



### Animal Welfare Inspection Guide

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of any individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or 720-6382 (TDD). USDA is an equal opportunity provider and employer.

Revised June 2025

# Contents

Tip: Depending on your application settings, you may have to use CTRL-click to use hyperlinks.

<a href="#">Chapter 1. Introduction</a>	<a href="#">1-1</a>
<a href="#">1.1. Purpose</a>	<a href="#">1-1</a>
<a href="#">1.2. Disclaimer</a>	<a href="#">1-2</a>
<a href="#">1.3. Meaning of Must, Should, and May</a>	<a href="#">1-3</a>
<a href="#">1.4. Meaning of Bulleted and Numbered Lists</a>	<a href="#">1-4</a>
<a href="#">1.5. Using the Inspection Guide</a>	<a href="#">1-5</a>
<a href="#">1.6. Inspection Guide Updates</a>	<a href="#">1-6</a>
<a href="#">Chapter 2. Required Inspection Procedures</a>	<a href="#">2-1</a>
<a href="#">2.1. Required Inspection Procedures</a>	<a href="#">2-3</a>
<a href="#">2.2. Safety</a>	<a href="#">2-4</a>
<a href="#">2.3. Inspection Steps</a>	<a href="#">2-5</a>
<a href="#">2.4. Inspection Findings</a>	<a href="#">2-6</a>
<a href="#">2.5. Inspection Photographs</a>	<a href="#">2-12</a>
<a href="#">2.6. Inspection Inventory</a>	<a href="#">2-14</a>
<a href="#">2.7. Exit Interview</a>	<a href="#">2-18</a>
<a href="#">2.8. Delivery of the Inspection Report</a>	<a href="#">2-19</a>
<a href="#">2.9. ACI Team Inspection with a VMO after a Veterinary Care Direct</a>	<a href="#">2-20</a>
<a href="#">2.10. Risk Based Inspection System (RBIS)</a>	<a href="#">2-21</a>
<a href="#">2.11. Deciding Not to Conduct an Inspection</a>	<a href="#">2-22</a>
<a href="#">2.12. Attempted Inspection</a>	<a href="#">2-23</a>
<a href="#">2.13. Prelicense Inspection</a>	<a href="#">2-24</a>
<a href="#">2.14. Refusal of Inspection</a>	<a href="#">2-25</a>
<a href="#">2.15. Interference</a>	<a href="#">2-26</a>
<a href="#">2.16. Correcting, Rescinding, and Amending an Inspection Report and/or         Inventory</a>	<a href="#">2-27</a>
<a href="#">2.17. Inspection Report Review</a>	<a href="#">2-28</a>
<a href="#">Chapter 3. General Inspection Procedures</a>	<a href="#">3-1</a>
<a href="#">3.1. Preparing for the Inspection</a>	<a href="#">3-3</a>
<a href="#">3.2. Conducting the Inspection</a>	<a href="#">3-4</a>
<a href="#">3.3. Completing the Inspection Report</a>	<a href="#">3-24</a>
<a href="#">3.4. Safety and Ethics Issues</a>	<a href="#">3-42</a>
<a href="#">Chapter 4. Specific Types of Inspections and Visits</a>	<a href="#">4-1</a>
<a href="#">4.1. Airport Inspection</a>	<a href="#">4-5</a>
<a href="#">4.2. Animal Rides</a>	<a href="#">4-7</a>
<a href="#">4.3. Attempted Inspections</a>	<a href="#">4-9</a>
<a href="#">4.4. Auction Market Inspection</a>	<a href="#">4-17</a>
<a href="#">4.5. Barrier Facility Inspection</a>	<a href="#">4-20</a>
<a href="#">4.6. Change in Class of License Inspection</a>	<a href="#">4-22</a>
<a href="#">4.7. Complaint Inspection Procedure</a>	<a href="#">4-24</a>
<a href="#">4.8. Courtesy Visits</a>	<a href="#">4-27</a>

4.9. Dead Animal/Parts or Serum/Blood Dealer Inspection	4-30
4.10. Dogs and Cats in Residence Inspection	4-32
4.11. Domestic Hoofstock Inspection	4-34
4.12. Drive-through Zoo/Park Inspection	4-35
4.13. Lion and Tiger Enclosure Inspection	4-43
4.14. Marine Mammal Facility Inspections	4-45
4.15. New Site Approval Inspection	4-53
4.16. Pet Store Inspection	4-55
4.17. Petting Zoo Inspection	4-57
4.18. Photo Shoot Inspection	4-61
4.19. Prelicense Inspection Process	4-64
4.20. Public Walk-In Aviary Inspection	4-74
4.21. Search Inspection	4-78
4.22. Traveling Exhibitor Inspection	4-83
4.23. Wild/Exotic Animal Auction Inspection	4-94
Chapter 5. Record-Keeping for Licensees	5-1
5.1. Records	5-2
Chapter 6. Veterinary Care Requirements for Licensees	6-1
6.1. Attending Veterinarian	6-2
6.2. Written Program of Veterinary Care	6-8
6.3. Records	6-11
6.4. Inspection Guidance	6-15
6.5. Documentation of Veterinary Care NCIs	6-29
Chapter 7. Research Facility Inspection	7-1
7.1. IACUC Review Information	7-3
7.2. Protocol Review Information	7-11
7.3. Veterinary Care Requirements for Dogs	7-23
7.4. Contracted Research or Projects that Involve Multiple Registrants	7-26
7.5. Records	7-28
7.6. Guidance for Veterinary Schools and Veterinary Technician Programs (VTP) for the Inspector	7-35
7.7. Termination of a Registration	7-37
7.8. Holding Period	7-38
7.9. Research Facility Protocol Selection Worksheet	7-39
Chapter 8. Confiscation Guidance	8-1
8.1. Criteria for Confiscation	8-3
8.2. Documentation	8-14
8.3. Body Condition and Age Assessment Charts	8-17
8.4. Guidelines and Responsibilities for the Confiscation of Animals	8-30
8.5. Sample Documents	8-41
Appendix A. Forms and Worksheets	A-1
Official APHIS Forms	A-2

Amended Inspection Report Letter	A-3
Attempted Inspection Checklist	A-4
Attempted Inspection Leave-Behind Flyer	A-5
Attempted Inspection Letter and Enclosure	A-6
Attempted Inspection – Script Following an Attempted Inspection	A-8
Complaint Worksheet	A-12
Environmental Enrichment Plan Inspection Checklist	A-13
Facility Contact Worksheet	A-15
Inspection Report Review Checklist	A-16
Search for Unlicensed Activity Worksheet	A-18
Unsatisfactory Optimal Hours Response Letter	A-19
Bird Breeder/Exhibitor Pre-License List	A-20
Appendix B. General Information	B-1
Dangerous, Potentially Dangerous, and Special License Animals	B-2
Options for Identification of Dogs and Cats	B-3
Personally Identifiable Information (PII) Examples	B-4
State and Territory Identification Codes	B-5
Appendix C. NCI/Direct/Critical Noncompliance Examples	C-1
Examples for Dogs and Cats	C-3
Examples for Other Animals	C-14
Appendix D. Equipment and Supplies	D-1
Appendix E. Body Condition and Size Charts	E-1
Birds	E-2
Cat	E-3
Cougar	E-4
Dog	E-5
Elephant	E-6
Leopard	E-7
Lion	E-8
Tiger	E-9
Tiger cub size information	E-10
Appendix F. Acronyms	F-1

# Chapter 1. Introduction

## Contents

1.1. Purpose	1-1
1.2. Disclaimer	1-2
1.3. Meaning of Must, Should, and May	1-3
1.4. Meaning of Bulleted and Numbered Lists	1-4
1.5. Using the Inspection Guide	1-5
1.5.1. Questions or Concerns with the Inspection Guide	1-5
1.6. Inspection Guide Updates	1-6

## 1.1. Purpose

The purpose of the Animal Welfare Inspection Guide is to provide an aid for APHIS Animal Care personnel when inspecting USDA licensed and registered facilities.

The Inspection Guide is not a Regulation or Standard and does not rise to the level of policy. It serves as a tool to improve the quality and uniformity of inspections, documentation, and administration of the Animal Care Program.

The Inspection Guide is designed to facilitate the decision-making process. It cannot, and is not intended to, replace the inspector's professional judgment.

The Inspection Guide **summarizes** current regulatory and procedural criteria for USDA licensed/registered facilities and provides examples of inspection processes for verifying compliance. It does **not** add to, delete from, or change current Regulations or Standards.

## 1.2. Disclaimer

The Animal Welfare Inspection Guide is intended to be a reference document to assist the inspector. The Inspection Guide does not supersede the Animal Welfare Act (AWA), the AWA Regulations and Standards, AC policies and other guidance, the Required Inspection Procedures, standard procedures, or the inspector's professional judgment. All inspection decisions must be justified by applicable sections of the AWA and/or the AWA Regulations and Standards.

### 1.3. Meaning of Must, Should, and May

The words “must,” “should,” and “may” are used throughout the Guide as follows:

- **Must** is used when the referenced action is **required** by an Animal Care procedure or by the 9 CFR Regulations/Standards
- **Should** is used when the referenced action(s) is:
  - Directed by Animal Care Management:
    - **Strongly recommended**, but **not** specifically required by an Animal Care procedure, or
    - **Strongly recommended**, but **not** specifically required by the Title 9 Code of Federal Regulations (CFR) Regulations/Standards
- **May** is used when the referenced action(s) is optional



## **1.4. Meaning of Bulleted and Numbered Lists**

Bulleted lists indicate that there is no particular order to follow.

Numbered lists mean that each step is meant to be done sequentially.

## 1.5. Using the Inspection Guide

Review the contents of the Inspection Guide to get a feel for the scope of covered material. Use the Table of Contents in each chapter (mini TOC) to find the needed information. If the Table of Contents is **not** specific enough, turn to the index to find the topic and corresponding page number.

### 1.5.1. Questions or Concerns with the Inspection Guide

If you have questions or concerns about the information in the Inspection Guide, you should contact your Supervisory Animal Care Specialist (SACS).

## 1.6. Inspection Guide Updates

### LIST OF UPDATES MADE TO THE JUNE 2025 EDITION OF THE INSPECTION GUIDE

Section 4.3.2 – Removed reference to Compliance Specialist

Section 4.3.2.2 - Revised

Section 4.8 – Removed erroneous highlight

Section 4.8.2 - Revised

Section 4.8.3.2 - Revised

# Chapter 2. Required Inspection Procedures

## Contents

2.1. Required Inspection Procedures	2-3
2.1.1. General Requirements	2-3
2.2. Safety	2-4
2.2.1. Inspector Safety	2-4
2.2.2. Biosafety	2-4
2.3. Inspection Steps	2-5
2.4. Inspection Findings	2-6
2.4.1. No Noncompliant Items (NCIs) Identified	2-6
2.4.2. New NCIs Cited	2-6
2.4.3. Repeat NCI	2-7
2.4.4. Recurring/Chronic NCI	2-7
2.4.5. “Critical” NCI Identified	2-8
2.4.6. “Direct” NCI Identified	2-9
2.4.7. Correction Date Guidelines	2-9
2.4.8. Direct NCI on a New Site Approval Inspection	2-9
2.4.9. “Veterinary Care Direct” NCI Identified	2-10
2.4.10. Handwritten or “Word” Inspection Reports	2-10
2.4.11. Airport Inspections	2-11
2.5. Inspection Photographs	2-12
2.5.1. Photographs/Videos Documenting Noncompliances	2-12
2.5.2. Showing Photos during Exit Interview	2-13
2.5.3. Licensee/Registrant Requesting Photographs	2-13
2.6. Inspection Inventory	2-14
2.6.1. Before the Inspection	2-14
2.6.2. During the Inspection	2-14
2.6.3. After the Inspection	2-16
2.7. Exit Interview	2-18
2.8. Delivery of the Inspection Report	2-19
2.8.1. Signature on the Inspection Report	2-19
2.9. ACI Team Inspection with a VMO after a Veterinary Care Direct	2-20
2.10. Risk Based Inspection System (RBIS)	2-21
2.11. Deciding Not to Conduct an Inspection	2-22
2.12. Attempted Inspection	2-23
2.13. Prelicense Inspection	2-24
2.14. Refusal of Inspection	2-25
2.15. Interference	2-26
2.16. Correcting, Rescinding, and Amending an Inspection Report and/or Inventory	2-27
2.16.1. Correcting an Inspection Report and/or Inventory	2-27

<a href="#">2.16.2. Rescinding and Amending an Inspection Report and/or Inventory</a>	<a href="#">2-27</a>
<a href="#">2.17. Inspection Report Review</a>	<a href="#">2-28</a>
<a href="#">2.17.1. Inspection Report Review</a>	<a href="#">2-28</a>

#### DISCLAIMER

The Animal Welfare Inspection Guide is intended to be a reference document to assist the inspector. The Inspection Guide does not supersede the Animal Welfare Act (AWA), the AWA Regulations and Standards, AC policies and other guidance, the Required Inspection Procedures, standard procedures, or the inspector's professional judgment. All inspection decisions must be justified by applicable sections of the AWA and/or the AWA Regulations and Standards.

## 2.1. Required Inspection Procedures

The procedures set forth in this Chapter are procedures that must be followed by the inspector when conducting an inspection. If you, the inspector, are unsure of a required procedure, contact your Supervisory Animal Care Specialist (SACS). For more detailed inspection procedures, refer to Chapter 3.

### 2.1.1. General Requirements

When conducting an inspection, the inspector must follow the general requirements listed below:

- Do **not** enter facilities with locked gates and/or “No Trespassing” signs unless you obtain prior approval from the facility
- If you arrive at the facility and determine that it is **not** appropriate to conduct an inspection, refer to [Deciding Not to Conduct an Inspection](#).
- If you do **not** find anyone at the facility, follow the [Attempted Inspection](#) procedure to complete an Attempted Inspection
- Prior to notifying the facility of your presence, inspectors may observe and record findings **without** being accompanied by a facility representative at facilities that are open to the public. Identify yourself to the licensee immediately after the observation. Before documenting findings on an Inspection Report, the inspector must discuss the findings with a facility representative.
- You **must** be accompanied by the licensee, registrant, or the facility’s designated representative (who **must** be at least 18 years of age)
- Conduct a complete exit interview

## 2.2. Safety

### 2.2.1. Inspector Safety

If you feel you are in imminent danger, promptly leave the area.

The licensee/registrant/applicant is responsible for ensuring the safety of the inspector during the inspection. If you feel at all unsafe, ask the licensee/registrant/applicant to correct the situation. If the licensee/registrant/applicant does anything you feel is unsafe, state that you will leave the facility immediately unless the situation is corrected. [2.4]

### 2.2.2. Biosafety

In all situations, follow the facility's visitor biosafety procedures, and/or put on recommended protective clothing, gear, and/or boots.

Inspectors **must**:

- Wear disposable shoe covers during dog kennel inspections
- Wear disposable shoe covers during avian inspections in areas that are **not** open to the public
- Wear disposable gloves if it is necessary to touch an animal at all facilities
- Change gloves between animals or between enclosures

For more specific biosafety procedures, see [Biosafety Measures](#) in Chapter 3 and the *AC Safety & Health Manual*.

## 2.3. Inspection Steps

Basic steps to follow in conducting a Routine Inspection of a facility include, but are not limited to:

- Review previous Inspection Reports with special attention to Veterinary Care and Direct Noncompliant Items (NCIs) and animal inventories
- Review Customer content in eFile, including but not limited to, status of license, address, comment section and RBIS
- Inspect the animals, premises, building(s), enclosures, equipment, and transportation vehicles/equipment for all pertinent requirements of the Regulations and Standards
- Ensure that all primary enclosures can safely contain the animals
- Review the facility's program of veterinary care, husbandry practices, required records, Contingency Plan, and, when appropriate, the "Exercise Plan for Dogs", and the plan for environmental enhancement for nonhuman primates (Optional APHIS Form 7050 may be used) **and/or** birds
- When possible, observe the animal handling techniques of facility personnel [2.131]
- Consider problems that may occur at other times of the year

### NOTICE

Inspection steps are covered in detail in General Inspection Procedures in Chapter 3.



## 2.4. Inspection Findings

Document inspection findings in the narrative section of the Inspection Report. Do not type any personal identifiable information (PII) or confidential or proprietary business information in the narrative of any Inspection Report, including addresses and phone numbers.

### 2.4.1. No Noncompliant Items (NCIs) Identified

If all items are in compliance, eFile will put the following statement on the Inspection Report: “No noncompliant items identified during this inspection.”

**For inspections in response to an incident or complaint,** further review may be needed to determine compliance. If you are uncertain whether a noncompliance was involved, do not write an Inspection Report. Discuss the findings with your SACS to determine what action is needed.

**For Site Approval Inspections,** eFile will put the following statement on the Inspection Report: “No noncompliant items identified during this inspection. This site is now approved for regulated activity.”

### 2.4.2. New NCIs Cited

If an NCI(s) is cited in the Inspection Report narrative, the citation should include the following four parts:

1. The section number and most specific subsection letter/number of each noncompliance
2. A clear, detailed description of the noncompliance including, when appropriate, the number of animals affected
3. An explanation of why the item is a noncompliance and/or the impact it is having on the animals
4. A correction deadline and a “general” description of what the licensee/registrant should do to correct the problem and assure that it does not continue/recur. This description should not be worded in such a way that it could be interpreted that AC is mandating how an NCI is going to be corrected. A correction deadline should be appropriate to the severity of the NCI, and unless animal welfare will be put in jeopardy, be realistic as to what the facility can accomplish.

Use “Direct” or “Critical” NCI designation, if appropriate.

#### NOTICE

If a noncompliant item falls into more than one section or subsection, cite the noncompliance **only** in the most applicable section or subsection for each species affected.

### 2.4.3. Repeat NCI

NCIs cited in the same section and subsection on the last inspection (routine, focused or Relicense) **or** cited at least 3 times within the past three years (including the current citation) will be automatically designated as a “Repeat” in eFile. **For Attempted Inspections**, Section 2.126(b) or 2.38(b) cited on the last inspection **or** the third citation in two years will be automatically designated as a “Repeat” in eFile. It is the inspector’s responsibility to make sure that the “Repeat” designation is correct.

**Remember:** Do not include correction dates for Repeat NCIs.

#### NOTICE

On Preliminary Inspections or New Site Approval Inspection, an NCI should **not** be designated as a “Repeat”.

### 2.4.4. Recurring/Chronic NCI

A recurring or chronic noncompliant item is the same or a similar noncompliance that is not found on consecutive inspections, i.e., it is cited on one inspection, corrected by the next inspection, then re-occurs on the third and/or a subsequent inspection.

The recurring noncompliance can be:

- A noncompliance of the same section and subsection of the Regulations or Standards
- The same noncompliance with the same section and subsection of the Regulations or Standards but identified for a different species
- The same or a similar noncompliance as cited earlier

Some factors to consider when deciding if the NCI is recurring or chronic include, but are not limited to:

- Have you discussed the development of an active program or system of maintenance with the licensee/registrant?
- Have you discussed the NCI with a person of higher authority at the facility?
- Have you noticed a pattern?
- How far back was the last time the NCI was cited?
- How many inspections have been conducted between the recurrences?
- What is the severity of the NCI?

Use your professional judgment in deciding what action to take, such as:

- Citing the NCI as a new noncompliant item
- Citing the NCI as a Repeat NCI

- Discussing the NCI with your SACS

### 2.4.5. “Critical” NCI Identified

Critical NCIs are the following:

- Direct NCIs (see description below)
- NCIs that had a serious or severe adverse effect on the health and well-being of the animal. Examples include, but are not limited to:
  - Lack of an attending veterinarian with documented adverse effects on the health or well-being of an animal that require immediate veterinary care
  - Studies involving more than momentary pain and distress to an animal that are conducted at research facilities without an approved protocol and without an appropriate response from the Institutional Animal Care and Use Committee (IACUC)
  - Failure of an IACUC to meet and/or conduct facility and program reviews for a period of time equal to or greater than 1 year resulting in documented, adverse effects on the health or well-being of an animal
  - Actions or inactions of unqualified personnel resulting in documented, adverse effects on the health or well-being of an animal
  - Handling violation that resulted in death or serious injury to an animal
  - Escape of an animal resulting in adverse effects on the health or well-being of the animal (NOTE: this includes those situations when an animal is not recovered)
- Inspection refusals and situations where APHIS has been unable to inspect the facility for a significant amount of time due to chronic unavailability for inspections
- Records intentionally falsified to mislead APHIS or another government agency
- NCI resulting in an injury requiring immediate medical attention or death to a human
- Handling an animal in a manner that results in an animal attack or physical contact between an animal and a member of the public, depending on the circumstances, such as where the incident adversely affected the health or well-being of the animal, or the circumstances or practices that caused the incident posed a high risk to the animal and/or the human and could have led to serious injury or death to the animal and/ or the human
- Interference with, harassment, abuse, or threatening to harass or abuse an APHIS official in the course of carrying out his or her duties
- Obtained an animal from any person who is required to be licensed but who does not hold a current, valid, unsuspended license and knew both 1) that

the person the animal was obtained from does not hold a license, and 2) that the person was required to hold a license

- Knowingly obtaining random source dogs or cats from a prohibited source, or obtaining animals by use of false pretenses, misrepresentation, or deception
- Engaging in regulated activity with a suspended or revoked license

#### 2.4.6. “Direct” NCI Identified

A “Direct” noncompliance is a Critical noncompliance that is **currently (at the time of the inspection) having a serious or severe adverse** effect on the health and well-being of the animal.

The severity of an NCI at the time of a prior adverse incident has no impact on whether an NCI should be marked as a Critical or a Direct. The determining factor for a Direct is whether it has a **current** serious or severe adverse impact at the time of the inspection.

See [Appendix C - NCI/Direct/Critical Noncompliance Examples](#).

#### NOTICE

On Prelicense Inspections, NCIs should **not** be designated as “Direct.”

#### 2.4.7. Correction Date Guidelines

When assigning a correction date, note the following:

- If the “Direct” NCI was corrected at the time of the inspection, a correction date is not necessary
- For an egregious Direct noncompliance, the correction date should be very short, e.g., 1 day, and the reinspection should occur within a short period of time after the correction date to verify the correction and ensure animal welfare
- The correction deadline for a “Direct” noncompliance should never exceed 14 days

A complete or focused reinspection of a facility with a “Direct” NCI **must** be completed within 14 days of the inspection date. You must conduct a reinspection at the facility even if the “Direct” NCI was corrected during the inspection.

#### 2.4.8. Direct NCI on a New Site Approval Inspection

If a Direct NCI is identified on a New Site Approval inspection:

- Designate the NCI as a “Direct”, and
- Assign an appropriate correction date, and

- Inform the licensee that an inspection will be conducted on or after the correction date to see if the Direct NCI was corrected

#### 2.4.9. “Veterinary Care Direct” NCI Identified

Not every veterinary care NCI affecting an animal is a Direct.

A veterinary care noncompliance is a “Direct” if:

- The noncompliance is currently (at the time of the inspection) having a serious or severe adverse effect on the health and well-being of the animal, and
- The licensee/registrant has **not** sought veterinary care for the animal prior to the inspection

When citing a veterinary care “Direct” NCI:

- Include the ID of the animal if applicable and a description of the animal (species, breed, color, sex, age, etc.) in the NCI narrative
- Take a photo of the entire animal and a photo(s) and/or video of the area cited in the NCI
- A correction date, if given, should be very short, e.g., 1 day
- If the animal(s) has been taken to the veterinarian and care has been provided, including humane euthanasia when directed by the veterinarian, prior to your completion of the inspection, note in the narrative that the animal(s) was evaluated and treated by a veterinarian

Do **not** interfere with the licensee obtaining immediate veterinary care for an animal if needed.

For a veterinary care Direct **corrected** at the time of the inspection, note that the Direct was corrected on the original Inspection Report.

#### 2.4.10. Handwritten or “Word” Inspection Reports

If you are unable to complete the Inspection Report in eFile, then complete the Word Template on your laptop or handwrite a report. In the event that your laptop is unavailable, carry several hard copies of the template.

If you completed a handwritten or Word Inspection Report:

- Enter the Inspection Report into eFile as soon as possible but no later than 5 business days after the inspection
- On the eFile Inspection Report:
  - Do **not** put a statement that this is electronic or transcribed version of the original Inspection Report
- If the eFile Inspection Report is **exactly the same** as the handwritten or Word Inspection Report, a copy does **not** have to be sent to the licensee/registrant

- If the eFile Inspection Report and the original handwritten or Word Inspection Report are different, for example, all the dates are not the same, a copy must be sent to the licensee/registrant

For more details on Handwritten Inspection Reports, see Section 3.3.18.

#### 2.4.11. Airport Inspections

The inspector is **not** required to deliver airline Inspection Report with no NCIs at airports at the time of the inspection. The no NCI Inspection Report may be sent by regular mail or emailed to the appropriate airline corporate office (Inspector **must** obtain an email address from the airline facility representative). See [Chapter 4 –Airport Inspections](#) for details.

## 2.5. Inspection Photographs

### 2.5.1. Photographs/Videos Documenting Noncompliances

Photographs or videos **must** be taken to document photographable noncompliant item(s) in all of the following situations and **only** in these situations unless instructed otherwise by your SACS:

- Direct, Criticals, or Repeats NCIs (if photographable)
- NCIs cited at a facility with an ongoing Investigative and Enforcement Services (IES) investigation and/or case pending with the Office of the General Counsel
- NCIs where there is a disagreement between you and the licensee/registrant and the licensee/registrant has indicated he/she will, or is likely to, appeal the citation
- All NCIs cited at commercial airline carrier inspections
- Veterinary Care NCIs involving animals:
  - Photograph(s) or video(s) every animal covered by the citation
  - Photograph(s) or video(s) the entire animal for identification purposes and photo(s) of the issue cited in the NCI
  - Photograph labels must clearly identify the animal
- NCIs cited on the **Third Preliminary Inspection for an applicant who was not previously licensed** and is applying for a new (3 year) license since the NCI(s) may be appealed
- **For a licensee who is currently licensed and is now applying for a 3-year license:**
  - Any Repeat, Critical, or Direct NCIs documented on the **First and/or Second Preliminary Inspection**
  - Any NCIs cited on the **Third Preliminary Inspection** since the NCI(s) may be appealed

For veterinary care citations, take photograph(s) or video(s) of every animal covered by the citation, including matted dogs.

For facility citations, such as pens with broken wire, take a few representative photographs to prove that there was an NCI but not a photograph of every cage or area.

Photocopy, scan, or photograph **records** that:

- Document a Repeat, Direct, Critical, or transportation noncompliant item
- May be fraudulent

If copies of research facility records, protocols, or IACUC minutes are going to be photographed and removed from the facility, the facility will be afforded the

opportunity to review/redact the records for proprietary business information. The inspector should allow the facility 24 to 48 hours for this purpose.

Label and upload all photograph(s) or video(s) that are to be retained into eFile as soon as possible, but **no** later than 2 weeks after the inspection. Delete any inspection photos that you are not uploading into eFile in connection with an NCI. Do not store or save unused photos.

SACS may have inspectors take additional photographs, in addition to the required photos listed above.

### **2.5.2. Showing Photos during Exit Interview**

The inspector should show the photographs taken during the inspection to the licensee/registrant on the inspector's laptop at the time of the exit interview. This is to be used as a tool to clarify an NCI(s) for the licensee/registrant and to create an open dialog around correction.

### **2.5.3. Licensee/Registrant Requesting Photographs**

A licensee/registrant may request a copy of the photographs taken during the inspection process. If the licensee/registrant requests a copy of any photograph(s), the inspector should email the requested photographs that were uploaded into eFile to the licensee/registrant, after they have been uploaded. If the number of photos requested cannot be reasonably emailed due to the size or quantity of the photographs, a flash drive containing the remaining photographs should be supplied by the inspector.

For licensees/registrants without email access, a reasonable number of photographs can be printed by the inspector (no more than three pages of photos). If more photographs were taken than can be reasonably printed by the inspector, a flash drive containing the remaining photographs should be supplied by the inspector. If other reasonable accommodations are needed, the individual accommodation is to be approved by the inspector's SACS prior to distribution of the photographs.

Only photographs that have been uploaded to eFile should be supplied by the inspector to the licensee/registrant.



## 2.6. Inspection Inventory

The animal inventory is an important component of the inspection. This is the formal record of how many animals of each species Animal Care personnel observed/inspected during inspection. It is important that this is accurate, and care must be taken both during the inspection and when entering this information into eFile.

### NOTICE

Because the inventory is a record of what Animal Care inspectors observed, the inventory included with the report may be different than the total number of animals maintained by the facility. For example, differences can occur when conducting a Focused Inspection on a few individual animals or specific taxa only, or if there are animals away from the facility during the inspection (e.g., those away on traveling exhibition or animals at an off-site veterinary clinic for care).

### 2.6.1. Before the Inspection

- Review and print or download a copy of the last inspection inventory prior to going to the facility
- Familiarize yourself with the natural history and specific needs of any animals that you are likely to encounter on that inspection (if you aren't already)

### 2.6.2. During the Inspection

#### 2.6.2.1. Countable Species

Whenever possible, inspectors must count the numbers of animals for each species. Make sure to keep accurate notes throughout the inspection. For species that are countable, make sure you compare your numbers to the facility's record of animals on hand.

If there are any discrepancies make sure to ask the facility representative about those differences. It could be that one or more animals are currently away from the facility, but this may also indicate an error in their record-keeping or in the inspector's count.

Compare the current record of animals on hand to the prior inventory. If there are additions or animals that are missing, make sure to carefully check the facility's acquisition/disposition records to make sure those animals are accounted for.

#### 2.6.2.2. Difficult to Count Species

Some animals are difficult to count during inspection. This can occur when:

- Animals are kept in large groups (e.g., herding animals)

- Species that are prone to piling on top of one another (e.g., harem housing for guinea pigs)
- Nocturnal animals in dimly lit enclosures
- Many birds kept in a large aviary

In these cases, inspectors should attempt to count animals during the inspection and keep notes as normally required. Following the physical inspection:

- Evaluate the facility's method of record keeping and compare your numbers to the facility's numbers of animals on hand
- Some discrepancy between these two numbers is likely due to the difficulty in counting
- The inspector's numbers and the facility's numbers should be within 10% of each other
- If there is **greater than a 10% difference**, the inspector should ask the facility follow-up questions, then:
  - If the inspector is satisfied with the facility's explanation, the facility's animal numbers should be recorded on the inventory
  - If the facility and inspector cannot come to agreement on the inventory numbers, the inspector should contact his/her SACS for instructions on how to resolve the disagreement

#### 2.6.2.3. Species/Circumstances where Accurate Counts are Impossible

Occasionally animals are not able to be accurately counted during the inspection. For example, this can occur when:

- There are nocturnal animals in nest boxes or hide areas
- Breeding or nesting birds in a nest box
- There are burrowing animals that are all underground during inspection
- There are large numbers of the same species in expansive habitats (e.g., fallow deer at some drive through parks)

In these circumstances, the animals can and should be included on the inventory provided that they were included in the inspection. As long as the enclosure, diet, food storage/prep areas, veterinary care records, etc., were inspected, those animals should be included on the inventory.

Under these circumstances, the inspector should closely evaluate the facility's required records, including records of acquisition, disposition, and animals on hand. If the facility records are accurate and contain all of the required information, the numbers of animals on hand provided by the facility should be used for inventory purposes.

If the facility does not have the required records, or the records they have are missing required information, this should be documented as a noncompliance on

the Inspection Report. When this occurs, you should estimate the animal numbers present and use that number on the inventory; it should be made clear on the Inspection Report that the numbers were estimated.

Occasionally none of the individual animals may be visible during the inspection. If that occurs on multiple consecutive inspections, consider ways that you can increase your chances of visualizing animals during the inspection. That may involve inspecting at a different time of year (e.g., hibernating animals) or coming back to that enclosure later in the day (e.g., for nocturnal animals). Your SACS may have additional suggestions relevant to a particular facility.

#### **2.6.2.4. Inventory on Focused Inspections**

When conducting a Focused Inspection, only list those species and animal counts that you inspected on the inventory. Either enter a new inventory for the Focused Inspection or copy the previous inventory and delete the species not inspected. Do not copy the previous animal inventory and leave species that weren't inspected. For inspections that are focused on records only, your inventory should report no animals.

#### **2.6.3. After the Inspection**

The inspector is required:

- To enter the animal inventory into eFile
- To discuss and agree upon animal numbers with the licensee/registrant during the exit interview
- To provide the animal inventory list as part of the Inspection Report
- The inventory must be entered into eFile and finalized. This should be completed as soon as possible and must be completed no later 5 days following the conclusion of the inspection. SACS may grant an extension to this deadline if there are extenuating circumstances preventing timely finalization of the inventory.

##### **2.6.3.1. Difficulty Locating a Species in eFile**

If you are having trouble locating a species in eFile, here are a few tips:

- Check your spelling. Spelling matters here. Check the spelling and if that doesn't work, try varying any hyphens or apostrophes in the name
- Try searching alternate common names. For example, many licensees still use the outdated name "Coatimundi" when referencing the South American Coati (*Nasua Nasua*). If you search Coatimundi, eFile will not return records.
- Search partial names
- Search the scientific name (genus and/or species)
- If you still can't find a particular species in eFile, reach out to your SACS for

assistance. If together you still can't find it, reach out to the Animal Welfare Operations (AWO) Inventory Support Team. If it turns out that the species is currently missing from eFile, this team will need to request the addition.

## 2.7. Exit Interview

An exit interview is **required** for all inspections (complete or focused), unless your personal safety is at risk, or harassment, verbal abuse, or other factors are interfering with the inspection process.

Conduct an in-person exit interview with the draft Inspection Report in hand if the licensee/registrant requests the opportunity to review the NCI narrative(s) prior to finalization of the Inspection Report.

Take as much time as necessary during the exit interview to:

- Discuss animal welfare and the AWA Regulations and Standards with the licensee/registrant
- Summarize everything that occurred during the inspection, and provide the licensee or registrant an opportunity to present additional information that may influence the determination of compliance
- Discuss each noncompliant item in detail with the licensee/registrant or facility representative. If the licensee or registrant provides information or documentation that influences an NCI on the current version of the Inspection Report, modify the report to accurately reflect the compliance of the facility before it is issued.
- Show the licensee or registrant any photos/videos taken during the inspection to communicate exactly what the noncompliance is (See [Licensee/Registrant Requesting Photographs](#))
- Inquire about what the licensee/registrant might consider doing to correct the problem and discuss options with him/her (if asked)
- Discuss the animal inventory and animal counts with the licensee. Ensure all species and numbers are correct prior to finalizing the inventory report and provide a copy of the finalized inventory report to the licensee with the Inspection Report.

Unless an exit interview could not be completed (for example, it is unsafe or there may not be an exit interview for a carrier inspection at an airport), a statement must be added to the Inspection Reports through eFile stating, "This inspection and exit interview were conducted with \_\_\_\_." Do **not** use actual names of facility representative or personnel, only titles.

### NOTICE

If the Inspection Report is to be delivered by email or certified mail, you must still conduct a detailed and thorough exit interview. Any item that you will be citing on the Inspection Report **must** be discussed during the exit interview.

## 2.8. Delivery of the Inspection Report

You must hand deliver Inspection Reports with Direct NCIs unless you obtain SACS approval to do otherwise.

Hand delivery is preferred for all inspections except for Attempted Inspections. However, Inspection Reports may be delivered via email or certified mail, if necessary.

Inspection Reports with no NCIs may be sent by regular first-class mail or email; it is not necessary to send by certified mail.

First Attempted Inspection Reports may be sent by regular first-class mail or email. Repeat Attempted Inspection Reports must be sent by email or by both certified mail and regular mail.

For **all** delivery methods, the Inspection Report **must** be delivered or sent to the facility as soon as possible but no later than 5 business days after the inspection. Obtain SACS approval if you **cannot** meet this deadline.

**If sent by email**, the inspector **must** convert the Inspection Report to a PDF, so it cannot be altered and **must** request an email reply verifying receipt of the Inspection Report by the facility. If an email reply is **not** received within 5 business days from the day it was sent, the inspector **must** deliver the report by another method so that receipt can be verified.

When sending an Inspection Report by **certified mail**, enter the certified mail information into eFile. Be sure to include the CID # on the Green Card and scan the Certified Mail receipt into Part 3 of the IR in eFile

### 2.8.1. Signature on the Inspection Report

The inspector and the licensee/registrant are **not required** to sign the IR.

Any licensee/registrant with a disagreement about the inspection findings may follow the inspection appeals process.

## 2.9. ACI Team Inspection with a VMO after a Veterinary Care Direct

After a veterinary care Direct is identified on an inspection by an ACI:

- A VMO **must** be present on the next full inspection of the facility
- The ACI may choose to take a VMO on the Focused Inspection to follow up on the Direct veterinary care NCI

## 2.10. Risk Based Inspection System (RBIS)

You **must** inspect the following facilities on or before the deadline date given in eFile:

- Facilities with Direct NCIs
- Facilities with High Inspection Frequency (HIF)
- Research facilities which **must** be inspected at least once every fiscal year

If you cannot, contact your SACS prior to the deadline so that another inspector can be assigned to conduct the inspection.



## 2.11. Deciding Not to Conduct an Inspection

In some circumstances when you arrive at the facility, you may determine that it is not appropriate to conduct an inspection. If you are unsure whether you should conduct an inspection, or if this is a recurring issue at this facility, contact your SACS. If you do not conduct an inspection, document this visit on your Time and Attendance Report. Do not cite it as an Attempted Inspection.

**Examples** of situations where you should not conduct an inspection include, but are not limited to:

- Contagious disease in the animal facility such as parvovirus (you may want to contact the attending veterinarian for more information)
- Illness of the licensee with no other responsible person available
- Personal events such as weddings, funerals, doctor/veterinarian appointments, or family emergencies
- Religious holidays

## 2.12. Attempted Inspection

An Attempted Inspection occurs when an authorized person is **not** available to accompany the inspector, and **no** inspection is conducted.

If an authorized person is **not** present at the facility, follow the [Attempted Inspection](#) guidance in Chapter 4. If you are not able to contact the licensee/registrant or conduct an inspection, leave the facility, and cite section 2.126(b) for licensees, carriers and intermediate handlers and section 2.38(b) for registered research facilities. In the citation narrative, write a brief description of what you did to contact the licensee/registrant, e.g., called all the contact numbers provided, knocked at the door, waited 30 minutes, etc.

Send the Inspection Report for the first citation of an Attempted Inspection by regular mail only or email. Send Inspection Reports citing Repeat Attempted Inspections to the licensee or registrant by **both** regular and certified mail, **or** email and certified mail. **Convert any emailed Inspection Report to a PDF so that it cannot be altered.**

If there is an adult at the facility, they can receive the Attempted Inspection Report and give it to the licensee.

## 2.13. Prelicense Inspection

An applicant's facility **must** meet all applicable Regulations and Standards to obtain a license. Prelicense Inspections are scheduled at a time agreeable to the applicant and the inspector. Do **not** conduct a Prelicense Inspection until all the applicant's paperwork has been processed by Program Support and the inspector has been informed that the applicant may be inspected. See [Prelicense Inspection Process](#) in Chapter 4 for details on conducting a PL inspection.

## 2.14. Refusal of Inspection

If a licensee or registrant refuses to allow an inspection, ensure that you have clearly identified yourself as a USDA Animal Care inspector, and that the licensee/registrant is aware of the serious nature of this noncompliance of AWA Regulations. If you are sure that you are safe, ask this question **once**, “Are you refusing to allow the inspection?” If the licensee/registrant still refuses to allow an inspection, leave the premises, and complete an Inspection Report designating this as a Routine Inspection. Cite section 2.126(a) for licensees or registered transporters, section 2.38(b) for registered research facilities.

Document the specific circumstances of the refusal in the Inspection Report narrative: be specific as to date, time, and the identification of the person who refused to allow the inspection. Include any pertinent statements made by the licensee or registrant.

If two or more APHIS officials are present for the inspection and one is denied entry, document this as a refusal of inspection. Do **not** conduct an inspection.

Send the Inspection Report for a refusal to the licensee or registrant by both regular and certified mail.

Communicate any “refusal to allow inspection” with your SACS to develop a plan for a follow-up inspection.

## 2.15. Interference

If you are being harassed, abused (including verbally abused), or interfered with in the course of carrying out an inspection, inform the licensee or registrant that the inspection can only continue if the harassment, abuse, or interference stops. If the activity or behavior continues, **you must discontinue** the inspection process and leave the premises and cite it.

Write a Routine Inspection Report citing all NCIs identified until the inspection was stopped **and** section 2.4 for licensees, section 2.25(c) for registered transporters, or section 2.30(d) for registered research facilities. This NCI should be designated as a Critical. In the narrative, be specific as to date, time, identification of the person(s) involved and details of the harassment and/or verbal abuse, and/or interference.

An exit interview should not be conducted. This should be noted on the Inspection Report.

Send the partial Inspection Report to the licensee or registrant in such a way that it can be tracked, such as certified mail, UPS or FedEx.

For any “interference with the inspection,” communicate with your SACS to develop a plan for follow-up inspections.

### SAFETY

If you are being threatened, follow procedures to ensure your safety including, but not limited to, leaving the premises and calling 911, if necessary. After your personal safety is ensured, consult with your SACS with regard to future steps.

## 2.16. Correcting, Rescinding, and Amending an Inspection Report and/or Inventory

Correcting, rescinding, or amending an Inspection Report and/or Inventory is done on a case-by-case basis under the direction of your SACS or the Animal Welfare Operations leadership team.

### 2.16.1. Correcting an Inspection Report and/or Inventory

An Inspection Report and/or Inventory that has been finalized **and a copy has not been given to the licensee/registrant yet**, may be corrected by requesting through your SACS or SOTW that the Inspection Report and/or Inventory be reset to draft.

### 2.16.2. Rescinding and Amending an Inspection Report and/or Inventory

An Inspection Report and/or Inventory that has been finalized and **a copy has been given to the licensee/registrant**, may be corrected by requesting through your SACS or SOTW that the Inspection Report and/or Inventory be rescinded so it can be amended.

#### NOTICE

You may **not** add a Direct, Critical, or Repeat designation or an additional citation to an Inspection Report after it has been given to the licensee or registrant.

For an amended Inspection Report and/or Inventory:

- Do not put any statement on the Inspection Report that this is an amended Inspection Report
- Complete the Amended Inspection Report Letter using the template in Appendix A - [Amended Inspection Report Letter](#)
- Deliver the amended Inspection Report with the Inventory and Letter to the licensee/registrant using the approved methods of delivery
- If only the Inventory is amended, send a copy of the Inspection Report with the Amended Inventory and Letter

## 2.17. Inspection Report Review

The SACS or his/her designee **must** review the Inspection Reports in eFile as soon as possible but no longer than 21 days from the date the report is finalized.

### 2.17.1. Inspection Report Review

Review Inspection Reports to ensure that, at a minimum:

- All required information is included and correct
- All subparts of the citation are included in the narrative
- NCI narrative provides facts supporting each element of the requirement, is objective and free of significant errors
- Directs, Criticals and Repeats are designated correctly
- The correct exit interview statement is included in the narrative section
- No information that should not be on the Inspection Report is in the narrative
- Photographs/videos are included if required
- Animal Inventory is included

Use the [Inspection Report Review Checklist in Appendix A](#) as a guideline for reviewing Inspection Reports.

# Chapter 3. General Inspection Procedures

## Contents

3.1. Preparing for the Inspection	3-3
3.1.1. Translation Services	3-3
3.2. Conducting the Inspection	3-4
3.2.1. General Information	3-4
3.2.2. Inspection on Native American Land	3-5
3.2.3. Biosafety Measures	3-5
3.2.4. Animal Inspection – Specific Guidance	3-7
3.2.5. Facility Inspection — Specific Guidance	3-15
3.2.6. Contingency Planning	3-20
3.2.7. Non-Disclosure Agreements	3-21
3.2.8. Miscellaneous Inspection Guidance	3-21
3.3. Completing the Inspection Report	3-24
3.3.1. General Information	3-24
3.3.2. Changes in Business Information	3-25
3.3.3. Action to Take When a Person, Facility, or Site is NOT in the eFile Database	3-25
3.3.4. Traveling (TRA) Site	3-26
3.3.5. Type of Inspection	3-26
3.3.6. Inspection Report Narrative	3-27
3.3.7. Examples of Citations	3-27
3.3.8. Information Inspectors Should Not Include in the Narrative	3-30
3.3.9. Repeat Noncompliant Item Identified	3-31
3.3.10. Direct Noncompliant Item Identified	3-31
3.3.11. Critical Noncompliant Item Identified	3-31
3.3.12. Noncompliant Item with Correction Time Remaining	3-31
3.3.13. No Regulated Animals Present	3-32
3.3.14. Non-regulated Animals	3-33
3.3.15. Correction Date	3-33
3.3.16. Prior to Printing the Final Inspection Report	3-35
3.3.17. Finalizing the Inspection Report	3-36
3.3.18. Handwritten Inspection Reports	3-36
3.3.19. Mistakes on the Inspection Report	3-37
3.3.20. Correcting or Amending the Inspection Report	3-38
3.3.21. Inspection Appeals Process [2.13]	3-39
3.4. Safety and Ethics Issues	3-42
3.4.1. Bribery Reporting Procedures—Inspector’s Responsibility	3-42
3.4.2. Bribery Reporting Procedures—Supervisor’s Responsibility	3-43
3.4.3. Gifts from Licensee/Registrant	3-43
3.4.4. Interference with the Inspection	3-43



#### DISCLAIMER

The Animal Welfare Inspection Guide is intended to be a reference document to assist the inspector. The Inspection Guide does not supersede the Animal Welfare Act (AWA), the AWA Regulations and Standards, AC policies and other guidance, the Required Inspection Procedures, standard procedures, or the inspector's professional judgment. All inspection decisions must be justified by applicable sections of the AWA and/or the AWA Regulations and Standards.

### 3.1. Preparing for the Inspection

Review the appropriate information in order to conduct a thorough inspection.

Prior to the inspection, review the following information:

- Applicable sections of the Regulations and Standards
- Applicable sections of the Required Inspection Procedures, Specific Types of Inspections, and other sections of this Inspection Guide
- Pending investigations and prior enforcement actions if any
- Facility's past Inspection Reports
- Animal Inventory
- Optimal Hours of inspection
- Other relevant resources (such as species-specific guidance if a facility holds a unique species)

#### NOTICE

For forms and worksheets that you may need during or after the inspection, see [Appendix A. Forms and Worksheets](#).

#### 3.1.1. Translation Services

If English is not the primary language of a customer and they have difficulty communicating effectively in English, Language Line Solutions is available to provide assistance with language and translation of documents at no cost to the customer. Language Line Solutions provides high quality over-the-phone or video remote interpreting services, and onsite interpretation and translation services. If you need assistance with interpretation or translation services to a regulated entity, please contact your Admin POC.

## 3.2. Conducting the Inspection

Each inspector must develop a consistent method of conducting inspections to ensure that his/her inspections are thorough, accurate, and in accord with this Inspection Guide and the AWA and the Regulations and Standards.

### 3.2.1. General Information

The basic steps for conducting an inspection are outlined below. However, the exact sequence for conducting the inspection is at the discretion of the individual inspector.

- You should inspect a facility at different times of the year, if possible, rather than inspecting the same month or season every year
- Upon arrival at the facility, be alert for unsafe conditions
- Prior to conducting the actual inspection:
  - Contact the licensee/registrant or authorized representative
  - Introduce yourself in a professional manner
  - State the purpose for the visit
  - Show your USDA badge and ID
  - Provide a business card, if appropriate

#### NOTICE

Do **not** allow anyone to photograph or photocopy your government ID. If a facility wishes to verify your identity as a USDA inspector, they may call the Animal Care office in Fort Collins. If you are denied access to a facility or not able to conduct an inspection because a facility requires a photocopy of your government ID, this should be considered a refusal of inspection and cited on an Inspection Report.

- If the facility, e.g., zoo, theme park or wild animal park, has an admission gate or ticket window:
  - Go to the admission gate/ticket window
  - Identify yourself in a professional manner
  - State the purpose of your visit
  - Show your USDA badge and ID
- At most facilities, you will **not** be required to pay admission. However, if an admission fee is requested, you can ask to speak to someone in management. If you need to pay admission, contact your SACS for approval, then charge the admission fee on your Purchase MasterCard (preferable), or pay the fee yourself and you will be reimbursed.

## NOTICE

Under certain circumstances, you may want to observe the exhibition, facility, or facility personnel prior to announcing your presence. If you need to pay the entrance fee, contact your SACS or SOTW for approval, then charge the admission fee to your Purchase MasterCard (preferable) or pay the fee yourself and you will be reimbursed. The observation should be done from areas accessible to the general public. Immediately after observing the exhibition/facility/personnel, you **must** announce yourself to the licensee/registrant or facility representative and arrange to complete the inspection and address any findings that you observed prior to announcing yourself.

- If you do **not** find anyone at the facility, follow procedures for an Attempted Inspection (see Attempted Inspection in Chapter 2 and Chapter 4)
- For Traveling Exhibitor Inspections, see Traveling Exhibitor Inspection in Chapter 4

### 3.2.2. Inspection on Native American Land

If you conduct an inspection or conduct a search for unlicensed activity on Native American lands, contact the tribal leader prior to conducting the inspection/search to explain the purpose of your visit.

If the tribal leader refuses to allow you to conduct the inspection/search, leave the land, and contact your SACS or your Assistant Director.

### 3.2.3. Biosafety Measures

Biosafety measures when conducting an inspection include, but are not limited to, the items listed in Table 3-1. Follow the facility's biosafety procedures. If the facility has no procedures or procedures that are less protective than the recommended biosafety measures, put on the recommended protective clothing, gear, and/or boots.

**Table 3-1. Biosafety Measures When Conducting an Inspection**

If you are inspecting:	Then wear:
Dogs or cats	Disposable shoe covers (required) Disposable gloves (required if touching any animal, change gloves between each animal or cage) Ear plugs (optional but highly recommended for dog kennels) Coveralls (optional)

Elephants (TB positive or TB suspect)	Respirator (level N95 or better)
Macaques	<p>Respirator (level N95 or better) is required if within 5 feet or less</p> <p>Disposable shoe covers</p> <p>Coveralls, preferably disposable</p> <p>Full face shield and eye protection, such as safety glasses or goggles</p> <p>Disposable gloves</p>
Other nonhuman primates	Respirator (level N95 or better when nonhuman primates and other animals are suspected to be infected with TB indoors, or within 5 feet or less outdoors)
Birds	<p><b>General Recommendations for all facilities:</b></p> <ul style="list-style-type: none"> <li>• Always conduct an inspection outside of an avian enclosure if possible</li> <li>• Wash car frequently</li> <li>• Park as far away from the entrance that is safe and reasonable</li> <li>• Limit exposure with personally owned birds before and after inspections that day</li> <li>• Wear gloves if you will need to be touching or holding objects from the facility</li> <li>• Wear additional PPE (such as, respirator (N-95 or higher), coveralls or disposable gowns, disposable caps, or protective eyewear) if you are more vulnerable to infections or the aviary is significantly dirty</li> <li>• Minimalize equipment brought into the facility if not necessary</li> <li>• Refrain from inspecting in areas where active cleaning &amp; sanitizing is going on</li> <li>• Conduct the inspection starting from the most vulnerable birds first. This is commonly the nursery first, next the feed storage/kitchen, then the general aviary, and lastly the quarantine and hospital area.</li> </ul> <p><b>Open to the public avian facilities:</b></p> <ul style="list-style-type: none"> <li>• Follow the facility's biosecurity protocols</li> </ul>

	<ul style="list-style-type: none"><li>• Biosecurity precautions may increase based on outbreak risk in the area</li></ul> <p><b>Not open to the public avian facilities:</b></p> <ul style="list-style-type: none"><li>• Follow the facility's biosecurity protocols</li><li>• Wear a new disposable shoe covers or sanitized boots</li><li>• Wash hands with soap or hand-sanitizer before and after entering the facility</li><li>• Wipe down all hard surfaces of equipment brought into the facility with a sanitizing agent (such as camera, pens, outside of notebook) before and after entering the facility</li><li>• Have not visited an avian facility on that day beforehand</li><li>• Biosecurity precautions may increase based on outbreak risk in the area</li></ul> <p><b>Special Note:</b> Immediately notify your SACS if you see or the facility reports a sudden and significant illness or death loss in their aviary.</p>
--	---

### 3.2.4. Animal Inspection – Specific Guidance

#### 3.2.4.1. General Information

Basic steps or procedures when conducting an inspection of the animals include, but are **not** limited to:

- Approach all animals quietly and cautiously
- Ask if there are any other animals that you have **not** seen, such as those in quarantine, isolation, holding areas, off-site, or on loan or lease
- Be alert for escape routes for yourself in case of a dangerous situation
- Before approaching an animal, ask the facility representative:
  - About the temperament of the animal
  - If the animal is approachable
  - Where is the safest place to be located
- Let the person accompanying you open and close gates and doors to prevent escapes
- Always have the person accompanying you go through the gate or door first as a safety measure

- Make sure all animals are safely secured

#### NOTICE

You and the facility representative should work together to ensure your safety around animals during an inspection. If you feel unsafe, ask the facility representative or designated authorized representative to correct the situation. If you feel you are in danger, safely leave the area.

- Observe handling techniques of personnel during prelicense inspections and during inspections of licensed and registered facilities, and note that:
  - For licensed/registered facilities, the inspector **should** evaluate the handling experience and qualifications of the personnel
  - For applicants:
    - Inspector should evaluate the handling seen during the prelicense inspection
    - The inspector **should consult** with his/her SACS and the appropriate Field Specialist if there are concerns about the applicant's handling techniques and experience
- Observe the animals for their health and well-being:
  - Avoid handling the animals unnecessarily
  - Do **not** engage in diagnostic procedures
  - If a dangerous animal needs close evaluation, ask the facility to make arrangements for the animal to be examined by a veterinarian
  - If you need to closely examine a non-dangerous animal and it can be done safely, have the owner or handler restrain the animal
  - Wear disposable gloves if you **must** handle any animals
- Stay behind or next to the facility representative
- Review husbandry practices

#### NOTICE

Newborn and infant non-domestic cats 4 weeks (28 days) of age or younger should be housed in the controlled environment of a heated, clean and sheltered enclosure (such as a nursery), or in a clean, sheltered enclosure with the mother and any healthy siblings.

- Review supervisor and employee experience and training and ensure the facility has a sufficient number of employees [3.12; 3.32; 3.57; 3.85; 3.108; 3.132]
- Review veterinary care practices and records as appropriate [2.40]
- Review public contact procedures [2.131]:

- Newborn and infant nondomestic cats four weeks (28 days) of age or younger (neonate or neonatal) have special handling and husbandry needs. Among other things, the AWA Regulations require licensees to ensure that they are handled safely and protected from harm. Because of their limited immunity, their health is at risk if they are exposed to other animals or offered for public contact. For more information, please read Tech Note, [Handling and Husbandry for Neonatal Nondomestic Cats](#).
- For regulatory purposes, AC generally considers big cats to become juveniles when they reach roughly 12 weeks of age. Inspectors should not use this age as an absolute “cutoff date,” but rather should use it as a guideline when evaluating exhibits that allow public contact with big cats that are at or older than 12 weeks of age. At approximately 12 weeks of age **dangerous animals**, such as tigers, lions, bears, and wolves (See [Appendix B - Dangerous, Potentially Dangerous, and Special License Animals](#)) become too big, too fast and too strong to be used for public contact.
- Review the Attending Veterinarian approved plans such as the Exercise Plan for dogs [3.8], and the environmental enhancement plan for NHPs [3.81] (See Appendix A for the optional APHIS Form 7050 and the EEP Checklist)

#### 3.2.4.2. Inspector Behavior Guidelines around Animals

Inspectors may be asked to do on-site inspections of circuses, zoos, animal sanctuaries, or other facilities that may house a variety of nondomestic animals. Inspectors should understand and follow appropriate behavior guidelines when evaluating nondomestic animals such as primates, nondomestic cats, elephants, marine mammals, or other exotic or wild animals. This section discusses appropriate inspector behavior when inspecting nondomestic animals.

An inspector should **never** enter the enclosures of dangerous or potentially dangerous animals unless the inspector personally verifies the animals are securely locked out of the enclosure.

Rules of behavior when inspecting nondomestic animals are:

- INTERACTION: Do **not** reach out to, or try to pet or feed the animals, no matter how friendly they may seem
- PROXIMITY: Do **not** stand within reach of them
  - Big cats and non-human primates may reach out over 3 feet through narrow spaces
- AGITATED BEHAVIOR: If the animal appears agitated because of your presence, make your observations quickly or from a greater distance
- LIMITING STRESS: Some animals become stressed or agitated around strangers. Standing in front of an enclosure and looking, staring, or pointing at an animal while discussing issues with the licensee may cause stress or agitation. It is best to discuss any issues that may pertain to that animal or



its enclosure at a reasonable distance from the enclosure

- **YOUR REACTIONS:** Try not to react if some animals vocalize or hit the fence or enclosure where you are standing. Many animals are looking for a reaction. Make your observations and quickly move on

#### 3.2.4.2.1 Nonhuman Primates

Primates are social animals and have complex social behaviors. Staring directly at primates is considered a threat to them, and may cause them to be agitated, especially if they are in their behind-the-scenes night quarters. While most zoo primates are accustomed to people staring at them, the public is not allowed behind the scenes and staring may be more threatening to them in their off-exhibit areas. Smiling at many species of primates may also be considered a threat, and while a primate may “smile” back, realize he is not smiling, but showing you his teeth, which may indicate a sign of aggression. Try not to point at the animals with your finger, and do not stand close enough to any enclosure that the primate may be able to touch or grab you. If a chimpanzee, gorilla, or orangutan were to grab any part of you with just one finger, it could cause significant injury or damage.

Great apes (chimpanzees, gorillas, or orangutans) may also spit water or throw fecal material or other items at strangers or at people they know but do not like, e.g., the veterinary staff. They may be obvious in picking up fecal material or items in their enclosure and throwing it in your direction; however, many wait until you turn your back, and can hit their targets with amazing accuracy.

Orangutans have a longer reach than the other great apes. Maintain an extra distance of greater than 4 feet from them as a margin of safety.

**BEWARE:** Macaques are unapparent carriers of Herpes B virus, which is deadly to humans without appropriate and immediate treatment. One drop of saliva or urine from a macaque shedding the virus splattered into a human eye or mouth or transmitted through a bite or scratch injury has been known to cause the fatal disease. If you are inspecting a facility with macaques, be sure to protect yourself from the possibility of a bite, scratch or spray of urine or feces from these animals. Some facilities require personal protective equipment such as a clear face guard or safety goggles, a surgical mask, gloves, and protective clothing when entering rooms housing macaques. When there are no protective equipment requirements, you **must** stay a minimum of 5 feet away from any macaque enclosure. Any inspection of macaque species within 5 feet or less of the animals or enclosures requires the use of a full-face shield, respirator, disposable gloves, footwear, and coveralls.

Inspectors must not enter rooms when facility employees are spraying, or cleaning enclosures or room surfaces or performing functions that could result in splash hazards or aerosol production.

#### 3.2.4.2.2 Big and Small Nondomestic Cats

Cats are sensitive animals and may become agitated in the presence of strangers. Cats of all species will flatten their ears when angry or agitated.

Recognize this behavior and step away from the enclosure before the cat becomes more agitated and either vocalizes or hits the enclosure fence. Talking to the animals when they are agitated rarely soothes them, as you are a stranger in their environment.

Many cats will spray-mark their environment. Often big cats, especially tigers and lions, will exhibit this behavior towards people. The cat may be standing near the front of the enclosure or will calmly walk to the enclosure fence, often near the area where people are standing. They will then turn, lift their tail, and spray urine up to 10 feet away. If you notice this behavior, you will have only a moment to step out of range.

**BEWARE:** Many enclosures, especially night quarters or gates to enclosures, have a small space between the bottom of the enclosure, fence, and the ground, or around gates or feeding chutes. Livestock wire fencing has ample spaces in the fencing itself. Big cats (and small nondomestic species) are able to reach through these spaces and have been known to attack unsuspecting persons who are standing too close. Stay a minimum of 3 feet away from all big cat enclosures. Many licensees will have a protocol and an obvious painted “safety line” on the floor or a barrier running adjacent to the big cat enclosures. If entering a narrow hallway between two cages, ensure you know the whereabouts of the cats, and be careful not to back up against one enclosure with a cat present if you are startled by another cat across the hallway. Try to maintain your distance from all enclosures when in tight quarters, and if the situation seems dangerous, ask the keepers to shift the cats to enclosures away from the hallway while you conduct your inspection.

#### 3.2.4.2.3 Elephants

All elephants have the potential to be dangerous. Elephants can reach up to 8 feet with their trunks. Staying back a minimum of 8 feet, even if the elephant is chained or behind a barrier, will help to ensure your safety. Keep the handler between you and the elephant(s) at all times. Work with the handler to determine the best (safest) place to make your observations, while maintaining an 8-foot distance from the elephant’s trunk. When inspecting elephants, always have an escape route planned. When inspecting other areas of the elephant barn and the yard(s), ensure a handler or facility representative always accompanies you. Always ensure that you know the location of the elephant(s) during the entirety of your inspection.

Elephants are usually handled in two basic ways: protected contact or free contact. Protected contact involves managing an elephant with a barrier between the handler and the elephant. In protected contact, handlers do not share the same space as the elephant. Free contact involves managing the elephants without a barrier between the handler and the elephant. In free contact, the handlers share the same space as the elephant. In this management system, handlers commonly use an ankus when working with the elephant. An ankus is a device that resembles a short boat hook and has a spike and a hook.

In a protected contact system, ask the handler(s) to position the elephant(s)

behind a barrier so that an inspection of the animal's feet, skin, teeth, and other parts can be conducted as needed. Although the elephant is behind a barrier, be cognizant of the elephant's trunk and maintain an 8-foot distance from the head of the elephant to ensure your safety. If needed, use your camera to get a closer view. In a protected contact management style, handlers will not enter the enclosure with the elephant(s), and you must not either.

In a free contact system, the handler will often invite the inspector to get up close to the elephant(s). Remember to keep the handler between you and the elephant, have an escape route planned and maintain your 8-foot distance (using your camera for a closer view, if needed). Do not go into an enclosure with an animal handled in free contact. Ask the handler to position the elephant in a manner that will allow you to conduct an inspection from a safe location and in a safe manner.

Regardless of the contact system, if the elephant shows signs of agitation (vocalizing, flapping ears, pulling itself to its full height, jerking its head up and down) or is not responding appropriately to the handler's commands, immediately leave the area and let the handler manage the problem. If necessary, find a location to continue observing the animal that will maintain your safety. Remember, elephants have the potential to be dangerous. Being cognizant of their location, behavior, and management style is essential to conducting a safe and thorough inspection. Working with the handlers to conduct the inspection is essential, keeping in mind that you are putting yourself at risk when you go near an elephant, even if the handler appears to be exceptionally competent.

#### 3.2.4.2.4 Hoofstock

Nondomestic hoofstock (eland, oryx, nilgai, kudu, bison, deer, etc.) may be dangerous. Bison and other bovid-type nondomestic hoofstock, as well as cervids (generally bucks), have been known to charge or butt people without warning. When inspecting nondomestic hoofstock, ensure a sturdy fence is between yourself and the animals, and do not stand within reach of these animals. It is rarely necessary to enter a hoofstock enclosure, but if absolutely necessary, ensure the handler/keeper is always between you and the animals, and consider an escape route before entering the enclosure. Whenever possible, enter veldt-type enclosures (large pens housing multiple species of hoof stock) in a vehicle.

