



Retail Pet Store Rule and Importation of Live Dogs Rule – Guidance for Breeders, Brokers and Importers

This document, meant to be a reference for you, contains many of the questions asked by breeders, dealers, shelters and rescue groups regarding the Retail Pet Store Rule and the Importation of Live Dogs Rule. If you have a specific question that is not addressed here, please discuss it with the appropriate USDA Animal Care regional office -- either Fort Collins, Colo. (970-494-7478) or Raleigh, N.C. (919-855-7100).

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Abbreviations

| | |
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| APHIS | Animal and Plant Health Inspection Service |
| AWA | Animal Welfare Act |
| AWO | Animal Welfare Operations |
| IES | Investigative and Enforcement Service |
| IR | Import Rule |
| OIG | Office of the Inspector General |
| RPS | Retail Pet Store |
| USDA | United States Department of Agriculture |

General Questions

Question. *What is the Animal Welfare Act?*

Answer. The Animal Welfare Act (AWA) (7 U.S.C. §§2131-2159), originally passed by Congress in 1966, sets general standards for humane care and treatment required for certain animals sold at wholesale or through a broker, publicly exhibited, used in biomedical research, or commercially transported. The AWA does not apply to coldblooded animals or to farm animals used or exhibited for agricultural purposes. People licensed under the AWA must comply with its standards for housing, sanitation, nutrition, water, and veterinary care for their animals. They must also protect their animals from extreme weather and temperatures. Congress gave the United States Department of Agriculture (USDA) the authority to administer the AWA and issue regulations under it. It is important to note, however, that USDA only has authority over animal abuse by those who USDA regulates or require regulation under the AWA. The laws in the individual states control all other animal abuse.

Question. *What is APHIS and what does it do?*

Answer. USDA consists of several agencies. The Animal and Plant Health Inspection Service (APHIS) is part of the USDA and has a number of program units. One of its programs is Animal Care (AC), which protects and promotes animal welfare and administers the AWA and the Horse Protection Act (HPA).

The AWA requires humane care and transportation of certain animals used for biomedical research, teaching, testing, or experimentation; used for exhibition, such as in circuses or zoos; or sold by breeders or other dealers for use as pets, for research or for exhibition. AC has four main offices. The headquarters office is in Riverdale, Maryland; the Center for Animal Welfare is in Kansas City, Missouri; and the two Animal Welfare Operations (AWO) Offices are in Raleigh, North Carolina; and Fort Collins, Colorado. Inspectors are located throughout the country.

The Mississippi River serves as the major boundary. If you live east of the Mississippi River, please contact the AWO Office in Raleigh, NC. If you live West of the Mississippi (with the exception of Minnesota), please contact the AWO Office in Ft Collins, CO. The Raleigh Office supervises facilities in the state of Minnesota.

USDA employs more than 120 Inspectors nationwide to enforce the AWA and HPA. They are experts on animal care and husbandry, with formal training and a background in animal-related fields, such as veterinary medicine, animal science, and biology. They have extensive experience and training on the inspection of all types of facilities, such as zoos and kennels. They are trained to recognize pain and suffering in animals and are kept informed of new information related to animal welfare and health. Experts continually evaluate our Inspectors to ensure that inspections are fair, consistent and accurate.

In addition to Inspectors, Animal Care also employs experts on the care and handling of dogs and cats in kennels, birds, elephants, marine mammals, large exotic cats, and nonhuman primates.

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Question. *Why was the definition of a retail pet store (RPS) changed in the regulations?*

Answer. APHIS wrote the previous regulatory definition of a RPS more than 40 years ago. It included traditional pet stores, hobby breeders, and other retail businesses where customers could personally observe an animal for sale prior to purchasing and/or taking custody of it. USDA did not regulate such establishments under the AWA because it considered the ability of customers to view animals before purchasing or taking custody of them provided sufficient oversight of their welfare. At that time, large-scale, commercial breeders primarily sold directly to pet stores at wholesale.

With the increasing use of the Internet as a marketing and sales tool, some commercial breeders began selling sight-unseen at retail without public oversight. Over the years, USDA received an increasing number of public complaints about the lack of monitoring and oversight of the health and humane treatment of dogs and other pets sold sight-unseen — often over the Internet.

The Office of the Inspector General (OIG) conducted an audit in 2010 that found that more than 80 percent of sampled large breeders avoided licensing under the AWA because they claimed RPS status, but sold pets sight-unseen. The OIG found that some buyers received unhealthy pets, especially dogs, since there was no monitoring or inspection to ensure their animals' overall health and humane treatment. The OIG recommended that such operations should not enjoy RPS status if there were no consumer oversight and should be subject to USDA inspections.

The primary goal of the regulation is to ensure that USDA monitors and regulates pets sold at retail sight-unseen for health and humane treatment under the AWA. To do that, APHIS revised the regulatory definition of RPS to regulated and inspect animals involved in sight-unseen transactions under the AWA.

Question. *How do these changes protect consumers any better than being state licensed, inspected, and having a health certificate by a licensed veterinarian to travel?*

Answer. This rule focuses on the welfare of the animal. It is not a consumer protection law. However, improving the health and welfare of pet animals does provide a benefit for the purchaser.

Question. *How do face-to-face transactions help USDA ensure humane treatment?*

Answer. By personally observing the animal, the buyer provides public oversight over the animal and helps to ensure the animal's health and humane treatment. Members of the public can notify local law enforcement or USDA if they observe dogs subject to inhumane treatment. Our primary goal is to ensure that we monitor pets sold to the public, at retail, sight-unseen for health care and humane treatment. The definition of RPS now requires that these animals receive the basic standards of care.

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Question. *What is the definition of a retail pet store?*

Answer. A RPS is a place of business or residence at which the seller, buyer, and the animal available for retail sale are physically present so that the buyer may observe the animal in person before purchasing and/or taking custody of it. Only the following animals for sale or offered for sale are included: dogs, cats, rabbits, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchillas, domestic ferrets, domestic farm animals, birds, and coldblooded species. It is important to note, however, that USDA does not regulate coldblooded species or domestic farm animals used for food and fiber.

- Retailers who sell their pet animals to customers in face-to-face transactions do not need a USDA license because the animals are subject to public oversight, which helps ensure their health and humane treatment.
- The number of breeding females you have on your premises is not relevant if you sell all your pet animals in face-to-face transactions.
- A facility that has a combination of four or fewer breeding female dogs, cats and or small exotic or wild mammals, is not subject to the USDA regulation as long as all of the animals offered for retail sale (for pets or exhibition) were born and raised on the seller's premises.

- Anyone who sells or negotiates the sale or purchase of any animal, *except wild or exotic animals, dogs or cats*, and who derives no more than \$500 gross income from the sale of such animals (for example, rabbits) is exempt from regulation. The 2014 amendments to the AWA removed this from the statute, but the Secretary has the discretion to exempt *de minimis* activities from licensing. Therefore, the regulations are still in effect. APHIS is working to specify *de minimis* exemptions. It will provide information in the *Federal Register* when the review is complete.
- Groups that participate in face-to-face transactions, such as off-site adoptions, are subject to public oversight. Therefore, they do not need a license for those transactions. However, they will need a license if they have any pet animal transactions that are not face-to-face or are wholesale for which they receive compensation of any kind. The activity conducted is what determines whether the USDA will regulate a facility, not the for-profit or nonprofit tax status of the enterprise.

Question. What specific changes were made to the AWA Regulations?

Answer. The AWA regulations had the following changes:

- To qualify for the RPS exemption, all sales of animals for use as pet, such as dogs, cats, rabbits, guinea pigs, hamsters, gophers, chinchillas, and domestic ferrets, must be face-to-face. The buyer, seller, and animal must be in the same place at the same time before the purchase and/or transfer of the animal.
- Shipping even one animal to a buyer sight-unseen can disqualify the seller from the RPS exemption.
- The former direct retail sales exemption in section 2.1(a)(3)(vii) for domestic pet animals was removed from the regulations.
- The exemption for having only three breeding females (dog, cat, and small exotic/wild pocket pet) increased to four breeding females.
- The \$500 exemption in 2.1(a)(3)(ii) for sales of animals other than dogs, cats, and wild/exotic animals still applies. However, an amendment to the AWA gives the Secretary the discretion to exempt *de minimis* activities from licensing. APHIS is in the process of developing those exemptions. It will provide information in the *Federal Register* when the review is complete.

Question. What is the history of the development of the changes?

Answer. The regulation and its history are located at <https://www.aphis.usda.gov/aphis/resources/lawsandregs>

Question. Can I get a copy of the Animal Welfare Act and the Regulations?

Answer. The AWA and current regulations [*Blue Book*] are available on the Internet at https://www.aphis.usda.gov/animal_welfare/downloads/Animal%20Care%20Blue%20Book%20-%202013%20-%20FINAL.pdf

The AWO offices maintain a limited supply of hard copies to minimize our environmental impact and to provide them to those that cannot access the electronic version.

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Question. What is a wholesale transaction?

Answer. A wholesale transaction is the transfer of a regulated animal for compensation to a person or business that resells that animal to the end consumer. For example, a sale to a Dealer or to a RPS is a wholesale transaction because the purchaser is selling the animal again to the end consumer. The sale of regulated

animals at auction is also wholesale activity.

Question. Does USDA regulate all wholesale transactions?

