

# Introductory Course for Commercial Dog Breeders

Part 1: Introduction to APHIS Animal  
Care and the Regulatory Process



# Learning Objectives

By the end of this unit, you should be able to:

1. Briefly describe how USDA APHIS Animal Care is organized
2. Explain the role of Animal Care and Animal Care Inspectors in protecting the welfare of dogs in breeding operations, including enforcement of the Animal Welfare Act
3. List and briefly describe the types of licenses available to dog breeders
4. Describe situations in which a license is needed, or in which a facility may be exempt from licensure



# How USDA APHIS Animal Care is Organized

# USDA

- Executive Branch Agency
- Mission: protect and promote food, agriculture, natural resources and related issues
- Wide range of responsibilities including:
  - Animal Welfare
  - Animal and Plant Health
  - Food Inspection and Safety
  - Nutrition programs (WIC, food stamps)
  - Price supports and loans for farmers
  - U.S. Forest Service

# Animal and Plant Health Inspection Service (APHIS)

- Agency of USDA
- Promotes animal and plant health and animal welfare.
- Examples of Program Units:
  - Animal Care
    - (animal welfare, humane treatment of animals)
  - Veterinary Services
    - (animal disease prevention)
  - Plant Protection and Quarantine
    - (plant disease prevention)
  - Investigative and Enforcement Service
    - (investigates violations of animal welfare laws or other APHIS program regulations)

# Animal Care

- Experts on animal care and husbandry
- Provides leadership for determining standards of humane care and treatment of animals.
- Promotes compliance with standards through education, and enforcement of animal welfare standards
- Assists states in efforts to include pets in emergency plans.
- Federal resource on animal welfare issues

# Animal Care: Roles

- Enforces:
  - Animal Welfare Act (AWA)
  - Horse Protection Act (HPA)
- AWA requires the humane care of animals in:
  - Research, teaching, testing
  - Intended for use as pets or in exhibition (zoos, shows, exhibits)





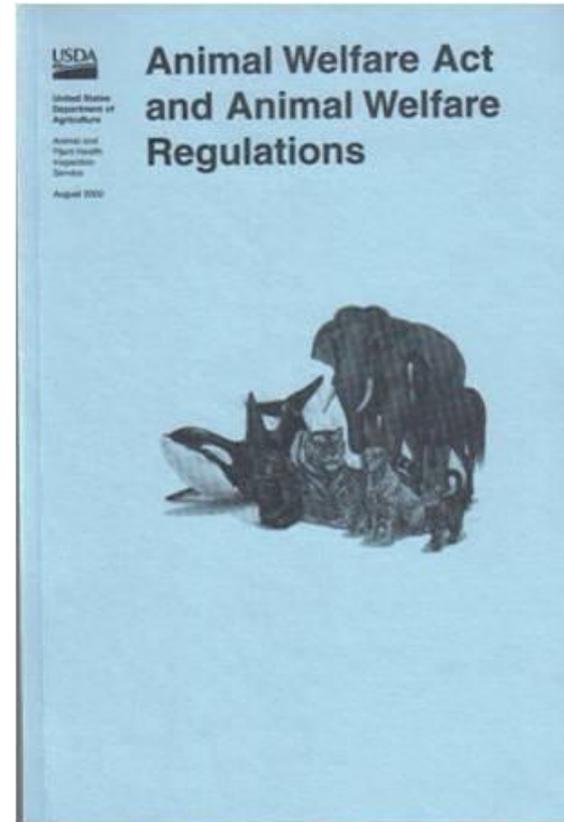
# The Animal Welfare Act

# The Animal Welfare Act

Regulates:

- transportation,
- purchase,
- sale,
- housing,
- care,
- handling and treatment

of animals intended for use in research, animal exhibits, or as pets.