Camels and llamas may spit when upset, and llamas have been known to push upon, and knock over people. Note that llamas will flatten their ears when getting ready to spit. Camels may be dangerous, especially intact males. Male camels have reached over enclosures and bitten or lifted people off the ground.

Nondomestic hoofstock, have varying flight distances, which is the distance they will allow someone to approach before they flee or bolt. It is undesirable to upset the hoofstock in an exhibit, and inspectors must maintain a reasonable distance between themselves and the hoofstock living in that enclosure. Allow the keepers to suggest a distance for you to observe that is appropriate and non-

threatening to the animals.

**BEWARE:** Some facilities may house ostriches with their hoofstock. Ostriches, especially males, may be deadly, and have been known to attack and seriously injure or even kill people, often unprovoked and without warning.

Their kick is powerful, and they kick high and forward, aiming directly in front of them. Never enter a mixed exhibit on foot where male ostriches are housed. Cassowaries are also very dangerous birds. Never enter an enclosure housing a cassowary.

#### 3.2.4.2.5 Potential Rabies Exposure

If you are inspecting facilities where you will be entering exhibits or enclosures which contain free-roaming (or free-flying) mammals, such as raccoons, skunks, or bats, and you feel there is a potential for being bitten or scratched, or you feel there is potential for rabies exposure via the aerosol route (no matter how remote), you should wear personal protective gear, such as a mask or respirator and goggles, and have pre-exposure rabies prophylaxis.

#### 3.2.4.2.6 Birds

Almost all bird species are considered prey species with a few exceptions; birds in general are easily stressed by human presence. Sudden movements or any new or unfamiliar objects or person(s) will cause stress and be viewed as a potential threat initially. Avoid making exaggerated or quick gestures. Many birds are sensitive to sounds, so try to minimize noises. This includes picking up your feet when walking, avoid speaking in a loud voice, keeping your phone on “vibrate”, minimizing the number of people near the avian enclosure, and limiting the number of objects you are carrying such as a handbag or backpack. When inspecting around parrots it may be comforting to gently talk to the animal. When inspecting around a nervous bird it may be better to look at them sideways or with one eye and not stare at them directly with both eyes. If there is a way to shield yourself from the bird’s view that is preferred. Additionally, try to inspect diurnal birds while you are in as much light as possible so the bird can see you and avoid standing in the shadows. If it is necessary to take a picture avoid using the flash. Forgo wearing sparkly jewelry or large amounts of perfume, cologne, or other products with a strong odor. Try to minimize disruptions during breeding, hatching, and sleeping times as much as possible.

**BEWARE:** Most avian species have a sharp beak and nails that can bite and scratch the skin. It’s always recommended that you conduct an inspection outside of an avian enclosure. For large, public aviaries where you may need to go inside the enclosure with free flying birds, always be aware of your surroundings and know your exits. During periods of breeding and hatching many species will have an increase in aggressive behaviors. And always be extremely careful around any active nests. Keep in mind a sick or threatened bird may be more aggressive and will attack the face and eyes. Additionally, there are several species groups you need to be more cautious around.

**Parrots** have an extremely high biting force with their beaks and can cause

severe injuries to fingers, hands, and the face. Furthermore, birds can be extraordinarily quick in their strikes, especially with strangers or during breeding or hatching times. Allow for enough distance away from the cage that you are not within biting range. Even with correctly sized enclosures, most birds can stick their beaks several inches outside the cage or use the tip of the beak to hook and draw in an object. Consider ear protection when working around birds, especially psittacines. Several species of birds, such as the Nanday Conure, have a decibel range up to 155dB. This is comparable to firecrackers and jet engines. Finally, while most birds produce a dander-like substance from their feathers, cockatoos, cockatiels, and amazon greys produce a large amount of fine powder that can cause some people to have an allergic reaction. If you are sensitive to bird dander wear a respirator and keep your distance from these species.

**Gallinaceous birds** (e.g., pheasants, turkeys, and other land fowl) have sharp spurs on their legs and screamers, a South American duck-like species, have a large spur on the first digit of the wing. While best to avoid being in the same enclosure with a spur equipped bird, if you are, keep your distance, never turn your back to the bird, and know your exits. If you feel any concern about your safety or the bird is displaying any signs of aggression, leave the area immediately.

**Many sharp beaked shore or water birds** such as cranes, herons, egrets, and cormorants can mistake the reflection in people's eyes as the flash of a fish in the water. These species are extremely fast and are equipped with a sharp beak designed to hold-on to slippery fish. Bites from their beak can easily cut humans and all handlers should always wear eye protection. Inspectors should not approach these animals and should wear eye protection if in the same physical space.

**Raptors** not only have a sharp beak used for tearing into flesh but also have sharp talons with a high gripping strength that can rival the jaw strength of many big cats. Unless under the control of a trained handler, you should never be in the same space with a raptor.

**Large birds** such as ostriches, emus, and cassowaries have powerful legs with long claws that will charge, kick, and sometimes jump on top of a person or animal that they perceive as a threat. People have been killed by these birds and you should never be in the same enclosure with these types of birds.

#### 3.2.4.3. Stopping the Inspection for Veterinary Care

If during an inspection, you notice an animal that needs immediate veterinary care, instruct the licensee to seek veterinary care for the animal and stop the inspection if necessary.

Examples of when an animal may need immediate veterinary care include, but are not limited to:

- Unresponsive animal
- Pale pink or white gums

- Labored breathing/open-mouthed breathing
- Fractured or dislocated limb
- Severe bleeding or injury
- Severe, watery, or bloody diarrhea

#### 3.2.4.4. Pet Dogs

Because personal pet dogs of the licensee often end up being bred and moved to the kennel, the following guidance should be followed if the personal pet dogs are housed on the same premises as the kennel or in the kennel itself:

- All intact females, capable of breeding, should be listed on APHIS Form 7005
- Pet dogs do **not** need to be tagged, although they should be assigned a tag number on APHIS Form 7005
- The only time there would be a concern about disease transmission would be if the pet dog was sick and was in need of veterinary attention
- The only time there would be a concern about containment is if there was a history of dogs getting hit by cars or injuries related to non-confinement
- Inspectors should discuss with licensees the issues of non-containment and disease transmission, e.g. *Brucella canis*, Parvovirus, etc.

#### 3.2.4.5. Barn Cats

If a licensee has barn cats, i.e., loose cats used as pets and/or for pest control, not for regulated breeding purposes, the barn cats are not covered because barn cats rarely end up being used for regulated purposes. Therefore, they do not need to be inspected or follow any of the Regulations or Standards. However, if the barn cats have a negative effect on the regulated animals, this should be cited under the applicable Standard for the species impacted, **not** the Standards for cats.

Examples of negative effects include, but are not limited to:

- Cats getting into the food supply
- Cats contaminating the animals' food and/or water
- Cats harassing or causing stress to a regulated animal such as in a prey/predator situation
- Sick cats possibly transmitting disease

If the licensee allows the barn cats to have kittens, you should determine if the disposition of the kittens will be a regulated activity.

### 3.2.5. Facility Inspection — Specific Guidance

The inspector must develop a consistent method for inspecting facilities that

ensures inspections are thorough, accurate, **and** all citations are based on the Regulations and Standards.

Guidance on specific issues related to facility inspection include:

### 3.2.5.1. Housing Facilities – Indoor, Sheltered or Outdoor

When determining if a facility is indoor, sheltered, or outdoor, the inspector must assess the facility in a stepwise fashion beginning with the indoor housing definition. If a facility does not meet this definition, then the inspector should next consider the sheltered housing definition if the animals housed therein are dogs, cats, or nonhuman primates. A facility is only to be considered an outdoor housing facility if it “does not meet the definition of any other type of housing...”

#### 3.2.5.1.1 Indoor Housing

The AWA Regulations define Indoor Housing as: any structure or building with environmental controls housing or intended to house animals that:

1. Is capable of temperature control within the limits for species of animal therein, maintaining humidity levels of 30 to 70 percent, and rapidly eliminating odors from within the building; **and**
2. Has a continuous connection of a roof, floor, and walls (a shed or barn set on top of the ground does not have a continuous connection between the walls and the ground unless a foundation and floor are provided); **and**
3. Has at least one door for entry and exit that can be opened and closed (any windows or openings which provide natural light must be covered with a transparent material such as glass or hard plastic)

A housing facility must meet the conditions for all aspects of the definition of “indoor housing facility” to be considered an indoor housing facility under AWA regulations. If the temperature, ventilation, and humidity are not controlled in an indoor housing facility as required by the applicable section of the Standards, the building should be cited as noncompliant.

An example of an Indoor Housing Facility includes, but is not limited to:

- A climate-controlled shed or barn that has a floor with a continuous connection with the walls and a roof and at least one door for entry and exit

#### 3.2.5.1.2 Sheltered Housing

The AWA Regulations define Sheltered Housing as: a housing facility which provides the animals at all times with:

1. Shelter, **and**
2. Protection from the elements, **and**
3. Protection from temperature extremes

A sheltered housing facility may consist of runs or pens totally enclosed in a barn or building, or of connecting inside/outside runs or pens with the inside pens in a



totally enclosed building.

If a housing facility is capable of meeting all aspects of the definition of a “sheltered housing facility,” it is considered a sheltered housing facility. Even if walls, large doors, or panels are removed for part of the year, it is still considered a sheltered housing facility if it provides the animals at all times with shelter and protection from the elements and temperature extremes.

Examples of Sheltered Housing include, but are not limited to:

- A facility consisting of connecting inside/outside pens with the inside pens contained in a building
- A facility with primary enclosures entirely enclosed within a building which is set on top of the ground and does not have a floor which is continuously connected to the walls
- A facility consisting of some enclosures that are fully enclosed within the building AND some enclosures that are connecting inside/outside pens

#### 3.2.5.1.3 Outdoor Housing

The AWA Regulations define Outdoor Housing as: any structure, building, land, or premise, housing or intended to house animals, which does not meet the definition of any other type of housing facility provided in the Regulations, and in which temperatures cannot be controlled within set limits.

Examples of Outdoor Housing Facilities include, but are not limited to:

- A facility with outdoor pens that has an open building-like structure with a roof and partial walls over the pens that do not provide protection from temperature extremes
- Hutch-like enclosures in a yard with no protective covering
- A chain link enclosure with a dirt floor and one or more dog-house type structures for shelter for the animals
- A facility with primary enclosures enclosed within a building **without** a climate-control system or protection from temperature extremes at all times

#### 3.2.5.2. Lids on Self-Feeders

Self-feeders may be used for feeding dry food to dogs and cats. The AWA Regulations do not require lids for self-feeders. Rather, food for dogs and cats must be uncontaminated, wholesome, palatable, and sufficient in quality and quantity to maintain good health. Food receptacles must also protect food from rain and snow. If the lack of a lid contributed to poor food quality, the lack of a lid may be noted in the citation describing the noncompliance.

#### 3.2.5.3. Perimeter Fence

##### 3.2.5.3.1 Determine if the licensed facility requires a perimeter fence [3.127(d)]

The perimeter fence requirements are:



### 1. Dangerous animals that require a perimeter fence

- Dangerous animals, such as large felids (e.g., lions, tigers, leopards, cougars, ligers, and jaguars), bears, wolves, rhinoceros, elephants and polar bears (See [Appendix B - Dangerous, Potentially Dangerous, and Special License Animals](#)) require a perimeter fence that is:

- Not less than 8 feet high, AND
- 3 feet or more in distance from any enclosure housing animals

**NOTE:** A facility may submit a written request to AC for approval of a perimeter fence that is less than 8 feet high and/or less than 3 feet from an animal's enclosure (variance request).

### 2. Non-dangerous animals that require a perimeter fence

- Non-dangerous animals (e.g., fox, kangaroo, capybara, and prairie dog) and nonhuman primates and marine mammals require a perimeter fence that is:

- Not less than 6 feet high, AND
- 3 feet or more in distance from any enclosure housing animals

**NOTE:** A facility may submit a written request to AC for approval of a perimeter fence that is less than 6 feet high and/or less than 3 feet from an animal's enclosure (variance request).

### 3. Situations where regulated facilities are not required to meet the perimeter fencing requirements

- Situations where a facility **does not require** an approved written variance to deviate from the perimeter fence requirements are:

- Traveling facilities with appropriate security measures
- Outdoor housing facilities that:
  - House **only domesticated farm-type animals** (such as cows, goats, pigs, sheep, llamas, and alpacas, and any hybrid crosses thereof); **AND**
  - Have effective and customary containment and security measures (e.g., farm-type pens, barns, and fences)

**Note:** If you come across other farm animal species that are not listed above but may be eligible to deviate from the perimeter fence requirements, contact your supervisor for guidance.

- Animal Care has granted standing approval (i.e., the facility does not need to seek a written variance) where alternative security measures contain the animals:
  - **Wild/exotic hoofstock** (such as, but not limited to, Brahman/zebu, mouflons/urials, vicuñas, guanacos, zebra, camels, warthogs, any species of deer, caribou, elk, reindeer, and bison); **AND**

- Have effective and customary containment and security measures

**NOTE:** If you come across a hoofstock species that is not listed above but may be eligible to deviate from the perimeter fence requirements, contact your supervisor for guidance.

- Facilities with the following conditions and the **facility has obtained written approval (variance)** from the AWO Director:
  - A primary enclosure made of sturdy, durable materials (concrete, wood, glass) that is high enough to restrict entry by animals and people
  - A protective natural barrier at an outdoor facility that is high enough to restrict entry by animals and people
  - Alternative security measures that contain the animals

#### 3.2.5.3.2 Perimeter Fence — Open Gate

During times when a zoo is open to the public, there will usually be an opening in the perimeter fence allowing public entry. Most zoos have a ticket booth or attendant between that open portion of the perimeter fence and the animal enclosures or some other method to assure that the animals are safely contained when the zoo is open to the public.

The mere presence of an open entry gate at a zoo is not a stand-alone noncompliance. If after review of the entryway, perimeter fence, and the animal enclosures, you have concerns about the containment, especially of dangerous animals, you should cite the perimeter fence or contact your supervisor.

As a performance-based Standard, if an incident occurs that involves an open, unstaffed perimeter fence gate (escape, injury, death, etc.), the fact that an open, unstaffed gate contributed to the incident can be included in the language of the citation, which should be cited under the section that caused the incident.

#### 3.2.5.3.3 Unsafe Facility Conditions

Be alert for unsafe facility conditions:

- If the condition(s) adversely affects the inspector, he/she **must** leave the facility
- If not all the animals are safely contained, the inspector **must** leave the area or facility until it is safe to conduct an inspection
- If the condition(s) is noncompliant with the AWA, cite the noncompliance on the Inspection Report. Examples include, but are not limited to:
  - Bare wiring
  - Electrical wires near water
  - Electrical wires within reach of animals
  - Unprotected heat lamps
- If the condition(s) is **not** something within the AWA regulatory requirements,

report the item to the licensee, research facility representative, or an authorized representative at the facility. Examples include, but are not limited to:

- Locked emergency exits
- Unlocked or unsecured controlled substances
- If you feel that you are being threatened, abused, or harassed:
  - Leave the facility (see Workplace Violence in the AC Safety and Health Manual), **and**
  - Document what occurred in a memo to your SACS, including who said what to whom, when, where, and how, using specific language

If you have additional concerns, contact your SACS and the AC Safety and Health Officer.

### 3.2.6. Contingency Planning

Contingency planning regulations require all licensees and registrants to develop, document, and follow an appropriate plan to provide for the humane handling, treatment, transportation, housing, and care of their animals in the event of an emergency or disaster.

In reviewing a contingency plan, check that the following required components are specified in the plan:

- When is the plan triggered
- What actions are to be taken
- Who is responsible for the actions, and
- How will the actions be accomplished with respect to materials and training
- Written documentation that the plan is reviewed and updated annually

Note that while written training records are not required, it is permissible to confirm verbally that training for new employees hired after August 3, 2022 had been conducted within 30 days of hire.

Licensees and registrants may use the APHIS Form 7093 but it is **not** required.

The intent of the Contingency Plan is to encourage licensees and registrants to think through possible emergencies and plan ahead. Animal Care does not intend to collect or evaluate the quality and effectiveness, post-event, of any plan.

#### NOTICE

Marine Mammals have additional Contingency Plan requirements. See Section 4.14 Marine Mammal Facility Inspections.

### 3.2.7. Non-Disclosure Agreements

Non-disclosure agreements (NDA) are contracts by which a party agrees not to disclose confidential information, as part of doing business together. Some facilities may have staff and/or veterinarians sign NDAs as a condition of employment. NDAs do not relieve the responsibility of a licensee, carrier, or intermediate handler from furnishing information that an inspector or other APHIS official has requested in connection with enforcement of the AWA. If you find that you are not able to obtain the information you require for an inspection due to an NDA, please contact your SACS for further guidance.

### 3.2.8. Miscellaneous Inspection Guidance

#### 3.2.8.1. Authorized Person Conducting Regulated Activity

An authorized person can represent the licensee during a USDA inspection. Generally, any employee of a licensee (dealer or exhibitor) may conduct sales of, or exhibit animals owned by that dealer/exhibitor and also may accompany the inspector.

An authorized person may not sell or exhibit animals he or she owns unless said person has his/her own license. In summary, a licensee (Person A) is not able to legally empower someone else (Person B) to conduct regulated activity without a license. Hence, Person B may not sell or exhibit his/her own animals under Person A's license at any time.

#### 3.2.8.2. Team Inspections

Under certain circumstances, an inspector, SACS, or Animal Welfare Operations leader may request or require a team inspection. A team inspection may include an ACI, VMO, and/or a Specialist.

A team inspection is **required** for:

- Next full inspection of a facility with a Direct veterinary care NCI cited by an ACI. The second inspector must be a VMO.
- Possible confiscation
- Facilities where the licensee/registrant has threatened, abused, or harassed the inspector

Other possible reasons for conducting a team inspection include, but are not limited to:

- Focused inspection follow-up of a Direct veterinary care NCI cited by an ACI
- Multiple indirect veterinary care issues
- ACI has concerns about the program of veterinary care
- Multiple noncompliances

- Repeat noncompliances
- Large facilities or complex inspections
- Facilities with current IES investigations
- Expertise in a particular species needed
- Training
- Complaints, such as multiple complaints against the same facility or the same issue at the facility
- Licensee/registrant has a history of appealing NCIs

Be sure all inspectors and Specialists involved are listed in eFile.

### 3.2.8.3. Field Specialist Consultations

If an inspector has an issue or situation that would benefit from a consult with a Field Specialist, the inspector may contact the Field Specialist. The inspector must inform his/her SACS (by email cc or phone) about consulting with the Field Specialist.

After the initial consultation with the Field Specialist, the inspector and the SACS will determine how further consultation with the Field Specialist should occur, i.e., going through the SACS or the inspector contacting the Field Specialist directly and copying the SACS on any correspondence.

### 3.2.8.4. Action to Take on Noncompliant Item Noted While Off Duty

If you are off duty and notice a noncompliance at a licensed facility or find an unlicensed exhibitor, you are **not** required to take any action. However, if you choose to take action, suggested actions include:

- Assess the severity of the noncompliance
- If in your territory, return to the facility when on duty and conduct an inspection or evaluation of the situation
- If **not** in your territory, contact your SACS when on duty to determine a course of action
- Take appropriate immediate action, if required

#### NOTICE

Remember that you **cannot** work overtime **without** your SACS approval.

If you elect to conduct an inspection or evaluation of the situation:

- Contact your SACS or SOTW for approval prior to initiating an inspection or evaluation
- If action was taken, send your SACS:

- A memo documenting the situation and the action taken
- The Inspection Report, if appropriate

#### 3.2.8.5. Life-Threatening Situation

If there is a life-threatening situation, such as a dangerous animal escape, then:

1. Leave the area immediately
2. Contact facility personnel/management
3. Call 911, if appropriate

#### 3.2.8.6. Non-Life-Threatening Dangerous Situation

If you believe that the noncompliance results in a non-life threatening but dangerous situation to the animal or the public, speak to the licensee or an authorized representative. If the licensee does **not** correct the NCI at that time, then:

1. Speak to the management of the venue
2. Call your SACS, the SOTW, or the Animal Care Office's emergency contact number and discuss a course of action

Contact local authorities, such as the local police or animal control officer, if appropriate, e.g., a non-regulated species is involved.

#### 3.2.8.7. No Immediate Danger

If you believe that the noncompliance results in **no** immediate danger to the animal or the public, you may choose to:

- Speak to the licensee or authorized representative, or
- Take **no** action at that time

### 3.3. Completing the Inspection Report

#### 3.3.1. General Information

The inspector **must** complete an official Inspection Report as soon as possible at the end of the inspection. (See Notice Box below). **Remember** that Inspection Reports with a Direct NCI must be completed and delivered to the licensee/registrant immediately after the inspection. The Inspection Report should follow the format of the Inspection Report template in eFile.

For information and instruction on how to plan an inspection, enter data, and finalize an Inspection Report in eFile, refer to the training material provided to you and contact your SACS if you need assistance.

#### NOTICE

Inspection Reports are to be finalized in eFile, delivered in person, or sent to the licensee or registrant, **within 5 business days of the date of the inspection.**

If an Inspection Report has a correction deadline that is less than 5 business days, the licensee or registrant must receive the Inspection Report prior to the earliest deadline. Exceptions to the 5 day or earliest deadline delivery must be pre-approved by a SACS.

The Inspection Report **must** contain the following general information entered automatically by eFile:

- Business name
- Customer ID
- Date of inspection
- Licensee, registrant, or applicant's name as listed on Application for License or Registration
- Mailing address as listed on Application for License or Registration
- Site name, if applicable
- Site number or TRA (Traveling on the Road) (see Traveling (TRA) Site) as assigned by eFile. Make sure that you are in the correct Inspection Site in eFile before beginning the report by checking the site number, status, and verifying that the address listed is the physical location you inspected.
- USDA license or registration number (except for prelicense inspections)

If any of the above information is incorrect in eFile due to a **data entry error**, such as a misspelled name or transposed address numbers, contact Program Support to have the information corrected before you complete the Inspection Report.

### 3.3.2. Changes in Business Information

#### Licensees

If you arrive at a facility that holds a current 3 year license and find that there has been a change of ownership, location, activities, or animals as described in 2.1(b)(2)(i) and (ii) **and** the licensee did **not** notify AC at least 90 days prior to the change and they are operating under new circumstances, you should:

- Conduct an inspection of the animals
- Cite the licensee for failure to notify AC of the change in business status [2.1(b)(1)]
- Contact your SACS to discuss any further citations

#### Registrants

If you arrive at a facility and find that there has been a change in name, address, ownership, or change in operations affecting its status **and** the registrant did not notify AC within 10 days of the change, you should:

- Conduct an inspection
- Determine whether the change affects the status of the registrant and if so:
  - Cite the registrant for failure to notify AC of the change in business status [2.27(a), 2.30(c)(1)]
  - Contact your SACS to discuss any further citations

### 3.3.3. Action to Take When a Person, Facility, or Site is NOT in the eFile Database

If the person, facility, or site is **not** in the eFile database:

- If you have internet access:
  - After the inspection, contact an Inspection and Licensing Assistant (ILA) or the Program Coordinator
  - Provide the ILA/Program Coordinator the following information:
    - Licensee/registant/applicant/owner's full name, if applicable
    - CID Number, if applicable
    - Complete mailing or business address, if needed
    - Complete site address, if adding a new site
    - County, if known
    - Business telephone number, including area code
  - Obtain the customer number, if available
  - After the ILA/Program Coordinator has updated eFile, enter the



### Inspection Report into eFile

- After you have reviewed the inspection findings with the licensee/registrant/applicant/owner, and checked the Inspection Report for accuracy, finalize the report in eFile before delivering a copy to the licensee/registrant/applicant/owner
- If you do **not** have internet access:
  - Complete the Inspection Report using the Microsoft Word Inspection Report Template and follow the procedures for [Handwritten Inspection Reports](#) in Chapter 2.

### 3.3.4. Traveling (TRA) Site

A traveling site is a temporary animal location, housing, or exhibit area, such as:

- A city where the licensee is performing
- An airport
- An auction market

On the Inspection Report:

1. Make sure that you use the “traveling-on-the-road” (TRA) site designation in eFile
  - If the licensee does **not** have a TRA site already in eFile, follow the procedures for Action to Take When a Person, Facility, or Site is **not** in the eFile Database
  - If the licensee has more than one TRA site, use the correct TRA site if it is in eFile
2. Add the exact location of the inspection, such as address, name of the mall, building, or fairground, **and always** include the city and State, in the narrative section of the Inspection Report
3. Add the name of the Unit (e.g., Red Unit, Green Unit), if applicable, in the narrative section of the Inspection Report

### 3.3.5. Type of Inspection

The Inspection Report **must** specify the type of inspection conducted. Enter the type of inspection into the eFile Inspection Report template.

The types of inspections are:

- Attempted – situation where an authorized person was **not** available to accompany the inspector. **No** inspection was conducted.
- Routine – normal periodic, unannounced inspection including:
  - Complete inspection of the facility
  - New site or additional site inspection for **registrants** (preapproval of new

site not required)

- A complete inspection to follow up on a public complaint involving animal welfare
- An inspection to determine whether unlicensed activity may be ongoing
- Inspection to lift a suspension **if** required pursuant to a Consent Decision or Decision and Order. (Note - This may be a scheduled/announced inspection. Consult Compliance Assurance Staff.)
- Focused – unannounced inspection including:
  - Reinspection for Direct NCIs
  - Reinspection for a specific NCI or NCIs cited on the previous inspection
  - Partial inspection of the facility, such as animals only or records only
  - A partial inspection to follow up on a public complaint concerning animal welfare
- Pre-license – inspection to determine compliances with the AWA Regulations and Standards prior to issuance of a USDA license.
- Re-license – inspection to determine compliances with the AWA Regulations and Standards prior to issuance of a new USDA license
- New Site – For **licensees** only - Inspection to determine compliance with the AWA Regulations and Standards prior to the use of a new facility site

### 3.3.6. Inspection Report Narrative

Refer to Inspection Findings in Chapter 2 for instructions on documenting inspection findings in the narrative section of the Inspection Report.

### 3.3.7. Examples of Citations

The following pages show examples of noncompliance citations. Develop a consistent method of writing citations.

- EXAMPLE** Standard: SECTION 3.1(a) HOUSING FACILITIES, GENERAL
- Noncompliance: The roof in the southeast corner of the kennel building is falling in due to rotting wood. Pieces of wood from the roof have fallen into the pen below that houses three adult dogs.
- Why a noncompliance: Housing facilities must be kept in good repair, and the kennel building is not in good repair. The falling roofing material and wood beams could injure the dogs and result in the dogs being exposed to rain and other weather conditions.
- How to comply: The roof must be kept in good repair. Maintenance problems need to be identified and fixed in a timely matter to keep the facilities in good repair and protect the animals from injury.
- Correction date: Correct by (date).
- 
- EXAMPLE** Standard: SECTION 3.83 WATERING
- Noncompliance: The water receptacle in the enclosure housing ten adult macaques has a layer of debris and scum floating on the top of the water and a thick layer of algae along the sides.
- Why a noncompliance: Nonhuman primates must be provided with potable water and water receptacles must be kept clean and free of contamination. The presence of debris, scum, and algae is an indicator of contamination of the water which can cause illness in the animals.
- How to comply: All water receptacles should be cleaned and sanitized at least once every two weeks, or more often, if necessary, to keep them clean and free from contamination such as dirt, debris, scum, or algae.
- Correction date: Correct by (date).
- 
- EXAMPLE** Standard: SECTION 3.104(b)(1)(i) SPACE REQUIREMENTS
- Noncompliance: Two beluga whales are housed in a pool that only provides a Minimum Horizontal Distance (MHD) of 25 feet.
- Why a noncompliance: Two beluga whales must be housed in a pool to have an MHD of 28 feet and the pool the whales are housed in only provides an MHD of 25 feet.
- How to comply: Measures must be taken to provide the required MHD for the whales.
- Correction date: Correct by (date).

**EXAMPLE** Standard: Section 3.125(a) FACILITIES, GENERAL

**Noncompliance:** The enclosure housing three adult tigers has a wire panel next to the den which has a broken wire. The ends of the broken wire have sharp edges and are protruding into the enclosure.

**Why a noncompliance:** Housing facilities must be maintained in good repair to protect the animals from injury and contain the animals. The tiger enclosure is not being kept in good repair which could result in the tigers being injured by the sharp points on the wire.

**How to comply:** The wire should be repaired or replaced. Maintenance problems must be identified and fixed in a timely manner to keep the facilities in good repair and protect the animals from injury.

**Correction date:** Correct by (date).

**EXAMPLE** Multiple Sections and Multiple Species: If an NCI involves multiple sections of Regulations/Standards and multiple species, each section of the Regulation/Standard must be cited separately.

**For example:** A food storage room used to store food for guinea pigs, rabbits, nonhuman primates, and wild/exotic animals is cluttered, dirty, and has broken bags with food spilling on the floor, and the unopened bags of nonhuman primate food are stored directly on the floor and up against the walls.

Sections 3.25(c), 3.50(c), 3.75(e), and 3.125(c) –STORAGE OF FOOD would be in noncompliance. Each of these sections should be cited for the species affected.

**EXAMPLE** Multiple Noncompliances under one Section and Subsection: If multiple noncompliances involve one section and subsection of the Regulations/Standards, these NCIs may be grouped together.

**For example, for camels in a petting zoo:**

The roof of the barn is in disrepair and has an opening/hole which allows rain and snow to fall into the pens.

The partition between the camel pen and the food storage area has numerous holes allowing the camel access to the stored food.

The front gate of the outdoor pen has a broken hinge and does not close properly.

SECTION 3.125(a)–STRUCTURAL STRENGTH would be the noncompliance and all three items could be cited together.

EXAMPLE

Multiple Noncompliances under the Same Section but Different Subsections: If multiple noncompliances involve the same section but different subsections, each NCI must be cited separately.

For example, for nonhuman primates: There are multiple NCIs of SECTION 3.80 PRIMARY ENCLOSURES—General Requirements

SECTION 3.80(a)(2)(i)—A pen housing four spider monkeys has broken wire mesh flooring in the right rear corner with sharp wire ends sticking up into the pen.

SECTION 3.80(a)(2)(vii)—There is no shade area in the outdoor nonhuman primate exhibit, and it is summer with ambient temperatures over 100°F.

SECTION 3.80(a)(2)(ix)—A pen housing four baboons has wooden walls with all the paint scratched off so that the walls can no longer be properly cleaned and sanitized.

Each of these should be a separate citation.

EXAMPLE

Standard: 3.158(a) CLEANING

Noncompliance: An enclosure with 50 adult zebra finches had an excessive accumulation of feces on the perches, nest boxes, and floor of the enclosure. Multiple birds were seen with feces attached to their feet and tails.

Why a noncompliance: Excreta must be removed from primary enclosures as often as necessary to prevent excessive accumulation of feces to prevent soiling of the birds contained in the primary enclosures, and to reduce disease hazards, insects, pests, and odors.

How to comply: Remove excreta from the bird's primary enclosures to prevent excessive accumulation of feces. This includes removing excreta to prevent soiling of the birds contained in the primary enclosures.

Correction date: Correct by (date).

### 3.3.8. Information Inspectors Should Not Include in the Narrative

The narrative section should **not** contain:

- Administrative messages to the Animal Care offices or staff
- Animal inventory
- Comments on public complaints
- Date of last inspection

- Personal comments about the facility
- Personal or proprietary information, such as:
  - Addresses, other than the licensee/research facility mailing and/or business address
  - Driver's license numbers
  - Names of animal handlers
  - Names of buyers of animals
  - Name(s) of person(s) accompanying you on the inspection, **except** for other AC personnel
  - Names of principle investigators or research facility personnel
  - Names of sellers of animals
  - Social security numbers
  - Sources of animals
  - Telephone numbers, other than your contact information, if applicable
- Recommended enforcement action

#### NOTICE

Remember that the Inspection Report may be used by our Office of the General Counsel (OGC) as evidence in a court proceeding. The Inspection Report is also available to the public through a Freedom of Information Act request or viewed via the Internet at the Animal Care website.

### 3.3.9. Repeat Noncompliant Item Identified

Refer to [Repeat NCI](#) in Chapter 2 for information on Repeat noncompliant items.

### 3.3.10. Direct Noncompliant Item Identified

Refer to "Direct" NCI Identified in Chapter 2 for information on Direct noncompliant items.

### 3.3.11. Critical Noncompliant Item Identified

Refer to "Critical" NCI Identified in Chapter 2 for information on Critical noncompliant items.

### 3.3.12. Noncompliant Item with Correction Time Remaining

#### 3.3.12.1. Focused Inspection

If you are conducting a "focused" inspection, such as follow up on a Direct or

Repeat NCI, and there are previously identified uncorrected NCIs that still have correction time remaining, do **not** re-cite or mention these NCIs on the Inspection Report. These are **not** repeat NCIs. Be sure to specify that this was a focused inspection in the Inspection Report inspection type.

### 3.3.12.2. Full Inspection

If you are conducting a full inspection and there are previously identified uncorrected NCIs that still have correction time remaining, do **not** re-cite these NCIs. Note on the Inspection Report that the NCIs have **not** been corrected, but that the correction date has **not** passed. These are **not** repeat NCIs.

### 3.3.13. No Regulated Animals Present

Even though there may be **no** regulated animals present at a facility, an inspection may still be conducted.

Factors to consider when deciding whether to inspect a facility include, but are **not** limited to:

- Are there areas of the facility that you have **never** inspected before, e.g., a new building?
- Are there records to inspect?
- Are there transportation vehicles to inspect?
- Does this facility have a history of noncompliance?
- Even though there are **no** animals currently at the facility, do regulated animals go in and out of the facility, such as traveling animal acts?
- Is the facility due for an inspection?
- Is this a new facility added to your territory?
- Is this an active research registrant that has not been inspected this fiscal year?

After using your best judgment and determining that there is nothing to inspect, you may choose **not** to conduct an inspection.

If you conduct an inspection:

- Classify the inspection as “Routine”
- Only cite NCIs found during the inspection if the area with the noncompliance:
  - is currently in use, but **no** animals are there on the day of your inspection, or
  - is ready for use
- For the correction date, use the following or a similar statement: “Correct

before being used for animals regulated by the Animal Welfare Act.”

- If a partial inspection, state which areas were inspected, such as records and/or specific buildings
- State in the narrative, “**No** regulated animals present at this time.”

If you do **not** conduct an inspection:

- Do **not** complete an Inspection Report
- Send a memo to your SACS explaining why you did **not** conduct an inspection

### 3.3.14. Non-regulated Animals

Non-regulated animals should **not** be inspected or mentioned on the Inspection Report unless there is potential for a negative effect on the health or well-being of the regulated animal(s).

#### EXAMPLE

Examples of a potential negative effect are:

A horse is chasing a deer in a pasture on public display and causing the deer stress or injury

Rats of the genus *Rattus* bred for use in research with an infectious disease are housed in the same room with rabbits

The number of non-regulated animals is so large that the current staffing is inadequate to properly care for the regulated animals

### 3.3.15. Correction Date

A correction date is the time period in which a noncompliant item **must** be corrected. Include an actual date with the citation; do **not** use the term “immediately.”

A correction date should be:

- Appropriate to the severity of the NCI
- Determined with the concurrence of the licensee/registrant or authorized representative, if appropriate
- Realistic as to what the facility can accomplish

#### NOTICE

If the Inspection Report is being sent by certified mail, allow for the mailing time when setting the correction date.

A correction date is given for:

- Newly identified “Direct” NCIs. Give these NCIs a short correction period,



e.g., by close of business on (date), within 72 hours, within 5 days. The correction date for direct NCIs should never exceed 14 days.

- Newly identified NCIs other than “Direct” NCIs. If reasonable with respect to the health and well-being of the animals involved, an inspector may allow up to 1 year for some corrections. Some examples of corrections that may warrant a year- long correction period are:
  - Perimeter fence replacement
  - Full replacement of animal enclosures
  - Instituting a new protocol form
- For NCIs with long correction dates, the inspector should periodically check on progress with the licensee/registrant, either via a telephone call or a courtesy visit

#### NOTICE

Reinspect for correction of a “Direct” noncompliant item no later than 14 days after the date of inspection.

For NCIs corrected **during** to the inspection:

- The correction should read “Corrected during the inspection.” and do **not** give a correction date.

A correction date is **not** given for:

- Airline transportation noncompliances
- NCIs identified on a Preliminary Inspection
- NCIs cited on a New Site approval inspection, except for a Direct NCI
- Repeat noncompliant items

#### 3.3.15.1. Extension of Correction Date

An extension is an additional amount of time to correct a noncompliant item granted through Animal Welfare Operations leadership.

A licensee/registrant may request an extension if he/she will **not** be able to correct the NCI by the correction date.

At the time of the inspection, if a licensee/registrant anticipates that an extension will be needed because you cannot agree on a correction date or the licensee/registrant wants more than one year, explain to him/her how to request an extension.

#### NOTICE

Extensions are for special circumstances. Do **not** suggest an extension to the licensee for correction of routine noncompliant items.

An extension request, whether anticipated or unexpected, **must** be:

1. In writing
2. Appropriate, i.e., **only** for an NCI other than a direct NCI (e.g., one related to facility maintenance)
3. Specific as to the reason/justification for the request

EXAMPLES

- Unexpected delays during the correction process, such as budget or severe weather delays
- Unforeseen special circumstances that prevent completion, such as death or serious illness in the family

4. Sent to the Fort Collins Animal Care office
5. Received by the Animal Care office **prior** to the original correction date

### 3.3.15.2. Processing of the Extension of Correction Date Request

Take the following actions to process the extension of the correction date request:

1. The Animal Care office will send the extension request to the appropriate SACS
2. SACS will review and discuss with the inspector, if necessary
3. SACS will write the letter informing the licensee/registrant whether or not the extension was granted
4. SACS will upload the letter into the licensee/registrant's file in eFile
5. SACS will email the letter to the licensee/registrant if email is available, **OR**
6. SACS will send the letter to Program Support at the Fort Collins Animal Care office **and** Program Support will send the letter to the licensee/registrant

### 3.3.16. Prior to Printing the Final Inspection Report

To make the Inspection Report as accurate as possible, ensure that:

- You are entering the inspection:
  - Under the correct licensee/registrant
  - Under the correct certificate number
  - In the correct site
- All information is entered into the database correctly, such as:
  - Inspection type
  - Name and address of person on the Inspection Report
- All information in the narrative is correct, such as:
  - Citation section and subsections

- Buildings/locations inspected, if appropriate
- Location of inspection of a TRA site
- Names of elephants inspected
- The narrative section uses the appropriate wording to describe the problem
- Repeat NCIs are properly designated

#### NOTICE

If the incorrect section or subsection was cited on the previous inspection, cite the correct section and subsection and add: "Cited incorrectly under (section/subsection #) on (date) inspection."

- Check spelling and grammar and review a draft copy of the Inspection Report with the licensee/registrant/facility representative
- Make the appropriate changes, if necessary, and print the Inspection Report for the L/R or applicant

BE SURE TO FINALIZE THE INSPECTION REPORT.

### 3.3.17. Finalizing the Inspection Report

After you have (1) reviewed the inspection findings with the licensee/registrant/applicant, (2) given the facility representative the opportunity to provide additional information pertinent to the findings, and (3) checked the Inspection Report for accuracy, finalize the report before delivering a copy to the licensee/registrant/applicant. (For additional information and instruction, refer to the eFile Guidance.)

#### NOTICE

You do **not** have to completely finalize an Inspection Report for a specific site to do an Inspection Report for another site of the same licensee or registrant.

### 3.3.18. Handwritten Inspection Reports

There are certain situations where the inspector may choose to, or **must**, hand write the Inspection Report, including but not limited to:

- Computer failure
- Printer failure
- Unique situations which may arise where the use of the computer is not feasible

If you hand write an Inspection Report, use the blank pre-printed Inspection Report form. Always have a supply of blank pre-printed Inspection Reports,

either with you, or in the government vehicle.

When using the pre-printed Inspection Report:

- Hand write all information legibly and neatly
- Use black or blue ink

If you want to give the licensee/registrant/facility representative a copy of the handwritten Inspection Report at the time of the inspection, either make a photocopy, or complete two reports.

REMEMBER:

- You **must** enter the handwritten Inspection Report into the eFile database as soon as possible
- The narrative entered into the eFile database **must be identical** to the handwritten Inspection Report
- Do **not** put a statement that this is electronic or transcribed version of the original Inspection Report

If the licensee/registrant **does have** a copy of the handwritten Inspection Report:

- Only send a copy of the eFile Inspection Report to the licensee/registrant if it is not exactly the same as the handwritten copy. For example, any of the dates do not match.
- Then destroy the original Inspection report

If the licensee/registrant does **not** have a copy of the handwritten Inspection Report:

- Send a copy of the eFile Inspection Report to the licensee/registrant by email or certified, return receipt mail, and
- Then destroy the original copy

In the case of a printer failure, send a copy of the report to the licensee/registrant/applicant by email or certified, return receipt mail when the printer is repaired.

### 3.3.19. Mistakes on the Inspection Report

Read the Inspection Report carefully before printing and finalizing to ensure that all information and spelling are correct.

Incorrect customer ID, date of inspection, site name (001, TRA), USDA license or registration number, requires rescinding the Inspection Report, correcting the error, and sending the licensee/registrant an amended report with an Amended Report Letter.

#### 3.3.19.1. Major Errors

If a major error is noted on the Inspection Report after the final copy has been

printed or the Inspection Report has been finalized, it **must** be corrected.

Major errors include, but are **not** limited to:

- Correction date given for a repeat noncompliance
- Correction date(s) omitted
- Exit interview statement not included
- Incorrect citation
- Incorrect inspection type
- Factual errors
- Wrong site

#### NOTICE

Spelling or grammatical errors are **not** considered major errors.

#### 3.3.19.2. Mistakes Noted by the Animal Care Office

If Program Support or Animal Welfare Operations leadership discovers a mistake on an Inspection Report:

1. The inspector and the SACS will be notified
2. The inspector **must** correct the Inspection Report following the procedure outlined in Correcting or Amending the Inspection Report
3. The inspector **must** deliver the amended Inspection Report to the licensee in person or send by email or certified, return receipt mail **within 2 weeks**

#### 3.3.20. Correcting or Amending the Inspection Report

No pen and ink changes may be made to the Inspection Report.

If a major error(s) is noted after the Inspection Report has been finalized, and a copy of the Inspection Report has **not** been given to the licensee/registrant/facility representative:

1. Contact your SACS or SOTW if your SACS is not available to have the Inspection Report reset to draft
2. Correct the draft Inspection Report
3. Provide a copy of the corrected Inspection Report and Animal Inventory to the licensee/registrant/facility representative through the usual delivery methods

If a major error(s) is noted after the Inspection Report has been finalized and a copy of the Inspection Report has been given to the licensee/registrant/facility representative:

1. Notify your SACS to have the original Inspection Report rescinded

2. Enter a new Inspection Report into eFile
3. Provide a copy of the corrected Inspection Report, Animal Inventory, AND the Amended Report Letter to the licensee/registrant/facility representative through the usual delivery methods

The new Inspection Report **must**:

1. Be dated the date that the actual inspection was conducted in “Inspection Date”
2. Be dated at the bottom the date that the amended Inspection Report was:
  - “Prepared” by you, and
  - Sent to the licensee/registrant

#### NOTICE

The ‘**prepared by**’ and ‘**signed by**’ dates do not have to be the same.

3. Correct the major mistake for which the amended Inspection Report is being generated
4. Cite the noncompliances that were correct on the original Inspection Report. These noncompliances must be identical to the citations that were on the original Inspection Report.

Do **not** put a statement or any reference on the Inspection Report that this was an amended Inspection Report.

### 3.3.21. Inspection Appeals Process [2.13]

If the licensee/registrant has a concern about any findings on the Inspection Report, he/she may use the inspection appeals process to resolve the dispute.

#### 3.3.21.1. Prior to Finalizing the Inspection Report

If a licensee/registrant/facility representative has questions or concerns about a noncompliant item(s) cited on the Inspection Report, the inspector should explain why the noncompliance was cited and give the facility representative the opportunity to provide additional information pertinent to the findings at the exit interview (see [Exit Interview](#) in Chapter 2). If the concern is resolved, change the citation. If the concern cannot be resolved:

- Inform the licensee/registrant/facility representative of the next step in the appeals process
- Give the licensee/registrant/facility representative a copy of the [Appeals Process Factsheet](#)

If there was an unresolved disputed noncompliance:

- Photograph any NCI that the licensee/registrant is going to appeal or likely to

appeal (see [Inspection Photographs](#) in Chapter 2)

- Finalize the Inspection Report
- Inform your SACS that there may be an appeal of a noncompliance item(s) cited on the Inspection Report

### 3.3.21.2. After Finalizing the Inspection Report

If a licensee/registrant/facility representative has questions or concerns about a noncompliant item(s) cited on the Inspection Report, meet with the licensee/registrant/facility representative, if requested, to discuss the noncompliance.

If you and the licensee/registrant/facility representative resolve the disagreement on the noncompliance:

- Generate an amended Inspection Report and inform your SACS of the resolution
- Give or send (by an acceptable method) a copy of the Inspection Report, Animal Inventory, **and** the Amended Report Letter to the licensee/registrant

If the dispute **cannot** be resolved:

- Inform the licensee/registrant/facility representative of the next step in the appeals process
- Give the licensee/registrant/facility representative a copy of the Appeals Process Factsheet
- Photograph any NCI that the licensee/registrant is going to appeal or likely to appeal, if possible
- Inform your SACS that there may be an appeal of a noncompliance item(s) cited on the Inspection Report

If the licensee/registrant's appeal of a noncompliance is determined to be **valid**, i.e., a citation is modified or deleted, the original Inspection Report will be rescinded in eFile. Program Support, in the appropriate Animal Care office, will generate a new draft Inspection Report for the inspector to amend. The inspector amends the Inspection Report and delivers the Inspection Report, Animal Inventory, and the Amended Inspection Letter to the licensee/registrant/facility representative by an acceptable delivery method.

If the licensee/registrant's appeal of a noncompliance is determined to be **invalid**, the appeals team assigned to the matter will write a letter to the licensee/registrant/facility representative informing him/her of the decision. The inspector and SACS will receive a copy of the letter from Program Support.

## NOTICE

Inspection appeals should **not** delay reinspection of Direct noncompliances or interfere with efforts to ensure that the immediate welfare needs of the animals are met.



### 3.4. Safety and Ethics Issues

#### 3.4.1. Bribery Reporting Procedures—Inspector’s Responsibility

If you are offered a bribe, or perceive that you are being offered a bribe, refuse the bribe, and report it immediately to the Office of the Inspector General (OIG).

**Do not report the bribe to your supervisor.**

It is your duty to report being offered a bribe, or if you perceive that you are being offered a bribe.

Follow these steps if you are offered a bribe, or perceive that you are being offered a bribe:

1. **Do not take the bribe.** Say, “I **cannot** do that.” Do **not** discuss the bribe offer any further, and do **not** tell the person who offered it that you are going to report it to law enforcement or other authorities.

#### SAFETY

If you believe that you are in any danger at this time, leave the facility as quickly and safely as possible.

If you do **not** believe that you are in danger, then assess the situation and use your judgment as to what to do, since you do **not** want the person to think that you are going to report the incident to the authorities. Some possible courses of action include, but are **not** limited to:

1. Give the person a plausible excuse and leave the facility
2. Complete the inspection or exit interview quickly, but not suspiciously so
3. Complete the inspection, then tell the person that you are going to complete the Inspection Report off site
4. At the first practical moment after you are out of sight and earshot of the person who made the offer, and as soon as privacy permits, **telephone OIG** using one of the following phone numbers:
  - **(202) 720-7257** – 24-hour direct line to OIG, Washington, DC, for reporting threats, assaults, and bribery attempts, or
  - **(800) 424-9121** – OIG Hotline for reporting fraud, waste, and abuse, or
  - **(202) 690-1622** – Commercial hotline

**Note:** Collect calls are accepted.

5. Follow the instructions given to you by the OIG Special Agent. An OIG Special Agent will respond to your telephone call. Based on information that you provide, OIG Agents will evaluate the alleged bribery attempt to determine the appropriate investigative action. OIG needs your full cooperation.

6. Do **not** report the bribery attempt to your supervisor or discuss it with anyone else unless instructed to do so by an OIG Special Agent. Any discussions could compromise the investigation. OIG will ensure that appropriate supervisory personnel are notified in a manner which will not prejudice the investigation.
7. Any subsequent contacts or communication between you and the person who offered the bribe will be controlled and monitored by the OIG
  - Do **not** be afraid to cooperate with investigators. Even though you would **not** accept a bribe, it is your duty to report such matters and to cooperate fully with investigators to prevent further bribery attempts to you or other USDA employees.

### 3.4.2. Bribery Reporting Procedures—Supervisor’s Responsibility

If an employee reports an offer or a perceived offer of a bribe to you:

Instruct the employee to call OIG immediately, if he/she has not already done so

1. Do not discuss the bribery attempt any further with anyone, including the employee
2. Do not attempt to investigate the incident

### 3.4.3. Gifts from Licensee/Registrant

Do **not** accept any “gifts” from licensees or registrants greater than the value of a soft drink or cup of coffee. You do **not** want any perception of impropriety.

### 3.4.4. Interference with the Inspection

A licensee, applicant, research facility representative, or other person must not interfere with, threaten, abuse, or harass any APHIS official in the course of carrying out his/her duties.

If you believe that any person at the facility is interfering with the inspection process:

- Tell him/her to stop if it is safe to do so
- If the behavior continues or you feel unsafe, **leave the facility**
- Contact your SACS
- Document what occurred in a memo to your SACS, including who said what to whom, when, where, and how, using specific language

For more detailed information on Interference, see Chapter 2 and the *AC Field Safety and Health Manual*.

# Chapter 4. Specific Types of Inspections and Visits

## Contents

4.1. Airport Inspection	4-5
4.1.1. Badging Credentials	4-5
4.1.2. Conducting an Airport Inspection	4-5
4.1.3. Inspection Reports	4-6
4.1.4. Photographs	4-6
4.2. Animal Rides	4-7
4.2.1. Criteria	4-7
4.2.2. Conducting the Inspection	4-7
4.2.3. Inspection Reports	4-8
4.3. Attempted Inspections	4-9
4.3.1. Attempted Inspection General Procedures	4-9
4.3.2. Courtesy Visits	4-11
4.3.3. Conducting an Unannounced Inspection after the Courtesy Visit	4-13
4.3.4. Compliance Assurance Staff (CAS)	4-13
4.3.5. Compliance Assurance Staff (CAS) Referral	4-13
4.3.6. Additional Attempted Inspection Guidance	4-13
4.3.7. The Facility Contact Worksheet	4-15
4.3.8. Optimal Hours	4-15
4.3.9. Handy Tips	4-16
4.4. Auction Market Inspection	4-17
4.4.1. Criteria	4-17
4.4.2. Animals Requiring Veterinary Care	4-18
4.4.3. Records	4-18
4.5. Barrier Facility Inspection	4-20
4.5.1. Criteria	4-20
4.5.2. Alternative Methods of Inspection	4-21
4.6. Change in Class of License Inspection	4-22
4.6.1. Criteria	4-22
4.6.2. Conducting the Inspection	4-23
4.7. Complaint Inspection Procedure	4-24
4.7.1. Sources of Information	4-24
4.7.2. Outside Complaints received by AWO Inspector	4-24
4.7.3. Complaint Notification, Tasks, & Supervisor Discussion	4-25
4.7.4. Complaint Inspection & Closure	4-25
4.8. Courtesy Visits	4-27
4.8.1. General Information	4-27
4.8.2. Documenting a Courtesy Visit	4-27
4.8.3. Conducting the Courtesy Visit	4-28
4.9. Dead Animal/Parts or Serum/Blood Dealer Inspection	4-30

4.9.1. Dead Animal/Parts	4-30
4.9.2. Blood and Serum Collection	4-30
4.10. Dogs and Cats in Residence Inspection	4-32
4.11. Domestic Hoofstock Inspection	4-34
4.11.1. Domestic Hoofstock Housed in an Agricultural Setting	4-34
4.11.2. Domestic Hoofstock Housed in a Non-Agricultural Setting	4-34
4.12. Drive-through Zoo/Park Inspection	4-35
4.12.1. Conducting the Inspection	4-35
4.12.2. Animal Inspection	4-36
4.12.3. Handling	4-36
4.12.4. Public Feeding	4-37
4.12.5. Facility Inspection	4-38
4.13. Lion and Tiger Enclosure Inspection	4-43
4.13.1. Evaluating Enclosures	4-43
4.14. Marine Mammal Facility Inspections	4-45
4.14.1. Conducting the Inspection	4-45
4.14.2. Veterinary Care	4-45
4.14.3. Space	4-46
4.14.4. Feeding	4-47
4.14.5. Water Quality	4-48
4.14.6. Shelter and Shade	4-49
4.14.7. Public Barriers	4-50
4.14.8. Separation	4-51
4.14.9. Employees	4-51
4.14.10. Contingency Plan for Water and Electric Power	4-52
4.14.11. Recordkeeping	4-52
4.14.12. Swim-with-the-dolphin (SWTD)/Interactive Programs	4-52
4.15. New Site Approval Inspection	4-53
4.15.1. Addition of a Site	4-53
4.15.2. Site Inspection	4-53
4.16. Pet Store Inspection	4-55
4.16.1. Criteria	4-55
4.16.2. Record Requirements	4-56
4.16.3. Identification	4-56
4.17. Petting Zoo Inspection	4-57
4.17.1. Inspection Procedures	4-57
4.17.2. Traveling Petting Zoo Itinerary	4-59
Animal Information	4-59
Exhibition and Transport Information:	4-60
4.18. Photo Shoot Inspection	4-61
4.18.1. Types of Photo Shoots	4-61
4.18.2. Conducting the Inspection	4-62
4.19. Prelicense Inspection Process	4-64
4.19.1. Initial Contact with the Applicant	4-64
4.19.2. First Prelicense Inspection	4-65
4.19.3. Second Prelicense Inspection	4-67

4.19.4. Third Prelicense Inspection	4-68
4.19.5. Completing the Inspection Report	4-68
4.19.6. Photographs	4-71
4.19.7. Relicensing	4-71
4.19.8. PL Inspection Process Reminders	4-73
4.20. Public Walk-In Aviary Inspection	4-74
4.20.1. Exterior Aviary Check & Entering	4-74
4.20.2. Inside the Aviary	4-74
4.20.3. Public Feeding and Public Interaction	4-77
4.20.4. Recordkeeping	4-77
4.21. Search Inspection	4-78
4.21.1. Subjects of Searches	4-78
4.21.2. Sources of Information	4-78
4.21.3. Information Follow-Up	4-79
4.21.4. Preparing for the Search	4-79
4.21.5. Conducting the Search	4-80
4.21.6. Documenting Search Results in eFile	4-81
4.21.7. Follow-Up Procedure	4-81
4.21.8. On the Road Inspection	4-82
4.22. Traveling Exhibitor Inspection	4-83
4.22.1. Home Site Inspection	4-83
4.22.2. General Information	4-83
4.22.3. Admission to the Venue	4-84
4.22.4. Conducting the Inspection	4-85
4.22.5. Animals in Transit	4-89
4.22.6. Animal Races	4-90
4.22.7. Animal Rides	4-90
4.22.8. Circus and Performing Animal Inspections	4-90
4.22.9. Petting Zoos	4-92
4.22.10. Photo Shoots	4-92
4.22.11. Inspection Reports	4-92
4.22.12. Itinerary	4-93
4.23. Wild/Exotic Animal Auction Inspection	4-94
4.23.1. Licensing Requirements	4-94
4.23.2. Regulatory Responsibilities	4-95
4.23.3. Inspection Procedures	4-95

#### DISCLAIMER

The Animal Welfare Inspection Guide is intended to be a reference document to assist the inspector. The Inspection Guide does **not** supersede the Animal Welfare Act (AWA), the AWA Regulations and Standards, AC policies and other guidance, the Required Inspection Procedures, standard procedures, or the inspector's professional judgment. All inspection decisions **must** be justified by applicable sections of the AWA and/or the AWA Regulations and Standards.



## 4.1. Airport Inspection

Registered Transporters or Intermediate Handlers operating at an airport **must** meet all applicable transportation Regulations and Standards.

### 4.1.1. Badging Credentials

Some airports, especially large airports, may require that you obtain a badge to access the airport property and facilities. Prior to conducting your first inspection, you should check with the airport authorities to determine if a badge is needed.

If there is a fee for the badge, the fee may be charged to your Purchase MasterCard.

### 4.1.2. Conducting an Airport Inspection

When conducting an inspection, some additional procedures include, but are not limited to:

- Follow all the safety rules
- Be accompanied by an airline representative unless you are approved by the airport authorities to be unaccompanied
- Inspect all areas where animals may be housed or transported, including but not limited to:
  - Ticket counter
  - Cargo area
  - Baggage area
  - Any other areas where animals are held before travel, such as offices and live animal rooms
  - Planes on the tarmac if necessary
  - Transport vehicles and conveyances used to transport animals to and from the planes
- Check for applicable required records, such as:
  - Health Certificates [2.77(b), 2.78]
  - Consignor information such as from Waybills or other records
  - Certifications required for the different species
  - COD payment guarantee [2.77]
- If you find an unlicensed dealer, broker, or unregistered transporter:
  - Make a copy of the Waybill and any other supportive documentation showing regulated activity, and

- Follow the procedure for a “Search Inspection”

#### 4.1.2.1. Commercial Dog Importations

If an inspector identifies an import shipment that is out of compliance with Section 2.150/2.151/2.152, he/she **should just**:

- Make a copy of the Waybill. Be sure that the Waybill has the name and contact information for the importer.
- Send the copy of the Waybill to the Live Dog Import Team (LDI Team) at [ac.dogimport.mailbox@aphis.usda.gov](mailto:ac.dogimport.mailbox@aphis.usda.gov)

The issue will be addressed by the LDI Team.

#### 4.1.3. Inspection Reports

##### 4.1.3.1. No NCIs Reports

For an Inspection Report with no noncompliances, the inspector may:

- Complete the IR **at the airport** and leave a copy with that facility representative (signature not required), **OR**
- Send the IR by regular mail to the airline’s corporate office, **OR**
- Send the IR to the airline’s corporate office via email. Inspector **must** obtain an email address from the airline facility representative.

##### 4.1.3.2. Inspection Reports with NCIs

For NCIs cited on an airline Inspection Report:

- Do **not** give a correction date for any NCIs
- Designate an NCI meeting the criteria for a Direct or Critical as a “Direct” or “Critical”
- Do **not** designate a Repeat NCI as a “Repeat”
- If applicable, obtain a copy of the appropriate Waybill for each NCI, reference the Waybill number in the NCI narrative, and submit with the Inspection Report to the AWO Field Office

For delivery of an Inspection Report with noncompliances, the inspector may:

- Complete the IR at the airport and leave a copy with the facility representative (preferred), **OR**
- Email the IR directly to the airline’s corporate office using an email address obtained from the facility representative

#### 4.1.4. Photographs

Take photographs of all NCIs cited at commercial airline carrier inspections.



## 4.2. Animal Rides

An exhibitor who uses regulated animals to give rides to the public **must** meet all applicable Animal Welfare Act Regulations and Standards.

### 4.2.1. Criteria

Examples of regulated animals used for rides are:

- Camels
- Elephants
- Llamas

### 4.2.2. Conducting the Inspection

When inspecting animals used for rides, make sure that the exhibitor meets all the applicable Regulations [9 CFR Sections 2.40, 2.50, 2.75, 2.78, 2.80, 2.125, 2.126, 2.130, 2.131], and all the Standards, including the Transportation Standards, for the animals being used.

When conducting your inspection, some suggested areas to pay attention to include, but are **not** limited to:

- Animal's locomotion, gait, and uniformity of stride
- Animal's physical condition and behavior
- Appropriateness of the weight load for the animal
- Attentiveness of the handler during the ride, i.e., is the handler distracted in some manner and not paying attention to his/her duties
- Availability and frequency of access to drinking water
- Availability of shade or shelter
- Condition of the equipment, i.e., **no** sharp edges, **no** broken straps, buckles, or fasteners, padding **not** thin or excessively worn
- Plan to provide veterinary care if an animal is injured away from the home facility
- Foot care, especially elephants
- Number of personnel, i.e., are there enough personnel to watch for dangerous behaviors from the animals, the riders, and the viewing public
- Perimeter fence and/or barriers between the animals and the general viewing public
- Rest for animals between rides and overnight

#### NOTICE

Animals must be allowed a rest period equal to the amount of time that they were giving rides. [2.131(c)(2)]

- Proper fit of saddles, riding equipment, halters, or restraint devices. Some signs of improper fit include:
  - Abrasions
  - Hair loss
  - Irritated skin
  - Redness
  - Sores
- Training and handling experience of the handlers and employees
- Reluctance of the animal to lead or work

#### 4.2.3. Inspection Reports

For a TRA inspection, follow the guidance in [Traveling Exhibitor Inspection – Inspection Reports](#).

#### NOTICE

Put the name of the elephant(s) on the Inspection Report.

## 4.3. Attempted Inspections

The purpose of this procedure is to standardize attempted inspections by utilizing enhanced communication and outreach in an effort to reduce attempted inspections. The goal is to use all tools at our disposal in order to decrease the number of attempted inspections conducted. This will help to ensure the welfare of the animals at our regulated facilities by increasing facility access, as well as improve consistency when conducting attempted inspections.

**All procedures must be documented on an [Attempted Inspection Checklist](#).**

The checklist must be uploaded into eFile.

### 4.3.1. Attempted Inspection General Procedures

These procedures will be followed for **all** attempted inspections regardless of repeat status (i.e., first attempted and all repeat attempted inspections):

1. If an authorized person is not present at the facility, every effort should be made to contact them at the time of the inspection. This includes, but is not limited to:
  - Call all numbers previously provided by the licensee/registrant, including those in eFile
  - If possible, leave a message stating your name, purpose, phone number, and request for a return phone call
  - Attempt to get the attention of anybody who may be on the property (honk horn, ring doorbell, and knock on facility doors that are readily accessible)
2. If contact is **not** made by phone:
  - wait 30 minutes
  - If a facility representative does not arrive at the facility or return your call within **30 minutes**, continue with the attempted inspection procedures listed below, starting with #4 - Prior to leaving the facility
  - If the licensee/registrant returns your call during the 30-minute window, follow the procedure listed in #3 for when contact is made.
3. If contact is made by phone:
  - Determine if an authorized person can be at the facility within **60 minutes**
  - If **not**, let them know you will be in contact with them at a later date to discuss attempted inspections. Continue with the attempted inspection procedures listed below, starting with #4 - Prior to leaving the facility.
  - If so, wait up to **60 minutes** for the authorized person to arrive and conduct an inspection

- If the authorized person or a facility representative does not arrive within **60 minutes**, call them back to check if they are still on their way. Use your professional judgment as to how much longer to wait (e.g., If the licensee says they will be there in 5-10 minutes, waiting for 5-10 minutes more is reasonable). Conduct an inspection when they arrive at the facility.
  - If they do not show up or are unable to arrive at the facility within a reasonable time, continue with the attempted inspection procedures listed in #4.
4. Prior to leaving the facility, complete an [Attempted Inspection Leave Behind Flyer](#) and leave it in a location where it can be easily found. **Do not** leave the flyer in a mailbox.
  5. Follow the procedure in [Attempted Inspections](#) in Chapter 2 for documenting an Attempted Inspection. Designate the attempted as a “repeat,” if appropriate.