Answer. Anyone who has four or fewer breeding females and only sells animals born and raised on his or her premises may sell at wholesale without a license. However, anyone with five or more breeding females or selling regulated animals not born and raised on their premises at wholesale needs a license as a Dealer.

Question. What changes are there for retail pet stores?

Answer. The regulatory change does not affect a traditional RPS that sells regulated animals in face-to-face transactions. Most “brick and mortar” stores will continue to be exempt from Federal regulation under the AWA just as they have been. If they sell animals sight unseen, they will require either a class A license if they sell only dogs born and bred on their premises or a class B license if they sell dogs obtained from others.

Question. What changes are there for current USDA licensees. Is there anything additional that they need to do under the RPS revision?

Answer. No. If you were already USDA licensed, you would just need to continue to meet or exceed all of the AWA requirements.

Question. What changes are there for boarding kennels?

Answer. No. Typical or traditional boarding facilities, where people board privately owned animals while the owners are away, are exempt from regulation under the AWA. However, if they take in animals in conjunction with their transport, they must register as an Intermediate Handler.

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Question. How did you estimate how many people the change would affect? Can you give the breakdown by species?

Answer. This represents breeders we identified through online breeder registries and those additional dog breeders not included in those registries that sell and ship dogs sight-unseen. This does not include breeders who are exempt from regulation under the rule because they do not sell pets, because they do not have more than four breeding females, or because they sell pets face-to-face.

Since a very small percentage of cats in the United States are purebred and raised by breeders — and even fewer appear breeders sell over the Internet sight-unseen — we assumed the number of affected cat breeders would be a small portion of those we identified.

It is uncommon for rabbit breeders to sell offspring as pets or sight-unseen. Generally, breeders sell rabbits face-to-face at auctions, exhibits, and fairs where buyers are physically present. The rule also affects some currently licensed wholesale breeders.

Most shelters and rescue groups sell or adopt regulated animals in face-to-face transactions. Those who conduct sight-unseen sales or adoptions or sell at wholesale need a license.

Question. How many current licensees does USDA expect to lose with the raising of the de minimis standard?

Answer. Expanding the licensing exemption from three to four breeding females could reduce the number of wholesale licensees. The number of current licensees that fall below the exemption threshold will be very small.

Question. How many additional breeders will require a license under the RPS rule?

Answer. We originally estimated that the rule would affect between 2,600 and 4,640 dog breeders, about 325 cat breeders, and no more than 75 rabbit breeders.

Based on input from commenters, we were able to revise and strengthen our analysis of the number of breeders that would come under regulation and the likely financial impacts. Compared with our earlier analysis, we expect more regulated breeders and others transferring regulated pets will require licensing and inspection. The costs should be relatively low for most, probably only for recordkeeping, licensing, and identification tags.

Further analysis based on FY2013 data showed that raising the “de minimis” level from three to four breeding females affected a much smaller number of Class A license holders. More than 90 percent of the Class A dog breeders had well over five breeding females in this period.

Question. How many comments did you receive on the proposed rule?

Answer. USDA published the proposal on May 16, 2012, and extended the comment period from 60 to 90 days at the request of stakeholders. The comments period closed on August 15, 2012. We received more than 210,000 comments for the proposed rule: There were 75,584 individual comments, 134,420 signed form letters and 213,000 signatures on petitions submitted by organizations supporting or opposing the proposed rule. We reviewed every comment and made a number of changes to the final rule based on stakeholder feedback.

Question. How do I know if this rule covers me?

Answer. Reach out to us. Let’s talk. By discussing how you operate and how you sell or place your animals, we can make a determination whether you may need to a license from USDA or you may decide to change your method of sale or placement so that you do not require licensing.

Question. Do I need a license if I show regulated animals?

Answer. No. You do not need a license to show your animals. The AWA and its regulations apply to the sale of dogs in commerce, their use in research and entertainment (e.g., circuses and zoos), and other defined areas. The term exhibition does not govern participation in shows or state fairs where people show breeding stock or farm animals in competition.

Question. When did the RPS rule go into effect?

Answer. USDA published the rule on September 18, 2013 and it went into effect on November 18, 2013. To get more information, click on the link: <http://tinyurl.com/lhm4h3z>.

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Rescues, Shelters and Pounds

Question. What is the definition of a "rescue facility" and which of these are included in these changes.

Answer. There is no definition for a rescue in the AWA or regulations. The regulations apply to the activity or the group's method of sale or placement, not to the types of organization conducting the activity. Groups that participate in face-to-face transactions are subject to public oversight and do not need a license. Anyone that has any transactions involving regulated animals, for use as pets, that are not face-to-face or are wholesale transactions may need a license.

Question. Does the rule mean that rescue groups, humane societies, and shelters need a license?

Answer. It depends. The final rule does not apply to government owned or operated shelters or to agents of the government.

The for-profit or not-for-profit status of the organization does not create an automatic exemption from regulation. Governmental agents operating under a contract with the government are exempt with respect to those activities, unless they take ownership of the animals. It applies to government contract facilities conducting non-contract regulated activities and to others that conduct regulated activities with regulated species. For those facilities, if all of the retail transactions occur face-to-face, they are exempt.

For private adoption groups performing other than government-contracted functions, the need for a license depends on the way they conduct their transactions. If the group receives compensation for the animals, whether it is an "adoption fee" or "donation," they may need licensing. If the transactions are at wholesale or are sight-unseen at retail, then they will need a license for the group or person, other than a government, receiving compensation for the animal.

Question. Can you clarify how USDA handles groups that collect adoption fees for animals?

Answer. USDA considers groups that perform any of the activities listed in the definition of dealer, including transporting or offering animals for compensation at retail, to be dealers unless they sell all animals in face-to-face transactions or meet one of the specific exemptions in the regulations. Any adoption group that conducts sight-unseen or wholesale transactions of regulated species requires a license.

USDA considers acts of compensation to include any remuneration for the animal, regardless of whether it is for profit or not for profit. Remuneration includes, but is not limited to, sales, adoption fees, donations, or other benefits received for related activities. An organization or individual would be exempt from regulation based on their method of sale or placement. If they receive any remuneration, they may meet the definition of a dealer.

Question. How will the RPS rule affect groups that hold off-site adoption events?

Answer. Anyone engaging in transactions at a place other than their premises, which includes offsite adoption events, are subject to public oversight and do not need to obtain a license if they transfer all animals face-to-face and they do not transfer any at wholesale.

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Question. What is the effect of sight-unseen sales?

Answer. If adoption agencies conduct face-to-face transaction, they are exempt from licensing, since they meet the definition of a RPS. If they conduct sight-unseen transactions or transfer animals for compensation at wholesale, they need a license.

When you receive payment does not affect the need for a license if you conduct sight-unseen or wholesale transactions. Groups have different methods of sale or placement, and it would be best for each group to contact AC to discuss the specifics of their individual operating methodology if they have concerns about licensing.

Question. How do you inspect a group that has foster homes all over the country and only uses an individual home occasionally?

Answer. This depends on how the group operates. If there were sight-unseen transactions of animals, any group would be required to be licensed, unless specifically exempt. They would have to list all of the sites housing animals so USDA could conduct inspections to be certain that they comply with the standards for humane care and treatment of the animals. If all sales were face-to-face, they would be exempt from licensing.

Question. Do volunteers that transport regulated animals to their new homes need a USDA license?

Answer. The volunteers may need to registration as Intermediate Handlers or Carriers.

A Carrier is “the operator of any airline, railroad, motor carrier, shipping line, or other enterprise which is engaged in the business of transporting any animals for hire.”

An Intermediate Handler is “any person including a department, agency, or instrumentality of the United States or of any State or local government (other than a dealer, research facility, exhibitor, any person excluded from the definition of a dealer, research facility, or exhibitor, an operator of an auction sale, or a carrier) who is engaged in any business in which he receives custody of animals in connection with their transportation in commerce.”

If you provided compensation to the volunteer for the transportation, including reimbursement of expenses, the volunteer will need registration, if not otherwise exempt. If the group uses an Intermediate Handler or Carrier to transport the regulated species, then the sales for compensation would not be face-to-face. The group would need a license and inspection and the Intermediate Handler or Carrier would have to meet USDA standards and be subject to inspection.

Breeders Who Adopt

Question. Do breeders who assist adoption groups, placing adopted animals sight-unseen in their new homes need a USDA license?

Answer. If there were sight-unseen transactions of regulated animals, the group or the breeder would need a license. All sites housing animals would require listing and inspection to be certain that they comply with the standards for humane care and treatment of the animals.

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Question. Will breeders who transport adopted animals to their new homes need a USDA license?

Answer. Anyone transporting animals in commerce for compensation in conjunction with a business may need to registration as an Intermediate Handler. See the last answer [above](#) under preceding section.

Question. I own three breeding females and take in regulated animals for adoption. Can I ship an animal from one of my breeding females sight-unseen that, although bred to preserve bloodlines, does not have the qualities for use in a breeding program?

Answer. You may need a license:

- If any of the dogs for adoption meet the definition of breeding females, they count in your total of breeding females.
- If the total number of breeding females on your premises, including dogs for adoption, is four or fewer and you sell only their offspring born and raised on your premises, you do not need a license. If you sell all other dogs sold face-to-face, you do not need a license.
- If you sell or adopt dogs for non-regulated purposes sight-unseen, you do not need a license.
- If all your sales or adoptions are face-to-face, regardless of how many breeding females you have or where they are born and raised, you do not need a license.
- If you sell or adopt dogs not born and raised on your premises, you are not exempt under the four or fewer exemption, if you sell them sight-unseen.

