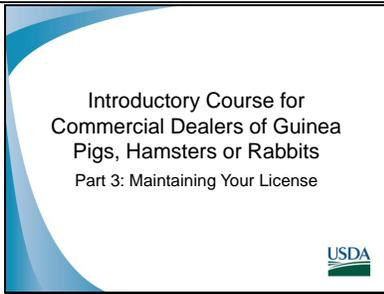


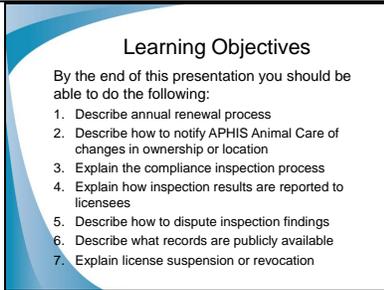
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This presentation will provide you with information about renewing and maintaining your USDA License. By the end of this presentation you should be able to do the following:

1. Describe the annual license renewal process
2. Describe how to notify APHIS Animal Care if a licensed facility relocates or changes ownership
3. Explain the compliance inspection process including the frequency of inspections, attempted inspections, and the general inspection process
4. Explain how inspection results are reported to licensees, how a licensee acknowledges receipt of an inspection report
5. Explain the process for disputing a finding in an inspection report
6. Describe what records associated with a licensed facility are available to the public and where the records can be found
7. Briefly explain what happens when a license is suspended or revoked

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A USDA license is valid for one year from the date it is issued. The license expiration date can be found on the license certificate.

To keep your license in good standing, the renewal application and fees must be received by USDA on or before the date your license expires. If the renewal information is not received on or before the expiration date, the license will be terminated. A licensee whose license has been terminated may not engage in regulated activities. Doing so is a violation of the regulations and subject to an enforcement action.

If a license is terminated for failure to renew in time, the licensee will have to apply for a new license by submitting a prelicense application and completing the prelicense inspection process.

Remember: It is the licensee's responsibility to make sure the license renewal materials reach the Animal Care Office on or before the expiration date. You may wish to put a reminder of the expiration date on your calendar so you don't miss the renewal deadline.

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APHIS Form 7003

- Submit the following materials to the Office serving your State:
 - APHIS Form 7003
 - \$10.00 application fee
 - License fee
 - Taxpayer Identification sheet



Submit the following to the Office serving your state:
Completed APHIS Form 7003 (Application for License - Renewal) - follow the instructions for completion accompanying the form. Be sure to sign Item 12 acknowledging receipt of regulations and standards, compliance with the regulations and standards
\$10.00 application fee
License fee - as determined by the fee calculation instructions included in the license renewal packet. (Only one form of payment is required. The application and license may be combined into a single form of payment.)
Taxpayer Identification sheet, if not previously submitted

This form and other required forms can be downloaded at
http://www.reginfo.gov/public/do/PRAViewIC?ref_nbr=201102-0579-002&icID=2101

USDA-APHIS-AC
2150 Centre Ave.
Building B, Mailstop 3W11
Fort Collins, CO 80526-8117
E-mail: acwest@aphis.usda.gov
Tel: (970) 494-7478
Fax: (970) 472-9558

USDA-APHIS-AC
920 Main Campus Drive,
Suite 200
Raleigh, NC 27606-5210
E-mail: aceast@aphis.usda.gov
Tel: (919) 855-7100
Fax (919) 855-7123

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Changes in Ownership or Business Location

A license is issued to the person or group of persons listed on the license application form. The license applies only to business conducted at the location(s) listed on the application form. Licenses are not transferrable. If the business is sold, the license cannot be transferred to a new owner. Likewise, the license cannot be transferred to a different location. Animals cannot be sold from a new site until approved by an Inspector.

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Changes in Ownership or Business Location

- License only applies to person(s) and the location listed on application form
- Not transferrable
 - Can't transfer on sale of property
 - New location must be inspected before conducting business

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Notice

- Send notification of change to the Office covering your state
- Send notice within 10 days of change
- Certified mail

Notify the Office serving your state of any change in name, address, ownership, management or control of the business, or additional site.

Notify the Office within 10 days of the change.

Notification of changes should be sent by Certified Mail.

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Example

- Bob and Suzanne hold a Class A license for a facility where they breed rabbits
- On June 22, Bob and Suzanne get divorced
- Bob is going to continue to operate the facility
- What, if anything, must Bob do?

Bob and Suzanne hold a Class A license for a facility where they breed rabbits. On June 22, Bob and Suzanne get divorced. Bob is going to continue to operate the facility.

What, if anything, must Bob do?

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Example (cont'd)

- Bob must notify the Animal Care Office by certified mail no later than July 2, that Suzanne will no longer be an owner of the facility

Section 2.27 of the regulations requires that a licensee shall notify the Animal Care Office by certified mail of any changes in the name, address, ownership, or other changes in operations affecting its status. The notice must be given within 10 days after making the change.