After leaving the facility, the inspector should attempt to contact the licensee/registrant up to three times, preferably by phone, and within one week of the inspection and:

- When contact is made:
  1. The inspector should explain to the licensee or registrant the importance of:
    - Conducting an inspection
    - Business hours and optimal hours (See Section 4.3.8 [Optimal Hours](#) for eligibility)
    - Facility representatives
    - Providing contact information such as cell phone numbers, etc.

The [“Script Following an Attempted Inspection”](#) can be used for this purpose.

2. The inspector should attempt to identify the reason for the attempted inspection and work with the facility to find a solution
  3. The inspector will complete or update the [“Facility Contact Worksheet”](#) with input from the licensee or registrant. This worksheet must be uploaded into eFile within five days (See the *Facility Contact Worksheet* for uploading instructions).
  4. In addition to the above, if this is the facility’s **first repeat** attempted (Second consecutive attempted or the third attempted inspection in the past two years), follow Section 4.3.2 - Courtesy Visit Procedures
- If **no contact** is made after three tries:
    1. The inspector will send the [Attempted Inspection Letter and Enclosure](#) by regular mail

2. A copy of this letter should be uploaded into eFile
3. The inspector should **wait at least two weeks** after sending this letter before attempting another inspection
4. If the licensee/registrant contacts you at any time after this letter is sent, the inspector will follow the instructions above for when contact is made, including the Courtesy Visit Procedures, if eligible.

### 4.3.2. Courtesy Visits

A Courtesy Visit will:

- Allow Animal Care to check on the welfare of the animals at facilities where access has been limited
- Allow Animal Care to explain to facilities the importance of conducting inspections
- Help to improve or establish better working relationships with licensees/registrants
- Provide an opportunity for Animal Care to work one-on-one with licensees/registrants to identify reasons for attempted inspections along with possible solutions to prevent future attempted inspections
- Provide Animal Care an opportunity to obtain and document information from the licensee/registrant, such as optimal hours, which will help to prevent future attempted inspections
- Allow Animal Care a chance to inform the licensee/registrant about other resources Animal Care has to help them maintain compliance (e.g., breeder resources, Field Specialists, compliance specialists, etc.)

#### 4.3.2.1. Scheduling a Courtesy Visit

In addition to the [Attempted Inspection General Procedures \[4.3.1\]](#), the following procedures should be done for all facilities receiving their **first repeat** attempted (Second consecutive attempted or third attempted inspection in two years):

1. The inspector will schedule a courtesy visit with the facility at an agreed upon date and time. The courtesy visit should be conducted within two weeks from the date of the phone call.
2. Prior to the courtesy visit, notify the licensee/registrant that if a **Direct** non-compliant item (NCI) is identified during the courtesy visit, the courtesy visit will end, and the inspector will immediately begin a focused inspection. The **Direct** NCI and any other NCIs observed during the focused inspection will be cited on an inspection report according to our current inspection procedures.
3. If the licensee or registrant declines a courtesy visit, the declination should be documented on the [Attempted Inspection Checklist \[Appendix A\]](#).

4. If Animal Care personnel from another unit are already involved with the facility, the inspector will reach out to those personnel prior to conducting the courtesy visit so they are aware of the visit.

#### 4.3.2.2. Conducting a Courtesy Visit

A courtesy visit will be offered to all facilities receiving their **first repeat** attempted (i.e., two consecutive attempted inspections or the third attempted inspection in two years).

##### **Courtesy Visit Procedures:**

1. A facility walkthrough and records review should be conducted (as you would during a routine inspection). Do not document the results of the walkthrough or review during the courtesy visit. If the courtesy visit turns into a focused inspection due to the observation of a **Direct** NCI as described in Section 4.8.3.2, record all observed NCIs on the focused inspection report. If the licensee/registrant wishes, they can take notes regarding your findings or suggestions.
2. The following information will be provided to the licensee/registrant during the courtesy visit:
  - A. The PowerPoint “The Animal Welfare Inspection Process and Attempted Inspections” will be presented to the licensee.
  - B. The inspector will complete or update a “Facility Contact Worksheet” with input from the licensee/registrant. This worksheet must be uploaded into eFile within five days (See the Facility Contact Worksheet for instructions).
  - C. The inspector should attempt to identify the reason for the attempted inspection and work with the facility to find a solution.
  - D. The inspector should let the licensee or registrant know that the courtesy visit will be followed by an unannounced inspection. Do not give them a timeframe for this inspection.
  - E. Stress the importance of making this a successful (non-attempted) inspection.
  - F. Leave your business card/contact information and encourage them to contact you with questions, schedule changes, changes in optimal hours (if eligible), etc.

The courtesy visit should be recorded in eFile as a “*courtesy visit to follow-up on compliance concerns.*” See [Courtesy Visits \[4.8\]](#) for more information on documenting courtesy visits in eFile.

### 4.3.3. Conducting an Unannounced Inspection after the Courtesy Visit

A routine **unannounced** inspection should be conducted within two months after the courtesy visit.

If an inspection is conducted, complete an Inspection Report following normal procedures.

If this inspection is an attempted inspection:

- Follow the *Attempted Inspection Procedures* (not including the courtesy visit)
- Document the attempt on an inspection report, and
- Designate it as a “repeat” (second repeat)
- This facility will be referred to the Compliance Support Staff

### 4.3.4. Compliance Assurance Staff (CAS)

If the inspector, after consultation with their SACS, feels that a compliance call or visit would help at any step in the Attempted Inspection or Courtesy Visit process, they should send a request to CAS.

#### 4.3.4.1. Third Attempted Inspection (Second Repeat AI)

The **third Attempted Inspection** (second repeat) will automatically trigger a referral to a CS who will be assigned to work with the facility. The CS will contact the inspector prior to communicating with the facility. The inspector should let the CS know everything they have done to try to work with the facility and provide any other information or guidance that might be helpful. The inspector, SACS, and CS will determine the best course of action for the CS to take (e.g., calling, going on a compliance visit, or riding with the inspector on a visit/inspection).

### 4.3.5. Compliance Assurance Staff (CAS) Referral

A facility will be referred to RSS for possible license revocation after the fourth Attempted Inspection (third repeat Attempted Inspection).

### 4.3.6. Additional Attempted Inspection Guidance

To facilitate and build customer relationships with licensees and registrants, inspectors must remain aware of varied traditions, religious requirements, community culture, and emergency situations that can sometimes affect the daily operation of our regulated facilities.

In an effort to become more customer service oriented, inspectors must be courteous, considerate, and demonstrate compassion to the needs and efforts of our licensees and registrants in these situations. Remaining cognizant of

traditions, religious requirements, and emergency situations will help to build trust and improve working relationships with our licensees/registrants. This will help to ensure that our suggestions, guidance, and talking points are accepted and implemented to improve the health and well-being of all regulated animals.

#### 4.3.6.1. Common Amish Holidays

The following are common Amish holidays not normally observed by federal employees. Work with the individual Amish communities to develop a plan for completing an inspection around these days.

- Old Christmas (6 January)
- Good Friday & Easter Monday (Friday & Monday prior to and following Easter)
- Ascension Day (40th Day after Easter Sunday)
- Pentecost Monday (7th week after Easter)
- St. Michael's Day/Michaelmas (11 October)
- Second Christmas (26 December)
- New Year's Eve (31 December)
- Weddings are typically held on Tuesdays or Thursdays in the fall/harvest season through winter

#### 4.3.6.2. Choosing Not to Cite an Attempted Inspection at a Facility

In some circumstances, when an inspector arrives at a facility, it may be determined that it is not appropriate to conduct an inspection (see examples below). If an inspector is unsure whether or not to conduct an inspection, or if this is a recurring issue at this facility, the inspector should contact their SACS. If an inspection is not conducted, the inspector should document the visit on their Weekly Activity Report, but it should **not be cited as an Attempted Inspection**.

Examples of situations where the inspector may choose **not** to conduct an inspection include, but are not limited to:

- Contagious disease in the animal facility, such as parvovirus (the inspector may want to contact the attending veterinarian for more information)
- Illness of the licensee or close family member
- Personal events such as weddings, funerals, doctor/veterinarian appointments, or family emergencies

#### 4.3.6.3. Inspections with Facility Representatives

If the licensee or registrant agrees to utilize a facility representative in order to conduct an inspection, the inspector must be sensitive to the licensee's or registrant's wishes and should give them the opportunity to address issues that



arise during the inspection and/or be involved in the exit briefing.

In order to accommodate the request, up to two business days can be allowed for extra time to answer questions, address concerns identified during the inspection, and complete an exit briefing with the licensee or registrant. This courtesy will help to alleviate some of the potential hesitation associated with utilizing a facility representative. This option should be offered as a potential solution to conduct a successful facility inspection.

#### 4.3.7. The Facility Contact Worksheet

The [Facility Contact Worksheet](#) should be updated, as needed, to maintain current optimal hours, contact information, and facility representative information.

This worksheet must be uploaded into eFile **within five business days**.

#### 4.3.8. Optimal Hours

The inspector should attempt to identify the optimal hours of inspection for all licensees and registrants that are not open to the public. Record the optimal hours on the *Facility Contact Worksheet*. Optimal hours are generally four-hour blocks of time during daylight hours three days per week. This is not, however, a requirement. The inspector should use their professional judgment to consider two entire days per week, or another set of optimal hours, which will facilitate the unannounced inspection. If, after discussion, the suggested optimal hours still seem unworkable, the inspector should contact their SACS.

If the licensee/registrant is **not** at home during the designated hours, cite as an Attempted Inspection. If the inspector stops by the facility at other times and the licensee/registrant is **not** home, the inspector should record the visit on their Time and Attendance sheet, but the inspector should **not** cite the inspection as an Attempted Inspection.

##### 4.3.8.1. Unsatisfactory Optimal Hours Form Letter

The [Unsatisfactory Optimal Hours Response Letter](#) (UOHL) is an optional form that can be used on a case by case basis when the supervisor, inspector, and licensee/registrant cannot agree on acceptable optimal hours of inspection. Once the supervisor has determined that the OHFL is appropriate, the inspector should complete the letter and send it to the licensee/registrant via certified mail with return receipt. A copy of the letter should be uploaded into eFile.

The UOHL can be sent at any point when unsatisfactory optimal hours have been given and the supervisor, along with the inspector, feel the letter would be beneficial. This is a separate letter than the *“Attempted Inspection Letter”* and *“Benefits of Inspection and Optimal Hours Enclosure”*. See Section 4.3.1 *Attempted Inspection General Procedures* for more information on the *“Attempted Inspection Letter”*.

### 4.3.9. Handy Tips

- When attempting to reach a licensee or registrant with limited availability:
  - Attempt to call 7 to 8 am, 5 to 7 pm, or over the noon hour if the inspector knows the licensee/registrant works during the day
  - Try calling at different times during the day
  - Always leave a message with a return phone number
- If traveling near their facility, stop by and leave a “Leave-behind Flyer”. Document that a flyer was left at the facility, and the date it was left, in the notes section of the *“Attempted Inspection Checklist.”*

On routine inspections, or other contact with the licensee or registrant, remind them to reach out with changes in their schedule, vacations, times when they know they will not be home, or optimal hour changes.

## 4.4. Auction Market Inspection

The auction market operator **and** the consigner of the animal, if the consigner is licensed or required to be licensed, are responsible for compliance with all applicable Regulations and Standards

### 4.4.1. Criteria

At the time of the Prelicensing Inspection(s) of the auction facility and during Routine Inspections, the inspector should ensure that the applicant/auction operator understands all the applicable Regulations and Standards emphasizing the following:

- All animals must be handled so there is minimal risk of harm to the animals and the public. Operators of auctions during public exhibition should use sufficient barriers and/or distance so as to ensure the safety of the animals and public. A sufficient number of readily identifiable attendants should be present at all periods of public contact with the animals [2.131]
- Incompatible animals must **not** be held in the same enclosure
- Requirements for record keeping, transportation, cleaning, sanitation, and general animal health and well-being are monitored and met during the auction
- The animal enclosures meet the space requirements:
  - Animals are considered to be “in transit” and may remain in the enclosures while at the auction as long as all requirements for transport enclosures (from the Transportation Standards for the appropriate species) are met or exceeded
- The auction operator is responsible for compliance with all Regulations and Standards, including applicable Transportation Standards, once the animal is accepted by the auction market. The auction’s responsibility does not extend to animals kept in transport vehicles in auction parking lots.

At the time of the auction, you (the inspector) should:

1. Contact the licensee or his/her representative at the facility
2. Introduce yourself
3. Show official ID, if requested
4. Ask the licensee or representative if:
  - He/she or a designated person should accompany you around the auction grounds, or
  - If it is permissible for you to inspect the grounds and the sellers/buyers on your own
5. Check for regulated animals

6. If a USDA licensee brings in a regulated animal, conduct an inspection of the animal in transit
7. If an unlicensed person brings in a regulated animal:
  - A. Inform the person of the Animal Welfare Act licensing requirement and that regulated activities may **not** be conducted without a license
  - B. Explain the Regulations and Standards for his/her animals
  - C. Give the person an application packet, if appropriate, or contact information for the AWO office to obtain an application packet
8. Answer any applicable questions
9. Check the animals for any visible signs of illness or distress (see [Animals Requiring Veterinary Care](#)).
10. If a licensee purchases and transports a regulated animal, conduct an inspection of the animal in transit prior to the licensee leaving the auction facility, if possible

#### NOTICE

If a noncompliant item is noted at the time of consignment, inform the auction operator or auction representative of this noncompliance.

### 4.4.2. Animals Requiring Veterinary Care

The auction operator is responsible for obtaining veterinary care for sick animals in his/her custody being sold for regulated purposes.

If a licensee has transported a sick or injured animal, the inspector should ask if the attending veterinarian or a veterinarian at the auction has been contacted. If **not**, the licensee should be cited for this noncompliance.

### 4.4.3. Records

#### 4.4.3.1. Sale Day

Ensure that licensees who have transported dogs, cats, and nonhuman primates across a State line have health certificates. The auction operator is not required to maintain a copy of these records.

#### 4.4.3.2. After the Sale Day

Conduct an inspection of the records containing all the information for the animals consigned to and sold by the auction operator on a different day than the sale day.

#### 4.4.3.3. Acquisition Records Follow-Up

A person consigning a regulated animal to an auction market may or may not require a USDA dealer's license.

Consignment of regulated animals to an auction is not sufficient cause alone for requiring a license since the consignor may be exempt from licensing under Section 2.1(a)(3) of the Regulations or excluded.

The inspector should:

1. Collect the names/addresses of unlicensed persons consigning regulated animals to the auction

##### NOTICE

The auction catalog is a good source for this information and should be obtained, if available.

2. As time permits, conduct a search of any unlicensed person in your area selling regulated animals to determine if he/she is conducting any regulated activities
3. Send sales information for unlicensed persons not in your area to the appropriate SACS or inspector to conduct a search if deemed necessary

## 4.5. Barrier Facility Inspection

Animals housed in a barrier facility **must** be maintained in accordance with all Animal Welfare Act Regulations and Standards. Barrier facilities can include but are **not** limited to quarantine/isolation areas, areas conducting research with infectious agents, areas housing animals that are Specific Pathogen Free (SPF) or gnotobiotic.

### 4.5.1. Criteria

The inspector **must** be able to inspect all regulated animals and all animal-related areas at a licensed barrier facility to ensure compliance.

If it is not possible for the inspector to enter the animal rooms in the barrier facility due to the possibility of disease exposure and/or contamination of the inspector or the animals, the inspection may be conducted by:

- Analyzing environmental records.
- Selecting random animals to be visually inspected
- Video viewing from outside the barrier room
- Visual inspection through an adequate viewing window

The inspector should follow the entry procedures normally used by the facility's personnel.

#### NOTICE

The facility should supply a copy of its barrier entry procedures upon request.

The facility should:

- **Not** require more stringent entry Standards for the inspector
- Provide the protective clothing and supplies needed to complete the inspection, such as pen, paper, flashlight, etc., if the facility will not allow you to take your own supplies into the barrier area
- Provide a means of taking photographs, such as taking the photos for you or providing a disposable camera, if the facility will not allow you to take your camera into the barrier area or you are conducting the inspection from outside the barrier area

The facility may ask the inspector to verify that he/she has **not** been in contact with, or exposed to, certain animals for a specified period of time, generally 72 hours. This verification is acceptable.

#### NOTICE

Do **not** sign any statement which places you responsible for the health of the animals in the barrier facility.

All supplies required to maintain compliance should be available within the barrier facility. For example, veterinary equipment required for the procedures should be present in a surgery room behind a barrier when surgical activities are conducted.

## **4.5.2. Alternative Methods of Inspection**

### **4.5.2.1. Video Camera Inspection**

If a video camera is to be used for inspecting the barrier facility, the facility should meet the following minimum guidelines:

- If possible, record the inspection so the inspector and licensee or designated person can refer back to the recording to review an area if any questions arise after the facility inspection
- Have sufficient or supplemental lighting in the room to allow for good visibility
- Have a color monitor so that color differences can be seen. For example: to distinguish blood from other fluids, or to see algae/scum growth in water.
- Have a communication system between the person operating the camera and the inspector so that the inspector can direct the person to view different areas, or zoom in on an area
- A high-resolution video camera should be used so that the inspector can clearly see the animals in the enclosures and see subtle differences, such as being able to distinguish between bedding and feces in or beneath the enclosures
- Use a portable video camera with the ability to video all parts of all the rooms that will require inspection, such as the animal rooms, food and bedding storage areas, medication storage areas, and enclosure washing/sanitizing areas

### **4.5.2.2. Through a Viewing Window**

If the inspection is to be conducted through a viewing window(s), the facility should meet the following minimum guidelines:

- All parts of all the rooms that will require inspection, such as the animal rooms, food and bedding storage areas, medication storage areas, and enclosure washing/sanitizing areas, must be visible through the window(s)
- The lighting in the room must be sufficient to allow for good visibility or the facility must have supplemental lighting available
- There must be a communication system between the person inside the room and the inspector, so that the inspector can direct the person to bring enclosures or animals to the window, or to open cabinets or containers

## 4.6. Change in Class of License Inspection

A licensee **must** complete the prelicense process to change his/her class of license. Refer to Chapter 4 for information regarding the prelicense process.

If during an inspection, you determine that the licensee has the wrong class of license for the regulated activity that he/she is conducting:

- You may **not** start the prelicense process to change the license. The licensee **must** follow the procedures for applying for a new license, i.e., submit an application, pay the license fee, etc.

A 'Class A' licensee is anyone meeting the definition of "dealer" whose business consists only of animals acquired for the sole purpose of maintaining or enhancing the breeding colony and animals that are bred and raised on the premises.

A 'Class B' licensee is anyone meeting the definition of "dealer" whose business includes the purchase and/or resale of any animal. Class B licensees include brokers and operators of auction sales, as such individuals who negotiate or arrange for the purchase, sale, or transport of animals in commerce. A Class B dealer may also exhibit animals as a minor part of the business.

A 'Class C' licensee is anyone meeting the definition of "exhibitor" whose business involves showing or displaying animals to the public. A Class C exhibitor may buy and sell animals as a minor part of the business to maintain or add to the animal collection.

### 4.6.1. Criteria

To change his/her class of license, a licensee **must**:

- Complete an Application for License–New License ([APHIS Form 7003A–Application for License](#))
- Complete an **announced** Prelicense Inspection with **no** noncompliant items cited
- Send a cancellation form for the old license to the AWO Field Office

If the inspector finds that a licensee has changed or plans to change his/her regulated activity, notify the licensee that he/she needs a different class of license and:

- **Must** complete an Application for License–New License ([APHIS Form 7003A–Application for License](#)), complete the TIN form, and pay the license fee
- **Must not** conduct the unlicensed activity until the new license is issued, but may conduct the regulated activities covered under the current license

The licensee should request an application packet from the Ft. Collins Animal Welfare Operations Field Office, if necessary.



## 4.6.2. Conducting the Inspection

### 4.6.2.1. Noncompliant Items Identified

If noncompliant items are identified during the inspection:

1. Enter the Inspection Report into eFile under the Prelicense site.
  - A. Make sure no license number is visible in the certificate box in the eFile screen for that new site
  - B. If the licensee does not have a new Prelicense site, contact Program Support to add a new site
2. Classify the inspection as “Prelicense #1”
3. Inform the licensee that he/she **cannot** conduct the new activity if it is **not** allowed under his/her current license. For example, a Class A dealer wants to exhibit animals.
4. Add the statement to the report “NO CLASS (enter class of license) ACTIVITIES MAY BE CONDUCTED UNTIL A VALID USDA CLASS (enter class of license) LICENSE IS OBTAINED.”
5. Schedule another inspection, if possible

### 4.6.2.2. No Noncompliant Items Identified

If no noncompliant items are identified on the inspection:

1. Enter the Inspection Report into eFile under the new Prelicense site.
  - A. Make sure no license number is visible in the certificate box in the eFile screen for that new site
  - B. If the licensee does **not** have a new Prelicense site, contact the AWO Office to add a new site
2. Classify the inspection as “Prelicense Inspection #1”
3. Follow the procedure for a Prelicense Inspection as detailed in Chapter 4
4. Add the statement to the report “NO CLASS (enter class of license) ACTIVITIES MAY BE CONDUCTED UNTIL A VALID USDA CLASS (enter class of license) LICENSE IS OBTAINED.”
5. Have the licensee send the license fee, and the voluntary cancellation form for the old license to the AWO Field Office.

#### NOTICE

If the licensee changes his/her class of license prior to the expiration date of the previous license, no refund of the previous license fee is given.

## 4.7. Complaint Inspection Procedure

### 4.7.1. Sources of Information

- Sources of information include, but are not limited to:
- General public
- Customer or stakeholder
- Non-government organization
- Another Federal agency
- City, county, or State agency
- Verbally via another AC employee

Complaints are accepted formally or informally by any of the following methods:

- AC website
- Email
- Letter
- Phone call

### 4.7.2. Outside Complaints received by AWO Inspector

If the inspector receives a complaint from the public, state, or local counterpart, they will relay the information to their SACS.

If the SACS and inspector agree it warrants a formal complaint, and the complainant wishes to remain anonymous, the inspector:

- Will submit the complaint on their behalf by phone/email or by using the public-facing online complaint portal
- When submitting the complaint by email the inspector will include that the complaint was generated by a member of the public. Note: if the complainant wishes to track the complaint it must be submitted in writing (not anonymously).

If the generation of a formal complaint is not necessary, the issue may be evaluated during the next inspection.

If the complaint involves un-licensed/registered facilities, the AWO Search SOP may be initiated.

Inspectors should encourage all complainants to submit their complaint via email or the public website. However, the public is not required to use these methods to report a complaint. Reminder: informal/verbal complaints made by other entities will be accepted.

## NOTICE

An inspector may never reveal, or confirm, the source of any complaint. The complainant does NOT have to give his/her name to file a complaint. If the complainant does provide his/her name, it may be subject to a Freedom of Information Act (FOIA) request.

### 4.7.3. Complaint Notification, Tasks, & Supervisor Discussion

Complaints will be categorized by Program Support as either Tier I, Tier II or Tier III. The inspector and SACS will receive notification by both email, and the inclusion of the complaint in their eFile “Inquiries Assigned to Me” list.

Questions about the complaint should be directed to the SACS.

After receiving notification of the complaint, the inspector will:

- Review the complaint within 10 days of receipt. If this deadline cannot be met, the inspector must notify their supervisor prior to the deadline.
- Discuss with their SACS (or SOTW or appropriate AD if SACS not available) all Tier I complaints or any complaint that they may need assistance with, and their plan to address the complaint
- **NOTE:** Inspectors employed with AC for 2 years or less must discuss Tier II complaints with their SACS.
- If necessary, reach out to a National Policy Staff Officer or Field Specialist for assistance in creating the plan, or for information on a particular species

SACS (or SOTW or appropriate AD) will respond within 5 days to the inspector regarding the plan to address the complaint. If additional information becomes available regarding the complaint, the inspector will be informed, unless the information is restricted.

After the complaint has been addressed and the complaint response submitted to the supervisor for approval, the inspector will set the status of the “Complaint Assigned” eFile task to “completed”

### 4.7.4. Complaint Inspection & Closure

The inspector must follow up on all complaints by the Reply Due Date (45 days from notification). If this Due Date cannot be met, the inspector must notify their SACS as soon as possible so other arrangements can be made.

Upon completion of the complaint inspection/investigation, the inspector must:

- Draft a formal complaint response
- Submit this first draft to their supervisor for review and approval. The method of submission is either by email or entering into the Results field in eFile.

- Change the complaint status to “Pending SACS Review”
- If edits are needed to the response, make the edits and resubmit the response to their supervisor for final approval **and** change the complaint status to “Pending SACS Review”

The SACS must:

- Review the complaint response, and any associated documents, for accuracy and completeness
- If edits are needed, discuss the edits with the inspector who will make necessary edits and change the complaint status to “Pending Inspector Review”
- When the final response is agreed upon by the inspector and SACS, the SACS will follow the procedure to close the complaint
- Review and approve all memos or supporting documentation. Internal memos, or other supporting documents associated with complaints, will be kept to a minimum and only used if necessary. **NOTE:** Memos must be sent to the SACS for review prior to uploading into eFile.

#### NOTICE

For complaints involving birds at licensed facilities, inspector must note within the complaint response that birds are covered by the AWA, but no standards are being enforced at this time and document all observations made or actions taken (e.g., verifying veterinary care has been provided, advising the licensee that veterinary care was necessary, forwarding the information to state or local authorities, etc.).

## 4.8. Courtesy Visits

Courtesy Visits are opportunities for Animal Care to provide learning opportunities and build relationships with facilities. A Courtesy Call may be conducted as opposed to a face-to-face visit as appropriate.

### 4.8.1. General Information

Courtesy Visits are appropriate for:

- Facilities that are considering seeking licensure or registration under the AWA
- Facilities seeking guidance or suggestions regarding how to ensure that they are compliant with the Regulations and Standards
- Facilities seeking to improve their understanding of the AWA requirements, and to verify that improvements they are making put them in compliance with the Regulations and Standards

#### NOTICE

Courtesy Visits are **not** permitted after the 1st or 2nd licensing inspection. Courtesy Visits are **not** permitted within 90 days of the expiration date of a current licensee's license whether they have submitted their relicense application or not.

**Courtesy Visits are scheduled and announced in advance.**

If an inspector goes to a facility for an unannounced inspection:

- An inspection **must** be conducted
- A Courtesy Visit may be scheduled for another time, but **cannot** be performed in lieu of an inspection

Courtesy Visits should **not** influence or change the inspection or enforcement process at a facility.

If you are unsure if it is appropriate to conduct a Courtesy Visit at a facility or if a facility requests more than one Courtesy Visit, contact your supervisor for guidance.

**If you get a request for a Courtesy Visit but are unable to fit it into your schedule, contact your supervisor for guidance.**

### 4.8.2. Documenting a Courtesy Visit

All Courtesy Visits, whether at regulated or non-regulated facilities, **must** be documented in eFile:

- If two or more employees are involved in the activity, only one employee will make the entry into eFile.

- If the visit is not a follow up to a non-compliant item (NCI), the home or lead inspector will make the entry.
- If the customer does not have a CID, contact Program Support to have one created and then enter the activity.
- The specific activity should be entered into eFile. For the Description, enter the specific corresponding activity type that most appropriately describes the visit, using the following definitions:
  1. **Courtesy visit with applicant:** These visits ensure an applicant understands the Regulations and Standards and is prepared for the first Licensing Inspection. These are visits conducted prior to the first Licensing Inspection.
  2. **Courtesy visit to follow up on compliance concerns:** Face-to-face visit with the licensee/registrant (L/R) to ensure that the L/R understands how to correct a previously documented NCI with the Regulations or Standards.
  3. **Courtesy visit due to change in circumstance (new building, species, etc.):** Face-to-face visit with a L/R to review a new, or “in-the-works,” project to determine if it would be in compliance with the applicable Regulations or Standards. Examples include but are not limited to: new construction, new research proposal, acquisition of a new species, new site, new handling methods, etc.
  4. **Courtesy visit with the attending veterinarian (AV):** These visits are to establish and/or maintain and/or develop a relationship with a facility’s AV. Visits with the AV to discuss a potential NCI or a specific veterinary care issue identified during an inspection are not considered courtesy visits; they are part of the inspection process.

### 4.8.3. Conducting the Courtesy Visit

#### 4.8.3.1. UNLICENSED/UNREGISTERED FACILITY

**For a facility that is NOT licensed or registered:**

- Discuss AWA requirements for the type of facility being visited and ensure the representative understands the expectations
- Offer to walk through the facilities and animal areas, and provide feedback regarding the facility’s level of compliance

#### NOTICE

If a **Direct** animal welfare problem(s) is identified during a Courtesy Visit at a facility that is not licensed or registered, the inspector must the contact their SACS for guidance. Options in these cases include, but are not limited to, contacting local law enforcement or State animal welfare organizations.

#### 4.8.3.2. LICENSED/REGISTERED FACILITY

**For a current licensee or registrant:**

- Prior to the courtesy visit, notify the licensee/registrant that if a **Direct** non-compliant item (NCI) is identified during the courtesy visit, the courtesy visit will end, and the inspector will immediately begin a focused inspection. The **Direct** NCI and any other NCIs observed during the focused inspection will be cited on an inspection report according to our current inspection procedures.
- Offer to look at areas they are concerned about and offer suggestions for short and long-term compliance and/or where they can obtain helpful information.

If a **Direct** NCI is identified during the courtesy visit, end the courtesy visit and begin a focused inspection, and cite the **Direct** NCI and any other observed NCIs on a focused inspection report. Follow all inspection procedures described in Chapter 2 for **Direct** citations, and inform the facility that an unannounced inspection will be conducted to follow-up on the **Direct** NCI.

## 4.9. Dead Animal/Parts or Serum/Blood Dealer Inspection

A dealer who sells dead animals, unborn animals, organs, limbs, blood, serum, or other body parts of regulated animals **must** meet all applicable Regulations and Standards.

### 4.9.1. Dead Animal/Parts

#### 4.9.1.1. General Information

##### 4.9.1.1.1 Dogs and Cats

If the animals arrive at the premises dead, specific areas to inspect include, but are **not** limited to:

- Records of acquisition
- Records of disposition

If the dogs/cats arrive at the premises alive and are held prior to euthanasia, the facility must meet all the applicable Standards, including official USDA identification. A complete inspection should be conducted.

##### 4.9.1.1.2 All Animals Other Than Dogs and Cats

If the licensee does not acquire nor take control of the animals prior to the animals' deaths, **no** records are required.

If the animals arrive at the premises alive and are euthanized upon arrival, specific areas to inspect include, but are **not** limited to:

- Animal holding/euthanasia area
- Euthanasia procedures
- Acquisition and Disposition Records

If the animals arrive at the premises alive and are held prior to euthanasia, conduct a complete inspection.

### 4.9.2. Blood and Serum Collection

A dealer's procedure for collection of blood and serum should be evaluated carefully to ensure the welfare of the animals. Removal of excessive amounts of blood may have negative effects on the animal.

#### 4.9.2.1. General Guidelines

If an animal is held long-term for collection of blood and/or serum, the inspector procedure should review:

- Volume per collection
  - Normally, the maximum amount of blood that should be withdrawn in one bleeding is 15% of the total blood volume (TBV)



- TBV is usually estimated to be 5 – 10% of total body weight (TBW) for most species, with one gram equal to one milliliter
- Frequency of collection
- An animal has to recover from the previous blood draw before another blood draw
  - Recovery times usually range from 1 – 4 weeks depending on the species and volume of blood drawn
- Long-term care

If the inspector has concerns about the amount of blood being drawn or the frequency of collection, he/she should discuss with the attending veterinarian and/or his/her SACS.

## 4.10. Dogs and Cats in Residence Inspection

Inspecting dogs and/or cats that are being kept and/or bred inside the licensee or applicant's home can be challenging. Many of the Standards used during routine kennel/cattery inspections are **not** applicable. It is important that the inspector take the overall conditions into account in making a determination and always contact a supervisor if there are questions. Please note the following:

- All regulated dogs and cats **must** be officially identified and listed on the appropriate animal inventory form
- Do **not** enter or stay in a residence unless you are sure you are safe
- Do **not** intrude into areas of the home which are not critical to evaluating the conditions for the regulated dogs or cats
- Do **not** open cabinets, refrigerators, drawers, or doors unless you have the expressed permission of the owner and the contents are directly related to the care of the dogs or cats
- Do **not** refer to the facility as a "house", "home", or "residence" on an Inspection Report. Use the term "facility", or some other mutually agreeable term such as "small dog area" or "retired breeder housing area."
- Do **not** use the impervious surfaces Standards under sections 3.2(d), 3.26(d), or 3.51(d), unless there is a designated housing or whelping area inside the home. For example, a bathroom used for whelping should have surfaces that can be sanitized but that applies to the bathroom area only. A living room where dogs hang out and watch television cannot be required to have surfaces that are impervious to moisture.
- Focus 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, you 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.
- Occasionally, a mudroom, laundry room, enclosed porch, or bathroom is used as a designated whelping or housing area. When animals are present, these areas **must** provide adequate temperature and ventilation and be easily cleaned and sanitized for the health of the animals.
- Wear clean boots or shoe covers to enter the premises. Do **not** use the same boots or shoe covers in which you inspected any other kennel/cattery buildings.
- When photographs are required, be extremely careful to only photograph what is necessary to document the noncompliance. Be sensitive to the fact that taking a large number of photographs in someone's house or photographing personal belongings may add stress to the inspection process. Take the minimum number of photographs needed.

It is important to be sensitive to the fact that this is the licensee's or applicant's

home and act accordingly. There is no limit under the AWA on the number of pets that a person can have in their house. We know from experience that a large number of dogs or cats housed in a residence can create unhealthy conditions. If you encounter an unusually large number of dogs or cats in a residence, or have concerns about general conditions in a residence, postpone the completion of the inspection and contact your supervisor.

## 4.11. Domestic Hoofstock Inspection

A dealer, exhibitor or research facility using domestic hoofstock who does not meet the AWA exclusions or exemptions **must** meet all applicable Regulations and Standards, including the Transportation Standards.

Domestic hoofstock are:

- Alpacas
- Cows
- Goats
- Llamas
- Pigs and mini-pigs
- Sheep
- Hybrid crosses of the above animals

### 4.11.1. Domestic Hoofstock Housed in an Agricultural Setting

Agricultural settings include, but are not limited to:

- Pastures or ranges
- Outdoor pens with shelters and/or barns
- Production housing

When inspecting an agricultural setting, the inspector should use Subpart F of the AWA Standards. The inspector may also refer to the Guide for the Care and Use of Agricultural Animals in Teaching and Research, Third Edition, January 2010.

### 4.11.2. Domestic Hoofstock Housed in a Non-Agricultural Setting

Non-agricultural settings include, but are not limited to:

- Zoos
- Indoor displays such as nature centers or sportsman shows
- Research facilities

When inspecting a non-agricultural setting, the inspector should use Subpart F of the AWA Standards.

## 4.12. Drive-through Zoo/Park Inspection

A zoo or animal park which allows people to drive through, either in their own vehicles or a zoo/park vehicle, **must** meet all applicable Regulations and Standards.

Consider a team inspection for drive-through parks.

In addition to the regular equipment, inspectors should bring:

- Binoculars for each inspector to facilitate viewing of animals
- Cameras with adequate zoom to photograph animals at a distance

### 4.12.1. Conducting the Inspection

#### 4.12.1.1. Driving through the Zoo/Park

Driving through the facility for inspection can be done in a facility-owned vehicle or in a GOV:

- Due to restrictions on the use of GOVs, the facility representative cannot accompany the inspectors in a government vehicle
- During the inspection, it is acceptable to ride in a vehicle provided and driven by the facility representative

Safety while driving through the zoo/park:

- Pay particular attention to safety while moving
- Watch for animals and other vehicles in the roadways
- Driver's attention should be focused on driving safely
- Passenger should be taking notes, photographs, and observing animals

Regardless of whose vehicle is used, it is important to:

- Drive slowly
- Stop frequently to observe the animals and their behavior
- Stop in locations where you can view animals congregating
- Pay particular attention to animals that may be isolated from the groups
- Observe the other vehicles driving through the zoo/park
- Watch for public interactions with the animals
- If public feeding is allowed, observe how it is accomplished

## NOTICE

When inspectors are conducting the inspection from a GOV, the facility representative can accompany the inspectors by driving behind the inspectors' vehicle. In this case, cell phones or a radio may be used to point out any potential noncompliance or to ask questions that may arise.

### 4.12.2. Animal Inspection

Inspectors should evaluate the licensee's methods for providing both routine herd-wide preventative health care (as required by the facility's attending veterinarian) as well as care to individual animals that may become sick or injured. These methods may include:

- Annual or semi-annual animal 'round ups' where preventative care such as vaccination and deworming can be administered to all animals
- Moving individual animals into smaller areas to facilitate treatment using training or chutes
- Chemical immobilization administered by a remote delivery system

To help evaluate the handling methods, ask or look at:

- The equipment in use, such as:
  - Chutes
  - Drugs
  - Remote drug delivery systems
- Ensure that the equipment and drugs are appropriate for:
  - The species
  - Setting/terrain

Expansive habitats may necessitate the use of chemical capture and restraint drugs. To be considered adequate veterinary care the facility staff must be trained in their use and have the appropriate facilities and equipment to respond to adverse events if they occur.

### 4.12.3. Handling

When inspecting for compliance with the Handling Regulations at a drive-through zoo/park, some recommended items to evaluate include, but are not limited to:

- Caution signs, such as:
  - Do not get out of car
  - Do not put fingers in cages

- Feeding only allowed when facility attendants are present
- Remove all objects from exterior of vehicle (flags, etc.)
- Posting or distribution of the safety rules
- Monitoring of the zoo/park by employees during their regular duties
- Number of employees/attendants to patrol the zoo/park
- Number of employees/attendants at designated feeding stations and/or public feeding areas
- Monitoring of areas not readily visible to attendants
- Procedure in the event of an animal escape or attack

Unacceptable methods of handling at a drive-through park include:

- Housing non-compatible animals in the same area [3.133, 3.160]
- Feeding from personal vehicle with no or an insufficient number of attendants present to patrol, monitor, and intervene during such activities [2.131(c)(1), 2.131(d)(2)]
- Animal is able to put its head or other body parts inside privately-owned vehicle [2.131(c)(1), 2.131(d)(2)]
- Insufficient distance or barrier between animal and public [2.131(c)(1)]

#### 4.12.4. Public Feeding

The public may not bring outside food into the facility for feeding of animals. Food must be provided by the facility [2.131(d)(4)]. Remember to ask questions about measures that the facility has in place to prevent an outside food source and what actions are taken if discovered by the facility.

Food offered to the animals **must** be:

- Wholesome
- Palatable
- Appropriate for the species
- Presented in an appropriate manner

There are many methods for public feeding at drive-through zoos/parks which may be compliant. For example:

- Facilities use designated areas for feeding so that attendants can be present at those areas. Feeding in other areas is not permitted and the facilities have methods in place to prevent this practice.
- Facilities only permit feeding from facility operated vehicles that have sufficient attendants accompanying the public group.
- Regular patrolling by facility staff of the feeding area

- Video surveillance of the feeding area with radio dispatch
- Distribution or posting of written policies on feeding, such as handouts given to the public stating feeding rules such as, windows must be closed unless a facility attendant is present, and no feeding of animals unless an attendant is present
- Posted Caution Signs

NOTE: Facility must have sufficient barrier, space, or attendant present during public feeding.

- Unacceptable practices with respect to feeding animals by the public:
- Use of any of the following personal vehicles/situations [2.131(c)(1), 2.131(d)(2)]
  - Motorcycle
  - Vehicle with open or soft roof, or with doors off
  - Guests riding in back of open truck bed (personal vehicles)
- Physical contact/harassment of animals by public [2.131(b)(1)]
- Feeding food or other items not provided by facility [2.131(d)(4)]
- Animal is able to put its head or other body parts inside privately-owned vehicle [2.131(c)(1), 2.131(d)(2)]
- Feeding from personal vehicle with no attendants present, or insufficient number to patrol, monitor, and intervene during such activities [2.131(c)(1), 2.131(d)(2)]

When public feeding occurs from facility-owned vehicles, inspectors should evaluate how many attendants are present and whether they can intervene in the event of a problem. When the vehicle driver is the only attendant, it may be difficult to ensure both animal and visitor safety. This is particularly true for large vehicles, those with driver separation from the public, or horse drawn vehicles.

#### **4.12.5. Facility Inspection**

When inspecting drive-through zoos, remember to evaluate all aspects of the facilities.

Ask about alternate housing. Many drive-through zoos/parks:

- Move a portion of the animals to alternate housing
- Rotate pastures
- May close for a portion of the year and move the animals

##### **4.12.5.1. Separation of Businesses**

Some drive-through zoos/parks also have other animal-related activities that are



not considered by the park's owner to be part of the regulated enterprise, such as production farms or hunting preserves. It is important to determine what is regulated and what is exempt:

- Generally regulated if:
  - The animals are all comingled throughout the facility pastures or enclosures
  - The animals are viewed by the public during their visit to the facility
  - The animals from an off-site area are brought to and from the exhibit site

#### **4.12.5.2. Animal Compatibility**

Drive-through zoos/parks often have large multi-species enclosures. This can lead to compatibility issues if care is not taken in selecting the species and individual animals.

During inspection:

- Pay attention to animal interactions particularly around resources such as feeders, water sources, shelter, etc.
- Assess body condition. This can also be helpful in determining whether animals are getting adequate feed or if competition is negatively impacting them.
- Remember, not all compatibility issues are constant. Seasonal hormonal fluctuations associated with breeding season/rutting season can impact both intra-species and inter-species compatibility, so vary inspections by time of year.
- Evaluate animal records closely to help identify injuries or deaths which may be due to compatibility issues

#### **4.12.5.3. Access to Shelter**

Adequate shelter is essential for all animals at all facility types. The large enclosures provide opportunity for naturalistic habitat, but also present unique challenges.

Natural shelter such as trees may not be sufficient in all circumstances.

When natural shelter is not adequate to protect animals from discomfort, artificial shelter must be available.

When evaluating artificial shelter, the inspector should ensure that:

- There is sufficient space for all animals
- There are enough shelters for all animals to fit into comfortably
- Shelters are strong enough for all species

## NOTICE

Remember to assess the shelter in combination with compatibility as dominant animals may prevent submissive animals from using shelters if there is insufficient space.

### 4.12.5.4. Access to Potable Water

Ponds and/or streams used as the sole water source may be considered adequate potable water. However, the following items must be evaluated:

- Natural stream, river, pond, or lake water should appear clear and there should be no indication of animal impacts caused by the water
- When covered by algae, water beneath should appear clear. Presence of algae does not mean the water is not potable.
- Ponds may freeze during the winter presenting a hazard for animals when the only water source
- Ask the facility representatives to point out potable water sources during inspection as additional water sources may be concealed to provide a natural looking environment.

### 4.12.5.5. Environmental Hazards

These natural environmental features may be hazards for some species but be appropriate habitat for others. You will need to make determinations about safety for the animals. Therefore, when inspecting, remember to:

- Evaluate the physical terrain
- Know the natural history of the animals
- Be aware that some of these hazards change seasonally or between inspections
- Evaluate the facility's program for self-identifying/correcting issues before adverse animal impacts occur
- Review the facility records for injuries, deaths, and animals provided veterinary care to help evaluate the impact of physical hazards

### 4.12.5.6. Records

Exhibitors are required to make, keep, and maintain records of:

- Acquisition (including births)
- Disposition (including deaths and euthanasia)
- Animals on hand [for animals other than cats and dogs, see Section 2.75(b) (1)].

Increased mortality or decreased births can be indicators of both animal health and/or welfare problems. Therefore, accurate record keeping is essential for:

- Facilitating communication between the licensee and the attending veterinarian
- AC Personnel to evaluate compliance with the AWA Regulations and Standards.
- Evaluating effects of natural hazards
- Evaluating compatibility issues

When reviewing records of animal deaths/euthanasia, inspectors should remember to ask questions. For example, what were the circumstances surrounding the death or serious injury **and** was appropriate veterinary care provided?

#### 4.12.5.7. Necropsy Records

In some circumstances, necropsy examinations may be appropriate as part of the provision of adequate veterinary care. For example, if there are:

- Abnormally high death losses
- Significant unexplained mortality
- Other conditions indicative of an undiagnosed infectious disease

Inspectors should request to see documentation of necropsy examinations. If such records exist, they must be made available for inspection pursuant to section 2.125.

#### 4.12.5.8. Animal Inventory

In large drive-through zoos/parks, there may be instances where it is not possible to ensure accuracy when counting a particular species during the inspection. For example:

- A large group of fallow deer in expansive multi-acre exhibit
- Pot-bellied pigs allowed to roam the entire facility
- Small number of shy animals that are easily hidden in the natural environment
- Prairie dogs in a confined space that has only overhead viewing

In these cases, the inspector must assess the accuracy of the records. Examples of methods that may be used include, but are not limited to:

- Facilities may record births or deaths as they occur and then confirm total numbers of animals on hand at annual or semi-annual 'round-ups' where routine health procedures are also conducted
- Although individual animal identification is not specifically required by the

AWA (for animals other than dogs & cats), licensees may ear-tag or otherwise identify individual animals as a best practice

- Some States may require ear-tag or other type of permanent identification for cervids

If the facility's method for maintaining records of animals on hand appears adequate, inspectors may use the facility's animal count for the purposes of the inspection inventory.

#### **4.12.5.9. Training and Qualifications**

During the evaluation of records is a good time to ask about the qualifications and training of the employees. Employees may be involved in activities that require specialized training, such as:

- Immobilization of animals
- Movement of large dangerous hoof stock
- Movement of very flighty hoof stock
- Determining compatibility among varied species
- Distinguishing between normal and abnormal behavior for a variety of species
- Observing illness/injury among a variety of species

It is important to check that employees are adequately trained and supervised by someone who has the necessary knowledge to instruct them.

## 4.13. Lion and Tiger Enclosure Inspection

This document provides **guidance** for assessing lion, tiger, and lion-tiger hybrid enclosures under commonly found circumstances at stationary facilities for purposes of primary containment.

Enclosures that clearly do not meet performance Standards for containment as per 9 CFR section 3.125(a) must be cited. All citations must refer back to the language of the Regulations and Standards; **there are no engineering Standards.**

### 4.13.1. Evaluating Enclosures

Factors to consider when evaluating enclosures include:

- Height. Acceptable fencing for lions, tigers, and lion-tiger hybrids is typically a minimum of 12 feet in height, plus an additional method of preventing escape, such as, but not limited to:
  - A kick-in at the top
  - Hotwire attached to the fencing around the entire enclosure with sufficient joule rating to prevent the big cat from climbing to the top
  - A 2.5 - 3-foot-wide section of non-climbable material such as sheet metal attached to the fencing below the top of the entire enclosure fence to prevent climbing
  - An enclosure with a completely covered top (Note: Enclosures with a complete covered top must be high enough to allow for normal and typical behaviors and postures.)
- A wet or dry moat can be used to contain lions, tigers, and lion-tiger hybrids. Moats are typically 25 feet wide or greater and 16 feet deep or filled with 5 feet of water. Remember that if the animal enclosure is higher than where the public is standing, additional distance is needed as animals can jump farther when going from high to low ground.
- Trees and cage furnishings should be far enough away from the enclosure fence to prevent the big cats from climbing out

**Note that this guidance is for enclosure design for compliance 9 CFR 3.125(a), and does not address handling requirements such as public barriers, which may need to be assessed as a separate issue.**

#### NOTICE

If the inspector has any concerns about an enclosure's ability to contain lions, tigers and/or lion tiger hybrids, the inspector should contact his/her supervisor and Animal Care's Big Cat Specialist for guidance.



Compliant big cat fencing

The inspector should consult with the licensee on an appropriate identifier for each enclosure. The identifier may be the name of the animal in the enclosure, the location of the enclosure on the premises, an enclosure number, or any other agreed upon identifier.

## 4.14. Marine Mammal Facility Inspections

A licensee who conducts regulated activity with marine mammals **must** meet all applicable Regulations and Standards, including the Transportation Standards.

### 4.14.1. Conducting the Inspection

Prior to inspecting a marine mammal facility, you should review the Marine Mammal Standards, Subpart E, and the facility's recent inspection history.

When inspecting a facility with marine mammals, some items to evaluate are listed below.

### 4.14.2. Veterinary Care

Marine mammals must be provided adequate veterinary care, including but not limited to:

- All marine mammals must be visually examined by the attending veterinarian at least semiannually. Also, all cetacean or sirenian must be physically examined by the attending veterinarian annually, unless APHIS grants an exception based on considerations related to the health and safety of the cetacean or sirenian.
- Each marine mammal must have medical records that include physical examination information
- Review records for each animal with medical concerns or under treatment first. Verify that animals with inappetence over 24 hours are documented and the attending veterinarian has been notified.
- Ask about any births or deaths
- Ask how the facility cleans, disinfects, and stores equipment used for medical/husbandry behavior training (e.g., gastric tubes, toothbrush, sample collection containers)
- Ask if any marine mammals are in quarantine or isolation and why
- Ensure that quarantine or isolation pools/areas for marine mammals held for **nonmedical** purposes meet the minimum space requirements
- Review the medical records and attending veterinarian justification for any marine mammals held for **medical** purposes for more than 2 weeks in quarantine or isolation pools/areas that **do not** meet the minimum space requirements
- Evaluate and inspect holding areas (for isolation, separation, and treatment):
  - If a marine mammal is kept separated or isolated, there should be veterinary justification and provisions for periodic review of the plan by the attending veterinarian
- Review necropsy/histopathology reports

- Review any incident, husbandry, daily feeding and supplement logs and training logs

#### 4.14.3. Space

Marine mammal primary enclosures must meet the space requirements in section 3.104.

##### 4.14.3.1. Space requirements for marine mammals housed in unusual circumstances

Situations that may require further evaluation of space to assess compliance for marine mammal pools may include:

- Irregularly shaped pools
- Pools with islands or obstructions within the swimming area of the animals
- Pools with varying depths, where the shallow areas of the pool do not meet the minimum depth requirement for the species housed
- Pools with gates or channels that must be included in the minimum horizontal dimension (MHD) calculation for the pool to meet the required minimum horizontal dimension

Gather clear documentation necessary to submit to your SACS to thoroughly assess the situation. This documentation should include photographs and measurements.

**Photographic documentation** should include, but not be limited to:

- Document the pool(s) using photographs taken from at least two different angles, with photos taken across the width and length of the pool, or two different views of a round or irregular pool
- Include two-view photographs of obstructions, such as islands or pool outcroppings that may impede an animal's ability to swim within the pool
- Include close-up and distance photographs of channels, gates, and/or narrow areas that may require animals to adjust their swimming patterns. Include photographs taken looking down from the side of the pool, documenting the depth of the channel, gate design, or shallow areas.
- Include photographs of channels, outcroppings, or islands taken from underwater viewing windows, when possible
- Try to obtain video footage of the animals swimming in the pool, optimally when they are passing through gates, narrow channels, or swimming in a pattern around an island, to determine the animals' ability to navigate the narrow or irregular areas or to document the animals' ability to swim through shallow sections that do not meet the depth requirement

**Measurements** should include, but not be limited to:



- Measurements of the depth, width and length or circumference of shallow areas of the pool that are noncompliant and that require further assessment
- For pools with a sloping bottom, determine from either architectural plans, or from your own measurements, the approximate point at which the pool is a compliant depth for the largest species housed
- Create a map of the pool indicating the areas meeting the minimum depth requirements
- Measure the length, width, and depth of all channels that are necessary for the animals to use
- Determine from written records, facility personnel or SOP, the amount of time gates are left open for the animals to access separate areas of the pool
- Measure the width, length, and depth of irregular areas of the pool if there is a question about calculating the MHD of the pool

#### 4.14.4. Feeding

Food for marine mammals must be wholesome, palatable, and free from contamination and must be of sufficient quantity and nutritive value to maintain marine mammals in good health.

- To minimize nutrient loss and bacterial contamination, frozen or thawed food must be stored, thawed, and prepared properly. At a minimum, you should:
- Inquire about the source(s) of the food
- Inquire about types of food being fed and their nutrient analysis. Diets must be prepared with consideration for factors such as age, species, condition, and size of the marine mammal being fed
- Be aware that fatty fish, such as mackerel and tuna, have a shorter shelf life (4-6 months)
- Check freezers and refrigerators to verify proper temperatures. Freezers/cold storage **must** be maintained at a maximum temperature of 0 degrees F
- Examine the stored food and ask how food is stored and rotated to ensure that it maintains optimal nutritive value by minimizing freezer storage time and does not become freezer burned
- Check the catch date on boxes - old food loses nutritive value over time
- Verify frozen food has not thawed and refrozen or boxes damaged indicating possible contamination:
  - Check for water, blood, or ice pooling beneath or frozen to boxes, and
  - Check for freezer burn which could affect palatability and moisture content of the food. Signs of freezer burn include white or desiccated

flesh.

- Ask how food is thawed. Thawing **must** be conducted in a manner that minimizes contamination and will assure that the food retains nutritive value and wholesome quality until the time of feeding. When food is thawed in standing or running water, cold water **must** be used.
- Ask to see and examine a representative sample of thawed food to verify wholesomeness. Attention should be given to skin appearance, gill color, eye clarity, elasticity of the flesh, odor, and condition of viscera.
- Review the diet and amounts fed for each animal and ask how it is determined
- Review how calories/needs are calculated
- Review the feeding schedule/frequency
- Ask about supplementation and how it was determined. For example, cetaceans should have a multi-vitamin with B1 (Thiamine) at a minimum.
- Review daily food consumption records for each marine mammal
- All food **must** be fed to marine mammals within 24 hours once removed from freezers for thawing

#### 4.14.5. Water Quality

The water in the primary enclosures must **not** be detrimental to the health of the marine mammals. When inspecting pools, at a minimum, you should:

- Ensure that each pool is being monitored and tested
- Look at SOPs for water testing
- Ask about frequency of testing
- Who does testing/where performed? Is it in-house or sent out to the lab?
- Review water quality data for preceding year for ALL pools
- Keep in mind that pools that are rectangular in shape or have a narrow passage into another pool should be monitored carefully because dead spaces may affect water quality
- If water is tested at an intake valve, the facility may also consider testing water taken from another area of the pool
- Daily testing:
  - pH must be tested daily:
    - A pH between 7.6 and 8.0 is ideal for marine mammal life support systems
    - Facilities with natural saltwater do **not** have to test for pH
  - Water samples shall be taken and tested at least daily for chemical

additives (e.g., chlorine and copper) added to the water to maintain water quality standards

- Weekly testing:
  - Coliforms must be tested at least weekly
  - Coliforms with a consistent value of zero each week may be of concern
  - if coliforms exceed 1000MPN/100 ml, action **must** be taken:
    - Two subsequent samples may be taken within 48 hours intervals and averaged with the first sample to obtain new count
    - If number still exceeds 1000MPN/100 ml, then water is unacceptable **and** must be immediately corrected
    - Many facilities will do a partial to full water change to correct the problem

Check Salinity levels:

- Salinity should range from 15 - 36 PPT (parts per thousand):
  - Natural seawater salinity is 32 – 35 PPT
  - Salinity less than 20 PPT is likely to cause skin and eye pathology in cetaceans
  - Eye problems may be observed in pinnipeds housed in fresh or brackish water

#### 4.14.6. Shelter and Shade

All marine mammals kept outside **must** be provided with shelter to afford them protection from the weather and direct sunlight.

When inspecting the shelter provided, at a minimum, you should:

- Look carefully at each animal for eye damage which can be caused by inadequate shelter from direct sunlight and is a serious, painful health concern for both pinnipeds and cetaceans
- Look at supplements being given (Eye-Sea is a common supplement given to marine mammals with eye damage and/or to prevent damage)
- Check if any animals have zinc oxide on heads or back. If yes, they may be ill and may need additional shelter.
- Observe a training session. Ensure animals are **not** being asked to look into sun during feeding.
- If public feeding is allowed, then observe the activity to ensure that the animals are not forced to look directly into the sun while getting their food reward
- Shelters can be natural or artificial so long as they are appropriate for the species concerned when local climatic conditions are taken into

consideration. For example, facilities may use moveable umbrellas to protect animals' eyes during training.

**Polar bears:** The dry resting and social activity area for polar bears **must** be provided with **enough shade** to accommodate all polar bears housed in the primary enclosure at the same time.

#### 4.14.7. Public Barriers

The requirements for public barriers are contained within section 3.101 (a)(2) under General Facilities and section 2.131(c)(1) under Handling:

- All marine mammals **must** be provided with protection from abuse and harassment by the viewing public by:
  - The use of a sufficient number of readily identifiable employees or attendants to supervise the viewing public, or
  - The use of physical barriers, or
  - A combination of these [3.101(a)(2)]
- During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, **with sufficient distance and/or barriers** between the animals and the general viewing public so as to assure the safety of the animals and public [2.131 (c)(1)]

You should routinely observe public viewing areas to verify:

- If employees or attendants are used to protect marine mammals from abuse or harassment, then:
  - There are a sufficient number of uniformed or readily identifiable employees or attendants to supervise the viewing public, **and**
  - The attendants are adequately trained and attentive to the actions of the public
- The attendants are able to quickly respond to situations where the public potentially could have unsupervised contact with the animals:
  - Ask how the attendants would respond to any unsafe behaviors by the public. A common problem seen at marine mammal facilities involves the accidental or deliberate dropping of inedible items in the pool which can pose a serious health hazard if ingested.
- If physical barriers such as fences, walls, or glass partitions, are used, then they must be sufficient to protect the marine mammals from abuse and harassment by the viewing public and to assure the safety of the animals and the public
- If a combination of attendants and physical barriers are used, then they must effectively provide protection from abuse and harassment and assure the safety of both the marine mammals and the public

#### 4.14.8. Separation

Marine mammals known to be social in the wild **must** be housed with at least one compatible animal of same or biologically related species, except when the attending veterinarian, in consultation with the husbandry/training staff, determines that such housing is **not** in the best interest of the marine mammal's health or well-being.

When inspecting, at a minimum, you should:

- Check that social needs of the marine mammals are being addressed. If unsure, contact your SACS for guidance.
- Marine mammals housed together **must** be compatible and other animals housed near the marine mammals **must not** cause them unreasonable stress or discomfort or interfere with their good health
- For marine mammals housed separately, check for a written plan approved by attending veterinarian, and developed in consultation with husbandry/training staff, justifying the length of time of the separation and outlining the type and frequency of enrichment and interaction to be provided to the marine mammal

#### 4.14.9. Employees

A facility must have a sufficient number of adequately trained employees or attendants working in concert with the attending veterinarian to maintain the husbandry practices as required in the AWA Standards. Such practices **must** be under the supervision of a marine mammal caretaker with **demonstrable experience** in marine mammal husbandry and care.

When inspecting, at a minimum, you should:

- Review written documentation that the employees/attendants have successfully completed a facility training course which includes, but is not limited to:
  - Species appropriate husbandry techniques
  - Animal handling techniques
  - Proper reporting protocols on recordkeeping
  - Notifying veterinary staff of medical concerns
- Check that any training of marine mammals is being done by or under the direct supervision of experienced trainers
- Ensure that trainers or handlers meet professionally recognized standards for experience and training. If you are unsure, contact your SACS.
- Ask if they have an ongoing or periodic training program which incorporates industry standards and best practices

#### 4.14.10. Contingency Plan for Water and Electric Power

In addition to the Contingency Plan required in Section 2.134, facilities must have a written contingency plan regarding emergency sources of water and electric power in the event of failure of the primary sources, when this failure could be detrimental to the health and well-being of the MM's housed at the facility.

The Contingency Plan **must** be in writing and **approved by the AC Deputy Administrator**.

Contingency plans must include, but not be limited to:

- Specific animal evacuation plans in the event of a disaster
- Description of back-up systems and/or arrangements for relocating marine mammals requiring artificially cooled or heated water
- If the emergency contingency plan includes release of marine mammals, the plan must include provision for recall training and retrieval of such animals

Contingency plans should be sent by the facility to the Fort Collins AWO office for approval.

If you have concerns that the Contingency Plan is out-of-date, discuss with your SACS.

#### 4.14.11. Recordkeeping

Marine mammal facilities **must** maintain all records required under Subpart G-Records and any specific records required for marine mammals, such as:

- Medical records for individual animals
- Necropsy records
- Feeding records
- Water quality records

When inspecting records, at a minimum, you should:

- Review all of the required records and ensure they are being kept for 1 year (or 3 years for necropsy records)
- Contact National Policy Staff (NPS) if you need to obtain National Oceanic and Atmospheric Administration (NOAA) inventory data
- Verify the facility's inventory and cross reference with NOAA inventory

#### 4.14.12. Swim-with-the-dolphin (SWTD)/Interactive Programs

Section 3.111 Standards have been suspended.

## 4.15. New Site Approval Inspection

New site approvals are only required for licensees. Registrants are not required to have a new site approved prior to use.

Animal Care designates housing areas that are roughly 35 miles or further from the main address of the licensed or registered facility as separate sites. Site designations are used for tracking and inspection management purposes.

If the use of a single site designation causes a major problem at a facility, discuss the situation with your SACS.

The amount of time necessary to inspect all housing/exhibition facilities at a site is not a rationale for designating a separate site.

The licensee must list all sites and their addresses on the Application for License (APHIS Form 7003-A).

**New buildings or enclosures** at an existing or nearby site do **not** require pre-approval. It is often helpful to perform a courtesy visit of new or proposed construction at currently licensed or registered sites, but it is not a requirement. All buildings and enclosures in use should be inspected during the routine unannounced inspection of the existing site.

### 4.15.1. Addition of a Site

A site may be added to an existing license as follows:

- Licensee must notify, preferably by certified mail, the Ft. Collins AWO Field Office of the address of the new site
- AWO Field Office will inform the field inspector
- Inspector should schedule an inspection with the licensee as soon as possible

No additional license fee is required to be paid for the addition of a new site.

No regulated activities may take place at the new site until it has passed inspection.

### 4.15.2. Site Inspection

When conducting a Site Approval inspection, the following guidelines should be followed:

- Conduct a complete inspection of the new site
- Inspection type is New Site
- No correction date is given if an NCI is identified except for Directs as noted below
- If a Direct NCI is identified:
  - Designate the NCI as a “Direct” and assign an appropriate correction

date, and

- Inform the licensee that an “unannounced” inspection will be conducted on or after the correction date to see if the Direct NCI was corrected
- If the licensee contacts the inspector for another Site Approval inspection prior to the Direct NCI correction date, document that the Direct NCI is corrected on the Inspection Report for that inspection
- No NCI should be designated as a Repeat

#### 4.15.2.1. Completion of the Inspection Report

No NCIs Identified – Site Passes

- Complete an Inspection Report which must include the following statements:
  - “No noncompliant items identified during this inspection. This inspection and exit briefing were conducted with \_\_\_\_.”
  - “This inspection was a site approval inspection.”
  - “This site is now approved for regulated activity.”