Question. Does the sight-unseen exemption for four breeding females apply if I place animals for adoption?

Answer. Any sale or transfer of an animal not born and raised on your premises removes the exemption for four or fewer breeding females. You may sell these animals in face-to-face retail transactions without a license. If you sell them in wholesale transactions or at retail sight-unseen, you will need a license. You should discuss this with your local APHIS AWO Office.

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Question. I have females I breed and dogs that are owned by a non-for-profit 501(c)(3) adoption group. I sell the dogs I breed to preserve breeding stock and bloodlines. The adoption group places the dogs as pets after neutering. I do not receive compensation for their care - although the adoption group pays for some of their care directly. If I sell my dogs face-to-face, do I need a license if I have adoption dogs on my premises that the group sells sight-unseen?

Answer. If you and the adoption group sell all the dogs face-to-face, you do not need a license.

If you or the adoption group place dogs not born and raised on your premises for a fee, sight-unseen to the new owners, then you (or the group) will need a license. The license will list the premises so that USDA Inspectors can see it to evaluate if it complies with the standards for humane care and treatment of the animals under the AWA.

The “four breeding female exemption” applies only if all regulated animal sales for regulated purposes are of animals born and raised on your premises. It does not apply if you sell any dogs not born and raised on your premises, unless you sell them face-to-face.

Face-To-Face vs. Sight-Unseen Sales

Question. *If I already have a USDA AWA license, but I sell some animals sight-unseen, do I need to get another USDA license?*

Answer. No. You may have only one USDA license. It is for your main activity. If you are licensed, a USDA Inspector already inspects you. Just let your AWO office know about your additional activities.

Question. *Do you regulate sight-unseen sales of pets to buyers outside of the United States under the RPS rule?*

Answer. Sales of regulated animals at retail sight-unseen requires regulation. If the seller is in the United States and meets the other criteria, they need a license. The rule applies regardless of where those animals are going.

Question. *I sell dogs sight-unseen, but all are sold within my state of residence and their transport does not go through any place outside the state. Am I exempt from licensing as a dealer, since I am not involved in interstate commerce as defined in the Animal Welfare Act?*

Answer. You are not exempt from needing a license as a dealer. Section 1.1 in the Code of Federal Regulations (CFR) covering the AWA (9 CFR Chapter 1 Subchapter A- Animal Welfare) states: “Commerce means trade, traffic, transportation, or other commerce: (1) Between a place in a State and any place outside of such State, including any foreign country, or between points within the same State but through any place outside thereof, or within any territory, possession, or the District of Columbia; or (2) Which affects the commerce described in this part.” Courts have held that commerce includes activities conducted entirely within one state that affect the commerce described between states. Therefore, this is regulated activity and you require a license.

Question. *Why is it important for a buyer to observe an animal personally before taking custody?*

Answer. Personal observation of an animal is an important way that a buyer can evaluate the health and humane treatment of the animal. This requirement was implicit in the original definition of RPS in our regulations; this rule makes it explicit.

Question. *Do sellers who breed pets at their homes have to allow buyers in if they have a USDA license?*

Answer. No. The regulation allows sales to take place at any location agreed upon by the seller and the buyer. This location could be a home or any other mutually agreeable location.

Question. *Does the use of video or other electronic means to view pets for sale constitute a “face-to-face” transaction?*

Answer. No. The buyer, seller, and the pet available for sale must all be physically present at the time of purchase or before taking custody of the animal in order to meet the definition of a face-to-face transaction and be exempt from licensing. Photos, webcam images, Skype sessions or other electronic means of communication are not a substitute for the buyer or their designee personally observing the animal.

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Question. Can the seller come with the animal to the buyer's location to meet the face-to-face requirement?

Answer. Yes.

Question. Does the RPS rule mean that no one can sell regulated animals over the Internet?

Answer. No. This rule does not restrict advertising animals for sale. Breeders with five or more breeding females or those who sell animals they have not bred at retail may advertise their animals on the internet and sell them without a USDA license if the buyer is able physically to observe the animal before selling or taking custody of it. Breeders with four or fewer breeding females may still sell animals born and raised on their premises over the Internet and ship them sight-unseen without a license.

If breeders with five or more breeding females or those who sell animals they have not bred choose to sell regulated animals at retail sight-unseen, they must obtain a USDA license to do so. Any wholesales transactions also crequire a license and inspection.

Question. If a person cannot personally observe an animal before buying it, can someone else stand in? If so, who can qualify to be a stand-in buyer?

Answer. Yes. Some commenters noted that it is difficult for some people — for instance, foreign, disabled, or elderly customers —to observe personally the animals they wish to buy. We consider the buyer of a pet animal in a retail transaction to be the person who takes custody of the animal after purchase, even if this person is not the ultimate owner of the animal. This may be a family member or friend. This person cannot be a dealer, commercial transporter, intermediate handler, agent, or employee of the seller and must meet the requirements for a face-to-face transfer. If the individual receives any compensation for the transaction, the seller will need a license and the stand-in purchaser will need licensing or registration.

Question. Can a seller's veterinarian qualify as a representative for a family buying over the Internet?

Answer. While we understand the need for an intermediary buyer or agent to act in the place of the final buyer in some cases, the agent for the buyer must not be an agent of the seller. It may be a family member or friend of the buyer. However, a veterinarian in a veterinarian-client-patient relationship with the seller and his or her animals does not qualify as a representative of the ultimate purchaser. A local veterinarian will certainly examine the animal and write a health certificate, but cannot be an agent for both the buyer and for the seller.

Question. Can an employee of the seller or a volunteer represent the seller at a face-to-face sale?

Answer. We would have to see what type of arrangement is being set up. AC needs additional information as to what is going on because that person may become a broker, a handler, etc. We need to see exactly what is happening and what type of transaction is being set up.

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Importing Dogs for Resale or Adoption

Question. There are thousands of animals imported into the United States by adoption groups for sale. This is a threat to American business as competition in the market and animals and people from illnesses and parasites carried by these dog. What is the USDA doing to regulate this activity?

Answer. USDA amended the Animal Welfare Act regulations in 2014 to create oversight of dogs imported into the United States for resale or adoption, veterinary treatment or research. You cannot import any dog under 6 months of age for resale or adoption. All must have current rabies and other vaccinations before import and must not show signs of an infectious disease or physical abnormality that would endanger the dog, other animals or public health. You can read our press release at <http://tinyurl.com/osezhfz> and can access the rule at <http://tinyurl.com/kj59dyb>.

Question. I cannot import dogs younger than 6 months old for resale, but can I import a dog to use in my breeding program?

Answer. The USDA does not require a permit to import a dog for personal use, including breeding. Under USDA rules, you cannot import a dog younger than 6 months old into the United States for resale or adoption and must have a justification to import them at that age for research or veterinary treatment. All dogs imported for any of those purposes must have a valid vaccination against rabies, have certain other vaccinations, a veterinary health certificate and not show signs of disease on import.

The Centers for Disease Control (CDC) prohibits the importation of dogs into the United States without valid rabies inoculation given after three months old and more than 30 days prior to entry unless they are from a rabies free country. The CDC will not permit dogs to enter the country in violation of their rules and will return them to the country of origin. In addition, each state may have other requirements for import into that state.

Question. What if I import a puppy for my breeding program and then as it matures I do not believe it should be used for breeding? May I then sell it without violating the regulations?

Answer. That will depend on a number of factors. It is best to check with your local AWO Office for a determination based on your individual situation.

Question. Do I need a permit to import dogs if I sell or adopt dogs to new owners before they are imported?

Answer. Where the sale occurs is not important. Their owners are not importing the dogs. You need a permit to import these dogs. You may need registration as an Intermediate Handler or licensing as a B dealer, depending on your involvement in the transportation and sale or adoption.

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Shipping Animals

Question. When do breeders need a license to ship dogs?.

Answer. Breeders need a license if they maintain five or more breeding females (dogs, cats, or wild/exotic pocket pets), sell regulated animals as pets and ship them sight-unseen. Breeders with four or fewer breeding females may continue to ship animal's sight-unseen without a license if all the animals they sell are born and

raised on their premises. If anyone sells any animals not born and raised on their premises, they do not qualify for the four or fewer exemption.

Question. *Can I sell pets face-to-face and still ship animals for exempt purposes sight-unseen?*

Answer. If you ship regulated animals for exempt purposes (e.g., for use as breeding stock or for hunting), at retail, you do not need a license.

Question. *Did USDA consider the effect of this rule on the disabled obtaining suitable pets?*

Answer. The regulation does not prevent anyone from shipping animals to buyers. It does require breeders to have a license if they maintain five or more breeding females (dogs, cats, or wild/exotic pocket pets), sell the offspring of these animals as pets, and ship those pets sight-unseen. In addition, anyone else selling regulated animals at wholesale must have a license, if not otherwise exempt.

Breeders with four or fewer breeding females may continue to ship animals born and raised on their premises "sight-unseen" without a license if they sell only the offspring of those animals. If they sell any animals not born and raised on their premises, the 4 or fewer exemption does not apply.

