This presentation will discuss the process involved in becoming a USDA licensed dealer.

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 (AWA)
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
5. Apply for a license

This section will provide an overview of Animal Care’s role in regulating Animal Welfare. First, we will start with a brief overview of where Animal Care fits in the federal government and then we’ll talk about the Animal Welfare Act and Animal Care’s role in overseeing the provisions of the Animal Welfare Act (AWA).

Animal Care is part of the United States Department of Agriculture (USDA), which is part of the Executive Branch of the federal government. The Executive Branch enforces the laws made by Congress. USDA’s mission is to protect and promote food, agriculture, natural resources and related issues. The USDA is a large agency and is responsible for a lot of things, a few of which are listed on this slide: Animal Welfare, Animal and Plant Health, Food inspection and food safety, Nutrition programs such as WIC and SNAP, price supports and loans for farmers and the U.S. Forest Service.

USDA is organized into several agencies. Animal Care is part of the Animal and Plant Health Inspection Service (APHIS), the agency which protects and promotes animal and plant health, and administers the Animal Welfare Act. APHIS has a number of program units. Some of these include:
• Animal Care (animal welfare, humane treatment of animals)
• Veterinary Services (animal disease prevention)
• Plant Protection and Quarantine (plant disease prevention)
• Investigative and Enforcement Service (investigation of persons who may have broken animal welfare laws and legal actions when necessary)
Animal Care is the part of APHIS responsible for promoting and enforcing animal welfare standards, providing guidance and leadership on issues involving the safety and management of pets and other regulated animals during disasters, and serving as a federal resource on animal welfare issues. Sources: http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalwelfare

USDA Animal Care is responsible for upholding and enforcing the Animal Welfare Act and the Horse Protection Act. The Animal Welfare Act and its associated regulations require that federally established standards of care and treatment be provided for certain warm-blooded animals bred for commercial sale, used in research, transported commercially or exhibited to the public. The Center for Animal Welfare collaborates with other animal welfare entities to play a central role in USDA’s efforts to: build partnerships domestically and internationally; improve regulatory practices; and reach beyond USDA’s traditional enforcement role to develop outreach, training and educational resources.

Animal Care enforces
- The Horse Protection Act (HPA)
- The Animal Welfare Act (AWA)

These laws require the humane care of animals involved in:
- Research, teaching, testing
- Intended for use as pets or in exhibition (zoos, shows, exhibits)

Animal Care performs inspections of facilities, and enforces the Animal Welfare Act and Animal Welfare Regulations. The agency is organized into a headquarters office in Riverdale, Maryland and three offices:
- Fort Collins, CO Office
- Raleigh, NC Office
- Center for Animal Welfare Office: Kansas City, MO

Inspectors work out of the Fort Collins and Raleigh offices. The map on the slide shows how the states are divided between the two offices.

Next we will introduce the Animal Welfare Act, and how it plays into obtaining a USDA license.
The Animal Welfare Act (AWA) and its corresponding regulations, regulate the transportation, purchase, sale, housing, care, handling and treatment of animals intended for use in research, in animal exhibitions, or as pets.

This AWA was enacted to ensure the humane care and treatment of animals intended for these purposes.

The AWA was originally written and passed in response to public outcry at the stealing, transport, and resale of pets for use in animal research.

The story caught the attention of government officials and magazine writers, and a combination of public outcry and the efforts of government leaders led to the passage of the Animal Welfare Act.

The AWA protects warm-blooded animals intended as
- Pets – dogs, cats, guinea pigs, hamsters, rabbits, ferrets, chinchillas, and many other warm-blooded animals
- Laboratory research subjects – dogs, cats, guinea pigs, hamsters, apes/monkeys, rabbits, etc.
- Exhibited animals for zoos, circuses, educational demonstrations

Photos: Top and Middle: D. Bickett-Weddle, ISU, Bottom: Istock

Certain animals are not covered by the AWA. These include:
- Farm animals raised for agricultural purposes – meat, milk, wool, etc. Horses not used in biomedical research
- Mice of genus *Mus* and rats of genus *Rattus* and birds that are bred for use in research
- Cold-blooded animals – for example snakes, alligators, lizards

Photos: Top, middle: D. Bickett-Weddle; bottom: K. Schuette

To ensure licensed facilities are following the rules of the Animal Welfare Act, Inspectors perform:
- Prelicense inspections
- Unannounced compliance inspections
- Follow-up inspections after public complaints