NCIs Identified – Site does **NOT** Pass

- Complete an Inspection Report which must include the following statements:
  - “This inspection was a site approval inspection.”
  - “This site is not ready for approval to conduct activity covered under your current Animal Welfare Act License.”
  - “Conducting regulated activities at a non-approved site is a violation of the Animal Welfare Act.”
  - “Please contact your inspector to schedule your next new site approval inspection. This inspection and exit briefing were conducted with \_\_\_\_.”



## 4.16. Pet Store Inspection

A pet store licensed as a dealer or exhibitor must meet all applicable Regulations and Standards for all the regulated animals in the store except for the exceptions detailed below.

### 4.16.1. Criteria

If a pet store is licensed, all regulated animals in the pet store or under the control of the licensee **must** be inspected and included in the inventory.

Regulated animals commonly encountered in a pet store include, but are not limited to:

- Traditional pet types, such as:
  - Cat
  - Chinchilla
  - Dog
  - Ferret
  - Gerbil
  - Guinea pig
  - Hamster
  - Pet birds
  - Rabbit
- Wild/exotic animals or pocket pets, such as:
  - Chipmunk
  - Degu
  - Duprasi
  - Flying squirrel
  - Hedgehog
  - Jerboa
  - Naked mole rat
  - Nonhuman Primate (usually for exhibit)
  - Opossum
  - Skunk
  - Spiny mice
  - Sugar glider

## 4.16.2. Record Requirements

A pet store must have all the records required of a B-Dealer, such as:

- Program of Veterinary Care
- Acquisition Records except as outlined below
- Disposition Records except as outlined below
- Environmental Enhancement Plan for NHPs **and/or** birds if applicable
- Health Certificates if applicable

### 4.16.2.1. Acquisition Records

A “Record of Acquisition” is required for **all** regulated animals acquired by the pet store.

- Information in 2.75(a) is required, but use of [APHIS Form 7005–Record of Acquisition of Dogs and Cats on Hand](#) is optional
- Information in 2.75(b) is required, but use of [APHIS Form 7020–Record of Acquisition, Disposition or Transport of Animals \(Other Than Dogs and Cats\)](#) or [APHIS Form 7020A-Continuation Sheet for Record of Acquisition, Disposition, or Transport of Animals \(Other than Dogs and Cats\)](#) is optional

### 4.16.2.2. Disposition Records

A “Record of Disposition” is required **only** for the animals that were the basis for licensing, such as wild/exotic pocket pets, raccoons, primates, etc.

- Use of [APHIS Form 7020–Record of Acquisition, Disposition or Transport of Animals \(Other Than Dogs and Cats\)](#) or [APHIS Form 7020A-Continuation Sheet for Record of Acquisition, Disposition, or Transport of Animals \(Other than Dogs and Cats\)](#) is optional

## 4.16.3. Identification

Cage cards are an acceptable form of identification for dogs and cats at pet stores.

## 4.17. Petting Zoo Inspection

### 4.17.1. Inspection Procedures

#### 4.17.1.1. Handling

Closely observe the handling of the animals when inspecting a petting zoo.

Proper handling of the animals includes, but is **not** limited to:

- Animals are exhibited **only** for a period of time and under conditions consistent with their good health and well-being
- During periods of public contact, an adequate number of employees or attendants are present at all times. These employees/attendants **must** be:
  - Knowledgeable
  - Readily identifiable
  - Responsible
  - Able to monitor all public interaction with the animals
- If public feeding is allowed, food **must** be:
  - Appropriate for the animal's nutritional needs and diet
  - Appropriate to the type of animal
  - Provided by the animal facility
  - Properly stored to minimize contamination or loss of nutritional value
- There are adequate public barriers, when appropriate
- There is minimal risk of harm to the animals and the public
- Dangerous animals, such as, but not limited to, lions, tigers, or bears (See Appendix B must be:
  - Separated from the public by a barrier, and/or
  - Under the direct control and supervision of a knowledgeable and experienced handler

#### NOTICE

Nondomestic cats 4 weeks (28 days) of age or younger may not be handled by the public or transported (except for acquiring veterinary care). Public handling and/or transportation of these cubs should be cited designated as a Direct or Critical.

#### 4.17.1.2. Public Contact

If young or immature animals are being exhibited, they may **not** be:

- Exhibited for periods of time that would be detrimental to their health and well-being
- Exposed to rough or excessive public handling

Drugs may **not** be used to facilitate, allow, or provide for public handling of the animals.

#### NOTICE

At approximately 12 – 16 weeks of age **dangerous animals**, such as, tigers, lions, bears, and wolves (See Appendix B - Dangerous, Potentially Dangerous, and Special License Animals) become too big, too fast and too strong to be used for public contact. If you encounter a licensee allowing public contact with a dangerous animal over 12 weeks of age, contact your SACS.

#### 4.17.1.3. Miscellaneous

Other items to evaluate include, but are **not** limited to:

- Animal areas where the public is **not** allowed
- Cleanliness and sanitation of the enclosures
- Compatibility of the animals in an enclosure
- Condition of the animals
- Enclosure fencing to protect the animals

#### NOTICE

You should recommend that the licensee follow the CDC Guidelines for protecting the public against enteric pathogens if he/she is **not** already doing so.

- Method(s) for allowing animals time away from public contact, such as:
  - Large enclosures
  - Solid walls on the outside of enclosures
  - Limited or controlled access to the animals
- Method(s) for allowing animals time away from view of the public, such as:
  - Barns
  - Burrows or dens, or nests
  - Curtained off areas
- Inspect public feed dispensers for:
  - Appropriateness of food items for the species
  - Cleanliness

- Accumulation of old food or feed debris, especially at the bottom of the dispenser
- Security measures if animals left overnight
- Shelter, shade, cooling and heating appropriate for the environmental conditions the animals may experience
- Vehicles used to transport the animals
- Water availability for the environmental conditions

Remember the following housing restrictions:

- Guinea pigs may **not** be housed in outdoor facilities, unless located in the appropriate climate and with prior approval from the AWO Field Office
- Hamsters may **not** be housed in outdoor facilities
- Rabbits, guinea pigs, and hamsters may **not** be housed in the same primary enclosure with any other species

#### 4.17.2. Traveling Petting Zoo Itinerary

No fewer than 2 days prior to overnight travel, AWO Field Office must receive a document identifying the information required below. This means, that if USPS is used, the document must be mailed sufficiently far in advance to arrive at the AWO Field Office by the deadline.

Itinerary information is required for all regulated animals that are away from the home site at least overnight for the purpose of exhibition. This does **not** include animals:

- Transported to a veterinary facility for treatment or evaluation
- Relocated for breeding loan
- Relocated during renovations
- Taken home overnight for extensive husbandry care (such as attendants taking very young animals home for overnight feedings and monitoring)

The following information must be included in the itinerary document submitted to the AWO Field Office:

##### Exhibitor Information

1. Name of licensee (person exhibiting and transporting the animals)
  - A. Business name of licensee, if applicable
  - B. USDA AWA license/registration number
2. Name of owner of animal (for leased, borrowed, loaned, etc. animal)

##### Animal Information

1. Name of animal

2. Identification number of animal or identifying characteristics
3. Species of animal (scientific name or common name)
4. Sex and age of animal

### **Exhibition and Transport Information:**

1. Name of exhibition location
2. Address of the exhibition location
3. Dates at the exhibition location
4. Name, date, location (address, directions, GPS location, etc.) of all stops and layovers where animals are removed from transport enclosures

If the exhibitor's travel plans change:

- He/she should contact the AWO Field Office to amend the itinerary
- If the change in itinerary is reported verbally (by telephone for example) and not in writing, such as by email or fax, the change in plans must be followed by written notification as soon as possible
- If there is an emergency change after USDA business hours (weekdays, 8:00am to 5:00pm Central Time), the exhibitor must notify the AWO Field Office by the next business day

#### **4.17.2.1. No Itinerary Submitted**

If you encounter a traveling petting zoo exhibitor:

1. Check eFile for a current itinerary
2. If there is not a current itinerary in eFile, check with Program Support at the Ft. Collins AWO Field Office to determine if there is a current itinerary that has not yet been entered into eFile
3. If the AWO Field Office confirms that a current itinerary has not been submitted, cite the exhibitor under 2.126(c)

## 4.18. Photo Shoot Inspection

Anyone providing or using regulated animals for photo shoots may need to be licensed and meet all the applicable Regulations and Standards.

### 4.18.1. Types of Photo Shoots

#### 4.18.1.1. Regulated Photo Shoots

The following types of animal photo shoots require a license, except as exempted under the DeMinimus rule, including, but **not** limited to:

- Photos of people petting or sitting with wild/exotic animals such as:
  - Tiger, lion or bear cub, and other baby animals

#### NOTICE

Nondomestic cats 4 weeks (28 days) of age or younger may not be transported or handled by the public. At approximately 12 - 16 weeks of age **dangerous animals**, such as, tigers, lions, bears, and wolves, become too big, too fast and too strong to be used for public contact. If you encounter either of these situations, contact your SACS.

- Marine mammals
- Nonhuman primates
- Camels or reindeer in nonagricultural or nontraditional settings
- Animal actors/movie animals
- Animals released into a natural setting for the photo
- Photos for advertising or calendars and magazines

#### 4.18.1.2. Exempt Photo Shoots

The following types of photo shoots do **not** require a license:

- Photos of free-living wild animals
- Pictures of people with their pets
- Photo shoots with only domesticated farm animals
- Photos shoots at exhibits of traditional farming and agricultural practices (such as displays of working animals, such as reindeer pulling a sled or working on a farm)
- Photo shoots at exhibits of art portraying traditional farming and agricultural settings (such as nativity scenes with a camel or domesticated farm-type animal displayed in a barn or other traditional farm-type setting)
- Photo shoots at exhibits with **eight or fewer** of any combination of the

following types of animals:

- Pet animals
- Small exotic or wild mammals
- Domesticated farm type animals

#### 4.18.2. Conducting the Inspection

When inspecting a photo shoot, you should observe the photo shoot before introducing yourself. In addition, time how long the animal is displayed with people before being given a rest break.

Recommended items to observe or evaluate include, but are **not** limited to:

- Observe the animal(s) for behavioral stress, such as:
  - Struggling
  - Vocalization
  - Pulling at leash or straining
  - Panting/increased respiration
  - Sleeping
  - Limpness
- Age of dangerous animals being used for public contact photos
  - Minimum age – 4 weeks; maximum age depends on the animal but for dangerous animals generally 12 weeks (See guidance in Chapter 3 [Conducting the Inspection](#))
- Availability of potable water
- Observe food and food storage and check feeding schedule
- Availability of veterinary care, if needed
- Housing of the animal(s) when **not** being used for the photo shoot including, but not limited to the ability of the animal to exhibit species typical behaviors
- Measures to protect the safety of the public and the animal(s) such as:
  - Adequate attendants
  - Plexiglas
  - Tethering of animals to secure structures
  - Leashing of animals
  - Handler(s) located between the dangerous animal and public at all times
- Number of employees available to control the animal(s)
- Off-exhibit area if any
- Procedure in the event of an animal escape or attack



- Public barriers, especially for animals **not** currently being used for photos
- Rest periods for the animals. Observe and time how long rest periods are in addition to **asking** how much rest is provided
- Restraint methods for the age and size of the animal(s)
- Safety measures for the movement of the animal from the enclosure to the photo shoot and back

#### NOTICE

Drugs and alcohol may **not** be used to control the animals.

- Safety measures if **no** perimeter fence
- Training and handling experience of the employees
- Transport of the animal to and from the photo shoot. Inspect:
  - trailer or vehicle used for transport
  - primary container used to house the animal during transport
- Review paperwork such as Program of Veterinary Care, health certificate if required, and acquisition records

## 4.19. Prelicense Inspection Process

All Prelicense (PL) Inspections should be conducted using the Enhanced Prelicense Process (EPLP) based on the guidance provided to all inspectors and the guidelines in this section.

Do **not** conduct a Prelicense Inspection until all the applicant's/licensee's paperwork has been processed by the Program Section and the inspector has been informed that the applicant may be inspected.

There must be regulated animals at the facility at the time of the inspection. If this a problem due to State laws/regulations or local ordinances, contact your SACS.

Prelicense Inspections are the best time to help the applicant learn more about the AWA Regulations and Standards **using the enhanced prelicense process**. Required written records (e.g., a program of veterinary care and a plan for environmental enhancement for nonhuman primates) **must** be completed by the applicant and reviewed by the inspector during a Prelicense Inspection to consider the facility in compliance. There **must** be a written record of animals on hand with as much of the required information completed as possible.

All Prelicense Inspection Reports must be hand delivered. If hand delivery is not possible, discuss extenuating circumstances with your SACS

For facilities that are **relicensing**, the process has some differences. See Section 4.19.7.

### NOTICE

Courtesy Visits are **not** permitted after the 1st or 2nd prelicense/relicense inspections.

### 4.19.1. Initial Contact with the Applicant

Prior to conducting the first Prelicense Inspection:

- Contact the applicant within ten days of receiving the notification letter from the AWO Field Office
- Schedule and conduct a Prelicense phone discussion
  - The discussion can be done in person but not at the same time as the Prelicense inspection
  - The discussion should be scheduled since it can take 45-90 minutes, and
  - The applicant will need time to gather paperwork and prepare questions for the discussion
  - For this call to be effective, the applicant and the inspector must be focused and prepared for the discussion

- Have a phone discussion with the applicant to determine if the facility is ready for the First Prelicense Inspection
- Schedule the First Prelicense Inspection
  - Let the applicant know this could take 4-6 hours and will involve discussion and review of the AWA requirements and an inspection
  - Contact your SACS to request second inspector or Compliance Specialist to accompany you if you feel that you may need assistance

## 4.19.2. First Prelicense Inspection

### 4.19.2.1. Conducting the Inspection

Prior to starting the physical inspection:

- Go through informational materials with the applicant
- Focus on using informational materials that are applicable to all facilities for a new applicant
- Remind the applicant that they are legally responsible for being familiar with and compliant with the AWA (9 CFR)
- Remind the applicant that interference during the inspection and/or refusal to allow an inspection are serious issues

During the inspection of **animals and the facility**:

- Be sure to inspect all animals used for regulated purposes
- **For dealers with dogs**, you must:
  - Have the applicant pull all dogs showing signs of medical issues so that you can evaluate whether veterinary attention is needed and/or is already being provided, **and**
  - Also select **ten percent** of the remaining dogs (with a maximum of 10 dogs) for the applicant to pull so that you can look for medical issues associated with their mouths, teeth, ears, eyes, skin, general condition, etc. Do **not** just focus on one area; take the opportunity to look at the entire dog for medical issues. **Remember**, wear a new pair of gloves after touching each dog or after each enclosure.
- If you identify a veterinary care issue that would normally be cited during a Routine Inspection, it **must** be cited on the Inspection Report for the Prelicense Inspection
- Inspect the entire facility thoroughly:
  - This includes equipment and vehicles intended for use with animals
  - Be certain to verify the locations of all animals on site and off site that are used or intended for regulated use
- Inspect all housing areas thoroughly:

- This includes all housing for all regulated animals – even if the applicant states it is temporary housing
- If you have a concern about the primary enclosure, especially for large carnivores, elephants, great apes, and/or marine mammals, you should contact your SACS to discuss
- Inspect all storage areas thoroughly:
  - Including vaccine and medication storage
  - All food and bedding storage
- NOTE: If the applicant was previously licensed, he/she must re-apply for any variance (e.g., perimeter fence, records) granted under the cancelled license. For a relicensing inspection, the variance continues to apply as long as the circumstances under which the variance was issued have not changed.

#### 4.19.2.2. Handling and Qualifications

For an applicant with **large carnivores, elephants, great apes, and/or marine mammals**, the applicant's (and employee's, if applicable) knowledge and qualifications and handling practices should be evaluated carefully. If the inspector cannot determine if the applicant has adequate experience and knowledge of the species being handled, contact the appropriate AC personnel, i.e., SACS or Field Specialist.

If the experience and qualifications cannot be determined at the First Prelicense Inspection, an appropriate statement similar to the following statement should be included on the Inspection Report:

"The handling practices, and/or applicant/employee qualifications are under review."

If the handling practices or qualifications require further review, it is the responsibility of the inspector to contact his/her SACS to determine how to proceed.

#### 4.19.2.3. Records

During the inspection of records:

- Discuss the required documents for a compliant Prelicense Inspection:
  - Record of Acquisition of Dogs and Cats on Hand (APHIS Form 7005) or Record of Animals on Hand (APHIS Form 7019 or equivalent):
    - For a new applicant, there should be as much detail as possible, such as name and address, phone number, directions to seller's facility, some way to contact seller
  - Exercise Plan for Dogs:
    - Must be in writing and accurately reflect the conditions at the facility

- Must be approved by the attending veterinarian
- Plan for Environmental Enhancement (for nonhuman primates **and/or** birds)
  - Must be in writing and accurately reflect the conditions at the facility (Optional APHIS Form 7050 may be used for NHPs.)
  - Must be approved by the attending veterinarian
- Written Program of Veterinary Care for Dogs, (required for **all** facilities with dogs)
  - The APHIS Form 7002 is not a required form—other methods/forms may be used to document the PVC
- Written Program of Veterinary Care for animals other than dogs, if a part-time attending veterinarian is used
  - The APHIS Form 7002 is not a required form—other methods/forms may be used to document the PVC

#### 4.19.2.4. Post Inspection Procedure

After the physical inspection:

- Discuss all NCIs identified with the applicant
- If there are any NCIs – leave the facility and write the Inspection Report
  - This allows you time to write a detailed and thorough report
  - For new applicants - This is the first Inspection Report they have ever received, and it must help them understand what is expected of them
- **Hand deliver the Inspection Report and conduct a thorough exit briefing**
- Do **not** send the Inspection Report by email or certified mail. If you cannot hand deliver the Inspection Report, contact your SACS
- Review with the applicant again any areas you believe necessary
  - Use PowerPoint files that apply to the situations seen at the Prelicense Inspection
  - Provide **ONLY** agency-approved educational materials, such as:
    - Dog Breeder Resource Guide
    - Copies of the PowerPoints
    - Animal Care Aids
    - Tech notes

#### 4.19.3. Second Prelicense Inspection

The 2nd Prelicense Inspection, if required, may be scheduled at the time of the 1st Prelicense Inspection, or you should instruct the applicant to contact you

when he/she is ready (but within 60 days following the 1st PL inspection).

During the 2nd PL Inspection:

- Refer to the 1st Prelicense Inspection criteria for guidance
- Conduct a full and complete inspection. Inspect all records, animals, facilities, and storage. There are **no** focused Prelicense Inspections.
- Review additional presentations on Husbandry, Housing, and Transport as applicable

#### 4.19.4. Third Prelicense Inspection

If a 3rd PL Inspection is needed:

- There **must** be at least 2 AC personnel on the inspection. This could be the home inspector **and** another ACI/VMO, a Compliance Specialist, or a Supervisor.
- Work with the applicant to prepare for the inspection and achieve full compliance
- Be sure the **applicant** understands this is the last inspection available for compliance and if the applicant does not pass this inspection, he/she must wait 6 months to re-apply for a license

During the 3rd PL Inspection:

- Refer to the 1st PL Inspection criteria for guidance
- Conduct a full and complete inspection. Inspect all records, animals, facilities, and storage. There are **no** focused PL Inspections.
- Review with the applicant additional presentations on Husbandry, Housing, and Transport as applicable

#### 4.19.5. Completing the Inspection Report

##### 4.19.5.1. No NCIs – Applicant Passes PL Process

If the applicant has a no NCI Inspection Report, he/she passes the PL process.

You should:

- Complete an Inspection Report which **must** include the following statements:
  - “No noncompliant items were identified during this prelicense inspection.”
  - “This is a (1st/2nd/3rd) Prelicense Inspection for a Class (“A” / “B” / “C”) license. The inspection and exit briefing were conducted with the Applicant. The Applicant is ready to be licensed under the AWA”
  - “A copy of your license will be sent to you without any additional action on your part. If you have not received your license within 30 days, please

contact the USDA at 970-494-7478.”

- Hand deliver the Inspection Report (required)
- Verify accuracy of application with applicant
- Stress the importance of continued compliance and discuss “Repeat”, “Direct” and “Critical” noncompliances with applicants
- Finish with the following CAW Commercial Breeder PowerPoint files, if appropriate:
  - Identifying Animals and Keeping Records
  - Maintaining Your License
- Discuss optimal hours with the applicant and record the days/times in eFile

#### 4.19.5.2. NCIs Identified – Applicant Does NOT Pass PL Process

If the facility is **not** in full compliance, cite all noncompliant items using the first three components of the four-part citation description found in [New NCIs Cited](#) but do **not** give correction dates.

#### NOTICE

Do not designate any noncompliance as a Direct, Critical, or Repeat.

If the applicant does not pass on the 1st or 2nd Prelicense Inspection:

- Make sure that the applicant is aware of the 60-day time limit from the first prelicense inspection and plans accordingly
- Complete an Inspection Report which **must** include the following statements:
  - “This is a (1st/2nd) Prelicense Inspection for a Class (“A” / “B” / “C”) license. The inspection and exit briefing were conducted with the Applicant.”
  - “All items must be in compliance within (2 /1) more inspection(s) or by (*enter date - 60 days counted from 1st PL Inspection*) or the Applicant will forfeit the license fee and must wait 6 months to reapply. Please contact your inspector to schedule your next Prelicense Inspection.”
  - “Conducting regulated activities without a valid USDA license is a violation of the Animal Welfare Act.”
- Hand deliver the Inspection Report (required)
- Remind applicant that it is his/her responsibility to contact the inspector when ready for the next Prelicense Inspection
- Remind applicant of the actual date (60 days from 1st PL) by which the PL process must be completed

If the applicant does not pass on the **3rd Prelicense Inspection**:

- Complete the Inspection Report citing all NCIs **and** cite 2.3(b) to indicate failure to come into compliance on the 3rd PL Inspection
- Include the following statements on the Inspection Report:
  - Exit briefing statement
  - “This was a 3rd Prelicense Inspection for a Class (“A” / “B” / “C”) license. The inspection and exit briefing were conducted with the Applicant.”
  - “The Applicant has not demonstrated compliance with the Animal Welfare Act and is not ready for licensing at this time. The Applicant must wait 6 months from (*insert date of failed 3rd PL Inspection*) to reapply. The license fee will not be refunded or applied to the next application for licensure.”
  - “You may appeal this finding in writing by (*insert date which is 7 days after the issuance of the report*)
  - “Appeals should be addressed to:  
Deputy Administrator  
APHIS Animal Care (AC)  
U.S. Department of Agriculture  
4700 River Road | 6D-03F  
Riverdale, MD 20787”
  - “**OR** emailed to: [animalcareappeals@usda.gov](mailto:animalcareappeals@usda.gov)”
  - “Conducting regulated activities without a valid USDA license is a violation of the Animal Welfare Act.”

### Failed 3rd PL Inspection Appeal

Inform the applicant that they may appeal all or part of the inspection findings to the Deputy Administrator.

To file an appeal, the applicant **must**:

- Send a written statement contesting the inspection findings, and
- Include any documentation or other information in support of the appeal

The inspection appeal **must be received** by the Deputy Administrator within 7 days of the date the applicant received the third prelicense inspection report.

Appeals should be addressed to:

Deputy Administrator  
APHIS Animal Care (AC)  
U.S. Department of Agriculture  
4700 River Road | 6D-03F  
Riverdale, MD 20787

**OR** emailed to: [animalcareappeals@usda.gov](mailto:animalcareappeals@usda.gov)



#### 4.19.6. Photographs

Photographs must be taken during Prelicense Inspections under the following circumstances:

1. For an applicant who is not licensed and is applying for a new 3-year license:
  - NCIs cited on the **3rd Prelicense Inspection** since the NCI(s) may be appealed
2. For a licensee who is currently licensed and is now applying for a 3-year license:
  - Any Repeat, Critical, or Direct NCIs documented on the **1st and/or 2nd Inspection**
  - Any NCIs cited on the **3rd Inspection** since the NCI(s) may be appealed

#### 4.19.7. Relicensing

For a facility that was licensed previously and is in the process of being relicensed, conduct the relicensing inspection as detailed for a prelicense inspections **with the following changes**:

- Only review the prelicense presentations that are applicable to that licensee, i.e., areas that the licensee had problems or NCIs in the past or identified on the current inspection
- Review other prelicense presentations that you believe would be beneficial for the licensee
- Inspection Type should be “Re-License”
- **Designate NCIs as Directs, Criticals or Repeats as appropriate and take photographs**
- For **Directs** cited on **1<sup>st</sup> or 2<sup>nd</sup> Relicense Inspection**:
  - A short correction date should be given if not a repeat. The following language should be used on the IR: “Correct by (*date*) or prior to your next schedule relicense inspection whichever comes first.”
  - Inform your SACS that a Direct was cited (phone, email, or text)
  - If the next RL inspection is scheduled within a week:
    - reinspect the Direct on that RL inspection
    - After the inspection, notify your SACS that the Direct was corrected (or not). **If corrected**, note that on the RL inspection report. Also notify your SACS who will have an AD manually reset the RBIS to recognize that the Direct was corrected.
    - **If not corrected**, cite as a repeat and inform your SACS
  - If the next RL inspection is **not** scheduled within a week:

- conduct an unannounced, focused, reinspection no later than 14 days after the RL inspection to determine if the Direct has been corrected
  - **If corrected**, note that on the inspection report
  - **If not corrected**, cite as a repeat
- For **Directs** cited on **3<sup>rd</sup> Relicense Inspections**:
    - A short correction date should be given if not a repeat
    - Inform your SACS that a Direct was cited (phone, email, or text)
    - If the current license has not expired, conduct an unannounced, focused, reinspection prior to the expiration of the license to determine if the Direct has been corrected
    - If the current license has already expired, contact your SACS for further instructions
  - For statements on the Inspection Report, see 4.19.7.1 Completion of the Relicensing Inspection Report
  - If the facility had a variance (e.g., perimeter fence, records), the variance continues to apply as long as the circumstances under which the variance was issued have not changed.

#### 4.19.7.1. Completion of the Relicensing Inspection Report

##### No NCIs Identified – Relicensing Process Passed

- Complete an Inspection Report which must include the following statements:
  - “No noncompliant items were identified during this relicense inspection.”
  - “This is a (1st/2nd/3rd) Relicense Inspection for a Class (“A” / “B” / “C”) license. The inspection and exit briefing were conducted with the Applicant. The Applicant is ready to be licensed under the AWA.”
  - “A copy of your license will be sent to you without any additional action on your part. If you have not received your license within 30 days, please contact the USDA at 970-494-7478.”

##### NCIs Identified – Relicensing Process NOT Passed

#### For the 1st or 2nd Relicense Inspection

- Complete an Inspection Report which must include the following statements:
  - “This is a (1st/2nd) Relicense Inspection for a Class (“A” / “B” / “C”) license. The inspection and exit briefing were conducted with the Applicant.”
  - “All items must be in compliance within (2 /1) more inspection(s) or by (*enter date - 60 days counted from 1st Relicensing Inspection*) or the Applicant will forfeit the license fee and must wait 6 months to reapply.

Please contact your inspector to schedule your next Relicense Inspection.”

- “Regulated activity can continue under your existing USDA license until it expires.”

### For the 3rd Relicense Inspection

- Complete an Inspection Report which **must** include the following statements:
  - “This is a 3rd Relicense Inspection for a Class (“A” / “B” / “C”) license. The inspection and exit briefing were conducted with the Applicant.”
  - “The Applicant is not currently in compliance with the AWA as documented above. You may appeal this finding in writing by (*insert date which is 7 days after issuance of report*).”
  - “Appeals should be addressed to:  
Deputy Administrator  
APHIS Animal Care (AC)  
U.S. Department of Agriculture  
4700 River Road | 6D-03F  
Riverdale, MD 20787”
  - “**OR** emailed to: [animalcareappeals@usda.gov](mailto:animalcareappeals@usda.gov)”
  - “Your existing license will expire and a new license will not be issued. Conducting regulated activities without a valid USDA license is a violation of the Animal Welfare Act.”

### 4.19.8. PL Inspection Process Reminders

- All Prelicense Inspections must be thorough and complete. There are no focused PL Inspections.
- All Prelicense Inspections should be completed using the Enhanced Prelicense Process (EPLP) Guidance. If guidance is not available for the specific species being inspected, existing guidance should be adapted and used as needed.
- All Prelicense Inspection Reports must be hand delivered. If hand delivery is not possible, discuss extenuating circumstances with your SACS.
- Prelicense presentations should be done prior to conducting the inspection of facility and whenever deemed appropriate during the prelicense process to help clarify any issues found during the inspection
- This is where the bar of compliance can be set, and future problems can be avoided
- Discuss optimal hours with the applicant and record the days/times in eFile

## 4.20. Public Walk-In Aviary Inspection

### 4.20.1. Exterior Aviary Check & Entering

Before entering, walk around the outside of the aviary. Assess compliance by:

- Looking for any evidence of pests or predators
- Examining the sides of the enclosure for any holes, disrepair, or potential areas of escape or predator entrance
- Assessing for vegetation over-growth or clutter near the aviary

When entering the aviary:

- Look for and follow all biosecurity precautions such as hand-washing stations or foot baths
- Evaluate the double-door entry system or any equivalent system in place to prevent the accidental escapes of the birds in the aviary
- Ask the facility about any escapes that have happened since the last inspection

### 4.20.2. Inside the Aviary

#### 4.20.2.1. Aviary Configuration and Safety

When assessing the safety of the aviary some key areas to consider include but are not limited to:

- Presence of defined pathways and handrails that limit public access
- Sufficient areas in the aviary where the birds can visually and/or physically retreat from visitors
- Are daily observations performed to quickly identify injured or sick birds and provide medical care
- Aquatic areas which are large enough to pose a drowning risk have preventative measures such as a netting, sloped edges, or objects in the water to allow birds to climb out
- Placement of perches, nests, enrichment items, food, or water receptacles are not within arm's reach of the public. This includes ensuring food is not placed in public pathways.
- Are risky behaviors of birds and members of the public being monitored and discouraged. This includes interacting not under the direction and supervision of facility staff. Note: Birds may be more aggressive during breeding or nesting times.
- Are there signs/posted information notifying the public to watch for birds on the ground to avoid stepping on or otherwise injuring the birds, not to chase the birds, or when entering/exiting to watch for birds to minimize escapes.

- For aviaries with free-flighted birds, the risk of collisions needs to be continuously evaluated and mitigated. This can include:
  - Using materials that are obvious to birds in flight such as bird-safe glass or using materials that are pliable in case of collisions, such as mesh netting
  - Use of acclimatization and conditioning for new bird introductions to the enclosure and minimizing significant changes to areas which could lead to collisions
  - Providing a low-stress environment that minimizes birds getting easily frightened and frantically flying away. This involves having only compatible animals in the aviary and monitoring the public for unsafe behaviors such as chasing.
  - Ensuring the birds are not overcrowded in the aviary
  - Having adequate and appropriate lighting for birds to clearly see all obstacles

#### **4.20.2.2. Environmental Conditions**

Depending on the design, materials, or ventilation system, an aviary may have problems with high temperature and/or high humidity. Temperature, humidity, and ventilation need to be assessed for the bird's comfort along with asking about how they maintain the aviary in all weather extremes.

For indoor aviaries, ensure the opening of exterior doors do not cause significant temperature changes or drafts that affects the bird's comfort.

If the aviary is an outdoor enclosure, shelter needs to be closely examined to determine if it is appropriate for the local climatic conditions to protect all birds from all adverse weather conditions. Shelters must be adequately ventilated, have shade, provide protection that comfortably contains all the birds at one time without causing intraspecific aggression or grouping of incompatible birds, and prevent their discomfort from direct sunlight, precipitation, or wind.

Assess drainage in aviary and ensure all birds have access to a dry area.

#### **4.20.2.3. Observing the Birds**

During the inspection, you should:

- Ask the facility how daily observations to assess the birds' health are performed, including reclusive birds, birds on a nest, and chicks
- Visually inspect and count as many birds as possible. Look for long toenails, poor feathers, beak symmetry, obvious eye issues or injuries, evident respiratory issues, lameness or swelling of the feet, and adequate body condition. If you see any flight capable birds staying on the ground or any bird holding its wing in an abnormal position, ask the facility about the health status of that animal. For large aviaries, you should consider using

binoculars.

- Evaluate interactions between animals in the aviary. Look for signs of aggression and determine if the bird can easily get away. Signs of aggression can include raising the wings, loud vocalizations, biting, hissing, picking at another's feathers or bald spots, dilating pupils, chasing the other bird around the enclosure, and preventing access to food or drinking water. Also look at non-avian animals possibly negatively impacting the birds.

#### **4.20.2.4. Water and Food Sources**

During the inspection:

- Visually inspect the placement and cleanliness of the water and food receptacles. Aviaries with multiple birds must have enough food and clean water sources for all animals. For flighted birds the receptacles should be elevated and easy for the birds to access. Aquatic areas should be assessed for appropriate sizing (including the dry area and proper slope into and out of the water), and for appropriate water quality (no trash or food waste present, and no excessive algal growth/turbidity, etc.).
- If food is placed directly on the ground, the floor must be dry, clean, and ensure the food is wholesome, palatable to the birds, and free of contamination or residual cleaning products. Assess the area for signs of pests.
- Assess all aquatic areas for potential entrances by predators and pests

#### **4.20.2.5. Cleaning & Sanitization**

All animals need to have access to a clean space (including perches), be free of excessive feces and food waste, and prevent accumulation of dirt and debris, and other disease hazards.

Water and food receptacles need to be clean and sanitized as often as necessary to prevent accumulation of dirt, debris, food waste, excreta, and other disease hazards.

Small or young aquatic avian species can become entrapped or drown during the emptying of aquatic pools. Evaluate the safety of the drainage system when these pools are cleaned. Mesh covers over drainage openings or low flow drainage can alleviate this risk.

#### **4.20.2.6. Perches and Vegetation**

During the inspection, you should:

- Ensure the aviary has plenty of perches for every bird and that the perches are an appropriate size, suitable materials, and in good repair
- Ask if the plants inside the enclosure have been determined to be safe for the animals inside the aviary. Look at any large trees or plants in order to

evaluate safety.

- For birds that may be stressed by human presence, verify there is an area for the birds to retreat (both visually and physically) from visitors

#### **4.20.3. Public Feeding and Public Interaction**

Determine if the facility is intentionally having the birds interact with the public. Some factors that indicate the facility is intentionally having the birds interact with the public include, but are limited to:

- Selling seed sticks or any other food items intended for the birds
- Birds are regularly landing on people or advertisements of the aviary include photos or videos of the public handling the birds
- Having perches, enrichment items, food, or water receptacles within in arms reach of the public
- Not monitoring or discouraging birds from interacting with the public if it does happen
- No instructions or signs discouraging public interactions with the birds

For public interactions: If the facility has periods of public contact with the avian species or other covered animals in the aviary, the facility must:

- Follow the handling regulations (§ 2.131), including handling with minimal risk of harm to the animal and to the public with sufficient distance and/or barriers, and
- Having an identifiable attendant at all times that can monitor the activity

If you are able to view a public interaction on inspection, it's highly encouraged.

#### **4.20.4. Recordkeeping**

During the inspection, you should:

- Ask about adverse incidents involving the birds or public since the last inspection
- Check records for significant number of deaths, deaths from trauma or aggression from other animals, or unexplained deaths. Deaths, injuries, and escapes need to be assessed for compliance.
- Check inventory numbers with what you saw on inspection. Refer to sections 2.6.2.2 Difficult to Count Species and 2.6.2.3 Species/Circumstances where Accurate Counts are Impossible when inventory is not matching what was seen on inspection.

## 4.21. Search Inspection

A search is an inquiry relating to any person allegedly conducting regulated activity without a license or registration.

### 4.21.1. Subjects of Searches

Subjects of searches include, but are **not** limited to:

- Persons breeding and selling dogs, cats or pet-type animals wholesale or retail sight unseen
- Persons selling wild or exotic animals retail or wholesale
- A non-registered research facility purchasing regulated animals
- Persons exhibiting regulated animals
- Persons using regulated animals for rides
- Involuntarily terminated licensees or registrants (e.g., canceled due to non-renewal, suspended due to consent decisions and orders)
- Previously identified violators

Use good judgment to decide when you have made a reasonable effort to verify unlicensed activities.

Examples of possible ways to verify unlicensed activity are:

- Checking dealer, broker, carrier/handler records
- Checking newspaper advertisements
- Checking the internet
- Communicating with other inspectors
- Making phone calls

### 4.21.2. Sources of Information

Sources of information include, but are **not** limited to:

- Advertisements
- Animal protection groups
- Anonymous tips
- APHIS personnel
- City, county, or State agency
- Dog or exotic animal auction records
- General public
- Internet sites



- Newspaper/journal articles
- Another Federal agency
- State health certificates
- Whistle blower

Sources may provide information by the following methods:

- Email
- Letters
- Personal contact
- Phone calls

#### NOTICE

The informant does not have to give his/her name. However, if the informant does give his/her name, do not give out the person's name in order to maintain confidentiality.

### 4.21.3. Information Follow-Up

If an inspector receives information regarding a person conducting regulated activity without a license or registration, they should:

- Confirm whether the person has an account in eFile
- If the person does not have an eFile account, provide all the relevant information (name, address, phone number, etc.) to PS to create an account
- Once the account is created, the inspector will create an eFile search inquiry
- Upload any documentation associated with the search allegations into eFile

### 4.21.4. Preparing for the Search

Searches may be conducted in a variety of ways:

- Facility Visit (preferred method) - Searches with animal welfare concerns must be conducted in person unless deemed unsafe after EMSSD consultation

NOTE: The inspector may request a background check of the person by the EMSSD Security Branch. Contact your SACS.

- By phone
- By email or internet search

Verify the information received by:

- Contacting the authorized representative
- Gathering additional information, such as:

- Newspaper or journal articles
- Classified ads
- Information off the internet
- Internet web site addresses

#### 4.21.5. Conducting the Search

There is no firm completion deadline for searches. For searches with allegations of serious animal welfare concerns, the inspector should speak with their SACS to develop a plan/timeline for addressing the search.

##### NOTICE

When regulated activity is alleged or suspected for previously licensed/registered individuals or for an individual with previously confirmed regulated activity, conduct a search as soon as other priorities allow.

##### 4.21.5.1. Regulated Activities NOT Confirmed

If regulated activities are not being conducted or if there is uncertainty regarding the activity:

- Ensure the person understands what is considered regulated activity
- Provide an application and outreach materials (if needed), and
- Instruct them to contact AC if their business activity changes or if they have any questions.

##### 4.21.5.2. Regulated Activities Confirmed

If regulated activities are being conducted:

- Explain that a USDA license is required (continuing without a license / registration is a violation of the Animal Welfare Act), and
- Provide an application and outreach materials (e.g., blue book, animal care aids, etc.)
- Document all applications sent (in eFile). AWO may also request PS send an application packet and/or “We Believe Letter”.

##### 4.21.5.3. Facility with “Prior Documented Contact”

If AC has “Prior Documented Contact” with the subject of the search, the expectation is they are aware that conducting regulated activity without a license / registration is a violation of the AWA. They may be cited (via an inspection report).

The following are considered “prior documented contact”:

- Prior licensure/registration/submitted application
- Previous “We Believe” Letter or application sent to the search subject (documented in eFile)
- Prior search form with confirmation of regulated activity
- Prior documented discussion(s) with an AC employee regarding regulated activity

#### 4.21.5.4. Citing a Facility for Conducting Regulated Activity

If citing a facility for conducting regulated activity without a license/registration:

- Conduct an exit briefing to explain that a citation for conducting regulated activity without a license/registration will be written and issue a “Routine” inspection report citing Section 2.1(a)(1) [license], Section 2.30(a) [research registration], or Section 2.25(a) [transporter/intermediate handler registration]. This may be done in person or via telephone.
- State “No regulated activities may be conducted until a USDA license/registration is obtained.”
- Send the inspection report by regular and certified mail (with a return receipt), email, or deliver by hand (if safe to do so)
- Upload supporting documentation and photos with the inspection report

#### 4.21.5.5. Courtesy Visits

Courtesy Visits may be offered when contacting a facility for the **first time** regarding regulated activity. The facility owner may decline, or the inspector may decide not to do a visit for safety reasons.

#### 4.21.6. Documenting Search Results in eFile

Inspectors must record all searches as an eFile *Search Inquiry*.

NOTE: Each trace-forward/trace-back is documented as an individual search.

#### 4.21.7. Follow-Up Procedure

If regulated activity is confirmed during the initial search:

- follow-up searches should be done if regulated activity is suspected/reported again (create a new search inquiry)
- If regulated activity is again confirmed – cite as directed above (designate a repeat, if applicable), and
- Discuss next steps (e.g., CAS referral) with the SACS, or
- If no regulated activity is confirmed - no further action is needed

#### 4.21.8. On the Road Inspection

If you find an unlicensed exhibitor on-the-road, inform the exhibitor that:

- A USDA license is required for the activity he/she is conducting
- All applicable AWA Regulations and Standards **must** be met at all sites
- He/she **cannot legally** exhibit until licensed

Obtain the following information from the exhibitor:

1. Location of the home base or permanent facility which he/she returns to between tours
2. Animals currently housed at the home base or permanent site
3. Name of any other Animal Care inspectors that the exhibitor has been in contact with and the results of that contact
4. Ways to contact the exhibitor while on-the-road
5. An itinerary

If the exhibitor refuses to give you any information:

- Get vehicle license tag number, if possible, to obtain follow-up information
- Try to get contact information and itinerary from the manager, if applicable
- Discuss how to proceed with your SACS

## 4.22. Traveling Exhibitor Inspection

Each inspector should develop a consistent method of conducting inspections of traveling exhibitors that ensures a thorough and accurate inspection.

### 4.22.1. Home Site Inspection

A Traveling Exhibitor **must** have a home site (001). If animals are housed at the home site, the facility must meet all the applicable AWA Regulations and Standards for a permanent location.

If a Traveling Exhibitor uses a PO Box or other mail drop location as the home site, they must have another permanent location where animals can be inspected, especially for the Preliminary Inspection.

If no one is home and/or available for an inspection at the home site, there is no itinerary showing all animals were traveling and it is during the exhibitor's optimal hours if applicable, then an Attempted Inspection Report should be written.

If animals are not housed at the home site, i.e., it is a business or mailing address:

- An inspection must still be conducted at this site
- If the licensee is not at the home site, an authorized person should be designated by the licensee and available to conduct an inspection
- At a minimum, records, such as the program of veterinary care and acquisition/disposition/animals on hand, should be available at the home site
- Note on the Inspection Report that no animals are housed at this facility and that it is a business/ mailing address. For example: "No animals present at facility. This site serves as a mailing address."

### 4.22.2. General Information

Inspections of traveling exhibitors are different from inspections at the home facility. However, all of the applicable AWA Regulations and Standards must be met.

If you become aware that a traveling exhibitor is, or will be, performing in your territory:

- Check eFile for the date and results of the last TRA inspection.
- Do not conduct an inspection if:
  - An inspection has been conducted within 90 days, and
  - The inspection had no noncompliances, and
  - There is no open complaint on the exhibitor
- If the traveling exhibitor was not inspected within 90 days and/or had a

noncompliance on the last TRA inspection, or there is an open complaint on the exhibitor, contact your SACS to determine if an inspection is needed

- Contact the home inspector or home SACS to see if there are any ongoing concerns or active complaints

#### 4.22.3. Admission to the Venue

If the venue, e.g., theme park, State/county fair, Renaissance festival, or craft show has an admission gate:

1. Go to the admission gate/ticket window
2. Identify yourself in a professional manner
3. State the purpose of your visit
4. Show your USDA badge and ID

At most venues, you will **not** be required to pay admission. However, if an admission fee is requested, ask to speak to someone in management.

If you need to pay admission, contact your SACS for approval, then charge the admission fee on your Purchase MasterCard (preferable), or pay cash/personal credit card (you will be reimbursed).

##### NOTICE

Under certain circumstances, you may want to observe the exhibition, facility, or facility personnel prior to announcing your presence. If necessary, pay the entrance fee and you will be reimbursed. The observation should be done from areas accessible to the general public. Immediately after observing the exhibition/ facility/personnel, you **must** announce yourself to the licensee/registrant or facility representative and arrange to complete the inspection and address any findings that you observed prior to announcing yourself.

Prior to conducting the actual inspection or immediately after your unannounced observation:

1. Contact the licensee/registrant or authorized representative
2. Introduce yourself in a professional manner
3. State the purpose for the visit
4. Show your USDA badge and ID
5. Provide a business card if appropriate

If you do not find anyone at the facility, follow procedures for an Attempted Inspection (see [Attempted Inspections](#) in Chapter 4).

#### 4.22.4. Conducting the Inspection

- Prior to conducting the inspection:
- Contact the home inspector or the inspector who conducted the last TRA inspection if you have questions
- Review prior inventories
- In eFile, review past inspections, including photos if available, current enforcement actions, and contact information

##### 4.22.4.1. General Inspection Requirements

When inspecting a traveling exhibitor, some recommended items to evaluate/observe include, but are not limited to:

- A performance/act
- Adequate shelter and shade for animals housed outdoors
- Availability and use of exercise areas
- Chained or tethered animals
- Enclosures for adequate space during travel and at the temporary location
- Feeding schedules

#### NOTICE

Food deprivation may not be used for training.

- Food preparation and storage areas
- Fresh meat if required. Ask about:
  - Sources of the meat while on the road
  - Storage
  - Method(s) of thawing
- Handling of the animals – observe:
  - Handling before contacting the authorized representative if needed
  - Any direct contact activity allowed with the public, such as feeding or photos
- Health and well-being of all the animals, such as:
  - Alertness and activity level
  - Behavior
  - Foot and hoof care
  - Normal appearance

- Presence of wounds
- If you have concerns about an animal, ask to see the animal up close, if you can do so safely
- Loading and unloading of animals
- Qualifications and training of the animal handlers
- Records (see [Records](#))
- Security measures to protect the animals and the public, such as:
  - Barrier fences or electric fences
  - Night security
  - Uniformed attendants
- Source and quality of the drinking water to make sure it is potable
- Sufficient number of employees to provide for the animal's care
- Transport vehicles (see [Transport Vehicles](#))
- Veterinary care and vet records (see [Veterinary Care](#))

For animals in transit, see [Animals in Transit](#).

#### CAUTION

Be alert and cautious around the animals. Remember that big cats spray, nonhuman primates spit and throw feces, and animals may be able to get their legs, paws/feet, trunk, etc., through the bars of their enclosures.

#### 4.22.4.2. Dogs and Cats

If the dogs or cats live loose in the licensee's traveling home, such as a house trailer or camper:

- Ask how the dogs/cats are transported in the conveyance to ensure that the travel Standards are being met.
- Check the room(s) that the dogs/cats live in to ensure that it meets all primary enclosure Standards.
- Check for required records and ID

#### 4.22.4.3. Wild and Exotic Animals

- When inspecting wild and exotic animals, ensure that:
- All animals in the enclosure are able to make normal postural adjustments (stand in an upright position, turn around, and lie down with limbs extended in a normal manner **without** obstruction from enclosure sides or having to extend feet through bars or feeder doors)



- Animals that normally engage in occasional vertical postures, such as bears and many felines, have sufficient vertical space available to accommodate these postures
- The primary enclosures for other animals should have adequate space for each animal to express all non-injurious species-typical:
  - Behaviors
  - Postures/movement (such as grooming)
  - Social adjustments

Some information to remember when inspecting certain species:

- **Baboons and chimps** have sexual swellings that may resemble tumors.
- **Camels:**
  - When males become excited, they may blow up a sac-like extension of the soft palate into a red “balloon” which hangs out from the corner of their mouth.
  - Males in a “musth/rut” may:
    - Dribble urine
    - Drool, slobber, and froth at the mouth
    - Have rough/scaly hair coats
    - Lose a significant amount of weight
    - Make gurgling sounds
- **Large cats**—females in heat:
  - Become very vocal
  - Roll around
  - Urine spraying behavior (all big cats)
- **Tethered hoof stock** should have tethers of sufficient length and arrangement to be able to comfortably lie down, get up, self-groom, and move about within a reasonable distance.

#### 4.22.4.4. Birds

Ensure transportation enclosures that, at minimum, meet the individual specific space, safety, bedding, perch, and physical environment (including, but not limited to, temperature, humidity, sun and wind exposure) requirements for transport enclosures as specified in § 3.162.

#### 4.22.4.5. Veterinary Care

When inspecting traveling exhibitors, check for the following:

- The exhibitor has an attending veterinarian

- If the attending veterinarian is part-time, there is a formal arrangement
- Environmental enhancement plan for nonhuman primates **and/or** birds, which may need to be different than the plan at the home facility
- Exercise plan for dogs while in travel status, which may need to be different than the exercise plan at the home facility
- Health and well-being of the animals
- Health certificates, if required
- Required medical records for marine mammals

#### 4.22.4.6. Records

A traveling exhibitor should have the applicable required records with him/her on the road. However, if the records are at another site or location, it is acceptable for the records to be emailed or faxed to the site of the inspection during the inspection if possible. Otherwise, the exhibitor can email or fax the records to the inspector within 48 hours to be in compliance.

If the required records are not available and not received by the inspector within 48 hours, cite as a noncompliance under the appropriate Section.

A traveling exhibitor must have all the appropriate records for the regulated animals for up to 1 year from the disposal or euthanasia of the animals.

The following records, when applicable, **must** be available for review during an inspection on the road, as required by the Regulations and Standards:

- Acquisition records or a record of animals on hand for all regulated animals present
- Disposition records for all regulated animals that have left the current tour since it began, or died or been euthanized while on the road
- Exercise plan for dogs
- Health certificates for dogs, cats, nonhuman primates and marine mammals, if required
- Individual medical records for marine mammals
- Necropsy records for marine mammals
- Nonhuman primate environmental enhancement plan
- Bird environmental enhancement plan
- Program of veterinary care appropriate for the animals being exhibited
- Water quality records for marine mammals

#### NOTICE

Copies of the original records are acceptable.

#### 4.22.4.7. Transport Vehicles

Inspect transport vehicles for:

- Cleanliness
- Condition of the floor, i.e., rotting areas which could give way and/or allow entry of exhaust fumes
- Food storage areas
- Separation of species while in transit
- Space and height for the species transported
- Structural strength, such as:
  - Bent or warped surfaces
  - Loose fittings or grates
  - Protruding edges
- Vehicle safety features, such as:
  - Door latches and locks
  - Good tires
  - Proper hitches
  - Tires rated for the weight load carrying
  - Vehicle rated for the weight load carrying
- Ventilation and temperature when doors are closed
- Working temperature control systems, such as heaters, fans, and air conditioners
- Accessibility to the animals as needed
- Adequate barriers, protection, and security of the transport vehicle/trailer to keep the public from getting close to the animals while the vehicle is stopped, such as at a motel or restaurant. This is especially important for trailers with large openings, such as stock trailers.

#### 4.22.5. Animals in Transit

When in transit, all regulated animals must be housed in enclosures that meet the transportation requirements for that species.

An animal is considered “in transit” when it is moving in a conveyance from:

- The home facility to a temporary location
- A temporary location (exhibition venue) to another temporary location
- A temporary location to the home facility

Stopping overnight, such as at a hotel/motel, or stopping for short rest periods

and food breaks for the drivers, handlers, and other people accompanying the animals is still considered “in transit.”

#### 4.22.6. Animal Races

Examples of animals used for staged animal races include, but are not limited to:

- Camels
- Gerbils
- Hamsters

##### NOTICE

Professional dog races, such as greyhound races, field trials, and tracking events and races with farm animals such as pigs are exempt.

While conducting your inspection, areas to pay special attention to include, but are not limited to:

- Individual tolerances of the animals
- Length of race for species being raced
- Methods used to encourage the animals to run
- Number of races per day for each animal
- Rest periods for animals between races
- Species and age of animals being raced

##### NOTICE

If you have questions, or are unsure about a situation, use your professional judgment and/or call your SACS.

#### 4.22.7. Animal Rides

See [Animal Rides](#) in this Chapter.

#### 4.22.8. Circus and Performing Animal Inspections

Some areas to pay special attention to include, but are not limited to:

- Amount of time animals perform and are rested
- Handling of the animals
- Housing for animals between shows
- Methods or types of restraints used to control the animals

#### NOTICE

Drugs may **not** be used to control the animals.

- Procedure for moving animals from housing to the performance area
- Procedure in the event of an animal escape or attack
- Public barriers
- Training and handling experience of the handlers and employees
- Transport enclosures and transportation vehicles
- Type and safety of public contact with dangerous animals

#### NOTICE

If you have questions or are unsure about a situation, use your professional judgment and/or call your SACS.

Circuses may be:

- Covered under one exhibitor's license
- Composed completely of individually licensed exhibitors who work for the circus. In this case, a separate Inspection Report must be completed for each licensee.
- Composed of a combination of a licensed circus and individually licensed exhibitors. In this case:
  - Complete one Inspection Report for the licensed circus itself and include all the regulated animals covered under the circus's license, and
  - Complete separate Inspection Reports for each individually licensed exhibitor

#### NOTICE

It is important to know which exhibitor's license covers the particular animal you are inspecting. It is common for exhibitors/animal acts to travel with more than one circus in a touring season. If you have questions or are unsure about a situation, call your SACS.

#### 4.22.8.1. Observing the Circus or Performing Animal Show

Prior to announcing your presence, you may want to watch an actual performance to observe the handling of the animals and the types of acts/tricks the animals are performing.

Make a notation on the Inspection Report, whether you watched the performance or not.

## NOTICE

Drugs may **not** be used to control the animals.

- Pre-performance activities involving the public
- Procedure for moving animals in and out of the rings
- Space requirements for the animals, i.e., are animals housed in their transport enclosures? If so, do these enclosures meet the space requirements when not in actual transit?
- Vertical space for animals that require it, such as bears, large cats, and nonhuman primates
- Check substrate where animals are housed (dirt, concrete, asphalt) for:
  - Temperature as concrete and asphalt may get very hot
  - Sufficient amount of bedding

## NOTICE

**Never** enter a pen or enclosure unless absolutely necessary and the animal(s) are secured.

### 4.22.9. Petting Zoos

See [Petting Zoo Inspection](#).

### 4.22.10. Photo Shoots

See [Photo Shoot Inspection](#).

### 4.22.11. Inspection Reports

When entering an Inspection Report for a traveling exhibitor not at his/her home site, ensure that:

- You use the “traveling-on-the-road” (TRA) site designation in eFile
- If the licensee does **not** have a TRA site already in eFile or the TRA site is not active, follow the procedures for [Action to Take When a Person, Facility, or Site is Not in the eFile Database](#)
- If the licensee has more than one TRA site, use the correct TRA site if it is in eFile, such as the “Blue Unit” or the “Red Unit”
- In the narrative section, include:
  - Name of the venue, e.g., Douglas County Fair, and
  - Location of the inspection, i.e., city and State, and

- Name of the circus, unit, or group, if applicable, and
- If there was a show/performance, if you did or did not watch the show/performance
- Names of the elephants inspected if applicable
- Email a copy of the Inspection Report to the home inspector or inform the home inspector that you conducted a TRA inspection

#### **4.22.12. Itinerary**

All traveling exhibitors must submit an itinerary. For details, see [Traveling Petting Zoo Itinerary](#).

Check to see if the facility has submitted an itinerary for future exhibitions, especially if there were NCIs on the Inspection Report.

## 4.23. Wild/Exotic Animal Auction Inspection

All regulatory requirements for wild/exotic animal auctions must be met by:

1. Operator of the Auction, **and**
2. Consignor of the animal if the consignor is licensed or is required to be licensed

### 4.23.1. Licensing Requirements

Persons selling wild or exotic animals for covered purposes must be licensed.

#### 4.23.1.1. Operators of the Auction

Operators of the wild/exotic animal auction must have a Class B license.

#### 4.23.1.2. Consignors of Wild/Exotic Animals to the Auction

Some consignors of animals to the auction may require a USDA license:

- Consignors of wild/exotic animals clearly sold only for covered purposes **must** have a license (See examples in column 3 in the table below)
- Consignors of animals not regulated by the AWA do not require a license (See examples in column 1 in the table below)
- Consignors of animals that may be used for covered or non-covered purposes may require a license. (See examples in column 2 in the table below). The inspector will need to determine either at the auction or after the auction if the animal was sold for a covered purpose. This should be discussed with the SACS.



Never need a license	May need a license	Always need a license
Horses, donkeys, mules Reptiles Farm-type animals used for agricultural purposes	Birds Alpacas and llamas Farm-type animals <b>not</b> used for agricultural purposes *Foxes and mustelids Wild or exotic hoofstock Opossums Rabbits Squirrels Raccoons Zebras Camels Common pet-type mammals Cavies	Coatis Kinkajous Wild/exotic canids Megaherbivores (elephants, rhinos, hippos, giraffes) Primates Wallabies and kangaroos *Wild/exotic cats *Bears Pocket pets

\*Animals used for fur, food or hunting are exempt.

### 4.23.2. Regulatory Responsibilities

Care of the animals while at the auction is the responsibility of:

- Consignor (if the consignor is licensed or required to be licensed), **and**
- Operator of the auction

All regulatory requirements for the animals' care, including the provision of veterinary care, when necessary, must be met.

The auction's responsibility does not extend to animals kept in transport vehicles in auction parking lots, etc. These animals are the sole responsibility of the persons transporting them.

Every covered animal that the auction consigns will be regulated while it is within the auction facility.

### 4.23.3. Inspection Procedures

#### 4.23.3.1. Animal Enclosures

Animals may be housed at an auction ground in transport enclosures.

These animals are considered to be "in transit" and may remain in these enclosures while at the auction as long as:

- All the enclosure requirements from the Transportation Standards for the appropriate species are met or exceeded
- An animal is not showing obvious physical distress, including signs of behavioral stress, physical harm or unnecessary discomfort while held for

long periods in a transport enclosure

- If an animal is showing signs of distress, harm or discomfort, the auction owner, and the consignor if licensed should be cited for a handling violation
- Incompatible animals are not held in the same enclosure or close to other animals that may cause them stress

#### **4.23.3.2. Handling of Animals**

Auction employees must be properly trained and experienced to handle animals during a sale.

If the auction does not have any personnel qualified to handle certain animals, those animals should only be handled by the consignor, assuming that person is qualified.

Transferring from a transport enclosure to another larger enclosure can be stressful for many animals. Transfers must be accomplished by persons trained in making such transfers. There can be disastrous results if animals are moved by untrained and/or inexperienced persons.

#### **4.23.3.3. Public Exhibition of Animals**

Animals are often kept on display for public viewing during an auction. In fact, many members of the public go to auctions simply to see the animals with no intention of bidding on them.

Operators of auctions must:

- Utilize appropriate barriers and/or distance to ensure the safety of the animals and public, and
- Have a sufficient number of readily identifiable attendants present at all periods of public contact with the animals

# Chapter 5. Record-Keeping for Licensees

## Contents

<a href="#">5.1. Records</a>	<a href="#">5-2</a>
<a href="#">5.1.1. Required Dealer and Exhibitor Records</a>	<a href="#">5-2</a>
<a href="#">5.1.2. Computerized Records for Dogs and Cats</a>	<a href="#">5-3</a>
<a href="#">5.1.3. Health Certificates for Dogs, Cats and Nonhuman Primates</a>	<a href="#">5-3</a>
<a href="#">5.1.4. Dealer and Exhibitor Records That Are Not Required</a>	<a href="#">5-4</a>
<a href="#">5.1.5. Puppy and Kitten Records and Identification</a>	<a href="#">5-4</a>

### DISCLAIMER

The Animal Welfare Inspection Guide is intended to be a reference document to assist the inspector. The Inspection Guide does not supersede the Animal Welfare Act (AWA), the AWA Regulations and Standards, AC policies and other guidance, the Required Inspection Procedures, standard procedures, or the inspector's professional judgment. All inspection decisions must be justified by applicable sections of the AWA and/or the AWA Regulations and Standards.

## 5.1. Records

A dealer, exhibitor, or research facility must have all required records for regulated animals purchased or otherwise acquired, owned, held, or in his/her possession or control, transported, or disposed of.

### 5.1.1. Required Dealer and Exhibitor Records

Dealers and exhibitors **must** have the following records, when applicable, for review:

- Acquisition and disposition records [2.75(a)(1), 2.75(b)(1), 2.76(a)]
- Program of Veterinary Care for dogs for any facility with dogs [3.13(a)]
- Program of Veterinary Care for all animals other than dogs when using a part-time attending veterinarian [2.40]

#### 5.1.1.1. For Dogs and Cats

For dogs and cats, the following information is required:

- Certification for procurement of animals [2.132(d)]
- Exercise plan for dogs [3.8]

#### 5.1.1.2. For Nonhuman Primates (NHP)

For nonhuman primates, the following information is required:

- Environmental enhancement plan for nonhuman primates [3.81]

#### 5.1.1.3. For Marine Mammals

For marine mammals, the following information is required:

- Approved water and power emergency contingency plans for marine mammals [3.101(b)]
- Documentation of training of attendants or employees working with marine mammals [3.108(b)]
- Medical records for marine mammals [3.110(d)]
- Necropsy records for marine mammals [3.110(g)(1-2)]
- Water quality records for marine mammals [3.106(b)(3)]

#### 5.1.1.4. For Birds

For birds, the following information is required:

- Environmental enhancement plan for birds [3.154]

### 5.1.2. Computerized Records for Dogs and Cats

A licensee who uses a computerized record-keeping system must request a variance from the requirement to use [APHIS Form 7005 – Record of Acquisition of Dogs and Cats on Hand](#) and/or [APHIS Form 7006 – Record of Disposition of Dogs and Cats](#) in Appendix A. [2.75(a)(2)]

Each licensee with a computerized record-keeping system **must** request his/her own variance.

The variance request **must** meet the following: [2.75(a)(2)(i)]

- Be in writing
- Be sent to the Fort Collins AWO office
- Contain a description of the computerized record-keeping system to be used
- Explain why the APHIS Form 7005 or 7006 is unsuitable to use

If the variance is denied, the licensee may request a hearing for the purpose of showing why the variance should **not** be denied. The denial remains in effect until a final legal decision is rendered. [2.75(a)(2)(ii)]

The inspector may do the following:

- Review records on the computer screen, or
- Review a hard copy

#### NOTICE

Unless approved by AW Operations, records must be viewable during the inspection. Providing physical media (e.g., USB drive, CD) without a method to view its content is insufficient.

- If the inspector is unable to review the records for proper inspection, cite it on the Inspection Report under section 2.126(a)(2).

### 5.1.3. Health Certificates for Dogs, Cats and Nonhuman Primates

- A **licensed** veterinarian must execute and issue health certificates for dogs, cats and nonhuman primates transported by an intermediate handler or carrier in commerce or delivered by [2.78]:
- A dealer, exhibitor, operator of an auction sale, broker, or
- Department, agency, or instrumentality of the United States, or
- Any State or local government
  - This **includes** interstate and international transportation, as well as other transportation which affects commerce.

#### NOTICE

This health certificate requirement **excludes** any person who arranges for transportation or transports animals solely for the purpose of breeding, exhibiting in purebred shows, boarding (not in association with commercial transportation), grooming, or medical treatment, and is not otherwise required to obtain a license. [2.1(a)(3)(v)]

#### 5.1.3.1. Responsibility for Health Certificates

The **dealer/exhibitor/broker** must provide a valid health certificate whenever a registered carrier or intermediate handler picks up a cat, dog, or NHP for transport in commerce whether being transported within or out of State. [2.78(a)]

The **transporter** may not receive an animal for transport without a valid health certificate whether the animal is being transported within or out of State. The transporter must keep and maintain a copy of the health certificates for one year. [2.77(b), 2.80(b)]

#### 5.1.4. Dealer and Exhibitor Records That Are Not Required

#### NOTICE

These records are not specifically required by the AWA Regulations and Standards, **except** where applicable for dogs and marine mammals. A lack of any of these records or inadequacy of these records may not be cited as a noncompliance, except as required for dogs and marine mammals.

