



Tech Note

July 2020

Questions and Answers: Three-Year Animal Welfare Act (AWA) License

Q. When will I have to obtain the three-year license?

A. All current licensees will be randomly assigned the year in which their license will transition to the three-year license. In August 2020 licensees will be notified of the year in which their license will transition to a three-year license. They will keep the same license expiration month and day.

Beginning on November 9, 2020, all licensees will pay a \$40 one-year license renewal fee. Beginning on October 1, 2021, one-third of the renewing licensees will be notified via U.S. mail 120 days before the start of their renewal month that their license will become a three-year license. Beginning on October 1, 2022, another third of the remaining licensees will transition to the three-year license. Beginning on October 1, 2023, the remaining licensees will transition to the three-year license. The three-year license fee is \$120.

After November 9, 2020, any applicant that does not currently have an AWA license will be required to apply for a three-year license during the initial application process, regardless of calendar year.

No license will be issued until the applicant pays the license fee and demonstrates upon inspection that the animals, premises, facilities, vehicles, equipment, locations, and records are in compliance with all applicable requirements in the Act and the regulations and standards in this subchapter.

Q. How do I get an application to apply for a license?

A. You may download a license application

package on-line or call the Animal Care office in Fort Collins, CO at (970) 494-7478: After November 9, 2020 the downloadable application form found online can be used for a 3-year new license and a 1-year renewal of license. A cover sheet will be provided with your application fee.

Class "A" and Class "B" licensees:
https://www.aphis.usda.gov/animal_welfare/downloads/forms/APHIS_Form_7003-7003A_Class-A-and-B_AppKit.pdf

Q. Can I apply for a license on-line?

A. No, not at this time. Please send the application forms to the address provided in the kit instructions.

Q. Where do I send the application?

A. Once the application is filled out and ready to submit, send it to:

USDA-APHIS-Animal Care
2150 Centre Avenue Building B
Mailstop 3W11
Fort Collins, CO 80526-8117
Email: animalcare@usda.gov
Phone: (970) 494-7478

Q. What is the deadline for submitting the license application for the three-year license?

A. The licensee must submit the application and pay the \$120 license fee 90 days before your license expiration date to ensure timely processing of the new license. The pre-license inspection(s) must be passed prior to their license expiration date.

Q. My license is expiring in less than 90 days and I have not yet received notice via U.S. mail. What do I do?

A. You may contact the Animal Care office in Fort Collins, CO at

USDA-APHIS-Animal Care
2150 Centre Avenue Building B
Mailstop 3W11
Fort Collins, CO 80526-8117

Email: animalcare@usda.gov

Phone: (970) 494-7478

The renewal application and instructions, including where to send the application, can be obtained on-line at:

https://www.aphis.usda.gov/aphis/ourfocus/animal_welfare/SA_Regulated_Businesses/SA_Request_License_Registration_Application_Kit, or by contacting your local inspector or the Fort Collins office.

Q. Is the pre-licensing inspection announced or unannounced?

A. All pre-licensing inspections are announced. The date and time are agreed upon by the applicant and the inspector.

Q. How many chances do I get to pass the pre-licensing inspections?

A. The applicant has up to three pre-licensing inspections within 60 days to demonstrate compliance with the AWA. If the first inspection reveals that the applicant's animals, premises, facilities, vehicles, equipment, locations, or records do not meet the applicable requirements, USDA will advise the applicant of existing deficiencies and the corrective measures that must be completed to come into compliance with the regulations and standards. An applicant may request up to two more inspections by USDA to demonstrate his or her compliance with the Act and the regulations and standards.

Q. What if I don't pass the third pre-licensing inspection?

A. Any applicant who has not demonstrated compliance with the requirements by the third pre-licensing inspection may appeal all or part of the inspection findings to the Deputy Administrator. To appeal, the applicant must send a written statement contesting the inspection finding(s) and include any documentation or other information in support of the appeal. To receive consideration, the appeal must be received by the Deputy Administrator within 7 days of the date the applicant received the third pre-licensing inspection report. Within 7 days

of receiving a timely appeal, the Deputy Administrator will issue a written response to notify the applicant whether APHIS will issue a license or deny the application. If the Deputy Administrator denies the appeal there may be additional appeal opportunities.