When a violation is identified during an inspection, the AWA authorizes taking action penalties. Before taking these actions, AC also considers other enforcement options to include, but not limited to: a letter of information (an informal warning letter), an official warning letter, and an investigation.
When an investigation is warranted, it is conducted by APHIS’ Investigative and Enforcement Services (IES) unit. IES assists in ensuring compliance with the AWA by:

- Investigating alleged AWA violations
- Maintaining investigative records
- Gathering and sharing information about violators and violations

If violations of the AWA are found, enforcement measures can include:

- Confiscation or euthanasia of animals
- Issuance of a cease and desist order (stopping a business from buying/selling dogs)
- Monetary fines
- Suspension or loss of a license
- Formal prosecution (being taken to court)

Animal Care employs a team of educated and trained experts to work in the field to ensure that provisions of the Animal Welfare Act are being followed. This section describes the roles of Animal Care Inspectors and Animal Care Specialists in overseeing provisions of the Animal Welfare Act and regulations.

APHIS employs Animal Care Inspectors nationwide. They are experts in animal care and husbandry with extensive animal handling experience, with formal training and a background in animal-related fields, such as veterinary medicine, animal science, and biology.

*Photo: A. Eaglin, USDA, APHIS*

Inspectors receive extensive training including:

- Facility inspection training
- 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 reports, enforcement requests and photographs by a supervisor
- Additional inspections for quality assurance

Inspectors also undergo field training. Inspectors receive continual on-the-job evaluations to ensure that their inspections are fair, consistent and accurate. This may include:
- Statistical analysis of inspection data
- Reviews of inspection reports, enforcement requests and photographs by supervisors
- Supervisory analysis during inspections
- Reviews of inspectors and activity reports
- Additional inspections for quality assurance purposes

Animal Care Specialists

Special expertise and experience:
- Canines
- Birds
- Elephants
- Marine mammals
- Exotic cats
- Non-human primates

In addition to Animal Care Inspectors, Animal Care also employs experts on the care and handling of exotic species including birds, elephants, marine mammals, exotic cats and 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 completed, up-to-date, and available for review by inspectors
- Animals' health and well-being are monitored and maintained

Photo: USDA: APHIS: A.Eaglin

USDA Licensing of Facilities

This section will describe the 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, or negotiates the purchase of sale of 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 (like a carnival or zoo), or other pet stores.

A dealer is any person who buys or sells any dog, or negotiates the purchase of sale of any dog, for use as pets, for research or teaching purposes, or sells dogs wholesale for hunting, security or breeding.

The following may require a license:
- Any person who acquires a dead animal and then sells it.
- Any person who acquires a dead animal or its parts from a USDA licensed dealer or municipal, county, or state pound/shelter and then sells it.

Retail pet stores are not considered dealers, unless they sell dogs to research facilities, exhibitors (like a carnival or zoo), or other pet stores.

The following may require a license:
- Any person who acquires a dead animal and then sells it.
- Any person who acquires a dead animal or its parts from a USDA licensed dealer or municipal, county, or state pound/shelter and then sells it.

Contact USDA APHIS Animal Care as it relates to exemptions to the above.
USDA has changed the Animal Welfare Act regulations by revising its definition of retail pet store in order to keep pace with the modern marketplace and to ensure that animals sold via the Internet or other non-traditional methods receive humane care and treatment.

A license is required if:
- Produce dogs and/or cats for:
  - Research
  - Sell 25 or more dogs and/or cats per year
- Wholesale distribution to retail pet stores or exhibition
  - Five or more breeding female dogs, cats, or small exotic/wild pocket pets
- Sell any dog and/or cat not born and raised on your premises for research
- Retail sales businesses that sell animals sight unseen (born and raised)
  - More than four breeding females

The following people are exempt from USDA licensure
Any person who has four or fewer breeding females on the premises and who sells pups which were born and raised on the same premises as pets is exempt from licensure.

However, if more than four breeding females (including breeding females of other mammalian pet species, such as cats, ‘pocket pets’ or exotics) are on a premises, regardless of who on the premises owns them, the business will require a license.

Ann owns two breeding female dogs, her husband Mike owns one breeding female cat, and their daughter Elizabeth owns two breeding female dogs. If they share a premises and sell pups/kittens to “middle men” or retail pet stores they would be required to have a Class A license for the premises, even though any one person does not own more than four breeding females. We will discuss the different types of licenses a bit later in the presentation.
Retail pet stores which sell dogs as pets are exempt from licensure. “Retail” implies that the buyer is the end-user of a product. For example, a person who buys a dog from a retail store, does so with the intention of keeping the dog as their own pet. In this example, the end-user is the pet owner, and the product is the dog.