The following non-required records may be helpful to dealers and exhibitors:

- Documentation of preventive medical treatments
- Documentation of training for all handlers of dangerous animals
- Emergency plan for dealing with animal attacks or escapes
- Noncommercial diet approval for large felids

#### 5.1.5. Puppy and Kitten Records and Identification

Breeders are required to identify and maintain records on all puppies/kittens born at the facility [2.50]. They have the option to maintain these records on the APHIS 7005 form OR on cage cards. [2.75]

Breeders may choose to identify their puppies/kittens less than 16 weeks of age by any of the following methods:

- An official tag, or
- An official tattoo, or

- A plastic type collar, or
- A microchip (see below), or
- A cage card (see below)

If a **microchip** is used:

- The microchip scanner must be readily available for the inspector, **and**
- The location of the microchip must be consistent from animal to animal, **and**
- The microchip number must be listed on the animal identification records

If a **cage card** is used:

- The puppies/kittens must be maintained as distinct litters at the facility where born, **and**
- The cage card must be attached to the outside of the enclosure, **and**
- Cage cards must be completed as soon as possible, preferably one or two days after each animal's birth, **and**
- Must include an individual ID number for each puppy or kitten, **and**
- The cage card may only be used as identification until the puppies/kittens are sold or moved from the facility where they were born or reach 16 weeks of age, whichever comes first, **and**
- If the cage card is used for both ID and record keeping purposes, it must be retained for one year after use

#### NOTICE

Unweaned puppies/kittens do not require individual ID while they are maintained as a litter with their dam in the same primary enclosure, provided the dam is individually identified.

If the breeder uses the APHIS 7005 for puppy records **and** a cage card to identify puppies/kittens up to 16 weeks of age, the cage card must contain the following:

- Licensee's USDA certificate number
- The letters "USDA"
- Unique number identifying each puppy/kitten

If a facility uses a cage card to satisfy **both** the records requirement **and** the ID requirement (weaning to 16 weeks of age), the cage card must contain the following:

- Licensee's USDA certificate number
- Unique number identifying each puppy/kitten
- Date of birth of the litter
- Dam's ID information

- A description of each puppy, which includes the following.
  - Breed
  - Sex
  - Color
  - Distinctive markings
- Date of disposition, death, or euthanasia



# Chapter 6. Veterinary Care Requirements for Licensees

## Contents

6.1. Attending Veterinarian	6-2
6.1.1. Criteria	6-2
6.1.2. Multiple Attending Veterinarians	6-2
6.1.3. Veterinary Authority	6-3
6.1.4. Responsibilities	6-3
6.1.5. Health Certificates and Other Records that must be Prepared or Issued by Veterinarians	6-7
6.2. Written Program of Veterinary Care	6-8
6.2.1. Requirements for Dogs [3.13(a)]	6-8
6.2.2. Requirements for Animals Other than Dogs	6-9
6.3. Records	6-11
6.3.1. Required Records	6-11
6.3.2. Non-Required Information	6-14
6.3.3. Traveling Exhibitors	6-14
6.4. Inspection Guidance	6-15
6.4.1. General Information	6-15
6.4.2. Adequate Veterinary Care	6-15
6.4.3. Guidance for Communicating with the Attending Veterinarian	6-17
6.4.4. Recognition of Pain and/or Distress	6-19
6.4.5. Medication and Medical Supplies	6-22
6.4.6. Surgeries and Specialized Surgical Procedures	6-24
6.4.7. Euthanasia Guidance for Inspections	6-25
6.4.8. Additional Requirements for Inspecting Dogs	6-27
6.5. Documentation of Veterinary Care NCIs	6-29
6.5.1. Citing Section 2.40(b)(2) or 2.40(b)(3)	6-29

This Chapter applies to licensees only. For veterinary care requirements for Research Facilities, see Chapter 7.

### DISCLAIMER

The Animal Welfare Inspection Guide is intended to be a reference document to assist the inspector. The Inspection Guide does not supersede the Animal Welfare Act (AWA), the AWA Regulations and Standards, AC policies and other guidance, the Required Inspection Procedures, standard procedures, or the inspector's professional judgment. All inspection decisions must be justified by applicable sections of the AWA and/or the AWA Regulations and Standards.

## 6.1. Attending Veterinarian

A licensee **must** have an attending veterinarian (AV) to provide adequate veterinary care to his/her animals [2.40(a)].

An attending veterinarian is defined as a person who has:

- Graduated from an AVMA-accredited veterinary school, has a certification from the AVMA if a foreign veterinary graduate, or has equivalent formal education as determined by the Administrator
- Received training and/or experience in the care and management of the species being attended, and
- Has direct or delegated authority for activities involving animals

### 6.1.1. Criteria

A licensee must:

- Employ an attending veterinarian under formal arrangements [2.40(a)(1)]
- If the attending veterinarian is part-time or has a consultant arrangement, the formal arrangement must include [2.40(a)(1)]:
  - A written program of veterinary care (PVC) and
  - Regularly scheduled visits to the premises
- If a licensee enters into a formal arrangement with a **new** part-time attending veterinarian or consultant, the attending veterinarian or consultant must:
  - Prepare a PVC, or
  - Adopt the licensee's existing PVC
- Assure the attending veterinarian has appropriate authority [2.40(a)(2)]
- Communicate to the attending veterinarian timely and accurate information on the health, behavior, and well-being of the animals [2.40(b)(3)]

### 6.1.2. Multiple Attending Veterinarians

In some circumstances a facility may use more than one veterinarian, or more than one attending veterinarian. For example, a facility may use one veterinarian with specialized knowledge and experience for all nonhuman primates and another veterinarian for all other species present at the facility.

There **must** be one Attending Veterinarian who is responsible for the overall veterinary care decisions for the facility.

### 6.1.3. Veterinary Authority

The AWA Regulations require the licensee to assure the attending veterinarian has the appropriate authority to [2.40(a)(2)]:

- Ensure adequate veterinary care
- Oversee the adequacy of other aspects of animal care and use

The duties performed by the attending veterinarian to ensure compliance with the Regulations are ultimately the responsibility of the licensee, and the licensee must provide the attending veterinarian with adequate authority to carry out his/her functions.

### 6.1.4. Responsibilities

The attending veterinarian under the authority given to him/her by the licensee must:

- Ensure the provisions of adequate veterinary care to the licensee's animals [2.40(a)]
- Conduct regular visits to the premises, if the attending veterinarian is part-time or a consultant who is the attending veterinarian [2.40(a)(1)]
- Approve the facility's practices as required by the Standards listed below

#### 6.1.4.1. Dogs and Cats

Approval of the attending veterinarian is required for the following:

- Housing of dogs and cats in indoor facilities or the sheltered part of sheltered facilities where the ambient temperature falls below 50 °F for those animals who are not acclimated to or cannot tolerate lower temperatures, such as [3.2(a) and 3.3(a)]:
  - Short haired
  - Sick
  - Young or aged
  - Infirm
- Outdoor housing of dogs and cats in the following categories [3.4(a)(1)]:
  - Dogs/cats not acclimated to temperatures prevalent in the area/region
  - Breeds that cannot tolerate the prevalent temperature extremes
  - Sick, infirm, aged, or young dogs/cats
- Exercise plan for dogs [3.8]
- Exercise for dogs – Non-group housing of a dog(s) over 12 weeks of age if in the opinion of the attending veterinarian, group housing would adversely affect the health or well-being of the dog(s) [3.8(b)(2)]

- Exemption to the exercise requirement for a dog(s) [3.8(d)(1)]

#### **6.1.4.2. Nonhuman Primates (NHPs)**

Approval of the attending veterinarian is required for the following:

- Ambient temperature of the sheltered portion of sheltered housing facilities for NHPs [3.77(a)]
- Outdoor housing of NHPs [3.78(a)]
- Outdoor housing of NHPs with shelters that do not provide heat to prevent the ambient temperature from falling below 45°F [3.78(b)]
- Singly housed NHPs that are not able to see/hear other NHPs [3.81(a)(3)]
- Maintenance of NHPs in restraint devices for health reasons [3.81(d)]
- Statements of exemptions from participation in the environmental enhancement plan for individual NHPs [3.81(e)(1)]
- Restriction of water for NHPs [3.83]
- Approval of no food or water for NHPs during transport by a carrier or intermediate handler [3.86(c)]

In addition, facilities must follow any direction of the attending veterinarian concerning:

- Ambient temperature of indoor housing facilities for NHPs [3.76(a)]
- Relative humidity level of indoor housing and the sheltered portion of sheltered housing facilities for NHPs [3.76(b) and 3.77(b)]
- Ambient temperature in mobile or traveling housing facilities for NHP [3.79(a)].
- Environmental enhancement plan for NHPs. The plan must also be in accordance with currently accepted professional standards and address as appropriate [3.81] (Optional APHIS Form 7050 may be used.):
  - Social grouping [3.81(a)]
  - Isolation of NHPs that have or are suspected of having a contagious disease [3.81(a)(2)]
  - Determination of compatibility of NHPs for social housing [3.81(a)(3)]
  - Special considerations for NHPs requiring special attention, including [3.81(c)]:
    - Infants and young juveniles
    - NHPs showing signs of psychological distress
    - Individually housed NHPs that cannot see/hear their own or compatible species
    - Great apes weighing over 110 lbs.

#### 6.1.4.3. Marine Mammals (MM)

Approval of the attending veterinarian is required for the following:

- Statement of exemptions to MM housing requirements, including [3.104(a)]:
  - Housing in smaller than required enclosures for nonmedical training, breeding, or holding for more than 2 weeks
  - Housing in smaller than required enclosures for transfer for more than 1 week
- Feeding MM less than once per day [3.105(a)]
- Application of insecticides and other such chemical agents in primary enclosures housing MM [3.107(d)]
- Approval for the single housing of social MM [3.109]
- Approval to house newly acquired MM with resident animals [3.110(a)]
- Holding of MM in a medical treatment or medical training enclosure that does not meet the minimum space requirements for more than 2 weeks [3.110(b)]
- Procedure for cleaning and/or sanitizing an enclosure which has housed a MM with an infectious or contagious disease [3.110(c)]
- Transport plan for transport of a MM lasting more than 2 hours in duration [3.116(a)]

In addition, the frequency of feeding for a MM in transit must be as often as necessary and appropriate for the species involved or as determined by the attending veterinarian [3.115(b)].

#### 6.1.4.4. Other Animals

Procedures for sanitizing pens or runs using gravel, sand or dirt which had housed a **Subpart F** animal with an infectious or transmissible disease, when necessary, as directed by the attending veterinarian. [3.131(b)]

#### 6.1.4.5. Birds

Approval of the attending veterinarian is required for the following:

- Determines if a species-typical postural or social adjustments, such as dust-bathing or foraging would be detrimental to the bird's good health and well-being. [3.153(b)(1)]
- A species-appropriate plan for environment enhancement adequate to promote the psychological well-being of birds [3.154]
- Special considerations for birds requiring special attention, including [3.154(c)]:
  - Nestlings, chicks, or fledglings

- Birds showing signs of psychological distress
- Birds used in research that require restricted activity
- Individually housed social birds that cannot see/hear their own or compatible species
- Birds must not be permitted to be maintained in restraint devices unless required for health reasons as determined by the attending veterinarian or by a research proposal approved by the IACUC at research facilities [3.154(d)]
- The attending veterinarian may exempt an individual bird from participation in the environment enhancement plan because of its health or condition, or in consideration of its well-being [3.154(e)]
- Birds must be fed at least once a day except as directed by the attending veterinarian, normal fasts, or other professionally accepted practices. [3.155(a)]
- Potable water must be provided in sufficient quantity to every bird housed at the facility, unless restricted by the attending veterinarian [3.156]
- Socially dependent birds must be housed in social groups, except where the attending veterinarian exempts an individual bird because of its health or condition, or in consideration of its well-being, or for specific management needs, or where such social grouping is not in accordance with a research proposal and the proposal has been approved by the research facility IACUC [3.160(a)]
- Birds that have or are suspected of having a contagious disease or communicable condition must be separated from healthy animals that are susceptible to the disease as directed by the attending veterinarian [3.160(c)]
- Carriers and intermediate handlers must not accept unweaned birds for transport unless transport instructions are specified and written by the attending veterinarian, and signed within 10 days of shipment [3.161(g)]
- All weaned birds must be offered food and potable water within 4 hours before being transported in commerce, unless the attending veterinarian approves a delay or unless a delay is in accordance with professionally accepted standards [3.164(a)]
- Dealers, exhibitors, research facilities, operators of auction sales, carriers, and intermediate handlers must provide potable water to all live, weaned birds at least every 12 hours after accepting them for transportation in commerce, except for birds which, according to professionally accepted standards or under the direction of the attending veterinarian, require watering or feeding more or less frequently [3.164(b)]

#### NOTICE

If you, the inspector, have a concern with the directions, instructions, or guidance the licensee has received from the attending veterinarian, discuss your concerns with your SACS.

### 6.1.5. Health Certificates and Other Records that must be Prepared or Issued by Veterinarians

A **licensed** veterinarian must execute and issue health certificates for dogs, cats and nonhuman primates transported by an intermediate handler or carrier in commerce or delivered by [2.78]:

- A dealer, exhibitor, operator of an auction sale, broker, or
- Department, agency, or instrumentality of the United States, or
- Any state or local government
  - This **includes** interstate and international transportation, as well as other transportation which affects commerce.

#### NOTICE

This health certificate requirement excludes any person who arranges for transportation or transports animals solely for the purpose of breeding, exhibiting in purebred shows, boarding (not in association with commercial transportation), grooming, or medical treatment, and is not otherwise required to obtain a license. [2.1(a)(3)(v)]

- The attending veterinarian must prepare marine mammal necropsy reports [3.110(g)(1)]
- The attending veterinarian must sign health certificates for transport of marine mammals [3.112(a)]
- The attending veterinarian must execute temperature acclimation certificates for transport of marine mammals [3.112(c)]
- The attending veterinarian must execute temperature acclimation certificates for transport of unweaned birds [3.161(g)]

## 6.2. Written Program of Veterinary Care

**A licensee with dogs that has a full-time, part-time or consultant attending veterinarian (AV) must have a signed, written Program of Veterinary Care (PVC). [3.13(a)]**

A licensee with animals other than dogs that has a part-time or consultant attending veterinarian (AV) **must** have a written Program of Veterinary Care (PVC). [2.40(a)(1)]

### 6.2.1. Requirements for Dogs [3.13(a)]

Each dealer and exhibitor with dogs must have and follow an appropriate program of veterinary care that is:

- Developed, and
- Documented in writing, and
- Signed by the Attending Veterinarian (full-time, part-time or consultant)

The written PVC must be:

- Kept and maintained by the licensee, and
- Made available for APHIS inspection

#### NOTICE

The use of the [APHIS Form 7002 – Program of Veterinary Care](#) and/or the [APHIS Form 7002a – Program of Veterinary Care for Dogs](#) (see Appendix A) is not required. However, these are useful tools to ensure that all the requirements are met.

In addition to addressing the general requirement for adequate veterinary care as required in Section 2.40, the written Program of Veterinary Care for dogs must include:

- Regularly scheduled visits, not less than once every 12 months, by the AV to all premises where dogs are kept to assess and ensure the adequacy of veterinary care
- Complete physical examination from head to tail of each dog by the AV, not less than once every 12 months, as follows:
  - If the licensee has had the dog for 12 months, it must have had a physical exam during those 12 months
  - If the licensee keeps a puppy born on the premises, it must have a physical exam before it is 12 months old
  - If the licensee buys a breeder, it must have a physical exam within the first 12 months of ownership, and every 12 months thereafter



- Vaccinations for contagious and/or deadly disease of dogs in accordance with a schedule approved by the AV, and for adult dogs, in accordance with the manufacturer's recommendations, including but not limited to:

- Rabies
- Parvovirus
- Distemper

Note: Vaccinations for puppies should follow the manufacturer's recommendations but the schedule may be altered if deemed necessary by the AV.

- Sampling and treatment for parasites and other pests in accordance with a schedule approved by the AV, including but not limited to:

- Fleas
- Worms
- Coccidia
- Giardia
- Heartworm

- Preventive care and treatment to ensure:

- Healthy and unmatted hair coats
- Properly trimmed nails
- Clean and healthy:
  - Eyes
  - Ears
  - Skin
  - Teeth

Medical records must be maintained for dogs. See Section 6.3.1.1.1.

## 6.2.2. Requirements for Animals Other than Dogs

The written program of veterinary care **must:** [2.40(a)(1)]

- Describe the facility's veterinary care plan

## NOTICE

The following are **not** required by the Regulations:

- Use of the [APHIS Form 7002 – Program of Veterinary Care](#) (see Appendix A)
- The information listed in the APHIS Form 7002
- A signature of the attending veterinarian on the program of veterinary care

Topics for the **written** program of veterinary care that may be helpful in maintaining compliance (but are not regulatory requirements for a written PVC) include but are not limited to:

- Vaccinations (species, juveniles vs. adults, list of vaccines, route, schedule of when they are to be given, and whether they are to be given by the licensee or the attending veterinarian)
- Parasite control (ectoparasites, blood parasites, intestinal parasites – including required testing intervals, drugs to be used for prevention and treatment with ages of animals, dosages, route, and frequency)
- Detailed description of emergency care availability and contact information
- Detailed description of appropriate euthanasia to be used (including any personnel authorized to perform euthanasia and the method)
- Detailed description of capture and restraint methods. If the PVC includes more than one method, it is helpful to include a detailed description of all capture and restraint methods a facility might use.
- Treatment protocols that the attending veterinarian has pre-approved for the licensee or registrant to follow for common conditions
- Other topics pertinent to each licensee

The licensee and veterinarian should consider reviewing and updating the written program of veterinary care as needed for situations such as:

- Change in the preventive medical program
- Addition of a new species of animal
- New location or site

## 6.3. Records

### 6.3.1. Required Records

A licensee **must** maintain the required records relating to the veterinary care of his/her animals and medical records for dogs [3.13(b)] and marine mammals [3.110(d)].

Required veterinary care records must be readily available to APHIS officials for review [2.126(a)(2)].

Records can be maintained at the veterinary clinic as long as they are available to the inspector on request.

#### 6.3.1.1. Dogs

##### 6.3.1.1.1 Medical Records for Dogs [3.13(b)]

A licensee with dogs must:

- Keep copies of medical records for dogs, and
- Make the records available for APHIS inspection

Medical records for dogs **must** include:

- Identity of each animal including:
  - Identifying marks
  - Tattoos
  - Tags
  - Breed
  - Sex
  - Age
- If a medical problem is identified (such as disease, injury, or illness), the following information is required in the dog's medical record:
  - Date the problem was identified
  - Description of the problem
  - Examination findings
  - Test results
  - Plan for treatment and care
  - Treatment procedures performed, when appropriate
- Names of all vaccines administered and the date(s) of administration
- Names of any treatment administered and the date(s) of administration
- Dates and findings/results of all:

- Screening
- Routine or other required or recommended tests
- Examinations

#### NOTICE

Routine husbandry (such as vaccinations, preventive medical procedures, or treatments) performed on all dogs in a group/herd may be kept on a single record.

Medical records for dogs must be kept and maintained:

- For at least one year after the dog is euthanized or disposed of, **and**
- For any period in excess of 1 year as necessary to comply with Federal, State, or local law, **and**
- If notified by the APHIS Administrator in writing that specified records must be retained pending the completion of an investigation or proceeding under the Act, the records must be held until their disposition is authorized by the Administrator

##### 6.3.1.1.2 Other Records for Dogs

The following records requiring veterinary approval are required for dogs and cats, when applicable:

- Exercise plan for dogs [3.8]
- Attending veterinarian approved exercise exemption [3.8(d)(1)]
- Health certificate for transport [2.78(a)]

##### 6.3.1.2. Cats

The following record requiring veterinary approval is required for cats, when applicable:

- Health certificate for transport [2.78(a)]

##### 6.3.1.3. Nonhuman Primates

The following records requiring veterinary approval are required for nonhuman primates, when applicable:

- Attending veterinarian approved EEP exemption [3.81(e)(1) and (3)]
- Health certificates signed by a licensed veterinarian for transport [2.78(a)]

##### 6.3.1.4. Marine Mammals

The following record requiring veterinary approval is required for marine mammals, when applicable:

- Health certificates signed by the attending veterinarian for transport

[3.112(a)]

Individual marine mammal medical records **must** be kept, and include the following information, at a minimum [3.110(d)]:

- Animal identification/name
- A physical description, such as:
  - Identifying markings
  - Scars
- Age
- Sex
- Physical examination information including, but not limited to [3.110(d)(2)]:
  - All diagnostic test results
  - Documentation of treatment
  - Identification of all medical and physical problems
  - Length
  - Physical examination results by body system
  - Proposed plan of action for medical/physical problems
  - Weight

Individual animal medical records **must** be kept and available for APHIS inspection [3.110(d)].

A copy of the individual marine mammal's medical/health record **must** accompany the animal if it is transferred to another facility, including contract and satellite facilities [3.110(e)].

#### 6.3.1.4.1 Marine Mammal Necropsy Reports

The preliminary necropsy report **must** [3.110(g)(1)]:

- Be prepared by the veterinarian conducting or supervising the necropsy
- List all pathological lesions observed

The final necropsy report **must** include [3.110(g)(1)]:

- All gross findings
- All histopathology findings
- A pathological diagnosis
- Results of all laboratory tests performed

Necropsy reports **must** be [3.110(g)(2)]:

- Available for APHIS inspection
- Kept for 3 years

- Maintained at the home facility of the marine mammal, AND
- Maintained at the facility where the marine mammal died, if different than the home facility

#### 6.3.1.5. Birds

The following records requiring veterinary approval are required for birds, when applicable:

- Attending veterinarian approved EEP exemption [3.154]
- Written transport instructions by the AV for shipping unweaned birds [3.161(g)]

#### 6.3.2. Non-Required Information

The following information is **not** required but may be helpful for the licensee to gain and maintain compliance:

- Animal observation and treatment logs which could include:
  - Documentation of an acute or chronic medical issue
  - Documentation of contact with the attending veterinarian
  - Treatment prescribed by the attending veterinarian
  - Treatment records, i.e., dates and times of treatment if applicable
  - Results of treatment
- Attending veterinarian approval of noncommercial diet for large felids
- Enrichment logs for NHPs
- Feeding of young animals, such as bottle feeding
- Vaccination and preventive health records (individual animal or group/litter)
- Necropsy records (for animals other than marine mammals)
- Surgery records
- Euthanasia records
- Cage wash validation sheets
- Room maintenance logs
- Standard operating procedures, if available

#### 6.3.3. Traveling Exhibitors

Traveling exhibitors should have the appropriate records with them on the road, as detailed in this section. See [Traveling Exhibitor Inspection](#) in Chapter 4 for more information.

## 6.4. Inspection Guidance

### 6.4.1. General Information

All of the covered animals and the facility's program of veterinary care and veterinary care practices and records should be thoroughly reviewed during the inspection. The information in this section is provided for your guidance but all citations must be based on the Regulations and Standards. If you are unsure, you should contact your SACS.

### 6.4.2. Adequate Veterinary Care

Sections 2.33, 2.40 and 3.13 require regulated facilities to establish and maintain "programs" of adequate veterinary care. The purpose in requiring a program of adequate veterinary care is to ensure that facilities attend to the health needs of animals. The program of adequate veterinary care must include having appropriate facilities, personnel, equipment, and services to comply with the Regulations; appropriate methods to prevent, control, diagnose, and treat diseases and injuries, including emergency and weekend care; daily observation of all animals to assess their health and well-being; guidance by the attending veterinarian to personnel in animal care and use techniques, including the use of pain-relieving drugs and euthanasia; and adequate pre-procedural and post-procedural care. Upon inspection, you should evaluate the appearance and condition of the animals as well as the facility, to determine whether the overall veterinary care program is adequate to ensure that proper care is being rendered, and whether the facility is following its written program of veterinary care.

An animal is considered to have received adequate veterinary care if it has been:

- Discussed with or examined and evaluated by a qualified veterinarian (either the attending or a consulting) in a timely manner, **and**
- Prescribed a treatment **plan** which is appropriate for the animal's condition, **potentially** including further observation without treatment if appropriate, **and**
- Treatments have been administered as prescribed

The outcome of the treatment is **not** the determining factor for the adequacy of veterinary care, provided that the care is in keeping with appropriate standards of veterinary care.

If the treatment plan provided was not adequate, appropriate, or timely, the inspector may contact his/her SACS for additional guidance if needed.

#### 6.4.2.1. Determining Adequate Veterinary Care

If there are **minor** veterinary issues (e.g., nails, teeth, minor injuries, and eyes) with little or no discernible impact on an animal's overall health **and** that are

observed in only a small number of the facility's animals, **and** the issues can be rapidly addressed, a facility is maintaining adequate veterinary care because, overall, the facility has demonstrated it has an ongoing program that provides adequate care to animals and is, therefore, in compliance.

If an inspector identifies one or more animals with **serious** veterinary issues that require medical attention, or more than a small number of animals experiencing minor veterinary conditions (as described above), the inspector should determine if the facility is in compliance for adequate veterinary care.

Facility is **in compliance** if:

1. The veterinary care issue **was** identified by the facility prior to your inspection **and** the facility is authorized (for example, in the PVC or an SOP) to provide treatment for the condition without contacting the attending veterinarian, **and** the treatment plan is being followed, **and** the animal appears to be responsive to the treatment, **or**
2. The veterinary care issue **was** identified by the facility prior to your inspection, **and** the facility contacted the attending veterinarian (verified by the inspector through records, receipts and/or treatment logs **or** by contact the AV), **and** the treatment plan is being followed, **and** the animal appears to be responsive to the treatment, **or**
3. The veterinary care issue **was** identified by the facility prior to your inspection, **and** the facility is following the authorized treatment plan or has contacted the attending veterinarian, **and** the treatment plan is being followed **but** does not appear to be effective (i.e., the animal's condition is clearly declining or worsening), **and** the licensee has re-contacted the attending veterinarian for additional instructions and is following those instructions (verified by the inspector through records, receipts and/or treatment logs, **or** by contacting the AV), **or**
4. The veterinary care issue occurred **after** the last daily observation on that day, **or**
5. The veterinary care issue could not have been observed by the facility **and** the facility did not have a 2.40(b)(2) or (b)(3) citation within the last 3 years

Facility is **not** in compliance if:

1. The veterinary care issue was **not** identified by the facility prior to your inspection, **and** veterinary care issue occurred **prior to** the daily observation for that day, **and** the facility is authorized to provide treatment, but the attending veterinarian's treatment is not being followed, **and** you have contacted the attending veterinarian and the attending veterinarian is not comfortable with the facility's treatment or management of the issue, **or**
2. The veterinary care issue was **not** identified by the facility prior to your inspection, **and** veterinary care issue occurred **prior to** the daily observation for that day, **and** the facility did contact the attending veterinarian, but the treatment is not being followed, **and** you have contacted the attending



veterinarian and the attending veterinarian is not comfortable with the facility's treatment or management of the issue, **or**

3. The veterinary care issue was **not** identified by the facility prior to your inspection, **and** veterinary care issue occurred **prior to** the daily observation for that day, **and** the facility did not contact the attending veterinarian, **and** the facility had a 2.40(b)(2) or (b)(3) citation within the last 3 years, **or**
4. The veterinary care issue was **not** identified by the facility prior to your inspection, **and** the veterinary care issue occurred **prior to** the daily observation for that day, **and** the facility did not contact the attending veterinarian, **and** the facility did not have a 2.40(b)(2) or (b)(3) citation within the last 3 years, **and** the veterinary care issue should have been observed by the facility

### 6.4.3. Guidance for Communicating with the Attending Veterinarian

If the inspector cannot determine from facility records, receipts, and/or treatment logs if the attending veterinarian was contacted, **the next step is to contact the attending veterinarian.** In most situations, a telephone call with the attending veterinarian is sufficient to confirm communication with the licensee, whether or not the attending veterinarian was consulted, and what if any instructions were given to the licensee.

If the attending veterinarian confirms that he/she was contacted by the licensee about the animal, and the licensee is following the instructions, then the licensee is in full compliance with the provision to provide adequate veterinary care

If the attending veterinarian has not been contacted, and/or instructions are not being followed, cite the NCI under the appropriate paragraph in 2.40 for failure to provide adequate veterinary care

If the inspector needs to contact the attending veterinarian, the following guidance should be followed:

- The inspector should make two attempts to contact the attending veterinarian using the number provided by the licensee, leaving messages after each attempt. The first call should be made after the animals have been observed, and a second call should be attempted during the exit interview.
- If the attending veterinarian doesn't return the calls, the inspector should ask the licensee for assistance with communicating with the attending veterinarian
- If the contact with the attending veterinarian cannot be made while on site, explain to the licensee that if the attending veterinarian does not respond within the following two business days, then an NCI will be cited under 2.40 for failure to provide adequate veterinary care
- During the exit interview, explain that although not required, it would be helpful in the future for the licensee to keep a record of visits or other

communications with the attending veterinarian that includes the date, time, animal ID, and treatment and/or observation/follow up instructions

- If by the morning of the second business day the inspector has not heard from the attending veterinarian, notify the licensee that morning that the attending veterinarian has not communicated with you. And advise the licensee that if you don't hear from the attending veterinarian by COB, you will be issuing a report with a citation.
- If an inspector believes it would be best to meet with the attending veterinarian in person, he/she should contact the attending veterinarian ahead of time, to make sure a time convenient for the attending veterinarian is arranged:
  - Note: if the licensee prefers, he/she should initially contact the attending veterinarian to help set up a call or meeting
  - If an ACI does not have an established relationship with the attending veterinarian, it will often help to involve a VMO or SACS in the first meeting
- When communicating with the attending veterinarian, you must always:
  - Be respectful
  - Be professional
  - Be cognizant of his/her time
  - Inform him/her of Attending Veterinarian module on our website
  - Provide our AV-related tech notes and extension pamphlets (as available)
  - Thank them for their time
- When communicating with the attending veterinarian:
  - Introduce yourself and that you are conducting an inspection of the USDA licensed/registered facility, and provide the name of the licensee
  - Explain that the purpose of the call is to simply confirm whether or not they have examined and/or communicated instructions for the veterinary medical condition of the specific animal of concern. Provide the species, breed, color, age, gender, ID number, and location of the animal.
  - Conclude the conversation by thanking them for their time, and offer your phone number in case they would like to contact you in the future for any reason
  - Do not challenge the attending veterinarian's diagnosis or instructions
  - If the attending veterinarian states that communication or treatment took place, we accept that fact
  - We do not pay consulting fees for attending veterinarians (should that come up in conversation)

- If you have not had the opportunity to meet with the attending veterinarian at a facility, consider reaching out to introduce yourself and see if they have any questions about attending veterinarian responsibilities under the AWA proactively, before the need arises. Building a relationship and open line of communication with attending veterinarians will help ensure animal welfare and facilitate discussions regarding specific animals and treatments in the future as needed.

#### 6.4.4. Recognition of Pain and/or Distress

It is often difficult to assess pain and/or distress in animals because of a lack of methods to validate and objectively measure the pain or distress. Additionally, not all animals demonstrate pain or stress in a similar manner. Basic biology, natural history, and individual variation all have a significant impact on the demonstration of clinical signs associated with pain. Listed in Table 6-1 are some possible signs of pain or distress.

However, presence of these signs does not necessarily mean the animal is in pain or distress. Or a lack of these signs also does **not** mean that the animal is **not** in pain or distress. If you see conditions that are likely painful and animals are not showing clear signs, or if you are seeing signs that are suggestive of pain/distress and are unsure of why, you should contact your SACS or the appropriate Field Specialist for help with interpreting the situation.

Table 6-1. Signs of Pain and/or Distress

Species	Species-Typical Signs of Pain
Dogs	Quiet, reluctant or unwilling to move, abnormal posture, lameness, lack of alertness, whimpering, groaning, howling, shivering, loss of appetite, increased respiration, growl or exhibit apprehension when approached, looking at, licking at, rubbing, or chewing a wound or potentially painful area, response elicited when touching or manipulating an area (withdrawal, whine, snap, etc.)
Cats	Ungroomed/unkempt appearance, greasy hair coat, quiet/withdrawn, apprehensive facial expression, loss of appetite, crying, hissing, hiding (often in litter box), crouching, or hunching, purring, tail flicking, response to handling (often aggressive but individuals may also purr in combination with other signs)
Guinea Pigs	Quiet, lethargy, decreased activity, decreased food and water consumption, anorexia, rough hair coat, reluctance to move, sunken eyes
Hamsters and Gerbils	Decreased activity, piloerection, ungroomed appearance

Species	Species-Typical Signs of Pain
Rabbits	Inactivity, appear apprehensive or anxious, hunched appearance, hide, squeal or cry, possible aggressive behavior with excessive scratching and licking, facial expression (tightening of eye, cheek flattening, nostril tightening, pulling back whiskers, tightening ears)
Nonhuman Primates	May mask signs of pain, appearance of misery and/or dejection, huddling or crouching, stops eating/drinking, sad expression, moaning, screaming, stops grooming, clenching of teeth, self-directed injuries, licking / chewing at injury, impaired use of limb, guarding behavior, dilated pupils
Marine Mammals Cetaceans: dolphins, porpoises, and whales	Tend to mask illness/pain, arching/hunching, squinting, one or both eyes closed, regurgitation, inappetence, changes in behavior, unusual posture in pool, floating at surface or sinking to the bottom, reduced activity, animal isolating itself from others in pool, dull or excessive sloughing of skin
Marine Mammals Pinnipeds: Seals, Sea Lions, Walrus	Typically stoic, laying with flippers tucked to sides, decreased activity, reduced alert behavior, rubbing / biting affected areas, blinking, squinting / one or both eyes closed, decreased time in pool, social isolation, decreased appetite, excessive vocalization (especially walrus)
Bears	Typically stoic, may show decreased foraging / appetite, decreased locomotion, slow / reluctant to move, development of stereotypic behaviors
Big Cats	Typically stoic, may show slow / weak / abnormal gait, obvious lameness, reluctance to rise / ambulate, hair pulling, chewing / biting, quite depressed attitude / lethargic, eyes frequently squinting or closed. Note: young cubs that are excessively handled may be too weak, cold, or exhausted to show overt signs of distress or pain.
Elephants	Often subtle and hard to detect. Lameness, shifting weight, "bucket stance", localized heat / swelling, reluctance or slow response to perform trained behaviors, movement away from touch (by trainers), head pressing, trunk pressing, restlessness / touching abdomen / kicking abdomen (similar to colic in a horse), excessive blinking (eye pain), changes in ear flapping frequency, decreased appetite (though chewing hay may also be a soothing behavior)
Cattle	Dull, depressed appearance, heads bowed, lack of alertness, loss of appetite, rapid/shallow breathing, rigid posture

Species	Species-Typical Signs of Pain
Pigs	Changes in overall demeanor, social behavior, gait, and posture, unwilling to move, hiding, excessive squealing when handled
Sheep and Goats	Similar to cattle and vocalization, teeth grinding, increased lip curling, isolation from the flock
Exotic Hoof stock	Similar to other ruminants, although individuals may be more adapted to hiding overt signs of pain, lameness, gait abnormalities, misshapen hooves (with long-term weight bearing abnormality)
Birds	Typically stoic, birds may appear withdrawn, inactive, or isolating such as under the feeder or at the edges of the enclosure, less responsive to external stimuli, changes in "personality"/behavior, decreased appetite and weight loss, hunched posture where the neck is retracted towards the body with a fluffed out appearance of the feathers, the tail droop, tail may bob when the animal is at rest indicating increase in respiratory effort, eyes half opened or closed, dull feathers and a loss of interest to preen, a wing or foot held in a lower or abnormal position, small species struggle less and emit fewer distress calls than large species, increase in heart and respiratory rates.

#### 6.4.4.1. Signs of Distress

Possible signs of distress in an animal include, but are not limited to:

- Change in the animal's behavior
- Abnormal behavior, such as stereotypies
- Abnormal respiration (shallow, rapid, panting, etc.)
- Reduced grooming
- Runny, glassy, or unfocused eyes
- Hunching or cowering in a corner of the cage
- Changes in body weight
- Absence of alertness or inattention to ongoing stimuli
- Vomiting
- Decrease in appetite and water intake
- Intense or frequent vocalizations
- Hair plucking and self-trauma
- Young animals dispersing from nests/dens (such as seen with heat stress)

It is important to remember that signs of distress such as the presence of stereotypic behaviors may outlast the cause for the development of those behaviors. If you observe abnormal behavior such as stereotypic behavior it is important to discuss the behavior with the facility to determine when the behavior began and what is being done (if anything) to address the behavior. If you are unsure if an animal is exhibiting signs of either pain or distress, or whether the facility's response is adequate you should discuss with your SACS.

#### 6.4.5. Medication and Medical Supplies

The inspector must ensure that all medications and medical supplies at licensed facilities are being used in a manner that is consistent with providing adequate veterinary care to prevent, control, diagnose and treat disease and injuries.  
[2.40(b)]

Methods to assess the use of medications and medical supplies to provide adequate veterinary care include, but are not limited to:

- The licensee has directions for appropriate use of all medications and medical supplies prescribed by a licensed veterinarian. The licensee should be able to demonstrate knowledge of the:
  - Name and concentration of the medication and appropriate use, dose, frequency, and route of administration
  - Instructions for use of the medication which may be located on a prescription label directly on the product or documented in writing from a veterinarian, as long as the information is readily accessible, understandable, and available for use at the facility
- All medications and medical supplies are:
  - Stored within manufacturers recommended humidity and temperature range
  - Protected from light (if required)
  - Labeled appropriately, including the drug name, concentration, and expiration date if transferred out of the original container
  - Stored in a manner that prevents contamination
- Expired medications or medical supplies are NOT being used for covered animals
- If expired medications or medical supplies are present at the facility, to avoid misuse the inspector may *recommend* that they be:
  - Clearly labeled “expired”
  - Separated from other medications and medical supplies

#### 6.4.5.1. Medications of Special Welfare Concern

The licensee must establish and maintain programs of adequate veterinary care that include:

- Adequate guidance to personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia [2.40(b)(4)]

Certain medications used for these procedures present special animal welfare concerns, particularly when used by non-veterinarians without the direct supervision of a veterinarian. Listed below are some methods to assess the proper use medications for these purposes.

##### 6.4.5.1.1 Paralytics or Neuromuscular Blocking Drugs

The use of paralytic or neuromuscular-blocking drugs without direct veterinary administration, oversight, and care (including the use of general anesthesia and respiratory support) is **not** consistent with providing adequate veterinary care [2.40(b)(2), 2.40(b)(4)].

##### 6.4.5.1.2 Anesthetics and Controlled Drugs

The use of anesthetics, including certain controlled drugs, by non-veterinarians without the direct supervision of a veterinarian, may not be consistent with providing adequate veterinary care.

If you identify anesthetics during an inspection, you should visit with the licensee and review available records of use and determine how the facility uses the drugs, including but not limited to:

- Species
- Purpose
- Administration practices, including dosing, route of administration, and names/doses of any drugs given with it
- Monitoring practices during and after administration
- Supportive care provided
- Procedures or handling occurring after administration
- Training and qualifications of individuals giving the drug(s)

Anesthetics, including certain controlled drugs, should:

- Be used in accordance with any local, State, or federal laws
- Be used according to the written instructions for use by the veterinarian, including dose, frequency, and route of administration
- Only be used by personnel with appropriate training to ensure the anesthetics are used in a method that is consistent with providing appropriate veterinary care (see below)
- Be stored within manufacturers recommended humidity and temperature

range and protected from light (if required)

- Be stored in a manner that prevents contamination

If the individual(s) administering the anesthetics is not a veterinarian or is not directly supervised by a veterinarian, then you should assess the training and qualifications of the individual by inquiring about his/her ability to:

- Monitor vital signs such as respiration, heart rate, and hydration status
- Recognize the effects of the drug, including signs of overdose or underdose
- Recognize when medical intervention is necessary and what steps to take

#### **6.4.6. Surgeries and Specialized Surgical Procedures**

The licensee must establish and maintain programs of adequate veterinary care that include, but are not limited to:

- The availability of appropriate facilities, personnel, equipment, and services to comply with the Regulations and Standards
- The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries
- Adequate guidance to personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia
- Adequate pre-procedural and post-procedural care in accordance with established veterinary medical and nursing procedure [2.40(b)(5)]

If surgeries and/or specialized surgical procedures are being performed at a licensed facility, the inspector should ensure that:

- The attending veterinarian has been consulted by the licensee
- The licensee is following all of the attending veterinarian's guidance
- All animals are receiving adequate veterinary care
- All procedures are being conducted consistent with standard veterinary practice

The inspector should evaluate the qualifications and assess the adequacy of training of non-veterinarians conducting surgeries. Sample questions that you could ask the personnel about the procedures they are performing include but are not limited to:

- What are the signs of pain and distress and related questions, such as:
  - Describe the drug regimen that will be used
  - Describe anticipated effect of the drug
  - Describe the signs of pain relief
  - Describe when further intervention may be necessary



- What is the plan if the pain is not relieved
- When will the veterinarian be called
- Describe the aseptic technique used, including use of gloves, masks, tools, and steps taken to appropriately clean the area and equipment between animals
- Describe the steps of the procedure to ensure they are following guidance from the attending veterinarian and verify appropriate veterinary care
- Which vital signs are being monitored and related questions such as:
  - Describe the operation of the monitoring equipment
  - Describe the interpretation of the results of the monitoring
- Describe the length and interval of monitoring and when it will be discontinued
- Describe ability to recognize and respond to potential veterinary medical emergencies that could occur, including excessive bleeding, cessation of breathing, or other potential complications and related questions, such as:
  - When is medical intervention necessary
  - What medical intervention will be used
  - What equipment available for medical intervention and how is it operated
  - When will the veterinarian be called

#### 6.4.7. Euthanasia Guidance for Inspections

The Animal Welfare Act Regulations (AWAR) define “euthanasia” (9 C.F.R. § 1.1) as:

- The humane destruction of an animal accomplished by a method that produces rapid unconsciousness and subsequent death without evidence of pain or distress, **OR**
- A method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death

This is the regulatory standard inspectors must apply when determining whether a method of euthanasia is compliant with the AWA. Facilities, in consultation with their attending veterinarian, may determine the humane method of euthanasia they wish to use provided it meets the regulatory standard.

AVMA Guidelines on Euthanasia

- The methods of euthanasia listed as “Acceptable” or “Acceptable with Conditions” (when conditions are met) in the American Veterinary Medical Association’s (AVMA) Guidelines on Euthanasia meet the regulatory definition of euthanasia, and facilities may consider the AVMA guidelines as a

source that describes humane methods of euthanasia that are compliant.

- The AVMA Guidelines themselves cannot be enforced because they are not part of the Regulations. This means an inspector **cannot cite a facility** for the failure to provide adequate veterinary care because the facility's method of euthanasia is not listed as an "acceptable" or "conditionally acceptable" (with conditions met) method of euthanasia in the AVMA Guidelines. Instead, the inspector must assess whether the facility's method of euthanasia meets the regulatory definition above, and, if not, explain in the citation how the method does not meet the definition.

#### **6.4.7.1. Methods of Euthanasia Listed as "Acceptable with Conditions" in the AVMA Guidelines**

If the method of euthanasia is "acceptable with conditions," the inspector must confirm the facility is following the specified conditions by:

- Reviewing the program of veterinary care (PVC), **and**
- Asking the licensee/registrant questions and/or visiting with the attending veterinarian (AV)

#### **6.4.7.2. Methods of Euthanasia Not Listed as Acceptable or Acceptable with Conditions in AVMA Guidelines**

To assess whether a method meets the regulatory definition, the inspector must discuss the method with the licensee and the attending veterinarian **and** review:

- The method of euthanasia the attending veterinarian approved for use at the facility
- How the method of euthanasia is administered
- The factors the licensee and attending veterinarian considered when adopting the method
- What equipment is required to carry out the method
- The observation of the animal and its behavior/appearance before, during, and after applying the method
- How the animal's death is confirmed
- The timeframe between administering the method and the animal's death
- Any other questions the inspector thinks are relevant to assessing compliance with the regulatory standard

#### **6.4.7.3. Method of Euthanasia Not on the PVC or as Described by the AV**

If the facility is using a method of euthanasia that is not the same method listed in the PVC or described by the attending veterinarian, and the facility is performing the euthanasia, the inspector should include a citation on the Inspection Report under 2.40(b)(4) for using a method of euthanasia not

consistent with the attending veterinarian's guidance.

#### 6.4.7.4. Facility Conducting Euthanasia

**If a facility is conducting euthanasia**, the inspector should determine whether:

1. The person the attending veterinarian approved to perform the specific method of euthanasia is performing the euthanasia, and
2. The attending veterinarian provided the person(s) with adequate training and guidance for properly conducting the euthanasia, and
3. The facility maintains appropriate facilities, equipment and/or supplies
4. If any of these conditions are **not** met, the inspector should include a citation on the Inspection Report under 2.40(b)(4) for lack of adequate guidance and/or 2.40(b)(1) for lack of appropriate facilities, equipment, or supplies

#### 6.4.7.5. Other Important Notes

- Euthanasia conducted under emergency conditions may require extreme measures, and inspectors who encounter situations like this should discuss them with their SACS
- Assessing compliance involves applying the regulatory definition of euthanasia. Any noncompliance involving euthanasia should describe why the method does not meet the regulatory definition. A method of euthanasia not found in the AVMA Guidelines is not necessarily a noncompliance with the Regulations. Citations in Inspection Reports and justifications in inspection appeals must focus on the regulatory definition of euthanasia and must not rely upon (or reference) the AVMA Guidelines.
- If needed, the SACS and inspector can request guidance from the AWO on whether the method meets or does not meet the regulatory definition of euthanasia. If the AWO determines the method of euthanasia does not meet the regulatory definition, AWO will issue a written correspondence to the facility to convey the determination to the facility and the attending veterinarian, and will list available resources pertaining to the humane euthanasia of animals (including the AVMA Guidelines, the Canadian Council on Animal Care Guidelines on: Euthanasia of Animals Used in Science (which can be found at <http://www.ccac.ca/Documents/Standards/Guidelines/Euthanasia.pdf>), and guidelines in the European Food Safety Authority Journal, pp 25-42 (which can be found at <http://onlinelibrary.wiley.com/doi/10.2903/j.efsa.2005.292/epdf>))

#### 6.4.8. Additional Requirements for Inspecting Dogs

For all **Routine Inspections**, you, the inspector, should:

- Examine dogs according to the following criteria:

- Ask the licensee to pull from the enclosure any dog showing signs of a medical issue if you need have a closer look and take photos and/or a video to document any veterinary care noncompliance, **and**
- Ask the licensee to pull any dogs that were previously identified as having a medical issue to recheck the dog if you need a closer look, **and**
- Select 10 percent of the remaining dogs (up to maximum of 10 dogs) for the licensee to pull and check for medical issues associated with their mouths, ears, eyes, skin, general condition, etc.
- Inspect the entire dog for medical issues; do not just focus on a single specific area
- Check for proper identification

For all **Prelicense Inspections**, you, the inspector, should:

- Examine dogs according to the following criteria:
  - Ask the applicant to pull from the enclosure any dog showing signs of a medical issue if you need to have a closer look, **and**
  - Ask the applicant to pull any dogs that were previously identified as having a medical issue to recheck the dog if you need a closer look, **and**
  - Select 10 percent of the remaining dogs (up to maximum of 10 dogs) for the applicant to pull and check for medical issues associated with their mouths, ears, eyes, skin, general condition, etc. If you identify a veterinary care issue that would normally be cited during a Routine Inspection, then it must be cited on the Inspection Report for the Prelicense Inspection.
- Inspect the entire dog for medical issues; do not just focus on a single specific area.

#### NOTICE

Remember to use proper biosecurity measures.

## 6.5. Documentation of Veterinary Care NCIs

### 6.5.1. Citing Section 2.40(b)(2) or 2.40(b)(3)

#### 6.5.1.1. Section 2.40(b)(2)

Section 2.40(b)(2) is cited whenever a sick or injured animal:

- Has **not** been evaluated by the veterinarian either via a physical examination or consultation, or
- Lacks a post-treatment re-evaluation if the veterinary care issue is not resolved, or
- Is not being treated according to the treatment plan in the written program of veterinary care or as instructed by a veterinarian

Correction of this NCI usually involves a consult or examination by a veterinarian, whichever is more appropriate.

#### 6.5.1.2. Section 2.40(b)(3)

Section 2.40(b)(3) is cited when the facility has a problem where sick or injured animals are not receiving appropriate veterinary care due to:

- Inadequate or no daily observation to identify sick/injured animals, and/or
- Lack of timely communication with the veterinarian on issues of animal health

Correction of this NCI involves either adequate daily observation and/or timely communication with the veterinarian about issues of animal health.

#### NOTICE

Section 2.40(b)(2) and (b)(3) should **not** both be cited for the same animal(s). The inspector should cite the most appropriate Regulation. However, if the inspector finds a situation where they believe it is appropriate to cite both Regulations, this should be discussed with the SACS.

# Chapter 7. Research Facility Inspection

## Contents

7.1. IACUC Review Information	7-3
7.1.1. General Information	7-3
7.1.2. Review of the Program of Humane Care and Use and Facility Inspection	7-5
7.1.3. Reports to the Institutional Official	7-6
7.1.4. Protocol Activity Suspension	7-7
7.1.5. Complaints or Concerns	7-8
7.1.6. Records	7-8
7.1.7. Significant Changes to Animal Activities	7-8
7.1.8. Telecommunications for IACUC Meetings	7-9
7.1.9. Information to Review	7-10
7.2. Protocol Review Information	7-11
7.2.1. Inspection Protocol Review Guidance	7-11
7.2.2. Sampling Guidance	7-11
7.2.3. Protocol Approval Process	7-13
7.2.4. Protocol Review	7-13
7.2.5. Specific Types of Protocols	7-16
7.2.6. Inspection Procedures	7-20
7.3. Veterinary Care Requirements for Dogs	7-23
7.3.1. Written Program of Veterinary Care [3.13(a)]	7-23
7.3.2. Medical Records for Dogs [3.13(b)]	7-24
7.4. Contracted Research or Projects that Involve Multiple Registrants	7-26
7.4.1. No Delegation of Responsibilities	7-26
7.4.2. Specific Responsibilities	7-26
7.4.3. All Responsibilities Designated	7-27
7.5. Records	7-28
7.5.1. Required Research Facility Records	7-28
7.5.2. Animal Records	7-28
7.5.3. Annual Report	7-29
7.5.4. Retention	7-33
7.5.5. Availability	7-33
7.5.6. Confidentiality and Removal of Records	7-33
7.6. Guidance for Veterinary Schools and Veterinary Technician Programs (VTP) for the Inspector	7-35
7.6.1. Teaching versus Research	7-35
7.6.2. Inspection Procedures	7-35
7.6.3. Special Considerations	7-36
7.7. Termination of a Registration	7-37
7.7.1. Conditions for Termination	7-37

<a href="#">7.8. Holding Period</a>	<a href="#">7-38</a>
<a href="#">7.9. Research Facility Protocol Selection Worksheet</a>	<a href="#">7-39</a>

#### DISCLAIMER

The Animal Welfare Inspection Guide is intended to be a reference document to assist the inspector. The Inspection Guide does not supersede the Animal Welfare Act (AWA), the AWA Regulations and Standards, AC policies and other guidance, the Required Inspection Procedures, standard procedures, or the inspector's professional judgment. All inspection decisions must be justified by applicable sections of the AWA and/or the AWA Regulations and Standards.

## 7.1. IACUC Review Information

### NOTICE

The AWA specifically prohibits Animal Care from stopping research at any research facility (registered or unregistered but requiring registration). Therefore, you (the inspector) may NOT instruct a research facility to stop conducting research under any circumstances. [AWA 2143(a)(6)(A)]

### 7.1.1. General Information

All IACUC responsibilities, functions, and activities must be completely and thoroughly reviewed.

#### 7.1.1.1. Criteria

The IACUC must be qualified through the experience and expertise of its members to assess the research facility's [2.31(a)]:

- Animal program
- Facilities
- Procedures

**Except** as specifically authorized by law or the Animal Welfare Act Regulations, the Animal Welfare Act and its Regulations do not authorize a research facility's IACUC to dictate to a researcher how to conduct his/her research by [2.31(a)]:

- Prescribing methods for the design or performance of research or experimentation
- Setting standards for the design or performance of research or experimentation

#### 7.1.1.2. Membership

The Chief Executive Officer (CEO) of the research facility must appoint an Institutional Animal Care and Use Committee (IACUC) [2.31]. If the CEO delegates authority to appoint the IACUC, the delegation must be specific and in writing. (Note: This requirement is consistent with OLAW Policy)

The IACUC must be composed of [2.31(b)(2) and (3)]:

- A Chairperson
- At least one Doctor of Veterinary Medicine (DVM)
- At least one nonaffiliated member

Although not specifically prohibited by the AWA, APHIS strongly discourages one person from filling more than one of those positions.



In assessing IACUC membership, you should evaluate whether:

- All the required positions are filled

#### NOTICE

If a required position(s) is unfilled, there is not a properly constituted IACUC. An improperly constituted IACUC cannot perform the required official AWA functions.

- The DVM has training or experience in laboratory animal science and medicine, who has direct or delegated responsibility for activities involving animals at the research facility
- The nonaffiliated member represents the general public, i.e., has no conflict of interest either personally or financially, and is not a laboratory animal user at any research facility
- There are no more than three members from one administrative unit of the research facility, unless the facility only has one administrative unit
- IACUC members are qualified to assess the research facility's animal program, facilities, and procedures

#### 7.1.1.3. Alternate Members

There may be alternate members appointed to the IACUC by the Institutional Official (IO).

Alternates may only serve as an alternate in the membership category(s) for which they are qualified. For example, the alternate for a non-affiliated IACUC member would need to also meet the non-affiliated member requirements.

If the regular member fulfills a specific membership requirement(s), his or her alternate must also fulfill that requirement(s).

One alternate may be appointed to serve for multiple regular members provided the alternate fulfills the specific membership requirement of the members for whom he or she is substituting. However, an alternate may not represent more than one member at any one time.

Note: This guidance is consistent with the OLAW Policy.

#### 7.1.1.4. IACUC Meetings

In assessing IACUC meetings, you should evaluate whether:

- All members are informed of all meetings
- Meetings are held at a time when all members, especially the nonaffiliated member, can attend
- Required members (committee chair, nonaffiliated member, and attending veterinarian) are in attendance at most meetings. (There is no requirement

that all required members must be in attendance at all meetings.)

#### NOTICE

If any required member is absent from a substantial number of meetings, the research facility may need to find a different person to fill the position.

- All members have access to information distributed, e.g., if sent only over email, all members must have email
- All members are sent information for an IACUC meeting in sufficient time prior to the meeting to be able to review the information
- All members receive a list of protocols, or the actual protocols to be reviewed, in sufficient time to participate in the review or request a full committee review
- There is a mechanism for a member to request a full IACUC review of a protocol or participation in the appointed subcommittee review
- If a member requests a full IACUC review of a protocol, a full IACUC review is conducted

#### 7.1.1.5. Minutes

The IACUC meeting minutes should include:

- A record of attendance
- All the activities conducted by the IACUC at the meeting
- Committee deliberations including the decisions reached

#### NOTICE

For requirements for conducting meetings using telecommunications, see [Telecommunications for IACUC Meetings](#).

#### 7.1.2. Review of the Program of Humane Care and Use and Facility Inspection

The IACUC is responsible for determining the best method for conducting the review of the humane care and use program and conducting the facility inspection [2.31(c)(3)].

The IACUC may use subcommittees composed of at least two committee members and may also invite ad hoc consultants to assist in conducting the inspections. More than one subcommittee may be utilized, such that different subcommittees may inspect different areas of a research facility. However, both members of any subcommittee must each physically inspect, at least once every six months, all of their designated areas of the research facility's animal facilities, including animal study areas. Although subcommittees may perform the

inspections and conduct the program review, the subcommittee(s) must present their findings to a convened quorum of the IACUC for approval.

In assessing the program review, you should evaluate whether:

- The program review and facility inspection are being conducted at least once every 6 months

#### NOTICE

The USDA is in agreement with OLAW that the timing of the program review can include flexibility of within 30 days of the 6-month interval from the last review, as long as there is not forward drift of the date from year to year. To avoid forward drift, the IACUC should consider scheduling program reviews during the same calendar month from year to year.

- If the IACUC adopted the AAALAC International Program Assessment report as its semiannual program review or facility inspection, the following requirements were met:
  - The report complied with sections 2.31(c)(1) and 2.31(c)(2) and 2.31(c)(3)
  - At least two members of the IACUC assisted in conducting the inspection
  - **No** IACUC member wishing to participate in any evaluation was excluded
  - The report was signed by a majority of the IACUC members (individual digital signatures are acceptable)
- All members are informed of the program review to be conducted by the appointed subcommittee in sufficient time to request participation
- No IACUC member wishing to participate in the review is excluded
- The program of humane care and use **and** facility inspection address all of the required areas
- Any identified departure from the AWA Regulations and Standards includes a description of and reason for the departure

### 7.1.3. Reports to the Institutional Official

In assessing the reports to the IO, you should evaluate whether:

- A report(s) is submitted at least every 6 months, after each program review and facility inspection
- There is a description of how and to what extent the research facility meets the AWA Regulations and Standards, such as:
  - Facility is in total compliance and description, or
  - Describes each item not in compliance (deficiency)
- Any identified departure from the AWA Regulations and Standards includes a description and reason for the departure

- If a departure occurred due to a program or facility deficiency, then there is a:
  - Classification of the deficiency as a significant deficiency or a minor deficiency

#### NOTICE

A significant deficiency is one which is, or may be, a threat to the health or safety of the animal.

- Description of a reasonable and specific plan for correcting the deficiency
- Schedule with dates for correcting the deficiency
- The report is signed by a majority of the members (individual digital signatures are acceptable)
- The report contains any minority views

Other reports that should be sent to the IO include:

- Notice of suspension of a protocol
- Uncorrected significant deficiencies

You should review how the reports are sent to the IO.

#### NOTICE

If you have a concern that the Institutional Official is not receiving the required reports/information or acting on the required reports/information, you should visit with the IO.

### 7.1.4. Protocol Activity Suspension

In assessing the IACUC's suspension of protocol activities, you should evaluate whether:

- The activity was reviewed and suspended at a convened meeting with a quorum of the IACUC present

#### NOTICE

A quorum means a majority of the Committee members.

- The suspension was approved by majority vote of the quorum present
- The IO, in conjunction with the IACUC:
  - Reviewed the reason for the suspension
  - Took appropriate corrective action
  - Informed the appropriate Animal Welfare Operations Office of the

suspension, including a full explanation

- Informed other appropriate Federal funding agencies of the suspension

### **7.1.5. Complaints or Concerns**

In assessing the IACUC's responsibility for addressing complaints or concerns, you should evaluate whether [2.31(c)(4)]:

- The IACUC has a method for reviewing and, if warranted, investigating concerns involving the care and use of animals at the research facility resulting from:
  - Public complaints
  - Reports of noncompliance received from laboratory or research facility personnel or employees

### **7.1.6. Records**

In addition to the reports listed above, the following IACUC records must be available for review and in compliance with the AWA Regulations: [2.35(a)(2); 2.35(f)]

- Protocols
- Proposed significant changes to protocols
- IACUC approval or non-approval of protocols or proposed significant changes to protocols

### **7.1.7. Significant Changes to Animal Activities**

In support of the use of performance standards and professional judgment and to reduce regulatory burden, IACUC-reviewed and -approved policies (e.g., guidance documents, standard operating procedures, drug formularies) for the conduct of animal activities may be used for the administrative handling of some significant changes as outlined below.

The following significant changes must be approved by either full Committee review or designated member review:

- From nonsurvival to survival surgery
- Resulting in greater pain, distress, or degree of invasiveness
- In housing and or use of animals in a location that is not part of the animal program overseen by the IACUC
- In species
- In study objectives
- In Principal Investigator (PI)

The following significant changes may be handled administratively according to

IACUC-reviewed and -approved policies in consultation with a veterinarian authorized by the IACUC:

- Anesthesia, analgesia, sedation, or experimental substances
- Euthanasia to any method approved in the AVMA Guidelines for the Euthanasia of Animals
- Duration, frequency, type, or number of procedures performed on an animal

The following significant change that may be handled administratively according to an existing IACUC-reviewed and -approved policy without additional consultation or notification is:

- An increase in previously approved animal numbers

The following changes may be handled administratively without IACUC-approved policies, consultations, or notifications:

- Correction of typographical errors
- Correction of grammar
- Contact information updates
- Change in personnel, other than the PI. (There must be an administrative review to ensure that all such personnel are appropriately identified, adequately trained and qualified and meet other criteria as required by the IACUC.)
- Investigators may use fewer animals than approved. This does not require IACUC approval, notification, consultation, or administrative handling

Note: This guidance is consistent with the OLAW Policy.

### **7.1.8. Telecommunications for IACUC Meetings**

Methods of telecommunications (e.g., telephone or video conferencing) are acceptable for the conduct of official IACUC business requiring a quorum, provided the following criteria are met:

- All members are given notice of the meeting
- Documents normally provided to members during a physically convened meeting are provided to all members in advance of the meeting
- All members have access to the documents and the technology necessary to fully participate
- A quorum of Committee members is convened when required
- The communication system allows for real time verbal interaction equivalent to that occurring in a physically convened meeting (i.e., members can actively and equally participate and there is simultaneous communication)
- If a vote is called for, the vote occurs during the meeting and is taken in a manner that ensures an accurate count of the vote. A mail ballot or

individual telephone polling cannot substitute for a convened meeting.

- Opinions of absent members that are transmitted by mail, telephone, fax, or email may be considered by the convening IACUC members, but may not be counted as votes or considered as part of the quorum
- Written minutes of the meeting are maintained as required

All activities conducted via electronic communication must be documented in writing and original or electronic signatures obtained, when required.

Examples of electronic communication systems include, but are not limited to:

- Audio-visual conferencing, including webinar-based forums
- Conference calls

Fax, email, and one-on-one communication via telephone are **not** acceptable methods for conducting IACUC functions that require a convened meeting, such as:

- Full committee review
- Suspension of an approved activity

The use of email or one-on-one communication via telephone for these activities is not considered to constitute a meeting.

### 7.1.9. Information to Review

The information below represents supplemental information and materials that the facility can provide that may help the inspector verify or assess IACUC function but are not required by the AWR.

Documents that may be reviewed to assess IACUC function may include, but are not limited to:

- Audio tapes provided by the research facility
- Cage wash water temperature certification records
- Emails and email records
- IACUC facility Inspection Reports
- IACUC-related correspondence
- Interviews with IACUC members
- Maintenance records
- Medical/surgical records
- Memos and notes
- Program of humane care and use
- Room temperature logs
- Standard operating procedures

## 7.2. Protocol Review Information

### 7.2.1. Inspection Protocol Review Guidance

Protocols and the IACUC approval and monitoring of protocols should be completely and thoroughly reviewed during an inspection.