Dogs sold at retail for use as working, service or therapy dogs or for breeding or for other unregulated purposes are exempt from the rule. Breeders who regularly sell some dogs at retail for unregulated purposes and others as pets, have five or more breeding females, and engage in sight-unseen transactions of the pets, will need to obtain a USDA license.

Question. *How will the USDA enforce the RPS rule?*

Answer. If we have verifiable information that people are conducting regulated activity and do not have a USDA license, we will pursue appropriate enforcement actions once we determined that they do not comply with the AWA requirements and do not have a license or registration, whichever is appropriate for their activity. Penalties vary, depending on the type and severity of noncompliance.

Question. *How will shippers, for example airlines, know if the animal is being shipped legally?*

Answer. It is not the responsibility of the airlines to determine whether a person needs a USDA license. As carriers, they have to register and comply with the AWA requirements for transporting animals humanely and safely. The owners are responsible for obtaining a license and complying with their AWA requirements. If they have any questions or concerns about whether they need a license, they should call the Regional or Headquarters Offices and we would be happy to help clarify it. We do not expect the airlines or any other carrier or transporter to enforce the licensing requirements of the AWA.

Question. *Can a transporter deliver animals on my behalf if I sell sight-unseen?*

Answer. Yes. If you are exempt from licensing due to having four or fewer breeding females or if you have obtained a USDA license, you may certainly use a registered Carrier or Intermediate Handler to transport your animals.

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Question. What is an "intermediate handler."

Answer. An Intermediate Handler is defined in the regulations as "any person including a department, agency, or instrumentality of the United States or of any State or local government (other than a dealer, research facility, exhibitor, any person excluded from the definition of a dealer, research facility, or exhibitor, an operator of an auction sale, or a carrier) who is engaged in any business in which he receives custody of animals in connection with their transportation in commerce."

An Intermediate Handler is the person or business that has custody of the animal during transport to the buyer in commerce. A private agent, acting on behalf of a buyer, is required to register with the USDA if they transport animals or take custody of them in commerce. If they are an employee or volunteer acting on your behalf, they might need to be registered. Please contact your local AWO Office to discuss your specific situation.

Transporting regulated animals for compensation requires registration, not licensing. Anyone, not otherwise exempt, would need a license if he or she sells regulated animals as pets, sight-unseen, using a Carrier, an Intermediate Handler or a dealer. Anyone who negotiates the sale of the animals for compensation or for a fee for conducting the transaction is a class B dealer.

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Exempt Sales Purposes

Question. How do you define a "working" dog?

Answer. The term refers to a dog sold for a specific purpose, such as herding, guarding, hunting, breeding, racing, sledding, security, service, therapy, etc. Dogs transferred at retail only for these types of purposes are exempt under the regulations, which apply to dogs transferred as pets. The primary purpose of dogs sold for participation in agility, flyball, and weight pull competitions is as a pet. Anyone transferring animals for these purposes at retail, having five or more breeding females and selling sight-unseen would need to obtain a USDA license.

Anyone who regularly sells some dogs at retail as working animals and others as pets must have a USDA license unless the sale of all the pet animals is face-to-face or that person is a breeder, has four or fewer breeding females and sells only dogs born and raised on his or her premises.

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Question. What does "breeding purposes" mean?

Answer. A person is exempt from USDA licensing if they sell the animals for breeding purposes. We recognize that breeders are preserving a bloodline when they sell their animals for breeding purposes. Dogs sold at retail only as breeding dogs are exempt from regulation under the rule. You may ship breeding dogs sight-unseen.

Individuals who intend to breed and sell animals at retail for breeding purposes may occasionally raise an animal that lacks the characteristics that would enable its sale or for its intended breeding purpose. As long as the individual originally intended to raise and sell animals at retail for that purpose and the individual continues to market his or her animals for that purpose, the breeder could sell the occasional individual animal at retail sight-unseen as a pet without needing a license from USDA.

We will evaluate the occasional sales on a case-by-case basis. However, a breeder who regularly sells some dogs as breeding animals and others as pets, has five or more breeding females, and engages in sight-unseen transactions will need to obtain a USDA license.

Question. Why are sales of animals sight-unseen for hunting, breeding, etc., exempt even if they have more than four breeding females?

Answer. Retail sales of dogs used for hunting, security, or breeding purposes are exempt in the AWA. Only Congress can change the AWA.

Question. Does USDA have a specific list of purebred dogs that they consider 'security' dogs, therefore exempting breeders of those dogs from licensing?

Answer. The purpose of the sale creates the exemption, not the dog's breed. If you sell dogs for hunting or security purposes, that is a non-pet purpose and will not need a license. If you sell the same dog as a pet, it is not a sale for exempt purposes. In that case, you would need a license.

Question. We sell our puppies used as pets face-to-face, so that is exempt. We sell those used for hunting, security or breeding sight-unseen, so that is exempt. Is that correct?

Answer. That is correct, yes. You would be exempt. All retail sales of dogs intended for hunting, security, or breeding purposes are exempt, and face-to-face retail sales of dogs intended for pets are exempt.

Question. If I breed animals for show purposes and sell them sight-unseen, do I need a license?

Answer. If you breed and sell dogs as show dogs, you may need a license. If you intend for the animals that the buyer is showing to be breeding animals once they have achieved a certain goal in the show ring, you may be exempt from licensing. A breeder that sells dogs at retail for breeding purposes is exempt from regulation under the rule, which applies to dogs sold as pets. However, a breeder who has five or more breeding females and regularly sells some dogs (born and raised on their premises) as breeding animals and others as pets and engages in sight-unseen transactions of the pets will need to obtain a USDA license.

Question. Are greyhounds sold for racing purposes an exempt activity?

Answer. USDA considers dogs born and raised as part of the greyhound racing industry to be working dogs. If you sell them for purposes of breeding or racing (working), you are exempt from licensing. If you sell their offspring, sight-unseen, as pets, the activity is not exempt and would require a Class A (breeder) license if the breeder has five or more breeding females on the premises.

Question. If I sell my puppy/dog to a buyer for "security" purposes am I exempt from licensing?

Answer. A breeder that sells dogs at retail for security purposes is exempt from regulation under the rule, which applies to dogs sold as pets. However, a breeder who regularly sells some dogs (born and raised on their premises) as security animals and others as pets, has five or more breeding females and engages in sight-unseen sales of the pets will need a USDA license. In addition, a breeder who sells security dogs at wholesale and who has five or more breeding females will need a license.

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Question. What animals does the \$500 exemption cover?

Answer. 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 other animals during any calendar year is exempt from the definition of a Dealer.

The 2014 amendments to the Farm bill removed this provision from the AWA, but not from the regulations. The change granted the Secretary discretionary authority to exempt those activities that have a *de minimis* impact on interstate commerce and the welfare of animals. USDA is in the process of determining the impact of this change on the current regulations. Until this process is completed, the current regulations will continue in effect. We understand that this can be a complex issue and encourage you to contact AC to discuss your unique situation.

Question. Why are you removing restriction on the source of gross income from the licensing exemption for people who breed certain species and derive no more than \$500 in annual sales?

Answer. This change gives breeders of rabbits, guinea pigs, and certain other animals the ability to sell those animals at retail (subject to the \$500 annual gross income limit written into the CFR) and remain exempt from AWA licensing and inspection requirements.

Question. Why isn't the \$500 limit on gross income being adjusted for inflation?

Answer. A number of commenters said that given inflation, the \$500 limit on gross income sales is too low; others said it was too high. In 2014, Congress removed this from the AWA and replaced it with a provision providing the Secretary with the discretion to exempt activities that have a minimal impact. USDA is developing new regulations to implement that change and we will add them when finalized.

Question. Do you require that a dog and cat breeder make no more than \$500 on a litter to be exempt and allowed to own more than the four-dog limit?

Answer. The \$500 limit applies ONLY to certain domestic animals – not wild or exotic animals, dogs, or cats. The animals the \$500 limit applies to include, but are not limited to, rabbits, hamsters, guinea pigs, ferrets, chinchillas, and other domestic animals that are NOT dogs, cats or wild or exotic animals.

Question. Is the \$500 limit just for the sale of animals or anything I may sell? We also require a deposit, this is part of the total cost but it is not the cost of the animal itself. Is this included?

Answer. The \$500 limit applies only to the money received for the sale of the animals, other than dogs, cats and wild or exotic animals. This applies to deposits received for the animals but not for the cages, toys, or equipment for the animals.

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What Is A Breeding Female?

Question. Under the rule, what is the definition of a Breeding Female?

Answer. Only female animals with the capacity to breed are breeding females. To determine the need for a license, we count any intact female capable of breeding in deciding if there are four or fewer breeding females on

premises. If there is some medical or physical reason the animal is not able to breed (such as age, infirmity, illness, or other issues), it is up to the owner to provide the inspector with evidence, so the USDA Inspector can make an appropriate decision

Question. Will a veterinarian determine the breeding status of a female?

Answer. USDA hires Veterinary Medical Officers and Animal Care Inspectors to perform inspections. We train all of them extensively in interpreting the regulations and standards and in evaluating facilities for compliance with the AWA. The Inspector assigned to you may not be a veterinarian. The AWA does not require that an Inspector be a veterinarian to determine whether you need a license.