Q. Where do I send the appeal?

A. All appeals can be sent to:
Dr. Elizabeth Goldentyer
APHIS Animal Care (AC)
U.S. Department of Agriculture
4700 River Road/6D-03F
Riverdale, MD 20787
Email: animalcareappeals@usda.gov

Q. If I don't pass my pre-licensing inspection, how long do I have to wait to reapply?

A. Six months from the date of the failed inspection or six months from the expiration of the time to request an inspection.

Q. What happens if my application is denied?

A. An applicant whose initial license application has been denied may request a hearing in accordance with the applicable rules of practice for the purpose of showing why the application for license should not be denied. The denial of an initial license application shall remain in effect until the final decision has been rendered. Should the license denial be upheld, the applicant may again apply for a license one year from the date of the final order denying the application, unless the order provides otherwise.

Q. What happens if there are changes to the business?

A. Licenses are issued to specific persons, specific activities, types and numbers of animals, and approved sites. A new license must be obtained upon change of ownership, location, activities, or animals. A licensee shall notify Animal Care no fewer than 90 days and obtain a new license before any change in the name, address, substantial control or ownership of his business or operation, locations, activities, or number or type of animals.

Q. What happens if I obtain more or different animals?

A. The applicant shall include on the license application, among other information, the anticipated maximum number of animals to be on hand at any one time during the period of licensure and the anticipated type of animals to be owned, held, maintained, sold, or exhibited, including those animals leased, during the period of licensure. Licenses authorize increments of 50 animals on hand at any single point in time during the period of licensure. A licensee must obtain a new license before any change resulting in more than the authorized number of animals on hand at any single point in time during the period of licensure.

Licenses authorize the use of dogs, cats, guinea pigs, hamsters, rabbits, nonhuman primates, marine mammals, and other species. Licenses must specifically authorize the use of baboons and nonbrachiating species larger than 33 lbs.; great apes over 55 lbs. and brachiating species; exotic and wild felids (including but not limited to lions, tigers, leopards, cheetahs, jaguars, cougars, lynx, servals, bobcats, and caracals, and any hybrid cross thereof); hyenas and/or exotic and wild canids (including but not limited to wolves, coyotes, foxes, and jackals); bears; and mega-herbivores (including but not limited to elephants, rhinoceroses, hippopotamuses, and giraffes). A licensee must obtain a new license before using any animal beyond those types or numbers of animals authorized under the existing license.

Q. How often will I be inspected after I receive my license?

A. The frequency of inspection is dependent on types of animals, past inspection history, and other risk factors. Facilities should expect at least one inspection a year.

Q. When can I expect unannounced inspections to occur?

A. USDA is authorized to conduct unannounced inspections during a reasonable number of hours between 7 a.m. and 7 p.m. each week of the year.

USDA coordinates with licensees and registrants who do not maintain regular public business hours to establish optimal times for inspection.

Q. What does the three-year license cost?

A. All AWA applicants and licensees will pay a flat licensing fee of \$120 for the three-year license. There is no refund of the fee if the licensing process is abandoned or the license is denied.

Q. How do I pay the three-year license fee?

A. The applicant may pay the fee by certified check, cashier's check, personal check, money order, or credit card. An applicant whose check is returned by a bank will be charged a fee of \$20 for each returned check. If an applicant's check is returned, subsequent fees must be paid by certified check, cashier's check, money order or credit card.

Q. Can I change my one-year license to a 3-year license right away?

A. No, transition your license to the three-year license in the year in which you are assigned. This will allow USDA to complete the licensing process smoothly and on time.

Q. Is there a difference in the licensing inspection process for entities that currently hold a license vs a new applicant?

A. Yes, entities that are currently licensed are familiar with the regulations and standards. They have already passed a 'pre-license inspection', are conducting regulated activities, and are expected to be maintaining compliance. Entities that are not currently licensed are not conducting regulated activities. For them the pre-license process is an opportunity to become familiar with the regulations and what is required to keep their facility in compliance and decide if they wish to be licensed to conduct regulated activities. Therefore, current licensees must pass a "Re-license" inspection while new

applicants must pass a “Pre-license” inspection prior to issuance of their license.

Q. What is the difference between a “Re-license” inspection and a “Pre-license” inspection?

A. Both types require full compliance with the AWA to pass the announced inspection. During a “pre-license” inspection, noncompliances cited on the inspection report will not be labeled as critical, direct, or repeat, photos and videos will be taken during the 3rd pre-license inspection but will not be posted to the Public Search Tool. During the “re-license” inspection, the critical, direct, or repeat designation will be used when applicable, photos will be taken as needed and the reports will be posted to the Public Search Tool after a 21-day opportunity for appeal.

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