#### NOTICE

For large facilities, if you think that following these requirements will result in the expenditure of an inordinate amount of time, seek guidance from your SACS before the inspection.

### 7.2.2. Sampling Guidance

The inspector is responsible for conducting a thorough review of:

- The protocol approval process
- The IACUC's monitoring of protocol activity
- IACUC-approved protocols and changes to protocols

Detailed below is guidance to assist you in evaluating the IACUC protocol review. However, you must use the Regulations and your professional judgment to determine if an IACUC or protocol is in compliance.

#### NOTICE

If a protocol has been reviewed by an AC VMO within the last year, then the protocol does not need to be re-reviewed unless the VMO noticed a concern with an animal being used for that protocol.

#### 7.2.2.1. Prepare

- Write down the necessary ID information for any animals about which you have a concern, and
- Review the most recent Annual Report to identify species and numbers of animals used in columns E and D and all protocols with reported exceptions
- Determine whether you know of and have access to all protocols subject to AWA Regulations, including but not limited to:
  - Active protocols
  - Inactive protocols from the past 1 year, and
  - Protocols where no regulated species are currently present at the facility



#### 7.2.2.2. Review

Always review the following protocols:

- All protocols of concern identified during the inspection
- All column E protocols (if not reviewed during the last year)
- All protocols with IACUC-approved exemptions/exceptions (if not reviewed during the last year)
- Protocols cited as noncompliant during the last inspection

#### 7.2.2.3. Review Additionally

- If the facility has five or fewer remaining protocols, review all remaining protocols
- If the facility has greater than five remaining protocols, select five additional protocols, including at least one protocol from each of the following categories, if applicable:

##### NOTICE

You have already reviewed the protocols of concern, so this step is meant to ensure a 'random' sample of other protocols. There may be protocols in each of these categories at a particular facility totaling more than 5. Use your professional judgment to select 5 from the other species and the high-risk procedures categories and do your best to mix those up in subsequent years.

- Select one protocol for each regulated species present
- For the following high-risk procedures, select one from each of the categories below, if applicable:
  - Potentially painful/distressful procedures (Column D)
  - Antibody production
  - Food/water restriction
  - Neuromuscular blockers
  - Surgical procedures
  - Teaching or trauma training protocols
  - Toxicity studies
  - Infectious disease studies
  - Vaccine potency/efficacy studies

#### 7.2.2.4. Research Facility Protocol Selection Worksheet

You must complete the Protocol Selection Worksheet for every inspection, even

if no protocols are reviewed. See [Research Facility Protocol Selection Worksheet](#).

Instructions for completing the Protocol Selection Worksheet are as follows:

- Complete the section on Routine or Focused Inspection
- A protocol should only be counted once, even if it falls into more than one selection criteria
- **All Column E protocols** should be counted in the Column E row (Row #2) even if they also fit into another selection criteria
- **For all other protocols**, use your professional judgment for deciding which selection criteria is most appropriate for a protocol to be counted in
- Total Protocols Selected and Reviewed should equal the sum of Rows 1- 5

After completing the Research Facility Protocol Selection Worksheet, you should:

- Scan the Worksheet into eFile with the Inspection Report
- Leave a copy with the research facility, if requested by the facility

### 7.2.3. Protocol Approval Process

The inspector should conduct a thorough review of the IACUC's protocol approval process to ensure that the IACUC is following the Regulations.

#### 7.2.3.1. Evaluation of IACUC Activities

Ways to evaluate IACUC activities include, but are not limited to:

- Audio meeting minutes
- Compliance Office/Officer activities if the facility has a Compliance Office
- Correspondence
- Email correspondence and email records
- Interviews with IACUC members
- Memos/notes
- Protocols
- Protocol submission forms
- Written meeting minutes

### 7.2.4. Protocol Review

#### 7.2.4.1. General Protocol Requirements

A protocol to conduct an activity involving animals must be completely reviewed every 3 years by the IACUC and contain and comply with the requirements/assurances detailed below.

Protocols **must** meet the following requirements:

- Identify the species of animals to be used [2.31(e)(1)]
- Provide the approximate number of animals to be used [2.31(e)(1)]
- Provide the rationale for using animals [2.31(e)(2)]
- Provide a rationale for the appropriateness of the species [2.31(e)(2)]
- Provide a rationale for the number of animals to be used [2.31(e)(2)].  
Examples of rationale that may be used include, but is not limited to:
  - Required for statistically significant results (tests used, or statisticians consulted should be included)
  - Based on scientific literature or past experience
  - Based on results of pilot study
  - Required by the Food and Drug Administration (FDA) or other Federal agency (Federal code, Regulation, or Standard, etc., should be cited)
  - Required by international testing requirements (code, Regulation, Standards, etc., should be cited)
  - Number of students/animal and procedures needed to learn
- Provide a complete description of the proposed use of the animals [2.31(e)(3)]
- Describe the procedures designed to assure the pain and discomfort are minimized [2.31(e)(4)]

#### NOTICE

The description should be clear enough to be easily understood by the IACUC's outside member.

- Describe the method(s) of euthanasia to be used [2.31(e)(5)]

In addition, the IACUC must determine that any proposed activities meet the following requirements:

- Procedures involving animals will avoid or minimize discomfort, distress, or pain to the animal [2.31(d)(1)(i)]
- The Principal Investigator (PI) considered alternatives to procedures that cause more than momentary or slight pain or distress, **and**
- The PI has provided a written narrative description of the methods and sources used to determine that alternatives were not available [2.31(d)(1)(ii)]
- There is a written assurance from the principal investigator that the proposed activities do not unnecessarily duplicate previous experiments [2.31(d)(1)(iii)]
- Procedures that cause more than momentary or slight pain or distress will

[2.31(d)(1)(iv)]:

- Be performed with appropriate sedatives, analgesics, or anesthetics, unless justified for scientific reasons, in writing, by the PI and will continue for only the necessary period of time
- Involve, in their planning, consultation with the attending veterinarian or his or her designee
- Not include the use of paralytics without anesthesia
- Animals that would otherwise experience severe or chronic pain or distress that cannot be relieved will be painlessly euthanized at the end of the procedure or, if appropriate, during the procedure [2.31(d)(1)(v)]
- The animals' living conditions are appropriate for their species in accordance with part 3 [2.31(d)(1)(vi)]
- The animals' housing, feeding, and nonmedical care will be directed by the attending veterinarian or other qualified scientist trained and experienced in the proper care, handling, and use of the species being maintained or studied [2.31(d)(1)(vi)]:
- Medical care for animals will be available and provided as necessary by a qualified veterinarian [2.31(d)(1)(vii)]
- All personnel who will be conducting the proposed activities on the animals are qualified and trained [2.31(d)(1)(viii)]
- Activities that involve surgery [2.31(d)(1)(ix)]:
  - Include appropriate provision for pre-operative and post-operative care of the animals in accordance with established veterinary medical and nursing practices
  - All survival surgery will be performed using aseptic procedures, including surgical gloves, masks, sterile instruments, and aseptic techniques
  - Major operative procedures on non-rodents will be conducted only in facilities intended for that purpose which shall be operated and maintained under aseptic conditions
  - Non-major operative procedures and all surgery on rodents and birds do not require a dedicated facility, but must be performed using aseptic procedures
  - Operative procedures conducted at field sites need not be performed in dedicated facilities, but must be performed using aseptic procedures
- No animal will be used in more than one major operative procedure from which it is allowed to recover, unless: [2.31(d)(1)(x)]
  - Justified for scientific reasons by the principal investigator in writing
  - Required as routine veterinary procedure or to protect the health or well-being of the animal as determined by the attending veterinarian, or

- In other special circumstances as determined by the Administrator on an individual basis
- Methods of euthanasia used must be in accordance with the definition of the term in this subchapter, unless a deviation is justified for scientific reasons, in writing, by the investigator [2.31(d)(1)(xi)]

## 7.2.5. Specific Types of Protocols

### 7.2.5.1. Painful/Distressful Procedures

When reviewing protocols involving procedures that may cause more than momentary or slight pain/distress/discomfort (protocols in Categories D and E), some areas to pay special attention to include:

- The principal investigator has considered alternatives to the painful/distressful procedure
- There is a detailed narrative describing the methods and sources used to determine that no alternatives to the painful/distressful procedure are available
- Measures used to alleviate the pain/distress are clearly stated, including:
  - Drugs, dosages, routes, and frequency of administration
  - Other methods may include:
    - Acupuncture
    - Hydrotherapy
    - Hot/cold packs
  - A PRN (pro re nata) or “as needed” frequency of administration is **not** acceptable unless there are detailed instructions and criteria for determining administration of the drug
- Availability of experienced personnel, especially at night and on weekends and holidays, to assess and administer pain relief
- If pain/distress relief is not to be used, there is an adequate justification and endpoints are described that will be used to terminate the study and/ or used as the basis for when treatment or euthanasia will be performed
- The principal investigator has consulted and involved the attending veterinarian or his/her designee in the planning of the procedure and pain/distress relief
- There is not the use of paralytics without anesthesia
- Animals experiencing severe or chronic pain/distress that cannot be relieved will be humanely euthanized during the procedure or at the end of the procedure as appropriate

## NOTICE

If the research facility has written, IACUC-approved standard operating procedure(s) (SOPs) for such things as, but not limited to, surgical procedures, pain/distress relief, antibody production, routine veterinary care, housing, euthanasia, etc., and these specific procedures are not described in a PI's submitted protocol, the PI's protocol must reference and follow the applicable SOP(s).

### 7.2.5.2. Antibody Production Protocols

When reviewing protocols involving antibody production, some areas to pay special attention to include:

- The principal investigator has considered alternatives for painful/ distressful procedures
- An alternative search, if done, was conducted and includes a narrative that describes the methods and resources considered when determining alternatives were not available
- The justification for the number of animals to be used was appropriate, such as the amount of antibody needed and the amount which can be produced by an animal
- There is a complete description of the procedure to induce antibody production and the collection of blood/serum and minimize pain and distress

### 7.2.5.3. Food and/or Water Deprivation or Restriction

When reviewing protocols involving food and/or water deprivation or restriction, some areas to pay special attention to include:

- The food/water deprivation or restriction is adequately justified
- If the animals are likely to experience distress, the principal investigator has considered alternatives to the distressful procedures
- Procedures used to restrict food/water are adequately described and easily understood
- Procedures for selection of animals and training and monitoring the animals are described
- Baseline physiological data are being collected as needed
- Physiological parameters are being monitored during the study, such as:
  - Body weight
  - Hydration status
  - Behavioral changes

- Plasma osmolality
- Supportive care is provided to any animal showing signs of dehydration or stress
- If supportive care cannot be provided, there is an appropriate scientific justification for not doing so
- How the animals' daily food and water intake was determined
- The protocol addresses how the animal is to receive its required daily food or water intake, such as:
  - During its working sessions
  - Supplementation to the amount consumed during working sessions
  - Whether small amounts of food or water provided as rewards are, or are not, considered part of the animal's daily food or water requirement
- If the animal is not to receive its daily food and water requirement, procedures and parameters for monitoring the animal are detailed in the protocol
- The endpoint has been determined and identified

#### 7.2.5.4. Neuromuscular Blockers

When reviewing protocols involving the use of neuromuscular blockers (NMB), some areas to pay special attention to include:

- The use of the NMB is appropriate
- The use of the NMB is adequately described in the protocol
- The NMB is being used with general anesthesia
- All personnel working with the animal and NMB are properly trained in its use and possible adverse reactions
- The animal is being properly monitored, such as:
  - Heart rate and blood pressure
  - **Not** using the pain withdrawal response as it is **not** an appropriate measure of the level of anesthesia since this response would be prevented by the NMB
- Appropriate supportive care, such as ventilator support, is being provided during anesthesia
- Surgical and anesthesia records contain the appropriate information
- Recovery procedures are appropriate, i.e.:
  - The animals are reversed from the NMB when reversal agents are available before being allowed to recover from the anesthesia
  - Recovery is being monitored

#### 7.2.5.5. Surgical Procedures

When reviewing protocols involving surgical procedures, some areas to pay special attention to include:

- The pre-procedural care and surgical preparation of the animals are clearly stated, drugs given prior to and during the procedures, such as analgesics, tranquilizers, and anesthetics, are appropriate and at the correct dosage for the species
- The surgical procedure is stated clearly and in detail
- All survival surgeries are performed using aseptic technique
- Major operative survival surgeries on non-rodents are performed in a dedicated surgical facility
- No animal is being used in more than one major operative survival surgery unless appropriately approved
- Post-surgical procedures are stated clearly
- Pain/discomfort relief measures are stated clearly

#### 7.2.5.6. Teaching Protocols

When reviewing teaching protocols, some areas to pay special attention to include:

- The rationale for the number of animals to be used was appropriate, such as the number of students per animal
- The principal investigator has considered alternatives to procedures that may cause more than momentary or slight pain or distress to the animals and has provided a written narrative description of the methods and sources, e.g., the Animal Welfare Information Center, used to determine that alternatives were not available. Examples of alternatives to using live animal for teaching include:
  - Veterinary mannequins
  - Live tissue alternatives
  - Surgical simulators
  - Virtual reality simulators
- There is a complete description of the procedures to be used
- The number of procedures to be performed on each animal is clearly stated, such as injections per animal
- The personnel doing the teaching are qualified and properly trained
- If the teaching procedures cause more than momentary or slight pain or distress, proper methods are used to alleviate the pain/distress



### 7.2.5.7. Toxicity and Vaccine Potency/Efficacy Studies

When reviewing protocols involving toxicity and vaccine potency/efficacy studies, some areas to pay special attention to include:

- The principal investigator has considered alternatives to procedures that may cause more than momentary or slight pain or distress to the animals and has provided a written narrative description of the methods and sources, e.g., the Animal Welfare Information Center, used to determine that alternatives were not available. Examples of alternative methods for these procedures include:
  - Revised up-and-down procedure (UDP) as a refinement to LD50 studies (refinement, reduction)
  - Use of cell cultures and tissue assays, such as for dermal and ocular safety testing
  - Use of sequential testing and fewer animals to identify dermal and ocular chemical hazards (reduction)

#### TIP

The Interagency Coordinating Committee on the Validation of Alternative Methods provides a list of some alternative tests.

- The rationale for the number of animals to be used was appropriate
- Appropriate methods are being used to relieve any pain or distress, unless scientifically justified
- Animal technicians and caretakers are properly trained in identifying problems and procedures to follow
- Humane end points for when the study can be terminated or that can be used as the basis for euthanasia or treatment have been determined and identified

### 7.2.6. Inspection Procedures

Listed below are some additional aids to assist you in determining if the procedures outlined in the protocols are being followed:

#### NOTICE

Animals may be held, but cannot be used, without being on a protocol.

- Ask how the research facility keeps track of the number of animals approved by the IACUC and the number of animals used by the principal investigator,

such as:

- Computer records
- Acquisition and disposition records
- Dead animal records
- Inventory cards
- Ask how the facility checks the accuracy of its methods for tracking the number of animals
- Ask for exemption/exceptions to the Regulations or Standards, then check the protocol to determine that the exemption/exception was approved
- Determine if the animal care staff is familiar with the protocol procedures, especially pre- and post-painful/distressful procedure care, such as:
  - Asking the staff
  - Checking the availability of protocols
  - Checking the availability of standard operating procedures
  - Looking in medical records
- Watch the animal care staff, principal investigators, or laboratory personnel handle the animals (or ask them to handle the animals, if appropriate)
- Review medical records/investigator's logs to determine that animals with painful/distressful procedures received the proper pain/distress relieving drugs, if applicable
- Observe animals for signs of pain
- Ask about weekend staffing, animal observation, and medical care
- Determine if the medical or emergency contact numbers are current and readily available, such as:
  - On bulletin boards
  - In the animal rooms
  - In medical records/charts
  - In protocols
- Observe surgeries to determine that they are being conducted using aseptic technique and in dedicated surgical facilities, if required
- Ask how the research facility tracks animals to ensure that they are not used for another survival surgery (unless approved by the IACUC or APHIS), such as:
  - Health records
  - Individual animal records
  - Cage cards

- Surgery records
- Investigator's logs
- For APHIS-approved multiple major survival surgeries, verify that the stipulations in the approval letter are being met

**Table 7-1 Species-Typical Signs of Pain**

Species	Possible Signs of Pain <sup>1, 2</sup>
Dogs	Quiet, unwilling to move, abnormal posture, lack of alertness, whimpering, groaning, howling, shivering, loss of appetite, increased respiration, growl or exhibit apprehension when approached
Cats	Ungroomed appearance, quiet, apprehensive facial expression, loss of appetite, crying, hissing, hiding, crouching or hunching
Guinea Pigs	Quiet, decreased food and water consumption, anorexia
Hamsters and Gerbils	Decreased activity, piloerection, ungroomed appearance
Rabbits	Inactivity, appear apprehensive or anxious, hunched appearance, hide, squeal or cry, possible aggressive behavior with excessive scratching and licking
Nonhuman Primates	Stops eating and/or drinking, stops grooming
Cattle	Dull, depressed appearance, heads bowed, lack of alertness, loss of appetite, rapid/ shallow breathing, rigid posture
Sheep and Goats	Similar to cattle, also vocalization, teeth grinding, increased lip curling
Pigs	Changes in overall demeanor, social behavior, gait, and posture, unwilling to move, hiding, excessive squealing when handled
Birds	Small species struggle less and emit fewer distress calls than large species, increase in heart and respiratory rates, crouched posture with closed or partially closed eyes and head drawn toward the body, "fluffed" appearance, may remain at the bottom of the cage

- 1 Excerpted from: National Research Council: *Recognition and Alleviation of Pain in Laboratory Animals*, Washington, D.C., National Academy Press, 2009.
- 2 These are possible signs of pain and do **not** necessarily mean the animal is in pain. A lack of these signs also does **not** mean that the animal is **not** in pain.

## 7.3. Veterinary Care Requirements for Dogs

### 7.3.1. Written Program of Veterinary Care [3.13(a)]

A research facility **with dogs** that has a **full-time, part-time or consultant attending veterinarian (AV)** **must** have a signed, written Program of Veterinary Care (PVC).

Each research facility with dogs must have and follow an appropriate program of veterinary care that is:

- Developed, and
- Documented in writing, and
- Signed by the Attending Veterinarian (full-time, part-time or consultant)

#### NOTICE

The use of the [APHIS Form 7002 – Program of Veterinary Care](#) and/or the [APHIS Form 7002a – Program of Veterinary Care for Dogs](#) (see Appendix A) is not required. However, these are useful tools to ensure that all the requirements are met.

The written PVC must be:

- Kept and maintained by the research facility, and
- Made available for APHIS inspection

In addition to addressing the general requirement for adequate veterinary care as required in Section 2.33, the written Program of Veterinary Care for dogs must include: [3.13(a)]

- Regularly scheduled visits, not less than once every 12 months, by the AV to all premises where dogs are kept to assess and ensure the adequacy of veterinary care
- Complete physical examination from head to tail of each dog by the AV, not less than once every 12 months, as follows:
  - If the research facility has had the dog for 12 months, it must have had a physical exam during those 12 months
  - If the research facility keeps a puppy born on the premises, it must have a physical exam before it is 12 months old
  - If the research facility buys a dog, it must have a physical exam within the first 12 months of ownership, and every 12 months thereafter
- Vaccinations for contagious and/or deadly disease of dogs in accordance with a schedule approved by the AV, **unless otherwise required by a research protocol approved by the IACUC**, including but not limited to:
  - Rabies

- Parvovirus
- Distemper
- Sampling and treatment for parasites and other pests in accordance with a schedule approved by the AV, **unless otherwise required by a research protocol approved by the IACUC**, including but not limited to:
  - Fleas
  - Worms
  - Coccidia
  - Giardia
  - Heartworm
- Preventive care and treatment, **unless otherwise required by a research protocol approved by the IACUC**, to ensure:
  - Healthy and unmatted hair coats
  - Properly trimmed nails
  - Clean and healthy:
    - Eyes
    - Ears
    - Skin
    - Teeth

### 7.3.2. Medical Records for Dogs [3.13(b)]

A research facility with dogs must:

- Keep copies of medical records for dogs, and
- Make the records available for APHIS inspection

Medical records for dogs **must** include:

- Identity of each animal including:
  - Identifying marks
  - Tattoos
  - Tags
  - Breed
  - Sex
  - Age
- If a medical problem is identified (such as disease, injury, or illness), the following information is required in the dog's medical record:

- Date the problem was identified
- Description of the problem
- Examination findings
- Test results
- Plan for treatment and care
- Treatment procedures performed, when appropriate
- Names of all vaccines administered and the date(s) of administration
- Names of any treatment administered and the date(s) of administration
- Dates and findings/results of all:
  - Screening
  - Routine or other required or recommended tests
  - Examinations

#### NOTICE

Routine husbandry (such as vaccinations, preventive medical procedures, or treatments) performed on all dogs in a group/herd may be kept on a single record.

Medical records for dogs must be kept and maintained:

- For the duration of the research activity, **and**
- For an additional 3 years after the dog is euthanized or disposed of, **and**
- For any period in excess of 3 years as necessary to comply with Federal, State, or local law, **and**
- If notified by the APHIS Administrator in writing that specified records must be retained pending the completion of an investigation or proceeding under the Act, the records must be held until their disposition is authorized by the Administrator

## 7.4. Contracted Research or Projects that Involve Multiple Registrants

When registered research facilities (RF) contract research out to be conducted at another facility, it is the responsibility of the registrants to determine which party is responsible for the functions of the IACUC, animal care and handling, and reporting of the animals on the Annual Report.

### 7.4.1. No Delegation of Responsibilities

If the research facilities have not delegated responsibilities or projects involving multiple registrants where there are no clearly designated areas of responsibility for each research facility, then:

- Both registered parties are responsible, and
- Both IACUCs should perform all required functions, and
- Only one of the RFs should report the animals on the Annual Report
- The inspector should cite both RFs for any noncompliances identified

### 7.4.2. Specific Responsibilities

If the contract designates specific responsibilities to each partner, the facility is a site of both registrants.

The inspector should inspect only the designated institution for the specific responsibility agreed upon in the contract.

For example:

- RF A is designated to perform the semiannual program review and facility inspection, while both RF A and RF B are designated to review the protocol, then:
  - Both RF A and RF B are responsible for the protocol and both IACUC's must approve the protocol, but
  - Only RF A is responsible for the semiannual review
  - The inspector inspects:
    - The protocol review and approval at both RF A and RF B, and
    - The semiannual review only at RF A
- The contract specifies that both RF A and RF B are responsible for the IACUC functions, but only RF B is responsible for the animal care and handling, and reporting on the Annual Report, then:
  - The inspector inspects:
    - The IACUC functions at RF A, and
    - The IACUC functions, animal care and handling, and the AR reporting of the animals under the contract at RF B

### 7.4.3. All Responsibilities Designated

- If RF A contracts the entire project and all responsibilities to RF B, then:
  - The location of RF B is not a site of RF A
  - RF A does not have any responsibility for the IACUC functions, animal care and handling or Annual Reporting
  - The inspector inspects only RF B for the IACUC functions, animal care and handling, and Annual Reporting.

Individual researchers or staff frequently partner with multiple institutions. The IACUC reviewing the protocol must assure that all personnel have appropriate training and qualifications. [2.32(a)] But this does not confer any responsibility on the other RFs with which that particular individual is associated.



## 7.5. Records

The research facility must maintain records of the IACUC's activities in accordance with the regulations [2.35].

### 7.5.1. Required Research Facility Records

#### 7.5.1.1. IACUC Records

A research facility must have the following records, if applicable, for review during inspection [2.35]:

- Minutes of the IACUC meetings, including:
  - Records of attendance
  - Activities conducted by the IACUC at the meeting
  - Committee deliberations
- Records relating to animal activities, including:
  - Proposed activities involving animals
  - Proposed significant changes in activities
  - Whether IACUC approval was given or withheld
- Semi-annual reports of the review of humane care and use program **and** the facility inspection which must:
  - Be reviewed and signed by a majority of the IACUC members
  - Include minority views
  - Contain a description of the nature and extent of the research facility's adherence to the AWA Regulations and Standards
  - Identify specifically any departures from the Regulations and Standards
  - State the reason for each departure
  - Distinguish significant deficiencies from minor deficiencies
  - Contain a reasonable and specific plan and schedule with dates for correcting each deficiency
- Record of the semi-annual reports being forwarded to the Institutional Official

### 7.5.2. Animal Records

A research facility must have the following records, if applicable, available for review during an inspection:

- Program of Veterinary Care
  - Written signed program of veterinary care for dogs, if applicable

- Written program of veterinary care for animals other than dogs, if using part-time or consulting attending veterinarian
- Dogs
  - Acquisition and disposition records for dogs [2.35(b) and (c)]
  - Record of animals on hand for dogs (Use of APHIS Form 7005 is not required.) [2.35(b)]
  - Exercise plan for dogs [3.8]
  - Medical Records [3.13(b)]
- Cats:
  - Acquisition and disposition records for cats [2.35(b) and (c)]
  - Record of animals on hand for cats (Use of APHIS Form 7005 is not required.) [2.35(b)]
- Nonhuman Primates:
  - Environmental enhancement plan for nonhuman primates [3.81]
- Marine Mammals:
  - Documentation of training of attendants or employees [3.108(b)]
  - Medical records [3.110(d)]
  - Necropsy records [3.110(g)]
- Birds:
  - Environmental enhancement plan for birds [3.154]

### 7.5.3. Annual Report

Both you and the RF should have a copy of the Annual Report.

The inspector should verify that the RF's Annual Report is accurate, that is:

- All animal facilities are reported
- Only regulated species are reported
- Animals are reported in the correct column
- IACUC-approved exceptions not provided for in AWA Regulations and Standards are reported
- IACUC-approved exemptions provided for in the AWA Regulations and Standards are not reported
- The number of animals reported is correct
- There are appropriate explanations for all Column E animals

The inspector should verify that the RF's Annual Report does **not** report any animals used for the following:

- Laboratory rats and mice (genera *Rattus* and *Mus*) bred for use in research
- Reptiles, fish, or other mammals exempt from regulation under the AWA
- Animal patients participating in clinical trials in the context of medical care under a veterinary client relationship
- Any birds
- Field studies which meet the following criteria and are therefore exempt from the Regulations and do not require a written, approved exemption. The study does not [1.1, 2.31(d)(1)]:
  - Harm the animals under study
  - Involve an invasive procedure
  - Materially alter the behavior of the animals under study
- Animals euthanized, killed, or trapped, and collected, such as for study or museum samples, from their natural habitat via humane euthanasia
- Agricultural research
- Food or fiber
- Wildlife management projects

Methods of verifying the animal numbers include, but are not limited to:

- Asking the research facility representative to demonstrate how the number of animals was determined for:
  - A particular species, or
  - A column from the Annual Report
- Asking for verification of animals used by site to obtain the total number of animals used, for example:
  - Review a particular species used by site, or
  - Review a column from the Annual Report by site
- Counting the animals, if appropriate or feasible
- Review of:
  - Acquisition records
  - Animal ordering information, such as invoices or computer animal tracking systems
  - Animals ordered in comparison to number of animals approved for a particular protocol
  - Facility animal census records
  - Internal billing records to PIs for animal housing/care

Animals reported in Column B of APHIS Form 7023-Annual Report, should be those animals being bred, conditioned, or held for use in teaching, experiments,

research, or surgery, but not yet used for such purposes.

All animals contained on the facility's inventory on September 30 of the reporting year that were not used in a research project that year should be reported in Column B as being held for research purposes. Animals that were held but died during the year without being used for research purposes should also be reported in this column. Other animals held during the reporting year but not present at the facility on September 30 should not be reported in this column. They should be reported by the facility which possesses them on September 30.

If a research facility is licensed as a dealer:

- Breeding animals and any offspring intended for research purposes within the research facility should be reported in Column B
- Animals intended for sale only should not be reported in Column B but should be included on the dealer license renewal
- If the research facility is unsure of the status of an animal (research or sale only), the animal should be reported in Column B

Animals actually used for research purposes during the reporting year must be reported in Column C, D, or E, as appropriate. [2.36(b)(5-7)]

The use of anesthesia does not always mean that the animal should be reported in Column D:

- If an animal being housed, held, or bred (Column B) was anesthetized for a non-invasive procedure, a blood draw, or other veterinary care procedure, the animal could still be reported in Column B
- If a Column C research animal was anesthetized for a non-invasive procedure, a blood draw, or other veterinary care procedure, the animal could still be reported in Column C
- The research facility should determine the appropriate reporting Column

#### NOTICE

If methods other than anesthetics, analgesics, or tranquilizing drugs are used to relieve pain or distress, animals can still be reported in Column D if the methods are appropriate and effective.

If an animal was moved to another RF during the reporting year, the animal should only be reported once by either:

- The RF with the highest pain category for the animal, or
- If the pain categories are the same, then by the last RF to possess the animal

Refer to the following document and the AC Website for additional information about the Annual Report:

- [APHIS Form 7023–Annual Report of Research Facility](#)

- [https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/SA\\_Obtain\\_Research\\_Facility\\_Annual\\_Report](https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/SA_Obtain_Research_Facility_Annual_Report)
- To submit an Annual Report online, go to:  
[https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/SA\\_Obtain\\_Research\\_Facility\\_Annual\\_Report](https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/SA_Obtain_Research_Facility_Annual_Report)

### 7.5.3.1. Exceptions or Exemptions

Exceptions or exemptions to a particular AWA Regulation or Standard **approved by the IACUC must be** [2.36(b)(3)]:

- Specified, and
- Explained by the principal investigator

If a Regulation or Standard provides specific parameters for an exemption, those parameters must be followed.

Exceptions that **should** be reported on the Annual Report:

- Exceptions approved by the IACUC under 2.38(k) that are not provided for under the Regulations and Standards, including but not limited to:
  - Removal of resting platforms from cat enclosures
  - Extension of interval for cleaning/sanitization of enclosures
  - Keeping animals in 24-hour dark cycle
  - Keeping animals in temperatures outside range described in Part 3—Standards for species

The following should **not** be reported as exceptions on the Annual Report:

- Exceptions approved by the IACUC that are provided for under the Regulations and Standards, including but not limited to:
  - Approval for use of an animal in more than one major operative procedure from which it is allowed to recover on one protocol [2.31(d)(1)]
  - Short-term withholding of food and water from animals [2.38(f)(2)]
  - Exemption of an individual NHP from some or all of the environmental enhancement plan [3.81(e)(2)]
  - Exemption of an individual bird from some or all of the environmental enhancement plan [3.154(e)]
  - Approval for the delay in cleaning of a bird enclosure(s)
  - Any deviation from euthanasia, as defined in the AWA Regulations, which was justified for scientific reasons, in writing, by the investigator [2.31(d)(1)(xi)]
  - Withholding of water from an NHP if required by the research protocol approved by the IACUC [3.83]

- Procedures required as part of the provision of veterinary care, including but not limited to:
  - Animal is fasted or water is restricted prior to surgery
  - Animal is housed in an enclosure that does not meet space requirements for medical reasons while recovering from husbandry or veterinary care related surgery
  - Animal develops vomiting/diarrhea (not study related) and veterinarian prescribes IV fluids and severely restricts food and water intake by mouth for several days

#### 7.5.4. Retention

All records and required reports must be maintained [2.35(f)]:

- At least 3 years, or
- Longer if:
  - Necessary to comply with any applicable Federal, State, or local law
  - The APHIS Administrator notifies the research facility, in writing, which specified records must be retained pending completion of an investigation or proceeding and held until their disposition is authorized

Records must be held for at least 3 years from the date of completion of the IACUC-approved protocol [2.35(f)].

#### 7.5.5. Availability

Records must be available for inspection and copying by any APHIS official [2.35(f), 2.38(a), 2.38(b)(1)(ii) and (iii)]

Also, records retained under 2.35 must be made available for inspection and copying by any funding Federal agency representative

#### 7.5.6. Confidentiality and Removal of Records

APHIS inspectors **must** [2.35(f)]:

- Maintain the confidentiality of the information
- Not remove the records from the research facility's premises unless:
  - There has been an alleged violation
  - The records are needed to investigate a possible violation
  - The records are needed for other enforcement actions

## NOTICE

Release of any materials removed from the facility that contain trade secrets, or commercial or financial information that is privileged or confidential, will be governed by applicable sections of the Freedom of Information Act.

The inspector should follow the guidelines below when removing records from a research facility:

- Only take photos or copies of records off-site if needed to support a Direct, Critical or Repeat citation, or when there is a disagreement between you and the research facility over an NCI and the research facility has indicated that it is likely to appeal the citation. Do NOT remove original records.
- Make copies or scan records, instead of photographing, if possible
- Be sure the research facility knows what records were copied, scanned, and/or photographed before leaving the facility
- Give the research facility the opportunity to redact names, locations, and other PII before taking photos, scanning, or making copies of the record. You should allow the facility 24 to 48 hours for this redaction.
- Provide the research facility the opportunity to view your photos. Delete or retake any photos that the facility states may contain potential PII, or confidential or proprietary information to remove or block the sensitive information. If the noncompliance cannot be documented without the inclusion of potentially confidential or proprietary information, ensure that the photograph label states: "May contain confidential or proprietary information."

SACS may have inspectors take additional photographs, in addition to the required photos listed above.

## 7.6. Guidance for Veterinary Schools and Veterinary Technician Programs (VTP) for the Inspector

### 7.6.1. Teaching versus Research

The definition of activity in Part 1 of the AWA means, those elements of research, testing, or teaching procedures that involve the care and use of animals.

For the purposes of the AWR, teaching is equivalent to research. Using farm animals for teaching related to food or fiber, or breeding, management or production efficiency is not regulated. Using farm animals for teaching related to basic science or biomedical research is regulated.

### 7.6.2. Inspection Procedures

The inspector should only inspect the animals and animal facilities for animals owned by the facility.

Do not inspect animals or housing areas for animals owned by other entities such as vet clinics, hospitals, or shelters.

For Veterinary School Spay/Neuter Programs, IACUC oversight is not required if the Veterinary School has a written agreement with a pound/shelter, which is acting as the owner of the animals, soliciting the service of the Veterinary School to perform spaying/neutering.

If the facility asks you to inspect or look at non-regulated animals or facilities, you may go through these areas with the facility representative but do not document any findings on an Inspection Report. Consult your SACS if further guidance is necessary.

#### 7.6.2.1. Records Requirements

For regulated animals used in regulated teaching activities, the records requirements are the same as for any other research facility.

The following records must be available for review during the inspection, if applicable:

- Acquisition/disposition records must be kept for any dogs or cats acquired by the facility that do not fall under a veterinary client patient relationship. The use of APHIS Forms 7005 and 7006 are **not** required but may be used by the facility to keep and maintain the required information. [2.35(b)]

Acquisition/disposition records are **not** required for:

- Dogs/cats who are patients of the Veterinary or Veterinary Technician school
- All regulated animals other than dogs and cats

All regulated species of animals used for regulated purposes must be included on the Annual Report. [2.36(b)(5-8)]



The following animals should **not** be included on the Annual Report:

- Client, staff, or student-owned animals
- Animals utilized for teaching purposes at working farms, ranches, veterinary hospitals or shelters

Records must be held for at least three years (beyond the final disposition of the animal) [2.35(f)].

#### **7.6.2.2. Identification Requirements**

For regulated animals used in regulated teaching activities, the animal identification requirements are the same as for any other research facility.

Research facilities are only required to individually identify dogs and cats. [2.38(g)].

There are no individual identification requirements for other regulated species.

#### **7.6.2.3. Protocols**

For protocols involving regulated animals used in regulated teaching activities, protocol and IACUC oversight requirements are the same as for any other research facility.

For animals that are not regulated by the AWA (i.e., pets or patients) no protocols or IACUC oversight is required.

#### **7.6.3. Special Considerations**

Contact your SACS if any of these circumstances come to your attention via inspection or another method:

- Complaints are received regarding the welfare of the animals
- Inspector becomes aware of animal injury or death as the result of non-regulated teaching procedures
- The owner of an animal expresses concern about its care or use

## 7.7. Termination of a Registration

A research facility may no longer request to be placed on Inactive status. A research facility will either be registered or unregistered.

### 7.7.1. Conditions for Termination

A research facility's registration will no longer be valid if the research facility:

- Voluntarily requests registration termination. RF may submit an APHIS Form 7033 or a written request to the Deputy Administrator.
- Fails to file an Annual Report of animal use to Animal Care for 2 consecutive years
- Goes out of business or ceases to function as a research facility
- Changes its method of operation so that it no longer uses, handles, or transports regulated animals, and does not plan to use, handle, or transport regulated animals for a period of at least 2 consecutive years

A terminated research facility must file an Annual Report through the end of the fiscal year of its cancellation.

#### NOTICE

A terminated research facility must notify AC, in writing, at least 10 days prior to using, handling, or transporting regulated animals again. [2.30(c)(2)]

## 7.8. Holding Period

Research facilities that acquire dogs or cats from sources other than dealers, exhibitors, and exempt sources must hold the animals for a full 5 days after acquiring the animals, not including the day of acquisition and time in transit, before the facility may use the animals. [2.38(j)]

## 7.9. Research Facility Protocol Selection Worksheet

### Research Facility Protocol Selection Worksheet<sup>\*</sup>

Legal Name:

Customer Number:

Certificate Number:

Site Number:

Inspection Date:

Inspection Type: Routine ☐ Focused ☐ (list areas inspected)

Inspector:

Reasons Protocols Were Selected for Review :	How Many Protocols Were Selected
1. Protocols identified during inspection of concern (select all)	
2. Column E protocols ( select all)	
3. Protocols with IACUC-approved exemptions/exceptions (select all)	
4. Protocols cited as noncompliant and not corrected during the last inspection (select all)	
5. Additional Protocols Selected: a. If <5 remaining protocols, select all remaining:  b. If >5 remaining protocols, select 5 additional protocols: 1) Protocol for each regulated species and/or, 2) Protocols involving high risk procedures (see Chapter 7, Animal Welfare Inspection Guide for guidance):	
<b>Total Protocols Selected and Reviewed</b>	

\*Note: Protocol selection guidance applies to protocols which have been initially approved, or have had significant changes approved, since the last inspection. For protocols reviewed by an Animal Care Veterinary Medical Officer within the last year, professional judgment should be used in determining whether another review is necessary.

Version 2/11/19

# Chapter 8. Confiscation Guidance

## Contents

8.1. Criteria for Confiscation	8-3
8.1.1. Veterinary Care Issues	8-3
8.1.2. Shelter/Housing Issues	8-7
8.1.3. Husbandry/Cleaning/Sanitation	8-8
8.1.4. Ventilation/Air Quality	8-10
8.1.5. Separation/Behavior	8-10
8.1.6. Feed/Water	8-11
8.1.7. Handling	8-12
8.2. Documentation	8-14
8.2.1. Document all non-compliant items with photos and/or videos	8-14
8.3. Body Condition and Age Assessment Charts	8-17
8.3.1. Tiger Body Assessment Chart	8-18
8.3.2. Lion Body Assessment Chart	8-20
8.3.3. Leopard Body Assessment Chart	8-22
8.3.4. Cougar/Puma/Mountain Lion Body Assessment Chart	8-24
8.3.5. Elephant Body Assessment Chart	8-25
8.3.6. Body Condition Chart for Cats	8-26
8.3.7. Body Condition Chart for Dogs	8-27
8.3.8. Tiger Cub Size Information	8-29
8.4. Guidelines and Responsibilities for the Confiscation of Animals	8-30
8.4.1. AC Inspector Responsibilities	8-30
8.4.2. Suggested Go-Kit Checklist When Performing a Confiscation	8-31
8.4.3. SACS Responsibilities	8-32
8.4.4. AWO Management Responsibilities	8-33
8.4.5. Confiscation Timeliness	8-35
8.4.6. Responsible Person is Unavailable	8-35
8.4.7. IES Responsibilities	8-35
8.4.8. EMSSD Responsibilities	8-35
8.4.9. Safety Officer	8-35
8.4.10. Logistics Officer (if utilized)	8-37
8.5. Sample Documents	8-41

The purpose of this Chapter is to provide guidance for the units involved in confiscations.

#### DISCLAIMER

The Animal Welfare Inspection Guide is intended to be a reference document to assist the inspector. The Inspection Guide does not supersede the Animal Welfare Act (AWA), the AWA Regulations and Standards, AC policies and other guidance, the Required Inspection Procedures, standard procedures, or the inspector's professional judgment. All inspection decisions must be justified by applicable sections of the AWA and/or the AWA Regulations and Standards.

#### WARNING

Some of the photographs of animals in severe physical conditions in this Section may be disturbing.

## 8.1. Criteria for Confiscation

During the inspection process when an animal is determined to be in a state of suffering by the APHIS official e.g.: Veterinary Medical Officer or Animal Care Inspector, and relief is not provided by the facility, and there is no evidence relief will be provided in the immediate future, confiscation should be considered.

Animals are deemed to be in a state of unrelieved suffering when they are forced to endure conditions, arising out of the licensee's failure to comply with regulations promulgated under the Animal Welfare Act (AWA), which causes severe pain or distress, severe discomfort, or which could directly and negatively impact the health and well-being of the animal if immediate actions are not taken by the licensee to remedy the situation.

Examples of conditions that may cause suffering include but are not limited to: animals with serious medical problems that are not receiving adequate veterinary care; animals without adequate food or water; animals exposed to temperature extremes without adequate shelter or bedding; and animals held in unsanitary enclosures. Animals do not need to be in jeopardy of dying to be in a state of unrelieved suffering. Veterinary Medical Officers (VMO) are legally qualified to determine whether an animal is suffering.

There are some conditions that if allowed to worsen, may contribute to a situation that results in a confiscation.

The following information pertains to situations where confiscation should be considered.

### NOTICE

Citations listed are **examples only**. The specific citation will be dependent on the situation and should be discussed with your supervisor.

### 8.1.1. Veterinary Care Issues

Veterinary care issues are a source of chronic or acute suffering for the animals inspected. These include:

- General conditions
  - Animals are severely malnourished and/or emaciated with no veterinary assessment
  - Animals are severely lethargic with no veterinary assessment
  - Animals are observed to have chronic, untreated intestinal issues

- Animals are found to be dead, dying, or in overall poor health
- Infectious disease processes in which the animal is suffering or distressed and without veterinary assessment or treatment
- Trauma/injuries/untreated problems in which the animal is suffering, such as, but not limited to:
  - Fractures or open wounds
  - Severe chronic skin or eye issues
  - Severe chronic dental issues
  - Skin ulcerations or sunburn
  - Animals are found with severely matted hair causing significant skin problems
  - Foot or hoof foreign bodies
  - Halters, collars and other restraint devices that are too tight or poorly fitted and are causing injury to the animals, especially those permanently left on the animals

Certain husbandry requirements may become veterinary care issues that lead to unrelieved suffering:

- Heavy unshorn coats  
Sheep/certain goats/ llamas/alpacas, if not sheared for an extended period of time, can be in a chronic state of suffering. This is especially true in warm weather. This may also apply to long-haired breeds of dogs, cats, and other species. Coats which remain unshorn for long periods of time may become infested with maggots or cause chronic skin irritation.



*8-1. Sheep suffering from unshorn coat in hot weather - this sheep had not been shorn in five years 2.40(b)(2), 2.131(b)(1).*

- Hoof/Nail Care  
Untrimmed nails or hooves that are causing lameness and/or locomotion difficulties may also contribute to joint pain and arthritis later in life. Large ungulates, such as giraffe, may suffer chronic, painful joint issues even if their hooves are only slightly overgrown.





8-2. Overgrown llama nails



8-3. Overgrown miniature zebu hooves



8-4. Overgrown giraffe hooves 2.40(b)(2)

#### 8.1.1.1. Sample pictures of vet care issues to be considered for confiscation

##### 8.1.1.1.1 Emaciation or evidence of malnourishment



8-5. Emaciated Asian Elephant



8-6. Emaciated Lion



8-7. Thin tiger with chronic poor hair coat



8-8. Emaciated dog, dorsal view  
2.40; 3.129(a) (Subpart F animals); 3.9(a) (dogs)

5.1.1.1.1 Untreated veterinary problems



8-9. Chronic untreated eye problems



8-10. Chronic untreated eye problems 2.40



8-11. Serious untreated tail injury of cougar



8-12. Ruptured abscess on dog



8-13. Bloody feces



8-14. Overgrown hooves



8-15. Dead dog in enclosure



8-16. Mutilated front leg of dog



8-17. Untreated skin problems causing pain/discomfort 2.40

### 8.1.2. Shelter/Housing Issues

Below are shelter/housing issues that may support confiscation:

- Lack of shelter in cold weather, if animals appear to be shivering or showing other signs of severe discomfort from the cold
- Lack of shade in hot weather, if animals are showing signs of severe discomfort such as panting, heat stress, etc.
- Lack of shade in bright conditions causing animals to squint or have chronic eye discomfort
- Shelter provided is too small and/or does not allow access for all animals during inclement weather, and animals are showing clear signs of severe stress or discomfort
- Insufficient bedding for temperatures below 50 degrees Fahrenheit and



the animals are showing clear signs of severe stress or discomfort (shivering, huddled in corners, etc.)

- Enclosures are extremely wet or covered with excessive accumulations of feces, causing discomfort or medical issues

### 8.1.3. Husbandry/Cleaning/Sanitation

Below are husbandry/cleaning/sanitation issues that may support confiscation:

- Accumulated feces and waste inside the shelter such that animals cannot avoid contact with it and are showing signs of severe distress, discomfort, or clinical manifestations of disease
- Accumulated wet and/or dirty bedding within the shelter that is affecting the health and welfare of the animals
- Severe pest infestation that impacts the animals' health
- Unclean and/or unsanitary water and food receptacles that affects the health of the animal
- Poor ventilation and air quality
- Enclosures maintained such that animals cannot avoid unsanitary conditions. This can be a combination of feces, water, mud or other filth such as rotted foodstuffs. This can create a chronic pattern of suffering for animals trapped in such enclosures.

#### 8.1.3.1. Sample pictures of shelter/housing/husbandry/cleaning issues to be considered for confiscation associated with environmental and/or other conditions



8-18. Elephant Chained with no access to shade  
3.127(a)



8-19. Inadequate sized shelter for four wolves  
3.127(b)



8-20. Shelter (dog) not structurally sound 3.1(a)



8-21. No bedding, rusted dog enclosure  
3.1(c)(1)(i); 3.3(a)



8-22. Dogs with no shelter or shade 3.4(b);  
3.6(a)(2)(vii)



8-23. Dogs with no shade 3.4(b); 3.6(a)(2)(vii)



8-24. Grossly inadequate space for lion (Lion is  
never moved out of cage for exercise) 3.128



8-25. Grossly inadequate space two tiger cubs  
3.128



8-26. Extremely soiled, overcrowded hamster  
enclosure 3.28(b)(1);3.28(b)(3)(iii); 3.31(a)(1)



8-27. Extremely soiled rabbit enclosure  
3.56(a)(1)





8-28. Excessive accumulation of dog feces 3.11(a)



8-29. Layers of moist, filthy bedding 3.131(a)



8-30. Guinea pigs in unsanitary conditions 3.31(a)



8-31. Filth in an animal enclosure 3.11(a) (dogs); 3.131(a)

#### 8.1.4. Ventilation/Air Quality

Confiscation is appropriate when non-compliances involving animals with unrelieved suffering or distress due to ventilation/air quality are identified. High ammonia levels can lead to acute discomfort of the respiratory tract and mucous membranes. Exposure to elevated ammonia levels in the air may also result in adverse long term animal health outcomes, including immunosuppression, chronic respiratory disease, and decreased growth rates and reproductive abnormalities in a number of regulated species. A determination of whether ammonia levels are too high is based on the presence of noxious fumes (e.g., your eyes burn) at the level of the animal's eyes and nose. Since ventilation non-compliances cannot typically be photographed, document the animal's clinical signs of suffering such as squinting, conjunctivitis, watery eyes, coughing, sneezing, etc. Also document any similar clinical signs experienced by the ACI/VMO. If two Animal Care veterinarians state that one or more clinical signs were observed, along with the description of the smell and human discomfort, confiscation may be considered.

#### 8.1.5. Separation/Behavior

Incompatible animals should not be housed together. Confiscation should be considered if animals are:

- Housed in incompatible groups exhibited through clear signs of distress and/or physical injury
- Constantly under threat or stress from other animals, whether in the same or adjoining enclosures, such that there are clear signs of suffering. Severe stress levels can result in death of animals.

Example: A wallaby penned between two tigers at one facility collapsed and died from the stress. Before it died, it spent all of its time tucked tightly in the one corner as far as it could get from the tigers. The cage bars were hardly adequate separation in this case.

### 8.1.6. Feed/Water

Below are feed/water issues that may support confiscation.

- No food or water is available, and the animals are noticeably underweight, dehydrated, showing clear signs of distress, or are exhibiting gastrointestinal disorders (chronic diarrhea)
- Food/water is contaminated such that animal health is severely impacted
- Water and food receptacles are not being kept clean and sanitized, and animal health is severely impacted by this
- Insufficient and/or poor-quality food is fed such that animals are displaying nutritional deficiencies or chronic intestinal problems
- Inappropriate diet for the species such that animals are exhibiting associated clinical signs such that animal health is severely impacted
- Improperly stored feed that is unsafe for the animals or is contaminated, decomposing or deteriorated to the point of being nutritionally inadequate or inedible

#### **Feeding practices which may cause serious, life-threatening harm to the animals:**

- Chronic insufficiency of feed; or
- Providing food that is inappropriate for the species, such as feeding dog food to any species of cat

#### **Watering practices which may cause serious, life-threatening harm to the animals:**

- Inadequate water
- Poor quality water may create chronic health problems such as internal parasite loads, giardiasis, bacterial or fungal infections
- Standing water may harbor disease-carrying insects such as mosquitoes

### 8.1.6.1. Photos

The photos below are not stand-alone reasons to confiscate but may help to document a pattern of suffering.



8-32. Evidence of inadequate water (this bucket is bone-dry). The licensee stated the bucket had been filled that morning. The bucket was filled with water and the animals were noted to rush over and drank continuously for over 2 minutes (captured with video). 3.10(a) (dogs); 3.130 (Subpart F animals)



8-33. Poor quality rotting chicken 3.129(a)



8-34. Rotting carcass in cougar enclosure 3.131(a); 3.125(d)



8-35. Poor quality chicken and meat 3.129(a)



8-36. Self-feeder with moldy food 3.9(a)



8-37. Unsanitary water receptacles 3.10(a); 3.10(c) (dogs); 3.130 (Subpart F animals)

### 8.1.7. Handling

Below are handling issues that may support confiscation.

- Licensee, and/or carriers and intermediate handlers, is not physically able to



care for the animals and has no trained personnel available to provide the required handling, husbandry and care. The animals are showing signs of severe suffering.

- Licensee, and/or carriers and intermediate handlers, does not have appropriate experience to care for the species they have, and the animals are either showing signs of suffering, or in a situation that could be dangerous to the animals or to people
- Licensee, and/or carriers and intermediate handlers, is observed abusing or mistreating the animals
- Licensee, and/or carriers and intermediate handlers, knowingly fails to provide adequate care for the animals
- Licensee, and/or carriers and intermediate handler, handles animals in a manner that endangers the lives of the animals or the public

## 8.2. Documentation

### 8.2.1. Document all non-compliant items with photos and/or videos

Accurate and thorough documentation is critical to the confiscation process. Detailed write-ups, photographs, and videos all help to convey the severity of the situation and demonstrate the unrelieved suffering of the animals. Proper documentation is also necessary to clearly identify which specific animals are being considered for confiscation.

The write-ups should be clear, concise, and accurately identify the animals. Provide as much detail as possible including the species, physical description, age, sex, and identifying marks so that the animals can be clearly identified. Also include a detailed description of any environmental conditions that are of concern. Be sure to include any pertinent information from verbal exchanges with the licensee, and/or carriers and intermediate handlers. Photographs and videos should be clear and demonstrate the condition(s) prompting consideration of confiscation. When possible, include both the animal and the condition in a single photograph/video so that the viewer has no doubt of what is being conveyed.

#### 8.2.1.1. Photographs/videos should:

- Be taken before and during the confiscation
- Accurately and clearly depict the noncompliant items as well as the specific animals of concern, including ID (use photos in this document as examples)
- Be accurately labeled with a description that is complete and detailed in order to prompt your memory should you be asked to testify about the inspection/confiscation years after the fact

Use videos to depict things that cannot be ascertained from photographs, such as the extreme thirst of an animal – example: video of animal drinking for 2 minutes straight.



CFR: 2.40(b)(3)

Photographer: clb

Certificate:

Date and Time: Mon Jul 19 15:30:00 GMT 2021

Legal Name:

Inspection No:

Facility Name:

Description: Male black bear with 4-5" wound above the left eye and there has been no veterinarian contacted for diagnosis and treatment.

8-38. 2.40(b)(3)

### 8.2.1.2. 8.2.1.2 Taking meaningful photographs.

Make every effort to take a photo and/or video **with the animal of concern in the same photo or video with the noncompliant item/issue.**



8-39. 3.127(a); 3.127(b) *Example of photo with animal in question and instrument measurements in the same photo.*

If the issue includes documenting the weight of the animal, a good side view (lateral), a view of the animal's back, either from the front or rear of the animal, and a photo from above the animal looking down (dorsal view) are most useful.

**Examples of photos of big cats with several views to accurately depict the weight of the animal**



8-40. View down spine showing thin body condition



8-41. Side view (lateral) to evaluate ribs and spine



8-42. Dorsal view of cougar showing ribs and vertebrae



8-43. Lateral view of thin lion

**For more examples of documenting the weight of big cats, please review the body condition assessment chart photos**

### 8.3. Body Condition and Age Assessment Charts

These charts may be used to help inspectors identify animals in critical or near-critical condition, which if not addressed, could trigger a confiscation.

Included are:

- Tiger
- Lion
- Leopard
- Cougar
- Elephant
- Cat
- Dog
- Tiger Cub Weight Information Chart



### 8.3.1. Tiger Body Assessment Chart



1. Emaciated

All ribs and vertebral bodies prominently showing, skin laying over hips and femur



2. Underweight

Ribs, vertebral bodies and hips slightly showing, "tucked up" appearance



3. Optimal body weight

Hint of ribs and vertebral bodies



4. Overweight

No hips or ribs showing, rotund appearance to abdomen



5. Obese

Abdomen sagging, obvious fat over hips and shoulders

#### 8.3.1.1. Examples



8-44. Emaciated



8-45. Underweight



8-46. *Optimal body weight*








8-47. *Overweight*



8-48. *Obese*



### 8.3.2. Lion Body Assessment Chart

				
1. Emaciated. All ribs and vertebral bodies prominently showing, skin laying over hips and femur	2. Underweight. Ribs, vertebral bodies and hips clearly showing	3. Optimal body weight. Hint of ribs and vertebral bodies	4. Overweight. No hips or ribs showing, rotund appearance to abdomen	5. Obese. Belly dragging, obvious fat over hips and shoulders

#### 8.3.2.1. Examples



8-49. Emaciated



8-50. Underweight





8-51. Optimal weight








8-52. Overweight



8-53. Obese

### 8.3.3. Leopard Body Assessment Chart

				
<p>1. Emaciated</p> <p>All ribs and vertebral bodies prominently showing, skin laying over hips and femur</p>	<p>2. Underweight</p> <p>Ribs, vertebral bodies and hips slightly showing, "tucked up" appearance</p>	<p>3. Optimal body weight</p> <p>Hint of ribs and vertebral bodies</p>	<p>4. Overweight</p> <p>No hips or ribs showing, rotund appearance to abdomen</p>	<p>5. Obese</p> <p>Abdomen sagging, obvious fat over hips and shoulders</p>

#### 8.3.3.1. Examples



8-54. Emaciated



8-55. Underweight





8-56. *Optimal weight*










8-57. *Overweight*








8-58. *Obese*

### 8.3.4. Cougar/Puma/Mountain Lion Body Assessment Chart



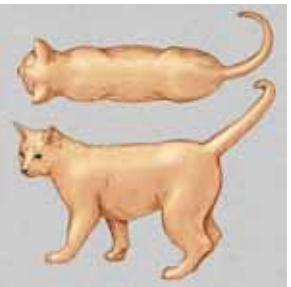


	 			 
<p>1. Emaciated</p> <p>All ribs and vertebral bodies prominently showing, skin laying over hips and femur. This animal cannot afford to lose any more weight</p>	<p>2. Underweight</p> <p>Ribs, vertebral bodies and hips clearly showing</p>	<p>3. Optimal body weight</p> <p>Hint of vertebral bodies, points of hips, and ribs showing</p>	<p>4. Overweight</p> <p>Overweight cougars will have no hips or ribs showing and a rotund appearance to abdomen</p>	<p>5. Obese</p> <p>Pendulous abdomen, obvious fat over hips and shoulders</p>



### 8.3.5. Elephant Body Assessment Chart

				
<p>1. Emaciated</p> <p>All ribs and vertebral bodies prominently showing, Underweight Ribs, vertebral bodies, and hips clearly showing skin laying over hips, femur, humerus and scapula. This animal cannot afford to lose any more weight</p>	<p>2. Underweight</p> <p>Ribs, vertebral bodies, scapula, and hips clearly showing</p>	<p>3. Optimal body weight</p> <p>Slightly round appearance, hips showing slightly</p>	<p>4. Overweight</p> <p>Overweight elephants will have no hips or ribs showing</p>	<p>5. Obese</p> <p>Pendulous abdomen, rotund appearance with no hips and a rotund appearance to abdomen</p>

### 8.3.6. Body Condition Chart for Cats

				
<p>1. Emaciated</p> <p>Ribs, lumbar vertebrae, pelvic bones and all body prominences evident from a distance. No discernible body fat. Obvious absence of muscle mass.</p>	<p>2. Underweight</p> <p>Ribs easily palpated and may be visible with no palpable fat. tops of lumbar vertebrae visible. Pelvic bones less prominent. Obvious waist and abdominal tuck.</p>	<p>3. Optimal body weight</p> <p>Ribs palpable without excess fat covering. Abdomen tucked up when viewed from side.</p>	<p>4. Overweight</p> <p>General fleshy appearance. Ribs palpable with difficulty. Noticeable fat deposits over lumbar spine and tail base. Abdominal tuck may be absent.</p>	<p>5. Obese</p> <p>Large fat deposits over chest, spine, and tail base. Fat deposits on neck and limbs. Abdomen distended.</p>

Source: Ohio State University, College of Veterinary Medicine

### 8.3.7. Body Condition Chart for Dogs

				
<p>1. Emaciated Ribs and lumbar vertebrae obvious, pelvic bones and all other bony structures obvious and prominent. Tail base prominent and bony. Accentuated concave abdominal tuck. Accentuated, severe hourglass shape to waist. No discernible body fat. Obvious loss of muscle mass.</p>	<p>2. Underweight Ribs and lumbar vertebrae easily seen with no fat cover. Pelvic bones obvious. Tail base bony with little soft tissue. Marked concave abdominal tuck. Marked hourglass shape to waist.</p>	<p>3. Optimal body weight Ribs, lumbar vertebrae, pelvic bones, and other bony structures easily palpable with slight fat cover. Tail base smooth with thin, soft tissue cover. Concave abdominal tuck. Smooth hourglass shape to waist.</p>	<p>4. Overweight Ribs and lumbar vertebrae are difficult to palpate. Pelvic bones are palpable with moderate tissue cover. Tail base has fat deposition with moderate soft tissue cover. Concave tuck is decreased to absent. Loss of hourglass shape to waist with back is slightly broadened.</p>	<p>5. Obese Ribs, lumbar vertebrae, pelvic bones, and other bony structures easily palpable with slight fat cover. Tail base smooth with thin, soft tissue cover. Concave abdominal tuck. Smooth hourglass shape to waist.</p>





### 8.3.8. Tiger Cub Size Information

Generic “Bengal” tiger cub weights are listed below. Siberian tigers or Siberian/Bengal cross tiger cubs will be somewhat larger, and often have longer (fuzzy) hair:

Females will often be a little smaller than males as they grow older

AGE	WEIGHT	6 weeks	12 - 15 lbs.
Birth weight	about 2.5 - 3.5 pounds	7 weeks	14 - 17 lbs.
1 week	4.5 - 6 lbs.	8 weeks	16 - 19 lbs.
2 weeks	6. - 7.5 lbs.	10 weeks	19 - 25 lbs.
3 weeks	7.5 - 9 lbs.	12 weeks	24 - 40 lbs.
4 weeks	9 - 10 lbs.	16 weeks	35 - 50 lbs.
5 weeks	10 - 12 lbs.	20 weeks	55 - 68 lbs.



8-59. 6-week-old Siberian tiger



8-60. 8-week-old Siberian tiger (14 pounds)



8-61. 11-week-old “generic” Bengal tiger cub (21.5 pounds)



8-62. 17-week-old generic “Bengal” white tiger cub (approx. 45 pounds)

## 8.4. Guidelines and Responsibilities for the Confiscation of Animals

### 8.4.1. AC Inspector Responsibilities

- During an inspection, promptly recognize animal suffering and initiate confiscation procedures in accordance with the regulations and resource material
- Immediately involve and coordinate all on-site efforts with your supervisory animal care specialist (SACS)
- Clearly communicate to the dealer, exhibitor, intermediate handler, or carrier, verbally and in writing, all conditions that are causing animal suffering and the actions necessary for providing relief of that suffering. This includes writing a detailed inspection report which includes the following:
  1. Number and species of animal(s) found to be suffering and the individual identification numbers (for dogs or cats); also include the name of the animal (if verifiable), and/or a brief description of each animal, and/or the location of each animal (i.e., provide as much descriptive information as you can)
  2. Identification of non-compliances or conditions causing the suffering
  3. Steps that must be taken to correct the problem and alleviate the suffering, e.g., examination and treatment by a qualified veterinarian
  4. The time period in which the condition must be corrected so the animal is given relief and adequate care. This time period must be as soon as possible after determining the animal is suffering, but typically no more than 24 hours
- Take good photographs and videos of the involved animals and conditions
  - Take videos of lameness or neurologic problems, if possible
  - Take videos of thirsty animals drinking when offered water. It may be of benefit to take a longer video to demonstrate how long the animal drinks when offered water.
  - Take videos of animals demonstrating incompatibility
- Keep the SACS informed of the situation and current on all pertinent facts and issues. This includes providing inspection reports, photographs, videos, and other relevant documents.
- When discussing the situation with licensees, and/or carriers and intermediate handlers, be clear about what can and cannot be agreed upon prior to the actual confiscation or voluntary relinquishing of the animals. If you are unsure about this, contact your SACS. Any agreements should be put in writing and signed by the responsible facility representative.
- If the suffering animal subject to confiscation is an endangered species or a marine mammal, notify Animal Welfare Operations (AWO) Management,

who will then ensure coordination with appropriate government agencies.

- Consider weather conditions and have available a tarp/canopy for shelter, tables, and chairs and other equipment as needed during the actual confiscation or in the staging area.

