

## Questions and Answers: Regulation of Dog and Cat Breeders and Dealers

### **Q. Who regulates commercial dog/cat breeders?**

**A.** Facilities that breed and sell their animals to pet stores, brokers, or research facilities are covered under the Animal Welfare Act (AWA). The facility operators are required to obtain a license from the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS). APHIS inspectors from the Animal Care program conduct unannounced compliance inspections to ensure that the animals receive humane care and treatment. Many States and local governments also have their own laws that protect animals. Breeders and dealers also have to comply with these laws.

### **Q. What types of dog/cat breeders and dealers does the USDA regulate? Which breeders and dealers are not regulated under the AWA?**

**A.** The AWA requires people who breed dogs and cats for use as pets or for other purposes and sell them at the wholesale level and the wholesale dealers who supply these animals to pet stores, brokers, or research facilities to be licensed with APHIS. While the AWA protects many dogs and cats, it does not cover all animals in all situations. Some dogs and cats sold by pet stores or directly to the public, as well as those kept as pets by individuals or housed in shelters or pounds, are not covered by the Act. APHIS' jurisdiction is limited to the authority granted by the AWA. As indicated previously, States and local governments may create and enforce their own laws and regulations to protect animals, which may exceed the AWA standards.

### **Q. How do facilities become licensed?**

**A.** In order to engage in regulated activities, the dog/cat breeder or dealer must first apply for an AWA license from APHIS. Before receiving an AWA license, the applicant must pass a complete, precensuring inspection of the prospective animal facility and be in full compliance with all of the AWA standards and regulations. If the facility is in full compliance with the Act, the applicant will be qualified for licensure and will be mailed the appropriate paperwork, including the application, to complete and submit along with the licensing fees.

After this final step in the process, APHIS issues a license, and business can begin.

### **Q. What system does the USDA use to inspect dog/cat breeding facilities?**

**A.** The USDA 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 and making better use of inspection resources. The system uses several objective criteria, including past compliance history, to determine inspection frequency. Depending on a facility's compliance status, it may be inspected once every year or so, or more often if the facility requires more frequent monitoring or in-depth inspections. APHIS inspectors always have the option of inspecting as often as they feel necessary and as resources allow; they also follow up on legitimate complaints from concerned citizens and organizations.

### **Q. What standards of care and other conditions does APHIS require for dog/cat breeders and dealers?**

**A.** These breeders and dealers are required to meet the basic standards of humane animal care and treatment established by the AWA and enforced by APHIS' Animal Care program. The APHIS regulations and standards cover, among other things, housing, sanitation, food, water, and protection against extremes of weather and temperature. Breeders and dealers must also employ either a full-time veterinarian or arrange for a veterinarian to visit their business regularly. A part-time or consulting veterinarian employed by the facility must establish a written program of veterinary care, which must be available to APHIS for review. To prevent lost or stolen animals from entering trade channels, APHIS requires breeders and dealers to maintain accurate and complete records of the sources of all animals that come into their possession. They are also required to keep records of the dates of acquisition and disposition and to properly identify the animals on their premises. Regulated individuals and businesses are encouraged to provide care that exceeds the specified basic standards, and States have the authority to impose higher standards of care than those required under the AWA.

### **Q. What is APHIS' role regarding the commercial transport of animals?**

**A.** APHIS enforces specific regulations and standards governing the transport of animals by commercial carriers. These rules help ensure that licensed dealers,

contract carriers, and intermediate handlers treat regulated animals humanely. Transported animals must meet established minimum age and health certification requirements. They must be housed in safe, sound containers with adequate space and ventilation and be provided with protection from extreme temperatures. Animals arriving at a terminal must be promptly picked up and must receive proper care until they are retrieved by the receiving party. The 2008 Farm Bill amended the AWA by adding the requirement that dogs imported into the United States for the purpose of resale must be in good health, vaccinated, and at least 6 months of age.

**Q. Why and under what circumstances does APHIS confiscate animals?**

**A.** If APHIS has evidence of animals suffering in a regulated facility, a notice of intent to confiscate is given to the facility. If the facility fails to remedy the situation in a short period of time, authorization is obtained from the APHIS Administrator to confiscate the animals. In some cases, APHIS negotiates with a facility to surrender the animals directly to an outside organization to simplify the process and expedite placement of the animals.

**Q. How does APHIS address AWA violations?**

**A.** If an inspection reveals deficiencies in meeting AWA standards, the inspector documents them and instructs the licensee to correct the problems within a given timeframe. If deficiencies remain uncorrected, APHIS considers enforcement action. If deficiencies remain uncorrected at subsequent inspections, APHIS considers legal action. Repeat noncompliances and serious incidents may warrant enforcement actions, such as letters of warning, monetary penalties, cease-and-desist orders, license suspensions or revocations, and confiscation of animals.

**Q. Can an AWA violation ever be a criminal offense?**

**A.** Violations of certain sections of the AWA are only pursued as criminal charges, such as those related to animal fighting. Others may include fraudulent records pertaining to the acquisition and disposition of animals. In these cases, the USDA Office of the Inspector General usually conducts investigations, and the U.S. Department of Justice prosecutes them. These cases are not overseen by USDA administrative law judges. Outcomes in criminal cases may include a prison sentence and/or fines.

## Additional Information

For more specific information about the AWA and its regulations and standards, visit the APHIS Animal Care Web site at [www.aphis.usda.gov/animal\\_welfare](http://www.aphis.usda.gov/animal_welfare) and select “View the Animal Welfare Act and Regulations” on the lower right side of the page.

Contact information for the Animal Care regional and headquarters offices is listed below.

### Eastern Region

Animal Care, APHIS-USDA  
920 Main Campus Drive, Suite 200  
Raleigh, NC 27606-5210  
Phone: (919) 716-5532  
Fax: (919) 716-5696  
Email: [aceast@aphis.usda.gov](mailto:aceast@aphis.usda.gov)

### Western Region

Animal Care, APHIS-USDA  
Building B, Mailstop #3W11  
2150 Centre Avenue  
Fort Collins, CO 80526-8117  
Phone: (970) 494-7478  
Fax: (970) 494-7461  
Email: [acwest@aphis.usda.gov](mailto:acwest@aphis.usda.gov)

### Headquarters

Animal Care, APHIS-USDA  
4700 River Road, Unit 84  
Riverdale, MD 20737-1234  
Phone: (301) 851-3751  
Fax: (301) 734-4978  
Email: [ace@aphis.usda.gov](mailto:ace@aphis.usda.gov)

---

USDA is an equal opportunity provider and employer.