# AWA: History

## Animal Welfare Act

- Passed by Congress in response to public outcry at the theft, transport, and resale of pets for use in animal research
  - Pepper the Dalmatian – magazine article

# Animals Protected by the AWA

Warm-blooded animals  
intended as:

- pets
  - (dogs, cats)
- laboratory research subjects
  - (dogs, cats, guinea pigs, hamsters, apes/monkeys, rabbits, etc).
- exhibited animals
  - (zoos, circuses, educational demonstrations)



# Animals Not Protected by the AWA

- Farm animals raised for agricultural purposes (meat, milk, wool, etc.)
- Horses not used in biomedical research
- Mice (*Mus*), rats (*Rattus*) and birds
- Cold-blooded animals (snakes, alligators, lizards)



# Enforcement

To ensure licensed facilities follow the rules of the Animal Welfare Act, Inspectors perform:

- Prelicense inspections
- Unannounced compliance inspections
- Follow-up inspections after public complaints

# Investigative and Enforcement Services

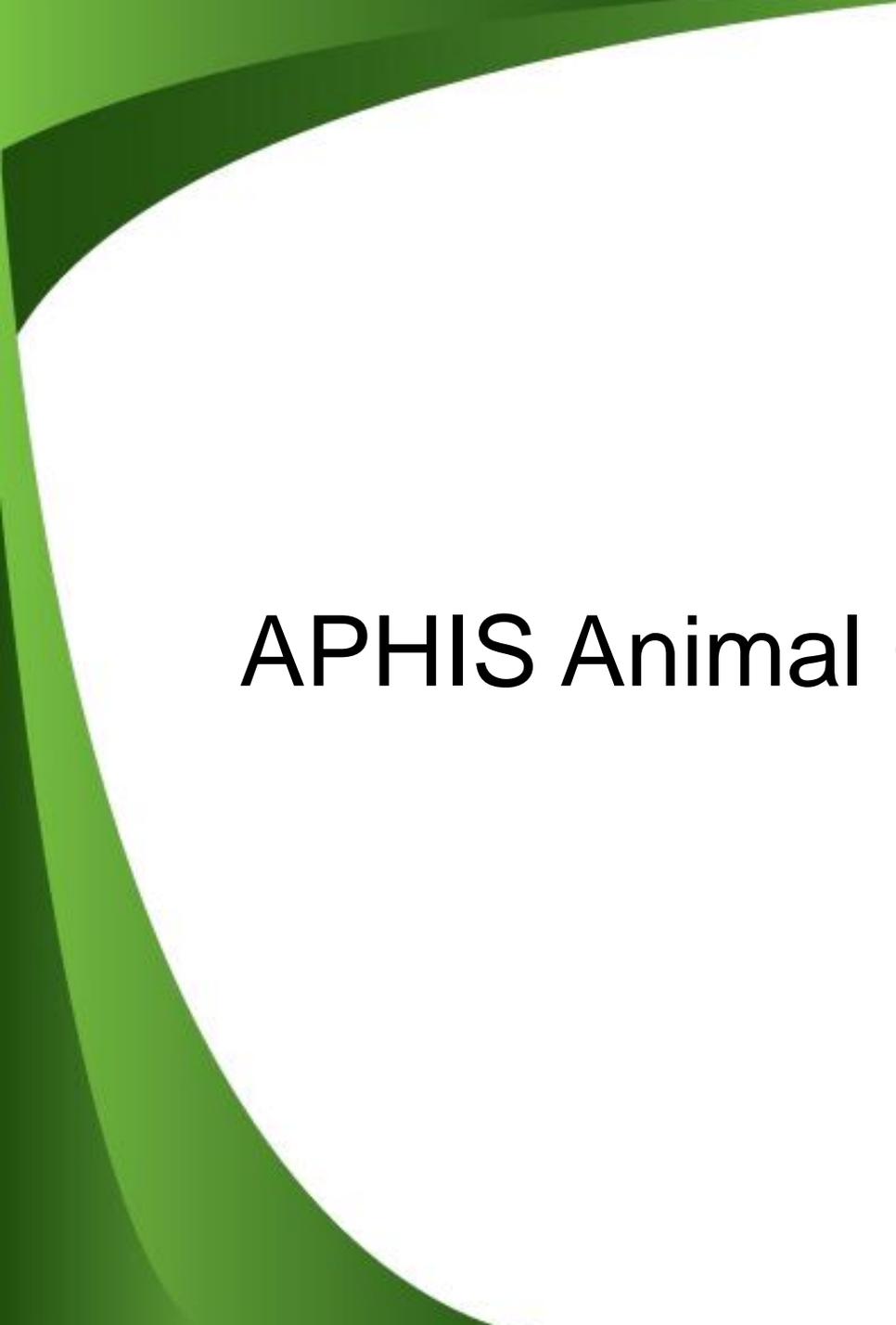
Assists in ensuring compliance with the AWA:

- Investigates alleged AWA violations
- Maintains investigative records
- Gathers and shares information about violators and violations
- Trains APHIS inspectors to collect evidence for possible investigations