Note: If Bob and Suzanne held the license as a partnership, Bob will have to apply for a new license in his name only in order to conduct regular business.

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Inspections

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Non-Interference by Licensee

- Dealers, exhibitors, breeders, caretakers, or researchers who interfere with the inspector's duties are in violation of the AWA

Examples of interference from the Animal Care Inspection Guide are:

ABUSE (Physical) - An act which includes pushing, shoving, or hitting

ABUSE (Verbal) - An act which includes yelling, swearing, or belligerent language meant to demean, intimidate, coerce, or threaten

ASSAULT - Any willful attempt or threat to inflict injury upon another person, when coupled with an apparent present ability to do so, and/or intentional display of force such as would give the victim reason to fear or expect immediate bodily harm

HARASS - Any repeated action or attempted action which is intended to impede, fatigue, or exhaust another person

THREAT - Any oral or written expression or physical movement that is interpreted by a reasonable person as conveying an intent to place that person in fear of bodily injury to him/herself or to a third party

VIOLENCE - Any act (verbal, written, chemical or physical aggression) or attempted act which is intended to control or cause, or is capable of causing, death or serious bodily injury to oneself or others or damage to property

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Compliance Inspections

- Unannounced
 - Any business day during regular business hours
 - As often as necessary to enforce AWA, but typically once a year
- Risk Based Inspection System (RBIS)
 - Used to determine how often to inspect
 - Based on:
 - Facility's compliance record
 - Inspector's professional judgment and discretion
 - Other factors

All inspections of licensed facilities are unannounced. This means an Inspector may arrive at your facility any business day during regular business hours (generally considered to be between 7:00 am and 7:00 pm) without prior notice. Inspections will be conducted as often as necessary to ensure compliance with the AWA regulations and standards, but typically, they will be once a year.

APHIS uses a Risk Based Inspection System (RBIS) and the professional judgment of the Inspector to determine how often licensed facilities are inspected. Various factors, such as the facility's record of compliance with the AWA regulations and standards, are used to determine how often a facility is inspected. Generally, facilities with excellent inspection records will be inspected less often than those with poorer records, but Inspectors have the discretion to inspect facilities when they feel it is necessary in order to ensure compliance with the AWA.

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Attempted Inspections

- Licensee or designee not available
 - Inspector will attempt to locate licensee for inspection
- Reported as an Attempted Inspection
- Repeated Attempted Inspections could result in enforcement



An attempted inspection occurs when the licensee or an authorized representative designated by the licensee is not available to accompany the Inspector on an inspection. This could occur if the Inspector arrives at the facility and finds no one present or if the Inspector arrives and the licensee's 16 year old son is the only person present. In either case, the inspection cannot be conducted.

During the pre-licensing process, the Inspector will ask the breeder when they are generally available during normal business hours and try to conduct unannounced inspections during those times. If no one is available, the Inspector will attempt to contact the licensee and determine if an authorized individual (someone 18 years of age or older) can arrive at their facility or home within 30 minutes. If the inspection is unable to take place, the Inspector will document on the report that no authorized individual was available. The Inspector will then make every effort to consult with the licensee regarding their availability and conduct the next unannounced inspection at a time when an authorized individual is likely to be present.

The Inspector sends the licensee a report of the attempted inspection. A licensee who is repeatedly unavailable for inspection may face an enforcement action for violating the AWA.

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Complaint Inspections

- Inspection may be conducted in response to a complaint received by Animal Care

Inspectors may inspect a facility as a result of a complaint received by Animal Care. An inspection may be warranted to determine whether a violation of the AWA regulations and standards has occurred. Maintaining a state of the art facility will help reduce the likelihood of someone making a complaint about the facility.

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Inspection Procedures

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Inspection Procedures

- Licensee (or designee) goes with Inspector
- Provide Inspector access to all areas of facility, including all animals
- Inspector explains deficiencies
- May take photos or video, copy records
- Provide Inspector place to work
- May complete report off-site



Upon arrival at a licensed facility, the Inspector will contact the licensee or authorized representative, introduce him/herself and explain the purpose of the visit. The inspector must be accompanied by the licensee or the licensee's designee during the inspection.

The Inspector must be allowed access to all areas of the facility where regulated animals are kept. All regulated animals in the facility must be shown to the Inspector. The Inspector may examine any animals, particularly those that appear to be in poor health. The Inspector will observe how animals are handled by personnel.

If the Inspector observes conditions or practices in the facility that are not in compliance with AWA regulations and standards, the Inspector will explain what is deficient during the inspection and also note the deficiencies in the inspection report. During the inspection, the Inspector may recommend things to improve your facility. Make a note of these comments. Although the areas commented on may not be an area of non-compliance, addressing the items commented on will help in maintaining a state of the art facility. Also, make note of any questions you have so that they can be addressed by the Inspector either during the inspection or at the exit briefing.