## **8.4.2. Suggested Go-Kit Checklist When Performing a Confiscation**

### **8.4.2.1. Communication and Technology**

- ☐ Laptop computer/iPad
- ☐ Smart phone (tethering capable), hands-free set
- ☐ Power cords for laptop and phone (AC/DC and for tethering), extension cord
- ☐ Camera, charger, batteries
- ☐ Kestrel or IR gun as required
- ☐ Written phone directory/key contacts (AWO, HQ, ER, State, other)
- ☐ Battery operated work light, flashlight, and/or headlamp
- ☐ Radio (handheld and/or vehicle mounted base station if required)
- ☐ GPS
- ☐ Binoculars if necessary

### **8.4.2.2. Apparel**

- ☐ Weather appropriate apparel
- ☐ Gloves, work boots
- ☐ PPE as appropriate

### **8.4.2.3. Miscellaneous:**

- ☐ Basic office supplies: Notebook, note pads, pens, tape, binder clips, paper clips
- ☐ Forms: All appropriate Letters/Forms in digital and print, USDA letterhead, other
- ☐ Business cards
- ☐ Camp chair, umbrella

### **8.4.2.4. Personal Items**

- ☐ Personal cellular phone for backup or emergency communication
- ☐ Sunscreen, hand sanitizer, hand lotion, tissues, etc.
- ☐ Prescription and nonprescription medications
- ☐ Snack food, emergency food, and water/beverages
- ☐ Sunglasses, reading glasses, lens cleaners, etc.
- ☐ Coffee cup, paper towels

### 8.4.3. SACS Responsibilities

- Ensure all inspection resources needed for the confiscation are assigned and present. If the confiscation involves (nonhuman primates) NHPs, wild/ exotic species, and/or marine mammals, try to arrange for Field Specialists to be present or available for consultation.
- Work with the assigned inspector and the AWO Office (the Director and/or Assistant Director) to ensure that suitable location(s) for the confiscated animal(s) are lined up.
- On site responsibility for:
  - Operational decisions involving the confiscation, including but not limited to, ensuring Emergency Management, Safety, and Security Division (EMSSD) has set up appropriate security, issuing Notice of Intent to Confiscate (NOIC) and Notice of Confiscation (NOC) if applicable
  - Ensure a Safety Officer is assigned and present on site
    - The Safety Officer may be:
      - 1) An employee who is trained to be a safety officer;
      - 2) If 1 unavailable, a member of the S&H Committee;
      - 3) If 1 and 2 are unavailable, an employee with prior experience as a Safety Officer**(See Safety Officer Job Aid below)**
    - Ensure inspectors conduct themselves professionally
    - Based on size and complexity of confiscation, ensure a Logistics Officer (**see Logistics Job Aid below**) is assigned and present on site
    - Assume all responsibilities not delegated
    - Address any media situations
    - Ensure good communication and coordination with State or local officials with animal welfare responsibility at the facility
    - Consider a temporary staging area to triage and process large numbers of animals
- Coordinate with APHIS Investigation and Enforcement Services (IES)
  - Work with AWO Management and IES leadership to determine the specific role of IES in supporting the investigation process and their location within the team structure
- With AWO Management, engage local and State agencies, and nongovernmental organizations as appropriate
  - State or local agencies may be engaged for their authorities or capabilities

- Animal welfare organizations or local animal control agencies/shelters are commonly utilized to assist in confiscation operations
- Clearly communicated expectations pertaining to mission, objectives, public information, and behavior are essential
- Animal welfare agencies and organizations typically serve in the following roles:
  - Assist with removal of animals from the site
  - Receiving ownership of the animals from USDA
  - Provide care, adoptive homes, or other appropriate disposition for animals
- Authorize transfer of animals from USDA custody to animal control or sheltering partners
- Authorize euthanasia of animals as appropriate
- Serve as onsite point of contact for media in close coordination with AWO Management and APHIS Legislative and Public Affairs
- Supervise transition to off-site operations
  - Confiscation Team continues to manage animals or track progress of those who have received animals from USDA
  - Off-site operations could be located in a hotel, conference room, or any reasonable secure location
- Make sure cell phone is functional to answer calls from AWO Management, as well as to keep AWO Management regularly apprised of the status of the confiscation
- Based on what is happening at the facility, notify AWO Management of any site concerns and/or changes in procedures

### Critical Issue

The SACS, inspector of record for the facility, and inspection team who have identified the need for a potential confiscation action are critical to the success of the team. The Inspection Team should transition into the Confiscation Team seamlessly. The SACS would typically transition to become the Confiscation Team Leader, with guidance from AWO Management. The inspector(s), with knowledge of facility history and personnel should be actively providing their knowledge and insight to help ensure a safe and efficient operation. SACS must ensure that this transition is effective and well-communicated to all confiscation personnel.

### 8.4.4. AWO Management Responsibilities

- Notify IES and EMSSD as early as possible about a potential confiscation

- Promptly notify the DA that confiscation procedures will be initiated
- Ensure the availability and/or presence of a veterinarian knowledgeable in the species involved
- If it is deemed necessary, obtain the opinion of a second AC VMO or a private veterinarian with appropriate expertise with the species involved
- Coordinate confiscation procedures with IES
- Contact Office of the General Counsel (OGC) prior to the issuance of the NOIC to have an attorney assigned to the confiscation case for legal guidance. The assigned OGC attorney should be provided with the evidence supporting the confiscation and review the Notice of Intent to Confiscate (NOIC) and the Notice of Confiscation (NOC) before they are issued to the licensee.
- Notify Compliance Assurance as early as possible about a potential confiscation
- Arrange for appropriate transportation of the confiscated animal(s) including trained animal handlers (if needed). Arrange for a Statement of Work, work order/ agreement, if required.
- Ensure Legislative and Public Affairs (LPA) has all necessary information, and is on board to provide media assistance if needed
- Provide the Office of the Deputy Administrator (ODA) with the most current information, to include a summary email or memo listing the number and species of animals to be confiscated, the location of the animals, and the reason(s) for the confiscation action. A sample of digital photographs/videos of the animals and conditions should be included.
- Advise the DA if the suffering animal subject to confiscation is an endangered species or a marine mammal, so that coordination with the appropriate government agencies can be initiated.
- Draft and obtain approval for the NOC. Forward signed NOC to onsite SACS and/or inspector(s)
- Coordinate all proposed legal actions (subpoenas, etc.) with IES, and ensure through the assigned OGC attorney that said actions are legal and/or legally supportable
- Notify LPA and provide information for the press releases and arrange media assistance on site, if indicated (this may be especially important if animals will be euthanized)
- Document anticipated expenses in advance and send written estimates of costs for products or services to Resource Management Services (RMS)
- When working with animals with contagious diseases, e.g., dogs infected with or exposed to canine brucellosis, work with subject matter experts (SMEs) to establish a plan to deal with the disease

### 8.4.5. Confiscation Timeliness

Reasonable efforts should be made to deliver the NOIC and associated inspection report to the licensee, intermediate handler, or carrier. Deadlines for corrective actions should not normally exceed 24 hours, typically corrective actions should be completed before the end of the day notice was given.

### 8.4.6. Responsible Person is Unavailable

If the licensee, intermediate handler, or carrier is unavailable, contact AWO Management and refer to associated regulation.

### 8.4.7. IES Responsibilities

With AWO, determine the specific role of IES in supporting the investigation process and their location within the team structure at the confiscation.

### 8.4.8. EMSSD Responsibilities

Working with AWO, set up appropriate security FOR THE INCIDENT.

### 8.4.9. Safety Officer

#### 8.4.9.1. Assume position responsibilities

Successfully assume role of Safety Officer and initiate position activities at the appropriate time according to the following:

#### 8.4.9.2. Ensure readiness for assignment.

Obtain and assemble information and materials needed. This will include critical items needed for the assignment and items needed for functioning during the first 48 hours.

The basic information and materials needed **may include**, but is not limited to, any of the following:

- Reference materials appropriate to the confiscation
- Agency health and safety code handbook.
- The Animal Care Safety and Health Handbook
- Safety checklists.
- Injury and accident forms.
- 100-ft tape
- Clipboard
- Writing tablet

- Flashlight and batteries
- Pencils and assortment of magic markers
- Pocket notebook
- Camera
- Compass
- Clinometer or Abney level
- Alarm clock
- Thermometer and wind gauge/belt weather kit
- Light day pack
- Personal protective equipment (PPE)
- Chalk
- Binoculars
- Gather information necessary to assess confiscation assignment and determine immediate needs and actions
- Know who the Team Leader/ SACS name, location. Make contact.
- Know current resource commitments
- Know current and anticipated situation (hazardous materials, urban interface, etc.)
- Know expected duration of assignment.

#### **8.4.9.3. Ensure the safety, welfare, and accountability of assigned personnel.**

- Recognize potentially hazardous situations
- Inform personnel of hazards
- Ensure that special precautions are taken when extraordinary hazards exist
- Ensure adequate rest is provided to all unit personnel
- Initiate accident investigation team for those accidents that occur within the confiscation area
- Ensure confiscation team members are aware of the safety-related aspects of their jobs and undertake their job responsibilities in a safe manner based on expected duration, size, type of incident, potential values to be protected, and jurisdictional involvement
- Develop or implement a safety action plan. Ensure that hazards and risks are identified and adequately monitored for the duration of the confiscation. Share action plan with the Team Leader and confiscation staff and revise as necessary. Ensure any changes in confiscation hazards and risks with relevant corrective actions are reflected in the safety action plan, safety messages, and/or safety briefings as appropriate.



- Monitor vehicle/operator time periods. Audit time and equipment records of drivers/vehicles to ensure they have not exceeded the standards set by the agency. Operators that have been found to exceed these standards will be relieved immediately. Document.
- Monitor food and sanitation conditions. Inspect potable water supplies. Inspect potable water sources, hauling, and storage containers. Document any deficiencies identified and take corrective actions. Monitor incident personal protective equipment needs.

#### **8.4.9.4. Safety Officer Position Checklist**

The following checklist should be considered as the minimum requirements for this position. Note that some of the tasks are one-time actions; others are ongoing or repetitive for the duration of the confiscation.

1. Obtain briefing from Team Leader/ SACS and/or from initial on-scene Safety Officer
2. Identify hazardous situations associated with the confiscation. Ensure adequate levels of protective equipment are available and being used
3. Staff and organize function, as appropriate:
  - Multiple high-risk operations may require an Assistant Safety Officer at each site
  - Request additional staff through the Team Leader/ SACS
4. Identify potentially unsafe acts
5. Identify corrective actions and ensure implementation. Coordinate corrective action with Team Leader/SACS
6. Ensure adequate sanitation and safety in food preparation
7. Debrief Assistant Safety Officers prior to Planning Meetings
8. Prepare confiscation action plan safety and risk analysis
9. Participate in planning meetings:
  - Listen to options being considered. If potentially unsafe, assist in identifying options, protective actions, or alternate actions

#### **8.4.10. Logistics Officer (if utilized)**

##### **8.4.10.1. Core functions:**

- Acquisition of personnel
- Transportation
- Services for responders: lodging, food, medical care
- Communications

- Acquisition of equipment and supplies

#### 8.4.10.2. Logistics Checklist

Not all listed tasks or concerns will apply to every incident

**\* Asterisk indicates all or some of the core function could be supported offsite**

##### ☐ \*Acquisition of Personnel

- Respond to requests for personnel
  - Confirm supervisor approval for APHIS personnel
  - Identify non-APHIS personnel needed and mobilize them via appropriate processes in coordination with AWO
  - Coordinate law enforcement mobilization with EMSSD Security

##### ☐ \*Transportation

- Monitor and facilitate travel to incident scene (air, GOV, POV, rental cars, etc.)
  - Engage AWO for support and support non-Federal travel as appropriate
- Monitor and facilitate travel from staging/hotel to incident scene and back
- Animal transportation: Trucks, trailers, and other conveyances
  - Evaluate for capacity, safety, and environment (temperature/ventilation)
  - Consult with Finance, Team Leader, AD, AWO Director on costs
- Fuel, repairs, and other transportation issues
- Re-evaluate responder transportation resources and assignments

##### ☐ \*Responder Services (Facilities, Medical, and Food Units)

- Lodging and meeting rooms
  - Ensure that appropriate lodging is identified and that all responders have made appropriate reservations
  - Ensure that a location is identified for critical actions, including onsite planning meetings, staging or personnel and equipment, and the operational briefing
- Food and beverage: Ensure that appropriate access to food and beverage is available for planning and staging areas as well as confiscation scene
- Provide Responder Medical Plan information
  - Offsite- Hospitals/Minor emergency/ambulance/Air Ambulance Services
    - Provide directions to above as appropriate
    - Provide a description of scene for emergency communication (address, GPS, clear directions to convey to emergency services personnel)

- Determine if onsite- EMS (Local) is necessary
  - Consult with Team Leader, Safety Officer, EMSSD Security, AWO Director
  - Arrange if necessary
- Update Responder Medical Plan as needed throughout the confiscation detail
- Brief personnel on Responder Medical Plan
- ☐ **\*Communications**
- Assess communication needs:
  - Cell phone coverage, Internet availability
  - Radios (how many, is a repeater needed, which responders have radios, additional base stations and handheld radios needed)
- Arrange shipping/transport for all communications equipment and supplies
- Create Communications Plan, as appropriate
  - Create communications directory of onsite and support personnel
  - Create radio frequency plan (APHIS and non-APHIS personnel)
  - Transmit just-in-time/refresher radio training documents for team
- Implement and support Communications Plan during on-scene operations
  - Issue radios and other equipment and supplies as appropriate
  - Brief response personnel on Communications Plan
  - Test 911 via cellular telephone if appropriate for the location (such as locations near the border of multiple jurisdictions)
  - Work with APHIS CEC to resolve IT/communications issues as appropriate
- ☐ **\*Acquisition of equipment and supplies**
- Anticipate and obtain materials requested by Team Leader, other APHIS personnel, and partner agencies as appropriate including:
  - Animal assessment & care (veterinary, care/restraint/capture, PPE, animal food/water)
  - Animal relocation equipment and supplies (crates, cages, vehicles, drivers, fuel)
  - Ensure handwashing and alcohol- based hand sanitizers are available
  - Drinking water purchases must be made by individual using their per diem or in accordance with the MRPBS water purchase policy
- Distribute equipment and supplies to response personnel, including personal protective equipment and document in Unit Log as appropriate
- Recover assigned equipment and excess supplies from demobilizing

personnel

- **Organize operations to ensure efficiency and personnel safety**
  - Ensure that all participating organizations, such as APHIS IES, USDA OIG, State agencies, law enforcement, local animal control, or Non-Governmental Organizations are included in the organization of the confiscation.
- ☐ **Establish timelines**
  - Most APHIS AC confiscation actions will be accomplished onsite in one time period
  - Some actions may require more than one onsite time period or an off-site period of time to wrap up
  - An exceptional situation might require management of confiscated animals onsite with prolonged efforts to relocate animals. Alternatively, a support operation for a facility engaged in voluntary relocation of animals as an alternate to confiscation might necessitate multiple operational periods. In protracted incidents, operational time periods might extend to weekly or biweekly.
- ☐ **Assess safety**
  - Ensure security of facility perimeters and adjust perimeter as necessary
  - Evaluate and enforce the use of appropriate PPE and safety equipment
  - Implement and enforce appropriate safety precautions (in collaboration with Safety Officer)
- ☐ **Determine need and request additional resources**
  - Resource needs are assessed
  - Resource requests communicated to Team Leader/ SACS
  - Team Leader and/or AD/AWO Director may need to authorize certain additional resources
- ☐ **Attend Planning Meetings**

## 8.5. Sample Documents

Notice of Intent to Confiscate

Notice of Confiscation

Statement of Work



United States  
Department of  
Agriculture

Marketing and  
Regulatory  
Programs

Animal and  
Plant Health  
Inspection  
Service

Animal Care

2150 Centre Ave,  
Building B, 3W11  
Fort Collins, CO  
80526

(970) 494-7478  
Fax: 472-9558

TO: [FACILITY REPRESENTATIVE NAME]  
[FACILITY ADDRESS]  
USDA License #

FROM: [NAME]  
Supervisory Veterinary Medical Officer  
USDA, APHIS Animal Care

DATE: [DATE NOIC WILL BE DELIVERED]

SUBJECT: Notice of Intent to Confiscate Animal(s)

PLEASE TAKE NOTICE that the following animals owned by [LICENSEE/REGISTRANT NAME], which are currently maintained by you at [FACILITY ADDRESS], have been found to be suffering as the result of your failure to comply with the provisions of the regulations and standards promulgated under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (AWA or Act), including specifically sections:

[LIST APPLICABLE AWA SECTION NUMBERS]

Animals: [LIST ALL ANIMALS WE INTEND TO CONFISCATE]

THEREFORE, the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), requires that the condition of these animals be corrected immediately and that adequate care be given to alleviate the animals' suffering as directed in the attached inspection report dated [INSPECTION REPORT DATE].

In the event that you refuse, fail, or are otherwise unable to comply with this request by [CORRECTION DATE AND TIME, INCLUDE TIME ZONE], APHIS will confiscate the identified animals, pursuant to Section 16 of the Act (7 U.S.C. § 2146) and Title 9, Code of Federal Regulations, Section 2.129 (9 C.F.R. § 2.129).

Further, you are instructed not to euthanize or remove the identified animals from the facility located at [FACILITY ADDRESS]. If you need to move any of the said animals for the purposes of obtaining veterinary care, you must request approval to do so in writing from the USDA, APHIS, Animal Care, Director of Animal Welfare Operations, Dr. Robert Gibbens.

For further information, please contact Dr. Robert Gibbens at 240-461-9065.

[NAME], DVM  
Supervisory Veterinary Medical Officer  
USDA, APHIS, Animal Care

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_



Animal and Plant Health Inspection Service  
Safeguarding American Agriculture  
An Equal Opportunity Employer

Federal Relay Service (Voice/TTY/ASCII/Spanish)  
1-800-877-8339



United States  
Department of  
Agriculture

Marketing and  
Regulatory  
Programs

Animal and  
Plant Health  
Inspection  
Service

Animal Care

2150 Centre Ave,  
Building B, 3W11  
Fort Collins, CO  
80526

(970) 494-7478  
Fax: 472-9558

TO: [FACILITY REPRESENTATIVE NAME]  
[FACILITY ADDRESS]  
USDA License #

FROM: [NAME]  
Administrator  
Animal and Plant Health Inspection Service  
U.S. Department of Agriculture

DATE: [DATE NOC WILL BE DELIVERED]

SUBJECT: **Notice of Confiscation of Animals**

PLEASE TAKE NOTICE that the following animals owned by [LICENSEE/REGISTRANT NAME], which are currently maintained by you at [FACILITY ADDRESS], are hereby confiscated by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, pursuant to section 16 of the Animal Welfare Act (7 U.S.C. \_ 2146) and Title 9, Code of Federal Regulations, section 2.129 (9 C.F.R. \_ 2.129), for the failure to provide the adequate and necessary care to the animals.

Animals: [LIST ALL ANIMALS WE WILL CONFISCATE]

\_\_\_\_\_  
[NAME]  
Administrator  
Animal and Plant Health Inspection Service  
U.S. Department of Agriculture

Received by: \_\_\_\_\_ Date \_\_\_\_\_

Title: \_\_\_\_\_



Animal and Plant Health Inspection Service  
*Safeguarding American Agriculture*  
An Equal Opportunity Employer

Federal Relay Service (Voice/TTY/ASCII/Spanish)  
1-800-877-8339

# **Sample Statement of Work**

**USDA**

**Animal Care**

**Licensee/ Registrant Name**

**Statement of Work**

**Describe number of and species of animals involved**

**Working Date (dates of confiscations may change)**



**Statement of Work (SOW)  
for the  
(Description of Confiscation)**

**1.0 General**

**1.1 Background**

A key part of the purpose of USDA APHIS Animal Care is to ensure the humane treatment of animals covered by the Animal Welfare Act. Animal Care inspectors and management are working together to ensure the animals located at (licensee facility) in (City, State) that are most at risk of (description of issue) be removed as soon as possible to prevent the animals from further suffering. The animals most at risk have been determined to be (description of the animals to be transported).

**1.2 Objective**

The objective is to safely remove XX (name species) that have been identified as “at risk” animals and transport the animals to (name the facility and the means of transportation)

**1.3 Scope of Work**

**(SAMPLE DESCRIPTION)**

The contractor will travel from their facility in City, State to the licensee’s facility in City, State, approximately XXX miles each way. The contractor will be responsible for:

Providing the appropriate transport vehicles and transport cages necessary to move **XXX** animals. **Add brief description of the animals to be transported.**

Assisting with loading the animals into transport cages which may include immobilizing (tranquilizing) some of the **(name species)** to ensure safety of both the personnel and the (species)

Furnishing a veterinarian with experience working with, and immobilizing (name species)

Providing all drugs, supplies and equipment necessary to immobilize and safely move **(name species)**

**1.4 Period of Performance**

**SAMPLE DESCRIPTION**

The period of performance of this contract is approximately a **(estimate how long the operation should take from when the contractor leaves until they return to their facility)** xxx hour period and is dependent on the dates that best work for the security of the personnel, and for removing the (species) in a timely manner once the intent to confiscate is issued. The working date of this operation is **INSERT DATE HERE** but may be subject to change. It is understood the contractor will need to travel to City, State the night before the operation.

## 1.5 Place of Performance

***Facility located in City, State***

## 2.0 Specific Requirements/Tasks

### 2.1 Task One

#### **Load (name species) into Transport Enclosures**

Safely load (species), listed below, into (species specific) transport enclosures furnished by the contractor. This process involves the use of a series of veterinary supplies (get list of necessary supplies from contractor) (EXAMPLE) including drugs for immobilization, emergency drugs, fluids and drip sets, and blood testing supplies to screen for nutritional disease and other diseases. (EXAMPLE) A forklift or other lifting device may be necessary and should be on hand to move the larger cages into position to load the (species), and to load (species) that are in the transport cages into the transport vehicles.

#### **It may be necessary to define how the animals are housed and the general plan to load the animals into transport enclosures**

The groupings of the XX identified (species) are listed as how the animals are presently housed. The adult (species), four 10-month old (species), and two 8-month-old (species) may be able to be lured into transport containers without the need for immobilization. However, the contractor should be prepared to immobilize these (species) to safely load them in to transport enclosures. The cubs and younger juveniles may likely be captured safely without the need to immobilize them.

#### **SAMPLE OF LIST OF ANIMALS INVOLVED**

Jackie female (Born 3/27/20) dam is Sally
Marsha female (Born 3/27/20) dam is Sally
Jack male (Born 4/2/2020) dam is Sasha
Sarah female (Born 4/2/2020) dam is Sasha
Lila female (born 5/5/20) dam is Esi
Peter male (born 5/8/20) dam is Tina
Shasta female (born 9/5/2020) dam is Gaylen
Chandra female (born 9/5/2020) dam is Gaylen
Charlie male (born 11/28 2020) dam is Patsy
Myrnah female (born 11/28/ 2020) dam is Patsy
Patsy (mother born 9/26/18) (mother of Charlie and Myrnah)

## 2.2 Task Two **Transport (species) to facility in (City, State)**

Once loaded into transport enclosures, the (species) will be transported via truck, truck/trailer, or car to the (Name of Facility) in (City, State), a distance of approximately XXX miles. This operation will require X vehicles.

## 2.3 Task Three: **Ensure (species) are fit for travel and have appropriate vaccinations**

These (species) have had questionable veterinary care and should be screened for diseases and vaccinated if deemed necessary prior to being shipped to (City, State).

## 3.0 **Delivery or Deliverables**

The working date for this operation is (List Date). The crew responsible for the loading and removal of the (species) is expected to be stationed close enough to the Licensee facility the night prior to the operation so that they can be ready to perform this operation first thing in the morning of the operation following a security briefing.

## 4.0 **Required Travel and Other Direct Costs (ODCs)**

Travel will be required for a team of X personnel, one of which is a veterinarian with experience working with, and immobilizing (species), and all personnel trained and experienced working with and around (age and species). This team will require X rooms at a per diem rate of \$Per Diem Rate per room for one night, and a per diem rate of \$XX.00 per person for X people, for a period not more than X days. The working date of this operation is (LIST DATE), with expected travel to (Licensee City, Date) the day before the operation.

X vehicles will be necessary for this operation. The distance between the Contractor's facility in (name State) and the Licensee's facility (City State) is approximately XXX miles. Mileage at \$0.56 per mile for X vehicles for XXX miles for each vehicle would be an estimated \$TOTAL COST.

## 5.0 **Government Furnished Property/Equipment/Information**

### **SAMPLE DESCRIPTION:**

The government will be furnishing a security team as well as 2-3 Veterinary Medical Officers and a Zoological Field Specialist who is a veterinarian and is Board Certified with the American College of Zoological Medicine. The government veterinarians will oversee the operation and ensure the operation runs smoothly and are there to assist if there are any veterinary emergencies. The security team will provide security to all personnel involved in this operation.

# Appendices

Tip: Depending on your application settings, you may have to use CTRL-click to use hyperlinks.

## Contents

<a href="#">Appendix A. Forms and Worksheets</a>	<a href="#">A-1</a>
<a href="#">Appendix B. General Information</a>	<a href="#">B-1</a>
<a href="#">Appendix C. NCI/Direct/Critical Noncompliance Examples</a>	<a href="#">C-1</a>
<a href="#">Appendix D. Equipment and Supplies</a>	<a href="#">D-1</a>
<a href="#">Appendix E. Body Condition and Size Charts</a>	<a href="#">E-1</a>
<a href="#">Appendix F. Acronyms</a>	<a href="#">F-1</a>

# Appendix A. Forms and Worksheets

## Contents

<a href="#">Official APHIS Forms</a>	<a href="#">A-2</a>
<a href="#">Amended Inspection Report Letter</a>	<a href="#">A-3</a>
<a href="#">Attempted Inspection Checklist</a>	<a href="#">A-4</a>
<a href="#">Attempted Inspection Leave-Behind Flyer</a>	<a href="#">A-5</a>
<a href="#">Attempted Inspection Letter and Enclosure</a>	<a href="#">A-6</a>
<a href="#">Attempted Inspection – Script Following an Attempted Inspection</a>	<a href="#">A-8</a>
<a href="#">Complaint Worksheet</a>	<a href="#">A-12</a>
<a href="#">Environmental Enrichment Plan Inspection Checklist</a>	<a href="#">A-13</a>
<a href="#">Facility Contact Worksheet</a>	<a href="#">A-15</a>
<a href="#">Inspection Report Review Checklist</a>	<a href="#">A-16</a>
<a href="#">Search for Unlicensed Activity Worksheet</a>	<a href="#">A-18</a>
<a href="#">Unsatisfactory Optimal Hours Response Letter</a>	<a href="#">A-19</a>
<a href="#">Bird Breeder/Exhibitor Pre-License List</a>	<a href="#">A-20</a>

## Official APHIS Forms

These forms listed below are linked to the current versions on the Animal Care external website. Depending on your application settings, you may need to hold down the CTRL key when you click on them. Note that the links below for Forms 7003, 7003 A, 7011, 7011 A will bring the user to the site "Regulated Businesses – Request a License/Registration Application Kit" where the user will choose which form is applicable to their situation.

APHIS Form 7002 – Program of Veterinary Care

APHIS Form 7002 A - Animal Care - Program of Veterinary Care for Dogs

APHIS Form 7003 - Application for License (Renewal)

APHIS Form 7003 A – Application for License (New)

APHIS Form 7005 – Record of Acquisition of Dogs and Cats

APHIS Form 7006 – Record of Disposition of Dogs and Cats

APHIS Form 7006A – Continuation Sheet for Record of Disposition of Dogs and Cats

APHIS Form 7011 – Application for Registration - Registration Update

APHIS Form 7011A – Application for Registration Package

APHIS Form 7019 – Record of Animals on Hand (Other than Dogs and Cats)

APHIS Form 7020 – Record of Acquisition, Disposition or Transport of Animals (Other Than Dogs and Cats)

APHIS Form 7023 – Annual Report of Research Facility

Annual report information and forms can be found on our website at:  
[https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/SA\\_Obtain\\_Research\\_Facility\\_Annual\\_Report](https://www.aphis.usda.gov/aphis/ourfocus/animalwelfare/SA_Obtain_Research_Facility_Annual_Report)

APHIS Form 7023A – Continuation Sheet for Annual Report of Research Facility

APHIS 7050 – Environmental Enhancement Program for Non-Human Primates

APHIS 7093 – Contingency Planning Program

## Amended Inspection Report Letter



United States  
Department of  
Agriculture

Marketing and  
Regulatory  
Programs

Animal and Plant  
Health Inspection  
Services

Animal Care

2150 Centre Ave., Bldg B  
Mail Stop 3W11  
Fort Collins, CO 80526

Tel No. 970-494-7478  
Fax No. 970-472-9558

<NAME>  
<ADDRESS>

<DATE>

Dear \_\_\_\_\_:

This amended inspection report, dated XX/XX/XX by the signature block, replaces the previous inspection report dated XX/XX/XX by the signature block. The previous inspection report is no longer valid.

Respectfully,

<YOUR NAME>



Animal Care is a part of the Department of Agriculture's Animal and Plant Health Inspection Service.

An Equal Opportunity Provider and Employer

## Attempted Inspection Checklist

### Attempted Inspection Checklist

Inspector Name: \_\_\_\_\_ Licensee/Registrant name: \_\_\_\_\_

Customer #: \_\_\_\_\_ License/Registration #: \_\_\_\_\_

#### Pre-Inspection Prep:

- ☐ Review ACIS for optimal hours, contact info, facility representatives and Facility Contact Worksheet (if applicable)

Attempted Inspection: ☐ First ☐ Second ☐ Other \_\_\_\_\_ Date \_\_\_\_\_

- ☐ Attempt to make contact - call all contact numbers, honk, knock on doors, ring doorbell, etc.
- ☐ Licensee/Registrant ☐ Facility Representative ☐ Other \_\_\_\_\_
  - ☐ Message left (state name, purpose, phone number, and request return call)
- ☐ Contact made
- ☐ Available within 60 minutes ☐ Not available within 60 minutes (after contact is made)
- ☐ No contact made within 30 minutes of arrival
- ☐ Leave-behind flyer

#### Inspection Outcome:

- ☐ Inspection completed - ☐ Licensee/Registrant ☐ Facility Representative
- ☐ Attempted Inspection report written ☐ No Attempted written, enter reason - \_\_\_\_\_

#### Post-Attempted Procedures (attempt to contact licensee - three tries – document date and time)

1<sup>st</sup> try \_\_\_\_\_ 2<sup>nd</sup> try \_\_\_\_\_ 3<sup>rd</sup> try \_\_\_\_\_

- ☐ No contact made after three tries
- ☐ Send appropriate "Attempted Inspection" letter and "Benefits of Inspection and Optimal Hours" enclosure
    - ☐ Licensee made contact after receiving letter (See below for when contact is made)
    - ☐ No contact made after letter sent (wait at least two weeks before attempting next inspection)
- ☐ Contact made with licensee/registrant - Date \_\_\_\_\_
- ☐ Discuss optimal hours (if eligible), facility rep, etc. as outlined in the Attempted Inspection Script
  - ☐ Complete "Facility Contact Worksheet"
  - ☐ If eligible (2<sup>nd</sup> consecutive attempted/three attempted in two years), set up Courtesy Visit (within two weeks of call/contact) – Date of planned Courtesy Visit \_\_\_\_\_
    - ☐ Licensee/registrant declined Courtesy Visit (state reason in notes section)

Courtesy Visit (after 2<sup>nd</sup> consecutive attempted or three attempted inspections in two years): Date \_\_\_\_\_

- ☐ "Attempted Inspection" PowerPoint ☐ Facility Walkthrough ☐ Facility Contact Worksheet completed/updated
- ☐ Notify licensee/registrant that an unannounced inspection will follow
- ☐ Leave contact info/business card ☐ Ask licensee to notify you of schedule/optimal hour changes, etc.

Unannounced follow-up Inspection (within 2 months of Courtesy Visit): Date \_\_\_\_\_

- ☐ Inspection completed - ☐ Licensee/Registrant ☐ Facility Representative
- ☐ Attempted inspection report written ☐ No Attempted written, enter reason - \_\_\_\_\_
- \*\*If unsuccessful (i.e. a written attempted) – will be automatically routed to the Compliance Support Staff**

#### Notes:

Updated October 3, 2019



## Attempted Inspection Leave-Behind Flyer



*Sorry We Missed You!*

Date:

Time:

Please contact your inspector to discuss your availability for inspection:

Inspector:

Phone:

*Thanks!*

## Attempted Inspection Letter and Enclosure



United States Department of Agriculture

Animal and Plant  
Health Inspection  
Service

4700 River Road  
Riverdale, MD 20737

DATE

Name

Address

Address

Dear Mr. / Ms. (*Name*):

I was at your facility on [DATE] to conduct an inspection. I tried to contact you at the time and, unfortunately, I was not able to complete an inspection. I left a flyer with my contact information at your location. Your availability or contact information may have changed and our records may not reflect your new schedule. My efforts to make contact since the attempted inspection have been unsuccessful, so I am hoping to reach you with this letter.

Please contact me at your earliest convenience to discuss your availability or so I can assist you with finding an alternative arrangement for completing your unannounced inspection, such as identifying a facility representative. Enclosed is a list of benefits of inspection and explanation of optimal hours for inspection.

If you have any questions or concerns regarding compliance at your facility, I am happy to discuss those over the phone as well. In addition, we could talk over and clarify how to address any prior non-compliances that might remain at your facility.

I can be reached at (*your cell phone number*). If I am unavailable, please leave a message that includes your name, phone number, and the best time to return your call. I will call you back as soon as I can. I look forward to speaking with you and working together to achieve a successful inspection.

Sincerely,

Inspector Name Here

Inspector Title Here

USDA, APHIS, Animal Care

Enclosure

Cc: file

USDA Animal Care. Ensuring humane treatment. Serving people. Doing right.

An Equal Opportunity Provider and Employer



United States Department of Agriculture

Animal and Plant  
Health Inspection  
Service

4700 River Road  
Riverdale, MD 20737

## Benefits of Inspection and Optimal Hours

### Benefits of Inspection

- Our inspections provide you with an accurate picture of your compliance with the requirements of the Animal Welfare Act (AWA).
- They allow you the opportunity to ask questions and find out more information about the AWA requirements directly from your inspector.
- If you are experiencing any compliance challenges, our inspectors can work with you to identify potential options for addressing them.

### Optimal Hours for Inspection

Facilities that are not open to the public can define optimal hours for inspection. The benefit of providing optimal hours is that the inspector would know when the licensee/registrant is available and they would not be cited for an attempted inspection if the inspector came outside of those hours. If optimal hours are not provided, the inspector will continue to inspect during regular business hours (7 a.m. to 7 p.m. Monday through Friday).

Optimal hours should be at least four hour blocks of time, 3 days per week, during daylight hours, and between 7 a.m. and 7 p.m. Monday through Friday.

In some cases, it may be difficult to consistently be available during optimal hours. Below are ways to address this concern.

- Contact the inspector by phone, email, or text if your schedule has changed for the week or when you know you will not be available (vacation, medical appointment, wedding, etc.).
- Designate a facility representative that is 18 years or older. They would walk the inspector through the facility to inspect in the event you are not available. If you choose to use a facility representative, your inspector would wait to discuss any inspection related questions or concerns with you prior to issuing the inspection report.

USDA Animal Care. Ensuring humane treatment. Serving people. Doing right.

An Equal Opportunity Provider and Employer

## Attempted Inspection – Script Following an Attempted Inspection

1

### Script Following an Attempted Inspection

#### Greet licensee/registrant in an upbeat, friendly tone.

*Sorry I missed you on \_\_\_\_\_ (date).*

- Thank them for returning your call (if applicable).

*How are things going? How are the animals?*

- Give them a few minutes to relax, talk, and bring up their concerns.

#### \*\*\*For the first Attempted Inspection, skip to “Complete a Facility Contact Worksheet” section\*\*\*

#### After a second Attempted Inspection, schedule a courtesy visit date and time with them.

*I would like to schedule a courtesy visit with you within the next two weeks to confirm the health of your animals and discuss how you can meet the requirements of the regulations.*

- Explain the purpose and objectives of this courtesy visit; mainly, to address their availability concerns, and discuss the requirements. Emphasize that an inspection report will not be written.

*When would be a reasonable date and time within business hours (7 am to 7 pm Monday through Friday) for this visit?*

#### After setting up the courtesy visit, follow the procedure below to complete or update a Facility Contact Worksheet.

#### Complete a Facility Contact Worksheet:

*Have your hours of availability changed?*

- The inspector should fill out the Facility Contact Worksheet to ensure we have the most current hours. Encourage them to email or text you their hours, as often as necessary, if their availability changes frequently.

*Animal Care allows facilities that are not open to the public to declare optimal hours of inspection. Optimal hours are generally four hour blocks of time, during daylight hours, between 7a.m.-7p.m. Monday through Friday at least three days per week. What hours would work for you to make inspections successful?*

- This is not, however, a requirement. Professional judgment should be used to consider two entire days per week or another set of optimal hours that will facilitate the unannounced inspection.

*Let’s see if I have all your current contact phone numbers.*

- Verify cell and home phone numbers.
- If it is a partnership, get partners’ names and contact numbers.
- If it is a corporation, registrant, etc., get contact number for all persons identified on the renewal.

*Is there a work number or any other number to contact you when you’re not at home?*

- Include name(s) and phone number(s) on the Facility Contact Worksheet.

October 7, 2019

## Script Following an Attempted Inspection

If a licensee/registrant says they can leave work for an inspection, verify that it is practical for them to leave work.

*How long does it take to get from work to home?*

- The time should be no more than an hour and still leave time to conduct the inspection.

Fall/winter months: If a licensee/registrant says they work until 5 p.m., discuss that this may not work due to limited daylight hours.

*I am available from 7a.m. to 7p.m., and it typically gets dark earlier at this time of day during the fall and winter months. Would you be able to provide adequate lighting for the inspection process?*

If they say they are not able to provide adequate lighting for inspection ask if there is another solution to conduct an inspection.

*Is there a way, during these months, that I could call you to come home during your lunch break to conduct an inspection?*

*Is there a facility representative who is available a couple of times during the week during these months to take me through to see the animals? It's only a couple months out of the year in which the days are shorter and the whole inspection process should not take that much time.*

*We could delay the exit briefing until you are available and have more time, possibly even the following day (if feasible for the inspector).*

If a licensee/registrant says they work and are not available, explain that inspections are a requirement of the AWA.

*I understand you work and are busy; however, we need to identify a couple of times during the week that either you, or a representative, are available for inspection.*

*The inspections generally occur, at most, a few times a year. The whole inspection process should not take that much time.*

**Tip:** If at any point in the conversation when completing the Facility Contact Worksheet, you feel resistance, you may need to remind the licensee/registrant the importance of conducting an inspection using the talking points below.

- *It is important for Animal Care to validate the health and well-being of your animals.*
- *Our inspections allow you to show that you are complying with the requirements. This is good for your business.*
- *A requirement of having a USDA license is to make the facility, animals, and paperwork available for inspection.*
- *Routine inspections help us to track the sale of the animals to brokers, pet stores, the public, and research entities. An inspection of your facility allows us to ensure compliance at those facilities as well.*

October 7, 2019



## Script Following an Attempted Inspection

Ask them to identify a facility representative and provide their contact information.

*A facility representative can be a neighbor, family member, or friend that is 18 years or older. All the representative will need to do is take me through the facility, they do not have to be responsible for answering questions or addressing concerns.*

*I will then call you\* to discuss any non-compliant item(s) or teachable moments prior to creating the inspection report. Part of compliance is the inspection process. By working together on availability for inspection we would avoid another attempted inspection, which would be a non-compliant item.*

*\*If unreachable by phone during the actual inspection, it is acceptable to delay the exit briefing until the licensee/responsible representative can discuss non-compliant items.*

*Do you have any additional instructions for when an inspection is completed with a facility representative?*

- This could include instructions for calling the licensee's work phone with questions during the inspection or holding off on the exit briefing or report delivery until the licensee is available.

*Do you have any additional instructions to ensure a successful inspection?*

- This could include instructions for locating the licensee or facility representative (e.g., knocking on the kennel door, father lives across the road and can walk through the facility, inspector should call work phone, etc.).

*Do you know of any scheduled days or times when you will not be available for the inspection?*

- This could include a vacation, doctor's appointment, wedding, etc.

*You can call, text, or email me with any changes in availability if anything comes up and I will know you are not available during your regular optimal hours.*

**Tips:** If you get push-back on available times, or they seem hesitant, or you think they may be avoiding inspection:

*How can we work this out, can I help with a solution?*

- May be a good time to be quiet and let them talk.

*Are there concerns of item(s) from the last inspection preventing you from going through with an inspection?*

- If they have concerns, let them talk, support the work they have accomplished.
- Check on the status of NCIs on the last inspection.

*Is there anything you are worried about when you think of me coming through on inspection?*

**Remind them of the resources you can offer them:**

*If you have specific compliance concerns that you wish to address, we can set up a compliance visit or call, where a Compliance Specialist will work with you to help you achieve compliance. E.g., repairs needed to a building, setting up a new area of the facility, or items previously cited that may not be resolved due to misunderstanding corrective actions.*

October 7, 2019

## Script Following an Attempted Inspection

*Remember, when I am not there conducting an inspection, I am available for courtesy visits or can be used as a resource for any concerns or projects with your facility.*

*Feel free to call any time during working hours and if I do not answer, please leave a message and I will return your call as soon as possible.*

After an attempted inspection, if they ask, "When will you be out to inspect next?"

*Your next inspection could be at any time from now up to the next three months.*

After the worksheet is completed, ask:

*Do you have any questions about what we discussed today?*

*Is there anything else I can help you with today?*

*Do you have my phone number and email address?*

- Encourage them to call, text, or email you with any change to their schedule, optimal hours, questions, or concerns.
- Ask them to let you know if their availability for the courtesy visit changes.
- Extend an invitation to tell you of any concerns and that they can request a visit or call from a Compliance Specialist (CS). Let them know they can call you and you can assist with making contact with a CS.


*I will see you on (Date): \_\_\_\_\_ at (Time): \_\_\_\_\_.*

Thank them for their time and willingness to work together with you.

October 7, 2019

## Complaint Worksheet

(For internal use only)

 <div style="text-align: center;"> <h1>USDA-APHIS-Animal Care</h1> </div>		
<h2>ANIMAL WELFARE COMPLAINT</h2>		
Complaint No.	Date Entered:	Processed By:
Referred To:		Reply Due:
<b>Facility or Person Complaint Filed Against</b>		
Name:	Customer No.:	License No.:
Address:		Email Address:
City:	State:	Phone No.:
<b>Complainant Information</b>		
Name:	Organization:	
Address:		Email Address:
City:	State:	Phone No.:
How was the Complaint received?		
Email		
Details of Complaint:		
SEE ATTACHED		
Results:		



## Environmental Enrichment Plan Inspection Checklist

### Environment Enhancement Plan Inspection Checklist Instructions

The Environment Enhancement Plan (EEP) Checklist is intended to help you and the licensee evaluate EE plans. There is no requirement that you use this Checklist. And there is no requirement that an EE plan contain everything on this list.

At facilities, you will see enrichment activities that meet the requirements and are not on this checklist, and that is acceptable. This list is not all inclusive. This is just another tool to help us consider the factors that go into appropriate enrichment.

This Checklist may be used:

- By a new inspector or for training a new inspector
- To prepare for an inspection if you have not reviewed EE Plans in a while
- To assist applicants develop their plans
- To assist licensees if they have a change in their inventory, or have some EE NCIs, or just want to be sure they don't miss anything

**NOTE:** The form should not be retained in ACIS or any facility file. It can be left with the licensee or disposed of at the end of the inspection.

# FOR APHIS INTERNAL USE

## §3.81 Environment Enhancement Plan Inspection Checklist

☐ Licensee/Registrant has a written EEP

☐ EEP has been approved by the AV

### Social needs (a)

#### Housing

- ☐ Group
- ☐ Pair
- ☐ Intermittent social contact
- ☐ Partial social contact
- ☐ Single
  - ☐ justification for single housing available
- ☐ Visual and auditory contact with conspecifics (or compatible species) is provided (a)(3)
- ☐ Other:
- ☐ Plan to meet social needs for individually housed primates

### Special Considerations (c)

- ☐ Infants and young juveniles (c)(1)
  - ☐ Maternal care for infants (until at least 6 months of age)
  - ☐ Social needs of early weaned infants are met
- ☐ Appropriate social opportunities are provided to juveniles
- ☐ NHPs exempted from the EEP are present
  - ☐ Animals exempted from all or part of the EEP receive special attention (c)(3) or (c)(4)
  - ☐ Exemption is either specified as permanent or reviewed by the AV every 30 days (e)(1)
- ☐ Chimpanzees over 110lbs are present
  - ☐ provided with additional opportunities to express species typical behavior (c)(5)

### Program for identifying and managing abnormal behavior (c)(2)

- ☐ Facility staff is able to recognize abnormal behavior
- ☐ Program for behavior assessment
- ☐ Abnormal behavior observed during inspection
  - ☐ hyperaggressiveness
  - ☐ stereotypy
  - ☐ self directed behavior
  - ☐ alopecia
  - ☐ abnormal posture
- ☐ If abnormal behavior observed:
  - ☐ Program for managing abnormal behavior
  - ☐ Program for managing abnormal behavior is assessed and modified as needed

### Environmental Enrichment (b)

#### Structure and Substrate

- Opportunities to express species-typical postures for resting, sleeping, feeding, exploration and play
- ☐ Perches
- ☐ Mirrors
- ☐ Nest boxes (e.g. marmosets, tamarins, owl monkeys, eye apes)
- ☐ Nesting material (e.g. great apes)
- ☐ Scent marking materials (e.g. squirrel monkeys, capuchins, marmosets, tamarins, most primates)
- Opportunities to express species-typical locomotion
- ☐ Swings, ladders, ropes Brachiation
- ☐ (great apes, lesser apes, spider monkeys, woolly monkeys) \*See Policy #7
- Opportunities to make social adjustments
- ☐ Visual barriers
- ☐ Other:

#### Foraging and Exploration

- Foraging enrichment
  - ☐ Puzzle feeders (includes cup feeders, fishing feeders, etc.)
  - ☐ Foraging boards/feeding
  - ☐ Produce requiring processing
  - ☐ Items are regularly filled
  - ☐ Supplies to fill forage devices are present
  - ☐ Program for sanitation and novelty
- Manipulanda
  - ☐ Toys (provided to ALL animals)
  - ☐ Program for sanitation and novelty
  - ☐
- Varied sensory stimuli
  - ☐ Variety of produce offered
  - ☐ Visual stimulation
  - ☐ Olfactory enrichment
  - ☐ Auditory enrichment
  - ☐ Other:

Each item/check box on this list is NOT a requirement under AWR 3.81, the items are listed as commonly used means to meet the requirements for social needs and opportunities to express species typical behavior. The intent of the checklist is to help conduct a thorough assessment of the EEP. The form should not be retained and can be left with the licensee/registrant or disposed of at the end of the inspection.

## Facility Contact Worksheet

### Facility Contact Worksheet

Date:

Licensee/Registrant Name:   
 Customer #:   
 License/Registration #:   
 Inspector Name:

Facilities that are not open to the public are eligible for optimal hours. These hours are generally four hour blocks of time, during daylight hours, three days per week. This is not, however, a requirement. Professional judgment should be used to consider two entire days per week or another set of optimal hours that will facilitate the unannounced inspection. Optimal hours should be between 7am-7pm Monday through Friday.

Availability	Check if all day	Optimal Hours of Availability
Monday	<input type="checkbox"/>	<input type="text"/>
Tuesday	<input type="checkbox"/>	<input type="text"/>
Wednesday	<input type="checkbox"/>	<input type="text"/>
Thursday	<input type="checkbox"/>	<input type="text"/>
Friday	<input type="checkbox"/>	<input type="text"/>

Licensee/Registrant and Contact Numbers:

Name	Home phone	Cell phone	Work phone	Other
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Additional instructions to reach the licensee/registrant (e.g., call work number, son lives next door, etc.):

Facility Representative(s) and Contact Number(s): If licensee/registrant is not available.

Name	Home phone	Cell phone	Work phone	Other
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Additional instructions for inspecting with a facility representative (e.g. call licensee at work with questions, delay the exit briefing/report delivery until licensee is available, etc.):

Current scheduled dates not available - examples: wedding, holiday, vacation, health appointment (write dates only):

Updated October 3, 2019

## Inspection Report Review Checklist

### FOR APHIS INTERNAL USE INSPECTION REPORT REVIEW CHECKLIST

When reviewing an Inspection Report, the reviewer should make sure that all the applicable criteria below are met:

#### General Information

- ☐ Inspection type is correct (Routine, PL Inspection #1, Site Additions are marked as Routine, etc.)
- ☐ Report not written on a canceled site
- ☐ "Prepared by": same as or later than "Inspection date"
- ☐ "Received by" date: before earliest correction deadline, 5 days or less from "Inspection date", and same as or after "Prepared by"
- ☐ Name in "Received by" matches licensee name or is a facility representative
- ☐ Certified mail number included on report, if applicable
- ☐ Reports with Directs were not emailed or sent certified mail

#### Narrative

- ☐ If no NCIs, Report has appropriate statement
- ☐ NCI citation contains all 4 4 parts, if appropriate
  - ☐ Regulation (appropriate section and specific subparts for the NCI)
  - ☐ Description of NCI (clear, appropriate details including animal ID, no diagnosis)
  - ☐ Why the problem is an NCI (appropriate, reasonable consequence)
  - ☐ Appropriate general description of how licensee/registrant can correct the problem, and a reasonable correction deadline (unless Repeat, PL, or New Site Approval inspection)
- ☐ Narrative is clear, reasonably free of improper grammar or spelling errors, and objective
- ☐ Direct NCIs appropriately classified (unless PL)
- ☐ Same problem is not cited in multiple CFRs, unless appropriate
- ☐ Focused inspections are appropriately described
- ☐ Final statement regarding who conducted the inspection and the exit briefing and when it occurred if report not delivered day of inspection
- ☐ Amended reports are not noted as "Amended"
- ☐ No extraneous, unrelated, or inappropriate information
- ☐ Report follows all Inspection Guide requirements and supervisory guidance
- ☐ Pre-License reports have all required statements
  - ☐ Passing PL: type license requested and payment information
  - ☐ Non-passing PL: how many inspections left and deadline date for 90 days window
  - ☐ All PL: no regulated activity statement
- ☐ Look at previous report(s) to verify Repeat NCIs
- ☐ Repeats notated correctly, i.e., inspector didn't shift section numbers (e.g. 3.1 vs. 3.6 for same problem)

- ☐ Inspections not occurring on exact same date each year

**Documentation (photos, videos, document)**

- ☐ Required photos for Repeats, Directs, Corrected Directs, Corrected Vet Care, all NCIs at facility with ongoing IES investigation, and commercial airlines
- ☐ Documentation clearly and accurately depicts the NCI
- ☐ Close-ups and overviews are included as needed for orientation
- ☐ Animal IDs included in picture labels for vet care, space, and when appropriate
- ☐ Animals are present in the photo (if possible)
- ☐ Uploaded or photographed documents or records are readable
- ☐ View videos and listen to audio to ensure content is appropriate and depicts NCIs
- ☐ If documentation contains confidential business information, ensure this is noted in label
- ☐ Labels are present for all documentation and are sufficiently detailed
- ☐ Documentation assigned to appropriate CFR(s) unless showing corrected items or overviews
- ☐ Note if documentation depicts an NCI not included on report
- ☐ Note if required photographs were not included
- ☐ If documentations does not support NCIs or raises any concerns, make note to discuss with inspector

**Animal Inventory**

- ☐ Verify inventory included
- ☐ Assess completeness (numbers make sense with NCI narratives, all species mentioned in report are included, etc.)
- ☐ Note unusually large facilities or unusual mixes of species (e.g. 3000 pigs; 300 dogs + 1 tiger)

**Information which should NOT be on the Inspection Report**

- ☐ No licensee names in body of report
- ☐ No addresses of animal facilities or inappropriately detailed building descriptions
- ☐ No confidential business information
- ☐ No proprietary scientific information

If any errors are noted by the non-Supervisor reviewer, the Inspection Report should be referred to the Supervisor. Supervisors will contact the inspector to discuss the Inspection Report.

**August 2016**

## Search for Unlicensed Activity Worksheet

(For APHIS Internal Use Only)



### USDA, APHIS, Animal Care SEARCH FOR UNLICENSED ACTIVITY

Search Conducted by		Date Conducted	
Name of Establishment		Customer No. if applicable	
Person Contacted			
Address			
City	State	Zip	Phone No
Reason for search			


Regulated activity verified Yes <input type="checkbox"/> No <input type="checkbox"/>	Non-compliances present Yes <input type="checkbox"/> No <input type="checkbox"/>	Inspection Report done? Yes <input type="checkbox"/> No <input type="checkbox"/>
Application packet and information provided? Yes <input type="checkbox"/> No <input type="checkbox"/>		

#### Details of Search:

INSPECTOR	DATE
REVIEWED BY	DATE



## Unsatisfactory Optimal Hours Response Letter

<b>Animal and Plant Health Inspection Service</b>  4700 River Road Riverdale, MD 20737		United States Department of Agriculture
	<hr/>	
	(Date)	
	(Name) (Address)	
Dear (Name),		
<p>The inspection process is fundamental to ensuring the well-being of all animals regulated under the Animal Welfare Act. As a courtesy to persons licensed or registered under the Animal Welfare Act, we allow the licensee or registrant to identify optimal hours during only a few weekdays, as opposed to all five, during which we make every effort to conduct our unannounced inspections. Although we provide this courtesy, we retain the authority to inspect at any time during business hours. These "business hours" are defined in the regulations as a reasonable number of hours between 7 a.m. and 7 p.m., Monday through Friday.</p>		
<p>The hours that you requested ( ) are not considered sufficient to facilitate unannounced inspections. Current agency guidance states optimal hours for inspection should be at least four hour blocks of time during daylight hours 3 days per week. Alternative arrangements may be accepted by inspectors if they feel that it will adequately facilitate unannounced inspections. Until such time as you designate appropriate optimal hours for inspection, APHIS Officials will continue to inspect during regular business hours.</p>		
<p>We recognize that depending on your circumstances, it may be difficult to arrange consistent times of availability during those hours, therefore, you may also elect to designate an alternative authorized person if there is someone else that is able to facilitate inspection in the event that you are not available.</p>		
<p>If you do not designate hours of inspection or an alternative authorized person and no one is available when we arrive to conduct an inspection during regular business hours, this will be cited as an attempted inspection. In accordance with current agency guidance, we will call any phone number(s) provided by you and wait for up to 30 minutes. If you or an authorized person can be at the facility within that time we will wait and conduct the inspection when you arrive. If no one can be contacted within 30 minutes, or no authorized person is available, your unavailability will be documented as an attempted inspection.</p>		
<p>If you do provide appropriate optimal hours of inspection, then you will only be cited for an attempted inspection if no one is available during these designated hours.</p>		
<p>If you have any questions or would like to discuss or establish appropriate optimal hours, please contact me at (your cell here) .</p>		
<p>Sincerely, (Your Name Here ) (Your Title Here ) (USDA, APHIS, Animal Care)</p>		
Cc: file		
<p>An Equal Opportunity Provider and Employer</p>		

## Bird Breeder/Exhibitor Pre-License List

### Bird Breeder/Exhibitor Pre-License List

This list is for inspectors to use to ensure important and relevant topics are discussed with all applicants during first pre-license inspection. Ensuring full compliance of the applicant's facility and paperwork is critical prior to licensure. The Inspector should be on time for the scheduled inspection, be courteous, carry identification and business cards, and have all necessary equipment and supplies, including shoe covers and temperature measuring equipment to conduct the inspection. Directs can be pointed out to the applicant and recorded as non-compliant items in the report, but not specifically cited as directs. SACS should be notified when direct NCIs are identified during a pre-license inspection. Photographs should not be taken. Team inspections are required for third pre-licenses. This list is not intended to be all-inclusive.

#### **2.40 Attending Veterinarian and Adequate Vet Care**

- ☐ Formal arrangement with Attending Veterinarian (AV) and written and approved Program of Veterinary Care
- ☐ AV has conducted an on-site visit
- ☐ AV has been given appropriate authority to provide care
- ☐ Program in place to observe animals daily
- ☐ Veterinary records are current and birds receiving veterinary care are properly documented
- ☐ Medication is properly labeled, not expired, and the route, duration, and dosage are listed. Routine medication is also labeled correctly with the same information.
- ☐ Preventative medication protocols as listed on the PVC were discussed and compared with what was onsite
- ☐ All birds have been observed for long toenails, poor feather and skin conditions, beak symmetry, obvious eye issues, evident respiratory issues, lameness or swelling of the feet, adequate body condition, ensure space in all enclosures is adequate for normal postural and social adjustments such as dust-bathing and foraging, and birds exhibiting common behavior disorders have been properly addressed

#### **2.50 Time and Method of Identification**

- ☐ When delivered for transportation or otherwise acquired or disposed of, birds are identified at the time of delivery by a label (attached to the primary enclosure with the number of birds, species, distinctive physical features and identifying marks), or by either a leg or wing band applied to each bird, or by microchip

#### **2.75 Records**

- ☐ All birds, including hatchlings, have records of the following information on where birds were acquired from or sold or otherwise dispose of including birds euthanized or died: the name and address of the person, the license or registration number of that person (if not licensed or registered, the vehicle license number with state and driver's license number), the date of acquisition or disposition, the species of bird, and number of animals in the shipment. Records of offspring can be delayed to prevent unduly disturbing nesting or rearing activities.

#### **2.134 Contingency Planning**

- ☐ There is an appropriate plan to provide for the humane handling, treatment, transportation, housing, and care of birds in the event of an emergency or disaster

#### **2.126 Access and Inspection of Records and Property**

- ☐ Explained and received hours of availability
- ☐ Explained that by conducting regulated activity and obtaining a license, the applicant will allow APHIS Inspectors to enter the place of business during business hours; examine records; make copies of records; inspect and photograph the facilities, property, and animals; document areas of noncompliance
- ☐ Ensured a responsible adult is present and available to accompany Inspector during entire inspection

#### **3.150 Housing Facilities, General**

- ☐ Housing facilities are structurally sound, in good repair, protect birds from injury, restrict other animals from entering that could impact the bird's welfare, and contain all birds securely
- ☐ Have protected areas for flight-restricted birds that are allowed to roam free and are not monitored
- ☐ Avian housing areas are free of clutter, weeds, and trash; facilities are kept neat and tidy
- ☐ Surfaces are able to be cleaned and/or sanitized or removed and replaced when worn or soiled. Surfaces are:
  - Nontoxic
  - Free of rust or damage that affects integrity or cleaning
  - Free of sharp or jagged edges that could cause injury
- ☐ Has reliable electrical power if necessary for carrying out husbandry requirements
- ☐ Has potable water for the birds' drinking needs, cleaning, and other husbandry requirements
- ☐ Food, food supplements, and bedding stored to avoid deterioration and contamination and are off the floor and away from the walls
- ☐ Cleaning products and waste must not be stored with food, food preparation areas, and bedding supplies
- ☐ Waste disposal occurs frequently to minimize contamination and disease risk, and trash is contained to minimize odors and be inaccessible to animals and pests
- ☐ Drainage systems allow waste and water to be rapidly eliminated so birds have the option to remain dry, minimize pest, and prevent odors and disease risk to birds
  - For closed drainage systems, equipped with traps and prevents backflow of gases and backup of waste
  - Waste disposal ponds must be located to prevent odors, diseases, and pest away from birds



### **3.151 Indoor Housing Facilities**

- ☐ The temperature (including all aquatic areas), humidity, and ventilation are sufficiently regulated and appropriate for the bird's health and well-being. Drafts are minimized.
- ☐ Lighting is sufficient for the birds, routine inspections, and cleaning. The lighting prevents excessive illumination.
- ☐ Indoor pools or other aquatic areas have sufficient space to allow for typical behaviors (i.e. diving)

### **3.152 Outdoor Housing Facilities**

- ☐ Birds are acclimated to the temperature (including all aquatic areas) and humidity
- ☐ Shelter is available and appropriate for the local climatic conditions to protect all birds from any adverse weather conditions. Shelters must be adequately ventilated, have shade, and provide protection that comfortably contains all the birds at one time, without causing intraspecific aggression or grouping of incompatible birds, to prevent their discomfort from direct sunlight, precipitation, or wind.

### **3.153 Primary Enclosures**

- ☐ Structurally sound and in good repair, protect birds from injury, have no sharp edges, contain the birds securely, and restrict other animals from entering
- ☐ Provides all birds shelter and protection for climatic conditions, shade, and ensures birds have the option to remain dry and clean
- ☐ Easy access to clean food and potable water for all birds
- ☐ Ensures all surfaces can be cleaned and/or sanitized or replaced when worn or soiled
- ☐ Flooring protects the birds' feet and legs from injury and is sufficiently taut if suspended
- ☐ Any substrate used must be clean and safe
- ☐ Objects inside the enclosure must be species-appropriate and prevent harm to the bird
- ☐ Have sufficient number of perches of appropriate size, shape, strength, texture, and placement to comfortably hold all the birds and are appropriate for the age and species
- ☐ Prevent injuries due to predation, territorial disputes, or aggression from animals held in adjacent enclosures
- ☐ Each bird has enough space to make normal postural and social adjustments and escape an aggressive animal
- ☐ If tethered, is appropriate, does not cause harm or entangle the birds, and has sufficient space to fully extend wings
- ☐ Provide structures and/or materials that meet reproductive needs during breeding times
- ☐ Traveling enclosures meet space, safety, bedding, perch, and physical environment requirements for transport enclosures as specified in transportation regulations
- ☐ Wading and aquatic birds have a pool or other aquatic area and dry area that is appropriately sized to allow for normal postural and social adjustments, such as immersion and swimming

### **3.154 Environmental Enhancement**

- ☐ Has a written species-appropriate plan for environment enhancement to promote the psychological well-being of all birds, including addressing the social needs of social species, enriching the physical environment by materials or activities that would provide the means to express noninjurious species-typical activities, and providing special attention to young birds, birds showing psychological distress, and social species of birds that are unable to see and hear birds.

