHIS inspects regulated entities that use farm animals under the regulations in 9 CFR part 3, subpart F.

History

The AWA, enacted in 1966 and amended in 1970, 1976, 1985, and 1990, authorizes APHIS to regulate farm animals, such as cattle, sheep, pigs, and goats, when the animals are used for biomedical or other nonagricultural research or nonagricultural exhibition. (An example of agricultural exhibition would be a livestock show at a State or county fair.) Before 1990, we did not enforce the animal welfare regulations with respect to farm animals, as a matter of policy. In light of increased use of farm animals in biomedical research and nonagricultural exhibition, and in light of comments and inquiries received from the public, we reevaluated this policy. In 1990, we gave public notice in the **Federal Register** (55 FR 12667, Docket No. 89-223, published April 5, 1990) of our intent to regulate farm animals under the AWA in accordance with the standards in 9 CFR part 3, subpart F, "Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals" (referred to below as the regulations). These regulations already existed and are not specific to farm animals.

Since 1990, we have considered adopting standards specific to farm animals. The needs of farm animals can be different from other kinds of animals typically used in research and exhibition. Farm animals used in activities regulated under the AWA are maintained in both agricultural and nonagricultural environments. The research and exhibition communities, as well as other members of the public, have requested that we provide more specific guidance than what the regulations contain for the humane care of farm animals used in regulated activities. We held three public meetings to gather input from Federal and public sources on whether and how to strengthen the regulations pertaining to the care and use of farm animals in activities covered by the AWA. The last public meeting was held in College Park, MD, on July 7, 1994.

The Guides

We have reviewed comments and literature received at those meetings. We have determined at this time to offer guidance on how regulated entities can comply with the standards in the regulations as they apply to farm animals. Regulated entities would benefit in that they would have a better understanding of ways to meet the standards in the regulations. This would help ensure that farm animals used in regulated activities are cared for in a humane manner.

Two guides that comprehensively address the humane care of farm animals already exist. These are the "Guide for the Care and Use of Agricultural Animals in Agricultural Research and Teaching," published by the Federation of American Societies of Food Animal Sciences, and the "Guide for the Care and Use of Laboratory Animals," published by the Institute of Laboratory Animal Resources. These two publications are commonly known as "the Ag Guide" and "the ILAR Guide," respectively.

The ILAR Guide is a general guide that recommends practices to ensure the humane care of any vertebrate animal used in biomedical and behavioral research, teaching, or testing. The ILAR guide does not specifically address farm animals, but they are included in the general scope of the guide. We consider the general principles in the ILAR guide to be appropriate for application to the care and use of farm animals, primarily when they are maintained in laboratory settings.

The Ag Guide contains recommendations to ensure the humane care of agricultural animals used in research and teaching that are maintained in a simulated or actual production agricultural setting. The Ag Guide contains general principles that apply to all farm animals, as well as specific recommendations for animals such as cattle, horses, sheep, goats, and swine.

We have reviewed these two guides extensively and have determined that they represent the most current and complete scientific information available on the humane care of farm animals used for nonagricultural purposes. The guides are already in use by most research institutions regulated by APHIS that use farm animals. Specifically, any institution that receives funding from the National Institutes of Health or that is accredited by an organization such as the Association for Assessment and Accreditation of Laboratory Animal Care International (AAALAC

International) must use the guides. The recommendations in these guides reflect the most current thinking on appropriate practices for the handling, care, treatment, and transportation of farm animals used for nonagricultural purposes.

Adoption of the Guides

This document notifies the public that we are considering adopting these two guides to help regulated entities understand how to meet the standards in the regulations. We are seeking public comment on whether or not to adopt these two guides.

Adoption of these guides would be intended only as guidance. Adoption of these guides would not create or confer any rights for or on any person and would not operate to bind APHIS or the public.

As an example, the regulations specify general requirements for feeding (see § 3.129(a)) that state "food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for age, species, condition, size, and type of the animal." The Ag Guide offers species-specific recommendations on feeding that would be acceptable to APHIS for meeting the feeding standards in the regulations. For example, for horses and cattle, the Ag Guide includes information on nutritional and other considerations when a feeding program includes grazing on pasture or range land and makes recommendations on feed that should be provided to avoid colic and unhealthy behaviors such as wood or tail chewing. The ILAR Guide contains recommendations for feeding that are not species-specific, but that provide guidance on things such as keeping food free of contamination and retaining nutritive value that is applicable to a laboratory setting.

The ILAR Guide and the Ag Guide also contain recommendations concerning animals and areas that are not covered under the regulations. We are considering using the guides only to supplement understanding of how to meet the standards in the regulations. Those portions of the guides that do not relate to the regulations would not be used. The Ag Guide would be used when farm animals are maintained in a traditional agricultural setting, and the ILAR Guide would be used when farm animals are maintained in a laboratory setting.

We recognize that there are numerous other published guides, as well as other sources of information, that provide recommendations on the humane care

of farm animals in various settings. We are considering adopting the ILAR Guide and the Ag Guide because, among other reasons, they are already widely used, are the most complete guides available, and are relatively inexpensive and easily obtained. The Ag Guide costs \$10.00 per copy and the ILAR Guide costs \$9.95 per copy. They also represent the most current thinking on appropriate practices for the handling, care, treatment, and transportation of farm animals used for nonagricultural purposes. However, our adoption of these guides would not prevent regulated entities from using recommendations from other sources, as long as the chosen practice satisfies the standards in the regulations. Other practices could be used, as well, if the practices also satisfy the standards in the regulations.

Because these guides are not published by APHIS, we would not be able to provide copies of these guides to the public. However, the guides are relatively inexpensive and readily available to regulated entities (see directions for obtaining copies of the guides under ADDRESSES at the beginning of this document). APHIS would assist regulated entities in obtaining copies, if necessary.

Done in Washington, DC, this 25th day of February 1999.

Joan M. Arnoldi,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99-5244 Filed 3-2-99; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Nutrition Program for the Elderly; Initial Level of Assistance From October 1, 1998 to September 30, 1999

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the initial level of per-meal assistance for the Nutrition Program for the Elderly (NPE) for Fiscal Year 1999. The Fiscal Year 1999 initial level of assistance is set at \$.5539 for each eligible meal in accordance with section 311(a)(4) of the Older Americans Act of 1965, as amended by section 310 of the Older Americans Act Amendments of 1992 and preempted by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996.

EFFECTIVE DATE: October 1, 1998.