The Inspector may take photographs or video of animals or conditions in the facility which are not in compliance with the AWA standards and regulations, or are of questionable compliance. The Inspector may also make copies of records.

The licensee must let the Inspector use a table, room or other facility to conduct an examination and review of records, conduct an inspection of property and animals, and complete the inspection report. The Inspector may choose to complete the inspection report off-site.

Photo Credit: Dani Ausen, ISU



The next slides provide a short description of the areas inspected. For this discussion we have grouped the items in the general categories of: facilities, animals and husbandry. This is just a brief description of the requirements and they will be discussed in more detail in the other presentations.

Facilities

Housing –Must be structurally sound facilities under good repair. Facilities must be sturdy enough to keep the animals contained, protect them from extreme weather and temperatures and other animals. There must be adequate waste disposal.

Primary Enclosures –Must be structurally sound enclosures in good repair and meet APHIS’ minimum space requirements. Floors must protect animals from injury. Cages must be dry and clean and allow animals easy access to food and water.

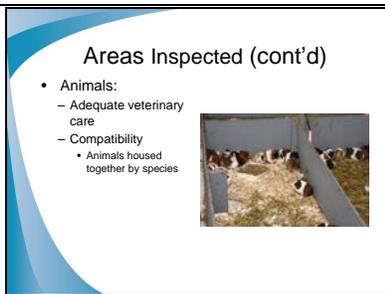
Ventilation – Indoor and sheltered facilities must provide animals with cool air or increased ventilation if the ambient temperature is above 85 degrees F, or heat if the temperature is below 45 degrees F.

Lighting – There must be enough light to allow safe and easy access for feeding, cleaning and inspections. Facilities with dogs and cats must have a diurnal lighting cycle: a cycle of light which alternates between day and night. Lighting can be either natural or artificial.

Interior Surfaces – Facility interiors and hard surfaces in contact with dogs or cats must be impervious to moisture and easily cleaned and sanitized.

Outdoor shelter –Must protect animals from sunlight, precipitation and extreme temperatures

Photo Credit: Dani Ausen, ISU



Animals:

Animals shall be seen by a veterinarian on a regular basis and a written program of veterinary care must be maintained if veterinarian is part-time with the facility

Species must be housed according to compatibility both within a primary enclosure and according to the regulations of which species can be housed next to each other. Rabbits cannot be housed with any other species.

Photo Credit: Dani Ausen, ISU

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Areas Inspected (cont'd)

- Husbandry
 - Sanitation
 - Pest control
 - Feeding & watering
 - Handling
 - Transportation
 - Recordkeeping



Husbandry:

Daily removal and disposal of food waste and animal waste. Daily spot cleaning of primary cages or enclosures and sanitizing according to regulations for each species. Trash must not be allowed to accumulate. The facility must have an effective program to control insects, ectoparasites (for example: fleas, ticks), and bird and mammal pests. Provide animals with nutritious, palatable food that is free from contamination. Food must be properly stored and served in clean receptacles. If not always available, potable water must be available at least once a day. Handle all animals properly and without causing physical harm, stress or discomfort while feeding, petting, working, crating, or transferring them. Provide animals with adequate space, ventilation, and shipping containers during transportation. Licensees must maintain accurate and complete records documenting the source, dates of acquisition and disposition of all animals that come into their possession. All animals on the premises must be properly identified. Records must be made available for inspection whenever requested.

Source: from Compliance Inspections: Animal Care Factsheet – June 2005

Photo Credit: Dani Ausen, ISU

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Exit Briefing

- Inspector meets with licensee:
 - Review report findings
 - Discuss noncompliant items
 - Answer questions
 - Provide copy of report
 - May send report by certified mail or email
 - Obtain signature
 - Correction date



Once the Inspector has concluded the inspection, the Inspector meets with the licensee or designee for an Exit Briefing to summarize the results of the inspection. The Inspector will:
 Read report and discuss the details with the licensee/designee
 Answer questions
 Provide a copy of the inspection report; however, in some cases, the Inspector may complete the inspection report off-site after the inspection. In that case, the Inspector will conduct an Exit Briefing and review all areas of noncompliance which will be noted in the report with the licensee. The Inspection report will be delivered to the licensee via Certified Mail, return receipt requested, email or by hand by the Inspector.
 Obtain a signature

If the Inspector finds records or conditions at the facility not in compliance with the AWA regulations and standards, the Inspector will establish a deadline for correcting the items. The correction date will be established based on the nature and type of violation and potential to adversely impact animal health.

