

Glossary of AWA Terms

Airport inspection—Individual airline inspections of terminal, cargo, and baggage areas made at airports for compliance with the AWA regulations and standards.

Alleged violation—A violation of the AWA regulations or standards that has been documented as existing but has not been legally concluded.

Carrier—The operator of any airline, railroad, motor carrier, shipping line, or other enterprise that is engaged in the business of transporting any animals for hire.

Commerce—Trade, traffic, or transportation that is between a place in a State and any place outside of that State (including foreign countries), or between points within the same State but through any place outside of the State.

Complaint—(1) A civil or administrative complaint informs the alleged violator of the AWA about allegations charged against him/her. (2) A public complaint is information received from citizens, humane groups, or others concerning possible violations of the AWA, regulations, or standards at animal facilities.

Compliance—The status of a facility that meets all of the regulatory requirements set forth in the AWA regulations and standards.

Dealer—Any person who, in commerce, for compensation or profit, delivers for transportation, or transports (except as a carrier), buys, or sells, or negotiates the purchase or sale of (1) any dog or other animal whether alive or dead (including unborn animals, organs, limbs, blood, serum, or other parts) for research, teaching, testing, experimentation, exhibition, or for use as a pet; or (2) any dog for hunting, security, or breeding purposes. The term “dealer” does not include a retail pet store unless such store sells any animals to a research facility; an exhibitor, or to a dealer (wholesale); or any person who does not sell, or negotiate the purchase or sale, of any wild or exotic animal, dog, or cat and who derives no more than \$500 gross income from the sale of animals, dogs, or cats, during any calendar year.

Enforcement—The activities undertaken by USDA and APHIS AC and IES personnel to ensure that the AWA’s regulations and standards are met. Enforcement includes developing alleged violation cases and taking action in the form of Letters of Warning, warning tickets, stipulations, administrative complaints, hearings, trials, and other legal procedures and methods to obtain compliance.

Exhibitor—Any person (public or private) exhibiting any animals that were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation. Exhibitors include carnivals, circuses, animal acts, zoos, and educational exhibits, whether exhibiting for profit or not. The term “exhibitor” excludes most retail pet stores, horse races, and dog races; organizations sponsoring and all persons participating in State and county fairs, livestock shows,

rodeos, field trials, coursing events, purebred dog and cat shows, and any other fairs or exhibitions intended to advance agricultural arts and sciences.

Facility—A facility is the holder of the license or registration. Each facility may have only one license and/or registration number but may be physically divided into two or more sites.

Inspections—

- *Attempted inspection*—An inspection that could not be completed, including those where representatives of the inspected entities were not on-site or transportation facilities were found to have no animals present.
- *Compliance inspection*—An unannounced inspection completed, after licensing or registration, to determine the facility’s compliance with the AWA regulations and standards. Compliance inspections include reinspections.
- *Prelicensing inspection or preregistration inspection*—An announced inspection made, after application for licensure or registration has been submitted, to ascertain compliance with the AWA regulations and standards prior to licensing or registering the facility. Prelicensing inspections are required. Preregistration inspections, although not required, are often performed upon request of the facility.

Intermediate handler—Any person who is engaged in any business receiving custody of animals in connection with their transportation in commerce. This definition excludes dealers, research facilities, exhibitors, operators of auction sales, and carriers.

Investigation—An inquiry or examination into allegations that a person or facility is not complying with the AWA, its regulations or standards.

Letter of Warning (Form 7060)—Letters of Warning officially notify facilities that additional infractions can result in further enforcement action.

License classes

- A *Class A licensee* is anyone meeting the definition of “dealer” whose business consists only of animals that are bred and raised on the premises in a closed or stable colony and those animals acquired for the sole purpose of maintaining or enhancing the breeding colony.
- A *Class B licensee* is anyone meeting the definition of a “dealer” whose business includes the purchase and/or resale of any animal. Class B licensees include brokers and operators of auction sales, as such individuals negotiate or arrange for the purchase, sale, or transport of animals in commerce.
- A *Class C licensee* is anyone meeting the definition of an “exhibitor” whose business involves the showing or displaying of animals to the public.

Office of Administrative Law Judges—The OALJ consists of Judges who conduct rulemaking and adjudicatory hearings throughout the United States in proceedings subject to the Administrative Procedure Act (APA), 5 U.S.C. § 551 et seq. There are approximately 40 statutes administered by agencies within USDA that require APA hearings. The AWA is one of those statutes. The Judges issue initial decisions and orders in adjudicatory proceedings which become final decisions of the Secretary unless appealed to the Secretary's Judicial Officer by a party to the proceedings. Final consent orders are issued by the Judges following hearings or upon waiver of hearing.

Random-source dogs and cats—Animals acquired from animal pounds and shelters, auction sales, or from any person who did not breed and raise the animals on his or her premises.

Registrant—Any research facility, carrier, intermediate handler, or exhibitor whose primary business is not required to be licensed by the AWA. If a registered facility conducts an activity that requires a license, then it will need to be licensed for that activity. For example, some research facilities have a dealer license in addition to their registration because they occasionally sell surplus animals to other research facilities.

Research facility—Any school (other than elementary or secondary), institution, organization, or person that uses or intends to use live animals in research, tests, or experiments, and that (1) purchases or transports live animals in commerce or (2) receives funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments.

- *An active registered research facility* is a USDA-registered research facility that currently utilizes animals covered by the AWA for teaching, testing, or experimentation.
- *An inactive registered research facility* is a USDA-registered research facility that currently does not utilize animals covered by the AWA for teaching, testing, or experimentation.

Retail pet store—Any outlet where only the following animals are sold or offered for sale, at retail, for use as pets: dogs, cats, rabbits, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchillas, domestic ferrets, domestic farm animals, birds, coldblooded species, and other common small pets. Retail pet stores do not include any establishment or persons who (1) deal in dogs used for hunting, security, or breeding purposes; (2) exhibit, sell, or offer to exhibit or sell, any wild or exotic or other nonpet species of warmblooded animals (except birds) such as skunks, raccoons, nonhuman primates, squirrels, ocelots, foxes, coyotes, etc.; (3) sell warmblooded animals (except birds and laboratory rats and mice) for research or exhibition purposes; (4) wholesale any animals (except birds and laboratory rats and mice); or (5) exhibit pet animals in a room that is separate from or adjacent to the retail pet store, or in an outside area, or anywhere off the retail pet store premises.

Search—Activity associated with finding unlicensed or unregistered entities.

Stipulation—An agreement by a violator to accept assessment of a civil penalty, license suspension, or combination of both. The stipulation procedure is used instead of formal administrative hearings. Alleged violators are offered the opportunity to waive a hearing by agreeing to enter into a stipulation, in which case they will pay a specified civil penalty and/or have their license suspended for a specified period.

Violation—An area or item, at a registered or licensed facility, found to be out of compliance with the regulations or standards of the AWA, as adjudicated by an ALJ.