Question. If I am a “show breeder” and have more than four breeding females, can I still ship my “show quality” puppy sight-unseen without a license since they technically are “breeding stock?”

Answer. Many “show quality” puppies are sold as pets. You would not be exempt from licensing if that were the case. However, if you intend for the animals that you sell as show dogs to be breeding animals once they have achieved a certain goal in the show ring, you may be exempt from licensing. A breeder that sells dogs at retail for breeding purposes is exempt from regulation under the rule, which applies to dogs sold as pets. However, a breeder who regularly sells some dogs (born and raised on their premises) as breeding animals and others as pets, has five or more breeding females, and engages in sight-unseen transactions will need to obtain a USDA license.

Question. Do you count spayed females or ones I have not bred as breeding females?

Answer. Only female animals (dogs, cats, and small wild or exotic pocket pets) with the capacity to breed are breeding females. Deciding not to breed a specific animal does not alter its ability to breed, nor does the decision to wait until a specific age.

Females that a USDA Inspector determines cannot breed due to age, infirmity, illness, or other issues are not “breeding females.” If you have had a female spayed by a veterinarian, providing veterinary records of that procedure will aid the Inspector in making the correct determination.

Question. Will you consider a retired female who has not yet been spayed, yet no longer cycles, as a breeding female? How will this affect a 4-6 month old female who is not yet cycling and too young to breed?

Answer. Only female animals with the capacity to breed are breeding females. To determine the need for a license, we count any intact female capable of breeding in deciding if there are four or fewer breeding females on premises. If there is some medical or physical reason the animal is not able to breed, it will be up to the owner to provide appropriate evidence of the fact.

Only female animals with the capacity to breed are breeding females. Females that a USDA Inspector determines cannot breed due to age, infirmity, illness, or other issues are not breeding females.

Question. Are visiting breeding females included in the count of breeding females for a kennel?

Answer. Yes, if regulated activity is occurring, all breeding females on the premises count towards the *de minimis* limit. If there are five or more breeding females and regulated activity is occurring with regulated species, the exemption does not apply.

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Four or Fewer Breeding Females Exemption

Question. What are my premise?

Answer. We define premises as any single address.

Question. Why do you now allow people with up to four breeding females to sell sight-unseen without a license under the AWA?

Answer. We always provided an exception under our previous regulations. We considered hobby breeders who owned three or fewer breeding females (dogs, cats, or small exotic or wild mammals) to provide sufficient care to their animals without our oversight. Based on a recent review of compliance among facilities we regulate, we believe that even with the addition of another breeding female, these hobby breeders are likely to conform to minimum AWA standards and their exemption does not pose a significant risk to the welfare of their animals.

Hobby breeders should remain aware, however, that the 4 or fewer exemption from AWA regulation applies if they sell only the offspring born and raised on their premises for pets or exhibition. They may sell these animals at retail or wholesale without a license. However, regardless of the number of breeding females you have, if you sell only in face-to-face transactions, you are exempt.

Question. How will the 4-breeding-females exemption apply to breeders with a partial ownership interest in a number of breeding animals?

Answer. The regulations do not specify or define ownership of an animal. Our concern is who maintains the animals and what activities they do with them. If a person maintains more than four breeding females on their premises, they are not exempt from licensing based solely on the number of animals.

If a person co-owns many animals, but does not maintain them on their premises, they may not be exempt from licensing. It would depend on their involvement with the negotiation or sale of the animals and if those were regulated sales. They could possibly require a Class B license, which is a license for those (not otherwise exempt) whose activity includes selling or negotiating the sale of any regulated animal.

This term includes brokers, and operators of an auction sale, since such individuals negotiate or arrange for the purchase, sale, or transport of animals in commerce. Such individuals do not usually take actual physical possession or control of the animals, and do not usually hold animals in any facilities.”

Question. What does “born and raised” mean in the context of the 4-or-fewer-breeding-female exemption from USDA licensing?

Answer. For the exemptions in section 2.1, the dogs have to be born and raised on your premises. If you sell dogs not born and raised on the premises, you may no longer avail yourself of that license exemption. However, if you sell those dogs face-to-face, you are still exempt.

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Question. Many breeders purchase animals for breeding from other breeders or get a puppy in lieu of a stud fee. When the animals retire animals, they sell them as pets. With the sale as a pet of a retired animal that was obtained from another breeder change the licensing requirements?

Answer. The sale of animals not born and raised on your premises requires licensing if you do not meet the definition of a RPS. If all sales of these animals were in face-to-face retail transactions, you would not require licensing. If these transactions are sight-unseen and you sell the animals as pets, you would require licensing. The four or fewer female exemption would not apply since the animals are not born and raised on the premises.

Question. Does an occasional sale of a dog not born and raised on my premises require a license?

Answer. This can vary depending on the actual situation. It is best if you contact the AWO Office to discuss your specific circumstances.

Question. How will these rules apply to handlers who may occasionally breed a litter of their own but also routinely carry multiple intact breeding females and routinely deliver puppies or dogs they have not bred to new homes?

Answer. The handler may require licensing depending on the number of females on the premises, if the sales are as pets, and if they are sight-unseen or face-to-face sales. If the handler is transporting animals in commerce, they will need registration with USDA as an Intermediate Handler. If they are transporting animals that they are handling in a show that is not regulated activity.

Question. If I have four breeding female dogs, and my daughter raises show rabbits do her numbers count against mine if they are housed on one premise?

Answer. Rabbits fall under the \$500 exemption (see discussion above). The number of breeding females of those species does not count toward the four breeding female exemption. If you have only four breeding female dogs and sell sight-unseen only their offspring born and raised on the premises, you would remain exempt from licensing, if your daughter does not sell more than \$500 worth of her rabbits

Applying for a License

Question. Does the rule apply US wide or just in certain states?

Answer. US wide.

Question. How will USDA identify those needing a license?

Answer. USDA is using various methods to access publicly available information to identify and inform those individuals who may need a Dealer's license. These methods include evaluating customer complaints against breeders, dealers and Internet retailers, as well as reviewing their marketing and promotional materials. In addition, we will review public information available online to identify sellers that potentially meet the definition of Dealer under the AWA. By viewing publicly available information, USDA can educate individuals about the AWA, and if needed, assist them with obtaining licenses.

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Question. Studies show that puppies raised in home situations are well socialized and healthy. Can I raise and socialize animals in my home if I am licensed?

Answer. The regulations do not stop you from raising animals in the home. Our Inspectors have guidance on inspecting in a home, including focusing on the health of the animals and any direct hazards to their health or safety, particularly in areas not dedicated to housing animals. For example, in the living room, we would be looking at the health of the animals and such potential hazards as access to electric wires, bleach, choking or ingestion hazards or significant waste disposal issues.

There are some restrictions. Except when you keep them in breeding colonies, you may not keep bitches with litters in the same primary enclosure with other adult dogs. You cannot keep puppies less than four months of age in the same primary enclosure with adult dogs, other than the dam or foster dam. In other words – if your adults or adolescents (over four months of age) are running loose in the house only the dam or foster dam may be in the same room or area or in contact with animals four months old.

Question. Why is USDA regulating breeders based on the number of females they own as opposed to whether they sell animals in commerce?

Answer. The AWA regulates only activities that are in commerce. To determine whether you need a license under the AWA, we use the number of breeding females that produce the animals that you sell in commerce because that is what we can verify. We cannot verify how many animals you sell, but we can verify the number of females that you have and use to produce the animals that you sell. Basing this regulation on the number of breeding females at the facility rather than the number of animals you sell allows us to ensure the health and welfare of the adults, as well as the puppies sold, at facilities that need a license.

Question. Why is the federal government involved?

Answer. The employees of the USDA are responsible for enforcement of the federal law; that is, the AWA. We conduct inspections of facilities that require licensing under the federal law.

Question. How can I request a license application packet? (Also under contact information)

Answer. You may request a license application packet electronically at https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/SA_Regulated_Businesses/SA_Request_License_Registration_Application_Kit or contact your respective Regional Office (Raleigh, NC at 919-855-7100 and Fort Collins, CO at 970-494-7478) for assistance. A map of the states covered by each Office is available at <http://tinyurl.com/mdrfwsy>

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Question. How quickly will covered breeders have to come into compliance? May covered breeders continue to sell puppies while actively working towards compliance?

Answer. APHIS' AC program implements the regulations under the RPS rule. Contact the AWO Office in your area and request an application kit. We have been licensing people for many years and it is user-friendly. The rule took effect on Nov. 18, 2013, and entities that may need regulation under the AWA should request and complete a license application. If, after notification of the need for a license, you do not submit an application and continues to make covered sales, USDA may pursue enforcement action.

We communicate extensively with applicants to help them understand what is required for them to comply and to maintain compliance. Once you have submitted your application for licensing and the \$10.00 application fee, you will be contacted by the Inspector assigned to your area and they will discuss the process with you.

Depending on our workload, it may take time after we receive your completed application and \$10.00 fee before we can schedule a pre-license inspection. An Animal Care Inspector will contact you to discuss compliance and to schedule a pre-license inspection. Once you have submitted a completed application, you may conduct regulated activity until you have your pre-inspection unless you are the cause of the delay in conducting the pre-inspection.

Question. Where can we find written descriptions and definitions for breeder, dealer or exhibitor?