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Licensee's Opportunities

- Exit Briefing is opportunity to:
 - Discuss noncompliant items
 - Ask about ways to correct deficiencies
 - Discuss disagreements about report findings
 - Learn about AWA requirements
 - Ask questions

During the Exit Briefing, the licensee has an opportunity to discuss the report findings and learn more about the requirements under the AWA. This is an opportunity to:
 Discuss in detail the noncompliant items
 Ask the Inspector about ways to correct the deficiencies
 Discuss any disagreements about the contents of the inspection report with the Inspector, if the licensee feels the report is inaccurate
 Learn about requirements and responsibilities under the AWA
 Ask questions about the inspection report or other issues related to licensure under the AWA

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Signing the Report

- Signature means:
 - Seen the report
 - Received a copy
- Signature does NOT mean:
 - Agree with findings
 - Can't dispute findings
- If report not available at exit interview, signature through certified mail or email acknowledgment

Licensees or designees are asked to sign the Inspection report. Your signature on the report indicates that you have seen the report and received a copy. Your signature does not mean that you agree with the findings on the report. Your signature on the report does not mean that you cannot dispute the findings on the report.

If a completed inspection report is not available at the time of the Exit Briefing, your signature will be noted from the Return Receipt on the Certified Letter, a return email verification of receipt of an emailed report, or your signature if the report is hand delivered.

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Disagreements

- If you disagree with the Inspector's findings, you may:
 - Discuss your concerns with the Inspector
 - Submit written appeal to the Animal Care Office within 21 days

If you disagree with the Inspector's findings, the first step should be to discuss the issue with the Inspector during the Exit Briefing. You should discuss your understanding of the regulations with the Inspector and listen to the reasons why the Inspector believes there is noncompliance with the regulations. If you and the Inspector cannot reach an agreement, you may submit a written appeal to the Animal Care Office within 21 days.

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**Public Access
Inspection Records**

- Freedom of Information Act: public access to reports
- Facility inspection reports on the APHIS Animal Care website
<http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalwelfare>
- Monthly press releases of enforcement actions on APHIS Animal Care website

Under the Freedom of Information Act, facility inspection reports are accessible to the public. Inspection reports are available on the USDA APHIS website.

<http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalwelfare>

APHIS Animal Care is also issuing monthly press releases documenting enforcement actions under the Animal Welfare Act. A link to the press releases can be found on the APHIS Animal Care website. The press releases list administrative complaints, stipulations made, fines paid and court decisions related to enforcement of the Animal Welfare Act.

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Inspection Reports



This is a screen shot of the web page where you can access the searchable database of inspection reports.

You can search for reports a number of ways: by the licensee's name, license number, type of license, state, etc.

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**Suspension or Revocation of
License**

License Suspension or Revocation

- Administrator can order: if reason to believe violation of regulations or provision of the Animal Welfare Act
- Temporary Suspension
 - 21 days
 - Oral or written notice
 - No business conducted during this time
 - Further action under Uniform Rules of Practice, Department of Agriculture
- No renewals during suspension
- Must apply to Animal Care Director for reinstatement
- Fines may be imposed

The APHIS Administrator can suspend a USDA license if he or she has reason to believe that the licensee has violated or is violating the Animal Welfare Act standards or regulations.

A temporary suspension of not more than 21 days can be ordered on written notice to the licensee. When a license is suspended, the licensee may not do any business which is regulated under the AWA.

A temporary suspension (not to exceed 21 days) can be ordered on written or oral notice by the Animal Care Administrator if animals are harmed or threatened in violation of the Act and regulations.

After a suspension, any further action on the license will follow the Uniform Rules of Practice for the Department of Agriculture.

Fines can be imposed for conduct that violates the AWA and regulations.

No licenses to anyone who has been an officer, agent or employee of a licensee whose license is suspended or revoked and who was responsible for or participated in the violation that resulted in the suspension or revocation during the period of suspension or revocation. Anyone whose license is suspended or revoked cannot be licensed during the period of suspension or revocation. This means that a partnership, corporation or other legal entity in which that person has a substantial interest cannot be licensed during the suspension or revocation

Licenses will not be renewed while under suspension. A person whose license has been suspended or revoked may apply to the Animal Care Office for reinstatement.

Conclusion

You should now know:

1. Process for annual renewal of license
2. Notice on change of ownership or location
3. Compliance inspection process
4. How inspection results are reported
5. How to dispute inspection findings
6. What records are publicly available
7. What happens during a suspension or revocation

This presentation has provided information about how to maintain your USDA license. Specifically, it has covered;

1. The annual license renewal process
2. How to notify APHIS Animal Care if a licensed facility relocates or changes ownership
3. The compliance inspection process including the frequency of inspections, attempted inspections, and the general inspection process
4. How inspection results are reported to licensees, how a licensee acknowledges receipt of an inspection report
5. The process for disputing a finding in an inspection report
6. Which records related to licensed facilities are publicly available
7. What happens when a license is suspended or revoked

Questions?

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Acknowledgments

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