# Enforcement Measures

Enforcement measures can include:

- Confiscation or euthanasia of animals
- Cease and desist order
- Monetary fines
- Suspension or loss of a license
- Formal prosecution



# APHIS Animal Care Personnel

# APHIS Inspectors

- 120 inspectors nationwide
- Experts in animal care and husbandry
- Formal training and a background in animal-related fields



# APHIS Inspectors: Training

## Classroom training:

- Facility inspection
- Specialized training in recognizing pain and suffering
- Regular continuing education on new information related to animal welfare and health

# APHIS Inspectors: Training

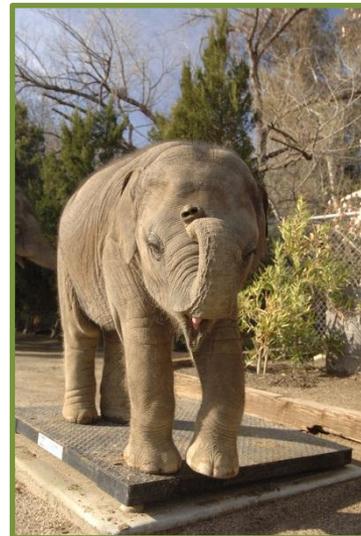
Continual on-the-job training to ensure fair, consistent and accurate inspections. This may include:

- Statistical analysis of inspection data
- Reviews of inspection reports, activity report, enforcement requests and photographs by a supervisor
- Additional inspections for quality assurance

# Animal Care Specialists

Special expertise and experience:

- Birds
- Elephants
- Marine mammals
- Exotic cats
- Non-human primates



# APHIS Inspections: Your Responsibilities

Ensure that:

- The facility is in compliance with the Animal Welfare Act at all times, and is ready for visitors
- Paperwork is correctly complete, up-to-date, and available for review by Inspectors



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# USDA Licensing of Facilities

# Licensing with the USDA

Any person who is an animal dealer must have a USDA license

- Dealer: any person who buys or sells any dog for use as a pet, research or teaching subject, or sells dogs wholesale for hunting, security or breeding.
- Retail pet stores are **not** considered dealers, unless they sell dogs to research facilities, exhibitors or other pet stores.

# Who Needs a License?

A license is required if:

- Produce dogs/cats for:
  - Research
    - Sell 25 or more dogs/cats per year
  - Wholesale distribution to retail pet stores or exhibition
    - Four or more breeding female dogs and/or cats
- Sell any dog not born and raised on your premises for research

# Who is Exempt from USDA Licensure?

No license needed:

- Three or fewer breeding females on premises, sells offspring, born and raised on premises, as pets

License needed:

- More than 3 breeding females on premises, regardless of ownership, premises must be licensed

# Example

- Ann – 2 breeding female dogs
- Mike (Ann's husband) – 1 breeding female dog
- Elizabeth (daughter) – 1 breeding female dog
- All on same premises
- Pups sold to brokers or retail pet stores
- License is required, even though no one person has more than 3 breeding females

# Exemptions

Any person who breeds and sells dogs directly to a pet owner, at retail, for the buyer's own use as a pet...

- AND does not buy any animals for resale
- AND does not sell any animals to a research facility, dealer, or pet store

...is exempt from licensure.

# Exemptions

Most retail pet stores which sell dogs as pets are exempt from licensure

- “Retail” implies that the buyer is the *end-user* of a product.
- Some retail pet stores may need a license if they also sell wild or exotic animals

# Exemptions

Any person who sells

- fewer than 25 dogs and/or cats per year
- were born and raised on their premises
- to a research facility or entity conducting teaching, research or testing

is exempt from licensure

# Exemptions

Any person who buys dogs solely for his or her own use and enjoyment, and does not sell or exhibit them is exempt from licensure.

# Scenario 1: John and Jill

- John breeds beagles, sells puppies directly to pet owners
  - online puppy advertising, newspaper ads, and word-of-mouth
- 50 breeding females on premises, sells 325 puppies/yr.
- Last year sold 22 retired breeding animals, and 7 “cull” pups (with hernias) to a dealer who supplies research laboratories.
- USDA license required (Class A)

# Scenario 1 (cont'd)

- Jill, John's wife, lives on the same farm
- Breeds Boston Terriers, shows them at AKC sanctioned dog shows
- Jill occasionally sells Boston Terrier puppies to people she meets at shows
- License requirements?
  - Jill is subject to the same licensing requirements as her husband

# Scenario 1 (cont'd)

- John and Jill get divorced and cut all financial and legal ties.
- Jill moves to a new house
- Has 5 breeding female and 2 breeding male Boston Terriers
- Continues to sell her puppies directly to other Boston Terrier fanciers.
- License requirements for Jill?
  - Jill is exempt from licensure.