Answer. You will find the definitions for “Class A” (breeders), “Class B” (dealers), and “Class C” (exhibitors) licenses at (<http://tinyurl.com/largc6w>), where you can download a copy of the “Blue Book.”

Question. Other agencies, such as states, that require licensing conduct the same kind of inspections as USDA. It seems like duplication for you to do the same inspections. Will you offer exemptions to those engaged in regulated activities that other agencies inspect?

Answer. Congress authorized the USDA to ensure that regulated entities meet the AWA requirements. We do not have the authority to look at State or other similar inspections whose standards are not the AWA standards.

Question. Will you be working with state agencies to obtain lists of breeders who may fall under the rule?

Answer. Our focus is helping those requiring a license to comply with the regulations and standards. We will also reach out to previously licensed entities that need a license under the RPS rule. As we progress through the implementation of the rule, we may eventually work with state agencies if we determine it to be necessary.

Question. If my State Department of Agriculture licenses me, do I still need to a license from USDA?

Answer. You are required to comply with the AWA as well as state and local laws. The AWA and state laws are separate laws and, therefore, the person who is conducting activities needing regulation under the federal law has to meet the federal requirements. If the state law has oversight over the same activity, you are going to have to meet state requirements also.

You are required to comply with all applicable laws and regulations. If you live in a jurisdiction that has animal welfare, animal care, licensing or other animal related laws, you have to comply with those laws and requirements. You must meet the most restrictive standards, whether that is federal or state law. This ensures that you comply with the AWA, as well as all applicable state and local laws.

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Question. What do I need to do to prepare for the pre-inspection?

Answer. After you submit your application, you will have an extensive conversation with an Inspector, who will talk through all of the requirements with you during a phone conversation to educate you on the requirements and our expectations as we do our inspection. After that phone conversation, the Inspector will set up a time for a pre-licensing inspection.

While no detailed, formal checklist covers all regulatory requirements, there is a set of PowerPoint presentations on dog and cat commercial breeders at

https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/caw/education+and+training/ct_commercial_dog_breeders.

These review many of the licensing requirements and standards for veterinary care, exercise, transport, husbandry,

and facilities that apply generally to regulated animal activities. During this inspection, the Inspector will meet with you, discuss all of the requirements in specific areas that are unique to your situation, answer all of your questions, then do a walk-through of the areas where your animals are kept and talk to you about those areas that might not be meeting the minimum standards under the Animal Welfare Act. The Inspector will discuss with you what changes you need to make to meet those standards. Once that is determined, you will let the Inspector know when you are ready for a second inspection to evaluate whether you comply with the requirements of the AWA and its regulations after making those changes.

Question. What happens if an applicant doesn't pass the initial pre-licensing inspection?

Answer. The first pre-licensing inspection will be scheduled at a mutually agreed upon date and time. If you fail that inspection, the Inspector will identify areas requiring improvement. You will have two more opportunities within a 90-day period to demonstrate compliance. Our Inspectors will make every effort to re-inspect a facility or home promptly when an applicant requests the re-inspection to confirm full compliance with the AWA requirements. An applicant who fails to achieve compliance within the 90-day period must wait 6 months before re-applying for a license and cannot conduct regulated activities during that time.

Question. After the pre-license inspection, if I have to make changes to be in compliance, do you allow me to sell puppies while making the requested changes? What if I sell the puppies face-to-face?

Answer. Most of the facilities are going to meet or exceed the requirements. If you fail the first pre-license inspection, you cannot to conduct any regulated activities until you comply with the standards and regulations and you are licensed. Face-to-face sales of animals (including puppies) are exempt and are not regulated activity.

Question. What is your estimate about how long will it be between when an application is submitted and an Inspector being able to visit?

Answer. We do not have a time estimate. It all depends on when we receive the application and when the Inspector can add it to the schedule. The Inspector will contact you within ten days of the time that they receive the completed and processed application from the AWO Office. They will, at that time, discuss the pre-license process and work on finding a date for the first inspection that works for you and the Inspector.

Question. Do I need to license at the beginning of that year or can I get a license in June if that is when I decide to engage in regulated activity? Are the licenses annual (January to December) or do they cover one full year from the date of issue, in this case, from June to June?

Answer. USDA licenses are renewable on an annual basis, based on the issuance date of the license. However, a licensee that cancels or fails to renew a license and later needs to reapply will have to go through the full pre-licensing process again.

Question. Once an applicant is licensed, when do inspections occur?

Answer. After a person receives a USDA license, all of the inspections are unannounced and are during normal business hours. The Inspector will discuss optimal hours of inspection during your pre-license inspection.

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Question. Do you take photographs during the pre-licensing process?

Answer. Our Inspectors do not take photographs of noncompliant items found during pre-license inspections. During routine inspections of already licensed facilities, licensees AC expects you to understand and abide by the standards and regulations. We take photographs as a visual way to document noncompliant items. Pre-license inspections, in contrast, are to provide an educational opportunity for applicants to learn about the standards that they must meet in order to obtain a license.

Question. If I apply for a license then after the initial inspection process and decide to change my mind, is there some sort of penalty?

Answer. No, you can cancel your application with no penalty, but AC will not refund your \$10 application fee. If you do not conduct regulated activity, you would not be subject to USDA requirements for licensing and you would not be subject to USDA inspections.

Question. Do licensees need to maintain their USDA license if in some years their activities don't meet the threshold for licensing? For example, if they only engage in regulated activities once every three years, do they only need a license once every three years or every year regardless of engaging in regulated activities?

Answer. A licensee who is not conducting regulated activities can decide not to renew a license. Licenses are only required when regulated activity is conducted. However, if they subsequently need a license, they will have to go through the pre-license process again.

Question. What are the costs of licensing and how are they determined?

Answer. There are different levels. For those who breed and only sell the offspring of their animals, we calculate the license fee based on 50% of your gross income from regulated activity. There is a sliding scale based on annual gross revenue. For example, if you sold \$2000 worth of animals in the previous business year, we base the license fee on 50% of that, which would be \$1000. Your license fee would then be about \$75. The annual license fee is between \$40 and \$760, with the maximum fee for selling more than \$200,000 in regulated animals in that business year.

Question. What are licensing fees based on? Is it an annual or one-time fee?

Answer. For the "Class A" license, we base the fee on 50% of the gross income; for the "Class B" license, we base it on the income received for the animals minus the money paid for them by the Dealer. It is an annual fee -- the license period is for 12 months.

Question. Where can I find the license fee schedule?

Answer. Yes. The AWA and its Regulations (Blue Book) are on the Website at <http://tinyurl.com/largc6w>. Section 2.6 of the Regulations details annual license fees and shows a table of the fees.

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Question. What is the total cost for licensing, identification tags, and recordkeeping?

Answer. Based on information from current licensees, the typical annual cost for licensing, identification tags, and recordkeeping would be about \$4 to \$7.50 per dog.

Question. What will the costs be for regulated entities that need to upgrade their facilities or change their facilities to comply?

Answer. It depends on what is not in compliance. We believe that the vast majority of entities affected by the rule already maintain standards of housing, cleanliness and care that well exceed minimum AWA standards. However, some will need to upgrade their facilities and/or change their operations to meet the basic AWA standards of care. We acknowledge that, in some cases, these upgrades and changes will cost them more than the minimal costs of licensing, identification tags, and recordkeeping.

Question. Now that I need a license, will I have to spend thousands of dollars to build or make my kennels meet USDA standards?

Answer. No. USDA found that most applicants already comply with or exceed the AWA's basic standards, including those breeders who currently keep their animals in their homes. The AWA standards ensure that those engaged in regulated activities provide basic care and shelter for their animals at a level that they can easily achieve and maintain. Regulated businesses have a variety of ways in which they can meet the standards. The standards are not overly prescriptive, nor does it cost a lot, in most cases, to meet them. USDA Inspectors and personnel can answer questions in this regard and work with licensees as they make decisions regarding enclosures and related issues.

Compliance

Question. How will USDA enforce the retail pet store rule?

Answer. APHIS AC enforces the AWA, primarily through inspections of regulated facilities. To ensure that you comply with the AWA, all facilities that keep animals regulated under the Act must have a USDA license or registration. USDA officials — veterinarians or qualified Inspectors employed and trained by USDA to identify potential violations of the AWA and its regulations — conduct unannounced inspections of every licensed or registered facility in the country.

During an inspection, the USDA Inspectors must have full access to all areas where you maintain regulated animals as well as to all records required under the AWA and regulations. If the Inspector observes that the facility is not in full compliance with the AWA requirements, he or she will explain to you all deficiencies noted. Once the inspection is completed, the Inspector documents any noncompliant items or issues that require correction in an inspection report and takes photographs as needed. For each issue that requires correction, the Inspector will cite the specific applicable regulation, describe the problem, and set a deadline by which you must correct the issue.

If deficiencies remain uncorrected at subsequent inspections, USDA considers legal action. Repeat non-compliances and serious incidents may warrant enforcement actions such as letters of warning, monetary penalties, license suspensions, revocations, and the confiscations of animals.

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Question. What steps does USDA take when it believes it has found an unlicensed activity? What are the options – both if it needs a license, and if it is operating within the law?

Answer. AC has developed a protocol to ensure that we fully inform unlicensed dealers and breeders of the change to the regulations and provide opportunities to apply for a license voluntarily. If AC determines, based on available evidence, that you are conducting regulated activity, we will provide you with an opportunity to present information disputing the evidence we have obtained.

