

Animal Welfare Act

This information applies to:
All grants and cooperative agreements

Definition

A United States Act signed into law in 1966 that regulates the treatment of animals in research, exhibition, transport, and by dealers. The Animal Welfare Act (AWA) requires that minimum standards of care and treatment be provided for certain animals bred for commercial sale, used in research, transported commercially, or exhibited to the public. The Act is enforced by the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Animal Care agency.

Animal Welfare Act As of Nov. 6, 2013 United States Code Title 7 – Agriculture Chapter 54 – Transportation, Sale, and Handling of Certain Animals

The Congress finds that animals and activities which are regulated under this chapter are either in interstate or foreign commerce or substantially affect such commerce or the free flow thereof, and that regulation of animals and activities as provided in this chapter is necessary to prevent and eliminate burdens upon such commerce and to effectively regulate such commerce, in order –

(1) to insure that animals intended for use in research facilities or for exhibition purposes or for use as pets are provided humane care and treatment;

(2) to assure the humane treatment of animals during transportation in commerce; and

(3) to protect the owners of animals from the theft of their animals by preventing the sale or use of animals which have been stolen.

The Congress further finds that it is essential to regulate, as provided in this chapter, the transportation, purchase, sale, housing, care, handling, and treatment of animals by carriers or by persons or organizations engaged in using them for research or experimental purposes or for exhibition purposes or holding them for sale as pets or for any such purpose or use.

Frequently Asked Questions

Which animals are covered under the Animal Welfare Act (AWA)?

The AWA applies to any live or dead dog, cat, nonhuman primate, guinea pig, hamster, rabbit, or other warm-blooded animal determined by the Secretary of Agriculture to be for research or exhibition, or used as a pet. The AWA explicitly excludes birds, rats, and mice bred for research; horses not used for research; and other farm animals used in the production of food and fiber. Animals sold in retail facilities are not covered, unless they are wild or exotic animals. Coldblooded animals like fish and reptiles also are excluded from coverage.

Who must obtain a license to comply with the AWA?

Generally, animal breeders, dealers and exhibitors must obtain a license, for which an annual fee is charged. Dealers include those pet and laboratory animal breeders and brokers, auction operators, and anyone who sells exotic or wild animals, or dead animals or their parts, must have an APHIS license for that activity. Exempt from the law and regulations are retail pet stores, those who sell pets directly to pet owners, hobby breeders, animal shelters, and boarding kennels.

How does one obtain a license?

Licenses are issued by the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS). The USDA APHIS does not issue a license until it inspects the facility and finds it to be in full compliance with its regulations.

Do those who conduct research and transport regulated animals need a license?

Those who conduct research, and general carriers that transport regulated animals, do not need a license but must still register with APHIS and undergo periodic inspections. Businesses that contract to transport animals for compensation are considered dealers and must have licenses.

What is a Class A license and who must obtain one?

A Class A license is for breeders who deal only in animals they breed and raise.

What is a Class B license and who must obtain one?

Class B licenses are for dealers, generally those who are animal brokers, bunchers, and operators of animal auction sales.

What is a Class C license and who must obtain one?

Class C license are for animal exhibitors. Exhibitors are those who exhibit regulated animals at zoos, marine mammal shows, circuses, carnivals, and promotional and educational exhibits. The law and regulations exempt agricultural shows and fairs, horse shows, rodeos, pet shows, game preserves, hunting events, and private collectors who do not exhibit, among others.

What are examples of a research facility?

They include state and local government-run research institutions, drug firms, universities, diagnostic laboratories, and facilities that study marine mammals. Federal facilities, elementary and secondary schools, and agricultural research institutions are among those exempt from registration.

Who is responsible for regulating compliance with the AWA?

The USDA, APHIS.

What standards are required for those who are required to have a license or be registered under the AWA?

All licensed and registered entities must comply with USDA-APHIS regulations, including record keeping and published standards of care. These standards deal with humane handling, shelter, space requirements, feeding, watering, sanitation, ventilation, veterinary care, and transport. (AWA regulations are at 9 C.F.R. §1.1 et seq.) The law provides that research facilities must have procedures that minimize pain and stress to the animals, and describes practices considered to be painful.

What is the purpose of an Institutional Animal Care and Use Committee (IACUC)?

Each research facility must establish an Institutional Animal Care and Use Committee (IACUC) to review research proposals that involve animal experimentation and to provide oversight of laboratories.

Are facilities required to be inspected and if so, how often?

APHIS officials make unannounced inspections of registered and licensed facilities to ensure compliance with all rules. Under the AWA, research facilities are to be inspected at least annually. Inspection frequency for other AWA-regulated facilities is based on risk; for example, moderate risk facilities are to be visited about once yearly. APHIS inspectors also conduct searches to identify unlicensed or unregistered facilities.

What is the consequence of non-compliance with the AWA?

Failure to correct deficiencies can result in confiscation of animals, fines, cease-and-desist orders, or license suspensions. If a facility loses its license, it cannot continue its regulated activity.

Learning Aids

Related Pages

Additional Project Dependent Compliance - WSFR

Resources

<http://www.gpo.gov/fdsys/browse/collectionUScode.action?collectionCode=USCODE>

References

7 U.S.C. United States Code, 2012 Edition

Title 7 - AGRICULTURE CHAPTER 54 - TRANSPORTATION, SALE, AND HANDLING OF CERTAIN ANIMALS

Title 9 Code of Federal Regulations (CFR), Chapter 1, Subchapter A - Animal Welfare