## Scenario 2: Steph's Labradoodles

Stephanie breeds, raises and sells Labradoodle puppies to a dealer who sells puppies to pet stores.

- Steph has 2 breeding female dogs, and 4 breeding males on her premises

License requirements?

- Exempt from licensure

# Scenario 3:

## Aaron's Retrievers

Aaron breeds Golden Retrievers.

- 4 breeding females, 2 breeding males, and sells 20 puppies a year to a research animal broker

Aaron is exempt from USDA licensure, until...

- Stephanie asks him to sell one of her Labradoodle puppies to the research animal broker
- Aaron now must have a USDA license (Class B), in order to sell a puppy not born and raised on his premises



# Types of Licenses

# Types of Licenses

- USDA Class A
  - Commercial breeders
- USDA Class B
  - Brokers and operators of an auction sale
- USDA Class C
  - Exhibitors

# Commercial Breeders: USDA Class A License

- Dealers whose business includes:
  - Animals born and raised on the dealer's premises in a closed colony
  - Any animals added for the purposes of maintaining or enhancing the breeding of the colony.
- Most commercial dog breeders

# Brokers:

## USDA Class B License

Dealers whose business includes:

- the purchase and/or resale of animals
- arranging the sale of an animal
- arranging the transport of animals in business dealings
- Operators of animal auctions

Class B licensees may exhibit animals as a minor part of their business

# Sources of Animals: Class B Licensees

## Random sources:

- State, county, or city-owned and operated pounds and shelters
- Humane groups and contract pounds
- Other USDA Class B licensed dealers

## Non-random sources:

- Licensed Breeders OR Breeders who can certify that they are exempt from USDA licensing requirements:
  - Animals bred and raised on premises AND
  - Sold fewer than 25 dogs or cats, if for research purposes OR
  - Fewer than 3 breeding females on premises if for pets

# Class B Licensees: Holding Periods

Brokers are required to hold the animals for a certain period before re-selling them.

The length of the holding time depends upon:

- Source of animals
- Age of animals
- Length of time already held by another licensed dealer

# Examples

Rhonda:

- Breeds Manchester terriers, Chihuahuas and Yorkies on her farm.
- Has more than 3 breeding females
- Sells puppies at 8 weeks of age to George.

What type of license?

- Rhonda is a Breeder and needs a Class A license

George:

- Visits farms every 2 weeks
- Buys puppies from several farms
- Delivers them to “Pet-A-Rama” pet stores

What type of license?

- Broker: Class B license

# Examples

## “Pet-A-Rama”

- Pays George for the puppies he delivers.

What type of license?

- Exempt from licensure

# Class C Licensee: Exhibitor

Any person whose business involves showing or displaying animals to the public

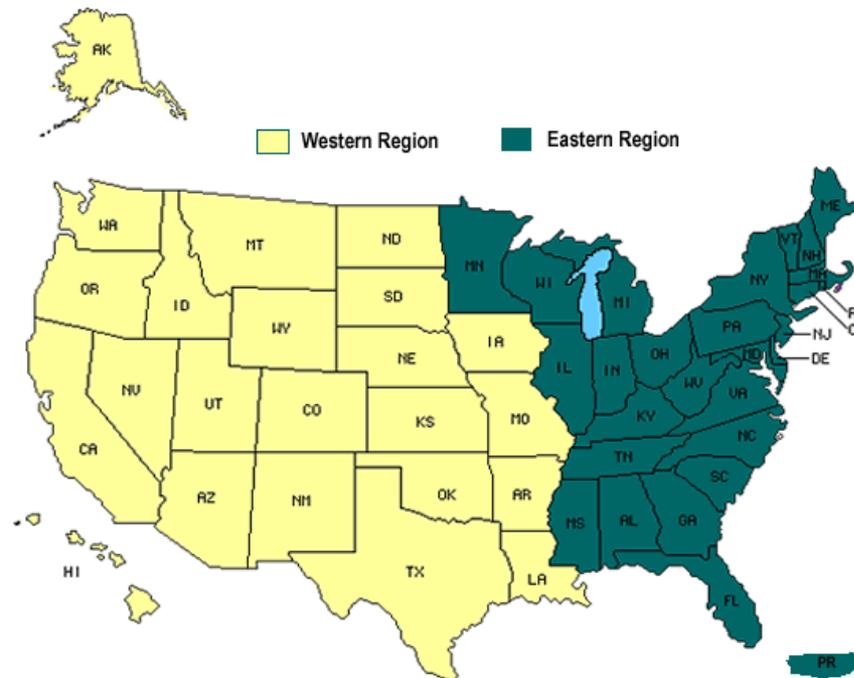
- Includes circuses, zoos, animal acts, and other animal exhibits
  - Exotic animal exhibits at county or state fairs ARE inspected
- Does not include most retail pet stores, state and county fairs, rodeos, field trials, or purebred dog and cat shows