If you cannot do this and you continue to conduct regulated activity without a required license, AC may begin enforcement action, which includes letters of warning and the potential for fines and penalties. AC does not issue these lightly and it will not do so without documented proof of unlicensed, regulated activity. AC works closely with IES (see questions under **USDA Inspections** below) on this issue and there is an appeals process readily available for you.

Question. Has USDA explored various means to inform breeders, dealers and consumers about the requirements, including reaching out to the websites that are major advertisers of puppy sales (Puppyfind.com, Nexdaypets.com, Pupsusa.com, and Dogsnow.com)?

Answer. We conducted four webinars with the industry and stakeholders about the rule. We have encouraged everyone affected by the rule to contact us about getting a license. We also reached out to specific stakeholder groups. Our focus is to help the entities requesting a license to comply with the regulations and standards.

We had an extensive outreach program that included a formal press release; conference calls with our stakeholders; a dedicated web page for information regarding the regulatory change; a Frequently Asked Questions fact sheet that is continuously updated; topic-specific webinars; and many other outreach methods. We regularly evaluate these for additional outreach opportunities.

Question. How will USDA investigate complaints: what is the process, who is involved, how long does it take, and how many complaints are there in the process right now?

Answer. AC evaluates each complaint on an individual basis based on the information that we receive. The handling of the complaint is not affected by whether the complaint is anonymous or we identify the complainant or whether it is the first one or a repeat complaint. The number of complaints in process at any one time varies.

We have no standard timeframe to resolve a complaint. It depends on how complex it may be. The staff at the AWO Office will determine if the individual is licensed or not. The appropriate Inspector and their supervisor reviews it for further investigation to determine if regulated activity is occurring and if the complaint has merit. Once they compile all the findings, the information is sent to the AWO Office for follow up.

Question. How many complaints has USDA already received regarding alleged unlicensed breeders that need inspection and possibly licensure?

Answer. We do not keep records of the number of complaints on unlicensed facilities that relate to the changes associated with this RPS rule. We do receive complaints about animal welfare concerns throughout the year on licensed facilities and we keep track of that. Nationally, we receive about 600 complaints each year.

Question. Does the USDA expect the "one size fits all" rule to work for the in home/hobby breeders?

Answer. All those engaged in regulated activity need to comply with the regulations and minimum standards of humane care for their animals. We believe, however, that the vast majority of those affected by the rule already maintain standards of housing, cleanliness, and care that well exceed minimum AWA standards. The regulations allow for innovative and creative housing designs for the animals. Please discuss your specific concerns with your assigned Inspector.

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Question. Will regulated breeders who keep their breeding females in their homes have to put them in a kennel?

Answer. No. AC does not require that they be in a kennel building. However, you will need to keep them in housing that meets the intent of the regulations, and provides for their safety and welfare. You can view and download a copy of our guidance to Inspectors on regulated animals cohabitating in a home with the breeder at https://www.aphis.usda.gov/animal_welfare/downloads/Animal%20Care%20Inspection%20Guide.pdf. See pages 4-22 and 4-23.

Question. If an Inspector finds what they consider an issue, can they also give me advice to correct the issue? For example, an Inspector does not like the gauge of wire on a kennel. Can they recommend what USDA would prefer?

Answer. As they go through the inspection, Inspectors will discuss best methods to comply with the facility operator. The Inspectors, however, will not recommend specific commercial brands or products. We encourage you to discuss these inspection specific issues and concerns with your assigned Inspector.

Question. Will an Inspector issue a citation if the carpet in the room housing animals is soiled with urine and feces?

Answer. If you do not maintain the facility properly and it is a potential jeopardy to the health and welfare of the animals, it would not comply with the AWA. Therefore, it would result in a citation on the inspection report that you would need to correct.

USDA Inspections

Question. “The AWA does not require retail pet sellers to allow customers to enter their property. A seller exempted as a retail pet store can indicate a place of business separate from his or her premises at which to sell pet animals at retail.” Does this mean that the seller does not have to allow USDA to enter their property either, simply by indicating to USDA that there is a separate place of business?

Answer. All areas that you use to conduct regulated activities must be available for inspection. If the seller is exempt from licensing, then USDA will not conduct inspections at that facility. If you use separate and distinct areas for regulated and non-regulated activities, only those areas involved in regulated activities are subject to inspection.

Question. How will USDA verify which areas are used for regulated activity?

Answer. We will verify the areas necessary for inspection based on observation, questions, and the responses of the breeder.

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Question. Will Inspectors photograph my home and its interior and make those pictures available to anyone on the Internet?

Answer. We take photographs as a visual way to document noncompliant items (NCI's) during routine inspections of already licensed facilities. We also may take overview photographs to place the NCI into perspective. Our Inspectors are aware of the sensitive nature of taking photographs at a licensed facility. They will take only the minimum number necessary in the specific situation. Our information is accessible to the public and any other person through the Freedom of Information Act.

For more information on FOIA and e-FOIA, click on the link: <https://www.aphis.usda.gov/aphis/resources/foia>

Question. *When an Inspector arrives, will enforcement focus on the written rules or the “intent” stated in the various conference calls, commentary and FAQ?*

Answer. AC bases all citations on the regulations. AC develops policies as guidelines for the Inspectors and regulated entities. These policies help clarify regulations, but non-compliances that are cited on an inspection report are directly tied to the regulations.

Question. *How do you document information on the regular inspection reports?*

Answer. Inspection reports now include the following information:

- the citation for the most pertinent subsection of the regulation,
- a clear, detailed description of the noncompliant item,
- an explanation of why the item is being cited as noncompliant and/or the impact the item is having on the animal, and
- a deadline for correction of a new noncompliant item, along with a general description of how the licensee can correct the item. If AC identifies the same noncompliant item on a subsequent inspection, we will cite it as a repeat noncompliance and we will not grant further time for correction.

Question. *What do the Inspectors need to see during an inspection?*

Answer. The Inspectors focus is on the health and welfare of the animals and ensuring that the housing facility and required paperwork are compliant with the regulations. The Inspector must have access to all regulated animals and areas used to house regulated animals, required records and vehicles used to transport regulated animals. If you keep animals, medications, or animal feed in the home, those areas of the home need to be available for inspection.

Question. *How do you coordinate between your Inspectors and the Investigative and Enforcement Services (IES)?*

Answer. IES is a support program within USDA that investigates violations of the USDA regulations, including the AWA. AC employs Inspectors responsible for inspections that determine compliance with the AWA. If a facility does not comply with the AWA, the Inspector will help you understand how to comply and document those findings on the inspection report.

If there is a continuing or serious noncompliance, then USDA will make a decision about what to do. The AC program managers decide whether to request an official investigation of those alleged violations to determine if more stringent enforcement action is necessary. IES takes the information that we provide and does that formal investigation.

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Question. What are your standard operating procedures for bio-security?

Answer. Inspectors will wear clean boot or shoe covers to enter the facility, including a home. They will not use the same boot or shoe covers in which they have inspected any previous kennel buildings. They will wear disposable gloves when handling any animals and change gloves between animals.

Question. Can Inspectors come to my house if I am not home to conduct a regular inspection or in response to a complaint?

Answer. No. In order to conduct an inspection, a responsible adult must accompany the Inspector and he or she must have full access to all required records as well as all areas where you keep regulated animals. If no one is available, the Inspector will attempt to contact you to determine if an authorized individual (18 years of age or older) can arrive at the facility or home within 30 minutes. No one will enter your facility or house unless accompanied by you or an authorized individual. An attempted inspection occurs when an Inspector arrives at a facility but no authorized individual is available to accompany the Inspector.

Question. How can small breeders be licensed and comply with unannounced inspections when most have jobs outside the home?

Answer. If the inspection cannot take place, the Inspector documents that no authorized individual was available. The Inspector makes every effort to consult with the licensee regarding future availability and conduct the next unannounced inspection at a time when an authorized individual is likely to be present.

We expect that the facility and licensee make themselves available for inspection for a reasonable number of hours between 7 a.m. and 7 p.m., Monday through Friday, except for legal Federal holidays, each week of the year. Your Inspector will discuss optimal hours of availability with you during the pre-license process.

We have an unacceptably high number of attempted inspections where no one is available to accompany the Inspector. When we cannot conduct an inspection, we cannot determine the welfare of the animals. Our goal is to conduct unannounced inspections in an efficient and effective manner that best utilizes our resources.

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Question. How often do inspections usually take place?

Answer. AC uses a risk-based inspection system to support its focused inspection strategy, allowing more frequent and in-depth inspections at problem facilities and fewer at those that are consistently in compliance. The system, initiated in 1998, uses several objective criteria, including past compliance history, to determine the inspection frequency at each licensed and registered facility

We do not conduct inspections related to your license renewal. Facilities determined by USDA to require high-frequency inspections have inspections as often as every 3 months. Those in the middle category are inspected about once per year, while those meeting the criteria for low-frequency inspection are inspected less frequently.

Factors we consider to determine when and how frequently inspections take place include, but are not limited to:

- whether you have applied for a USDA license;
- whether you are already subject to some degree of State, county, or local oversight, and the nature of that oversight; and
- whether you are the subject of a legitimate complaint and the nature or severity of that complaint.

We will conduct periodic compliance inspections based on a risk-based inspection system that calculates the level of risk of noncompliance.