### **3.155 & 3.156 Feeding and Watering**

- ☐ Potable water and palatable and nutritious food are conveniently accessible and of sufficient quantity to provide for hydration and to maintain normal weight
- ☐ Food and water receptacles are clean, provides enough for all birds, and placed in a manner to prevent contamination

### **3.157 Water Quality**

- ☐ Aquatic areas are not detrimental to the health of the birds
- ☐ Food waste, trash, or debris are removed as often as necessary to maintain water quality
- ☐ Pools or other aquatic areas without drainage systems are aerated and have freshwater incoming or be managed in a manner that maintains appropriate water quality
- ☐ If water is chemically treated, it does not harm the birds
- ☐ Pools and other aquatic areas salinized as necessary

### **3.158 Cleaning, Sanitization, Housekeeping & Pest Control**

- ☐ All enclosures are free of excessive feces and food waste to prevent soiling of the bird and reduce pest and odors
- ☐ Primary enclosures and food and water receptacles are sanitized as often as necessary to prevent accumulation of dirt, debris, food waste, excreta, and other disease hazards
- ☐ If cleaning or sanitization is delayed, a schedule of cleaning or sanitization is documented
- ☐ Hard surfaces of primary enclosures, food and water areas, and equipment must be sanitized before a new bird is brought into the housing facility
- ☐ Enclosures using materials that cannot be sanitized must be removed to prevent waste accumulation, odors, and pests
- ☐ The premise is clean, in good repair, tidy, and free of clutter, over-grown weeds, trash, and junk
- ☐ Effective and safe pest control measures are appropriate

### **3.159 Employees**

- ☐ There are a sufficient number of trained employees to care for and properly maintain the number of birds and enclosures

### **3.160 Compatibility and Separation**

- ☐ Birds are only housed with other compatible animals, do not prevent access to food, water, or shelter, and are not hazardous to the health and well-being of each other
- ☐ Socially dependent birds must be housed in social groups, unless exempted by the attending veterinarian

# Appendix B. General Information

## Contents

<a href="#">Dangerous, Potentially Dangerous, and Special License Animals</a>	<a href="#">B-2</a>
<a href="#">Options for Identification of Dogs and Cats</a>	<a href="#">B-3</a>
<a href="#">Personally Identifiable Information (PII) Examples</a>	<a href="#">B-4</a>
<a href="#">State and Territory Identification Codes</a>	<a href="#">B-5</a>

## Dangerous, Potentially Dangerous, and Special License Animals

Section	Title	Topic	Designation	Animal Group	Animal
2.1(b)(2)(ii)	Licensing	Requirements and Application	Special license needed	Wild and exotic felids	Lions, tigers, leopards, cheetahs, jaguars, cougars, lynx, servals, bobcats, caracals, and any hybrids between these animals
				Hyenas and/or wild and exotic canids	Hyenas, wolves, coyotes, foxes, and jackals
				Bears	All
				Megaherbivores	Elephants, rhinoceroses, hippopotamuses, giraffes, and others per AC
				Group 5 nonhuman primates	Baboons and non-brachiating species larger than 33 lbs.
				Group 6 nonhuman primates	Great apes over 55 lbs. and brachiating species
2.131(d)(3)	Handling	Public contact	Dangerous	Lions Tigers Wolves Bear Elephants Others per AC	
3.127(d)	Perimeter fence	Perimeter fence height	Potentially dangerous	Large felid Bears Wolves Rhinoceros Elephants Others per AC	Large felids: Lions Tigers Leopards Cougars Others per AC
3.140	Care in transit	Transport standard	Otherwise dangerous	Wild or otherwise dangerous	None listed

## Options for Identification of Dogs and Cats



### USDA-APHIS-Animal Care



#### Options for Identification of Dogs & Cats

TAGS: The tags must contain the following information: USDA# (48-A-0000) & Individual # (personal ID #: 1, 27, 32, etc.)

NOTE: Tags **MUST** include the letters USDA

MICROCHIPS: The microchip implants must be placed in a standard anatomical location and the licensee/registrant must have an appropriate microchip scanner device available to USDA APHIS officials.

Tattoo: The tattoo letters will be issued by this office after a written request from the licensee.

#### ID TAGS

##### **Metal:**

Ketchum Mfg. Co.  
11 Town Shed Rd.  
Lake Luzerne, NY 12846  
(800)222-0460  
<http://www.ketchummfg.com>

Nat'l Band & Tag Co.  
721 York St.  
New Port, KY 41072  
(859)261-2035  
<http://www.nationalband.com>

The Keyes- Davis Co.  
P.O. Box 1557  
Battle Creek, MI 49015  
(269)962-7505  
<http://www.keyesdavis.com>

##### **Plastic:**

Nat'l Band & Tag Co.  
721 York St.  
New Port, KY 41072  
(859)261-2035  
<http://www.nationalband.com>

##### **Microchips:**

AVID ID Systems  
3185 Hammer Ave.  
Norco, CA 92860  
(800)371-7505  
<http://avidid.com>

Home-Again  
5580 Centerview Drive  
Raleigh, NC 27606  
(888)466-3242 (1-888-HOMEAGAIN)  
<https://www.homeagain.com>

Revival Animal Health Inc.  
P.O. Box 200  
Orange City, IA 51041-0200  
(800)786-4751  
<https://www.revivalanimal.com/>

USDA does NOT endorse the specific companies listed here.

Many other companies supply tags and microchips that will comply with USDA standards.

## Personally Identifiable Information (PII) Examples

Personally Identifiable Information (PII) is information that can be used to uniquely identify an individual. The following are some examples of data which when combined with an individual's name constitute PII. For a decision on other data elements not indicated on this list, contact the USDA Chief Privacy Officer. Examples include:

- |  |   |  |
|--|---|--|
| • Bank account numbers                                   | include ratings, disciplinary actions, performance elements and standards                         | height, blood pressure)  |
| • Biometric record (such as fingerprint, iris scan, DNA) |   | • Mother's maiden name   |
| • Date of birth  | • Financial information   | • Place of birth   |
| • Credit card numbers                                    | • Medical history information (including medical conditions and metric information, e.g., weight, | • Security clearance history or related information (not including actual clearances held) |
| • Criminal history                                       |   | • Social security number   |
| • Employment information to                              |   |  |

The identification of PII requires an analysis of material in context.<sup>1</sup>

The following examples, taken alone, would generally not constitute PII. Please consult the USDA Chief Privacy Officer for additional guidance.

- |  |  |   |
|--|--|---|
| • Academic information (credentials, areas of study) | personal)  | • Resumes, unless they include an SSN                               |
| • An individual's name                               | • Employee present and past grades (and salary privacy) <sup>2</sup>             | • Security clearances held  |
| • Digital pictures                                   | • Employee present and past position titles and occupational series <sup>2</sup> | • Street addresses (work and personal)                              |
| • EIN/TIN as a business identifier                   | • Phone numbers (work, home, cell)   | • Written biographies (like the ones used in pamphlets or speakers) |
| • Email addresses (work and                          |  |   |

<sup>1</sup> OMB's Memorandum, M-07-16 (of May 22, 2007, "Safeguarding and Responding to the Breach of Personally Identifiable Information") requires an analysis of PII in context: "For example, an office rolodex contains personally identifiable information (name, phone number, etc.). In this context the information probably would not be considered sensitive; however, the same information in a database of patients at a clinic which treats contagious disease probably would be considered sensitive information. Similarly, using a best judgment standard, discarding a document with the author's name on the front (and no other personally identifiable information) into an office trashcan likely would not warrant notification to US-CERT.

<sup>2</sup> OPM Regulation, 5 C.F.R. § 293.311 states that the following information "about most present and former Federal employees, is available to the public: (1) Name; (2) Present and past position titles and occupational series; (3) Present and past grades; (4) Present and past annual salary rates ... (5) Present and past duty stations; and (6) Position descriptions, identification of job elements, and those performance standards (but not actual performance appraisals) that the release of which would not interfere with law enforcement programs or severely inhibit agency effectiveness..."

## State and Territory Identification Codes

Alphabetical List		Numerical Order List	
64	ALABAMA	11	MAINE
96	ALASKA	12	NEW HAMPSHIRE
86	ARIZONA	13	VERMONT
71	ARKANSAS	14	MASSACHUSETTS
93	CALIFORNIA	15	RHODE ISLAND
84	COLORADO	16	CONNECTICUT
16	CONNECTICUT	21	NEW YORK
50	DELAWARE	22	NEW JERSEY
58	FLORIDA	23	PENNSYLVANIA
67	GEORGIA	31	OHIO
97	GUAM	32	INDIANA
95	HAWAII	33	ILLINOIS
82	IDAHO	34	MICHIGAN
33	ILLINOIS	35	WISCONSIN
32	INDIANA	41	MINNESOTA
42	IOWA	42	IOWA
48	KANSAS	43	MISSOURI
61	KENTUCKY	45	NORTH DAKOTA
72	LOUISIANA	46	SOUTH DAKOTA
11	MAINE	47	NEBRASKA
69	MARIANA ISLANDS	48	KANSAS
51	MARYLAND	50	DELAWARE
14	MASSACHUSETTS	51	MARYLAND
34	MICHIGAN	52	VIRGINIA
41	MINNESOTA	54	WEST VIRGINIA
65	MISSISSIPPI	55	NORTH CAROLINA
43	MISSOURI	56	SOUTH CAROLINA
81	MONTANA	57	GEORGIA
47	NEBRASKA	58	FLORIDA
88	NEVADA	61	KENTUCKY
12	NEW HAMPSHIRE	63	TENNESSEE
22	NEW JERSEY	64	ALABAMA
85	NEW MEXICO	65	MISSISSIPPI
21	NEW YORK	69	MARIANA ISLANDS
55	NORTH CAROLINA	71	ARKANSAS
45	NORTH DAKOTA	72	LOUISIANA
31	OHIO	73	OKLAHOMA
73	OKLAHOMA	74	TEXAS
92	OREGON	81	MONTANA
23	PENNSYLVANIA	82	IDAHO
94	PUERTO RICO	83	WYOMING
15	RHODE ISLAND	84	COLORADO
56	SOUTH CAROLINA	85	NEW MEXICO
46	SOUTH DAKOTA	86	ARIZONA
63	TENNESSEE	87	UTAH
74	TEXAS	88	NEVADA
87	UTAH	91	WASHINGTON
13	VERMONT -	92	OREGON
52	VIRGINIA	93	CALIFORNIA
91	WASHINGTON	94	PUERTO RICO
54	WEST VIRGINIA	95	HAWAII
35	WISCONSIN	96	ALASKA
83	WYOMING	97	GUAM

# Appendix C. NCI/Direct/Critical Noncompliance Examples

## Contents

<a href="#">Examples for Dogs and Cats</a>	<a href="#">C-3</a>
<a href="#">Examples for Other Animals</a>	<a href="#">C-14</a>

**These examples are intended to assist the inspector when determining if an issue identified is a Non-Critical NCI, a Direct NCI, or a Critical NCI. A “Direct” noncompliance is a Critical noncompliance that is currently (at the time of the inspection) having a serious or severe adverse effect on the health and well-being of the animal.**

**This is not a complete list of possible NCIs; these are representative of the types of NCIs that may be identified. If you are unsure if an issue is an NCI and a Direct or a Critical, contact your SACS.**

If an issue is identified as a non-critical NCI, the inspector should determine if it should be cited on the Inspection Report.

Any issue that does not rise to the level of an NCI is in compliance.



## Examples for Dogs and Cats

### Section 2.40 - Attending Veterinarian and Adequate Veterinary Care and Section 3.13 Veterinary Care for Dogs

The Veterinary Care Flow Chart should be followed for all applicable decisions regarding veterinary care citations. The main purpose of this chart is to assist the inspector in distinguishing between a non-critical, Direct, or Critical NCI.

If a licensee or registrant can demonstrate via records or other means that he/she has taken the proper steps to mitigate the injury and/or death of the animal, a noncompliance has **not** occurred:

- These proper steps include, but are **not** limited to:
  - Identifying the condition requiring veterinary care in a timely manner,
  - Acquiring veterinary care and/or initiating treatment in a timely manner, and/or
  - Following the treatment instructions of the Attending Veterinarian

Condition	NCI	Direct	Critical
Nails	Nails that are changing the shape of foot (e.g., pushing toes upwards, twisting toes), nails curling around wire floor (likely to be stuck), nails causing an alteration of the animal's gait.	Nails embedded in the paw pads; nail(s) broken past quick with evidence of other long nails. Significant alteration in animal's gait or posture (3-legged lame).	
Eyes (cherry eye)	A cherry eye with mild to moderate inflammation (i.e., redness, swelling, and/or mild to moderate clear discharge) or a large cherry eye (over iris/affecting vision)	Dog is demonstrating irritation (i.e., pawing at eye, squinting). A cherry eye associated with severe inflammation of the conjunctiva, marked discharge or mucoid (yellow-green) discharge, foreign material caked on cherry eye, and/or ulcerated cherry eye	
Eyes (other)	An eye problem (cloudy eye, small eyelid mass, entropion (rolling of the eyelid), etc.) with mild to moderate serous (clear) discharge and/or mild to moderate conjunctival inflammation (redness, swelling), corneal ulcer with mild to moderate corneal swelling/edema, serous (clear) discharge, and/or conjunctival inflammation. Microphthalmia or Anophthalmia (small or missing eye) with mild to moderate serous or mucoid discharge.	Marked/severe inflammation (redness and/or swelling) of the conjunctiva or cornea, significant mucoid (yellow-green discharge), marked serous (clear) discharge, dog is demonstrating irritation (i.e., pawing at eye, squinting). Chronic Entropion (i.e., with mucoid discharge, pawing, squinting, or obvious corneal ulceration). Microphthalmia or Anophthalmia (small or missing eye) with severe serous or mucoid discharge as well as physical signs such as pawing, squinting, or an obvious injury.	

Condition	NCI	Direct	Critical
Interdigital Cysts	<p>Cysts with active inflammation (red, swollen). Cysts where the skin appears moist / edematous. The vet care flow chart should be followed – for example, kennels with an overall good program of foot care &amp; documentation of prior identification &amp; treatment, where the licensee missed one dog with a cyst that would otherwise fall in the regular NCI category may not be cited. If this occurs, talk to the breeder about initiating treatment per the AV's recommendations.</p> <p>Multiple animals with cysts at a kennel where the licensee has not talked to the AV about a management program or ways to avoid cysts (or the Licensee is not following the AV's advice) may be cited.</p>	<p>Cysts causing lameness.</p> <p>Cysts that the dogs are actively licking / appear painful.</p> <p>Cysts that are bleeding / bloody.</p>	
Matted Hair	<p>Lots of individual mats (i.e., high percent of the body &amp; estimate size in report narrative), matted hair that is slightly wet or dirty (not freezing conditions), matted hair that is twisted and you can see the skin slightly being pulled / corded. Follow the vet care flow chart. For example, lack of a program for dealing with matted hair / regular grooming with multiple dogs affected may be cited, but one or two dogs may not be.</p>	<p>Coalescing or large/thick mats (large areas), underlying skin problems (red, wet, etc.), significant amount of feces, urine or marked foreign material in mats, severe matting in wet and/or cold conditions (e.g., outdoor dogs in snow).</p>	
Skin	<p>Alopecia with abnormal skin (crusty lesions, scabs, dandruff, thickened skin, etc.).</p> <p>Significant alopecia with or without abnormal skin (estimate size) in report narrative).</p> <p>Dog is scratching and/or chewing various parts of the body frequently enough that it is interfering with normal behavior. Dog appears uncomfortable; can't sit or lay down without returning to the scratching/chewing.</p>	<p>Skin lesions (alone or associated with alopecia) with active scratching, chewing, vocalizing, or showing other signs of discomfort or distress.</p>	

Condition	NCI	Direct	Critical
Ears	<p>Mild to moderate head tilt or circling without other signs.</p> <p>Mild to moderate ear discharge or odor WITH one or more of these mild to moderate signs: head shaking, ear scratching, vocalization, or reluctance to have ear examined.</p> <p>Fly bite ears without the additional clinical signs listed above.</p>	<p>Marked ear discharge or odor WITH one or more of these severe signs: head shaking, ear scratching, vocalization, or reluctance to have ear examined, severe discharge / purulent discharge (e.g., running down face or head), aural hematoma's resulting from head shaking (i.e., with excessive discharge), head tilt / circling, head tilt / circling w/ loss of body condition.</p> <p>Note: These severe signs alone (without ear discharge and odor) may also be considered a direct.</p> <p>Fly bite ears with associated severe inflammation, severe discharge, scratching, and/ or hematoma.</p>	
Teeth	<p>Mild to moderate tartar and associated gingivitis (red, swollen gums, minor bleeding). Recessed gums without loose teeth, foul odor, and swelling.</p>	<p>Severe tartar and associated gingivitis with severe redness and swelling, loose teeth, significant bleeding gums, foul odor; teeth completely encased in a rock of tartar and/or significant debris (hair, food, etc.) entrapped in the teeth/gumline; presence of pus/discharge with a strong odor; physical signs such as weight loss or excessive salivation or behavioral signs such as pawing at the face/head, drooling, hiding, head shyness; draining tracts from the mouth to the surface of the head/face with active discharge.</p>	
Tick/Flea Infestation	<p>Light to moderate flea or tick infestation without clinical signs.</p>	<p>Heavy tick/ flea infestation (i.e., a high number of external parasites are visible) with associated evidence consistent with scratching and/or chewing, lethargy, pale mucous membranes, and/or labored breathing</p>	
Gastro-intestinal	<p>Mild to moderate loose stools with no explanation provided by the licensee/registrant (diet change, recent treatment), or if the licensee/registrant states that the loose stools have occurred for greater than 2 days without intervention. There may be some drops of blood/mucus, the dog may be slightly depressed/lethargic.</p>	<p>Stools that are severely loose, bloody, or watery and are associated with an anorexic, emaciated and/ or moderately to severely lethargic dog(s).</p>	

Condition	NCI	Direct	Critical
Respiratory	Bright, alert animal with occasional but recurring cough. Moderate amount of serous discharge from eyes or nose.	Ongoing respiratory condition with severe cough, labored breathing, and/ or severe abnormal (purulent or yellow-green) nasal or eye discharge. May be associated with anorexia (i.e., thin dog) and/or lethargy.	
Infectious disease	See individual body systems (i.e., respiratory, gastro-intestinal) for guidance.	Presence of a contagious disease, such as parvovirus infection, with associated severe symptoms and <b>no</b> isolation area to seclude the affected dogs from the rest of the kennel.	
Wounds	Minor injuries, puncture wounds from dog fights.	Any untreated, prolapsed, open lesion/ wound where the skin is pulled back to expose underlying tissue, muscle, bone. Any untreated puncture wounds with large swelling and obvious discomfort (crying when touched, pulling away when touched, lethargy, anorexia). Large or severe wounds with signs of severe infection (purulent/yellow-green discharge) or excessive bleeding.	

**NOTE:**

- All example conditions do **not** need to be present to be able to cite.
- Verbally remind the licensee that it would be beneficial to the inspection process for the licensee to have instructions for chronic conditions from the AV (not mandatory to have in writing from AV).

**Section 2.130 - Minimum Age Requirements**

Minimum Age Requirements	While reviewing transportation documentation a puppy is noted that is too young to have been weaned upon transfer has been transported without the dam. Transportation of a dog or cat that has <b>not</b> been weaned, <b>without</b> their dam or queen, and <b>without</b> appropriate variances or exceptions (if required).	Transportation of a dog or cat that has <b>not</b> been weaned, <b>without</b> their dam or queen, and <b>without</b> appropriate variances or exceptions (if required) and animals are experiencing an adverse effect (loss of weight, crying, anorexia, lethargy).	Transportation of a dog or cat that had <b>not</b> been weaned, <b>without</b> their dam or queen, and <b>without</b> appropriate variances or exceptions (if required) and animals experienced an adverse effect.
--------------------------	--	--	--

**Section 2.131 – Handling of Animals (Dogs and Cats)**

See examples in NCI Examples for Other Animals

**Section 3 – Standards for Dogs and Cats**

**Section 3.1(a)**

Housing Facilities, general, structure, construction	Structural deterioration, such as rusted support posts, where the structure is not a potential to fall on animals.	Structure deterioration, such as rusted support posts, where the structure falls on and injures an animal during the inspection.	Structural deterioration, such as rusted support posts, where the structure had fallen on the dogs and caused injury or death.
--	--	--	--

Condition	NCI	Direct	Critical
	Facilities <b>not</b> maintained; animals escape and are returned unharmed.	Facilities <b>not</b> maintained; during the inspection animals escaped and were severely injured or died.	Prior to the inspection, facilities <b>not</b> maintained; animals escaped and were not returned or were severely injured or died.
	Live electric wire exposed to and within easy reach of dogs (insulation removed, and/or bare ends of cord exposed).	Live electric wire exposed to and within easy reach of dogs (insulation removed, and/or bare ends of cord exposed) and during the inspection one or more animals experienced a serious burn, or other serious injury.	Live electric wire exposed to and within easy reach of dogs (insulation removed, and/or bare ends of cord exposed) and animal experienced a severe burn, other serious injury, or died as a result.

Regulation	NCI	Direct	Critical
------------	-----	--------	----------

**Section 3.1(b)**

Housing Facilities, General: Condition and site	Clutter making it difficult or impossible to clean/sanitize or evidence of rodent/vermin infestation.	Gross contamination found in dog food bowls, mixed with feed, resulting in one or more dogs showing serious, related clinical signs, such as vomiting or diarrhea during the inspection.	Prior to the inspection, gross contamination found in dog food bowls, mixed with feed, resulted in one or more dogs showing serious, related clinical signs, such as vomiting or diarrhea.
---	---	--	--

**Sections 3.2(a), 3.3(a), 3.5(a)**

Indoor Housing Facilities, Sheltered; or Housing Facilities; Mobile; or Traveling Housing Facilities	Temp marginally below/above allowable range (between 35-45°F or slightly above 85°F), animals not showing signs of distress.	Temperature outside of allowable ranges, animal showing signs of distress during the inspection.	Prior to the inspection, temperature was outside of allowable ranges, animal died or was severely affected as a result.
--	--	--	---

**Sections 3.2(b), 3.3(b), 3.5(b)**

Indoor Housing Facilities; or Sheltered Housing Facilities; or Mobile or Traveling Housing Facilities	Lack of ventilation without noxious fumes; animals may show sign(s) of discomfort.	Lack of ventilation to the point where there are noxious fumes (e.g., your eyes burn) at the level of the animal's eyes and nose; dogs are showing signs of discomfort and/or distress, such as squinting, coughing, sneezing, nasal discharge, etc.	
---	--	--	--

**Sections 3.2(c), 3.3(c), 3.5(c)**

Indoor Housing Facilities, Sheltered Housing Facilities, Mobile or Traveling Housing Facilities	Absence of lighting and/or absence of diurnal cycle ( <b>no</b> windows and <b>no</b> broad-spectrum lighting with appropriate cycling of light and dark).	Absence of lighting and/or absence of diurnal cycle ( <b>no</b> windows and <b>no</b> broad-spectrum lighting with appropriate cycling of light and dark) and signs of stress, distress, or poor health are evident.	
---	--	--	--

Regulation	NCI	Direct	Critical
	<p>Lighting is not sufficient to maintain good housekeeping and cleaning (dark areas have accumulation of dirt) and adequate inspection cannot be performed in all areas.</p> <p>There are no apparent health impacts on the animal(s).</p>		

**Sections 3.3(d), 3.4(b)**

Sheltered Housing Facilities, Outdoor Housing Facilities, Shelter from the elements	Sheltered area not large enough for all dogs/cats to sit, stand lie in a normal manner, and to turn about freely and temp over 50°F. Animals are not showing severe signs of distress.	Sheltered area <b>not</b> large enough for all dogs to sit, stand, lie in a normal manner, and to turn about freely, and temperature under 50°F or over 85 °F; dogs showing signs of discomfort and/or distress, such as heavy panting, or shivering.	
---	--	---	--

**Section 3.4(a)**

Outdoor Housing Facilities	Dogs and cats maintained in areas to which they are <b>not</b> acclimated to the temperatures prevalent in the areas. Animals are not showing severe signs of distress.	Dogs and cats maintained in areas to which they are <b>not</b> acclimated to the temperatures prevalent in the area, and/or breeds of dogs and cats maintained in areas in which they <b>cannot</b> tolerate the prevalent temperatures <b>without</b> stress with veterinary care issues. Animals are showing severe signs of distress.	
----------------------------	---	--	--

**Section 3.4(b)**

Outdoor Housing Facilities	Shelter with <b>no</b> bedding and temp between 35 and 50°F, no signs of discomfort.	Shelter <b>without</b> sufficient bedding and temperature under 35 °F, or between 35 and 50 °F with dogs showing signs of discomfort (shivering).	
	Shelter structure is not large enough for all dogs/cats to sit, stand lie in a normal manner, to turn about freely, or has Insufficient wind/ rain break. High winds and/or precipitation are not present.	Shelter structure is not large enough for all dog/cats to sit, stand lie in a normal manner, to turn about freely, or insufficient wind/ rain break and temperature under 50 °F, and/or high winds and/or precipitation are present. Animals are showing signs of distress. Water in shelter with wet dogs.	

Regulation	NCI	Direct	Critical
<b>Section 3.6(a)(2)(v)</b>			
Primary Enclosure	Enclosure not constructed and maintained to protect the dogs from injury, safely contain the dogs, keep other animals from entering the enclosure, enable dogs to remain dry, etc. Little or no discernable impacts on the dogs is noted.	Enclosure not constructed and maintained as required, resulting in signs of distress, injury, illness, or death seen at the time of the inspection.	Enclosure were not constructed and maintained as required, resulting in signs of distress, injury, illness, or death occurring prior to the inspection.
<b>Section 3.6(c)(1)</b>			
Primary Enclosure, Space	Enclosure does not meet minimum floor space requirements and no behavioral issues.	Enclosure does <b>not</b> meet minimum floor space requirements and dog has behavioral and/or medical issues seen at the time of the inspection. (Example: lick granuloma).	
<b>Section 3.7</b>			
Compatible Grouping	One or more dogs does not let other dog(s) eat. The dog who is unable to access food is in good flesh.	Incompatible dogs housed together with injuries and/or signs of distress seen at the time of the inspection.  One or more dogs does not let other dog(s) eat. The dog who is unable to access food has signs of distress and/or emaciation.	Prior to the inspection, incompatible dogs were housed together, resulting in serious injury or death to one or more of the dogs.
<b>Section 3.8</b>			
Exercise	Not seeking or following the specific guidance provided by the Attending Veterinarian for the exercise of their dogs. Dogs appear normal.	Insufficient floor space and <b>no</b> opportunity for exercise ( <b>no</b> written plan, <b>no</b> evidence of exercise area).  During the inspection, dogs are showing serious clinical signs related to the lack of opportunity to exercise.	
<b>Section 3.9(a)</b>			
Feeding	Food contaminated with feces, urine, mold, mildew, pest waste. Dogs not showing related clinical signs.	Food contaminated with feces, urine, mold, mildew, pest waste to an extent that it is rendered unpalatable and/or harmful to the animals. Dogs are showing clinical signs such as vomiting, diarrhea, or emaciation during the inspection.  Emaciated dogs with <b>no</b> feed present or inappropriate feed.	

Regulation	NCI	Direct	Critical
<b>Section 3.10(a)</b>			
Watering	Dogs do not have continuous access to potable water.	Dogs do not have continuous access to potable water, and when offered water, drink voraciously and/ or in a manner that demonstrates they are extremely thirsty.  Water contaminated with feces, urine, pest waste, and mud to an extent that it is rendered unpalatable and/or harmful to the animals.	
<b>Section 3.11(d)</b>			
Pest Control	Infestation with some control in place and no obvious contamination of feed, water.	Vermin are seen in the dog pens, eating/defecating and/or getting into the food supply. Dogs are showing clinical signs related to the vermin.	
<b>Section 3.12</b>			
Employees	Multiple non-critical NCIs noted on the inspection report attributable to lack of employees.	The lack of an adequate number of employees, resulting in a failure to take immediate and appropriate action for dogs that are injured or ill.	
<b>Sections 3.14(a)(b)(c)</b>			
Consignments to Carriers and IH	Animal is accepted more than 4 hrs. prior to departure, animal has not received attention, does not appear ill or in distress.	A carrier/IH accepts an animal more than 4 hour before the scheduled flight departure, and there was <b>no</b> documentation as to when the animal was last fed or watered; and the animal either voraciously goes for food/water when offered, or it becomes ill and needs vet attention, or dies.	
<b>Section 3.14(d)</b>			
Consignments to Carriers and IH	Animal breaks out of transport enclosure and is quickly recaptured without any injuries.	Carrier/IH accepts dog for transport in an inadequate primary enclosure; during the inspection, dog breaks out of the transport enclosure and is lost, injured, or killed.	Prior to the inspection, Carrier/IH accepted dog for transport in an inadequate primary enclosure; dog broke out of the transport enclosure and was lost, injured, or killed.
<b>Section 3.14(e)</b>			
Animal Holding Area	Temperature falls below 45°F for more than 45 mins but the animals appear fine.	Temperature falls below 45°F for more than 45 mins and during the inspection, the animal is noted as being distressed.	Prior to the inspection, temperature in holding area was too low and animal was distressed or died from the exposure.
<b>Section 3.14(f)</b>			
Consignments to Carriers and IH	No documentation was made that the consignee was notified when the shipment arrived nor every 6 hours thereafter. No apparent effect on the animals.		No documentation was made that the consignee was notified when the shipment arrived, nor every 6 hours thereafter. The animal died due to the delay in notifying the consignee.



Regulation	NCI	Direct	Critical
<b>Section 3.15(a)</b>			
Primary Enclosure Used to Transport Live Dogs and Cats	<p>Animal was able to escape the transport enclosure but was quickly recaptured without injury.</p> <p>Limbs protruding from the enclosure.</p> <p><b>Not</b> enough ventilation openings on the enclosure. No related clinical signs seen.</p> <p>Live animal labels and/ or arrows missing, a few broken wire welds, no handles noted, but not affecting animals' health/ comfort.</p>	<p>During the inspection:</p> <ul style="list-style-type: none"> <li>- Animal was able to escape the transport enclosure resulting in injury, distress, or death.</li> <li>- Limbs protruding from the enclosure resulting in injury, distress, or death.</li> <li>- <b>Not</b> enough ventilation openings on the enclosure resulting in injury, distress, or death.</li> <li>- Emergency presented itself and the animal enclosure could <b>not</b> be moved in a timely manner resulting in injury, distress, or death.</li> </ul>	<p>Prior to the inspection:</p> <ul style="list-style-type: none"> <li>- Animal was able to escape the transport enclosure resulting in injury, distress, or death.</li> <li>- Limbs protruding from the enclosure resulting in injury, distress, or death.</li> <li>- <b>Not</b> enough ventilation openings on the enclosure resulting in injury, distress, or death.</li> <li>- Emergency presented itself and the animal enclosure could <b>not</b> be moved in a timely manner resulting in injury, distress, or death.</li> </ul>
<b>Section 3.15(b)</b>			
Cleaning of primary enclosures (transport)	<p>Animal was not removed from crate after 24 hours in transport status, but there was enough absorptive material present to absorb the urine and cover the feces.</p>	<p>During the inspection, the animal is seen covered in feces/urine because it has been in transport crate more than 24 hrs.</p>	<p>Prior to the inspection, the animal was covered in feces/urine because it had been in transport crate more than 24 hrs.</p>
<b>Section 3.15(c)</b>			
Primary Enclosure Used to Transport Live Dogs and Cats - Ventilation	<p>The transport crate does not meet the % requirements but the animal appears fine.</p>	<p>The transport enclosure does <b>not</b> meet the ventilation requirements. 16%/14%/50% etc., and during the inspection, the animal shows significant signs of distress, or is seriously harmed or dies.</p>	<p>The transport enclosure did <b>not</b> meet the ventilation requirements – 16%/14%/50% etc., and prior to the inspection, the animal was seriously harmed or died.</p>
<b>Section 3.15(d)</b>			
Primary Enclosure Used to Transport Live Dogs and Cats - Compatibility	<p>A small puppy is shipped with a larger puppy (i.e., 5 lb. and 15 lb.) but they appear well.</p>	<p>A large puppy or dog is put into a transport enclosure with a small puppy or dog, and the smaller dog is seriously injured or dies during the inspection.</p>	<p>Prior to the inspections, a large puppy or dog was put into a transport enclosure with a small puppy or dog, and the smaller dog was seriously injured or killed.</p>
			<p>An overly aggressive dog was shipped with another dog and the submissive dog was seriously injured or killed.</p>

Regulation	NCI	Direct	Critical
<b>Section 3.16(a-h)</b>			
Primary Conveyances	Primary conveyance is structurally unsound—exhaust fumes enter the cargo space and/or air flow is hindered, and/or animals are exposed to too cold or too hot temperatures, and/or dry ice is in the cargo space, etc.; there were no apparent health impacts to the animals.	Primary conveyance is structurally unsound—exhaust fumes enter the cargo space and/or air flow is hindered, and/or animals are exposed to too cold or too hot temperatures, and/or dry ice is in the cargo space, etc. The result is injury, distress, or death during the inspection.	Primary conveyance was structurally unsound—exhaust fumes entered the cargo space and/or air flow was hindered, and/or animals were exposed to too cold or too hot temperatures, and/or dry ice was in the cargo space, etc. The result was injury, distress, or death prior to the inspection.
<b>Section 3.17</b>			
Food and Water Requirements	Animals less than 16 weeks of age being transported for more than 12 hrs. and are not fed or offered water, but there are no apparent health impacts on the animals.	Animals are transported for more than 12 hours and are <b>not</b> fed or offered water (if under 16 weeks), and during the inspection, animals are noted to be in distress and/or dehydrated and/or needing veterinary care and/or die.	Prior to the inspection, animals were transported for more than 12 hours and were <b>not</b> fed or offered water (if under 16 weeks), resulting in distress and/or dehydration, and/or needing veterinary care, and/or died.
	Animals over 16 weeks of age are not offered food at least every 24 hours, but there is no apparent health effect on the animal.	Animals over 16 weeks of age are not offered food at least every 24 hours and during the inspection, animals are noted to be in distress, or need vet care.	Prior to the inspection, animals over 16 weeks of age were not offered food at least every 24 hours resulting in distress or death.
	Potable water is not offered at least every 12 hours, but there is no apparent health effect on the animal.	Potable water is not offered at least every 12 hours and at the time of the inspection, the animal is in distress, dehydrated or needs vet care.	Potable water was not offered to the animals at least every 12 hours resulting in distress or death.
<b>Section 3.18(a)</b>			
Care in Transit - Surface Transit	Animals are not observed every 4 hours, but no animal becomes severely ill or dies.	Animals are either in a truck or in a plane and are <b>not</b> observed every 4 hours (if applicable), and during the inspection, the animals become severely ill, injured, distressed, and/or die.	Animals were either in a truck or in a plane and were <b>not</b> observed every 4 hours (if applicable), and prior to the inspection, the animals became severely ill, injured, distressed, and/or died.
<b>Section 3.18(b)</b>			
Care in Transit - Air Transit		During the inspection, an animal was in obvious physical distress, and veterinary care was not arranged as soon as possible.	Prior to the inspection, an animal was in obvious physical distress and veterinary care was not arranged as soon as possible.
<b>Section 3.18(c)</b>			
Care in Transit			Animal was obviously ill, injured, or in obvious physical distress, but was transported anyway.
<b>Section 3.18(d)</b>			
Care in Transit			Animal was removed from the transport enclosure resulting in severe adverse effects, escape and failure to recover, and/or death.

Regulation	NCI	Direct	Critical
<b>Section 3.19(a)</b>			
Terminal Facilities - Placement	Animal crates are housed next to inanimate cargo, but animals are not injured.	During the inspection, animal crates are housed next to inanimate cargo/boxes; the boxes fall and damage the crate(s) causing harm to the animal(s).	Prior to the inspection, animal crates were housed next to inanimate cargo/ boxes; the boxes fell and damaged the crate(s) causing harm to the animal(s).
<b>Section 3.19(c)</b>			
Terminal Facilities - Ventilation		Lack of ventilation to the point where there are noxious fumes (e.g., your eyes burn) at the level of the animal's eyes and nose; dogs are showing signs of discomfort and/or distress.	
<b>Section 3.19(d)</b>			
Terminal Facilities - Temperature	Temperatures allowed to fall below 45°F or rise above 85°F but animals appear well with no apparent health effects.	At the time of the inspection, temperatures are allowed to fall below 45°F or rise above 85°F, which results in the animals showing signs of discomfort, distress, or death.	Prior to the inspection, temperatures were allowed to fall below 45°F or rise above 85°F, which results in the animals showing signs of discomfort, distress, or death.
<b>Section 3.19(e)</b>			
Terminal Facilities - Shelter	Animals are exposed to extreme elements (i.e., rain/snow/wind/ice/etc.), but animals appear well with no apparent health effects.	During the inspection, animals are <b>not</b> provided shelter to extreme elements, which results in the animals being injured, or showing signs of discomfort, distress, or death.	Prior to the inspection, animals were <b>not</b> provided shelter to extreme elements, which resulted in animal injury or death.
<b>Section 3.20(a)</b>			
Handling	Animals are exposed to the elements but appear well with no apparent health effects.	When moving animals from the terminal facility to plane side, the animals were exposed to prolonged time out in the sun, extreme heat, rain, snow, or extreme cold, and now (during the inspection) show signs of injury, discomfort, distress, or death.	Prior to the inspection, when moving animals from the terminal facility to plane side, the animals were exposed to prolonged time out in the sun, extreme heat, rain, snow, or extreme cold, resulting in injury, discomfort, distress, or death.
<b>Section 3.20(b)</b>			
Handling	Crate is inappropriately placed on conveyor belt but is handled safely and animal appears well with no apparent health impacts.	During the inspection, a transport enclosure is put on an unattended conveyor belt or is haphazardly put onto an unattended belt and the enclosure falls off and the animal is distressed and or injured.	Prior to the inspection, a transport enclosure was put on an unattended conveyor belt or was haphazardly put onto an unattended belt and the enclosure fell off resulting in distress, injury, or death.

## Examples for Other Animals

### Section 2.40 - Attending Veterinarian and Adequate Veterinary Care

The Veterinary Care Flow Chart should be followed for all applicable decisions regarding veterinary care citations. The main purpose of this chart is to assist the inspector in distinguishing between a non-critical, Direct, or Critical NCI.

If a licensee or registrant can demonstrate via records or other means that he/she has taken the proper steps to mitigate the injury and/or death of the animal, a noncompliance has **not** occurred:

- These proper steps include, but are **not** limited to:
  - Identifying the condition requiring veterinary care in a timely manner,
  - Acquiring veterinary care and/or initiating treatment in a timely manner, and/or
  - Following the treatment instructions of the Attending Veterinarian

Regulation	NCI	Direct	Critical
2.40 All Sections	Noncompliance with any section of the veterinary care regulations in which there are no known (or minor) resulting impacts to the health and well-being of the animals.	At the time of the inspection, noncompliance with any section of the veterinary care regulations that results in serious health impacts (including lack of treatment for a serious condition) or death to one or more animals.	Prior to the inspection, noncompliance with any section of the veterinary care regulations that results in serious health impacts (including lack of treatment for a serious condition) or death to one or more animals
2.40(b)(1,2,4) - Nondomestic cats 4 weeks or younger – transport, exhibition, public handling		At the time of the inspection, the inspector observes serious negative impacts to the animal.	The animal was transported, exhibited, or handled by the public.

### Section 2.131 – Handling of Animals

<b>Section 2.131 and all subsections</b>	Noncompliance with any section of the handling regulations in which there are no known (or minor) resulting impacts or risks to the animals or the public.	At the time of the inspection, noncompliance with any section of the handling regulations that results in serious injury or health impacts, or death to one or more animals or one or more members of the public.	Prior to the inspection, noncompliance with any section of the handling regulations that results in serious injury or health impacts, or death to one or more animals or one or more members of the public.
2.131(b)(1), (c)(1), (c)(3), (d)(1), (e) - Nondomestic cats 4 weeks or younger – transport, exhibition, public handling		At the time of the inspection, the inspector observes serious negative impacts to the animal.	The animal was transported, exhibited, or handled by the public.

### Section 3 – Standards for Subpart F Animals

#### Section 3.125 - Facilities, general

(a) Structural Strength	Facilities <b>not</b> maintained; animals escape and are returned to enclosure unharmed	Facilities <b>not</b> maintained; during the inspection animals escaped and were severely injured or died	Facilities <b>not</b> maintained; prior to the inspection animals escaped and were not recaptured or were severely injured or died
-------------------------	---	---	--

Regulation	NCI	Direct	Critical
(b) Water and Power	No potable water present, or non-potable stagnant water present. Impacts to the animal(s) are minor or not observed.	No potable water present and signs observed during the inspection of dehydration or other illness directly attributable to lack of potable water.	Animal died prior to inspection due to dehydration associated with non-potable water.
(c) Storage	Supplies of food and bedding are mildly deteriorated/moldy/contaminated due to facility issues, with no known animal welfare impacts.	Animal illness directly attributable to food and bedding which are deteriorated/moldy/contaminated.	Animal death prior to inspection directly attributable to supplies of food and bedding that are deteriorated/molded/contaminated.
(d) Waste Disposal	Inappropriate or inadequate removal of food wastes, bedding, dead animals, trash and debris in some areas of the primary enclosure.	Inappropriate or inadequate removal of food wastes, bedding, dead animals, trash and debris in some areas of the primary enclosure resulting in serious illness or injury observed at the time of the inspection.	
(a) Structural Strength	Fencing that is damaged or rusted and is affecting the strength of the materials.  Screw that has come loose from a board which protrudes into the enclosure and could cause injury to the animal.	Animal trapped or entangled by fencing at the time of the inspection.  Animal is seriously injured or killed at the time of the inspection due to noncompliance with this section.	Animal died or was seriously injured prior to the inspection due to fence entrapment or other noncompliance with this section.  Necropsy report specifically indicates that animal died due to injury caused by screw protruding from board prior to inspection.

### Section 3.126 - Facilities, Indoor

(a) Ambient temperatures	High or low temperatures that are not compatible with the health and comfort of the animal. Impacts to the animal(s) are minor or not observed.	Animal illness or significant impact directly attributable to extreme temperature at the time of the inspection	Animal death prior to inspection directly attributable to facility issues of extreme temperature.
(b) Ventilation	Poor ventilation that is not compatible with the health and comfort of the animal. Impacts to the animal(s) are minor or not observed.	Animal illness or significant impacts directly attributable to poor ventilation at the time of the inspection.	Animal death prior to inspection directly attributable to poor ventilation.
(c) Lighting	Poor lighting or inappropriate lighting for the species involved.  Lighting that does not permit routine inspection and cleaning.	Animal illness or significant impact observed during the inspection that is directly attributable to inadequate lighting.	Animal death prior to inspection directly attributable to inadequate lighting.
(d) Drainage	Inability to rapidly eliminate excess water from indoor housing.  Backup of sewage or significant foul odors caused by drainage that is in disrepair.  Impacts to the animal(s) are minor or not observed.	At the time of the inspection, animal illness or significant impacts directly attributable to inadequate drainage.	Animal death or significant impact to animal health and/or welfare prior to inspection directly attributable to inadequate drainage.

Regulation	NCI	Direct	Critical
------------	-----	--------	----------

### 3.127 - Facilities, Outdoor

(b) Shelter from inclement weather	Insufficient shelter to protect the animals from discomfort caused by local climatic conditions. Impacts to the animal(s) are minor or not observed.	Significant animal impacts (frostbite etc...) are observed due to insufficient shelter to protect the animals from discomfort caused by local climatic conditions at the time of the inspection.	Severe injury or animal death prior to inspection directly attributable to failure to provide shelter from local climatic conditions.
(c) Drainage	Inability to rapidly eliminate excess water. Moderately sized areas of standing water/mud. Animals may be forced to walk through mud/water to access food or clean water, but there are areas in which the animals can stand, sit, or move around and remain out of the water	At the time of inspection, animal illness or significant impact directly attributable to drainage.  Areas of standing water/mud that animals refuse (or show signs of distress) to walk through mud/water to access food or clean water. There are no areas in the enclosure in which the animals can be stand, sit, or move around in without being in the water/mud.	Animal injury, illness, or death prior to inspection directly attributable to inadequate drainage.
(d) Perimeter Fence	Fence that is not of sufficient height to keep animals and authorized persons out.  Fences less than 8 feet high for potentially dangerous animals.  Perimeter fences less than 6 feet high for non-dangerous animals.  Perimeter fences less than 3 feet from primary enclosure.  No known impacts to covered animals.		Prior to the inspection, animal injury, disease, or death directly due perimeter fence noncompliance.

### Section 3.128

Space Requirements	Animal housed in a small enclosure that does not allow for normal freedom of movement.  Impacts to the animal(s) are minor or not observed.  Wallabies are being kept in a vari-kennel each night which does not allow them to stand upright or move freely. . Impacts to the animal(s) are minor or not observed	At the time of the inspection: Animal housed in a small, bare enclosure and is exhibiting signs of distress, poor body condition, or other serious health impacts  Insufficient space that is indicated by evidence of malnutrition, poor conditions, debility, severe stress, or abnormal behavior patterns that are causing the animal to exhibit signs of pain or discomfort.  Wallabies are being housed in vari-kennels that do not allow them to stand. They have pressure sores on their hocks, hair loss on their heads and tails, and poor body condition.	Insufficient space that is indicated by evidence of malnutrition, poor conditions, debility, stress, or abnormal behavior patterns that directly contributed to an animal's death prior to inspection.
--------------------	---	--	--

Regulation	NCI	Direct	Critical
------------	-----	--------	----------

### Section 3.129

Feeding	<p>Food that is deemed to not be wholesome, palatable, of a sufficient quantity and nutritive value that allows the animals to maintain normal body conditions based on species</p> <p>Food that is not prepared, stored, or maintained in a way that would avoid contamination (food or food receptacles with molding, deterioration, caking of food, etc.)</p> <p>Insufficient number of feeders or feeding locations that are accessible to all animals within the enclosure</p> <p>Meat that is being thawed outside of refrigerator or other controlled temperature. No immediate impact to the animal(s) was noted.</p> <p>Only frozen meat is fed to the animals, no impact observed at the time of the inspection.</p> <p>For the examples above, impacts to the animal(s) are minor or not observed.</p>	<p>At the time of the inspection, animal illness or significant impact directly attributable to improper feeding or food storage.</p> <p>Rotten or frozen meat supplied to animals, animal refusal or signs of nutritional deficiencies noted during inspection.</p>	<p>Animal death prior to inspection that was directly attributable to improper feeding or food storage.</p>
---------	---	--	---

### Section 3.130

Watering	<p>Stagnant pond or puddle as only source of drinking water (may see algae growth or waste material accumulating at surface). Running water (stream, creek, river, etc.) will be assumed potable unless reason to believe otherwise.</p> <p>An insufficient quantity of potable water being provided based on local climate conditions.</p> <p>Improper cleaning and sanitations of water receptacles with evidence of significant animal waste, algal buildup, or insect larvae present.</p>	<p>Animal illness or significant impact directly attributable to improper cleaning of water container or lack of potable water. (signs of severe dehydration, loose stool, etc.)</p> <p><b>NOTE:</b> Water potability testing is not a requirement.</p>	<p>Animal death prior to inspection that was directly attributable to improper cleaning of water receptacles or lack of potable water.</p> <p><b>NOTE:</b> Water potability testing is not a requirement.</p>
----------	---	---	---

Regulation	NCI	Direct	Critical
------------	-----	--------	----------

### Section 3.131 - Sanitation

(a) Cleaning of enclosures	Improper removal of excreta or food wastes from enclosures that do not allow the animals to avoid contamination. Impacts to the animal(s) are minor or not observed.	At the time of the inspection, animal illness or significant impact directly attributable to improper removal of excreta or food wastes from the enclosure.  There are no areas in the enclosure in which the animal can stand, sit, or move in without being in excreta.	Animal death prior to inspection that resulted from an illness or significant impact that was directly attributable to improper removal of excreta or food wastes from the enclosure.
(b) Sanitation of enclosures	Improper cleaning of cages, rooms, and hard-surfaced pens or runs after containing an animal with an infectious or transmittable disease.	At the time of the inspection, one or more animals showing signs of a significant impact that was directly attributable to the improper cleaning of cages, rooms, and hard-surfaced pens or runs that had previously housed an animal known to have had an infectious or transmittable disease.  Disease outbreaks/spreading as a direct attributable to improper cleaning.	
(d) Pest Control	Unsafe pest control methods for the species being used (poison or other pest control methods being used in areas that are accessible to the animals or within the animals reach that could cause illness or injury). Impacts to the animal(s) are minor or not observed.  Ineffective pest control methods being used (pest control methods in place that are not working or is not sufficient enough to maintain pests at an acceptable level). Impacts to the animal(s) are minor or not observed.	At the time of the inspection, animal illness or significant impacts directly attributable to coming in contact with or ingesting the pest control methods that are in place at the facility.  At the time of the inspection, animal illness or significant impacts that is directly attributable to the presence of pests or pest control methods at the facility.	Prior to the inspection, animal death illness that is directly attributable to pests or pest control methods at the facility.

### Section 3.132

Employees	Buildup of manure in a hoof stock barn, the presence of one or more carcasses in big cat enclosure or the lack of bedding changes leading to buildup of feces and urine-soaked bedding material in a small mammal enclosure due to insufficient number of adequately trained employees used to maintain the husbandry of the animals. Impacts to the animal(s) are minor or not observed.	At the time of the inspection, animal illness or significant impact directly attributable to insufficient number of adequately trained employees used to maintain the husbandry of the animals.	Animal death prior to inspection directly attributable to insufficient number of adequately trained employees used to maintain the husbandry of the animals.
-----------	---	---	--



Regulation	NCI	Direct	Critical
<b>Section 3.133 - Separation</b>			
Species Example: Exotic hoof stock	Dominant male preventing others from gaining access to food or water. No significant animal illness or significant impact but the facility has failed to provide alternative sources of food or water to the others in the enclosure.	At the time of the inspection, incompatible animals housed in the same enclosure that has caused significant animal illness or significant impact. The facility has not yet separated the animals or made provisions to prevent reoccurrence.  At the time of the inspection, zebra stallion housed with foals that has caused significant injury to one or more foals and the facility has not separated the animals to prevent reoccurrence.	Adult male rhino that has gored and killed a giraffe prior to inspection.
Species Example: Big Cat		At the time of the inspection, fight between big cats that has caused significant animal illness or significant impact. The facility has not yet separated the animals or made provisions to prevent reoccurrence.	Animal death or serious injury caused by a fight between big cats prior to inspection and is directly attributable to incompatibility.
Species Example: Small exotic/wild mammal		At the time of the inspection, adult male housed with young offspring that has caused significant injury to one or more animals.	Adult male housed with young offspring that has caused death or significant injury to one or more animals prior to the inspection.
Species Example: Small exotic/wild mammal	Two bettongs housed in a wire enclosure adjacent to a fox enclosure. The bettongs are not eating much and constantly hide.	At the time of the inspection, two bettongs are housed in a wire enclosure. One of them guards the food and will not allow the other one to eat. The other bettong is very thin and has a scab on its ear.	Prior to the inspection, a female bettong previously injured the male that it is housed with. The facility kept them together and female injured the male again, resulting in a partial foot amputation.

# Appendix D. Equipment and Supplies

## **Equipment**

### **The following equipment is required:**

- Camera/video camera, memory card, and extra batteries
- Cellular phone
- First-aid kit
- Laptop computer
- Official identification (badge and LincPass)
- Printer and paper
- MiFi / Jetpack

### **The following equipment is highly recommended:**

- Blank Inspection Report forms (in case of computer/printer failure)
- Business cards
- Coveralls, preferably disposable
- Disposable boots
- Extra printer cartridge
- Flashlight and extra batteries
- GPS and/or maps
- Hearing Protection
- Kestrel Weather Meter
- Note pad
- Pen/pencil
- Raytek MiniTemp Thermometer
- Reference material, such as:
  - Subpart A – Animal Welfare
  - Inspection Guide
  - Reference texts
- Soap/disinfectant/hand sanitizer
- Tape measure

### **The following items are optional:**

- Binoculars
- Calculator
- Hand counter
- Inspection checklists
- Towels/paper towels

## Special Equipment

### Nonhuman Primates

The following equipment is recommended for inspecting facilities with **macaques**, if within 5 feet of the macaques:

- Biological waste bag
- Coveralls – preferably disposable
- Disinfectant
- Disposable gloves
- Monkey Bite/Scratch Kit
- Full face shield and eye protection, such as safety glasses or goggles
- Respirator

The following equipment is recommended for inspecting facilities with other nonhuman primates:

- Respirator – Level N95, or better

### Other Animals

The following equipment is recommended for inspecting elephants:

- Respirator – Level N95, or better

#### NOTICE

To wear a respirator, you **must** meet the APHIS Respirator Program requirements, i.e., medical clearance and fit testing.

## Supplies

The following forms and information should be available for distribution to the facility and general public by the inspector:

- The Animal Welfare Act
- AWA Regulations and Standards (Blue Book)
- APHIS Fact Sheets and Tech Notes
- APHIS Forms for record keeping:
  - APHIS Form 7002–Program of Veterinary Care
  - APHIS Form 7005–Record of Acquisition of Dogs and Cats on Hand
  - APHIS Form 7006–Record of Disposition of Dogs and Cats
  - APHIS Form 7006A–Continuation Sheet for Record of Disposition of Dogs and Cats
  - APHIS Form 7019–Record of Animals on Hand (Other than Dogs and Cats)
  - APHIS Form 7020–Record of Acquisition, Disposition or Transport of Animals (Other Than Dogs and Cats)

- APHIS Form 7020A-Continuation Sheet for Record of Acquisition, Disposition, or Transport of Animals (Other than Dogs and Cats)
- Options for Identification of Dogs and Cats

# Appendix E. Body Condition and Size Charts

## Contents

<a href="#">Birds</a>	E-2
<a href="#">Cat</a>	E-3
<a href="#">Cougar</a>	E-4
<a href="#">Dog</a>	E-5
<a href="#">Elephant</a>	E-6
<a href="#">Leopard</a>	E-7
<a href="#">Lion</a>	E-8
<a href="#">Tiger</a>	E-9
<a href="#">Tiger cub size information</a>	E-10

These charts may be used to help inspectors identify animals in critical or near critical condition which, if **not** addressed, could trigger a confiscation.

## Birds

For bird body condition information, go to:

<https://nagonline.net/wp-content/uploads/2017/03/pet-size-o-meter-birds.pdf>

from which the below illustration was excerpted and adapted.

# Bird Size-0-Meter

Size-0-Meter Score:

Characteristics:

**1**

Very Thin

viewed from above



skyline view of  
breast bone and muscle



- Breast bone is very sharp to the touch
- Loss of breast muscle and no fat cover

**2**

Thin



- Breast bone is easily felt and sharp
- Loss of breast muscle and little or no fat cover

**3**

Ideal



- Breast bone easily felt but not sharp
- Breast muscle rounded

**4**

Overweight



- Pressure is needed to feel the breast bone
- Well rounded breast muscle and some fat cover
- May see some fat below where breast bone ends

**5**

Obese



- Very hard or not possible to feel the breast bone
- Very rounded muscle and possible to feel or see fat moving under the skin.
- Fat also obvious below where the breast bone ends

## Cat

### Emaciated



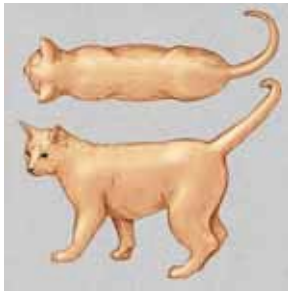
Ribs, lumbar vertebrae, pelvic bones and all body prominences evident from a distance. No discernible body fat. Obvious absence of muscle mass.

### Underweight



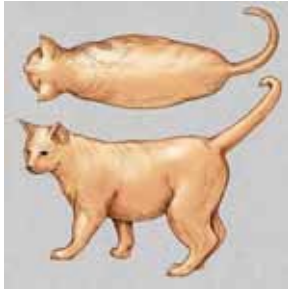
Ribs easily palpated and may be visible with no palpable fat. Tops of lumbar vertebrae visible. Pelvic bones less prominent. Obvious waist and abdominal tuck.

### Optimal body weight



Ribs palpable without excess fat covering. Abdomen tucked up when viewed from side.

### Overweight



General fleshy appearance. Ribs palpable with difficulty. Noticeable fat deposits over lumbar spine and tail base. Abdominal tuck may be absent.

### Obese



Large fat deposits over chest, spine, and tail base. Fat deposits on neck and limbs. Abdomen distended.

Source: Ohio State University, College of Veterinary Medicine

## Cougar

Emaciated

No photo

All ribs and vertebral bodies prominently showing, skin laying over hips and femur

Underweight



Ribs, vertebral bodies and hips slightly showing, "tucked up" appearance

Optimal body weight



Hint of ribs and vertebral bodies

([https://commons.wikimedia.org/wiki/File%3AMountain\\_Lion\\_\(Puma\)\\_-\\_Desert\\_Museum\\_-\\_Tucson,\\_AZ\\_-\\_2015-10-12at10-24-247\\_\(22066481590\).jpg](https://commons.wikimedia.org/wiki/File%3AMountain_Lion_(Puma)_-_Desert_Museum_-_Tucson,_AZ_-_2015-10-12at10-24-247_(22066481590).jpg))

Overweight



No hips or ribs showing, rotund appearance to abdomen

Obese



Abdomen sagging, obvious fat over hips and shoulders

Source unless otherwise noted: USDA-APHIS



## Dog

### Emaciated



Ribs and lumbar vertebrae obvious, pelvic bones and all other bony structures obvious and prominent. Tail base prominent and bony. Accentuated concave abdominal tuck. Accentuated, severe hourglass shape to waist. No discernible body fat. Obvious loss of muscle mass.

### Underweight



Ribs and lumbar vertebrae easily seen with no fat cover. Pelvic bones obvious. Tail base bony with little soft tissue. Marked concave abdominal tuck. Marked hourglass shape to waist.

### Optimal body weight



Ribs, lumbar vertebrae, pelvic bones, and other bony structures easily palpable with slight fat cover. Tail base smooth with thin, soft tissue cover. Concave abdominal tuck. Smooth hourglass shape to waist.

### Overweight



Ribs and lumbar vertebrae are difficult to palpate. Pelvic bones are palpable with moderate tissue cover. Tail base has fat deposition with moderate soft tissue cover. Concave tuck is decreased to absent. Loss of hourglass shape to waist with back is slightly broadened.

### Obese



Ribs and lumbar vertebrae are very difficult to impossible to palpate. Pelvic bones are difficult to palpate with thick tissue cover. Tail base is thickened from fat disposition with thick soft tissue cover. Abdomen is convex with or without a pendulous ventral bulge. Back is markedly broadened.

([https://upload.wikimedia.org/wikipedia/commons/a/aa/AHey\\_Fatty.jpg](https://upload.wikimedia.org/wikipedia/commons/a/aa/AHey_Fatty.jpg))

Source unless otherwise noted: USDA-APHIS

## Elephant

Emaciated



All ribs and vertebral bodies prominently showing, skin laying over hips and femur

Underweight



Ribs, vertebral bodies and hips slightly showing, “tucked up” appearance

Optimal body weight



Hint of ribs and vertebral bodies, good muscle tone

Overweight



No hips or ribs showing, rotund appearance to abdomen

Obese



Abdomen sagging, obvious fat over hips and shoulders

Source: USDA-APHIS

## Leopard

Emaciated



All ribs and vertebral bodies prominently showing, skin laying over hips and femur

Underweight



Ribs, vertebral bodies and hips slightly showing, "tucked up" appearance

Optimal body weight



Hint of ribs and vertebral bodies

Source

Photo by Patrick Giraud courtesy of Wikimedia Commons  
([http://en.wikipedia.org/wiki/File:Namibie\\_Etosh\\_a\\_Leopard\\_01edit.jpg](http://en.wikipedia.org/wiki/File:Namibie_Etosh_a_Leopard_01edit.jpg))

Overweight



No hips or ribs showing, rotund appearance to abdomen

Obese



Abdomen sagging, obvious fat over hips and shoulders

Source: USDA-APHIS

## Lion

Emaciated



All ribs and vertebral bodies prominently showing, skin laying over hips and femur

Underweight



Ribs, vertebral bodies and hips slightly showing, "tucked up" appearance

Optimal body weight



Hint of ribs and vertebral bodies

Overweight



No hips or ribs showing, rotund appearance to abdomen

Obese



Abdomen sagging, obvious fat over hips and shoulders

Source: USDA-APHIS



## Tiger

Emaciated



All ribs and vertebral bodies prominently showing, skin laying over hips and femur

Underweight



Ribs, vertebral bodies and hips slightly showing, "tucked up" appearance

Optimal body weight



Hint of ribs and vertebral bodies

Source

Photo by J&K Hollingsworth, U.S. Fish and Wildlife Service

Overweight



No hips or ribs showing, rotund appearance to abdomen

Obese








Abdomen sagging, obvious fat over hips and shoulders




Source: USDA-APHIS

## Tiger cub size information




Generic Bengal tiger cub weights are listed in Table D-1. Siberian tigers or Siberian/Bengal cross tiger cubs will be somewhat larger and often have longer, fuzzy hair. Females will often be a little smaller than males as they grow older. Birth weight is about 2.5 to 3.5 pounds.


Age	Weight (pounds)	Photograph
1 week	4.5 – 6.0	 <p>Source: Point Defiance Zoo, Tacoma WA, <a href="http://zooborns.com">http://zooborns.com</a></p>
2 weeks	6.0 – 7.5	 <p>Source: San Diego Zoo, San Diego CA, <a href="http://sdzoo.tumblr.com">http://sdzoo.tumblr.com</a></p>

Age	Weight (pounds)	Photograph
3 weeks	7.5 – 9.0	 <p>Source: Point Defiance Zoo, Tacoma WA, <a href="http://zooborns.com">http://zooborns.com</a></p>
4 weeks	9 – 10	 <p>Source: <a href="http://zooborns.com">http://zooborns.com</a></p>
5 weeks	10 – 12	 <p>Source: <a href="http://zooborns.com">http://zooborns.com</a></p>

Age	Weight (pounds)	Photograph
6 weeks	12 – 15	 <p>Source: Point Defiance Zoo, Tacoma WA <a href="http://zooborns.com">http://zooborns.com</a></p>
7 weeks	14 – 17	 <p>Source: Point Defiance Zoo, Tacoma WA <a href="http://zooborns.com">http://zooborns.com</a></p>
8 weeks	16 – 19	 <p>Source: The Calgary Herald, <a href="http://www.calgaryherald.com/index.html">http://www.calgaryherald.com/index.html</a></p>



Age	Weight (pounds)	Photograph
10 weeks	19 – 25	
Source: USDA APHIS		
12 weeks	24 – 40	
Source: <a href="http://zooborns.com">http://zooborns.com</a>		
16 weeks	35 – 50	
Source: Wildlife Heritage Foundation <a href="http://www.flickr.com">http://www.flickr.com</a>		

Age	Weight (pounds)	Photograph
20 weeks	55 – 68	 <p>Source: Bronx Zoo, Bronx NY <a href="http://bronxzoo.com">http://bronxzoo.com</a></p>

## Appendix F. Acronyms

AAALAC	Association for Assessment and Accreditation of Laboratory Animal Care International	MHD	Minimum horizontal dimension
AALAS	American Association for Laboratory Animal Science	MM	Marine mammal
AC	Animal Care – a division of USDA, APHIS	NCI	Noncompliant item
ACI	Animal Care Inspector	NHP	Nonhuman primate
AD	Assistant Director of Animal Welfare Operations	NIH	National Institutes of Health
APHIS	Animal and Plant Health Inspection Service	NRC	National Research Council
AV	Attending Veterinarian	OGC	Office of the General Counsel
AVMA	American Veterinary Medical Association	OIG	Office of Inspector General
AWA	Animal Welfare Act	OLAW	Office of Laboratory Animal Welfare
AWIC	Animal Welfare Information Center	PI	Principle Investigator
AWO	Animal Welfare Operations	PII	Personally Identifiable Information
CFR	Code of Federal Regulations	PPQ	Plant Protection and Quarantine
DRA	Dry resting area	PRN	Pro Re Nata, as needed
FOIA	Freedom of Information Act	PS	Program Support
IACUC	Institutional Animal Care and Use Committee	PVC	Program of veterinary care
ID	Identification	RBIS	Risk based inspection system
IES	Investigative and Enforcement Services	SACS	Supervisory Animal Care Specialist
ILA	Inspection and Licensing Assistant	SOTW	SACS of the Week
ILAR	Institute for Laboratory Animal Research	SPF	Specific pathogen free
IO	Institutional Official	TIN	Taxpayer identification number
		TRA	Traveling on the road site designation in eFile
		USC	United States Code
		USDA	United States Department of Agriculture
		USDI	United States Department of Interior
		VMO	Veterinary Medical Officer