# Licensure Requirements

# Prelicense Information Packet

Available upon request from the Regional Office serving the state in which the business will be located.



# Prelicense Information Packet

Contains:

Regulations and Statutes

Forms

Instructions

Guidance on setting up a compliant facility

Checklist



# Requirements: Class A and Class B Licenses

- Application processing fee of \$10.00 – due when application is submitted
- Licensing fee
  - Based upon the dollar amount of the business in one year
  - Due after passing prelicense inspection

# Requirements:

## Class A and Class B Licenses

- Relationship with an attending veterinarian
  - Veterinarian to visit the facility at least once a year
  - Program of Veterinary Care
- Program of Veterinary Care
  - Plan outlining veterinary care
  - Approved and signed by the attending veterinarian, and signed by the applicant
  - Available to show to Inspectors at all times

# Requirements: Class A and Class B Licenses

Completed Record of Acquisition of Dogs and Cats on Hand (APHIS Form 7005) must be presented at prelicense inspection

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor and a person is not required to respond to, collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0028. This time required to complete this information collection is estimated to average 183 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and reviewing and reviewing the collection of information.

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

**RECORD OF ACQUISITION OF DOGS AND CATS ON HAND**

This record is required by law (7 U.S.C. 2131-2156) (9 CFR, Subchapter A, Parts 1, 2, and 3). Failure to maintain this record can result in a suspension or revocation of license and/or imprisonment for not more than 1 year, or a fine of not more than \$1,000, or both.

OMB APPROVED 0579-0028

1. RECORD FOR (X)  
 Dealer  Holding Facility (Submit copy to Dealer)  
 Other  Exhibitor (Dogs and Cats only)

2. USDA LICENSE OR REGISTRATION NUMBER

3. NAME AND ADDRESS OF LICENSE, REGISTRANT, OR HOLDING FACILITY

4. BUSINESS YEAR FROM (Mo./Day/yr) TO (Mo./Day/yr)

5. PAGE NUMBER

IDENTIFICATION OF EACH ANIMAL BEING DELIVERED (See reverse for Breed Abbreviations)

A. TATTOO OR USDA TAG NUMBER	B. DOG		C. CAT		D. AGE OR DATE OF BIRTH	E. WT.	F. BREED OR TYPE (If mixed breed, list 2 dominant breeds)	G. DESCRIPTION OF ANIMAL (Color, Distinctive Marks, Hair, Tail, Tattoos, etc.)	H. DATE ACQUIRED	I. ACQUIRED FROM		J. DISPOSITION	
	S	M	F	M						F	NAME AND ADDRESS, USDA LICENSE OR REGISTRATION NUMBER, OR DRIVER'S LICENSE NUMBER AND STATE	Date Removed or Sold	Date Died or Euthanized (Specify)
	M	F	M	F									
	M	F	M	F									
	M	F	M	F									
	M	F	M	F									
	M	F	M	F									
	M	F	M	F									

APHIS 7005 JUL 2009

INSPECTOR USE ONLY

LAST INSPECTION (Date)

TOTAL NUMBER ANIMALS ENTERED SINCE LAST INSPECTION

COUNT TOTAL NUMBER ANIMALS ACTUALLY ON PREMISES

DIFFERENCE (+ OR -)

DATE

INITIALS

Previous edition may be used. Replaces VS 18-5 which may be used.

# Conclusion

You should now be able to;

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Questions?

# Acknowledgments

This presentation was prepared by the Center for Food Security and Public Health, Iowa State University through a cooperative agreement with USDA APHIS Animal Care.