Question. Is there a logo that can be placed on a website to show that facility complies with the USDA and AWA regulations?

Answer. The licensee does receive a certificate from the Local Regional Office. How he or she chooses to display that certificate is up to the licensee.

Question. What is the appeals process if a situation comes up during the inspection or if I disagree with the report?

Answer. Animal Care has established a process to appeal a citation on the USDA inspection report for a licensed entity. The appeals process does not apply to pre-license inspections since AC does not require full compliance during a pre-license inspection. You will need to be fully compliant to pass a pre-license inspection.

The goal for the appeal process is threefold:

- to bring about quicker appeals resolutions;
- to maintain consistency in the appeals process; and
- to ensure that subject matter experts are involved in reviewing each appeal.

You can find out the specific about this process and appeals at <http://tinyurl.com/myslzd>.

Inspectors

Question. What identification must an authorized USDA inspector present before gaining access to the residence?

Answer. Our Inspection Guide describes the identification process we require that the Inspectors follow. Before conducting the actual inspection, they are required to meet the licensee or designated representative at the facility. They are to introduce themselves, state the purpose of their visit, provide their USDA identification if requested, and provide a business card if appropriate.

Question. What does the ID look like?

Answer. For information and an example of the official USDA Identification that all Inspectors carry, please copy this link and paste it into your browser: <http://tinyurl.com/oyb5few>.

Question. Can we verify the inspector's ID?

Answer. Yes, you can also call the AWO Offices or our Riverdale Office to verify identification. See how to reach us under [Contact Information](#) in this document.

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Question. *Who do you permit to accompany an inspector?*

Answer. The Inspector is there to conduct an inspection to determine your compliance with the AWA. The AWA authorizes USDA officials to conduct inspections. Only USDA officials, State officials, or sworn government Law Enforcement officers or agents will accompany an Inspector on an inspection. We expect that you will grant **all** of the USDA officials that are with the Inspector access to conduct the inspection. This requirement does not apply to the other officials mentioned above, unless they have separate legal authority to conduct a search.

If you have concerns, please have that conversation with the Inspector. However, if you refuse to allow an inspection by USDA officials, for whatever reason, the Inspector is required to ensure that you understand that refusal to allow an USDA official to conduct an inspection is in itself a significant violation of the AWA. If there are two or more USDA officials present and you deny one entry, then the Inspector will not conduct an inspection and we will cite you for refusing an inspection.

Question. *Are members of the ASPCA or a humane society ever a part of an inspection team?*

Answer. No. The AWA authorizes only USDA officials to conduct inspections under the AWA. No one other than USDA officials, State officials with whom we have a Memo of Understanding, or sworn government Law Enforcement officers or agents will accompany an Inspector on an inspection.

Question. *How will this rule affect inspector workload?*

Answer. We estimate 3,000 to 5,000 dog and cat breeders nationwide. AC has seriously considered this issue. We understand that there may potentially be an increase in the number of facilities seeking licensing. The AWO Office Directors and the Supervisors will address the effect that this will have on individual Inspector workloads.

Question. *Will I get the same inspector all the time?*

Answer. The same Inspector will not always perform inspections at a facility. Generally, AC assigns an Inspector to a geographic territory. However, this assignment can fluctuate and you may have different Inspectors over time.

Question. *Is there a different inspector for each species?*

Answer. Our Inspectors are knowledgeable about all species that are regulated under the AWA, so there would not be a separate Inspector for a cattery in one area and a kennel with dogs in that same area. The Inspector that covers that geographic area would conduct the inspection.

Question. *What background do inspectors have and what training do they receive?*

Answer. All of our Inspectors are either Veterinary Medical Officers or Animal Care Inspectors. They have extensive backgrounds in evaluating the health and welfare of animals as well as being subject matter experts in the AWA, the regulations, Animal Care Policies, and helping licensees to gain compliance. They receive ongoing education and training and have access to many resources to assist them in ensuring consistent and fair inspections.

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Availability of Inspection Information

Question. *How can the public monitor licensees?*

Answer. They can view the list of licensees and the inspection reports through our On-line Animal Care Information System (ACIS) at <https://acis.aphis.edc.usda.gov/ords/f?p=116>

Question. *Will inspection reports be available on-line?*

Answer. The information will be in ACIS. However, AC does not distinguish between a licensee that might sell only at retail or only at wholesale. We have three classifications of dealer licensees: 1) a license for a breeder that sells offspring of his or her own dogs as a sole business, 2) a license for buying animals and selling animals as a part of the business, which may also include breeding and selling the offspring and even exhibiting animals, and 3) an exhibitor's license.

Question. *Since the inspection report lists the number of animals, can this information to be used against the licensees by outside organizations? What is included in a report under the Freedom of Information Act (FOIA)?*

Answer. The federal government has records that are accessible to the public. Through FOIA, people can request an inspection report and any other documents that we have. Our inspection reports are one of the most frequently requested records that APHIS produces. One of the things that the President has requested executive branch programs to do is to make frequently requested records proactively available. Therefore, we have proactively posted our inspection reports on our website through the ACIS search tool. After 21 days, to permit time for an appeal, the inspection report is available for anyone to review.

In that report is the business address that the licensee submits, the findings of the Inspector from the inspection, and the animals that are inspected during that inspection. That information is public information. We do not have control over how people use the information that we provide. We hope that people will use the information appropriately, responsibly and within the context that we have provided it.

To request information under FOIA, you can obtain contact information at https://www.aphis.usda.gov/aphis/resources/foia/ct_foia_reading_room

Question. *Do you share information on USDA licensed pet dealers with local governments that have dealer-regulating agencies?*

Answer. Our information is accessible to anyone through the FOIA. USDA provides inspection information proactively through ACIS. Inspection reports are frequently requested documents, so we provide that information without a formal FOIA request. If a state agency is interested in any of our information, its personnel can obtain inspection information through our ACIS search tool or obtain other information through a FOIA request. For more information on FOIA and e-FOIA see: <http://tinyurl.com/nvxkwq2>

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Other Species

Question. *Will this rule affect bird breeders?*

Answer. We currently do not have standards specific to birds, so this rule has no effect at this time.

Question. What will this rule mean for domestic farm animals?

Answer. Normal farm-type operations that breed, buy, and sell animals only for food and fiber (including fur) are exempt from regulation.

Question. What does the rule mean for sellers of coldblooded animals? **Answer.**

Businesses that deal only in fish or other coldblooded animals are exempt.

Question. How does the rule affect rabbit breeders who raise rabbits for food, fur, or preservation of bloodlines?

Answer. The final rule does not change our regulation of breeders who sell rabbits or other animals for use as food or fiber (including fur). Anyone selling animals only for food or fiber is exempt under the AWA. People selling rabbits at retail for breeding purposes (such as preservation of bloodlines) are exempt under the AWA.

Question. Regulated animals include the term domestic farm animals, please be specific which species this covers?

Answer. The AWA covers all warm-blooded species, but the definition of animal excludes some animals based on the use of that animal. Normal farm-type operations that breed, buy, and sell animals only for food and fiber (including fur) — as well as businesses that deal only with fish and other coldblooded animals — are exempt from regulation.

Question. Does this rule mean that no rabbits, guinea pigs, or domestic pocket pets can be sold over the Internet?

Answer. No. Those selling rabbits or small pocket pets and gross less than \$500.00 in sales per year are exempt from licensing with the USDA and may sell their animals sight-unseen. The same breeders who have more than \$500.00 in sales per year and choose to sell their animals sight-unseen may do so as long as they obtain a USDA license. We are developing regulations to implement changes to the USDA's authority. We will publish them for comment when we are finished.

Question. If you are an at-home rabbit breeder and you do sell your animals directly to the new owners as pets, would you need to have a license?

Answer. If all the sales are face-to-face, you do not need a license. If you sell less than \$500 gross per year, you do not need a license. Otherwise, you will need a license. We are developing regulations to implement changes to the USDA's authority. We will publish them for comment when we are finished.

Question. Will children who raise rabbits as part of a 4-H project have to be licensed under the final rule?

Answer. No. 4-H participants who sell their rabbits for food or fiber (including fur) do not need a license. If you are selling rabbits for an agricultural event, USDA does not regulate that activity.

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Q9. Will this rule affect breeders of rats and mice?

Answer. We do not have standards specific to mice and rats, so this rule has no effect at this time.

Contact Information

Question. Are people to use the regional contact numbers for questions they may have, or may they contact their local USDA inspectors?

Answer. You may contact the AWO Offices if you have questions. You can reach the Fort Collins Office at 970-494-7461 and the Raleigh Office at 919-855-7100.

Question. How can I request a license application packet? (Also under USDA inspection)

Answer. You may request a license application packet electronically from our website at <http://tinyurl.com/onza59d> or contact your respective AWO Office (Raleigh at 919-855-7100 and Fort Collins at 970-94-7478) for assistance.

A map of the states covered by each Office is available at <http://tinyurl.com/mdrfwsy>

Question. What is the best way to contact us for follow-up questions?

Answer. You can email us at ace@aphis.usda.gov, call our headquarters at (301) 851-3751, or call the APHIS Stakeholder Program Specialists toll free at 844-820-2234 Monday through Friday from 8:30 a.m. to 5:00 p.m. Eastern time to be directed to someone to answer your question.

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