- Retail stores need a license if any sales are not face-to-face
- Some retail pet stores may need a license if they also sell wild or exotic animals

Any person who sells:
- Fewer than 25 dogs and/or cats per year
- Born and raised on their premises
- To a research facility or entity conducting teaching, research or testing

is exempt from licensure. However, if 25 or more dogs and/or cats per year from a premises are sold into research, teaching or testing, the premises will require a license, regardless of who on the premises owns the dogs/cats.

Stephanie breeds, raises and sells Labradoodle puppies to a dealer who sells puppies to pet stores. She maintains two female breeding dogs, and four breeding males on her premises.

Stephanie is a wholesaler because she sells her dogs directly to a pet store. However, Stephanie is exempt from licensure, even though she is a wholesaler, because she maintains four or fewer breeding female dogs on her premises, and sells the pups for the pet trade.

Stephanie’s next-door neighbor, Aaron, breeds Golden Retrievers. He maintains four breeding females, two breeding males, and sells 20 puppies a year born on his premises from his females 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 Class B license, in order to sell a puppy not born and raised on his premises.
Now we will discuss the different types of USDA licenses.

Under the AWA, there are three types of licenses: Class A for commercial dog breeders, Class B for brokers, and operators of an auction sale, and Class C for exhibitors. The next section will briefly describe these licenses.

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

Brokers are:
- 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

This type of license applies to most “middle men” who arrange for animals from one person or facility to be sold to another person or facility, such as:
- Brokers
- Operators of animal auctions

Class B licensees may also exhibit animals as a minor part of their business.
In order to prevent the theft and selling of pets, the Animal Welfare Act specifically states the sources from which brokers can obtain animals. Brokers may purchase animals from:

Random sources such as:
Other USDA Class B licensed dealers
State, county, or city-owned and operated pounds and shelters
Humane groups and contract pounds which are organized as legal entities under the laws of their state

Non-random sources:
Breeders who bred and raised the animals on their premises, AND can certify that they sold fewer than 25 dogs and/or cats that year, if the animals are to be used for research purposes
Breeders who bred and raised the animals on their premises, and can certify that they have four or fewer breeding female dogs and/or cats on their premises, if the animals are to be used as pets

(2.132)
Note that exotic animal exhibits at county or state fairs are inspected. Those exhibitors would be Class C licensees.

This section is a brief discussion of licensure requirements. Other presentations in this course contain more information about license requirements. Please contact your Animal Care Inspector if you have questions.

Prelicense information packets are available from Animal Care. You can request them from the Animal Care Office serving your area, either by letter or through the APHIS Animal Care website. 

The prelicense information packet from Animal Care contains the information you need to apply for a license. It will have a copy of the Animal Welfare Act and Regulations, forms you need to apply for a license, instructions for applying for a license, guidance on making sure your facility is in compliance with the AWA and a checklist of items to ensure your application is complete and you are ready for your prelicense inspection.

A person seeking licensure must:

- Be 18 years of age, or older
- Not have more than one USDA license
- Be able to provide either a Social Security Number, or a Federal Taxpayer Identification Number

The applicant must fill in a license application form (APHIS Form 7003A). This form is found in the prelicense information packet available from the Animal Care Office affiliated with the state in which the licensee wishes to operate their business.

If a person seeking licensure operates in more than one state, he/she should apply in the state where he/she has their principal place of business. All premises in all states must be listed on the application form.

This form and other required forms can be downloaded at https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/ sa_publications/ct_publications_and_guidance_documents
The licensee will pay an application processing fee of $10.00
After passing the prelicense inspection, the licensee will pay a
licensing fee based upon the dollar amount of the business in one
year.

The licensee must have a relationship with an attending veterinarian
Veterinarian to visit the facility regularly, preferably at least once a
year
Veterinarian to aid in developing and implementing a Program of
Veterinary Care.

Licensees must have a written Program of Veterinary Care
Plan outlining veterinary care for such things as vaccinations,
parasite control, and emergency care.
Approved and signed by the attending veterinarian, and also signed
by the person seeking licensure.
Must be available to show to Inspector at any time.

The licensee must be able to provide a written Record of Acquisition of Dogs
and Cats on Hand (APHIS Form 7005) at the time of the prelicense
inspection.
This form is available in the prelicense information packet, on the Animal
Care website, or by request through the regional Animal Care Office. This
form needs to be completed and available for the Inspector at the prelicense
inspection.

This form and other required forms can be downloaded at
sa_publications/ct_publications_and_guidance_documents

You should now be able to:
1. Briefly discuss the organization of APHIS Animal Care.
2. Describe 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. 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.
5. Apply for a license
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